

CHINA (INCLUDES TIBET, HONG KONG, AND MACAU) 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

The main domestic security agencies include the Ministry of State Security, the Ministry of Public Security, and the People's Armed Police. The People's Armed Police continue to be under the dual authority of the Central Committee of the CCP and the Central Military Commission. The People's Liberation Army is primarily responsible for external security but also has some domestic security responsibilities. Local jurisdictions also frequently use civilian municipal security forces, known as "urban management" officials, to enforce administrative measures. Civilian authorities maintained effective control of the security forces.

During the year the government continued its campaign of mass detention of members of Muslim minority groups in the Xinjiang Uighur Autonomous Region (Xinjiang). Authorities were reported to have arbitrarily detained more than one million Uighurs, ethnic Kazakhs, Kyrgyz, and other Muslims in extrajudicial internment camps designed to erase religious and ethnic identities. Chinese government officials justified the camps under the pretense of combating terrorism, separatism, and extremism. International media, human rights organizations, and former detainees reported security officials in the camps abused, tortured, and killed detainees. Government documents, as published by international media, corroborated the coercive nature of the campaign and its impact on members of Muslim minority groups in Xinjiang and abroad.

Significant human rights issues included: arbitrary or unlawful killings by the government; forced disappearances by the government; torture by the government; arbitrary detention by the government; harsh and life-threatening prison and detention conditions; political prisoners; arbitrary interference with privacy; substantial problems with the independence of the judiciary; physical attacks on and criminal prosecution of journalists, lawyers, writers, bloggers, dissidents,

petitioners, and others as well as their family members; censorship and site blocking; interference with the rights of peaceful assembly and freedom of association, including overly restrictive laws that apply to foreign and domestic nongovernmental organizations (NGOs); severe restrictions of religious freedom; substantial restrictions on freedom of movement (for travel within the country and overseas); refoulement of asylum seekers to North Korea, where they have a well-founded fear of persecution; the inability of citizens to choose their government; corruption; a coercive birth-limitation policy that in some cases included forced sterilization or abortions; trafficking in persons; and severe restrictions on labor rights, including a ban on workers organizing or joining unions of their own choosing; and child labor.

Official repression of the freedoms of speech, religion, movement, association, and assembly of Tibetans in the Tibet Autonomous Region (TAR) and other Tibetan areas, and of predominantly Uighurs and other ethnic and religious minorities in Xinjiang, was more severe than in other areas of the country. Such repression, however, occurred throughout the country, as exemplified by the case of Pastor Wang Yi, the leader of the Early Rain Church, who was charged and convicted of “inciting subversion of state power” in an unannounced, closed-door trial with no defense lawyer present. Authorities sentenced him to nine years in prison.

The CCP continued to dominate the judiciary and controlled the appointment of all judges and in certain cases directly dictated the court’s ruling. Authorities harassed, detained, and arrested citizens who promoted independent efforts to combat abuses of power.

In the absence of reliable data, it was difficult to ascertain the full extent of impunity for the domestic security apparatus. Authorities often announced investigations following cases of reported killings by police. It remained unclear, however, whether these investigations resulted in findings of police malfeasance or disciplinary action.

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

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

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

In Xinjiang there were reports of custodial deaths related to detentions in the internment camps. In October Radio Free Asia (RFA) reported that “at least 150 people” died in a six-month period while detained at one of four internment camps in Kuchar (Chinese: Kuche), Aksu (Akesu) Prefecture.

In June 2018 Aytursun Eli died in Kashgar (Kashi), Xinjiang, while being questioned in official custody, according to a recorded interview, released during the year, which her mother gave to the official Xinjiang Women’s Federation. Authorities reportedly targeted the Uighur tour director at Hua An Tourism Company after she returned from a work trip to Dubai. Officials later said she died of a “medical condition” and prevented family members from examining the body.

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. Official figures on executions were classified as a state secret. According to the U.S.-based Dui Hua Foundation, the number of executions stabilized after years of decline following the reform of the capital punishment system initiated in 2007. Dui Hua reported an increase in the number of executions for bosses of criminal gangs and individuals convicted of “terrorism” in Xinjiang likely offset the drop in the number of other executions.

b. Disappearance

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

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

After disappearing in November 2018 following a trip to Xinjiang to lead a photography workshop, award-winning documentary photographer Lu Guang appeared to have been released to his hometown in Zhejiang a “few months” before September, according to his wife. Although Lu was a legal resident of the United States, he was believed to be under “residential surveillance” and restricted from leaving China.

The Uyghur Human Rights Project published a report in January detailing the forced disappearance, imprisonment, and internment of 338 Uighur intellectuals. Many were prominent Uighur scholars and cultural icons. Sanubar Tursun, a singer, was reported disappeared. Qurban Mahmut, a magazine editor who encouraged works on Uighur culture and history, disappeared into an internment camp. Five intellectuals identified in the report died while interned in a camp or shortly after release. This included 40-year-old Mutellip Nurmehmet, who died nine days after his release from an internment camp. Media also reported that prominent Uighur writer Nurmammed Tohti suffered a heart attack during his 70-day detention in an internment camp and died shortly after being released. Camp doctors reportedly ignored his health conditions, and when authorities returned his body home on June 3, his legs were still chained.

According to a December 2019 report, Iminjan Seydin, a professor of Chinese history at the Xinjiang Islamic Institute and founder of the Imin Book Publishing Company who disappeared in May 2017, was tried in May 2019 in a closed-door hearing. A family member stated she learned of the trial months later, in September.

The exact whereabouts of Aikebaier Aisaiti, a Uighur journalist and entrepreneur, remained unknown. He was reportedly detained in Xinjiang in 2016 after participating in a program in the United States and subsequently sentenced to up to 15 years in prison.

Lawyer Wang Quanzhang was transferred in April from the Tianjin Detention Center to a prison in Linyi, Shandong, after his closed-session sentencing in January, which followed his December 2018 closed-court trial and conviction on charges of “subverting state power.” Wang had been held in incommunicado detention since 2015 when he was detained in the “709” nationwide roundup of more than 300 human rights lawyers and legal associates. He was first allowed to see his wife and son on June 28, after nearly four years of detention. His wife told media he appeared “lethargic” and was in poor physical and mental health. She continued to see him once a month, the maximum prison authorities allowed.

In February relatives of detained labor activist Fu Changguo, an employee at the labor organization Dagongzhe, reported they could no longer determine Fu’s whereabouts. Shenzhen’s Second Detention Center, which was previously believed to be in custody of Fu, informed the family in early February that Fu was not on their detainee list. Earlier, in December 2018, the Pingshan District Police Station denied his family’s application for bail, claiming Fu might “destroy or

fabricate evidence, and disrupt or conspire to falsify witness statements.” Fu was among more than 50 individuals detained, disappeared, or placed under house arrest between July 2018 and January after being accused of participating in or aiding the labor movement against Shenzhen’s Jasic Technology, a manufacturer of industrial welding equipment (see section 7).

The government still had not provided a comprehensive, credible accounting of all those killed, missing, or detained in connection with the violent suppression of the 1989 Tiananmen demonstrations. Many activists who were involved in the 1989 demonstrations and their family members continued to suffer official harassment. The government made no efforts to prevent, investigate, or punish such 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 obtained through illegal means, including coerced confessions, in certain categories of criminal cases. Enforcement of these legal protections continued to be lax.

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

Chen Yunfei, who was released from prison in Sichuan in March, reported that during his four-year imprisonment for sweeping the tombs of victims of the 1989 Tiananmen demonstrations, prison guards forced him to maintain stress positions for extended periods of time and held him in solitary confinement in a dark room for several months. The guards also reportedly beat him and ordered other prisoners to beat him as well. After one such beating, Chen was hospitalized for 40 days. During his incarceration he was denied contact with family or friends.

According to China Human Rights Defenders, Fujian rights advocate lawyer Ji Sizun died on July 10 in the Zhangzhou Xiangcheng Intensive Care Unit (ICU)

after his April 26 release from prison, where he was deprived of adequate medical care. During his imprisonment he suffered from strokes and various other diseases that resulted in his paralysis. Authorities allowed his family to visit him for the first time in the ICU on May 6. Ji was malnourished, intubated, unable to eat except through a tube, and could recognize only two of his three sisters. Four security guards were deployed at the ICU, which admitted only one visitor at a time for 15 minutes each. Individuals with knowledge of the case said authorities pressured Ji's family to sign a power of attorney, empowering authorities to immediately cremate his body after death.

In September media outlets reported the custodial death of prodemocracy activist Wang Meiyu. Wang was detained in July after he held up a placard outside Hengyang Normal University in Hunan calling for Chairman Xi Jinping's resignation and for democratic elections in the country. On September 23, police called Wang's wife, Cao Shuxia, saying Wang had died suddenly in a military hospital in Hengyang, where he was detained. Cao said Wang's body was "unrecognizable" when she went to identify it: He was bleeding from his eyes, mouth, ears and nose, and there were bruises on his face. His wife said Wang was a "healthy, normal man" when he was taken into custody. Police did not offer any explanation of the cause of death. Wang's lawyers learned he was moved from a large cell with many other inmates to solitary confinement. Wang's mother said she was offered compensation of 2.98 million yuan (\$420,000). Wang and Cao lost their jobs due to his activism. Cao and her two children were reportedly under house arrest after his death.

Wu Gan, a Chinese blogger and human rights activist, received an eight-year prison sentence on a charge of "subverting state power" from a Tianjin court in 2017, after 952 days in preventive detention. On March 4, Wu's father visited him in Fujian's Qingliu Prison. According to Wu's father, Wu reported sustaining multiple injuries while in police custody in Tianjin and Beijing, which resulted in a heart attack, chronic pain, and a paralyzed hand.

Members of the minority Uighur ethnic group reported systematic torture and other degrading treatment by law enforcement officers and officials working within the penal system and the internment camps. Survivors stated that authorities subjected individuals in custody to electric shock, waterboarding, beatings, rape, stress positions, injection of unknown substances, and cold cells (see section 6, National/Racial/Ethnic Minorities).

There was no direct evidence of an involuntary or prisoner-based organ transplant system. Nevertheless, some activists and organizations continued to accuse the government of involuntarily harvesting organs from prisoners of conscience, especially members of Falun Gong. The PRC government denied the claims, stating it had officially ended the long-standing practice of harvesting the organs of executed prisoners for use in transplants in 2015. One Australian National University study of PRC official statistics of organ donations said there was “highly compelling evidence” based on statistical forensics that the data was “falsified.” Furthermore, the research paper argued that the government’s organ transplant program involved donations from “nonvoluntary donors who are marked down as ‘citizen donors.’” In June the nongovernmental Independent Tribunal into Forced Organ Harvesting of Prisoners of Conscience in China released a report which found “direct and indirect evidence of forced organ harvesting” in China, citing “extraordinarily short waiting times” and “massive infrastructure development of facilities and medical personnel for organ transplant operations.” Some Xinjiang internment camp survivors reported healthy young men would be spared the physical abuse that other detainees suffered and given health screenings including DNA samples before disappearing, raising these survivors’ concerns that organ harvesting from detainees was taking place in the camps.

The treatment and abuse of detainees under the *liuzhi* detention system, which operates outside the judicial system but is a legal tool for the government to investigate corruption, featured custodial treatment such as extended solitary confinement, sleep deprivation, beatings, and forced standing or sitting in uncomfortable positions for hours and sometimes days, according to press reports (see section 4).

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

Official media reported the Ministry of Public Security directly administered 23 high-security psychiatric hospitals for the criminally insane. While many of those committed to mental health facilities were convicted of murder and other violent crimes, there were also reports of activists, religious or spiritual adherents, and petitioners involuntarily subjected to psychiatric treatment for political reasons.

Public security officials may commit individuals to psychiatric facilities and force treatment for “conditions” that have no basis in psychiatry.

Prison and Detention Center Conditions

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

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

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

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

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

In Xinjiang authorities expanded existing internment camps for Uighurs, ethnic Kazakhs, and other Muslims. In some cases authorities used repurposed schools, factories, and prisons to hold detainees. According to Human Rights Watch, these camps focused on “military-style discipline and pervasive political indoctrination of the detainees.”

Administration: The law states letters from a prisoner to higher authorities of the prison or to the judicial organs shall be free from examination; it was unclear to what extent the law was implemented. While authorities occasionally investigated

credible allegations of inhuman conditions, their results were not documented in a publicly accessible manner. Authorities denied many prisoners and detainees reasonable access to visitors and correspondence with family members. Some family members did not know the whereabouts of their relatives in custody. Authorities also prevented many prisoners and detainees from engaging in religious practices or gaining access to religious materials.

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

d. Arbitrary Arrest or Detention

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

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

In early April courts in Chengdu, Sichuan, tried and convicted four activists--Chen Bing, Fu Hailu, Zhang Junyong, and Luo Fuyu--who had been detained without trial since 2016. They were charged with “picking quarrels and provoking trouble” after producing liquor with a label commemorating the 1989 Tiananmen demonstrations and sentenced to prison terms between three and three-and-one-half years. Three of the accused were forced to use court-appointed lawyers during the trial instead of lawyers they had retained themselves.

Pu Wenqing, mother of Sichuan-based activist Huang Qi, disappeared in December 2018, after plainclothes security personnel detained her at a Beijing train station. She had petitioned central authorities in October 2018 to release her detained son for health reasons and poor treatment within his detention center. At year’s end she remained under house arrest with no formal charges filed. In a related case, in July Beijing authorities also detained and arrested Zhang Baocheng, who had assisted and escorted the elderly Pu Wenqing around Beijing in 2018 as she sought to petition central authorities over her son’s detention.

Beijing police on December 30 charged Zhang, a former member of the now-defunct New Citizens Movement that campaigned for democracy and government transparency, with “picking quarrels, promoting terrorism, extremism, and inciting terrorism.” At year’s end he was awaiting trial.

Arrest Procedures and Treatment of Detainees

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

After the completion of an investigation, the procuratorate may detain a suspect an additional 45 days while determining whether to file criminal charges. If charges are filed, authorities may detain a suspect for an additional 45 days before beginning judicial proceedings. Public security officials sometimes detained persons beyond the period allowed by law, and pretrial detention periods of a year or longer were common.

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

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

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

terrorism, but public security officials have broad discretion to interpret these provisions.

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

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

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

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

In January the government detained Yang Hengjun, an Australian author and blogger who encouraged democratic reform in China. The government held Yang incommunicado for several months before formally arresting him in August and charging him with spying. On December 2, Australian foreign minister Marise Payne publicly criticized the circumstances of Yang’s detention, noting his “increased isolation from the outside world, with restrictions on his communications with family and friends, and the resumption of daily interrogation, including while shackled.”

Swedish bookseller and Hong Kong resident Gui Minhai--who went missing from Thailand in 2015, was released by Chinese authorities in 2017, and was detained again in January 2018 while traveling on a train to Beijing--remained in detention, according to press reports, although his whereabouts were unclear. The PRC embassy in Stockholm issued a statement in February denying it had initiated contact with Gui’s daughter Angela. This was in response to her account, published online, of how Sweden’s ambassador to the PRC organized a series of meetings in Stockholm between her and a businessman who claimed he could assist with her father’s case. At year’s end the Swedish government was investigating the matter.

Media reported Shanghai police detained well-known human rights activist Chen Jianfang on March 20. In July a lawyer acting for Chen said Shanghai authorities informed him that Chen was formally arrested in June on charges of “inciting subversion of state power,” although the authorities did not publicly announce

Chen's arrest nor allow her to meet her lawyer. Authorities did not respond to requests by international advocacy organizations to account for Chen's status and whereabouts.

In January authorities charged Xue Renyi, leader of the environmental activism group Green Leaf Action, with "picking quarrels and provoking trouble." Police detained Xue in May 2018 after he called for a demonstration demanding improved environmental conditions in Chongqing. Police cited social media posts of Xue in a park holding three leaves, a symbol of his group, as the reason for his arrest. Xue's location and trial date were unknown at year's end. In January Chongqing authorities also detained Green Leaf Action-member Pan Bin. His location and status were unknown at year's end.

On April 27, Yuexiu District police in Guangzhou searched the home of Lai Rifu before taking him away. Lai was a long-time member of the Southern Street Movement that called for an end to one-party rule. Police detained Lai administratively for 10 days at the Yuexiu District Detention Center for the crime of "picking quarrels and provoking trouble" for wearing a T-shirt with the words "civil disobedience." He was released on May 8. Police detained Lai again on September 16 on the suspicion of "picking quarrels and provoking trouble" after he uploaded a video with "Glory to Hong Kong," the unofficial anthem of Hong Kong's prodemocracy movement, on his WeChat and Facebook accounts. Liu was released in October after more than one month in detention.

In December 2018 *Bitter Winter* reported police had detained at least 45 of its contributors since August 2018. Of the 22 detained in Xinjiang, four were released by February. The other 23 detained were held in Henan, Fujian, Zhejiang, and Shanxi. Several had been released after indoctrination training. Police arrested the Fujian contributors in October 2018 and prohibited family members from visiting them. Online media reported that police tortured them.

In October Guangxi secret police detained Qin Yongpei on charges of "inciting subversion of state power," then formally arrested him in December. He remained in Nanning No. 1 Detention Center without access to lawyers at year's end. Qin had worked on several human rights cases, including those of "709" lawyers and Falun Gong practitioners, assisted many indigent and vulnerable persons, and publicized misconduct by high-level government and CCP officials. He was disbarred in May 2018 after having practiced law since the mid-1990s. After being disbarred, Qin founded the China Lawyers' Club to employ disbarred lawyers. The proximate reason for Qin's arrest was unclear.

Pretrial Detention: Pretrial detention could last longer than one year. Defendants in “sensitive cases” reported being subjected to prolonged pretrial detention. During the period of 2015 to 2018, authorities held many of the “709” detainees and their defense attorneys in pretrial detention for more than a year without access to their families or their lawyers. Statistics were not published or made publicly available, but lengthy pretrial detentions were especially common in cases of political prisoners.

Local authorities initially detained Beijing-based lawyer Li Yuhan, who defended human rights lawyers during the “709” crackdown, at the Shenyang Detention Center in 2017 and later charged Li with “picking quarrels and provoking trouble.” Due to her poor health condition, Li’s attorney submitted multiple requests to Shenyang authorities to release her on medical parole, but each time her request was denied without reason or hearing. Li was scheduled to stand trial on April 9; however, the Shenyang Intermediate People’s Court postponed the trial and heard the case at an unspecified date. Li dismissed her attorneys in June because she was concerned by the pressure they faced defending her case. At year’s end Li remained in detention pending a verdict.

In 2016 the Tiexi District Court in Shenyang detained human rights advocate Lin Mingjie for assembling a group of demonstrators in front of the Ministry of Public Security in Beijing to protest Shenyang Public Security Bureau director Xu Wenyou’s abuse of power. After two years in pretrial detention, in June 2018 Lin was sentenced to two years and six months in prison, including time served. Lin was reportedly released on April 23. Despite Lin’s having been released, however, his attorney had neither heard from him nor knew his whereabouts.

e. Denial of Fair Public Trial

Although the law states the courts shall exercise judicial power independently, without interference from administrative organs, social organizations, and individuals, the judiciary did not exercise judicial power independently. Judges regularly received political guidance on pending cases, including instructions on how to rule, from both the government and the CCP, particularly in politically sensitive cases. The CCP Central Political and Legal Affairs Commission has the authority to review and direct court operations at all levels of the judiciary. All judicial and procuratorate appointments require approval by the CCP Organization Department.

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

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

Courts are not authorized to rule on the constitutionality of legislation. The law permits organizations or individuals to question the constitutionality of laws and regulations, but a constitutional challenge may be directed only to the promulgating legislative body. Lawyers had little or no opportunity to rely on constitutional claims in litigation. In March 2018 lawyers and others received central government instructions to avoid discussion of the constitutionality of the constitutional amendments that removed term limits for the president and vice president.

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

In May the United Kingdom broadcasting regulator launched a formal investigation into an allegation that China Global Television Network, the international news channel of China Central Television (CCTV), broadcast a confession forced from a British private investigator imprisoned in China.

Attorney Jiang Tianyong was released in February after fulfilling his two-year sentence for his 2017 conviction on charges of inciting state subversion in Changsha, Hunan. Authorities had prevented Jiang from selecting his own attorney to represent him at a trial that multiple analysts viewed as neither impartial nor fair. Despite his release Jiang was immediately placed under house arrest in his parents' home in Henan. At year's end he remained under strict movement controls by local authorities there despite mounting health problems that worsened in prison. Police built a monitoring station outside his parents'

home, where he was supposed to spend most of his time, although sometimes he could visit his sister nearby. Local police prevented him from taking public transportation out of town.

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

Trial Procedures

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

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

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

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

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

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

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

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

The government suspended or revoked the business licenses or law licenses of some lawyers who took on sensitive cases, such as defending prodemocracy dissidents, house-church activists, Falun Gong practitioners, or government critics. Authorities used the annual licensing review process administered by the All China Lawyers Association to withhold or delay the renewal of professional lawyers' licenses. In January the Guangdong Department of Justice revoked the license of Liu Zhengqing, a Guangdong lawyer known for defending activists and Falun Gong practitioners. The department charged him with "jeopardizing national security" when defending his clients in court.

