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U.S. DEPARTMENT of STATE

China (Taiwan only)

Country Reports on Human Rights Practices - 2002

Released by the Bureau of Democracy, Human Rights, and Labor
March 31, 2003

Taiwan is a multiparty democracy. The 2000 victory of Democratic Progressive Party (DPP) presidential candidate Chen Shui-bian followed more than 50 years of rule by the Kuomintang (KMT) and marked the first transition from one political party to another in Taiwan's history. The president appoints the premier, who heads the Executive Yuan (EY), or Cabinet. Constitutional amendments adopted in 1997 provided the Legislative Yuan (LY) with the authority to dismiss the Cabinet with a no-confidence vote. In 2001 the DPP won a plurality of seats in the LY in free and fair elections. In the 2002 Taipei and Kaohsiung municipal elections, an incumbent KMT mayor in Taipei and an incumbent DPP mayor in Kaohsiung were reelected in free and fair elections. In addition to the DPP, the KMT, the People First Party, and the Taiwan Solidarity Union played significant roles in the LY. The Judicial Yuan (JY) is constitutionally independent of the other branches of the political system, and the Government respected the judiciary's independence in practice.

The National Police Administration (NPA) of the Ministry of Interior (MOI), the NPA's Criminal Investigation Bureau, and the Ministry of Justice (MOJ) Investigation Bureau are responsible for law enforcement relating to internal security. The police and security agencies are under effective civilian control. The police occasionally committed human rights abuses.

Taiwan has a dynamic, export-oriented, free market economy. Liberalization of the economy has diminished the dominant role that state-owned and party-run enterprises previously played in such major sectors as finance, transportation, utilities, shipbuilding, steel, telecommunications, and petrochemicals. Services and capital- and technology-intensive industries were the most important sectors. Major exports included computers, electronic equipment, machinery, and textiles. Taiwan's more than 22 million citizens generally enjoyed a high standard of living and an equitable income distribution.

The authorities generally respected the human rights of citizens; however, there were problems in some areas. Principal problems included police abuse of detainees; allegations of judicial corruption; violence and discrimination against women; child prostitution and abuse; societal discrimination against Aborigines; restrictions on workers' freedom of association and on their ability to strike; and some instances of trafficking in women and children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Code of Criminal Procedure stipulates that no violence, threat, inducement, fraud, or other improper means shall be used against accused persons; however, there were credible reports that police occasionally physically abused persons in their custody.

The law allows suspects to have attorneys present during interrogations, primarily to ensure that abuse does not take place (see Section 1.d.). The MOJ claimed that each interrogation is audiotaped or videotaped and that any allegation of mistreatment is investigated. Nonetheless lawyers and legal scholars noted that abuses most often occurred in local police stations where interrogations were not recorded and when attorneys often were not present. Police emphasized confessions by suspects as the principal investigative tool, and the judicial system sometimes accepted confessions even when they contradicted available physical evidence or logic. Law enforcement agencies remained weak in scientific investigative skills; however, the NPA continued to make efforts to improve by upgrading its crime laboratory technology and training crime scene examiners.

The NPA stated that regulations forbid the abuse of suspects and that police who abuse suspects are punished. However, there were credible reports that physical abuse or the threat of abuse was a recurring investigative technique. Detainees who are abused physically have the right to sue the police for torture, and confessions shown to have been obtained through torture are inadmissible in court proceedings. According to the Government, there were no such cases during the year and two in 2001, one in Yunlin County and one in Kaohsiung. The policeman in the first case was found guilty and sentenced to 8 months in prison; no information was available regarding the second case. In 2000 the Taiwan High Court began the retrial of the "Hsichih Trio" who alleged police torture in extracting their confessions to a 1991 murder charge; the case remained pending at year's end.

Although the primary responsibility for investigating torture and mistreatment lies with prosecutors, the Control Yuan (CY), a coequal branch of the political system that investigates official misconduct, also investigates such cases. While the authorities stated that instilling respect for human rights was a part of basic police training, human rights groups asserted that the measures the authorities have taken to protect human rights were inadequate.

Corporal punishment is forbidden under military law and strictly prohibited in practice. In the past, military hazing was a problem; however, the Ministry of National Defense (MND) has implemented several programs in recent years to address the problem. In March a law was passed establishing committees for the protection and promotion of servicemen's rights and interests, which demonstrably have served to reduce incidents of hazing and mistreatment.

Prison conditions generally met international standards; however, overcrowding at the 49 prisons and overly long stays at detention centers for illegal aliens remained problems. Recent NPA initiatives have begun to have an impact, reducing the average stay at detention centers for illegal aliens from 98 days to 88 days. Also during the year, the number of inmates that exceeded the capacity of Taiwan's prisons fell to 2,420, or 4.4 percent of total inmates, from 4,940, or 9.6 percent of total inmates, in 2001. During the year, renovation, expansion and construction projects added approximately 3,500 beds.

The authorities permitted prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the authorities generally observed this prohibition. Police legally may arrest without a warrant anyone they suspect of committing a crime

for which the punishment would be imprisonment of 5 years or more, when there is ample reason to believe the person may flee. Police may question persons without a formal summons when circumstances are too urgent to report to a public prosecutor. However, immediately after detaining a suspect the authorities must apply to a prosecutor for a warrant to detain the arrestee for up to 24 hours and must give written notice to the detainee or a designated relative or friend, stating the reason for the arrest or questioning. Indicted persons may be released on bail at judicial discretion. In 2000 the NPA ordered all police stations to prohibit the media from photographing persons under detention and to cease providing the names of detainees to the media. In 2001 the MOJ and the NPA strengthened efforts to prevent disclosure of information on detainees to the media; this reduced somewhat the unauthorized release of information.

Under the law prosecutors must apply to the courts within 24 hours after arrest for permission to continue detaining an arrestee. The duration of this pretrial detention is limited to 2 months, and the courts may approve a single extension of 2 months. Limits also apply for detention during trial. If a crime is punishable by less than 10 years' imprisonment then no more than 3 extensions of 2 months each may be granted during the trial and appellate proceedings. During the second appeal, only one extension may be granted. The authorities generally observed these procedures, and trials usually took place within 3 months of indictment.

The Code of Criminal Procedure requires the police to inform a suspect during an interrogation of the specific charges in question, the right to remain silent, the right to counsel, and the right to ask the police to investigate evidence that would be favorable to the suspect. If the charges are amended subsequently, the police must inform the suspect. The authorities generally respected a detainee's request to have a lawyer present during the investigation phase, but defense lawyers and human rights groups continued to complain that the rules did not provide adequate protection since suspects often did not have legal representation during police interrogation. A contributing factor is the lack of a legal requirement that indigent persons be provided counsel during police interrogation, although counsel was provided during trials. In addition, informed observers reported that the "public defense counsels" did not provide effective defense assistance. They typically did not appear until the final argument of the trial, and they seldom spent a significant amount of time discussing the case with their clients.

The Constitution does not provide for forced exile, and it was not practiced.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; and the Government generally respected this provision in practice. However, while the Government has made efforts to eliminate corruption and to diminish political influence in recent years, they remained serious problems.

In recent years, the Judicial Yuan (JY) has taken several measures to reduce political influence on judges. An independent committee using secret ballots decides judicial appointments and promotions. Judicial decisions no longer are subject to review by presiding judges, except in the case of decisions by "assistant judges." The judges themselves decide upon distribution of cases. Finally, judges and the President of the JY are prohibited from taking part in political activities. The Government's anticorruption campaign also has reinforced the JY's efforts to eliminate judicial corruption. Although the LY has yet to enact the JY President's proposed code of judicial conduct, the proposals have resulted in revised precepts for evaluation of judicial performance and strengthened reviews of judges' financial disclosure reports. In 2000 the JY initiated a human rights course in its judicial training program. These factors have reduced the incidence of judicial misconduct; however, there continued to be complaints of corruption on the part of individual judges. In 2000 a judge in Tainan was arrested on suspicion of running a brothel since 1998 and using his position to protect the business from police scrutiny. In July the judge was sentenced to 12 years in prison and deprived of his right to serve in the Government for 8 years following his release. At year's end, his appeal was pending in the Taiwan High Court.

The JY is one of the five coequal branches of the political system. The JY is headed by a president and a vice president and also contains the 16-member Council of Grand Justices, which interprets the Constitution as well as laws and ordinances. Subordinate JY organs include the Supreme

Court, high courts, district courts, the Administrative Court, and the Committee on the Discipline of Public Functionaries. The Administrative Court also provides judicial review.

The law provides the right of fair public trial, and this generally was respected in practice. Judges, rather than juries, decide cases; all judges are appointed by, and are responsible to, the JY. In a typical court case, parties and witnesses are interrogated by a single judge but not directly by a defense attorney or prosecutor. The judge may decline to hear witnesses or to consider evidence that a party wishes to submit if the judge considers it irrelevant; a refusal to hear evidence may be a factor in an appeal. Trials are public, but attendance at trials involving juveniles or potentially sensitive issues that might attract crowds may require court permission.

A defendant has the right to an attorney. If the defendant is charged with committing a crime for which the penalty is 3 or more years' imprisonment or if the defendant is indigent, the judge may assign an attorney. Attorneys assigned to defendants generally assisted once an indictment was filed and at trial, but usually were not present during police interrogations. Informed observers reported that public defense counsels did not provide effective defense assistance (see Section 1.d.). The law states that a suspect may not be compelled to testify, and that a confession shall not be the sole evidence used to find a defendant guilty. Nonetheless convictions frequently resulted from a combination of a confession and circumstantial evidence of varying quality. However, in 2001 a Taipei district court judge acquitted a defendant of theft charges on the grounds that his confession was made involuntarily. All convicted persons have the right to appeal to the next higher court level. Persons sentenced to terms of imprisonment of 3 years or more may appeal beyond that level. The Supreme Court automatically reviews life imprisonment and death sentences.

In May the LY passed criminal procedure legislation making judges impartial adjudicators of lawsuits rather than law enforcers for the Government obligated to personally help gather evidence for prosecutors. The revision, which downgrades the status of prosecutors from a rank similar to that of a judge, requires prosecutors to bear the full responsibility for investigations and charges them with the duty of convincing the judge of the guilt of the accused.

In 2001 the Council of Grand Justices declared certain due process provisions of the 1985 Antihoolum Law to be unconstitutional. The law departed from international standards by allowing police to detain suspects for up to 1 month—extendable to subsequent months—while the suspect was under investigation. In April the LY passed legislation eliminating that provision.

At year's end, six District Courts had adopted the new trial system that has been in use in the Shihlin District Court since 1999. Implemented in response to the JY President's 1999 judicial reform proposals and intended to better protect the rights of the accused, the new modified adversarial trial system is a potential model for the rest of the judicial system.

There were no reports of political prisoners.

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

The Constitution and the Criminal and Civil Codes contain provisions protecting privacy. In 2001 the LY amended the Code of Criminal Procedure to require prosecutors to obtain judicial approval of search warrants, except when "incidental to arrest" or when there are concerns that evidence may be destroyed. However, critics claimed that the incidental to arrest provision is not only unconstitutional but is also often interpreted broadly by police to justify searches of locations other than actual arrest sites. According to the NPA, warrantless searches are allowed only in special circumstances, such as to arrest an escapee or if facts indicate that a person is in the process of committing a crime. In any such case, the police must file a report with the prosecutor or court within 24 hours. A policeman who carries out an illegal search may be sued for illegal entry and sentenced to up to 1 year in prison; however, few defendants or their spouses have filed charges against policemen found to have obtained evidence illegally. Furthermore, illegally obtained evidence is not excluded automatically from consideration by the court; instead, its admission is left to the discretion of the judge. Judges increasingly excluded illegally obtained evidence, although in the past such evidence was admitted and frequently provided the basis for conviction.

In 2001 the Council of Grand Justices ruled that the Police Administration Law (PAL), which had been used to give police wide discretion in searching persons in public places and stopping vehicles for inspections, did not entitle police to make such searches unless a clear risk to public safety had been established. Noting that such searches could infringe on freedom of movement, privacy, and the right to property, the Council instructed the NPA to revise the PAL in accordance with its ruling immediately. At year's end, the Executive Yuan was debating the revision to be proposed to the LY.

Although the MOJ and the police continued to use wiretapping as an investigative tool, unauthorized wiretapping has become less of a problem following passage in 1999 of the Telecommunications Protection and Control Law, which imposed severe penalties for unauthorized wiretapping. The Telecommunication Law and Code of Criminal Procedure provide that judicial and security authorities may file a written request to a prosecutor's office to monitor telephone calls to collect evidence against a suspect involved in a major crime. The total number of approved wiretaps dropped from 13,000 in 1999 to 3,051 in 2000. Approvals subsequently increased to 7,218 in 2001 and to 8,631 during the first 10 months of the year. Officials attributed the recent increase to investigations into alleged vote-buying cases during local and national elections in the past 2 years. The law also regulates wiretapping by the intelligence services.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the authorities generally respected these rights in practice.

Print media represented the full spectrum of views within society. However, some political influence still existed over the electronic media, particularly broadcast television stations. The ruling DPP was associated with Formosa TV (FTV), the Government was the largest shareholder of Taiwan Television Enterprise (TTV), the military was the largest shareholder of the Chinese Television System (CTS), and the opposition KMT was the largest shareholder of China Television Company (CTV). However, the existence of approximately 100 cable television stations, some of which carry programming openly critical of the various political parties, has diminished the importance of political party influence over the broadcast television stations.

Controls over radio stations were more limited than those over television stations and were gradually being liberalized. In 2001 the Government Information Office (GIO) received 503 applications for radio broadcast frequencies. A total of 77 frequencies were made available, including 45 medium-range and 32 short-range frequencies. As of 2001, 23 medium-range and 10 short-range frequencies had been apportioned. During the year, the Ministry of Transportation and Communications announced no plans to further expand the number of frequencies available.

Observers noted that licensing requirements obliged prospective radio station owners to have more capital than actually was required to operate a station, which inhibited individuals or groups from applying for radio station licenses. However, the GIO claimed that the \$1.43 million (NT\$50 million) required capitalization was based upon consideration of actual business costs and noted that the required capitalization was reduced to \$28,600 (NT\$1 million) for radio stations serving remote areas or designated ethnic groups and civic organizations, or which promote local development. According to Ministry of Transportation and Communication statistics, more than 130 unlicensed "underground" radio stations, many associated with the ruling or with opposition parties, operated illegally.

Among other restrictions regulating the media were those precluding persons previously convicted of sedition from owning, managing, or working in television and radio stations. DPP leaders, many of whom were convicted of sedition in the aftermath of the 1979 Human Rights Day demonstrations that turned into a riot, which is known as the "Kaohsiung incident," nevertheless were not affected because their rights were restored through presidential amnesties by the previous administration.

There is a vigorous and active free press. In 1999 the LY abolished the Publications Law, which had empowered the police to seize or ban printed material that was seditious, treasonous, sacrilegious, interfered with the lawful exercise of public functions, or violated public order or morals. However, in March the Government raided the offices of Next Magazine and confiscated 160,000 copies of an issue containing an article about \$100 million (NT\$3.5 billion) in secret funds established by former president Lee Teng-hui and used as well by the current administration for diplomatic missions and policy initiatives. The Taiwan High Court Prosecutor's Office charged a reporter at the magazine with breaching national security; the case was pending at year's end.

The GIO required that any publications imported from mainland China be sent to the GIO Publications Department for screening before sale or publication, and still sought to ban the importation of publications that advocated communism or the establishment of united front organizations, endangered public order or good morals, or violated regulations or laws. The GIO also required that China-origin material be converted to traditional characters before being published in Taiwan. However, few local publishing companies observed this regulation, and substantial People's Republic of China-origin material was imported and was widely available at schools and in research institutes. During the year, some academics and publishing houses called on the GIO to relax its restrictions on the use of simplified Chinese characters. Cable television systems broadcast uncensored television channels from mainland China.

The authorities generally did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the authorities generally respected this right in practice. Permits required for outdoor public meetings were granted routinely.

The Constitution provides for freedom of association; and the authorities generally respected this right in practice. The Civic Organization Law requires all civic organizations to register.

Under the Civic Organization Law the Constitutional Court holds the power to dissolve political parties. Grounds for dissolution include objectives or actions that are deemed to jeopardize the existence of the "Republic of China." The Constitutional Court heard no cases under this law during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the authorities generally respected this right in practice. Religious organizations may register with the central authorities through their island-wide associations under either the Temple Management Law, the Civic Organizations Law, or the chapter of the Civil Code that governs foundations and associations; however, registration is not mandatory. Registered organizations operate on a tax-free basis and are required to make annual reports of their financial operations. While individual places of worship may register with local authorities, many chose not to register and operated as the personal property of their leaders. In the past, concern over abuse of tax-free privileges or other financial misdeeds occasionally prompted the authorities to deny registration to new religions whose doctrines were not clear, but there were no reports that the authorities sought to suppress new religions during the year. In 2000 the President granted a special amnesty to 19 conscientious objectors who had been imprisoned for refusing military service on religious grounds. In 2001 the LY passed an Alternative Service Law that permits conscientious objector draftees to fulfill their military service commitments through community service.

For a more detailed discussion see the [2002 International Religious Freedom Report](#).

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation

The authorities did not restrict freedom of internal travel. Foreign travel by passport holders was common.

Nonresident passport holders usually are issued "overseas Chinese" passports and must seek entry permits for travel to Taiwan. According to the National Security Law (NSL), entry permits may be refused only if there are facts sufficient to create a strong suspicion that a person is engaged in terrorism or violence. Reasons for entry and exit refusals must be given, and appeals may be made to a special board. No exit or entry permit refusals were reported during the year. Holders of nonresident passports who normally reside abroad may return and regain their household registration, a document required to vote or participate as a candidate in an election.

Since 1987 the authorities have relaxed substantially strictures against travel by residents to the Chinese mainland, and such travel was common. In 2000 relatively tight restrictions on the entry of Chinese from the mainland for national security reasons, which previously had been relaxed to permit cross-strait exchanges, were further relaxed when the LY passed legislation permitting mainland Chinese to visit for business, academic, or tourism purposes. In 2001 Taiwan further relaxed the regulations to allow PRC correspondents to be temporarily posted to Taiwan for up to 1 month per visit. By the end of July, 98 PRC journalists had taken advantage of this change.

There is no law under which noncitizens may ask for asylum, and there were no applications for refugee status during the year. While the authorities have been reluctant to return to the mainland those who might suffer political persecution, they regularly deported to the mainland, under provisions of the Mainland Relations Act, mainlanders who illegally entered the island for economic reasons. There were no reports during the year of forced return of persons to a country where they feared persecution.

Some detention centers for illegal immigrants continued to be overcrowded, and detainees complained about overly long stays at the centers while waiting to be repatriated. Recent expansion projects sought to relieve overcrowded conditions. The Bureau of Entry and Exit faulted mainland Chinese authorities for delays in repatriation. In 2000 the authorities began allowing some detained illegal aliens from mainland China to return to the mainland by airplane via Hong Kong at their own expense. Also in 2000 the authorities began to repatriate illegal alien mainland Chinese directly from the island of Matsu or allow them to fly back to China via a third country, rather than take them to detention centers in Taiwan.

In 2001 the ship's master and the chief engineer of the Greek cargo vessel M/V Amorgos were prevented from leaving the island while the Environmental Protection Agency negotiated with the shipping company's agent regarding compensation for damages caused by an oil spill when the ship ran aground off the coast of southern Taiwan. After 8 months, they were allowed to depart the island and given compensation.

The 1999 Entry, Exit, and Immigration Law provides strict sentencing guidelines for alien smuggling. Several cases have been brought before the courts under this law; however, few resulted in convictions.

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

Citizens have the right to change their government peacefully, and citizens exercised this right in practice. In 2000 for the first time an opposition party candidate was elected President, winning a 39 percent plurality in a 3-person race. Generally free and fair popular elections for the LY have taken place four times since 1992.

The Chen administration has made significant progress in its efforts to eliminate corruption and vote buying. In early 2001, the MOJ worked to ensure fair Farmers' and Fishermen's Association elections. Investigations of 444 suspected vote-buying cases resulted in the indictment of 43 persons. The MOJ also conducted a concerted campaign against vote buying in the 2001-2002 national and local elections. As of January, the MOJ had investigated 5,794 vote-buying cases and indicted 141 persons.

In 2000 the MOJ also launched a campaign against government corruption. As of May, prosecutors had indicted 12 former and incumbent legislators, 6 former and incumbent city mayors and county

magistrates, and 87 local township chiefs, of whom 2 local township chiefs had been convicted. Of the 166 city, county and local officials who were indicted for corruption, 1 council member had been convicted by year's end. In addition, prosecutors were investigating 3 incumbent legislators, 1 mayor, 1 county magistrate, 19 local township chiefs, and 57 city, county, and township elected representatives at year's end.

In 2000 the Ministry of Justice Investigation Bureau was ordered to cease political intelligence gathering regarding politicians and political parties, and to concentrate on criminal matters.

The DPP won the largest bloc in the 2001 legislative elections, obtaining 87 of 225 seats. The KMT, which lost the legislative majority for the first time, won 68 seats. The People First Party more than doubled its representation in the LY, winning 46 seats. The newly established Taiwan Solidarity Union, inspired by the pro-Taiwanese ideology of former president Lee Teng-hui, won 13 seats. The New Party won one seat.

The Constitution provides for equal rights for women, and their role in the political sphere is increasing. In 2000 a woman for the first time was elected vice president, and 7 of 40 cabinet officials were women, including the Chairpersons of the Mainland Affairs Council and the Labor Affairs Council. Two of 25 Control Yuan members and 3 of 20 Examination Yuan members were women. A number of women also held important political party positions. Two of the 15 members of the DPP Central Standing Committee were women, as were 8 of the KMT's 31 Central Standing Committee members. Forty-eight members in the 225-member Legislative Yuan were women.

Aborigine representatives participated in most levels of the political system. They held eight reserved seats in the LY, half of which were elected by plains Aborigines and half by mountain Aborigines. The proportion of legislative seats allocated to Aborigines was almost twice their percentage of the population. An Aborigine served as Chairman of the Council of Aboriginal Affairs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The most active human rights organizations were the Chinese Association of Human Rights and the Taiwan Association for Human Rights. Both organizations operated freely and investigated human rights complaints, many of which came to public attention through the media and statements by lawmakers from all political parties. The authorities also permitted representatives of international human rights organizations to visit and meet with citizens freely. Amnesty International maintained a Taipei office. Women's and children's human rights groups monitored police and judicial performance and campaigned to address abuses.

In his 2000 inaugural address, President Chen declared that Taiwan must include international human rights in its legal code and establish a national human rights commission. In October the Government issued a report entitled "Taiwan: 2002 Human Rights Policy White Paper," with a timetable for an ambitious human rights promotion program, including planned issuance of a National Human Rights Report in March 2003, a program to examine and revise laws likely to be affected by human rights policies, and preparation of a national Human Rights Action Plan in accordance with the Vienna Declaration and Program of Action. In October the Government cosponsored an international symposium on human rights in Taiwan addressing the implementation of international human rights standards, the establishment of a national human rights commission and the role of NGOs in the advancement of human rights. In December President Chen reported that the Government had submitted a draft organic law for the National Human Rights Commission to the Legislative Yuan for approval and that the LY had begun to screen bills for the localization of international human rights codes. In 2001 the Ministry of Education initiated a program of human rights education at all levels of the educational system.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equality of citizens before the law "irrespective of sex, religion, race, class, or party affiliation." It also provides for the rights of persons with disabilities. While the

authorities were committed to protecting these rights, discrimination against some groups continued.

Women

Violence against women, including domestic violence and rape, remained a serious problem. Domestic violence was especially widespread. The authorities funded domestic violence hot lines, which also handled calls for assistance from victims of sexual assault and child abuse. From January through September, the hot line run by the Domestic Violence Prevention and Control Center under the Ministry of Interior received 55,310 calls. The Ministry of Justice continued to take steps to strengthen the protection of women and children against violence in accordance with the 1999 Domestic Violence and Protection Control Law. The law allows prosecutors to take the initiative in investigating complaints of domestic violence without waiting for a spouse to file a formal lawsuit. Although some cases were prosecuted, strong social pressure discouraged abused women from reporting incidents to the police in order to avoid disgracing their families.

Rape also remained a serious problem, and its victims were stigmatized socially. One expert estimated that 7,000 rapes—10 times the number reported to the police—occurred annually. In 1999 the LY passed legislation that permits the prosecution of the crime of rape without requiring the victim to press charges. Under the law, rape trials may not be open to the public unless the victim consents. The Code of Criminal Procedure establishes the punishment for rape as not less than 5 years' imprisonment, and those convicted usually were given sentences of 5 to 10 years in prison. There were 2,943 cases of rape or sexual assault reported in 2001. Spousal rape is a crime. In 2001 the Ministry of Interior (MOI) adopted a new procedure under which doctors, social workers, police, and prosecutors jointly question victims of sexual abuse in order to reduce the number of times a victim is questioned. From January through November, 1,431 persons were indicted for rape or sexual assault, and 1,143 persons, most indicted in previous years, were convicted.

The law requires all city and county governments to set up domestic violence prevention and control centers. The centers provided victims with protection, shelter, legal counseling, and other services on a 24-hour basis. From January through September, the city and county domestic violence prevention and control centers consulted with a total of 54,180 persons, set up follow-up files on the cases of 14,903 persons, helped obtain 2,429 court protection orders, and assisted in obtaining emergency shelter for 1,161 persons. Under the law, a judicial order may be obtained to prohibit violators from approaching victims. The MOI also provided assistance, such as financial assistance and shelter, to victims of rape or domestic violence. In 1999 the Ministry established a domestic violence prevention committee to implement a comprehensive program for the protection of women and children. The committee, among other things, worked to ensure that the various prevention and control centers were functioning effectively, and that other government agencies, such as the police, handled domestic violence cases appropriately. The committee also worked with NGOs on these issues.

Prostitution, including child prostitution, also was a problem. The authorities were phasing out legalized prostitution. In 1999 the LY banned prostitution, but exempted 23 brothels and 119 prostitutes already registered with the authorities. Under the law, no new houses of prostitution may be registered. There have been reports of a growing trend of young women, often well educated, entering into part-time prostitution. There also were credible reports of a small number of women being trafficked onto the island for purposes of prostitution (see Section 6.f.), and reports of a larger number of women who entered for purposes of engaging in prostitution.

Sexual harassment was a problem, but the Government actively addressed the issue. During the year, the authorities reacted quickly to investigate allegations of sexual harassment lodged against a high-ranking government official.

The law prohibits sex discrimination. Many sections of the legal code that discriminated against women have been eliminated. For example, women are no longer required to adopt their husband's last name after marriage, and the citizenship law was amended in 2000 to permit transmission of citizenship through either parent.

In March the 2001 Gender Equality in the Workplace Act went into effect, providing for equal treatment with regard to salaries, promotions, and assignments. The law also stipulates that measures be taken to eliminate sexual harassment in the workplace. Women's advocates noted that women were promoted less frequently and worked for lower pay than their male counterparts, and that women were not granted maternity leave or were forced to quit jobs due to marriage, age, or pregnancy, despite the fact that previously existing labor laws afforded women some protections against gender-based discrimination in the workplace. According to the Council on Labor Affairs, salaries for women averaged 85 percent of those for men performing comparable jobs. Most city and county administrations have set up committees to deal with complaints of sexual discrimination in the workplace.

In 2001 the Ministry of Education initiated a program to promote equal educational opportunities for both sexes and to include units on family life, relations between the sexes, and equal opportunity rights in educational material at all levels.

In 2001 60 women's organizations joined together to form the National Union of Taiwan Women to promote women's rights. Also in 2001, President Chen reiterated his administration's determination to protect teenage girls from commercial sexual exploitation and signed a declaration drafted by the Garden of Hope Foundation to increase public awareness of the need to protect the rights of teenage girls.

Children

The Constitution includes provisions to protect children's rights, and the authorities were committed to supporting them. Education for children between 6 and 15 years of age is free and compulsory, and this rule was enforced. The percentage of school age children attending primary school was 99.94 percent, and those attending junior high school 99.86 percent. Children also were provided health care under the national health insurance scheme.

Child abuse was a significant problem. In 2001 there were 4,466 cases of child abuse according to MOI statistics. Following the 1999 enactment of the Domestic Violence Control Law, 21 city and county governments established domestic violence protection centers, the goal of which is to protect women, children and senior citizens from violence: Services include a 24-hour hot line, emergency assistance, shelter, medical treatment and examination, counseling for victims, legal assistance, and education and training. Under the law any persons discovering cases of child abuse or neglect must notify the police, social welfare, or child welfare authorities; child welfare specialists must make such notification within 24 hours; and the authorities involved must issue an investigation report within 24 hours. Both the MOI's Social Affairs Department and nongovernmental specialists asserted that these requirements were followed. In October the Shihlin District Court found a senior member of a Buddhist academy guilty of sexually harassing novice monks in 2000. The defendant was sentenced to 12 years in prison, and has appealed his case to the Taiwan High Court. Financial subsidies were provided to low-income families with children in day care facilities and to local governments to promote child protection efforts. In 2001 the MOI assisted city and county governments in establishing 38 public daycare facilities and 26 child protection centers. The latter facilities have a total capacity of 938 and housed 528 children at year's end. From July to December, the MOI's pilot program in 3 counties provided assistance to aboriginal children in approximately 120 child abuse cases. In 2001 a hot line was established to accept complaints of child abuse and offer counseling. Courts are authorized to appoint guardians for children who have either lost their parents or whose parents are deemed unfit.

In 1999 the first juvenile court was established in Kaohsiung to handle criminal cases. Previously regular courts handled such cases. The court employed 24 juvenile counselors, and was believed to have been effective in dealing with juvenile criminal cases. There were three juvenile detention centers on the island.

Although no reliable statistics were available, child prostitution was a serious problem, particularly among aboriginal children (see Section 6.f.). Most child prostitutes ranged in age from 12 to 17 years. The juvenile welfare law enables juvenile welfare bodies, prosecutors, and victims to apply to courts for termination of guardianship of parents and the appointment of qualified

guardians if parents have forced their children into prostitution. If children are engaged in prostitution of their "own free will," and the parents are incapable of providing safe custody, the courts may order competent authorities to provide counseling for not less than 6 months and not more than 2 years. However, legal loopholes and cultural barriers remained obstacles to enforcement. According to well-informed observers, the practice of aboriginal families selling their children into prostitution no longer existed.

According to some reports, brothel owners used violence, drug addiction, and other forms of coercion to prevent child prostitutes from escaping. The law provides for up to 2 years' incarceration for customers of prostitutes under the age of 18. The law also requires the publication of the names of violators in newspapers. In the first 10 months of the year, the names of approximately 100 persons convicted of patronizing child prostitutes were published. Under a plan adopted by the NPA, city and county authorities across the island have established police task forces to strengthen their efforts against child prostitution. From January through November, 1,479 persons were indicted and 1,128 were convicted for violations of the law. During this period, the police rescued 346 child prostitutes. The law prohibits the media from running advertisements involving the sex trade and imposes penalties on citizens arrested abroad for having sex with minors, and these laws were enforced in practice (see Section 6.f.).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and sets minimum fines for various violations. New public buildings, facilities, and transportation equipment must be accessible to persons with disabilities, and in practice this requirement was generally met. Violations of the law resulted in fines of US\$1,700 to US\$8,600 (NT\$60,000 to NT\$300,000.) Existing public buildings were to be brought into conformity by 1995; however, as of year's end there did not yet appear to be a substantial effort aimed at refitting older buildings to accommodate persons with disabilities.

According to MOI statistics, there were 790,312 persons with disabilities. One-third of the total were severely disabled and received shelter or nursing care from the authorities. The Disabled Welfare Law requires large public and private organizations to hire persons with disabilities equal to 2 and 1 percent of their work force respectively. Organizations failing to do so must pay, for each person with disabilities not hired, 50 percent of the basic monthly salary (approximately \$227 (NT\$7,940)) into the Disabled Welfare Fund, which supports institutions involved in welfare for persons with disabilities. Many organizations complained that it was difficult to find qualified workers with disabilities, and they appeared to prefer to pay the fines. Another law requires that, to compete for government contracts, a firm with at least 100 employees must include among its employees a minimum of 2 percent of either persons with disabilities or Aborigines. Both the central and local governments have established committees for the protection of persons with disabilities.

Indigenous People

The only non-Chinese minority group consists of the aboriginal descendants of Malayo-Polynesians already well established on the island when the first Chinese settlers arrived. According to MOI statistics, there were 429,534 of these Aborigines. More than 70 percent were Christian, while the dominant Han Chinese were largely Buddhist or Taoist. The civil and political rights of Aborigines are protected under law. The National Assembly amended the Constitution in 1992 and again in 1997 to upgrade the status of aboriginal people, protect their right of political participation, and to ensure their cultural, educational, and business development. In addition the authorities instituted social programs to help Aborigines assimilate into the dominant Chinese society. The cabinet-level Council of Aboriginal Affairs was established in 1996 to protect aboriginal rights and interests. Critics noted that its budget was quite small. The Ministry of Education offered some aboriginal language classes in primary schools. The Ministry of Education subsidized university education for Aborigines and worked to preserve aboriginal culture, history, and language through the establishment of Aborigine studies centers. The law requires that, to compete for government contracts, a firm with at least 100 employees must include among its employees a minimum of 2 percent of either persons with disabilities or Aborigines.

Aborigines have had little impact, over the years, on major decisions affecting their lands, culture,

traditions, and the allocation of their natural resources. In addition they complained that they were prevented from owning ancestral lands in mountain areas under the authorities' control, some of which have been designated as national parks or conservation areas. Land rights remained a crucial issue for Aborigines, along with social discrimination, educational underachievement, low economic status, and high rates of alcoholism. Some Aborigine leaders have come to believe that only some form of autonomy can preserve their land rights, which constantly were threatened by Chinese developers who used connections and corruption to gain title to aboriginal land. According to Council of Aboriginal Affairs statistics, only approximately 70 percent of Aborigine children completed elementary school.

The sale of Aborigine children into prostitution by their parents reportedly no longer occurred.

Section 6 Worker Rights

a. The Right of Association

Although the JY ruled in 1995 that the right of association is protected by the Constitution, legislation implementing this decision had not been passed; teachers, civil servants, and defense industry workers were not permitted to form labor unions. In June the LY passed the Civil Servants Association Law, which allows civil servants to organize but forbids them to strike. On September 28, more than 100,000 teachers from around the island gathered in downtown Taipei to demand their right to form unions.

A number of laws and regulations further limit the right of association. Labor unions may draw up their own rules and constitutions, but they must submit these to the authorities for review. Labor unions may be dissolved if they do not meet certification requirements or if their activities disturb public order. However, there were no instances of the authorities dissolving local labor groups or denying certification to new labor unions during the year.

The Labor Union Law requires that labor union leaders be elected regularly by secret ballot, and, in recent years, workers have sometimes rejected management-endorsed union slates. During the year there were no reports of political interference in labor union affairs.

Under the Labor Union Law, employers may not refuse employment to, dismiss, or otherwise unfairly treat workers because they are labor union members. However, in practice employers sometimes have dismissed labor union leaders without reasonable cause, or laid them off first during employee cutbacks, and observers pointed out that the law has no specific penalties for violations. According to the National Federation of Independent Trade Unionists, over 400 trade unionists and supporters have been fired since the labor movement began to expand after the 1987 lifting of martial law.

Labor unions may form confederations, but in the past no administrative district, including a city, county, or province, was allowed to have competing labor confederations. In 2000 the Government significantly eased restrictions on the right of association, and the Council of Labor Affairs (CLA) recognized six new island-wide labor federations, including the Taiwan Confederation of Trade Unions (previously known as the National Federation of Industrial Unions), the Chinese Labor Unions Federation, and the National Trade Union Confederation. Nonetheless the percentage of workers who are labor union members has not increased in recent years in the face of a series of factory closure layoffs, the shift from manufacturing to service industries, the small scale and poor organization of most unions, and past prosecution of labor activists by the authorities. As of June, some 2.9 million workers, approximately 29 percent of the 10.0 million-person labor force, belonged to 3,854 registered labor unions.

In 1971 the People's Republic of China replaced Taiwan in the International Labor Organization (ILO). However, in June the president of the China Federation of Labor (CFL), with assistance from the International Confederation of Free Trade Unions (ICFTU), attended the ILO annual meeting in Geneva. The CFL was affiliated with the ICFTU; the new federations were not internationally affiliated.

b. The Right to Organize and Bargain Collectively

Except for the categories of workers noted in Section 6.a., the Labor Union Law and the Settlement of Labor Disputes Law give workers the right to organize and bargain collectively.

The Collective Agreements Law provides for collective bargaining but does not make it mandatory. The 282 collective agreements in force in June involved roughly 26 percent of industrial labor unions and covered a relatively small proportion of the total workforce. Employers set wages generally in accordance with market conditions.

The law governing labor disputes recognizes the right of labor unions to strike but imposes restrictions that in practice make legal strikes difficult and seriously weaken collective bargaining. For example, the authorities require mediation of labor/management disputes when they deem the disputes to be sufficiently serious or to involve "unfair practices." The law forbids both labor and management from disrupting the "working order" when either mediation or arbitration is in progress. The law mandates stiff penalties for violations of no-strike and no-retaliation clauses. Employers in the past sometimes ignored the law and dismissed or locked out workers without any legal action being taken against them, although no such cases were reported during the year. The Council of Labor Affairs reported that from 1990 to 1999, there were 34 strikes, of which 23 involved workers at bus companies seeking increased pay and reduced hours. There were no strikes during the year, in 2001, or in 2000.

Firms in export processing zones were subject to the same laws regarding treatment of labor unions as other firms and followed normal practices including honoring collective bargaining agreements with their unions.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or compulsory labor, including forced and bonded labor by children; however, there were several cases of forced child prostitution prosecuted by the authorities (see Sections 5 and 6.f.).

