



China (includes Tibet, Hong Kong, and Macau)

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

(The section for [Tibet](#), the report for [Hong Kong](#), and the report for [Macau](#) are appended below.)

The People's Republic of China (PRC) is an authoritarian state in which, as specified in its Constitution, the Chinese Communist Party (CCP or Party) is the paramount source of power. Party members hold almost all top government, police, and military positions. Ultimate authority rests with the 24-member political bureau (Politburo) of the CCP and its 9-member standing committee. Leaders made a top priority of maintaining stability and social order and were committed to perpetuating the rule of the CCP. Citizens lacked the freedom to 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 has given way to pragmatism, and economic decentralization has 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 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. Civilian authorities generally maintained effective control of the security forces. Security policy and personnel were responsible for numerous human rights abuses.

The country's transition from a centrally planned economy toward a market based economy continued. Although state-owned industry remained dominant in key sectors, the Government has taken steps to restructure major state-owned enterprises (SOEs), privatized many small and medium SOEs, and allowed private entrepreneurs increasing scope for economic activity. Rising urban living standards; a burgeoning middle class; greater independence for entrepreneurs; the reform of the public sector, including government efforts to increase transparency and eliminate administrative hurdles; and expansion of the private sector, including foreign-invested enterprises, continued to increase workers' employment options and reduce state control over citizens' daily lives.

The country faced many economic challenges, including reform of SOEs and the banking system, growing unemployment and underemployment, an aging population, the need to construct an effective social safety net, and rapidly widening income gaps between coastal and interior regions and between urban and rural areas. In recent years, between 100 and 150 million persons voluntarily left rural areas to search for better jobs and living conditions in cities, where they were often denied access to government-provided economic and social benefits, including education and health care. The Government continued to relax controls over migration from rural to urban areas, and many cities took steps to expand the rights of migrants and their dependents to basic social services. In the industrial sector, continued downsizing of SOEs contributed to rising urban unemployment that was widely believed to be much higher than the officially estimated 4 percent, with many sources estimating the actual figure to be as high as 20 percent. The Government reported that urban per capita disposable income in 2003 was \$1,028 and grew by 9 percent over the previous year, while rural per capita cash income was \$317 and grew by 4 percent. Official estimates of the percentage of citizens living in absolute poverty showed little change from the previous year. The Government estimated that 30 million persons lived in poverty, and the World Bank estimated the number whose income does not exceed one dollar per day to be 100 to 150 million persons.

The Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses. Citizens did not have the right to change their government, and many who openly expressed dissenting political views were harassed, detained, or imprisoned, particularly in a campaign late in the year against writers, religious activists, dissidents, and petitioners to the Central Government. Authorities were quick to suppress religious, political, and social groups that they perceived as threatening to government authority or national stability, especially before sensitive dates such as the 15th anniversary of the 1989 Tiananmen massacre and other significant political and religious occasions. However, the Constitution was amended to mention human rights for the first time.

Abuses included instances of extrajudicial killings; torture and mistreatment of prisoners, leading to numerous deaths in custody; coerced confessions; arbitrary arrest and detention; and incommunicado detention. The judiciary was not independent, and the lack of due process remained a serious problem. The lack of due process was particularly egregious in death penalty cases, and the accused was often denied a meaningful appeal. Executions often took place on the day of conviction or on the denial of an appeal. In Xinjiang, trials and executions of Uighurs charged with separatism continued. Government pressure continued to make it difficult for lawyers to represent criminal defendants. The authorities routinely violated legal protections in the cases of political dissidents and religious figures. They generally attached higher priority to suppressing political opposition and maintaining public order than to enforcing legal norms or protecting individual rights. According to 2003 government statistics, more than 250,000 persons were serving sentences in "reeducation-through-labor" camps and other forms of administrative detention not subject to judicial review. Other experts reported that more than 310,000 persons were serving sentences in these camps in 2003.

Throughout the year, the Government prosecuted individuals for subversion and leaking state secrets as a means to harass and intimidate, while others were detained for relaying facts about Chinese human rights issues to those outside the country. Among those detained or convicted on such charges were Christian activists Zhang Rongliang, Liu Fenggang, Xu Yonghai and Zhang Shengqi, and journalists Zhao Yan, Shi Tao, Li Guozhu and members of the independent PEN Center's China branch. The Government detained individuals administratively to suppress dissent and intimidate others. In April and June, authorities detained many who planned 15th anniversary commemorations of the 1989 Tiananmen massacre, including activist Hu Jia and "Tiananmen Mothers" organization founders. Similarly, military officials detained Dr. Jiang Yanyong because he wrote to government leaders requesting an official reassessment of the 1989 Tiananmen massacre.

The number of individuals serving sentences for the now-repealed crime of counterrevolution was estimated at 500 to 600; many of these persons were imprisoned for the nonviolent expression of their political views. Nongovernmental organizations (NGOs) estimated that as many as 250 persons remained in prison for political activities connected to the 1989 Tiananmen demonstrations.

The authorities granted early release from prison to Tibetan nun Phuntsog Nyidrol in February and China Democracy Party (CDP) co-founder Wang Youcai in March. Counterrevolutionary prisoners Liu Jingshun and Chen Gang were also released during the year, after their sentences were reduced. However, many political prisoners, including Internet activists Xu Wei, Yang Zili, and Huang Qi; Uighurs Rebiya Kadeer and Tohti Tunyaz; journalists Zhao Yan and Jiang Weiping; labor activists Yao Fuxin and Xiao Yunliang; civil activist Mao Hengfeng; Catholic Bishop Su Zhimin; Christian activists Zhang Rongliang, Zhang Yinan, Liu Fenggang, and Xu Yonghai; Tibetans Jigme Gyatso, Tenzin Deleg, and Gendun Choekyi Nyima; Inner Mongolian cultural activist Hada; CDP co-founder Qin Yongmin; and political dissident Yang Jianli remained imprisoned or under other forms of detention, some in undisclosed locations.

The Government used the international war on terror as a pretext for cracking down harshly on suspected Uighur separatists expressing peaceful political dissent and on independent Muslim religious leaders. The human rights situation in the Tibet Autonomous Region (TAR) and in some Tibetan regions outside the TAR also remained poor (see Tibet Addendum).

The Government maintained tight restrictions on freedom of speech and of the press, and a wave of detentions late in the year signaled a new campaign targeting prominent writers and political commentators. The Government regulated the establishment and management of publications, controlled broadcast and other electronic media, censored some foreign television broadcasts, and jammed some radio signals from abroad. During the year, publications were closed and otherwise disciplined for publishing material deemed objectionable by the Government, and journalists, authors, academics, Internet writers, and researchers were harassed, detained, and arrested by the authorities. Although the scope of permissible private speech has continued to expand in recent years, the Government continued and intensified efforts to monitor and control use of the Internet and other wireless technology, including cellular phones, pagers, and instant messaging devices. During the year, the Government blocked many websites, began monitoring text messages sent by mobile phones, and pressured Internet companies to censor objectionable content. NGOs reported that 43 journalists were imprisoned at year's end.

The Government severely restricted freedom of assembly and association and infringed on individuals' rights to privacy. The authorities harassed and abused many who raised public grievances, including petitioners to the Central Government. The Government outlawed public commemoration of the 1989 Tiananmen massacre. Thousands of individuals protesting forced evictions and workplace and health issues were detained during the year. Petitioner issues were increasingly considered suspect by the Government, and petitioner leader Ye Guozhu was arrested in August while seeking permission to hold a 10,000-person rally against forced eviction.

While the number of religious believers in the country continued to grow, the Government's record on respect for religious freedom remained poor, and repression of members of unregistered religious groups increased in some parts of the country. Members of unregistered Protestant and Catholic congregations, Muslim Uighurs, and Tibetan Buddhists, including those residing within the TAR (see Tibet Addendum) experienced ongoing and, in some cases, increased official interference, harassment, and repression. Government officials increased vigilance against "foreign infiltration under the guise of religion." The Government detained and prosecuted a number of underground religious figures in both the Protestant and Catholic Church. Among them, Protestants Liu Fengang, Xu Yonghai, and Zhang Shengqi were sentenced for sending to overseas organizations information that the Government considered sensitive.

The extent of religious freedom varied significantly from place to place. The Government continued to enforce regulations requiring all places of religious activity to register with the Government. Many provincial authorities required groups seeking to register to come under the supervision of official, "patriotic" religious organizations. Religious worship in many officially registered churches, temples, and mosques occurred without interference, but unregistered churches in some areas were destroyed, religious services were broken up, and church leaders and adherents were harassed, detained, or beaten. At year's end, scores of religious adherents remained in prison because of their religious activities. No visible progress was made in normalizing relations between the official Patriotic Catholic Church and Papal authorities, although both the Government and the Vatican stated that they were ready to resume negotiations aimed at establishing diplomatic relations. The Government continued its crackdown against the Falun Gong spiritual movement, and tens of thousands of practitioners remained incarcerated in prisons, extrajudicial reeducation-through-labor camps, and psychiatric facilities. 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.

Freedom of movement continued to be restricted. However, the Government continued to relax its residence-based registration requirements. The Government denied the U.N. High Commissioner for Refugees (UNHCR) permission to operate along its border with North Korea and deported several thousand North Koreans, many of whom faced persecution and some of whom may have been executed upon their return, as provided in North Korean law. Abuse and detention of North Koreans in the country was also reported.

The Government did not permit independent domestic NGOs to monitor human rights conditions. However, in September, the U.N. Working Group on Arbitrary Detention visited Beijing, Sichuan, and the TAR and toured 10 detention facilities. Although the Government extended invitations to the U.N. Special Rapporteur for Torture and the U.N. Special Rapporteur for Religious Intolerance, those visits did not occur by year's end. The Government also extended an invitation to the leaders of the U.S. Commission on International Religious Freedom, but the visit did not occur due to restrictive conditions that the Government placed on the visit. In December, the Government postponed a planned seminar by the Organization for Economic Cooperation on Socially Responsible Investment, which resulted in the cancellation of a visit by the OECD's Trade Union Advisory Council to discuss labor issues.

Violence against women, including imposition of a coercive birth limitation policy that resulted in instances of forced abortion and forced sterilization, continued to be a problem, as did prostitution. Discrimination against women, persons with disabilities, and minorities persisted. Trafficking in persons continued to be a serious problem.

Labor demonstrations, particularly those protesting nonpayment of back wages, continued. Workplace safety remained a serious problem, particularly in the mining industry. The Government continued to deny internationally recognized worker rights, including freedom of association. Forced labor in prison facilities remained a serious problem.

Significant legal reforms continued during the year, including a Constitutional amendment specifically to include protection of citizens' human rights and legally obtained private property for the first time. In July, the Government enacted the Administrative Procedures Law, which prohibits government agencies from violating citizens' rights or seizing property without clear legal authority. A new infectious disease law was enacted prohibiting discrimination against people with HIV/AIDS and Hepatitis B, and employment discrimination against those with HIV/AIDS and Hepatitis B was outlawed. Treatment of some migrant workers was improved in many major cities through the passage of laws intended to guarantee migrant children access to public education and to protect migrant workers' rights to receive their salary on a regular basis. The Government enacted reforms related to interrogation of detainees, fighting corruption, procedures for requisitioning land, confiscation of personal property, extending social security, regulating religion, and providing legal aid. At year's end, it remained unclear how widely these reforms would be implemented and what effect they would have.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

During the year, politically motivated and other arbitrary and unlawful killings occurred. While no official statistics on deaths in custody were available, state-run media reported that 460 people were killed by law enforcement officials and over 100 seriously injured through abuse or dereliction of duty in 2003. In August, the Sichuan Provincial Procuratorate issued a report stating that, in the first half of the year, 118 individuals in Sichuan Province died and 10 were severely injured due to malfeasance by police and prison officials. In June, state-run media reported that in Guizhou Province police beat Jiang Zongxiu to death after she was detained administratively for distributing Bibles (see Section 2.c.). In April, Gu Xianggao died in police custody in Harbin, Heilongjiang Province. Public security officials offered compensation to his family in connection with his death. In these cases, officials denied that the deaths occurred because of police abuse, but others who viewed the bodies stated that beatings had occurred (see Sections 1.c. and 1.d.).

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 (see Section 2.c.). Some groups based abroad estimated that as many as 2,000 Falun Gong practitioners have died as a result of official persecution.

Trials involving capital offenses sometimes took place under circumstances involving severe lack of due process and with no meaningful appeal. Executions often took place on the day of conviction or appeal. For example, on international antidrug day, June 26, dozens of prisoners were executed, many within hours of their trial and conviction. In Xinjiang, executions of Uighurs accused by authorities of separatism, which some observers claimed were politically motivated, were reported (see Section 5). The Government regarded the number of death sentences it carried out as a state secret. However, in March, a National People's Congress deputy asserted that nearly 10,000 cases per year "result in immediate execution." The statement sparked calls for reform, including returning the power to issue death sentences from provincial courts to the Supreme People's Court (SPC) and eliminating the death penalty for economic and other nonviolent crimes. Nonetheless, media reports stated that approximately 10 percent of executions were for economic crimes, especially corruption. SPC and Ministry of Justice officials stated that the 10,000 executions per year figure is exaggerated. Amnesty International (AI) reported that China executed more persons than any other country. Some foreign academics estimated that as many as 10,000

to 20,000 persons are executed each year.

b. Disappearance

The Government used incommunicado detention. The law requires notification of family members within 24 hours of detention, but many individuals were held without notification for significantly longer periods, especially in sensitive political cases. Dr. Jiang Yanyong and his wife were detained on June 1 and held incommunicado for several weeks in connection with a letter he wrote to government leaders about the 1989 Tiananmen massacre (see Section 2.d.). New York Times researcher Zhao Yan also was held for several days in September before authorities notified his relatives and employer (see Section 2.a.).

By year's end, the Government had not provided a comprehensive, credible accounting of all those missing or detained in connection with the suppression of the 1989 Tiananmen demonstrations. Public calls for a reassessment of the 1989 Tiananmen massacre increased during the year, especially around the 15th anniversary of the crackdown.

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

The Prison Law forbids prison guards from extorting confessions by torture, insulting prisoners' dignity, and beating or encouraging others to beat prisoners; however, police and other elements of the security apparatus employed torture and degrading treatment in dealing with some detainees and prisoners. While senior 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.

Since the crackdown on Falun Gong began in 1999, several hundred Falun Gong adherents reportedly died in custody due to torture, abuse, and neglect (see Section 2.c.). During the year, the Government arrested Falun Gong members and formally charged them with manufacturing claims that they were tortured.

During the year, police continued to use torture to coerce confessions from criminal suspects. A Supreme People's Procuratorate (SPP) investigation uncovered more than 4,000 cases of official abuse, including torture and extracting confessions through coercion, from 2001 to 2003. Lawyers and other observers continued to point to the December 2003 conviction and execution of crime syndicate figure Liu Yong on corruption charges as a prominent example of the Government ignoring evidence of torture in the interest of fighting crime. Liu was sentenced to death in 2002, but Beijing-based defense attorneys discovered evidence that a key witness' confession was coerced through torture. As a result, the Liaoning High Court overturned Liu's death sentence in August 2003. Yielding to public opposition to the ruling, the SPC reinstated the death penalty in December 2003, and Liu was executed the same day.

Mao Hengfeng, a Shanghai housing activist and organizer sentenced to reeducation through labor for staging "disorderly visits" to Government offices, reportedly suffered various forms of torture. She reportedly was held with drug addicts who were allowed to abuse her, was strapped to her bed for hours at a time, was force-fed an unidentified medicine that turned her mouth black, and, on one occasion, had her limbs pulled in different directions for a period of 2 days.

The Government made some efforts to address the problem of torture during the year. Some provincial governments issued regulations stipulating that judges and police who used torture to extract confessions from suspects would face dismissal. In May, the SPP announced a 1-year campaign to punish officials who infringed on human rights, including officials who coerced confessions through torture or illegally detained or mistreated prisoners. In August, the Government issued new regulations governing the length and conditions of interrogation for pretrial detainees, including protections for pregnant women, juveniles, and the elderly. Police officers who tortured suspects faced dismissal and criminal prosecution in some cases. For example, in June two police officers in Bazhou, Hebei Province, were sentenced to life in prison and a suspended death sentence after torturing a suspect to death and hiding the body in 2001. In July, two Sichuan Province police officers were sentenced to 12 years and 1 year in prison, respectively, in another case in which a suspect died after being tortured.

During the year, there were reports of persons, including Falun Gong adherents, sentenced to psychiatric hospitals for expressing their political or religious beliefs (see Section 1.d.). Some reportedly were forced to undergo electric shock treatments.

Petitioners and other activists sentenced to administrative detention also reported being tortured. Such reports included being strapped to beds or other devices for days at a time, being beaten, being forcibly injected or fed medications, and being denied food and use of toilet facilities.

The Ministry of Justice administered more than 670 prisons with a population of over 1.5 million inmates, according to official statistics. In addition, 33 jails for juveniles housed over 19,000 juvenile offenders. The country also operated hundreds of administrative detention centers, which were run by security ministries and administered separately from the Ministry of Justice and the formal court system (see Section 2.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. Prison capacity became an increasing problem in some areas, including Guangdong Province. Food often was inadequate and of poor quality, and many detainees relied on supplemental food and medicines provided by relatives. Some prominent dissidents were not allowed to receive supplemental food and medicine from relatives. Political prisoners often were kept segregated from each other and placed with common criminals, who sometimes beat political prisoners at the instigation of guards. Xu Guang, a former CDP member released from prison in September, stated that he was beaten and placed in a metal cage for 2 months after he commemorated the anniversary of the 1989 Tiananmen massacre while in Qiaoci Prison in Hangzhou, Zhejiang Province. Newly arrived prisoners or those who refused to acknowledge committing crimes were particularly vulnerable to being beaten in prison. In January, political dissident He Depu was reportedly beaten by guards at Beijing No. 2 Prison and made deaf in one ear. Authorities acknowledged He's deafness, but asserted that he was already deaf when he entered prison, a claim denied by his family members. Prolonged use of electric shocks and use of a rack-like disciplinary bed were reported at Inner Mongolia's Chifeng Prison. Inner Mongolian cultural activist Hada was among those tortured, according to credible NGO reports. Chinese prison management relied on the labor of prisoners both as an element of punishment and to fund prison operations (see Section 6.c.).

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. In August, businessman Wu Daiyou died in a Chongqing prison. His family claimed he contracted tuberculosis in prison and died because authorities denied him needed medical treatment. Political prisoners continued to have difficulties obtaining medical treatment, despite repeated appeals on their behalf by their families and the international community. Foreign citizen Jude Shao suffered a serious heart ailment in a Shanghai prison that authorities were unable to treat. Foreign legal residents Yang Jianli and Wang Bingzhang suffered strokes in prison, but authorities rejected their requests for outside medical care. Others with health concerns included Uighur businesswoman Rebiya Kadeer; democracy activists Qin Yongmin, Hua Di, and He Depu; Internet writers Yang Zili and Luo Yongzhang; labor activists Xiao Yunliang, Yao Fuxin, Hu Shigen, and Zhang Shanguang; civil activist Mao Hengfeng; Inner Mongolian activist Hada; and religious prisoners Zhang Rongliang, Liu Fenggang, Xu Yonghai, Gong Shengliang, Chen Jingmao, and Bishop Su Zhimin. During the year, some political prisoners went on hunger strikes in prison to protest their treatment.

Special prisons to segregate HIV-positive prisoners and provide care to those with HIV/AIDS were established during the year, including facilities in Henan and Zhejiang Provinces. In July, supporters of a Shangqiu, Henan Province AIDS orphanage and school, which the Government claimed was operating illegally, were detained for contesting the closure of the institution. Wang Guofeng and Li Suzhi, who have HIV, claimed they received inadequate treatment while detained and that authorities refused to provide them with test results or allow them to travel to Beijing to see specialists after they were released on bail. The Government stated they were denied imported HIV medications because such medicines likely were smuggled into the country.

Acknowledging guilt was a precondition for receiving certain privileges, including the ability to purchase outside food, make telephone calls, and receive family visits. Prison officials often denied privileges to those, including political prisoners, who refused to acknowledge guilt or obey other prison rules. After CCP activist Wang Bingzhang told jailers he intended to stage a hunger strike, prison staff withheld prison visits, letters, telephone privileges, and other communication for 6 months as punishment. Foreign Falun Gong member Charles Lee staged a hunger strike to protest forced "reeducation"

sessions he was given in prison. Some prominent political prisoners, however, received better than standard treatment.

Conditions in administrative detention facilities, such as reeducation-through-labor camps, were similar to those in prisons. Beating deaths occurred in administrative detention. The March 2003 death of university graduate Sun Zhigang in a custody-and-repatriation camp designed to hold illegal migrants focused public attention on abuses in the administrative detention system. Under the custody-and-repatriation system, police detained and forcibly repatriated to their home provinces migrants, petitioners, and political activists caught without an identification card, work permit, or temporary residence permit. Public outcry following Sun's death played an important role in the State Council's decision, in June 2003, to abolish the custody-and-repatriation system and convert custody-and-repatriation camps across the country into voluntary humanitarian aid shelters for the homeless. Initial reports indicated that most current residents of the camps are indeed there voluntarily. In June, a facility employee who urged inmates to beat Sun was sentenced to death. During the year, one inmate was given a suspended death sentence, and 17 others received prison sentences in connection with Sun's death.

Deaths in reeducation-through-labor camps led to calls to reform or abolish that system as well. Reform of the reeducation-through-labor law was placed on the legislative agenda of the National People's Congress (NPC), but no concrete steps were taken to enact a new law during the year. Scholars publicly discussed reforms, including introducing judicial oversight of reeducation-through-labor sentences, allowing lawyers to participate in hearings prior to reeducation sentences, limiting the types of behavior punishable by reeducation, establishing alternatives to incarceration, and shortening the maximum term of reeducation.

Sexual and physical abuse and extortion were reported in some detention centers. Forced labor in prisons and reeducation-through-labor camps was also common.

The Government generally did not permit independent monitoring of prisons or reeducation-through-labor camps, and prisoners remained inaccessible to most international human rights organizations. However, the Government hosted a visit by the U.N. Working Group on Arbitrary Detention that included visits to 10 detention facilities in Beijing, Chengdu, and the TAR (see Section 1.d.). The Government also agreed to invite the U.N. Special Rapporteur for Torture, but the visit stalled, in part because of the Government's refusal to allow him to visit prisons without advance notice (see Section 4). By year's end, the Government had not announced any progress in talks with the International Committee of the Red Cross (ICRC) on an agreement for ICRC access to prisons, although there were several rounds of consultations between the ICRC and the Government about allowing the ICRC to open an office in Beijing. Monthly working level meetings intended to renew cooperation on the U.S.-China Prison Labor Memorandum of Understanding continued during the year, and visits were conducted in July, September, and December (see Section 6.c).

d. Arbitrary Arrest or Detention

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 administrative detention facilities without a trial. Because the Government tightly controlled information, it was impossible to determine the total number of persons subjected to new or continued arbitrary arrest or detention. According to 2003 official government statistics, more than 250,000 persons were in reeducation-through-labor camps. Other experts reported that more than 310,000 persons were serving sentences in these camps in 2003. According to published reports of the Supreme People's Procuratorate, the country's 340 reeducation-through-labor facilities had a total capacity of about 300,000 people. In addition, special administrative detention facilities existed for drug offenders and prostitutes. In 2002, these facilities held over 130,000 offenders, and the number reportedly has increased. An additional form of administrative detention for migrants and homeless persons, known as custody and repatriation, was abolished in 2003 and converted into a system of over 900 voluntary humanitarian aid shelters (see Section 1.c.). According to official statistics, those facilities had served more than 670,000 people from August 1, 2003 to November 30, 2004. The Government also confined some Falun Gong adherents, petitioners, labor activists, and others to psychiatric hospitals.

Approximately 500 to 600 individuals continued to serve sentences for the now-repealed crime of counterrevolution. Many of these persons were imprisoned for the nonviolent expression of their political views (see Section 1.e.).

The Ministry of Public Security (MPS) coordinates the country's law enforcement, which is administratively organized into local, county, provincial, and specialized police agencies. Recent efforts have been made to strengthen historically weak regulation and management of law enforcement agencies; however, judicial oversight is limited and checks and balances are absent. Corruption at the local level was widespread. Police officers reportedly coerced victims of crimes, took individuals into custody without due cause, arbitrarily collected fees from individuals charged with crimes, and mentally and physically abused victims and perpetrators. The SPP investigated approximately 1,980 police officials for dereliction of duty in the period from January to September. Among them was a Hunan Province police official who was sentenced to 6 months in prison for failing to investigate the abduction and rape of a 9-year-old girl. Public interest lawyers also sued police in a Hunan Province village for failing to investigate the murder of a young woman, allegedly committed by her police officer boyfriend. Through September, the SPP filed 938 corruption cases against 1,078 officials working in prisons, jails, and other detention facilities.

Extended, unlawful detention by security officials remained a serious problem. The SPP reported that from 1998 through 2002 there were 308,182 persons detained for periods longer than permitted by law. In 2003, the Government initiated a campaign to resolve cases of extended, unlawful detention. According to state media, 7,064 criminal suspects endured extended unlawful detention during the year (including some whose detention was prolonged from 2003). Courts reviewed and resolved 6,775 of those cases from January to October 2004, leaving only 289 cases unresolved, the Government stated. In March, the SPC and SPP reported to the National People's Congress that they had reviewed nearly 30,000 extended detention cases in 2003, including many that dated back several years, and resolved nearly all. In most cases, those detained unlawfully were formally charged or convicted, but a few, including Internet writer Liu Di, were released. Procuratorates in Hainan and Guizhou Provinces formally punished local police officers who unlawfully extended a suspect's term in custody.

