

# **CHINA (INCLUDES TIBET, HONG KONG, AND MACAU) 2015 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. 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 markedly increased during the year against organizations and individuals involved in civil and political rights advocacy and public interest and ethnic minority issues. The crackdown on the legal community was particularly severe, as individual lawyers and law firms that handled cases the government deemed "sensitive" were targeted for harassment and detention, with hundreds of lawyers and law associates interrogated, investigated, and in many cases detained in secret locations for months without charges or access to attorneys or family members. Officials continued to harass, intimidate, and prosecute family members and associates to retaliate against rights advocates and defenders. Individuals and groups regarded as politically sensitive by authorities faced 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 critical opinions. Five men working in Hong Kong's publishing industry disappeared between October and December from Thailand, Hong Kong, and Shenzhen; it was believed that PRC security officials were responsible for their disappearances. Authorities continued to censor and tightly control public discourse on the internet and in print and other media. 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 continued to face severe restrictions on movement. Officials also approved expedited judicial procedures and in some cases mass trials for Uighur terrorism suspects in the XUAR. Rights abuses in minority areas peaked around high-profile events, such as the visit of foreign officials, national meetings, commemorations, and high-profile trials.

As in previous years, citizens did not have the right to change their government and had limited forms of redress against official abuse. Other human rights abuses during the year included alleged extrajudicial killings; executions without due process; prolonged illegal detentions at unofficial holding facilities known as “black jails”; torture and coerced confessions of prisoners; detention and harassment of lawyers who took on “sensitive” cases, journalists, writers, bloggers, dissidents, petitioners, and others whose actions the authorities deemed unacceptable ; lack of due process in judicial proceedings; political control of courts and judges; closed trials; the use of administrative detention; failure to protect refugees and asylum seekers; extrajudicial disappearances of Chinese and foreign citizens; restrictions on nongovernmental organizations (NGOs); discrimination against women, minorities, and persons with disabilities; a coercive birth-limitation policy that, despite the lifting of one-child-per-family restrictions, in some cases resulted in forced abortion (sometimes at advanced stages of pregnancy); and trafficking in persons.

Authorities prosecuted a number of abuses of power through the court system, particularly with regard to corruption, but in most cases the CCP first investigated and punished officials using opaque and selectively applied internal party disciplinary procedures. Citizens who promoted independent efforts to combat abuses of power were sometimes targeted by authorities.

## **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. It remained unclear, however, whether any investigations resulted in findings of police malfeasance or disciplinary action.

In May police shot and killed Xu Chunhe at a train station in Heilongjiang Province after Xu gained control of an officer’s baton. Xu had previously travelled to Beijing to petition for better living conditions. The incident prompted widespread debate about the use of deadly force by police. The government

attempted to quiet criticism by releasing online a highly redacted video of the incident. A subsequent investigation cleared the officer of any wrongdoing.

In July Tibetan reincarnate lama Tenzin Delek Rinpoche died in prison at age 54 (see the Tibet annex for further information).

A number of violent incidents in the XUAR resulted in multiple deaths. For example, in February the media reported that security forces killed at least 17 persons near the town of Yaqaeriq after a police search of a house turned violent. In June the media reported that between 18 and 28 persons were killed during a knife and bomb attack at a police checkpoint in the city of Kashgar. In September there was an alleged terrorist attack in a coal mine in Aksu that reportedly resulted in the death of approximately 50 persons. In response to the attack, authorities in November conducted an operation against those they said were responsible for the September incident. According to media reports, security forces raided a cave where the alleged terrorists had taken refuge, resulting in the deaths of at least 20 persons, including women and children. Official accounts of these events generally blamed “terrorists,” “separatists,” and “religious extremists” for what was portrayed as violent terrorist attacks on community members and security personnel. Human rights organizations 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 incidents of abuse in the TAR and other Tibetan areas).

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

## **b. Disappearance**

There were multiple reports of individuals detained by authorities and held at undisclosed locations.

Starting in July, authorities launched a nationwide crackdown on the legal community, detaining more than 300 lawyers and law associates on charges ranging from “picking quarrels and provoking trouble” to “inciting subversion of

state power.” Many of them were held for months under “residential surveillance at an undisclosed location” without access to attorneys or to their family members, in violation of criminal procedure laws. These “disappeared lawyers” included Wang Yu, who represented the “Beijing Feminist Five,” as well as young girls who had been sexually abused by their teacher; Li Heping, who represented underground church members and Falun Gong practitioners; Xie Yanyi, who also defended Falun Gong practitioners; and Zhang Kai, who defended Wenzhou churches facing demolition and forced cross removal and who was detained on the eve of a planned meeting with a prominent foreign diplomat.

Other “disappeared” lawyers and legal associates included lawyer Huang Liquan; lawyer and Li Heping’s brother Li Chunfu; legal intern Li Shuyun; law firm accountant Wang Fang; lawyer Zhou Shifeng; lawyer Tang Tianhao; Bao Longjun, the husband of lawyer Wang Yu; Gao Yue, assistant to lawyer Li Heping; legal administrative assistant Liu Sixin; lawyer Wang Quanzhang; legal intern Xie Yuandong; lawyer Zhao Wei; lawyer Xie Yang; law firm administrative assistant Wu Gan; legal assistant Liu Peng; and legal assistant Fang Xiangui. At year’s end the whereabouts of these and several other detained law associates and attorneys were unknown. Many were denied access to their attorneys.

Five men working in Hong Kong’s publishing industry disappeared between October and December from Thailand, Hong Kong, and Shenzhen. In addition to being Hong Kong residents, one of the men was a Swedish citizen and another was a British citizen. Media coverage of these cases noted that the men worked for Mighty Current, a publishing house, and its affiliate, Causeway Bay Bookstore, which were known for selling books critical of the CCP and its leaders. Family members and colleagues believed PRC security officials were responsible for their disappearances, and state-run Chinese media later covered a televised “confession” of one of the abducted individuals. International media also reported on the alleged involvement of PRC security officials in these disappearances.

During the year the government still had not provided a comprehensive, credible accounting of all those killed, missing, or detained in connection with the violent suppression of the 1989 Tiananmen demonstrations. Most observers estimated that fewer than a dozen persons remained in prison from that time. Many activists who were involved in the demonstrations continued to suffer official harassment.

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

The law prohibits the physical abuse and mistreatment of detainees and forbids prison guards from coercing confessions, insulting prisoners' dignity, and beating or encouraging others to beat prisoners. Amendments to the criminal procedure law exclude evidence, including confessions obtained through illegal means, 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 abused, prison authorities reportedly singled out political and religious dissidents for particularly harsh treatment. In some instances close relatives of dissidents also were singled out for abuse.

The problem of torture was systemic, according to a UN Committee against Torture (UNCAT) report released in December that detailed the extent to which torture was embedded in the criminal justice system. While UNCAT acknowledged some improvements, such as the broader use of surveillance cameras during interrogations, the report stated that torture was "entrenched."

In September Gao Zhisheng publicized his story of extensive abuse and torture sustained during his years in a Xinjiang prison. He stated he spent three years in solitary confinement and was tortured with an electric baton to the face. Over a period of 21 months, he was allowed outside only once.

In November activist Zhang Liumao died while in the custody of Guangzhou public security authorities. His family's lawyer examined the corpse and found that it was bloody and bruised with apparent signs of torture. Authorities detained Zhang in August after a sudden raid on his home and charged him with "picking quarrels and causing trouble." He had not yet been tried at the time of his death.

During his trial in July, Wang Qingying, a lawyer and rights activist detained in 2014 ahead of the 25th anniversary of the Tiananmen protests and charged with "incitement to subvert state power," described mistreatment suffered in detention. Wang reported being hit, slapped, confined without adequate space and food, and interrogated for 12 hours at a time until he confessed.

In March the media reported that interrogators in Shenyang tortured veteran activist Jiang Lijun and others while in detention. Jiang's arrest came after he wrote a letter to the central government reporting that local officials were embezzling funds intended as compensation for villagers whose lands had been

confiscated for a water project. Jiang was reportedly beaten, sprayed with cold water, hung from his wrists, and bound in painful positions.

Members of the minority Uighur ethnic group reported systematic torture and other degrading treatment by law enforcement officers and the penal system (see section 6, National/Racial/Ethnic Minorities). For example, Uighur exile Ershiddin told reporters that while held as a political prisoner, he and other Uighur inmates were beaten by guards, underfed, and verbally abused by ethnic Han inmates.

Lawyers who attempted to shed light on the problem of torture in the criminal justice system themselves became targets of intimidation and harassment. In one case rights lawyer Yu Wensheng, who had previously alleged torture by police during a three-month detention in 2014, was detained for two days during the summer. Yu had said authorities deprived him of sleep and tied him to a metal chair for hours while trying to get him to confess to supporting and helping to organize prodemocracy demonstrations in Hong Kong.

A May Human Rights Watch report found continued widespread use of degrading treatment and torture by law enforcement authorities. Some courts continued to admit as evidence coerced confessions, despite revisions to the criminal procedure law in 2012 restricting the use of unlawfully obtained evidence. After examining 158,000 criminal court verdicts published on the Supreme People's Court website, Human Rights Watch found that judges excluded confessions in only 6 percent of the cases in which torture was alleged and that all the defendants were convicted, even in the cases when evidence was excluded. Lawyers reported that interrogators turned to less-detectable methods of torture. Confessions were often videotaped; harsh treatments beforehand were not. Former detainees reported baton beatings, shackling to chairs, hanging by the wrists, prolonged sleep deprivation, and various forms of psychological abuse.

According to the *Legal Daily* (a state-owned newspaper covering legal affairs), the Ministry of Public Security directly administered 23 high-security psychiatric hospitals for the criminally insane (also known as *ankang* facilities). While many of those committed to mental health facilities had been convicted of murder and other violent crimes, there were also reports of activists and petitioners involuntarily subjected to psychiatric treatment for political reasons. Public security officials may commit individuals to *ankang* facilities and force treatment for "conditions" that have no basis in psychiatry. For example, in October one county-level city in Sichuan Province reported that fully one-third of its *ankang*

patients were diagnosed as suffering from the “mental illness” of “creating a disturbance and causing trouble.”

The law bans involuntary mental health examinations and inpatient treatment except in cases in which patients expressed intent to harm themselves or others. Legal experts maintained, however, that the law does not provide meaningful legal protections for persons sent to psychiatric facilities. The law fails to provide for the right to a lawyer and restricts a person’s right to communicate with those outside of the institutions during the “acute onset of illness” or “to avoid hampering treatment.” 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.

As of January 1, the government claimed it was ending the long-standing practice of involuntarily harvesting the organs of executed prisoners for use in donor transplants. In prior years the National Health and Family Planning Commission reported approximately 10,000 organ transplants a year, while as of August there were approximately 4,700 voluntary organ donations. State media reported the transition to a fully voluntary organ donation system began in January. International medical professionals and human rights advocates, however, questioned the voluntary nature of the system, which allows donations from prisoners on death row.

### **Prison and Detention Center Conditions**

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

Legislation in 2013 formally abolished the Re-education through Labor (RTL) system. State media announced that all RTL inmates would be released at the end of 2013 but added that all preabolition penalties would be considered legitimate. Other administrative detention measures remained, including custody and education for sex workers and their clients, compulsory drug rehabilitation treatment for drug users, and “legal education” centers for religious and political activists.

Despite the official abolition of the RTL camps, there were still reports of forced labor during the year. In Aksu prefecture, ethnic Uighurs were forced to perform farm labor as a way of keeping them from getting involved in “illegal activities.”

Physical Conditions: Authorities regularly held prisoners and detainees in overcrowded conditions with poor sanitation. Food often was inadequate and of poor quality, and many detainees relied on supplemental food, medicines, and warm clothing provided by relatives. Prisoners often reported sleeping on the floor because there were no beds or bedding. In many cases provisions for sanitation, ventilation, heating, lighting, and access to potable water were inadequate.

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

In September 2014 Yakub Idris, a 56-year-old member of the Uighur ethnic minority, died while serving a 10-year sentence for “illegal religious activities” following a mass trial in a sports field in May 2014. Family members described Idris’s health as good when his term began, but heart and lung complications developed in prison, and authorities denied requests for outside medical care.

There were reports that some well-known prisoners received better medical care than provided to most prisoners. Authorities allowed a civilian cardiac specialist in Beijing to examine Gao Yu, a 71-year-old journalist originally sentenced to seven years for leaking state secrets abroad. In November Gao’s prison sentence was reduced, and she was granted medical parole and allowed to serve the remainder of her sentence outside prison.

The criminal procedure law effective in 2013 included a new section on juvenile justice. In March the Supreme People’s Procuratorate announced new data showing “strict adherence to the policy of reducing juvenile arrests and indictments,” according to the DuiHua Foundation. The same figures showed the number of juvenile arrests later thrown out by the court had expanded from 17 percent in 2012 to 26 percent in 2014.

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.

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

Administration: Authorities employed alternatives to incarceration for both violent and nonviolent offenders. According to an April article published in the *Legal Daily* newspaper, approximately 2.3 million individuals had gone through community correction since 2003, with an estimated 740,000 individuals in the program as of February. The same source reported an annual increase of 51,000 individuals in community correction programs.

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; 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.

Independent Monitoring: Information about prisons and various other types of administrative and extralegal detention facilities was considered a state secret, and the government did not permit independent monitoring of these facilities. 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 lawyers, human rights activists, journalists, religious leaders, and former political prisoners and their family members continued to be 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.

Despite being released from prison in 2011, activist Hu Jia remained under extrajudicial house arrest during the year, although he was allowed to leave his house under some conditions. He reported being allowed to exercise in his neighborhood, although he was constantly followed by security officials. Human rights lawyer Gao Zhisheng, who was released from prison in August 2014, remained confined to his home under strict house arrest. He was detained briefly and interrogated several times in the fall and early winter. He was also denied access to dental care.

Law professor Chen Taihe was arrested during the July crackdown on lawyers. In August he was released to his home and was under house arrest since then. Police frequently questioned him, and his communications were monitored.

### **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 officials can be criminally prosecuted for abuses of power, but such cases were rarely pursued.

The Ministry of Public Security coordinates the civilian police force, which is organized into specialized 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.

Regulations state that police in prisons and RTL facilities faced dismissal if found to have beaten, applied corporal punishment, or abused inmates or to have instigated such acts, but it was not clear the regulations were implemented.

## **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 detain a suspect an additional 45 days while determining whether to file criminal charges. If charges are filed, authorities can detain a suspect for an additional 45 days before beginning judicial proceedings. 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 stated 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.

The criminal procedure law requires a court to provide a lawyer to a defendant who has not already retained one; who has sight, hearing, or speaking disabilities or is a minor; or who faces the death penalty. The 2013 revisions added defendants facing a life sentence or who have mental disabilities to this list. 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 providing such notification for significantly longer periods, especially in politically sensitive cases. Under a sweeping exception, officials are not required to provide notification if doing so would “hinder the investigation” of a case. The revised criminal procedure law limits this exception to cases involving state security or terrorism.

The law allows for residential surveillance rather than detention in a formal facility under certain circumstances. With the approval of the next higher-level authorities, officials may place “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 home 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, but in many notable cases during the year this did not occur. Authorities may also prevent defense lawyers from meeting with suspects in these categories of cases. Attorneys for the rights lawyers and law personnel detained over the summer frequently attempted to meet with their clients but were turned away outside detention centers. Authorities employed “residential surveillance at a designated location” extensively in the nationwide crackdown against lawyers and activists that began in July. Human Rights Watch reported this practice left detainees at higher risk for torture. Former political prisoners said that being cut off from the outside world increased the risk of mental breakdowns.

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. Petitioners reported harsh treatment by police. In October Li Xinhua alleged he was detained and beaten by officers from the Yuegezhuang police station in southwest Beijing, including the head of the police station. Li claimed his treatment resulted in broken ribs and a dislocated shoulder. Some provincial governments operated black jails in Beijing or in other localities, where petitioners from their districts were held in extrajudicial detention. Petitioners reported being taken by police in broad daylight and driven to these illegal black jails and held without access to a lawyer. They were often released within a day or two without charges but ordered to return to their hometowns.

Authorities used administrative detention to intimidate political and religious activists and to prevent public demonstrations. Forms of administrative detention included “custody and education” (for women engaged in prostitution and those soliciting prostitution), “custody and training” (for minor criminal offenders), and “legal education” centers for political and religious activists, particularly Falun Gong practitioners. 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 may include labor.

Arbitrary Arrest: 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 used the vaguely worded charges of “picking quarrels and provoking troubles” broadly against many civil rights activists. It remained unclear what this term means. Authorities also detained citizens and foreigners under broad and ambiguous state secret laws for, among other actions, disclosing information on criminal trials, meetings, commercial activity, and government activity. Authorities sometimes retroactively labeled a particular action as a violation of state secret laws. A counterespionage law approved in November 2014 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 period before the World War II military parade in September and at other sensitive times, such as during the visits of senior foreign government officials or preceding the annual plenary sessions of the National People’s Congress (NPC) and the Chinese People’s Political Consultative Conference, the fifth plenum in October, the anniversary of the Tiananmen massacre, and sensitive anniversaries in Tibetan areas and the XUAR.

There were multiple reports of lawyers, petitioners, and other rights activists being arrested or detained for lengthy periods of time, only to have the charges later dismissed for lack of evidence. In June authorities detained seven lawyers in Qing’an, Heilongjiang, when they tried to provide legal services to a group of activists who had been detained for protesting the fatal shooting of Xu Chunhe by police. Although initially given 15 days of administrative detention for “picking quarrels and provoking troubles,” all seven were reportedly released within a week following protests from lawyers and human rights activists.