In 1992 66 women who were forced to work as "comfort women" (women who, during World War II, were forced to provide sex to soldiers of the Japanese Imperial Government) registered with the Taipei Women's Rescue Foundation (TWRF). In 1999 TWRF helped nine of those still alive to file a lawsuit in the Tokyo District Court seeking compensation of \$81,300 (10 million Japanese Yen) per person and a formal apology from the Japanese Government. On October 15, the Tokyo District Court ruled against the women, who planned to appeal.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Standards Law (LSL) stipulates age 15, the age at which compulsory education ends, as the minimum age for employment. County and city labor bureaus enforced minimum age laws effectively. The Child Welfare Law, Juvenile Welfare Law, and Child and Juvenile Sexual Transaction Prevention Act protect children from debt bondage, prostitution, pornographic performances, and other illicit activities specified in ILO Convention 182.

e. Acceptable Conditions of Work

The Labor Standards Law addresses rights and obligations of employees and employers, but the law was not well enforced in areas such as overtime work and pay or retirement payments. By the end of 2001, the LSL covered 5.74 million of Taiwan's 6.8 million salaried workers. Those not covered included teachers, doctors, lawyers, civil servants, and domestic workers. The CLA conducted publicity campaigns to increase public awareness of the law and operated telephone hot lines to accept complaints of LSL violations.

The CLA did not increase the minimum monthly wage, which has remained at \$452 (NT\$15,840)

since 1998. While sufficient in less expensive areas, this wage did not assure a decent standard of living for a worker and family in urban areas such as Taipei. However, the average manufacturing wage was more than double the legal minimum wage, and the average for service industry employees was even higher. In 2000 the LY passed legislation to reduce working hours from 48 hours per week to 84 hours per 2-week period. In the public sector, there is a 5-day workweek. According to a CLA survey, 49 percent of private enterprises also have implemented entire or partial 5-day workweeks.

The law provides only minimal standards for working conditions and health and safety precautions; it gives workers the right to remove themselves from dangerous work situations without jeopardy to continued employment.

Critics alleged that the CLA did not effectively enforce workplace laws and regulations because it employed too few inspectors. During the year, there were 260 inspectors available for the approximately 270,000 enterprises covered by the Occupational Safety and Health Law. However, with new cross-inspection measures, the number of health inspections increased 54 percent from 40,715 in 2000 to 62,840 in 2001, while the number of safety inspections increased by 35 percent from 39,676 to 53,713. The CLA maintains that it has strengthened its safety checks at workplaces with a greater risk of worker injury and it offered training programs to help workers protect their rights. Since many enterprises were small, family-owned operations employing relatives unlikely to report violations, actual adherence to the hours, wage, and safety sections of various labor laws was hard to document but was believed to be minimal in these smaller enterprises.

During the year, there were over 307,000 legal foreign workers, including approximately 122,000 workers from Thailand, 69,000 from the Philippines, and 19,000 from Vietnam. In 2000 the CLA adopted a series of measures to restrict foreign workers in Taiwan's major public construction projects, key manufacturing investment projects, and the manufacturing sector and announced that it intended to reduce the number of foreign workers on the island by 15,000 workers per year.

The law stipulates that foreign workers who are employed legally receive the same protection as local workers. However, the CLA in 1998 allowed family maids, including foreign family maids, to be exempted from the LSL, denying them the right to safeguards provided to citizens. Moreover authorities say that in many cases illegal foreign workers, many from Thailand and the Philippines, received board and lodging from their employers, but no medical coverage, accident insurance, or other benefits enjoyed by citizens. In response to deteriorating economic conditions, the Government adopted a proposal by the Economic Development Advisory Conference allowing room and board expenses for foreign workers, beginning with contracts signed in September 2001, to be treated as in-kind payments and deducted from foreign workers' pay.

Illegal foreign workers also were vulnerable to employer exploitation in the form of confiscation of passports (making it difficult to change employers), imposition of involuntary deductions from wages, and extension of working hours without overtime pay. There also were reports that foreign workers often paid high agency fees to obtain jobs. In addition observers reported that conditions in many small and medium-sized factories that employed illegal foreign labor were dangerous, due to old and poorly maintained equipment. Observers alleged that legal foreign workers were sometimes similarly exploited. The CLA urged employers not to mistreat foreign workers, and employers were subject to the same penalties for mistreating foreign workers as for mistreating citizen workers. In an effort to reduce broker fees, the CLA revoked permits of agencies charging excessive fees, and local governments inspected agency hiring practices. The CLA also negotiated direct hire agreements with labor sending countries, and encouraged NGOs to establish nonprofit employment service organizations to assist foreign laborers in locating employment.

In 2000 the CLA ended the practice of requiring foreign female workers to undergo pregnancy tests. In the past, those who tested positive were subject to immediate deportation. In November the CLA repealed regulations requiring the deportation of foreign laborers who became pregnant and further amended regulations to allow them to switch to jobs with lighter workloads. The CLA has established 20 offices around the island to provide counseling and other services to foreign workers; and it provided financial assistance to city and county governments to conduct inspections of places where foreign workers were employed. It also was attempting to reduce the number of

illegal foreign workers.

f. Trafficking in Persons

The Statute for the Prevention of Child and Juvenile Sexual Trafficking empowers the authorities to prosecute any person who forces a child below the age of 18 to engage in sex or sells or pawns such a child by other means. Provisions in the Criminal Code can also be used to prosecute traffickers in persons above the age of 18. Trafficking in persons was a problem.

The island remained a significant transit point and, to a lesser extent, a destination for trafficked persons. There were reports of organized crime rings trafficking in a small number of women for the purpose of prostitution. The majority of cases involved women from mainland China, Thailand, Cambodia, Vietnam and Indonesia. Criminal gangs in mainland China reportedly used deceptive measures to recruit and procure young women who were then trafficked to Taiwan-based organized crime gangs who arranged sham marriages to enable them to obtain visas to enter Taiwan, and exploited them for purposes of prostitution. Many of the victims were aware that they were to work as prostitutes, but were deceived by the traffickers about what their pay and working and living conditions would be upon arrival. Once in Taiwan, they were kept isolated, their passports were held, and they were threatened with violence if they did not cooperate. Small numbers of young Malaysian women, primarily ethnic Chinese, were trafficked to Taiwan for sexual exploitation. Burmese also were trafficked to Taiwan. The authorities, academic experts, and NGO experts claimed that the number of trafficking victims has decreased significantly in recent years. The authorities reportedly prosecuted eight trafficking cases during 2000.

Taiwan remained a significant transit point for persons from mainland China attempting to travel illegally to the United States and other countries. Some of these illegal migrants became trafficking victims in the destination countries. In 1999 the LY enacted legislation which criminalized alien smuggling (see Section 2.d.).

Police were trained in handling trafficking, prostitution, and cases of domestic violence. The Government worked with NGOs to provide counseling and medical assistance to victims as needed. Foreign victims of trafficking were repatriated as quickly as possible.



U.S. DEPARTMENT of STATE

China (includes Tibet, Hong Kong, and Macau)

Country Reports on Human Rights Practices - 2002

Released by the Bureau of Democracy, Human Rights, and Labor
March 31, 2003

(Note: Also see the section for Tibet, the report for Hong Kong, and the report for Macau.)

The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP or Party) is the paramount source of power. Party members held almost all top government, police, and military positions. Ultimate authority rested with members of the Politburo. Leaders stressed the need to maintain stability and social order and were committed to perpetuating the rule of the CCP and its hierarchy. Citizens lacked both the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government. Socialism continued to provide the theoretical underpinning of national politics, but Marxist economic planning had given way to pragmatism, and economic decentralization increased the authority of local officials. The Party's authority rested primarily on the Government's ability to maintain social stability; appeals to nationalism and patriotism; party control of personnel, media, and the security apparatus; and continued improvement in the living standards of most of the country's 1.3 billion citizens. The Constitution provides for an independent judiciary; however, in practice the Government and the CCP, at both the central and local levels, frequently interfered in the judicial process and directed verdicts in many high-profile cases.

The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army (PLA), and the state judicial, procuratorial, and penal systems. Security policy and personnel were responsible for numerous human rights abuses.

The country's transition from a centrally planned to a market-based economy continued. Although state-owned industry remained dominant in key sectors, the Government privatized many small and medium state-owned enterprises (SOEs) and allowed private entrepreneurs increasing scope for economic activity. Rising urban living standards, greater independence for entrepreneurs, and the expansion of the nonstate sector increased workers' employment options and significantly reduced state control over citizens' daily lives. The country had large industrial and agricultural sectors and was a leading producer of coal, steel, textiles, and grains. Major exports included electronic goods, toys, apparel, and plastics. The official gross domestic product growth rate for the year was approximately 8 percent.

The country faced many economic challenges, including reform of SOEs and the banking system, growing unemployment and underemployment, the need to construct an effective social safety net, and growing regional economic disparities. In recent years, between 80 and 130 million persons voluntarily left rural areas to search for better jobs and living conditions in the cities, where they were often denied access to government-provided economic and social benefits, including education and health care. In the industrial sector, continued downsizing of SOEs contributed to rising urban unemployment that was widely believed to be higher than the officially estimated 7 percent, with many sources estimating the actual figure to be 15 to 25 percent. Income gaps between coastal and interior regions, and between urban and rural areas, continued to widen. Urban per capita income in 2001 was \$830 and grew by 8.5 percent over the previous year, while rural per capita income was \$286 and grew by 4.2 percent. Official estimates of the number of citizens living in absolute poverty showed little change from the previous year, with the Government estimating that 30 million persons lived in poverty and the World Bank, using different criteria, estimating the number to be 100 to 150 million persons.

The Government's human rights record throughout the year remained poor, and the Government continued to

commit numerous and serious abuses. However, the Government took some steps to address international concerns about its human rights record during the year: A number of prominent dissidents were released; senior representatives of the Dalai Lama were allowed to visit the country; the Government agreed to extend, without conditions, invitations to visit to the U.N. Special Rapporteurs on Torture and Religious Intolerance and the U.N. Working Group on Arbitrary Detention; reform of the legal system continued; and the scope of religious activity allowed in Tibetan areas expanded slightly. Late in the year, these positive developments were undermined by arrests of democracy activists, the imposition of death sentences without due process on two Tibetans, and the trials of labor leaders on "subversion" charges. Authorities were quick to suppress religious, political, and social groups, as well as individuals, that they perceived to be a threat to government power or to national stability. Citizens who sought to express openly dissenting political and religious views continued to face repression.

Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process. Conditions at most prisons remained harsh. In many cases, particularly in sensitive political cases, the judicial system denied criminal defendants basic legal safeguards and due process because authorities attached higher priority to suppressing political opposition and maintaining public order than to enforcing legal norms or protecting individual rights. The Government infringed on citizens' privacy rights. The Government continued to implement its coercive policy of restricting the number of children a family could have. The Government maintained tight restrictions on freedom of speech and of the press; self-censorship by journalists and writers also continued. The Government continued and at times intensified its efforts to control and monitor the Internet. The Government severely restricted freedom of assembly and continued to restrict freedom of association and freedom of movement. While the number of religious believers continued to grow, government respect for religious freedom remained poor and crackdowns against Muslim Uighurs, Tibetan Buddhists, and unregistered groups, including underground Protestant and Catholic groups, continued. The Government denied the United Nations High Commissioner for Refugees (UNHCR) permission to operate along its border with North Korea and deported thousands of North Koreans, many of whom faced persecution upon their return. Citizens did not have the right peacefully to change their Government. The Government did not permit independent domestic nongovernmental organizations (NGOs) to monitor human rights conditions. Violence against women (including imposition of a birth limitation policy coercive in nature that resulted in instances of forced abortion and forced sterilization), prostitution, discrimination against women, abuse of children, and discrimination against persons with disabilities and minorities all were problems. In Xinjiang, where security remained tight, human rights abuses intensified. The Government continued to deny internationally recognized worker rights, and forced labor in prison facilities remained a serious problem. Trafficking in persons was a serious problem. The Government's violation of internationally accepted human rights norms stemmed from the authorities' extremely limited tolerance of public dissent, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms.

The authorities released several prominent political prisoners before their terms were over. Tibetans Ngawang Choephel, Jigme Sangpo, Ngawang Sangdrol, Tenzin Thubten, Ngawang Choekyi, Ngawang Choezom and Gyaltzen Drolkar were released early (see Tibet Addendum). Also released was China Democracy Party co-founder Xu Wenli. Nonetheless, at year's end several thousand others, including China Democracy Party co-founders Wang Youcai and Qin Yongmin, Internet activists Yang Zili and Huang Qi, Uighur businesswoman Rebiya Kadeer, journalist Jiang Weiping, labor activist Liu Jingsheng, political activist Han Chunsheng, Catholic Bishop Su Zhimin, house church leader Xu Guoxing, Tibetan nun Phuntsog Nyidrol, Uighur historian Tohti Tuniyaz, and political dissident Yang Jianli, remained imprisoned or under other forms of detention.

The judiciary was not independent, and the lack of due process in the judicial system remained a serious problem. Few Chinese lawyers were willing to represent criminal defendants. During the year, defendants in only one of every seven criminal cases had legal representation, according to credible reports citing internal government statistics. A number of attorneys were detained for defending their clients. The authorities routinely violated legal protections in the cases of political dissidents and religious leaders and adherents. Over 200,000 persons were serving sentences, not subject to judicial review, in reeducation-through-labor camps. The country's criminal procedures were not in compliance with international standards, and new regulations and policies introduced in recent years were not widely implemented. Some lawyers, law professors, and jurists continued to press publicly for improvements of the criminal defense system, including a more transparent system of discovery, abolition of coerced confessions, a presumption of innocence, an independent judiciary, the right to remain silent, mechanisms for judicial review, appropriate protections for criminal defense lawyers, and improved administrative laws giving citizens recourse against unlawful acts by the Government.

Approximately 1,300 individuals were serving sentences under the Law Against Counterrevolutionary Activity, a law that no longer existed; many of these persons were imprisoned for the nonviolent expression of their political views. Credible sources estimated that as many as 2,000 persons remained in prison for their activities during the June 1989 Tiananmen demonstrations. Since December 1998, at least 38 leaders of the China Democracy Party have been given long prison sentences on subversion charges.

Throughout the year, the Government continued a national "strike hard" campaign against crime, characterized by round-ups of suspects who were sometimes sentenced in sports arenas in front of thousands of spectators. At year's end, this campaign, which was originally scheduled to last for 3 months at its inception in April 2001, showed no signs of abating in some areas. Some dissidents, "separatists," and underground church members were targeted. The campaign has been especially harsh in Xinjiang, where those deemed to be "splittists" by the Government were targeted. As part of the campaign, officials reportedly carried out over 4,000 executions during the year, frequently without due process. Amnesty International reported that the country executed more persons than all other countries combined. Moreover, the actual number of persons executed likely was far higher than the number of reported cases. The Government regarded the number of death sentences it carried out as a state secret.

Many observers raised concerns about the Government's use of the international war on terror as a justification for cracking down harshly on suspected Uighur separatists expressing peaceful political dissent and on independent Muslim religious leaders. According to reports from Xinjiang's Uighur community, authorities continued to search out and arrest Uighurs possessing written or recorded information containing unapproved religious material. The human rights situation in Tibet and in some ethnically Tibetan regions outside Tibet also remained poor, and the Government continued to impose restrictions on some forms of religious practice (see Tibet Addendum).

Labor protests occurred with increasing size and frequency. For example, thousands of workers in the northeast protested such problems as nonpayment of back wages, loss of benefits, reduced severance pay, and managerial corruption. Leaders of the largest of these demonstrations—Yao Fuxin, Xiao Yunliang, Wang Zhaoming, and Pang Qingxiang—were detained by officials. Yao Fuxin and Xiao Yunliang were charged with subversion after the Government alleged that the two had made contact with international organizations and with the China Democracy Party several years before the labor protests occurred.

While the number of religious believers in the country continued to grow, some religious groups, including unregistered Protestant and Catholic congregations and members of nontraditional religious groups, continued to experience varying degrees of official interference, harassment, and repression. However, other religious groups noted a greater freedom to worship than in the past. The Government continued to enforce regulations requiring all places of religious activity to register with the Government or to come under the supervision of official, "patriotic" religious organizations. In some areas, authorities made strong efforts to control the activities of unapproved Catholic and Protestant churches; religious services were broken up and church leaders or adherents were harassed, and, at times, fined, detained, beaten, and tortured. At year's end, some religious adherents remained in prison because of their religious activities. No progress was made in improving relations between the Government and the Vatican, although both sides claimed to be ready to resume negotiations aimed at establishing diplomatic relations.

The Government continued its crackdown against the Falun Gong (FLG) spiritual movement. Thousands of practitioners were incarcerated in prisons, extrajudicial reeducation-through-labor camps, psychiatric facilities or special deprogramming centers. FLG adherents conducted far fewer public demonstrations than in past years, which some observers attributed to the effectiveness of the Government's crackdown. Several hundred Falun Gong adherents reportedly have died in detention due to torture, abuse and neglect since the crackdown on Falun Gong began in 1999.

The Government strictly regulated the establishment and management of publications, controlled the broadcast media, censored foreign television broadcasts, and at times jammed radio signals from abroad. During the year, publications were disciplined for publishing material deemed objectionable by the Government, and journalists, authors, and researchers were harassed, detained, and arrested by the authorities. Internet use continued to grow in the country, even as the Government continued, and in some periods intensified, efforts to control and monitor such use. During the year, the Government blocked many Web sites, using increasingly sophisticated technology; led a drive to close unlicensed Internet cafes, in part to address safety concerns after a deadly fire; and urged Internet companies to pledge to censor objectionable content. At year's end, the Committee to Protect Journalists reported that 36 journalists were imprisoned in the country, including 14 Internet journalists.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The official press reported a number of extrajudicial killings, but no nationwide statistics were available. During the year, deaths in custody due to police use of torture to coerce confessions from criminal suspects continued to be a problem. Several hundred Falun Gong adherents reportedly have died in detention due to torture, abuse and neglect since the crackdown on Falun Gong began in 1999. For example, Zheng Fangying of Weifang, Shandong Province, was arrested in December 2001 after she tried to unfurl a pro-FLG banner in Beijing's Tiananmen Square. Zheng was taken to a detention center where she was punched and shocked with electric batons. Police released her after she staged an 18-day hunger strike. Three days later, she reportedly died from her injuries at her home.

During the year, officials reportedly carried out over 4,000 executions after summary trials as part of a nationwide strike hard campaign against crime. The actual number of persons executed likely was far higher than the number of reported cases. Some foreign academics estimated that as many as 10,000 to 20,000 persons are executed each year. The Government regarded the number of death sentences it carried out as a state secret.

Trials involving capital offenses often took place under circumstances where the lack of due process or a meaningful appeal bordered on extrajudicial killing. For example, according to domestic press reports, 23 suspects in Harbin, Heilongjiang Province, were sentenced to death in front of 5,000 spectators in April 2001. Seven of the condemned were immediately taken to an execution ground where they were shot.

b. Disappearance

There were reports of temporary disappearances during the year. For example, dissidents Wang Bingzhang, Zhang Qi and Yue Wu were reported missing on June 26 in Vietnam. They were held incommunicado and their whereabouts were unknown until December, when Chinese authorities confirmed that the three were in China, where they had been in custody for several months. Zhang Qi and Yue Wu were released, but Wang Bingzhang was still in custody at year's end, detained on charges of espionage and terrorism.

In addition, the Government has not provided a comprehensive, credible accounting of all those missing or detained in connection with the suppression of the 1989 Tiananmen demonstrations.

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

The law prohibits torture; however, police and other elements of the security apparatus employed torture and degrading treatment in dealing with some detainees and prisoners. The Prison Law forbids prison guards from extorting confessions by torture, insulting prisoners' dignity, and beating or encouraging others to beat prisoners. While senior Chinese officials acknowledged that torture and coerced confessions were chronic problems, they did not take sufficient measures to end these practices. Former detainees reported credibly that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and other forms of abuse. Persons detained pending trial were particularly at risk due to systemic weaknesses in the legal system and lack of implementation of the Criminal Procedure Law. Reports of torture increased during the ongoing strike hard campaign against crime in which police were encouraged to achieve quick results.

During the year, deaths in custody due to police use of torture to coerce confessions from criminal suspects continued to be a problem. For example, Zeng Lingyun, a villager in Longxing Town, Chongqing Municipality, was detained by public security personnel on July 26 on suspicion of petty theft. On July 28, Zeng's family was informed that Zeng had died. When they examined the body, they noticed extensive bruises and a bullet wound. Local officials initially told Zeng's family that he had been shot by police. They later claimed to be investigating the case, but refused to answer questions posed by foreign NGOs. As of year's end, the case had not been resolved. Since the crackdown on Falun Gong began in 1999, there reportedly have been several hundred deaths in custody of FLG adherents, due to torture, abuse, and neglect. A 2001 pilot program in Liaoning Province, intended to institute the right to remain silent in criminal trials as a way to combat torture, was discontinued. In September 2000, the National People's Congress (NPC) carried out an independent study of the use of torture in Tianjin, Inner Mongolia, Heilongjiang, Zhejiang, Hebei, and Shaanxi. The group discovered 221 cases of confessions coerced by torture and 21 criminal suspects who died as a result of the torture.

During the year, there were many reports of persons, especially FLG adherents, sentenced to psychiatric hospitals for expressing their political or religious beliefs (see Section 1.d.).

Conditions in penal institutions for both political prisoners and common criminals generally were harsh and frequently degrading. Prisoners and detainees often were kept in overcrowded conditions

with poor sanitation, and their food often was inadequate and of poor quality. Many detainees relied on supplemental food and medicines provided by relatives, but some prominent dissidents reportedly were not allowed to receive supplemental food or medicine from relatives. According to released political prisoners, in many provinces it was standard practice for political prisoners to be segregated from each other and placed with common criminals. Released prisoners reported that common criminals have beaten political prisoners at the instigation of guards. However, some prominent political prisoners received better than standard treatment.

The 1994 Prison Law was designed, in part, to improve treatment of detainees and increase respect for their legal rights. Some prisoners were able to use administrative procedures provided for in this law to complain about prison conditions. The Government has created some "model" facilities, where inmates generally received better treatment than those held in other facilities.

Adequate, timely medical care for prisoners continued to be a serious problem, despite official assurances that prisoners have the right to prompt medical treatment if they become ill. Nutritional and health conditions were often grim. Political prisoners who continued to have difficulties in obtaining medical treatment, despite repeated appeals on their behalf by their families and the international community, included China Democracy Party co-founders Qin Yongmin and Wang Youcai, labor activist Hu Shigen, Liberal Democratic Party activist Kang Yuchun, labor activist Liu Jingsheng, and Uighur businesswoman Rebiya Kadeer. Zhang Shanguang, who was serving a 10-year sentence for disclosing news of labor demonstrations to Radio Free Asia, suffered from tuberculosis. Prison officials in Xinjiang have not allowed family members of businesswoman and prominent Uighur activist Rebiya Kadeer to bring her medicine for heart disease since her arrest in August 1999. Chinese authorities claimed Kadeer was in good health and received special medical treatment, but others claimed that she continued to be in poor health. There also were allegations that she had been abused physically. Officials reportedly denied repeated requests for her to be hospitalized. In July Hunan officials rearrested political activist Li Wangyang, who had demanded that the Government pay his medical bills to treat ailments he contracted while serving an earlier 13-year prison sentence. However, in December the Government released China Democracy Party co-founder Xu Wenli, who suffered from Hepatitis B.

Conditions in administrative detention facilities, such as reeducation-through-labor camps and "custody and repatriation" centers, were similar to those in prisons.

Forced labor in prisons and reeducation-through-labor camps was common. At the Xinhua Reeducation-Through-Labor Camp in Sichuan Province, inmates were forced to work up to 16 hours per day breaking rocks or making bricks, according to credible reports. Former inmates reported that there were several deaths from overwork, poor medical care, and beatings by guards in 2000.

The Government did not permit independent monitoring of prisons or reeducation-through-labor camps, and prisoners remained inaccessible to international human rights organizations. By year's end, Chinese officials had not announced any progress in talks with the International Committee of the Red Cross (ICRC) on an agreement for ICRC access to prisons. However, limited cooperation was renewed on the U.S.-China Prison Labor Memorandum of Understanding, and U.S. officials inspected one prison where prison labor had allegedly occurred (see Section 6.c).

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remained serious problems. The law permits authorities, in some circumstances, to detain persons without arresting or charging them, and persons may be sentenced administratively to up to 3 years in reeducation-through-labor camps and other similar facilities without a trial. Because the Government tightly controlled information, it was impossible to determine accurately the total number of persons subjected to new or continued arbitrary arrest or detention. Official government statistics indicated that there were 230,000 persons in reeducation-through-labor camps. According to a 2001 article by the official news agency, 300 reeducation-through-labor facilities have held more than 3.5 million prisoners since 1957. In addition, it was estimated that before 1996 as many as 1.7 million persons per year were detained in a form of administrative detention known as custody and repatriation; the number of persons subject to this form of detention reportedly has grown since 1996 to approximately 2 million per year. The Government also confined some Falun Gong adherents and labor activists to psychiatric hospitals. Although the crime of being a "counterrevolutionary" was removed from the criminal code in 1997, western NGOs estimated that as many as 1,300 persons remained in prison for the crime. Another 600 were serving sentences under the State Security Law, which covers the same crimes as the repealed law on "counterrevolution."

In some cases, police could unilaterally detain a person for up to 37 days before releasing him or formally placing him under arrest. Once a suspect is arrested, the Criminal Procedure Law allows police and

prosecutors to detain him for months before trial while a case is being "further investigated." The Criminal Procedure Law stipulates that authorities must notify a detainee's family or work unit of his detention within 24 hours. However, in practice failure to provide timely notification remained a serious problem, especially in sensitive political cases. Under a sweeping exception, officials were not required to provide notification if doing so would "hinder the investigation" of a case. Police continued to hold individuals without granting access to family members or lawyers, and trials continued to be conducted in secret.

The Criminal Procedure Law does not address the reeducation-through-labor system, which allows nonjudicial panels of police and local authorities, called Labor Reeducation Committees, to sentence persons to up to 3 years in prison-like facilities. The committees could also extend an inmate's sentence for an additional year. Defendants were legally entitled to challenge reeducation-through-labor sentences under the Administrative Litigation Law. They could appeal for a reduction in, or suspension of, their sentences; however, appeals rarely were successful.

The Criminal Procedure Law also does not address the custody and repatriation system, which allows authorities to detain persons administratively without trial to "protect urban social order." Until they were returned to their home provinces, those detained were held in custody and repatriation centers, and could be required to pay for the cost of their detention and repatriation by working while in detention. Persons who could be detained under this provision included the homeless, the unemployed, petty criminals, Falun Gong practitioners, persons without permission to live or work in urban areas, and, in some provinces, additional categories of persons such as the mentally ill and persons with mental disabilities. According to one report, as many as 20 percent of those detained were children. If the location to which they were to be repatriated could not be determined, or if they could not be repatriated for financial reasons, persons could be sent to "resettlement farms." Those unable to work could be sent to "welfare centers." Many other persons were detained in similar forms of administrative detention, known as "custody and education" (for prostitutes and their clients) and "custody and training" (for minors who committed crimes). Persons could be detained for long periods under these provisions, particularly if they could not afford to pay fines or fees.

According to researchers, the country had 20 "ankang" institutions, high-security psychiatric hospitals for the criminally insane, directly administered by the Ministry of Public Security (MPS). Dissidents and other targeted individuals were housed with mentally ill patients in these institutions. The regulations for committing a person into an ankang psychiatric facility were not clear. Credible reports indicated that a number of political and trade union dissidents, "underground" religious believers, persons who petitioned the Government for redress of grievances, and hundreds of Falun Gong adherents were incarcerated in such facilities during the year. For example, political activist Wang Wanxing, originally held for trying to unfurl a banner on Tiananmen Square to commemorate the third anniversary of the June 4, 1989 massacre, was confined in a Beijing ankang facility. Huang Jinchun, a judge in Beihai, fired from his job and admitted to a psychiatric hospital in November 1999 for refusing to renounce his belief in Falun Gong, also remained in an ankang facility at year's end. He reportedly displayed no signs of mental illness but was given daily injections of narcotics. According to NGO reports, more than 30 persons were committed during the year to the Harbin Psychiatric Hospital against their will after petitioning authorities for redress of various personal grievances. In August The Royal College of Psychiatrists sponsored a motion to expel China from the World Psychiatric Association (WPA) for using psychiatric facilities to incarcerate political prisoners; a decision was pending at year's end.

The campaign that began in 1998 against the China Democracy Party (CDP), an opposition party, continued during the year. Scores of CDP leaders, activists, and members were arrested, detained, or confined as a result of this campaign. Since December 1998, at least 38 core leaders of the CDP have been given severe punishments on subversion charges. For example, Hu Mingjun and Wang Sen, CDP leaders in Sichuan, were sentenced in May to 10- and 11-year sentences, respectively (see Section 3). In what some experts described as an attempt by authorities to tarnish the public image of the democracy movement, officials accused a number of democracy activists of soliciting prostitutes, distributing pornographic videos, or committing petty theft or other crimes unrelated to their political activities. For instance, in September Shanghai CDP activist Yao Zhenxiang was sentenced to 3 years of reeducation-through-labor for soliciting prostitutes.

Immediately before and after the 16th Party Congress in November, authorities rounded up a number of activists who had signed an open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre. At years end, a number of these persons, including He Depu, Sang Jianchen, Zhao Changqing, Ouyang Yi, Dai Xuezhong and Jiang Lijun, remained in detention.

The authorities also used laws on subversion, endangering state security, and common crimes to arrest and imprison political dissidents, activists, and others. Li Wangyang, released from prison in June 2000 and rearrested on subversion charges in May 2001, was sentenced to 10 years in prison in September 2001 for "incitement to subvert state power." Li had served 11 years in prison for his role in presiding over the

Shaoyang Workers Autonomous Federation, a Tiananmen-era free trade union.

Police sometimes detained relatives of dissidents (see Section 2.a.).

Persons critical of official corruption or malfeasance also frequently were threatened, detained, or imprisoned. On January 25, Jiang Weiping, who had written a series of articles exposing official corruption, was sentenced to 8 years in prison for "subverting state power" (see Section 2.a.).

The police continued to target minority activists. As part of the nationwide strike hard campaign, many seeking to express legitimate political grievances or views were labeled splittists or separatists. For example, Xinjiang official Abulahat Abkurixit told the newspaper Xinjiang Legal in April 2001 that authorities would use the campaign to strike at Muslim separatists and illegal religious activities. After a January incident in which a jobless worker read a poem at the end of a concert in the Xinjiang People's Hall in Urumqi that allegedly obliquely advocated a separate Uighur state, Abkurixit further announced that artists, writers, performers, historians, and others who advocated separatism through art would be strike hard targets. As part of the campaign, local courts in Xinjiang meted out death sentences or long prison terms to those persons accused of separatist activity. In November 2001, Abdehelil Zunun, who had translated the Universal Declaration of Human Rights into Uighur, was sentenced to 20 years in prison. In early 2000, a court sentenced Uighur businesswoman Rebiya Kadeer to 8 years in prison for passing "state intelligence" information to foreigners. The state intelligence she was accused of attempting to pass consisted of newspaper articles published in the official press and a list of individuals whose cases had been handled by judicial organs.

The strike hard campaign was characterized by large-scale sentencing rallies and parades of condemned prisoners through the streets of major cities, followed by public executions. More than 4,000 persons reportedly were executed as part of the strike hard campaign during the year. According to local newspapers, on June 29, in Toksu County, Xinjiang, 5,000 persons attended a public sentencing rally in which 13 suspects were arrested on the spot, 6 common criminals were sentenced to 2 to 7 year terms, and 5 political offenders were sentenced to 3 to 5 year terms. The rally concluded when three brothers, Turdi, Muhammad, and Imin Hashim, were sentenced to death for killing two persons and executed the next day. In November harsh sentences were given to 28 Uighurs accused of separatist and terrorist activities at a combined Aksu and Uchturpan county mass rally. In April 2001, local newspapers in Sichuan Province reported that more than 3,000 criminals were sentenced publicly in 123 rallies held across the province. Of those more than 900 were "severely punished," a category that includes the death sentence and lengthy prison terms.

Journalists also were detained or threatened during the year, often for reporting on subjects that met with the Government's or the local authorities' disapproval (see Section 2.a.).

Local authorities used the Government's campaign against cults to detain and arrest large numbers of religious practitioners and members of spiritual groups (see Section 2.c.).

Throughout the year, the official press published numerous articles to raise public awareness of recent laws meant to enhance the protection of citizens' rights, including the Criminal Procedure Law, the State Compensation Law, the Administrative Procedure Law, and others. A number of citizens used the State Compensation Law, which provides a legal basis for citizens to recover damages for illegal detentions, to sue the Government for damages. According to a March 12 China Youth Daily article, in 2001 courts nationwide handled 6,753 such cases, and compensation was granted in 777 cases. Legal experts acknowledged that the introduction of the new law was a positive step but called on the Government to increase the amount of compensation provided to victims.

The law neither provides for a citizen's right to repatriate nor otherwise addresses exile. The Government continued to refuse reentry to numerous citizens who were dissidents and activists. For example, Chinese consular officers repeatedly refused U.S.-based dissident Yang Jianli's requests for a renewal of his passport.

The Government's refusal to permit some former reeducation-through-labor camp inmates to return to their homes constituted a form of internal exile.

e. Denial of Fair Public Trial

The Constitution states that the courts shall, in accordance with the law, exercise judicial power independently, without interference from administrative organs, social organizations, and individuals. However, in practice the judiciary received policy guidance from both the Government and the Party, whose leaders used a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases. At both the central and local levels, the Government and the CCP frequently interfered in the judicial system and dictated court

decisions. Corruption and conflicts of interest also affected judicial decisionmaking. Judges were appointed by the people's congresses at the corresponding level of the judicial structure, which sometimes resulted in local politicians exerting undue influence over the judges they appointed.

The Supreme People's Court (SPC) is the highest body of the criminal and civil court system, followed in descending order by the higher, intermediate, and basic people's courts. There were special courts for handling military, maritime, and railway transport cases.

Corruption and inefficiency in the judicial system were serious problems. Safeguards against corruption were vague and poorly enforced. According to Zhu Mingshan, Vice President of the SPC, in 2001 114 presidents of local courts had to make self-criticisms for "errors" ranging from nepotism to a lack of due diligence in supervising corrupt subordinates. In 2001 the SPC punished 1,292 judges for violating party or administrative regulations, while 46 were prosecuted for violating the law.

In recent years, the Government has taken steps to correct systemic weaknesses in the judicial system and to make the system more transparent and accountable to public scrutiny. In 1999 the Supreme People's Court issued regulations requiring all trials to be open to the public, except for those involving state secrets, personal privacy, or minors; divorce cases in which both parties request a closed trial; and cases involving commercial secrets. In practice, many trials were not open. Several courts reportedly did open their proceedings to the public as required by law. The legal exception for cases involving state secrets, privacy, and minors was used to keep politically sensitive proceedings closed to the public and closed even to family members in some cases. Under the new regulations, "foreigners with valid identification" are to be allowed the same access to trials as citizens. As in past years, foreign diplomats and journalists sought permission to attend a number of trials only to have court officials reclassify them as "state secrets" cases, thus rendering them closed to the public. Since 1998 trials have been broadcast, and court proceedings have become a regular television feature. In 2000 courts in Shanghai became the first to publish verdicts on the Internet.

Lawsuits against the Government continued to increase as a growing number of persons used the court system to seek legal recourse against government malfeasance. In 1998, the last year for which statistics were available, Chinese citizens brought almost 98,000 cases against the Government, a 10-fold increase from 1989. The Beijing Higher People's Court reported that when Beijing citizens sued the Government, citizen plaintiffs won in 23 percent of cases (832 of 3,632) between 1990 and 1999. In addition, a large percentage of such cases were settled out of court. The term "administrative omission" refers to cases in which government organizations do not respond or delay response to applications lodged by citizens. According to SPC statistics, the number of administrative omission lawsuits filed by individuals against government organizations rose 7.8 times between 1990 and 1998. In July the SPC established guidelines, which went into effect on October 1, setting out the rights of litigants to access government files to facilitate lawsuits against government bodies.

Although some plaintiffs have successfully filed suit against the Government, decisions of any kind in favor of dissidents remained rare. In particular, appeals of prison sentences by dissidents rarely were granted.

Court officials continued efforts to enable the poor to afford litigation by exempting, reducing, or postponing court fees. In 2001 the courts reduced, exempted or postponed more than \$100 million (RMB 839 million) in litigation costs for more than 300,000 litigants.

According to the SPC's annual report to the NPC, in 2001 the country's courts handled 5,927,660 cases, 730,000 of which were criminal cases, a 33 percent increase over the previous year, as well as more than 100,000 appeals of administrative decisions. According to the report, more than 340,000 criminal cases were adjudicated in 2001, and more than 150,000 criminal defendants were sentenced to jail terms of 5 years or more, life imprisonment, or death, a 15 percent increase over 2000 that may be due to the ongoing strike hard campaign.

Police and prosecutorial officials often ignored the due process provisions of the law and of the Constitution. For example, police and prosecutors subjected many prisoners to severe psychological pressure to confess, and coerced confessions frequently were introduced as evidence. The Criminal Procedure Law forbids the use of torture to obtain confessions but does not expressly bar the introduction of coerced confessions as evidence. Defendants who failed to show the correct attitude by confessing their crimes received harsher sentences. During the year, the conviction rate in criminal cases remained at approximately 90 percent, and trials generally were little more than sentencing hearings. In practice criminal defendants only were assigned an attorney once a case was brought to court; some observers noted that at this point, it was too late for an attorney to assist a client in a meaningful way, since the verdict often had already been decided. The best that a defense attorney generally could do for a client was to get a sentence mitigated. In

many politically sensitive trials that rarely lasted more than several hours, the courts handed down guilty verdicts immediately following proceedings. There was an appeals process, but in practice appeals rarely resulted in reversed verdicts.

