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Country Report on Human Rights Practices 2018 - China (includes Tibet, Hong Kong, and Macau)

EXECUTIVE SUMMARY

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

Civilian authorities maintained control of security forces.

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

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

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

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

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

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

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

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

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

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

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

b. Disappearance

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

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

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

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

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

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

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

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

The law prohibits the physical abuse and mistreatment of detainees and forbids prison guards from coercing confessions, insulting prisoners’ dignity, and beating or encouraging others to beat prisoners. Amendments to the criminal procedure law exclude evidence obtained through illegal means, including coerced confessions, in certain categories of criminal cases. Enforcement of these legal protections continued to be lax.

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

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

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

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

The treatment and abuse of detainees under the new *liuzhi* detention system, which operates outside the judicial system to investigate corruption, retained many characteristics of the previous *shuanggui* system, such as extended solitary confinement, sleep deprivation, beatings, and forced standing or sitting in uncomfortable positions for hours and sometimes days, according to press reports and an NGO report released in August (see section 4).

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

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

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

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

Prison and Detention Center Conditions

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

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

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

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

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

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

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

Mihrigul Tursun, a Uighur woman from Xinjiang, recounted to media in October how Chinese authorities arbitrarily detained her multiple times after she returned to Xinjiang in 2015. Tursun reported nine deaths in her cell, an underground, windowless room that held 68 women, occurred during her detention in 2018.

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

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

d. Arbitrary Arrest or Detention

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

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

Role of the Police and Security Apparatus

The main domestic security agencies include the Ministry of State Security, the Ministry of Public Security, and the People’s Armed Police. The People’s Armed Police is under the dual authority of the Central Committee of the Chinese Communist Party and the Central Military Commission. The People’s Liberation Army is primarily responsible for external security but also has some domestic security responsibilities. Local jurisdictions also frequently used civilian municipal security forces, known as “urban

management” officials, to enforce administrative measures. Oversight of these forces was localized and ad hoc. By law, officials can be criminally prosecuted for abuses of power, but, outside of anticorruption cases, such cases were rarely pursued.

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

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

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

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

Arrest Procedures and Treatment of Detainees

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

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

The law stipulates detainees be allowed to meet with defense counsel before criminal charges are filed. The criminal procedure law requires a court to provide a lawyer to a defendant who has not already retained one; is blind, deaf, mute, or mentally ill; is a minor; or faces a life sentence or the death penalty. This law applies whether or not the defendant is indigent. Courts may also provide lawyers to other criminal defendants

who cannot afford them, although courts often did not do so. Lawyers reported significant difficulties meeting their clients in detention centers, especially in cases considered politically sensitive.

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

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

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

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

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

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

Swedish bookseller and Hong Kong resident Gui Minhai, who went missing from Thailand in 2015 and was released by Chinese authorities in October 2017, was detained again by Chinese authorities in late January while traveling on a train. The Chinese government issued a statement on February 12 stating Gui had violated Chinese law, and his case would be dealt with in accordance with Chinese law. The press reported Gui remained in detention, although his whereabouts were unclear.

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

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

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

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

e. Denial of Fair Public Trial

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

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

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

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

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

Jiang Tianyong remained in prison following his 2017 conviction for inciting state subversion in Changsha, Hunan. A court sentenced him to two years in prison. The case against him was based on his interviews with foreign journalists and his publishing of articles on the internet, actions that, outside the country, were widely seen as normal for someone in his profession. Authorities prevented Jiang from selecting his own attorney to represent him at a trial that multiple analysts viewed as neither impartial nor fair.

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

Trial Procedures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Political Prisoners and Detainees

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

Authorities granted political prisoners early release at lower rates than other prisoners. The Dui Hua Foundation estimated more than 100 prisoners were still serving sentences for counterrevolution and hooliganism, two crimes removed from the criminal code in 1997. Thousands of others were serving sentences for political and religious offenses, including for “endangering state security” and carrying out “cult activities.” The government neither reviewed the cases of those charged before 1997 with counterrevolution and hooliganism nor released persons jailed for nonviolent offenses under repealed provisions.

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

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

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

Civil Judicial Procedures and Remedies

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

Although historically citizens seldom applied for state compensation because of the high cost of bringing lawsuits, low credibility of courts, and citizens’ general lack of awareness of the law, there were instances of courts overturning wrongful convictions. In July Li Jinlian in Jiangxi Province applied for state compensation of 41.4 million yuan (\$6.1 million) for his wrongful conviction and subsequent death sentence with reprieve for the 1998 murder of two children with poisoned candy. In June the Jiangxi Provincial Higher People’s Court acquitted Li, ruling the previous conviction was based on unclear facts and insufficient evidence. In September the Jiangxi Higher People’s Court decided to award Li approximately 2.93 million yuan (\$431,000) for his wrongful conviction. In October the Supreme People’s Court accepted Li’s request to reconsider the Jiangxi court decision, and on November 19, it heard Li’s claim that the amount of the original award was insufficient, and a final ruling was still pending at year’s end.