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 could last longer than one year. Defendants in “sensitive cases” reported being subjected to prolonged pretrial detention. Lawyer Pu Zhiqiang was held for 19 months before standing trial.

#### **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 Politics and Law Committee has the authority to review and influence court operations at all levels of the judiciary. All judicial and procuratorate appointments require approval by the CCP Organization Department.

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

A CCP-controlled committee 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 may be directed only to the promulgating legislative body. Lawyers had little or no opportunity to rely on constitutional claims in litigation.

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

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

In July the Supreme People’s Court (SPC) announced that citizens could now look up online information on trials, verdicts, and the implementation of court decisions of courts across the country. All nonmilitary courts had been linked to a “judicial data center,” a central database for trial information and verdicts. According to the SPC, the project aims to encourage judicial organs to improve their performance through increased transparency, and all of the country’s 3,511 courts were able to upload the information to the central system.

In August the NPC’s Standing Committee amended legislation that could further limit lawyers’ ability to adequately represent their clients. These amendments, which became effective November 1, criminalize attorneys’ actions that “insult, defame, or threaten judicial officers,” “do not heed the court’s admonition,” or “severely disrupt courtroom order.” The changes also criminalize disclosing client or case information to the media or using protests, the media, or other means to influence court decisions. Violators face fines and up to three years in prison. The amendments passed despite protests by Chinese lawyers, including an open letter signed by 500 lawyers in January opposing these proposed changes. They were concerned about the vague definitions of “insulting,” “defaming,” and “threatening” and the law’s one-sided application to defense counsel but not to prosecutors.

### **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 March work report submitted to the NPC by the SPC, almost 1.2 million individuals were convicted and 778 were acquitted in 2014. The low acquittal rate of less than 1 percent has persisted for many years.

In many politically sensitive trials, courts delivered 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 SPC require trials to be open to the public, with the exceptions of cases involving state secrets, privacy issues, minors, or, on the application of a party to the proceedings, commercial secrets. Authorities used the state-secrets provision to keep politically sensitive proceedings closed to the public, sometimes even to family members, and to withhold 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 a 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.

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 an April article in the *Legal Daily*, approximately 1.24 million cases received legal aid. 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.

During the year the government launched a nationwide crackdown on lawyers for their involvement in high-profile, rights-related cases. Many of the detained lawyers were themselves denied the right to counsel. 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 All China 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. Lawyers are required to be members of the CCP-controlled All China Lawyers Association, and starting in 2012, the Ministry of Justice required all lawyers to pledge their loyalty to the leadership of the CCP upon issuance or renewal of their license to practice law.

In September a new regulation was jointly announced by the SPC, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice to "safeguard lawyers' rights." The regulation provides that government organs should respect lawyers; improve their systems to ensure lawyers' rights; and safeguard lawyers' rights to know, rights to petition, and other rights, including the right to meet with their clients, read files, collect evidence, and raise questions. According to the new guidelines, prison officials should either allow defense attorneys to meet suspects or defendants or explain why the meeting cannot be arranged at that time. The regulations specify that a meeting should be arranged within 48 hours. Procuratorates and courts should allow defense attorneys to access and read case files within three working days. The time and frequency of opportunities available for defense attorneys to read case files shall not be limited, according to the new guidelines. The new regulations also bar lawyers from releasing details about their clients' cases to the media.

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 some sensitive cases, lawyers had no pretrial access to their clients, and defendants and lawyers were not allowed to communicate with one another during

trials. In contravention of the revised criminal procedure law (see section 1.d.), criminal defendants frequently were not assigned an attorney until a case was brought to court. According to statistics reported in the domestic media, defense attorneys took part in less than 30 percent of criminal cases; in some provinces it was less than 12 percent.

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. Observers believed adherence to the regulation on lawyers' rights announced in September would improve some of these inadequacies.

In September the Ministry of Justice announced a rule that requires assigning lawyers to convicted prisoners on death row who cannot afford one during the review of their sentences. The number of capital offenses in the criminal code was reduced to 46 in November. Official figures on executions were classified as a state secret.

### **Political Prisoners and Detainees**

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

According to the 2014 *China Law Yearbook*, in 2013 authorities arrested 1,384 individuals for “endangering state security.” The NGO Duihua Foundation reported approximately 300 trials for “endangering state security” in 2014.

Many political prisoners remained in prison or under other forms of detention at year’s end, including rights activists Wang Bingzhang, Liu Xianbin, and Xu Zhiyung; writer Yang Maodong (Guo Feixiong); Uighur scholar Ilham Tohti; Tibetan Buddhist monastic leader Karma Tsewang (Kenpo Kartse); former Tiananmen student leader Zhou Yongjun; labor activist Kong Youping; Roman Catholic bishops Ma Daqin and Su Zhimin; pastor Zhang Shaojie; Falun Gong practitioner Bian Lichao; and lawyers Wang Yu and Li Heping.

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.

At year’s end reliable information was not available on 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.

In January authorities arrested Guo Yushan, founder of Transition Institute, a think tank and NGO that published research on tax reforms, education equality, legal reforms, and social and economic issues. Guo was charged with “illegal business activity.” He and an associate were released in September “pending further investigation.”

Rights lawyer Tang Jingling, former teacher Wang Qingying, and writer-activist Yuan Xinting, known as the “Guangzhou three,” were put on trial in mid-June at the Guangzhou Intermediate Court for “incitement to subvert state power,” after more than a year in custody. Defense lawyers said the bench had denied the defense request to call witnesses.

### **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 officers can search premises, officials frequently ignored this requirement. The Public Security Bureau and prosecutors are authorized to issue search warrants on their own authority without judicial review. Cases of forced entry by police officers continued to be reported.

Authorities monitored telephone calls, text messages, faxes, e-mail, instant messaging, and other digital communications intended to remain private. They

also opened and censored domestic and international mail. Security services routinely monitored and entered residences and offices to gain access to computers, telephones, and fax machines. Western journalists leaving the country found some of their personal belongings searched. In some cases, when material deemed politically sensitive was uncovered, the journalists had to sign paperwork stating they would “voluntarily” leave these documents behind in China.

According to foreign media reports, the Ministry of Public Security used tens of millions of surveillance cameras in the country. In October the Beijing Municipal Public Security Bureau announced that it had “covered every corner of the capital with a video surveillance system.” Authorities justified the security cameras as a way to improve public safety, crime fighting, traffic management, and “social stability.” Human rights groups stated that 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. Security personnel harassed and detained 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. In some cases rights advocates and family members of political prisoners were harassed or interrogated following their meetings with journalists or diplomats. Certain members of the rights community were barred from meeting with visiting dignitaries.

In November 2014 Shenzhen authorities jailed Wang Yingguo, owner of a stone-processing plant, for providing economic support to prominent activists and petitioners. Wang’s company was shut down, and furniture and computers were confiscated.

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.).

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 thousands of persons.

Property-related disputes between citizens and government authorities often turned violent 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 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.

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, especially when they conflicted with CCP interests. Authorities continued tight control of print, broadcast, and electronic media and regularly used them to propagate government views and CCP ideology. During the year authorities censored and manipulated the press and the internet, particularly around sensitive anniversaries.

Freedom of Speech and Expression: Citizens could discuss political topics privately and in small groups without official punishment, except where such speech criticized the government or challenged the CCP. 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, or in remarks to the media remained subject to punitive measures.

In December lawyer Pu Zhiqiang went on trial for "inciting ethnic hatred" and "picking quarrels and provoking troubles." The case was based on seven posts he

made to the social media platform Weibo. Pu was a well known attorney and leader in the rights community and had amassed a huge following on social media. On December 22, he was found guilty and sentenced to a three-year suspended prison term, contingent on good behavior.

Authorities cracked down on peaceful and private commemorations of the 26th anniversary of the 1989 Tiananmen Square protests. Sichuan-based activist Chen Yunfei disappeared on March 25 after he visited the grave of a Tiananmen Square victim. He was held for more than a week and then charged with subversion of state power and “picking quarrels.”

In September police in Guangdong’s Zengcheng City detained Liu Yajie, Huang Xi, Wei Xiaobing and Huang Yongxiang after they created campaign T-shirts calling for the release of detained rights attorney Wang Yu.

Security officials in Zhengzhou municipality in Henan Province detained activists Dong Guangping and Yu Shiwen in May 2014 on charges of “gathering a crowd to disturb order in a public place” for their attendance at a memorial service commemorating Tiananmen Square victims and former reformist CCP leaders Hu Yaobang and Zhao Ziyang. Dong was released on bail in February and fled to Thailand. The Office of the UN High Commissioner for Refugees (UNHCR) recognized him as a refugee, but Thai authorities forcibly repatriated him in November at the request of Chinese authorities. His condition and whereabouts remained unknown. In February Yu Shiwen and his wife Chen Wei were indicted for “picking quarrels and provoking trouble,” but as of November they had yet to be tried after 18 months of detention.

On November 27, activist Yang Maodong (Guo Feixiong) was sentenced to six years’ imprisonment for “gathering a crowd to disrupt public order” and “picking quarrels and stirring up trouble.” The latter charge was added during the sentence hearing where Guo’s lawyers were precluded from presenting a defense. Yang was an outspoken activist and writer known for leading peaceful protests. Guo’s codefendants, activists Liu Yuandong and Sun Desheng, were sentenced to three and two-and-a-half years in prison, respectively.

The government frequently monitored gatherings of intellectuals, scholars, and dissidents where political or sensitive problems were discussed. To commemorate International Human Rights Day in 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.

Press and Media Freedoms: While it did not dictate all content to be published or broadcast, the CCP and the government had unchecked authority to mandate if, when, and how particular issues were reported or to order that they not be reported at all. The CCP and the government was also willing to take punitive action post facto if a media agency published content the government later judged to be inappropriate. On November 1, the CCP Discipline Inspection Commission of the XUAR removed Zhao Xinwei from his position as chief editor of the Xinjiang Daily, a state-run newspaper, and placed him under investigation. Zhao was sacked for having failed to “maintain consistency” with the CCP Central Committee on matters such as combating “ethnic separatism, terrorism, and religious extremism.” The government continued to strictly monitor the press and media, including film and television, via its broadcast and press regulatory body, the State Administration of Press, Publication, Radio, Film, and Television (SARFT). 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 broadcast programming required government approval.

In 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.

Broadcast and print media whose message was deemed to run contrary to officially sanctioned state media were censored. In the spring a former government broadcaster released the documentary “Under the Dome,” which chronicled the country’s pollution problems. Within days of the film going live online, it was watched by hundreds of millions of citizens. The journalist had included government voices in the documentary, which appeared to have tacit approval from the Environment Ministry, based on initial state media reports. After an unexpectedly large outpouring of public support, however, the film was blocked from all domestic websites.

Violence and Harassment: The government frequently impeded the work of the press, including citizen journalists. Journalists reported being subjected to physical

attack, harassment, and intimidation when reporting on sensitive topics. 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 challenged the government. Zhao Xinwei, an editor at the state-run *Xinjiang Daily* newspaper, was fired in October for publishing an opinion that was “not in line with the center or regional party committee,” according to official documents.

Sichuan-based bloggers who wrote for a human rights website were detained in June and later released. Journalist Wang Jing remained in detention following her reporting on a self-immolation in Tiananmen Square in 2014. Her lawyer told Radio Free Asia that her health had severely deteriorated during her extended pretrial detention.

Shenyang-based journalist Sun Haiyang was released in March after being held for 308 days without trial. Sun was arrested on charges of “inciting subversion of state power,” “illegal business activity,” and “creating a disturbance.”

In October police detained journalist Liu Wei of the *Southern Metropolis News* weekly newspaper on suspicion of “leaking state secrets.” Liu had reported on ties between a renowned Qigong master and business leaders and CPP officials. The party later issued a directive ordering news outlets not to report on Liu’s arrest or situation.

Journalists who remained in prison at year’s end included Liu Wei and Yang Tongyan. Uighur webmasters Dilshat Perhat and Nijat Azat continued to serve sentences for “endangering state security.” During the year additional journalists working in traditional and new media were also imprisoned.

Foreign journalists based in the country continued to face 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 the country met international standards. In addition, 44 percent of respondents believed working conditions had stayed the same since the previous year, while 33 percent believed conditions had deteriorated. No member said that conditions for foreign journalists had improved during the year.

Restrictions on foreign journalists by central and local CCP propaganda departments remained strict, especially during sensitive times and anniversaries. Foreign press outlets reported that local employees of foreign news agencies were also subjected to official harassment and intimidation. The FCCC's survey reported that 72 percent of respondents described interference or obstruction by police or "unidentified individuals" while reporting, up from two-thirds in 2014. The number of respondents subjected to "manhandling or physical violence" was less than 5 percent, approximately half of the number reported in 2014. During the year the FCCC identified many cases in which police officers or unknown persons impeded foreign reporters from doing their work, including at least nine cases in which reporters were manhandled or subjected to physical force. In August reporters encountered several instances of interference in their coverage of a catastrophic explosion and fire in Tianjin, including one instance in which personnel of a Taiwan media outlet were detained and had a camera memory card confiscated. In December police in Beijing threw a Western journalist to the ground as he was trying to cover protests of the Pu Zhiqiang trial. Multiple journalists outside the courthouse that day reported being pushed, shoved, or punched in the back. The FCCC issued an immediate statement condemning the violence and harassment of the media by authorities.

The FCCC expressed alarm that the entry/exit police failed to respond in a timely fashion to a reporter's emergency request for the return of her passport, despite her doctor's written warning that she was suffering from a life-threatening condition that required her immediate medical evacuation to Hong Kong. While all respondents to the FCCC survey reported that their Ministry of Foreign Affairs press cards were issued within 12 working days, in at least one instance a journalist received only a six-month (vice a 12-month) renewal in what FCCC took as an expression of displeasure at the journalist's reporting.

Authorities continued to enforce tight restrictions on citizens employed by foreign news organizations. The code of conduct for citizen employees of foreign media organizations threatens with dismissal and loss of accreditation for those citizen employees who engage in "independent reporting." It instructs them to provide their employers information that projects "a good image of the country."

While the Ministry of Foreign Affairs daily press briefing was generally open, journalists did not have free access to other media 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 postpublication review by propaganda officials encouraged self-censorship by editors seeking to avoid the losses associated with penalties for inadvertently printing unauthorized content.

Censorship or Content Restrictions: There were no indications the censorship restrictions had changed from 2013 when, 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.

The FCCC reported that the TAR remained off-limits to foreign journalists. At least 42 respondents to an FCCC survey said that they were told that reporting from Xinjiang (28) and Tibetan-inhabited areas outside of the TAR (14) was restricted or prohibited, which the FCCC contended was not consistent with the government's reporting rules. While authorities allowed foreign journalists access to Urumqi, XUAR, local and provincial authorities continued to control strictly the journalists' travel, access, and interviews, even forcing them to leave cities in other parts of the XUAR.

The CCP Central Propaganda Department ordered media outlets to adhere strictly to the information provided by authoritative official departments when reporting on officials suspected of involvement in graft or bribery. Throughout the year the Central Propaganda Department issued similar instructions regarding 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.

On August 31, *Caijing* magazine reporter Wang Xiaolu appeared on CCTV to confess to publishing a "sensational" and "irresponsible" article at a sensitive time for the Chinese stock market. Wang stated he researched the July 20 article, which reported that authorities were looking for ways to stop propping up the market "through abnormal, personal channels," to which he had added his "own subjective views." According to the official *Xinhua* news agency, Wang was placed under "criminal compulsory measures" on August 30 on suspicion of "colluding with

others and fabricating and spreading fake information on securities and futures market.”

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 could 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 also 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, postpublication sanctions.

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. English-language VOA broadcasts generally were not jammed. Internet distribution of streaming radio news and podcasts from these sources was often blocked. Despite the jamming of overseas broadcasts, the VOA, the BBC, Radio Free Asia, Deutsche Welle, and Radio France International had large audiences, including human rights advocates, ordinary citizens, and government officials.

In August Rexim and Shawket Hoshur, who were detained in 2014 in Xinjiang, were charged with “leaking state secrets” and put on trial. Observers believed this was an attempt to pressure their brother, Radio Free Asia Uighur-language reporter Shohret Hoshur, to cease broadcasting. On December 30, the two brothers were released from jail, while a third brother remained behind bars.

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.

Actions to Expand Press Freedom: Foreign journalists completing the annual cycle of renewing their Ministry of Foreign Affairs-issued press cards and renewing their residency visas with the Public Security Bureau generally reported the process went smoothly, although one agency was warned that it was still “in trouble” over past reporting that displeased authorities. The time required was reduced to 10 working days, vice the earlier 15. In its survey covering events in 2014, the FCCC reported that 94 percent of the visas for journalists replacing colleagues in the country were issued within three months, and more than 40 percent were issued in less than two months. Once in the country, 93 percent reported their residence visas were issued by the Public Security Bureau’s Entry and Exit Administration within the stipulated 15 working days.

### **Internet Freedom**

The internet was widely available and widely used. The China Internet Network Information Center reported that, by the end of June, the number of internet users reached 668 million. The center reported that 18.94 million new users were added in the first half of the year.

In the 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 of supervising online public opinion.

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.

In October police arrested 10 persons from Guangdong for conducting online campaign activities in support of Hong Kong's prodemocracy movement. They were accused of "picking quarrels and provoking disorder."