The lack of due process was particularly egregious in death penalty cases. There were 65 capital offenses, including financial crimes such as counterfeiting currency, embezzlement, and corruption, as well as some other property crimes. A higher court nominally reviewed all death sentences, but the time between arrest and execution was often days and sometimes less, and reviews consistently resulted in the confirmation of sentences. Minors and pregnant women were expressly exempt from the death sentence. The strike hard campaign begun in April 2001 was characterized by mass arrests, lack of due process, and summary public executions of several thousand persons (see Section 1.d.). In December an appeals court upheld death sentences against Tibetans Tenzin Delek Rinpoche and Lobsang Dhondup, who were arrested and sentenced earlier in the year for alleged involvement in a series of bombings in Sichuan. The two men's trials were closed to the public on "state secrets" grounds. Many observers expressed serious concerns about the lack of due process.

The revised Criminal Procedure Law, which took effect in 1997, gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation. However, police often used loopholes in the law to circumvent a defendant's right to seek counsel, and political activists in particular rarely succeeded in obtaining competent legal representation of their own choosing. In some cases, defendants and lawyers in politically sensitive cases were not allowed to speak during trials. Even in nonsensitive trials, criminal defense lawyers frequently had little access to their clients or to evidence to be presented during the trial.

The Criminal Procedure Law also falls short of international standards in many other respects. For example, it has insufficient safeguards against the use of evidence gathered through illegal means, such as torture. Its appeals process failed to provide sufficient avenue for review, and there were inadequate remedies for violations of defendants' rights. In some cases, police could detain unilaterally a person for up to 37 days before releasing him or formally placing him under arrest. Once a suspect was arrested, the law allowed police and prosecutors to detain him for months before trial while a case was "further investigated." Detained criminal suspects, defendants, their legal representatives, and close relatives were entitled to apply for a guarantor to enable the suspect or defendant to await trial out of custody; however, in practice few suspects were released on bail pending trial. Also, in state secrets cases, the Criminal Procedure Law authorizes officials to deny suspects access to a lawyer while their cases are being investigated. The definition of state secrets is broad, vague, and subject to independent interpretation by police, prosecutors, and judges, throughout the various stages in a criminal case.

Furthermore, under the law, there is no right to remain silent, no right against double jeopardy, and no law governing the type of evidence that may be introduced. The mechanism that allows defendants to confront their accusers was inadequate; according to one expert, only 1 to 5 percent of trials involved witnesses. Accordingly, most criminal "trials" consisted of the procurator reading statements of witnesses whom neither the defendant nor his lawyer ever had an opportunity to question. Defense attorneys have no authority to compel witnesses to testify.

Anecdotal evidence indicated that implementation of the Criminal Procedure Law remained uneven and far from complete, especially in politically sensitive cases. Differing interpretations of the law taken by different judicial and police departments and various implementing regulations contributed to contradictory as well as incomplete implementation. The SPC, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security, the Ministry of Justice, and the Legal Work Committee of the NPC issued supplementary implementing regulations to address some of these weaknesses.

Defendants in sensitive political cases frequently found it difficult to find an attorney. Defendants in only one of every seven criminal cases had legal representation, according to credible reports citing internal government statistics. government-employed lawyers still depended on official work units for employment, housing, and other benefits, and therefore many were reluctant to represent politically sensitive defendants. The percentage of lawyers in the criminal bar reportedly declined from 3 percent in 1997 to 1 percent in 2001. However, there were no new reports of the Government revoking the licenses of lawyers representing political defendants, as it sometimes had done in the past.

Lawyers who tried to defend their clients aggressively continued to face serious intimidation and abuse by police and prosecutors. For example, according to Article 306 of the Criminal Law, defense attorneys could be held responsible if their clients commit perjury, and prosecutors and judges in such cases have wide discretion in determining what constitutes perjury. On May 3, Zhang Jianzhong, head of the lawyers' rights committee of the Beijing Lawyers' Association, was detained on such charges and denied the right to counsel. Chinese legal scholars almost uniformly criticized Zhang's detention and claimed he was singled out for being too effective at

representing criminal defendants. According to sources at the All-China Lawyers Association, since 1997 more than 400 defense attorneys have been detained on similar perjury charges. Ma Wenlin, a legal advisor in Zizhou County, Shaanxi, continued to serve a 5-year sentence for "disturbing the social order" for having represented peasants in a legal action to reduce taxes. During the year, state secrets arrests and prosecutions were used by officials to suppress political dissent and social advocacy and to intimidate criminal defense lawyers. Lawyers' professional associations called for better protection of lawyers and their legitimate role in the legal process.

In recent years, the Ministry of Justice (MOJ) has drafted regulations to standardize professional performance, lawyer-client relations, and the administration of lawyers and law firms. The regulations set educational requirements for legal practitioners, encourage free legal services for the general public, grant lawyers formal permission to establish law firms, and provide for the disciplining of lawyers. A growing number of lawyers organized private law firms that were self-regulating and did not have their personnel or budgets determined directly by the State. More than 60 legal aid organizations, many of which handled both criminal and civil cases, have been established around the country, and the MOJ established a nationwide legal services hot line. Government officials also stated that there were insufficient numbers of lawyers to meet the country's growing needs.

The Supreme People's Court, Procuratorate, and the MOJ jointly released a notice in December 2001 stipulating that only those persons who passed an exam and obtained a "Certificate of Legal Profession" could apply for a lawyer's license or serve as a judge or a prosecutor. The regulation entered into force on January 1 but was not widely enforced in practice. In March the first exam was administered. New regulations passed during the year require new judges to pass both a national and a provincial examination and receive specialized training before they could be appointed. Recent regulations also require judicial or prosecutorial appointees to be law school graduates who have practiced law for at least 2 years or postgraduates who have practiced law for at least 1 year. In July SPC President Xiao Yang announced that the Government would trim the number of judges over the next few years to raise professional standards. Coupled with other reforms, the SPC set up a new rank-in-person system with 1 Chief Grand Justice, 41 Grand Justices, 30,000 senior judges, and 180,000 normal judges across the country. However, there were still a great number of sitting judges and procurators, often in positions of authority, who were appointed to their positions before these reforms were enacted and who had little or no legal training.

During the year, some lawyers, law professors, and jurists continued publicly to press for faster and more systemic legal reform. Major newspapers and legal journals called for the introduction of a more transparent system of discovery, the abolition of coerced confessions, a legal presumption of innocence, an independent judiciary, improved administrative laws, and adoption of a plea bargaining system. During the year, Western scholars and journalists also criticized shortcomings of the justice system, such as the use of psychiatric facilities to house political or religious dissidents, absence of legal provisions specifically guaranteeing a suspect's right to remain silent, coerced confessions, torture, and the presumption of guilt.

Government officials denied holding any political prisoners, asserting that authorities detained persons not for their political or religious views but because they violated the law; however, the authorities continued to confine citizens for reasons related to politics and religion. Thousands of political prisoners remained incarcerated, some in prisons and others in labor camps.

The 1997 Criminal Law replaced "counterrevolutionary" offenses, which, in the past, often had been used against political activists, with loosely defined provisions barring "crimes endangering state security." Persons detained for counterrevolutionary offenses included labor activist Hu Shigen, Liberal Democratic Party member Kang Yuchun, and June 4, 1989, dissidents Yu Zhijian, Zhang Jingsheng, and Sun Xiongying. Several foreign governments urged the Government to review the cases of those charged before 1997 with counterrevolution, since the crime was no longer on the books, and to release those who had been jailed for nonviolent offenses under the old statute. Officials indicated that a case-by-case review of appeals filed by individual prisoners was possible under the law, and there was one known case of a successful appeal. However, the Government also indicated that it would neither initiate a comprehensive review of cases nor grant a general amnesty, arguing that there was no law on retroactive decriminalization and that the law against endangering state security covered the same crime. Approximately 1,300 persons remained in prison for the crime.

Amnesty International has identified 211 persons who remained imprisoned or on medical parole for their participation in the 1989 Tiananmen demonstrations; other NGOs estimated that as many as 2,000 persons remained in prison for their actions at that time.

The Government released several political prisoners early, including Tibetans Ngawang Choephel, Jigme Sangpo, Ngawang Sangdrol, Tenzin Thubten, Ngawang Choekyi, Ngawang Choezom and Gyaltsen Drolkar, and China Democracy Party co-founder Xu Wenli. However, many others, including China Democracy Party

co-founders Wang Youcai and Qin Yongmin, Internet activists Yang Zili and Huang Qi, Uighur businesswoman Rebiya Kadeer, journalist Jiang Weiping, labor activist Liu Jingsheng, political activist Han Chunsheng, Catholic Bishop Su Zhimin, house church leader Xu Guoxing, Tibetan nun Phuntsog Nyidrol, Uighur historian Tohti Tunyaz, and political dissident Yang Jianli remained imprisoned or under other forms of detention during the year. Political prisoners generally benefited from parole and sentence reduction at significantly lower rates than ordinary prisoners.

Criminal punishments could include "deprivation of political rights" for a fixed period after release from prison, during which the individual is denied the rights of free speech and association granted to other citizens. Former prisoners also sometimes found their status in society, ability to find employment, freedom to travel, and access to residence permits and social services severely restricted. Economic reforms and social changes have ameliorated these problems for nonpolitical prisoners in recent years. However, former political prisoners and their families frequently still were subjected to police surveillance, telephone wiretaps, searches, and other forms of harassment, and some encountered difficulty in obtaining or keeping employment and housing.

Officials confirmed that executed prisoners were among the sources of organs for transplant but maintained that consent was required from prisoners or their relatives in advance of the procedure. There was no national law governing organ donations, but a Ministry of Health directive explicitly states that buying and selling human organs and tissues is not allowed. There were no reliable statistics on how many organ transplants occurred each year using organs from executed prisoners, but according to press reports, hundreds of persons from other countries who were unable to obtain transplants at home travel to the country each year for organ transplants. Recipients reported paying for the transplants, and some reported that treatment could be terminated or delayed for a lack of funds or a delay in payment.

f. Arbitrary Interference With Privacy, Family, Home, Correspondence

The Constitution states that the "freedom and privacy of correspondence of citizens are protected by law"; however, the authorities often did not respect the privacy of citizens in practice. Although the law requires warrants before law enforcement officials can search premises, this provision frequently was ignored; moreover, the Public Security Bureau and the Procuratorate could issue search warrants on their own authority. During the year, authorities monitored telephone conversations, facsimile transmissions, e-mail, and Internet communications. Authorities also opened and censored domestic and international mail. The security services routinely monitored and entered residences and offices to gain access to computers, telephones, and fax machines. Government security organs monitored and sometimes restricted contact between foreigners and citizens. All major hotels had a sizable internal security presence, and hotel rooms were sometimes searched for sensitive materials.

In urban areas, many persons depended on government-linked work units for housing, healthcare, approval to apply for a passport, and other aspects of ordinary life. However, the work unit and the neighborhood committee, which originally were charged with monitoring activities and attitudes, have become less important as means of social and political control, and government interference in daily personal and family life continued to decline for most citizens. In many areas, citizens still were required to apply for government permission before having a child, and the Government continued to restrict the number of births.

Some dissidents were under heavy surveillance and routinely had their telephone calls monitored. The authorities blocked some dissidents from meeting with foreigners during politically sensitive periods. Police in Beijing ordered several dissidents not to meet with Western journalists or foreign diplomats during the visits of high-level foreign officials. The authorities also confiscated money sent from abroad that was intended to help dissidents and their families.

Major political events and visits by high-ranking foreign officials routinely sparked round-ups of dissidents. For example, immediately before and after the 16th Party Congress in November, authorities detained a number of activists who had signed an open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre (see Section 1.d.).

Authorities also harassed relatives of dissidents and monitored their activities. Security personnel kept close watch on relatives of prominent dissidents, especially during sensitive periods. For example, security personnel followed the wife of Xu Wenli to meetings with Western reporters and diplomats on numerous occasions. Dissidents and their family members routinely were warned not to speak with the foreign press. Police sometimes detained the relatives of dissidents (see Section 2.a.).

Official poverty alleviation programs and major state projects, such as environmental and reforestation programs, have included forced relocation of persons to new residences. The Government estimated that by the completion of the Three Gorges Dam, at least 1.2 million people will have been relocated for this project

alone.

The Government codified its comprehensive birth planning policies, which include coercive elements intended to limit births. The State Family Planning Commission (SFPC), with a staff of 400,000, enforces the law and formulates and implements policies with assistance from the Birth Planning Association, which had 83 million members working part-time at 1 million branches nationwide.

The new Population and Family Planning Law, the country's first formal law on this subject, entered into force on September 1. The law is intended to standardize the implementation of the Government's birth limitation policies. The law grants married couples the right to have a single child and allows eligible couples to apply for permission to have a second child if they meet conditions stipulated in local and provincial regulations. Many existing provincial regulations require women to wait 4 years or more after their first birth before making such an application. The law requires counties to use quotas or other measures to limit the total number of births in each county. The law further requires couples to employ birth control measures and, according to a 2001 SFPC survey, over half of the couples subject to this requirement did not choose their birth control method themselves. The law requires couples who have an unapproved child to pay a "social compensation fee" and grants preferential treatment to couples who abide by the birth limits. Although the law states that officials should not violate citizens' rights, neither those rights nor the penalties for violating them are defined. In contrast, the law provides significant and detailed sanctions for officials who help people evade the birth limitations.

The law delegates to the provinces the responsibility of drafting implementing regulations, including establishing a scale for assessment of social compensation fees, but State Council Decree 357 provides general principles to guide local authorities. This decree also requires birth planning officials to obtain court approval for taking "forcible" action, such as confiscation of property, against families that refuse to pay social compensation fees.

A strict one-child limit applied in the cities, except for couples meeting certain conditions (e.g., both parents are only children). In most rural areas (including towns of under 200,000 people), where almost two-thirds of citizens lived, the policy was often relaxed to a "1+1" limit, generally allowing only one child, but permitting a second if the first was a girl. Families whose first child is disabled also were allowed to have another child. In some other, generally poorer, rural areas, couples were permitted to have two children. Ethnic minorities, such as Muslim Uighurs and Tibetans, were subject to less stringent population controls; however, authorities increasingly pressured minorities to limit births to the same number as Han Chinese. In remote areas, limits generally were not enforced, except on government employees and party members.

Local officials, caught between pressures from superiors to show declining birth rates, and from local citizens to allow them to have more than one child, frequently made false reports. The SFPC estimated fertility at 1.8 births per woman, a figure roughly confirmed by the 2000 census, and claimed that the yearly growth rate of the population has dropped to less than 1 percent per year. However, many Chinese and international demographers estimated the fertility rate to be up to 2.0-2.3 births per woman.

Authorities continued to reduce the use of targets and quotas, although approximately 2,000 of the country's 2,800 counties continued to use such measures. Authorities using the target and quota system required each eligible married couple to obtain government permission before the woman becomes pregnant. Only a limited number of such permits were made available each year, so couples who did not receive a permit were required to wait at least a year before obtaining permission. Counties that did not employ targets and quotas allowed married women of legal child-bearing age to have a first child without prior permission.

The country's population control policy relied on education, propaganda, and economic incentives, as well as on more coercive measures such as the threat of job loss or demotion and social compensation fees. Psychological and economic pressure were very common; during unauthorized pregnancies, women sometimes were visited by birth planning workers who reminded the parents of their potential liability to pay the social compensation fees. The fees were assessed at widely varying levels and were generally extremely high, sometimes equaling several years' wages for an average worker. Additional disciplinary measures against those who violated the limited child policy by having an unapproved child or helping another to do so included the withholding of social services, higher tuition costs when the child goes to school, job loss or demotion, loss of promotion opportunity for 1 or more years, expulsion from the Party (membership in which was an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of property. Government employees were particularly vulnerable to loss of employment when they had a child without permission. In many provinces, penalties for excess births in an area also can be levied against local officials and the mother's work unit, creating multiple sources of pressure. These Draconian penalties sometimes left expecting mothers with little choice but to undergo abortion or sterilization.

According to previously published local regulations in at least one province, women who do not qualify for a Family Planning Certificate that allows them to have a child must use an intrauterine device (IUD) or implant. The regulations further require that women who use an IUD undergo quarterly exams to ensure that it remains properly in place. Rewards for couples who adhere to birth limitation laws and policies include monthly stipends and preferential medical and educational benefits. In some counties, women of childbearing age were required periodically to undergo pregnancy tests. In the cases of families that already have two children, one of the parents is "encouraged" to undergo sterilization. According to a credible report, the number of couples undergoing sterilization procedures after giving birth to two children increased significantly in at least one province. In another province, rules state that "unplanned pregnancies must be aborted immediately."

At the same time, the Government maintained that due to economic development and other factors such as small houses, both parents working full-time, and high education expenses, couples in major urban centers often voluntarily limited their families to one child. There were indications in recent years that, due to the effectiveness of the one-child policy in urban areas, the Government was beginning to relax its policies in the cities.

The new Population and Family Planning Law delegates to the provinces the responsibility of implementing appropriate regulations to enforce the law. By year's end, several had amended their regulations. Anhui Province, for example, passed a law permitting 13 narrow categories of couples, including coal miners, some remarried divorcees, and some farm couples, to have a second child. The law does not require such amendments, however, unless existing regulations conflict with it. Existing regulations requiring sterilization in certain cases, or mandatory abortion, are not contradicted by the new law, which says simply that compliance with the birth limits should "mainly" be achieved through the use of contraception.

Central Government policy formally prohibits the use of physical coercion to compel persons to submit to abortion or sterilization. However, intense pressure to meet birth limitation targets set by government regulations has resulted in instances in which local birth planning officials reportedly have used physical coercion to meet government goals. Because it is illegal, the use of physical coercion was difficult to document, even for government authorities. Still, it was believed that some isolated incidences may persist, even as the frequency of such cases was believed to be declining. One documented case in 2000 resulted in the arrest and punishment of the involved officials.

Senior officials stated repeatedly that the Government "made it a principle to ban coercion at any level," and the SFPC has issued circulars nationwide prohibiting birth planning officials from coercing women to undergo abortions or sterilization against their will. However, the Government does not consider social compensation fees and other administrative punishments to be coercive. Under the State Compensation Law, citizens also may sue officials who exceed their authority in implementing birth planning policy, and in a few instances, individuals have exercised this right.

Corruption related to social compensation fees was a widespread problem. In response, State Council Decree 357 established during the year that collected "social compensation fees" must be submitted directly to the National Treasury, rather than retained by local birth planning authorities. During the year, SFPC officials reported that they responded to more than 10,000 complaints against local officials.

From 1998 through 2002, the U.N. Population Fund (UNFPA) conducted a 4-year pilot project in 32 counties. Under this program, local birth planning officials emphasized education, improved reproductive health services, and economic development, and they dropped the target and quota systems for limiting births. The SFPC worked closely with the UNFPA to prepare informational materials and to provide training for officials and the general public in the project counties. However, these counties retained the birth limitation policy, including the requirement that couples employ effective birth control methods, and enforced it through other means, such as social compensation fees.

In order to delay childbearing, the Marriage Law sets the minimum age at marriage for women at 20 years, and for men at 22 years. Although it continued to be illegal in almost all provinces for a single woman to bear a child, during the year Jilin Province passed a law making it legal, within the limits of the birth limitation law, for an unmarried woman who "intends to remain single for life" to have a child.

Laws and regulations forbid the termination of pregnancies based on the sex of the fetus, but because of the intersection of birth limitations with the traditional preference for male children, particularly in rural areas, many families used ultrasound technology to identify female fetuses and terminate pregnancies (see Section 5). The use of ultrasound for this purpose is prohibited specifically by the Population Law and by the Maternal and Child Health Care Law, both of which mandate punishment of medical practitioners who violate the provision. According to the SFPC, a few doctors have been charged under these laws. However, enforcement of this provision has been rare. The most recent official figures, from November 2000, put the overall male to female

birth ratio at 116.9 to 100 (as compared to the statistical norm of 106 to 100). For second births, the national ratio was 151.9 to 100. The skewed ratio was also thought in part to reflect underregistration of female children whose parents wished to avoid paying social compensation fees. Because the Maternal and Child Health Law mandates that medical facilities provide basic child health services, including immunization, to all children regardless of registration status, parents could delay registration of female children until it was necessary for enrollment in education programs. Such underregistration was common among rural parents, but parents often later were forced to pay the fee in order to give the children access to schooling and other social benefits.

The Maternal and Child Health Care Law requires premarital and prenatal examinations in part to determine whether couples have acute infectious diseases or certain mental illnesses (not including mental retardation) or are at risk for passing on debilitating genetic diseases. The law recommends abortion or sterilization in some cases. The law states that patients or their guardians must give written consent for such procedures, but lack of informed consent was a general problem in the practice of medicine in the country. There have been numerous cases in which informed consent cards have been forged or were not obtained in the administration of medical tests and medical trials. However, specific information was not available regarding the obtaining of informed consent for sterilization procedures. In practice, however, most regions of the country still did not have the medical capacity to determine accurately the likelihood of passing on debilitating genetic diseases.

As of 2001, the China Psychiatric Association no longer listed homosexuality as a mental illness. Many Chinese gays and lesbians saw the move as a sign of increased tolerance. Nonetheless, most gatherings of gays and lesbians still took place clandestinely.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution states that freedom of speech and freedom of the press are fundamental rights to be enjoyed by all citizens; however, the Government tightly restricted these rights in practice. The Government interpreted the Party's "leading role," as mandated in the preamble to the Constitution, as circumscribing these rights. The Government strictly regulated the establishment and management of publications. The Government did not permit citizens to publish or broadcast criticisms of senior leaders or opinions that directly challenge Communist Party rule. The Party and Government continued to control many and, on occasion, all print and broadcast media tightly and used them to propagate the current ideological line. All media employees were under explicit, public orders to follow CCP directives and "guide public opinion," as directed by political authorities. Both formal and informal guidelines continued to require journalists to avoid coverage of many politically sensitive topics. The State Security Law forbids journalists from divulging state secrets. These public orders, guidelines, and statutes greatly restricted the freedom of broadcast journalists and newspapers to report the news and led to a high degree of self-censorship. The Government continued an intense propaganda campaign against the Falun Gong.

Some dissidents remained active and continued to speak out, despite the Government's restrictions on freedom of speech. For instance, AIDS activist Wan Yanhai publicly continued to press the Government for more transparency in the fight against HIV/AIDS despite being detained by the authorities for 27 days in August and September. Labor lawyer Zhou Litai continued to draw attention to the plight of Chinese workers, despite harassment by local officials in Shenzhen. Members of the China Democracy Party continued to issue public statements calling for political reform and for President Jiang Zemin to step down. In March 114 relatives of victims of the 1989 Tiananmen Square massacre, led by activist Ding Zilin, sent an open letter to the nearly 3,000 members of the NPC asking that the NPC's chairman, Li Peng, be put on trial for his role in the massacre.

Immediately before and after the 16th Party Congress in November, authorities rounded up a number of activists who had signed an open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre. At year's end, a number of these persons remained in detention (see Section 1.d.).

However, the Government continued to threaten, arrest and imprison persons exercising free speech. In March Li Yanling, wife of imprisoned journalist Jiang Weiping, was detained by Dalian officials for having written a letter to President Jiang Zemin calling for her husband's release from prison. In August the International Confederation of Trade Unions (ICFTU) formally filed a complaint with the International Labor Organization (ILO) criticizing the detention of labor activist Di Tianguai. Di has been detained by Taiyuan police since June 1 for trying to set up an organization for retired workers.

Although there were a few privately owned print publications, all articles had to be vetted by the authorities

before publication. There were no privately owned television or radio stations, and all programming had to be approved by the Government. Commercial program producers sought to expand the limits of broadcast content.

With the Government's consent and sometimes open support, the press published some stories related to citizens' rights, legal reform, official corruption, and official misconduct and gross abuses, particularly by law enforcement officials. For example, a number of newspapers, including the English-language China Daily, were very critical of an official letter issued in August by public security officials in Lanzhou, Gansu Province, claiming that anticorruption stories written by local newspaper reporters damaged the image of the police.

However, newspapers could not report on corruption without government and party approval, and publishers published such material at their own risk. In recent years, journalists and sometimes editors were harassed, detained, threatened, and even imprisoned for reporting on subjects that met with the Government's or local authorities' disapproval, including corruption. During the year, journalists and editors who exposed corruption scandals frequently faced problems with the authorities, and the Government continued to close down publications and punish journalists for printing material deemed too sensitive. On January 25, Jiang Weiping, formerly a reporter for the Hong Kong-based Wen Wei Po newspaper and the official Xinhua news agency, was sentenced to 8 years in prison for "subverting state power." Jiang had written a series of articles exposing official corruption in Dalian, Shenyang, and Daqing. On March 24, Beijing photographer Yang Wei was assaulted by employees of a local company after they discovered he was working on a corruption story about the company. Local police released all suspects in the case. Also in March, the Guangzhou-based newspaper Southern Weekend was forced to stop its print run and remove a story critical of financial mismanagement at one of the country's top charities, Project Hope. In June Canadian journalist Jiang Xueqin was deported after covering labor unrest in Daqing. In December 2001, Wang Jinbo was sentenced to 4 years in prison for having e-mailed articles to overseas publications advocating a review of verdicts issued regarding the June 4, 1989, Tiananmen massacre. In March the Committee to Protect Journalists (CPJ) declared China "the world's leading jailer of journalists for the third year in a row," with 35 journalists imprisoned. As of year's end, CPJ reported that the total had risen to 36, including 14 Internet journalists.

Government restrictions on the press and the free flow of information continued to prevent accurate reporting on the spread of HIV/AIDS and the role of blood collection procedures in the spread of the disease in rural areas.

For several years, journalists openly have called for legislation granting press freedom protection. In May 2000, the legal affairs bureau of Anhui Province issued a regulation banning government departments from refusing press interviews.

The Government kept tight control over the foreign press during the year and continued efforts to prevent foreign media "interference" in internal affairs. The June 15 edition of the Economist was banned due to an editorial it ran entitled "Set China's Politics Free." Time Magazine was temporarily banned after an article appeared on the Falun Gong. In July BBC World Television was blocked for several weeks after it ran a report about the banned Falun Gong spiritual movement.

The publishing industry consists of three kinds of book businesses: Approximately 500 government-sanctioned publishing houses, smaller independent publishers that cooperate with official publishing houses to put out more daring publications, and an underground press. The government-approved publishing houses were the only organizations legally permitted to print books. The Government exerted control by issuing a limited number of publishing licenses, which were required for each edition of any book. A party member at each publishing house monitored the content of the house's publications and used the allocation of promotions, cars, travel, and other perks to encourage editors to exercise "proper" judgment about publications. Overt intervention by the State Publications Administration and Party Propaganda Bureau occurred strictly post-publication. Some independent publishers took advantage of a loophole in the law to sign contracts with government publishing houses to publish politically sensitive works. These works generally were not subjected to the same multilayered review process as official publications of the publishing houses.

Underground printing houses, which grew in number, have been targets of periodic campaigns to stop all illegal publications (including pornography and pirated computer software and audiovisual products). These campaigns had the effect of restricting the availability of politically sensitive books.

Formal censorship of written material came at the time of publication. Many intellectuals and scholars, anticipating that books or papers on political topics would be deemed too sensitive to be published, exercised self-censorship. In areas such as economic policy or legal reform, there was far greater official tolerance for comment and debate.

In March the Department of Cultural Affairs in Urumqi, Xinjiang, ordered the destruction of thousands of books on Uighur history and culture. Among the 330 titles were "A Brief History of the Huns and Ancient Uighur Literature," "Ancient Uighur Craftsmanship," and other books deemed "problematic." The books detailing and documenting Uighur history originally had been published with the approval of the authorities.

In September the Government launched a 2-month campaign to ban books that threatened the Party. Among the banned books was the best-selling "Villains Holding Sway," an indictment of corrupt officials; "I Have a Mother Like This," a sarcastic look at a matriarch so committed to the Party that she abandons her family; and "The Unequal Treatment of Nationals," focused on the widening wage gap between the country's urban and rural citizens. "A Tale of Migrants of the Big River" was banned because of its open discussion of social unrest among persons relocated by the construction of the Three Gorges Dam.

Customs officials seized shipments of Bibles that were not authorized by the Government (see Section 2.c.).

The authorities continued to jam, with varying degrees of success, Chinese- and Tibetan-language broadcasts of the Voice of America (VOA), Radio Free Asia (RFA), and the British Broadcasting Corporation (BBC). English-language broadcasts on VOA generally were not jammed, unless they immediately followed Chinese-language broadcasts, in which case portions of the English-language broadcasts were sometimes jammed. Government jamming of RFA and BBC appeared to be more frequent and effective. In the absence of an independent press, overseas broadcasts such as VOA, BBC, RFA, and Radio France International had a large audience, including activists, ordinary citizens, and even government officials.

On January 1, a policy requiring foreign television outlets to use a government "rebroadcast platform" to distribute their channels reportedly went into effect. Some observers, including Human Rights Watch, expressed concern that this requirement heightened official censorship capabilities. In addition, universities, hotels, residences, and government institutions were reportedly required to reapply for access to foreign cable and satellite broadcasts.

In 2001 some government-owned local cable television networks began providing uncensored foreign news programming, including programs from CNN and European news services, to cable television customers for a fee. Prior to 2001, only major hotels and residence compounds for foreigners could legally show uncensored television news from outside of the country.

During the year, Falun Gong followers overrode television broadcasts several times to broadcast pro-FLG statements during regular programming. In September 15 persons were given sentences ranging from 4 to 20 years in prison for interfering with a cable television system in the northeastern city of Changchun in March. On December 30, the Intermediate People's Court in Xining sentenced four FLG adherents to up to 20 years in prison for tapping into cable television signals. The Government also reported several instances of individuals interfering with domestic broadcasts transmitted via satellite, replacing regular programming with pro-FLG material.

In January Zhang Yongning, producer of "Lan Yu," a motion picture filmed clandestinely in Beijing and centered on a homosexual love story set during the 1989 Tiananmen Square uprising, applied for approval from the Bureau of Film to show the film in the country. Although permission was denied, illegal DVD copies of "Lan Yu," like most other banned films, were readily available in major cities.

The Government continued to encourage expanded use of the Internet; however, it also took steps to increase monitoring of the Internet and continued to place restrictions on the information available. While only a very small percentage of the population accessed the Internet, use among intellectuals and opinion leaders was widespread and growing rapidly. According to a report released by the China Internet Network Information Center, the number of Internet users in the country grew by 75 percent during the year to 59.1 million.

During the year, a Harvard Law School report concluded that China had the most extensive Internet censorship in the world. According to the report, the Government blocked at least 19,000 sites during the 6-month study, and may have blocked as many as 50,000. Blocked sites included those of major foreign news organizations, health organizations, educational institutions, Taiwanese and Tibetan businesses and organizations, democracy activists, and religious and spiritual organizations. In September the Government blocked Google, a foreign-based search engine. After 2 weeks, during which the Government allegedly enhanced blocks on sensitive sites, access was restored. Altavista, another foreign-based search engine, was also blocked. The Government denied that it ever blocked the search engines. The authorities reportedly began to employ more sophisticated technology, such as "packet sniffers," enabling the selective blocking of specific content rather than entire Web sites in some cases. Such technology was also used to block e-mails containing sensitive content. The Government generally did not prosecute citizens who received dissident e-

mail publications, but forwarding such messages to others sometimes did result in detention.

The Ministry of Information Industry regulated access to the Internet while the Ministries of Public and State Security monitored its use. Regulations prohibit a broad range of activities that authorities have interpreted as subversive or as slanderous to the state, including the dissemination of any information that might harm unification of the country or endanger national security. Promoting "evil cults" was banned, as was providing information that "disturbs social order or undermines social stability." Internet service providers were instructed to use only domestic media news postings, record information useful for tracking users and their viewing habits, install software capable of copying e-mails, and immediately end transmission of so-called subversive material. Many Internet service providers practiced extensive self-censorship to avoid transgressing the very broadly worded regulations. Another regulation requires Internet cafe patrons to register with "software managers" and produce a valid identification card to log on. The State Council also has promulgated a comprehensive list of prohibited Internet activities, including using the Internet to "incite the overthrow of the Government or the Socialist system" and "incite division of the country, harming national unification." In April the Ministry of Public Security announced a campaign to "clean up the Internet environment" before the 16th Party Congress.

During the year, authorities arrested dissidents for disseminating information through the Internet. In the most serious punishment yet for an Internet-related crime, Li Dawei, a former police officer from Gansu, was sentenced in July to 11 years in prison for downloading "reactionary" articles and maintaining contacts with foreigners. On September 14, Chen Shaowen was detained for subversion by local officials in Lianyuan, Hunan, for having posted almost 40 articles deemed "reactionary." On November 7, 22-year-old Beijing Normal University Student Liu Di was arrested after expressing views critical of the Government in an online essay. At year's end, according to the international NGOs Reporters Without Borders and the Committee to Protect Journalists, 14 persons were being held for publishing or distributing information online.

In March the Government began a "Public Pledge on Self Discipline for China's Internet Industry" drive. More than 300 companies signed up, including the popular Sina.com and Sohu.com, as well as foreign-based Yahoo!'s China division. Those who signed the pledge agreed not to spread information that "breaks laws or spreads superstition or obscenity." They also promised to refrain from "producing, posting, or disseminating pernicious information that may jeopardize state security and disrupt social stability." In protest against the self-censorship pledge, a group of 18 dissidents published a "declaration of Internet users' rights" in July. The declaration called for complete freedom to surf the Internet, with restrictions placed only on sites with pornographic, slanderous, or violent content.

Provisional figures issued in March showed that the country had more than 200,000 Internet cafes. On June 16, a fire at an unlicensed Internet cafe in Beijing's university district killed 25 persons and injured 12. In response, authorities closed down more than 14,000 Internet cafes nationwide, 3,100 of them permanently, and in October issued more restrictive regulations governing the operation of such businesses. The new regulations limit hours of operation, allow authorities to view records of Internet use, and require identification card registration.

The Government did not fully respect academic freedom and continued to impose ideological controls on political discourse at colleges, universities, and research institutes. Scholars and researchers reported varying degrees of control regarding the issues that they could examine and the conclusions that they could draw. On January 29, Xu Zerong, a scholar who wrote his doctoral dissertation on the Korean War, was sentenced to 13 years in prison for "illegally providing state secrets" by sending confidential reference materials on the Korean War to a contact in Hong Kong.

The Government continued to use political attitudes as criteria for selecting persons for government-sponsored study abroad but did not impose such restrictions on privately sponsored students, who constituted the majority of students studying abroad.

Researchers residing abroad also have been subject to sanctions from the authorities when their work did not meet with official approval. Other foreign-resident Chinese scholars were detained in previous years.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, the Government severely restricted this right in practice. The Constitution 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 moved to suppress demonstrations involving expression of dissenting political views.

At times police used excessive force against demonstrators. Demonstrations with political or social themes were often broken up quickly and violently. The most widely publicized demonstrations in recent years were those of the Falun Gong spiritual movement. The Government continued to wage a severe political, propaganda, and police campaign against the FLG movement during the year. Since the Government banned the FLG in 1999, mere belief in the discipline, without any outward manifestation of its tenets, has been sufficient grounds for practitioners to receive punishments ranging from loss of employment to imprisonment, and in many cases, to suffer torture and death. Several hundred practitioners have been tried and convicted of crimes, including that of "using a heretical cult to disturb social order," which was established in the 1999 anticult legislation. However, the great majority of practitioners were punished without a trial, primarily in the reeducation-through-labor system. Many thousands of persons have been detained in reeducation-through-labor and custody and repatriation camps; others have been confined to psychiatric hospitals. In 2001 facilities were established specifically to "rehabilitate" practitioners who refused to recant their belief voluntarily (see Section 2.c.).

The tactic used most frequently by the central Government against the FLG, however, has been to make local officials, family members, and employers of known practitioners responsible for preventing FLG activities by their family members or associates. In many cases, practitioners were subject to close scrutiny by local security personnel and their personal mobility was tightly restricted, particularly at times when the Government believed public protests were likely.

The number of protests by individuals or small groups of FLG practitioners at Tiananmen Square remained very low during the year. Some observers attributed this to the effectiveness of the sustained government crackdown, which by the end of 2001 had essentially eliminated public manifestations of the movement. Authorities also briefly detained foreign practitioners who attempted to unfurl banners on Tiananmen Square or pass out leaflets, in most cases deporting them after a few hours.

In many cases, the authorities dealt with demonstrations about economic issues more leniently than with those that addressed political issues, but some economic demonstrations were dispersed by force. During the year, Ministry of Public Security publications indicated that the number of demonstrations was growing and that protesters were becoming more organized. According to the most recently available MPS report, in 1999 more than 100,000 demonstrations took place, up from 60,000 in 1998. Some of these demonstrations included thousands of participants.

On February 21, during President Bush's visit to Beijing, MPS officials detained 47 Christians, who managed an elder care facility in a Beijing suburb, for holding an illegal gathering. The leader of the group, Chen Zhongxin, and his followers were released after the President left the country.

In March, over several weeks, tens of thousands of workers in Liaoyang and Fushun, Liaoning Province, and Daqing, Heilongjiang Province, protested against nonpayment of back wages, loss of benefits, and inadequate severance pay. Many alleged that managers and local government officials had stolen funds earmarked for plant modernization and pension plans. Police detained four leaders of the protests—Yao Fuxin, Pang Qingxiang, Xiao Yunliang, and Wang Zhaoming—without charge. Their families had serious difficulties finding defense attorneys. After 9 months, Pang Qingxiang and Wang Zhaoming were released on probation but barred from meeting with other laid-off workers. On December 31, Wang Zhaoming was detained again after he hired a lawyer to sue the police over his 9 months of detention. Yao Fuxin and Xiao Yunliang were charged with subversion for political activities they allegedly had engaged in several years before the labor protests occurred.

The Constitution provides for freedom of association; however, the Government restricted this right in practice. Communist Party policy and government regulations require that all professional, social, and economic organizations officially register with, and be approved by, the Government. Ostensibly aimed at restricting secret societies and criminal gangs, these regulations also prevent the formation of truly autonomous political, human rights, religious, environmental, labor, and youth organizations that might directly challenge government authority. Since 1999, all concerts, sports events, exercise classes, or other meetings of more than 200 persons required approval from Public Security authorities.

There were no laws or regulations that specifically governed the formation of political parties. The Government moved decisively, using detentions and prison terms, to suppress the China Democracy Party, which activists around the country have tried since 1998 to organize into the country's first opposition political party.