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

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

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

In June the Beijing Number 2 Intermediate People’s Court tried 12 suspects accused of illegally detaining, tying up, and beating a petitioner from Jiangxi Province in June 2017. The petitioner, Chen Yuxian from Shangyou, died in Beijing eight hours after the suspects took him away. The 12 suspects were reportedly from an illegal crime group under the guise of a car rental company that had close connections to local government officials, who had demanded the petition be intercepted. The Beijing court had not issued a verdict as of year’s end.

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

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

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

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

According to Human Rights Watch, the Ministry of State Security partnered with information technology firms to create a “mass automated voice recognition and monitoring system,” similar to ones already in use in Xinjiang and Anhui Province, to help with solving criminal cases. According to one company involved, the system was programmed to understand Mandarin Chinese and certain minority languages, including Tibetan and Uighur. In many cases other biometric data such as fingerprints and DNA profiles were being stored as well. This database included information obtained not just from criminals and criminal suspects but also from entire populations of migrant workers and all Uighurs applying for passports.

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

Property-related disputes between citizens and government authorities sometimes turned violent. These disputes frequently stemmed from local officials’ collusion with property developers to pay little or no compensation to displaced residents, combined with a lack of effective government oversight or media scrutiny of local officials’ involvement in property transactions, as well as a lack of legal remedies or other

dispute resolution mechanisms for displaced residents. The problem persisted despite central government claims it had imposed stronger controls over illegal land seizures and taken steps to standardize compensation.

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

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

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

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

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

The government instituted the “double-linked household” system in Xinjiang developed through many years of use in Tibet. This system divides towns and neighborhoods into units of 10 households each, with the households in each unit instructed to watch over each other and report on “security issues” and poverty problems to the government, thus turning average citizens into informers. In Xinjiang the government also required

Uighur families to accept government “home stays,” in which officials or volunteers forcibly lived in Uighurs’ homes and monitored families for signs of “extremism.” Those who exhibited behaviors the government considered to be signs of “extremism,” such as praying, possessing religious texts, or abstaining from alcohol or tobacco, could be detained in re-education camps.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

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

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

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

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

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

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

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

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

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

Journalists operated in an environment tightly controlled by the government. While the country’s increasingly internet-literate population demanded interesting stories told with the latest technologies, government authorities asserted control over those new technologies (such as livestreaming) and clamped down on new digital outlets and social media platforms.

Because the Communist Party does not consider internet news companies “official” media, they are subject to debilitating regulations and barred from reporting on potentially “sensitive” stories. According to the most recent All China Journalist

Association report from 2017 on the nation’s news media, there were 231,564 officially credentialed reporters working in the country. Only 1,406 worked for news websites, with the majority working at state-run outlets such as *XinhuaNet.com* and *ChinaDaily.com*. This did not mean online outlets did not report on important issues. Instead, many used creative means to share content, but limited their tactics and topics since they were acting outside official approval.

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

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

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

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

On June 26, a Sichuan province court sentenced political cartoonist Jiang Yefei to six years and six months in prison on charges of “inciting subversion of state power” and “illegally crossing the border.” Jiang fled to Thailand in 2008 after his cartoons criticizing the 2008 Sichuan earthquakes and lampooning Chinese government officials attracted government attention. In 2015 he was forcibly returned to China and then held incommunicado until his June 2018 trial, which was held in secret.

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

Authorities in Xinjiang arrested four employees of state-sanctioned Xinjiang newspapers in September and accused them of publishing inappropriate content in the Uighur-language versions of their papers. A representative for the Xinjiang Daily group

confirmed the arrests and said the four were accused of being “two-faced,” a euphemism for individuals who outwardly support CCP rule while secretly disagreeing with restrictions on minority culture, language, and religion.

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

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

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

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

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

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

Censorship or Content Restrictions: The State Council’s Regulations on the Administration of Publishing grant broad authority to the government at all levels to restrict publications based on content, including mandating if, when, and how particular issues are reported. While the Ministry of Foreign Affairs daily press briefing was generally open, and the State Council Information Office organized some briefings by

other government agencies, journalists did not have free access to other media events. The Ministry of Defense continued allowing select foreign media outlets to attend occasional press briefings.