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 the transmission of "subversive material." The National Security Law passed in July codifies "state sovereignty" over the internet and calls for strengthening state management of the internet, including through prosecution of those who distribute "illegal and harmful information" on the internet.

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.

A 2012 law requires 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 that 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. 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 in 2014 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 allowed rapid communication or organization of users. During the year the government continued to block other countries' instant messaging services, including Japan's Line and the popular Telegram.

Authorities continued to shut down or suspend 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. Authorities took other measures to control speech on the internet. In April police took Liu Sifang from his home in Guangzhou to his birth town in southern Sichuan. Liu was arrested on suspicion of "using the internet to spread rumors" after he reportedly sent a tweet regarding the detention of fellow activist Ou Bo. Police also searched Liu's home and confiscated his computer.

The government continued to block almost all access to Google websites, including its mail service, photograph program, map service, and calendar application. Other websites that were blocked during the year included YouTube, Instagram, Facebook, Twitter, Dropbox, Soundcloud, Flickr, and Picasa. Many news sites were blocked, including Reuters, the English- and Chinese-language websites of *The New York Times*, *The Wall Street Journal*, and *Bloomberg*. The websites of human rights groups, such as Amnesty International and Human Rights Watch, were also 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 a posting.

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. In parts of Xinjiang, citizens who used Virtual Private Networks to get around the firewall found their cell service suspended. 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.”

While such censorship was effective in keeping casual users away from sensitive content, it was circumvented by some users through the use of various technologies. Information on proxy servers outside the country and software for defeating official censorship were 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 cyberattacks against foreign websites, foreign journalists, and foreign media organizations that carried information the government deemed objectionable.

Authorities continued to jail numerous internet writers for peaceful expression of political views. In September 2014 Beijing authorities detained 81-year-old writer Tie Liu (pen name Huang Zerong) on suspicion of “picking quarrels and stirring up trouble” after he published a critical article about the former director of the CCP Propaganda Department, Liu Yunshan. In February the Qingyang District People’s Court in Chengdu sentenced Tie to two-and-a-half years in prison, which was suspended for four years, and fined him 30,000 RMB (\$4,620) for “illegal business activities.” Tie had spent more than 20 years in political re-education camps as an alleged “rightist.”

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;

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

### **Academic Freedom and Cultural Events**

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

The government’s restrictions on academic and artistic freedom and on political and social discourse at colleges, universities, and research institutes increased after the January 29 statement by Minister of Education Yang Guiren warning higher education institutions to maintain political integrity and “never let textbooks promoting Western values appear in our classes.” He made these comments at a forum on improving ideological work in universities and colleges, which reflected President Xi’s December 2014 call for greater “ideological guidance.” Yang also warned teachers against passing negative ideas to their students, including slandering the CCP, and told university officials to strengthen management of textbooks and materials directly taken from Western countries. Peking University’s website stated, “Chinese universities are universities with socialist quality, so of course we should stick to socialist education.”

In late November Western media reported that under a new proposal of the Ministry of Education, college counselors would be required to be members of the Communist Party.

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

Authorities on some 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 Tibetans, Uighurs, and individuals from other minority nationality areas.

A number of other foreign government-sponsored exchange selectees who already had passports, particularly those from minority areas, 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 Organization Department of the CCP 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 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 work regarding issues the government considered sensitive.

## **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.

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 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 handled by local or provincial governments. The regulations also encourage all litigation-related petitions to be handled at the local level through local or provincial courts.

While the central government reiterated prohibitions against blocking or restricting “normal petitioning” and against unlawfully detaining petitioners, 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. Such incentives included provincial cadre evaluations based in part on reducing the number of petitions from their provinces reaching Beijing. 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.

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

Citizens throughout the country continued to gather publicly to protest evictions, relocations, and inadequate compensation, often resulting in conflict with authorities or other charges (see section 1.f.). Peaceful protesters were frequently met with excessive force by police.

In April authorities in Guangdong detained an unknown number of persons after protesters clashed with police over allegations of official corruption. Riot police fired tear gas at dozens of residents of Mashan village after they occupied a nearby high-speed railway station and forced trains to a temporary halt. Authorities also cut off cell-phone, landline, and internet access to the entire village.

In June authorities in Guangxi held at least 10 persons following clashes with gemstone workers over rezoning of Wuzhou City’s industrial area. Approximately 1,000 gemstone workers staged a mass protest against government orders to move

workshops to city outskirts, sparking clashes with riot police that left at least two persons in the hospital and 10 in custody.

Police attacked more than 1,000 villagers who gathered outside government offices in Lingshui County, Hainan, in July. Ten persons were detained.

In mid-December, dozens of protesters who gathered outside Beijing's Second Intermediate People's Court for the hearing of rights lawyer Pu Zhiqiang were met with force from both plainclothes and uniformed security forces. At least 15 persons were detained. Some were released within 24 hours, but the whereabouts of others remained unknown. On December 22, uniformed police and plainclothes police again detained eight persons who tried to attend Pu's verdict hearing.

Twenty activists were detained while protesting the trial of three rights activists in Guangzhou in July. Tang Jingling, Wang Qingying, and Yuan Xinting stood trial for "incitement to subvert state power" after being held in detention for a year. Individuals attempting to protest outside the courthouse were detained by police.

In January, Su Changlan was detained on state subversion charges reportedly on account of her online expression of support for the Hong Kong pro-democracy protests of fall 2014. Authorities repeatedly denied Su access to her lawyer and family members, according to her lawyer.

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. In 2012 the Chinese Academy of Social Sciences estimated that such mass incidents numbered anywhere from the tens of thousands to more than 100,000 each year.

Large numbers of public gatherings in Beijing and elsewhere were canceled at the last minute or denied government permits, ostensibly under the guise of ensuring public safety. Cancellations during the year included the first Beijing Earth Day Festival, Beijing Craft Beer Festival, Chaoyang Park Music Festival, Strawberry Music Festival, and all live performances scheduled to take place on May 1-3. In addition, several performances by internationally known musicians were canceled at the last minute, apparently because of concerns that performers in the past may have expressed opinions in support of Tibet. Other performances were censored because authorities believed the lyrics were inappropriate. Bon Jovi concerts

scheduled for Shanghai and Beijing were cancelled following reports that the band featured images of the Dalai Lama in prior shows in other countries.

### **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 autonomous political, human rights, religious, spiritual, labor, and other organizations that the government believed might challenge its authority in any area.

The government maintained tight controls over civil society organizations. As one example, authorities in Guizhou Province harassed members of the Guizhou Human Rights Forum by, among other things, searching the home of a member, questioning members about their writings, forbidding members from traveling, and subjecting them to intense surveillance to the point that it was difficult for them to meet together.

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 the sponsor could be held responsible for the NGO’s behavior. Although the National People’s Congress in 2013 announced changes that would ease registration requirements for some NGOs, nationwide regulations had not been promulgated. NGO sources reported that the proposed regulations would not apply to organizations primarily focused on advocacy or rights promotion.

Although all registered organizations came under some degree of government control, some NGOs, primarily service oriented, 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), which included public and private fundraising foundations. The government continued to impose fundraising limits on private foundations.

The government-proposed Foreign NGO Management Law, as drafted, would place NGOs under the supervision of law enforcement and hinder the ability of international NGOs to continue operating under various prohibitive requirements and by introducing possible criminal penalties. The government used the drafting of the law to conduct a nationwide survey of any organization deemed to fall under the broad category of “foreign NGO,” which caused numerous organizations to face unannounced investigations of offices, financial accounts, and employee activities. While the draft law had not passed as of December, many members of the international NGO community left the country in advance of its passage, and other civil society groups reported greater harassment based on the proposed draft alone.

According to the Ministry of Civil Affairs, by the end of 2014 there were more than 600,000 legally registered social organizations, public institutions, and foundations. Many experts believed the actual number of NGOs to be much higher. NGOs existed under a variety of formal and informal guises, including national mass organizations created and funded by the CCP, known as government-operated NGOs or GONGOs.

NGOs not permitted to 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.

Authorities supported the growth of some NGOs that focused on social problems such as poverty alleviation and disaster relief.

Local NGOs that received foreign funding and international NGOs that provided assistance to Tibetan communities in the TAR and other Tibetan areas continued to face a difficult operating environment. 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 governed 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/](http://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 at times did not respect these rights. While seriously restricting its scope of operations, the government occasionally cooperated with UNHCR, which maintained an office in Beijing, to provide protection and assistance to refugees, asylum seekers, and other persons of concern.

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

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.

A July 2014 State Council legal opinion removed restrictions on rural migrants seeking household registration in small and mid-sized towns and cities. Under the new regulations, household registrations are 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 that allows 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 expanded the use of exit controls for departing passengers at airports and other border crossings to deny foreign travel to some dissidents and persons employed in sensitive government posts. Throughout the year many lawyers, artists, authors, and other activists were at times prevented from exiting the country. Authorities also blocked travel of some family members of rights activists.

Border officials and police cited threats to “national security” as the reason for refusing permission to leave the country. Authorities stopped most such persons at the airport at the time of their attempted travel. In August Liang Xiaojun as well as his wife and eight-year-old son were not allowed past exit controls at Beijing International Airport. They were en route to New York where Liang was to study for a semester at Columbia University. Public Security officials told Liang he could not leave because it might “endanger national security.” Liang was a founding member of the group China against the Death Penalty. In December authorities blocked author Wang Lixiong, a long-time supporter of civil rights for Tibetans, from traveling to Taiwan.

While many activists reported being blocked from traveling abroad, artist Ai Weiwei was allowed to travel overseas for the first time in five years.

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.

Twenty-one-year-old Liu Yuyang was denied a passport to go overseas for graduate school. Liu’s father was the prominent rights attorney Liu Xiaoyuan.

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 purposes. Authorities reportedly seized valid passports of some XUAR residents. Family members of Uighur activists living overseas were also denied visas to enter China.

In the TAR and Tibetan areas of Qinghai, Gansu, and Sichuan provinces, Tibetans experienced great difficulty acquiring passports. The unwillingness of Chinese

authorities in Tibetan areas to issue or renew passports for Tibetans created, in effect, a ban on foreign travel for a large segment of the Tibetan population. Han 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 re-entry to numerous citizens considered dissidents, Falun Gong activists, or "troublemakers." Although authorities allowed some dissidents living abroad to return, dissidents released on medical parole and allowed to leave the country often were effectively exiled.

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). Some family members of rights activists who tried to emigrate were unable to do so. In July Bao Zhuoxuan, the 16-year-old son of disappeared legal advocates Wang Yu and Bao Longjun, was detained at the airport on his way to Australia to study. Authorities released him after several days but repeatedly pressured him to stay quiet. In the fall, with the help of two activists, he fled to Burma, where he was detained by authorities. He reappeared a week later at his grandparent's home in Inner Mongolia, where he remained under house arrest. He has never been convicted or accused of a crime.

## **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of refugee or asylee status. The government did not have a system for providing protection to refugees but did allow UNHCR to assist the relatively small number of non-North Korean and non-Burmese refugees. The government did not officially recognize these individuals as refugees; they remained in the country as illegal immigrants unable to work, with no access to education, and subject to deportation at any time.

Authorities continued to forcibly repatriate some North Korean refugees by treating them as illegal economic migrants, despite reports some North Korean female refugees in China were trafficking victims, although there were no specific reports of such refugees during the year. The government detained and deported such refugees to North Korea, where they possibly faced severe punishment, even death, including in North Korean forced-labor camps. The government did not provide North Korean trafficking victims with legal alternatives to repatriation. The government continued to bar UNHCR access to North Koreans in northeast China, and the lack of access to UNHCR assistance and forced repatriation left North Koreans vulnerable to traffickers. Authorities sometimes detained and

prosecuted citizens who assisted North Korean refugees and trafficking victims as well as those who facilitated illegal border crossings.

In some instances the government pressured neighboring countries to return asylum seekers or UNHCR-recognized refugees to China. In July Thailand forcibly returned 109 Uighers who likely faced persecution upon their return. In November Thailand returned activists Jiang Yefei and Dong Guangping, both of whom had been granted refugee status by UNHCR and were scheduled for resettlement to Canada. Their whereabouts were unknown as of the end of the year.

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. The government continued to consider all North Koreans as "economic migrants" rather than refugees or asylum seekers and forcibly returned many of them to North Korea. The government continued to prevent UNHCR from having access to North Korean or Burmese refugees. Reports of various exploitation schemes targeting North Korean refugees, such as forced marriages, forced labor, and prostitution, were common. The government continued to deny UNHCR permission to operate along its borders with Burma. It denied UN officials all access to the Kokang refugees living in or near Nansan, Yunnan Province, and barred all outsiders from accessing the area.

Refugee Abuse: There were 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 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 UNHCR continued discussions concerning the granting of citizenship to these long-term residents and their children, many of whom were born in China. The government worked with UNHCR in granting exit permission for a small number of non-Burmese and non-North Korean refugees to resettle to third countries.

### **Section 3. Freedom to Participate in the Political Process**

The constitution states that “all power in the People’s Republic of China belongs to the people” and that the organs through which 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 of people’s congress delegates at the county level and below, citizens could not freely choose the officials who governed them. In practice the CCP controlled virtually all elections and continued to control appointments to positions of political power.

In May the NPC Hong Kong Special Administrative Basic Law Committee ruled out any possibility of amending a framework for implementing universal suffrage for the 2017 election of Hong Kong’s chief executive. The framework, which the NPC Standing Committee had approved in 2014, 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 1,200 person Election Committee. Prodemocracy activists in Hong Kong criticized the framework as undemocratic and designed to ensure that only pro-Beijing candidates were nominated by a predominantly unelected, pro-Beijing nominating committee.

#### **Elections and Political Participation**

Recent Elections: In 2013 the NPC’s nearly 3,000 deputies elected the president and vice president, the premier and vice premiers, and the chairman of the Central Military Commission. The NPC Standing Committee, which consisted of 175 members, oversaw these elections and determined the agenda and procedures for the NPC.

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

According to Ministry of Civil Affairs’ 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.

On March 15, the NPC passed a revised Legislation Law that expanded the number of municipal-level people's congresses with powers to make local laws, devolving certain legislative powers from the provincial to the municipal level. On August 29, the NPC also passed amendments to three laws regarding the organization, election, and staffing of township and county-level people's congresses. The amendments to the Organization Law for Local People's Congresses and Local Governments give township-level people's congress presidiums, or executive committees, new powers to review government work reports, inspect law enforcement, and collect public suggestions and criticism for action by relevant agencies. It also allows county-level people's congresses to increase the membership of their standing committees and establish new committees for economic, financial, and legal affairs. The revised People's Congress Election Law prohibits citizens from running for office with campaign funding from foreign organizations or individuals. Those who accept foreign funding will have their candidacy annulled or position removed.

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

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 2013, two women were members of the CCP's 25-member Politburo. There were no women in the Politburo Standing Committee.

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

A total of 409 delegates from 55 ethnic minorities were members of the 12th NPC, accounting for 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 in 2013 elected 10 members of ethnic minority groups as members of the 205-person Central Committee.

There was no ethnic minority member of the Politburo. In 2013 Yang Jing, a Mongol from the Inner Mongolia Autonomous Region who served in the secretariat of the CCP Central Committee, also assumed office as the secretary general of the State Council. Yang was the first official to hold the two positions at the same time as well as the first ethnic minority official to become the secretary general of the State Council. He also ranked first among the five state councilors. In August 2014 in Jilin, a Mongol became the first ethnic minority member to serve as a provincial party secretary.

#### **Section 4. Corruption and Lack of Transparency in Government**

Although officials faced 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.

In January the Central Commission for Discipline Inspection, the CCP's leading body for countering corruption among members, reported that in 2014 it had received more than 2.72 million allegations of corruption, investigated 226,000 corruption-related cases, and disciplined 232,000 officials, 27 percent more than in 2013. Among those investigated, 68 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, 71,748 officials were punished for violating one or more of the "eight rules" that serve as the mandate for the anticorruption campaign, 35 percent more than 2013. In 2014 a total of 500 officials who had fled abroad with illicit funds, reportedly involving three billion RMB (\$462 million), were apprehended. In April the Supreme People's Procuratorate reported that, in the first quarter, prosecutors nationwide had investigated more than 9,636 individuals and 7,556 cases for bribery and embezzlement. There were 6,649 "major cases"--bribery cases exceeding 50,000 RMB (\$7,700) and embezzlement cases exceeding 100,000 RMB (\$15,400).

The "shuanggui" system--the CCP internal disciplinary system used to investigate party members suspected of corruption and other violations of party rules--continued to operate without legal 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, and some are later turned over to the judicial system.

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. On August 29, the NPC adopted an amendment to the criminal law that rules out commutation or release on parole for those who committed serious crimes of embezzlement.

Corruption: In numerous cases public officials and leaders of state-owned enterprises, who generally held high CCP ranks, were investigated for corruption. In March Procurator-General Cao Jianming reported to the 12th National People's Congress that in 2014 the government investigated 4,040 public servants above the county level for corruption, including 28 at the provincial and ministerial levels or above, in 3,664 cases of graft, bribery, and embezzlement of public funds, each involving more than one million RMB (\$154,000). While the tightly controlled state media apparatus publicized 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.

On June 11, a court sentenced Zhou Yongkang, a former member of the Politburo Standing Committee and chief of the internal security apparatus, to life in prison for extorting 129 million RMB (\$19.9 million), abuse of power, and “intentionally disclosing national secrets.” He was the most senior CCP and government official ever to face corruption charges.