According to government statistics, at the end of 2001, there were 129,000 social organizations, including 1,687 national-level and cross-provincial organizations, 19,540 provincial organizations, and 50,633 local and county-level organizations registered with the Ministry of Civil Affairs. There were 82,000 private, nonprofit corporations registered. Experts estimated that there were at least 1 million, and perhaps as many as 2 million,

unregistered NGOs. Although these organizations all came under some degree of government control, they were able to develop their own agendas. Some had support from foreign secular and religious NGOs. Some were able to undertake limited advocacy roles in such public interest areas as women's issues, the environment, health, and consumer rights. To register, NGOs were required to obtain an organizational sponsor, typically a government agency carrying out work in a similar subject area. In addition, local-level NGOs must have an official office and at least \$3,600 (RMB 30,000) in funds, and national-level groups must have at least \$12,000 (RMB 100,000). Applications must be vetted by the Government, which has 2 months in which to grant approval. Once established, groups were required to submit to regular oversight by both the organizational sponsor and the Ministry of Civil Affairs. NGOs must not violate the "four cardinal principles" by advocating nonparty rule, "damage national unity," or "upset ethnic harmony." Groups that disobeyed guidelines and unregistered groups that continued to operate could face administrative punishment or criminal charges. It was difficult to estimate how many groups may have been discouraged from organizing NGOs because of these regulations. However, preexisting groups reported little or no additional interference by the Government since the regulations came into effect in 1998.

In April the Central Government allowed an international NGO to establish branches and recruit members in the country. Lions Clubs International was allowed to officially establish two chapters, one in Shenzhen city and a second in Guangdong Province.

c. Freedom of Religion

The Constitution provides for freedom of religious belief and the freedom not to believe; however, the Government sought to restrict religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of the activity of religious groups. There are five officially recognized religions—Buddhism, Taoism, Islam, Protestantism, and Catholicism. A government-affiliated association monitored and supervised the activities of each of the five faiths. Membership in religions was growing rapidly; however, while the Government generally did not seek to suppress this growth outright, it tried to control and regulate religious groups to prevent the rise of groups or sources of authority outside the control of the Government and the Communist Party.

Overall, government respect for religious freedom remained poor, and crackdowns against unregistered groups, including underground Protestant and Catholic groups, Muslim Uighurs, and Tibetan Buddhists continued. The Government continued its repression of groups that it determined to be "cults" and of the Falun Gong in particular. Various sources reported that thousands of FLG adherents have been arrested, detained, and imprisoned, and that several hundred or more FLG adherents have died in detention since 1999; many of their bodies reportedly bore signs of severe beatings or torture or were cremated before relatives could examine them. The atmosphere created by the nationwide campaign against the FLG reportedly had a spillover effect on unregistered churches, temples, and mosques in many parts of the country.

All religious groups and spiritual movements were required to register with the State Council's Religious Affairs Bureau (RAB), which was responsible for monitoring and judging the legitimacy of religious activity. The RAB and the CCP's United Front Work Department (UFD) provided policy "guidance and supervision" over implementation of government regulations on religious activity. The Government continued and in some areas intensified a national campaign to enforce the State Council and provincial regulations that require all places of religious activity to register with the RAB or to come under the supervision of official "patriotic" religious organizations. Some groups registered voluntarily, some registered under pressure, some avoided officials in an attempt to avoid registration, and authorities refused to register others. Some unofficial groups reported that authorities refused them registration without explanation. The Government contended that these refusals were mainly the result of failure to meet requirements concerning facilities and meeting spaces. Many religious groups were reluctant to comply with the regulations out of principled opposition to state control of religion or due to fear of adverse consequences if they revealed, as required, the names and addresses of church leaders and members. In some areas, efforts to register unauthorized groups were carried out by religious leaders and civil affairs officials. In other regions, police and RAB officials performed registration procedures concurrently with other law enforcement actions. Police closed scores of "underground" mosques, temples, seminaries, Catholic churches, and Protestant "house churches," including many with significant memberships, properties, financial resources, and networks.

Leaders of unauthorized groups were sometimes the targets of harassment, interrogations, detention, and physical abuse. Authorities particularly targeted unofficial religious groups in Beijing and the provinces of Henan, Shandong, and Guangxi, where there were rapidly growing numbers of unregistered Protestants, and in Hebei, a center of unregistered Catholics. For example, police arrested more than 20 Christians gathered in the Shanghai home of house church leader Xu Guoxing for a worship service on December 8. All were eventually released except Xu, who was sentenced, without trial, to 18 months of reeducation-through-labor.

However, many small "family churches," generally made up of family members and friends, that

conducted activities similar to those of home Bible study groups, usually were tolerated by the authorities as long as they remained small and unobtrusive. Family churches reportedly encountered difficulties when their memberships became too large, when they arranged for the use of facilities for the specific purpose of conducting religious activities, or when they forged links with other unregistered groups.

In some areas, harassment of churches by local RAB officials was attributed, at least in part, to financial issues. For example, although regulations require local authorities to provide land to church groups, some local officials tried to avoid doing so by denying registration. Official churches also sometimes faced harassment when local authorities wished to acquire the land on which a church was located. In addition to refusing to register churches, there also were reports that RAB officials have pressed for "donations" from churches in their jurisdictions as a means of raising extra revenue.

In certain areas in the southeast, government supervision of religious activity was minimal, and registered and unregistered churches were treated similarly by authorities, existing openly side by side. Coexistence and cooperation between official and unofficial churches in such areas, both Catholic and Protestant, was close enough to blur the line between the two. In those areas, many congregants worshiped in both types of churches.

Authorities also have destroyed or seized unregistered places of worship. Early in the year, according to the Guangzhou-based Southern Metropolis Daily, a small Taoist temple in a central residential area of that city was demolished by a squad of 90 policemen. The temple, which had escaped official notice for 20 years, was branded a "center of superstitious activity." In April police demolished a partially constructed Catholic Church in Xiao Zhao village, Hebei Province, for not having a proper building permit.

However, the Government continued to restore or rebuild some churches, temples, mosques, and monasteries damaged or destroyed during the Cultural Revolution and allowed the reopening of some seminaries during the year, although implementation of restoration activity varied from locality to locality. Nonetheless, there were far fewer temples, churches, and mosques than existed 50 years ago, despite the recent increase in number of religious believers. Christian leaders in several parts of the country reported that local officials have been reluctant to return Church property that was confiscated before the 1949 Communist revolution. The difficulty in registering new places of worship led to serious overcrowding in existing places of worship in some areas. Some observers cited the lack of adequate meeting space in registered churches to explain the rapid rise in attendance at house churches and "underground" churches.

In December 2001, all seven members of the Politburo attended a Party Work Conference on religion. President Jiang Zemin and Premier Zhu Rongji gave speeches praising the social work being done by numerous religious institutions and urged "mainstream" religious groups that were underground to register with the RAB. At the same time, the leaders called for stepped-up measures to eliminate "nonmainstream" religious groups.

Some Protestant house church groups reported that after the December 2001 State Council Work Conference on Religion, police raids on worship services increased, resulting in greater numbers of detentions. On February 5, Huang Aiping, Li Wulong, and Ji Qingjun were sentenced to 7 years in prison for "using a cult organization to violate the law" in Xiamen, Fujian Province. The three were members of the Blood and Water Holy Spirit Full Gospel Preaching Team, which was founded in Taiwan and was banned on the mainland in 1996 as an "illegal infiltration organization." In December 2001, Gong Shengliang, founder of the South China Church, was sentenced to death on a wide range of criminal charges, including rape, arson and assault. His niece, Li Ying, was sentenced to death with a 2-year reprieve. In September an appeals court overturned the death sentences, and in October Gong was sentenced to life in prison and Li to 15 years. In the retrial, the court dropped all "evil cult" charges against the members of the South China Church. Other church members, Xu Fuming and Hu Yong, received life sentences. Four members of the congregation, Li Yingping, Meng Xicun, Xiang Fengping, and Liu Xianzhi, claimed that they were tortured by police until they agreed to sign accusations claiming they had been raped by Gong. The four women, found not guilty in the retrial, were immediately detained after the trial and sent to reeducation-through-labor camps.

The law does not prohibit religious believers from holding public office; however, most influential positions in government were reserved for party members, and party officials stated that party membership and religious belief are incompatible. This had a disproportionate effect in such areas as Xinjiang and Tibet, where the minority populations are adherents of Islam or Buddhism. Party membership also was required for almost all high-level positions in government and in state-owned businesses and organizations. The Party reportedly issued circulars ordering party members not to adhere to religious beliefs, and reminding cadres that religion is incompatible with party membership, a theme reflected in authoritative media. The Routine Service Regulations of the People's Liberation Army state explicitly that servicemen "may not take part in religious or

superstitious activities." Party and PLA personnel have been expelled for adhering to Falun Gong beliefs.

Despite official regulations encouraging officials to be atheists, in some localities as many as 20 to 25 percent of party officials engaged in some kind of religious activity. Most of these officials practiced Buddhism or a folk religion. Religious figures, who were not members of the CCP, were included in national and local government organizations, usually to represent their constituency on cultural and educational matters. The NPC included several religious leaders, including Pagbalha Geleg Namgyal, a Tibetan reincarnated lama who was a vice chairman of the Standing Committee of the NPC. Religious groups also were represented in the Chinese People's Political Consultative Conference, a forum for "multiparty" cooperation and consultation led by the CCP, which advises the Government on policy.

The authorities permitted officially sanctioned religious organizations to maintain international contacts that did not involve "foreign control." What constitutes "control" was not defined. Regulations enacted in 1994, and expanded in September 2000, codified many existing rules involving foreigners, including a ban on proselytizing by foreigners. For the most part, authorities allowed foreign nationals to preach to foreigners in approved, registered places of worship, bring in religious materials for personal use, and preach to citizens at churches, mosques, and temples at the invitation of registered religious organizations. Collective religious activities of foreigners also were required to take place at officially registered places of worship or approved temporary locations. Foreigners legally were barred from conducting missionary activities, but foreign Christians teaching English and other subjects on college campuses openly professed their faith with minimum interference from authorities as long as their proselytizing was low key. Many Christian groups throughout the country have developed close ties with local officials, in some cases running schools to help educate children who otherwise would receive a substandard education and operating homes for the care of the aged. Likewise, Buddhist-run private schools and orphanages in the central part of the country not only educated children but also offered vocational training courses to teenagers and young adults.

Official religious organizations administered local religious schools, seminaries, and institutes to train priests, ministers, imams, Islamic scholars, and Buddhist monks. Students who attended these institutes had to demonstrate "political reliability," and all graduates must pass an examination on their theological and political knowledge to qualify for the clergy. The Government permitted limited numbers of Catholic and Protestant seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies. In most cases, funding for these training programs was provided by foreign organizations. Both official and unofficial Christian churches had problems training adequate numbers of clergy to meet the needs of their growing congregations. Since no priests or other clergy in the official churches were ordained between 1955 and 1985, the shortfall was most severe for persons between the ages of 40 and 70. Due to government prohibitions, unofficial churches had particularly significant problems training clergy or sending students to study overseas, and many clergy received only limited and inadequate preparation. Members of the underground Catholic Church, especially clergy wishing to further their studies abroad, found it difficult to obtain passports and other necessary travel documents (see Section 2.d.). In 2001 RAB officials started to interview candidates for ordination to the Catholic priesthood in Shenyang. Some Catholic clerics also complained that they were forced to bribe local RAB officials before being allowed to enter seminaries.

Traditional folk religions have been revived in recent years and were widespread. They were tolerated to varying degrees, often seen as loose affiliates of Taoism or as ethnic minority cultural practices. However, at the same time, folk religions have been labeled as "feudal superstition" and sometimes were repressed because their resurgence was seen as a threat to party control. Local authorities have destroyed thousands of shrines.

Buddhists made up the largest body of organized religious believers. Tibetan Buddhists in some areas outside of the Tibet Autonomous Region (TAR) had growing freedom to practice their faith. Diplomats have seen pictures of a number of Tibetan religious figures, including the Dalai Lama, openly displayed in parts of Sichuan, Qinghai, and Gansu Provinces. Likewise, abbots and monks in those predominantly Tibetan areas outside the TAR reported they had greater freedom to worship and conduct religious training than their coreligionists within the TAR. However, restrictions remained, especially at monasteries with close ties to foreign organizations. Some monks who studied abroad were prevented from returning to their home monasteries. (A discussion of government restrictions on Tibetan Buddhism in the TAR can be found in the Tibet Addendum.)

During Tibetan New Year in February, a monk in Aba City in Sichuan Province was arrested for passing out pictures of the Dalai Lama, posting pro-democracy leaflets, and distributing information on China's human rights violations. The materials notably did not advocate Tibetan independence. Following the arrest, authorities tightened security and further restricted travel to the area. In October in Ganzi city, also in Sichuan Province, more than 10 persons were arrested in connection with foreign-sponsored long-life ceremonies for the Dalai Lama that had been held earlier in the year, and hundreds of PLA troops were stationed in the area.

At least five of those arrested were sentenced to 2 to 3 years of reeducation-through-labor.

In 2001 the Government expelled thousands of Tibetan nuns, monks, and students from the Serthar Tibetan Buddhist Institute (also known as the Larung Gar Monastic encampment) located in the Ganzi Tibetan Autonomous Prefecture in Sichuan Province. The Government maintained that the facility, which housed the largest concentration of monks and nuns in the country, was reduced in size for sanitation and hygiene reasons. Authorities demolished hundreds of residential structures. Foreign observers believed that the authorities moved against the Institute because of its size and the influence of its charismatic founder, Khenpo Jigme Phuntsok. After a year's absence, during which time he underwent medical treatment, Khenpo Jigme Phuntsok was allowed to return to Serthar in July. Thousands of monks and nuns also returned.

In the past, official tolerance for religions considered traditionally Chinese, such as Buddhism and Taoism, was greater than that for Christianity. However, as these non-Western faiths have grown rapidly in recent years, there were signs of greater government concern and new restrictions, especially on syncretic sects.

Regulations restricting Muslims' religious activity, teaching, the religious education of youths under the age of 18, and places of worship continued to be tight in Xinjiang, and the Government dealt harshly with Muslims who engaged in political speech and activities that the authorities deemed separatist. Regional-level party and government officials repeatedly called for stronger management of religious affairs and for the separation of religion from administrative matters. Authorities reportedly reserved the right, in some cases, to censor imams' sermons particularly during sensitive religious holidays. In 2000 the authorities began conducting monthly political study sessions for religious personnel; the program continued during the year. In addition they required every mosque to record the numbers and names of those attending each day's activities. The official Xinjiang Daily reported that early in 2000 Yining county reviewed the activities of 420 mosques and implemented a system of assigning ethnic party cadres to mosques in order to improve vigilance against "illegal religious activities." The authorities also initiated a campaign to discourage overt religious attire such as veils and to discourage religious marriage ceremonies. In addition, in some areas fasting reportedly was prohibited or made difficult during Ramadan. There were numerous official media reports that the authorities confiscated illegal religious publications in Xinjiang. The Xinjiang People's Publication House was the only publisher allowed to print Muslim literature in Xinjiang.

In some areas where ethnic unrest has occurred, particularly among Central Asian Muslims (and especially the Uighurs) in Xinjiang, officials continued to restrict the building of mosques. However, in other areas, particularly in areas traditionally populated by the non-Central Asian Hui ethnic group, there was substantial religious building construction and renovation.

The Government permitted Muslim citizens to make the Hajj to Mecca, and in some cases subsidized the journey. According to the China Islamic Association, 2,000 Muslims took part in the Hajj as members of official delegations in 2001. According to some reports, the major limiting factors for participation in the Hajj were the cost and controls on passport issuance. Other Muslims made the trip to Mecca via neighboring countries, especially Pakistan, and may not have been counted in government statistics.

The Government refused to establish diplomatic relations with the Holy See, and there was no Vatican representative in the country. The Government's refusal to allow the official Catholic Church to recognize the authority of the Papacy in matters such as the ordination of bishops led many Catholics to refuse to join the official Catholic church on the grounds that this refusal denies one of the fundamental tenets of their faith.

Some bishops in the official Catholic Church were not openly recognized by the Holy See, although many have been recognized privately. Frequently, bishops were first consecrated and later sought Papal approval of their consecrations, sometimes secretly, causing tensions between the Government and the Vatican. While both government and Vatican authorities stated that they would welcome an agreement to normalize relations, issues concerning the role of the Pope in selecting bishops and the status of underground Catholic clerics have frustrated efforts to reach this goal. Some underground Catholic priests, as well as some church members, indicated they were unwilling to accept the authority of bishops selected without Vatican approval. Newly nominated bishops seeking unofficial Papal approval frequently found themselves at odds with other church leaders, who were sympathetic to the central Government, and who insisted that consecrations of new bishops be conducted by more senior bishops not recognized by the Vatican. Catholic priests in the official church also faced dilemmas when asked by parishioners whether they should follow Church doctrine or government policy restricting the number of children per family. This dilemma was particularly acute when discussing abortion.

There were many religious detainees and prisoners. In some cases, officials have used prison or reeducation-through-labor sentences to enforce regulations.

A number of Catholic priests and lay leaders were beaten or otherwise abused during the year. In Hebei Province, where an estimated half of the country's Catholics reside, friction between unofficial Catholics and local authorities continued. Hebei authorities have forced many underground priests and believers to choose between joining the Patriotic Church or facing fines, job loss, periodic detentions, and, in some cases, the barring of their children from school. Some Catholics have been forced into hiding. The whereabouts of underground Bishop Su Zhimin, whose followers reported that he was arrested in 1997, remained unclear. Underground Catholic sources in Hebei claimed that he still was under detention, while the Government denied having taken any "coercive measures" against him. Reliable sources also reported that Bishop An Shuxin, Bishop Zhang Weizhu, Father Cui Xing, and Father Wang Quanjun remained under detention in Hebei. Underground Bishop Joseph Fan Zhongliang of Shanghai remained under surveillance and often had his movements restricted. During the year, underground Bishop Jia Zhiguo of Hebei was again detained for several days before the start of Holy Week, allegedly in an attempt to pressure him to join the Chinese Catholic Patriotic Association. Fujian Province clerics reported that, while there had been no recent signs of a general crackdown against underground Catholics, as was seen in 1999 and 2000, the April detention of two underground priests created a generalized fear that other detentions might follow.

There was evidence that the official Protestant seminary's "theological reconstruction campaign," during which some professors were purged from the Nanjing Seminary, had ended. There were no new reports of seminary professors or Protestant preachers purged for theological perspectives different from those held by Bishop Ding Guangxun, national leader of the official Protestant church. Foreign teachers were officially invited to teach at both Catholic and Protestant seminaries during the year.

The increase in the number of Christians resulted in a corresponding increase in the demand for Bibles, which were available for purchase at most officially recognized churches. However, foreign experts confirmed reports of chronic shortages of Bibles, primarily due to limited print runs at the one government-approved publisher and logistical problems in disseminating Bibles to rural areas. The situation has improved in recent years. Customs officials continued to monitor for the "smuggling" of Bibles and other religious materials into the country. Hong Kong resident Li Guangqiang (Lai Kwong-keung), arrested in July 2001 for smuggling Bibles into the mainland, was sentenced on January 28 to 2 years in prison. He was released in early February on medical parole. Two Chinese men arrested with Li, Yu Zhudi and Lin Xifu, were sentenced to 3 years in jail. There were also credible reports that the authorities sometimes confiscated Bibles in raids on house churches.

Religious groups that preached beliefs outside the bounds of officially approved doctrine (such as the imminent coming of the Apocalypse, or holy war) or that had charismatic leaders often were singled out for particularly severe harassment. Some observers attributed the unorthodox beliefs of some of these groups to undertrained clergy. Others acknowledged that some individuals may have been exploiting the reemergence of interest in religion for personal gain. Police continued their efforts to close down an underground evangelical group called the "Shouters," an offshoot of a pre-1949 indigenous Protestant group. Many groups, especially those in house churches, reportedly were viewed by officials as "cults." The Government continued a general crackdown on groups it labeled cults, such as Eastern Lightning, the Association of Disciples, the Full Scope Church, the Spirit Sect, the New Testament Church, the Way of the Goddess of Mercy, the Lord God Sect, the Established King Church, the Unification Church, the Family of Love, the Dami Mission, and other groups. According to reports, the crackdown on the Falun Gong in 1999 led to a tightening of controls on all non-officially sanctioned groups.

Weekly services of the foreign Jewish community in Beijing have been held uninterrupted since 1995 and High Holy Day observances have been allowed for more than 15 years. The Shanghai Jewish community was allowed to hold services in an historic Shanghai synagogue, which has been restored as a museum. Local authorities indicated that the community could use the synagogue in the future for special occasions on a case-by-case basis. The Church of Jesus Christ of Latter-day Saints meets regularly in a number of cities, but its membership was strictly limited to the expatriate community.

During the year, the Government continued its harsh and comprehensive campaign against the Falun Gong. There were many thousands of cases of individuals receiving criminal, administrative, and extrajudicial punishment for practicing FLG, admitting that they believed in FLG, or simply refusing to denounce the organization or its founder. By mid-year 2001, the campaign against FLG appeared to have abated somewhat in eastern and southern China, perhaps due to the decreased number of practitioners in those regions, but the campaign in Sichuan Province and the northeast continued.

Since the Government banned the FLG in 1999, the mere belief in the discipline (and since January, even without any public manifestation of its tenets) has been sufficient grounds for practitioners to receive punishments ranging from loss of employment to imprisonment. Although the vast majority of practitioners detained since 2000 were released, those identified by the Government as "core leaders" have been singled

out for particularly harsh treatment. More than a dozen FLG members have been sentenced to prison for the crime of "endangering state security," but the great majority of FLG members convicted by the courts since 1999 have been sentenced to prison for "organizing or using a sect to undermine the implementation of the law," a less serious offense.

However, most practitioners were punished administratively. Many thousands of persons were in reeducation-through-labor camps. Other practitioners were sent to detention facilities specifically established to "rehabilitate" practitioners who refused to recant their belief voluntarily. In addition, hundreds of FLG practitioners have been confined to mental hospitals (see Section 1.d).

Police often used excessive force when detaining peaceful FLG protesters, including some who were elderly or who were accompanied by small children. During the year, there were numerous credible reports of abuse and even killings of FLG practitioners by the police and other security personnel, including police involvement in beatings, detention under extremely harsh conditions, and torture (including by electric shock and by having hands and feet shackled and linked with crossed steel chains). Various sources reported that since 1997 several hundred FLG adherents have died while in police custody (see Section 1.a.). In February Chengdu University Associate Professor Zhang Chuansheng, a longtime FLG practitioner, was arrested in his hometown and taken to Chengdu's main prison. He died there 3 days later. Prison authorities claimed the 54-year-old had died of a heart attack, but his family, who saw his body after Zhang's death, claimed he had been severely beaten.

FLG practitioners continued their efforts to overcome government attempts to restrict their right to free assembly, especially in Beijing, but the number of protests at Tiananmen Square decreased considerably during 2001 and remained low during the year (see Section 2.b.).

In 2001 the Government launched a massive anti-FLG propaganda campaign, initiated a comprehensive effort to round up practitioners not already in custody, and sanctioned the use of high pressure indoctrination tactics in an effort to force practitioners to renounce the FLG. Neighborhood committees, state institutions (including universities), and companies reportedly were ordered to send all known FLG practitioners to intensive anti-FLG study sessions. Even practitioners who had not protested or made other public demonstrations of belief reportedly were forced to attend such classes. Those who refused to recant their beliefs after weeks of intensive anti-FLG instruction reportedly were sent to reeducation-through-labor camps, where in some cases, beatings and torture were used to force them to recant; some of the most active FLG practitioners were sent directly to reeducation-through-labor camps. These tactics reportedly resulted in large numbers of practitioners signing pledges to renounce the movement.

Authorities also detained foreign practitioners. For example, in November 2001, more than 30 foreigners and citizens resident abroad were detained in Beijing as they demonstrated in support of the FLG. They were expelled from the country; some credibly reported being mistreated while in custody.

During the year, the authorities also continued a general crackdown on other groups considered to be "cults," often using the 1999 decision to ban cults under Article 300 of the Criminal Law. Regulations require all qigong meditation and exercise groups to register with the Government. Those that did not were declared illegal. The Zhong Gong qigong group, which reportedly had a following rivaling that of FLG, was banned in 2000 under the anticult application of the Criminal Law, and its leader, Zhang Hongbao, who resides abroad, was charged with rape, forgery, and other crimes. This created an atmosphere of uncertainty for many qigong practitioners, and there were reports that some qigong practitioners feared practicing or teaching openly. During the year, authorities and experts wrote articles characterizing the rise of religious groups that failed to register and "cults" such as Falun Gong as part of a plot by the West to undermine Chinese authority. In February 2001, Zhang Xinying, vice chairman of the Chinese Society of Religious Studies, said that the rise of "cults" was due to frequent abuse of the concept of "religious freedom" by "some people with ulterior motives." Other senior leaders made similar comments in the context of criticizing FLG.

The Government taught atheism in schools. While the Government claimed that there were no national-level regulations barring children from receiving religious instruction, in some regions local authorities barred persons under 18 from attending services at mosques, temples, or churches.

For a more detailed discussion see the [2002 International Religious Freedom Report](http://www.state.gov/g/drl/rls/irf/2002/18239pf.htm).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Government restricted freedom of movement within the country and restricted the freedom to change one's workplace or residence. The Government's national household registration and identification card

system, used to control and restrict the location of an individual's residence, remained in place but continued to erode, and the ability of most citizens to move around the country to work and live continued to improve. However, the Government retained the ability to restrict freedom of movement through other mechanisms. Authorities heightened restrictions during the year, especially before politically sensitive anniversaries and to forestall Falun Gong demonstrations.

The "floating population" of economic migrants who left their home areas to seek work was estimated to be between 80 and 130 million. This itinerant population lacked official residence status, which was required for full access to social services. These migrant workers were generally limited to types of work considered least desirable by local residents, and they had little recourse when subject to abuse by employers and officials. However, some cities, such as Beijing, were beginning to offer some social services free of charge.

In 1998 the Ministry of Public Security issued revised regulations that allow persons from the countryside to apply for permanent residence in a city if: 1) they have investments or property in a city; 2) they are elderly and have children who live in a city; or 3) their spouses live in a city. There were separate, more liberal, regulations for some persons with advanced degrees.

Landmark regulations under consideration at year's end would give rural migrants a legal right to work in cities, prohibit job discrimination based on residency, require employers to sign contracts with migrant workers, and encourage urban schools to enroll the children of rural migrants.

Prior to sensitive anniversaries, authorities in urban areas rounded up and detained some "undesirables," including the homeless, the unemployed, migrant workers, those without proper residence or work permits, petty criminals, prostitutes, and the mentally ill or disabled. These persons often were detained or expelled under custody and repatriation regulations or similar administrative regulations (see Section 1.d.). There were reports of spot checks of identification documents, housing raids, and harassment of migrants at train and bus stations in Beijing during the year, particularly prior to the October 1 National Day holiday.

Dissidents reported that the authorities restricted their freedom of movement during politically sensitive periods and while foreign dignitaries visited the country.

Under the "staying at prison employment" system applicable to recidivists incarcerated in reeducation-through-labor camps, authorities have denied certain persons permission to return to their homes after serving their sentences. Those persons sentenced to a total of more than 5 years in reeducation-through-labor camps on separate occasions also could lose their legal right to return to their home area. For those assigned to camps far from their residences, this practice constituted a form of internal exile. The number of prisoners subject to this restriction was unknown. Authorities reportedly forced other recently released prisoners to accept jobs in state enterprises where they could be closely monitored. Other released or paroled prisoners returned home but were not permitted freedom of movement. Former senior leader Zhao Ziyang remained under house arrest, and security around him was tightened routinely during sensitive periods. Zhao was allowed approximately one trip outside of Beijing per year.

Official poverty alleviation programs and major state projects, such as environmental and reforestation programs, have included forced relocation of persons to new residences. The Government estimated that by the completion of the Three Gorges Dam, at least 1.2 million people will have been relocated for this project.

The Government permitted legal emigration and foreign travel for most citizens. Passports were increasingly easy to obtain. The Government continued to use political attitudes as criteria for selecting persons for government-sponsored study abroad; however, the Government did not control privately sponsored students, who constituted the majority of citizens studying abroad. Business travelers who wished to go abroad could obtain passports relatively easily.

There were reports that some academics faced travel restrictions around the year's sensitive anniversaries, particularly the June 4 anniversary of the 1989 Tiananmen Square massacre, and there were instances in which the authorities refused to issue passports or visas on apparent political grounds. Members of the underground Catholic Church, especially clergy wishing to further their studies abroad, found it difficult to obtain passports and other necessary travel documents. Some FLG members also reportedly had difficulty in obtaining passports during the year. In May 2001, the Government prevented Dr. Gao Yaojie, who had exposed the cause of an AIDS epidemic in several villages, from traveling abroad to receive an award.

Similarly, visas to enter the country also were denied. For example, some foreign academics continued to be denied visas. International observers and human rights organizations reported that they could substantiate claims that border control points kept background records of certain individuals who were to be denied entry.

Authorities denied these reports.

The Government continued efforts to attract persons who had studied overseas back to the country. Official media have stated that persons who joined foreign organizations hostile to the country should quit them before returning home and refrain while abroad from activities that violate China's laws.

Although a signatory of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the country has no law or regulations that authorize the authorities to grant refugee status. The Government reportedly continued to draft working rules on granting such status. The Government cooperated with the UNHCR when dealing with the resettlement of ethnic Han Chinese or ethnic minorities from Vietnam and Laos resident in the country; the Government was less cooperative when dealing with some other refugees. The Government does not provide first asylum. However, since the late 1980s, the Government has adopted a de facto policy of tolerance toward the small number of persons—fewer than 100 annually—from other nations who registered with the Beijing office of the UNHCR as asylum seekers. The Government permitted these persons to remain in the country while the UNHCR made determinations as to their status and, if the UNHCR determined that they were bona fide refugees, while they awaited resettlement in third countries. However, the Government continued to deny the UNHCR permission to operate along its northeastern border with North Korea because it considered North Koreans who crossed the border to be illegal economic migrants.

During the year, thousands of North Koreans were seized, detained, and forcibly returned to their homeland, where many faced persecution. In recent years, crackdowns on prostitution and forced marriages have resulted in increased deportations of North Korean women. During the year, the Government did permit approximately 130 North Koreans to travel to Seoul after they had entered diplomatic compounds or international schools in China, and hundreds more arrived in South Korea via third countries such as Mongolia, Vietnam and Cambodia after transiting through China. In response to these high profile incidents, the Government tightened border controls, and border crossings declined significantly late in the year.

The Government also arrested and detained some foreign missionaries and activists, as well as some Chinese citizens, for providing food, shelter, transportation, and other assistance to North Koreans. For example, Reverend Bong-il Choi was detained on April 12, humanitarian worker Hee-tae Kim was detained on August 31, and humanitarian worker Hiroshi Kato was detained in October.

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

Citizens lack the right to change their government peacefully and cannot freely choose or change the laws and officials that govern them. Rural citizens voted directly for their local village committees, which were not considered to be government bodies, and for party-reviewed candidates for delegate positions in township and county-level people's congresses. However, people's congress delegates at the provincial level were selected by county-level people's congresses, and in turn provincial-level people's congresses selected delegates to the National People's Congress. Although the CCP vets candidates for all elections above the village level, many county and provincial elections were competitive to some degree, with more candidates running than there were seats available.

According to the Constitution, the NPC is the highest organ of state power. Formally, it elects the President and Vice President, selects the Premier and Vice Premiers, and elects the Chairman of the State Central Military Commission. In practice the NPC Standing Committee oversees these elections and determines the agenda and procedure for the NPC under the direct authority of the CCP's Politburo Standing Committee. The NPC does not have the power to set policy or remove Government or party leaders.

In general the election and agenda of people's congresses at all levels remained under the firm control of the CCP, the paramount source of political authority. By year's end, 19 provincial party leaders had been named to head provincial people's congresses in order to reassert party control over the legislatures. The CCP retained a tight rein on political decisionmaking and forbade the creation of new political parties. The Government continued efforts to suppress the China Democracy Party, an organization that had attracted hundreds, perhaps thousands, of members nationwide since its founding in 1998. Public security forces had previously arrested nearly all of the CDP's leaders, and late in the year a renewed crackdown targeted remaining activists. For example, CDP activists He Depu, Sang Jianchen, Zhao Changqing, Ouyang Yi, Dai Xuezhong, and Jiang Lijun were among those persons arrested in November after signing an open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre.

Scores of CDP members were detained in cities throughout the country in the period prior to the 10th anniversary of the Tiananmen massacre in 1999. The CDP's three best known leaders, Xu Wenli, Wang Youcai, and Qin Yongmin, were sentenced in 1998 to prison terms of 13, 12, and 11 years, respectively. Xu Wenli was released on medical parole to the United States in December. Since December 1998, at least 38

core leaders of the CDP have been sentenced to long prison terms on subversion charges. Hu Mingjun and Wang Sen, CDP leaders in Sichuan, were sentenced in May to 10- and 11-year sentences, respectively, on subversion charges for supporting protesting workers at the Dazhou Iron and Steel Plant in December 2000. In December 2001, Lu Xinhua, one of the founders of the Hubei chapter of the CDP, was sentenced to 4 years in prison for writing an article saying that President Jiang Zemin's political theory was a vestige of feudalism and the imperial system. Also in December 2001, Wang Jinbo, a CDP activist in Shandong Province, was sentenced to 4 years for subversion after posting on the Internet articles from foreign Web sites and urging the Government to reassess the 1989 crackdown on Tiananmen Square democracy advocates.

Under the Organic Law of the Village Committees, all of the country's approximately 1 million villages were expected to hold competitive, direct elections for subgovernmental village committees. A 1998 revision to the law called for improvements in the nominating process and improved transparency in village committee administration. The revised law also explicitly transferred the power to nominate candidates to the villagers themselves, as opposed to village groups or party branches.

According to the Ministry of Civil Affairs, the majority of provinces have carried out at least four or five rounds of village elections. Foreign observers who monitored local village committee elections judged the elections they observed, on the whole, to have been fair. However, the Government estimated that one-third of all elections had serious procedural flaws; rebalotting occurred in some of these cases and many villages had yet to hold truly competitive elections. Corruption and interference by township level officials continued to be a problem in some cases.

Since 1998 there has been experimentation at the township level designed to expand the role of township residents in the selection of their leaders; these experiments initially went forward at the recommendation of the NPC despite provisions in China's Constitution which forbid direct election of officials above the village level. Such experimentation came to favor a system of "elections" incorporating open nomination of candidates by township residents and pro forma confirmation by the township people's congress, selected either directly by residents or indirectly by "residents' representatives." However, in July 2001, the NPC issued a directive reminding those responsible that such procedures need to be consistent with the Constitution. While limited experimentation continued to take place, the results of such elections were vulnerable to being overturned as "unconstitutional."

Candidates favored by local authorities have been defeated in some elections, although in general the CCP dominates the local electoral process. Approximately 60 percent of the members elected to the village committees were party members. National-level election procedures mandate secret ballots and require villagers to be given ballots with space for write-in candidates, and these requirements were implemented in most cases.

In 2001 the SPC found 17,931 government officials guilty of corruption or of accepting bribes during the year. In addition, according to the Supreme People's Procuratorate's report to the NPC, in 2001 procuratorates at all levels investigated 40,195 public officials for graft or bribery and sentenced 20,120 persons for those crimes during the year.

The Government placed no restrictions on the participation of women or minority groups in the political process. However, women still held few positions of significant influence at the highest rungs of the party or government structure. One member of the 22-member Politburo was a woman, and only one of 29 ministerial-level positions was held by a woman. Women freely exercised their right to vote in village committee elections, but only a small fraction of elected members were women. The Government and party organizations included approximately 12 million female officials out of 61 million party members. Women constituted 21.83 percent of the NPC. The 16th Party Congress elected 27 women to serve as members or alternates on the 198-person Central Committee, an increase over the total of the previous committee.

Minorities constituted 14 percent of the NPC, although they made up approximately 9 percent of the population. All of the country's 56 nationalities were represented in the NPC membership. The 16th Party Congress elected 35 members of ethnic minorities to serve as members or alternates on the Central Committee. Minorities held few senior party or government positions of significant influence.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not permit independent domestic NGOs to monitor openly or to comment on human rights conditions. It was difficult to establish an NGO, and the Government tended to be suspicious of independent

organizations; most existing NGOs were quasi-governmental in nature and were closely controlled by government agencies (see Section 2.b.). However, an informal network of dissidents in cities around the country has become a credible source of information about government actions taken against activists. The information was disseminated outside of the country through organizations such as Hong Kong-based Information Center for Human Rights and Democratic Movement and New York-based Human Rights in China. The press regularly printed articles about officials who exceeded their authority and infringed on citizens' rights. However, the Government remained reluctant to accept criticism of its human rights record by other nations or international organizations and criticized reports by international human rights monitoring groups, claiming that such reports were inaccurate and interfered with the country's internal affairs. The Government maintained that there are legitimate, differing approaches to human rights based on each country's particular history, culture, social situation, and level of economic development. The Government established the China Society for Human Rights, a "nongovernmental" organization whose mandate was not to monitor human rights conditions but to defend the Government's views and human rights record.

The Government had active human rights dialogs with many countries, including Australia, Canada, Chile, Hungary, Norway, Switzerland, the United Kingdom, and the United States, as well as with the European Union.