According to the Criminal Procedure Law, police may unilaterally detain a person for up to 37 days before releasing him or formally placing him under arrest. After a suspect is arrested, the law allows police and prosecutors to detain him for up to 6 and one-half months before trial while a case is being further investigated. In practice, pretrial detention in some cases lasted for a year or longer. Dissident Yang Jianli was held without conviction for more than 2 years before his verdict and 5-year sentence on espionage and illegal entry charges was announced in May. Originally detained in April 2002, he was not tried until August 2003. The U.N. Working Group on Arbitrary Detention found that the country's pretrial detention of Yang Jianli violated the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

The 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, particularly in sensitive political cases. Under a sweeping exception, officials are not required to provide notification if doing so would "hinder the investigation" of a case. In some cases, police treated those with no immediate family more severely. Police continued to hold individuals without granting access to family members or lawyers, and trials continued to be conducted in secret. Detained criminal suspects, defendants, their legal representatives, and close relatives were entitled to apply for bail, but, in practice, few suspects were released pending trial.

The Criminal Procedure Law does not address the reeducation-through-labor system, which allows non-judicial panels of police and local authorities, called Labor Reeducation Committees, to sentence persons to up to 3 years in prison-like facilities. The committees can also extend an inmate's sentence for an additional year. Defendants legally were 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. Many other persons were detained in similar forms of administrative detention, known as "custody and education" (for example, for prostitutes and their clients) and "custody and training" (for minors who committed crimes). A special form of reeducation center was used to detain Falun Gong practitioners who had completed terms in reeducation through labor, but whom authorities decided to detain further.

According to foreign researchers, the country had 20 "ankang" institutions (high-security psychiatric hospitals for the criminally insane) directly administered by the Ministry of Public Security. Some dissidents, persistent petitioners, and others were housed with mentally ill patients in these institutions. "Patients" in these hospitals were reportedly given medicine against their will and forcibly subjected to electric shock treatment. The

regulations for committing a person into an ankang facility were not clear. Credible reports indicated that a number of political and trade union activists, "underground" religious believers, persons who repeatedly petitioned the Government, members of the banned China Democratic Party, and Falun Gong adherents were incarcerated in such facilities during the year. These included Wang Miaoogen, Wang Chanhao, Pan Zhiming, and Li Da, who were reportedly held in an ankang facility run by the Shanghai Public Security Bureau. The Government negotiated with the World Psychiatric Association to resolve a motion pending in previous years that would have expelled the country from the organization for using psychiatric facilities to incarcerate political prisoners, but a planned WPA visit to the country did not take place.

Administrative detention was frequently used as a vehicle to intimidate political activists and prevent public demonstrations (see Section 2.b.). For example, authorities detained several persons in the period before the April "Qingming" memorial holiday as a means to prevent public commemoration of the 1989 Tiananmen massacre. Tiananmen Mothers organization co-founders Ding Zilin, Jiang Xianling, and Huang Jinping were detained at separate locations in late March. AIDS activist Hu Jia also was detained after he stated his intention to commemorate the anniversary on their behalf. All were released eventually, but some were prevented from returning to Beijing until after the holiday was over. On June 1, military officials detained retired PLA doctor Jiang Yanyong, who in 2003 had helped focus international attention on the spread of Severe Acquired Respiratory Syndrome (SARS) in Beijing, because he wrote to government leaders requesting a reassessment of the 1989 Tiananmen crackdown. The 72-year-old Jiang and his wife, Hua Zhongwei, were interrogated in an undisclosed location. Hua was released on June 15. Jiang was released without charges on July 20, but he was forbidden to speak with journalists or foreigners, and he remained in a form of house arrest. Dr. Jiang also was pressured not to leave the country to accept an award (see Section 2.d.).

Arrests on charges of revealing state secrets, subversion, and common crimes were used during the year by authorities to suppress political dissent and social advocacy. Citizens were detained and prosecuted during the year under broad and ambiguous state secrets laws for, among other actions, disclosing information on criminal trials, meetings, and government activity. The number of persons executed each year has been deemed by the Government to be a state secret. Information could retroactively be classified a state secret by the Government. Dozens of citizens writing on the Internet or engaging in on-line chat about political topics were detained on state secrets and subversion charges during the year (see Section 2.a.). More than 100 intellectuals signed a petition urging the Government to revise the subversion law because its use in the prosecution of Internet writer Du Daobin contradicted the constitutional guarantee of free speech.

In September, the U.N. Working Group on Arbitrary Detention visited detention facilities in Beijing, Sichuan Province, and the TAR. Although satisfied with its access, the Working Group noted that all four recommendations from its 1997 visit to China still had not been implemented and continued to be serious problems. First, the law lacks a presumption of innocence until proven guilty. Second, it fails to define "endangering national security" so that overly broad prosecutions can and do occur. Third, the law includes no protection for those peacefully exercising rights protected by the Universal Declaration of Human Rights. Fourth, no "real judicial control" exists over the reeducation-through-labor system. The Working Group noted the Government's announced plan to adopt legislation that would address deficiencies in reeducation through labor and regulate the use of psychiatric institutions in administrative detention.

Police sometimes harassed and detained relatives of dissidents. Journalists also were detained or threatened during the year, often when their reporting met with the Government's or local authorities' disapproval (see Section 2.a.). For example, New York Times researcher Zhao Yan was detained in September shortly after the newspaper published an article correctly predicting the resignation of Jiang Zemin as chairman of the Central Military Commission. The newspaper denied that Zhao had any involvement with the story, and prosecutors did not disclose the basis for the charges, citing state secrets laws (see Section 2.a.). In December, farmers' advocate and writer Li Boguang and three members of the independent PEN Center promoting writers' freedoms were among those detained in what appeared to be a campaign targeting writers (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, including Christian leader Zhang Rongliang (see Section 2.c.).

The campaign that began in 1998 against the China Democracy Party (CDP), an opposition party, continued during the year. Dozens of CDP leaders, activists, and members have been arrested, detained, or confined as a result of this campaign. Since December 1998, over 40 core leaders of the CDP have been given severe punishments on subversion charges. Xu Wenli, Wang Youcai, and Qin Yongmin were sentenced in 1998 to prison terms of 13, 12, and 11 years, respectively. Xu Wenli and Wang Youcai were released on medical parole to the United States in December 2002 and March 2004, respectively. Qin remained in prison at year's end. During the year, Sang Jiancheng was sentenced to a 3-year prison term in connection with an open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre signed by 192 activists, including former CDP members, prior to the 16th Party Congress in November 2002. Internet writer Ouyang Yi, one of the signers of the open letter, was released after serving a 2-year prison sentence in December, but other signers of the letter remained jailed.

Since the Government banned the Falun Gong spiritual group in 1999, criminal proceedings involving accused Falun Gong activists were held almost entirely outside the formal court system. In December, a Beijing attorney sent an open letter to the National People's Congress highlighting issues of arbitrary detention and unlawful process in cases involving Falun Gong. The letter focused on the April detention and subsequent administrative sentencing of his client, Huang Wei of Shijiazhuang, Hebei Province, who was released in 2002 from a 3-year reeducation sentence for Falun Gong activities. On April 13, Huang was detained again, his home was searched, and a security official signed Huang's name on a confession, according to the open letter. Huang was sentenced on June 3 to three more years of reeducation in connection with Falun Gong. When Huang tried to sue the Government in protest, his attorney was denied permission to see his client. According to the letter, court and prison authorities told the attorney that only the "610 Office" of the Ministry of Justice could address Falun Gong matters. In the process, the letter described how judges explained that courts are under strict orders not to accept Falun Gong cases and that, in such cases, the courts do not follow normal pretrial procedures. The attorney's letter concluded that such treatment of accused Falun Gong adherents was unlawful.

The campaign against separatism in Xinjiang specifically targeted the "three evils" of extremism, splittism, and terrorism as the major threats to Xinjiang's social stability. Because authorities in Xinjiang regularly failed to distinguish carefully among those involved in peaceful activities in support of independence, "illegal" religious activities, and violent terrorism, it was often difficult to determine whether particular raids, detentions, arrests, or judicial punishments targeted those seeking to worship, those peacefully seeking political goals, or those engaged in violence (see Section 5).

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 was not independent. It 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 frequently interfered in the judicial system and dictated court decisions. Trial judges decide individual cases under the direction of the trial committee in each court. In addition, the Communist Party's Law and Politics Committee, which includes representatives of the police, security, procuratorate, and courts, has authority to review and influence court operations at all levels of the judiciary; the Committee, in some cases, altered decisions. People's Congresses also had authority to alter court decisions, but this happened rarely. Corruption and conflicts of interest also affected judicial decision-making. Judges were appointed by the People's Congresses at the corresponding level of the judicial structure and received their court finances and salaries from those government bodies. This sometimes resulted in local authorities exerting undue influence over the judges they appointed and financed.

The Supreme People's Court (SPC) is the highest court, followed in descending order by the higher, intermediate, and basic people's courts. These courts handle criminal, civil, and administrative cases, including appeals of decisions by police and security officials to use reeducation through labor and other forms of administrative detention. There were special courts for handling military, maritime, and railway transport cases.

Corruption and inefficiency were serious problems in the judiciary as in other areas (see Section 3). Safeguards against corruption were vague and poorly enforced.

In recent years, the Government has taken steps to address systemic weaknesses in the judicial system and to make the system more transparent and accountable to public scrutiny. In 2003, the SPP prosecuted 9,720 officials involved in investigating, prosecuting, or adjudicating criminal cases. In its

March report to the National People's Congress (NPC), the SPC reported that 794 judges were investigated for corruption in 2003, and 52 faced criminal prosecution. SPC regulations require all trials to be open to the public, with certain exceptions, such as cases involving state secrets, privacy, and minors. The legal exception for cases involving state secrets was used to keep politically sensitive proceedings closed to the public and even to family members in some cases. Under the 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 closing them to the public. Some trials were broadcast, and court proceedings were a regular television feature. A few courts published their verdicts on the Internet.

Citizens continued to use the court system to seek legal redress against government malfeasance. According to official statistics, 110,199 administrative lawsuits were filed against the Government in 2002, slightly fewer than in the previous year. Administrative actions were affirmed 18 percent of the time, transferred 23 percent of the time, and dismissed or rejected 59 percent of the time, according to those 2002 statistics. Decisions of any kind in favor of dissidents remained rare.

Court officials continued efforts to enable the poor to afford litigation by exempting, reducing, or postponing court fees. During the year, new regulations went into effect requiring law firms and private attorneys to provide some legal aid. Criminal and administrative cases remained eligible for legal aid, although the vast majority of defendants still went to trial without a lawyer. During the year, courts waived over \$128 million (RMB 1.057 billion) in litigation costs. Legal aid to migrant workers accounted for 137,656 cases; in most cases, migrant workers sued for unpaid wages. State media claimed that the number of attorneys in the country increased to 102,000, but the supply of legal aid attorneys remained inadequate to meet demand. For example, the number of registered legal aid attorneys in Guangdong Province dropped 25 percent in 2003, and no legal aid agency existed in 45 counties in Guangxi Province. Nonattorney legal advisors and government employees provided the only legal aid options in many areas.

During the year, the conviction rate in criminal cases remained over 95 percent. In 2003, 730,355 of the 747,096 persons (97.7 percent) whose criminal cases were resolved at trial were found guilty and received criminal punishment. Of this number 158,562 (21.2 percent) were sentenced to terms of imprisonment of 5 years or greater. In practice, criminal defendants often were not assigned an attorney until a case was brought to court. In many politically sensitive trials, which rarely lasted more than several hours, the courts handed down guilty verdicts immediately following proceedings. Defendants who refused to acknowledge guilt often received harsher sentences than those who confessed. There was an appeals process, but appeals rarely resulted in reversals.

Police and prosecutorial officials often ignored the due process provisions of the law and of the Constitution. The lack of due process was particularly egregious in death penalty cases. There were over 60 capital offenses, including nonviolent financial crimes such as counterfeiting currency, embezzlement, and corruption. Executions were often carried out on the date of conviction (see Section 1.a.). The SPC reported that, in 2003, it reviewed 300 serious criminal cases, including capital cases, and affirmed 182 of them. Tibetan Lobsang Dondrub was executed in January 2003 for his alleged connection to a series of bombings in 2002. His execution occurred despite government assurances that he would be afforded full due process and that the national-level Supreme People's Court would review his sentence (see Tibet Addendum). The Government regarded the number of death sentences it carried out as a state secret. Minors and pregnant women were expressly exempt from the death sentence, although AI reported that a few criminals who were under age 18 at the time they committed an offense were executed as a result of courts' failure properly to determine their age. On March 8, Gao Pan was allegedly executed for a murder committed in August 2001, when he was not yet 18 years old.

The Criminal Procedure Law falls short of international standards in many respects. For example, it has insufficient safeguards against the use of evidence gathered through illegal means, such as torture, and it does not prevent extended pre- and posttrial detention (see Sections 1.c. and 1.d.). Appeals processes failed to provide sufficient avenue for review, and there were inadequate remedies for violations of defendants' rights. Furthermore, under the law, there is no right to remain silent, no protection 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, particularly in politically sensitive cases.

The Criminal Procedure Law 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 defendants' right to seek counsel. Defendants in politically sensitive cases frequently found it difficult to find an attorney. In some sensitive cases, lawyers had no pretrial access to their clients, and defendants and lawyers 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. Defendants in only one of every seven criminal cases had legal representation, according to credible reports citing internal government statistics. Government-employed lawyers often were reluctant to represent defendants in politically sensitive cases. The percentage of lawyers in the criminal bar reportedly declined from 3 percent in 1997 to 1 percent in 2001.

Defense attorneys rarely entered not guilty pleas on behalf of their clients, choosing instead to argue only for mitigation of the sentence. In June, a Hubei Intermediate Court scheduled the trial of Internet dissident Du Daobin on less than a week's notice, in part to prevent Du's Beijing-based defense counsel from appearing in court and presenting a not guilty plea. The local attorney who defended Du declined to submit a not guilty plea, citing fear of pressure by local authorities.

Some lawyers who tried to defend their clients aggressively continued to face serious intimidation and abuse by police and prosecutors, and some were detained. 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. In May, prominent Beijing defense attorney Zhang Jianzhong was released after serving a 2-year sentence under Article 306. Chinese legal scholars claimed he was singled out for being too effective at representing criminal defendants, and approximately 600 lawyers signed a petition demanding that Zhang be found not guilty. According to the All-China Lawyers Association, since 1997 more than 400 defense attorneys have been detained on similar charges, and such cases continued during the year.

During the year, Chinese and foreign lawyers, law professors, legal journals, and jurists held seminars and publicly debated systemic legal reform. Among the suggested reforms were the introduction of a more transparent system of discovery, the abolition of coerced confessions, abolition of all forms of administrative detention, a legal presumption of innocence, an independent judiciary, improved administrative laws, restriction on use of the death penalty, reform of the media's interaction with the court system, and adoption of a plea bargaining system.

Government officials continued to deny 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. Tens of thousands of political prisoners remained incarcerated, some in prisons and others in labor camps. The Government did not grant international humanitarian organizations access to political prisoners.

Western NGOs estimated that approximately 500 to 600 persons remained in prison for the repealed crime of "counterrevolution," and thousands of others were serving sentences under the State Security Law, which Chinese authorities stated covers crimes similar to counterrevolution. Persons detained for counterrevolutionary offenses included labor activist Hu Shigen; writer Chen Yanbin; Inner Mongolian activist Hada; and dissidents Yu Dongyue, Zhang Jingsheng, and Sun Xiongying. Foreign governments urged the Government to review the cases of those charged before 1997 with counterrevolution and to release those who had been jailed for nonviolent offenses under the old statute. During the year, the Government held expert-level discussions with foreign officials on conducting such a review, but no formal review was initiated. However, a number of "counterrevolutionary" prisoners were released during the year, some after receiving sentence reductions, including Liu Jingsheng in November and Chen Gang in April.

Amnesty International has identified more than 80 persons by name who remained imprisoned or on medical parole for their participation in the 1989 Tiananmen demonstrations; other NGOs estimated that as many as 250 persons remained in prison for political activities connected to the 1989 Tiananmen demonstrations.

The authorities granted early release from prison to Tibetan nun Phuntsog Nyidrol in February and CDP co-founder Wang Youcai in March. In March,

Uighur businesswoman Rebiya Kadeer received a 1-year sentence reduction on her 8-year sentence for supplying state secrets to foreigners, but she was scheduled to remain in prison until August 2006. Many others, including Internet activists Xu Wei, Yang Zili, and Huang Qi; journalists Zhao Yan and Jiang Weiping; labor activists Yao Fuxin and Xiao Yunliang; Catholic Bishop Su Zhimin; Christian activists Zhang Rongliang, Zhang Yinan, Liu Fenggang, and Xu Yonghai; Tibetans Jigme Gyatso, Tenzin Deleg, and Gendun Choekyi Nyima; Uighur writer Tohti Tunyaz; CDP co-founder Qin Yongmin; 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 limited 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. Former political prisoners and their families frequently 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. Transplant doctors stated publicly in September 2003 that "the main source [of organ donations] is voluntary donations from condemned prisoners," but serious questions remained concerning whether meaningful or voluntary consent from the prisoners or their relatives was obtained. There was no national law governing organ donations, but a draft law was under consideration during the year. A Ministry of Health directive explicitly states that buying and selling human organs and tissues is not allowed. In 2003, the first local law regulating organ donation was passed in Shenzhen, prohibiting the sale or trade of human organs. The impact of this law in practice remained unclear. As of year's end, there were no reports of other localities passing a similar law. There were no reliable statistics on how many organ transplants occurred using organs from executed prisoners.

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. Cases of forced entry by police officers continued to be reported.

During the year, authorities monitored telephone conversations, facsimile transmissions, e-mail, text-messaging, 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. All major hotels had a sizable internal security presence, and hotel guestrooms were sometimes bugged and searched for sensitive or proprietary materials.

Some dissidents were under heavy surveillance and routinely had their telephone calls monitored or telephone service disrupted. The authorities frequently warned some dissidents and activists not to meet with foreigners. During the year, police in Beijing ordered several dissidents not to meet with Western journalists or foreign diplomats, especially before sensitive anniversaries, at the time of important Government or Party meetings, and during the visits of high-level foreign officials. These events also sparked greater surveillance, short-term detention, and harassment of dissidents. The authorities also confiscated money sent from abroad that was intended to help dissidents and their families.

Security personnel monitored and harassed relatives of prominent dissidents, particularly during sensitive periods. For example, security personnel followed the family members of political prisoners to meetings with Western reporters and diplomats. Dissidents and their family members routinely were warned not to speak with the foreign press. Police sometimes detained the relatives of dissidents.

Official poverty alleviation programs and major state projects have included forced relocation of persons to new residences. The Government estimated that at least 1.2 million persons have been relocated for the Three Gorges Dam project on the Yangtze River.

Forced relocation because of urban development continued and, in some locations, increased during the year. Protests, some of which included thousands of participants, over relocation terms or compensation were common, and some protest leaders were prosecuted during the year (see Sections 2.b. and 3). Some evictions in Beijing were linked to construction for the 2008 Olympics.

In urban areas, many persons historically depended on government-linked work units for housing, healthcare, and other aspects of ordinary life. With the increase in market activities and private business, these benefits have changed so that newer employees at some government-linked work units no longer enjoy all of these benefits. For example, most work units now provide housing subsidies to employees, instead of directly allotting housing. Similarly, the work unit and the neighborhood committee have become less important as means of social and political control. Government interference in daily personal and family life continued to decline for most citizens. For example, work unit permission is no longer required before obtaining a divorce.

Under the country's family planning law and policies, citizens in 6 of the country's 31 provinces still were required to apply for government permission before having a first child, and the Government continued to restrict the number of births. Penalties for out-of-plan births still included social compensation fees and other coercive measures.

The Population and Family Planning Law, the country's first formal law on the subject, entered into force in 2002. The National Population and Family Planning Commission (NPFPC) enforces the law and formulates and implements policies with assistance from the China Family Planning Association, which had 1 million branches nationwide. The law is intended to standardize the implementation of the Government's birth limitation policies; however, enforcement continued to vary from place to place. The law grants married couples the right to have one 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 provincial regulations require women to wait 4 years or more after their first birth before making such an application. According to the U.N. Population Fund (UNFPA), the spacing requirement was removed in 5 and relaxed in 10 of the 30 counties across 30 provinces participating in UNFPA's "Country Program V." The NPFPC reported that the spacing requirement was removed in the provincial regulations of Hainan, Jilin, and Shanghai, and UNFPA reported that the requirement was relaxed by 15 other provincial-level governments.

The law requires counties to use specific measures to limit the total number of births in each county. Both the Constitution and the family planning law further require couples to employ birth control measures. According to a September 2002 U.N. survey, the percentage of women who select their own birth control method grew from 53 percent in 1998 to 83 percent in UNFPA-assisted counties in 2000. The law requires couples who have an unapproved child to pay a "social compensation fee," which sometimes reached 10 times a person's annual income, and grants preferential treatment to couples who abide by the birth limits. Officials often strongly encouraged women with multiple children to undergo sterilization, such as tubal ligation, according to multiple reports. Although the law states that officials should not violate citizens' rights, neither those rights nor the penalties for violating them are defined. The law provides significant and detailed sanctions for officials who help persons evade the birth limitations.

The law delegates to the provinces the responsibility for drafting implementing regulations, including establishing a scale for assessment of social compensation fees. The National Population and Family Planning Law requires family planning officials to obtain court approval for taking "forcible" action, such as confiscation of property, against families that refuse to pay social compensation fees.

The one-child limit was more strictly applied in the cities, where only couples meeting certain conditions (e.g., both parents are only children) were permitted to have a second child. In most rural areas (including towns of under 200,000 persons), where approximately two-thirds of citizens lived, the policy was more relaxed, generally allowing couples to have a second child if the first was a girl or disabled. 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. Ethnic minorities, such as Muslim Uighurs and Tibetans, were subject to much less stringent population controls (see Tibet Addendum). In remote areas, limits often were not enforced, except on government employees and Party members.

The 2000 census enumerated the fertility rate at 1.3 births per woman, but later the Government adjusted the figure upward to 1.8 births per woman. According to the U.N., the fertility rate does not exceed 1.7. According to Chinese census authorities, the yearly growth rate of the population is 0.7

percent per year. Media reports indicated that some parts of the country had zero or even negative population growth, while the growth rate continued to increase elsewhere.

Authorities continued to reduce the use of targets and quotas. Authorities who still used the target and quota system required each eligible married couple to obtain government permission before the woman became pregnant. In some counties, 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 to have a first child without prior permission. UNFPA research showed, and the NPFPC confirmed, that 25 of China's 31 provincial-level governments had done away with the requirement for birth permits before conceiving a first child, the principal mechanism for enforcing targets and quotas. Some targets remained, such as in Liaoning Province which continues to set provincial targets in its 5-year plan, despite having abolished birth permits four years ago and having eliminated target-setting at the city, county and township levels. UNFPA reports that only Fujian, Henan, Jiangxi, and Yunnan Provinces and the Xinjiang Uighur Autonomous Region still required birth permits.

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 used threats, including that of social compensation fees, to pressure women to terminate their pregnancies. The fees were assessed at widely varying levels and were generally extremely high. According to provincial regulations, the fees ranged from one-half to 10 times the average worker's annual disposable income. Local officials have authority to adjust the fees downward and did so in many cases. Additional disciplinary measures against those who violated the child limit policy by having an unapproved child or helping another to do so included job loss or demotion, loss of promotion opportunity, 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. In the cases of families that already had two children, one parent was often pressured to undergo sterilization, according to reliable reports. These penalties sometimes left women little practical choice but to undergo abortion or sterilization. Rewards for couples who adhered to birth limitation laws and policies included monthly stipends and preferential medical and educational benefits. During the year, the NPFPC began a number of programs to encourage smaller families. For example, new pension benefits were made available for those who adhered to birth limitation laws.

Seven provinces--Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin, and Ningxia--require "termination of pregnancy" if the pregnancy violates provincial family planning regulations. An additional 10 provinces--Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shannxi, and Yunnan--require unspecified "remedial measures" to deal with out-of-plan pregnancies. Article 33 of the 2002 law states that family planning bureaus will conduct pregnancy tests and follow-up on married women. Some provincial regulations provide for fines if women do not undergo periodic pregnancy tests. For example, in Hebei the range was \$24 to \$60 (RMB 200 to 500), and in Henan it was \$6 to \$60 (RMB 50 to 500).

At the same time, because of economic development and other factors, such as limited housing size, both parents working full-time, and high education expenses, couples in major urban centers often voluntarily limited their families to one child.

The Population and Family Planning Law delegates to the provinces the responsibility for implementing appropriate regulations to enforce the law. By year's end, all provincial-level governments except the TAR had amended their regulations to conform with the new law. Anhui Province, for example, passed a law permitting 13 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 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. Because it is illegal, the use of physical coercion was difficult to document. A few cases were reported during the year. In June, officials in Jieshou City, Anhui Province, forced a woman to be sterilized, and state media reported that the woman was injured when she jumped out of a window in the operating room in an attempt to avoid the procedure. In the same city, another woman committed suicide when her relatives were detained in population schools, facilities designed to provide reeducation to those who violate family planning guidelines. The use of population schools as detention centers was condemned by Central Government officials. According to state-media reports, the local officials responsible for the detentions were fired or sanctioned administratively. In response, NPFPC officials ordered an investigation, sent a letter to each province condemning the actions in Anhui Province, and called on all provincial-level family planning officials to focus on "implementing the rule of law." Earlier in the year, media reports noted that a drug offender in Gansu Province was forced to have an abortion before her trial on charges punishable by the death sentence.

Senior officials stated repeatedly that the Government "made it a principle to ban coercion at any level," and the NPFPC has issued circulars nationwide prohibiting birth planning officials from coercing women to undergo abortions or sterilization. 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. The NPFPC has set up a hotline for use by UNFPA project county residents to lodge complaints against local officials.