In November the Panjin Municipal Intermediate Court in Liaoning Province upheld a sentence of 12 years’ imprisonment for environmentalist Tian Jiguang on charges of “extortion” and “embezzlement.” Tian, a CCP member whose father and brother had held senior positions in local government, founded an environmental NGO that focused on protecting endangered spotted seals. According to media reports citing the indictment and other sources, Tian’s arrest resulted from a blog post in 2013 that exposed a subsidiary of China National Petroleum Corporation for pollution.

In some cases local party officials who tried to report corruption faced reprisal and retribution. On April 2, masked men in Heilongjiang Province beat former Qing’an Discipline and Inspection Department cadre Fan Jiadong following his return from Beijing, where he had reported corruption on the part of local leaders. He died from his injuries on May 1. According to news reports, the suspects arrested in the case were related to real estate developers with close ties to local government officials.

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. 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 training on the regulations, warning talks, and adjusting one’s work position to being relieved of one’s position. Regulations further state that officials should report all income, including allowances, subsidies, and bonuses as well as income from other jobs such as giving lectures, writing, consulting, reviewing articles, painting, and calligraphy. Officials, their spouses, and the children who live with them also should report their real estate properties and financial investments. 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 May Shanghai Municipality announced a ban on family members of local officials' starting businesses in the city.

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 may 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 believed that an administrative agency violated the regulations, they could 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 openly monitor or 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 often refused requests of international organizations to conduct investigation of abuses by refusing representatives' requests to visit suspects detained in undisclosed locations. The government continued to participate in official diplomatic human rights dialogues with foreign governments, although several governments encountered problems from the authorities, including stalling tactics such as repeated delays in setting dates, not sending delegation lists, and refusing to release agendas or set meetings until the last minute. Other countries found their requests to schedule a human rights dialogue continually postponed. 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 maintained that each country's economic, social, cultural, and historical conditions determined its approach to human rights. The government claimed that its treatment of suspects, considered to be victims of human rights abuses by the international community, was in accordance with national law.

## **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 ranges from three years in prison to a death

sentence. The law does not address spousal rape. Migrant female workers were particularly vulnerable to sexual violence. In September the government released a report stating that public security organs uncovered 25,852 cases of rape in 2013, the most recent year for which statistics were available, but otherwise did not make available official statistics on rape or sexual assault, leaving the scale of sexual violence difficult to determine. The government, however, acknowledged the need to include the reporting of rape, domestic violence, sexual harassment, and other gender-related cases in annual judicial statistics.

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. In a 2013 UN report on domestic violence, 51.3 percent of male respondents admitted to having perpetrated physical or sexual partner violence. Another survey indicated that at least 40 percent of women, either married or in a relationship, had experienced physical or sexual abuse. Only 7 percent of women surveyed reported cases of domestic violence to the police, according to the 2014 All China Women's Federation (ACWF) survey. A 2013 ACWF study noted that almost 30 percent of victims who did not report abuse believed that domestic violence should be kept a private matter. A broadly held societal belief was that spousal abuse was acceptable, according to a *World Values Survey* released in 2015. This led to underreporting, with only 50,000 cases of domestic violence registered each year, on average.

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. Legal aid institutions worked to provide counseling and defense to victims of domestic violence. In 2014 more than 3,700 legal aid institutions were established, providing aid to 352,000 women. In spite of this, many legal aid institutions reported harassment from public security authorities. Organizations working to defend victims of domestic violence were often pressured to suspend public activities and cease all forms of policy advocacy, an area that was reserved only for government-sponsored organizations.

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.

Reports also indicated that many domestic violence shelters providing services to victims were primarily attached to homeless shelters, hindering their ability to treat victims. 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.

On December 27, the NPC passed the country's first national law on domestic violence, the Family Violence Law, which provides stronger legal mechanisms to protect women from domestic abuse. The law defines domestic violence as physical and mental violence between family members. A provision was also added to include cohabitating couples. Some experts, however, complained that the law is too general and fails to include other types of violence, including sexual and economic violence, and does not protect same-sex couples. Experts also expressed concern that the general language of the law could inhibit effective implementation and enforcement of the law.

According to women's rights activists, a reoccurring problem in the prosecution of domestic violence cases was a lack of evidence--including photographs, hospital records, police records, or children's testimony--which hindered the prosecution of domestic violence cases. Witnesses seldom testified in court.

Courts' recognition of domestic violence improved, making spousal abuse a mitigating factor in crimes committed in self-defense. In March the SPC issued guidelines for dealing with cases of domestic violence to improve the unified application of laws, according to the Information Office of the State Council. In April the Sichuan People's Court suspended for two years the death sentence of a woman who had murdered her husband, with the court acknowledging for the first time that she had been the victim of domestic violence.

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 when 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.

Sexual Harassment: The law bans sexual harassment; offenders are subject to a penalty of up to 15 days in detention, according to the Beijing Public Security Bureau. A 2013 NGO survey of female manufacturing workers in Guangzhou indicated that as many as 70 percent of Guangzhou's female workforce had been sexually harassed. Approximately one-half of 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 2013 *China Youth Daily* survey, 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.

While the ACWF and universities worked to improve awareness on sexual harassment by offering seminars and classes, NGOs that sought to increase public awareness on sexual harassment came under increasing scrutiny. This scrutiny was best exemplified by the March arrest of the Beijing five feminists, who planned to mark International Women's Day through a public outreach campaign against sexual harassment on public transportation. At least 10 Chinese campaigners for gender equality were detained by police in Beijing, Hangzhou, and Guangzhou before the event took place. Although they were released from detention in April, the charges against the five women--Li Tingting, Wu Rongrong, Zheng Churan, Wei Tingting, and Wang Man--remained in place at year's end.

Reproductive Rights: The government restricted the rights of parents to choose the number of children they have. In 2013 the government revised the national population and family planning policy (the so-called one-child policy) to allow families to have two children when at least one parent was a single child (see further description below). In October the CCP proposed the limit be raised to two children per family. The two-child policy was scheduled to be officially implemented as of January 1, 2016.

For all children, parents were required to obtain an official birth approval form to register the child for the “hukou” residence permit (needed to enroll in school) or for other official documents. The hukou is an essential identity document for normal life in China. Most parents obtain the birth approval form before or during pregnancy, but it is possible to apply for and receive the form after the birth. For that reason, the presence or absence of an official birth approval does not affect health services during pregnancy, i.e., hospitals do not require the form before providing prenatal care. It is only when registering for the hukou that the birth permission is mandatory, and it is at that point that the birth-limitation policies take effect.

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

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 law requires each parent of an unapproved child to pay a “social compensation fee” that could reach 10 times a person’s annual disposable income. To avoid these fines, some parents sought to hide an unapproved child with friends or relatives.

The National Health and Family Planning Commission announced it would continue to charge “social compensation fees” for family-planning policy violations. 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.

Enforcement of 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 to do so faced disciplinary measures, such as having to pay 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. For example, in September a woman in Yunnan

Province complained on social media that local officials threatened to terminate her husband from his job as a police officer if she refused to abort their second child, with whom she was eight months' pregnant.

It continued to be illegal in almost all provinces for a single woman to have a child, with fines levied for violations. The law mandates 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 state-mandated pregnancy tests.

Officials at all levels could receive rewards or penalties based on whether or not they met 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 population 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' "lawful 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 existed for whistleblowers against retaliation from local officials. The law provides significant and detailed sanctions for officials who helped persons evade the birth limitations.

The National Health 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.

The country's fertility rate was far below replacement level, in part due to more than three decades of coercive population control policies and in part due to economic and social factors. According to the UN Population Fund (UNFPA), the average fertility rate for women nationwide was 1.6, and in the country's most populous and prosperous city, Shanghai, the fertility rate was 0.8.

National family-planning authorities were gradually shifting emphasis from lowering fertility rates to emphasizing quality of care in family-planning practices.

UNFPA reported that 87 percent of married couples used contraception but that contraception use was significantly lower in unmarried relationships. As a direct result, approximately half of abortions occurred among 15- to 24-year-old women. Among married couples, 72 percent used a reversible method of contraception. Only 1.2 percent of women took oral contraceptives. A 2013 survey published by the China World Contraception Day Organization showed that more than 68 percent of women were confused about contraceptive methods.

The national population and family-planning law standardized the implementation of the government's birth-limitation policies, but it left considerable discretion to provincial authorities to determine enforcement measures, which 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.

During the year the policy allowing couples to have two children when at least one spouse is an only child remained in place. Implementing regulations for the amended policy were adopted on a province-by-province basis. The birth limit was more strictly applied in urban areas. 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. In 2013, 35 percent of families nationwide 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.

The National Population and Family Planning Commission reported that all provinces eliminated the birth-approval requirement before a first child was conceived, but provinces could 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 and forced some to have abortions.

Regulations requiring women who violate the family-planning policy to terminate their pregnancies still existed and were enforced in Anhui, Hebei, Hubei, Hunan, Jilin, Ningxia, Liaoning, and Heilongjiang provinces. Ten other provinces--Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi, and Yunnan--require "remedial measures," an official euphemism for abortion, to deal with unauthorized pregnancies. In the 13 remaining provinces where provincial

regulations do not explicitly require termination of pregnancy or remedial measures, some local officials still coerced abortions to meet birth limitation quotas. For example, the Qingjiang Township CCP Committee and the government in Yueqing City, Wenzhou Municipality, issued a circular to local officials in July that called on them to launch a 15-day “second pregnancy examination” campaign and to adopt remedial measures for 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. In localities with large populations of migrant workers, officials specifically targeted migrant women to ensure that they did not exceed birth limitations. For example, the Pudong New District government in Shanghai Municipality issued a directive in May requiring officials to “promptly mobilize and adopt remedial measures” when unauthorized pregnancies were discovered among migrant women.

Discrimination: The constitution states that “women enjoy equal rights with men in all spheres of life.” The law provides for equality in ownership of property, inheritance rights, access to education, and equal pay for equal work. 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, such discrimination occurred (see section 7.d.).

Women’s rights advocates indicated that in rural areas women often forfeited land and property rights to their husbands in divorce proceedings. Rural contract law and laws protecting women’s rights stipulate that women enjoy equal rights in cases of land management, but experts asserted that this was rarely the case due to the complexity of the law and difficulties in its implementation. A 2011 Supreme People’s Court decision 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 made 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 could provide the most stable living arrangement, and children 10 and over should be consulted when determining custody.

Female suicide rates in rural areas dropped significantly. According to the Chinese Center for Disease and Control and Prevention, female suicide rates from 1990 to 2013 dropped between 36 percent and 81 percent, depending on the area.

Researchers attributed the decrease to greater work opportunities for rural women and reduced access to the toxic pesticides used for suicide. 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.

Women faced discrimination in higher education. The required score for the National Higher Entrance Examination was lower for men than for women at several universities, but undergraduate and postgraduate enrollment levels for men and women were approximately the same. Women with advanced degrees, however, reported discrimination in the hiring process, since the job distribution system became more competitive and market driven.

Gender-biased Sex Selection: According to the the World Bank, in 2013 the gender ratio at birth was 116 males to 100 females. This was a decline from 2010, when the ratio was 118 males for every 100 females. Sex identification and sex-selective abortion are 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 could not access public services, including education. No data was available on the number of unregistered births. In 2010 the official census estimated there were 13 million people without official documentation--many of whom likely were “ghost” children whose births were concealed from local officials because they violated the population control policy. Some local officials denied such children household registration and identification documents, particularly if their families could not pay the social compensation fees.

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

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 was grounds for criminal prosecution. Kidnapping, buying, and selling children for adoption reportedly increased, particularly in poor rural areas, but there were no reliable estimates of the number of children kidnapped. Government authorities regularly estimated that fewer than 10,000 children were abducted per year. Media reports and experts sources noted, however, that as many as 70,000 may be kidnapped every year. Most children kidnapped internally were sold to couples unable to have children. Those convicted of buying an abducted child could 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. In an effort to reunite families, the Ministry of Public Security maintained a DNA database of parents of missing children and of children recovered in law enforcement operations.

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. In such cases families would adopt and raise babies for eventual marriage to their sons.

Sexual Exploitation of Children: Persons who forced girls under age 14 into prostitution could be sentenced to seven years to life in prison in addition to a fine or confiscation of property. In especially serious cases, violators could receive a life sentence or death sentence, in addition to confiscation of property. Those who visited female prostitutes under age 14 were subject to five years or more in prison in addition to paying a fine.

The minimum legal 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 could 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 could receive prison sentences of three to 10 years in addition to paying a fine. In especially serious cases, offenders were 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 was serious, could 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 could be sentenced up to three years in prison or put under criminal detention or surveillance in addition to paying a fine. The sentence for serious cases is three to 10 years in prison in addition to a fine.

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

Infanticide or Infanticide of Children with Disabilities: The law forbids infanticide, 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, gender-biased abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the birth-limitation policy.

Displaced Children: There were between 150,000 and one million urban street children, according to state 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 estimated that 40 million children under the age of 14 were left behind by their migrant-worker parents in rural areas.

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 usually had disabilities or were 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/en/country/china.html](http://travel.state.gov/content/childabduction/en/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/](http://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, persons with disabilities "are entitled to enjoyment of equal rights as other citizens in political, economic, cultural, and social fields, in family life, and in other aspects." Discrimination against, insult of, and infringement upon persons with disabilities is prohibited.

The 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. Government documents published during the year cited statistics of 85 million people with disabilities nationwide. According to 2014 government statistics, there were 6,154 vocational training institutions that trained

382,000 persons with disabilities. More than four million persons with disabilities were employed in urban areas, while more than 17 million were employed in rural areas, primarily in agriculture. Government statistics also stated that as of 2013, 6.28 million persons with disabilities received a “minimum subsistence allowance,” and that more than 20 million participated in urban and rural insurance programs.

The law prohibits discrimination against minors with disabilities and codifies a variety of judicial protections for juveniles. In 2012 the Ministry of Education reported that there were 1,853 schools for children with disabilities nationwide. According to NGOs there were approximately 20 million children with disabilities, only 2 percent of whom had access to education that met their needs.

According to the CDPF, in 2013 a total of 78,174 children with disabilities remained outside the state education system, an estimated 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 (see section 7.d.). 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.

The law forbids the marriage of persons with certain mental disabilities, such as schizophrenia. If doctors found that a couple was at risk of transmitting congenital disabilities to their children, the couple could 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 had traditionally inhabited. Government policy called for members of recognized minorities to receive preferential treatment in birth planning, university admission, access to loans, and employment. The substance and implementation of ethnic minority policies nonetheless remained poor, and discrimination against minorities remained widespread.

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 in some cases included the forced relocation of persons. Han Chinese benefited disproportionately from government programs and economic growth in minority areas. As part of its emphasis on building a “harmonious society” and maintaining social stability, the government downplayed racism and institutional discrimination against minorities, which remained the source of deep resentment in the XUAR, the Inner Mongolia Autonomous Region, the TAR, and other Tibetan areas.

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 2012 article in the official online news source for overseas readers stated that ethnic minorities made up 36 percent of cadres in the Guangxi Zhuang Autonomous Region, 27 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 civil servant recruitment plan in Yunnan Province, 8 percent of the civil service

positions are reserved for ethnic minorities. 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 State Council's 2015 *White Paper on Xinjiang*, 8.59 million, or 37 percent, of the XUAR's official residents were Han. Uighur, Hui, Kazakh, Kyrgyz, and other ethnic minorities constituted 14.63 million XUAR residents, or 63 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. In January Radio Free Asia reported that local authorities in Akesu (Aksu) Prefecture, Xinhe (Toqsu) County, ordered all Uighurs between the age of 18 and 65 to take part in a forced labor program to prevent their involvement in "illegal activities" and promote stability in the area.

The law states that "schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever possible, use textbooks in their own languages and use their languages as the media of instruction." Despite guarantees of cultural and linguistic rights, many primary, middle, and high school students in the XUAR had limited access to Uighur-language instruction and textbooks. In 2014 the XUAR Education Department reported that 69 percent of Uighur primary and secondary students received bilingual education--a term that refers to a general curriculum taught in Mandarin with only a supplementary course in the minority language--an increase from 34 percent in 2010. The prevailing view in many Uighur communities was that bilingual education came at the expense of their mother tongue. Many contacts complained the country's language policy did not adequately train Uighur students in Mandarin nor provide access to sufficient Uighur-language resources.

Officials in the XUAR continued to implement a pledge to crack down on the government-designated “three evil forces” of religious extremism, ethnic separatism, and violent terrorism, and they outlined efforts to launch a concentrated antiseparatist re-education campaign. Some police raids, arbitrary detentions, and judicial punishments, ostensibly directed at individuals or organizations suspected of promoting the “three evil forces,” appeared to target groups or individuals peacefully seeking to express their political or religious views. The government continued to repress Uighurs expressing peaceful political dissent and independent Muslim religious leaders, often citing counterterrorism as the reason for taking action. Officials continued to use the threat of violence as justification for extreme security measures directed at the local population, journalists, and visiting foreigners.

In March authorities tried 25 individuals who were teaching Islamic religious studies or sending their children to schools that offered such classes on the charge of “endangering state security” in Qaraqash County, Hotan Prefecture.

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 August Xinhua reported that the Xinjiang Bingtuan Intermediary Court Division No. 1 convicted 25 Uighurs on terrorism charges, with sentences ranging from three years to life in prison. In August Xinjiang courts also sentenced 43 persons to prison terms of between four and 15 years for “participating or financing terrorist organizations.”