In May 2000, the U.N. Committee Against Torture issued a report expressing concern about continuing allegations of serious incidents of torture, especially involving Tibetans and other national minorities. It recommended that the country incorporate a definition of torture into its domestic law in full compliance with international standards, abolish all forms of administrative detention (including reeducation-through-labor), promptly investigate all allegations of torture, and provide training courses on international human rights standards for police. Government officials who appeared before the Committee stated that the country had done a great deal in recent years to address torture by officials but noted that problems remained in supervising the judicial system. In November 2000, the Government signed a Memorandum of Understanding (MOU) with the U.N. High Commissioner on Human Rights that was designed to help the country comply with the terms of the International Covenant on Civil and Political Rights, which the Government has signed but not ratified, and the International Covenant on Economic, Social, and Cultural Rights, which the Government has ratified. Under the MOU, programs to be implemented include human rights education for judges, prosecutors, and police; other human rights education programs; the publication of reports; and fellowships for experts to study abroad. At year's end, the Government made a commitment to extend invitations, without conditions, to the U.N. Special Rapporteur on Torture, the U.N. Special Rapporteur on Religious Intolerance, the U.N. Working Group on Arbitrary Detention, and the leaders of the U.S. Commission on International Religious Freedom.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

There were laws designed to protect women, children, persons with disabilities, and minorities. However, in practice societal discrimination based on ethnicity, gender, and disability persisted. The concept of a largely homogeneous Chinese society pervaded the thinking of the Han majority.

Women

Violence against women was a significant problem. There was no national law specifically targeting domestic violence, although amendments to the Marriage Law, adopted in April 2001, were aimed in part at providing protection against spousal abuse. NPC members claimed that most of the 33 changes to the law were designed to support the rights of women and children victimized by family violence. In recognition of the seriousness of spousal abuse, 13 provinces and provincial level cities have passed legislation to address the problem. Sociologists noted that there has been no detailed research on the extent of physical violence against women. However, anecdotal evidence suggests that the reporting of domestic abuse was on the rise, particularly in urban areas, because greater attention has been focused on the problem. A July 2000 survey report by the All-China Women's Federation (ACWF) found that violence occurred in 30 percent of families, and 80 percent of cases involved husbands abusing their wives. Actual figures may be higher because spousal abuse still went largely unreported. The survey found that domestic violence occurred at all socioeconomic levels. According to experts, domestic abuse was more common in rural areas than in urban centers. In response to increased awareness of the problem of domestic violence, there were a growing number of shelters for victims. Rape is illegal, and some persons convicted of rape were executed. The law does not expressly recognize or exclude spousal rape.

Central Government policy formally prohibits the use of physical coercion to compel persons to submit to abortion or sterilization. However, intense pressure to meet birth limitation targets set by government regulations has resulted in instances in which local birth planning officials reportedly have used physical coercion to meet government goals (see Section 1.f.). In addition, women faced a disproportionate burden due

to the government's enforcement of its birth limitation laws and practices, which require the use of birth control methods (particularly IUDs and female sterilization, which according to government statistics accounted for over 80 percent of birth control methods employed) and the abortion of certain pregnancies.

According to some estimates by experts, there were 4 to 10 million commercial sex workers in the country. The increased commercialization of sex and related trafficking in women trapped thousands of women in a cycle of crime and exploitation and left them vulnerable to disease and abuse. According to the official Xinhua News Agency, one in five massage parlors in the country was involved in prostitution, with the percentage higher in cities. Unsafe working conditions were rampant among the saunas, massage parlors, clubs, and hostess bars that have sprung up in large cities. Research indicated that up to 80 percent of prostitutes in some areas had hepatitis. In light of this and, in particular, of the growing threat of AIDS among sex workers, the U.N. Convention on the Elimination of Discrimination Against Women (CEDAW) Committee in 1998 recommended that due attention be paid to health services for female prostitutes. Although the Central Government and various provincial and local governments have attempted to crack down on the sex trade, there have been numerous credible reports in the media of complicity in prostitution by local officials. Thus far, actions to crack down on this lucrative business, which involved organized crime groups and businesspersons as well as the police and the military, have been largely ineffective.

Trafficking in women and children and the kidnaping and sale of women and children for purposes of prostitution or marriage were serious problems (see Section 6.f.).

No statute outlaws sexual harassment in the workplace. The problem remained unaddressed in the legal system and often in society. There were reports that due to the lack of legal protections and to women's economic vulnerability, many victims of sexual harassment did not report it out of fear of losing their jobs. However, experts stated that more women were raising their concerns about sexual harassment because of greater awareness of the problem.

The Government has made gender equality a policy objective since 1949. The Constitution states that "women enjoy equal rights with men in all spheres of life." The 1992 Law on the Protection of Women's Rights and Interests provides for equality in ownership of property, inheritance rights, and access to education. Women's economic and political influence has increased. Nonetheless many activists and observers increasingly were concerned that the progress that has been made by women over the past 50 years was being eroded and that women's status in society had regressed during the 1990s. They asserted that the Government appeared to have made the pursuit of gender equality a secondary priority as it focused on economic reform and political stability.

The Law on the Protection of Women's Rights and Interests was designed to assist in curbing gender-based discrimination. However, women continued to report that discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies were significant problems. Efforts have been made by social organizations as well as by the Government to educate women about their legal rights, and there was anecdotal evidence that women increasingly were using laws to protect their rights.

Nevertheless, women frequently encountered serious obstacles to the enforcement of laws. According to legal experts, it was very hard to litigate a sex discrimination suit because the vague legal definition made it difficult to quantify damages. As a result, very few cases were brought to court. Some observers also 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 sex discrimination and sexual harassment. The structure of the social system also prevented women from having a full range of options. Women who sought a divorce faced the prospect of losing their housing since government work units allot housing to men when couples marry.

Women have borne the brunt of the economic reform of state-owned enterprises. Of the millions of workers laid off due to the reform of state-owned enterprises, a disproportionate percentage were women, many of whom did not have the skills or opportunities to find new jobs. Discriminatory hiring practices appeared to be on the increase as unemployment rose. Increasingly, companies discriminated by both sex and age, although such practices violate labor laws.

Many employers preferred to hire men to avoid the expense of maternity leave and childcare, and some even lowered the effective retirement age for female workers to 40 years of age (the official retirement age for men was 60 years and for women 55 years). Lower retirement ages also had the effect of reducing pensions, which generally were based on years worked.

The law provides for equal pay for equal work. However, a recent Government survey found that women were paid only 70 to 80 percent of what men received for the same work. Most women employed in industry worked in lower skilled and lower paid jobs.

According to official figures, in 1995 there were 145 million illiterate persons above the age of 15. Women made up approximately 70 percent of this total. A 1998 Asian Development Bank report estimated that 25 percent of all women were semi-literate or illiterate, compared with 10 percent of men.

A high female suicide rate continued to be a serious problem. According to the World Bank, Harvard University, and the World Health Organization, some 56 percent of the world's female suicides occur in China (approximately 500 per day). The World Bank estimated the suicide rate in the country to be three times the global average; among women, it was estimated to be nearly five times the global average. Many observers believed that violence against women and girls; discrimination in education and employment; the traditional preference for male children; the country's birth limitation policies; and other societal factors contributed to the especially high female suicide rate.

While the gap in the education levels of men and women was narrowing, men continued to constitute a disproportionate number of the relatively small percentage of the population that received a university-level education. According to figures released by the All-China Women's Federation, at the end of 1997, women made up 36 percent of all university students, and 30 percent of all graduate students. However, educators in the large cities reported that there was a trend toward greater gender balance in universities. Some academics have reported that in some undergraduate and graduate departments women were beginning to outnumber men. However, women with advanced degrees reported an increase in discrimination in the hiring process as the job distribution system opened up and became more competitive and market driven.

Children

The Constitution provides for 9 years of compulsory education for children, but in economically disadvantaged rural areas, many children did not attend school for the required period. Public schools were not allowed to charge tuition, but after the central Government largely stopped subsidizing primary education in the early 1990s, many public schools began to charge mandatory fees to meet revenue shortfalls. Such fees made it difficult for poorer families to send their children to school or to send them on a regular basis. Some charitable schools have opened in recent years in rural areas, but not enough to meet demand. Children of migrant workers in urban areas also often did not attend school, although they could be allowed to do so if they pay required school fees, which usually were higher for non-residents and which their parents generally could not afford. The government campaign for universal primary school enrollment by 2000 (which was not met) helped to increase enrollment in some areas. It also reportedly led school officials to inflate the number of children actually enrolled.

An extensive health care delivery system has led to improved child health and a continued decline in infant mortality rates. According to the most recent official figures, the infant mortality rate was 32 per 1,000 in 1996. According to UNICEF statistics, the mortality rate for children under 5 years of age was 40 per 1,000 live births.

The Law on the Protection of Juveniles forbids infanticide; however, there was evidence that the practice continued. According to the SFPC, only a handful of doctors have been charged with infanticide under this law. The law prohibits discrimination against disabled minors and codifies a variety of judicial protections for juvenile offenders. The physical abuse of children can be grounds for criminal prosecution.

Despite government efforts to prevent kidnapping and the buying and selling of children, these problems persisted in some rural areas (see Section 6.f.). There were no reliable estimates of the number of children trafficked. Domestically, most trafficked children were sold to couples unable to have children; in particular, boys were trafficked to couples unable to have a son. Children also were trafficked for labor purposes. Girls and women were trafficked for prostitution and for sale as brides (see Section 6.f.).

Children were reportedly detained administratively in custody and repatriation centers, some in the company of their parents. Others were detained for minor crimes they committed or because they were homeless. According to a credible report, children at times accounted for as many as 20 percent of those detained in custody and repatriation centers. Such children routinely were detained with adults and sometimes were required to work (see Sections 1.d. and 6.c.).

Female infanticide, sex selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons, and the birth limitation policy. Many families, especially in rural areas, used ultrasound to identify female fetuses and terminate pregnancies. An official study in Hainan found that 68 percent of abortions were of female fetuses. Official figures from November 2000 put the overall male-female birth ratio at 116.9 to 100 (as compared to the statistical norm of 106 to 100). For second births, the ratio was 151.9 to 100 (see Section 1.f.). Female babies also suffered from a higher mortality rate than male babies, contrary to the worldwide trend. Neglect of baby girls was one factor in their lower survival rate. One

study found the differential mortality rates were highest in areas where women had a lower social status and economic and medical conditions were poor.

The Law on the Protection of Juveniles forbids the mistreatment or abandonment of children. According to the latest available figures, compiled in 1994, the number of children abandoned annually was approximately 1.7 million, despite the fact that, under the law, child abandonment is punishable by a fine and a 5-year prison term. The vast majority of children in orphanages were female, although some were males who were either disabled or in poor health. The treatment of children at these institutions has improved, especially with the increased attention created by foreign adoptions, but serious problems remained and mortality rates in some institutions were high. Medical professionals frequently advised parents of children with disabilities to put the children into orphanages. In recent years, some private orphanages (not funded by the Government), in which conditions may be generally better for children, have started to operate. In areas where such orphanages existed, some state-run orphanages exhibited a willingness to learn from them and to adopt some of their more modern practices, including the use of foster care.

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, especially those who were admitted with serious medical problems. In an effort to address this problem, in 1997 the NPC revised the adoption law to make it easier for couples to adopt. The new law dropped a restriction that parents who adopt a child must be childless. It also allows for multiple adoptions and lowers the age at which couples were eligible to adopt. Since 1997 there have been credible reports of renovation and new construction of orphanages and of improved care of children in some areas. Over \$30 million (RMB 248.4 million) reportedly has been allocated for this program since 1997.

Persons With Disabilities

The law protects the rights of the country's persons with disabilities. According to the official press, all local Governments have drafted specific measures to implement the law. The press publicized both the plight of persons with disabilities and the Government's efforts to assist them. The Government, at times in conjunction with NGOs such as the Lions Club International, sponsored a wide range of preventive and rehabilitative programs, including efforts to reduce congenital birth defects, treat cataracts, and treat hearing disorders. The goal of many of these programs was to allow persons with disabilities to be integrated into the rest of society.

However, reality for persons with disabilities lagged far behind legal dictates, and many did not receive or have access to special assistance or to programs designed to assist them. Misdiagnosis, inadequate medical care, pariah status, and abandonment remained common problems. According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions, often far from the parents, and in which care was often substandard. Those parents who chose to keep children with disabilities at home generally faced difficulty in getting adequate medical care, day care, and education. Government statistics showed that almost one-quarter of the approximately 60 million persons with disabilities lived in extreme poverty. Unemployment among disabled adults remained a serious problem. The Government's official strategy was to integrate persons with disabilities into the mainstream work force, but efforts to do so must confront a cultural legacy of discrimination and neglect. Standards adopted for making roads and buildings accessible to persons with disabilities were subject to the Law on the Handicapped, which calls for their "gradual" implementation; compliance with the law was lax.

The Maternal and Child Health Care Law forbids the marriage of persons with certain specified contagious diseases or certain acute mental illnesses such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. The Population and Family Planning Law, which went into effect September 1, requires local governments to employ such practices to raise the percentage of healthy births.

Persons in urban areas with mental illness or disability who were found on city streets could be detained administratively under custody and repatriation regulations, ostensibly for their protection (see Section 1.d.). The conditions under which they were held in such centers reportedly were poor, and they were sometimes required to work.

National/Racial/Ethnic Minorities

According to the 2000 census, the total population of the country's 55 ethnic minorities was 106.43 million, or 8.41 percent of the total population. Most minority groups resided in areas they traditionally have inhabited. The Government's avowed policy on minorities calls for preferential treatment in marriage regulations, birth

planning, university admission, and employment. However, in some areas, ethnic minorities, especially those living in urban areas, have been pressured to limit births to the lower number Han Chinese are allowed (see Section 1.f.). Programs have been established to provide low-interest loans, subsidies, and special development funds for minority areas. Nonetheless, in practice minorities faced discrimination. Most of the minorities in border regions were less educated than the national average, and job discrimination in favor of Han migrants remained a serious problem. Racial discrimination was the source of deep resentment on the part of minorities in some areas, such as Xinjiang and Tibet. The Government did not openly recognize racism against minorities or tension among different ethnic groups as problems. Ethnic Uighurs in Xinjiang did not have equal access to newly created construction jobs associated with development projects; Han workers were brought in from Sichuan and elsewhere to work, especially on technical projects such as oil and gas pipelines.

Government development policies have long been in place to improve minority living standards. However, real incomes in minority areas, especially for non-Han groups, remained well below those in other parts of the country, and the majority Han Chinese have benefited disproportionately from Government programs and economic growth. Many development programs have disrupted traditional living patterns of minority groups, including ethnic Tibetans and the Muslim Turkic majority of western Xinjiang. There was evidence that official poverty alleviation programs and major state projects, such as building dams and environmental/reforestation projects, included the forced evacuation of persons (see Section 2.d.).

Since 1949 government policy has resulted in a significant migration of Han Chinese to Xinjiang. According to a government white paper, in 1998 there were approximately 8 million Uighurs, 2.5 million other ethnic minorities, and 6.4 million Han in Xinjiang, up from 300,000 Han in 1949. The Government does not count "temporary workers" as part of the official population in the area in which they work. Temporary workers may spend several years at their new location, and there was no evidence to suggest that they were required to return to their home province within any specific time limit. The migration of ethnic Han into Xinjiang in recent decades has caused the Han-Uighur ratio in the capital of Urumqi to shift from 20:80 to 80:20 and was a source of Uighur resentment. By some estimates, 250,000 Han annually have moved into the region in the last few years. Similarly, many non-Tibetan residents of the Tibet Autonomous Region have lived there for years as "temporary" residents (see Tibet Addendum).

In many areas with a significant population of minorities, there were two-track school systems using either Mandarin or the local minority language. Students can choose to attend schools in either system. Designed to protect and maintain minority cultures, this divided education system placed those graduating from minority schools at a disadvantage in competing for jobs in government and business, which required good Chinese-language skills. Graduates of these schools typically needed 1 year or more of intensive Chinese before they could handle course work at a Chinese-language university. The vast majority of Uighur children in Xinjiang attended Uighur-language schools, and generally received an hour's Chinese language instruction per day. Tuition at Chinese-language schools in Xinjiang was generally more costly and thus most Uighur children living in rural areas were unable to afford them.

The Communist Party has an avowed policy of boosting minority representation in the Government and the CCP, and minorities constituted 14 percent of the NPC, which was higher than their percentage in the population. A September 1999 government white paper reported that there were 2.7 million minority officials in the Government. Many members of minorities occupied local leadership positions, and a few held positions of influence in the local party apparatus or at the national level. However, in most areas, ethnic minorities were shut out of positions of real political and economic power, which fed resentment of Han officials holding the most powerful party positions in minority autonomous regions.

Tensions between ethnic Han citizens and Uighurs in Xinjiang continued, and the authorities imposed heightened restrictions on political, civil, and religious freedoms in the region. A campaign that began in 1997 to stress unity and to condemn "splittism" and religious extremism showed no signs of abating. During the year, authorities continued to prohibit activities it deemed separatist in nature, announced tightened security measures, and mounted campaigns to crack down on opposition. Because the Xinjiang Uighur Autonomous Region Government regularly lists together those involved in "ethnic separatism, illegal religious activities, and violent terrorism," it was often unclear whether particular raids, detentions, arrests, or judicial punishments targeted those peacefully seeking their goals or those engaged in violence. The strike hard campaign in Xinjiang specifically targeted the "three evils" of extremism, splittism, and terrorism as the major threats to Xinjiang's social stability. Many observers raised concerns about the Government's use of the international war on terror as a justification for cracking down harshly on suspected Uighur separatists expressing peaceful political dissent and on independent Muslim religious leaders.

In 2001 there were numerous reports that Uighurs were being executed or sentenced to long prison terms for separatist activities. In April 2001, immediately after the start of the strike hard campaign, 25 political activists in Kashgar prefecture were arrested for allegedly conspiring to set up an "Eastern Turkistan Republic."

Charges ranged from "endangering state security" to "illegally setting up an organization," although human rights groups stated that no specific act committed by the group was mentioned. In April 2001, three Uighurs were sentenced for being members of the "1999 August 9 disturbances," which refers to a demonstration held in front of the local Communist party building to protest the arrest of an imam. Also in 2001, police arrested 186 persons in Aksu prefecture for offenses such as "endangering state security" and seized illegal religious publications, while in the capital, Urumqi, eight persons accused of having endangered social stability were sentenced to prison terms of between 4 and 13 years. According to official accounts, by May 2001 the authorities were prosecuting more than 3,000 cases, and massive public sentencing rallies attended by more than 300,000 persons had been held throughout the region.

In March 2000, a Xinjiang court sentenced Rebiya Kadeer, a prominent Uighur businesswoman and former member of the provincial-level Chinese People's Political Consultative Conference, to 8 years in prison on charges of "passing state intelligence" to foreigners; according to an official press report, the intelligence she was accused of passing included newspaper articles and a list of names of persons whose cases had been handled by the courts. Kadeer, her son, and her secretary were arrested in 1999 while on their way to meet a visiting foreign delegation. Kadeer's son and the secretary were sentenced administratively to 2 and 3-year reeducation-through-labor terms, respectively, in November 1999. Kadeer was reported to be in poor health but has been unable to get adequate medical treatment. Government officials claimed she was well cared for and received better medical treatment than ordinary prisoners. Many foreign observers believed Kadeer was singled out for her activism on behalf of Uighurs and for her husband's involvement with Uighur causes and Radio Free Asia. In December Kadeer's family was briefly detained and questioned during a visit of senior foreign officials.

In late 2001, the U.N. Human Rights Committee ruled that Uighur scholar Tohti Tunyaz had been arbitrarily detained. He was sentenced in 1999 to an 11-year term for "inciting separatism" and "illegally acquiring state secrets" after he returned to Xinjiang in connection with his research studies on ethnic minorities at the University of Tokyo.

Possession of separatist publications or audiovisual materials was not permitted, and, according to reports, possession of such materials resulted in lengthy prison sentences. The author of a history of the Uighurs that was severely criticized by provincial-level and national authorities in the mid-1990s remained prohibited from publishing or from meeting with foreigners. A Uighur-language press existed in Xinjiang, but it had a very small circulation.

Han control of the region's political and economic institutions also contributed to heightened tension. Although government policies brought tangible economic improvements to Xinjiang, Han have received a disproportionate share of the benefits. The majority of Uighurs were poor farmers, and 25 percent were illiterate.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for freedom of association. However, in practice workers were not free to organize or join unions of their own choosing. The All-China Federation of Trade Unions (ACFTU), which was controlled by the Communist Party and headed by a high-level party official, was the sole legal workers' organization. The Trade Union Law gives the ACFTU control over the establishment and operation of all subsidiary union organizations and activities throughout the country, including enterprise-level unions that, according to otherwise unsubstantiated ACFTU claims, increased threefold in the last 5 years to more than 1.6 million unions. Independent unions are illegal. The Tangxia Migrant Workers' Association, although established with the approval of local authorities in April, was shut down after 3 months of operation when authorities became concerned that it was exhibiting the characteristics of an independent union. The Trade Union Law allows workers to decide whether to join official unions in their enterprises. There were no reports of repercussions for the small percentage of workers in the state-owned sector who had not joined.

Although the ACFTU and its constituent unions had a monopoly on trade union activity, their influence over the workplace diminished with the economic reforms of recent years. ACFTU unions were relatively powerless to protect the tens of millions of members who have lost their jobs or had their wages or benefits delayed or cut in the massive restructuring of state-owned enterprises (SOEs). The unions have, however, provided some benefits and reemployment assistance to affected workers.

The ACFTU had difficulty organizing in the country's rapidly growing private and foreign-invested sectors,

where union membership during the year was estimated to be less than 20 percent. With declines in the state-owned sector and organizational weakness outside the state sector, the ACFTU's membership declined from nearly 100 percent of the urban workforce during the height of the planned economy to approximately 50 percent in recent years. According to the ACFTU, this figure rebounded to approximately 60 percent (131 million) by the end of June.

The existence of an enormous rural labor force—some 550 million out of a total labor force of approximately 750 million—also complicated the organization and protection of workers. Farmers did not have a union or any other similar organization. Of some 130 million rural residents working in township and village enterprises, only a very small percentage were represented by unions. A "floating" migrant labor force of 80 to 130 million persons has proven especially difficult to organize and protect. Some of these migrants gravitated to temporary or seasonal low-wage work in urban areas where their residence, under the country's registration system, often was illegal. Many migrants, including substantial numbers of young women, were attracted to the growing private sector where unions were few and where their desire to earn more than they could in rural areas made them easy to exploit.

The ACFTU strongly supported major amendments to the Trade Union Law, passed by the NPC in October 2001. The amended law gives the ACFTU clearer responsibility to represent workers' interests first and foremost. The amendments also give union organizing activities in the private sector the legal protection that they previously lacked. The amended law provides specific legal remedies against attempts by employers to interfere with organizing activities or to punish union officials for failure to carry out official duties. However, the amendments did not include any change in the legal monopoly of the ACFTU.

During the year, the Government, as in the past, took specific actions against illegal union activity, including the detention or arrest of labor activists. Four leaders of a large workers' protest in Liaoyang city in Liaoning Province were detained in March (see Section 2.b.). Two of the four, Yao Fuxin and Xiao Yunliang, remained in detention at year's end, charged with subversion. In May two worker activists, Hu Mingjun and Wang Sen, were found guilty of subversion for supporting December 2000 worker protests in Sichuan Province. In June Di Tianguai was detained after trying to organize a national federation of retired workers. Di also was charged with subversion.

Other labor activists, detained in previous years, were reportedly still in detention at year's end. Shanghai labor dissident Wang Miaogen, detained in 1996, was still being held in a psychiatric hospital. Li Wangyang, who was released from prison in June 2000 after serving 11 years of a 13-year sentence for organizing an independent union during the 1989 prodemocracy movement, and who was sentenced to a second prison term in 2001 for "incitement to subvert state power," remained in prison. Other labor activists reportedly still in detention included Zhang Shanguang, Li Jiaqing, Miao Jinhong, Ni Xiafei, Li Keyou, Liao Shihua, Yue Tianxiang, Guo Xinmin, He Zhaohui, Liu Jingsheng, and labor lawyer Xu Jian.

The country was a member of the ILO and had ratified core ILO conventions prohibiting child labor, including the worst forms of child labor, and discrimination in remuneration for male and female workers. At year's end, the Government had not ratified other core conventions regarding the right of association, the right to collective bargaining, and the prohibition against compulsory labor. However, in 2001 the Government signed a memorandum of understanding with the ILO for cooperation in such areas as industrial relations, employment promotion, and occupational safety.

At year's end, the Government had not replied to an ILO request for further information in connection with a 1998 complaint brought to the ILO by the International Confederation of Free Trade Unions (ICFTU) alleging the detention of trade unionists and violations of the right to organize. During the year, the ICFTU submitted another complaint to the ILO alleging repression of independent workers' protests in Liaoyang and Daqing and calling attention to the sentencing of two worker activists in Sichuan Province.

The ACFTU maintained active relations with international trade union organizations and established exchanges and cooperative relations with more than 400 trade unions and international and regional trade organizations in more than 130 countries and regions. In 2000 the ACFTU received its first-ever visit from the head of the ICFTU, and during the year reportedly hosted another ICFTU team. Also during the year, an ACFTU representative was, for the first time, elected to the governing body of the ILO.

In 2001 one of the first free elections, by secret ballot, of the leadership of a factory's ACFTU-affiliated union was held at a foreign-owned factory in Guangdong. In October a second such election was held at a foreign-owned factory in Fujian Province.

b. The Right to Organize and Bargain Collectively

The Labor Law permits collective bargaining for workers in all types of enterprises. Under the law, collective contracts are to be developed through collaboration between the labor union (or worker representatives in the absence of a union) and management and should specify such matters as working conditions, wage scales, and hours of work. The law also permits workers and employers in all types of enterprises to sign individual contracts, which are to be drawn up in accordance with the collective contract.

The country's shift toward a market economy and changing labor-management relations created pressures for collective bargaining that would include more genuine negotiations and take workers' interests into greater account. The amended Trade Union Law specifically addresses unions' responsibility to bargain collectively on behalf of workers' interests; however, in practice genuine collective bargaining still did not occur. The ACFTU continued to rely on arrangements among party representatives, management, and union leaders, in which workers had virtually no input.

In the private sector, where official unions were few and alternative union organizations were unavailable, workers faced substantial obstacles to bargaining collectively with management.

Workplace-based worker committees were common. These committees were expected to guide union activities and be the vehicle for worker input into enterprise policies. However, in SOEs, many were little more than rubber stamps for deals predetermined by enterprise management, the union, and the CCP representative.

The amended Trade Union Law strengthens the longstanding prohibitions against antiunion discrimination by providing specific legal remedies for such actions (see Section 6.a.). The law also specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. These provisions were aimed primarily at the private sector, where resistance to unions was common. Antiunion activity was virtually unknown in the state-owned sector.

Neither the Constitution nor the law provides for the right to strike. The amended Trade Union Law acknowledges that strikes may occur, in which case the union is to reflect the views and demands of workers in seeking a resolution of the strike. Some observers have interpreted this provision to offer at least a theoretical legal basis for the right to strike. However, government treatment of worker protests as illegal demonstrations established that there was still no officially accepted right to strike. In addition, no other types of planned worker action were allowed.

As the pace of economic change accelerated, changing relationships between workers and management, growing unemployment, wage and benefit arrearages, and uncertainties about the viability of a new social safety net system resulted in a growing number of labor disputes and spontaneous protests.

The number of labor disputes and protests continued to rise during the year, and the intensity of these protests increased. In March thousands of oil workers in Daqing, Heilongjiang Province, publicly protested the terms of their severance from a state-owned oil company. Also in March, thousands of workers in Liaoyang and Fushun cities in Liaoning Province protested unpaid wages, layoffs, and alleged corruption. As in previous years, officials largely avoided using violence to end the protests and relied on the police to control and disperse protesters. High-level government officials investigated the circumstances of the Daqing protests and were reported to have concluded that the oil company followed the law in its severance policies. In the Liaoyang protests, police detained four protest leaders.

The Labor Law provides for mediation, arbitration, and court resolution of labor disputes. Under these procedures, cases are to be dealt with first in the workplace, through a mediation committee, then, if unresolved, through a local arbitration committee under government sponsorship. If no solution is reached at this level, the dispute may be submitted to the courts. According to Ministry of Labor and Social Security (MOLSS) statistics, 64,000 labor disputes were settled through mediation in 2001. Arbitration committees nationwide handled 155,000 disputes in 2001, an increase of approximately 14 percent over the previous year. Of these cases, 150,000 were resolved.

Observers differed over the effectiveness of these dispute resolution procedures in protecting workers' rights and interests. Workers were reported to have little trust in the fairness of workplace mediation. They viewed unions, which played a major mediation role, as inclined to favor management. A 1999 ICFTU report contended that mediation efforts often were preferential to employers and were largely ineffective in advocating worker rights. Workers appeared to favor arbitration over workplace mediation. While workers had little say in the choice of arbitrators and often looked with suspicion on the local government role in the process, the majority of arbitration decisions favored workers. In the view of some observers, this fact helped to explain the rapid rise in the number of arbitration cases.

Laws governing working conditions in Special Economic Zones (SEZs) were not significantly different from those in effect in the rest of the country. Lax enforcement of these laws by provincial and local officials was a serious problem in the SEZs, as in other parts of the country. Wages in the SEZs and in the southeastern part of the country generally were higher for some categories of workers than in other parts of the country because high levels of investment have created a great demand for available labor. As in other areas of the country, officials have admitted that some investors in the SEZs were able to negotiate "sweetheart" deals with local partners that bypassed labor regulations requiring the provision of benefits and overtime compensation. Some foreign businesses in the SEZs had ACFTU-affiliated unions, and management reported positive relations with union representatives, in part because the ACFTU discouraged strikes and work stoppages.

c. Prohibition on Forced or Bonded Labor

The law prohibits forced and bonded labor, and the Government denied that forced or bonded labor was a problem. However, forced labor was a problem in penal institutions. Prisoners regularly worked in prisons and reeducation-through-labor institutions. In some cases, prisoners worked in facilities directly connected with penal institutions; in other cases, they were contracted to nonprison enterprises. The economic benefits that penal institutions received from prisoners' work and the inconsistent application of standards of official accountability increased the chance that prison labor was coerced and abusive.

Some persons in pretrial detention also were required to work. Inmates of custody and repatriation centers, who were detained administratively without trial, were required to perform labor while in detention, often to repay the cost of their detention (see Section 1.d.). Most such inmates performed agricultural labor.

In 1992 and 1994, the U.S. and Chinese Governments signed agreements that allow U.S. officials, with the approval of the Government, to visit prison production facilities to check specific allegations that prisoners in these facilities have produced goods exported to the United States. Some, although not all, of these allegations claimed that these goods were produced under conditions of forced labor. Since these agreements were signed, the Government's cooperation with U.S. officials has been poor. Between 1997 and 2001, the Government allowed U.S. officials to conduct only one visit to a prison labor facility. During the year, limited progress was made with the initiation of regular meetings between U.S. Embassy and Ministry of Justice officials. Embassy officials conducted one prison visit during the year. However, the Government did not change its position that reeducation-through-labor facilities were not prisons, and no progress was made in allowing Embassy officials to visit them under the prison labor agreements.

Most anecdotal reports contended that working conditions in the penal system's light manufacturing factories were similar to those in other factories, while conditions in prison farms and in mines were often particularly severe. In May 2001, 39 prisoner-miners were killed in a coal mine flood in Sichuan Province. There were no comprehensive statistics for work-related deaths and injuries among prisoners.

The Government prohibits forced and bonded labor by children, but some child trafficking victims were reportedly sold into forced labor (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits the employment of children, but the Government had not adopted a comprehensive policy to combat child labor. The labor law specifies that, with a few strictly supervised exceptions, "no employing unit shall be allowed to recruit juveniles under the age of 16." The Labor Law specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire minors. The law also stipulates that parents or guardians should provide for children's subsistence. Workers between the ages of 16 and 18 were referred to as "juvenile workers" and were prohibited from engaging in certain forms of physical work, including labor in mines.

The Government maintained that the country did not have a widespread child labor problem, and it was generally believed that the majority of children who worked did so at the behest of their families, especially in impoverished rural areas, to supplement family income. Apart from agricultural work, child workers in rural areas appeared to work primarily for township and village enterprises. In urban areas, they worked as car washers, garbage collectors, and street vendors. Some observers believed that coal mines, which often operated far from urban centers and out of the purview of law enforcement officials, also occasionally employed children. The existence of a large adult migrant labor force, often willing to work long hours for low wages, reduced the attractiveness of child labor for employers.

However, in an apparent shift from the Government's previous reluctance to acknowledge that child labor was a problem, in 2001 the Government publicly convened an interagency commission, under the leadership of the

Ministry of Public Security, to study the issue. In October the State Council issued regulations updating and strengthening existing child labor prohibitions. For example, the regulations require employers to check the identity cards of all applicants and specify fines for violations.

Some students worked in light industrial production within or for their schools. In 2001 an explosion at an elementary school in Jiangxi Province killed 42 persons, most of them school children. Local residents credibly claimed that fireworks, assembled by pupils in the school, caused the explosion. The Government initially denied this allegation but later implicitly acknowledged its accuracy. In the wake of the accident, the Jiangxi Provincial Education Department ordered all primary and secondary schools to conduct safety inspections, to limit outsiders' access to school facilities, and to ensure that "production activities that might compromise the safety of teachers and students" were prohibited. In addition, some local and provincial officials were dismissed.

In June the Government ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

The Labor Law provides for broad legal protections for workers on such matters as working hours, wages, and safety and health. The amended Trade Union Law strengthens the authority of unions to protect workers against violations of their legal rights or contractually agreed conditions of work. The Law on the Prevention and Treatment of Occupational Diseases, passed in 2001, and the Production Safety Law, passed during the year, clarify responsibilities for work-related illness and accidents and provide for specific penalties for violation of the law. Nonetheless, lax enforcement of these laws and related regulations was a problem.

There was no national minimum wage. The Labor Law allows local governments to determine their own standards for minimum wages. Local governments generally set their minimum wage at a level higher than the local minimum standard income but lower than the average wage. Widespread official corruption and efforts by local officials to attract and keep taxpaying, job-producing enterprises that might otherwise locate elsewhere undercut enforcement of the minimum wage provisions.

The Labor Law mandates a 40-hour standard workweek, excluding overtime, and a 24-hour weekly rest period. It also prohibits overtime work in excess of 3 hours per day or 36 hours per month and mandates a required percentage of additional pay for overtime work. However, these standards were regularly violated, especially in the private sector. They were particularly ignored in enterprises that could rely on a vast supply of low-skilled migrant labor. In many industries such as textile and garment manufacturing, compulsory overtime reportedly was common, often without overtime pay. During the year, auditors found that some factories routinely falsified overtime and payroll records. There also were reports of workers being prevented from leaving factory compounds without permission.

Occupational health and safety concerns remained serious. The poor enforcement of occupational health and safety laws and regulations continued to put workers' lives at risk. The State Administration for Work Safety (SAWS), which was administratively joined with the State Administration for Coal Mine Safety Supervision (SACMSS), was responsible for providing a nationwide framework for work safety. The Ministry of Health was responsible for prevention and treatment of occupational illness. SAWS/SACMSS staffed nearly 70 field offices throughout the country. Some provincial and local governments have followed the national pattern of establishing separate work safety agencies. However, enforcement of national health and safety standards, which was the responsibility of governments below the national level, remained very weak.

Workplace health and safety did not improve significantly during the year, and there continued to be a high rate of industrial accidents. According to official statistics, 87,320 workers were killed in work-related (including traffic) accidents in the first 9 months of the year. Of these, 9,216 were killed in industrial and mining accidents. Of the 9,216, 4,205 were killed in coal mining accidents.

These official statistics almost certainly underestimated the real scope of workplace deaths and injuries. Enterprise owners and managers sometimes failed to report accidents and health problems. Local officials also often underreported such incidents.

The high rate and seriousness of coal mining accidents highlighted serious enforcement problems in that sector. For example, on December 6 a fire in an illegal single-shaft mine run by government-owned Wanbao Coal Mine in Taonan City, Jilin Province, killed 30 persons. In recent years, the Government shut tens of thousands of small coal mines and announced tougher mine inspection and closure standards. Some of the worst mining accidents occurred in mines that had reopened illegally after being officially closed. Observers attributed the enforcement problem in the coal mining sector primarily to corruption; a need to sustain

employers in small localities, where many of the most dangerous mines were located; and a paucity of inspectors.

Less than half of rural enterprises met national dust and poison standards. Many factories that used harmful products, such as asbestos, not only failed to protect their workers against the ill effects of such products, but also failed to inform them about the hazards.

Approximately 43.5 million workers were reported to be participating in the country's new work-injury insurance system at the end of 2001. This total represented an increase from the 42 million workers covered at the end of 2000 but fell short of the announced target of 50 million.

In recent years, small but growing numbers of workers began to use lawsuits to pursue work injury and illness claims against employers.

f. Trafficking in Persons

The law prohibits trafficking in women and children; however, trafficking in persons and the abduction of women for trafficking were serious problems. The country was both a source and destination country for trafficking in persons. Most trafficking was internal for the purpose of providing lower-middle income farmers with brides or sons, but a minority of cases involved trafficking of women and girls into forced prostitution in urban areas, and some reports suggested that some victims, especially children, were sold into forced labor.

Internal trafficking was a significant problem. Some experts, including the CEDAW Committee, have suggested that the serious imbalance in sex ratios in some regions (see Section 1.f.) has created a situation in which the demand for marriageable women cannot be met by local brides, thus fueling the demand for abducted women. The problem of a shortage of marriageable women was exacerbated by the tendency for many village women to leave rural areas to seek employment. In addition, the cost of traditional betrothal gifts given to a bride's family sometimes exceeded the price of a trafficked bride and thus made purchasing a bride more attractive to poor rural families. Some families addressed the problem of a shortage of women by recruiting women in economically less advanced areas. Others sought help from criminal gangs, which either kidnaped women and girls or tricked them by promising them jobs and an easier way of life and then transported them far from their home areas for delivery to buyers. Once in their new "family," these women were "married" and raped. Some accepted their fate and joined the new community; others struggled and were punished. According to reports, many of the kidnappings also occurred in provinces where the male to female ratio was generally balanced.