Corruption related to social compensation fees reportedly decreased after the 2002 passage of State Council Decree 357, which established that collected "social compensation fees" must be submitted directly to the National Treasury rather than retained by local birth planning authorities. NPFPC officials reported in 2002 that they responded to more than 10,000 complaints against local officials.

In order to delay childbearing, the Marriage Law sets the minimum marriage age for women at 20 years and for men at 22 years. It continued to be illegal in almost all provinces for a single woman to bear a child, and social compensation fees have been levied on unwed mothers. The Government stated that the practice of levying social compensation fees for "pre-marriage" births was abolished on an experimental basis in some counties during the year and was relaxed in cases where couples promptly registered their marriages. In 2002, 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 these 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 NPFPC, few doctors have been charged under these laws. The most recent official figures, from November 2000, put the overall male to female sex ratio at birth at 116.9 to 100 (as compared to the statistical norm of 106 to 100), and, in some parts of the country, the ratio was even more skewed. For second births, the national ratio was 151.9 to 100. Several localities experimented with new measures to address the sex ratio imbalance. These included restricting promotions for officials in extremely unbalanced areas of Shaanxi Province and limiting abortions after 14 weeks for pregnancies that were authorized by a birth or family planning permit in Guiyang. During the year, the NPFPC launched a "Care for the Girl Child" initiative in 11 pilot counties to raise awareness of the sex ratio imbalance and to improve protection of the rights of girls.

In 2003, a new Marriage Law abolished a requirement that couples have premarital examinations to determine if they were at risk for passing on debilitating genetic diseases. In addressing the risk of genetic disease, the Maternal and Child Health Care Law continued to recommend abortion or sterilization in some cases. 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.

Lack of informed consent was a general problem in the practice of medicine throughout the country.

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 continued to threaten, arrest, and imprison many individuals for exercising free speech. A wave of detentions

late in the year appeared to signal a new campaign against writers. Internet essayists in particular were targeted. 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 challenged Communist Party rule. The Party and Government continued to control print, broadcast, and electronic media tightly and used them to propagate Government views and Party ideology. All media employees were under explicit, public orders to follow CCP directives and "guide public opinion," as directed by political authorities. Formal and informal guidelines continued to require journalists to avoid coverage of many politically sensitive topics. 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.

Journalists who reported on topics that met with the Government's or local authorities' disapproval continued to suffer harassment, detention, and imprisonment. In January, the chief editor and six staff members of Guangdong Province's Southern Metropolitan Daily newspaper were detained for alleged economic crimes. Three of the editors were prosecuted in March on corruption charges that many observers viewed as retaliation for the newspaper's muckraking coverage of stories such as the emergence of SARS in 2003, its brief recurrence in 2004, and the 2003 beating death of college graduate Sun Zhigang in a custody and repatriation camp (see Section 1.c). The news group's general manager Yu Huafeng was sentenced to 12 years imprisonment for embezzlement, and former editor Li Minying received an 11-year sentence for taking bribes. In June, their sentences were reduced on appeal to 8 and 6 years, respectively. Current editor-in-chief Cheng Yizhong was released in August after charges against him were dropped. In September, New York Times employee Zhao Yan was detained and later formally charged with leaking state secrets shortly after the newspaper published an article correctly predicting the resignation of Jiang Zemin as chairman of the Central Military Commission. The newspaper denied that Zhao had any involvement with the story, and prosecutors did not disclose the basis for the charges, citing state secrets laws. Zhao Yan had previously published several articles on rural protests for China Reform magazine. Another farmers' advocate who had also worked with Zhao Yan, Li Boguang, was detained December 14. In addition, Liaoning Province anti-corruption reporter Jiang Weiping remained jailed, as did Sichuan local official Li Zhi, who was convicted in 2003 of "subverting state power" after writing on the Internet to expose official corruption. The Committee to Protect Journalists again assessed China as "the world's leading jailer of journalists," with 43 journalists imprisoned at year's end.

A wave of detentions late in the year appeared to signal a new campaign targeting writers, political commentators, and academics. In November, Li Guozhu was detained for passing to foreign journalists information and photographs about ethnic violence in Henan Province (see Section 5). On November 24, Hunan Province journalist Shi Tao was detained under suspicion of leaking state secrets. On December 13, organizers of the independent PEN Center, which defends writers' freedoms, were detained and later released. Those detained included Yu Jie, Liu Xiaobo, and Zhang Zuhua. They had previously published articles in defense of Shi Tao and held an awards ceremony honoring the author of a banned book on the 1950s. Editor Wang Guangze of the 21st Century Business Herald was dismissed from his job, editor Chen Min of China Reform magazine was temporarily detained, and the New Weekly newspaper in Wuhan was ordered closed during this period. The week of December 6, People's Daily twice published editorials urging authorities to silence speech that provokes trouble and to provide greater control over the Internet.

In addition to criminal prosecution of writers, some government officials used civil lawsuits to block controversial writings. In August, the Fuyang Intermediate People's Court in Anhui Province heard a libel action against authors Chen Guidi and Wu Chuntao over their book "China Peasant Survey" (Nongmin Diaocha). The book, which was a best-seller until it was banned from further distribution in the spring, describes abuse and extortion of farmers by officials. One official named in the book, former Linquan County Communist Party secretary Zhang Xide, sued the authors and publishing house for libel. Scholars and attorneys stated that the lawsuit and high damages sought of approximately \$25,000 (RMB 200,000) were intended to intimidate the publisher and inhibit criticism.

Newspapers could not report on corruption without government and party approval, and publishers published such material at their own risk. During the year, journalists and editors who exposed corruption scandals frequently faced problems with the authorities, and the Government continued to close publications and punish journalists for printing material deemed too sensitive. The State Press and Publication Administration ordered the influential bimonthly journal "Strategy and Management" closed indefinitely during the year, although the Government claimed that business reasons, not editorial ones, were behind the closure.

In August, authorities detained and deported two foreign individuals and two journalists for displaying a banner in Beijing reading "No Olympics for China until Tibet is Free."

Some citizens continued to speak out and publish on controversial topics, despite the Government's restrictions on freedom of speech and the press. For example, scholar Cao Siyuan, who convened a symposium on constitutionalism, freedom of speech, and direct elections in 2003 that attracted government attention, continued to publish but remained under surveillance by authorities. Huang Jingao, Party Secretary of Lianjiang County, Fujian Province, wrote an open letter critical of endemic corruption that was published on websites and in the People's Daily in August. Following the publication of the letter, he was sanctioned, and his duties were restricted by party officials in Fujian.

The scope of permissible private speech continued to expand. Controversial political topics could be discussed privately and in small groups without punishment, so long as the speaker did not publish controversial views or disseminate them to overseas audiences.

Censorship related to health issues continued. In early 2003, Government censorship of news concerning SARS was largely responsible for slowing the public health response to the disease. But after May 2003, when the Government publicly acknowledged the spread of the disease, the Government permitted greater reporting about SARS and other infectious diseases. As a result of lessons learned during the SARS epidemic, the Shanghai Municipal Government named its first public spokesperson. Nonetheless, in January, when Guangdong Province's Southern Metropolitan Daily newspaper reported on the reemergence of SARS cases, an editor and six journalists working for the newspaper were temporarily detained. Three of them later faced criminal corruption charges. Also, Dr. Jiang Yanyong, who exposed the spread of SARS in Beijing in April 2003, was detained for 45 days in June and July. Dr. Jiang's detention likely was a response to his open letter on the 1989 Tiananmen massacre (see Section 1.d.), rather than a direct reaction to his writings about SARS. Government restrictions on the press and the free flow of information also affected accurate reporting on HIV/AIDS. Those seeking to bring attention to the plight of AIDS orphans in Henan Province faced continued pressure to remain silent and were warned against speaking to journalists. However, in April, Vice Premier Wu Yi stated that the Government "would strictly investigate and affix responsibility" for those who hide, delay, or fail to report HIV/AIDS. In August, concerns were raised that the country failed to report outbreaks of avian influenza in poultry. Reporting on outbreaks of the disease in bird and animal populations was inconsistent, but there were no reports that media coverage of the outbreak was suppressed.

In 2003, the Government ended the practice of requiring government work units to subscribe to official newspapers, forcing many official newspapers to compete for readership or face insolvency. As a result, 677 newspapers were closed between September 2003 and March 2004. Journalists noted that the pressure to expand circulation sometimes conflicted with state control and censorship dictates because one way to expand readership was to provide accurate reporting about controversial topics.

There were a few privately owned print publications, but they were subject to pre- and post-publication censorship. There were no privately owned television or radio stations, and the Government had authority to approve all programming, although it occasionally did not preview all programs.

The publishing industry consists of three kinds of book businesses: Approximately 560 government-sanctioned publishing houses, smaller independent publishers that cooperated with official publishing houses to put out more daring publications, and an underground (illicit) press. Government-approved publishing houses were the only organizations legally permitted to print books. No newspaper, periodical, book, audio, video, or electronic publication may be printed or distributed without the printer and distributor being approved by the relevant provincial publishing authorities and the State Press and Publications Administration (PPA). The Communist Party exerted control over the publishing industry by preemptively classifying certain topics as off-limits; selectively rewarding with promotions and perks those publishers, editors, and writers who adhered to Party guidelines; and punishing those who did not adhere to Party guidelines with administrative sanctions and blacklisting. 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 subject to the same multi-layered review process as official publications of the publishing houses.

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

Many intellectuals and scholars, anticipating that books or papers on political topics would be deemed too sensitive to be published, exercised self-censorship. Overt intervention by the PPA, responsible for all printing and distribution in the country, and by the Party Central Propaganda Department, which provides editorial guidelines for all media, mostly occurred after publication. In areas such as economic policy or legal reform, there was far greater official tolerance for comment and debate. Criticism of Central Government authorities continued to remain largely off-limits.

Among books banned during the year were "China Peasant Survey," and "The Past Does Not Go Up In Smoke," a collection of essays dealing with the effect of political tumult in the 1950s and 1960s on the lives of prominent Chinese intellectuals. In January, authorities issued regulations restricting publication of books on constitutional reform to three official publishing houses. In 2002, the Department of Cultural Affairs in Urumqi, Xinjiang, ordered the destruction of thousands of books on Uighur history and culture. The books detailing and documenting Uighur history originally had been published with the approval of the authorities.

The authorities continued to jam, with varying degrees of success, Chinese-, Uighur-, 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. Internet distribution of "streaming radio" news from these sources often was blocked. Despite jamming, 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.

The Government prohibited some foreign and domestic films from appearing in the country. Television broadcasts of foreign programming, which were restricted largely to hotel and foreign residence compounds, also suffered from occasional censorship of topics including sensitive political issues. In southern China, where television programming from Hong Kong was available, "public service announcements" frequently interrupted news items critical of the Government.

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. Over 80 million persons regularly used the Internet, including those in urban and rural areas, according to surveys conducted during the year. In July, the Government began implementing new measures to monitor and filter text-messaging. The measures were designed to control for politically sensitive content and to stop the spread of pornography.

The country's Internet control system employed more than 30,000 persons and was allegedly the largest in the world. According to a 2002 Harvard University report, the Government blocked at least 19,000 sites during a 6-month period and may have blocked as many as 50,000. At times, the Government blocked the sites of some major foreign news organizations, health organizations, educational institutions, Taiwanese and Tibetan businesses and organizations, religious and spiritual organizations, democracy activists, and sites discussing the 1989 Tiananmen massacre. The number of blocked sites appeared to increase around major political events and sensitive dates. The authorities reportedly began to employ more sophisticated technology enabling the selective blocking of specific content rather than entire websites 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. Internet usage reportedly was monitored at all terminals in public libraries.

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 (ISPs) 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 ISPs practiced extensive self-censorship to avoid violating very broadly worded regulations. A study released in 2003 by Reporters Without Borders reported that only 30 percent of messages with "controversial content" were allowed onto Chinese "chatroom" websites. The remaining 70 percent of messages were filtered out by censors or removed by the site host.

Several individuals were jailed for their Internet publications during the year. On March 16, Shanghai resident Ma Yalian was sentenced to 18 months' reeducation through labor for posting articles on legal websites about her attempts to stop destruction of her home. Ma's web postings described police harassment of petitioners and suicide attempts outside government offices. In May, freelance journalist Liu Shui was sentenced to 2 years' administrative detention in Shenzhen in what NGOs claimed was retaliation for essays about reassessing the 1989 Tiananmen massacre and political reform that he wrote and posted on the Internet. Former Hubei Province civil servant Du Daobin was convicted of inciting subversion in June for his Internet writings about democracy. Du's prison sentence was suspended, but he appealed his conviction, arguing that his trial was unfair and that his writings did not incite subversion and were protected free speech (see Section 1.e.). In August, house Christians Liu Fenggang, Xu Yonghai, and Zhang Shengqi were convicted of disclosing state intelligence after using the Internet to send reports about the abuse of house Christians to overseas organizations. They were sentenced to 1 to 3 years in prison (see Section 2.c.). In September, Shenyang Internet writers Kong Youping and Ning Xianhua were sentenced, respectively, to 15 and 12 years in prison on charges of "subversion of state power" for posting articles and poems in support of the CDP. In November, Hunan Province journalist Shi Tao was detained, reportedly on state secrets charges. Shi had previously written for Contemporary Trade News and published an on-line article in April opposing the detention of Tiananmen Mothers' organization co-founder Ding Zilin. The NGO Reporters Without Borders called China "the biggest jail in the world for cyberdissidents." The Committee for the Protection of Journalists reported that the country had 43 journalists jailed at year's end.

In addition to imprisoning several persons during the year for disseminating information through the Internet, the Government detained several individuals for using the Internet to express support for other detained Internet activists. Liu Di was detained for a year after she expressed sympathy for Sichuan website manager Huang Qi and wrote pro-reform articles on-line. Huang ran a website that contained postings discussing the June 4, 1989 Tiananmen massacre until it was closed down, and he was detained on June 3, 2000. In November 2003, Liu Di was released after a court found that the evidence against her was insufficient; however, some persons detained for supporting her remained in custody at year's end. Among them, Kong Youping was sentenced to 15 years in prison in September for political writings, including many that expressed support for Liu Di.

The Government's "Public Pledge on Self Discipline for China's Internet Industry" continued during the year. More than 300 companies signed the pledge, 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." The China Internet Association adopted a "self-regulatory pledge" for search engine services during the year that was viewed by many as even stricter than the Government's self discipline pledge.

As of July, the China Internet Network Information Center said there were 87 million Internet users, 22 percent of whom access the web at Internet cafes. As of 2002, the country had more than 200,000 licensed Internet cafes, and a number of unlicensed ones as well. During the year, state media reported that several municipalities cracked down on illegal Internet cafes, including over 2,000 illegal cafes in Shenzhen. On April 27, the Ministry of Culture announced that, by the end of the year, all Internet cafes must install software that allows Government officials to monitor customers' web usage. Internet users at the cafes often are subject to surveillance. A May 24 China Newsweek article reported that at one popular Beijing Internet cafe with 320 computers, eight employees served as Internet monitors, while 10 other staff members walked around the room to check if customers were accessing "illegal" websites. Patrons caught entering such sites were given warnings. Most places sporadically enforced regulations requiring patrons to provide identification when using Internet cafes. In response to the health crisis caused by SARS, the authorities closed all the nation's Internet cafes in April 2003. Beijing cafes stayed closed until August 2003, while cafes in Shanghai and Sichuan reopened sooner.

In February, the Government announced that it would invest nearly \$6 million (RMB 49.8 million) to create a new system to control political publication on the Internet. Monitoring and censorship of Internet bulletin boards and chatrooms was especially strict at the time of sensitive anniversaries or key political meetings. For example, in September, a popular bulletin board at Beijing University was closed in the period before the Fourth Party Plenum meeting, and Internet censorship also increased before the March NPC session. In September, a local newspaper reported that authorities in Liaoning Province shut down an Internet website devoted to exposing official corruption, even though the website's administrator had obtained prior official approval.

In July, the Government began censoring text messages distributed by mobile telephone. According to state media, the campaign was designed to stop the spread of pornographic messages by phone, as well as to block circulation of illicit news and information. All text messaging service providers were required to install filtering equipment to monitor and delete messages deemed offensive by authorities. In the first week of the campaign's operation, the Government reportedly fined 10 companies and forced 20 others to close for failure to comply. As with print, broadcast, and Internet media, the Propaganda Department determined banned topics. In 2003, mobile phone users sent approximately 220 billion text messages, according to China Telecom.

The Government did not 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 issues they could examine and conclusions they could draw. For example, several professors were warned against calling for abolition of reeducation through labor. In March, Beijing University professor Jiao Guobiao published a criticism of Chinese censorship, listing his "14 Evils of the Central Propaganda Department." In August, his university threatened him with dismissal and indefinitely suspended him from teaching. Guangxi Normal University Professor Chen Qin reportedly suffered a stroke in July while being interrogated by security officials concerning his on-line essays criticizing political and social institutions. Scholar Xu Zerong remained in prison for "illegally providing state secrets" by sending sensitive reference materials on the Korean War to a contact in Hong Kong. Scholars studying religion reported that, during the year, the official Protestant church blocked some publications it found objectionable.

The Government continued to use political attitudes as criteria for selecting persons for the few government-sponsored study abroad programs, but did not impose such restrictions on privately sponsored students. More than 7,200 students studied abroad, a record according to the China Scholarship Council.

Researchers residing abroad also were subject to sanctions from the authorities when their work did not meet with official approval. In July, a Chinese-born overseas scholar was detained in Shanghai for 2 weeks and then forced to leave the country after being charged with disclosing state secrets in the course of his academic research on reform of the household registration system.

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 vast majority of demonstrations during the year concerned economic and social issues such as land, housing, health, and welfare. Land disputes, industrial disputes, and anti-government protests were the three main causes of civil disturbances, according to a 2004 study of publicly reported protests. Citing government statistics, government-run Outlook magazine reported that over 58,000 "mass incidents" took place during 2003, more than 6 times the number reported 10 years earlier. Some of these demonstrations included thousands of participants. According to government statistics reported in Hong Kong, more than 2.3 million people took part in petitions, marches, and sit-ins in urban areas in 2003, while over 8 million participated in demonstrations in rural areas. Ministry of Public Security publications indicated that the number of demonstrations continued to grow and that protesters were becoming more organized.

Authorities detained potential protesters before the anniversary of the 1989 Tiananmen massacre and other sensitive events to head off public demonstrations (see Section 1.d.). In the period before the April "Qingming" holiday, which has often served as a time of public commemoration of the 1989 Tiananmen events, regulations were passed outlawing Tiananmen commemorative activities. In late March, "Tiananmen Mothers" organization co-founders Ding Zilin, Jiang Xianling, and Huang Jinping were confined in separate locations to prevent them from meeting with other victims' family members to commemorate the death of their relatives in the June 4, 1989 violence. In early April, when AIDS activist Hu Jia stated his intention to commemorate the anniversary in their absence, he was also detained. All were released but some were prevented from returning to Beijing until after the holiday was over. On June 1, retired PLA doctor Jiang Yanyong and his wife were also detained in the period before the anniversary of the 1989 Tiananmen massacre (see Section 2.d.). Western media reported that approximately 20 people were detained and taken away from Tiananmen Square on June 4 for attempting to commemorate the 1989 events.

Labor protests over restructuring of SOEs and resulting unemployment continued, and the number of such protests increased slightly over 2003, although they remained smaller in scale than the large labor protests which occurred in 2002. In February, a protest by some 2,000 workers seeking severance benefits from Hubei Province's bankrupt, state-owned Tieshu textile factory was suppressed by force. Nine workers were detained, and four faced criminal charges. In July, 23 laid-off coal miners from Heilongjiang Province threatened a mass suicide from the roof of a building near the Supreme People's Court when their petitions for compensation went unanswered. They were detained, and miners traveling to Beijing to support them were stopped by police. Protests by migrant laborers and construction workers, who demonstrated when employers withheld their salaries or underpaid them, continued. The Government passed legislation requiring that companies pay such workers and stepped up enforcement measures against some delinquent employers during the year (see Section 6.b.).

Protests, some of which included thousands of participants, concerning land, housing, and forced evictions were also widespread. The jailing of former Shanghai housing lawyer Zheng Enchong in October 2003, after his advocacy for hundreds of Shanghai residents displaced in a controversial urban redevelopment project, prompted demonstrations by his supporters in March. Similarly, Beijing and Tianjin-based housing petitioners and victims of forced eviction policies were detained in August and September to prevent them from holding a planned 10,000-person rally (see Section 3). On August 1, in Fujian Province's Wanli village, police officers beat hundreds of farmers who protested government land seizures.

The Government continued to wage a severe political, propaganda, and police campaign against the Falun Gong movement. The sustained government crackdown against the movement, which the Government banned in 1999, continued, and there were no reports of public protests during the year. In many cases, Falun Gong 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.

Activist Li Dan was beaten and Pan Zhongfeng was detained in Shangqiu, Henan Province, during a July demonstration protesting closure of an AIDS orphanage and school.

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 prevented the formation of truly autonomous political, human rights, religious, spiritual, environmental, social, labor, and youth organizations that might challenge government authority. Since 1999, all concerts, sports events, exercise classes, or other meetings of more than 200 persons require approval from Public Security authorities. In practice, much smaller gatherings ran the risk of being disrupted by authorities in some places.

No laws or regulations specifically govern the formation of political parties. But the China Democracy Party (CDP) remained banned, and the Government continued to surveil, detain, and imprison current and former CDP members (see Section 3).

According to government statistics on NGOs, at the end of 2003, there were approximately 142,000 social organizations, including 1,736 national-level and cross-provincial organizations, 21,030 provincial organizations, 48,731 local and county-level organizations registered with the Ministry of Civil Affairs, and others. NGOs were required to register with the Government. To register, an NGO must find a government agency willing to serve as the NGO's organizational sponsor, have a registered office, and hold a minimal amount of funds. Experts estimated that there were between one and two million unregistered NGOs. Although the registered organizations all came under some degree of government control, some 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. According to government guidelines, NGOs must not advocate non-party 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. In addition, there were 124,000 private, nonprofit corporations registered in 2003, an increase of 11.7 percent over 2002.

Many of these groups functioned like NGOs, with 90,000 operating in the education and health fields, 9,037 in labor, 7,792 in civil society, 1,777 providing social services, and 728 in legal services. During the year, the Government passed a new law regulating charitable foundations and gave NGOs greater autonomy to establish the amount of their membership dues.

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 official 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 grew rapidly. 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 sources of authority outside the control of the Government and the Party.

Overall, government respect for religious freedom remained poor, although the extent of religious freedom varied widely within the country. Freedom to participate in officially sanctioned religious activity increased in many areas of the country, but crackdowns against unregistered groups, including underground Protestant and Catholic groups, Muslim Uighurs, and Tibetan Buddhists (see Tibet Addendum) continued and worsened in some locations. The Government continued its repression of groups that it determined to be "cults" and of the Falun Gong spiritual movement in particular.

All religious groups and spiritual movements were required to register with the State Administration for Religious Affairs (SARA, formerly known as the central Religious Affairs Bureau) or its provincial or local offices (still known as Religious Affairs Bureaus (RABs)). SARA and the RABs were responsible for monitoring and judging the legitimacy of religious activity. SARA and the Communist Party's United Front Work Department provided policy "guidance and supervision" over implementation of government regulations on religious activity.

In January, a national work conference on religion organized by SARA was held to "strengthen religious work." According to official media, the conference recommended that officials guard against Christian-influenced "cults" and avoid negative influences, including "foreign infiltration under cover of religion." Conference attendees also raised concern about circulation of foreign religious materials addressing the growth of Christianity in the country, including a documentary film entitled "The Cross" and a book entitled "Jesus in Beijing." Subsequently, many provinces convened their own local work conferences. In March, the 10th National Committee of the Chinese People's Political Consultative Conference (CPPCC) recommended revising the CPPCC Charter to permit the "freedom of religious belief." On November 30, the State Council issued new regulations governing religious affairs, shifting the national system of registration from one focused on religious sites to one focused on religious organizations and individuals. The new regulations made no reference to the five official religions.

A national campaign to require religious groups to register or to come under the supervision of official "patriotic" religious organizations continued during the year. 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.

Local authorities' handling of unregistered religious groups, particularly Protestant "house churches," varied widely. In certain regions, Government supervision of religious activity was minimal, and registered and unregistered Protestant and Catholic churches existed openly side-by-side and were treated similarly by the authorities. In such areas, many congregants worshipped in both types of churches, and congregants in unregistered churches procured Bibles at official churches. In some parts of the country, unregistered house churches with hundreds of members met openly, with the full knowledge of local authorities, who characterized the meetings as informal gatherings to pray, sing, and study the Bible. In other areas, house church meetings of more than a handful of family members and friends were strictly proscribed. House churches often encountered difficulties when their membership grew, when they arranged for the regular use of facilities for the purpose of conducting religious activities, or when they forged links with other unregistered groups. As a result, urban house churches were generally limited to meetings of a few dozen members or less, while meetings of unregistered Protestants in small cities and rural areas could number in the hundreds.

Leaders of unauthorized groups were sometimes the targets of harassment, interrogation, detention, and physical abuse. Police closed scores of "underground" mosques, temples, seminaries, Catholic churches, and Protestant "house churches," including many with significant memberships, properties, financial resources, and networks. Authorities particularly targeted unofficial religious groups in locations where there were rapidly growing numbers of unregistered churches or in places of long-seated conflict between official and unofficial churches, such as with Catholics in Baoding, Hebei Province or with evangelical underground Protestant groups as in Henan Province and elsewhere.