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

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

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

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

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

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

Politically sensitive coverage in Chinese, and to a lesser extent in English, was censored more than coverage in other languages. The government prohibited some foreign and domestic films deemed too sensitive or selectively censored parts of films before they

were released. Under government regulations, authorities must authorize each foreign film released in the country, with a restriction on the total number that keeps annual distribution below 50 films.

Authorities continued to ban books with content they deemed inconsistent with officially sanctioned views. The law permits only government-approved publishing houses to print books. Newspapers, periodicals, books, audio and video recordings, or electronic publications may not be printed or distributed without the approval of central authorities and relevant provincial publishing authorities. Individuals who attempted to publish without government approval faced imprisonment, fines, confiscation of their books, and other punishment. The CCP also exerted control over the publishing industry by preemptively classifying certain topics as state secrets.

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

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

Internet Freedom

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

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

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

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

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

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

According to January state media reports, authorities closed 128,000 websites in 2017. These were deemed “harmful” due to inappropriate content, which includes politically sensitive materials, as well as pornography and gambling. The pace continued during the year, with the CAC reporting it shuttered 3,673 websites and 1.2 million social media accounts in just the second and third quarters of the year. In July the CAC reported receiving 6.72 million “valid” reports of online “illegal and harmful” information in that month alone.

The CAC also required all live-streaming platforms, video platforms, commercial websites, web portals, and apps to register with the CAC. Online content platforms by licensed central media and their affiliates were not required to register. In April state media announced content on short video sites that violated core socialist values would be removed, and the CAC announced it had “talked” to several short video sites. Shortly

thereafter, the live streaming and comment section of a prominent platform, Douyin, ceased to function. Various other platforms faced shutdowns for “illicit” or “illegal” content over the last year.

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

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

The government continued efforts to limit virtual private network (VPN) service use. A new ban on “unauthorized” VPNs went into effect on March 31. While some users, including international companies, were permitted to use VPNs, smaller businesses, academics, and citizens did not have access to authorized VPNs. However, news reports indicated authorities were not strictly enforcing the ban. Authorities stepped up efforts to block VPN service providers ahead of major events such as November trade and internet shows. A software engineer in Shanghai was sentenced to three years in prison after providing illegal VPNs to hundreds of customers since 2016, reported the government-owned newspaper *People’s Court Daily*. The man, surnamed Dai, was also ordered to serve three years of probation and fined 10,000 yuan (\$1,400).

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

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

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

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

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

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

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

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

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

While such censorship was effective in keeping casual users away from websites hosting sensitive content, many users circumvented online censorship by using various technologies. Information on proxy servers outside the country and software for

defeating official censorship were available, although frequently limited by the Great Firewall. Encrypted communication apps such as Telegram and WhatsApp and VPN services were regularly disrupted, especially during “sensitive” times of the year.

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

Academic Freedom and Cultural Events

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

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

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

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

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

image of the party and the country.” Similar controls were applied to students. For example, a program in Chongqing required high school students to pass a review of their political ideology in order to take the national university entrance examination.

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

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

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

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

The CCP’s reach increasingly extended beyond the country’s physical borders. A survey of more than 500 China scholars outside the PRC found 9 percent of scholars reported having been “taken for tea” by Chinese government authorities in the past 10 years to be interviewed or warned about their research; 26 percent of scholars who conducted archival research reported being denied access; and 5 percent reported difficulties obtaining a visa. According to the survey, 68 percent of foreign scholars said self-censorship was a problem in the field of China studies.

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

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

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

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

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

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

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

Freedom of Association

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

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

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

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

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

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

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

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

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

c. Freedom of Religion

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

d. Freedom of Movement

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

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

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

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

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

In-country Movement: Authorities continued to maintain tight restrictions on freedom of movement, particularly to curtail the movement of individuals deemed politically sensitive before key anniversaries, visits by foreign dignitaries, or major political events, as well as to forestall demonstrations. Freedom of movement for Tibetans continued to be very limited in the TAR and other Tibetan areas (see Tibet Addendum). Uighurs faced new restrictions on movement within Xinjiang and outside the region, as well. Although

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

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

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

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

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

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

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

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

Uighurs, particularly those residing in Xinjiang, reported great difficulty in getting passport applications approved at the local level. They were frequently denied passports to travel abroad, particularly to Saudi Arabia for the Hajj, to other Muslim countries, or to Western countries for academic purposes. Since 2016 authorities ordered Xinjiang residents to turn in their passports or told residents no new passports were available. The passport recall, however, was not limited to Uighur areas. Foreign national family members of Uighur activists living overseas were also denied visas to enter the country. During the year the government continued its concerted efforts to compel Uighurs studying abroad to return to China, often pressuring relatives in Xinjiang to ask their overseas relatives to return. Authorities also refused to renew passports for Uighurs living abroad, leading them to either go home or pursue ways to maintain legal status in those countries. Upon return, many of these Uighurs, or persons connected with the Xinjiang residents, were detained or disappeared.