There were reports that women and girls from Burma, Laos, North Korea, Vietnam, and Russia were trafficked into the country either to work in the sex trade or to be forced to marry Chinese men. Trafficking of North Korean women and girls into the country to work in the sex industry was reportedly widespread in the northeastern part of the country; border guards reportedly were involved. Many such women, unable to speak Chinese, were virtual prisoners. Others chose to stay in their new situation because China was less poverty-stricken than North Korea. A few of the Korean women were sold against their will to rural men in both ethnic Korean and ethnic Han areas. Others ended up working as prostitutes. According to press reports, North Korean brides were sold for approximately \$38 (RMB 315) to \$150 (RMB 1,245). Women reportedly also were trafficked from Vietnam into the country for purposes of forced marriage.

Chinese citizens were trafficked from the country for sexual exploitation and indentured servitude in domestic service, sweatshops, restaurants, and other services. There were reports that Chinese citizens were trafficked to Belgium, Burma, Canada, Hungary, Italy, Japan (illegal immigrants held in debt bondage), Malaysia, the Netherlands (for the purpose of sexual exploitation), Singapore, Sri Lanka (for sexual exploitation), Taiwan, the United Kingdom (for sexual exploitation), and the United States. A large number of citizens were trafficked through Hong Kong.

Most trafficked Chinese women in Malaysia were from the coastal areas of Guangdong, Fujian, and Shanghai; they were trafficked by ethnic Chinese gangs. Most Chinese women trafficked to Australia reportedly came from Shanghai, Hong Kong, and Guangzhou.

In February a Singapore court jailed for 30 months a man who trafficked four Chinese women to be waitresses on a Singapore-based cruise ship. The young women were forced to work as prostitutes on the ship after their arrival. In 2000 authorities in Italy reported that an estimated 30,000 illegal Chinese immigrants worked in sweatshop conditions outside of Florence, with many children working alongside their parents in the production of scarves, purses, and imitations of various brand name products.

Alien smuggling rings often had ties to organized crime and were international in scope. Persons trafficked by

alien smugglers paid high prices for their passage to other countries, where they hoped that their economic prospects would improve. There were credible reports that some promised to pay from \$30,000 to \$50,000 (RMB 248,000 to 415,000) each for their passage. Upon arrival, many reportedly were forced to repay the traffickers for the smuggling charges by working in specified jobs for a set period of time. They often also were forced to pay charges for living expenses out of their meager earnings. The conditions under which these trafficked persons had to live and work were generally poor, and they were often required to work long hours. The smuggling rings that trafficked them often restricted their movements, and their travel documents, which were often fraudulent, frequently were confiscated. Victims of trafficking faced threats of being turned in to the authorities as illegal immigrants and threats of retaliation against their families at home if they protested the situation in which they found themselves.

Kidnaping and the buying and selling of children continued to exist, especially in poorer rural areas. There were no reliable estimates of the number of children trafficked. Domestically, most trafficked children were sold to couples unable to have children; in particular, boys were trafficked to couples unable to have a son. Children were also trafficked for labor purposes. Children trafficked to work usually were sent from poorer interior areas to relatively richer areas; traffickers reportedly often enticed parents to relinquish their children with promises of large remittances that their children would be able to send to them. In an effort to gain a degree of control over this problem, in mid-2000, the Government began to use DNA technology to confirm parentage. The Chinese Ministry of Public Security reportedly invested millions of dollars to establish a national DNA databank. During the year, the databank was operational.

The purchase of women was criminalized in 1991, with the enactment of the NPC Standing Committee's "Decision Relating to the Severe Punishment of Criminal Elements Who Abduct and Kidnap Women and Children." This decision made abduction and sale separate offenses.

Beginning in 2000, authorities organized a nationwide crackdown aimed at stemming the growth of trafficking in women and children. As part of that program, according to official media reports, 110,000 women and 13,000 children who had been abducted were rescued. Authorities have continued to combat the problem of trafficking; in 2000 they arrested more than 19,000 persons, and sentenced more than 11,000 to punishments including, in a few cases, death.

However, despite government efforts to crack down on trafficking in women and children, the demand far outstripped the available supply, making trafficking a profitable enterprise for those willing to risk arrest and prosecution.

The Government continued to struggle with the pervasive problem of official corruption, as demonstrated by the prosecution and sentencing of roughly 18,000 officials on corruption-related charges in 2000. There were foreign reports of complicity of local officials in the related problem of alien smuggling, as well as reports of the complicity of local officials in prostitution, which sometimes involved trafficked women. Disregard of the law also manifested itself at the village level, where village leaders have in some cases sought to prevent police from rescuing women who have been sold as brides to villagers.

Agencies involved in combating trafficking included the Ministry of Public Security, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Civil Affairs, the Central Office in Charge of Comprehensive Management of Public Order, and the Legislative Office of the State Council.

Some victims of domestic trafficking were given assistance and returned to their homes. It was central government policy to provide funds to provincial and local police to house victims and return them to their homes. Government-funded women's federation offices provided counseling on legal rights, including the options for legal action against traffickers, to some victims. The All-China Women's Federation assisted victims in obtaining medical and psychological treatment.

Persons who were trafficked from the country and then repatriated sometimes faced fines for illegal immigration upon their return; after a second repatriation, such persons could be sentenced to a term in a reeducation-through-labor camp. Alien smugglers were fined \$6,000 (RMB 50,000) and most were sentenced to up to 3 years in prison, although some have been sentenced to death.

Although the central Government and various provincial and local Governments have attempted to crack down on the sex trade and thus on one type of trafficking, there were numerous credible reports in the media of complicity in prostitution by local officials. Actions to stop this lucrative business were largely ineffective. According to press reports, at least eight persons convicted of trafficking women and children for prostitution were executed during a 2001 campaign, and at least seven others were sentenced to long prison terms. The

effort to combat trafficking continued during the year. On September 10, death sentences were granted to 10 members of a gang of child traffickers based in Hebei for kidnaping and selling 16 children between June 2000 and April 2001. Eight other gang members were given life sentences. The Government also maintained a national telephone hot line on abduction, as well as a national databank on victims and traffickers. Nongovernmental experts observed that the national campaign against trafficking focused primarily on the criminal aspects of the trafficking problem and less on the reintegration of victims into their communities, despite the involvement of the ACWF.

UNICEF trained law enforcement personnel to work with trafficking victims. During the year, the Government conducted public education campaigns in provinces and counties against trafficking as a preventive measure. The campaigns included speeches by national and provincial leaders, newspaper articles, and television programs. In addition, the government-funded ACWF and its subsidiary women's federations at the provincial level conducted educational activities. In some cities, signs in bus and train stations warned women of potential dangers, and police in the stations were trained to look for women who might be traveling against their will.

Tibet

(The United States recognizes the Tibet Autonomous Region (TAR), hereinafter referred to as "Tibet," to be part of the People's Republic of China. The preservation and development of Tibet's unique religious, cultural, and linguistic heritage and protection of its people's fundamental human rights continue to be of concern. For information on ethnic Tibetans living in other regions of China outside the TAR, see the China Country Report on Human Rights Practices.)

Respect for the Integrity of the Person

The Government's human rights record remained poor, although there were some positive developments. The year was marked by the first early releases of Tibetan political prisoners, with seven prisoners released before serving their full sentences. The Government also permitted visits to Tibet by emissaries of the Dalai Lama and provided reporters and foreign officials with somewhat greater access to the region. However, authorities continued to commit serious human rights abuses, including instances of torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetan nationalists for peacefully expressing their political or religious views. The overall level of repression of religious freedom in Tibet, while somewhat less oppressive for lay followers than in previous years, remained high. Individuals accused of political activism faced ongoing harassment during the year. There were reports of imprisonment and abuse of nuns and monks accused of political activism. Security was intensified during sensitive anniversaries and festival days, while activities viewed as vehicles for political dissent, including celebration of some religious festivals, were suppressed. There were reports of small-scale political protests by ethnic Tibetans in a number of ethnic Tibetan areas, including areas outside Tibet.

There were no reports of prisoner deaths during the year. Deaths of at least 41 Tibetan political prisoners since 1989 can be attributed to severe abuse under detention; at least 20 of those prisoners had been in Lhasa's Drapchi Prison. In 2001 Ngawang Lochoe (also known as Dondrub Drolma), a 28-year-old nun at Sandrup Dolma Lhakang temple, reportedly died after serving 9 years of a 10-year sentence for participating in "counterrevolutionary propaganda and incitement." She died the same day that she was moved to a hospital from Drapchi Prison, reportedly from respiratory and heart failure.

During the year, Chinese authorities granted early releases to seven Tibetan political prisoners, with sentence reductions ranging from 2 months to 12 years. Ngawang Choephel, a Tibetan ethnomusicologist sentenced in 1996 to 18 years in prison on charges of espionage, was released on medical parole in January.

Five nuns serving long prison terms for protest-related activity were released prior to the end of their prison terms; three of these terms were due to expire within a year. Ngawang Sangdrol, the longest-serving female political prisoner in Tibet, was released on medical parole on October 17. Her prison sentence had been extended three times for her involvement in prison demonstrations but in 2001 was reduced by 18 months for good behavior. She was due for release in 2011. During her incarceration, she was beaten severely on multiple occasions and held in solitary confinement for an extended period. On March 21, Gyaltsen Dolkar was released after serving more than 11 years of a 12-year sentence for demonstrating and recording patriotic Tibetan songs. In May Tenzin Thubten and Ngawang Choekyi were released. They were also among the group of 14 nuns who received lengthy sentence extensions for recording songs in prison in 1993. Tenzin Thubten was 2 months short of serving her full 12-year sentence when released, while Ngawang Choekyi was released almost 3 years before the end of her term. Ngawang Choezom was released in June, 9 months before the end of her 11-year sentence.

In March Tibet's longest-serving political prisoner, Takna Jigme Sangpo, was released from Drapchi Prison into the custody of a Lhasa relative. He subsequently left the country for medical treatment and, at year's end, resided in Europe. Sangpo, who in the 1960s and 1970s had served 13 years in prison, was given a 15-year sentence in 1983 for "spreading and inciting counter-revolutionary propaganda." He subsequently received two sentence extensions for protest activity in prison and was scheduled for release in September 2011.

There were credible reports that prisoners continued to be mistreated. Many former prisoners maintained that authorities used electric shocks, suspension in painful positions, and other forms of torture and abuse. Prisoners routinely were subjected to "political investigation" sessions and were punished if they were deemed to be insufficiently loyal to the state. Unrepentant political prisoners at Lhasa's Drapchi Prison were sent to "isolation cells" for 6 months to 1 year to "break their spirit." Prisoners in this detention area were kept isolated from other prisoners, and sometimes were confined to solitary cells. Sangpo described six other prisoners as having served some portion of their sentences there.

According to Chinese officials, Chadrel Rinpoche, who was accused of betraying state secrets while helping the Dalai Lama choose the 11th reincarnation of the Panchen Lama, was released from prison in February, having served his full sentence. Officials claimed that since his release he has been "studying scriptures in seclusion," but credible reports indicated that he effectively was held under house arrest.

In December an appeals court upheld death sentences against Tenzin Delek Rinpoche and Lobsang Dhondup, who were arrested and sentenced earlier in the year for alleged involvement in a series of bombings in Sichuan (see Section 1.e.).

Jigme Tenzin Nyima and Nyima Choedron, owners of a Lhasa orphanage closed by officials in 1999, were convicted of "espionage and endangering national security" and were serving sentences, according to a Prison Administration Bureau official. The status of a third orphanage staff member, reportedly still under detention at year's end, was unknown.

Legal safeguards for ethnic Tibetans detained or imprisoned were the same as those in the rest of China and were inadequate in both design and implementation. A majority of judges were ethnic Tibetans, but most had little or no legal training. Authorities worked to address this problem through increased legal education opportunities. Trials were brief and were closed if issues of state security were involved. Maximum prison sentences for such crimes were 15 years for each count, not to exceed 20 years in total. Such cases mainly concerned actions in support of Tibetan independence, and such activities did not have to be violent to be illegal or to draw a heavy sentence.

The lack of independent access to prisoners and prisons made it difficult to assess the extent and severity of abuses and the number of Tibetan prisoners. According to the Tibet Information Network (TIN), there were 160 to 170 Tibetan political prisoners imprisoned in China, a majority of whom were monks and nuns imprisoned in Tibet. A Prison Administration Bureau official told a foreign delegation in May that of the 2,300 prisoners currently serving sentences in Tibet, 5 percent were incarcerated for "endangering state security or national unity." He reported that, due to releases, the number decreased from 115 such prisoners in 2001 to 110 prisoners as of May. Based on TIN's February report, these included approximately 90 monks and 15 nuns. In August three monks at Drepung Monastery and two at nearby Nechung Monastery were detained after a picture of the Dalai Lama was found in the car of one of the monks. Two of the monks also were implicated in an attempt to raise the Tibetan flag at a ceremony celebrating the "50th Anniversary of Tibet's Peaceful Liberation" in 2001.

Family planning policies permit most ethnic Tibetans, as well as other minority groups resident in Tibet, to have more children than Han Chinese, who were subject to the same limits as Han Chinese in other areas of the country. Urban Tibetans were permitted to have two children, while those in rural areas often had three or more. In practice, Tibetans working for the Government, especially Communist Party members, were pressured to limit themselves to one child.

The Government regulated foreign travel to Tibet, requiring individual travelers to secure permits for entry to Tibet. Movement of foreigners within Tibet also was controlled tightly. Official visits were supervised closely and afforded delegation members very few opportunities to meet local persons not previously approved by the local authorities. Travel of foreigners and foreign NGO staff was closely monitored, although some foreign NGOs reported fewer restrictions on their travel.

During the year, there were many reliable reports of increased difficulties for ethnic Tibetan residents in obtaining passports. The Government also placed restrictions on the movement of ethnic Tibetans during

sensitive anniversaries and events and increased controls over border areas at these times. There were numerous reports of arbitrary detention of persons, particularly monks, returning to Tibet from Nepal. Detentions generally lasted for several months, although in most cases no charges were brought formally.

Forced labor reportedly was used in some prisons, detention centers, reeducation-through-labor facilities, and at work sites where prisoners were used as workers. Prisoners at many sites received some remuneration and could earn sentence reductions by meeting or exceeding work quotas.

Chinese law mandates that prisoners may be required to work up to 12 hours per day, with 1 rest day every 2 weeks. However, some former prisoners reported that work requirements were more onerous than those set forth in the law. At Drapchi Prison, male prisoners reportedly worked in vegetable fields and in factories at the prison. Female prisoners cleaned toilets and also were involved in tailoring, cleaning, or spinning and sorting wool to be used in the manufacture of carpets and sweaters.

Freedom of Religion

The overall level of religious repression in Tibet, while less oppressive for lay followers than in previous years, remained high. The Government maintained tight controls on some religious practices and some places of worship. While it allowed many types of religious activity, the Government did not tolerate religious manifestations that it viewed as advocating Tibetan independence or any expression of separatism, which it describes as "splittism." The Government remained suspicious of Tibetan Buddhism in general because of its links to the Dalai Lama, and this suspicion extended to religious adherents who did not explicitly demonstrate their loyalty to the State. Security was intensified during sensitive anniversaries and festival days, while activities viewed as vehicles for political dissent, including celebrations of some religious festivals, were suppressed.

Early in the year, the Government continued its practice of harshly criticizing the Dalai Lama's political activities and leadership of a government-in-exile. However, the criticism was muted somewhat after the Government extended invitations to several emissaries of the Dalai Lama to visit Tibet and other areas of China. Gyalo Thondup, the Dalai Lama's elder brother, visited in July, making his first trip to Tibet since he left in 1959. In September Lodi Gyari and Kelsang Gyatsen, the Dalai Lama's representatives to the United States and Europe respectively, traveled to Beijing, Lhasa, and other cities where they met with a number of government officials. It was unclear whether the Government viewed these visits as first steps toward dialog with the Dalai Lama's representatives. The ban on the public display of photographs of the Dalai Lama continued, and such pictures were not readily available except illegally in many parts of Tibet.

Government officials stated that the "patriotic education" campaign, which began in the mid-1990s and dispatched work teams to conduct intensive mandatory political training sessions for nuns and monks at religious sites, was completed in 2000. Officials acknowledged, however, that patriotic education activities for monks and nuns continued on a regular basis at some monasteries and nunneries. There were several credible reports during the year of work teams conducting mandatory political training for monks and nuns at specific religious sites in advance of important anniversaries or other events. Training sessions, which addressed such topics as relations between Tibetans and Han Chinese, Tibet's historical status as a part of China, and the role of the Dalai Lama in attempting to "split" the country, were aimed at enforcing compliance with government regulations and policies, and either cowing or weeding out monks and nuns who resisted political indoctrination and remained politically loyal to the Dalai Lama.

According to regulations posted at the entrances of many monasteries, monks were required to be "patriotic," and authorities often required monks and nuns to: Sign a declaration agreeing to reject independence for Tibet; reject Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the 11th reincarnation of the Panchen Lama; reject and denounce the Dalai Lama's political authority; recognize the unity of China and Tibet; and not listen to the Voice of America or Radio Free Asia. Some noncompliant monks and nuns have been expelled from religious sites. Others departed "voluntarily" rather than denounce the Dalai Lama.

Ongoing political education requirements were resented deeply by monks, nuns, and lay Buddhists. Although there was some reduction of patriotic education activities throughout the region as the objectives of increasing control over the monasteries and reducing the numbers of monks and nuns were achieved, many monasteries and nunneries were disrupted severely, and some monks and nuns fled to India to escape the campaigns.

The number of Tibetans who entered Nepal seeking refugee status to escape conditions in Tibet decreased from approximately 3,000 in 2000 to 1,268 during the year, according to the UNHCR. It was difficult for Tibetans to travel to India for religious purposes. Nevertheless, many Tibetans, including monks and nuns, visited India via third countries and returned to Tibet after temporary stays. In May TIN reported that the Chinese Government appeared to be making greater efforts to encourage exiles to return to Tibet. While some

exiled Tibetans have returned, the approval process remained cumbersome.

Chinese officials stated that Tibet had more than 46,000 Buddhist monks and nuns and more than 1,700 monasteries, temples, and religious sites. However, officials have cited these same figures since 1996, despite the fact that the numbers of monks and nuns have dropped significantly at many sites as a result of the patriotic education campaign and the expulsion of "unpatriotic" monks and nuns. These figures encompass only Tibet; tens of thousands of monks and nuns live in other ethnic Tibetan areas of China, including parts of Sichuan, Yunnan, Gansu, and Qinghai Provinces. The Government stated that there were no limits on the number of monks in major monasteries, and that each monastery's "democratic management committee" (DMC) could decide on its own how many monks the monastery could support. However, these committees were government-controlled, and in practice the Government generally imposed strict limits on the number of monks in major monasteries. Some monasteries reportedly were required to decrease the number of monks associated with them.

In 2001 Chinese authorities ordered thousands of monks and nuns to leave the Serthar Tibetan Buddhist Institute, also known as the Larung Gar monastic encampment, located in the Ganze Tibetan Autonomous Prefecture in Sichuan Province. The Government maintained that the facility, which housed the largest concentration of monks and nuns in the country, was reduced in size for sanitation and hygiene reasons. Foreign observers believed that the authorities moved against the Institute because of its size and the influence of its charismatic founder, Khenpo Jigme Phuntsok. After a year's absence, during which time he underwent medical treatment, Khenpo Jigme Phuntsok was allowed to return to Serthar in July, and thousands of monks and nuns were again in residence at year's end.

The Government had the right to disapprove any individual's application to take up religious orders; however, it did not exercise this right uniformly. In some areas, it was against regulations to join a monastery before the age of 18, but many younger boys continued the tradition of entering monastic life. Young novices, who traditionally served as attendants to older monks while receiving a basic monastic education and awaiting formal ordination, continued to be admitted to some TAR monasteries.

Most Tibetans practiced Buddhism to some degree. This held true for many ethnic Tibetan government officials and Communist Party members. Some 1,000 Tibetan Buddhist religious figures held positions in local people's congresses and committees of the Chinese People's Political Consultative Conference. The Government continued to insist that party members adhere to the Party's code of atheism. A 3-year drive to promote atheism and science among government workers, first begun in January 1999, had apparently ended. During the year, some reports indicated that government workers felt reduced pressure to restrict their personal expressions of religious belief. However, authorities continued to pressure public sector employees, through political training and threats of termination, to demonstrate their loyalty to the State and refrain from actions that could be construed as lending explicit or tacit support to the Dalai Lama. Public sector employees were reportedly pressured not to send their children to India to be educated and to refrain from going on pilgrimages to Mt. Kailash, a holy site in Western Tibet believed by Tibetan Buddhists to be the abode of Lord Shiva, during the Sagadawa festival. Restrictions prevented the celebration of the Dalai Lama's birthday in July. However, major religious festivals such as Monlam, Sagadawa, and the Drepung Shodon were celebrated in a slightly more open atmosphere than in previous years.

The Government continued to oversee the daily operations of major religious sites. The Government, which did not contribute to the regular operating funds of monasteries, retained management control of the monasteries through democratic management committees and local religious affairs bureaus. In recent years, DMCs at several large monasteries began to collect all funds generated by sales of entrance tickets or donated by pilgrims, which previously were disbursed to monks engaged in full-time religious study for advanced religious degrees. As a result, such "scholar monks" had to engage in income-generating activities at least part-time. Experts expressed concern that fewer monks would be qualified to serve as teachers in the future as a result. In addition, the Government moved in recent years to curb the proliferation of monasteries, which it contended were a drain on local resources and a conduit for political infiltration by the Tibetan exile community.

During 1999 the TAR Religious Affairs Bureau confirmed that its officers were members of the Communist Party and that members were required to be atheists; a large percentage of the members of the religious affairs bureaus were non-Tibetans. Regulations restrict leadership of DMCs to "patriotic and devoted" monks and nuns, and they specify that the Government must approve all members of the committees. At some monasteries, government officials also sat on the committees.

Following the December 1999 flight to India of the Karmapa, leader of Tibetan Buddhism's Karma Kargyu school and one of the most influential religious figures in Tibetan Buddhism, authorities restricted access to Tsurphu monastery, the seat of the Karmapa. In several public statements, the Karmapa asserted that he left

because of controls on his movements and the refusal either to allow him to go to India to be trained by his spiritual mentors or to allow his mentors to come to him. The Karmapa alleged that several of his personal attendants were detained during the year. In August foreign officials were allowed to visit the Tsurphu monastery, where approximately 300 monks were said to be in residence. There were few monks or other visitors present during the visit. Officials claimed that the monks were away on summer holiday visiting their families. According to credible reports, no new monks have been permitted to enter Tsurphu monastery since the Karmapa left, but religious activity at the monastery continued.

The departure of the Karmapa increased tensions and heightened the authorities' efforts to exert control over the process for finding and educating reincarnated lamas. The Dalai Lama, who by tradition plays a role in the selection of important religious figures, continued to refuse to recognize the selection of Sonam Phuntsog as the seventh reincarnation of the Reting Rinpoche, and many of the monks at Reting Monastery reportedly also did not accept the child as the Reting Rinpoche. Sonam Phuntsog lived with his family under heavy guard in his residence near the monastery. Authorities tightly controlled access to the area. Another young reincarnate lama, 9 year-old Pawo Rinpoche, lived under effective house arrest at Nenang monastery and reportedly was denied access to his religious tutors. The Pawo Rinpoche, recognized by the Karmapa, was one of the senior Karma Kargyu lamas remaining in Tibet.

The Panchen Lama is one of Tibetan Buddhism's most prominent figures. The Government continued to insist that Gyaltsen Norbu, the boy it recognized and enthroned in 1995, was the Panchen Lama's 11th reincarnation. The authorities tightly controlled all aspects of his life, and he made a highly orchestrated visit to Tibet in July. His public appearances were marked by a heavy security presence, and the authorities strictly limited access to the boy. Meanwhile, repeated requests for access to Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the 11th Panchen Lama, to confirm his well-being and whereabouts, were denied. He first disappeared in 1995, when he was 6 years old. Government officials stated that the boy was being held for his own protection and that he lived in Tibet and attended classes as a "normal schoolboy." The authorities also maintained that both boys were well cared for and were receiving a good education. The vast majority of Tibetan Buddhists continued to recognize Gendun Choekyi Nyima as the Panchen Lama. The Communist Party urged its members to support the "official" Panchen Lama, and government authorities at both the regional and city levels had pictures of the boy printed for use in public and private religious displays; however, very few photographs of him were on display. Instead, more prominently displayed were pictures of the 10th Panchen Lama, which some foreign observers interpreted as a rejection of Gyaltsen Norbu, the boy recognized by the Government to be the Panchen Lama. Pictures of Gendun Choekyi Nyima were banned by the Government.

The Government stated that since the end of the Cultural Revolution, it had contributed sums in excess of \$36 million to \$48 million (RMB 300 to 400 million) toward the restoration of a number of important Buddhist sites that were destroyed before and during the Cultural Revolution. Government funding of restoration efforts ostensibly was done to support the practice of religion but also was done in part to promote the development of tourism in Tibet. Most recent restoration efforts were funded privately, although several large religious sites also received government support for reconstruction projects during the year.

Economic Development and Protection of Cultural Heritage

Tibetans, as one of China's 55 minority ethnic groups, receive preferential treatment in marriage and family planning policies, and, to a lesser extent, in university admissions and government employment. According to official government statistics, 74 percent of all government employees in Tibet were ethnic Tibetans. Nonetheless, many positions of political authority were held by ethnic Han Chinese, and most key decisions in Tibet were made by ethnic Han. Although the TAR government passed a law in May making Tibetan the official language of Tibet and promoting its development, the widespread teaching and use of Mandarin Chinese undermined the ability of younger Tibetans to speak and read their native language.

Tibet is one of China's poorest regions, and ethnic Tibetans are one of the poorest ethnic groups. The central Government and other provinces of China heavily subsidized the Tibetan economy, which, according to official statistics, grew by an average annual rate of over 10 percent for the last decade. Over 90 percent of Tibet's budget came from outside sources. Tibet also benefited from a wide variety of favorable economic and tax policies. Government development policies have helped raise the living standards of most ethnic Tibetans, particularly by providing better transportation and communications facilities. However, in recent years, freer movement of persons throughout China, government-sponsored development, and the prospect of economic opportunity in Tibet have led to a substantial increase in the non-Tibetan population, including China's Muslim Hui minority as well as Han Chinese, in Lhasa and other urban areas as migrant workers from China's large transient population sought to take advantage of the new economic opportunities. Most of these migrants

professed to be temporary residents, but small businesses run by ethnic Han and Hui citizens, mostly restaurants and retail shops, predominated in almost all Tibetan cities.

The Dalai Lama, Tibetan experts, and others expressed concern that development projects and other central Government policies initiated in 1994 and reemphasized and expanded at the Fourth Tibet Work Forum in 2001 would continue to promote a considerable influx of non-Tibetan Chinese into Tibet. They feared that Tibet's traditional culture and ethnic Tibetan demographic dominance will be overwhelmed by such migration.

Tibetans were reportedly discriminated against in employment in some urban occupations; ethnic Han were hired preferentially for many jobs and received greater pay for the same work. In addition, many jobs required proficiency in Chinese, which limited opportunities for many ethnic Tibetans. Connections also reportedly worked to the advantage of the ethnic Han, who tended to hold most of the higher ranking positions, and it was more difficult for Tibetans than Han to get permits and loans to open businesses. Other fundamental worker rights recognized by the International Labor Organization, including the right to organize and the right to bargain collectively, that were broadly denied in the rest of China were also denied in Tibet.

Rapid economic growth, the expanding tourism industry, and the introduction of more modern cultural influences also have disrupted traditional living patterns and customs and threatened traditional Tibetan culture. In Lhasa the Chinese cultural presence was obvious and widespread. Buildings were of Chinese architectural style, the Chinese language was spoken widely, and Chinese characters were used in most commercial and official communications. A traditional Tibetan-style building complex located in the UNESCO-protected downtown area of Lhasa was demolished during the year to make way for a more modern structure.

Chinese officials asserted that 95 percent of Tibet's officially registered population was Tibetan, with Han and other ethnic groups making up the remaining 5 percent. However, officials acknowledged that these figures did not include the large number of "temporary" Han residents, including military and paramilitary troops and their dependents, many of whom had lived in Tibet for years. Many observers estimated that more than half of Lhasa's population was Han Chinese, and even official estimates put the number of temporary Han Chinese residents at over 100,000; elsewhere in Tibet, the Han percentage of the population was significantly lower. In rural areas, the Han presence often was negligible.

Malnutrition among Tibetan children has historically been widespread in many areas of the TAR. This was particularly true of rural areas and resulted in high rates of stunted growth among children. Nutritional deficiency ailments, such as goiter (from a lack of iodine), night blindness (from a lack of Vitamin A), and rickets were said to be relatively common among children in some areas. Special programs, sponsored by both government bodies and foreign NGOs, were in place in some areas to address these problems.

According to official government statistics, 42 percent of persons in Tibet were illiterate or semi-literate. Illiteracy and semi-literacy rates were as high as 90 percent in some areas. Approximately 87 percent of eligible children attended primary school. Most pupils in rural areas received only 1 to 3 years of education.

Primary schools at the village level followed a Tibetan curriculum. According to local education officials, Tibetan was the main language of instruction in 60 percent of middle schools, especially in more remote areas, although there were special classes offering instruction in Chinese. However, some NGOs maintained that the official figures were inaccurate, claiming that fewer Tibetan children received instruction in the Tibetan language. Most of those who attended regional high schools continued to receive some of their education in Tibetan, but knowledge of Chinese was essential as most classes were in Chinese. Tibetan curriculum high schools existed in a few areas. The Government continued to allocate funds to enable Tibetan secondary students to study in schools elsewhere in China. According to government figures, there were 13,000 Tibetan students studying in approximately 100 schools in different parts of China. Knowledge of Chinese usually was necessary to receive a higher education, although some colleges established to serve ethnic minorities allowed for study of some subjects in Tibetan.

Tibet University was established to train Tibetan teachers for the local educational system. Ethnic Tibetans resented the fact that Han representation in the student body and faculty far exceeded their proportion of the total TAR population. Although Tibetans were given admission preference, Han Chinese students frequently gained admission because they scored higher on admission exams due to stronger Chinese-language skills and educational backgrounds. Authorities reportedly required professors, particularly those from Tibet University's Tibetan Language Department, which was viewed as a potential source of dissent, to attend political education sessions and limited course studies and materials in an effort to prevent separatist political and religious activity on campus. Many ancient or religious texts were banned from the curriculum for political reasons.

Prostitution was a growing problem in Tibet, as it was elsewhere in the country. Hundreds of brothels operated

semi-openly in Lhasa. Up to 10,000 commercial sex workers may have been employed in Lhasa alone. Some of the prostitution occurred at sites owned by the Party, the Government, and the military. Most prostitutes in Tibet were ethnic Han women, mainly from Sichuan. However, a substantial number of ethnic Tibetans, mainly young girls from rural or nomadic areas, also worked as prostitutes. The incidence of HIV/AIDS among prostitutes in Tibet was unknown but was believed to be relatively high.

During the year, there were reports that TAR authorities were pressuring employers of ethnic Tibetans who were raised or educated in India to dismiss such employees, especially in the tourism industry. Lhasa tour agencies were forced to dismiss ethnic Tibetan tour guides educated in India and Nepal. These guides were required to seek employment with the Government's Tibet Tourism Bureau (TTB). Prior to gaining employment with the TTB, applicants were required to pass an examination on tourism and political ideology. Many Tibetan tour guides educated abroad reportedly failed the exam.

Tibet Autonomous Regional Television, a Tibetan-language satellite television channel, broadcast in Tibetan for 12 hours each day. There also were two bilingual channels on which Tibetan language programs made up 15 percent of the total. The Tibetan language services of Voice of America (VOA) and Radio Free Asia (RFA), as well as of the Oslo-based Voice of Tibet, suffered from the same jamming of their frequencies by Chinese authorities as their Chinese language services. However, Tibetans were able to listen to the broadcasts at least some of the time. RFA stated that Tibetans were subject to intimidation and fines for listening to foreign-language broadcasts.

The Internet has been available in Tibetan cities since 1999. Lhasa had numerous Internet cafes, and the number of Internet users in Tibet continued to grow rapidly.

China's economic development policies, supported in Tibet by government subsidies, were modernizing parts of Tibetan society and changing traditional Tibetan ways of life. Although the Government made efforts in recent years to restore some of the physical structures and other aspects of Tibetan Buddhism and Tibetan culture damaged or destroyed during the Cultural Revolution, repressive social and political controls continued to limit the fundamental freedoms of ethnic Tibetans and risked undermining Tibet's unique cultural, religious, and linguistic heritage.

Hong Kong

Hong Kong is a Special Administrative Region (SAR) of the People's Republic of China (PRC), and maintains a high degree of autonomy except in matters of defense and foreign affairs. It has well-established institutions that support the rule of law and a vigorous civil society. The Basic Law, the SAR's constitution, was approved by the PRC in 1990. It provides for the protection of fundamental rights and calls for progress toward universal suffrage and further democratization after a 10-year period, starting with Hong Kong's July 1, 1997 reversion to Chinese sovereignty.

The Chief Executive is chosen by an 800-person selection committee composed of individuals who are either directly elected, indirectly elected, or appointed. The Chief Executive supervises a cabinet of principal officers whom he appoints. The power of the Legislative Council (legislature) is significantly circumscribed by the Basic Law. The legislature is composed of 24 directly elected members representing geographic districts, 30 indirectly elected members representing functional (occupational) constituencies, and 6 members elected indirectly by an election committee. Majorities are required in both the geographic and the functional constituencies to pass legislation introduced by individual legislators. Members could not initiate legislation involving public expenditure, political structure, government operations, or government policy.

By law and tradition, the judiciary is independent and the Basic Law vests Hong Kong's highest court with the power of final adjudication; however, under the Basic Law, the Standing Committee of the PRC's National People's Congress (NPC) has the power of final interpretation of the Basic Law.

A well-supervised police force under the firm control of civilian authorities maintained public order. An Independent Police Complaints Council, made up of public members appointed by the Chief Executive, monitored and reviewed the work of an office that investigated public complaints against the police. The 4,000 Chinese troops sent to Hong Kong in 1997 to replace the British military garrison have maintained a low profile and have not performed or interfered in police functions.

Hong Kong, with a free market economy, is an international trade, shipping, and finance center and is a principal platform for trade and investment with the PRC. The economy has suffered 5 years of deflation and was stagnant in 2002 with gross domestic product (GDP) growth of approximately 1.5 percent. Per capita GDP was approximately \$24,000; the population was approximately 6.8 million.

The Government generally respected the human rights of residents, and the law and judiciary generally provided effective means of dealing with individual instances of abuse. Human rights problems that existed both before and after the handover included: limitations on residents' ability to change their government and limitations on the power of the legislature to affect government policies; some degree of media self-censorship; violence and discrimination against women; discrimination against the disabled and ethnic minorities; restrictions on workers' rights to organize and bargain collectively; intimidation of domestic workers of foreign origin; and trafficking in persons for the purposes of forced labor and prostitution. Despite the ban on the Falun Gong in mainland China, the Falun Gong remained legally registered, and practitioners continued their activities in Hong Kong. In September the Government issued a consultation paper to elicit public discussion of legislation to implement Article 23 of the Basic Law, which triggered intense public debate about the impact of such legislation on civil liberties and fundamental freedoms. Article 23 calls for the Government to draft and implement laws that criminalize subversion, secession, treason, sedition, and theft of state secrets, and to criminalize links with foreign political organizations that are harmful to national security.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents.

There were two cases of death in police custody in the first 6 months of the year. In May there were two cases of suicide involving prison inmates. One case of death in police custody from 2001 was pending results of an inquest.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law forbids torture and other abuse by the police. There were no reports that police used excessive force against persons in custody during the year. The law stipulates punishment for those who violate these prohibitions. Disciplinary action could range from warnings to dismissal. Criminal proceedings could be undertaken independently of the disciplinary process. Allegations of excessive use of force are required to be investigated by the Complaints Against Police Office (CAPO), whose work was monitored and reviewed by the Independent Police Complaints Council (IPCC), a body composed of public members appointed by the Chief Executive.

There were no complaints of forced confessions during the year.

In the first 8 months of the year, CAPO received 322 complaints of assault by the police against persons not in custody. Of the 107 cases in which investigations were completed and endorsed by the IPCC, none were substantiated. Seventy-six were withdrawn, 22 were deemed "not pursuable," 1 was judged to be "no fault," 4 were judged to be false, and 4 were judged "unsubstantiated." The remaining 215 cases were pending at year's end.

In February three police officers were jailed for fabricating allegations against a disco manager to cover up a January 2001 assault on him by one of the officers. In 2001 six police officers accused of assaulting a television cameraman during interrogation were acquitted in District Court. An internal police disciplinary inquiry was completed; at year's end, the case was pending required follow-up hearings.

The U.N. Human Rights Committee and local human rights groups have called for a more independent and efficient monitoring body with statutory powers, noting long delays in hearing some allegations, the large difference between the number of complaints received and the few that are substantiated, the light punishment that police officers received when complaints were found to be substantiated, and the unwillingness of some witnesses to pursue complaints for fear of retribution. Various observers have expressed concern that police responsibility for investigation of police misconduct undermined the credibility of IPCC investigations and called on the Government to reconsider its approach. At year's end, the Government was considering legislation to provide a statutory basis for the IPCC, which would allow it to set up its own secretariat, receive funding to hire its own permanent staff, and initiate investigations.

Prison conditions generally met international standards. Men and women were housed separately, juveniles were housed separately from adults, and pretrial detainees were held separately from convicted prisoners. From April 2001 to April 2002, the average occupancy rate for Hong Kong's main prison facility was 131 percent, and the rate for all other penal institutions was 113 percent. The Government began to address the problem of prison overcrowding by converting buildings in three locations to provide space for 520 additional prisoners and redistributing the prison population. In addition, completion of the Immigration Department's Detention Center in Tuen Mun in 2005 is expected to provide 400 additional places and eliminate the housing of immigration offenders in prison or detention facilities managed by the Correctional Services Department.

The Government permitted prison visits by human rights monitors. Local justices of the peace regularly inspected prisons, and most of these visits were unannounced. However, the justices of the peace spoke with prisoners in the presence of Correctional Services Department staff. Human rights monitors have called for revisions to the inspection system.

d. Arbitrary Arrest, Detention, or Exile

Common law, legal precedent, and the Basic Law provide substantial and effective legal protection against arbitrary arrest or detention, and the Government generally observed these provisions. Suspects must be charged within 48 hours or released. The average length of preconviction incarceration did not exceed 80 days.