The Government in many areas intensified pressure against Protestant house churches and their leaders during the year. In January, house Christian activists Qiao Chunling, Xu Yongling, and Zeng Guangbo reportedly were detained because of their alleged effort to communicate with foreigners about activities of house churches. House Christian activists in several regions were prevented from leaving their homes during the meeting of the National People's Congress in March. In June, the government-run Legal Daily newspaper reported that Jiang Zongxiu had died in police custody in Guizhou Province after being detained for distributing Bibles. Her body showed signs of physical abuse, and reliable reports indicated that she had been beaten in administrative detention. A Legal Daily editorial comment condemned local officials for mistreating Jiang. In April, more than 100 members of the Three Classes of Servants Church reportedly were detained in Heilongjiang Province, and most were later released. In June, dozens of leaders of the China Gospel Fellowship Protestant Church reportedly were detained in Wuhan, Hubei Province, but they were later released. In July, more than 100 house church leaders from Anhui Province were reportedly detained in Xinjiang while on a religious retreat. The same month, some 40 house church leaders were detained while attending a religious training seminar in Chengdu, Sichuan Province. In August, more than 100 house Christians were reportedly detained while on a religious retreat in Kaifeng, Henan Province. On August 6, Beijing-based Christian activist Liu Fenggang, Beijing homeless advocate Dr. Xu Yonghai, and Jilin Internet writer Zhang Shengqi were convicted and sentenced to 3, 2, and 1 years in prison, respectively, on charges of providing national intelligence overseas. The charges stemmed from an article Liu wrote and allegedly distributed to the foreign-based Chinese Christian magazine Christian Life Quarterly, which discussed persecution of other Chinese Christians and destruction of house churches. On September 11, Beijing-based pastor Cai Zhuohua was detained for his involvement in printing and distributing Christian literature. In December, underground church leader Zhang Rongliang was detained in Henan Province, and his whereabouts remained unknown at year's end. House church historian Zhang Yinan, who was detained in 2003, remained in a reeducation-through-labor camp in Pingdingshan County, Henan Province. Gouxing Philip Xu, however, reportedly was released from a reeducation-through-labor camp in June after being detained in 2002 in Shanghai.

A number of Catholic priests and lay leaders also were beaten or otherwise abused during the year, prompting Vatican officials formally to protest mistreatment. In Hebei Province, where approximately 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 (the officially sanctioned Catholic Church) or facing fines, job losses, periodic detentions, and, in some cases, the removal of their children from school. Some Catholics have been forced into hiding. In June, the Vatican formally protested the detention earlier in the year of three underground Catholic bishops from Hebei Province. Two were released shortly after their detention, although the whereabouts of 84-year-old Zhao Zhendong of Xuanhua City remained unclear at year's end. Underground Bishops Wei Jingyi of Heilongjiang Province and Jia Zhiguo of Hebei Province reportedly were detained for a few days before being released in March and April, respectively. Jia Zhiguo reportedly was again detained for several days in June, along with two other underground bishops. In August, eight underground clergy in Quyang County, Hebei Province, reportedly were detained while attending a religious retreat. At Christmas, a priest in Zhejiang Province, Wang Zhongfa, was reportedly detained, and religious services for both Catholics and Protestants were disrupted. There were conflicting reports about 76-year-old Shandong Province Bishop Gao Kexian, whom some sources claimed died in prison during the year. Reliable sources also reported that Bishop An Shuxin, Bishop Zhang Weizhu, Father Cui Xing, and Father Wang Qunjun remained detained in Hebei Province. There was no new information about underground Bishop Su Zhimin, who has been unaccounted for since his reported detention in 1997. Reports suggested that he had been held in a form of house arrest. The Government continued to deny taking coercive measures against him and stated he was traveling as a missionary.

During the year, local officials destroyed several unregistered places of worship around the country. In Zhejiang Province, there were continued reports

that churches and shrines were closed or destroyed, although less often than in 2003. Zhejiang authorities often claimed that destroyed buildings were not zoned for religious activities, or were unsafe, or both. In February, a fire killed 39 worshippers and destroyed a makeshift temple in Zhejiang's Haining City. Visitors to Xinjiang Autonomous Region reported that mosques also have been destroyed, although some attributed the demolition as much to inter-religious conflict between Hui and Uighur Muslims as to government antagonism. In August, members of the Buddhist Foundation of America reported that a temple they had helped to restore in Tongliao, Inner Mongolia, was closed and the rededication ceremony cancelled by local officials. Spiritual leader Dechan Jeren (Yu Tianjian) was detained, and government authorities claimed he had misled followers about his status as a living Buddha.

The Government continued to restore or rebuild some churches, temples, mosques, and monasteries damaged or destroyed during the Cultural Revolution, and new facilities were constructed during the year. In March, the Government began construction of two new Protestant churches in Beijing, the first new churches to be constructed in the capital since 1949. Similarly, the site of the 135-year-old former Holy Trinity Cathedral in Shanghai was renovated at government expense and reopened as headquarters of the official Protestant China Christian Council and Three-Self Patriotic Movement. The number of restored and rebuilt temples, churches, and mosques remained inadequate to accommodate the increase in religious believers. 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.

The law does not prohibit religious believers from holding public office; however, party membership is required for almost all high-level positions in Government, state-owned businesses, and many official organizations. During the year, Communist Party officials again stated that party membership and religious belief were incompatible. The Routine Service Regulations of the People's Liberation Army state explicitly that service members "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 25 percent of Party officials engaged in some kind of religious activity. Most of these officials practiced Buddhism or a folk religion. The National People's Congress (NPC) included several religious representatives. Two of the NPC Standing Committee's vice chairmen are Fu Tieshan, a bishop and vice-chairman of the Chinese Catholic Patriotic Association, and Pagbalha Geleg Namgyal, a Tibetan reincarnate lama. Religious groups also were represented in the Chinese People's Political Consultative Conference, an advisory forum for "multiparty" cooperation and consultation led by the CCP, and in local and provincial governments.

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 political as well as theological knowledge to qualify for the clergy. The Government permitted registered religions to train clergy and allowed limited numbers of Catholic and Protestant seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies, but some religion students have had difficulty getting passports or obtaining approval to study abroad. In most cases, foreign organizations provided funding for such training programs.

Both official and unofficial Christian churches had problems training adequate numbers of clergy to meet the needs of their growing congregations. Because of restrictions and prohibitions on religion between 1955 and 1985, no priests or other clergy in official churches were ordained during that period. Thus, as senior clerics retire, there were relatively few experienced clerics to replace them. The Government stated that the official Catholic Church had trained more than 900 priests in the past decade.

Traditional folk religions such as Fujian Province's "Mazu cult" were still practiced in some locations. 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 were labeled "feudal superstition" and sometimes were repressed because their resurgence was seen as a threat to Party control. In recent years, local authorities have destroyed thousands of shrines; however, there were no reports of widespread destruction during the year.

Buddhists made up the largest body of organized religious believers. The traditional practice of Buddhism continued to expand among citizens in many parts of the country. Tibetan Buddhists in some areas outside of the TAR had growing freedom to practice their faith. However, some government restrictions remained, particularly in cases in which the Government interpreted Buddhist belief as supporting separatism, such as in some Tibetan areas and parts of the Inner Mongolian Autonomous Region. Visits by emissaries of the Dalai Lama occurred in 2002, 2003, and September, 2004. Lodi Gyari, the Dalai Lama's Special Envoy, was a member of the September delegation (see Tibet Addendum).

Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be implemented forcefully in Xinjiang. In some areas of Xinjiang where ethnic unrest has occurred, officials restricted the building of mosques and the training of clergy. Authorities reportedly continued to prohibit the teaching of Islam to children under the age of 18 in some areas where ethnic unrest has occurred, although children studied Arabic and the Koran without restriction in many other areas. For example, local officials have stated that persons younger than 18 are forbidden from entering mosques in Xinjiang, but this policy was enforced unevenly. Authorities also reserved the right to censor imams' sermons. In particular, imams were urged to emphasize the damage caused to Islam by terrorist acts in the name of the religion.

Fundamentalist Muslim leaders received particularly harsh treatment. In 2000, the authorities began conducting monthly political study sessions for religious personnel; the program reportedly continued during the year. In August, eight Uighur Muslims in Hotan District were reportedly charged with endangering state security, and scores were detained on charges of engaging in "illegal religious activities." Because of government control of information coming from Xinjiang, such reports were difficult to confirm.

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, and stores reported that those selling literature not included on Government lists of permitted items risked closure. In addition to the restrictions on practicing religion placed on party members and government officials throughout the country, teachers, professors, and university students in Xinjiang were not allowed to practice religion openly. Officials also reportedly restricted mosque building in some areas of Xinjiang, especially where unrest had occurred. 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. Mosque destruction, which sometimes occurred in Xinjiang, occasionally resulted from intra-religious conflict.

The Government permitted Muslim citizens to make the Hajj to Mecca and in some cases subsidized the journey. A record number of nearly 10,000 Muslims made the Hajj during the year, nearly half of whom went with government-organized delegations. Other Muslims made the trip to Mecca via third countries. According to international Uighur groups, Uighur Muslims had greater difficulty getting permission to make the Hajj than other Muslim groups, such as Hui Muslims, and some Uighurs elected not to attempt to go for fear of repercussions.

The Government and the Holy See had not established diplomatic relations, and there was no Vatican representative on the Mainland. The Government stated that the role of the Pope in selecting bishops, the status of underground Catholic clerics, Vatican recognition of Taiwan, and the canonization of controversial Catholic missionaries on Chinese National Day in 2000 remained obstacles to improved relations. During the year, the Government stated that the political activities of Hong Kong Diocese Bishop Joseph Zen in the Hong Kong SAR had become a further obstacle to normalization of relations with the Vatican. Nonetheless, Bishop Zen paid a public visit to Shanghai in April.

The Government's refusal to allow the official Catholic Church to recognize the authority of the Papacy in many fundamental matters of faith and morals caused many Catholics to reject the official Catholic Church. Most bishops of the official Catholic Church were, in fact, recognized by the Vatican. However, friction between bishops who have been consecrated with Vatican approval and others consecrated without such approval continued, producing leadership conflicts. Foreign media reported that, at the consecration ceremony of some bishops during the year, both government and Vatican approval was stated publicly.

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 and some bookstores. Although the country had only one government-approved publisher of Bibles and distribution had been a problem in the past, the shortage of Bibles in previous years appeared largely to have abated. Members of underground churches complained that the supply and distribution of Bibles in some places, particularly rural locations, was inadequate. Official churches said they discouraged the sale of Bibles outside the church to protect their copyright and financial interests, not to restrict distribution. They emphasized that versions of the Bible are available for

less than \$1 (RMB 8.3). Individuals could not order Bibles directly from publishing houses, making it difficult for some Christians to buy Bibles in volume. Customs officials continued to monitor for the "smuggling" of Bibles and other religious materials into the country, but there were no new cases of significant punishments for Bible importation. There were credible reports that the authorities sometimes confiscated Bibles and other religious material in raids on house churches.

Regulations enacted in 1994 and expanded in 2000 codified many existing rules involving religious practice by foreigners, including a ban on proselytizing. However, for the most part, the authorities allowed foreign nationals to preach to other foreigners, to bring in religious materials for personal use, and to preach to citizens at churches, mosques, and temples at the invitation of registered religious organizations. Religious worship by foreigners was permitted in unregistered facilities so long as citizens did not attend the services. In a number of major cities, regular worship services for foreigners were held, including Catholic, Protestant, Muslim, Jewish, and Church of Jesus Christ of Latter-Day Saints services. Foreigners were barred from conducting missionary activities, but some foreign religious groups were involved in education and providing social services.

Some foreign church organizations came under pressure to register with government authorities, and some foreign missionaries whose activities extended to citizens were expelled or asked to leave the country. The Government stated that those asked to leave had violated the law. In addition, the Government banned foreign-produced materials about Christianity in the country, including the documentary film "The Cross" and the book "Jesus in Beijing."

The authorities continued a general crackdown on groups considered to be "cults." Premier Wen Jiabao, in his address to the NPC in March, stressed that government agencies should strengthen their anti-cult work. These "cults" included not only Falun Gong and various traditional Chinese meditation and exercise groups (known collectively as "qigong" groups) but also religious groups that authorities accused of preaching beliefs outside the bounds of officially approved doctrine. Groups that the Government labeled cults included Eastern Lightning, the Servants of Three Classes, the Shouters, the South China Church, 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, and the Family of Love. Authorities accused some in these groups of lacking proper theological training, preaching the imminent coming of the Apocalypse or holy war, or exploiting the reemergence of religion for personal gain. The Eastern Lightning group was accused by the Government and some other unregistered Christian groups of involvement in violence.

Actions against such groups continued during the year. In April, over 100 members of the evangelical group the "Servants of Three Classes" were detained in Harbin, Heilongjiang Province. Most were released, but Gu Xianggao died in custody, allegedly as a result of beatings by police (see Section 1.c.) Police also continued their efforts to close down an underground evangelical group called the "Shouters," an offshoot of a pre-1949 indigenous Protestant group. In 2001, Gong Shengliang, founder of the South China Church, was sentenced to death on criminal charges including rape, arson, and assault. In 2002, an appeals court overturned his death sentence, and Gong was sentenced to life in prison. In the retrial, four women from his congregation claimed that, prior to the first trial, police had tortured them into signing statements accusing Gong of raping them. The four women, who were found not guilty of "cultist activity" in the retrial, were nonetheless immediately sent to reeducation-through-labor camps. In the retrial, the court also dropped all "evil cult" charges against the South China Church. During the year, elderly church member Chen Jingmao reportedly was abused in prison for attempting to convert inmates to Christianity.

The extent of public Falun Gong activity in the country continued to decline considerably, and practitioners based abroad reported that the Government's crackdown against the group continued. Since the Government banned the Falun Gong in 1999, the mere belief in the discipline (even without any public manifestation of its tenets) was sufficient grounds for practitioners to receive punishments ranging from loss of employment to imprisonment. Although the vast majority of the tens of thousands of practitioners detained since 1999 have been released, many were detained again after release (see Section 1.e.), and thousands reportedly remained in reeducation-through-labor camps. Those identified by the Government as "core leaders" have been singled out for particularly harsh treatment. More than a dozen Falun Gong members have been sentenced to prison for the crime of "endangering state security," but the great majority of Falun Gong 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. Most practitioners, however, were punished administratively. In addition to being sentenced to reeducation through labor, some Falun Gong members were sent to detention facilities specifically established to "rehabilitate" practitioners who refused to recant their belief voluntarily after release from reeducation-through-labor camps. In addition, hundreds of Falun Gong practitioners have been confined to mental hospitals (see Section 1.d.).

Police in the past often used excessive force when detaining peaceful Falun Gong protesters. During the year, allegations of abuse of Falun Gong practitioners by the police and other security personnel continued. According to the foreign-based Global Mission to Rescue Persecuted Falun Gong Practitioners, 1,047 Falun Gong practitioners, including children and the elderly, have died since 1997 as a result of official persecution (see Section 1.c.). Other groups based abroad estimated that as many as 2,000 practitioners have died in custody.

During the 2003 SARS epidemic, the Government launched new accusations that Falun Gong practitioners were disrupting SARS-prevention efforts. State-run media claimed that, beginning in April, Falun Gong followers "incited public panic" and otherwise "sabotaged" anti-SARS efforts in many provinces by preaching that belief in Falun Gong will prevent persons from contracting SARS. Authorities detained hundreds of Falun Gong adherents on such charges, including 69 in Jiangsu Province during May 2003 and 180 in Hebei Province during June 2003, according to state-run media. At year's end, their whereabouts remained unknown.

As recently as 2003, the Government continued its effort to round up practitioners not already in custody and sanctioned the use of high-pressure tactics and mandatory anti-Falun Gong study sessions to force practitioners to renounce Falun Gong. Even practitioners who had not protested or made other public demonstrations of belief reportedly were forced to attend anti-Falun Gong classes or were sent directly to reeducation-through-labor camps, where in some cases, beatings and torture reportedly were used to force them to recant. These tactics reportedly resulted in large numbers of practitioners signing pledges to renounce the movement.

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 [2004 International Religious Freedom Report](#).

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

Although the Government maintained restrictions on the freedom to change one's workplace or residence, the national household registration and identification card system continued to erode, and the ability of most citizens to move within the country to work and live continued to expand. However, the Government retained the ability to restrict freedom of movement through other mechanisms. Authorities heightened restrictions periodically during the year, particularly before politically sensitive anniversaries and to forestall demonstrations.

The Government's "hukou" system of national household registration underwent further liberalization during the year, as the country responded to economic demands for a more mobile labor force. Nonetheless, many persons could not officially change their residence or workplace within the country. Government and work unit permission were often required before moving from city to city. It was particularly difficult for peasants from rural areas to obtain household registration in some economically more developed urban areas. There remained a "floating population" of between 100 and 150 million economic migrants who lacked official residence status in cities. Without official residence status, it was difficult or impossible to gain full access to social services, including education. Further, 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. In some major cities, access to education for children of migrant workers continued to improve during the year, and some cities began to offer migrants some other social services free of charge. Many cities and provinces continued experiments aimed at abolishing the distinction between urban and rural residents in household registration documents, including Guangdong, Jiangsu, Shandong, Anhui, Hebei, Hubei, and Sichuan Provinces. However, other localities, including Zhengzhou in Henan Province, re-established registration requirements during the year to halt the drain on public resources that had resulted from an influx of migrants. In June 2003, the administrative detention system of custody and repatriation applied to migrants was abolished and replaced by a network of aid shelters offering services to migrants, but it remained unclear at year's end how these reforms would be implemented (see Section 1.d.).

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. Dissidents reported that the authorities restricted their freedom of movement during politically sensitive periods and visits by foreign dignitaries, including on some occasions removing suspected dissidents from Beijing.

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. Some released or paroled prisoners returned home but were not permitted freedom of movement. Former senior leaders Zhao Ziyang and Bao Tong remained under house arrest in Beijing for their role in the 1989 Tiananmen protests, and security around them routinely was tightened during sensitive periods.

The Government permitted legal emigration and foreign travel for most citizens. Passports were increasingly easy to obtain in most places, although those whom the Government deemed to be threats, including religious leaders, political dissidents, and some ethnic minority members continued to have difficulty obtaining passports (see Tibet Addendum). According to media reports, more than 2.6 million mainland tourists have traveled to Hong Kong since the Government relaxed restrictions on such travel.

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 underground churches sometimes were refused passports and other necessary travel documents. Some Falun Gong members also had difficulty obtaining passports. On June 1, Dr. Jiang Yanyong and his wife were detained while en route to pick up a visa to travel abroad to visit their daughter. They were held for 7 and 2 weeks, respectively, because he wrote to government leaders requesting an official reassessment of the Tiananmen massacre. He was released in July, but remained in a form of house arrest. Dr. Jiang also was pressured not to accept the Ramon Magsaysay Award for Public Service and was not permitted to travel to a September awards ceremony in the Philippines.

Similarly, visas to enter the country were sometimes denied for political reasons. For example, some foreign academics who had been critical of the country continued to be denied visas. Some others who intended to discuss human rights or rule of law issues also were denied visas. For foreigners whose business did not raise political sensitivities, the Government introduced a long-term residence permit during the year.

The law neither provides for a citizen's right to repatriate nor otherwise addresses exile. The Government continued to refuse reentry to numerous citizens whom it considered to be dissidents, Falun Gong activists, or troublemakers. Although some dissidents living abroad have been allowed to return, dissidents released on medical parole and allowed to leave the country often were effectively exiled. Activists resident abroad have sometimes been imprisoned upon their return to the country.

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

Although a signatory of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the country has no laws or regulations that authorize the authorities to grant refugee status. The Government largely cooperated with the UNHCR when dealing with the resettlement of ethnic Han Chinese or ethnic minorities from Vietnam and Laos resident in the country. During the year, the Government and UNHCR continued ongoing discussions concerning the granting of citizenship to these residents. 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, arguing that North Koreans who crossed the border were illegal economic migrants, not refugees.

During the year, several thousand North Koreans were reportedly detained and forcibly returned to North Korea, where many faced persecution and some of whom may have been executed upon their return, as provided in North Korean law. Several hundred North Koreans were permitted to travel to Seoul after they had entered diplomatic compounds or international schools in China, and approximately 1,900 arrived in South Korea via third countries such as Mongolia, Vietnam, Thailand, and Cambodia, most after transiting through China. There were numerous credible reports of harassment and detention of North Koreans in the country. The Government also arrested and detained foreign journalists, missionaries and activists, as well as some Chinese citizens, for providing food, shelter, transportation, and other assistance to North Koreans. According to NGOs, the Government reportedly allowed North Korean security forces to enter China to forcibly repatriate North Korean citizens during the year.

While UNHCR reported that more than 2,000 Tibetans each year continued to cross into Nepal, the Government continued to try to prevent many Tibetans from leaving (see Tibet Addendum).

In October 2003, the Government executed Uighur Shaheer Ali after he and another Uighur were forcibly returned to China in 2002 from Nepal, where they had been granted refugee status by UNHCR (see Section 5).

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. While recent reforms allow citizens to elect members of village committees, which are not considered to be government bodies, and representatives to local people's congresses, the Communist Party continued to control appointments to positions of political power.

According to the Constitution, the National People's Congress (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.

Under the 1987 Organic Law of Village Committees and its 1998 amendments, all of the country's approximately 1 million villages were expected to hold competitive, direct elections for subgovernmental village committees. Beginning in 1987, rural citizens voted directly for their local village committees, which were not considered government bodies. Most provinces already have held four or five rounds of village committee elections, according to the Ministry of Civil Affairs. Foreign observers who have 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. Corruption and interference by township level and Party officials continued to be a problem in some cases.

The 1979 Election Law governs elections of legislative bodies at all levels. Under this law, citizens have the opportunity to vote for local people's congress representatives at the county level and below, although in most cases the nomination of candidates in those elections was strictly controlled. People's congress delegates above the county level are selected by legislators at the level below. For example, provincial-level people's congresses select delegates to the NPC. Beginning in late 2002, a practice began of naming local Communist Party secretaries to concurrently serve as the head of the local people's congress. This move dramatically strengthened Party control over these legislatures.

Although the Party controls appointments of officials to government and Party positions at all levels, some township, county, and provincial elections featured experiments with increased competition, including self-nomination of candidates, campaign speeches by candidates, public vetting of nominees, and a two-tiered indirect election system. In October, the Election Law was amended to permit preliminary elections to establish the list of candidates for direct elections in certain, limited situations.

The CCP retained a monopoly on political power and forbade the creation of new political parties. The Government continued efforts to suppress the China Democracy Party (CDP), an opposition party that had attracted hundreds of members nationwide within a few months of its founding in 1998. Public security forces had previously arrested nearly all of the CDP's leaders: Xu Wenli, Wang Youcai, and Qin Yongmin were sentenced in 1998 to prison

terms of 13, 12, and 11 years, respectively. Xu Wenli and Wang Youcai were released on medical parole to the United States in December 2002 and March 2004, respectively, but Qin remained in prison. At the time of the 16th Party Congress in 2002, authorities targeted many remaining activists for signing an open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre (see Section 1.d.). More than 40 current or former CDP members remained imprisoned or held in reeducation-through-labor camps during the year, including Zhao Changqing, Sang Jiancheng, He Depu, Yao Zhenxiang, Han Lifa, Dai Xuezhong, and Jiang Lijun. In December, Zhejiang and Jiangsu Province activists were interrogated and a few, including Yang Tianshui and Wang Rongqing, were detained after they publicly proposed that the NPC draft a political party law.

Freedom of information regulations were enacted in many locations during the year, aimed at improving the public's communication with and supervision over local government initiatives. In Wuhan, freedom of information regulations were used in August to force a state-owned enterprise (SOE) to provide a laid-off worker with information about SOE restructuring. In July, a lawsuit was filed in Shanghai to force a local land office to comply with a citizen's request for information. The Government experimented with other forms of public oversight of government, including telephone hotlines and complaint centers, administrative hearings, increased opportunity for citizen observation of government proceedings, and other forms of citizen input in the local legislative process, such as hearings to discuss draft legislation. For example, citizen feedback was an important factor in selecting the site for a new airport in Hubei Province. Most major cities have introduced at least one of these mechanisms for citizens to provide input and feedback on government performance. The experiments have been generally well-received by the public.

Corruption remained an endemic problem. According to the Auditor General, embezzlement and misuse of public funds affected 75 percent of commissions and ministries under the State Council and accounted for approximately \$170 million (RMB 1.4 billion) missing from the Central Government's 2003 budget. Transparency International continued to rank China among the worst countries in the world for bribery. Economists estimated that the cost of corruption may exceed 14 percent of gross domestic product.

The courts and Party agencies took disciplinary action against some public and Party officials during the year. According to the Supreme People's Procuratorate (SPP), prosecutors at all levels in 2003 investigated 39,562 cases of abuse of official power involving 43,490 individuals. They prosecuted 22,761 cases involving 26,124 individuals. From January to November, prosecutors investigated 42,258 officials, up one percent from 2003. During the 5-year period ending in 2002, 83,308 public officials were convicted for graft or bribery, a 65 percent increase over the previous 5-year period, according to the Supreme People's Court (SPC). In April 2003, the Minister of Supervision reported that 860,000 corruption cases were filed against Party members from 1997 to 2002, resulting in more than 137,000 expulsions and disciplinary action in more than 98 percent of cases. The Party's Central Discipline and Inspection Commission (CDIC) reported that 174,580 officials at various levels were disciplined for breaking laws and Party discipline in the period from December 2003 to November 2004. Of those, 8,691 lost Party membership and were prosecuted, according to state media reports. In some cases, the CDIC reportedly acted as a substitute for sanctions by the courts and other legal agencies.