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

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

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

Protection of Refugees

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

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

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

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

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

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

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

Stateless Persons: International media reported as many as 30,000 children born to North Korean women in China, most of whom were married to Chinese spouses, had not been registered because their North Korean parent was undocumented, leaving the

children de facto stateless. These children were denied access to public services, including education and health care, despite provisions in the law that provide citizenship to children with at least one PRC citizen parent.

Section 3. Freedom to Participate in the Political Process

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

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

Elections and Political Participation

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

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

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

The election law governs legislative bodies at all levels, although compliance and enforcement varied across the country. Under the law citizens have the opportunity every five years to vote for local people’s congress representatives at the county level and below, although in most cases higher-level government officials or CCP cadres controlled the nomination of candidates. At higher levels legislators selected people’s congress delegates from among their ranks. For example, provincial-level people’s

congresses selected delegates to the NPC. Local CCP secretaries generally served concurrently within the leadership team of the local people’s congress, thus strengthening CCP control over legislatures.

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

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

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

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

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

Section 4. Corruption and Lack of Transparency in Government

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

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

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

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

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

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

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

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

In August anticorruption bodies punished 31 officials in Langfang, Hebei, following the high-profile suicide of Zhang Yi, president of the Langfang Chengnan Orthopedic Hospital. In his suicide note, Zhang alleged Yang Yuzhong, a former deputy at the Anci District People’s Congress, had engaged in corrupt practices and had interfered in the hospital’s management and misappropriated hospital funds. Hebei investigative authorities revealed government and CCP officials shielded Yang Yuzhong and his criminal organization that used intentional injury, forced transactions, violent demolition, and forged seals for illegal interests. Among the officials punished were a former chairman of the Anci District Committee of the Chinese People’s Political Consultative Conference, a current police station chief, village party secretaries, and the deputy head of the district’s construction bureau. The investigation was part of a central government campaign against criminal organizations and officials who protect them. From February to year’s end, 427 persons throughout Hebei had been investigated in connection with this campaign.

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

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

The government sought to maintain control over civil society groups, halt the emergence of independent NGOs, and hinder activities of civil society and human rights groups. The government frequently harassed independent domestic NGOs and in many cases did not permit them to openly monitor or comment on human rights conditions. The government made statements expressing suspicion of independent organizations and closely scrutinized NGOs with financial and other links overseas. The government took significant steps during the year to bring all domestic NGOs under its direct regulatory control, thereby curtailing the space for independent NGOs to exist. Most large NGOs were quasigovernmental, and government agencies had to sponsor all official NGOs.

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

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

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

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

Women

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

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

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

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

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

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

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

On June 20 in Qingyang, Gansu Province, a 19-year-old woman surnamed Li jumped to her death after allegedly suffering sexual harassment by her teacher, surnamed Wu. According to Li’s father, the Qingyang People’s Court May 18 decision to dismiss her sexual harassment case against Wu triggered her suicide. On June 25, the local bureau of education announced it had administratively punished Wu by giving him 10 days of detention. Li’s father reportedly refused an offer from the school of 350,000 yuan

(\$53,200) in exchange for dropping the case, instead demanding a public apology from the school and for Wu to be held accountable. Wu was later terminated from his post and barred from teaching.

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

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

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

On July 25, a former female intern said, after she reported to police that prominent television host Zhu Jun had forcibly kissed and groped her, police forced her to withdraw the complaint. The police claimed Zhu, as host of the annual Spring Festive gala on state media, had “enormous ‘positive influence’ on society.” Zhu then demanded the woman and her friend who shared the case online apologize online and in a national newspaper, pay compensation of 655,000 yuan (\$95,260), and cover the costs of legal fees for the case. In response the former intern’s friend applied to file her own civil suit against Zhu for “infringement of personality rights.”

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

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

coerced abortions had declined in recent years in the wake of loosened regulations, including the implementation of the two-child policy. Nevertheless, citizens were subject to hefty fines for violating the law, while couples who had only one child received a certificate entitling them to collect a monthly incentive payment and other benefits that vary by province--from approximately six to 12 yuan (one to two dollars) per month up to 3,000 yuan (\$450) for farmers and herders in poor areas. Couples in some provinces were required to seek approval and register before a child was conceived.