Other government tactics to intimidate or otherwise pressure human rights lawyers included unlawful detentions, vague "investigations" of legal offices, disbarment, harassment and physical intimidation, and denial of access to evidence and to clients. In February several lawyers wrote an open letter protesting the government's harassment of lawyers who took on human rights cases.

In 2015 the National People's Congress's Standing Committee amended legislation concerning the legal profession. The amendments criminalize attorneys' actions that "insult, defame, or threaten judicial officers," "do not heed the court's

admonition,” or “severely disrupt courtroom order.” The changes also criminalize disclosing client or case information to media outlets or using protests, media, or other means to influence court decisions. Violators face fines and up to three years in prison.

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

Mechanisms allowing defendants to confront their accusers were inadequate. Only a small percentage of trials reportedly involved witnesses. Judges retained significant discretion over whether live witness testimony was required or even allowed. In most criminal trials, prosecutors read witness statements, which neither the defendants nor their lawyers had an opportunity to rebut through cross-examination. Although the law states pretrial witness statements cannot serve as the sole basis for conviction, prosecutors relied heavily on such statements. Defense attorneys had no authority to compel witnesses to testify or to mandate discovery, although they could apply for access to government-held evidence relevant to their case.

Under the law lawyers are assigned to convicted prisoners on death row who cannot afford one during the review of their sentences.

According to China Labor Bulletin, Shenzhen police detained labor activists Wu Guijun, Zhang Zhiru, He Yuancheng, Jian Hui, and Song Jiahui on January 20 on the charge of “disrupting social order.” They were reportedly formally charged in late February. The families of some of the activists never received formal notices

of detention and did not know where they were held. According to media reports, authorities banned Zhang and Wu from hiring lawyers and warned their families not to take any media interviews. According to the head of China Labor Watch, the detentions were not connected to any specific activity but were intended to serve as a warning to other labor activists against the backdrop of increasing labor protests and economic stagnation.

On July 22, three public interest lawyers--Cheng Yuan, Liu Yongze, Wu Gejianxiong, also known as the "Changsha Three"--were detained by Changsha Municipal Bureau of State Security authorities on suspicion of "subversion of state power." The lawyers worked for Changsha Funeng, an organization that litigated cases to end discrimination against persons with disabilities and carriers of HIV and Hepatitis B. Cheng Yuan had also worked on litigation to end the country's one-child policy and reform its household registration laws. Although Cheng Yuan's family retained two lawyers to represent him, neither had been able to meet with Cheng Yuan as of year's end. Authorities also interrogated Cheng Yuan's wife, Shi Minglei, on multiple occasions about her husband's work, including forcibly entering her home in Shenzhen on July 22 and seizing her identification card, passport, cell phone, computer, and bank cards.

Political Prisoners and Detainees

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

Authorities granted political prisoners early release at lower rates than other prisoners. Thousands of persons were serving sentences for political and religious offenses, including for "endangering state security" and carrying out "cult activities." The government neither reviewed the cases of those charged before 1997 with counterrevolution and hooliganism nor released persons imprisoned for nonviolent offenses under repealed provisions.

Many political prisoners remained either in prison, or under other forms of detention after release, at year's end, including writer Yang Maodong (pen name: Guo Feixiong); Uighur scholars Ilham Tohti and Rahile Dawut; activist Wang

Bingzhang; activist Liu Xianbin; Taiwan prodemocracy activist Lee Ming-Che; pastor Zhang Shaojie; Falun Gong practitioners Bian Lichao and Ma Zhenyu; Catholic Auxiliary Bishop of Shanghai Thaddeus Ma Daqin; rights lawyers Wang Quanzhang, Xia Lin, Gao Zhisheng, Yu Wensheng, and Jiang Tianyong; blogger Wu Gan; and Shanghai labor activist Jiang Cunde.

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

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

Politically Motivated Reprisal Against Individuals Located Outside the Country

There were credible reports the government attempted to misuse international law enforcement tools for politically motivated purposes as a reprisal against specific individuals located outside the country. There also were credible reports that for politically motivated purposes, the government attempted to exert bilateral pressure on other countries aimed at having them take adverse action against specific individuals.

PRC officials pressured a Montreal-based human rights research institute affiliated with Concordia University to cancel a conference featuring a prominent exiled Uighur leader. Executive director Kyle Matthews of the Montreal Institute for Genocide and Human Rights Studies at Concordia University said he received an email from the PRC consul general in Montreal on March 25, asking him for an urgent meeting to discuss a planned conference on the Uighur minority in the PRC. While he chose to ignore the request and went ahead with the conference as planned, Matthews said he later found out the consul general was also pressuring different individuals in Montreal to cancel the Concordia University event.

Other reports continued throughout the year regarding PRC pressure on Xinjiang-based relatives of persons located outside of China who spoke publicly about the detentions and abusive policies underway inside Xinjiang. Tahir Imin, a Uighur residing outside of China, said that PRC authorities had imprisoned his brother Adil to retaliate against Tahir's activism abroad. PRC state media also released videos of Xinjiang-based ethnic and religious minorities to discredit their overseas relatives' accounts to foreign media. The persons in the videos urged their foreign-based family members to stop "spreading rumors" about Xinjiang. The overseas relatives said they had lost communication with their Xinjiang relatives until the videos were released. U.S. citizen Ferkat Jawdat's mother, who had lost contact with him for a year because she was in an internment camp, called in May to urge Ferkat to stop his activism and media interviews. Relatives of U.S. resident Zumrat Dawut, who spoke to media about her detention in a Xinjiang re-education center, also joined in a video in November urging her to stop "spreading rumors." The overseas-based relatives said the PRC government coerced their family members to produce such videos.

On November 25, RFA reported Thai authorities had detained Xing Jiang, a Chinese refugee accredited by UNHCR, at the request of Jiangsu provincial public security officials for allegedly "spreading rumors online."

Civil Judicial Procedures and Remedies

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

Although historically citizens seldom applied for state compensation because of the high cost of bringing lawsuits, low credibility of courts, and citizens' general lack of awareness of the law, there were instances of courts overturning wrongful convictions. Official media reported that in June Jin Zhehong applied for 21.3 million yuan (\$3 million) in state compensation for his 23 years spent behind bars following an overturned conviction for intentional homicide. The Jilin High People's Court in an appeal hearing ruled the evidence was insufficient to prove the initial conviction.

The law provides for the right of an individual to petition the government for resolution of grievances. Most petitions address grievances regarding land,

housing, entitlements, the environment, or corruption, and most petitioners sought to present their complaints at local “letters and visits” offices. The government reported approximately six million petitions were submitted every year; however, persons petitioning the government continued to face restrictions on their rights to assemble and raise grievances.

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

Ye Mulan, wife of petitioner Chen Chunzhang, said her husband’s death on November 6 while in police custody was suspicious, and she called on provincial authorities to investigate. According to Ye, Chen was detained in August in Beijing by “interceptors” from Qinkou Township, Fujian, and local police later imprisoned him. (“Interceptors” are enforcement agents sent by local governments to detain petitioners on their way to complain to provincial capitals or to Beijing authorities about their local governments.) Chen had told his lawyer that he had made four statements to police so far but that he had refused to plead guilty to the charges against him. On October 26, local police called Ye to see Chen in a local hospital emergency room; he was alive but unconscious. Police prevented the family from inspecting him up close, although they had asked authorities to check if he had any external signs of injury. Chen died on November 6 after undergoing emergency brain surgery.

On May 15, police in Guizhou detained Huang Yanming for 25 days around the 30th anniversary of the Tiananmen protests and the June 9 Hong Kong protests. Ministry of State Security officers denied him any outside communication and kept him detained in a hotel in Guiyang. No charges were announced.

In June the Beijing Number 2 Intermediate People’s Court criminally tried 12 suspects accused of illegally detaining and beating a petitioner from Jiangxi in 2017. The petitioner, Chen Yuxian from Shangyou, died in Beijing eight hours

after the suspects took him away. The 12 suspects were reportedly from an illegal crime group under the guise of a car rental company that had close connections to local government officials, who had demanded the petition be intercepted. The Beijing court had not issued a verdict as of year's end.

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

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

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

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

According to Human Rights Watch, the Ministry of State Security partnered with information technology firms to create a “mass automated voice recognition and monitoring system,” similar to ones already in use in Xinjiang and Anhui, to help

with solving criminal cases. According to one company involved, the system was programmed to understand Mandarin Chinese and certain minority languages, including Tibetan and Uighur. In many cases other biometric data such as fingerprints and DNA profiles were being stored as well. This database included information obtained not just from criminals and criminal suspects but also from entire populations of migrant workers and all Uighurs applying for passports.

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

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

The government at various levels and jurisdictions continued implementing pilot programs for "social credit systems" which collect vast amounts of data to create scores for individuals and companies in an effort to address deficiencies in "social trust," strengthen access to financial credit instruments, and reduce public corruption. The social credit system also collected information on academic records, traffic violations, social media presence, friendships, and adherence to birth control regulations, employment performance, consumption habits, and other topics. These systems were intended to promote social control and self-censorship, since citizens would be liable for their statements, relationships, and even information others shared within closed social media groups.

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

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

There were several cases in which an individual's credit score resulted in concrete limitations on that person's activities. Users with low social credit scores faced an increasing series of consequences, including losing the ability to communicate on domestic social media platforms, travel, and buy property.

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

In May a security lapse exposed personal information collected from facial recognition from a system that monitors housing communities in Beijing. The exposed data contained enough information to pinpoint where individuals went, when and for how long, allowing anyone with access to the data--including police--to build up a picture of a person's day-to-day life.

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

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

Local police in Maoming, Guangdong, launched a shaming campaign to urge local telephone fraud suspects to turn themselves in during the Spring Festival. The Public Security Ministry listed Maoming as a major source of telephone fraud in the country. For the criminal suspects who remained at large, police reportedly spray-painted the letters “home of fugitive” on the outside walls of their houses, cut off their water and electricity supplies, and froze their immediate family members’ bank accounts and identification cards.

April media reports indicated the government expanded its use of facial recognition software targeting ethnic minorities, especially Uighurs, from Xinjiang to other areas, including Fujian. The video monitoring system allegedly was able to alert law enforcement agencies to the increased presence of Uighurs in a community in a given period.

According to Freedom House, rapid advances in surveillance technology--including artificial intelligence (AI), facial recognition, and intrusive surveillance apps--coupled with growing police access to user data had turned the country into a “technodystopia” and helped facilitate the prosecution of prominent dissidents as well as ordinary users. A Carnegie Endowment report noted that the country was a major worldwide supplier of AI surveillance technology, such as facial recognition systems, smart city/safe city platforms, and smart policing technology.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Freedom of Expression: Citizens could discuss many political topics privately and in small groups without official punishment. Authorities, however, routinely took

harsh action against citizens who questioned the legitimacy of the CCP. Some independent think tanks, study groups, and seminars reported pressure to cancel sessions on sensitive topics. Those who made politically sensitive comments in public speeches, academic discussions, or remarks to media or posted sensitive comments online, remained subject to punitive measures. In addition, an increase in electronic surveillance in public spaces, coupled with the movement of many citizens' routine interactions to the digital space, signified the government was monitoring an increasing percentage of daily life. Conversations in groups or peer-to-peer on social media platforms and via messaging applications were subject to censorship, monitoring, and action from the authorities.

In August the Unirule Institute of Economics, a prominent economic think tank, closed its doors after years of increasing government pressure. Founded in 1993 to promote market reforms, a decade ago Unirule was a well-respected institution in the country with the space to disseminate ideas and facilitate dialogue with government leaders. The last few years have seen the shutdown of its website and public office, and as of August the organization was in liquidation.

On April 19, Zi Su was sentenced by a Chengdu court to four years' imprisonment on charges of subversion. Zi, a retired professor from the Yunnan Communist Party School, was detained in 2017 after releasing an open letter questioning Xi Jinping's suitability to continue as the CCP's leader. Prior to his trial in December 2018, the government offered to shorten his sentence if he fired his lawyer and accepted a court-appointed attorney. Zi accepted, reducing his sentence from 10 to four years.

In September a Sichuan court convicted Chengdu-based activist Huang Xiaomin to 30 months' imprisonment for "picking quarrels and provoking trouble." Huang had called for direct elections to select party leaders. He was detained for several months before being allowed to hire a lawyer. He was then told to fire his lawyer and accept a court-appointed lawyer in exchange for a more lenient sentence, which he did.

On September 19, local police from Gucheng Township, Chengdu, detained Chen Yunfei for publishing comments in support of Hong Kong's antiextradition bill movement. Chen had shown public support for the antiextradition protests in Hong Kong and called for a dialogue between Hong Kong leader Carrie Lam and protesters to try to reach a resolution.

Countless citizens were arrested and detained for “spreading fake news,” “illegal information dissemination,” or “spreading rumors online.” These claims ranged from sharing political views or promoting religious extremism to sharing factual reports on sensitive issues. For example, in Nan Le, Henan, a netizen was arrested for spreading “fake news” about a chemical factory explosion on WeChat. In Lianyungang police arrested 22 persons for “internet rumors,” and in Huzhou a netizen was arrested for “spreading rumors,” while he claimed he was only sharing political views.

This trend was particularly apparent in Xinjiang, where the government had developed a multifaceted system of physical and cyber controls to stop individuals from expressing themselves or practicing their religion or traditional beliefs. Beyond the region’s expansive system of internment camps, the government and the CCP implemented a system to limit in-person speech and online speech. In Xinjiang police regularly stopped persons of certain ethnicities and faith and demanded to review their cell phones for any evidence of communication deemed inappropriate. During the year the government significantly extended the automation of this system, using phone apps, cameras, and other electronics to monitor all speech and movement. Authorities in Xinjiang built a comprehensive database that tracked the movements, mobile app usage, and even electricity and gasoline consumption of inhabitants in the region.

The government also sought to limit criticism of their Xinjiang policies even outside the country, disrupting academic discussions and intimidating human rights advocates across the world. Government officials in Xinjiang detained the relatives of several overseas activists. Chinese embassy officials in Belgium asked a Belgian university to remove information critical of the PRC’s Xinjiang policies from their website, and in February the Belgian author of that critique reported that Chinese government officials disrupted a Xinjiang-focused academic conference in Strasbourg, France. Numerous ethnic Uighurs and Kazakhs living overseas were intimidated into silence by government officials making threats against members of their family who still lived in China, threats sometimes delivered in China to the relatives, and sometimes delivered by Chinese government officials in the foreign country.

The government increasingly moved to restrict the expression of views it found objectionable even when those expressions occurred abroad. Online, the government expanded attempts to control the global dissemination of information while also exporting its methods of electronic information control to other nations’ governments. During the year there was a rise in reports of journalists in foreign

countries and ethnic Chinese living abroad experiencing harassment by Chinese government agents due to their criticisms of PRC politics. This included such criticisms posted on platforms such as Twitter that were blocked within China.

In October PRC authorities publicly condemned a tweet by the professional basketball team Houston Rockets' general manager that expressed support for Hong Kong protesters, and the state-run CCTV cancelled broadcasts of games involving U.S. professional basketball teams visiting China. The Ministry of Foreign Affairs sent an official from its consulate general in Houston to personally denounce the statement to the Houston Rockets. Similarly, in December Chinese state television cancelled the broadcast of an English Premier League soccer game after one of its players, Mesut Ozil, posted messages on Twitter and Instagram--both of which were blocked in China--denouncing the government's policies towards Muslims in Xinjiang.

In July Dalian police detained a man only identified as "Lu" for distributing online cartoons that featured pro-Japanese and anti-Chinese contents. The CCP-controlled *Global Times* accused Lu of being "spiritually Japanese" by advocating for Japanese right-wing politics and militarism. In March 2018 Foreign Minister Wang Yi reportedly criticized such pro-Japanese cartoonists as "scum among Chinese people."

In May Anhui police arrested cartoonist Zhang Dongning on charges of "picking quarrels and provoking trouble" for creating comic books that depicted the Chinese people as pigs. The drawings "distorted historical facts, trampled national dignity, and hurt the feelings of the Chinese people," according to a police statement. Zhang remained in custody at year's end.

The government used economic leverage on the mainland to suppress freedom of expression in Hong Kong. In reaction to protests in Hong Kong in August, the mainland government told Hong Kong-based Cathay Airlines that any of its employees who had engaged in "illegal demonstrations, protests, and violent attacks, as well as those who have radical behaviors" were forbidden from working on flights that entered Chinese airspace.

Press and Media, Including Online Media: The CCP and government continued to maintain ultimate authority over all published, online, and broadcast material. Officially, only state-run media outlets have government approval to cover CCP leaders or other topics deemed "sensitive." While it did not dictate all content to be published or broadcast, the CCP and the government had unchecked authority to

mandate if, when, and how particular issues were reported or to order they not be reported at all.

During the year state media reported senior authorities issued internal CCP rules detailing punishments for those who failed to hew to ideological regulations, ordering a further crackdown on illegal internet accounts and platforms, and instructing media to further promote the interests of the government.

The government continued its tight ideological control over media and public discourse following the restructuring of its regulatory system in 2018. The CCP propaganda department has the ultimate say in regulating and directing media practices and policies in the country. The reorganization created three independent administrative entities controlled by the CCP propaganda department: the National Radio and Television Administration (NART), the General Administration of Press and Publications, and the National Film Bureau. While NART is still ostensibly under the State Council, its party chief was also a deputy minister within the CCP's propaganda department.

The Cyberspace Administration of China (CAC), which directly manages internet content, including online news media, also promotes CCP propaganda. The CAC served as the representative office to a recently formed CCP committee on cyberspace, which is nominally chaired by President Xi Jinping. One of the CCP propaganda department deputy ministers ran the organization's day-to-day operations. It enjoyed broad authority in regulating online media practices and played a large role in regulating and shaping information dissemination online.

The internet "clean up" CAC announced in November 2018 continued into 2019. As part of CAC's 2018 requirements, internet platforms had to submit reports on their activities if their platforms could be used to "socially mobilize" or could lead to "major changes in public opinion." On January 23, the CAC issued a statement confirming another step in its crackdown on internet content. On April 6, the National Office Against Pornographic and Illegal Publications announced an eight-month crackdown on "vulgar content" online. According to the announcement, the National Office tasked local authorities to conduct inspections of online platforms, including social media, livestreaming, videos, and online games. In July the CAC ordered 26 podcast and music applications to terminate, suspend services, or have "talks" with regulators. According to a CAC notice, these applications were investigated and deemed to have spread "historical nihilism."

In 2018 the government directed consolidation of China Central Television, China Radio International, and China National Radio into a new super media group known as the “Voice of China,” which “strengthened the party’s concentrated development and management of important public opinion positions.”

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

Several popular domestic soap operas from 2018 were taken off the air after state-owned newspaper *the Beijing Daily* called the dramas “incompatible with core socialist values.” One such popular show featured Emperor Qianlong and concubines. While episodes from 2018 remained available online, many television stations had canceled similar period dramas in their 2019 programming plans. The National Radio and Television Administration followed up with a temporary ban of historical dramas in late March. The CCP also policed cartological political correctness to ensure that cartoons and documentaries supported the CCP. In one example the domestic television drama *Go Go Squid* was investigated after displaying a map that did not show Taiwan and Hainan Island as part of China.

Journalists operated in an environment tightly controlled by the government. Only journalists with official government accreditation were allowed to publish news in print or online. The CCP constantly monitored all forms of journalist output, including printed news, television reporting, and online news, including livestreaming. Journalists and editors self-censored to stay within the lines dictated by the CCP, and they faced increasingly serious penalties for crossing those lines, which could be opaque. While the country’s increasingly internet-literate population demanded interesting stories told with the latest technologies, government authorities asserted control over those new technologies (such as livestreaming) and clamped down on new digital outlets and social media platforms.

Because the CCP does not consider internet news companies “official” media, they are subject to debilitating regulations and barred from reporting on potentially “sensitive” stories. According to the most recent All China Journalist Association report from 2017 on the nation’s news media, there were 231,564 officially

credentialed reporters working in the country. Only 1,406 worked for news websites, with the majority working at state-run outlets such as *XinhuaNet.com* and *ChinaDaily.com*. Other online outlets also reported on important issues but limited their tactics and topics, since they were acting without official approval.

In January government officials detained Yang Zhengjun, the editor in chief of an online labor rights news outlet, *iLabour*, which reported on harmful working conditions for Chinese laborers. According to RFA, on March 20, police detained Wei Zhili, editor of the citizen media magazine *New Generation* and a labor rights activist, at his Guangzhou home. He was not allowed to meet with his lawyer for 19 days, during which police interrogated Wei five times at the Shenzhen No. 2 Detention Center. Voice of America reported that authorities forbade Wei's wife, Zheng Churan, from speaking to foreign media about her husband's detention. Police also detained Wei's colleague Ke Chengbing in Guangzhou on March 20, but there was no information regarding his status as of year's end. Authorities formally arrested and charged Yang, Wei, and Ke in August on charges of "picking quarrels."