During the year, citizens seeking to petition the Central Government for redress of grievances faced harassment, detention, and incarceration. Tens of thousands of citizens sought to redress grievances through petitions to the Central Government. Among them, Mao Hengfeng, a Shanghai housing activist and organizer, was sentenced in April to 18 months in a reeducation-through-labor facility for staging "disorderly visits" to government offices in support of her petition efforts. In August, two women were sentenced to 3 years reeducation after they and four others climbed atop a building near the central Zhongnanhai compound and threatened to commit suicide to protest the Government's neglect of their petitions. In August, Beijing-based petitioner leader Ye Guozhu was arrested for planning to hold a rally to protest forced evictions. He was tried in November, but the outcome of the trial was not available by year's end.

During the year, Central Government officials stated that provincial cadres would be evaluated, in part, on the number of petitions to Beijing coming from their provinces. This initiative aimed to improve accountability by provincial officials and to encourage them to resolve those complaints deemed legitimate. While a few cases were favorably resolved, most petitions languished. In some cases, provincial officials of "Letters and Visits" offices and local police pursued petitioners to Beijing and forcibly returned them to their home provinces. Such detentions often went unrecorded. In November 2003 and March 2004, Jiang Meli, the wife of imprisoned Shanghai housing attorney Zheng Enchong, was pursued to Beijing, abducted, and forced back to Shanghai by local "Letters and Visits" officials. She was seeking legal opinions from Beijing scholars and attorneys to support her husband's appeal of a 2003 conviction for "disclosing state secrets" in Shanghai housing disputes. In Hebei Province's Tangshan County, over 11,000 people signed a petition protesting corruption over land distribution and demanding recall of the local party secretary. When petition leader Zhang Youren carried the petition to Beijing in March, he was detained and forced back to Tangshan, where he was released. In July, Zhang was detained again. In the period before a key Party meeting in September, authorities rounded up thousands of the approximately 50,000 homeless petitioners living in temporary shanties known as Beijing's "petitioners village." Many were forcibly returned to their home provinces. In December, Liaoning Province resident Qu Huiqian was detained at the State Council complaints office in Beijing while petitioning for her father's right to free housing as a retired military official. According to published reports, she was beaten unconscious by local officials from Liaoning Province and left in a ditch in Beijing. Hundreds of petitioners were also reportedly detained in sports stadiums or forced back to their home provinces at the time of the March NPC session. Some were reportedly sent to psychiatric facilities.

The Government placed no special 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. There was one woman on the 24-member Politburo; she concurrently held the only ministerial post (out of 28) occupied by a woman. There was also one woman among the five State Councilors. The head of a key Communist Party organization, the United Front Work Department, was a woman. In the country's 28 ministries, only 14 women served at the level of vice minister or higher. Women freely exercised their right to vote in village committee elections, but only a small fraction of elected members were women. As of the end of 2003, there were 12.3 million female Party members, making up over 18 percent of the 66.4 million members of the Communist Party. Women constituted 20.2 percent of the NPC and 13.2 percent of the NPC Standing Committee. The 16th Party Congress in 2002 elected 27 women to serve as members or alternates on the 198 person Central Committee, a slight 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 55 officially recognized minority groups 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 and one ministerial-level post was held by an ethnic minority. However, 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 the Hong Kong-based Information Center for Human Rights and Democratic Movement in China and the 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. Individuals were charged with and often convicted of "disclosing state secrets" during the year after passing information to human rights NGOs based abroad (see Sections 1.c. and 2.a.). The Government maintained that there were 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 dialogues with Australia, Canada, Germany, Hungary, Japan, Mexico, Norway, Switzerland, the United Kingdom, and the European Union. In March, the Government announced that it was suspending its human rights dialogue with the United States in reaction to the U.S. decision to table a resolution critical of the country's human rights record at the U.N. Commission on Human Rights 2004 session. The U.S. did not agree to schedule a new round of dialogue with China because of the lack of sufficient concrete results from the last round, held in December

2002. The Government also terminated some legal reform cooperation with the United States and U.S.-supported organizations.

The Government continued its unofficial dialogue on human rights and prisoner issues with a San Francisco-based human rights group. Visits by the group's executive director, including a prison visit, occurred during the year.

In September, members of the U.N. Working Group on Arbitrary Detention visited Beijing, Sichuan Province, and the TAR (see Section 1.d.). The Government agreed to invite the U.N. Special Rapporteur on Torture and the U.N. Special Rapporteur on Religious Intolerance, but those visits did not take place by year's end. The Government also extended an invitation to the leaders of the U.S. Commission on International Religious Freedom, but the visit did not occur due to restrictive conditions that the Government placed on the visit.

Section 5 Discrimination, Societal Abuse, and Trafficking in Persons

There were laws designed to protect women, children, persons with disabilities, and minorities. However, in practice, some societal discrimination based on ethnicity, gender, and disability persisted.

Women

Violence against women was a significant problem. There was no national law criminalizing domestic violence, but Articles 43 and 45 of the Marriage Law provide for mediation and administrative penalties in cases of domestic violence. Over 30 provinces, cities, or local jurisdictions have passed legislation specifically to address domestic violence. According to a survey by the All-China Women's Federation, 16 percent of women had been beaten by their husbands. In 2002, women's federations at all levels received 36,600 complaints about family violence, up nearly 40 percent over the previous year, while the number of letters received complaining of family violence was nearly 30,000, up nearly 30 percent. Two-thirds of children were victims of family violence during their lives, according to the China Society for Human Rights. Actual figures were believed to be higher because spousal abuse still went largely unreported. 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.

The Central Government 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 (see Section 1.f.) has resulted in instances of local birth planning officials reportedly using physical coercion to meet government goals. 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 expert estimates, there were 1.7 to 5 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. A 2004 Guangdong Province survey found that 74.2 percent of massage parlor workers were involved in prostitution. 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 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. Actions to crack down on this lucrative business, which involved organized crime groups and businesspersons as well as the police and the military, had limited results. In August, an investigation of prostitution at entertainment facilities in Guangdong Province led to the permanent closure of 15 percent and temporary closure of another 40 percent of the facilities investigated, according to state-run media. There have been instances in which persons involved in organizing and procuring prostitutes have been prosecuted.

No statute outlaws sexual harassment in the workplace, and the law does not specifically define sexual harassment. In 2003, Beijing courts accepted and issued judgments in their first sexual harassment cases. There was no reliable data about the extent of sexual harassment, and the law did not specifically define sexual harassment. Experts suggested that many victims of sexual harassment did not report it out of fear of losing their jobs, but awareness was growing. State media reported that a television series on sexual harassment aired on many channels.

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 Law on the Protection of Women's Rights and Interests provides for equality in ownership of property, inheritance rights, and access to education. Policies that once allotted work unit housing only to the husband in a couple have become gender-neutral, and an April Supreme Court interpretation emphasized that housing rights are shared equally, even in cases of divorce. 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. 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.

Women's networks, involving lawyers, activists, and the press, were active in Beijing, Shanghai, and other cities, highlighting problems and calling for solutions to gender-based discrimination.

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 on sex discrimination, violence against women, and sexual harassment.

The All China Women's Federation reported that 47 percent of laid-off workers were women, a percentage significantly higher than their representation in the labor force. 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. Some employers required that women be below the age of 30 to qualify for certain jobs.

The law provides for equal pay for equal work. However, a 1999 Government survey found that urban women were paid only 70.1 percent of what men received for the same work, while women in rural areas received only 59.6 percent of male peasants' incomes. Average incomes of female executives and senior professionals were only 57.9 percent and 68.3 percent of their male colleagues' salaries. Women have borne the brunt of the economic reform of state owned enterprises. Most women employed in industry worked in lower skilled and lower paid jobs and in sectors, such as textiles, which were particularly vulnerable to restructuring and layoffs. Women accounted for 60 percent of those below the poverty line in the country.

UNESCO reported during the year that less than 2 percent of women between the ages of 15-24 were illiterate, adding that 15 percent of women 15 years and older were illiterate. The female illiteracy rate was double that for men. Official government statistics claimed that the illiteracy rate among women ages 15-40 was 4.2 percent.

A high female suicide rate continued to be a serious problem. 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, in 2002 women made up 44.0 percent of university students and 46.7 percent of all high school students. 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. According to Government statistics, 98.5 percent of girls nationwide were enrolled in elementary school, but it was widely believed that the proportion of girls attending school in rural and minority areas was far smaller than in cities.

Children

The Constitution prohibits maltreatment of children and provides for compulsory education. The country has outlawed child labor and trafficking in children, but serious problems in those areas persisted.

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 and some never attend. 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 had difficulty attending school. For these families, excessive school fees were a significant problem. 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 some school officials to inflate the number of children actually enrolled.

In 2003, the U.N. Special Rapporteur on the Right to Education visited the country. Following the visit, the Special Rapporteur reported that the Government failed to provide education to many children of migrant workers and prohibited children from receiving religious education. The Special Rapporteur expressed serious concern about the recent privatization of the costs of public education, reporting that the Government compels parents to pay nearly half the costs of public education, making education inaccessible to many children. The Special Rapporteur also recommended the immediate prohibition of the practice of children performing manual labor at their schools to raise funds.

An extensive health care delivery system has led to improved child health and a continued decline in infant mortality rates. According to the 2000 Census, the infant mortality rate was 28.4 per 1,000. According to UNICEF statistics, the mortality rate for children under 5 years of age was 37 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 National Population and Family Planning Commission, 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, and children also were trafficked for labor purposes (see Section 5, Trafficking).

In 2004, Guangzhou and Chengdu cities established the country's first specialized juvenile courts designed to protect minors' rights and interests. Authorities arrested 69,780 juveniles in 2003 and approximately 19,000 juveniles were incarcerated in formal prisons. Abolition of the system of custody and repatriation in 2003 (see Section 1.c.) reduced the number of children detained administratively. Nonetheless, more than 150,000 homeless "street children" lived in cities, according to state-run media. Many did not live with their parents and survived by begging. Juveniles were required by law to be held separately from adults except when facilities were insufficient. In practice, children sometimes were detained without their parents, held with adults, and required to work (see Sections 1.d. and 6.c.).

In 2003, 3-year-old Li Siyi starved to death at home in Chengdu, Sichuan Province, after police detained her mother for stealing two bottles of shampoo and reportedly ignored the mother's pleas to check on the girl. On August 19, two police officers were convicted of dereliction of duty in the case and sentenced to 2 and 3 years in prison.

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 (see Section 1.f.). Many families, particularly in rural areas, used ultrasound to identify female fetuses and terminate pregnancies. An official study in Hainan Province found that 68 percent of abortions were of female fetuses. In a 2002 survey, 35 percent of women in one rural township admitting to having an abortion because of preference for a male child. Official figures from November 2000 put the overall male-female sex ratio at birth 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. Female babies also suffered from a higher mortality rate than male babies, contrary to the worldwide trend. State media reported that infant mortality rates in rural areas were 27 percent higher for girls than boys. 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, and the number may have grown over the subsequent decade 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. Medical professionals frequently advised parents of children with disabilities to put the children into orphanages.

The Government denied that children in orphanages were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems. A 1997 revision of the adoption law made it easier for couples to adopt. However, adopted children were counted under the birth limitation regulations in most locations. As a result, couples who adopted abandoned baby girls, for example, were sometimes barred from having additional children.

Trafficking in Persons

The law prohibits trafficking in women and children; however, trafficking in persons and the abduction of women for trafficking remained 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. Some cases involved trafficking of women and girls into forced prostitution in urban areas, and some reports suggested that certain victims, particularly children, were sold into forced labor.

Internal trafficking was a significant problem. The Ministry of Public Security estimated that at least 9,000 women and 1,000 children were kidnapped and sold illegally each year.

Some experts suggested that the demand for abducted women was fueled by the shortage of marriageable brides, particularly in rural areas. The serious imbalance in the male-female sex ratio at birth, the tendency for many village women to leave rural areas to seek employment, and the cost of traditional betrothal gifts all made purchasing a bride attractive to some poor rural families. Some families recruited brides from economically less advanced areas. Others sought help from criminal gangs, which either kidnapped women and girls or tricked them by promising them jobs and an easier way of life and then transporting 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.

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. Past reports noted that 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, but reliable sources suggested that the practice has decreased. According to press reports, North Korean brides were sold for approximately \$38 to \$150 (RMB 315 to RMB 1,245). Women reportedly also were trafficked from Vietnam into the country for the purpose of forced marriage.

Citizens were trafficked from the country for sexual exploitation and indentured servitude in domestic service, sweatshops, restaurants, and other services. There were reports that citizens were trafficked to Australia, 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.

At times, trafficked persons became entangled with alien smuggling rings, which 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 confiscated their often fraudulent travel documents. 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. 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 reeducation through labor. Alien smugglers were fined \$6,000 (RMB 49,600), and most were sentenced to up to 3 years in prison; some have been sentenced to death.

Kidnapping and the buying and selling of children continued to occur, particularly 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. During the year, media reported arrests in the case of 76 baby boys sold in Hohhot, Inner Mongolia, and a case of 200 children, mostly boys, who were kidnapped in Kunming, Yunnan Province. However, baby girls also were trafficked. During the year, 52 people were convicted in a March 2003 case in which 28 girls were found packed in suitcases on a bus from Yulin, Guangxi Province. The babies were purchased in Yulin for \$24 (RMB 200) to be resold for \$240 to \$360 (RMB 1992 to RMB 2988) to families in Anhui and Henan Provinces to work or serve as child brides. The oldest was 5 months of age; one baby died en route. Two leaders of the ring were sentenced to death. Children were also trafficked for labor purposes. Children trafficked to work usually were sent from poorer interior areas to relatively more prosperous 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.

The purchase of women was not criminalized until 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.

Arrests of traffickers have decreased from the peak in 2000, when a nationwide crackdown was initiated. That year, more than 19,000 persons were arrested and more than 11,000 were sentenced to punishments, including, in a few cases, the death penalty. In May, two men were sentenced to death in Yunnan Province after being convicted of trafficking 22 women to Guangdong Province and forcing them into prostitution. According to official media reports, from 2001 to 2003, police freed more than 42,000 kidnapped women and children. More than 22,000 suspects were arrested, and police solved 20,360 cases involving kidnapped women and children. Official statistics indicate that during the year authorities registered 3,343 cases involving trafficking of women and children (a 76.2 percent increase from 2002); uncovered 2,966 new cases of trafficking (an 87.1 percent increase from 2002); and rescued a total of 8,949 trafficked women and children (an 18.7 percent decrease from 2002). During the year, 5,043 suspects were arrested, and 3,144 were referred for prosecution. In Guangdong Province alone, 68 prosecutions were undertaken against traffickers from 2002 to June 2004 and officials rescued more than 100 children.

Despite government efforts to eliminate trafficking in women and children, the problem persisted. Demand far outstripped the available supply, making trafficking a profitable enterprise for those willing to risk arrest and prosecution. The Government also continued to struggle with the pervasive problem of official corruption (see Section 3). There were 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. Hong Kong-based media reported in November that a Guangdong police official was arrested after allegedly providing thousands of visas to prostitutes traveling to Hong Kong and Macao, some of whom had reportedly never been to the place of visa issuance. In some cases, village leaders sought to prevent police from rescuing women who had been sold as brides to villagers.

Agencies involved in combating trafficking included the MPS, the SPC, the SPP, the Ministry of Civil Affairs, the Central Office in Charge of Comprehensive Management of Public Order, and the Legislative Office of the State Council. 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 Chinese victims in obtaining medical and psychological treatment.

Persons With Disabilities

The law protects the rights of persons with disabilities; however, the 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. According to the official press, all local governments have drafted specific measures to implement the law.

As attention began to focus on the Special Olympics and Paralympics to be held in the country in 2007-08, the press increasingly publicized the plight of persons with disabilities and the Government's efforts to assist them. State media reported that the Government increased its planned 2004 spending on infrastructure improvements for persons with disabilities to approximately \$15.75 million, up from \$12.5 million in 2003. The Government, at times in conjunction with NGOs such as the Lions Club International or the Special Olympics, sponsored a wide range of preventive and rehabilitative programs. For example, several thousand blind persons have been trained in therapeutic massage. The goal of many of these programs was to allow persons with disabilities to be integrated into society. However, 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 seriously inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty in getting adequate medical care, day care, and education for their children. Government statistics showed that almost one quarter of the approximately 60 million persons with disabilities lived in extreme poverty. Unemployment among adults with disabilities 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 were limited and confronted 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. Students with disabilities were discriminated against in access to education. The Higher Education Law permits universities legally to exclude candidates for higher education who have disabilities.

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 requires local governments to employ such practices to raise the percentage of healthy births.

National/Racial/Ethnic Minorities

According to the 2000 census, the total population of the country's 55 officially recognized ethnic minorities was 106.4 million, or 8.4 percent of the total population. In addition to these 55 ethnic minorities and the dominant Han ethnic group, some citizens identified themselves as members of unrecognized ethnic minorities. Most minority groups resided in the 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. Programs have been established to provide low interest loans, subsidies, and special development funds for minority areas. Nonetheless, in practice, minorities faced discrimination by the majority Han culture. 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 by minorities in some areas, such as Xinjiang, Inner Mongolia, and Tibetan

areas. For example, 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, particularly on technical projects such as oil and gas pipelines. The Government did not openly recognize racism against minorities or tension among different ethnic groups as problems.

Government development policies have long been in place to improve minority living standards. However, while overall standards of living for those in minority areas have improved as a result of these policies, real incomes in minority areas, particularly for minorities, remained well below those in other parts of the country. The majority Han Chinese have benefited disproportionately from government programs and economic growth, even in minority areas. Many development programs have disrupted traditional living patterns of minority groups, and have included, in some cases, 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 released in 2003, approximately 8.25 million of Xinjiang's 19.25 million official residents were Han Chinese, up from 300,000 Han in 1949. Approximately 8 million Xinjiang residents were Uighurs. Significant numbers of Kazakhs, Hui, Tajiks, and other minorities also lived in Xinjiang. Official statistics underestimated the Han population of Xinjiang because the Government did not count as part of the official population the thousands of Han who were long-term "temporary workers." 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. According to the 2000 census, non-Tibetan residents of the TAR comprised 6 percent of the population, but that figure did not include a large number of long-term Han residents. Their presence caused resentment among some Tibetans (see Tibet Addendum).

In many areas with a significant population of minorities, there were two-track school systems that used either standard Chinese or the local minority language. Students could choose to attend schools in either system. However, graduates of minority language schools typically needed 1 year or more of intensive Chinese before they could handle course work at a Chinese language university. Despite the Government's efforts to provide schooling in minority languages, the dominant position of standard Chinese in government, commerce, and academia put graduates of minority schools who lacked standard Chinese proficiency at a disadvantage. The vast majority of Uighur children in Xinjiang attended Uighur-language schools and generally received an hour's Chinese language instruction per day. During the year, the government allocated an additional US\$9 million (RMB 74.25 million) to promote Chinese-language instruction in Xinjiang.

The CCP 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 1999 government white paper reported that there were 2.7 million minority officials in the Government. The 2003 Government White Paper states that there are 348,000 minority cadres in Xinjiang, accounting for 51.8 percent of all Party members in the autonomous region. Many members of minorities occupied local leadership positions, but few held positions of influence in the local Party apparatus or at the national level. For example, 63 percent of Xinjiang's deputies to the NPC were ethnic minorities. However, in most areas, ethnic minorities were shut out of positions of real political and economic power, which fed their 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 continued to restrict political, civil, and religious freedoms (see Section 2.c.) 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 they deemed separatist in nature, announced tightened security measures, and mounted campaigns to crack down on opposition.

The campaign against separatism in Xinjiang specifically targeted the "three evils" of extremism, splittism, and terrorism as the major threats to Xinjiang's social stability. Because the Government authorities in Xinjiang regularly grouped together those involved in "ethnic separatism, illegal religious activities, and violent terrorism," it was often unclear whether particular raids, detentions, or judicial punishments targeted those peacefully seeking to express their political or religious views or those engaged in violence. Many observers raised concerns that the Government's war on terror was being used as a pretext for cracking down harshly on Uighurs expressing peaceful political dissent and on independent Muslim religious leaders. In December 2003, the Government published an "East Turkestan Terrorist List," which labelled organizations such as the World Uighur Youth Congress and the East Turkestan Information Center as terrorist entities. These groups openly advocated East Turkestan independence, but with the exception of one group, the East Turkestan Islamic Movement (ETIM), there was no available evidence that they advocated violence to achieve this goal. The U.N. has designated ETIM a terrorist organization.

Uighurs were sentenced to long prison terms and sometimes executed during the year on charges of separatism. During the strike-hard campaign, which officially concluded in 2003, authorities stated they prosecuted more than 3,000 cases in Xinjiang and held mass sentencing rallies attended by more than 300,000 persons. By its own account, the Government broke up 22 groups engaged in what it claimed were separatist and terrorist activities and meted out 50 death sentences to those charged with separatist acts from January to August. In July, two Muslim Uighurs reportedly were executed after being convicted in Aksu City, Xinjiang, of illegally organizing the East Turkestan People's Party and using armed tactics to split the country. Approximately 15 others were convicted of separatism and sentenced to long prison terms in the same case. In October 2003, Uighur Shaheer Ali was executed after being convicted of terrorism. He had been repatriated forcibly from Nepal in 2002, where he had been interviewed by the UNHCR and granted refugee status.

For many Uighurs, the ongoing imprisonment of Uighur businesswoman Rebiya Kadeer symbolized the Government's mistreatment of Uighurs. In 2000, a Xinjiang court sentenced Kadeer, a 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 reportedly suffered various health problems in prison. Some 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 March, Kadeer received a 1-year sentence reduction for good behavior. The Government claimed she had recognized that she was a victim of "splittism" and remained "on the side of the Party and the people." She was due for release in August 2006. On October 18, Uighur Dilke Tilivaldi was detained after meeting a foreign journalist, and his whereabouts continued to be unknown.

Other Uighurs whose work emphasized pride in cultural identity have also been harassed and detained by the Government. Writer and translator Abdulghani Memetemin was convicted in June 2003 on charges of sending state secrets abroad and sentenced to 9 years in prison for translating news articles into Chinese from the Uighur language and forwarding official speeches to the East Turkestan Information Center. In late 2001, the U.N. Working Group on Arbitrary Detention ruled that Uighur scholar and researcher of Xinjiang's ethnic minorities Tohti Tunyaz had been arbitrarily detained. He was sentenced in 1999 to an 11-year prison term for "inciting separatism" and "illegally acquiring state secrets" and remained in prison at year's end.

Possession of publications or audiovisual materials discussing independence or other sensitive subjects was not permitted, and, according to reports, possession of such materials resulted in lengthy prison sentences.

Officials in the region claimed that the campaign against separatism was necessary to maintain public order. In March, Xinjiang's chairman Ismail Tiliwaldi said the campaign had improved security, noting in published reports that, since the start of 2003, there were no explosions or assassinations in the region and no tourists were killed in Xinjiang.

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 residents have received a disproportionate share of the benefits. The majority of Uighurs were poor farmers, and 25 percent were illiterate. Regulations require Uighurs to use Mandarin Chinese characters for their names on identification documents.

In July, Guizhou University Law School dean Yuan Hongbing and former colleague Zhao Jing applied for asylum during a business trip to Australia. Yuan, an ethnic Mongolian who had been arrested in 1994 for dissident writings and political organizing, stated that he had decided to remain in Australia in order to publish his writings on the situation of ethnic Mongolians and Tibetans. Inner Mongolian cultural activist Hada also continued to serve a 15-year sentence during the year.

In October, violence erupted near Zhongmou Township in Henan Province after an ethnic Hui taxi driver struck and killed a 6-year-old Han girl. Ethnic

recriminations followed involving Han and Hui from several villages. In the end, dozens from both ethnic groups were killed or wounded. The Government closed Zhongmou to outsiders for several weeks and imposed a ban on domestic and foreign news reporting about the incident. Farmers' rights advocate Li Guozhu was detained in November after visiting the area, interviewing locals about the violence, and allegedly relaying his findings to foreign journalists.

Other Societal Abuses and Discrimination

No laws criminalize private homosexual activity between consenting adults. The 1997 criminal code abolished the crime of "hooliganism," which had previously been used to prosecute gay men and lesbians. In 2001, medical authorities removed homosexuality from the national diagnostic handbook of psychiatric disorders. In May, prohibitions on homosexuality were dropped from regulations governing the behavior of individuals serving sentences. In July, the country's delegation to the 15th annual AIDS Conference in Bangkok, Thailand, included representatives of an NGO advocating gay rights. Gay men and lesbians stated that official tolerance has improved in recent years. However, societal discrimination and strong pressure to conform to family expectations deter most individuals from publicly discussing their sexual orientation.

During the year, the Government officially outlawed discrimination against persons with HIV/AIDS and Hepatitis B under a new Contagious Disease Law and adopted regulations forbidding employment discrimination against persons with HIV/AIDS and Hepatitis B. However, discrimination against persons with HIV/AIDS remained widespread in many areas. Hospitals and physicians often refused to treat HIV-positive patients.

In February, the Government created the State Council AIDS office, putting policy formation regarding the AIDS issue at the highest Government level. The Government also introduced the China CARES Program, the goal of which was to provide care and treatment to 60,000 poor, rural people with HIV/AIDS. The program began in 51 pilot counties in April and added an additional 76 counties in June. The day before World AIDS Day, President Hu Jintao publicly shook hands with an AIDS patient and spoke about the need for the country to address the disease candidly without stigma. Regulations were also revised to permit, for the first time, those with HIV/AIDS and Hepatitis B to work as civil servants.

Information about the number of HIV/AIDS cases in the country remained difficult to gather and assess. Officials acknowledged that over 1 million citizens were infected with HIV, although the Government had not updated its official estimate of 840,000 persons infected.

Activist Li Dan was beaten and Pan Zhongfeng detained in Shangqiu, Henan Province, during a July demonstration protesting closure of an AIDS orphanage and school. Henan Province activists Wang Guofeng and Li Suzhi claimed they received inadequate treatment while detained and that authorities refused to provide them with test results or allow them to travel to Beijing to see specialists after they were released on bail (see Section 1.c.).