The law does not provide for, and the Government did not use, forced exile.

e. Denial of Fair Public Trial

The Basic Law provides for an independent judiciary, and the Government generally respected this provision in practice. The judiciary generally provided citizens with a fair and efficient judicial process. The judiciary has remained independent since the handover, underpinned by the Basic Law's provision that Hong Kong's common law tradition be maintained. Under the Basic Law, the courts may interpret on their own provisions of the Basic Law that are within the limits of the autonomy of the region. The courts also may interpret other provisions of the Basic Law that touch on PRC central government responsibilities or on the relationship between the central authorities and the SAR. Before making final judgments on these matters, which are unappealable, the courts must seek an interpretation of the relevant provisions from the Standing Committee of the PRC's National People's Congress. The Basic Law requires that when the Standing Committee makes an interpretation of Basic Law provisions, the courts, in applying those provisions, "shall follow the interpretation of the Standing Committee." Judgments previously rendered are not affected. The National People's Congress' mechanism for interpretation is its Committee for the Basic Law, composed of six mainland and six Hong Kong members. The Hong Kong members are nominated by the Chief Executive, the President of the Legislative Council, and the Chief Justice. Human rights and lawyers' organizations long have expressed concern that this process, which circumvents the Court of Final Appeal's power of final adjudication, could be used to limit the independence of the judiciary or could degrade the courts' authority.

In a controversial 1999 "right of abode" case (concerning the right of certain persons to reside in Hong Kong), the Government, after losing the case in the Court of Final Appeals, sought a reinterpretation of relevant Basic Law provisions from the Standing Committee of the PRC's National People's Congress. This action raised questions about the independence and ultimate authority of the judiciary. After the controversy, the Government expressed its intention to make recourse to the NPC interpretation mechanism a rare and exceptional act, and there have been no such occurrences since the one instance in 1999.

The Court of Final Appeal is the SAR's supreme judicial body. An independent commission nominates judges; the Chief Executive is required to appoint those nominated, subject to endorsement by the legislature. Nomination procedures ensure that commission members nominated by the private bar have a virtual veto on the nominations. Legal experts and legislators have complained that the commission's selection process is opaque. The Government responded that privacy concerns prevented opening the process to the public. The Basic Law provides that, with the exception of the Chief Justice and the Chief Judge of the High Court, who are prohibited from residing outside of Hong Kong, foreigners may serve on the courts. Approximately 40 percent of judges were expatriates from other common law jurisdictions. Judges have security of tenure until retirement age (either 60 or 65, depending on the date of appointment).

Under the Court of Final Appeal is the High Court, composed of the Court of Appeal and the Court of First Instance. Lower judicial bodies include the District Court (which has limited jurisdiction in civil and criminal matters), the magistrates' courts (which exercise jurisdiction over a wide range of criminal offenses), the Coroner's Court, the Juvenile Court, the Lands Tribunal, the Labor Tribunal, the Small Claims Tribunal, and the Obscene Articles Tribunal.

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Trials were by jury except at the magistrate-court level, and the judiciary provided citizens with a fair and efficient judicial process.

Under corruption prosecution rules, there is a presumption of guilt in official corruption cases. Under the Prevention of Bribery Ordinance, a current or former government official who maintains a standard of living above that which is commensurate with his official income or who is in control of monies or property disproportionate to his official income is, unless he can satisfactorily explain the discrepancy, guilty of an offense. The courts have upheld this practice.

Human rights activists remained concerned that the legal system may favor those closely aligned with China. However, other observers pointed out that significant convictions of mainland Chinese entities or those close to them continued to occur, suggesting that the courts were operating without undue bias.

According to the Basic Law, English may be used as an official language by the executive, legislative, and judicial branches. For historical reasons and because of the courts' reliance on common law precedents, almost all civil cases and most criminal cases were heard in English. In recent years, the Government has developed a bilingual legal system. It has increased the number of officers in the Legal Aid Department proficient in Chinese and extended the use of bilingual prosecution documents and indictments. All laws are bilingual, with the English and Chinese texts being equally authentic. All courts and tribunals could operate in either Chinese or English. Judges, witnesses, the parties themselves, and legal representatives each could decide which language to use at any point in the proceedings.

Some human rights groups alleged that the Government has not protected vigorously enough the interests of Hong Kong residents arrested in mainland China. There was no agreement allowing Hong Kong officials access to Hong Kong residents arrested or detained in mainland China. Under an agreement signed in 2000 and in effect since 2001, PRC and SAR public security authorities were required to notify each other of certain categories of detentions of each other's residents.

There were no reports of political prisoners.

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

The law prohibits arbitrary interference with privacy, family, home, and correspondence, and the Government generally respected these prohibitions in practice. Interception of communications was conducted under the Telecommunications Ordinance and the Post Office Ordinance. Wiretaps required high-level authorization for interception operations, but a court-issued warrant was not required. The Government did not release information regarding how often the Chief Executive used his powers to authorize telephone wiretaps and interception of private mail.

The Office of the Privacy Commissioner for Personal Data (PCO), established under the Personal Data (Privacy) Ordinance (PDPO), is tasked with preventing the misuse and disclosure of data such as medical and credit records. The PDPO also prohibits matching sets of personal data without the consent of the subject individual or the commissioner, although some government departments were exempted in order to combat social welfare abuse and tax evasion. Some violations of the PDPO constitute criminal offenses. In other cases, an injured party could seek compensation through civil proceedings. If the PCO believes that violations may continue or be repeated, it may issue enforcement notices to direct remedial measures. Between June 2001 and June 2002, the PCO investigated 1,027 complaints of suspected breaches of the ordinance, completing action on 956. The PCO found violations of the PDPO in 30 of these cases, resulting in 1 successful prosecution leading to a fine. The rest resulted in issuances of warning notices and requirements for remedial action to comply with the Ordinance. The Personal Data Privacy Ordinance is not applicable to PRC government organs in Hong Kong. At year's end, the Government was considering whether it should be made applicable to PRC bodies.

In March the Government introduced a draft privacy code that seeks to outlaw secret video cameras and monitoring of e-mail and phone calls in the workplace by employers. At year's end, the draft legislation awaited action by the Legislative Council.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. A wide range of views and topics appeared in the press, including articles critical of the PRC and Hong Kong SAR governments. Some who monitored press freedom asserted that some journalists and news media practiced self-censorship, mainly in PRC-related reporting. Overall, the media has been outspoken in defending civil liberties; however, the Telecommunications Ordinance potentially allows limits on some speech and press freedoms by granting the Government wide-ranging powers to ban messages whenever it "considers that the public interest so requires." In practice, the Government has never invoked this law to limit freedom of speech.

The Basic Law's Article 23 requires that the Government enact legislation prohibiting treason, secession, sedition, subversion against the Central People's Government, and theft of state secrets, and to criminalize links with foreign political organizations that are harmful to national security. The process of introducing this legislation began in September with the Government's release of a consultation document proposing guiding principles for the legislation. Legislative Council members, human rights groups, business associations, representatives of the media, foreign governments, and others voiced concern that when enacted these laws and other provisions passed to implement Article 23 could restrict fundamental rights and freedoms. Of particular concern were the proposed extension of treason, sedition, secession, and subversion criminal offenses to permanent residents, without regard to nationality or legal domicile; the proposal to ban organizations affiliated with mainland political organizations that have been banned by the PRC on national security grounds; the proposal for extended emergency powers for the police; new uncertainty about the parameters of "unlawful disclosure" of state secrets; and other proposals perceived as potentially limiting freedom of speech and press. Some concern derived from the Government's decision to provide a consultation document, but not a draft of the legislation itself, for public discussion. The Government stated repeatedly that civil liberties were guaranteed by the Basic Law and the ICCPR and that it had revised its proposal to accommodate public concerns. Opponents of the proposed legislation conducted a series of protests, including a December 15 march in which tens of thousands of persons participated. A counter-rally in support of the legislation also drew thousands of participants. At year's end, the process of developing the legislation continued, and the Government expressed the goal of passing the new provisions before the end of the legislative session in July 2003.

Individuals could criticize the Government publicly or privately without reprisal, and many persons spoke freely to the media and used the media to voice their views. Political debate was vigorous, and numerous viewpoints, including stories and opinions critical of the SAR and PRC Governments and statements by leading Chinese dissidents and proindependence Taiwan activists, were provided in the mass media, in public forums, and by political groups.

During the year, newspapers published a wide variety of opinions, including opinions on Taiwan, Tibet, PRC leadership dynamics, Communist Party corruption, and human rights. There were some 15 daily newspapers, all privately owned in name although 4 were supported financially—and guided editorially—by the PRC (Wen Wei Po, Ta Kung Pao, the Hong Kong Commercial Daily, and the China Daily). The non-PRC-owned newspapers, hundreds of periodicals, four commercial television stations (broadcast and cable) and two commercial radio stations functioned with virtually no government control. International media organizations operated freely. Foreign reporters needed no special visas or government-issued press cards for Hong Kong.

China still requires some journalists to apply for permission to make reporting trips to the mainland, but in October the Government somewhat eased those requirements, announcing that it would simplify visa application procedures and drop the requirement for a host organization for foreign journalists from Hong Kong, if their organizations have offices in Beijing, Shanghai, or Guangdong Province. All local journalists from Hong Kong can cover mainland stories, but must register with the Hong Kong Macau Affairs Office. At least three Hong Kong publications that were banned on the mainland were blocked from registering their reporters for mainland reporting.

Despite regular coverage of sensitive subjects in print and in the broadcast media, professional journalist groups and NGOs asserted that media self-censorship continued. The Hong Kong Journalists Association, for example, commented in a June report that self-censorship was on the rise. The Association reported that subjects avoided included topics of particular sensitivity to China, leadership dynamics, and Taiwanese and Tibetan independence. In April the South China Morning Post (SCMP) dismissed its Beijing bureau chief, Jasper Becker. Becker asserted that he was dismissed because the paper was increasingly steering clear of controversial mainland stories. The SCMP's editor, in turn, asserted that Becker would not follow instructions from the paper's China editor, and that the newspaper was not changing its policy on China coverage and had not been directed by Beijing to dismiss Becker. The SCMP continued to cover a number of sensitive political issues involving the PRC and Hong Kong SAR governments. In August a leading scholar of Chinese law submitted an article on the obstacles faced by criminal defense lawyers in the PRC to "China Law and Practice." Despite an initial commitment, the publishers of the journal ultimately withdrew their offer to publish the article, citing "political realities." The publisher later denied self-censorship, stating that the article

contained comments that could result in defamation and contempt of court charges.

The government-owned Radio Television Hong Kong (RTHK) continued to enjoy the editorial independence granted to it in its framework agreement between the Government and the station's Director of Broadcasting. Local pro-PRC figures have called for the station to be more supportive of the PRC and Hong Kong Governments and for RTHK to conform to PRC political usage, for example by not referring to Taiwan leader Chen Shui-bian as "president" on the grounds that Taiwan is not a country. In August a Government official contacted RTHK's director of broadcasting about the station's plans to conduct a phone interview with Taiwan Vice President Annette Lu. The interview did not take place. The Government official denied pressuring RTHK and stated that the Government respected the editorial independence of all media organizations.

The Basic Law provides for academic freedom, and the Government generally respected that freedom in practice. There was independent research, a wide range of opinions, and lively debate on campuses.

In June a U.S.-based academic who has been refused a visa to enter China since 1996 was questioned for 40 minutes by immigration officials upon his entry to Hong Kong. He was subsequently allowed to enter.

There were no restrictions on the use of the Internet.

The Falun Gong was able to print flyers and small items in Hong Kong, despite reported concerns of some printers about associating with the group, but most of its publishing took place outside the SAR. One bookstore, owned by a practitioner, carried Falun Gong books.

In August the Government issued warnings against distributing a catalog for an art exhibition at a public venue that showcased the work of an Australian Falun Gong practitioner. The Government requested that the exhibit organizer not distribute the catalog, which noted that the artist had been imprisoned in China for several months in 2000 for being a Falun Gong practitioner. In the end, the organizer ignored the requests and the Government neither stopped the exhibition nor restricted distribution of the catalog. However, the artist was denied entry into Hong Kong to attend the exhibit. The Government stated that the decision to deny entry was based on immigration irregularities, not on her Falun Gong affiliation.

b. Freedom of Peaceful Assembly and Association

The Basic Law provides for freedom of assembly and the Government generally respected this right in practice. The Government routinely issued the required permits for public meetings and demonstrations.

Under the law, demonstration organizers must notify the police of their intention to demonstrate 1 week in advance (shorter notice is accepted when the Commissioner of Police is satisfied that earlier notice could not have been given) for a march involving more than 30 persons and for an assembly of more than 50 persons. The police must give a clear reply within 48 hours if they object; no reply indicates no objection. In practice, demonstrators could assume "no objection" if they were not notified to the contrary 48 hours in advance of the planned demonstration. The posthandover provision in the Public Order Ordinance that empowered police to object to demonstrations on national security grounds has never been invoked. Appeals of a denial to demonstrate could be made to a statutory appeals board comprising members from different sectors of society. Both the board's proceedings and the police's exercise of power were subject to judicial review.

In September some organizations held a protest march asking the Government to abolish provisions in the Public Order Ordinance requiring prior approval for assemblies and demonstrations. The organizations also urged the Government to withdraw charges against three political activists arrested in May for organizing an unauthorized rally in February. In November the three activists were convicted and sentenced to a 3-month probation. This was the first case since 1997 in which protestors were charged for not obtaining advance permission from police for holding a demonstration.

Since the handover, there have been over 11,000 public meetings and public processions. Approximately half of these demonstrations required notification. Since the handover, the police have objected to six demonstrations, three of which proceeded after the demonstration organizers altered their plans. In the first 6 months of the year, police objected to 3 out of 1,145 demonstrations.

Demonstrators have complained that demonstrations often were limited to "designated areas" where they received little public attention and that police sometimes outnumber demonstrators. A police order issued in 1998, while underlining that it is police policy "to facilitate, as far as possible, all peaceful public order events,"

also stipulated that certain "internationally protected persons" are, in addition to security, entitled to "protection of their dignity." In July these issues were prominent when some groups were required by police to hold their demonstrations during the fifth anniversary handover ceremony, attended by PRC President Jiang Zemin, in protest zones that were 200 meters further away from dignitaries than in 1997.

In addition to holding assemblies and marches on Hong Kong-related issues, groups continued to be free to demonstrate on issues of sensitivity in mainland China. In May approximately 1,500 persons marched through central Hong Kong to commemorate the 13th anniversary of the June 4, 1989, massacre in Beijing's Tiananmen Square. On June 4, tens of thousands attended the annual candlelight vigil to commemorate the anniversary. The Public Meetings and Processions Appeal Board overturned a police decision to ban the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China from holding a June 4 rally outside the Central Government Offices.

Falun Gong practitioners regularly conducted public protests against the crackdown on fellow practitioners in the PRC, holding some protests in front of the Hong Kong offices of the Central Government. In August a group of 16 Falun Gong practitioners, including 4 from Switzerland and 1 U.S. legal permanent resident, were convicted and fined for obstruction after refusing repeated police instructions to remain in a designated demonstration zone. This was the first time that Falun Gong practitioners were convicted of an offense in Hong Kong. The group's appeal was pending at year's end.

The Basic Law provides for freedom of association and the Government generally respected this right in practice. Since the handover, no applications for registration have been denied. From January through October, the Societies Licensing Office of the police registered 1,157 new organizations for a total of 7,104 registered since the 1997 handover. Pro-Taiwan groups also have expressed concern that the amended Societies Ordinance—which like the amended Public Order Ordinance was passed by the Provisional Legislature—could be used to restrict political activity. The Societies Ordinance requires that new societies must apply for registration within 1 month of establishment. The Government may refuse registration if it believes that the refusal is in the interests of national security, public safety, public order, or the protection of the rights and freedom of others. The Government also may refuse to register a political body that receives support from a foreign political organization or a Taiwan-based political organization.

c. Freedom of Religion

The Basic Law provides for freedom of religion, the Bill of Rights Ordinance prohibits religious discrimination, and the Government generally respected these provisions in practice.

The Government does not recognize a state religion but does grant public holidays to mark numerous special days on the traditional Chinese and Christian calendars, as well as the Buddha's birthday.

Religious groups were not required to register with the Government and were exempted specifically from the Societies Ordinance, which requires the registration of nongovernmental organizations. Some groups, such as the Falun Gong and various other martial arts/meditation groups, known collectively as qigong groups, that did not consider themselves religions, have registered under the Societies Ordinance. Catholics freely and openly recognized the Pope as the head of the Catholic Church. The Vatican maintained a Diocese overseen by a local Bishop.

According to the Basic Law, the PRC Government had no authority over religious practices in the SAR. PRC representatives in the SAR and two PRC-owned newspapers nonetheless have criticized some religious and other spiritual groups and individuals. Local religious leaders also have noted that the Basic Law provision that calls for ties between local religious organizations and their mainland counterparts to be based on "nonsubordination, noninterference, and mutual respect" could be used to limit such ties. Similarly, the Catholic Bishop of Hong Kong expressed concern that religious groups could be negatively affected by Article 23 laws.

During the year, Falun Gong, a spiritual movement that has explicitly characterized itself as "not a religion," practiced freely and held regular public demonstrations against PRC policies. In 2001 a series of developments sparked concerns about pressures on the Government to constrain the group's criticism of the PRC's anti-Falun Gong policies. In particular, statements by Chief Executive C.H. Tung in May and June 2001 that the group was "no doubt an evil cult" and that the Government would not let the Falun Gong "abuse Hong Kong's freedoms and tolerance to affect public peace and order" prompted concern. In May 2001, the Government barred the entry into Hong Kong of approximately 100 overseas-based Falun Gong practitioners during President Jiang Zemin's visit, although several hundred local and foreign Falun Gong practitioners demonstrated freely on numerous occasions and at numerous venues during the visit. In June 2002, over 90 foreign practitioners were denied entry upon arrival at the Hong Kong international airport (see Section 2.d.). Falun Gong representatives claimed that Hong Kong practitioners remained generally undeterred by

these developments, but stated that the number of practitioners in Hong Kong had dropped from approximately 1,000 to approximately 500 since the PRC government began its mainland crackdown in mid-1999.

Other qigong groups, including Zhong Gong (which was banned in the PRC in late 1999), Xiang Gong, and Yan Xin Qigong, also were registered as societies and practiced freely. Another group allegedly listed as an "evil cult" by the PRC, the Taiwan-based Quan Yin Method, was registered legally and practiced freely.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation

The Basic Law provides residents freedom of movement within Hong Kong, freedom of emigration, and freedom to enter and leave the territory, and the Government generally respected these rights in practice with some prominent exceptions. Travel documents were obtained freely and easily. There were limits on travel to the mainland imposed by the mainland Government.

As was the case before the handover, the Taiwan passport is not recognized as valid for visa endorsement purposes.

Since the handover, several prominent overseas dissidents have been denied entry or visas to enter Hong Kong. In April exiled mainland dissident Harry Wu, who held foreign citizenship, was refused entry to Hong Kong, on the grounds of protecting Hong Kong's security. The Government asserted that the denial of Wu's entry was in accordance with the law. In June Wu was denied a visa to come to Hong Kong, where he had been invited to address a seminar. Also in June, over 90 foreign Falun Gong adherents who intended to stage protests during the fifth anniversary of the handover celebration were denied entry upon arrival at the Hong Kong International airport.

In August the Court of Final Appeals upheld the right of nonpermanent residents to return after leaving, a right that in practice had been treated as requiring case-by-case consideration.

Chinese authorities did not permit a number of Hong Kong human rights activists and prodemocracy legislators to visit the mainland.

The 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol does not extend to Hong Kong, and the SAR eliminated its first asylum policy (extended only to Vietnamese) in 1998. On a case-by-case basis, the Director of Immigration had discretion to grant refugee status or asylum in cases of exceptional humanitarian or compassionate need. The general practice was to refer refugee and asylum claimants to a lawyer or to the office of the U.N. High Commissioner for Refugees (UNHCR). Those granted refugee status, as well as those awaiting UNHCR assessment of their status, received a subsistence allowance from the UNHCR, but were not allowed to seek employment or enroll their children in local schools. The UNHCR worked with potential host country representatives in Hong Kong to resettle those few persons designated as refugees. Government policy is to repatriate all illegal immigrants, including those that arrive from the mainland, as promptly as possible. From January to October, a total of 4,927 illegal PRC migrants were repatriated to the mainland.

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

Residents' right to change their government is limited by the Basic Law, which provides for the selection of the Chief Executive by an 800-person selection committee (composed of individuals who are either directly elected, indirectly elected, or appointed), the direct election of only 26 of 60 Legislative Council members (to become 30 of 60 in 2004), and the inclusion of appointed members to the elected district councils. The approval of the Chief Executive, two-thirds of the legislature, and two-thirds of Hong Kong's National People's Congress delegates is required to place an amendment to the Basic Law originating in Hong Kong on the agenda of China's National People's Congress. The National People's Congress has the sole power to amend the Basic Law. Procedures for amendment or interpretations that originate in the mainland were unclear.

The Government is executive-led, with a two-tiered legislative system consisting of the Legislative Council and 18 district councils, and is staffed by a professional and independent civil service. The Basic Law provides for elections for Chief Executive in 2002 and 2007 by a selection committee of 800 local residents. The selection committee was composed of the 60 members of the Legislative Council, the 36 Hong Kong delegates to the National People's Congress, 41 representatives of the Hong Kong members of the Chinese People's Political

Consultative Conference, 40 representatives from religious groups, and 623 persons elected by the same approximately 180,000 voters (some representing organizations; others voting as individuals) who choose the functional constituency representatives of the Legislative Council. In February C.H. Tung, unopposed, won his second 5-year term, which began in July.

The Basic Law permits amendment of the Chief Executive selection process after 2007 by a two-thirds majority of the Legislative Council, with the consent of the Chief Executive and the National People's Congress Standing Committee. Article 45 of the Basic Law states that "the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." As of year's end, the Government had not initiated steps to prepare for a change in the procedure for choosing the Chief Executive as provided for under the law.

In July the introduction of a new "Principal Officials Accountability System" changed the SAR's government system by adding a layer of 11 political appointees to run the 11 policy bureaux. Three other civil service positions—Chief Secretary, Financial Secretary, and Justice Secretary—also were converted to political appointments, although without a change in personnel. These 14 political appointees were chosen by the Chief Executive and approved by the PRC Government. They served as members of the Executive Council, which functioned as the Chief Executive's cabinet. The restructured Executive Council also includes members of two political parties, a labor leader, and two other private citizens, also appointed by the Chief Executive.

The members of the Legislative Council were elected in 2000 to 4-year terms; 24 members were elected directly from geographic districts through universal suffrage, 30 from functional (occupational) constituencies, and 6 by votes of the 800-person selection committee. Prodemocracy candidates won 17 of the 24 seats elected on a geographic basis (including 1 in a December 2000 by-election) and 22 seats overall.

In both the 1998 and 2000 elections, the functional constituencies were drawn more narrowly than the nine broad functional constituencies of the 1995 Legislative Council, reducing the total number of potential voters in functional constituencies from 1.15 million in 1995 to 180,000 in 1998. Human rights and democracy groups contended that the election of functional constituency representatives by so few persons was fundamentally undemocratic. There was general acceptance of the geographic electoral districts, which included over 3 million registered voters. Article 68 of the Basic Law states that the "ultimate aim is the election of all the members of the Legislative Council by universal suffrage." As of year's end, the Government had not initiated steps to prepare for a change in Legislative Council electoral arrangements as provided for under the law.

The ability of the legislature to influence policy is limited substantially by Basic Law provisions that require separate majorities among members elected from geographical and functional constituencies to pass a bill introduced by an individual member. Another Basic Law provision prohibits the Legislative Council from putting forward bills that affect public expenditure, political structure, or government operations. The Chief Executive's written consent is required before bills affecting government policy may be introduced. The Government has adopted a very broad definition of "government policy" to block private member bills, and the President of the Legislative Council has upheld the Government's position. However, the Legislative Council's degree of popular representation and outspokenness resulted in its having some influence over the Government's positions. During the year, the Government took into consideration the views of an eight-party coalition on the Government's budget presentation. Similarly, legislators' views influenced the final text of an anti-terrorism bill presented by the Government as required by U.N. Security Council Resolution 1373.

The November 1999 elections for Hong Kong's District Councils were generally free and fair; however, democratic legislators and human rights activists argued that the appointment of nearly one-quarter of District Councilors by the Chief Executive was an undemocratic procedure. According to the District Councils Ordinance, the District Councils are responsible for advising the Government on matters affecting: (1) the well-being of district residents; (2) the provision and use of public facilities; and (3) the use of public funds allocated for local public works and community activities. The next District Council elections were scheduled for 2003.

In 2000 the Court of Final Appeal ended a century-old practice of excluding nonindigenous villagers (residents who were not members of long-term local families) from participating in some rural elections. The Court unanimously found that the practice violated both the Bill of Rights and the Sex Discrimination Ordinances. In October the Government introduced a bill on village elections to the Legislative Council that proposed to elect two village heads in the 2003 rural elections. Under this proposal, one village head would represent indigenous residents to deal with traditional affairs such as burial grounds, while the other leader would handle general affairs. In September approximately 4,500 village residents demonstrated against the Government's proposal, objecting to the inclusion of nonindigenous (persons not from the village's original families) village heads. At year's end, the bill was still under consideration in the Legislative Council.

Hong Kong sends 36 delegates to China's National People's Congress (NPC). The NPC requires

the approval of two-thirds of Hong Kong's NPC delegates to place an amendment to the Basic Law on the NPC's agenda. Hong Kong's NPC delegates also were members of the selection committee that chose six of the Hong Kong legislators in 2000. In December Hong Kong's NPC delegates were elected to a 5-year term by an NPC-appointed committee of 955 residents, up from 424 residents voting in the previous (1997) NPC election. Politicians and human rights activists have criticized the election process as undemocratic and lacking transparency.

Larger numbers of women sought public office than ever before. Women held 11 of the 60 Legislative Council seats, and made up between 5 and 33 percent of membership in political parties. The President of the Legislative Council is a woman, as are the heads of several government departments. Three of the 15 most senior Government positions were held by women. The Equal Opportunities Commission, itself headed by a woman, noted that women were a minority in Government advisory bodies.

Minorities also were represented in senior civil service positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases (see Section 2.b.). These organizations had unrestricted contacts with the local community and with groups overseas. Government officials were generally receptive to, and respectful of, their views. Prominent human rights activists critical of mainland China also operated freely and maintained permanent resident status in Hong Kong, but overseas dissidents sometimes had difficulty gaining entry to the SAR.

Under the Basic Law, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights apply to Hong Kong. The central Chinese Government transmits Hong Kong's reports under these covenants, without editing, to the U.N. The SAR Government and several domestic NGOs have testified before several U.N. human rights committees, including the United Nations Human Rights Commission in Geneva. The hearings, including concerns of the Commission, have received widespread and balanced press coverage.

The Office of the Ombudsman has wide powers to investigate and report on grievances from members of the public as a result of administrative actions of the executive branch and other designated public bodies. The Ombudsman may publish investigation reports in which the identity of the complainant is protected. In addition to responding to public complaints, the Ombudsman may initiate investigations. The Ombudsman may report to the Chief Executive if recommendations to the organizations under his jurisdiction have not been acted upon or if there are serious violations. The Chief Executive is bound by law to present such reports to the legislature. The Ombudsman (Amendment) Ordinance, in December 2001, helped strengthen the independence of the Ombudsman by delinking the office from Government systems and processes. It empowered the office to set terms and conditions of appointment for staff and to have full powers to conduct its own financial and administrative matters.

The Ombudsman does not have oversight authority over the police, the Independent Commission Against Corruption, the Equal Opportunities Commission, or the Office of the Privacy Commissioner for Personal Data, although it may investigate complaints of noncompliance with the law on access to information by government departments, including the police and the Independent Commission Against Corruption. With regard to election-related complaints, the Ombudsman only is empowered to investigate complaints made against the Registration and Electoral Office, but not those made against the Electoral Affairs Commission.

The U.N. Human Rights Committee and U.N. Committee on Economic, Social, and Cultural Rights (UNCESCR) expressed particular concern that Hong Kong had failed to establish a broadly-mandated human rights institution. Human rights groups also have complained that Hong Kong does not have a human rights commission.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Basic Law provides that all Hong Kong residents are equal before the law. The Bill of Rights Ordinance, which provides for the incorporation into law of the International Covenant on Civil and Political Rights as applied to Hong Kong, entitles residents to the civil and political rights recognized therein "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." However, the ordinance binds only the Government, public authorities and persons acting on their behalf; that is, not private persons or entities. Three pieces of antidiscrimination

legislation—the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, and the Family Status Discrimination Ordinance—have made it illegal for any person or entity (public or private) to discriminate on the grounds of sex, marital status, pregnancy, disability, or family status, and prohibits behavior such as sexual harassment, harassment or vilification on the grounds of disability, and discriminatory advertising.

An Equal Opportunities Commission (EOC) was established in 1996 to work toward the elimination of discrimination and to promote equality of opportunity with specific reference to gender, disability, and family status. During the year, the Government extended the term of the EOC's chairperson by just 1 year and said that it would keep the Commission's work under review.

The EOC and human rights groups continued to call for laws specifically targeting, among other problems, public or private discrimination based on race and age. In 2001 the UNCESCR concluded that Hong Kong's failure to prohibit race discrimination in the private sector constituted a breach of its obligations under the International Covenant on Economic, Social, and Cultural Rights. The UNCESCR also urged Hong Kong to prohibit discrimination on the basis of sexual orientation and age. The U.N. Committee on the Elimination of Racial Discrimination (UNCERD) recommended that "appropriate legislation be adopted to provide appropriate legal remedies and prohibit discrimination based on race, color, descent or national or ethnic origin." Meanwhile, press reports continued to identify examples of strong societal prejudice against minority groups and newly arrived mainland Chinese migrants. In addition, the EOC, on the basis of the large number of complaints and inquiries, continued to maintain that the elderly were discriminated against in the allocation of public housing, but noted that it was powerless to help, because there was no legislation prohibiting age discrimination.

During the year, the EOC received 785 total complaints for investigation and conciliation. The Commission handled 1,710 cases (including complaints from previous years) and concluded 1,403 cases. Of these, 741 cases were discontinued for various reasons, including withdrawal by the complainant; agreement reached before an investigation was completed; and a lack of substance. Of the remaining concluded cases, 60 percent were successfully conciliated. Legal assistance was available for unsuccessful complainants.

Women

Violence against women remained a problem, particularly among new immigrants from the mainland. The Domestic Violence Ordinance allows a woman to seek a 3-month injunction against her husband (extendable to 6 months). Domestic violence also may be prosecuted as common assault. The Government enforced the law and prosecuted violators, but sentences generally were lenient, consisting only of injunctions or restraining orders. During the year, there were 3,034 cases of domestic violence reported to the Social Welfare Department, which received reports of domestic violence from the police as well as from social workers, the Health Department, and volunteer organizations.

Cultural factors and inadequate information about available assistance and resources resulted in many cases of spousal abuse going unreported. In 2000 the Government established an interdepartmental Working Group on Sexual Violence to ensure coordination of efforts among various departments and authorities in handling the problem of sexual violence. In 2001 the Government established a Women's Commission to address women's concerns in a comprehensive and systematic manner. In May the Commission held a conference to help raise public awareness of gender-related issues and provide a forum for local, foreign and mainland experts to promote the well-being of women. The Government also funded programs such as family life education counseling, a hot-line service, temporary housing, legal aid, and child protective services; it also has initiated public education and media programs to promote public awareness and encourage women to seek professional assistance.

The reported incidence of rape was low. There were 59 cases reported to the police in the first half of the year and 95 in 2001. However, underreporting was a serious problem. The amendment to the Crimes Ordinance proposed in 2001, to expressly clarify that marital rape is a crime, had not yet passed as of year's end. Indecent assault cases reported to the police totaled 574 in the first 7 months of the year and 1007 in 2001.

Prostitution is not illegal, but there are laws against activities such as causing or procuring another to be a prostitute, living on the prostitution of others, or keeping a vice establishment. Some women working in the sex industry have been trafficked to Hong Kong (see Section 6.f.).

Sexual harassment was a problem. The Equal Opportunities Commission reported 50 sexual harassment complaints during the first half of the year, with 99 such complaints reported in 2001. However, Government and NGO surveys conducted in 2000 suggested that sexual harassment was seriously underreported.

Women faced discrimination in employment, salary, welfare, inheritance, and promotion (see Section 6.e.). During the year, a 2-month study of government and Hospital Authority jobs, commissioned by the EOC's task force on Equal Pay for Work of Equal Value, was conducted. The results were not yet available at year's end. The press reported occasional stories of women alleging discrimination in the workplace. Official unemployment figures for the second quarter of the year were 8.8 percent for men and 6.1 percent for women. However, human rights organizations and unions have asserted that the statistics inaccurately recorded many unemployed women as housewives and that, in fact, the unemployment rate for women was actually higher than the unemployment rate for men.

Women entered professional fields, including law and medicine, in growing numbers. Nonetheless, female judicial officers and judges made up only 19 percent of the judiciary. A July government survey showed that the number of female senior government officials had increased more than nine-fold in the past 2 decades but that women as a whole still earned only approximately two-thirds as much as men. In the Legislative Council, women held 11 of the 60 seats. Women held 20 percent of the most senior government positions and 23 percent of the senior policy level positions in the civil service.

Women were disproportionately represented in the lower echelons of the work force, holding positions such as retail sales assistants and office clerks. The law treats men and women equally in inheritance matters, although women still faced discrimination based on traditional practices (such as in the inheritance of small homes in rural areas of the New Territories).

The High Court ruled in 2001 that the 23-year-old practice of separately ranking boys and girls for secondary school admission purposes discriminated in favor of boys. Of the 807 cases initiated in 2001, 257 were successfully conciliated, 267 were satisfied with Education Department relief measures, and investigation was discontinued for 283, due to alternate arrangements or findings of no discrimination after 12 months of investigation. There were no pending complaints at year's end.

In 2001 the Government established a Women's Commission to promote and protect the interests and well-being of women. The Commission declared its intention to focus on provision of health services, childcare support, protecting women against violence, promotion of a women-friendly working environment, and legal issues relating to women and the family. However, the UNCECSR expressed concern that the Commission might not have sufficient resources and powers to pursue its mission.

In September the Government issued a draft outline of Hong Kong's second report under the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to seek views from the public.

Children

The Government was committed firmly to children's rights and welfare through well-funded systems of public education, medical care, and protective services. The Education Department is committed to providing schooling for children between 6 and 15 years of age and provided placement services for non-Chinese speaking children. Education was free and compulsory through grade nine. The Government supported programs for custody, protection, day care, foster care, shelters, small group homes, and assistance to families.

Subsidized, quality medical care was available to all children who are residents.

At year's end, the Government was considering legislation proposed in 2001 to raise the age of criminal responsibility for children from 7 to 10 years. For the first 7 months of the year, there were 49 youths under the age of 16 who were incarcerated: 14 in prison, 9 in training centers, 24 in detention centers, and 2 in drug addiction treatment centers.

Child abuse and exploitation were not widespread. In the first 7 months of the year, there were 645 child abuse cases newly registered with the police: 265 involved physical abuse and 380 involved sexual abuse. The Government reported 99 cases of "cruelty to children" in the first half of the year; there were 181 cases in 2001, and 178 in 2000.

There are no specific laws dealing with child pornography, but child pornography is covered under other anti-pornography laws. A bill on Prevention of Child Pornography, introduced before the Legislative Council in January, would criminalize the making, production, distribution, publication, advertising, and possession of

child pornography. The bill would also prohibit the procurement of children for making pornography, extend the application of certain sexual offense provisions to acts committed against children outside of Hong Kong, and prohibit any arrangement or advertising relating to commission of those acts. At year's end, the bill was still being studied in committee.

The Government provided parent education programs in all 50 of the Department of Health's Maternal and Child Health Centers. The police maintained a child abuse investigation unit to improve the treatment of victims, and laws have been passed to make it easier for child victims to testify in court using an interviewing suite for recording statements. There are substantial legal penalties for mistreatment or neglect of minors. A witness support program helped child witnesses in need. A child witness information kit in Chinese, with books explaining legal and court proceedings, helped reduce children's anxiety about testifying. A Child Care Center Law helped to prevent unsuitable persons from providing childcare services and facilitated the formation of mutual help childcare groups.

Persons with Disabilities

Discrimination against the physically and mentally disabled persisted in employment, education, and the provision of some public services. The Disability Discrimination Ordinance called for improved building access and sanctions against those who discriminate, and the amended Buildings Ordinance updated design requirements. Despite inspections and occasional closure of noncompliant businesses, access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities. Advocates complained that limited access for persons with disabilities at polling stations made voting difficult. The Government offered an integrated work program in sheltered workshops and provided vocational assessment and training. No comprehensive statistics were available on the number of persons with disabilities in the work force, but a consortium of organizations representing persons with disabilities reported that approximately 700,000 residents are disabled, and about half were able to work. Government estimates indicated that during the year there were approximately 265,000 persons with physical disabilities and 53,500 with mental disabilities. Of these, 52,500 were employed and 59,700 were considered "economically active," (such as small business owners and street vendors). As of April, there were 3,408 persons with disabilities employed as civil servants in a total civil service work force of approximately 173,000—approximately 2 percent of all civil servants. During the year, the Labor Department's Selective Placement Division found jobs for 2,572 of 4,225 disabled job seekers. Approximately 10,000 students in a school population of 960,000, about 1 percent, were disabled. Of these, 3,657 were in mainstream schools where they received special education services.

In 2001 the UNCESCR recommended that the Government undertake a comprehensive review of mental health policy and adopt effective measures to ensure that persons with mental illness enjoyed the right to adequate and affordable health care. The Committee also noted its concern over the Government's "apparent lack of initiative" to undertake public education to combat discrimination against those with mental disabilities. In response, the EOC undertook a variety of activities during the year to address discrimination against persons with disabilities, including co-sponsoring seminars and research.