In June authorities in Chongqing announced they had convicted Liu Pengfei on unknown charges and sentenced him to two years' imprisonment. Liu was detained in 2017 while running a WeChat group that reposted foreign press articles in Chinese. Until his conviction was announced, Liu's condition and location were unknown.

On August 1, Chongqing police arrested former journalist Zhang Jialong. No charges were formally announced, although police reportedly arrested him for social media posts he made in 2017 and earlier. Zhang, a well-known journalist and anticensorship activist, had stopped posting publicly in 2014 after being fired from Tencent, where he worked as an editor, for meeting with then secretary of state John Kerry. His location was unknown at year's end.

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

Family members of journalists based overseas also faced harassment, and in some cases detention, as retaliation for the reporting of their relatives abroad. As of year's end, dozens of Uighur relatives of U.S.-based journalists working for RFA's Uighur Service remained disappeared or arbitrarily detained in Xinjiang.

A journalist could face demotion or job loss for publishing views that challenged the government. In many cases potential sources refused to meet with journalists due to actual or feared government pressure. During the year the scope of censorship grew to the point that, according to several journalists, "almost all topics are considered sensitive." For example, whereas in past years business news reporting had been relatively free of control, many journalists' contacts were hesitant to express themselves openly even on this topic. During the year authorities imprisoned numerous journalists working in traditional and new media.

On June 10, the discipline inspection commission of the CCP's Beijing branch accused Dai Zigeng, former publisher and cofounder of popular daily newspaper the Beijing News, of "serious violations of discipline and law."

Prominent Chinese journalist Huang Xueqin, known for her publications about the #MeToo movement in China, was arrested in Guangzhou in October after she wrote about antigovernment protests in Hong Kong. Officials charged her with "picking quarrels and provoking trouble." At year's end she remained in detention.

Restrictions on foreign journalists by central and local CCP propaganda departments remained strict, especially during sensitive times and anniversaries. The Foreign Correspondents' Club of China (FCCC) published a report in January detailing conditions for foreign journalists in the country. More than half (55 percent) of journalists who responded to the FCCC's survey said reporting conditions had further deteriorated over the prior 12 months. They reported the government regularly surveilled foreign journalists, both in person and, increasingly, via electronic means. Of respondents, 91 percent expressed concern about the security of their telephones, and 66 percent worried about surveillance inside their homes and offices. Half of the journalists said this surveillance diminished their ability to report in the country.

In August a Canadian journalist working for a foreign outlet was detained while reporting in Guangdong. Local police detained the journalist and a PRC news assistant in a rural area, then drove them to a police station in a larger town, held them for seven hours, confiscated their electronic devices, copied all the data on

their cell phones, and tried to compel the PRC colleague to sign a confession before putting them on a train out of town. The officials followed them onto the train, separated the two, and continued to intimidate them.

During the Hong Kong protests, mainland government authorities escalated their harassment of foreign journalists, stopping numerous journalists at border crossings near Hong Kong and at airports in Beijing and elsewhere, threatening them with visa obstacles, and making copies of their electronic devices. Journalists said this impeded their ability to gather and disseminate reports about the protests.

Foreign press outlets reported local employees of foreign news agencies were subjected to official harassment and intimidation. A citizen who was assisting a foreign journalist on a reporting trip was detained by local police, then chained to a chair for a full day before being released. Government officials contacted and harassed many Chinese citizen employees' family members in an attempt to pressure them away from their reporting work. Both the local citizens and their foreign employers lacked recourse in these cases and were generally hesitant to address grievances with authorities due to fear of experiencing even greater repression.

Government harassment of foreign journalists was particularly aggressive in Xinjiang. According to the January FCCC report, 26 of 28 foreign journalists who traveled to Xinjiang in 2018 reported that government officials told them reporting was restricted or prohibited. This continued throughout the year, as numerous foreign journalists reported being followed constantly while in Xinjiang, with government agents stepping in to block access to some areas, intimidating local inhabitants so they would not talk to the journalists, and stopping the journalists--sometimes many times per day--to seize their cameras and force them to erase pictures. Foreign journalists also had trouble securing hotel rooms, since authorities directed hotels to prohibit the journalists' stays.

Foreign ministry officials again subjected a majority of foreign journalists to special interviews as part of their annual visa renewal process. During these interviews the officials pressured journalists to report less on human rights issues, referencing reporting "red lines" journalists should not cross, and in some cases threatened them with nonrenewal of visas. Many foreign media organizations continued to have trouble expanding or maintaining their operations in the country due to the difficulty of receiving visas. When the *Wall Street Journal* published an article by Singaporean citizen Chun Han Wong about the financial misdeeds of

President Xi Jinping's cousin, the Ministry of Foreign Affairs cancelled the author's press credentials, effectively eliminating his ability to work in China. In explaining its decision to take away Chun's credentials, the ministry specifically stated that "foreign reporters are maliciously tarnishing China, and we do not welcome such reporters." In several cases journalists who published news critical of the government subsequently received shorter-term visas of six or even three months, impeding their ability to work effectively in the country. Other media organizations were unable to submit applications for new journalists in an opaque system where foreign journalists are reviewed by government officials before a visa request is even submitted or processed. Some foreign media companies were unwilling to publicize such issues due to fear of provoking further backlash by the government.

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

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

Government officials also sought to suppress journalism outside their borders. While in past years these efforts largely focused on Chinese-language media, during the year additional reports emerged of attempts to suppress media critical of China regardless of language or location. In March government officials warned a Swedish media outlet to cease its "serious political provocations," for publishing a Swedish-language editorial that supported a position that Chinese officials opposed. Another government official threatened to blacklist a Russian journalist if the journalist did not retract an article in a Russian newspaper detailing negative Chinese economic statistics.

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

to other media events. The Ministries of Defense and Commerce continued allowing select foreign media outlets to attend occasional press briefings.

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

Journalist arrests and dismissals for reporting on sensitive issues continued. One of the country's few prominent investigative reporters, Liu Wanyong, announced he was leaving the profession, blaming the shrinking space for investigating and publishing accurate news. The Weibo accounts of several bloggers, including Wang Zhian, a former state broadcast commentator who wrote about social issues, were blocked.

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

Control over public depictions of President Xi increased, with censors aggressively shutting down any depiction that varied from official media storylines. Censors continued to block images of the Winnie the Pooh cartoon on social media because internet users used the symbol to represent President Xi Jinping. Social media posts did not allow comments related to Xi Jinping and other prominent Chinese leaders.

It was extremely difficult for foreign journalists to report from the TAR, other Tibetan areas, or Xinjiang without experiencing serious interference. Foreign reporters also experienced restricted access and interference when trying to report in other areas the government considers sensitive. According to the January FCCC report, journalist respondents said they encountered government interference in Xinjiang (93 percent), the North Korean border region (56 percent), Inner Mongolia (67 percent), and industrial districts such as steel-producing areas (100 percent), among other locations.

Domestic films continued to be subject to government censorship. In July the head of the government's film regulatory body, the National Film Bureau, gave a speech to government officials and film industry representatives exhorting them to use films to promote Chinese political values. Throughout the year the government forbade the release of a number of new movies--including several films with prominent directors and large budgets--because they ran afoul of government censors. Shortly before its July 5 release date, the historical war drama *The Eight Hundred* was removed from distribution despite numerous theatrical trailers and an \$80 million budget. Similarly, in February the film *One Second* by world-famous director Zhang Yimou was pulled from the Berlin Film Festival only days before its debut for "technical difficulties," a common euphemism for censorship in China. Another film, *Better Days*, was pulled from the same festival after the movie failed to receive the necessary permissions from Chinese authorities. The head of the National Film Bureau explicitly encouraged domestic filmmakers to find more "valuable and heavy" topics and materials in the country's "excellent traditional culture," "revolution culture," and "advanced culture of socialism."

In October, when the U.S. comedy show *South Park* ran an episode depicting the PRC's censorship practices, authorities banned the episode and other *South Park* content from local television and internet.

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

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

Authorities continued to ban books with content they deemed inconsistent with officially sanctioned views. The law permits only government-approved publishing houses to print books. Newspapers, periodicals, books, audio and video recordings, or electronic publications may not be printed or distributed without the

approval of central authorities and relevant provincial publishing authorities. Individuals who attempted to publish without government approval faced imprisonment, fines, confiscation of their books, and other punishment. The CCP also exerted control over the publishing industry by preemptively classifying certain topics as state secrets.

In May media reported that three government officials in Chongqing and Yunnan were disciplined for “secretly purchasing, reading, and keeping overseas books and publications with serious political problems.”

In the fall the Ministry of Education directed all school libraries to review their holdings and dispose of books that “damage the unity of the country, sovereignty or its territory; books that upset society’s order and damage societal stability; books that violate the Party’s guidelines and policies, smear or defame the Party, the country’s leaders and heroes.” Officials at a state-run library in Zhenyuan, Gansu, responded by burning a pile of “illegal books, religious publications, and especially books and articles with biases,” according to a notice and photograph on the library’s website, which circulated widely online.

New cases of extraterritorial book censorship occurred: government censors required that books printed domestically conform to government propaganda guidelines, even if those books were written by a foreign author for a foreign audience. In February an Australian bookseller reported that PRC officials forbade a Chinese company from publishing a book that included political content they found objectionable, even though the books would have been shipped out of China as soon as they were printed.

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

On the 30th anniversary of the June 4, 1989, Tiananmen Square massacre, the government made an array of efforts to block all public mention of that historical event, not just in China but even in other countries. Within the country the government preemptively targeted potential critics, including elderly parents of the massacre victims, jailing them or temporarily removing them from major cities. Online censorship increased, with government censors aggressively blocking even indirect references and images from all online platforms, including, for example,

an image of books lined up facing a cigarette packet in a pattern invoking the famous video of a man facing down tanks on a Beijing street. The CNN website, normally accessible in the country, was blocked on June 4, and officials broke up a live CNN newscast in Beijing on June 4 by rushing between a news reporter and cameraman as they were broadcasting, demanding CNN staff stop reporting. Other international media outlets faced increased monitoring and detentions for reporting focused on the anniversary, including one reporter who was detained for six hours. Censors at domestic internet companies said tools to detect and block content related to the 1989 crackdown reached unprecedented levels of accuracy, aided by machine learning as well as voice and image recognition.

The new Heroes and Martyrs Law makes it illegal to insult or defame prominent communists. Citing this law, the CAC ordered major domestic news app Bytedance to rectify information “slandering” Fang Zhimin, a prominent communist historical figure, and to punish the individuals responsible for publishing the defamatory information. Sichuan police arrested a prominent female blogger for violating the Heroes and Martyrs Law because in one of her videos she paired a red scarf, “which symbolized the revolutionary tradition,” with an “inappropriately short” skirt. On March 28, the court sentenced the blogger, identified in court documents only by her last name “Tang,” to 12 days’ incarceration, a fine, and removal of her videos.

Authorities often justified restrictions on expressions on national security protection grounds. In particular, government leaders generally cited the threat of terrorism in justifying restricting freedom of expressions by Muslims and other religious minorities. These justifications were a baseline rationale for restrictions on press movements, publications, and other forms of repression of expression.

Internet Freedom

The government tightly controlled and highly censored domestic internet usage. Most internet users accessed the internet on mobile devices. More than 686 million individuals, or more than three-quarters of mobile internet users, reportedly obtained their news from social and online media sources.

Although the internet was widely available, authorities heavily censored content. The government continued to employ tens of thousands of individuals at the national, provincial, and local levels to monitor electronic communications and online content. The government reportedly paid personnel to promote official views on various websites and social media and to combat alternative views posted

online. Internet companies also independently employed thousands of censors to carry out CCP and government directives on censorship. When government officials criticized or temporarily blocked online platforms due to content, the parent corporations were required to hire additional in-house censors, creating substantial staffing demands well into the thousands and even tens of thousands per company.

In the first three weeks of January, the CAC closed 730 websites and 9,300 mobile apps, and during the second quarter of the year, it shuttered a total of 2,899 websites. The CAC announced that it had deleted more than seven million pieces of online information, and 9,382 mobile apps by April. These were deemed “harmful” due to inappropriate content, which included politically sensitive materials. For example, in July alone the CAC reportedly collected nearly 12 million “valid” reports of online “illegal and harmful” information.

The CAC also specifically ordered Tencent’s “Tiantian Kuaibao” news app to make changes, alleging it had been spreading “vulgar and low-brow information that was harmful and damaging to the internet ecosystem,” per the CAC statement. New approvals for offerings on Tencent’s gaming platforms were frozen for nine months in 2018 for any new video game approvals as part of an industry-wide tightening of the video game market, but this was the first time the news app had been criticized. Tencent’s popular messaging app WeChat announced in late February that it had closed more than 40,000 public accounts since the beginning of the year and removed 79,000 articles. The announcement stated the contents of the closed accounts were “false, exaggerated and vulgar” and that they “conveyed a culture of hopelessness and depression,” which “tarnished users’ taste” and the overall environment of the platform.

The law requires internet platform companies operating in the country to control content on their platforms or face penalties. According to Citizen Lab, China-based users of the WeChat platform are subject to automatic filtering of chat messages and images, limiting their ability to freely communicate.

On April 8, popular social media site Weibo (similar to Twitter and owned by Sina) announced it had suspended more than 50 popular accounts “according to relevant laws and regulations,” as they included “politically harmful information.” Account owners received notifications from Weibo that the suspensions would last 90 to 180 days. Account holders included Yu Jianrong, a prominent scholar of rural development and activist for the country’s peasants, who reportedly had not

published information deemed sensitive for several years but had 7.2 million followers at the time his Weibo account shut down.

The government continued to issue an array of regulations implementing the Cybersecurity Law, which took effect in 2017. The law allows the government to “monitor, defend, and handle cybersecurity risks and threats originating from within the country or overseas sources,” and criminalizes using the internet to “create or disseminate false information to disrupt the economic or social order.” The law also codifies the authority of security agencies to cut communication networks across an entire geographic region during “major security incidents,” although the government had previously implemented such measures before the law’s passage.

Xinhua issued an authoritative news piece in January stating that the China Netcasting Services Association (CNSA) had released two new documents regarding short-video market regulation: one on regulation of the platforms and one concerning censorship. The new censorship measures imposed stricter criteria for short videos online. The guidelines, which were believed to have been issued at the government’s direction, banned 100 types of inappropriate content, from videos of users dressing up in Communist Party costumes to those “promoting money worship and hedonism.” The CNSA documents openly discussed the “content review” standards it expected of these online video services. Other content to be removed included anything that “attacks China’s political or legal systems,” “content that damages China’s image,” “foot fetishes or sexual moaning,” and “spoofing the national anthem.” The documents called for platforms to expand their internal censorship teams as business grows and changes, and to keep at least one “content review” employee on staff for every 1,000 new videos posted to their platform each day.

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

In June censors abruptly shut down the app of the financial news aggregator wallstreetcn.com, which had been downloaded more than 100 million times, as well as its website. Earlier in the year, regulators fined wallstreetcn.com for distributing news without a license, and disrupting “online news order.” In the

shutdown notice the CAC said that wallstreetcn.com was in breach of cybersecurity measures.

The CAC also required all live-streaming platforms, video platforms, commercial websites, web portals, and apps to register with the CAC. Online content platforms by licensed central media and their affiliates were not required to register.

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

The finalization of the Cybersecurity Law in 2017 also bolstered real-name registration requirements for websites and social media platforms, imposing penalties on network operators that provide services to users who do not provide real-name information. In response, Baidu and Sina Weibo announced accounts without real name registration would have restricted access to certain website functions (e.g., commenting on posts). Cybercafes in Xingtai and Shanghai also began using facial recognition to match users with their photographs printed on national identification documents. In March, following a chemical plant explosion outside of Shanghai, the local government jammed drones sent by media outlets to capture footage of the explosion.

The government continued efforts to limit unauthorized virtual private network (VPN) service use. While the government permitted some users, including major international companies, to continue to utilize authorized VPNs, many smaller businesses, academics, and citizens were prohibited from using these tools. In March a Henan court charged Sun Dongyang with the crime of "illegally providing a tool for intruding into a computer information system" because he ran a website that promoted VPNs and other methods of circumventing the government's firewall.

The government regularly penalized those caught using unauthorized VPNs. At the same time, the government tacitly allowed netizens to use VPNs to access Twitter, Facebook, Instagram, and other websites normally inaccessible in the

country for the purpose of attacking views that criticized the government. PRC embassies abroad and state-run media outlets, for example, regularly posted in Chinese and English on Twitter, Facebook, and YouTube.

In December 2018 the Zhuhai Court sentenced prominent anticensorship campaigner Zhen Jianghua to a jail term of two years for “inciting subversion of state power” in a closed-door trial. He was released from prison on November 8. Zhen, also known by his online moniker GuestsZhen, reportedly provided technical guidance to domestic Internet users on how to circumvent the Great Firewall to make their posts visible overseas. He was also the executive governor of a website, Rights Movement, which helped collect and disseminate information on rights protections.

Many if not most of the major international news and information websites were blocked, including the *New York Times* and *Wall Street Journal*, as well as the websites of human rights organizations such as Amnesty International and Human Rights Watch. The government further restricted this space during the year, adding the *Washington Post*, the *Guardian*, *Huffington Post*, Australia’s *the Age and News*, and Wikipedia to the list of websites blocked by the so-called Great Firewall.

Government censors continued to block content from any source that discussed topics deemed sensitive, such as Taiwan, the Dalai Lama, Tibet, Xinjiang, and the 1989 Tiananmen Square massacre. The Hong Kong protests that occurred during the year were subject to heavy, selective censorship: the government initially struck any mention of the protests from media and online discussions, then began to allow and even promote reports criticizing the protesters, while continuing to prohibit access to positive or neutral reporting on the protesters, including reporting that detailed the protesters’ demands for democracy and accountability for police actions.

On August 5, Sun Yat-sen University doctoral student Chen Chun joined the protests in Hong Kong and posted his support for the Hong Kong protesters on his Weibo account. Other netizens reported him to Guangdong police, and his account was shut down.

Censorship on Chinese-owned social media platforms of users in other countries also occurred. In November TikTok, which was owned by Bytedance, blocked the account of a foreign-based user who had posted a video to raise awareness of the continuing human rights abuses in Xinjiang. After a public outcry, TikTok

restored her account and admitted her video had been temporarily removed “due to human moderation error.”

The government also punished Chinese citizens for expressing their opinions on foreign social media platforms while outside the country. In November a court in Wuhan sentenced Luo Daiqing to six months’ imprisonment on charges of “provocation” for posting a set of images mocking Chinese leaders on Twitter. Luo posted the images while living in Minnesota, where he was a student; he was arrested in July on a visit home to Wuhan.

The government also significantly increased censorship of business and economic information. In June at least 10 prominent blogs that published financial news and analyses were shut down and had all past content erased. This happened at the same time that government propaganda sources were publishing specific new messages about the country’s economy.

Thousands of social media and other websites remained blocked, including Facebook, Twitter, Instagram, Google, and YouTube.

Despite being blocked in China, Twitter was estimated to have millions of users there. A recent round of government attention on Twitter users in China started in late 2018. A Chinese dissident who lived in Beijing said the Beijing Municipal Public Security Bureau summoned him twice on suspicion of “inciting subversion of state power” and presented printed pages of his tweets as evidence. Internet monitors and activists tallied at least 40 cases of government authorities pressuring users in person to delete their tweets or their Twitter accounts. One user spent 15 days in a detention center, while police threatened another user’s family, and a third Twitter user was chained to a chair for eight hours of interrogation.

During the year authorities continued to manipulate the content of individual Twitter accounts. There were reports of authorities forcing individuals to give them access to their Twitter accounts, which authorities then used to delete their tweets. In March the anonymous netizen behind @AirMovingDevice, a Twitter account that specialized in using publicly available data to critically analyze government activity, declared she or he would be deleting all previous tweets and ceasing communication, adding, “it is not my intention to subvert state or Party authority.”

Authorities continued to jail numerous internet writers for their peaceful expression of political views. On July 29, a court in Sichuan sentenced prominent

blogger Huang Qi--a Chinese internet pioneer who once won CCP praise for using the web to “combat social ills”--to 12 years in prison for “deliberately disclosing state secrets” and “illegally providing state secrets to foreign entities.” The charges arose from Huang’s efforts to publicize cases of human rights abuses on the *64Tianwang* blog. Huang Qi had been jailed twice previously, for a total of eight years, as a result of his blogging that exposed local government malfeasance and brutality. After Huang’s release from those sentences, he continued his blogging activities.

On January 29, a court in Hubei sentenced Liu Feiyu to five years in prison for “inciting subversion of state power” because he ran a news portal publicizing government corruption and human rights abuses. In addition, there were continuing reports of cyber operations against foreign websites, journalists, and media organizations carrying information that the government restricted internet users in the country from accessing. As in the past, the government selectively blocked access to sites operated by foreign entities, including the websites or social media platforms of health organizations, educational institutions, NGOs, social networking sites, and search engines.