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. The Trade Union Law also 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 that had not joined. Independent unions are illegal.

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), although, at the national level, the ACFTU may provide policy input on these issues. The unions have also 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. The ACFTU reported a membership of 130 million at the end of 2003, out of an estimated 256 million urban workers.

The existence of an enormous rural labor force, some 490 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 over 100 to 150 million persons has proven especially difficult to organize and protect, although state-run media reported that the ACFTU had stepped up a campaign to bring migrant workers into the union and that community unions for migrants had been established in a number of cities. Some migrants gravitated to temporary or seasonal low-wage work in urban areas where their household was not registered under the country's "hukou" system (see Section 2.d.). 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 has shown some interest in adapting its organization to the needs of labor in a market economy. Local ACFTU federations have allowed a few limited experiments in more open union elections and decision-making. These included freely electing, by secret ballot, the leadership of ACFTU affiliated unions at several foreign-owned factories in Guangdong and Fujian Provinces in 2002 and 2003, although no new elections were reported during the year. At the national level, the ACFTU has had input into shaping the country's system of labor laws and regulations. In particular, the ACFTU actively pushed amendments to the Trade Union Law, passed in 2001, that give greater protection to union organizing efforts and legitimize union activity in the private sector, including foreign-invested enterprises, and will now allow migrant workers to become union members. In September, the ACFTU revised its Constitution to provide that the union's basic responsibility is to safeguard workers' legitimate rights and interests. Despite the ACFTU's stated goals to organize these new groups of workers, there had been very limited gains as of year's end.

During the year, the Government took specific actions against illegal union activity, including the detention and arrest of labor activists. In April, Chen Kehai and Zhao Yong, workers from the Tieshu Textile Factory in Suizhou, Hubei Province, were tried under summary proceedings and convicted on charges of disturbing public order for their involvement with a labor protest at the factory. A third worker, Zhu Guo, reportedly was tried and convicted on charges of assembling a crowd to disturb social order. Four other Tieshu workers were sentenced to reeducation through labor (see Section 2.b.).

Other labor activists, detained in previous years, were reportedly still in detention at year's end. In May 2003, Yao Fuxin and Xiao Yunliang, leaders of a large labor protest in Liaoyang City, Liaoning Province, who were detained in March 2002, were sentenced to 7 and 4 years in prison for subversion, based largely on allegations that they had made contact with the CDP in 1998, several years before the workers' protests. Many observers believed that the sentences were largely in retaliation for their role in the labor protests and in exposing official corruption. Prison authorities continued to deny the two activists' applications for medical parole. Other labor activists reportedly still in detention included Hu Mingjun, Wang Sen, Wang Miaogen, Zhang Shanguang, Li Wangyang, Li Jiaqing, Miao Jinhong, Ni Xiafei, Li Keyou, Liao Shihua, Yue Tianxiang, Guo Xinmin, He Zhaohui, Peng Shi, Wang Guoqi, and labor lawyer Xu Jian.

The country was a member of the International Labor Organization (ILO) and had ratified core ILO conventions prohibiting child labor, the worst forms of child labor, and discrimination in remuneration between 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.

In March 2003, the International Confederation of Free Trade Unions (ICFTU) amended an existing complaint to the ILO, adding allegations of freedom of association violations in the handling of the Tieshu Textile Factory matter. At year's end, the Government had not replied to the ILO's communications with respect to this matter.

The ACFTU had active ties with foreign trade union organizations and had a cooperative relationship with the ILO's China office. In 2002, the ACFTU

gained a deputy workers' member seat on the ILO's Governing Body, a seat it lost in 1990 during the crackdown following the Tiananmen Square massacre. The ICFTU has publicly condemned the country for its denial of the right of free association, in particular for arresting labor activists. Pursuant to a 2001 Memorandum of Understanding with the ILO, the Ministry of Labor and Social Security (MOLSS) held the China Employment Forum in April. MOLSS also hosted the annual meeting of the International Social Security Association (ISSA) in September. On December 3, the Development Research Center of the State Council announced that a seminar on Socially Responsible Investment was postponed and visas for some participants rescinded. As a result, a long-planned visit by the OECD's Trade Union Advisory Council did not take place. The ACFTU also cooperated with the U.N. Development Program on a program to develop market-based approaches to help laid-off workers start their own businesses. Part of the program was designed to assist unions to adapt to a new labor relations model.

b. The Right to Organize and Bargain Collectively

The Labor Law permits collective bargaining for workers in all types of enterprises; however, in practice, genuine collective bargaining still did not occur. 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 Ministry of Labor and Social Security in January promulgated new regulations, which took effect in May, governing collective contracts.

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 Trade Union Law specifically addresses unions' responsibility to bargain collectively on behalf of workers' interests. However, given the non-democratic, Party-dominated nature of the country's unions, collective bargaining fell far short of international standards. Workers had no means to formally approve or reject the outcome of collective contract negotiations and, without the right to strike, only a limited capacity to influence the negotiation process.

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, serve as the vehicle for worker input into state-owned enterprise policies. These weakened during the year, and where they existed, the committees were often little more than rubber stamps for deals predetermined by enterprise management, the union, and the CCP representative.

The Trade Union Law provides specific legal remedies against anti-union discrimination and 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. The degree to which these provisions were enforced was unknown. Anti-union activity was virtually unknown in the state-owned sector.

Neither the Constitution nor the Labor Law provides for the right to strike. The 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 interpreted this provision to offer at least a theoretical legal basis for the right to strike. However, the Government continued to treat worker protests as illegal demonstrations, indicating that there was still no officially accepted right to strike. In addition, no other types of planned worker action were allowed.

During the year, the profound economic and social changes affecting workers continued to produce labor-related disputes and worker actions (see Section 2.b.). Most worker protests involved actual and feared job losses, wage or benefit arrears, allegations of owner/management corruption, or worker dissatisfaction with new contracts offered in enterprise restructuring. The Government took swift action to halt protests. Police detained protest leaders and dispersed demonstrations. In some cases, management, often at the direction of the Government, subsequently offered payments that met at least a portion of protesters' demands. The most noteworthy recent labor protests involved thousands of organized workers and sympathizers demonstrating in Liaoyang, Liaoning Province, in 2002. The workers protested alleged corruption in the closure of a major local SOE, the loss of jobs, and wage and benefit irregularities. Two protest leaders, Yao Fuxin and Xiao Yunliang, were convicted on subversion charges and sentenced in May 2003 (see Section 6.a.). After the protests, the former manager of the SOE was convicted of smuggling. The local Government fired Liaoyang's police chief and demoted a top Party official in the city. During the year, worker protests also occurred at private companies. In March and April, significant strikes occurred at factories of Stella International in Dongguan, Guangdong Province. A series of incidents of unrest, including strikes, ended in the detention of over 75 workers on charges of destruction of property, including three workers under age 18. Ten workers were convicted of destruction of property in the incidents but were released on December 31 as a result of court action that either suspended their sentences or lifted criminal sanctions.

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 the Ministry of Labor and Social Security, 134,700 disputes involving 477,000 workers were submitted to arbitration during the first half of the year. The Ministry's yearly statistical report stated that 226,391 disputes involving 800,000 workers were handled during the year, increases of approximately 22.8 percent and 31.7 percent, respectively, over the previous year. The vast majority of cases, 223,503 (98 percent) were resolved. Of these, 67,765 cases (30 percent) were resolved by mediation, 95,774 (43 percent) were resolved by arbitration and 59,954 (27 percent) were resolved by other means. In 2002, 10,823 (4.7 percent) of total cases were collective labor disputes.

Observers differed over the effectiveness of these dispute resolution procedures. Workers reportedly had little trust in the fairness of workplace mediation. They viewed unions, which played a major mediation role, as inclined to favor management. Workers favored arbitration over workplace mediation, although they often looked with suspicion on the local government role in the process. There appeared to be increasing recognition, including among government officials, that some aspects of the dispute resolution system needed revision.

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. Officials acknowledged 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 Compulsory Labor

The law prohibits forced and compulsory labor, and the Government denied that forced or compulsory labor was a problem; however, forced labor was a serious problem in penal institutions. Citizens were consigned without judicial process to penal labor institutions (see Section 1.c.) that, by law and policy, utilized labor as a means of reform and reeducation. Reeducation-through-labor detainees and prisoners and pretrial detainees in the regular prison system were required to work, often with little or no remuneration. Diplomatic observers generally were unable to gain access to reform institutions to evaluate allegations about the treatment of prisoners. In some cases, prisoners worked in facilities directly connected with penal institutions; in other cases, they were contracted to nonprison enterprises. Facilities and their management profited from inmate labor.

In 1992, the U.S. and Chinese Governments signed a memorandum of understanding (MOU), followed by an implementing statement of cooperation (SOC) in 1994. These agreements expressed the intention of the governments to cooperate to ensure that prison-made products were not exported to the United States. Chinese cooperation under the MOU and SOC improved during the year. Regular monthly working-level meetings were held from December 2003 through the end of the year. Visits to three prison-related facilities were conducted in February, July and December, and the cases related to these facilities were closed. At year's end, the backlog of cases remained substantial. The Government continued to explicitly exclude from the agreements reform- and reeducation through labor institutions.

The Government prohibits forced and bonded labor by children, but some child trafficking victims were reportedly sold into forced labor (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under the age of 16, but the Government had not adopted a comprehensive policy to combat child labor.

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 continued to maintain that the country did not have a widespread child labor problem and that the majority of children who worked did so at the behest of their families, particularly in impoverished rural areas, to supplement family income. Child workers in rural areas appeared to work primarily in township and village enterprises and in agriculture. In urban areas, they often worked as menial and street laborers. State-run media reported on children working at a Tianjin knitting mill and, in 2003, on children working at a handicrafts company in Fuzhou, in factories in Shanghai and Guangzhou, and in a hotel in Anhui Province. Some students worked in light industrial production within or for their schools. Some observers believed that coalmines, 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. State-run media reported on province-wide investigations into child labor by provincial labor and social security bureaus and on investigations done at the request of reporters.

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 Trade Union Law invests unions with the authority 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 and the Production Safety Law identify responsibilities for work-related illness and accidents and provide for specific penalties for violation of the law. In November, the Government promulgated regulations on labor inspections, which expand the powers of government inspectors and increase penalties against employers for failure to pay the minimum wage, for being in arrears on wages, and for unreasonably withholding wages. However, there remained a substantial gap between the law's formal provisions for work conditions and the actual situation in the workplace.

There was no national minimum wage. The Labor Law allows local governments to set their own minimum wage according to standards promulgated by the Ministry of Labor and Social Security. In January, the Ministry promulgated a new regulation on minimum wages. The regulation, which took effect in March, sets out the formula by which localities set the minimum wage; expands the range of employers required to observe the minimum wage to include individually-owned enterprises with fewer than eight employees, public institutions, and social organizations; and provides for an hourly minimum wage for part-time workers. The regulation states that the departments of labor and social security at or above the county level are responsible for enforcement of the law. The regulation also provides that where the ACFTU finds an employer in violation of the regulation, it shall have the power to demand that the department of labor and social security deal with the case; at year's end, it was unclear whether the union had exercised this right. 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. Wage arrears to employees of state-owned and private enterprises were common. During the year, the Government pledged to clear up wage arrears in the construction industry within 3 years. State-run media reported that by year's end, 98.4 percent of the \$4 billion (RMB 33.2 billion) owed to migrant workers for work on construction projects had been repaid.

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, particularly 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. Some areas of the country in which wages and working conditions reportedly were substandard, including parts of Guangdong Province, experienced shortages of workers during the year. 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. With enactment of the Work Safety Act in 2002, the Government gave SAWS/SACMSS a specific, detailed legal framework for its responsibilities. SAWS/SACMSS staffed nearly 70 field offices throughout the country. In January, SAWS promulgated regulations requiring companies in the mining, construction, dangerous chemicals, fireworks, and explosives industries to obtain work safety licenses as a prerequisite to doing business. SAWS also promulgated regulations governing work safety in the construction and electrical industries. In 2003, SAWS was given responsibility for workplace health supervision and inspection. The Ministry of Health was responsible for prevention and treatment of occupational illness. 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, from January to November, there were 13,268 work-related accidents, resulting in 14,595 deaths, compared with 15,597 workplace accidents, resulting in 17,315 deaths, for all of 2003. Coalmines were by far the most deadly workplaces. From January to November, 3,413 mine accidents occurred, killing 5,286 persons, a decrease of 253 accidents (6.9 percent) and 451 deaths (7.9 percent) from the previous year. SAWS claimed that the rate of 3 deaths per million tons of coal mined was the lowest in the country's history. Coalmine accidents comprised approximately 27 percent of all non-traffic, non-fire-related workplace accidents but accounted for approximately 40 percent of corresponding workplace deaths. Industrial accidents involving chemical leaks also caused numerous deaths and injuries. Enterprise owners and managers sometimes failed to report accidents and health problems. Local officials also often underreported such incidents. As a result, the actual number of workplace deaths and casualties was likely far higher.

The high rate of coal mining accidents highlighted serious enforcement problems in that sector. An October gas explosion in a Henan mine reportedly killed 147 miners. In November, 166 miners were killed in a single accident at a state-owned mine in Shaanxi Province, sparking reportedly violent protests by relatives of miners.

In recent years, the Government has closed tens of thousands of small coalmines, many of them illegal operations. Despite these efforts, many mines reopened illegally soon after closing. Observers attributed the enforcement problem in the coalmining sector primarily to corruption, a need to sustain employment in poor areas where many of the most dangerous mines were located, and the paucity and poor training of inspectors.

Government officials and media have stressed the need to control workplace accidents. In June, Vice Premier Huang Ju called for adopting effective preventive measures to stem industrial accidents. In April, following the blowout of a natural gas well, which killed 243 and injured more than 4,000 persons, a State Council Executive Committee Meeting chaired by Premier Wen Jiabao accepted the resignation of the general manager of the China National Petroleum Corporation (CNPC). The deputy manager of the CNPC subsidiary, an engineer, drilling team head, drilling technician, and two workers were prosecuted and received prison sentences for their role in the accident.

Fewer 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.

Almost 46 million workers participated in the country's work-injury insurance system at the end of 2003, an increase of 1.69 million over the previous year. In recent years, small but growing numbers of workers also began to use lawsuits to pursue work injury and illness claims against employers.

The Work Safety Law provides that employees have the right, after spotting an emergency situation that threatens their personal safety, to evacuate the workplace. Employers are forbidden to cancel the labor contracts, or reduce the wages or benefits, of any employee who takes such action. There was little information about how this law was applied in practice.

TIBET

The United States recognizes the Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures and counties in other provinces to be a part of

the People's Republic of China. The Department of State follows these designations in its reporting. The preservation and development of Tibet's unique religious, cultural, and linguistic heritage and the protection of its people's fundamental human rights continue to be of concern.

Respect for Integrity of the Person

The Government's human rights record in Tibetan areas of China remained poor. However, in positive developments, the Government permitted a third visit to the country by the Dalai Lama's representatives and released some political prisoners, including Tibetan Buddhist nun Phuntsog Nyidrol. The Government controlled information about all Tibetan areas, and in addition, strictly controlled access to the TAR, making it difficult to determine accurately the scope of human rights abuses. Authorities continued to commit serious human rights abuses, including extra-judicial killing, torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetans for peacefully expressing their political or religious views. The overall level of repression of religious freedom in the TAR remained high. Conditions generally were less restrictive in Tibetan areas outside of the TAR, although there were some exceptions. Individuals accused of political activism faced ongoing harassment during the year. There were reports of imprisonment and abuse of some nuns and monks accused of political activism. Security was intensified during sensitive anniversaries and festival days in some areas, and activities viewed as vehicles for political dissent, including celebration of some religious festivals, were suppressed. There were reports of small-scale political protests in a number of Tibetan areas.

The lack of independent access to prisoners and prisons made it difficult to ascertain the number of Tibetan political prisoners or to assess the extent and severity of abuses. The Tibet Information Network (TIN) estimated that approximately 145 Tibetans were imprisoned on political grounds, approximately two-thirds of whom were monks or nuns. Approximately 60 political prisoners remained in TAR Prison in Lhasa, most serving sentences on the charge of "counterrevolution," which was dropped from the Criminal Law in 1997. Chinese authorities have stated that acts previously prosecuted as counterrevolutionary crimes continue to be considered crimes under China's anti-subversion laws. TIN's analysis indicated that the majority of Tibetan political prisoners were incarcerated in Lhasa and western Sichuan Province. The overall number of political prisoners in Tibetan areas dropped slightly compared to 2003, according to this analysis, but rose in Tibetan autonomous areas of Sichuan Province in connection with several high-profile cases.

In October, Radio Free Asia (RFA) reported that police in Qinghai's Golog Prefecture shot and killed Tibetan Buddhist religious leader Shetsul after he and other monks demanded that the police pay for medical treatment for injuries suffered while in custody.

In January, RFA reported that authorities in Sichuan's Tawu County, Kardze Prefecture, had arrested students Nyima Dorjee and Lobsang Dorjee for putting up pro-independence posters on local government buildings.

On February 12, Choeden Rinzen, a young monk at Lhasa's Ganden Monastery, reportedly was arrested for possession of a picture of the Dalai Lama and a Tibetan national flag.

In April, RFA reported that authorities in Qinghai's Tsoilho Prefecture had arrested Tibetan singer Namkha, as well as composer and Tibetan Buddhist monk Bakocha, for their music's implicit political content. Authorities reportedly confiscated CDs of Namkha and Bakocha's music. Authorities released both individuals in early May.

In May, Chinese state media reported that authorities jailed a Tibetan named Penpa after he admitted to causing a May 20 explosion near a television tower near Lhasa.

In September, RFA reported that authorities in Sichuan's Kardze Prefecture sentenced Tibetan Buddhist monks Chogri and Topden and layman Lobsang Tsering to 3-year jail terms for putting up pro-independence posters. The three were reportedly among a group of 60 individuals detained on July 27 at a reception ceremony at Chogri Monastery in Draggo County, Kardze. Witnesses claimed that police beat some of those detained. It was believed that the other 57 individuals initially detained had been released by year's end.

Also in September, authorities in the TAR's Nagchu Prefecture reportedly arrested Tibetans Dejour, Tsering Dawa, and Datsok after a clash with Chinese workers over a mining project. They reportedly also arrested Tibetans Nyima Tenzen and Sonam Nyidup, who protested the detention by shouting pro-independence slogans in a bar.

On February 24, authorities released Tibetan Buddhist nun Phuntsog Nyidrol from Lhasa's TAR Prison (also known as Drapchi Prison) approximately 1 year before her sentence was due to expire. She had received a 9-year sentence for taking part in a peaceful demonstration in support of the Dalai Lama in 1989. Authorities extended her sentence to 17 years after she and other nuns recorded songs about their devotion to Tibet and the Dalai Lama in 1993 but reduced that sentence by 1 year in 2001. According to Human Rights Watch, following her release, the Chinese government imposed restrictions on Phuntsog Nyidrol's movement and association.

On April 18, authorities reportedly released Tibetan Buddhist monk Ngawang Oezer from TAR Prison upon completion of his 15-year sentence for participating in pro-independence activities at Drepung Monastery.

In August, observers confirmed the release of Kunchok Choephel Labrang and Jigme Jamtruk, two monks from Labrang Tashikyil Monastery, Gansu Province. Authorities reportedly arrested the monks in April 2003 for possessing booklets containing speeches of the Dalai Lama.

In October, authorities released Geshe Sonam Phuntsog, a religious leader from Darge Monastery in Kardze County, Kardze Prefecture, Sichuan Province. Authorities arrested Sonam Phuntsog in 1999 and sentenced him to a 5-year term for "inciting splittism," traveling to India to visit the Dalai Lama, and holding long-life prayer ceremonies for the Dalai Lama.

During the year, authorities did not respond to international calls for an inquiry into the case of Nyima Dragpa. A monk from Nyatso Monastery in Sichuan's Kardze Prefecture, Nyima Dragpa died in custody in October 2003, allegedly from injuries sustained during severe beatings.

On January 15, Yeshe Gyatso, a former member of the Chinese People's Consultative Conference, died at his home in Lhasa at the age of 71. TAR authorities had arrested Yeshe Gyatso in June 2003 on charges of splittism and sentenced him to 6 years' imprisonment but released him in November 2003 in ill health.

Prominent religious leader Tenzin Deleg Rinpoche, arrested in April 2002 for his alleged connection to a series of bombings, remained imprisoned under a death sentence with a 2-year reprieve, although officials indicated to international observers in December that his suspended death sentence would likely be commuted to life in prison in accordance with Chinese law and practice. Tenzin Deleg's former associate, Lobsang Dondrub, was executed on January 26, 2003, for his part in the alleged bombings. Lobsang Dondrub's execution occurred despite Chinese Government assurances that both individuals would be afforded full due process, and that the national-level Supreme People's Court would review their sentences.

Many other political prisoners also remained in prison or detention at year's end, including former Tibet University student Lobsang Tenzin, arrested in 1988 in connection with the death of a policeman during riots in Lhasa and currently serving an 18-year sentence in the TAR's Pome Prison; Tibetan Buddhist monk Jigme Gyatso, arrested in 1996 for founding a Tibetan youth organization and serving a 15-year sentence in Lhasa's TAR Prison; farmers Sonam Dorje and Lhundrub Dorje, arrested in 1992 for unfurling a Tibetan flag and shouting pro-independence slogans, respectively serving 15- and 13-year sentences at TAR Prison; and monks Kalsang Dondrub and Ngawang Dondrub, sentenced in 2003 on charges of "endangering state security" for nonviolent political activities. Chadrel Rinpoche, released in 2002 after 6 years and 6 months in prison for leaking information about the selection of the Panchen Lama, was reportedly still under house arrest near Lhasa. Requests to meet with him by foreign government officials continued to be denied.

As in the rest of China, the security apparatus employed torture and degrading treatment in dealing with some detainees and prisoners. Detainees released in 2003 reported credibly that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention beatings, and other forms of abuse. Tibetans repatriated to China from Nepal in May 2003 reportedly suffered torture, including electric shocks, exposure to cold, and severe beatings, and were forced to perform heavy physical labor. Their family members also were pressured for bribes to secure their release. Prisoners were subjected routinely to "political investigation" sessions and were punished if deemed to be insufficiently loyal to the State.

Legal safeguards for Tibetans detained or imprisoned were the same as those in the rest of China and were inadequate in both design and implementation. Most judges had little or no legal training. Authorities worked to address this problem through increased legal education opportunities. According to an official of the TAR Higher People's Court, all seven cities and prefectures had established legal assistance centers, and 1,248 residents had received assistance by the end of 2003. However, some persons accused of political and other crimes did not have legal representation. Moreover, their trials were cursory and were closed if issues of state security were involved. Under the law, maximum prison sentences for crimes such as "endangering state security" and "splitting the country" were 15 years for each count, not to exceed 20 years in total. Such cases mainly concerned actions perceived to be in support of Tibetan independence, and activities did not have to be violent to be illegal or to draw a heavy sentence.

An unknown number of Tibetans were serving sentences in "reeducation-through-labor" camps and other forms of administrative detention not subject to judicial review. Conditions in administrative detention facilities, such as reeducation-through-labor camps, were similar to those in prisons. In July, state media reported that authorities had established a new reeducation-through-labor camp in the TAR's western Ngari Prefecture. The 40,000 square-foot camp reportedly could accommodate 200 inmates.

Prisoners in Tibetan areas were generally subject to the same conditions regarding forced labor as those in other areas of China. Forced labor was used in some prisons, detention centers, reeducation-through-labor facilities, and at work sites where prisoners were used as workers. The law states that prisoners may be required to work up to 12 hours per day, with 1 rest day every 2 weeks, but these regulations often were not enforced.

Family planning policies permitted Tibetans and members of other minority groups to have more children than Han Chinese. Urban Tibetans, including Communist Party members, were generally permitted to have two children. Rural Tibetans were encouraged, but not required, to limit births to three children. These regulations were not strictly enforced.

The Office of the U.N. High Commissioner for Refugees (UNHCR) reported that 2,427 Tibetan new arrivals approached UNHCR in Nepal during the year, of whom 2,338 were found to be "of concern" and of whom 2,318 were provided with basic assistance; the remaining 89 Tibetan new arrivals departed for India without being registered or processed by UNHCR. In August, a TAR tourism official stated that approximately 400 TAR residents had traveled abroad in the first 8 months of the year, an increase over a total of 300 in 2003. Many Tibetans, particularly those from rural areas, continued to report difficulties obtaining passports. The application process was not transparent, and residents of different Tibetan areas reported obstacles ranging from bureaucratic inefficiency and corruption to denials based on the applicant's political activities or beliefs. Police in China have stated that passport regulations permit them to deny passports to those whose travel will "harm the national security and national interests."

Due in part to such difficulties and in part to the difficulty many Chinese citizens of Tibetan ethnicity encountered in obtaining entry visas for India, it was difficult for Tibetans to travel to India for religious and other purposes. The Government placed restrictions on the movement of Tibetans during sensitive anniversaries and events and increased controls over border areas at these times. Nevertheless, thousands of Tibetans from China, including monks and nuns, visited India via third countries and returned to China after temporary stays. In February, RFA reported that the majority of Tibetans who transited Nepal to India were young Tibetans, whose ages ranged from 6 to 30, and that the main reason they migrated was the lack of Tibetan-language educational facilities and opportunities for religious education.

There were reports of arbitrary detention of persons, particularly monks, returning to China from Nepal. Detentions generally lasted for several months, although in most cases no formal charges were brought. In January, and again in September, there were reports that the Nepali government cooperated with Chinese authorities to repatriate Tibetans who crossed the border. NGOs reported that some individuals were detained and mistreated upon their return to China. For example, the Tibetan Centre for Human Rights and Democracy stated that when monks Gedun Tsundue and Jamphel Gyatso crossed back into China in February after studying in India, they were detained for 4 months and fined \$545 (RMB 4,500) each. In July, RFA reported that Tibetan Buddhist monks Tenzen Samten and Thubten Samdup remained in detention at Shigatse's Nyari Prison 5 months after being arrested while attempting to cross the border from Nepal into China. According to RFA, the two monks were arrested with two other individuals, Sherab and Nawang Namgyal, in February.

