

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	486
Land:	Kina
Kilde:	US Department of State
Titel:	Country Report on Human Rights Practices 2017
Udgivet:	20. april 2018
Optaget på baggrundsmaterialet:	31. august 2018

USDOS – US Department of State

Country Report on Human Rights Practices 2017 - China

EXECUTIVE SUMMARY

The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount authority. CCP members hold almost all top government and security apparatus positions. Ultimate authority rests with the CCP Central Committee's 25-member Political Bureau (Politburo) and its seven-member Standing Committee. Xi Jinping continued to hold the three most powerful positions as CCP general secretary, state president, and chairman of the Central Military Commission. At the 19th Communist Party Congress in October, the CCP reaffirmed Xi as the leader of China and the CCP for another five years.

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

The most significant human rights issues for which the government was responsible included: arbitrary or unlawful deprivation of life and executions without due process; extralegal measures such as forced disappearances, including extraterritorial ones; torture and coerced confessions of prisoners; arbitrary detention, including strict house arrest and administrative detention, and illegal detentions at unofficial holding facilities known as "black jails"; significant restrictions on freedom of speech, press, assembly, association, religion, and movement (for travel within the country and overseas), including detention and harassment of journalists, lawyers, writers, bloggers, dissidents, petitioners, and others as well as their family members; censorship and tight control of public discourse on the internet, in print, and in other media; refoulement of asylum seekers to North Korea; the inability of citizens to choose their government; corruption; severe repression of organizations and individuals involved in human rights advocacy, as well as in public interest and ethnic minority issues; a coercive birth-limitation policy that in some cases included sterilization or abortions; trafficking in persons; and severe restrictions on labor rights, including a ban on workers organizing or joining unions of their own choosing. Official repression of the freedoms of speech, religion, movement, association, and assembly of Tibetans in the Tibet Autonomous Region (TAR) and other Tibetan areas and of Uighurs and other ethnic minorities in the Xinjiang Uighur Autonomous Region (XUAR) worsened and were more severe than in other areas of the country. In the XUAR officials imposed new regulations, increased severely repressive security measures, and subjected individuals engaged in peaceful expression of political and religious views to arbitrary arrest, detention harassment, and expedited judicial procedures without due process in the name of combatting terrorism and extremism.

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

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

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

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

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

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

Liu was granted “medical parole” and transferred to a hospital in Shenyang for cancer treatment in June. Foreign governments, international NGOs, and domestic activists called on the government to allow Liu Xiaobo to go overseas for medical treatment. The government refused that request but instead granted two foreign medical experts permission to travel to Shenyang to see Liu Xiaobo in person and “consult” on the case. Upon examining him, the physicians said their institutions could provide care that could prolong his life and ease his suffering. The government refused the offers. Liu died one week later. Liu’s widow, poet Liu Xia, remained under extralegal house arrest even after his death.

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

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

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

b. Disappearance

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

Human rights lawyer Gao Zhisheng went missing in August. Gao was released from prison in 2014 and had been living under house arrest. In August, Gao’s family and friends reported they lost contact with him. In

September, Radio Free Asia reported that Gao's family said they were told that he was in police custody at an undisclosed location, although authorities did not release any details surrounding his detention, including a reason for his latest disappearance.

Zhao Suli, the wife of China Democracy Party founder Qin Yongmin, remained missing since authorities detained her and Qin in January 2015. Qin was charged with "subversion of state power" but had yet to be tried. Zhao, meanwhile, had not been publicly charged with any crimes, and her family filed lawsuits against the government as a way of trying to find out what happened to her. Her family members told Radio Free Asia that they feared she had died.

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

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

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

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

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

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

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

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

The law prohibits the physical abuse and mistreatment of detainees and forbids prison guards from coercing confessions, insulting prisoners' dignity, and beating or encouraging others to beat prisoners.

Amendments to the criminal procedure law exclude evidence, including coerced confessions obtained through illegal means, in certain categories of criminal cases. Enforcement of these legal protections continued to be lax.

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

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

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

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

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

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

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

According to the Legal Daily (a state-owned newspaper covering legal affairs), the Ministry of Public Security directly administered 23 high-security psychiatric hospitals for the criminally insane. While many of those committed to mental-health facilities had been convicted of murder and other violent crimes, there were also reports of activists and petitioners involuntarily subjected to psychiatric treatment for political reasons. Public security officials may commit individuals to psychiatric facilities and force treatment for “conditions” that have no basis in psychiatry. In April authorities reportedly sent Cai Yinglan to the Ezhou Special Care Hospital in Hubei after local officials accused her of “damaging society through petitioning.” She had been petitioning for payment of unpaid farming subsidies.

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

Prison and Detention Center Conditions

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

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

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

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

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

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

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

The law states that letters from a prisoner to higher authorities of the prison or to the judicial organs shall be free from examination; it was unclear to what extent the law was implemented. While authorities occasionally investigated credible allegations of inhuman conditions, the results were not documented in a publicly accessible manner. Many prisoners and detainees did not have reasonable access to visitors and could not engage in religious practices.

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

d. Arbitrary Arrest or Detention

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

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

Role of the Police and Security Apparatus

The main domestic security agencies include the Ministry of State Security, the Ministry of Public Security, and the People's Armed Police. The People's Liberation Army is primarily responsible for external security but also has some domestic security responsibilities. Local jurisdictions also frequently used civilian municipal security forces, known as "urban management" officials, to enforce administrative measures. Oversight of these forces was localized and ad hoc. By law officials can be criminally prosecuted for abuses of power, but such cases were rarely pursued.

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

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

In the absence of reliable data, it was difficult to ascertain the full extent of impunity for the domestic security apparatus, but anecdotal accounts of abuse were common on social media and sometimes appeared in state media reports as well. Authorities often announced investigations following cases of reported killings by police. It remained unclear, however, whether these investigations resulted in findings of police malfeasance or disciplinary action.

Arrest Procedures and Treatment of Detainees

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

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

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

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

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

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

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

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

There were multiple reports that authorities arrested or detained lawyers, petitioners, and other rights activists for lengthy periods, only to have the charges later dismissed for lack of evidence. Many activists were subjected to extralegal house arrest, denied travel rights, or administratively detained in different types of facilities, including “black jails.” In some cases public security officials put pressure on schools not to allow the children of prominent political detainees to enroll. Conditions faced by those under house arrest varied but sometimes included isolation in their homes under guard by security agents. Security officials were frequently stationed inside the homes. Authorities placed many citizens under house arrest during sensitive times, such as during the visits of senior foreign government officials or preceding the 19th Party Congress, annual plenary sessions of the National People’s Congress (NPC), the anniversary of the Tiananmen massacre, and sensitive anniversaries in Tibetan areas and the XUAR. Security agents took some of those not placed under house arrest to remote areas on so-called forced vacations. Authorities reportedly sent Liu Xiaobo’s widow, Liu Xia, and her brother to Yunnan on a “forced vacation” after Liu Xiaobo’s funeral.