References to same-sex acts, same-sex relations, and the scientifically accurate words for genitalia remained banned following a 2017 government pronouncement listing same-sex acts/relations as an “abnormal sexual relation” and forbidding its depiction. A Weibo account featuring lesbian topics, where more than 143,000 users swapped information, was abruptly shut down in April and then reopened several weeks later. Several scenes in the movie *Bohemian Rhapsody* that depicted the main character’s gay relationships were cut out of the version shown in Chinese movie theaters.

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

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

authorities' orders to delete such information from their websites; failure to do so is punishable by relevant departments, such as police and the Ministry of Public Security.

On June 9, police in Jiuxiangling District summoned Guo Yongfeng, a Christian and former participant of a local democratic movement who lived in Shenzhen, to Xili Police Station in response to his online post about his intention to sue Tencent for banning several of his social media accounts. Police warned Guo against disseminating information online about rights protection and organizing related assemblies, and they did not release him until he wrote a letter of guarantee.

Academic Freedom and Cultural Events

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

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

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

Undergraduate students, regardless of academic major, must complete political ideology coursework on subjects such as Marxism, Maoism, Deng Xiaoping thought, and Xi Jinping thought. In February the CCP's Central Committee and the State Council made public the government's *Education Modernization Plan 2035*, which specified 10 strategic tasks, the first task being to study Xi Jinping thought, implement it throughout the education system, including at primary and secondary education levels, and strengthen political thought education in institutes of higher education.

Multiple media reports cited a tightening of ideological controls on university campuses, with professors dismissed for expressing views not in line with CCP thought. In March Tsinghua University Professor Xu Zhangrun was suspended due to a series of essays he wrote criticizing policies of the CCP and Xi Jinping. In August 2018 Professor Yang Shaozheng was expelled from Guizhou University for publishing "politically mistaken speech and politically harmful articles," including an article that estimated the total cost of maintaining the CCP apparatus. After his expulsion the government stripped his teaching credentials, prevented him from finding new employment, and on June 4, state security officials arrested him for "picking quarrels and provoking trouble." He was then released, but authorities detained him again in August and cancelled his health coverage and social benefits. In December Fudan University, Nanjing University, and Shaanxi Normal University revised their charters, adding a pledge to highlight the party's overall leadership in schoolwork and removing a reference to "freedom of thought." Students at Fudan University protested the revisions by singing the university's official anthem, which included a reference to "freedom of thought."

University professors also continued to come under scrutiny after their students reported them for comments deemed politically sensitive or inappropriate. In some cases the university assigned the students to act as informants. In July a university professor in Chengdu was suspended from teaching for two years after students filed a complaint for remarks deemed to have shown insufficient appreciation for Chinese culture and innovation. Professor Tang Yun of Chongqing University was banned from teaching and demoted for making "politically incorrect statements" while lecturing on Chinese author Lu Xun. Professor Tang had his teaching credentials cancelled after students reported his statements to party representatives at the school.

Crackdowns against student labor activists on university campuses increased early in the year. In January the *New York Times* reported that more than 20 students at elite Chinese universities had been forced to watch videotaped confessions of

detained labor activists to pressure the students to abandon their activism. Additional students and several recent graduates from Peking and Renmin Universities were reportedly detained and held incommunicado after releasing statements decrying police use of coerced confession videos. In May CNN reported six Marxist university students had been disappeared in the lead up to International Labor Day and the 100th anniversary of the May 4 student protests. One of the missing student labor activists, Qiu Zhanxuan, released a video and written testimony detailing abuse at the hands of police, including being strip-searched and forced to listen to a marathon speech by Xi Jinping at high volume.

Foreign universities establishing joint venture academic programs in the country must establish internal CCP committees and grant decision-making power to CCP officials. In August Reuters reported a surge in arrests and deportations of foreign teachers over the past six months as part of a continuing effort to crack down on foreign influence.

During the academic year, schools faced new prohibitions on the use of international curricula. The Ministry of Education forced the suspension of the advanced placement (AP) exams on U.S. history, world history, European history and human geography. The government allowed tests in other subjects, including calculus, biology, and chemistry, to continue.

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

The CCP’s reach increasingly extended beyond the country’s physical borders. In multiple instances overseas Chinese students monitored and pushed back against on-campus speech or activity considered to be critical of China, oftentimes in coordination with the government. In February the *Washington Post* reported a group of Chinese students at McMaster University in Ontario, Canada, sought guidance from the PRC embassy and filmed the presentation of Uighur activist Rukiye Turdush about China’s mass internment of Muslims. In August the *Times* of London reported that China aimed to manipulate United Kingdom media and

influence public officials through British universities, citing training provided by a University of Westminster media research center with links to the Chinese government on how to handle the British media, and the targeting of United Kingdom government officials, academics, and business executives by Leeds University's Business Confucius Institute. In August Australia established a University Foreign Interference Task Force to increase consultation between its schools and government to protect national interests out of growing concern about foreign influence on Australian campuses. On November 14, the task force released a set of guidelines designed to protect against such foreign interference by safeguarding the reputation of Australian universities, protecting academic freedom, and ensuring academic institutions and the Australian economy can maximize the benefits of research endeavors.

Authorities in Xinjiang disappeared or detained several prominent Uighur academics and intellectuals. Some officials and academics were charged with being “two-faced,” a euphemism referring to members of minority groups serving state and party occupations who harbor “separatist” or “antiofficial” tendencies, including disagreeing with official restrictions on minority culture, language, and religion. Those disappeared and believed to be held in the camps or otherwise detained included Rahile Dawut, an internationally known folklorist; Abdukerim Rahman, literature professor; Azat Sultan, Xinjiang University professor; Gheyretjan Osman, literature professor; Arslan Abdulla, language professor; Abdulqadir Jalaaliddin, poet; and Yalqun Rozi, writer. Rahile Dawut's Han Chinese student Feng Siyu was also detained. Authorities detained former director of the Xinjiang Education Supervision Bureau Satar Sawut and removed Kashgar University president Erkin Omer and vice president Muhter Abdughopur; all were disappeared at year's end. Courts delivered a suspended death sentence for “separatism” to Halmurat Ghopur, former president of Xinjiang Medical University Hospital. Religious scholars Muhammad Salih Hajim and Abdulnehed Mehsum died in the camps, according to reports during the year from international organizations. Tashpolat Tiyp, former president of Xinjiang University, remained detained on charges of “separatism,” and some human rights groups reported he had been sentenced to death. Economist Ilham Tohti remained in prison, where he was serving a life sentence after his conviction on separatism-related charges in 2014.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

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

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

In July residents from Wuhan, the capital of Hubei, protested a planned waste incineration plant in the city’s Yangluo District. Media had reported in 2013 that five such plants in Wuhan were substandard and emitted dangerous pollutants. Protests grew over several days, involving up to 10,000 demonstrators, until the local government dispersed them.

On December 26, police from Shandong coordinated with other police nationwide to arrest human rights activists and participants who gathered in Xiamen, Fujian, in early December to organize civil society and plan nonviolent social movements in the country. Suspected charges included “incitement to subvert state power” and “subversion of state power”; the latter crime carries a minimum 10-year prison sentence if convicted. At the end of the year, police held at least four activists in “residential surveillance at a designated location”: organizer Ding Jiayi and activists Zhang Zhongshun, Li Yingjun, and Dai Zhenya. Their families had no information on their whereabouts. Some human rights activists or those indirectly connected to the meeting participants fled the country or went into hiding inside the country. Several others involved in the meeting, including human rights lawyers, were held for several days in police custody in various jurisdictions for questioning and investigation.

Concerts, sports events, exercise classes, or other meetings of more than 200 persons require approval from public security authorities. Large numbers of public

gatherings in Beijing and elsewhere were canceled at the last minute or denied government permits, ostensibly to ensure public safety.

Freedom of Association

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

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

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

In 2017 the Law on the Management of Foreign NGOs’ Activities in Mainland China (Foreign NGO Management Law) came into effect. The law requires foreign NGOs to register with the Ministry of Public Security and to find a state-

sanctioned sponsor for their operations. NGOs that fail to comply face possible civil or criminal penalties. The law provides no appeal process for NGOs denied registration, and it stipulates NGOs found to have violated certain provisions could be banned from operating in the country. The law also states domestic groups cooperating with unregistered foreign NGOs will be punished and possibly banned. On November 25, the Foreign Ministry publicly confirmed for the first time that public security authorities had investigated and penalized a foreign NGO, in this case the New York-based Asia Catalyst, for carrying out unauthorized activities.

Some international NGOs reported it was more difficult to work with local partners, including universities, government agencies, and other domestic NGOs, as the law codified the CCP's perception that foreign NGOs were a "national security" threat. Finding an official sponsor was difficult for most foreign NGOs, as sponsors could be held responsible for the NGOs' conduct and had to undertake burdensome reporting requirements. After the Ministry of Public Security published a list of sponsors, NGOs reported most government agencies still had no unit responsible for sponsoring foreign NGOs. Professional supervisory units reported they had little understanding of how to implement the law and what authorities would expect of them. The vague definition of an NGO, as well as of what activities constituted "political" and therefore illegal activities, left many business organizations and alumni associations uncertain whether they fell within the purview of the law. The lack of clear communication from the government, coupled with harassment by security authorities, caused some foreign NGOs to suspend or cease operations in the country. As of December 31, approximately 510 foreign NGO representative offices (representing 420 distinct organizations) had registered under the Foreign NGO Management Law, with nearly half of those focusing on industry or trade promotion activities.

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

For donations to a domestic organization from a foreign NGO, the Foreign NGO Management Law requires foreign NGOs to maintain a representative office in the

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

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

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

c. Freedom of Religion

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

d. Freedom of Movement

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

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 continued to maintain tight restrictions on freedom of movement, particularly to curtail the movement of individuals deemed politically sensitive before key anniversaries, visits by foreign dignitaries, or major political events, as well as to forestall demonstrations. Freedom of movement for Tibetans continued to be very limited in the TAR and other Tibetan areas. Uighurs faced draconian restrictions on movement within Xinjiang and outside the region.

Although the use of “domestic passports” that called for local official approval before traveling to another area was discontinued in 2016, identification checks remained in place when entering or leaving cities and on public roads. In Xinjiang, security officials set up checkpoints managing entry into public places, including markets and mosques, that required Uighurs to scan their national identity card, undergo a facial recognition check, and put any baggage through airport-style security screening. Such restrictions were not applied to Han Chinese in these areas.

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

The household registration system added to the difficulties faced by rural residents, even after they relocated to urban areas and found employment. According to the *Statistical Communique of the People’s Republic of China on 2019 National Economic and Social Development*, published in February by the National Bureau of Statistics of China, 286 million individuals lived outside the jurisdiction of their household registration. Migrant workers and their families faced numerous obstacles with regard to working conditions and labor rights. Many were unable to access public services, such as public education for their children or social insurance, in the cities where they lived and worked because they were not legally registered urban residents.

From May to July, non-Beijing residents applied for a Beijing hukou under the special municipality’s new points-based system. Under the new policy enacted in 2018, nonnatives of the city under the legal retirement age who have held a Beijing temporary residence permit with the city’s social insurance records for seven consecutive years and were without a criminal record were eligible to accumulate points for the hukou. Those with “good employment, stable homes in Beijing, strong educational background, and achievements in innovation and establishing

start-ups in Beijing” were reportedly likely to obtain high scores in the point-based competition.

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

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

Border officials and police sometimes cited threats to “national security” as the reason for refusing permission to leave the country, although often authorities provided no reason for such exit bans. Authorities stopped most such persons at the airport at the time of their attempted travel.

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

Uighurs, particularly those residing in Xinjiang, reported great difficulty in getting passport applications approved at the local level. They were frequently denied passports to travel abroad, particularly to Saudi Arabia for the Hajj, to other Muslim countries, or to Western countries for academic purposes. Since 2016 authorities ordered Xinjiang residents to turn in their passports or told residents no new passports were available. Foreign national family members of Uighur activists living overseas were also denied visas to enter the country. The government continued its concerted efforts to compel Uighurs studying abroad to return to China, often pressuring relatives in Xinjiang to ask their overseas relatives to return. Authorities also refused to renew passports for Uighurs living abroad, compelling them to either return to China or pursue ways to maintain legal

status in other countries. Upon return, many of these Uighurs, or persons connected with the Xinjiang residents, were detained or disappeared.

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

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

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

Chen Xiaoya, author of the *History of Civil Rights Movement 1989*, was turned away by Guangxi customs officials when she tried to travel abroad on January 10. Customs officers told her that she was banned from leaving the country because she might jeopardize national security.

Fuzhou-based human rights activist Zhuang Lei attempted to visit Hong Kong on June 6 but was stopped by Shenzhen enforcement officers at the border. Zhuang, who claimed to have no criminal record, was referred to Fuzhou's domestic security police by the Shenzhen officers. Zhuang believed he was prevented from traveling to Hong Kong due to concerns that he might participate in the Hong Kong protests against an extradition bill on June 9.

Families of "709" lawyers faced difficulties applying for passports or were barred from leaving the country.

Foshan dissident Chen Qitang was released from Sihui Prison on May 24, after serving four and one-half years in jail for "subversion of state power." After his release, he was prevented from returning home.

On June 1, police in Guilin and Liuzhou summoned internet users who had discussed on social media their plans to travel to Hong Kong to participate in the

annual gathering in Victoria Park commemorating the 30th anniversary of the Tiananmen Square massacre, and ordered them not to go to Hong Kong. In April the 1990s Cantonese pop song “Ren Jian Dao” was banned nationwide, including on Apple Music, because the lyrics were believed to be making a reference to the 1989 massacre.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Although restricting access to border areas, the government regularly cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), which maintained an office in Beijing.

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

Refoulement: The government continued to consider North Koreans as illegal “economic migrants” rather than refugees or asylum seekers and refouled many of them to North Korea. Missionaries in China involved in helping North Koreans reach safe destinations said that Chinese authorities’ crackdown on North Korean defectors had intensified since Kim Jong Un took power.

In April Chinese authorities apprehended three North Korean women, three men, and a 10-year-old girl who fled from North Korea. RFA reported in August that China had detained 60 North Korean defectors and had refouled them to North Korea where they faced harsh punishments including torture, forced abortions, forced labor, sexual violence, or death.

Access to Asylum: The law does not provide for the granting of refugee or asylum status. The government did not have a system for providing protection to refugees but generally recognized UNHCR-registered refugees in China. Asylum applicants and refugees remained in the country without access to education or social services and were subject to deportation at any time.

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

UNHCR reported that Chinese officials continued to restrict its access to border areas. Authorities sometimes detained and prosecuted citizens who assisted North Korean refugees, as well as those who facilitated illegal border crossings.

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

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

g. Stateless Persons

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

Section 3. Freedom to Participate in the Political Process

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

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

Elections and Political Participation

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

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

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

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

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

No laws or regulations specifically govern the formation of political parties. The China Democracy Party (CDP) remained banned, and the government continued to monitor, detain, and imprison current and former CDP members. CDP founder Qin Yongmin, detained with his wife Zhao Suli in 2015, began his 13-year jail term in 2018 in Hubei's Qianjiang Prison for “subversion of state power.” After his wife was released, she and Qin's brother visited him in January and noted prison authorities denied him reading and writing materials and that Qin's physical and mental health were deteriorating due to his forced hard labor.

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

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

A total of 438 delegates from 55 ethnic minorities were members of the 13th NPC, accounting for 16 percent of the total number of delegates. All of the country's officially recognized minority groups were represented. The 19th Party Congress elected 15 members of ethnic minority groups as members of the 202-person Central Committee. There was no ethnic minority member of the Politburo, and only one ethnic minority was serving as a party secretary of a provincial-level jurisdiction, although a handful of ethnic minority members were serving as leaders in provincial governments. An ethnic Mongolian woman, Bu Xiaolin, served as chair of the Inner Mongolia Autonomous Region, equivalent to a provincial governor. An ethnic Hui woman, Xian Hui, also served as chair of the Ningxia Hui Autonomous Region.

Section 4. Corruption and Lack of Transparency in Government

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

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

In March 2018 the NPC adopted the National Supervision Law, which codified the joint National Supervisory Commission-Central Commission for Discipline Inspection (NSC-CCDI). The NSC-CCDI is charged with rooting out corruption, and its investigations can target any public official, including police, judges, and prosecutors; the commission can investigate and detain individuals connected to targeted public officials. The creation of the NSC essentially vested the CCDI, the CCP's internal discipline investigation unit that sits outside of the judicial system, with powers of the state. Rules governing NSC-CCDI investigations, operations, and detentions remained unclear.

NSC-CCDI detention, known as *liuzhi*, faced allegations of detainee abuse and torture. Liuzhi detainees are held incommunicado and have no recourse to appeal their detention. While detainee abuse is proscribed by the National Supervision

Law, the mechanism for detainees to report abuse is unclear. According to the compensation law, however, suspects wrongly accused of corruption can receive compensation for time spent in liuzhi.

Although liuzhi operates outside the judicial system, confessions given while in liuzhi were used as evidence in judicial proceedings. According to press reports and an NGO report released in August, liuzhi detainees experienced extended solitary confinement, sleep deprivation, beatings, and forced standing or sitting in uncomfortable positions for hours and sometimes days.

According to state media, the Discipline Inspection Commission and Supervision Commission in Maoming City, Guangdong, put 11 individuals in liuzhi detention between March and April 2018 for investigation of bribery or negligence of duty. One provincial official head of the liuzhi detention system said suspects averaged 42.5 days in detention before being transferred into the criminal justice system.

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

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

In 2018 anticorruption investigations probed the high-profile suicide of Zhang Yi, president of the Langfang Chengnan Orthopedic Hospital, when he detailed the corrupt practices that interfered in hospital management and funds. On March 26, a Gu'an County court in Langfang City, Hebei, began hearing the trial for 12 suspects accused of committing crimes including organizing, leading, and participating in a criminal organization; extortion; provoking troubles; intentional injury; intentional destruction of property; forcing deals; capital embezzlement; graft; and fraud. The court did not pass its judgment immediately. The Gu'an

court sentenced Yang Yuzhong to 25-years' imprisonment, the maximum prison sentence allowed. After Yang's family appealed the ruling, an appeals court in August affirmed the original judgment: 25-years' imprisonment for Yang Yuzhong and 18- and 10-years' imprisonment for two major members of Yang's organized crime group.

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

In late 2018, but reported during the year, the Shenzhen government provided a one-off payment of 300 million yuan (\$42 million) to more than 300 workers from Hunan for the serious occupational lung diseases they acquired while working there.

On March 22, several hundred villagers in Shunde District in Foshan demonstrated at the entrance of their village over their officials' alleged corruption in selling their collectively owned farmland. Police surrounded the village, dispersed the crowd, and detained demonstration participants.

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

The government sought to maintain control over civil society groups, halt the emergence of independent NGOs, and hinder activities of civil society and human rights groups. The government frequently harassed independent domestic NGOs

and in many cases did not permit them to openly monitor or comment on human rights conditions. The government made statements expressing suspicion of independent organizations and closely scrutinized NGOs with financial or other links overseas. The government took significant steps during the year to bring all domestic NGOs under its direct regulatory control, thereby curtailing the space for independent NGOs to exist. Most large NGOs were quasi-governmental, and government agencies had to sponsor all official NGOs.

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

The government used its membership on the UN Economic and Social Council's Committee on NGOs to block groups critical of China from obtaining UN accreditation and barring accredited activists from participating in UN events. The government also retaliated against human rights groups working with the United Nations, eliciting the criticism of UN Secretary-General Antonio Guterres.

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

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

Women

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

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

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

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

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

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

In September 2018 Liang Songji and Zhang Wuzhou witnessed police officers beating and forcing female lawyer Sun Shihua to strip naked at a police station in Guangzhou's Liwan District. They published accounts of the incident on social media, for which Guangzhou police detained both in October 2018. Prosecutors charged them with rumor mongering and obstructing police from performing

official duties. After an initial trial on August 11, the Liwan District Court sent the case back to the procuratorate for further investigation, but no new evidence was submitted. Liang and Zhang were sentenced on October 25, Liang to 18 months in jail for “picking quarrels and provoking trouble” and Zhang to 16 months in jail on the charges of “picking quarrels and provoking trouble” and “obstruction of official duties.”

Although many women experienced workplace sexual harassment, very few reported it. Human Rights Watch cited one statistic showing nearly 40 percent of women said they experienced sexual harassment in the workplace.

The Law on the Protection of Women’s Rights and Interests empowers victims to file a sexual harassment complaint with their employer, authorities, or both. Employers who failed to take effective measures to prevent sexual harassment could be fined.

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

Coercion in Population Control: There were reports of coerced abortions and sterilizations, although government statistics on the percentage of abortions that were coerced during the year were not available. The CCP restricts the rights of parents to choose the number of children they have and utilizes family planning units from the provincial to the village level to enforce population limits and distributions. The Population and Family Planning Law permits married couples to have two children and allows couples to apply for permission to have a third child if they meet conditions stipulated in local and provincial regulations.