The government pressured foreign countries to repatriate Uighurs who had left China; these Uighurs faced the risk of imprisonment and mistreatment upon return. Some Uighurs returned involuntarily to China disappeared. The international community was unable to independently confirm the welfare of the 109 Uighurs forcibly repatriated from Thailand on July 10. Uighurs residing in Canada indicated that Xinjiang authorities detained and interrogated them during visits to the region, pressuring them to spy on other Uighurs living abroad for Chinese authorities.

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/](http://www.state.gov/religiousfreedomreport/).

A son of exiled Uighur leader Rebiya Kadeer, president of the World Uighur Congress, whom the government blamed for orchestrating the 2009 riots in Urumqi, was released from prison on May 30 after serving nine years in prison.

Radio Free Asia reported increased harassment of family members of its 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 was sentenced to five years in prison for violating state security laws. Two other brothers, who were originally charged with leaking state secrets after discussing the sentencing in a telephone call with the correspondent, were both released from detention in December. According to Radio Free Asia, Gulnar Ablet died from torture while in custody for "leaking state secrets" and "illegally contacting foreigners."

Authorities did not permit possession of publications or audiovisual materials discussing independence, autonomy, or other sensitive subjects. Uighur Abduhelil Zunun remained in prison for his peaceful expression of ideas the government found objectionable.

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.

Ethnic Han control of the region's political and economic institutions 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, and discrimination against Uighurs in employment occurred (see section 7.d.).

As a part of the social stability maintenance campaign, in May 2014 authorities introduced a travel permit for Uighurs traveling outside their home counties. Many Uighurs reported difficulty obtaining the travel permits, which are required to board trains, clear security checkpoints, and check in at hotels throughout Xinjiang.

Protests against land seizures occurred throughout the year across the Inner Mongolia Autonomous Region, resulting in detentions and reports of police abuse, as the regional government sought to implement the central government's policy of resettling the country's nomadic population. In January a Mongolian herder from Abag Banner hanged himself outside a government building to protest the illegal occupation of his grazing land by local authorities. In March *The Washington Post* reported hundreds of villagers from Daqintala in Naiman County staged a three-week protest against toxic waste and land grabs by mining and mineral resources industries. More than 2,000 riot police officers were deployed to break up the protest with rubber bullets and high-pressure water guns.

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, transgender, and intersex (LGBTI) persons refrained from publicly discussing their sexual orientation or gender identity. Individual activists and organizations working on LGBTI issues continued to report discrimination and harassment from authorities, similar to that experienced by other organizations that accept funding from overseas.

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

Although homosexuality is no longer officially pathologized, some mental health practitioners offered "corrective treatment" to LGBTI persons at "conversion therapy" centers or hospital psychiatric wards, sometimes at the behest of family members.

NGOs reported that although public advocacy work became more difficult for them in light of the draft Foreign NGO Management Law, they made progress in advocating for LGBTI rights through specific antidiscrimination cases.

### **HIV and AIDS Social Stigma**

Public health authorities reported in 2014 that there were at least 500,000 persons with HIV or AIDS in the country. The Center for Disease Control and Prevention reported that new HIV diagnoses increased by 104,000 in 2014, 14.8 percent more than in 2013.

Discrimination against persons with HIV remained a problem, impacting individuals' employment (see section 7.d.), educational, and housing opportunities and impeding access to health care. The law allowed employers and schools to bar persons with infectious diseases and did not afford specific protections based on HIV status. During the year state media reported instances of persons with HIV/AIDS who were barred from housing, education, or employment due to their HIV status.

While in the past, persons with HIV/AIDS were routinely denied admission to hospitals, discrimination was less overt, and some hospitals gave questionable excuses for not being able to treat them. Hospitals expressed fears 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 HIV/AIDS patients to specialty hospitals working with infectious diseases.

According to NGOs, patients with HIV hid their HIV status from doctors to avoid discrimination. A 2013 study by the Joint UN Program on HIV/AIDS conducted across seven provinces found that 53 percent of HIV-infected respondents who had recently been to a doctor were denied immediate treatment, often either being referred to an infectious disease hospital less equipped to handle ordinary medical problems or refused treatment entirely. Some respondents said they chose to forego medical treatment altogether rather than navigate obstacles imposed by the health care system.

Inadequate protection for health-care workers exposed to HIV in the workplace was cited as a reason persons with HIV/AIDS faced challenges in the health-care system. In August the National Health and Family Planning Commission sought to address this problem by issuing a regulation recognizing HIV exposure as an occupational hazard in certain professions, including medicine and public security. State media characterized the regulation in part as an effort to better protect the rights of health workers while curbing AIDS-related discrimination.

### **Other Societal Violence or Discrimination**

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

Despite provisions in the law, discrimination against hepatitis B carriers (including 20 million chronic carriers) remained widespread in many areas, and local governments sometimes tried to suppress their activities.

Despite a 2010 nationwide rule banning mandatory hepatitis B virus tests in job and school admissions applications, many companies continued to use hepatitis B testing as part of their preemployment screening (see section 7.d.).

## **Section 7. Workers Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law does not provide for freedom of association, and workers are not free to organize or join unions of their own choosing. Independent unions are illegal, and the right to strike is not protected in law. The law allows for collective wage bargaining for workers in all types of enterprises. The law further provides for industrial sector-wide or regional collective contracts, and enterprise-level collective contracts were generally compulsory throughout the country. Regulations require 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.

The law provides legal protections against antiunion discrimination and specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. The law provides for the reinstatement of workers dismissed for union activity as well as for other enterprise penalties for antiunion activities.

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. The ACFTU and its provincial and local branches continued aggressively to establish new constituent unions and add new members, especially among migrant workers in large, multinational enterprises. The law gives the ACFTU financial and administrative control over all constituent unions

empowered to represent employees in negotiating and signing collective contracts with enterprises and public institutions. The law does not mandate the ACFTU to represent the interests of workers in disputes.

The 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 the 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.

The law does not expressly prohibit work stoppages, and it is not illegal for workers to strike spontaneously. In some cases spontaneous strikes resulted in positive outcomes for workers, such as wage increases. After approximately 40,000 shoe factory workers went on strike in Guangdong Province in April, authorities intervened to force employers to fund arrears in social insurance contributions for workers. In other cases, however, local authorities cracked down on even peaceful strikes, charging leaders with vague criminal offenses, such as “picking quarrels,” “disturbing public order,” “damaging production operations,” or detaining them without any charges at all. Some provincial-level legislation facilitated collective consultations, while legislation in other provinces contains provisions prohibiting workers from taking collective action and allows employers to fire workers who engaged in collective action, including strikes, during the negotiation of collective contracts. The only legally specified role for the ACFTU in strikes is to participate in investigations and assist the Ministry of Human Resources and Social Security in resolving disputes. There were, however, reports of cases in which ACFTU officials joined police in suppressing strikes.

While there were no publicly available official statistics on inspection efforts to enforce labor laws, and enforcement was generally insufficient to deter wide-scale violations. Labor inspectors lacked authority to compel employers to correct violations. 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. Local authorities in some areas actively sought to limit efforts by independent civil society and legal practitioners to offer organized advocacy, and some areas maintained informal quotas on the number of cases allowed to proceed beyond mediation.

Despite the appearances of a strong labor movement and relatively high levels of union registration, genuine freedom of association and worker representation did

not exist. ACFTU constituent unions were generally ineffective in representing and protecting the rights and interests of workers. Workers generally did not see the ACFTU as an advocate, especially migrant workers who had the least interaction with union officials.

The ACFTU and the CCP undermined freedom of association by maintaining 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 often were drawn from the ranks of management. Direct election by workers of union leaders continued to be rare, occurred only at the enterprise level, and was subject to supervision by higher levels of the union or the CCP. In enterprises where direct election of union officers took place, regional ACFTU officers and local CCP authorities retained control over the selection and approval of candidates. Even in these cases, workers and NGOs expressed concern about the sustainability of elections and the knowledge and capacity of elected union officials who often lacked collective bargaining skills.

Employers often circumvented legal provisions allowing for collective consultation over wages, hours, days off, and benefits through such tactics as forcing employees to sign blank contracts and failing to provide workers with copies of their contracts.

There continued to be reports of workers throughout the country engaging in strikes, work stoppages, and other protest actions. Strikes occurred in a broad range of sectors. While many strikes occurred in manufacturing, there were also reports of strikes in the transport, sanitation, and service industries. More strikes concerned nonwage issues, such as pension benefits, than in previous years. 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 categorizing nonviolent worker protests, or even disseminating information about protests, as illegal activities. Coordinated efforts by governments at the central, provincial, and local levels, including harassment, detention, and the imposition of travel restrictions on labor rights defenders and restrictions on funding sources for NGOs, disrupted labor rights advocacy. In December police in Guangdong arrested Zeng Feiyang, director of

the Panyu Workers' Center, for "gathering a crowd to disturb social order." Police also detained on similar charges six other workers' rights defenders: Zhu Xiaomei, Meng Han, and Tang Beiguo of Panyu Dagongzu Service Center; Deng Xiaoming, a volunteer with Haige Service Center; He Xiaobo of Foshan Nanfeiyang Social Work Service Center; and Peng Jiayong of Labor Mutual-Aid Center. Even before the December detentions, labor NGOs that previously provided information, training, and legal support to workers on collective bargaining and dispute resolution suspended their activities. Spontaneous workers groups, self-taught and self-organized at the enterprise level, were the predominant form of self-help.

Labor activists detained in previous years reportedly remained in detention at year's end, including: Cao Baoyin, Chen Yong, Liu Jiakai, Liu Jian, Memet Turghun Abdulla, Wang Miaogen, Xing Shiku, and Zhou Decai.

### **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 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.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://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 enterprises that illegally hire minors and provides that underage children found working 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.

The government did 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. The International Labor Organization (ILO) urged the government to be more transparent about inspection methodology and measures in place to prevent collusion between employers and inspectors.

Abuse of the student-worker system continued as well; as in past years, there were allegations that schools and local officials improperly facilitated the supply of student laborers. ILO research in 2014 into work-study programs in the apparel sector found that 52.1 percent of interns worked under conditions that did not meet national minimum standards and that 14.8 percent were subject to involuntary or coercive work.

#### **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 30 outlines employment protections available to carriers of infectious diseases. Enforcement clauses include the right to pursue civil damages through the courts. Other laws provide similar protections for women and persons with disabilities. The Labor Contract Law includes a provision limiting the circumstances under which employers could terminate the contracts of employees suspected of suffering from an occupational disease and those within five years of the statutory retirement age. The Ministry of Human Resources and Social Security and the local labor bureaus were responsible for verifying that enterprises complied with the labor laws and the employment promotion law.

Discrimination in employment was widespread, including in recruitment advertisements that discriminated based on 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, HIV and AIDS Social Stigma and Other Societal Violence or Discrimination).

Many employers preferred to hire men to avoid the expense of maternity leave and child care (paid paternity leave exists for men in some localities, but there is no national provision for paternity leave). The official retirement age was generally 60 for men and 55 for women. Some employers lowered the effective retirement age for female workers to 50. Lower retirement ages reduced overall pension benefits, which were generally based on the number of years worked. There was growing concern among women that the new two-child policy could mean further barriers to formal employment, as employers could view a potential second child to mean additional maternity leave and more time requirements outside of a job in order to care for children.

Discrimination on the basis of ethnicity also occurred. Some job advertisements in the XUAR made clear that Uighur applicants would not be considered for employment.

The government maintained a quota system to help provide employment for persons with disabilities, but some observers reported that the system had a perverse effect, with some employers putting such employees on the payroll simply to meet the quota but not requiring them to show up for work.

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.

On December 11, authorities issued the Provisional Regulations for Residency. Effective from January 1, 2016, the provisional regulations would require local authorities to establish a streamlined process for migrants to register as urban residents, renewable annually, and to provide and pay for a package of limited social service benefits for these new residents. The most important of the social service benefits would be the inclusion of compulsory-level education for the children of legal residents, meaning that children of migrant workers would be eligible to relocate with their parents and attend local urban schools. While the regulations would benefit many of the estimated 270 million migrant workers residing in urban centers, the unaltered half-century old hukou system remained the most pervasive form of employment-related discrimination by denying migrant workers access to the full range of social benefits, including health care, pensions and disability programs, on an equal basis with local residents.

#### **e. Acceptable Conditions of Work**

While many labor laws and regulations on worker safety were fully compatible with international standards, implementation and enforcement were inadequate. Negligence, lack of safety checks, weak enforcement of laws and regulations, ineffective supervision, and inadequate emergency responses led to numerous workplace accidents during the year. In August two explosions in a warehouse storing hazardous chemicals destroyed nearby residences in Tianjin and killed at least 173 persons, including 104 first responders. In December a landslide of construction waste in south Guangdong Province killed at least 58 persons.

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.

As the economy slowed, excessive overtime diminished but still occurred. In many cases workers encouraged noncompliance by requesting greater overtime to counterbalance low base wages and increase overall income.

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. For the most part, average wage levels continued to increase, and almost all local and provincial governments raised minimum wage levels during the year because of changing economic and demographic conditions. According to the ministry, the rate of increase in minimum wages nationwide slowed beginning in 2011, when officials first publicly released the data. Despite the slowing economy, spot shortages of skilled labor and successful strikes led to increased wage levels for workers in many parts of the country.

Nonpayment of wages remained a problem in many areas. Governments at various levels continued efforts to prevent arrears and to recover payment of unpaid wages and insurance contributions. It remained possible for companies to relocate or close on short notice, often leaving employees without adequate recourse for due compensation.

The State Administration for Work Safety sets and enforces occupational health and safety regulations. The law requires employers to provide free health checkups for employees working in hazardous conditions and to inform them of the results. The law also provides workers the right to report violations or remove

themselves from workplace situations that could endanger their health without jeopardy to their employment.

Regulations state that labor and social security bureaus at or above the county level are responsible for enforcement of labor laws. 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. Although creative strategies by some multinational purchasers provided new approaches to reducing the incidence of labor violations in supplier factories, insufficient government oversight of supplier factories continued to contribute to poor working conditions.

The law offers cash rewards and stipulates protections for worker “whistleblowers” who reported 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.

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.

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 country’s 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. According to a 2015 Peking University report, pneumoconiosis accounted for 90 percent of victims of occupational disease. There were 750,000 officially reported cases of pneumoconiosis as of the

end of 2013, with 60 percent of the cases attributed to coal mining. A charitable NGO that helped to treat migrant workers afflicted with pneumoconiosis estimated that there were an additional 6 million “unofficial” cases of pneumoconiosis among migrant workers.

According to official statistics from the National Development and Reform Commission, there were 66 deaths reported at coal mines through the first 11 months of the year, down 68 percent from the same period in 2014. In December, however, 19 additional miners perished in an explosion and fire at a mine in Heilongjiang Province, not far from the site where 22 other workers died in a fire in November at a mine severely criticized by work safety authorities for poor supervision. The coal sector reported a 62 percent year-on-year drop in profits through October, and lower production rates helped make conditions in mines safer, although, according to media reports, safety inspectors were among those laid off as profits fell.

## TIBET 2015 HUMAN RIGHTS REPORT

### 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's) 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 over the security forces.

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 detentions, disappearances, and torture. 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 protested against government or business actions, or expressed their support for the Dalai Lama.

The government strictly controlled information about, and access to, the TAR and some Tibetan areas outside the TAR, making it difficult to determine fully the scope of human rights problems. 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. With the exception of a few highly controlled trips, 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 there was no publicly available information to indicate 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**

Seven Tibetans reportedly self-immolated during the year, including laypersons and Tibetan Buddhist clergy, fewer than the 11 self-immolations reported in 2014 and significantly fewer than the 83 self-immolations reported in 2012. Non-Chinese media reports stated the declining number of reported self-immolations was due to tightened security by authorities and the collective punishment of self-immolators' associates.

Self-immolators reportedly viewed their acts as protests against the government's 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 Procuratorate, 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 religious burial rites or mourning activities for self-immolators.

According to an August 2014 report by the International Campaign for Tibet (ICT), since 2012 at least 11 Tibetans were sentenced to prison terms or death on charges of “intentional homicide” 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. In November 2014, CCP officials detained Bachen Gyewa (Ngawang Monlam), head of Buzhung village in Driru (Biru) county in the TAR. Shortly thereafter, public security officials allegedly beat him to death. Bachen Gyewa was a former monk at Pekar Monastery where protests against government restrictions on religion had occurred in recent years.

Tibetan exiles and other observers believed Chinese authorities released Tibetan political prisoners in poor health to avoid deaths in custody. Lobsang Yeshi, a former village leader, died in a Lhasa hospital after enduring torture, mistreatment, and negligence at the hands of prison authorities, according to a July report by the Tibetan Center for Human Rights and Democracy. Authorities detained Lobsang Yeshi in 2014 after he protested against mining operations near his hometown.

### **Disappearance**

Authorities in Tibetan areas continued to detain Tibetans arbitrarily for indefinite periods. In October police detained Lobsang Jamyang, a 15-year-old monk at Ngaba’s Kirti monastery in Sichuan Province, for staging a protest and calling for the return of the Dalai Lama, according to Radio Free Asia (RFA). His whereabouts remained unknown.

In March, state security agents detained Druklo (pen name: Shokjang), a Tibetan writer, in Tongren (Rebkong) county in Qinghai province. At the end of the year, Druklo’s whereabouts remained unknown, and authorities had provided no information to his family.