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

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

Pretrial Detention: Pretrial detention could last longer than one year. Defendants in “sensitive cases” reported being subjected to prolonged pretrial detention. Many of the “709” detainees were held in pretrial detention for more than a year without access to their families or their lawyers. Statistics were impossible to obtain, but lengthy pretrial detentions were especially common in cases of political prisoners.

e. Denial of Fair Public Trial

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

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

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

Courts are not authorized to rule on the constitutionality of legislation. The law permits organizations or individuals to question the constitutionality of laws and regulations, but a constitutional challenge may be directed only to the promulgating legislative body. Lawyers had little or no opportunity to rely on constitutional claims in litigation.

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

Authorities tried and convicted attorney Jiang Tianyong in August for inciting state subversion in Changsha. The case against him was based on his interviews with foreign journalists and his publishing of articles on the internet, actions that, outside the country, were widely seen as normal for someone in his profession. Jiang was prevented from selecting his own attorney to represent him at a trial that multiple analysts viewed as neither impartial nor fair. Following the trial, Jiang remained in custody at an undisclosed location with no communication to his family. Jiang, who was known for his advocacy on behalf of family members of the "709" detainees, was sentenced on November 21 to two years in prison.

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

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

Trial Procedures

Although the amended criminal procedure law reaffirms the presumption of innocence, the criminal justice system remained biased toward a presumption of guilt, especially in high-profile or politically sensitive cases. An acquittal rate of less than 1 percent has persisted for many years. In November 2016 the procurator general of the Supreme People's Procuratorate, Cao Jianming, said the average acquittal rate since 2013 was 0.016 percent. Some experts called the number "abnormally low."

In many politically sensitive trials, courts announced guilty verdicts immediately following proceedings with little time for deliberation. Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. The appeals process rarely reversed convictions and failed to provide sufficient avenues for review; remedies for violations of defendants' rights were inadequate.

Regulations of the Supreme People's Court require trials to be open to the public, with the exception of cases involving state secrets, privacy issues, minors, or, on the application of a party to the proceedings, commercial secrets. Authorities used the state secrets provision to keep politically sensitive proceedings closed to the public, sometimes even to family members, and to withhold a defendant's access to defense counsel. Court regulations state that foreigners with valid identification should be allowed to observe trials under the same criteria as citizens, but foreigners were permitted to attend court proceedings only by invitation. As in past years, authorities barred foreign diplomats and journalists from attending a number of trials. In some instances the trials were reclassified as "state secrets" cases or were otherwise closed to the public. During the year foreign diplomats attempted to attend at least a dozen public trials throughout the country. In many instances court officials claimed there were no available seats in the courtroom.

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

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

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

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

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

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

The government suspended or revoked the business licenses or law licenses of those who took on sensitive cases, such as defending prodemocracy dissidents, house-church activists, Falun Gong practitioners, or government critics. Authorities used the annual licensing review process administered by the All China Lawyers Association to withhold or delay the renewal of professional lawyers' licenses. Other government tactics to intimidate or otherwise pressure human rights lawyers included unlawful detentions, vague "investigations" of legal offices, disbarment, harassment and physical intimidation, and denial of access to evidence and to clients.

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

Regulations adopted in 2015 also state that detention center officials should either allow defense attorneys to meet suspects or defendants or explain why the meeting cannot be arranged at that time. The regulations specify that a meeting should be arranged within 48 hours. Procuratorates and courts should allow defense attorneys to access and read case files within three working days. The time and frequency of opportunities available for defense attorneys to read case files shall not be limited, according to the guidelines. In some sensitive cases, lawyers had no pretrial access to their clients, and defendants and lawyers were not allowed to communicate with one another during trials. In contravention of the revised criminal procedure law (see section 1.d.), criminal defendants frequently were not assigned an attorney until a case was brought to court. The law stipulates that the spoken and written language of criminal proceedings shall be conducted in the language common to the specific locality, with government interpreters providing language services for defendants not proficient in the local language. Sources noted trials were predominantly conducted in Mandarin Chinese even in minority areas, with interpreters provided for defendants who did not speak the language.

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

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

Political Prisoners and Detainees

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

Political prisoners were granted early release at lower rates than other prisoners. The Dui Hua Foundation estimated that more than 100 prisoners were still serving sentences for counterrevolution and hooliganism, two crimes removed from the criminal code in 1997. Thousands of others were serving sentences for political and religious offenses, including “endangering state security” and “cult” offenses covered under Article 300 of the criminal code, crimes introduced in 1997. The government neither reviewed the cases of those charged before 1997 with counterrevolution and hooliganism nor released persons jailed for nonviolent offenses under repealed provisions.

Many political prisoners remained in prison or under other forms of detention at year’s end, including writer Yang Maodong (Guo Feixiong); Uighur scholar Ilham Tohti; rights lawyer Tang Jingling; activist Wang Bingzhang; activist Liu Xianbin; pastor Zhang Shaojie; Falun Gong practitioner Bian Lichao; lawyers Wang Quanzhang, Xia Lin, and Jiang Tianyong; blogger Wu Gan; Buddhist monk Xu Zhiqiang (who also goes by the name Master Shengguan); and Shanghai labor activist Jiang Cunde.

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

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

Civil Judicial Procedures and Remedies

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

Although historically, citizens seldom applied for state compensation because of the high cost of bringing lawsuits, low credibility of courts, and citizens' general lack of awareness of the law, a white paper on judicial reform released in February stated that courts had paid out more than 699 million yuan (\$100 million) from 2013 to 2016. In March the parents of Nie Shubing were awarded approximately 2.68 million yuan (\$394,000) for his wrongful execution in 1995 for a murder he did not commit. In 2005 another man had confessed to the murder, and in December 2016 the Supreme People's Court acquitted Nie, ruling that the previous conviction was based on insufficient evidence. In August the Jiangxi Higher People's Court stated that four persons who were acquitted from wrongful convictions had each received approximately 2.27 million yuan (\$330,000).

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

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

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

Despite attempts at improving the system, progress was unsteady. Many petitioners reported they were often detained in black jails when trying to seek redress from the government. In May a group of petitioners traveled to Beijing to get attention during the national One Belt One Road summit. According to human rights activists, police rounded up more than 200 petitioners as they drew close to the Beijing Civil

Administration building. They were reportedly held in unmarked buildings for three days during which they said they had no food and no place to sleep. Authorities eventually forced the petitioners to take trains back to their hometowns.