The Government also regulated foreign travel to the TAR. In accordance with a 1989 regulation, foreign visitors (excluding individuals from Hong Kong, Macau, and Taiwan) were required to obtain an official confirmation letter issued by the Chinese Government before entering the TAR. Most tourists obtained such letters by booking tours through officially registered travel agencies. In July, state media announced that foreign tourists would enjoy "unrestricted access to all 70 counties of the TAR." However, TAR authorities were unable to confirm the change, and travelers reported that many restrictions remained in place. Official visits to the TAR were supervised closely and afforded delegation members very few opportunities to meet local persons not previously approved by the authorities. Foreigners could travel freely in most Tibetan areas outside the TAR. In March, authorities lifted restrictions on foreign travel to the last four closed counties in Sichuan's Ngaba Prefecture.

Freedom of Religion

Overall, the level of repression in Tibetan areas remained high and the Government's record of respect for religious freedom remained poor during the year. The Constitution of the People's Republic of China provides for freedom of religious belief, and the Government's May White Paper on "Regional Ethnic Autonomy in Tibet" stated, "Tibetans fully enjoy the freedom of religious belief." However, the Government maintained tight controls on religious practices and places of worship in Tibetan areas. Although the authorities permitted many traditional practices and public manifestations of belief, they promptly and forcibly suppressed activities they viewed as vehicles for political dissent or advocacy of Tibetan independence, such as religious activities venerating the Dalai Lama (which the Chinese government described as "splittist").

The atmosphere for religious freedom varied from region to region. Conditions were generally more relaxed in Tibetan autonomous areas outside the TAR, with the exception of parts of Sichuan's Kardze Tibetan Autonomous Prefecture. Most abbots and monks in Tibetan areas outside the TAR reported that they had greater freedom to worship, to conduct religious training, and to manage the affairs of their monasteries than their coreligionists in the TAR; however, restrictions remained. The Associated Press reported that, in November, Communist officials met with Buddhist leaders in Qinghai Province and warned that the Buddhist leaders would be punished if they failed to win greater support for Beijing's policies toward the exiled Dalai Lama and greater acceptance among their followers for Gyaltsen Norbu, the boy picked by the PRC as the reincarnation of the Panchen Lama, the second most prominent figure in Tibetan Buddhism.

Most Tibetans practiced Tibetan Buddhism and, to a lesser extent, the traditional Tibetan Bon religion. This held true for many Tibetan government officials and Communist Party members. Bon includes beliefs and ceremonies that practitioners believe predate the arrival of Buddhism in Tibet in the 7th century. Approximately 615 Tibetan Buddhist religious figures held positions in local people's congresses and committees of the Chinese People's Political Consultative Conference in the TAR. However, the Government continued to insist that Communist Party members and senior employees adhere to the Party's code of atheism, and routine political training for cadres continued to promote atheism. Government officials confirmed that some Religious Affairs Bureau (RAB) officers were members of the Communist Party and that religious belief is incompatible with Party membership. However, some lower level RAB officials practiced Buddhism.

Security was intensified during the Dalai Lama's birthday, sensitive anniversaries, and festival days in the TAR and in some other Tibetan areas as well. In June, observers reported that students and faculty at Tibet University were restrained from participating in religious devotions connected to the Sagadawa festival. The prohibition on celebrating the Dalai Lama's birthday on July 6 continued. In August, some Lhasa residents privately expressed unhappiness with city authorities' plans to fix the date of the Drepung Shodon festival, which traditionally varied according to the Tibetan lunar calendar, on August 18th in order to promote tourism. However, residents were reportedly permitted to carry out observances on the traditional date a week later.

On May 23, the Government issued a White Paper on "Regional Ethnic Autonomy in Tibet," in which it urged the Dalai Lama to drop his "bid for Tibetan independence" and stated "the possibility of instituting another social system does not exist." In September, the Government extended invitations to emissaries of the Dalai Lama to visit Tibetan and other areas of China. The delegation visited Guangdong, Beijing, and Tibetan areas of western Sichuan Province. This marked the third visit of emissaries of the Dalai Lama to China in as many years. In September 2002, Lodi Gyari, the Dalai Lama's Special Envoy, and Kelsang Gyaltsen, the Dalai Lama's Envoy, traveled to Beijing, Lhasa, and other cities and met with a number of government officials. These were the first formal contacts between the Dalai Lama's representatives and the Government since 1993. They made a second trip to China in June 2003

to meet with Chinese officials and visited Shanghai, Beijing, and Tibetan areas in Yunnan Province. Additionally, Gyalo Thondup, the Dalai Lama's elder brother, visited in July 2002, making his first trip to the TAR since leaving in 1959 and subsequently has made additional private visits to China. The Government asserted that the door to dialogue and negotiation were open, provided that the Dalai Lama public affirmed that Tibet and Taiwan were inseparable parts of China.

Government officials maintained that possessing or displaying pictures of the Dalai Lama was not illegal. Authorities, however, appeared to view possession of such photos as evidence of separatist sentiment when detaining individuals on political charges. Pictures of the Dalai Lama were not openly displayed in major monasteries and could not be purchased openly in the TAR. In August, TAR Deputy Chairman Wu Jilie told visiting western journalists that not displaying the Dalai Lama's photo was the voluntary choice of most TAR residents. During the year, diplomatic and other observers saw pictures of a number of religious figures, including the Dalai Lama, displayed more widely in Tibetan areas outside the TAR. The Government also continued to ban pictures of Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the Panchen Lama. Photos of the "official" Panchen Lama, Gyaltsen Norbu, were not publicly displayed in most places, most likely because most Tibetans refuse to recognize him as the Panchen Lama. In February, RFA reported that authorities had warned Tibetans in two counties of Sichuan's Kardze Prefecture that they would lose their land if they did not surrender pictures of the Dalai Lama. There were no reports that this warning was enforced. However, in Sichuan's Kardze Tibetan Autonomous Prefecture and Litang, authorities reportedly conducted house to house searches in 2003 and confiscated private displays of the Dalai Lama's photo.

The Government's May White Paper stated that the TAR had over 46,000 Tibetan Buddhist monks and nuns and more than 1,700 venues for Tibetan Buddhist activities. Officials have cited almost identical figures since 1996, although the numbers of monks and nuns dropped at many sites as a result of the "patriotic education" campaign and the expulsion from monasteries and nunneries of many monks and nuns who refused to denounce the Dalai Lama or who were found to be "politically unqualified." These numbers represented only the TAR, where the number of monks and nuns was very strictly controlled; approximately 60,000 Tibetan Buddhist monks and nuns lived in Tibetan areas outside the TAR, according to informed estimates.

Government officials closely associated Buddhist monasteries with pro-independence activism in Tibetan areas of China. Spiritual leaders encountered difficulty re-establishing historical monasteries due to lack of funds, general limitations on monastic education, and denials of government permission to build and operate religious institutions, which officials in some areas contended were a drain on local resources and a conduit for political infiltration by the Tibetan exile community. 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) decided independently how many monks the monastery could support. Many of these committees, however, were government-controlled, and, in practice, the Government imposed strict limits on the number of monks in major monasteries, particularly in the TAR. The Government had the right to disapprove any individual's application to take up religious orders; however, the Government did not necessarily exercise this right in practice during the year. Authorities curtailed the traditional practice of sending young boys to monasteries for religious training by means of regulations that forbade monasteries from accepting individuals under the age of 18. Nevertheless, some monasteries continued to admit younger boys, often delaying their formal registration until the age of 18.

The Government continued to oversee the daily operations of major monasteries. The Government, which did not contribute to the monasteries' operating funds, retained management control of monasteries through the DMCs and local religious affairs bureaus. Regulations restricted leadership of many DMCs to "patriotic and devoted" monks and nuns and specified that the Government must approve all members of the committees. At some monasteries, government officials also sat on the committees.

The quality and availability of high-level religious teachers in the TAR and other Tibetan areas remained inadequate; many teachers were in exile, older teachers were not being replaced, and those remaining in Tibetan areas outside the TAR had difficulty securing permission to teach in the TAR. In recent years, DMCs at several large monasteries began to use funds generated by the sales of entrance tickets or donated by pilgrims for purposes other than the support of monks engaged in full-time religious study. As a result, some "scholar monks" who had formerly been fully supported had to engage in income-generating activities. Some experts were concerned that, as a result, fewer monks will be qualified to serve as teachers in the future. While local government officials' attempts to attract tourists to religious sites provided some monasteries with extra income, they also deflected time and energy from religious instruction. There were reports of disagreements between monastic leaders and government officials over visitors, vehicle traffic, and culturally inappropriate construction near monastic sites. However, in July, authorities permitted resumption of the Geshe Lharampa examinations, the highest religious examination in the Gelug sect of Tibetan Buddhism, at Lhasa's Jokhang Temple for the first time in 16 years.

Government officials have stated that the "patriotic education" campaign, which began in 1996 and often consisted of intensive, weeks-long sessions conducted by outside work teams, ended in 2000. However, officials stated openly that monks and nuns continued to undergo political education, likewise known as "patriotic education," on a regular basis, generally less than four times a year, but occasionally more frequently, at their religious sites. Some religious leaders also held local political positions. Since primary responsibility for conducting political education shifted from government officials to monastery leaders, the form, content, and frequency of training at each monastery appeared to vary widely. However, conducting such training remained a requirement and had become a routine part of monastic management.

In January, Khenpo Jigme Phuntsog, the charismatic founder of the Serthar Tibetan Buddhist Institute (also known as Larung Gar) in Sichuan Province's Kardze Prefecture, died while receiving medical treatment in the provincial capital Chengdu. Founded in 1980, the Institute grew to house 10,000 monks and nuns before authorities moved to destroy structures and expel students from the site in 2001, ultimately reducing the population to approximately 4,000. After a year's absence officially attributed to medical treatment, Khenpo Jigme Phuntsog returned to the Institute in 2002. As recently as May 2003, conflicts over attempts to rebuild some structures resulted in arrests and the enforced closure of the Institute to outsiders. After the abbot's death, Sichuan authorities forbade the province's Buddhist monks from attending his funeral; nonetheless, eyewitnesses reported that tens of thousands of Tibetan and Han monks defied the order to pay their respects.

The Karmapa Lama, leader of Tibetan Buddhism's Karma Kagyu sect and one of the most influential religious figures in Tibetan Buddhism, remained in exile following his 1999 flight to India. The Karmapa Lama stated that he fled because of the Government's controls on his movements and its refusal either to allow him to go to India to be trained by his spiritual mentors or to allow his teachers to come to him. Visitors to Tsurphu Monastery, the seat of the Karmapa Lama, noted that the population of monks remained small and the atmosphere remained subdued.

The Government routinely asserted control over the process of finding and educating reincarnate lamas. The Panchen Lama is Tibetan Buddhism's second most prominent figure, after the Dalai Lama. The Government continued to insist that Gyaltsen Norbu, the boy it selected in 1995, is the Panchen Lama's 11th reincarnation. The Government continued to refuse to allow access to Gendun Choekyi Nyima, the boy recognized by the Dalai Lama in 1995 as the 11th Panchen Lama (when he was 6 years old), and his whereabouts were unknown. Government officials have claimed that the boy is under government supervision, at an undisclosed location, for his own protection and attends classes as a "normal schoolboy." All requests from the international community for access to the boy to confirm his well-being have been refused. While the overwhelming majority of Tibetan Buddhists recognized the boy identified by the Dalai Lama as the Panchen Lama, Tibetan monks claimed that they were forced to sign statements pledging allegiance to the boy the Government selected. The Communist Party also urged its members to support the "official" Panchen Lama. Gyaltsen Norbu made his third highly orchestrated visit to Tibetan areas in summer 2004, and his public appearances were marked by a heavy security presence.

Similarly, the child the Government approved as the seventh reincarnation of Reting Rinpoche was not accepted by many of the monks at Reting Monastery in 2000 because the Dalai Lama did not recognize his selection. The Pawo Rinpoche, who was recognized by the Karmapa Lama in 1994, lived under strict government supervision at Nenang Monastery. In 2001, NGOs reported that he was denied access to his religious tutors and required to attend a regular Chinese school.

In July, Tibetan and Chinese intellectuals succeeded in their petition drive to prevent Han Chinese sportsman Zhang Jian from swimming across Lake Namtso in the TAR, which many Tibetan Buddhists hold sacred.

In its May White Paper, the Government claimed that since 1949 it had contributed approximately \$36 million (RMB 300 million) to renovate and open over 1,400 monasteries and to repair cultural relics, many of which were destroyed before and during the Cultural Revolution. In the same document, the Government claimed to have allocated an additional \$40 million (RMB 330 million) since 2001 for the second phase of the renovation of the Potala Palace, as well as the renovation of the Norbulingka Palace (another former residence of the Dalai Lama in Lhasa) and Sakya Monastery, the seat of the

Sakya sect of Tibetan Buddhism in rural southern TAR. Despite these and other efforts, many monasteries destroyed during the Cultural Revolution were never rebuilt or repaired, and others remained only partially repaired. Government funding of restoration efforts ostensibly supported the practice of religion, but also promoted the development of tourism in Tibetan areas. Most recent restoration efforts were funded privately, although a few religious sites also received government support for reconstruction projects during the year.

Economic Development and Protection of Cultural Heritage

The TAR is one of China's poorest regions, and Tibetans are one of the poorest groups; malnutrition among Tibetan children continued to be widespread in many areas of the TAR. The Central Government and other provinces of China heavily subsidized the TAR economy, which, according to official government statistics, grew by an average annual rate of more than 10 percent for the last decade. Over 90 percent of the TAR's budget came from outside sources, and residents of the TAR benefited from a wide variety of favorable economic and tax policies. Tibetan autonomous areas outside the TAR benefited to varying degrees from similar favorable policies. Government development policies helped raise the living standards of most Tibetans, particularly by providing better transportation and communications facilities. However, Han Chinese benefited disproportionately from the Government's development policies in Tibetan areas.

In June, state media reported that Tibetans and other minority ethnic groups made up 78 percent of all government employees in the TAR. However, Han Chinese continued to hold key positions, including Party Secretary of the TAR. A similar situation continued to pertain to areas outside the TAR.

Some Tibetans reported that they experienced discrimination in employment for some urban occupations and claimed Han were hired preferentially for many jobs and received greater pay for the same work. This situation was partially attributed to Han contractors' practice of hiring through connections in their home cities. In recent years, some Tibetans reported that it was more difficult for Tibetans than Han to get permits and loans to open businesses. The widespread use of the Chinese language in urban areas and many businesses limited employment opportunities for Tibetans who did not speak Chinese.

Fundamental worker rights recognized by the International Labor Organization, including the right to organize and the right to bargain collectively, which were broadly denied in the rest of China, were also denied in Tibetan areas.

According to China's 2000 census, the population of Tibetans in the TAR was 2,427,168. The population of Tibetans in autonomous prefectures and counties outside the TAR was 2,927,372. Tibetans made up 94 percent of the population of the TAR. Government-sponsored development and the prospect of new economic opportunities attracted migrant workers from China's large transient population to the region, resulting in a net increase in the non-Tibetan share of the population (chiefly China's Muslim Hui minority and Han Chinese) from approximately 4 percent in 1990 to 6 percent in 2000. However, census figures did not include a large number of long-term Han Chinese residents, such as cadres, skilled workers, unskilled laborers, military and paramilitary troops, and their dependents. In Tibetan areas outside the TAR, Tibetans increased their majority share as natural population growth outpaced net migration by non-Tibetans. Migrants to the TAR were overwhelmingly concentrated in cities and towns, while Tibetans continued to make up nearly 98 percent of the population in rural areas. One official estimate put the number of Han Chinese residents in Lhasa at 100,000 out of a total population of 409,500, while many observers estimated that more than half of Lhasa's population was Han Chinese. Small businesses run by Han Chinese and Hui migrants--mostly restaurants and retail shops--predominated in cities throughout the Tibetan areas.

The Dalai Lama, Tibetan experts, and other observers expressed concern that development projects and other Central Government policies initiated in 1994 and reemphasized and expanded at the "Fourth Tibet Work Conference" in 2001, including the Qinghai-Tibet railroad, would continue to promote a considerable influx of Han Chinese, Hui, and other ethnic groups into the TAR. They feared that the TAR's traditional culture and Tibetan demographic dominance would be overwhelmed by such migration.

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. Residents lacked the right to play a role in protecting their cultural heritage.

In February, an audiotape smuggled out of China, purportedly made by Tibetan workers, alleged that Chinese authorities were mishandling the renovation of the Potala Palace in Lhasa by making culturally inappropriate architectural decisions. In September, Lhasa Deputy Mayor Ou Guoxiang announced a project to give Lhasa a more traditional "Tibetan look" by renovating buildings along the main streets of the building. Ou stated that the project had been conceived in response to concerns about Lhasa's urban development plans raised during the June-July 2003 UNESCO World Heritage Committee meeting.

Both Tibetan and Chinese are official languages in the TAR, and both languages were used on public and commercial signs. However, the Chinese language was spoken widely, and Chinese was used for most commercial and official communications. The dominant position of the Chinese language in government, commerce, and academia left many young Tibetans seeking to get ahead with little choice but to use Chinese rather than Tibetan.

Official government media reports in 2003 stated that 92 percent of eligible students in the TAR attended primary school and 61 percent attended middle school and that 80 percent of the counties in the TAR had instituted 6-year compulsory education and 17 percent had 9-year compulsory education. However, in practice, many pupils in rural and nomadic areas received only 1 to 3 years of schooling. Official statistics put the illiteracy rate for young and middle-aged TAR residents at 37 percent, but some observers believed it to be much higher in some areas.

The Government has established a comprehensive national Tibetan-language curriculum, and many elementary schools in Tibetan areas used Tibetan as the primary language of instruction. However, Tibetan students were also required to study Chinese language. Chinese was generally used to teach certain subjects, such as arithmetic, and Han Chinese students in Tibetan areas generally had the option to attend exclusively Chinese-medium schools. In middle and high schools--even some officially designated as "Tibetan" schools--teachers often used Tibetan only to teach classes in Tibetan language, literature, and culture and taught many classes in Chinese. As a practical matter, proficiency in Chinese was essential to receive a higher education. China's most prestigious universities provided instruction only in Chinese, while the lower-ranked universities established to serve ethnic minorities allowed study of only some subjects in Tibetan. In general, opportunities to study at Tibetan-medium schools were greater in the TAR, while opportunities to study at privately funded Tibetan-language schools and to receive a traditional Tibetan-language religious education were greater in Tibetan areas outside the TAR.

Authorities in Tibetan areas required professors and students at institutions of higher education to attend political education sessions and limited course studies and materials in an effort to prevent separatist political and religious activities on campus. The Government controlled curricula, texts, and other course materials.

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

Prostitution was a growing problem in Tibetan areas, 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 the TAR were Han Chinese women, mainly from Sichuan. However, some Tibetans, mainly young girls from rural or nomadic areas, also worked as prostitutes. The incidence of HIV/AIDS among prostitutes in Tibetan areas was unknown, but lack of knowledge about HIV transmission and economic pressures on prostitutes to engage in unprotected sex made an increase in the rate of HIV infection likely.

The TAR Tourism Bureau continued its policy of refusing to hire Tibetan tour guides educated in India or Nepal. Government officials have stated that all tour guides working in the TAR were required to seek employment with the Tourism Bureau and to pass a licensing exam on tourism and political ideology. The Government's stated intent was to ensure that all tour guides provide visitors with the Government's position opposing Tibetan independence and the activities of the Dalai Lama. The Tourist Bureau's monopoly did not extend to Tibetan areas outside the TAR, and some tour guides educated abroad reportedly moved to those areas to seek employment.

The Tibetan-language services of Voice of America and 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. Unlike in 2003, there were no reports during the year that Tibetans were subject to intimidation and fines for listening to foreign-language broadcasts.

In February, the Tibet Information Network reported that TAR authorities had banned Tibetan author Oser's book, "Notes on Tibet," for its politically "sensitive" content.

In March, RFA reported that authorities had instituted political education activities at Lhasa-based TV-3 for airing a program that showed the Tibetan national flag. The station director reportedly was demoted.

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 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). The 1984 Sino-British Joint Declaration on the Question of Hong Kong, and the Basic Law, the SAR's constitution approved by the PRC in 1990, specify that Hong Kong will enjoy a high degree of autonomy except in matters of defense and foreign affairs. This autonomy under the "one country, two systems" formula in effect since 1997 has been tested severely this year. The Basic Law 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 a selection committee composed of 800 directly elected, indirectly elected, or appointed individuals. The Chief Executive appoints and supervises a cabinet of principal officers. The Basic Law significantly circumscribes the power of the legislature, the Legislative Council (Legco). In September 12 elections, voters directly elected 30 members of the Legco from geographic constituencies and indirectly elected 30 from functional or occupational constituencies. Despite isolated allegations of voter intimidation prior to the election and some irregularities on election day, the voting was considered free and fair. Majorities are required in both the geographic and the functional constituencies to pass legislation introduced by individual legislators. Members may not initiate legislation involving public expenditure, political structure, government operations, or government policy. The judiciary is independent, and the Basic Law vests Hong Kong's highest court with the power of final adjudication. Under the Basic Law, however, the Standing Committee of the PRC's National People's Congress (NPC) has the power of final interpretation of the Basic Law.

An effective police force under the firm control of civilian authorities maintained public order. The 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's free market economy is an international trade, shipping, and finance center as well as a principal platform for trade and investment with the PRC. The economy grew 7.5 percent during the year, with no inflation. Per capita gross domestic product was approximately \$23,000. The population was approximately 6.8 million.

The Government generally respected the human rights of residents, and the law and judiciary provided effective means of dealing with individual instances of abuse. In April, the Standing Committee of the NPC ruled out universal suffrage in the next elections for Chief Executive in 2007 and Legco in 2008. This was an initiative of the central authorities that cut short local debate and raised questions about the PRC's willingness to permit Hong Kong to operate with a high degree of autonomy. Human rights problems included: Limitations on residents' ability to change their government and limitations on the power of the legislature to affect government policies; allegations of intimidation of journalists and other media figures; violence and discrimination against women; discrimination against ethnic minorities; restrictions on workers' rights to organize and bargain collectively; and trafficking in persons for the purposes of forced labor and prostitution.

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.

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 allegations of assault by police officers during the year. Disciplinary action can range from warnings to dismissal. Criminal proceedings may be undertaken independently of the disciplinary process. The Complaints Against Police Office (CAPO) investigates allegations of excessive use of force and the Independent Police Complaints Council (IPCC), a body composed of public members appointed by the Chief Executive, monitors and reviews their work.

During the first half of the year, CAPO received 218 allegations of assault by police officers against persons in custody and 130 allegations of assault against persons not in custody, out of a total of 21,562 arrests. Of the 218 allegations of assault by police officers against persons in custody, 107 case investigations were completed and endorsed by the IPCC, and none were substantiated: 79 were withdrawn, 22 were deemed "not pursuable," 4 were judged to be false, 1 was judged "no fault," and 1 was judged "unsubstantiated." The remaining 111 cases were pending as of June 30. Of the 130 allegations of assault against persons not in custody, 62 case investigations were completed and endorsed by the IPCC, and none were substantiated: 45 were withdrawn, 13 were deemed "not pursuable," 1 was judged to be false, and 3 were judged "unsubstantiated." The remaining 68 cases were pending as of June 30. In response to concerns about the police being responsible for investigating their own misconduct, the Government drafted a bill 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. For the first 6 months of the year, the average occupancy rate for Hong Kong's 24 prisons was 114 percent. Overcrowding was most serious in maximum security prisons, which operated at an average occupancy rate of 136 percent. The Government continued to address the problem of prison overcrowding by remodeling existing buildings to provide space for additional prisoners and redistributing the prison population. In addition, the Immigration Department expected its new Detention Center in Tuen Mun, due to be completed in 2005, to hold 400 additional people and eliminate the need to put immigration offenders in prison or other correctional facilities.

The Government permitted prison visits by human rights observers. Local justices of the peace regularly inspected prisons, and, as a standard procedure, these visits were unannounced.

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 in practice. Suspects must be charged within 48 hours or released. During the year, the average length of pre conviction incarceration did not exceed 48 days.

The police force is led by a uniformed Police Commissioner who reports to the Secretary for Security—a member of the Chief Executive's Cabinet. The force had 28,695 officers and was divided into 5 departments with both headquarters and regional formations. Corruption was not a significant problem within the force. Police officers are subject to disciplinary review by CAPO and IPCC in cases of alleged misconduct (see Section 1.c.).

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, underpinned by the Basic Law's provision that Hong Kong's common law tradition be maintained, generally provided citizens with a fair and efficient judicial process. Under the Basic Law, the courts may interpret those provisions of the Basic Law that address matters within the limits of the SAR's high degree of autonomy. The courts also interpret provisions of the Basic Law that touch on PRC central government responsibilities or on the relationship between the central authorities and the SAR, but 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 NPC. The Basic Law requires the courts to follow the Standing Committee's interpretation of Basic Law provisions. Judgments previously rendered are not affected. The NPC's mechanism for interpretation is its Committee for the Basic Law, composed of six mainland and six Hong Kong members. The Chief Executive, the President of the Legislative Council, and the Chief Justice nominate the Hong Kong members. Human rights and lawyers' organizations 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 the 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 NPC. There have been no such appeals of court decisions to the NPC since 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. 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. In 2004, approximately 23 percent of judges and judicial officers were expatriates. 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 in practice. Trials are by jury except at the magistrate court level. The judiciary provides citizens with a fair and efficient judicial process.