The whereabouts of the Panchen Lama, Gedhun Choekyi Nyima, Tibetan Buddhism’s second-most prominent figure after the Dalai Lama, remained unknown. In September a Chinese government official publicly claimed that

Gedhun Choekyi Nyima was “living a normal life, growing up healthily and does not wish to be disturbed.”

### **Torture and Other Cruel and Degrading Treatment**

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, even to the point of death, some Tibetans who were incarcerated or otherwise in custody. In December 2014, prison authorities released Tenzin Choedrag (Tenchoe), an environmental NGO worker, into his family’s care and he died two days later. He was vomiting blood and suffered brain damage reportedly sustained from torture.

In February the ICT released a report that documented the torture and mistreatment of Tibetan prisoners while in custody by Chinese authorities. The report detailed 14 deaths from torture between 2009 and 2014.

### **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. 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 cases of serious illness. 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 March authorities in the TAR's Suo (Sog) County detained Lobsang Dawa, a local monk. Authorities did not give any reason for his detention, according to an RFA report.

### **Denial of Fair Public Trial**

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

### **Trial Procedures**

In cases that authorities claimed involved "endangering state security" or "separatism," trials often were cursory and closed. In its annual work report, the TAR High People's Court stated it firmly fought against separatism and protected social stability by, among other things, sentencing those who instigated protests. According to an August report in the government-controlled *Tibet Daily*, only 15 percent of the cadres (government and party officials) working for courts in the TAR had passed the National Legal Qualification Exam with a C grade certificate or higher. The report concluded that judges in the TAR were "strong politically, but weak professionally." 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 sentenced because of their political or religious activity. Authorities held many prisoners in extrajudicial detention centers and never allowed them to appear in public court.

Based on information available from the political prisoner database of the U.S. Congressional Executive Commission on China (CECC), as of September 1, 646 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 precise determination difficult. An unknown number of persons continued to be held in detention centers, rather than prisons. Of the 646 Tibetan political prisoners tracked by the CECC, 635 were detained on or after March 10, 2008, and 11 were detained prior to March 2008. Of the 635 Tibetan political prisoners who were detained on or after March

10, 2008, 258 were believed or presumed to be detained or imprisoned in Sichuan Province, 208 in the TAR, 96 in Qinghai Province, 71 in Gansu Province, and one each in the Beijing Municipality and the Xinjiang Uighur Autonomous Region. There were 164 persons serving known sentences, which ranged from 18 months to life imprisonment. The average sentence length was eight years and six months. Of the 164 persons serving known sentences, 70 were monks, nuns, or Tibetan Buddhist teachers.

Sentencing information was available for eight of the 11 Tibetan political prisoners detained prior to March 10, 2008, and believed imprisoned as of September 1. Their sentences ranged from nine years to life imprisonment. The average fixed-term sentence was 11 years and nine months.

Prominent Tibetan monk Tenzin Delek Rinpoche died in prison in the summer of 2015 while serving a life sentence for allegedly setting off explosions and inciting separation of the state, according to CNN. According to media reports, he was denied access to adequate medical care. Authorities denied requests from his family to return the body so traditional Tibetan Buddhist funeral rites could be conducted. Authorities allowed relatives and religious leaders to witness the cremation of his body but later forced family members to return his ashes, according to a Radio Free Asia (RFA) report.

### **Arbitrary Interference with Privacy, Family, Home, or Correspondence**

In November, TAR Party Secretary Chen Quanguo said the CCP should punish Communist Party members that follow the Dalai Lama, secretly harbor religious beliefs, make pilgrimages to India, and send their children to study with Tibetans in exile. Authorities continued to monitor private correspondence and to 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 also questioned and detained some individuals that disseminated writings and photos over the internet

According to an October report from *Phayul*, a news website maintained by Tibetan exiles, Samdrub Gyatso, a Tibetan political prisoner who was released earlier in May, was arrested again for alleged possession of materials containing texts regarding the Dalai Lama’s return to Tibet.

### **Freedom of Speech and Press**

Freedom of Speech and Expression: 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.” For example, according to an official media report, police in the TAR’s Mozhu Gongka (Maldro Gongkar) County arrested four persons in August on charges of electronically spreading rumors accusing the China Railway No.2 Construction Bureau, a government-owned enterprise, of polluting rivers and grasslands. In November, a court sentenced 18-year-old Gendun Phuntsok and 19-year-old Lobsang Kalsang, two Tibetan monks from Kirti Monastery in Ngaba Prefecture in Sichuan province (Kham), to four years and three-and-a-half-years in prison respectively. The teenage monks were arrested in March for carrying out two solo protests in the main street of the Ngaba town calling for the return of the Dalai Lama and freedom for Tibetans.

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

Authorities tightly controlled journalists who worked for the domestic press, and could hire and fire them on the basis of political reliability. For example, in March the TAR Bureau for Press, Radio, and Television 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: In June the International Campaign for Tibet released a report that documented the cases of 11 Tibetan writers and intellectuals and 10 Tibetan singers who have faced imprisonment and repression. Authorities detained the Tibetan writer Lomik in April on unknown charges after he wrote and spoke about political repression and social problems on the Tibetan Plateau.

Censorship or Content Restrictions: 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. In August authorities shut down a website called *Choemei*, which shared news, music, and literature in the Tibetan language. According to an RFA report, authorities ordered the owner of the website to register the website with the Department of Communications.

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. According to a June RFA report, authorities in Qinghai Province confiscated or destroyed "illegal" satellite dishes.

National Security: In July China enacted a new National Security Law that includes provisions regarding the management of ethnic minorities and religion. China frequently blamed "hostile foreign forces" for creating instability in Tibetan areas and cited the need to protect "national security" and "fight against separatism" as justifications for its policies, including censorship policies, in Tibetan areas.

The central government's emphasis on security and stability in Tibetan areas was reflected in the policy decisions made in the Sixth Tibet Work Forum in August, as reported by official media. A statement following a July 30 Politburo meeting held that "China must uphold the Party's guidelines for governing Tibet, focusing on safeguarding national unification and ethnic unity [and that] China must unswervingly struggle against splittism."

## **Internet Freedom**

Authorities curtailed cell phone and internet service in the TAR and other Tibetan areas, sometimes for weeks or even months at a time, during times of unrest and politically sensitive periods, such as the March anniversaries of the 1959 and 2008 protests, "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. Many individuals in the TAR and other Tibetan areas reported receiving official warnings after using their cell phones to exchange what the government deemed to be sensitive information.

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.

### **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. Authorities in Tibetan areas regularly banned the sale and distribution of music they deemed to have sensitive political content.

In August senior officials of the TAR Academy of Social Science encouraged scholars to maintain “a correct political and academic direction” and held a conference to “improve” scholars’ “political ideology” and “fight against separatists.”

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, which is widely spoken, is used for most official communications, and is the predominant language of instruction in

public schools in many Tibetan areas. Private printing businesses in Chengdu needed special government approval to print in the Tibetan language.

In January officials in Yushu TAP in Qinghai Province shut down a workshop that a Buddhist monastery had held for local children for 24 years consecutively. Tibetan language was among the subjects of the workshop. In November 2014, students at the Tibetan Language Middle School in Ruo-ergai (Dzoege) county in Sichuan Province reportedly protested against a proposed change from Tibetan to Mandarin Chinese as the language of instruction.

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.

China's most prestigious universities provided no instruction in Tibetan or other ethnic minority languages, although classes teaching the Tibetan language were available at a small number of universities. "Nationalities" universities, established to serve ethnic minority students and ethnic 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 policies or practices they found objectionable. A February RFA report stated that authorities in Qinghai Province's Tongren (Rebkong) County circulated a list of unlawful activities. The list included "illegal associations formed in the name of the Tibetan language, the environment, and education." In February police in Sichuan Province's capital city of Chengdu quickly arrested a group of Tibetans peacefully protesting a government land seizure in Sichuan's Ruo'ergai (Zoige) County outside a meeting of the Provincial People's Congress.

### **Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

## **Freedom of Movement**

Chinese law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government severely restricted travel and freedom of movement of Tibetans, however, particularly Tibetan Buddhist monks and nuns.

In-country Movement: Freedom of movement for all Tibetans, but particularly for monks and nuns, remained severely restricted throughout the TAR, as well as in other Tibetan areas. The PAP and local Public Security Bureaus set up roadblocks and checkpoints on major roads, in cities, and on the outskirts of cities and monasteries, particularly around sensitive dates. Tibetans traveling in monastic attire were subject to extra scrutiny by police at roadside checkpoints and at airports.

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

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. Implementation of this restriction was especially rigorous in the TAR.

Foreign Travel: Many Tibetans continued to report difficulties in obtaining new, or renewing existing, passports. A July report by Human Rights Watch found that Tibetans and other minorities must provide far more extensive documentation than other Chinese citizens when applying for a Chinese passport. For Tibetans the passport application process can take years and frequently ends in rejection. Some

Tibetans reported they were able to obtain passports only after paying substantial bribes or promising 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 2015, 89 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. This compared to 80 in 2014, down from 171 in 2013 and 242 in 2012.

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. For example, in May, RFA reported that the Chengdu Municipal Tourism Office forbade travel agents to sell package overseas tours to Tibetans between May 20 and July 15, the period around the Dalai Lama's July 6 birthday.

The government regulated travel by foreigners to the TAR, a restriction not applied to any other provincial-level entity in the PRC. In accordance with a 1989 regulation, foreign visitors 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. The decline in the number of foreign tourists to the TAR was more than offset by an increase in domestic ethnic Han visitors to the TAR. Unlike foreign tourists, ethnic Han tourists do not need special permits to visit the TAR.

Officials continued to restrict 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. Although such permission was difficult to obtain, TAR authorities granted one visit by the U.S. Ambassador in May, one scheduled

consular visit in November, and travel by a congressional delegation also in November. 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).

### **Freedom to Participate in the Political Process**

According to the law, Tibetans and other Chinese citizens have the right to vote in some local elections. In practice the Chinese government severely restricts its citizens' ability to participate in any meaningful elections. For example, in January, RFA reported that security forces in Kyangchu Village in Qinghai Province detained nearly 70 Tibetans who had protested against local officials' insistence that villagers vote for the local government's preferred candidate in a village election.

### **Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corrupt acts by officials, but the government did not implement the law effectively in Tibetan areas, and officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption in Tibetan areas during the year. In June authorities detained Le Dake, deputy head of the TAR People's Congress Standing Committee and former head of the TAR State Security Bureau, for a "serious violation of discipline and law," a common euphemism for corruption.

### **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, in 2012 female cadres (government and party officials) 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. This policy also resulted in diminished acquisition of the Tibetan language and culture by removing Tibetan children from their homes and communities where the Tibetan language is used.

## **Trafficking in Persons**

See the Department of State’s annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Ethnic Minorities**

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

Migrants to the TAR and other parts of the Tibetan Plateau were overwhelmingly concentrated in urban areas. Government policies to subsidize economic development often benefited ethnic Han more than Tibetans. In many predominantly 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.

Economic and social exclusion was a major source of discontent among a varied cross section of Tibetans. Some Tibetans continued to report discrimination in employment. Some Tibetans reported it was more difficult for Tibetans than ethnic 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 a decrease of beneficial NGO programs in the TAR and other Tibetan areas.

The government continued its campaign to resettle Tibetan nomads into urban areas and newly created communities in rural areas across the TAR and other Tibetan areas. Despite a January 2014 Xinhua report that claimed the TAR's eight-year nomad resettlement program was officially completed at the end of 2013, there were new reports of compulsory resettlement. 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 September media report noted that Tibetans and other minority ethnic groups made up 70 percent of government employees in the TAR, the top CCP position of TAR party secretary continued to be held by an ethnic 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 nine 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.

## HONG KONG 2015 HUMAN RIGHTS REPORT

### EXECUTIVE SUMMARY

Hong Kong is a special administrative region (SAR) of the People's Republic of China (PRC). The 1984 Sino-British Joint Declaration on the Question of Hong Kong and the SAR's charter, the Basic Law of the SAR (also known as the Basic Law), specify that the SAR will enjoy a high degree of autonomy under the "one country, two systems" framework 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), consisting of a combination of 40 seats directly elected by voters and 30 seats selected by limited franchise functional constituencies that generally supported the government in Beijing, was elected in September 2012. In November voters directly elected all 431 district councilors who advise the Hong Kong government on how policies and operations impact their constituents but do not have any lawmaking power themselves. This marked the first time since 1997 that the CE's office did not appoint any councilors to serve in their respective districts. Civilian authorities maintained effective control over the security forces.

Following 79 days of prodemocracy protests that ended in December 2014, which at their peak drew more than 100,000 residents onto the streets, the Hong Kong government put forward a reform package for implementing universal suffrage in the election of the chief executive in 2017. Conforming to narrow restrictions dictated by the National People's Congress in August 2014, the reform package had stipulated that only two or three candidates could stand for general election by universal suffrage and only after they had secured the support of more than half of the members of a generally pro-Beijing nominating committee. Critics maintained these reforms would have introduced overly narrow restrictions on who could stand for general election, and on June 18, the Legislative Council rejected the package.

The most important human rights problems reported were the limited ability of citizens to participate in and change their government through free and fair elections, limitations on freedom of the press and expression, including new concerns about academic freedom, apparent extrajudicial disappearances of five publishers of books critical of the Communist Party leadership, and incidents of violence against the media.

Other human rights problems included denial of visas for political reasons, arbitrary arrest or detention, other aggressive police tactics hampering the freedom of assembly, trafficking in persons, 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**

Five men working in Hong Kong's publishing industry disappeared between October and December from Thailand, Hong Kong, and mainland China. In addition to being Hong Kong residents, one of the men was a Swedish national and another a British national. Media coverage of these cases noted the men worked for Mighty Current, a publishing house, and its affiliated Causeway Bay Bookstore, which were known for selling books critical of the Chinese Communist Party and its leaders. Credible reports gave rise to widespread suspicions that PRC security officials were involved in their 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 913 allegations of excessive use of force by police. According to police force statistics, four allegations were substantiated as reported, one was substantiated other than as reported, 10 were unsubstantiated, two were adjudicated as false, eight did not involve fault, 126 were not pursuable, 229 were withdrawn, and 31 were informally resolved. As of June there were 502 allegations pending investigation and endorsement by the Independent Police Complaints Council (IPCC). There were 31 allegations of assault by police

officers on persons not in custody, of which three were not pursuable, and two were withdrawn. As of June there were 26 allegations pending investigation and endorsement by the IPCC. There were also 119 allegations of assault by police officers against persons in custody in the first half of the year. Of those, 11 were not pursuable, 26 were withdrawn as of June, and 82 allegations were pending investigation and endorsement by the IPCC. There were no reports of death in custody due to excessive police force.

### **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, the media, and religious groups.

The government does not have separate detention facilities for migrants or asylum seekers.

Physical Conditions: During the year the CSD reported it managed 24 penal institutions (comprising minimum-, medium-, and maximum-security prisons; a psychiatric center; and training, detention, rehabilitation, and drug addiction treatment centers).

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.

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

Administration: Judicial authorities investigated credible allegations of problematic conditions and documented the results in a publicly accessible manner. The government investigated and monitored prison and detention center conditions, and there was an external Office of the Ombudsman.

Independent Monitoring: The government permitted human rights groups to conduct prison visits; however, as of September the CSD had not received any requests for such visits. The CSD reported that from January to June, seven media outlets had visited the SAR's prisons. 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 216 unannounced visits to penal institutions.

#### **d. Arbitrary Arrest or Detention**

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

#### **Role of the Police and Security Apparatus**

The Hong Kong Police Force maintains internal security and reports to the Security Bureau. The People's Liberation Army is responsible for external security. The Immigration Department controls the entry of persons into and out of the SAR as well as the documentation of local residents. Civilian authorities maintained effective control over the police force, and the government had effective mechanisms to investigate and punish abuse and corruption. The reported involvement of mainland security forces in the disappearances of five Hong Kong book publishers, however, raised concerns about the activities of mainland security forces in Hong Kong.

According to international and local media reports in late 2014, the mainland PRC's Ministry of State Security deployed operatives in Hong Kong to surveil critics of the central government's policies. Their targets reportedly included key figures in the prodemocracy movement, political activists, lawyers, academics, businesspersons, and religious leaders. The ministry reportedly recruited former Hong Kong police officers with surveillance training and pro-Beijing sympathies to assist mainland agents with political surveillance operations inside Hong Kong. In one reported case, police arrested men alleged to have been part of a ministry surveillance team that was following a prodemocracy legislator but released them shortly thereafter.

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 fully cooperate.

In July the National People's Congress passed a national security law containing a provision obligating Hong Kong residents to "safeguard national sovereignty, unity, and territorial integrity." The law does not offer specifics on how residents should fulfill this obligation nor a mechanism to enforce the provision, and CE Leung stated publicly in July that the law does not apply to Hong Kong. Leung further commented that, while Hong Kong had a responsibility to protect China's national security, this obligation should be fulfilled by passing local legislation in accordance with Article 23 of the Basic Law. In July Leung said that the government had no current plans to enact Article 23 legislation.