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

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

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

According to media reports, the Ministry of Public Security used tens of millions of surveillance cameras throughout the country to monitor the general public. In 2015 the Beijing Municipal Public Security Bureau announced it had “covered every corner of the capital with a video surveillance system.” Human rights groups stated that authorities increasingly relied on video and other forms of surveillance to monitor and intimidate political dissidents, Tibetans, and Uighurs. The monitoring and disruption of telephone and internet communications were particularly widespread in the XUAR and Tibetan areas. The law allows security agencies to cut communication networks during “major security incidents.”

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

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

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

compensation. Redevelopment in traditional Uighur neighborhoods in cities throughout the XUAR resulted in the destruction of historically or culturally important areas. Some residents expressed opposition to the lack of proper compensation by the government and the coercive measures used to obtain their agreement to redevelopment.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

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

In January the government abruptly shut down the website and social media accounts of the Beijing-based think tank Unirule. Its members, a group of prominent economics experts known for outspoken views on government economic policy, responded with a letter protesting the “obvious aim of silencing Unirule totally” and calling for greater government tolerance of NGOs. Government censors promptly removed the letter from the internet.

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

On May 26, He Weifang, a law professor at the elite Peking University and the lawyer for Nobel laureate Liu Xiaobo, announced that government pressure compelled him to close his Weibo microblog and his accounts on the private messaging system “Weixin” (aka WeChat). Over the past decade, he had developed an online following of millions and was known for criticizing the country’s lack of freedom of speech and judicial independence.

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

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

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

Press and Media Freedom: The CCP and government continued to maintain ultimate authority over all published, online, and broadcast material. Officially, only state-run media outlets have government approval to cover CCP leaders or other topics deemed “sensitive.” While it did not dictate all content to be published or broadcast, the CCP and the government had unchecked authority to mandate if, when, and how particular issues were reported or to order that they not be reported at all. In a widely reported 2016 visit to the country’s main media outlets, President Xi told reporters that they were the “publicity front” of the government and the Party and that they must “promote the Party’s will” and “protect the Party’s authority.”

The government continued to strictly monitor the press and media, including film and television, via its broadcast and press regulatory body, the State Administration of Press, Publication, Radio, Film, and Television (SAPPRFT). The Cyberspace Administration of China (CAC) also closely regulated online news media. All books and magazines continued to require state-issued publication numbers, which were expensive and often difficult to obtain. As in the past, nearly all print and broadcast media as well as book publishers were affiliated with the CCP or government. There were a small number of print publications with some private ownership interest but no privately owned television or radio stations. The CCP directed the domestic media to refrain from reporting on certain subjects, and traditional broadcast programming required government approval.

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

Because the Communist Party does not consider internet news companies “official” media, they are subject to debilitating regulations and barred from reporting on potentially “sensitive” stories. According to the most recent All China Journalist Association report from 2016 on the nation’s news media, there were

232,925 officially credentialed reporters working in the country. Only 1,158 worked for news websites, with the majority working at state-run outlets such as xinhuanet.com and Chinadaily.com. This did not mean that online outlets did not report on important issues--many used creative means to share content--but they limited their tactics and topics since they were acting outside official approval.

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

Family members of journalists based overseas also faced harassment, and in some cases detention, as retaliation for the reporting of their relatives abroad. A journalist could face demotion or job loss for publishing views that challenged the government. In many cases potential sources refused to meet with journalists due to actual or feared government pressure. In particular, academics--a traditional source of information--were increasingly unwilling to meet with journalists.

Uighur webmaster Nijat Azat continued to serve a sentence for "endangering state security." Fellow Uighur webmaster Dilshat Perhat was scheduled to be released, but there was no information on his case at year's end. During the year additional journalists working in traditional and new media were also imprisoned.

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

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

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

Foreign journalists based in the country continued to face a challenging environment for reporting. According to information collected in December by the Foreign Correspondents' Club of China (FCCC), the

vast majority of respondents did not believe reporting conditions in the country met international standards. More than one-third of journalists believed that conditions had deteriorated compared with the previous year, an acceleration since 2016, when 25 percent of journalists believed conditions had deteriorated year over year. Similarly, the percentage of journalists reporting government officials had subjected them to interference, harassment, or violence while reporting increased from 57 percent to approximately two-thirds.

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

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

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

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

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

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

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

Authorities continued to enforce tight restrictions on citizens employed by foreign news organizations. The code of conduct for citizen employees of foreign media organizations threatens dismissal and loss of accreditation for those citizen employees who engage in independent reporting. It instructs them to provide their employers information that projects “a good image of the country.” Several FCCC members reported that security officials summoned local assistants for meetings that the assistants found extremely intimidating.

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

Chinese-language media outlets outside the country reported intimidation and financial threats from the government. For example, the owner of the Vision China Times in Australia said that Chinese officials repeatedly threatened Chinese companies that advertised in his newspaper. In one case Ministry of State Security officials stopped by the company every day for two weeks. Other Chinese-language outlets signed deals with the Chinese News Service, which is the second-largest state-owned news agency in China.

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

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

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

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

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

The FCCC reported it was still largely impossible for foreign journalists to report from the TAR, other Tibetan areas, or Xinjiang without experiencing serious interference. Those who took part in government-sponsored trips to the TAR and other Tibetan areas expressed dissatisfaction with the access provided. Of those who tried to report from the Tibetan area, more than 75 percent reported problems in both Tibet, which is officially restricted, and Xinjiang, which ostensibly does not have the same restrictions on reporting. Foreign reporters also experienced restricted access and interference when trying to report in other sensitive areas, including the North Korean border, at places of historical significance to the founding of the Communist party, sites of recent natural disasters, and areas--including in Beijing--experiencing social unrest.

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

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

Politically sensitive coverage in Chinese, and to a lesser extent in English, was censored more than coverage in other languages. The government prohibited some foreign and domestic films deemed too sensitive or selectively censored parts of films before they were released. Under government regulations, authorities must authorize each foreign film released in the country, with the total number of films not to exceed 38.

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

In March the government issued a ban on the sale of foreign publications without an import permit. The new rules affect the popular online shopping platform Taobao, which is banned from offering “overseas publications,” including books, movies, and games, that do not already have government approval. The ban also applies to services related to publications. According to a statement on the company’s website, “Taobao has embargoed sales of foreign publications.”

A Zhejiang court in February convicted a pair of booksellers for selling banned books. Dai Xuelin, a Beijing-based social media editor at the Guangxi Normal University Press, and his business partner Zhang Xiaoxiong were sentenced to five years and three and one-half years, respectively, in prison for running an “illegal

business operation” because they resold books published in Hong Kong that were not authorized for sale in the mainland.

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

Internet Freedom

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

Although the internet was widely available, it was heavily censored. The government continued to employ tens of thousands of individuals at the national, provincial, and local levels to monitor electronic communications and online content. The government also reportedly paid personnel to promote official views on various websites and social media and to combat those who posted alternative views. Internet companies also employed thousands of censors to carry out CCP and government directives on censorship.