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

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

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

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

As in prior years, population control policy continued to rely on social pressure, education, propaganda, and economic penalties, as well as on measures such as mandatory pregnancy examinations and, less frequently, coerced abortions and sterilizations. Officials at all levels could receive rewards or penalties based on whether or not they met the population targets set by their administrative region. With the

higher birth limit, and since most persons wanted to have no more than two children, it was easier to achieve population targets, and the pressure on local officials was considerably less than before. Those found to have a pregnancy in violation of the law or those who helped another to evade state controls could face punitive measures, such as onerous fines or job loss.

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

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

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

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

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

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

Authorities often did not enforce laws protecting the rights of women; according to legal experts, it was difficult to litigate sex discrimination suits because of vague legal definitions. Some observers noted the agencies tasked with protecting women’s rights

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

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

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

Children

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

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

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

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

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

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

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

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

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

Displaced Children: The detention of an estimated 800,000 to two million or more Uighurs, ethnic Kazakhs, and other Muslims in Xinjiang left many children without caregivers. While many of these children had other family willing to care for them, the government began placing the children of detainees in orphanages, boarding schools, or “child welfare guidance centers,” where they were forced to shout patriotic slogans, learn Mandarin Chinese, and answer questions about their parents’ religious beliefs and practices. The total number of such children was unknown, especially as many of these facilities were also used for orphans and regular students. Government policy aims to provide such children with state-sponsored care until they reach age 18. Media reports showed new construction for orphanages in Xinjiang greatly escalated in 2017 and 2018 to house thousands of children of parents being held in internment camps. In Hotan some boarding schools were topped with barbed wire.

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

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

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

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

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

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

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

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

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

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

National/Racial/Ethnic Minorities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For specific information on Tibet, see the Tibet Annex.

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

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

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

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

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

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

HIV and AIDS Social Stigma

Discrimination against persons with HIV remained a problem, impacting individuals’ employment, educational, and housing opportunities and impeding access to health care. In some instances laws protecting persons with HIV from discrimination contradict

laws restricting the rights of persons with HIV. During the year state media outlets reported instances of persons with HIV/AIDS who were barred from housing, education, or employment due to their HIV status.

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

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

Other Societal Violence or Discrimination

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

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

Section 7. Workers' Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

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

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

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

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

Enforcement was generally insufficient to deter wide-scale violations. Labor inspectors lacked authority and resources to compel employers to correct violations. While the law outlines general procedures for resolving disputes, procedures were lengthy and subject to delays. Local authorities in some areas actively sought to limit efforts by independent civil society organizations and legal practitioners. Some areas maintained informal quotas on the number of cases allowed to proceed beyond mediation to arbitration or the courts. Some local government authorities took steps to increase mediation or arbitration. For example, on March 6, the Maoming Municipal Intermediate Court and Maoming Municipal Trade Union jointly established the Labor Arbitration and Mediation Coordination Office to facilitate better communication and ease tensions in labor disputes. An official from the local People’s Congress noted the increasing number of arbitrations, lengthy legal proceedings, and high litigation costs were not helpful in constructing positive and harmonious labor-capital relations.

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

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

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

Shenzhen police reportedly detained approximately 30 workers and representatives from the Dagongzhe Worker’s Center for their alleged connection with the Jasic protests. Several of the worker activists were charged with “gathering a crowd to disrupt social order.” Authorities also reportedly raided the offices of “Pioneers of the Times” and a Beijing-based publisher “Red Reference,” and criminally detained a staff member of “Red Reference.” On August 24, authorities in Guangdong, Beijing, and other parts of the country detained multiple workers and students from Peking, Renmin, and Nanjing

Universities who had been supporting the workers. In early November the government detained nine student organizers and factory workers in Beijing, Shanghai, and Shenzhen and three activists in Wuhan. The government also detained two local ACFTU officials in Shenzhen in November. Authorities detained and questioned additional students in December.

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

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

b. Prohibition of Forced or Compulsory Labor

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

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

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

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

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

c. Prohibition of Child Labor and Minimum Age for Employment

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

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

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

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

d. Discrimination with Respect to Employment and Occupation

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

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

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

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

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

e. Acceptable Conditions of Work

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

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

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

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

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

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

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

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

Without providing exact numbers, the Ministry of Emergency Management announced in July the number of workplace accidents fell. The ministry also reported while accident and death rates in most sectors were declining, in the construction sector these rates had steadily increased since 2016, making the sector the one with the highest number of accidents and deaths of any industrial and commercial sector for the last nine years. In January, May, and July, media reported more than 100 former construction workers affected by pneumoconiosis from Hunan made three trips to Shenzhen to petition for long overdue compensation for the occupational illness they contracted while working in the city during the 1990s.

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

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

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

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