State media claimed the number of coerced abortions had declined in recent years in the wake of loosened regulations, including the implementation of the two-child policy. Nevertheless, citizens were subject to hefty fines for violating the law, while couples who had only one child received a certificate entitling them to collect a monthly incentive payment and other benefits that vary by province--from approximately six to 12 yuan (one to two dollars) per month up to 3,000 yuan (\$420) for farmers and herders in poor areas. Couples in some provinces were required to seek approval and register before a child was conceived. The National Health Commission rejected calls to eliminate legal references to family planning, citing the country’s constitutional provision that “the state promotes family

planning so that population growth may fit the plans for economic and social development.”

According to other international reports, several Uighur women reported they were forced to undergo sterilization while detained in detention centers. A Uighur woman said she and other women were forced to ingest unknown drugs and drink a white liquid that caused them to lose consciousness and in some cases resulted in a loss of menstruation. She said some women died from excessive bleeding.

Under the law and in practice, there are financial and administrative penalties for births that exceed birth limits or otherwise violate regulations. The law, as implemented, requires each woman with an unauthorized pregnancy to abort or pay the social compensation fee, which can reach 10 times a person’s annual disposable income. The exact amount of the fee varied widely from province to province. Those with financial means often paid the fee so that their children born in violation of the birth restrictions would have access to a wide array of government-provided social services and rights. Some parents avoided the fee by hiding children born in violation of the law with friends or relatives. Minorities in some provinces, however, were entitled to higher limits on their family size.

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

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

As in prior years, population control policy continued to rely on social pressure, education, propaganda, and economic penalties, as well as on measures such as mandatory pregnancy examinations and, less frequently, coerced abortions and sterilizations. Officials at all levels could receive rewards or penalties based on whether or not they met the population targets set by their administrative region. With the higher birth limit, and since most persons wanted to have no more than

two children, it was easier to achieve population targets, and the pressure on local officials was considerably less than before. Those found to have a pregnancy in violation of the law or those who helped another to evade state controls could face punitive measures, such as onerous fines or job loss.

Regulations requiring women who violate the family planning policy to terminate their pregnancies still exist and were enforced in some provinces, such as Hubei, Hunan, and Liaoning. Other provinces, such as Guizhou and Yunnan, maintained provisions that require “remedial measures,” an official euphemism for abortion, to deal with pregnancies that violate the policy.

Although many local governments encouraged couples to have a second child, families with three or more children still must pay a “social compensation fee.” In Shandong a local district seized a family’s bank account of 22,987 yuan (\$3,200) for failure to pay the social compensation fee of 64,626 yuan (\$9,000) after having their third child. In a separate case in Shandong, a 67-year-old woman who gave birth to a third child faced fines from the local family planning commission. In previous years those who did not pay the fee were added to a “personal credit black list,” restricting their ability to request loans, take public transportation, purchase items, educate their children, and join tours. The compensation fees were estimated to be 15 to 30 percent of some local governments’ discretionary spending budgets. At year’s end the local government had not decided whether to fine the woman, but one government official promised to publicize the final decision.

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

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

birth-planning policy, and complaints are to be investigated and dealt with in a timely manner.

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

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

Authorities often did not enforce laws protecting the rights of women. According to legal experts, it was difficult to litigate sex discrimination suits because of vague legal definitions. Some observers noted the agencies tasked with protecting women’s rights tended to focus on maternity-related benefits and wrongful termination during maternity leave rather than on sex discrimination, violence against women, and sexual harassment; others pointed to the active role played by the All China Women’s Federation in passing the new domestic violence legislation.

On July 11, a Chengdu court ruled in favor of Liu Li, who used an alias, in a lawsuit against her former employer who she said sexually harassed her. The court ordered the former employer to apologize.

In October the Jing’an District People’s Court sentenced a man to six months in prison after he groped an adult woman and an under aged girl on a subway train on July 1.

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

Gender-biased Sex Selection: The most recent information from the PRC’s National Bureau of Statistics stated the boy-girl birth ratio was 111.9 to 100 in

2017, which was lower than the World Bank's statistic of 115 to 100 for the same year.

A 2016 regulation released by the PRC's National Health and Family Planning Commission, the State Administration for Industry and Commerce, and the State Food and Drug Administration bans nonmedical fetal sex diagnosis and aborting a pregnancy based on gender selection. It stipulates that no unit or individual should carry out or promote such procedures.

In September 2018 five government departments, including the National Health Commission and the State Drug Administration, jointly released a regulation on banning the use of ultrasonic diagnostic equipment to take "fetus photos" after the government found that such tools had been used to reveal the gender of the fetus.

Children

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

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

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

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

Sexual Exploitation of Children: The minimum legal age for consensual sex is 14. Persons who forced girls younger than 14 into prostitution could be sentenced to

10 years to life in prison in addition to a fine or confiscation of property. In especially serious cases, violators could receive a life sentence or death sentence, in addition to having their property confiscated. Those who visited girls forced into prostitution younger than 14 were subject to five years or more in prison in addition to paying a fine.

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

According to the law, persons broadcasting or showing obscene materials to minors younger than 18 are to be “severely punished.”

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

Displaced Children: The detention of an estimated one million or more Uighurs, ethnic Kazakhs, Kyrgyz, and other Muslims in Xinjiang left many children without caregivers. While many of these children had other relatives willing to care for them, the government began placing the children of detainees in orphanages, boarding schools, or “child welfare guidance centers,” where they were forced to shout patriotic slogans, learn Mandarin Chinese, and answer questions about their parents’ religious beliefs and practices. The number of such children was unknown, especially as many of these facilities were also used for orphans and regular students, but one media outlet reported that, based on a 2017 government planning document, at least 500,000 children were separated from their parents and put into these “care” centers. Government policy aims to provide such children with state-sponsored care until they reach age 18. Media reports showed new construction for orphanages in Xinjiang greatly escalated in 2017 and 2018 to house thousands of children of parents being held in camps. In Hotan, some boarding schools were topped with barbed wire.

Institutionalized Children: See “Displaced Children” section above.

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

Anti-Semitism

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

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

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

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

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

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

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

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

The law forbids the marriage of persons with certain mental disabilities, such as schizophrenia. If doctors find a couple is at risk of transmitting congenital disabilities to their children, the couple may marry only if they agree to use birth control or undergo sterilization. In some instances officials continued to require couples to abort pregnancies when doctors discovered possible disabilities during prenatal examinations. The law stipulates local governments are to employ such practices to eliminate the births of children with disabilities.

National/Racial/Ethnic Minorities

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

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

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

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

Officials in Xinjiang sustained efforts to crack down on the government-designated "three evil forces" of religious extremism, ethnic separatism, and violent terrorism, including by continuing the concentrated re-education campaign. Xinjiang Communist Party secretary Chen Quanguo, former Communist leader in the TAR, replicated in Xinjiang policies similar to those credited with reducing opposition to CCP rule in Tibet, increasing the security budget by more than 300 percent and advertising more than 90,800 security-related jobs. Authorities cited the 2016 Xinjiang guidelines for the implementation of the national Counterterrorism Law and a "people's war on terrorism" in its increased surveillance efforts and enhanced restrictions on movement and ethnic and religious practices.

Outside the internment camps, the government implemented severe restrictions on expressions of minorities' culture, language, and religious identity, including regulations prohibiting behaviors the government considered signs of "extremism" such as growing "abnormal" beards, wearing of veils in public places, and suddenly stopping smoking and drinking alcohol, among other behaviors. The regulations banned the use of some Islamic names when naming children and set punishments for the teaching of religion to children. Authorities conducted "household surveys" and "home stays" in which officials or volunteers forcibly lived in Uighurs' homes and monitored families for signs of "extremism." There were media reports that male officials would sleep in the same bed as the wives of men who were detained in internment camps, as part of the "Pair Up and Become Family" program, and also bring alcohol and pork for consumption during the home stay.

In October 2018 the Xinjiang government released new implementing regulations on “de-extremification.” Article 17 of the regulations states that county-level governments “may establish occupational skills education and training centers and other such education and transformation bodies and management departments to conduct education and transformation for persons influenced by extremism.” Some observers noted, despite this new regional law, the “re-education centers” were still illegal under the constitution.

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

The law states “schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever possible, use textbooks in their own languages and use their languages as the medium of instruction.” Despite provisions to ensure cultural and linguistic rights, measures requiring full instruction in Mandarin beginning in preschool and banning the use of Uighur in all educational activities and management were implemented throughout Xinjiang, according to international media.

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

parades involving thousands of armed police in cities across Xinjiang, according to state media.

Uighurs and other religious minorities continued to be sentenced to long prison terms and in some cases executed without due process on spurious charges of separatism and endangering state security. In 2016 and 2017, the Xinjiang regional government posted advertisements to recruit nearly 100,000 security personnel, international media reported.

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

Ethnic Kazakhs were also targeted, RFA and other international media reported. In August 2018 Sayragul Sauytbay, an ethnic Kazakh Chinese citizen, testified in a Kazakhstan court that she was forced to work in a center where an estimated 2,500 ethnic Kazakhs were detained. She told the court she had to undergo “political indoctrination” at the camp. Kazakhs were also prevented from moving freely between China and neighboring Kazakhstan, and some were detained in internment camps upon their return to China.

The government pressured foreign countries to repatriate or deny visas to Uighurs who had left China and repatriated Uighurs faced the risk of imprisonment and mistreatment upon return. Some Uighurs who were forcibly repatriated disappeared after arriving in China. Family members of Uighurs studying overseas were also pressured to convince students to return to China, and returning students were detained or forced to attend re-education camps, according to overseas media. Overseas ethnic Uighurs, whether they were citizens of the PRC or their countries of residence, were sometimes pressured to provide information about the Uighur diaspora community to agents of the PRC government.

In July media reported a Uighur woman and her two daughters were given Tajik passports and deported against their will from Turkey to Tajikistan, where they were flown by PRC authorities to Urumqi, despite being legal residents of Turkey. In August a Uighur man fled his home in Pakistan to seek asylum in Europe because multiple other Pakistan-based Uighurs had been refouled back to China. He was refused in entry in Bosnia and sent to Qatar, where he faced refoulement back to China, before ultimately being granted entry to another country.

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

For specific information on Tibet, see the Tibet Annex.

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

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

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

NGOs working on LGBTI issues reported that although public advocacy work became more difficult for them due to the Foreign NGO Management Law and the Domestic Charity Law, they made some progress in advocating for LGBTI rights through specific antidiscrimination cases.

HIV and AIDS Social Stigma

Discrimination against persons with HIV remained a problem, impacting individuals' employment, educational, and housing opportunities and impeding

access to health care. In some instances laws protecting persons with HIV from discrimination contradict laws restricting the rights of persons with HIV. During the year state media outlets reported instances of persons with HIV/AIDS who were barred from housing, education, or employment due to their HIV status. An estimated 1.25 million persons in the country had HIV.

Early in the year, a retired worker named “Wang Ming” in Xi’an was “persuaded” by the president of a local public hospital to return home, citing his coughing as a chronic disease. Wang Ming stated his belief the public hospital declined him service after finding out he was HIV positive, infected earlier during a dental operation at a private clinic.

According to the law, companies may not demand HIV antibody tests nor dismiss employees for having HIV. Nonetheless, the regulation on Prevention and Treatment of HIV/AIDS revised during the year also stipulates that HIV-positive individuals shall not engage in work that is prohibited by laws, administrative regulations, and the Department of Health under the State Council.

Other Societal Violence or Discrimination

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

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

Promotion of Acts of Discrimination

In an effort to justify the detention of ethnic minorities in Xinjiang and elsewhere, official Chinese state media outlets published numerous articles describing members of minority ethnic or religious groups as violent and inferior. Such propaganda emphasized the connection between religious beliefs, in particular belief in Islam, and acts of violence. Moreover, many articles described religious adherents as culturally backward and less educated, and thus in need of government rectification.

Section 7. Workers' Rights

a. Freedom of Association and the Right to Collective Bargaining

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

The law provides for legal protections against discrimination against the officially sanctioned union and specifies union representatives may not be transferred or terminated by enterprise management during their term of office. The law provides for the reinstatement of workers dismissed for official union activity as well as for other penalties for enterprises that engage in antiunion activities. The law does not protect workers who request or take part in collective negotiations with their employers independent of the officially recognized union.

All union activity must be approved by and organized under the ACFTU, a CCP organ chaired by a member of the Politburo. The ACFTU and its provincial and local branches continued to establish new constituent unions and add new members, especially among younger workers in technology companies. The law gives the ACFTU financial and administrative control over constituent unions empowered to represent employees in negotiating and signing collective contracts with enterprises and public institutions. The law does not mandate the ACFTU to represent the interests of workers in disputes.

The ACFTU and the CCP used a variety of mechanisms to influence the selection of trade union representatives. Although the law states trade union officers at each level should be elected, ACFTU-affiliated unions appointed most factory-level officers, often in coordination with employers. Official union leaders were often drawn from the ranks of management. Direct election by workers of union leaders continued to be rare, occurred only at the enterprise level, and was subject to

supervision by higher levels of the union or the CCP. In enterprises where direct election of union officers took place, regional ACFTU officers and local CCP authorities retained control over the selection and approval of candidates. Even in these cases, workers and NGOs expressed concern about the credibility of elections.

The law does not expressly prohibit work stoppages and does not prohibit workers from striking spontaneously. Although some local authorities tolerated strikes protesting unpaid or underpaid wages, reports of police crackdowns on strikes continued throughout the year. For example, on April 10, police in Zhangjiakou, Hebei, beat and arrested a group of Bell Tower Brewery employees calling for unpaid social insurance benefits. Wage and benefit arrears constituted 84 percent of the 1,386 strikes and collective protests recorded during the year by the Hong Kong-based labor rights NGO China Labor Bulletin.

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

Enforcement was generally insufficient to deter wide-scale violations of laws designed to protect workers’ rights. Labor inspectors lacked authority and resources to compel employers to correct violations. While the law outlines general procedures for resolving disputes, procedures were lengthy and subject to delays. Local authorities in some areas actively sought to limit efforts by independent civil society organizations and legal practitioners. Some areas maintained informal quotas on the number of cases allowed to proceed beyond mediation to arbitration or the courts. Some local government authorities took steps to increase mediation or arbitration. According to the *China Labor Statistical Yearbook*, in 2017 local labor dispute arbitration committees handled 785,323 cases, of which 169,456 were related to the termination of employment contracts.

Despite the appearances of a strong labor movement and relatively high levels of union registration, genuine freedom of association and worker representation did not exist. The ACFTU constituent unions were generally ineffective in representing and protecting the rights and interests of workers. Workers generally

did not view the ACFTU as an advocate, especially migrant workers who rarely interacted with union officials.

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

The government increasingly targeted labor activists, students, and others advocating for worker rights during the year. For example, the government continued to target labor organizers and labor rights activists following the detention of Jasic Technology factory workers and their supporters that began in July 2018. The government ramped up its antilabor campaign by detaining and harassing labor rights advocates, including factory workers, activists, researchers, NGO workers, social workers, and media editors, beyond those involved in the Shenzhen Jasic movement in which workers at a Jasic Technology factory attempted to form a union in response to low pay and poor working conditions. Guangdong labor activists, the Maoist organization Wu-You-Zhi-Xiang, leftist university students, and other groups supported the protests, and Shenzhen police took into custody dozens of workers and one student labor activist in 2018, and four workers--Li Zhan, Liu Penghua, Mi Jiuping, and Yu Juncong--remained in custody at year's end. According to the Jasic Workers' Support Group, some of its members were interviewed by state security officials and asked to watch a video in which their peers confessed to their alleged wrongdoings in supporting the labor campaign against the Jasic company. In one video, Shen Mengyu and three other activists reportedly said their violations of the law and extremist thoughts were the result of brainwashing by radical organizations that wanted to utilize them to instigate dissent against the state. The Support Group criticized the police's footage and described it as a forced production against the will of the students and full of loopholes.

Six UN independent experts wrote to the government in May expressing concern over the Jasic detentions. In June and October, the International Labor Organization (ILO)'s Committee on the Freedom of Association, in response to a case filed by the International Trade Union Confederation alleging government harassment, intimidation, arrests, and physical abuse, concluded the government's detention of and criminal charges against the Jasic workers constituted a serious interference with civil liberties and trade union rights. The ILO urged the

government to release workers detained in relation to their activities to form a union and submit a detailed reply on the allegations.

Despite restrictions on worker action, joint action across provinces took place in several other sectors. In April protests by delivery company employees over layoffs, wage arrears, social insurance, and equal pay took place at various locations in Shandong, Jiangxi, and Shaanxi, as well as in Beijing and Shanghai.

Coordinated efforts by governments at the central, provincial, and local levels, including surveillance, harassment, detention, and the imposition of travel restrictions on labor rights defenders and restrictions on funding sources for NGOs, disrupted labor rights advocacy. In January and March, police detained three editors of an online worker rights advocacy platform after they published information advocating for migrant workers from Hunan to receive overdue compensation for the occupational lung disease pneumoconiosis. In May police raided civil society organizations supporting migrant workers in Beijing, Guangzhou, and Shenzhen, detaining four social workers. On December 15, three labor activists who worked to defend the legal rights of sanitation workers were detained for 15 days in Guangzhou.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor. Although domestic media rarely reported forced labor cases and the penalties imposed, the law provides a range of penalties depending on the circumstances, including imprisonment, criminal detention, and fines. It was unclear whether the penalties were sufficient to deter violations.

There were multiple media and NGO reports that persons detained in the internment camps in Xinjiang (see section 6) were subjected to forced labor. The detainees mostly worked in textile factories producing garments. In June a factory investigation report stated apparel made at a forced labor camp in Xinjiang was imported by a U.S. athletic gear provider.

The more than one million Chinese workers overseas remained vulnerable to employer exploitation and forced labor. On March 22, the head of U.S. operations for a Chinese construction firm and its U.S.-based subsidiaries was convicted in U.S. court on forced labor charges for exploiting Chinese construction workers in New York City.

Although in 2013 the NPC officially abolished the re-education through labor system, an arbitrary system of administrative detention without judicial review, numerous media outlets and NGOs reported forced labor continued in prisons as well as drug rehabilitation facilities where individuals continued to be detained without judicial process. In August an NGO report stated prison labor was used in cotton production in Xinjiang.

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

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all of the worst forms of child labor. The law prohibits the employment of children younger than 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. Where there were reports of child labor in the private sector, the government reportedly enforced the law.

The law specifies administrative review, fines, and revocation of business licenses of enterprises that illegally hire minors and provides underage working children be returned to their parents or other custodians in their original place of residence. The penalty is imprisonment for employing children younger than 16 in hazardous labor or for excessively long hours, but a gap remained between legislation and implementation despite annual inspection campaigns launched by local authorities across the country. Laws aimed at stopping child trafficking may not apply to boys ages 14-17. It was unclear whether the penalties were sufficient to deter violations. During the year there were reports of children working, often unpaid, in small manufacturing workshops, on farms, and as acrobats.

In April media reported that student interns from Changchun University of Science and Technology were forced to sign contracts, often without reading them, with electronics factories in Hebei and Jilin. The students reportedly worked 12 hours a day with no breaks, no holidays, no sick leave, and minimal pay. One male student was taken to the hospital after being beaten by another employee, and one female student reported being sexually harassed on the job.

In July the Ministry of Education issued guidelines to regulate student internships. As in past years, however, abuse of the student-worker system continued. There were multiple reports schools and local officials improperly facilitated the supply of student laborers. For example, there were media and NGO reports that vocational student interns at Foxconn Technology Group's facility in Hengyang, Hunan, accounted for more than 20 percent of one facility's workforce, double the level permitted by law. Some students were forced to work night shifts and overtime in violation of the law. Media reported that in one case, a student who complained to the manager of her production line was told by a teacher that noncompliance could jeopardize her graduation. In response to media inquiries, Foxconn acknowledged it was not in full compliance with relevant laws and regulations, adding it would take immediate steps to ensure interns no longer worked overtime or nights. Foxconn had previously been criticized for using child labor from vocational schools.

Also see the U.S. Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

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

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

A November 2018 Human Rights Watch survey of 36,000 civil service job advertisements between 2013 and 2018 found one in five specified a requirement or preference for men. Examples of discrimination included job advertisements seeking pretty women, preferring men, or requiring higher education qualifications from women compared with men for the same job. Survey results showed women were less likely to be invited for interviews or called back for a second round of interviews. In interviews some women were asked whether they had children, how many children they had, and whether they planned to have children or more children if they had a child already. A 2018 survey of 100,000 job seekers by Zhaopin, an online job search platform, found women were paid 22 percent less than men and more than 10 percent of working women believed deciding to marry or have children would put their opportunities to advance at risk. In August a member of the National People's Congress Standing Committee noted women faced discrimination when pregnant, which employers associated with additional costs.