During the year the government issued a number of new regulations to tighten its control over online speech and content. The regulations increased government oversight over internet livestreaming, bulletin board services, instant messaging applications, group chats, and other online services. The government also finalized draft regulations that strengthened government control over internet news information services; it had not yet finalized draft regulations issued for public comment during 2016 that would further strengthen government oversight over online publishing.

The Cybersecurity Law, which took effect in June, allows the government to “monitor, defend, and handle cybersecurity risks and threats originating from within the country or overseas sources.” Article 12 of the law criminalizes using the internet to “creat[e] or disseminat[e] false information to disrupt the economic or social order.” The law also codifies the authority of security agencies to cut communication networks across an entire geographic region during “major security incidents,” although they had previously exercised this authority prior to the law’s passage.

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

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

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

The SAPPRFT set out further limits in September on posting audio and visual material to social media. The new rules require a special permit for transmission of audiovisual materials on blogging platforms such as Weibo and instant messaging platforms such as WeChat. Platform managers were made directly responsible for ensuring user-posted content complies with their permit’s scope. This includes television shows, movies, news programs, and documentaries, which many netizens consumed exclusively through social media channels. The rules prohibit the uploading of any amateur content that would fall under the definition of news programming.

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

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

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

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

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

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

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

While such censorship was effective in keeping casual users away from websites hosting sensitive content, many users circumvented online censorship by using various technologies. Information on proxy servers outside the country and software for defeating official censorship were available. In July, Apple Inc. removed VPN services from its app store in the country. Encrypted communication apps such as Telegram and WhatsApp were regularly disrupted, especially during "sensitive" times of the year, such as during the period prior to the 19th Party Congress.

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

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

Following President Xi's calls for establishing an alternative form of global internet governance at CAC's December 2015 World Internet Conference, the government continued its international diplomatic efforts towards the establishment of a new, government-led multilateral system to replace the existing

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

The government continued to introduce new measures implementing a "Social Credit System," which is intended to collect vast amounts of data to create credit scores for individuals and companies in an effort to address deficiencies in "social trust," strengthen access to financial credit instruments, and reduce public corruption. Unlike Western financial credit-rating systems, the government's Social Credit System is designed also to collect information on academic records, traffic violations, social media presence, quality of friendships, adherence to birth control regulations, employment performance, consumption habits, and other topics. This system is also intended to result in increased self-censorship, as netizens would be liable for their statements, relationships, and even for information others shared on social media groups. Netizens' credit scores decline when they express impermissible ideas, spread banned content, or associate with anyone who does so, and a decline in score means a loss of access to information-sharing applications and websites. An individual's "social credit score," among other things, quantifies a person's loyalty to the government by monitoring citizens' online activity and relationships. Points are awarded and deducted based on the "loyalty" of sites visited, as well as the "loyalty" of other netizens a person interacts with.

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

Academic Freedom and Cultural Events

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

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

foreign textbooks in classrooms remained restricted, and domestically produced textbooks continued to be under the editorial control of the CCP.

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

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

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

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

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

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

articles. According to the Financial Times, this case led academics to fear that universities would be forced to make concessions or lose access to the country's lucrative market.

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

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

Many intellectuals and scholars exercised self-censorship, anticipating that books or papers on political topics would be deemed too sensitive to be published. Censorship and self-censorship of artistic works was also common, particularly artworks deemed to involve politically sensitive subjects. Authorities frequently denied Western musicians permission to put on concerts in China. In July the Beijing Municipal Bureau of Culture prohibited Justin Bieber from performing in order to "maintain order in the Chinese market and purify the Chinese performance environment." The government continued to forbid public performances of Handel's Messiah, according to an August report by the Economist. Authorities also scrutinized the content of cultural events and applied pressure to encourage self-censorship of discussions.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

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

Citizens throughout the country continued to gather publicly to protest evictions, forced relocations, and inadequate compensation, often resulting in conflict with authorities or formal charges. Media reported that thousands of protests took place during the year across the country. Although peaceful protests are legal, public security officials rarely granted permits to demonstrate. Despite restrictions, many

demonstrations occurred, but authorities quickly broke up those motivated by broad political or social grievances, sometimes with excessive force.

Several significant demonstrations took place in Beijing in late 2016 and during the year. In January approximately 500 People's Liberation Army veterans protested over unpaid benefits. The crowd, while sizable, was considerably smaller than the thousands of veterans who took to the streets in October 2016 outside the headquarters of the Central Military Commission. In June approximately 100 protesters clashed with Beijing police in the city's Changping District. The protesters were parents who objected to the city's plans to assign their children to a new, less affluent school. Police detained at least three protesters. In July police in Beijing closed city streets to shut down a protest over the government's targeting of a company called Shanxinhui. The government had shut down the company over allegations it was a thinly disguised pyramid scheme, but protesters claimed it was a social organization that served the poor.

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

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

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

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

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

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

Freedom of Association

The constitution provides for freedom of association, but the government restricted this right. CCP policy and government regulations require that all professional, social, and economic organizations officially

register with and receive approval from the government. These regulations prevented the formation of autonomous political, human rights, religious, spiritual, labor, and other organizations that the government believed might challenge its authority in any area. The government maintained tight controls over civil society organizations and in some cases detained or harassed NGO workers.

The regulatory system for NGOs was highly restrictive, but specific requirements varied depending on whether an organization was foreign or domestic. Domestic NGOs were governed by the Charity Law, which went into effect in September 2016, and a host of related regulations. Domestic NGOs could register in one of three categories: a social group, a social organization, or a foundation. All domestic NGOs are required to register under the Ministry of Civil Affairs and find an officially sanctioned sponsor to serve as their “professional supervisory unit.” Finding a sponsor was often challenging, since the sponsor could be held civilly or criminally responsible for the NGO’s activities. All organizations are also required to report their sources of funding, including foreign funding. Domestic NGOs continued to adjust to this new regulatory framework.

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

On January 1, the Law on the Management of Foreign NGOs’ Activities with Mainland China (Foreign NGO Management Law) came into effect. The law requires foreign NGOs to register with the Ministry of Public Security and to find a state-sanctioned sponsor for their operations. NGOs that fail to comply face possible civil or criminal penalties. The law provides no appeal process for NGOs denied registration, and it stipulates that NGOs found to have violated certain provisions could be placed on a “blacklist” and barred from operating in the country.