### **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. Detainees were generally 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 and participants in the fall 2014 prodemocracy protests claimed they were subject to incidents of politically motivated arbitrary arrest. The Department of Justice maintained political considerations did not factor into its decision to charge several activists with crimes related to the 2014 protests. The Secretary for Justice publicly attributed the delay to the need to investigate and make decisions on each individual case, the high number of suspected offenses during the Occupy protests, and the need for legal advice from UK-based lawyers on whether or not to prosecute. The magistrate at a September 2 pretrial hearing for several activists charged in connection with alleged actions at the start of the protests questioned why it took the government nearly a year to bring the charges if the cases were "straightforward" as prosecutors claimed.

In August authorities charged several prominent student prodemocracy activists, including Joshua Wong, the convener of the prodemocracy student activist group

Scholarism; Hong Kong Federation of Students (HKFS) secretary-general Nathan Law; and HKFS former secretary-general Alex Chow, with unlawful assembly, obstructing police, and other crimes related to both the fall 2014 Occupy protests and the earlier release of the State Council's *White Paper on Hong Kong* in June 2014. The students pled not guilty in September, and the court scheduled the trial for February 2016.

Many experts assessed the police use of force during the protests in the fall of 2014 as generally professional and appropriate. Some prodemocracy activists, nongovernmental organization (NGO) observers, and journalists expressed concerns about certain police actions. Video footage showed plainclothes police officers abusing Ken Tsang, a prodemocracy activist, in October 2014. Tsang's lawyer stated that police officers handcuffed Tsang before beating him. The police force suspended the seven officers and arrested them in November 2014, following an investigation. In July a court granted Tsang's request for judicial review of the police's refusal to name the seven officers alleged to have assaulted him; police subsequently released the names of all seven officers. In October prosecutors charged the seven officers with the crime of "wounding or striking with intent to do grievous bodily harm," which carries a maximum possible punishment of life imprisonment. Prosecutors separately charged Tsang with assaulting and obstructing police officers, which carries a maximum possible sentence of two years' imprisonment. In November and December the District and Eastern Magistrate and courts, respectively, heard pretrial testimony in the case. The court was slated to reconvene to finish pretrial hearings in January 2016, and the trial of the police officers was scheduled for April 2016.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the SAR government generally respected judicial independence. The judiciary provided citizens with a fair and efficient judicial process.

#### **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. 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.

Hong Kong's unique, common law judicial system operates within the PRC; the SAR's courts are charged with interpreting those provisions of the Basic Law that address matters within the limits of the SAR's autonomy. The courts also interpret provisions of the Basic Law that 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 (NPCSC). The Basic Law requires that courts follow the NPCSC's interpretations where cases intersect with central government jurisdiction, although judgments previously rendered are not affected. As the final interpreter of the Basic Law, the NPCSC also has the power to initiate interpretations of the Basic Law.

The NPCSC's Committee for the Basic Law, composed of six mainland and six Hong Kong members, interprets the Basic Law. 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 potentially be used to limit the independence of the judiciary or degrade the courts' authority.

### **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. The SAR's courts continued to exercise a high degree of autonomy under the Basic Law. Activists and other observers, however, continued to express concerns that the SAR government and central government may seek to erode the judiciary's independence, particularly following the issuance of the 2014 PRC White Paper that described judges as "administrators" who must be "patriotic" toward China.

#### **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 are met. Data, including digital communications intended to remain private, may be transferred to a body outside 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 are 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 may 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 one million Hong Kong dollars (HK\$) (\$128,700).

In August outgoing privacy commissioner Allan Chiang emphasized in his farewell blog the important link between privacy protection and freedom of expression. He cited an instance in which local students had expressed positive

views on progovernment political reform during an interview conducted by a pro-Beijing organization for selection of students to join an overseas study tour. They were harassed online after the organization uploaded the interviews to YouTube without their consent.

In September the government reported a telecommunications service provider was convicted of failure to comply with a customer's request for cessation of the use of his personal data in direct marketing activities. The provider was fined. This was the first conviction under the new direct marketing regulatory regime, which took effect in 2013 under the Personal Data Privacy Amendment Ordinance.

Additionally, from January through August, the government reported the privacy commissioner had completed action on 1,177 cases, identifying violations in eight cases. Five cases remained pending in the courts at year's end.

## **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, an unfettered internet, 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 and Expression: There were no legal restrictions or restrictions imposed by other actors on the ability of individuals to criticize the government publicly or privately or to discuss matters of general public interest without reprisal. Many in the media and civil society organizations, however, alleged the central government exerted indirect pressure on media organizations to mute criticism of its policy priorities in the SAR.

Press and Media Freedoms: In March the Hong Kong Journalists Association said press freedom had deteriorated further from the previous year, which it had already described as "the darkest for press freedom" in several decades. Its Press Freedom Index declined to 48.4 for the general public, reflecting a year-on-year decline of 0.6 percent, and to 38.9 for journalists, representing a year-on-year decline of 3.1 percent. The association attributed the worsening trend to more frequent physical and verbal attacks on journalists during the Occupy protests and an increase in self-censorship. It also criticized the government for decreased transparency and what

it characterized as increasingly selective disclosures of information to the media. The association's vice chair called for the introduction of a "freedom of information act" as soon as possible.

Violence and Harassment: A number of violent attacks on media-related personalities took place during the year. Courts levied punishments on persons who had committed violent crimes against journalists in prior years.

In January assailants threw a firebomb at the home of prodemocracy activist and Next Media founder Jimmy Lai. Attackers also set fire to the entrance of the media company's building in the New Territories. Police announced they were searching for four suspects in connection with the two attacks but had made no arrests as of December.

Local and international media reported police arrested seven Hong Kong residents for participating in the February 2014 knife attack of 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. In addition, in March police in Guangzhou arrested two men in connection with the attack; the two subsequently returned to Hong Kong to stand trial. In August a High Court jury convicted them of causing grievous bodily harm to Lau with intent; Justice Esther Toh Lye-ping subsequently sentenced each to 19 years in prison.

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. According to the Committee to Protect Journalists, more than half of Hong Kong's media owners held official roles in the PRC political system, either as delegates to the NPC or to the Chinese People's Political Consultative Conference.

In December mainland e-business platform Alibaba announced that it had purchased a controlling interest in the *South China Morning Post*, long considered the flagship English-language newspaper. In announcing the deal, Alibaba's executive vice chairman in Hong Kong said the company would uphold the *Post*'s independence but also suggested mainstream western media "may not agree with the system of governance in China, and that taints their view of coverage." Some reacted with concern to the newspaper's purchase by a mainland-dependent business with a Chinese Communist Party (CCP) committee embedded in its

management, fearing the space for independent voices in Hong Kong media would continue to shrink.

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 SAR government.

Libel/Slander Laws: There were no reports the government or individual public figures used laws against libel or slander to restrict public discussion.

National Security: There were no reports of restrictive media distribution to protect national security.

### **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.

Prodemocracy activists, legislators, lawyers, religious leaders, and other figures in the SAR suspected PRC security agencies may be monitoring their electronic communications. A private cybersecurity company reportedly documented at least one spy ring with ties to the PRC central government that had infiltrated the computer networks of democracy protesters and the prodemocracy Civic Party in Hong Kong.

### **Academic Freedom and Cultural Events**

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

On September 29, the University of Hong Kong's (HKU) Council voted by 12 to 8 to reject the appointment of former law school dean Johannes Chan as HKU's pro-

vice-chancellor. Chan served as dean of HKU's law school for 12 years before stepping down in 2014; he was regarded as an advocate for prodemocracy and human rights causes. While a HKU search committee recommended Chan for the post in 2014, the HKU Council delayed a vote on his nomination following the protests in the fall of 2014 and a series of articles criticizing Chan in progovernment media. HKU's Council voted to delay a decision on Chan's appointment in June, and again in August, before finally voting to reject his appointment in September. This was the first time the HKU Council had voted to reject a candidate recommended by the university's search committee. Many Hong Kong residents, including prodemocracy activists, academics, students, and HKU alumni, expressed concern that HKU's Council had bowed to pressure from the Chief Executive's Office and the central government, and they believed the decision reflected an erosion of the longstanding tradition of academic freedom.

Hong Kong-based international NGOs voiced concern about pro-Beijing media outlets' sustained criticism of their activities, which the newspapers characterized as interference by foreign forces. NGO staff members reported that these efforts to discredit their work in the SAR made it difficult for the groups to continue their existing partnerships with academic institutions and their public outreach. The NGOs also said these media campaigns hindered their work to promote and protect human rights, improve access to information and civic participation in governance, emphasize the importance of academic freedom, and support the independence of the SAR's institutions.

## **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 police routinely issued the required "letter of no objection" for public meetings and demonstrations--including those critical of the SAR and central governments--and the overwhelming majority of protests occurred without serious incident. The police issued 438 letters of no objection in the first half of the year, and government statistics indicated that on average seven to eight "public events" occurred every day. Local NGO Civil Human Rights Front reported that police had increased restrictions on protesters' activities by increasing their use of appendices to stipulate the conditions under which the no-objection letters are issued, compared with prior years. Activists and pandemocratic legislators also expressed concern that the government took a more restrictive view of protests that occurred at the Central Government Liaison Office.

On June 4, tens of thousands of persons peacefully gathered without incident in Victoria Park to commemorate the 26th anniversary of the Tiananmen Square crackdown. The government issued a permit to the Hong Kong Alliance in Support of Patriotic Democratic Movements in China to hold the annual vigil, which--in addition to a small annual event in Macau--was reportedly the only sanctioned event in China to commemorate the Tiananmen Square anniversary.

According to organizers, 48,000 persons participated in an annual July 1 prodemocracy demonstration held on the anniversary of the 1997 transfer of sovereignty over Hong Kong to the PRC. Police estimated 19,000 protesters attended. Participants called for CE Leung to resign, a relaunch of the five-step electoral reform process, abolition of LegCo's Functional Constituencies (FCs), and democratic amendments to the Basic Law. Police deployed thousands of officers but did not interfere with the legally permitted rally.

Government statistics indicated police arrested 125 persons in connection with public order events in the first half of the year.

### **Freedom of Association**

The law provides for freedom of association, and the government generally respected it.

#### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://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 10,068 nonrefoulement claims, including those based on claims under

the CAT, pending Immigration Department processing as of July 31. Of the 2,237 nonrefoulement claims the government processed from March 2014 to June 2015, it determined 12 were substantiated. Applicants and activists continued to complain about 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, or other persons of concern.

There continued to be claims that the Immigration Department refused entry to persons traveling to the SAR for political reasons that did not appear to contravene the law. The Immigration Department, as a matter of policy, declined to comment on individual cases. Activists, some legislators, and other observers contended that the refusals, usually of persons holding views critical of the central government, were made at the behest of PRC authorities. The Security Bureau maintained that the Immigration Department exchanged information with other immigration authorities, including on 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, student protesters, and prodemocracy legislators to visit mainland China. Some of the students who participated in the protest movement in the fall of 2014 alleged the PRC surveilled the protests and blacklisted them.

Emigration and Repatriation: Government policy was to repatriate undocumented migrants who arrived from mainland China, and authorities did not consider them for refugee status. As of July the authorities had returned 1,975 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 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 to UNHCR.

Refoulement: 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 screening 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 while claims are under review. Those granted either refugee status by 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.

### **Section 3. Freedom to Participate in the Political Process**

The Basic Law limits the ability of residents to change their government through free and fair elections. Article 45 of the Basic Law establishes as the "ultimate aim" direct election of the chief executive through "universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." Since 2007 the people of Hong Kong, the SAR government, and the PRC central government have vigorously debated the nature, scope, and pace of democratic and electoral reforms.

Voters directly elect 40 of LegCo's 70 seats. Thirty-five seats are designated as "geographic constituencies" (GCs) and 35 as "functional constituencies" (FCs). All 35 GCs are directly elected, while only five of the FCs are directly elected. The remaining 30 FC seats are selected by a subset of voters from FCs representing key economic and social sectors. Under this structure a limited number of individuals and institutions were able to control multiple votes for LegCo members. In 2012, the constituencies that elected these 30 FC LegCo seats consisted of 238,022 individual and institutional voters, according to local media and the SAR's voter registration statistics. Beginning in 2012, voters could also elect five newly created FC seats in the district council sector, known as "super seats." While technically FC seats, these five LegCo members were directly

elected by the approximately five million voters who were not otherwise represented in another FC and therefore represented larger constituencies than any other seats in LegCo. The government stated the method of selecting FC legislators did not conform to the principle of universal suffrage, but it took no steps to eliminate the FCs.

Under the Basic Law, LegCo members may not introduce bills that affect public expenditure, the political structure, or government policy; only the government may introduce these types of bills. The SAR sends 36 deputies to the mainland's NPC and had 199 delegates in the Chinese People's Political Consultative Conference--bodies that operate under the direction of the CCP and do not exercise legislative independence. The approval 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.

Voters directly elected all 431 of Hong Kong's district council seats in November, following the government's elimination of appointed district council seats. Previously, the CE used his authority to appoint 68 of the 534 members of the district councils, the SAR's most grassroots-level elected bodies.

### **Elections and Political Participation**

Recent Elections: In 2012, in a process widely criticized as undemocratic, the 1,193-member CE Election Committee, dominated by proestablishment electors and their allies, selected former executive council convener C.Y. Leung to be the SAR's chief executive. Leung received 689 votes. The PRC's State Council formally appointed him, and President Hu Jintao swore in Leung.

The 2012 election for a new 70-member LegCo was considered generally free and fair according to the standards established in the Basic Law. Pro-PRC and proestablishment candidates won 43 of 70 LegCo seats, while prodemocracy candidates won 27.

The next chief executive election was scheduled for 2017 under an electoral process identical to the 2012 process, as the LegCo rejected an electoral reform package in June 2015. The next LegCo election was scheduled for 2016.

Between January and August, the Independent Commission against Corruption (ICAC) received 186 complaints concerning alleged breaches of provisions under

the Elections (Corrupt and Illegal Conduct) Ordinance. Media reported the complaints included allegations of fraudulently registering voters without their consent, 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 did not meet certain requirements, failing to file election returns, and providing others with refreshments and entertainment at elections. As of August, 52 complaints were under investigation, 25 were deemed nonpursuable, and 109 were unsubstantiated after investigation. The government attributed this increase in election reports to the rural representative election held in January.

In September, in response to allegations of violations of election law, the ICAC announced it would partner with the Registration and Electoral Office and the Constitutional and Mainland Affairs Bureau to combat vote rigging. The ICAC also announced it would distribute approximately 300,000 pamphlets, hold talks at universities and at homes for the elderly, and stage exhibitions to inform the public of election laws and elicit public support for its efforts to combat voter fraud.

Political Parties and Political Participation: Pandemocratic parties faced a number of institutional challenges, which hampered them from securing a majority of the seats in the LegCo or having one of their members become CE. Of LegCo's 70 seats, 30 were selected by FCs, which were overwhelmingly supportive of the central government. The law does not permit tax-exempt contributions to political parties. The voting process helped ensure that procentral government allies controlled a majority of seats in LegCo. 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.

Participation of Women and Minorities: Six of the 30 members of the Executive Council (cabinet-level secretaries and "nonofficial" councilors who advise the CE) were women. Nine of the 40 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, serving as electoral monitors, 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 individuals who were not ethnically 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: Between January and August, the ICAC received 463 corruption reports involving government personnel concerning alleged breaches of anticorruption laws. As of August the ICAC had 216 under investigation, deemed 193 to be nonpursuable, and deemed 54 unsubstantiated after investigation. During the same period, authorities prosecuted 12 government personnel in eight cases based on reports received prior to 2014. One of these was convicted, while court proceedings against the other 11 remained open at year's end.

On October 5, prosecutors charged former chief executive Donald Tsang with two counts of misconduct in public office. Each count carried a maximum term of seven years' imprisonment. The two charges related to Tsang's alleged failure to disclose a conflict of interest involving his lease of a luxury Shenzhen apartment at below-market rent and his nomination of an architect under Hong Kong's honors system whom Tsang had hired to work on the Shenzhen apartment. The ICAC began its investigation into Tsang in 2012. Tsang remained free on bail while the cases proceeded.

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 16 complaints relating to the code on access to information.

### **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 Opportunities 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 served as a vocal public advocate on minority rights, antidiscrimination for lesbian, gay, bisexual, transsexual, and intersex (LGBTI) individuals, 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. The SAR's antidiscrimination law further prohibits discrimination on the basis of race, family status, sex, or disability. The EOC is responsible for enforcing the relevant laws and in August 2014 launched a public consultation period to determine whether residents wanted the law expanded to protect residents from discrimination on the

basis of sexual orientation and country of origin. The EOC expected to release the results of this survey in January 2016.

## Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and police enforced the law effectively. Through June police received 41 allegations of rape and 504 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 690 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, but 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.

Activists reported domestic violence was more prevalent against ethnic minority women.

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; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: Women enjoy the same legal status and rights as men.

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.).

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 the right of abode in the SAR. Children born in the SAR to non-Chinese parents, at least one of whom is a Hong Kong permanent resident, acquire SAR permanent residence and qualify to apply for naturalization as PRC citizens. Registration of all such statuses was routine.

Child Abuse: From January through June, police received 437 reports of child abuse: 190 involved physical abuse (referring to victims younger than 14) and 247 involved sexual abuse (referring to victims younger than 17). The law mandates protection for victims of child abuse (battery, assault, neglect, abandonment, and sexual exploitation), and the government enforced the law. The law allows for the prosecution of certain sexual offenses, including against minors, committed outside the territory of the SAR.

The government provided parent-education programs, 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 parents' written consent is required for marriage before the age of 21. There was no evidence of early or forced marriage in the SAR.