In December 2018 the Supreme Court issued instructions announcing infringement of equal employment rights was an acceptable cause of action for litigation. Subsequently, on October 28, a 41-year-old female worker in Zhuhai won the country's first-ever civil lawsuit filed for pregnancy discrimination. Media reported the plaintiff, pseudonym Zhang Min, was fired on February 20 by her employer, Yingli Property Management Company, Ltd., the day after her pregnancy was confirmed by a local hospital. The Zhuhai District Court held the employer violated the Employment Promotion Law and ordered the company to issue the plaintiff a written apology, compensate her for unpaid wages during and after her pregnancy, and pay 10,000 yuan (\$1,500) in psychological damages.

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

e. Acceptable Conditions of Work

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

overtime. It also prohibits overtime work in excess of three hours per day or 36 hours per month and mandates premium pay for overtime work.

The Ministry of Emergency Management, established in 2018, sets and enforces occupational safety regulations. The National Health Committee sets and enforces occupational health regulations. The law requires employers to provide free health checkups for employees working in hazardous conditions and to inform them of the results. The law also provides workers the right to report violations or remove themselves from workplace situations that could endanger their health without jeopardy to their employment.

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

The government did not effectively enforce the law. Penalties were not adequate to deter violations and were seldom enforced. The number of inspectors was insufficient to deter violations and did not operate in the informal sector. Although the country's worker safety record improved over the preceding eight years, there were a number of workplace accidents during the year. Media and NGO reports attributed them to a lack of safety checks, weak enforcement of laws and regulations, ineffective supervision, and inadequate emergency responses.

Nonpayment of wages, including overtime and premium pay, remained a problem in many areas. Moreover, a 2018 ACFTU survey found 30 percent of white-collar employees were discouraged from taking annual leave to which they were entitled. The government seldom enforced overtime laws, and 72-hour workweeks were common for a wide range of workers. Early in the year, technology workers organized an online campaign protesting "996 culture," representing typical working hours in the industry, from 9 a.m. to 9 p.m., six days a week. The campaign prompted public debate and limited action. For example, some technology product developers began refusing to license projects to companies that promoted a work culture of voluntary or mandatory overtime. Also, in response to the campaign, more than 70 lawyers signed a letter directed to the Ministry of Human Resources and Social Security urging the government to enforce labor laws. Some local authorities, including in Hangzhou, launched investigations to determine if companies violated labor laws by encouraging overtime work.

Unpaid wages have been an acute problem for decades due to the prevalence of hiring subcontracted low-wage migrant workers. This informal hiring scheme made rural laborers susceptible to delayed payment or nonpayment for their work, prompting them to join in collective action. Governments at various levels continued efforts to prevent arrears and to recover payment of unpaid wages and insurance contributions. According to the Supreme People's Procuratorate, it prosecuted 2,609 individuals in 2,396 cases of nonpayment of wages during the year, helping workers recover 250 million yuan (\$35.2 million) of unpaid wages. Prosecutions resulted in 2,599 arrests. Workers, however, occasionally took drastic measures to demand payment. On June 27, two construction workers in Lengshuijiang, Hunan, threatened to jump from a crane unless they were paid for their work.

Companies continued to relocate or close on short notice, often leaving employees without adequate recourse for due compensation. On July 23, workers staged a protest demanding back wages when a car dealership in Taizhou, Zhejiang, suddenly closed without warning.

Workers in the informal sector often lacked coverage under labor contracts, and even with contracts, migrant workers in particular had less access to benefits, especially social insurance. Workers in the informal sector worked longer hours and earned less than comparable workers in the formal sector. On April 23, a strike of approximately 100 sanitation workers in Henan protested excessive working hours, stagnant pay, and poor working conditions (also see section 7.a.).

According to several official documents published during the year, occupational diseases were prevalent, and, according to media reports, underreported. Patients came from many industries, including coal, chemical engineering, and construction. The National Health Commission reported 28,000 new cases of occupational illnesses were diagnosed annually, with pneumoconiosis, or black lung disease, accounting for nearly 90 percent of cases. In July media reported that police halted the travel of more than 10,000 former construction workers affected by pneumoconiosis from Shaanxi, as they traveled to Luoyang to petition for compensation for the occupational illness.

Workplace accidents and injuries remained common. Although there were fewer news reports on coal mine accidents during the year, the coal mining industry remained extremely deadly. According to the China Coal Safety Production Network, during the year there were 170 coal mine accidents, causing 3,168 deaths. On January 12, a coal dust explosion in Shaanxi killed 21 miners. A May

29 coal mine collapse in Jiangxi left two dead. On July 31, seven individuals died when methane gas exploded in a coal mine in Guizhou.

Work accidents also remained widespread in other industries. On February 23, a silver mine accident in Inner Mongolia killed 22 persons and injured 28. On March 21, a chemical plant explosion in Jiangsu killed 78 persons and injured more than 600. Ten construction workers died on May 16, when the building they were working on collapsed in Shanghai. On September 29, a factory fire in Zhejiang killed 19 workers.

TIBET 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

Civilian authorities maintained control over the security forces.

Significant human rights issues included: forced disappearances; torture; arbitrary detention; political prisoners; censorship and website blocking; substantial interference with the rights of peaceful assembly and freedom of association; severe restrictions on religious freedom; severe restrictions on freedom of movement; and restrictions on political participation.

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

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

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

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

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

b. Disappearance

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

Lodoe Gyatso was arrested outside the Potala Palace in January 2018 and has not been seen since. In November 2018 sources reported Lodoe had been sentenced to 18 years in prison, but officials insisted his case was a state secret that could not be discussed. His whereabouts and condition were unknown.

Thubpa, a monk from Ngaba County, Sichuan, was detained in late 2017 and has not been heard from since. He had previously served 18 months in prison for burning a Chinese flag in protest in 2008. No charges have been announced and his whereabouts were unknown.

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

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

According to credible sources, police and prison authorities employed torture and cruel, inhuman, or degrading treatment or punishment in dealing with some detainees and prisoners. There were reports during the year PRC officials severely beat some Tibetans who were incarcerated or otherwise in custody. Such beatings reportedly led to death.

On May 1, Yeshe Gyatso, 50, died in Rebkong County of Malho TAP, Qinghai, following his release from prison where he was reportedly beaten and tortured. Authorities had arrested him in 2008 for taking part in peaceful protests against PRC policies in Tibet.

Prison and Detention Center Conditions

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

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

d. Arbitrary Arrest or Detention

Arbitrary arrest and detention remained serious problems. Public security agencies are required by law to notify the relatives or employer of a detained person within 24 hours of their detention, but they often failed to do so when Tibetans and others were detained for political reasons. Public security officers may legally detain persons throughout the PRC for up to 37 days without formally arresting or charging them. Criminal detention beyond 37 days requires approval of a formal arrest by the procuratorate, but in cases pertaining to “national security, terrorism, and major bribery,” the law permits up to six months of incommunicado detention without formal arrest. After formally arresting a suspect, public security authorities are authorized to detain a suspect for up to an additional seven months while the case is investigated. After the completion of an investigation, the procuratorate can detain a suspect an additional 45 days while determining whether to file criminal charges. If charges are filed, authorities can detain a suspect for an additional 45 days before beginning judicial proceedings. Security officials frequently violated these legal requirements, with pretrial detention periods of more than a year being a common occurrence. It was unclear how many Tibetan detainees held by authorities under various forms of detention were not subject to judicial review.

On April 29, Wangchen, Lobsang, and Yonten (reports only indicated the use of one name) from Sershul County of Kardze TAP, Sichuan, were detained for praying for the release of the 11th Panchen Lama Gedhun Choekyi Nyima and for his reunification with the Dalai Lama in Tibet. The Sershul County People’s Court sentenced Wangchen to four years and six months in prison. Authorities fined Lobsang and Yonten 15,000 yuan (\$2,140) and ordered them to attend six months of political re-education classes.

Lobsang Thamkhe and Lobsang Dorjee, both monks at Kirti Monastery in Ngaba County, Ngaba Tibetan and Qiang Autonomous Prefecture, Sichuan, were detained in 2018 without stated cause. On July 31, Thamkhe was convicted on undisclosed charges and sentenced to four years' imprisonment. Dorjee's whereabouts and the reasons for his detention were unknown.

e. Denial of Fair Public Trial

Legal safeguards for detained or imprisoned Tibetans were inadequate in both design and implementation. Criminal suspects in the PRC have the right to hire a lawyer or other defense representation, but many Tibetan defendants, particularly those facing politically motivated charges, did not have access to legal representation. While some Tibetan lawyers are licensed in Tibetan areas, observers reported they were often unwilling to defend individuals in front of Han Chinese judges and prosecutors due to fear of reprisals or disbarment. In cases that authorities claimed involved "endangering state security" or "separatism," trials often were cursory and closed. Local sources noted trials were predominantly conducted in Mandarin, with government interpreters provided for Tibetan defendants who did not speak Mandarin. Court decisions, proclamations, and other judicial documents, however, generally were not published in Tibetan.

Trial Procedures

In a report published in January, the TAR High People's Court reportedly sentenced 25 persons for supporting the Dalai Lama, spreading reactionary information, and inciting separatism. Details of the trial proceedings were unknown.

In May officials in Nyintri City, TAR, announced the local court would hire 39 court clerks. Among the requirements for new employees were loyalty to CCP leadership and a critical attitude towards the Dalai Lama.

Tibetan language activist Tashi Wangchuk, arrested in 2016, has not been granted access to a lawyer since his conviction in May 2018. Attorney access was limited prior to his trial, and petitions and motions to appeal the verdict filed by his lawyer during the year were not accepted by the government, despite provisions for such requests in the PRC legal system.

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

Political Prisoners and Detainees

An unknown number of Tibetans were detained, arrested, or sentenced because of their political or religious activities. Individuals detained for political or religious reasons were often held on national security charges, which had looser restrictions on the length of pretrial detention. Many political detainees were therefore held without trial far longer than other types of detainees. Authorities held many prisoners in extrajudicial detention centers without charge and never allowed them to appear in public court.

The U.S. Congressional-Executive Commission on China examined publicly available information, and as of November 7, its Political Prisoner Database (PPD) contained 273 records of Tibetans known or believed to be detained or imprisoned by PRC authorities in violation of international human rights standards. Of the 115 cases for which there was available information on sentencing, punishment ranged from 15 months’ to life imprisonment. The PPD is believed to contain only a small fraction of the actual number of political prisoners due to Chinese government censorship, and a change in the number of PPD records compared with previous years does not necessarily reflect a change in the human rights situation.

Politically Motivated Reprisal Against Individuals Located Outside the Country

Tibetans seeking asylum in neighboring countries were sometimes repatriated to China, with reports citing pressure by the PRC as a main cause for the repatriation. There were credible reports that the PRC put heavy pressure on the government of Nepal to approve an extradition treaty in which Nepal would commit to forcibly returning Tibetan refugees facing criminal prosecution in the PRC. While the Government of Nepal deferred the bill amid reported concerns about sovereignty infringement and the safety of Tibetan refugees, the government signed a mutual legal assistance treaty with China in October. Rights groups expressed concerns that the PRC could use it to target Tibetan refugees in Nepal.

Tightened border controls sharply limited the number of Tibetans crossing the border from China into Nepal and India. The PRC government at times compelled Tibetans located in China to pressure their family members seeking asylum overseas to return to China.

Authorities in Tamil Nadu State, India, detained approximately 40 Tibetans, including the leader of the Tibetan Youth Congress, as “preventative arrests” ahead of the October 2019 state visit by PRC president Xi Jinping. The government of Nepal also closed monasteries during Xi’s visit in October, despite no protests being planned. The Nepali government also refused requests by Tibetan residents for a public celebration on the Dalai Lama’s birthday. When Tibetan Buddhists held private events in the largest settlement in Kathmandu, police intervened to stop the celebration.

Tibetan Self-Immolations

One case of self-immolation was reported in November. There have been 156 known immolations since 2009, more than half of which took place in 2012. Local contacts reported the decline in reported self-immolations was due to tightened security by authorities, the collective punishment of self-immolators’ relatives and associates, and the Dalai Lama’s public plea to his followers to find other ways to protest Chinese government repression. Chinese officials in some Tibetan areas withheld public benefits from the family members of self-immolators and ordered friends and monastic personnel to refrain from participating in religious burial rites or mourning activities for self-immolators.

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

On November 26, 24-year-old former monk Yonten self-immolated and died in Meruma Township, Ngaba County, Sichuan.

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

The TAR regional government punished CCP members who followed the Dalai Lama, secretly harbored religious beliefs, made pilgrimages to India, or sent their children to study with Tibetans in exile. Authorities continued electronically and manually to monitor private correspondence and to search private homes and businesses for photographs of the Dalai Lama and other politically forbidden

items. Police examined the cell phones of TAR residents to search for “reactionary music” from India and photographs of the Dalai Lama. Authorities also questioned and detained some individuals who disseminated writings and photographs over the internet.

The “grid system” (also known as the “double-linked household system”) continued. The grid system involves grouping households and establishments and encouraging them to report problems in other households, including monetary problems and transgressions, to the government. Authorities reportedly rewarded individuals with money and other forms of compensation for reporting on others. While this system allows for greater provision of social services to those who need them, it also allows authorities to more easily control those it considers “extremists” and “splittists.” During the year maximum rewards for information leading to the arrests of social media users deemed disloyal to the government increased to RMB 300,000 (\$42,800), six times the per capita GDP of the TAR.

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

The TAR Communist Party also launched specialized propaganda campaigns to counter “Tibetan independence” and undermine popular support for the Dalai Lama. Media reports indicated that in some areas, households were required to have photographs of President Xi Jinping placed in prominent positions in private homes and were subject to inspections and fines for noncompliance. The PRC’s continuing campaign against organized crime also targeted supporters of the Dalai Lama, who were considered by police to be members of a criminal organization.

In July international media reported local officials detained and beat a number of Tibetan villagers from Palyul County of Kardze TAP, Sichuan, for possessing photographs of the Dalai Lama after raids on their residences.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

Freedom of Expression: Tibetans who spoke to foreigners or foreign reporters, attempted to provide information to persons outside the country, or communicated

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

Media reports in October noted that advertisements for teaching positions within the TAR required applicants to “align ideologically, politically, and in action with the CCP Central Committee,” “oppose any splittist tendencies,” and “expose and criticize the Dalai Lama.” The advertisements explained that all applicants were subject to a political review prior to employment.

Press and Media, Including Online Media: Foreign journalists may visit the TAR only after obtaining a special travel permit from the government, and authorities rarely granted this permission.

Authorities tightly controlled journalists who worked for the domestic press and could hire and fire them based on assessments of their political reliability. In April the *Shannan Newspaper*, a daily newspaper in Lhoka City, TAR, included in a listing for new positions the requirement that employees “resolutely implement the party’s line, principles, policies, and political stance, fight against separatism, and safeguard the motherland’s unity and ethnic unity.” CCP propaganda authorities remained in charge of journalist accreditation in the TAR and required journalists working in the TAR to display “loyalty to the party and motherland.” The deputy head of the TAR Propaganda Department simultaneously holds a prominent position in the TAR Journalist Association, a state-controlled professional association to which local journalists must belong.

Violence and Harassment: PRC authorities arrested and sentenced many Tibetan writers, intellectuals, and singers for “inciting separatism.” Numerous prominent Tibetan political writers, including Jangtse Donkho, Kelsang Jinpa, Buddha, Tashi Rabten, Arik Dolma Kyab, Gangkye Drupa Kyab, and Shojkhang (also known as Druklo), reported security officers closely monitored them following their releases from prison between 2013 and 2019 and often ordered them to return to police stations for further interrogation. In addition, authorities banned some writers from

publishing and prohibited them from receiving services and benefits such as government jobs, bank loans, passports, and membership in formal organizations.

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

The TAR Internet and Information Office maintained tight control of a full range of social media platforms. According to multiple observers, security officials often cancelled WeChat accounts carrying “sensitive information,” such as discussions about Tibetan-language education, and interrogated the account owners. Many sources also reported it was almost impossible to register with the government, as required by law, websites promoting Tibetan culture and language in the TAR.

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

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

Internet Freedom

As in past years, authorities curtailed cell phone and internet service in the TAR and other Tibetan areas, sometimes for weeks or even months at a time. Interruptions in internet service were especially pronounced during periods of unrest and political sensitivity, such as the March anniversaries of the 1959 and 2008 protests, “Serf Emancipation Day,” and around the Dalai Lama’s birthday in July. When authorities restored internet service, they closely monitored its usage. There were widespread reports of authorities searching cell phones they suspected of containing suspicious content. Many individuals in the TAR and other Tibetan areas reported receiving official warnings and being briefly detained and interrogated after using their cell phones to exchange what the government deemed to be sensitive information. In July, in advance of the Dalai Lama’s birthday, Radio Free Asia reported authorities warned Tibetans not to use social media chat groups to organize gatherings or celebrations of the spiritual leader’s birthday. The TAR Internet and Information Office continued a research project known as

Countermeasures to Internet-based Reactionary Infiltration by the Dalai Lama Clique.

In February, TAR Party Secretary Wu Yingjie urged authorities to “resolutely manage the internet, maintain the correct cybersecurity view, and win the online antiseparatist battle.”

Throughout the year authorities blocked users in China from accessing foreign-based, Tibet-related websites critical of official government policy in Tibetan areas. Technically sophisticated hacking attempts originating from China also targeted Tibetan activists and organizations outside mainland China.

Academic Freedom and Cultural Events

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

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

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

In May police detained Sonam Lhundrub, a Tibetan university student in Lanzhou City, Gansu, after he wrote an essay criticizing the government. His essay noted the lack of government job positions available to Tibetans in the province and the difficulty of competing with Han Chinese applicants for jobs.

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

Tibetan and Mandarin Chinese are the official languages of the TAR. Both languages appeared on some, but not all, public and commercial signs. Official buildings and businesses, including banks, post offices, and hospitals, frequently lacked signage in Tibetan. In many instances forms and documents were available only in Mandarin. Mandarin was used for most official communications and was the predominant language of instruction in public schools in many Tibetan areas. To print in the Tibetan language, private printing businesses in Chengdu needed special government approval, which was often difficult to obtain.

Financial and subsistence aid is sometimes tied to a reeducation program called “Unity and Love for the Motherland,” a program that continued to expand since its inception in 2017. In areas where this program was in place, state subsidies and incentives were given only to Tibetans who could demonstrate support and knowledge of CCP leaders and ideology, often requiring them to memorize party slogans and phrases of past CCP leaders and to sing the national anthem. These tests were carried out in Chinese, disadvantaging Tibetans who could not speak or read Chinese.

According to multiple sources, monasteries throughout Tibetan areas of China were required to integrate CCP members into their governance structure, with party members exercising control over monastic admission, education, security, and finances. This requirement included geographic residency limitations on who can attend each monastery. In August monks from prominent Tibetan monasteries attending a government training were told to “lead the religion in the direction of better compatibility with socialist society” and that the reincarnation of the Dalai Lama “would not be affected by the Dalai Lama’s separatist clique.”

PRC law states “schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever possible, use textbooks in their own languages and use their languages as the media of instruction.” Despite guarantees of cultural and linguistic rights, many primary, middle, high school, and college students had limited access to officially

approved Tibetan-language instruction and textbooks, particularly in the areas of “modern-day education,” which refers to nontraditional, nonreligious education, particularly computers, physical education, arts, and other “modern” subjects.

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

Tsering Dorjee, a Tibetan from the Shigatse area of the TAR, was detained in a reeducation camp for over a month after having a phone conversation with his brother about the importance of Tibetan language education. Security officials told family members that discussing Tibetan language instruction constituted a political crime.

b. Freedoms of Peaceful Assembly and Association

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

In March and July, local observers noted that many monasteries and rural villages in the TAR and Tibetan areas in Sichuan, Qinghai, and Gansu received official warnings not to organize certain gatherings, including the celebration of the Dalai Lama’s birthday.

c. Freedom of Religion

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

d. Freedom of Movement

PRC law provides for freedom of internal movement, foreign travel, emigration, and repatriation; however, the government severely restricted travel and freedom

of movement for Tibetans, particularly Tibetan Buddhist monks and nuns as well as lay persons whom the government considered to have “poor political records.”

In-country Movement: The People’s Armed Police and local public security bureaus set up roadblocks and checkpoints in Tibetan areas on major roads, in cities, and on the outskirts of cities and monasteries, particularly around sensitive dates. Tibetans traveling in monastic attire were subject to extra scrutiny by police at roadside checkpoints and at airports. Tibetans without local residency were turned away from many Tibetan areas deemed sensitive by the government.

Authorities sometimes banned Tibetans, particularly monks and nuns, from leaving the TAR and from traveling to the TAR without first obtaining special permission from multiple government offices. Some Tibetans reported encountering difficulties in obtaining the required permissions. Such restrictions not only made it difficult for Tibetans to make pilgrimages to sacred religious sites in the TAR, but they also made it difficult to visit family, conduct business, or travel for leisure. Tibetans from outside the TAR who traveled to Lhasa also reported that authorities there required them to surrender their national identification cards and notify authorities of their plans in detail on a daily basis. These requirements were not applied to 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 for religious and traditional Tibetan education, with officials frequently denying permission for visiting monks to stay at a monastery for religious education. Implementation of this restriction was especially rigorous in the TAR, and it undermined the traditional Tibetan Buddhist practice of seeking advanced teachings from a select number of senior teachers based at major monasteries scattered across the Tibetan Plateau.