In the first year of the Foreign NGO Management Law’s implementation, some international NGOs reported that it became more difficult to work with local partners, including universities, government agencies, and other domestic NGOs, as the law codified the CCP’s perception that foreign NGOs were a “national security” threat. Finding an official sponsor was difficult for most foreign NGOs, as sponsors could be held responsible for the NGO’s conduct and had to undertake burdensome reporting requirements. Even after the Ministry of Public Security published a list of sponsors in December 2016, NGOs reported that most government agencies had no unit responsible for sponsoring foreign NGOs. Potential Professional Supervisory Units reported they had little understanding of how to implement the law and what would be expected of them by authorities. The vague definition of an NGO, as well as of what activities constituted “political” and therefore illegal activities, also left many business organizations and alumni associations uncertain whether they fell under the purview of the law. The lack of clear communication from the government, coupled with harassment by security authorities, caused some foreign NGOs to suspend or cease operations in the country. As of September approximately 185 of the MPS-estimated 7,000

previously operational foreign NGOs had registered under the Foreign NGO Management Law, with most focusing on trade and commerce activities.

According to the Ministry of Civil Affairs, by June there were more than 670,000 legally registered social organizations, public institutions, and foundations. Many experts believed the actual number of domestic NGOs to be much higher. Domestic NGOs reported that foreign funding continued to drop, as many domestic NGOs sought to avoid such funding due to fear of being labeled as “subversive” in the face of growing restrictions imposed by new laws. NGOs existed under a variety of formal and informal guises, including national mass organizations created and funded by the CCP that are organizationally prohibited from exercising any independence, known as government-operated NGOs or GONGOs.

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

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

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

c. Freedom of Religion

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

d. Freedom of Movement

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

While seriously restricting its scope of operations, the government occasionally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), which maintained an office in Beijing, to provide protection and assistance to select categories of refugees, asylum seekers, and other persons of concern.

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

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

some North Koreans detained by government authorities faced repatriation unless they could pay bribes to secure their release.

In-country Movement: Authorities continued to maintain tight restrictions on freedom of movement, particularly to curtail the movement of individuals deemed politically sensitive before key anniversaries, visits by foreign dignitaries, or major political events, as well as to forestall demonstrations. Freedom of movement for Tibetans continued to be very limited in the TAR and other Tibetan areas. Public security officers maintained checkpoints in most counties and on roads leading into many towns as well as within major cities, such as Lhasa. Restrictions were not applied to Han Chinese migrants or tourists in Tibetan areas. Uighurs in the XUAR also faced restrictions on movement within the XUAR itself. Although the use of “domestic passports” that called for local official approval before traveling to another area was discontinued in 2016, identification checks remained in place when entering cities and on public roads. Such restrictions were not applied to Han Chinese in these areas.

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

The household registration system added to the difficulties faced by rural residents, even after they relocated to urban areas and found employment. According to the Statistical Communique of the People’s Republic of China on 2015 National Economic and Social Development published by the Ministry of Human Resources and Social Security, 294 million persons lived outside the jurisdiction of their household registration. Of that number, 247 million individuals worked outside their home district. Many migrant workers and their families faced numerous obstacles with regard to working conditions and labor rights. Many were unable to access public services, such as public education for their children or social insurance, in the cities where they lived and worked because they were not legally registered urban residents.

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

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

Foreign Travel: The government permitted legal emigration and foreign travel for most citizens. Government employees and retirees, especially from the military, continued to face foreign travel restrictions. The government expanded the use of exit controls for departing passengers at airports and other border crossings to deny foreign travel to some dissidents and persons employed in government

posts. Throughout the year many lawyers, artists, authors, and other activists were at times prevented from exiting the country. Authorities also blocked the travel of some family members of rights activists and of suspected corrupt officials and businesspersons, including foreign family members.

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

Most citizens could obtain passports, although individuals the government deemed potential political threats, including religious leaders, political dissidents, petitioners, and ethnic minorities, routinely reported being refused passports or otherwise prevented from traveling overseas. Wu Rongrong, a women’s rights activist who gained global prominence in 2015 after being detained for trying to pass out stickers with antisexual harassment slogans, was denied a travel permit because of “unresolved legal cases” against her, and she was told the travel ban was for 10 years. After she posted about the situation on social media, which garnered international attention, the travel ban was suddenly lifted.

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

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

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

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

Protection of Refugees

Refoulement: The government did not provide protection against the expulsion or forcible return of vulnerable refugees and asylum seekers, especially North Korean refugees. The government continued to consider North Koreans as “illegal economic migrants” rather than refugees or asylum seekers and forcibly returned many of them to North Korea. The government continued to deny UNHCR permission to operate outside of Beijing.

Human Rights Watch (HRW) documented the government detained 41 North Koreans in July and August alone, compared with 51 documented detentions of North Korean refugees from June 2016 to July 2017. In the same report, HRW estimated that among these 92 North Korean refugees, family members reported that at least 46 were refouled.

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

Authorities continued to repatriate North Korean refugees forcibly, including trafficking victims, generally treating them as illegal economic migrants. The government detained and deported such refugees to North Korea, where they faced severe punishment or death, including in North Korean forced-labor camps. The government did not provide North Korean trafficking victims with legal alternatives to repatriation.

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

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

Access to Basic Services: North Korean asylum seekers and North Koreans in the country seeking economic opportunities generally did not have access to health care, public education, or other social services due to lack of legal status. International media reported that as many as 30,000 children born to North Korean women in China, most of whom were married to Chinese spouses, were denied access to public services, including education and health care, despite provisions in the law that provide citizenship to children with at least one PRC citizen parent.

Durable Solutions: The government largely cooperated with UNHCR when dealing with the resettlement in China of Han Chinese or ethnic minorities from Vietnam and Laos living in the country since the Vietnam War era. The government and UNHCR continued discussions concerning the granting of citizenship to these long-term residents and their children, many of whom were born in China. The government worked with UNHCR in granting exit permission for a small number of non-Burmese and non-North Korean refugees to resettle in third countries.

Section 3. Freedom to Participate in the Political Process

The constitution states that “all power in the People’s Republic of China belongs to the people” and that the organs through which citizens exercise state power are the NPC and the people’s congresses at provincial, district, and local levels. In practice the CCP dictated the legislative agenda to the NPC. While the law provides for elections of people’s congress delegates at the county level and below, citizens could not freely choose the officials who governed them. The CCP controlled all elections and continued to control

appointments to positions of political power. The CCP used various intimidation tactics, including house arrest, to block independent candidates from standing for local elections.

Elections and Political Participation

Recent Elections: In 2013 the NPC's nearly 3,000 delegates elected the president and vice president, the premier and vice premiers, and the chairman of the Central Military Commission. The NPC Standing Committee, which consisted of 175 members, oversaw the elections and determined the agenda and procedures for the NPC. The selection of NPC members takes place every five years, and the process is controlled by the CCP.