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.

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/en/country/hong-kong-sar.html](http://travel.state.gov/content/childabduction/en/country/hong-kong-sar.html).

## **Anti-Semitism**

The Jewish community numbered 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/](http://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, with parental consent, placed in special segregated schools, 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 to enhance 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 assessed did 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. The SWD offered subsidized resident-care services for persons considered unable to live independently and offered places for preschool services to children with disabilities. The government reported the SWD also provided community support services for persons with mental disabilities, their families, and other local residents.

Instances of discrimination against persons with disabilities persisted in employment, education, and the provision of some public services (also see section 7.d.). 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, claiming that those 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 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 could 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 has 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. Activists and scholars also noted that these 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 non-ethnic Chinese students, although the government encouraged the parents of non-Chinese speaking children to enroll their children in programs for preprimary Chinese language learners. Students who did not learn Chinese had significant difficulty entering university and the labor market, according to government and NGO reports. 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-sponsored 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 these examinations.

In September activists and local scholars released a study indicating minority students were less likely to attend kindergarten or stay in school, and faced employment discrimination (see section 7.d.).

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 could 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. LGBTI 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 LGBTI 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 LGBTI community.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent unions without previous authorization or excessive requirements and to conduct legal strikes, but it does not protect the right to collective bargaining or obligate employers to bargain. Trade unions claimed the law allows employers simply to refuse to bargain. The law explicitly prohibits civil servants from bargaining collectively; the International Labor Organization (ILO) advised this restriction was too broad and not in line with international standards.

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. 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 or her union rights and cannot prevent or deter the employee from exercising such rights. Under the Employment Ordinance, an employee unreasonably and unlawfully dismissed (including on the grounds of the employee exercising trade union rights) is entitled to reinstatement or reengagement, subject to mutual consent of the employer and the employee, or compensation up to a maximum of HK\$150,000 (\$19,300) for unreasonable and unlawful dismissal. The ILO advised the government to take legislative action to make noncompliance with a reinstatement order a criminal offense.

Penalties for violations of laws providing for freedom of association and collective bargaining laws included fines payable to the government as well as legal damages paid to workers and were sufficient to deter violations. Under the Employment Ordinance, employers who violated antiunion laws were liable to a fine of HK\$100,000 (\$13,000).

The government effectively enforced such laws. 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.

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 that typically stated 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, better worker protections, and standard working hours. According to the government, there were no reports that employers fired workers for participating in a strike during the year. The government reported that as of September, two strikes involving 106 workers had occurred. Activists claimed more strikes took place but that the government did not want to tarnish the SAR's business-friendly image by acknowledging them.

### **b. Prohibition of Forced or Compulsory Labor**

The law does not prohibit all forms of forced or compulsory labor, nor do laws specifically criminalize forced labor.

NGOs voiced concerns 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 allows for the collection of placement fees up to 10 percent of the first month's wages. Some locally licensed employment agencies were suspected of colluding with agencies in the Philippines and Indonesia to profit from a debt scheme, and some local agencies illegally confiscated the passports, employment contracts, and automatic teller machine cards of domestic workers and withheld them until their debt 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/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

There are laws and regulations that provide for protections of children from exploitation in the workplace. Regulations prohibit employment of children under age 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 aged 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. Penalties for violations of child labor laws include fines and legal damages up to HK\$50,000 (\$6,500) and were sufficient to deter violations. In the first eight months of the year, the Labor Department detected no violations of child labor regulations.

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

#### **d. Discrimination with respect to Employment or Occupation**

The law and regulations prohibit employment discrimination on the grounds of race or ethnicity, disability, family status (marital status and/or pregnancy), sex, or disability. 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.

The government generally enforced these laws and regulations, as the SAR's courts had broad powers to levy penalties on those who violated these laws and regulations. Penalties included ordering reinstatement of employees as well as the awarding of damages for loss or emotional damages. These penalties were sufficient to deter violations. Regulations do not prohibit employment discrimination on the grounds of color, religion, political opinion, national origin or citizenship, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status.

Women reported they faced discrimination in employment, salary, welfare, inheritance, and promotion, and some victims filed lawsuits on these grounds. NGOs assessed gender discrimination was more widespread, but many women preferred not to file discrimination cases. Women reportedly formed the majority of the working poor and those who fell outside the protection of labor laws. Instances of discrimination against persons with disabilities persisted in employment. The government estimated approximately 81,000 persons with disabilities were economically active throughout the SAR, 76,200 of whom were employed.

Activists and local scholars released a study in September indicating minority students were more likely to hold low-paying, low-skilled jobs and earn below-average wages. Academics assessed the lack of Chinese language skills were the greatest barriers to employment. Minority group leaders and activists reported government requirements for all job applicants to speak Chinese kept nonnative Chinese speakers out of civil service and law enforcement positions. The police force reportedly employed 100 nonethnic-Chinese constables during the year.

#### **e. Acceptable Conditions of Work**

The statutory minimum hourly wage was re-adjusted to HK\$32.50 (\$4.18) in May for all new contracts signed after October 1. The government also increased the mandatory food allowance for persons working in homes where their employers did not provide meals. On October 1, the SAR increased domestic workers' minimum monthly wage from HK\$4,110 (\$529) to HK\$4,210 (\$542) and increased the minimum monthly food allowance from HK\$964 (\$124) to HK\$995 (\$128).

The official poverty line was half of the median monthly household income before tax and welfare transfers, based on household size. For a one-person household, the poverty line was set at HK\$3,600 (\$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 1.3 million persons (in a population of approximately 7.2 million) were living in poverty.

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. The law stipulates that employees are entitled to 12 days of statutory holidays and employers must not make payment in lieu of granting holidays.

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. In its explanation of why live-in domestic workers (both local and foreign) would not be covered by the statutory minimum wage, the government explained "the distinctive working pattern--round-the-clock presence, provision of service-on-demand, and the multifarious domestic duties expected of live-in domestic workers--made it impossible to ascertain the actual hours worked so as to determine the wages to be paid."

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 the "two-week rule" was necessary to maintain effective immigration

control and prevent migrant workers from overstaying and taking unauthorized work.

During the first eight months of the year, the Labor Tribunal received 973 employment cases involving foreign domestic workers, most of which the government said were related to nonpayment or underpayment of wages and wrongful dismissal. The tribunal convicted three employers on 17 counts of wage default, annual leave default, and failure to pay awards in cases relating to the employment of foreign domestic workers. Domestic workers could also be subject to physical and verbal abuse, poor living and working conditions, and limitations on freedom of movement.

In December 2014 a trial began in a case involving an Indonesian domestic helper, Erwiana Sulistyaningsih allegedly severely abused while working for her former employer, who was charged with violations of labor and criminal laws. Erwiana's former employer, Law Wan-tung, was sentenced to six years in prison in February after being convicted of 18 out of 20 charges, including assault and criminal intimidation.

Regarding maximum hours and rest periods, the government stated the rules on these issues cover local and migrant workers.

Laws exist to provide for health and safety of workers in the workplace. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. No laws restrict work during typhoon or rainstorm warnings. The Labor Department issued a "code of practice" on work arrangements in times of severe weather, which includes a recommendation that employers require only essential staff to come to work during certain categories of typhoon or rainstorm warnings. Both progovernment and pandemocratic unions called for a review of protections for workers during inclement weather, including legal protections.

Data on the number of labor inspectors working for the Department of Labor during the year were unavailable. Penalties for violations of minimum wage or occupational safety and health violations included fines, payments of damages, and worker's compensation payments. These penalties were sufficient to deter violations. The Occupational Safety and Health Branch of the Labor Department is responsible for safety and health promotion, enforcement of safety management legislation, and policy formulation and implementation; it enforced occupational safety and health laws effectively.

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.

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. In the first quarter, the Labor Department recorded 7,786 occupational injuries, including 2,404 classified as industrial accidents, most of which occurred in the construction, manufacturing, and transportation sectors. In the same period, there were five fatal industrial accidents. Employers are required to report any injuries sustained by their employees in work-related accidents. Labor activists continued to raise concerns about fatal industrial accidents, which primarily occurred in construction and infrastructure industries.

## MACAU 2015 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 2014. Macau residents elected 14 of 33 Legislative Assembly representatives in 2013, with seven representatives appointed by the chief executive and 12 selected by functional constituencies. Civilian authorities maintained effective control over the security forces.

Prominent human rights problems reported during the year included 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 that national security legislation 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 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 law prohibits such practices, and there were no reports that government officials employed them.

### **Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards.

Administration: The law allows prisoners and detainees to request investigation of alleged deficiencies in prison conditions, 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. Activists expressed concern that the legal system was being abused to target political dissidents through exaggerated or misapplied charges.

### **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), both of which report to the Secretariat for Security, 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 time limit for pretrial detention ranges 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 15 complaints of police mistreatment reported to the authorities in the latter half of 2014 and the first half of 2015. Twelve cases were found to be unsubstantiated after investigation and one case was withdrawn. Of the remaining two cases, one was substantiated by investigation and one remained pending. There was one reported death in police custody due to suicide.

#### **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 of the Basic Law from the National People's Congress (NPC) Standing Committee. 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, except when the court rules otherwise to "safeguard the dignity of persons (or) public morality, or to ensure the normal functioning of the court." Defendants have the right to be informed promptly and in detail of 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 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 may seek 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 Expression**

Article 233 of Macau Penal Code states that anyone who initiates, organizes, or develops propaganda that incites or encourages discrimination, hatred, or racial violence will be liable to imprisonment for one to eight years. As of November, there were no arrests or convictions under this article.

Press and Media 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. On April 30, Macau Police denied entry into the SAR of two photographers of Hong Kong's Apple Daily News, for "posing a threat to stability of internal security." The pair planned to report on a May 1 Labor Day demonstration.

Violence and Harassment: Activists alleged that authorities misused criminal proceedings to target government critics by exaggerating or misapplying charges. Journalists were generally not subject to violence or harassment. 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 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 Macau or PRC governments might limit government funding. Activists reported the Macau and PRC governments had co-opted senior media managers to serve in various consultative or election committees, which also resulted in self-censorship. Journalists expressed concern that the government's limitation on news releases about its own activities and the publication 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.

According to the Statistics and Census Service, as of July there were 317,981 internet subscribers out of a population of 636,200. 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 the PRC government banned on the mainland, was available on the government-provided free Wi-Fi service. Activists reported they freely used Facebook (also banned on the mainland) and Twitter to communicate. Activists also reported, however, that 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**

The SAR's public and private universities lacked a tenure system, leaving professors vulnerable to dismissal for political reasons. Some academics reported university officials dissuaded them from studying or speaking on controversial topics concerning Mainland China and some academics reportedly practiced self-censorship.

### **b. Freedom of Peaceful Assembly and Association**

The law provides for the freedom of assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://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 to provide protection and assistance to internally displaced persons (IDPs), 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 granting asylum or refugee status, and the government has established a system for providing protection to refugees, but the process remained stalled during the year, according to UNHCR. Authorities

maintained that four pending applications for refugee status involving 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. Freedom to Participate in the Political Process**

The law limits citizens' ability to change their government through credible periodic elections, and citizens did not have universal suffrage. Only a small fraction of citizens play a role in the selection of the chief executive, who was chosen in August 2014 by a 400-member Election Committee consisting of 344 members elected from four broad societal sectors (each of which has 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: In August 2014 the Election Committee re-elected Chief Executive Fernando Chui Sai-On. Chui ran unopposed and won 97 percent of the vote. The most recent general election for the 14 directly elected seats in the 33-member Legislative Assembly occurred in 2013. A total of 145 candidates on 20 electoral lists competed for the seats. The election for these seats was generally credible.

Participation of Women and Minorities: There were no laws or practices preventing women or members of minorities from voting, running for office, serving as election monitors, or otherwise participating in political life on the same basis as men or nonminority citizens. There were seven women in the 33-member Legislative Assembly, including five of the 14 directly elected members.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, 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 March the CAC uncovered a case involving a chief officer of the Macau Prison who allegedly received bribes from an inmate to commit illegal acts. 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 a range of senior public officials must disclose their financial interests upon appointment, promotion, retirement, and at five-year intervals while in the same position. Disclosures are publicly available on the internet and noncompliance results in financial penalties.

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. While the legislature also provided information on matters of public concern, the information provided was less extensive.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials 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, social status, or communicable disease 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, and it does not penalize those who have been discriminated against on the basis of HIV-positive status or other communicable diseases.

## **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape and domestic violence, and the government effectively enforced the law. Police received 37 complaints of rape and made 21 arrests during the last six months of 2014 and the first six months of 2015.

The government effectively used laws criminalizing the relevant behaviors to prosecute domestic violence. The Legislative Assembly passed Macau's first domestic violence prevention law in January, but same-sex couples are not under its purview. Under the new law, a victim can decide whether to pursue charges if the consequences of the violence are "mild." Various NGOs and some 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, 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 306 reported cases of domestic violence in the last six months of 2014 and the first six months of 2015.

The government referred victims to 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 handled 50 domestic violence cases. The government funded NGOs, including religious groups, to provide victim support services, including medical services, family counseling, and housing. The government also supported 24-hour hotlines for reporting and counseling in domestic violence cases.

The Bureau for Family Action, a government organization subordinate to the Department of Family and Community of the Social Welfare Institute, provided shelters for female victims of domestic violence and their children and advice about 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.

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 had the right to decide the number, spacing, and timing of their children, to manage their reproductive health and 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 the workforce 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 among those with unskilled jobs. The CAC received one complaint of gender discrimination during the period from July 2014 through June 2015.

## **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 birth registration. Most births were registered immediately.

Child Abuse: One case of child abuse was reported to the authorities from July 2014 through June 2015. The SAR's Health Bureau handled seven 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 criminalizing abuse, neglect, and violence against children, the law establishes relief measures for children at risk. The Social Welfare Bureau

reported providing assistance in five cases (not all new) of child abuse or neglect from July 2014 through June 2015.

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

Sexual Exploitation of Children: The law specifically provides for criminal punishment for sexual abuse of children and students, statutory rape, and procurement involving minors. The criminal code sets 14 years as the age of sexual consent and 16 as the age for participation in the legal sex trade. The law prohibits child pornography and the sexual exploitation of children, with harsher penalties for aggravated cases. There was one suspected case of child sexual abuse and three reported cases of rape of a minor from July 2014 through June 2015.

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/](http://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, but not in air travel or other transportation. 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.

### **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.

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

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

## **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 for collective bargaining, 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. 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.

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 and migrant workers, could freely associate and form and join unions, as could most 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. 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.

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.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Penalties range from three to 12 years' imprisonment with minimum and maximum sentences increased by one-third if the victim is under the age of 14. Observers considered these penalties to be generally 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/](http://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." The law governing the number of working hours (eight hours a day, up to 48 hours a week) was equally applicable to adults and legal working minors, but the law prohibits minors from working overtime.

The law forbids minors below age 16 from certain types of work, including but not limited to domestic work, employment between 9:00 p.m. and 7:00 a.m., and employment at places that forbid the admission of minors, such as casinos. The government requires employers to assess the nature, extent, and duration of risk exposure at work before recruiting or employing a minor. The government intends these regulations to protect children from physically hazardous work, including exposure to dangerous chemicals, and jobs deemed age-inappropriate.

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 education or endanger health, safety, and physical and mental development.

Child labor occurred. 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.

Under the law migrant workers enjoy equal treatment with local workers, including the same rights, obligations, and remuneration. According to official statistics, at the end of June 2015 there were 180,523 nonresident workers accounting for approximately 28 percent of the population. They came mostly from the mainland PRC, Hong Kong, Indonesia, the Philippines, and Vietnam. Most worked in the

restaurant and hotel industry, though others found employment in gaming and entertainment, construction, retail, or domestic service sectors. They frequently complained of discrimination in the workplace.

The Labor Relations Law forbids 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). Employers who discriminate on these bases can be fined between MOP 2,500 (\$312) and MOP 12,500 (\$1,562) per relevant worker. The law does not explicitly prohibit discrimination on the basis of HIV status.

#### **e. Acceptable Conditions of Work**

Labor laws establish the general principle of fair wages and mandate compliance with wage agreements. A mandatory minimum wage for security guards and cleaners of MOP 30 (\$3.75) per hour, MOP 240 (\$30) per day, or MOP 6,240 (\$780) per month will become effective from January 1, 2016. There is no minimum wage for other types of work. The SAR does not calculate an official poverty line; the median monthly income is approximately MOP 13,000 (\$1,625). The law provides for a 48-hour workweek (though 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 full-time 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 not entitled to these benefits.

The law requires employers to provide a safe working environment, and the LAB sets occupational safety and health (OSH) standards. The law prohibits excessive overtime but permits overtime (up to eight hours per day, 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 of unlawful dismissal, failure to pay compensation, or other violations of rights. A case before the Labor Affairs Bureau involving 65 migrant workers whose wages were determined to have been illegally withheld continued as of June. Employers can

dismiss staff “without just cause” if 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.

The LAB enforced OSH regulations, and failure to correct infractions could lead to prosecution. There were approximately 140 labor inspectors in the SAR, 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 that employers dismissed them for refusing to work in unhealthy environments.

The SAR recorded 7,220 victims of workplace accidents from July 2014 through June 2015. Authorities recorded 22 workplace fatalities, of which eight were judged to have possible links to the individuals’ pre-existing health conditions. Most workplace injuries reported were minor, with one in six injured workers returning to their duties the same day. Workplace injuries permanently incapacitated 23 people.