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

Tibetans continued to encounter significant obstacles in traveling to India for religious, educational, and other purposes. In some instances the government

refused to issue passports to Tibetans. Many Tibetans who possessed passports were concerned authorities would place them on the government's blacklist and therefore did not travel. Tibetans who had traveled to Nepal and planned to continue to India reported that PRC officials visited their homes in Tibet and threatened their relatives if they did not return immediately. Sources reported that explicit punishments included placing family members on a blacklist, which could lead to the loss of a government job or difficulty in finding employment; expulsion of children from the public education system; and revocation of national identification cards, thereby preventing access to other social services, such as health care and government aid.

The government restricted the movement of Tibetans in the period before and during sensitive anniversaries and events and increased controls over border areas at these times. According to local observers, travel agents in the cities of Chengdu, Xining, and Kunming were forbidden to sell overseas package tours to Tibetans for the months of March and July, the periods around Tibet Uprising Day (March 10) and the Dalai Lama's birthday (July 6). Travel restrictions also increased around Chinese National Day (October 1).

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

The 2018 Reciprocal Access to Tibet Act defines open access to Tibet as meeting the following two criteria: that U.S. diplomats, journalists, and citizens can access Tibetan areas in the same way as other areas in China, and that no special permits or procedures are required to access Tibetan areas. During the year the PRC did not provide open access to Tibet based on either criterion. PRC authorities repeatedly denied requests for international journalists to visit the TAR and other Tibetan areas (see Freedom of Expression section). The TAR government also frequently denied foreign diplomats' requests for official travel. Although foreign

officials were able to travel more freely in Tibetan areas outside the TAR, the People's Armed Police and local public security bureaus often subjected them to multiple checkpoints. Local government officials routinely limited diplomatic travel within Sichuan Province.

From February to April, the local government reportedly banned foreign tourists from visiting the TAR in advance of Tibet Uprising Day and the convening of the PRC's national legislature.

Exile

Approximately 150,000 Tibetans live in exile throughout the world. Tibetans live outside of China for many reasons, although policies enacted by the PRC government in Tibetan areas were frequently cited as the primary factor. Among those living outside of China are the 14th Dalai Lama and several other senior religious leaders who are not approved by the PRC government. These leaders were often unable to meet directly with their home monasteries and students.

The Tibetan overseas community is often subjected to harassment, monitoring, and cyberattacks believed to be carried out by the PRC government. Individuals reported they were subjected to government harassment and investigation because of family members living overseas. Observers also reported that many Tibetans traveling to visit family overseas were required to spend several weeks in political education classes after returning to China.

In September media outlets reported PRC government efforts to hack into the phones of several leaders in the Central Tibetan Administration, the governance organization of the overseas Tibetan community, as well as officials in the Office of the Dalai Lama.

Section 3. Freedom to Participate in the Political Process

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

Since 2015 the TAR and many Tibetan areas have strictly implemented the Regulation for Village Committee Management, which stipulates that the primary

condition for participating in any local election is the “willingness to resolutely fight against separatism”; in some cases this condition was interpreted to require candidates to denounce the Dalai Lama. Several sources reported that newly appointed Communist Party cadres had replaced nearly all traditional village leaders in the TAR and in Tibetan areas outside the TAR over the last three years, despite the lack of village elections.

Section 4. Corruption and Lack of Transparency in Government

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

In September 2018 Tibetan anticorruption activist A-nya Sengdra was arrested for “picking quarrels and provoking trouble” by Qinghai police after exposing corruption among local officials who were failing to pay for land appropriated from local Tibetans. A-nya’s detention was extended several times, and no trial had been scheduled.

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

Some domestic human rights groups and nongovernmental organizations (NGOs) were able to operate in Tibetan areas, although under substantial government restrictions. Their ability to investigate impartially and publish their findings on human rights cases was limited. Restrictions on foreign NGOs made it nearly impossible for foreign human rights groups to investigate or report findings within Tibetan areas. PRC government officials were not cooperative or responsive to the views of foreign human rights groups.

In a July interview, the China director for Human Rights Watch noted that the PRC government was “making the stakes higher for people inside [of Tibet] to talk [to NGOs]. There can be consequences for family members ... The authorities are trying very hard to not just cut people off from information sources but really to discourage certain kinds of research or enquiry.”

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

Women

Coercion in Population Control: As in the rest of China, there were reports of coerced abortions and sterilizations, although government statistics on the percentage of abortions coerced during the year were not available. The CCP restricts the rights of parents to choose the number of children they have and utilizes family planning units from the provincial to the village level to enforce population limits and distributions.

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

See the Women section in the Mainland China section for more information.

Children

Many rural Tibetan areas have implemented the PRC's nationwide "centralized education" policy, which forced the closure of many village and monastic schools and the transfer of students to boarding schools in towns and cities. Media reports indicated this program was expanding. The policy limited the ability of children to learn Tibetan language and culture by removing Tibetan children from their homes and communities where the Tibetan language is used. It has also led to the removal of young monks from monasteries, forcing them instead into government-run schools. Authorities enforced regulations specifying that traditional monastic education is available only to monks older than 18, which has led to a reduction in younger students at monasteries. Instruction in Tibetan, while provided for by PRC law, was often inadequate or unavailable at schools in Tibetan areas.

Media outlets reported an increase in the scale of Tibetans attending government-sponsored boarding school outside Tibetan areas. The PRC government reported the programs allowed students greater educational opportunities than they would have had in their home cities. Tibetans and reporters, however, noted the program prevented students from participating in Tibetan cultural activities, observing religious practices, or using the Tibetan language. Media reports also highlighted discrimination within government boarding school programs. Tibetans attending government-arranged boarding schools in eastern China reported studying and living in ethnically segregated classrooms and dormitories justified as necessary

security measures, despite cultural integration being the government's stated purpose for these programs.

Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

National/Racial/Ethnic Minorities

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

Migrants to the TAR and other parts of the Tibetan Plateau were overwhelmingly concentrated in urban areas. Government policies to subsidize economic development often benefited Han Chinese migrants more than Tibetans. In many predominantly Tibetan cities across the Tibetan Plateau, Han Chinese migrants owned and managed most of the small businesses, restaurants, and retail shops.

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

Economic and social exclusion was a major source of discontent among a varied cross section of Tibetans. Some Tibetans continued to report discrimination in employment. Some Tibetans reported it was more difficult for them than Han Chinese persons to obtain permits and loans to open businesses, and the government gave many Han Chinese persons, especially retired soldiers, incentives to move to Tibet. Increased restrictions in the three years since a foreign NGO management law was passed severely decreased the number of local NGOs that received foreign funding and international NGOs that provided assistance to

Tibetan communities. For example, after the NGO law took effect in 2017, Trace Foundation, a U.S.-based nonprofit organization focusing on Tibetan areas, began closing its programs on the plateau and reported that it had not carried out any programs within China during the year. Other foreign NGOs reported being unable to find local partners. Several Tibetan-run NGOs were also reportedly pressured to close. Throughout the year there were no known Tibetan Plateau-based international NGOs operating in the country.

Some employers specifically barred Tibetans and other minorities from applying to job openings. In August, Lens Technology in Hunan Province published a job opportunity specifically barring Tibetans, Uighurs, and Mongolians from applying.

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

Although a 2015 media report noted that Tibetans and other minority ethnic groups made up 70 percent of government employees in the TAR, the top CCP position of TAR party secretary continued to be held by a Han Chinese person, and the corresponding positions in the vast majority of all TAR counties were Han Chinese. Within the TAR, Han Chinese persons also continued to hold a disproportionate number of the top security, military, financial, economic, legal, judicial, and educational positions. The law requires CCP secretaries and governors of ethnic minority autonomous prefectures and regions to be from that ethnic minority; however, party secretaries were Han Chinese in eight of the nine TAPs located in Gansu, Qinghai, Sichuan, and Yunnan Provinces. One TAP in Qinghai had a Tibetan party secretary. Authorities strictly prohibited Tibetans holding government and CCP positions from openly worshipping at monasteries or otherwise publicly practicing their religion.

Promotion of Acts of Discrimination

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

HONG KONG 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Hong Kong is a special administrative region (SAR) of the People's Republic of China (PRC). The 1984 Sino-British Joint Declaration and the Basic Law of the SAR specify that the SAR enjoys a high degree of autonomy under the "one country, two systems" framework, except in matters of defense and foreign affairs. Throughout the year, however, domestic and international observers continued to express concerns about central PRC government encroachment on the SAR's autonomy. In November district council elections, prodemocracy candidates won control of 17 out of 18 councils in elections widely regarded as free and fair, although the government barred one opposition figure's candidacy. The turnout, 71 percent of all registered voters, was a record for Hong Kong. In March 2017 the 1,194-member Chief Executive Election Committee, dominated by proestablishment electors, selected Carrie Lam to be the SAR's chief executive. In 2016 Hong Kong residents elected the 70 representatives who compose the SAR's Legislative Council. Voters directly elected 40 representatives, while limited-franchise constituencies elected the remaining 30.

The Hong Kong police force maintains internal security and reports to the SAR's Security Bureau. Civilian authorities maintained effective control over the security forces.

From June to year's end, Hong Kong experienced frequent protests, with some exceeding more than one million participants. Most protesters were peaceful, but some engaged in violence and vandalism. The protests began as a movement against the government's introduction of legislation that would have allowed the extradition of criminal suspects to any jurisdiction, including mainland China, but subsequently evolved to encompass broader concerns.

Significant human rights issues included: police brutality against protesters and persons in custody; arbitrary arrest; substantial interference with the rights of peaceful assembly and freedom of association; and restrictions on political participation.

The government took steps to prosecute and punish officials who committed human rights abuses but resisted widespread calls for a special inquiry into alleged police brutality that occurred during the demonstrations. The government

continued to rely on the Independent Police Complaints Council (IPCC) to review allegations against the police.

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

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

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

b. Disappearance

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

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

The law prohibits such practices, but there were several reports the police physically abused or degraded detainees. In September Amnesty International alleged that police beat or otherwise mistreated individuals in custody. For example, the Amnesty International report stated that police severely beat and threatened to break the hands of a detained protester in August. Other protesters alleged police sexually assaulted them while in police custody. Several activists alleged that police abused detainees at the San Uk Ling Holding Center, including breaking bones and sexually assaulting detainees. The police denied those allegations.

Many Hong Kong residents and experts alleged that police officers on several occasions used excessive force to disperse crowds or arrest individuals suspected of participating in violent protests. For example, on August 31, police rushed onto a subway train and beat several individuals while making arrests. In August the UN Human Rights Office stated there was “credible evidence” the Hong Kong police were “employing less lethal weapons in ways that are prohibited by international norms and standards” when conducting crowd dispersal operations. Critics also noted that police officers frequently did not show identification when conducting crowd dispersal operations, which made it difficult to identify officers who may have committed abuses.

Prison and Detention Center Conditions

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

Physical Conditions: On several occasions police reportedly used the San Uk Ling Holding Center to detain persons arrested during protests. The center, originally used to hold illegal immigrants from mainland China, reportedly has no security cameras in meeting rooms or detention rooms.

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

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

In August the government blocked legislators, journalists, and justices of the peace from visiting the San Uk Ling Holding Center, where many protesters were detained. In September Chief Executive Lam announced that the police would no longer hold protesters at the San Uk Ling Holding Center. The IPCC announced it visited the San Uk Ling Holding Center on October 8 and affirmed that it would “make recommendations to the Police should any area of improvement has been (sic) identified.” As of year’s end, however, the IPCC provided no report on its findings.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Several claims of arbitrary arrest were made in connection with the protests. In August police arrested several democracy activists and prodemocracy legislators the day before a large planned protest. Police alleged the arrests arose out of the activists’ and legislators’ illegal acts, such as obstructing police officers, during their participation in prior protests. One arrested legislator was accused of assaulting police officers by loudly speaking through a bullhorn and thus hurting

police officers' ears. Critics said the arrests were an attempt to suppress turnout at protests.

The Hong Kong Police Force maintains internal security and reports to the SAR's Security Bureau. The People's Liberation Army is responsible for foreign defense. The Immigration Department controls passage of persons into and out of the SAR as well as the documentation of local residents. Civilian authorities maintained effective control over the police force, and the government had mechanisms to investigate and punish abuse and corruption. The government's apparent unwillingness to criticize the police force for its actions related to protests, including the force's delayed response to a large July 21 vigilante attack on protesters and commuters, led to concerns that the police force operated with some degree of impunity.

Police officers frequently did not display identification when conducting crowd dispersal operations, a practice which made it difficult to identify officers who may have committed abuses. In August the head of the IPCC, the police watchdog, criticized police for not clearly displaying identification on uniforms, but the practice continued after August.

Multiple sources reported suspected members of the Chinese central government security services in the SAR monitored some political activists, nongovernmental organizations (NGOs), and academics who criticized the Chinese central government's policies.

Activists expressed concern that the chief executive appointed all IPCC members and noted that the council's lack of power to conduct independent investigations limited its oversight capacity. There was wide public support for the establishment of a commission of inquiry into alleged police abuses in handling the protests. The government continued to rely on the IPCC to investigate complaints, but in September it augmented the IPCC with international experts. In December all five experts announced in a statement they would "formally stand aside" from their role, citing "a shortfall in the powers, capacity and independent investigative capability of IPCC."

Arrest Procedures and Treatment of Detainees

Police generally apprehended suspects openly when they observed suspects committing a crime or with warrants based on sufficient evidence and issued by a duly authorized official. Police must promptly charge arrested suspects. The

government respected this right and generally brought arrested persons before a judicial officer within 48 hours. Detainees were generally informed promptly of charges against them. There was a functioning bail system.

Authorities allowed detainees access to a lawyer of their choice, although the Hong Kong Bar Association reported that lawyers experienced obstruction at police stations and delays in seeing clients arrested during protests. Suspects were not detained incommunicado or held under house arrest. Interviews of suspects are required to be videotaped.

e. Denial of Fair Public Trial

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

Trial Procedures

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

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

The SAR's courts are charged with interpreting those provisions of the Basic Law that address matters within the limits of the SAR's autonomy. SAR courts also interpret provisions of the Basic Law that relate to central government

responsibilities or the relationship between the central authorities and the SAR. The Court of Final Appeal may seek an interpretation of relevant provisions from the central government's Standing Committee of the National People's Congress (NPCSC). SAR courts must by law follow the NPCSC interpretations in cases involving central government jurisdiction, although judgments previously rendered are not affected. The NPCSC has issued five interpretations of the Basic Law since 1997. The most recent interpretation, issued in 2016, requires lawmakers to correctly, completely, and solemnly swear an oath to uphold the Basic Law and recognize the Hong Kong SAR as a part of China before taking office. This ruling was the basis, in 2017, for disqualifying six opposition figures from taking their Legislative Council seats.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

The law prohibits such actions, and there were no reports the SAR government failed to respect these prohibitions. There were credible reports Chinese central government security services monitored prodemocracy and human rights activists and journalists in the SAR. There were also reports central government security services detained, questioned, and intimidated Hong Kong-based activists visiting the mainland. Media reports indicated that during the year thousands of persons, primarily police officers, protesters, and protest movement leaders, have been "doxed," that is, their personal information was publicly revealed online. The Chinese Communist Youth League, a central-government-controlled organization, as well as mainland state-controlled media, have published individuals' personal information or promoted sites containing apparently stolen personal information.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Freedom of Expression: There were some legal restrictions on the ability of individuals to criticize the government publicly without reprisal. Police arrested several individuals for damaging the national flag, which is illegal. For example, in May police arrested a proindependence activist for damaging the Chinese national flag during a protest against the controversial extradition bill. In October, media reported police asked Facebook to remove user posts about police handling of protests. Facebook reportedly declined to do so.

Requirements for electoral candidacy and for taking the oath of office also limited free speech in the political arena. For example, the Electoral Affairs Commission requires all Legislative Council candidates to sign a pledge stating the SAR is an “inalienable part” of China in order to run for office. The commission disqualified one candidate, democracy activist Joshua Wong, from running in the November district council election. The government determined that Wong could not “possibly comply with the requirements of the relevant electoral laws, since advocating or promoting ‘self-determination’ is contrary to the content of the declaration” candidates are required to sign.

In 2017 the government disqualified six legislators-elect from taking office because they took their oaths in ways that did not conform to a 2016 NPCSC interpretation of the Basic Law to demonstrate “sincerity” and “solemnity” when taking an oath.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. An April Hong Kong Journalists Association poll found, however, that 81 percent of journalists said press freedom in the SAR had worsened since 2018.

Violence and Harassment: In September unknown persons threw firebombs at the home of Jimmy Lai, owner of the prodemocracy *Apple Daily* newspaper. Also in September, four unknown assailants attacked an *Apple Daily* reporter who was covering protests. In November protesters smashed windows and vandalized the

offices of China's state-controlled Xinhua News Agency. Several journalists alleged that police detained, assaulted, or harassed them while covering protests. In October the Foreign Correspondent's Club condemned the arrest of a photojournalist who was covering a protest. Police reportedly ordered her and other journalists to remove their gas masks despite previous government assurances that the mask ban did not apply to those using masks to perform their professional duties.

Censorship or Content Restrictions: Reports of media self-censorship and suspected content control continued. The April Hong Kong Journalists Association survey showed that one in five journalists surveyed said their superiors had pressured them to reduce reporting about Hong Kong independence. Many media outlets, bookstores, and publishers were owned by companies with business interests on the mainland or by companies directly controlled by the Chinese central government, a situation that led to claims they were vulnerable to self-censorship.

Internet Freedom

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

There were reports of suspected politically motivated cyberattacks against private persons and organizations. In June the creator of the encrypted messaging app Telegram said the app, frequently used by protesters in Hong Kong, was the target of a massive cyberattack, apparently originating from mainland China. In August a similar attack briefly disabled the LIHKG online-chat forum, also frequently used by protesters to organize activities.

Academic Freedom and Cultural Events

There were some restrictions on academic freedom and cultural events. A museum dedicated to memorializing the 1989 massacre in Beijing's Tiananmen Square reopened in a new location in May after previously closing due to pressure from the museum's prior landlord. In October Hong Kong Community College assigned Chan Wai-keung, a lecturer, to nonteaching duties after dozens of antigovernment protesters surrounded him and insulted him inside his classroom after Chan publicly called for stiffer penalties against violent protesters. In

November the Education Bureau warned students in all government-run schools not to participate in “political activities” while at school.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government allowed most public gatherings to proceed, but government actions, including prosecutions of activists and refusals to grant approval for some assemblies, infringed on the right of peaceful protest.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. Before violence erupted at some protests, the police routinely issued the required “letter of no objection” for public meetings and demonstrations, including those critical of the SAR and Chinese central government. After violence began occurring at some protests, however, the police issued letters of objection against several gatherings, including large protest marches. The police also revoked permission for some gatherings after they started. Police on each occasion said they feared the gatherings would result in violence. Police frequently warned participants in unapproved protests that they were participating in unlawful assemblies. As of year’s end, police confirmed more than 6,000 arrests on varying charges in connection with the protests.

Media reports indicated that on several occasions police arrested onlookers not involved in protests. Police also fired thousands of rounds of tear gas to disperse crowds. Several human rights organizations repeated longstanding concerns that the SAR’s legal definitions of illegal assembly and rioting, charges frequently brought against protesters, were overly broad.

On several occasions the MTR Corporation, the operator of Hong Kong’s subway system, suspended services before and during protests. For example, on August 24, the MTR suspended services to Kwun Tong Station, the site of a police-approved protest. Critics claimed the MTR Corporation was acting to suppress peaceful protest in response to mainland state media criticism that the rail operator was facilitating protest. The Hong Kong government owns a majority stake in the MTR Corporation.

In October Chief Executive Lam, through executive fiat under the colonial-era Emergency Regulations Ordinance (ERO), banned the wearing of masks.

Protesters frequently wore masks to protect themselves from tear gas and to hide their identity from police and from employers who might be pressured to punish employees who support the protests. In November a Hong Kong court ruled the government's use of the ERO to implement the mask ban unconstitutional.

Continuing government prosecutions of peaceful protesters led to concerns the government was using the law to suppress political dissent. For example, in April and June, a court sentenced Benny Tai and eight other leaders of the 2014 "Occupy Central" protests following their convictions for actions related to peaceful protests. The court sentenced four of the nine to jail for eight to 16 months; the remaining five received community service or were given suspended sentences. All nine defendants have appealed their convictions.