National/Racial/Ethnic Minorities

The UNCESCR, the UNCERD, Hong Kong legislators, human rights groups, continued to call for laws specifically targeting racial discrimination in the private sector. In response, the Government conducted public consultations on the need for antiracism legislation. The Government's analysis of the consultations, released in August, showed significant support for enacting such legislation. As of year's end, however, the Government had not introduced legislation to prohibit racial discrimination in the private sector.

The Government's non-legally binding "Code of Practice for Employers," put into place in 2001 and designed to prevent discrimination, states that race, among other factors, should not be considered when hiring employees. The Government has undertaken a public education and awareness campaign to combat race discrimination with only limited effect. In July the Government established a new Race Relations Unit to enhance services to ethnic minorities.

Minorities, who made up approximately 5 percent of the population, were well represented in the civil service and many professions. However, there were allegations of racial discrimination in such areas as private sector employment, admission to public restaurants, placement in public schools, treatment in public hospitals, apartment rentals, and acceptance to institutions of higher education. Foreign domestic workers, most of whom were from the Philippines and Indonesia, were particularly vulnerable to discrimination. An Indonesian Migrant Workers Union was established in 2000 to unite Indonesian domestic helpers throughout Asia to protect members from abuse and exploitation. The organization served the approximately 75,000 Indonesian domestic helpers who work in the SAR. Similar organizations worked for the interests of approximately

154,000 Philippine domestic helpers. According to organizations representing migrant workers, police intimidation of migrant workers also was a problem.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of association and the right of workers to establish and join organizations of their own choosing. Trade unions must be registered under the Trade Union Ordinance. The basic precondition for registration is a minimum membership of seven persons. The Trade Union Ordinance does not restrict union membership to a single trade, industry, or occupation. The Government did not discourage or impede the formation of unions. Trade unions were independent of political parties and the Government.

During the year, 23 new unions were registered, while 11 were deregistered; at year's end, there were 622 registered trade unions. As of 2001, over 22 percent of the approximately 3.3 million salaried employees and wage earners belonged to a labor organization.

The Employment Ordinance includes provisions that protect against antiunion discrimination. Violation of the antiunion discrimination provisions is a criminal offense with a maximum fine of \$12,800 (HK\$100,000). Employees who allege such discrimination have the right to have their cases heard by the Labor Relations Tribunal. The Tribunal may order reinstatement of the employee, subject to mutual consent of the employer and employee. The Tribunal may award statutory entitlements (severance pay, etc.) and compensation. The maximum amount of compensation is \$19,230 (HK\$150,000). Some labor activists complained that the Labor Tribunals tended to push conciliation rather than issue orders.

The Basic Law commits the SAR to 40 International Labor Organization (ILO) conventions, and the Government has amended labor legislation and taken administrative measures to comply (see Section 6.b.).

The Employment and Labor Relations (Miscellaneous Amendments) Ordinance permits the cross-industry affiliation of labor union federations and confederations and allows free association with overseas trade unions (although notification of the Labor Department within 1 month of affiliation is required).

b. The Right to Organize and Bargain Collectively

In 1997 the prehandover Legislative Council passed three laws that greatly expanded the collective bargaining powers of workers, protected them from summary dismissal for union activity, and permitted union activity on company premises and time. The new ordinances would have enabled full implementation of ILO Conventions 87, 98, and 154. However, in 1997 after consultation with the Labor Advisory Board, the Provisional Legislature repealed the Employee's Right to Representation, Consultation, and Collective Bargaining Ordinance and the Employment (Amendment) Ordinance, and amended the Trade Union (Amendment) Ordinance. The repeals removed the new legislation's statutory protection against summary dismissal for union activity; the Government argued that existing law already offered adequate protection against unfair dismissal arising from antiunion discrimination. In 2001 the U.N. Committee on Economic, Social and Cultural Rights expressed concern over the absence of protection against unfair dismissal.

The Employment and Labor Relations (Miscellaneous Amendments) Ordinance removed the legal stipulation of trade unions' right to engage employers in collective bargaining; bans the use of union funds for political purposes; requires the Chief Executive's approval before unions can contribute funds to any trade union outside of the SAR; and restricts the appointment of persons from outside the enterprise or sector to union executive committees. Because of this law, the Hong Kong Confederation of Trade Unions promptly filed a complaint against the Hong Kong Government for violation of ILO Conventions 87, 98, and 154. In 1999 the ILO Committee on Freedom of Association concluded that the Employment and Labor Relations (Miscellaneous Amendments) Ordinance breached Conventions 87 and 98 and recommended that the Government take legislative action to remedy the situation. The Government provided the ILO progress reports in 1999 and 2000 asserting that it was in compliance with all of the 40 ILO conventions that apply to Hong Kong. In 1999 the Government blocked a legislator's attempt to introduce two bills on collective bargaining and antiunion discrimination on the grounds that they would affect government spending and operations and therefore fell outside the scope allowed for private member bills under the Basic Law. With the repeal of the short-lived collective bargaining legislation, the prehandover framework continued. There were no laws that stipulated collective bargaining on a mandatory basis.

Collective bargaining was not practiced widely. Unions generally were not powerful enough to force management to engage in collective bargaining. The Government did not encourage it, since the Government

itself did not engage in collective bargaining with civil servants' unions but merely "consulted" with them. Wage rates in a few trades like tailoring and carpentry were determined collectively in accordance with established trade practices and customs rather than as a statutory mechanism.

In 1998 the Government established the Workplace Consultation Promotion Unit in the Labor Department to facilitate effective communication, consultation and voluntary negotiation between employers and employees. The Government has set up tripartite committees for nine sectors of the economy, each of which has representatives from trade unions, employers and the Labor Department.

Work stoppages and strikes were permitted; however, there were some restrictions on this right for civil servants. Although there was no legislative prohibition of strikes, in practice, most workers had to sign employment contracts that typically stated that walking off the job was a breach of contract which could lead to summary dismissal.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor. The law does not specifically prohibit forced or bonded labor by children; however, there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The Employment of Children Regulations prohibit employment of children under the age of 15 in any industrial establishment. Children 13 and 14 years of age could be employed in certain non-industrial establishments, subject to conditions aimed at ensuring a minimum of 9 years' education and protecting their safety, health, and welfare. To enforce compliance with the regulations, the Labor Department conducted regular workplace inspections. During the year, the Labor Department conducted 161,447 inspections, and discovered 12 violations of the Employment of Children Regulations, resulting in the assessment of \$4,102 (HK\$32,000) in fines. Work hours for young persons 15 to 17 years of age in the manufacturing sector remain limited to 8 hours per day and 48 hours per week between 7 a.m. and 7 p.m. Overtime is prohibited for all persons under the age of 18 in industrial establishments. Employment in dangerous trades is prohibited for youths, except for 16- and 17-year-olds.

e. Acceptable Conditions of Work

There is no statutory minimum wage except for domestic workers of foreign origin. Aside from a small number of trades where a uniform wage structure existed, wage levels customarily were fixed by individual agreement between employer and employee and were determined by supply and demand. Some employers provided workers with various kinds of allowances, free medical treatment, and free subsidized transport. The average wage generally provided a decent standard of living for a worker and family. Two-income households were the norm. In 2001 the UNCESCR expressed concern over the lack of adequate regulation on statutory minimum wage, working hours, paid weekly rest, rest breaks and compulsory overtime.

The minimum wage for foreign domestic workers was approximately \$470 per month (HK\$3,666). The standard workweek was 48 hours, but many domestic workers worked far longer hours. The standard contract law requires employers to provide foreign domestic workers with housing, worker's compensation insurance, travel allowances, and food or a food allowance in addition to the minimum wage, which together provided a decent standard of living. Foreign domestic workers were subject to deportation if they were dismissed. There were credible reports of such workers illegally being forced to accept less than the minimum wage and unacceptable living conditions. There have been a number of cases of foreign domestic workers successfully taking their employers to court for mistreatment.

The Occupational Safety and Health Branch (OSHB) of the Labor Department is responsible for safety and health promotion, enforcement of safety management legislation, as well as policy formulation and implementation.

The Factories and Industrial Undertakings Ordinance and its 30 sets of subsidiary regulations regulate safety and health conditions. During the year, the Labor Department conducted 162,417 inspections of workplaces and issued 3,174 summonses, resulting in a total of \$561,186 million in fines (HK\$4,377,250). Worker safety and health has improved over the years, due in part to the transfer of many manufacturing jobs to factories in mainland China, but serious problems remained, particularly in the construction industry. During the first 9 months of the year, there were 35,654 occupational injuries, of which 17,112 were classified as industrial accidents. There were 21 fatal industrial accidents. Employers are required under the Employee's

Compensation Ordinance to report any injuries sustained by their employees in work-related accidents. There is no specific legal provision allowing workers to remove themselves from dangerous work situations without jeopardy to continued employment.

f. Trafficking in Persons

There is no specific law prohibiting trafficking in persons; however, there are various laws and ordinances that allowed law enforcement authorities to take action against traffickers. Trafficking in persons was a problem; Hong Kong was both a transit and a destination point for trafficked persons. However, it was difficult for authorities to identify trafficking victims among the larger group of illegal immigrants.

Hong Kong was a transit point for some persons trafficked from China and other nations to third countries, despite active efforts by the Government to stop such trafficking. During the year, authorities caught 3,549 persons with forged travel documents. The most common method used to attempt to traffic persons through the SAR employed forged or illegally obtained travel documents to move through the airport. In past years, traffickers have attempted to smuggle persons in shipping containers. In 2001 the Government uncovered a trafficking ring and arrested 11 Hong Kong residents involved in a forgery operation that produced fraudulent passports.

There were reports that Hong Kong was a destination for women trafficked for the purpose of prostitution. According to a 2001 study, some of the women did not know before coming to Hong Kong that they would be pressured into serving as "escorts" for male customers of the bars where they were given jobs. Large numbers of mainland Chinese women also illegally engaged in prostitution with the reported assistance of organized criminal groups. There were reports as well that criminal elements brought in small numbers of women from the former Soviet Union, Eastern Europe, and Colombia for the purpose of engaging in illegal prostitution.

The authorities sought to combat illegal prostitution by nonresidents through strict immigration controls and by arresting and prosecuting illegal prostitutes and their employers. In the first 9 months of 2001, 982 nonresident women prostitutes and a much smaller number of their employers were arrested. Most of those arrested were deported rather than formally charged.

Persons also were trafficked to the SAR for labor purposes, including domestic labor. Some foreign domestic workers, particularly from Indonesia, have been recruited abroad and brought to Hong Kong only to be placed in coercive working and living conditions. Organized criminal groups generally were behind the illicit activity and sought to profit from it through forced labor, debt bonded labor, or prostitution.

Government policies to combat fraudulent marriages that could be used to disguise trafficking in persons appeared to be producing results. Immigration officials closely scrutinized applications for the entry of foreigners to take up residence with local spouses, and in cases where the claimed relationship as husband and wife was deemed not credible, applications were rejected.

Provisions in the Immigration Ordinance, the Crimes Ordinance, and other relevant laws enabled law enforcement authorities to take action against trafficking in persons. The courts can impose heavy fines and prison sentences for up to 14 years for such activities as arranging passage of unauthorized entrants into Hong Kong, assisting unauthorized entrants to remain, using or possessing a forged, false or unlawfully obtained travel document, and aiding and abetting any person to use such a document. The Security Bureau has policy responsibility for combating migrant trafficking and oversees the police, customs, and immigration departments, which are responsible for enforcing antitrafficking laws. Law enforcement officials received specialized training on handling and protecting victims and vulnerable witnesses, including victims of trafficking.

Legal aid was available to those who chose to pursue legal proceedings against an employer, and immunity from prosecution was often made available to those who assisted in the investigation and prosecution of traffickers. The Government did not provide funding to foreign or domestic NGOs for services to victims of trafficking. The Government's prevention efforts included providing pamphlets to workers about their rights; the pamphlets were widely distributed and were published in a wide range of languages.

Macau

Macau, a 13 square mile enclave on the south China coast, reverted from Portuguese to Chinese administration on December 20, 1999 (the handover). As a Special Administrative Region (SAR) of the People's Republic of China (PRC), Macau enjoys a high degree of autonomy except in defense and foreign affairs, and its citizens have basic freedoms and enjoy legally protected rights. The Sino-Portuguese Joint

Declaration (1987) and the Basic Law—the SAR's mini-constitution promulgated by China's National People's Congress (NPC) in March 1993—specify that Macau is to continue to enjoy substantial autonomy and that its economic system and way of life are to remain unchanged for the first 50 years under PRC sovereignty. The Government is led by a Chief Executive, chosen by a 200-member Selection Committee, which is in turn chosen by a Preparatory Committee composed of 60 Macau and 40 mainland representatives appointed by the NPC. In September 2001, voters elected 10 of the legislature's 27 members in direct elections in geographical constituencies. Ten others were elected by interest groups in functional constituencies, and the remaining seven were appointed by the Chief Executive. There are limits on the types of bills that may be initiated by individual members of the legislature. After the handover, most of the laws previously in force continued to apply. The law provides for an independent judiciary, and the Government generally respected this provision in practice.

The police force is under civilian control. After peaking in 1999, serious organized crime-related violence appeared to have been curbed, and police reported a marked reduction in violent crime. A People's Liberation Army (PLA) garrison of 800 soldiers stationed in Macau played no role in internal security.

The market-based economy was fueled by textile and garment exports, along with tourism and gambling. The economy grew approximately 5 percent during the year. Per capita gross domestic product (GDP) was approximately \$14,300. The population was approximately 450,000.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. These problems included occasional reports of police abuse, the limited ability of citizens to change their government, limits on the legislature's ability to initiate legislation, inadequate provision for persons with disabilities, and a lack of legal protection for strikes and collective bargaining rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents.

There was one report of a suspicious death in custody. In May a prisoner was taken from his cell and transferred to a police station for interrogation. While at the station he became ill and was taken to a hospital, where he died. A postmortem examination by the hospital found that he died of acute renal failure caused by assault with blunt force and had suffered from severe hepatic cirrhosis. The police carried out an investigation of possible police wrongdoing and passed their report to the Public Prosecutions Office; an investigation by the Public Prosecutions Office was pending at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and the Government generally respected these provisions in practice; however, there were reports of police brutality during the year. In February two officers allegedly assaulted two Hong Kong journalists who sought to enter Macau to cover the visit of Li Peng, Chairman of the NPC. The police denied the allegations. Results of investigations into the incident conducted by the police and Procurator's Office were not available at year's end.

Prison conditions met international standards, but in the last few years the prison population has more than doubled to 886 (including male and female inmates), almost two-thirds of whom are from the PRC. Facilities and personnel have failed to keep pace. In 2000 the Secretary for Security announced plans to hold talks with PRC authorities on a prisoner transfer agreement. The two sides had not reached an agreement at year's end.

The Government has permitted prison visits by human rights observers, but there were no such visits during the year.

Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally respected these provisions in practice. An examining judge, who conducts a pretrial inquiry in criminal cases, has a wide range of powers to collect evidence, order or dismiss indictments, and determine whether to release detained persons. Police must present persons remanded in custody to an examining judge within 48 hours of detention. The accused person's counsel may examine the evidence. The law provides that cases must come to trial within 6 months of an indictment. The average length of pretrial incarceration was 3 months. Judges often refused bail in cases where sentences exceed 3 years. This practice contributed to overcrowding in prisons.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government generally respected this provision in practice. According to the Basic Law, the courts have the power of final adjudication over all cases that are within the autonomy of the SAR. The courts also may rule on matters that are "the responsibility of the Central People's Government or concern the relationship between the central authorities and the (Special Administrative) Region," but before making their final (i.e., nonappealable) judgment, the court must seek an interpretation of the relevant provisions from the Standing Committee of the NPC. When the Standing Committee makes an interpretation of the provisions concerned, the courts, in applying those provisions, "shall follow the interpretation of the Standing Committee." The Standing Committee must consult the NPC's Committee for the Basic Law of the Special Administrative Region before giving an interpretation of the law. This Committee is composed of 10 members, 5 from the SAR and 5 from the mainland. The Chief Executive, the President of the Legislative Assembly, and the President of the Court of Final Appeal nominate the SAR members.

The need to translate laws and judgments from Portuguese and a severe shortage of local bilingual lawyers and magistrates may have hampered development of the legal system. At year's end, 94 lawyers were registered with the Macau Lawyers Association, of whom 29 spoke Cantonese and 11 spoke Mandarin. The Government has instituted a rigorous postgraduate training program for magistrates who received legal training outside of the SAR. The judiciary was relatively inexperienced (the first law school opened in the early 1990s), and the lack of locally trained lawyers was a serious impediment to the development and maintenance of an independent judiciary.

According to the Basic Law, the Chief Executive appoints judges at all levels, acting on the recommendation of an "independent commission," which he appoints, composed of local judges, lawyers, and "eminent persons." The Basic Law stipulates that judges must be chosen on the basis of their professional qualifications. According to the law, judges may be removed only for criminal acts or an inability to discharge their functions. Except for the Chief Justice, who must be a Chinese citizen with no right of abode elsewhere, judges may be foreigners.

There are four courts: The Primary Court (with general jurisdiction at first instance); the Administrative Court (with jurisdiction of first instance in administrative disputes); the Court of Second Instance; and the Court of Final Appeal.

The law provides for the right to a fair trial, and the judiciary generally enforced this right. By law, trials are open to the public, except when publicity could cause great harm to the dignity of the persons, to public morals, or to the normal development of the trial. Such a decision must be revoked if those motives cease to exist, and the verdict must always be delivered in public. The Criminal Procedure Code provides for an accused person's right to be present during proceedings and to choose an attorney or request that one be provided at government expense. The 1997 Organized Crime Ordinance provides that "certain procedural acts may be held without publicity and that witness statements read in court are admissible as evidence." There also are additional restrictions on the granting of bail and suspended sentences in organized crime cases.

The judiciary generally provides citizens with a fair and efficient judicial process, but the average waiting period between the filing of a civil case and its scheduled hearing continued to be nearly 12 months, although it was reduced slightly during the year. Since 1991 all legislation has been issued simultaneously in Chinese and Portuguese. Laws issued between 1976 and 1991 have been translated into Chinese. The Public Prosecutions Office (headed by a Public Prosecutor General) enjoys substantial autonomy from both the executive and the judiciary. The Basic Law stipulates that the Public Prosecutions Office's functions must be carried out without interference, and the law was generally respected in practice.

There were no reports of political prisoners.

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

The law prohibits such actions, and the Government generally respected these prohibitions in practice. A judge's authorization is required for any official interference in these areas. Any evidence obtained by means of wrongful interference in private life, home, correspondence, or telecommunications without the consent of the concerned person may not be used in court.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Local law also protects citizens' right to petition the Government and the legislature.

The print media included eight Chinese-language dailies, four Portuguese-language dailies, and seven weeklies. There were three television networks. Macau Radio broadcast in both Portuguese and Chinese (Cantonese and Mandarin). Hong Kong and international newspapers were freely available. The dominant newspapers were sympathetic to official Chinese positions in their editorial line. Critics charged that these papers did not give equal attention to liberal and pro-democracy voices. The reversion to PRC sovereignty has produced no overt or apparent restrictions of press freedom. Government officials asserted that the local press has grown more aggressive in its demands for accountability from public officials since the 1999 handover.

Article 23 of the Basic Law obliges the SAR to enact legislation that would forbid any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, and links of the foregoing nature that are harmful to national security with foreign political organizations. Human rights groups have voiced concern that when enacted these laws and other provisions passed to implement Article 23 may restrict fundamental rights and freedoms.

Particular concern has been raised regarding the Penal Code's lack of specific sentences for such crimes. A legal vacuum was created when a Portuguese law dealing with crimes against state security became null and void after the handover. In October the Government announced that it was working on draft legislation for the Article 23 antisubversion law that would undergo a period of public consultation and then be submitted to the Legislative Assembly in 2003. At year's end, that work was still ongoing.

There were no government-imposed limits on Internet access.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly, and the Government generally respected this right in practice. Under local law, individuals and groups intending to hold peaceful meetings or demonstrations in public places are required to notify the president of the relevant municipal council in writing at least 3 days but no more than 2 weeks in advance of the event. No prior authorization is necessary for the event to take place. Local law also provides criminal penalties for government officials who unlawfully impede or attempt to impede the right of assembly and for counter-demonstrators who interfere in meetings or demonstrations.

The law provides for freedom of association, and the Government generally respected this right in practice. The law neither provides for nor prohibits establishment of political parties. Under the Societies Ordinance, however, persons can establish "political organizations," of which a few existed, including the pro-democracy New Democratic Macau Society, headed by a legislator. Both civic associations and candidates' committees may present candidates in the elections by direct or indirect suffrage (see Section 3). Article 23 of the Basic Law obliges the Macau SAR to enact laws to prohibit foreign political organizations from establishing ties with domestic political organizations or bodies. The Government had not enacted any legislation to implement Article 23 (see Section 2.a.).

Falun Gong practitioners were allowed to continue their exercises and demonstrations in public parks. In recent years, police photographed practitioners. In the past, police occasionally took practitioners to the police station and made them wait a few hours while police checked their identification documents. Pro-democracy and Falun Gong activists living outside of the SAR stated that they were able to travel to the SAR without interference.

c. Freedom of Religion

The Basic Law provides for freedom of conscience and religious belief as well as freedom to preach and to conduct and participate in religious activities. The Freedom of Religion Ordinance provides for freedom of religion, privacy of religious belief, freedom of religious assembly, freedom to hold religious processions, and freedom of religious education. The SAR Government generally respected these rights in practice. There is no state religion.

The Religious Freedom Ordinance requires the registration of religious organizations. Registration is handled by the Identification Services Office. There have been no reports of discrimination in the registration process.

Practitioners of Falun Gong (a spiritual movement that does not consider itself a religion) have not applied for registration because a local lawyer advised them that their application for registration would not be approved since the Falun Gong was banned in mainland China in October 1999. However, the Identification Services Office has not issued any instructions regarding the Falun Gong, and senior SAR Government officials have reaffirmed that practitioners of Falun Gong may continue their legal activities without government interference. In recent years, police occasionally photographed practitioners and checked their identification documents (see Section 2.b.).

Religious bodies can apply to use electronic media to preach. The ordinance also stipulates that religious groups may maintain and develop relations with religious groups abroad.

Missionaries are free to conduct missionary activities and were active in the enclave. More than 30,000 children were enrolled in Catholic schools.

The Catholic Church recognizes the Pope as the head of the Church. In April the Holy See appointed a coadjutor Bishop for the Macau diocese. Editorials in the local Catholic newspaper noted this as an example of the Macau Government's independence and respect for religious freedom as provided for in the Basic Law.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice. In 2001 a female Falun Gong practitioner from Hong Kong was barred from entering Macau despite statements by the Chief Executive that there was no political blacklist of persons from Hong Kong. In past years, the police admitted that they kept a list of unwelcome persons who have criminal records and persons whom they believe have criminal intentions. In December 2000, the Government detained and turned back prodemocracy activists and Falun Gong practitioners who tried to enter the SAR during the period observing the anniversary of the handover. A Security Bureau spokesman stated that they were not admitted because it was suspected that they intended to carry out unlawful demonstrations and that the law, which gives residents the right to assemble and demonstrate, does not give nonresidents that right (see Section 2.b.). Foreign Falun Gong and democracy activists have traveled to Macau at other times without incident.

The law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees in assisting refugees before the handover. There were no refugee cases during the year. The law makes no provision for first asylum. There were no reports of refugees being forced to return to a country where they feared persecution.

During the year, 1,198 illegal migrants were returned to the mainland, of whom 120 were male and 1,078 female.

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

The ability of Macau citizens to change their government is restricted. The Government is led by a Chief Executive chosen by a 200-member Selection Committee, which is in turn chosen by a 100-member Preparatory Committee, composed of 60 Macau and 40 mainland representatives appointed by the NPC of the PRC. The 27-member Legislative Assembly elected in 2001 is composed of 10 members elected in direct elections; 10 indirectly elected by local community interests such as business, labor, professional, welfare, cultural, educational and sports associations; and seven appointed by the Chief Executive. Prior to the 2001 elections, the Legislative Assembly was composed of 8 members elected directly, 12 elected indirectly, and 7 that were appointed. Elections are held every 4 years, and the number of legislators is to increase gradually in

subsequent elections. In 2005 the number of directly elected seats is to be increased to 12, with 10 elected indirectly and 7 appointed. After 2009 the rules on the Assembly's composition may be altered by a two-thirds majority of the total membership and with the approval of the Chief Executive, who has veto power. The Basic Law does not provide for universal suffrage or for direct election of either the legislature or the Chief Executive.

There are limits on the types of legislation that legislators may introduce. Article 75 of the Basic Law stipulates that legislators may not initiate legislation related to public expenditure, the SAR's political structure, or the operation of the Government. Bills relating to government policies must receive the written approval of the Chief Executive before they are submitted.

A 10-member Executive Council appointed by the Chief Executive consists of 2 legislators, 1 former legislator, 5 policy secretaries and 2 prominent businessmen. The Executive Council functions as an unofficial cabinet, approving all draft legislation before it is presented in the Legislative Assembly.

In January a bill approved by the Legislative Assembly in 2001 went into effect, transforming Macau's two provisional municipal councils into a new public body. Under the previous arrangement, a total of eight directly elected members sat on the two councils. The councils were responsible for culture, recreation and public sanitation functions. Under the new system, the councils have been merged into a single public body, called the Institute for Civic and Municipal Affairs, with all of its members appointed by the Chief Executive. The Basic Law states that "municipal organizations are not organs of political power."

Five of the 27 Legislative Assembly members (3 directly elected, 1 indirectly elected, 1 appointed), including the President of the Assembly, were women. Women held a number of senior positions throughout the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights groups generally functioned without government restriction, investigating and publishing their findings on human rights. Local human rights groups, such as the Macau Association for the Rights of Laborers, and the New Democratic Macau Association, continued to operate.

International human rights agreements that formerly were applicable to Macau were approved by the Sino-Portuguese Joint Liaison Group and continued to apply to the SAR. In addition, the International Covenant on Civil and Political Rights is subsumed in the Basic Law.

The Commission Against Corruption received 1,116 complaints against public officials in a variety of agencies during the year. By year's end, the Commission had opened 131 files, of which 115 were criminal cases and 16 were administrative grievances. The Commission transferred 24 cases to the Public Prosecutions Office. A monitoring body established to review complaints of maladministration or abuse by the Commission itself received no such complaints during the year.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Basic Law stipulates that residents shall be free from discrimination, irrespective of their nationality, descent, race, sex, language, political persuasion, ideological belief, educational level, economic status, or social condition. In addition, many local laws carry specific prohibitions against discrimination. For example, under the law that establishes the general framework for the educational system, access to education is stipulated for all residents regardless of race, religious belief, or political or ideological convictions.

Women

The Government enforces criminal statutes prohibiting domestic violence and prosecutes violators. Police and court statistics do not distinguish between spousal abuse and other assault cases. If hospital treatment is required, a medical social worker counsels the victims of abuse and informs them about social welfare services. Until their complaints are resolved, victims of domestic violence may be provided public housing, but no facilities were reserved expressly for them.

Private and religious groups sponsored programs for victims of domestic violence. The Government supported and helped to fund these organizations and programs. The Bureau for Family Action was created by the Government as a subordinate body of the Department of Family and Community of the Social Welfare Institute. The Bureau helps women who have been victims of domestic violence, providing not only a safe

place for them and their children but also advice regarding legal actions against the perpetrators. A special family counseling service performed an average of 150 family services per month, including receiving phone calls and conducting interviews. Two government-supported religious programs also offered rehabilitation programs for women who have been victims of violence. Through September, 19 cases of spousal abuse were reported to the Social Welfare Institute. Between January and July, the Office for Security Co-ordination received 143 reports of offenses against the physical integrity of female spouses. From January to September, the Government received two criminal complaints of statutory rape and one case of ill treatment. The law on rape covers spousal rape. During the year, there were 13 reported rapes.

Prostitution is legal, but procuring is not. Although there was no reliable data regarding the number of persons involved, trafficking in women was a problem (see Section 6.f.).

There is no law specifically addressing sexual harassment, although there is a law prohibiting harassment in general.

Women have become more active and visible in business. A Government survey indicated that, as of June, women comprised 47.1 percent of the labor force. Equal opportunity legislation that is applicable to all public and private organizations mandates that women receive equal pay for equal work, prohibits discrimination based on sex or physical ability, and establishes penalties for employers who violate these guidelines. However, there was wage discrimination in some sectors, notably construction. The equal opportunity legislation may be enforced by civil suits, but no cases alleging discrimination have been brought to court.

Children

The Government is committed to protecting the rights and welfare of children; it does so by relying on the general framework of civil and political rights legislation to protect all citizens. For example, the Criminal Code provides for criminal punishment for sexual abuse of children and students, statutory rape, and procuring involving minors.

School attendance is compulsory for all children aged 5 to 15 years. Basic education was provided in government-run schools and subsidized private schools and covers the pre-primary year, primary education, and general secondary school education. The Education Department provided assistance to families of those children that could not pay school fees. The children of illegal immigrants were excluded from the educational system. The Government provided free medical care for all children. Child abuse and exploitation were not widespread problems. Through September 15 cases of child abuse were reported to the Social Welfare Institute. Between January and July, the Office for Security Coordination received 20 reports of child abuse. From January to September, four criminal complaints regarding sexual abuse of children were received.

Persons with Disabilities

The extent to which persons with physical disabilities experienced discrimination in employment, education, and provision of state services was not known fully. A 2001 census stated that there were 5,713 persons with disabilities in the SAR.

The Social Welfare Institute offered financial and rehabilitation assistance to persons with disabilities and helped to fund 5 residential facilities and 14 day centers providing services for the disabled. A few other special programs existed, aimed at helping persons with disabilities gain better access to employment, education, and public facilities. Nineteen nongovernmental entities providing services for persons with disabilities received regular assistance from the Social Welfare Institute and subsidies from other governmental departments. An average of 86 percent of the total income of these nongovernmental entities came from the Government. Four nongovernmental entities were totally funded by the Government, including one residential home and one day training center for mentally retarded persons, one residence for former psychiatric patients and one day center for disabled children. Twenty-two schools had programs for persons with disabilities, providing special education programs for 752 students.

In October a new law was enacted, mandating improved accessibility for persons with reduced mobility to public administration buildings, buildings open to the public, collective dwellings and pavements. The Government's Social Security fund may grant subsidies for the elimination of architectural barriers in order to facilitate access by persons with a physical or behavioral disability.

National/Racial/Ethnic Minorities

Although no specific laws prohibit discrimination on the basis of racial or ethnic background, the rights of ethnic minorities, particularly the Macanese (Eurasians who comprise roughly 2 percent of the population) were generally respected. Although Portuguese officials no longer dominated the civil service, the government bureaucracy and the legal system placed a premium on knowledge of the Portuguese language, which was spoken by less than 2 percent of the population. The Chinese language has official status and the use of Chinese in the civil service was growing.

Section 6 Worker Rights

a. The Right of Association

The Government neither impeded the formation of trade unions nor discriminated against union members. The Basic Law stipulates that international labor conventions that applied to Macau before the handover shall remain in force and are to be implemented through the laws of the SAR. Human rights groups have expressed concern that local law does not have explicit provisions against antiunion discrimination.

Unions tended to stress the importance of stability and minimum disruption of the work force. Nearly all of the private sector union members belonged to the pro-China Federation of Trade Unions. Many local observers have claimed that this organization was more interested in furthering the Chinese political agenda than in addressing trade union issues such as wages, benefits, and working conditions. Only a small number of unions—six private sector unions and two public sector unions—were independent. All classes of workers have the right to join a union.

Unions may freely form federations and affiliate with international bodies. During the year, the SAR had eight independent industrial (sector-wide) unions. Three of the nearly 20 civil service unions—representing Portuguese, Macanese, and Chinese employees—were affiliated with the major non-Communist Portuguese union confederation, the Macau Sempre (Roots in Macau).

b. The Right to Organize and Bargain Collectively

The Government did not impede or discourage collective bargaining, but there is no specific statutory protection for this right, since Portuguese laws that protected collective bargaining no longer apply. Wages were determined by market forces. Unions tended to resemble local traditional neighborhood associations, promoting social and cultural activities rather than issues relating to the workplace. Local customs normally favored employment without the benefit of written labor contracts, except in the case of migrant labor from China and the Philippines. Chinese unions traditionally have not attempted to engage in collective bargaining.

Labor leaders have complained that there is no effective protection in local law from retribution should they exercise their right to strike. The Government argued that striking employees are protected from retaliation by labor law provisions that require an employer to have "justified cause" to dismiss an employee, and the Government enforced these provisions in practice. Strikes, rallies and demonstrations are not permitted in the vicinity of the Chief Executive's office, Legislative Assembly and other key government buildings. Although there was at least one protest, there were no work stoppages or strikes during the year.

In August approximately 300 casino workers and their families protested against a new employment contract with their newly formed casino group employer. The employees feared that they would earn less under the new contracts, which required a reduction in tips but an increase in fixed salaries. The Government referred the dispute to the Labor and Employment Bureau for mediation, the results of which were pending at year's end.

Workers who believe that they have been dismissed unlawfully may bring a case to court or lodge a complaint with the Labor Department or the High Commissioner against Corruption and Administrative Illegality, who also functions as an ombudsman.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits minors under the age of 16 from working, although minors between the ages of 14 and 16 may be authorized to work on an "exceptional basis." Proposed changes to the law currently under consideration by the Government will prohibit minors under the age of 18 from working, while minors between the ages of 16 and 18 may be authorized to work on an "exceptional basis." Some children reportedly worked in family-run businesses and on fishing vessels, usually during summer and winter vacations. Local laws do not establish specific regulations governing the number of hours these children can work, but International Labor Organization (ILO) conventions are applied. The Labor Department enforced the law through periodic and targeted inspections and violators were prosecuted. The incidence of child labor was very low. The Labor Department Inspectorate did not conduct inspections specifically aimed at enforcing child labor laws, but it issued summonses when such violations were discovered in the course of other workplace inspections. No instances of child labor were reported during the year.

In August Macau ratified ILO Convention 182 on Elimination of the Worst Forms of Child Labor.

e. Acceptable Conditions of Work

Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements, but there is no mandatory minimum wage. Average wages generally provided a decent standard of living for a worker and family. There were no publicly administered social security programs, but some large companies provided private welfare and security packages.

Labor legislation provides for a 48-hour workweek, an 8-hour workday, paid overtime, annual leave, and medical and maternity care. Although the law provides for a 24-hour rest period for every 7 days of work, worker representatives reported that workers frequently agreed to work overtime to compensate for low wages. The Department of Labor provided assistance and legal advice to workers on request.

The Department of Labor enforces occupational safety and health regulations, and failure to correct infractions can lead to prosecution. In 2001 the Labor Department inspectorate carried out 1694 inspections and uncovered 29 violations carrying fines worth a total of \$20,814 (166,500 Patacas). There were four work-related death cases during the first half of the year and six cases in 2001. Although the law includes a requirement that employers provide a safe working environment, no explicit provisions protect employees' right to continued employment if they refuse to work under dangerous conditions.

Migrant workers, primarily from China, made up approximately 11 percent of the work force. These workers often worked for less than half of the wages paid to local residents performing the same job, lived in controlled dormitories, worked 10 to 12 hours per day, and owed large sums of money to a labor-importing company for the purchase of their jobs. The U.N. Human Rights Committee has noted the lack of protective measures for working conditions and the absence of social security programs for nonresident workers as problems. Labor interests claimed that the high percentage of foreign labor eroded the bargaining power of local residents to improve working conditions and increase wages.

Due to an economic downturn and high unemployment, the Government has reduced the amount of foreign labor to give job priority to local residents. In a 2001 incident, approximately 40 workers from mainland China were detained after a standoff with their employer over compensation and abrupt dismissal. Some of the workers were deported before a judicial decision could be made on their labor-related claims. In another case, after dozens of foreign workers suddenly were laid off by a garment manufacturer, they petitioned the Government over being paid a fraction of their wages. In response the Government's Labor and Employment Affairs Bureau took action to mediate the pay dispute. The Government claimed that, since the workers' contracts had expired, their removal was lawful. However, a Labor and Employment Affairs Bureau official stated to the press that the dismissal of the workers was "unreasonable" and that the workers' demands were fair. There were no such demonstrations during the year.

f. Trafficking in Persons

The law prohibits trafficking in persons. However, the SAR was both a transit point and a destination for trafficking in illegal aliens. It was also a transit point, and in the past has been a destination, for trafficking in women for the purpose of prostitution. During the year, the Government maintained that the current flow of women into the SAR for the purpose of prostitution was "a result of regional economic migration and not a corollary of trafficking in people."

Trafficking in persons is a crime established and punished under Article 7 of the Law on Organized Crime. The penalty for the crime of trafficking in persons is imprisonment for 2 to 8 years. This penalty is increased by one-third (within minimum and maximum limits) if the victim is under the age of 18 years. If the victim is under 14 years old, the penalty is imprisonment for 5 to 15 years. In cases in which a victim is raped by a trafficker, the two offenses are treated as different crimes.

In the past, there were credible reports that women from Vietnam were trafficked into Macau as mail-order brides, with the assistance of organizations purporting to be travel agencies, international labor organizations, or marriage mediating services. Women from Malaysia, who usually were ethnic Chinese, also reportedly have been trafficked into the SAR; law enforcement authorities in Malaysia believed that the women were trafficked by Chinese criminal syndicates. In some cases, trafficking victims from Malaysia were lured by promises of well-paying jobs and then were forced to work as prostitutes.

Prostitution is not a crime in the SAR, but living off the proceeds of prostitution is a crime. In January the police arrested a Taiwan-run gang that allegedly paid Russian prostitutes a small amount of money during the first 6 to 12 months of their employment contracts to force their continued employment.

There were no government assistance programs in place for victims of trafficking. There were no local NGOs specifically dealing with the problem of trafficking, but there were charitable organizations that provided assistance and shelter to women and children who were the victims of abuse.