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

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

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

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

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

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

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate. Women and/or members of minority groups held few positions of significant influence in the government or CCP structure. Among the 2,987 appointed delegates to the 12th NPC in 2013, 699 (23 percent) were women. Following the 19th Party Congress, one member of the CCP Central Committee’s 25-member Politburo was a woman. There were no women in the Politburo Standing Committee.

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

A total of 409 delegates from 55 ethnic minorities were members of the 12th NPC, accounting for 14 percent of the total number of delegates. All of the country’s officially recognized minority groups were represented. The 19th Party Congress elected 15 members of ethnic minority groups as members of the 202-person Central Committee. There was no ethnic minority member of the Politburo, and only one ethnic minority was serving as a party secretary of a provincial-level jurisdiction, although a handful of ethnic minority members were serving as leaders in provincial governments. An ethnic Mongolian woman, Bu Xiaolin, served as chair of the Inner Mongolia Autonomous Region, equivalent to a provincial governor. An ethnic Hui woman, Xian Hui, also served as chair of the Ningxia Hui Autonomous Region.

Section 4. Corruption and Lack of Transparency in Government

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

The Central Commission for Discipline Inspection (CCDI) internal disciplinary system used to investigate party members suspected of party rule violations--known as “shuanggui”--continued to operate outside the judicial system and with widespread allegations of torture. According to an HRW report released in December 2016, many accused officials were detained and placed in solitary confinement, repeatedly interrogated, and in some cases tortured, until a confession of wrongdoing was given. Detainees were held outside police stations or official detention facilities, often in hotels or party training facilities. Former detainees reported abuse that included beatings, sleep deprivation, and being forced to stand or sit in uncomfortable positions for hours and sometimes days. Some were later turned over to the judicial system for criminal prosecution.

“Shuanggui” detainees are not afforded legal procedural rights as protected under international human rights law, or those afforded to criminal suspects under domestic law. According to HRW, prosecutors, responsible for investigating and prosecuting corruption in the formal criminal justice system, often

participate in shuanggui interrogations. Known as “joint investigations,” prosecutors may use these interrogation-produced confessions in subsequent criminal investigations. HRW was not aware of any case in which the court acquitted a suspect or overturned a conviction due to misconduct by investigators during shuanggui. In 2016 only two cases were found by HRW in which lower-level interrogators or guards were jailed after torturing and killing shuanggui detainees.

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

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

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

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

While the tightly controlled state media apparatus publicized some notable corruption investigations, as a general matter very few details were made public regarding the process by which CCP and government officials were investigated for corruption.

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

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

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

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

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

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

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

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

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

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

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

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

The government used its membership on the UN Economic and Social Council's Committee on NGOs to block groups critical of China from obtaining UN accreditation and blacklisting accredited activists from participating in UN events. In April security officials barred Dolkun Isa, an ethnic Uighur rights activist and accredited NGO participant, from attending the 2017 session of the UN Permanent Forum on Indigenous Issues.

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

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

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

Women

Rape and Domestic Violence: Rape of women is illegal, and carries a sentence of three years in prison to death. The law does not safeguard same-sex couples or victims of marital rape. In 2015 a separate law on sexual assault was broadened to include male victims, but it has a maximum penalty of five years in prison. Of the reported cases, most allegations of rape were closed through private settlement rather than prosecution. Some persons convicted of rape were executed.

Domestic violence remained a significant problem. The government took a significant step to protect women from domestic abuse through the passage of the Family Violence Law, which took effect in March 2016. NGOs stated that because of the law, more women were willing to report domestic violence incidents to police. Nevertheless, implementation and enforcement of the law remained inconsistent. In February the Washington Post reported that elements of the law, including those related to court protective orders, were not being implemented correctly.

Some scholars said that even under the new law, victims were still encouraged to attempt to resolve domestic violence through mediation. Societal sentiment that domestic violence was a personal, private matter contributed to underreporting and inaction by authorities when women faced violence at home. One government study of divorce records publicized during the year indicated that only 9.5 percent of victims made police reports.

The government supported shelters for victims of domestic violence, and some courts provided protections to victims, including through court protective orders prohibiting a perpetrator of domestic violence from

coming near a victim. Nonetheless, official assistance did not always reach victims, and public security forces often ignored domestic violence. Legal aid institutions working to provide counseling and defense to victims of domestic violence were often pressured to suspend public activities and cease all forms of policy advocacy, an area that was reserved only for government-sponsored organizations.

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

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

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

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

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

Coercion in Population Control: There were reports of coerced abortions and sterilizations, though government statistics on the percentage of abortions that were coerced during the year was not available. The CCP restricts the rights of parents to choose the number of children they have and utilizes family planning units from the provincial to the village level to enforce population limits and distributions. A two-child policy was officially implemented as of January 2016. The Population and Family Planning Law permits married couples to have two children and allows couples to apply for permission to have a third child if they meet conditions stipulated in local and provincial regulations. State media claimed the number of coerced abortions had declined in recent years in the wake of loosened regulations, including the implementation of the two-child policy. Citizens are subject to hefty fines for violating the law, while couples who have only one child receive a certificate entitling them to collect a monthly incentive payment and other benefits that vary by province—from approximately six to 12 yuan (one to two dollars) per month up to 3,000 yuan (\$450) for farmers and herders in poor areas. Couples in some provinces are required to seek approval and register before a child is conceived.

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

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

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

As in prior years, population control policy continued to rely on social pressure, education, propaganda, and economic penalties, as well as on measures such as mandatory pregnancy examinations and, less frequently, coerced abortions and sterilizations. Officials at all levels could receive rewards or penalties based on whether or not they met the population targets set by their administrative region. With the higher birth limit, and since most persons wanted to have no more than two children, it was easier to achieve population targets, and the pressure on local officials was considerably less than before. Those found to have a pregnancy in violation of the law or those who helped another to evade state controls could face punitive measures, such as onerous fines or job loss.

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

The law mandates that family planning bureaus administer pregnancy tests to married women of childbearing age and provide them with basic knowledge of family planning and prenatal services. Under the law schools are required to provide adolescent and sexual health education at an appropriate level, but in practice information is quite limited. Some provinces fined women who did not undergo periodic state-mandated pregnancy tests.

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

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

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

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

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

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

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

Children

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

Education: Although the law provides for nine years of compulsory education for children, many children did not attend school for the required period in economically disadvantaged rural areas, and some never attended. Public schools were not allowed to charge tuition, but many schools continued to charge

miscellaneous fees because they received insufficient local and central government funding. Such fees and other school-related expenses made it difficult for poorer families and some migrant workers to send their children to school. The gap in education quality for rural and urban youth remained extensive, with many children of migrant workers attending unlicensed and poorly equipped schools.