On several occasions progovernment vigilantes, whom the international NGO Freedom House described in some cases as having "probable ties to the Chinese government," violently attacked protesters and protest organizers. The largest vigilante attack occurred on July 21. On that day a group of more than 100 men, which police sources told the *South China Morning Post* included persons with organized crime connections, beat protesters and commuters at the Yuen Long subway station, resulting in at least 45 injuries. In August, two unknown men attacked Jimmy Sham, the leader of the Civil Human Rights Front (CHRF), with baseball bats the day before the CHRF was scheduled to lead a large protest march. In October unknown men used hammers to attack Jimmy Sham again. The CHRF was the organizer of the year's largest protests. On several occasions, prodemocracy protesters also physically attacked allegedly progovernment individuals. For example, in November, one protester lit a man who was heckling him on fire.

Freedom of Association

SAR law provides for freedom of association, and the government generally respected it. In February, however, the Executive Council upheld the ban on the proindependence Hong Kong National Party (HKNP). The ban came after repeated SAR and Chinese central government warnings that advocacy for Hong Kong independence "crosses a red line."

Under the law any person claiming to be an officer of a banned group may be sentenced to a fine of HK\$100,000 (\$12,800) and a maximum of three years in prison. Those providing meeting space or other aid to a banned group may also be sentenced to fines and jail time.

c. Freedom of Religion

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

d. Freedom of Movement

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

Reports that the Immigration Department refused entry to a small number of persons traveling to the SAR for political reasons continued. In May Immigration Department authorities denied entry to former Philippine supreme court justice Conchita Carpio-Morales, who previously accused Chinese president Xi Jinping of crimes against humanity, according to media reports. Activists and other observers contended that refusals, usually of persons holding, or suspected of holding, views critical of the Chinese central government, were made at the behest of mainland authorities.

Foreign Travel: Most residents easily obtained travel documents from the SAR government, although Chinese central government authorities in the past did not permit some human rights activists, student protesters, and prodemocracy legislators to visit the mainland. There were reports of mainland security officials harassing and questioning Hong Kong residents suspected of participating in protests when they traveled to the mainland. In August central government officials detained an employee of the United Kingdom's consulate in Hong Kong while he was returning from the mainland to his home in Hong Kong. He was released after more than two weeks in detention and later told media that mainland authorities tortured him.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: Activists indicated that persons seeking refugee status faced discrimination and were the frequent target of generalizations by some political parties and media organizations.

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

Access to Asylum: The law does not provide for granting asylum or refugee status, but the SAR government has established a system for providing limited protection to persons who would be subject to torture or other abuses in their home country.

The SAR government used the term “nonrefoulement claim” to refer to a claim for protection against deportation. Persons subject to deportation could file a nonrefoulement claim if they either arrived in the SAR without proper authorization or had overstayed the terms of their entry. Filing such a claim typically resulted in a period of detention followed by release on recognizance. Activists and refugee rights groups expressed concerns about the quality of adjudications and the very low rate of approved claims, less than 1 percent. Denied claimants may appeal to the Torture Claims Appeal Board. The government did not publish the board’s decisions, a practice which the Hong Kong Bar Association previously noted created concerns about the consistency and transparency of decisions. Persons whose claims were pending were required to appear periodically before the Immigration Department. An NGO reported the government’s process for evaluating claims, which did not allow claimants to legally work in the SAR, made some refugees vulnerable to trafficking.

Employment: “Nonrefoulement claimants” have no right to work in the SAR while their claims are under review, and they must rely on social welfare stipends and charities. The SAR government, however, frequently granted exceptions to this rule for persons granted nondeportation status and awaiting UNHCR resettlement.

Access to Basic Services: Persons who made “nonrefoulement” claims were eligible to receive publicly funded legal assistance, including translation services, as well as small living subsidies. The children of such claimants could attend SAR public schools.

Temporary Protection: Persons whose claims for “nonrefoulement” are substantiated do not obtain permanent resident status in the SAR. Instead the SAR government refers them to UNHCR for possible recognition as refugees and

resettlement in a third country. Some such persons have waited years in the SAR before being resettled.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

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

The chief executive is elected by an election committee (CEEC) of approximately 1,200 members (1,194 members in 2017). The election committee consists of the 70 members of the Legislative Council and a mix of professional, business, and trade elites.

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

Under the Basic Law, only the SAR government, not members of the legislature, may introduce bills that affect public expenditure, the political structure, or government policy.

In October Chief Executive Carrie Lam invoked the ERO, which grants the chief executive power to “make any regulations whatsoever” in times of “emergency or public danger,” to ban face masks. In November a court ruled that Lam’s use of the ERO was unconstitutional.

The SAR sends 36 deputies to China’s National People’s Congress (legislature, NPC) and had approximately 200 delegates in the Chinese People’s Political Consultative Conference--bodies that operate under the direction of the Chinese Communist Party and do not exercise legislative independence. The approval of the chief executive, two-thirds of the Legislative Council, and two-thirds of the SAR’s delegates to the NPC are required to place an amendment to the Basic Law on the agenda of the NPC, which has the sole power to amend the Basic Law.

Elections and Political Participation

Recent Elections: On November 24, registered voters elected district councilors in the SAR’s 18 districts. These elections are open to all voters on a one-person, one-vote basis. Turnout for the poll was a record 71 percent of registered voters. The election was considered generally peaceful, free, and fair, although the Hong Kong government barred one prodemocracy advocate, Joshua Wong, from running. Proestablishment candidates reported that attacks on party offices and candidates also negatively affected campaign activities. Voters broadly endorsed prodemocracy and other nonestablishment candidates, who took control of 17 of the 18 councils and won 388 of the 452 contested seats (out of 479 total).

In March 2017 the 1,194-member Chief Executive Election Committee, dominated by proestablishment electors, selected Carrie Lam to be the SAR’s chief executive. Residents expressed concern the small-circle elections for the great majority of CEEC seats were open only to 239,724 of the SAR’s 7.5 million residents. Moreover, although the CEEC election (in 2016) saw a historically high voter turnout of 46 percent and a record number of contested seats across industrial, professional, grassroots, and political sectors, local political observers noted that 300 members--approximately 25 percent--of the committee were elected without a poll or other transparent election process to represent 12 uncontested subsectors and one sub-subsector.

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

Political Parties and Political Participation: In 2018 the SAR government banned the proindependence HKNP. This was the first ban of a political party since the establishment of the SAR.

All Legislative Council candidates must sign a confirmation form pledging their allegiance to the SAR and intent to uphold the Basic Law, including provisions stating that Hong Kong is an inalienable part of China. Since that requirement was instituted, the government barred several potential candidates from running for office.

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

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

There is no legal restriction against ethnic minorities running for electoral office, serving as electoral monitors, or participating in the civil service. There were no members of ethnic minorities in the Legislative Council, and members of ethnic minorities reported they considered themselves unrepresented.

Section 4. Corruption and Lack of Transparency in Government

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

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

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

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

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

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

Women

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

The law does not directly criminalize domestic violence, but the government regarded domestic violence against women as a serious concern. Abusers may be liable for criminal charges, such as offenses against person, sexual assault, and ill-treatment of a child, depending on which act constituted the domestic violence. The government effectively prosecuted violators under existing criminal violations.

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

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

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

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

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

Children

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

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

The government provided parent education programs through its maternal and child health centers, public education programs, clinical psychologists, and social workers. Police maintained a child abuse investigation unit and, in collaboration with the Social Welfare Department, operated a child witness support program.

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

Sexual Exploitation of Children: Under the law a person having "unlawful sexual intercourse" with a victim younger than 16 is subject to five years' imprisonment, while having unlawful sexual intercourse with a victim younger than 13 carries a sentence of life imprisonment. The law prohibits the commercial sexual exploitation of children and procuring children for prostitution. The law makes it an offense to possess, produce, copy, import, or export pornography involving a child or to publish or cause to be published any advertisement that conveys, or is likely to be understood as conveying, the message that a person has published, publishes, or intends to publish any child pornography. Authorities enforced the law. The penalty for creation, publication, or advertisement of child pornography is eight years' imprisonment, while possession carries a penalty of five years' imprisonment.

The legal age for consensual sex is 16.

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

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government generally enforced these provisions. The government took action to investigate and punish those

responsible for violence or abuses against persons with disabilities. The government generally implemented laws and programs to provide persons with disabilities access to education, employment, the judicial system, and health services. The law on disabilities states that children with separate educational needs must have equal opportunity in accessing education. Some human rights groups reported the SAR's disability law was too limited and that its implementation did not promote equal opportunities. The Social Welfare Department provided training and vocational rehabilitation services to assist persons with disabilities, offered subsidized resident-care services for persons considered unable to live independently, offered preschool services to children with disabilities, and provided community support services for persons with mental disabilities, their families, and other local residents.

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

National/Racial/Ethnic Minorities

Although ethnic Chinese made up the vast majority of the population, the SAR is a multiethnic society, with persons from a number of ethnic groups recognized as permanent residents with full rights under the law. The law prohibits discrimination, and the EOC oversees implementation and enforcement of the law. The EOC maintained a hotline for inquiries and complaints concerning racial discrimination. Although the SAR government took steps to reduce discrimination, there were frequent reports of discrimination against ethnic minorities; the law did not clearly cover racial discrimination occurring in the course of law enforcement activity.

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

Persons born in mainland China also experienced frequent discrimination. On several occasions, protesters verbally or physically attacked mainlanders.

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

No laws criminalize consensual same-sex sexual conduct between adults. While the SAR has laws that ban discrimination on the grounds of race, sex, disability, and family status, no law prohibits companies or individuals from discriminating on grounds of sexual orientation or gender identity. There are also no laws that specifically aid in the prosecution of bias-motivated crimes against members of the lesbian, gay, bisexual, transgender, or intersex community. In October a gay man sued the government because public housing rules did not allow his male spouse, whom he married overseas, to live with him because the rules only recognize opposite-sex partners as spouses.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

The law prohibits firing an employee for striking and voids any section of an employment contract that punishes a worker for striking. The commissioner of police has broad authority to control and direct public gatherings, including strikes, in the interest of national security or public safety.

According to the law, an employer cannot fire, penalize, or discriminate against an employee who exercises his or her union rights and cannot prevent or deter the employee from exercising such rights. Penalties for violations of laws protecting union and related worker rights included fines as well as legal damages paid to workers, and penalties were sufficient to deter violations. Dismissed employees, however, had difficulty proving antiunion discrimination. In August, according to media reports, Cathay Pacific Airways (Cathay) warned employees that they may be fired if they joined a city-wide general strike. Cathay's cabin crew union head Rebecca Sy told the press in August that Cathay Dragon, a Cathay subsidiary, fired

her after company officials showed her printouts of proprotest movement postings on her private Facebook account.

b. Prohibition of Forced or Compulsory Labor

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

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

SAR authorities stated they encouraged aggrieved workers to file complaints and make use of government conciliation services as well as actively pursued reports of any labor violations.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

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

The Labor Department effectively enforced these laws and regularly inspected workplaces to enforce compliance with the regulations. Penalties for violations of

child labor laws include fines and legal damages and were sufficient to deter violations.

d. Discrimination with Respect to Employment and Occupation

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

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

Human rights activists and local scholars continued to raise concerns about job prospects for minority students, who were more likely to hold low-paying, low-skilled jobs and earn below-average wages. Experts assessed that a lack of Chinese-language skills was the greatest barrier to employment.

e. Acceptable Conditions of Work

The statutory minimum wage was below the poverty line for an average-sized household. There were many press reports regarding poor conditions faced by and underpayment of wages to domestic workers.

There is no law concerning working hours, paid weekly rest, rest breaks, or compulsory overtime for most employees. Several labor groups reported that employers expected extremely long hours, and the groups called for legislation to address that concern.

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

The government effectively enforced the law, and the Labor Tribunal adjudicated disputes involving nonpayment or underpayment of wages and wrongful dismissal.

The number of labor inspectors was sufficient to deter violations except in the cases of nonpayment or underpayment of wages to and working conditions of domestic workers. Penalties for violations of the minimum wage or occupational safety and health violations include fines, payments of damages, and worker's compensation payments. These penalties were sufficient to deter violations.

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

MACAU 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Macau is a Special Administrative Region (SAR) of the People's Republic of China (PRC) and has a high degree of autonomy, except in defense and foreign affairs, according to the Basic Law. In 2017 residents elected 14 representatives to the SAR's legislative assembly. In accordance with the law, limited franchise functional constituencies elected 12 representatives, and the chief executive nominated the remaining seven. In August a 400-member election committee selected Ho Iat-seng to be the chief executive, the head of government. He began a five-year term in December after being appointed by the government.

The Secretariat for Security oversees the Public Security Police, which has responsibility for general law enforcement, and the Judiciary Police, which has responsibility for criminal investigations. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included interference with the rights of peaceful assembly and restrictions on political participation.

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

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

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

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

b. Disappearance

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

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

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

Prison and Detention Center Conditions

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

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

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

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

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

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

depending on the charges and progress of the judicial process; there were no reported cases of lengthy pretrial detentions. There is a functioning bail system. Complaints of police mistreatment may be made to the Macau Security Forces and Services Disciplinary Supervisory Committee, the Commission against Corruption, or the Office of the Secretary for Security. The Macau Security Forces and Services Disciplinary Supervisory Committee report directly to the chief executive. The government has also established a website for receiving named or anonymous complaints about irregular police activity or behavior.

e. Denial of Fair Public Trial

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

Trial Procedures

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

Under the law, defendants enjoy a presumption of innocence and have a right to appeal. The law provides that trials be public except when the court rules otherwise to “safeguard the dignity of persons, public morality, or to provide for the normal functioning of the court.” Defendants have the right to be informed promptly and in detail of the charges (with free interpretation), be present at their trials, confront witnesses, have adequate time to prepare a defense, not be compelled to testify or confess guilt, and consult with an attorney in a timely manner. The government provides public attorneys for those financially incapable of engaging lawyers or paying expenses of proceedings. The law extends these rights to all residents.

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

concerned, the courts, in applying those provisions, “shall follow the interpretation of the Standing Committee.” As the final interpreter of the Basic Law, the NPCSC also has the power to initiate interpretations of the Basic Law.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, but the government occasionally sought to restrict this right. In January the Legislative Assembly passed legislation to amend an existing law that criminalized some actions that disrespect the Chinese national anthem.

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

Censorship or Content Restrictions: Media sometimes practiced self-censorship, in part because the government subsidized some media outlets. According to 2018 media reports, the Central Government Liaison Office in Hong Kong indirectly owns Plaza Cultural Macau, a local bookstore, raising concerns that central government authorities may restrict the sale of sensitive books.

Libel/Slander Laws: Macau law criminalizes libel, slander, and defamation. If such offenses are committed through the media or online, they are punishable by up to two years’ imprisonment.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. Law enforcement entities may intercept communications under judicial supervision; there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

In September the Education and Youth Affairs Bureau director, according to media reports, said teachers should not discuss their own political viewpoint regarding protests in Hong Kong inside the classroom. Academics also reportedly practiced self-censorship.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association but the government limited the freedom of peaceful assembly.

Freedom of Peaceful Assembly

The law requires prior notification, but not approval, of demonstrations involving public roads, public places, or places open to the public. Police may redirect demonstration marching routes, but organizers have the right to challenge such decisions in court.

In August, Macau police did not permit a silent protest against police brutality in Hong Kong. Despite organizers cancelling the protest, police still searched people at the intended protest site, according to media reports. In September a court upheld the police decision to disallow the protest.

Critics alleged that authorities were making a concerted effort to use both intimidation and criminal proceedings against participants in peaceful demonstrations to discourage their involvement. For example, in May a court upheld the conviction of Scott Chiang for illegal assembly, a charge which arose from his participation in a 2016 peaceful protest against the chief executive.

Freedom of Association

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

c. Freedom of Religion

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

d. Freedom of Movement

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

The law grants police authority to deport or deny entry to nonresidents whom they regard under the law as unwelcome, a threat to internal security and stability, or possibly implicated in transnational crimes. The government banned several Hong Kong activists from entering Macau throughout the year, claiming the activists posed threats to internal security, according to media reports. In December, Macau denied entry to both the president and the chairman of American Chamber of Commerce in Hong Kong.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

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

Pending final decisions on their asylum claims, the government registered asylum seekers and provided protection against their expulsion or return to their countries of origin. There were few applicants for refugee or asylum status and no successful applicants. Persons with pending applications were eligible to receive government support, including basic needs such as housing, medical care, and

education for children, but they were not allowed to work until their refugee status was granted.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The law limits voters' ability to change their government through free and fair periodic elections because there was no universal suffrage in elections for the majority of elected positions. Only a small fraction of citizens played a role in the selection of the chief executive, who was chosen in August by a 400-member election committee consisting of 344 members elected from four broad societal sectors (which themselves have a limited franchise) and 56 members chosen from and by the SAR's legislators and representatives to the National People's Congress and Chinese People's Political Consultative Conference. In June critics protested against this "small circle" election. Organizers of an unofficial online petition for universal suffrage said in August that the petition website suffered a severe cyberattack reportedly originating from mainland China, and unknown individuals physically threatened the petition's organizers.

Elections and Political Participation

Recent Elections: In August a 400-member election committee selected Ho Iat-seng to be chief executive. Ho was unopposed and received 98 percent of the vote. The most recent general election for the 14 directly elected seats in the 33-member Legislative Assembly occurred in 2017, with all Macau voters able to vote for candidate lists and seats, which were then allocated based on a proportional representation system. The election for these seats was generally free and fair. There were no reports of the government unduly restricting the list of candidates. In accordance with the law, limited franchise functional constituencies, which represent particular industries and social sectors, elected 12 Legislative Assembly representatives, and the chief executive appointed the remaining seven.

Political Parties and Political Participation: The SAR has no laws on political parties. Politically active groups registered as societies or limited liability companies were active in promoting their political agendas. Those critical of the government generally did not face restrictions, but persons seeking elected office must swear to uphold the Basic Law.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. Six of the 33 Legislative Assembly members were women.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: The government's Commission against Corruption (CAC) investigated the public and private sectors and had power to arrest and detain suspects. The Ombudsman Bureau within the CAC reviewed complaints of mismanagement or abuse by the CAC. An independent committee outside the CAC--the Monitoring Committee on Discipline of CAC Personnel--accepted and reviewed complaints about CAC personnel.

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

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

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

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

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and domestic violence, but the domestic violence law does not cover same-sex couples. The rate of investigation for domestic violence cases was low, with police initiating investigations in only two of the 104 cases of domestic violence reported to them in 2018, according to official statistics. Domestic violence law stipulates that a judge may order urgent coercive measures imposed upon the defendant individually or cumulatively, and the application of these measures does not preclude the possibility of prosecuting the perpetrators for criminal responsibilities as stipulated in the criminal code.

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

Sexual Harassment: The law criminalizes physical sexual harassment, but verbal and noncontact harassment are not covered by the law. Persons convicted of sexual harassment may be imprisoned for up to one year.

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

Discrimination: Equal opportunity legislation mandates that women receive equal pay for equal work. The law prohibits discrimination in hiring practices based on gender or physical ability and allows for civil suits. Penalties exist for employers who violate these guidelines and the government generally enforced the law effectively (see section 7.) Media reports, however, indicated that discrimination persisted and gender differences in occupation existed, with women concentrated in lower-paid sectors and lower-level jobs.

Children

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

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

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

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

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

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

National/Racial/Ethnic Minorities

There were reports of societal discrimination against ethnic minorities, and the law did not fully define and criminalize racial discrimination.

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

The law prohibits discrimination in employment on the grounds of sexual orientation; however, the law does not prohibit discrimination based on sexual orientation in other areas, such as housing.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

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

b. Prohibition of Forced or Compulsory Labor

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

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

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

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

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

The LAB enforced the law through periodic and targeted inspections, and prosecuted violators. Penalties were sufficient to deter violations.

d. Discrimination with Respect to Employment and Occupation

The law provides that all residents shall be equal before the law and shall be free from discrimination, irrespective of national or social origin, descent, race, color, gender, sexual orientation, age, marital status, language, religion, political or ideological beliefs, membership in associations, education, or economic background. Equal opportunity legislation states that women are to receive equal pay for equal work. The law prohibits discrimination in hiring practices based on gender or physical ability and allows for civil suits. Penalties exist for employers who violate these guidelines and the government generally enforced the law effectively.

Some discrimination occurred. According to official statistics, at the end of June, nonresident workers accounted for approximately 28 percent of the population. They frequently complained of discrimination in the workplace in hiring and wages.

e. Acceptable Conditions of Work

Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements. The SAR does not calculate an official poverty line. The law provides for a 48-hour workweek, an eight-hour workday, paid overtime, annual leave, and medical and maternity care. The law provides for a 24-hour rest period each week. All workers employed in the SAR, whether under a term contract or an indefinite contract, are entitled to such benefits as specified working hours, weekly leave, statutory holidays, annual leave, and sick leave. It was not clear whether penalties were sufficient to deter violations. The law requires that employers provide a safe working environment, and the LAB sets industry-appropriate occupational safety and health standards. The law prohibits excessive overtime but permits legal overtime (a maximum of eight hours and irrespective of workers' consent) in force majeure cases or in response to external shocks, at the discretion of the employer.

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

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

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

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