Child Abuse: The physical abuse of children is ground for criminal prosecution. The Domestic Violence Law also protected children. Sexual abuse of minors, particularly of rural children, was a significant problem. In 2016 the Economist reported that millions of children suffered from sexual abuse. The government increasingly encouraged state media to report on the problem and allowed NGOs to combat child sexual abuse. Pilot programs were underway in three major provinces to develop and implement child protection laws and protocols for protection and treatment, including mandatory reporting.

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

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

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

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

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

Displaced Children: The number of street children was unknown (estimates as high as 1.5 million), but governmental efforts to identify and provide care for these children greatly intensified. In 2013 the ACWF estimated that more than 61 million children under the age of 17 were left behind by their migrant-worker parents in rural areas. The most recent government census found approximately nine million rural children who were left behind by both parents who migrated to urban areas for work.

Institutionalized Children: The law forbids the mistreatment or abandonment of children. According to some sources, by the end of 2015, the country had 502,000 orphans, of which 92,000 were up for adoption. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages usually had disabilities or were in poor health. The government denied that children in

orphanages were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems. Adopted children were counted under the birth-limitation regulations in most locations. As a result couples who adopted abandoned infant girls were sometimes barred from having additional children. The law allowed children who are rescued to be made available for adoption within one year if their family is not identified.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's Annual Report on International Parental Child Abduction at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law protects the rights of persons with disabilities and prohibits discrimination, but in many instances conditions for such persons lagged behind legal requirements and the government failed to provide persons with disabilities access to programs intended to assist them. The Ministry of Civil Affairs and the China Disabled Persons Federation (CDPF), a government-organized civil association, are the main entities responsible for persons with disabilities.

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

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

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

In May the government revised the 20-year-old law covering access to education for persons with disabilities. The revisions reaffirmed a commitment to ensure education for children with disabilities, broadened vocational education for persons with disabilities, and aimed to prevent discrimination in school

admissions. The updated law encourages schools to accept more students, and places the responsibility to expand school access at the county level, calling on local governments to prioritize establishing special education resources in mainstream schools.

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

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

Misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems. Parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education for their children. According to the government, many persons with disabilities lacked adequate rehabilitation services.

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

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

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

National/Racial/Ethnic Minorities

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

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

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

According to a 2015 government census, 9.5 million, or 40 percent, of the XUAR’s official residents were Han Chinese. Uighur, Hui, Kazakh, Kyrgyz, and other ethnic minorities constituted 14.1 million XUAR residents, or 60 percent of the total population. Official statistics understated the Han Chinese population because they did not count the more than 2.7 million Han residents on paramilitary compounds (bingtuan) and those who were long-term “temporary workers,” an increase of 1.2 percent over the previous year, according to a 2015 government of Xinjiang report. As the government continued to promote Han migration into the XUAR and filled local jobs with domestic migrant labor, local officials coerced young Uighur men and women to participate in a government-sponsored labor transfer program to cities outside the XUAR, according to overseas human rights organizations.

The law states that “schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever possible, use textbooks in their own languages and use their languages as the medium of instruction.” Despite provisions to ensure cultural and linguistic rights, in June state media reported that the Department of Education in Hotan, a Uighur-majority prefecture, issued a directive requiring full instruction in Mandarin beginning in preschool and banning the use of Uighur in all educational activities and management. Similar measures were implemented throughout the XUAR, according to international media. There were reports private Uighur-language schools were shut by authorities without any transparent investigation under the pretense that they promoted radical ideologies.

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

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

Some security raids, arbitrary detentions, and judicial punishments, ostensibly directed at individuals or organizations suspected of promoting the “three evil forces,” appeared to target groups or individuals peacefully seeking to express their political or religious views. Detention and punishment extended to expression on the internet and social media, including the browsing, downloading, and transmitting of banned content. Authorities arrested a woman in May for posting Quranic verses to a chat site; local officials confirmed it was illegal to post to the internet anything from the Quran or mentioning Allah. Officials continued to use the threat of violence as justification for extreme security measures directed at the local population, journalists, and visiting foreigners. According to Xinhua news, officials used surveillance and facial recognition software, biodata collection, and big data technology to create a database of Uighurs in Xinjiang for the purpose of conducting “social-instability forecasting, prevention, and containment.” Security forces frequently staged large-scale parades involving thousands of armed police in cities across the XUAR, according to state media.

Uighurs and other religious minorities continued to be sentenced to long prison terms and in some cases executed without due process on charges of separatism and endangering state security. The government constructed new prisons in Xinjiang in order to alleviate the overcapacity of existing facilities, according to credible sources. Hundreds of police recruits were hired to staff the new prisons, according to government reports. Economist Ilham Tohti remained in prison, where he was serving a life sentence after his conviction on separatism-related charges in 2014.

The law criminalizes discussion of “separatism” on the internet and prohibits use of the internet in any way that undermines national unity. It further bans inciting ethnic separatism or “harming social stability” and requires internet service providers and network operators to set up monitoring systems to detect, report, and delete religious content or to strengthen existing systems and report violations of the law. Authorities reportedly searched cell phones at checkpoints and during random inspections of Uighur households, and those in possession of alleged terrorist material, including digital pictures of the East Turkistan flag, could be arrested and charged with crimes.

Authorities increased surveillance and the collection of personal information as part of overall security measures in the XUAR. The government enhanced efforts to build archives of voiceprint information, facial recognition, fingerprints, blood samples, and DNA samples, according to Xinhua news and overseas media.

Monitoring of social media and the internet increased, and officials described their use of “big data” to forecast, prevent, and contain social instability in Xinjiang. In July, Xinjiang residents were ordered to install on mobile phones a surveillance application to report the viewing of “terrorist information” and prevent them from accessing it, according to the Hong Kong Free Press. The application monitors “illegal religious” activity and “harmful information,” according to authorities.

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

Ethnic Kazakh Chinese were also targeted, RFA and other international media reported in August. In August, Kazakh students were arrested in Xinjiang for wearing Islamic clothing and praying at a university. Kazakhs were also prevented from moving freely between China and neighboring Kazakhstan, and some were detained when returning to China.

The government pressured foreign countries to repatriate or deny visas to Uighurs who had left the country, and repatriated Uighurs faced the risk of imprisonment and mistreatment upon return. Some Uighurs who were forcibly repatriated disappeared after arrival. Family members of Uighurs studying overseas were also put under pressure to convince students to return to China, and returning students were detained or forced to attend re-education camps, according to overseas media. In July, Egyptian authorities detained scores of Chinese Uighur students to be interrogated by Chinese security personnel, and some of them were repatriated against their will, according to Uighur activists outside of China. In August state media reported that Hebibulla Tohti, a member of the Chinese Islamic Association, was arrested upon his return from studying at Egypt’s al-Azhar University. He was sentenced to 10 years in prison for unauthorized preaching, attending a conference in Saudi Arabia in 2015, giving speeches on the importance of Uighur culture, and failing to endorse the government’s policies in the Uighur region.

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

For specific information on Tibet, see the Tibet Annex.

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

No laws criminalize private consensual same-sex activities between adults. Due to societal discrimination and pressure to conform to family expectations, however, most lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons refrained from publicly discussing their sexual orientation or gender identity. Individuals and organizations working on LGBTI issues continued to report discrimination and harassment from authorities similar to that experienced by other organizations that accept funding from overseas.

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

A court in Henan Province in July ruled that a mental hospital in Zhumadian City owed a gay man named Wu 5000 yuan (\$735) in compensation over being forced against his will in 2015 into “conversion therapy.”

Hospital employees forced Wu to take medicine and injections for 19 days after diagnosing him with a “sexual preference disorder.”

NGOs working on LGBTI issues reported that although public advocacy work became more difficult for them in light of the Foreign NGO Management Law and the Domestic Charity Law, they made some progress in advocating for LGBTI rights through specific antidiscrimination cases. In July a court ruled in favor of a transgender man in his suit against his former employer for wrongful termination.

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

HIV and AIDS Social Stigma

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

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

Other Societal Violence or Discrimination

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

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

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

Section 7. Workers’ Rights

a. Freedom of Association and the Right to Collective Bargaining

The law does not provide for freedom of association, and workers are not free to organize or join unions of their own choosing. Independent unions are illegal, and the law does not protect the right to strike. The law allows for collective wage bargaining for workers in all types of enterprises. The law further provides for

industrial sector-wide or regional collective contracts, and enterprise-level collective contracts were generally compulsory throughout the country. Regulations require the government-controlled union to gather input from workers prior to consultation with management and to submit collective contracts to workers or their congress for approval. There is no legal obligation for employers to negotiate or to bargain in good faith, and some employers refused to do so.

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

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

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

The law provides for labor dispute resolution through a three-stage process: mediation between the parties, arbitration by officially designated arbitrators, and litigation. Employers are required to consult with labor unions or employee representatives on matters that have a direct bearing on the immediate interests of their workers. Three new labor-dispute arbitration rules aimed at streamlining the dispute settlement process were implemented during the year. One measure that took effect June 1 states that workers should seek assistance from the official union in the arbitration process. Civil society organizations alleged that these revisions effectively exclude independent labor nongovernmental organizations from representing workers in labor disputes.

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

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

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

Enforcement was generally insufficient to deter wide-scale violations. Labor inspectors lacked authority and resources to compel employers to correct violations. While the law outlines general procedures for resolving disputes, procedures were lengthy and subject to delays. Local authorities in some areas actively sought to limit efforts by independent civil society organizations and legal practitioners. Some areas maintained informal quotas on the number of cases allowed to proceed beyond mediation.

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

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

Coordinated efforts by governments at the central, provincial, and local levels, including harassment, detention, and the imposition of travel restrictions on labor rights defenders and restrictions on funding sources for NGOs, disrupted labor rights advocacy. The Guangzhou Intermediate People’s Court sentenced labor activist Liu Shaoming to four and one-half years’ imprisonment on July 7 after finding him guilty of “inciting subversion of state power.” A veteran of the 1989 prodemocracy movement, Liu was initially detained in May 2015 for “picking quarrels and provoking trouble,” then formally arrested in July 2015 for the more serious charge of inciting subversion.

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

b. Prohibition of Forced or Compulsory Labor

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

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

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

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

Abuse of the student-worker system continued; as in past years, there were allegations that schools and local officials improperly facilitated the supply of student laborers.

d. Discrimination with Respect to Employment and Occupation

The law provides some basis for legal protection against employment discrimination on the grounds of ethnicity, race, gender, religious belief, disability, age, and infectious or occupational diseases.

The Ministry of Human Resources and Social Security and the local labor bureaus were responsible for verifying that enterprises complied with the labor laws and the employment promotion law. The government did not effectively implement the laws.

Enforcement clauses include the right to pursue civil damages through the courts. Courts were generally reluctant to accept discrimination cases, and authorities at all levels emphasized negotiated settlements to labor disputes. As a result there were few examples of enforcement actions that resulted in final legal decisions. Discrimination in employment was widespread, including in recruitment advertisements that discriminated based on gender, age, height, birthplace, and physical appearance and health status (see section 6).

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

unlawfully terminating her contract during maternity leave and accusing her of embezzling company assets, according to media.

In August an official newspaper sponsored by the Ministry of Justice called attention to the worsening discrimination against women since the government eased its birth control policy and allowed couples to have a second child starting in January 2016.

Effective from January 2016, provisional regulations require local authorities to establish a streamlined process for migrants to register as urban residents. While the regulations would provide many of the estimated 270 million migrant workers residing in urban centers with limited social benefits, the unaltered half-century-old hukou system remained the most pervasive form of employment-related discrimination, denying migrant workers access to the full range of social benefits, including health care, pensions, and disability programs, on an equal basis with local residents.

e. Acceptable Conditions of Work

There is no national minimum wage, but the law generally requires local and provincial governments to set their own minimum wage rates for both the formal and informal sectors according to standards promulgated by the Ministry of Human Resources and Social Security. It also prohibits overtime work in excess of three hours per day or 36 hours per month and mandates premium pay for overtime work.

The State Administration for Work Safety sets and enforces occupational health and safety regulations. The law requires employers to provide free health checkups for employees working in hazardous conditions and to inform them of the results. The law also provides workers the right to report violations or remove themselves from workplace situations that could endanger their health without jeopardy to their employment.

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

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

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

Unpaid wages have been an acute problem in the construction sector for decades due to the prevalence of hiring subcontracted low-wage migrant workers. This informal hiring scheme made rural laborers susceptible to delayed payment or nonpayment for their work, prompting them to join in collective action.

Workers occasionally took drastic measures to demand payment. In January the ACFTU claimed its national network helped more than 2.2 million migrants recover a total of 22 billion yuan (\$3.3 billion) in unpaid wages owed in 2016.

Workers in the informal sector often lacked coverage under labor contracts, and even with contracts, migrant workers in particular had less access to benefits, especially social insurance. Workers in the informal sector worked longer hours and earned one-half to two-thirds as much as comparable workers in the formal sector.

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

According to several official documents published during the year, occupational diseases were prevalent. Patients came from many industries, including coal, chemical engineering, and nonferrous metals. Data from the State Administration for Work Safety showed that occupational diseases were rampant in more than 30 industries, threatening 30 percent of the country's enterprises, and newly reported cases, especially of pneumoconiosis, or black lung disease, were on the rise.

The number of workplace accidents and fatalities in the country decreased on a year-on-year basis. From January to November, the number of workplace accidents dropped 26.9 percent compared with the previous year, while fatalities in those accidents dropped 20.6 percent.

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

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