Under 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 commensurate with his official income or controls 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.

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 spoken Cantonese and written 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 may operate in either Cantonese or English. Judges, witnesses, the parties themselves, and legal representatives each may decide which language to use at any point in the proceedings.

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 is conducted under the Telecommunications Ordinance and the Post Office Ordinance. Wiretaps require authorization from the Chief Executive for interception operations, but a court issued warrant is not required. The Government did not reveal the number of wiretaps and mail interceptions the Chief Executive authorized.

The Office of the Privacy Commissioner for Personal Data (PCO), established under the Personal Data (Privacy) Ordinance (PDPO), works to prevent the misuse, disclosure, or matching of personal data without the consent of the subject individual or the commissioner. Some Government departments are exempted to combat social welfare abuse and tax evasion. Violations of the PDPO can be either criminal or civil offenses. Between June 2003 and June 2004, the PCO investigated 1,109 complaints of suspected breaches of the ordinance, completing action on 1,047. The PCO found violations of the PDPO in 26 of these cases, with none resulting in prosecution. The PCO found insufficient evidence to prosecute in 243 of the cases, while the remaining cases were resolved, rejected, or withdrawn after preliminary inquiries.

The PDPO is not applicable to PRC government organs in Hong Kong. At year's end, the Government was still considering whether it should be made applicable to PRC bodies. Under certain exemptions for purposes related to safeguarding the security, defense, or international relations of Hong Kong, and for the prevention, detection, or prosecution of a crime, Hong Kong authorities may be allowed to transfer personal data to a PRC body.

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. During the year, allegations of intimidation by pro-Beijing groups and individuals prior to the September elections raised questions about these rights. Most Hong Kong media outlets are owned by businesses with interests on the mainland, making them vulnerable to self-censorship.

In February and March, the PRC media and local pro-PRC newspapers ran a series of articles defining patriotism in Hong Kong. The debate started with an article in the PRC-owned China Daily citing former Chinese leader Deng Xiaoping's statement that "only patriots should govern Hong Kong" and relating this criterion to the political debate over universal suffrage in Hong Kong. The PRC media later published guidelines for patriotic actions, and a local pro-PRC paper printed the names of those in Hong Kong perceived to be "unpatriotic." In the midst of the debate, Jiang Zemin, former president and then Chairman of the Chinese Central Military Commission accused Hong Kong's independent Apple Daily newspaper and two radio hosts of being "hostile forces," according to the local East Week magazine.

In May, two popular radio talk show hosts known for their antigovernment and anti-PRC rhetoric abruptly left their shows due to alleged intimidation. The two asserted that a man claiming to represent senior Beijing officials asked them to stop broadcasting until after the September election. Police questioned the man but made no arrest. A third talk show host received a phone call from a retired mid-level PRC official, which he perceived as a threat to his family. Subsequently, the PRC caller stated publicly that he had no intention of threatening the talk show host. In September, one of the talk show hosts was elected to the Legco, and, in October, another became host of a local television show. At year's end, the government investigations into these allegations continued.

In July, the Independent Commission Against Corruption (ICAC) raided seven newspapers with a warrant to seize documents related to a corruption case. ICAC staff also searched the homes of some journalists. The raided newspapers included pro-PRC, independent, and pro-democracy newspapers. In August, the Court of First Instance ruled ICAC's search warrant was "wrong in fact and in law." On October 11, the Court of Appeal dismissed ICAC's appeal on technical grounds but said that ICAC had acted lawfully. The Hong Kong Journalists' Association, Hong Kong Federation of Journalists, News Executives' Association, and the Newspaper Society all issued statements condemning the raids as violating freedom of the press. The acting head of

ICAC said the agency respects the freedom of the press, but that it had to strike a balance between press freedom and the administration of justice.

The Telecommunications Ordinance gives the Government wide ranging powers to ban messages when it "considers that the public interest so requires." In practice, the Government has never invoked this law.

The Basic Law's Article 23 requires the Government to enact legislation prohibiting treason, secession, sedition, subversion against the Central People's Government, theft of state secrets, and links with foreign political organizations that are harmful to national security. In 2003, proposed legislation met with active and widespread public opposition. The Government withdrew the bill and stated publicly that it had no plans to reintroduce the legislation.

Individuals criticized the Government publicly and privately without reprisal, and many persons spoke freely to the media and used the media to voice their views. Political debate was vigorous. Varying viewpoints, including stories and opinions critical of the SAR and PRC Governments and statements by leading Chinese dissidents and pro-independence Taiwan activists, were carried by the mass media, in public forums, and by political groups.

During the year, newspapers published a wide variety of opinions, including some sharply critical of the NPC's decision ruling out universal suffrage in 2007 and 2008. Newspapers also carried opinions on sensitive topics such as Taiwan, Tibet, PRC leadership dynamics, Communist Party corruption, and human rights. There were 16 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 operated freely.

The Government-owned Radio Television Hong Kong continued to enjoy the editorial independence granted to it in its framework agreement between the Government and the station's Director of Broadcasting.

International media organizations operated freely. Foreign reporters needed no special visas or government-issued press cards for Hong Kong.

There were no restrictions on the use of the Internet.

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. On July 12, the Legco passed a bill requiring publicly funded schools operated by voluntary bodies to set up school management committees including parents and teachers by 2012. The Anglican and Catholic Churches feared that these new rules could dilute their authority to manage the schools they sponsor.

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. The police accept shorter notice if groups can satisfy the Commissioner of Police 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 explicitly object within 48 hours. No reply indicates no objection. The Public Order Ordinance, which pre-dates the 1997 handover and which empowers police to object to demonstrations on national security grounds, has never been invoked. If the police object, demonstration organizers may appeal to a statutory appeals board comprising members from different sectors of society. Both the board's proceedings and the police's exercise of power are subject to judicial review.

During the first half of the year, there were about 1,075 public meetings and processions, roughly half of which required notification. The police did not object to any demonstrations in the first half of the year.

On January 1, about 100,000 people rallied in support of universal suffrage and greater democracy with chants of "return power to the people" and "one man, one vote." On July 1, 200,000 to 400,000 people marched through central Hong Kong again in support of universal suffrage and greater democracy. These events were legally sanctioned and peaceful.

In addition to holding assemblies and marches on Hong Kong related issues, groups continued to demonstrate freely on issues sensitive to the central authorities. On June 4, approximately 50,000 to 80,000 people attended a candlelight vigil to commemorate the 15th anniversary of the 1989 massacre in Beijing's Tiananmen Square.

Falun Gong practitioners regularly conducted public protests against the crackdown on fellow practitioners in the PRC. In November, the Court of Appeal overturned the 2002 convictions of 16 Falun Gong practitioners who had been fined for obstructing the Central Government Liaison Office. The court upheld convictions against some of the Falun Gong practitioners for obstructing and assaulting policemen during their protest. The ruling affirmed that "fundamental freedoms" of assembly, demonstration, and expression were protected under the Basic Law.

The Basic Law provides for freedom of association, and the Government generally respected this right in practice. Since the 1997 handover, no applications for registration have been denied. During the first half of the year, the Societies Licensing Office of the police registered 974 new organizations.

The Societies Ordinance requires that new societies apply for registration within 1 month of establishment. The Government may refuse registration in the interest 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. There have been no public reports that the Government has refused registrations under the Societies Ordinance this year.

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.

Religious groups are not required to register with the Government and are exempt specifically from the Societies Ordinance. Catholics freely and openly recognized the Pope as the head of the Church, and the Vatican maintained a Diocese in the SAR overseen by a local Bishop. According to the Basic Law, the PRC Government has no authority over religious practices in the SAR.

Some groups, such as the Falun Gong and various traditional Chinese meditation and exercise groups (known collectively as "qigong" groups) that do not consider themselves religions, have registered under the Societies Ordinance. In July, a Falun Gong practitioner claimed that the group had submitted 72 applications to rent a government venue for its 2001 and 2002 conferences but was told each time that the venues were already booked. According to the Falun Gong practitioner, the group later discovered that, on the relevant dates, one of the requested venues was empty. Similarly, a private hotel canceled a Falun Gong banquet room booking because of the group's "terrorist risk." According to press reports, Falun Gong successfully sued the hotel in small claims court.

During April and May, the Government barred 41 Falun Gong practitioners from entering the SAR for "security reasons." Most of the practitioners were attempting to attend Falun Gong's annual conference at a privately owned facility. Approximately 350 practitioners were granted entry to attend the conference of approximately 700 persons.

For a more detailed discussion, see the [2004 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. Most residents obtained travel documents freely and easily from the SAR Government. There were limits on travel to the mainland imposed by the PRC Government.

As was the case before the handover, the Government does not recognize the Taiwan passport as valid for visa endorsement purposes.

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

The Government continued to deny some prominent overseas dissidents entry or visas to enter Hong Kong. In April, 12 Falun Gong practitioners from Taiwan and Macau were barred from entering Hong Kong for what officials described as "security reasons" (see Section 2.c.). In May, the Government denied a request to allow two 1989 Tiananmen Square student leaders to enter the SAR to participate in a conference focused on the Tiananmen Square massacre. Earlier in the year, other Tiananmen Square student leaders had been allowed to enter to engage in uncontroversial activities.

PRC authorities do not permit some Hong Kong human rights activists and pro-democracy legislators to visit the mainland. During the year, however, there were several prominent exceptions. In April, three pro-democracy Legco members traveled to Shenzhen to meet with the Deputy Chief of NPC Legislative Affairs Commission. In July, a political activist filmmaker was permitted to visit Shanghai, and, in September, his PRC-issued entry and exit permit was renewed for 10 years. In August, PRC officials denied entry to a prominent Democratic Party leader but later said this had been a bureaucratic mistake. And on September 30, nine newly elected lawmakers from the pro-democracy coalition went to Beijing to attend National Day celebrations.

The 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol do not extend to Hong Kong, and the SAR eliminated its temporary protection policy, which was extended only to Vietnamese in 1998. On a case-by-case basis, the Director of Immigration has discretion to grant refugee status or asylum in cases of exceptional humanitarian or compassionate need, but the Immigration Ordinance does not provide foreigners any right to have asylum claims recognized. The Government practice is 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, receive a UNHCR subsistence allowance but are not allowed to seek employment or enroll their children in local schools. The UNHCR worked with potential host country representatives to resettle those few persons designated as refugees. Government policy is to repatriate all illegal immigrants, including those who arrive from the mainland, as promptly as possible. During the first half of the year, 1,683 illegal PRC immigrants 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 30 of the 60 Legislative Council members, 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 the PRC's National People's Congress, which has the sole power to amend the Basic Law.

The Government is authorized to exercise a high degree of autonomy and to enjoy executive, legislative, and independent judicial power. It contains an executive branch staffed by a professional and independent civil service, and a two-tiered legislative branch consisting of the Legislative Council and 18 district councils. The Basic Law provides for selection of a Chief Executive in 1997 and 2002 by the Election Committee made up of 800 local residents.

The Basic Law permits amendment of the Chief Executive selection process by a two-thirds majority of the Legislative Council, with the consent of the Chief Executive and the National People's Congress Standing Committee. 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." Similarly, the Basic Law states that the "ultimate aim is the election of all the members of the Legislative Council by universal suffrage."

In April, the NPC Standing Committee issued a self-initiated interpretation of the Basic Law cutting short local debate and rejecting universal suffrage for Hong Kong in the 2007 and 2008 elections. The NPC also determined that the current 50-50 ratio for directly elected geographic seats and indirectly elected functional constituency seats in Legco must remain indefinitely in place. In addition, the NPC narrowed the circumstances in which Legco members would be permitted to initiate legislation. The NPC decision left room for amendments to the election processes, albeit strictly within the limits dictated by the NPC Standing Committee. During the year, a Task Force on Constitutional Development solicited local views on selecting the Chief Executive and the Legco in 2007 and 2008 in line with the NPC's determination. In December, the Task Force issued a report, which included, among other ideas: Expanding the Election Committee size from 800 to between 1,200 and 1,600 and broadening its representation; broadening the representation and size of the group, currently about 163,500 voters, that selects Election Committee members; and increasing the number of seats in the Legco from 60 to between 70 and 80, while maintaining the balance between geographic and functional constituencies. The Chief Secretary, who heads the Government's civil service, said that the proposals made clear that the people expect the Government to move eventually toward the goal of universal suffrage.

In September, Legislative Council members were elected to 4-year terms; 30 members were elected directly from geographic districts through universal suffrage, and 30 from functional or occupational constituencies. Candidates who considered themselves democracy advocates won 18 of the 30 seats elected on a geographic basis and 25 seats overall. There were 199,539 persons eligible to vote in the functional constituencies.

Prior to the September elections, several newspapers reported that some pro-PRC companies and organizations were demanding that staff use their mobile phone cameras to photograph their ballots. In response to these allegations, which pro-PRC candidates denied, the Electoral Commission banned mobile phone cameras in the polling booths and removed booth curtains so that polling officials could view booth activity. No incidents of ballot photographing were reported.

The Government was criticized for not having enough ballot boxes at the polls on Election Day. Ballot box shortages forced some polling stations to close temporarily and caused long lines and delays. There were accusations that some election officials opened sealed ballot boxes in order to make room for additional ballots. Premature opening of ballot boxes is considered a violation of international election standards. There were no accusations of ballot tampering connected with the incidents, and it was generally believed that there was no systematic effort to illegally alter the outcome of the election. The Electoral Affairs Commission conducted an investigation and issued a report in December stating that a ballot box design flaw led to the problems but that the integrity of the election was not affected.

The Electoral Affairs Commission received more than 1,600 complaints on Election Day—up from 1,427 complaints during the 2000 election. Approximately 25 percent involved complaints about the nuisance caused by candidates' loudspeakers, advertisements, and telephone canvassing. Election guidelines call for campaign-free zones outside the polling stations, specify how advertisements should be prepared, recommend that advertisements carry the name and address of the publisher, and require all statements to be factually accurate. Approximately 10 percent of the complaints were about voting arrangements, such as long lines and the shortage of ballot boxes. There were six complaints of bribery and one complaint of coercion. The Electoral Affairs Commission promised to investigate thoroughly all complaints. Meanwhile, the ICAC received and is working on 87 complaints regarding the election -up slightly from 2000.

The Basic Law substantially limits the ability of the legislature to influence policy by requiring 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. Bills that affect government policy cannot be introduced without the Chief Executive's written consent. The Government has adopted a very broad definition of "government policy" in order to block private member bills, and the President of the Legislative Council has upheld the Government's position.

The Executive Council (Exco) functions as the Chief Executive's cabinet. Exco includes 11 political appointees who run the 11 policy bureaus, and the Chief Secretary, Financial Secretary, and Justice Secretary, who are also political appointees. These 14 members are chosen by the Chief Executive and approved by the PRC Government. The Exco also includes members of two political parties, a labor leader, and two other private citizens, also appointed

by the Chief Executive.

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 District Council Ordinance gives the Chief Executive authority to appoint 102 out of 529 of the District Councilors, and he exercises this power in practice.

Hong Kong sends 36 delegates to the PRC's National People's Congress (NPC). In 2002, Hong Kong's NPC delegates were elected to a 5-year term by an NPC-appointed committee of 955 residents. Politicians and human rights activists criticized the election process as undemocratic and lacking transparency. In September, for the first time in Hong Kong's history, two local NPC delegates won directly elected seats in the Legco. One NPC delegate lost his bid for a directly elected Legco seat.

The Government vigorously and with apparent success combated official corruption through the Prevention of Bribery Ordinance and the Independent Commission Against Corruption.

The law provides for access to government information, and, in practice, such information was provided to both citizens and non-citizens with exceptions that are narrowly defined and could be appealed.

Women hold 11 of the 60 Legislative Council seats (the same number as in the previous Legislative Council) and made up between 17 and 23 percent of membership in the major political parties. The President of the previous Legislative Council was a woman, as are the heads of several government departments. More than one-third of civil servants were women, and 2 of the 15 most senior Government officials were women.

There were no ethnic minorities in the Legislative Council, but there were a number of ethnic minorities 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. 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 the PRC 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 PRC Government transmits Hong Kong's reports, mandated 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 U. N. Human Rights Commission in Geneva. The hearings, including the Commission's concerns, have received widespread and balanced press coverage.

The Office of the Ombudsman has wide powers to investigate and report on public grievances stemming from administrative actions of the executive branch and other designated public bodies. The Ombudsman may protect complainants when publishing investigative reports. In addition to responding to public complaints, the Ombudsman also initiates investigations. The Ombudsman has the option of reporting directly to the Chief Executive if organizations refuse to act upon his recommendations, or if the violations are considered serious. The Chief Executive is bound by law to present such reports to the legislature. The Ombudsman (Amendment) Ordinance, passed in 2001, strengthened the independence of the Ombudsman by de-linking the office from government systems and processes. It empowers the office to set terms and conditions of appointment for staff and to manage its own financial and administrative matters.

The Ombudsman does not have oversight authority over the police, the Independent Commission Against Corruption, or the Office of the Privacy Commissioner for Personal Data, although it may investigate complaints of noncompliance with the code on access to information by government departments, including the police and the Independent Commission Against Corruption. With regard to election-related complaints, the Ombudsman may investigate only those complaints made against the Registration and Electoral Office, not those made against the Electoral Affairs 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 incorporates into law the International Covenant on Civil and Political Rights, 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." The ordinance applies only to the Government, public authorities, and persons acting on their behalf. It does not apply to private persons or entities. Three pieces of anti-discrimination legislation--the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, and the Family Status Discrimination Ordinance--make 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. The Disability Discrimination Ordinance also protects persons with HIV/AIDS from discrimination, and permits them to take legal action or seek assistance from the Equal Opportunity Commission (EOC) through the formal complaint process.

The EOC was established in 1996 to help eliminate discrimination and to promote equality of opportunity without regard to gender, disability, and family status. In December, the Government appointed the former Privacy Commissioner to a 5-year term as EOC Commissioner.

During the first half of the year, the EOC received 275 complaints, of which 261 required investigation and conciliation. The Commission concluded 381 cases, including cases from previous years. Of these, 168 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, 114 were successfully conciliated. Legal assistance remains available for unsuccessful complainants.

Women

Local public health officials remain concerned about violence against women, particularly among new immigrants from the mainland. The Domestic Violence Ordinance allows a woman to seek a 3 month injunction, extendable to 6 months, against her husband. Domestic violence also may be prosecuted as common assault. The Government enforced the law and prosecuted violators, but sentences typically consisted only of injunctions or restraining orders. During the first half of the year, there were 3,298 cases of domestic violence reported to the Social Welfare Department, which receives reports from the police, social workers, the Health Department, and volunteer organizations.

The Government funded programs such as family life education counseling, a hotline service, temporary housing, legal aid, and child protective services. It also sponsored public education and media programs through the Women's Commission to promote public awareness and encourages women to seek early professional assistance.

There were 46 cases of rape reported to the police during the first half of the year and 70 in all of 2003. The 2002 Statute Law (Miscellaneous Provisions) Bill criminalizes marital rape. In 2003, the legislature passed an amendment to the Crimes Ordinance expressly clarifying that the term "unlawful sexual intercourse" could be applied both outside and inside the bounds of marriage. During the first half of the year, 492 indecent assault cases were reported to the police.

In April, Amnesty International criticized the Government for failing to take appropriate action prior to the killings of a mother and her two daughters. The police launched an internal investigation after acknowledging that the woman sought help at a police station hours before her husband allegedly killed her. An investigation by the Social Welfare Department determined that the local district government where the killings occurred lacked adequate social services to deal with its expanding population. In November, the Secretary for Health, Welfare and Food announced that more resources would be allocated to tackle the problem of domestic violence.

The number of women seeking help from the crisis center for victims of sexual violence more than tripled from 2001. The center handled 99 cases in the

first half of the year. A study released by the center during the year showed that many women were reluctant to come forward, with one in six victims waiting as long as 10 years before reporting an attack.

Prostitution is legal, 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. Hong Kong is a transit and destination point for persons trafficked for the purposes of sexual exploitation (see Section 5, Trafficking.).

The Sex Discrimination Ordinance prohibits sexual harassment of women seeking employment or already working in an organization. The EOC reported 40 sexual harassment complaints in the first half of the year. In August, the Government agreed to amend the ordinance to extend the definition of sexual harassment in schools in order to prevent sexually hostile environments. The change, proposed by the EOC, would close a loophole that allowed behavior in schools that is banned in the workplace. It covers conduct not specifically directed at a person, such as chanting obscene slogans or displaying posters with sexual content. The changes were proposed in response to allegations of sexual harassment at a Chinese University orientation camp in 2002.

Women faced discrimination in employment, salary, welfare, inheritance, and promotion. A survey released in March found that nearly 80 percent of women workers feel they are the victims of discrimination.

Women entered professional fields, including sciences and engineering, law, teaching, accounting, social sciences, health, and medicine, in growing numbers. As of June, 35.1 percent of professionals employed in these fields were women. About 21 percent of judicial officers and judges were women. In the Legislative Council, women held 11 of the 60 seats. According to a survey released in February, about three-quarters of private companies have women in senior management positions, and women occupied more than a quarter of the senior management posts. Women were still disproportionately represented in the lower echelons of the work force.

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 homes in rural areas of the New Territories.

Children

The Government supported children's rights and welfare through well-funded systems of public education, medical care, and protective services. The Education Department provided schooling for children between 6 and 15 years of age and placement services for non-Chinese speaking children. Education is 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.

The Government provided subsidized, quality medical care for all children who are residents.

In 2003, legislation raised the age of criminal responsibility for children from 7 to 10 years. During the first half of the year, there were 86 youths under the age of 16 who were incarcerated: 19 in prison, 15 in training centers, 25 in detention centers, 25 in rehabilitation centers, and 2 in drug addiction treatment centers.

Statistics on child abuse and exploitation were limited. During the first half of the year, there were 459 child abuse cases reported to the police: 257 involved physical abuse (referring to victims under 14 years of age) and 202 involved sexual abuse (referring to victims under 17 years of age).

In December 2003, the Government enacted the Prevention of Child Pornography Ordinance, which criminalizes the making, production, distribution, publication, advertising, and possession of child pornography. It also prohibits the procurement of children for making pornography, extends the application of certain sexual offense provisions to acts committed against children outside of Hong Kong, and prohibits any arrangement or advertising relating to commission of those acts. In May, police used the new law to conduct a sweep of child pornography websites and arrested 18 persons.

The Government provided parent education programs in all 50 of the Department of Health's Maternal and Child Health Centers, which included instruction on child abuse prevention. The Social Welfare Department commissioned research on domestic violence, including child abuse. The police maintained a child abuse investigation unit and a child witness support program. A Child Care Center Law helps prevent unsuitable persons from providing childcare services and facilitates the formation of mutual help childcare groups. There are substantial legal penalties for mistreatment or neglect of minors.

Trafficking in Persons

There is no law prohibiting trafficking in persons. There are various laws and ordinances that allow law enforcement authorities to take action against traffickers. Despite robust efforts by the SAR Government to stop such activities, Hong Kong was a point of transit and destination for persons trafficked for sexual exploitation and forced labor from China and Southeast Asia. It was difficult for the Government to identify trafficking victims from among the larger group of illegal immigrants.

Traffickers have used forged or illegally obtained travel documents to attempt to smuggle persons through the Hong Kong airport. During the first half of the year, authorities intercepted 1,288 forged travel documents and arrested 12 persons for related offenses.

A Hong Kong University study on the trafficking of women for the purposes of prostitution found that from 1990 to 2000, there were 39 cases of women lured to Hong Kong with false promises of legitimate employment who were forced or coerced to work as prostitutes. Large numbers of illegal immigrant women from the mainland voluntarily engaged in prostitution with the reported assistance of organized criminal groups.

Prostitution is legal, but there are laws against some related activities that make prostitution illegal in certain circumstances (see Section 5, Women). The authorities combat illegal prostitution by nonresidents through strict immigration controls and by arresting and prosecuting illegal prostitutes and their employers. During the first half of the year, 5,133 nonresident women prostitutes were arrested. Most of those arrested were deported rather than formally charged. The police do not keep statistics on the number of persons arrested who are employers of prostitutes. However, the Crimes Ordinance stipulates that a person who controls another person for purposes of prostitution can, upon conviction and indictment, be imprisoned for 14 years, and a person who knowingly lives wholly or in part on the earnings of prostitution of another can be sentenced to 10 years' imprisonment. During the first half of the year, 41 persons were convicted of these offenses, and, in 2003, 119 people were convicted. The majority of those convicted were sentenced to immediate imprisonment.

During the year, there were no known reports of persons being trafficked into the SAR to work as domestics.

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 is responsible for combating migrant trafficking and overseeing the police, customs, and immigration departments, which are responsible for enforcing anti-trafficking laws. Law enforcement officials received special training on handling and protecting victims and vulnerable witnesses, including victims of trafficking.

The Government provided legal aid to those taking legal action against an employer, and immunity from prosecution for those who assist in the investigation and prosecution of traffickers. The Social Welfare Department and local NGOs also provided an array of social services to victims of trafficking. The Government did not provide funding to foreign or domestic NGOs for services to victims. The Government also tried to prevent trafficking by distributing pamphlets, in a wide range of languages, to workers about their rights.

Persons with Disabilities

Discrimination against physically and mentally disabled persons persisted in employment, education, and the provision of some public services. The

Disability Discrimination Ordinance calls for improved building access and sanctions against those who discriminate. Also, the Buildings Ordinance was amended in 2003 to update design requirements. However, despite inspections and the occasional closure of noncompliant businesses, access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities.

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 the last government survey conducted in 2000 estimated that there were approximately 269,500 persons with one or more disabilities, including 225,600 persons with physical disabilities and 52,700 with mental disabilities. According to the survey, of the 269,500 persons with disabilities, 52,500 were employed and 59,700 were considered "economically active," including small business owners and street vendors. However, a consortium of organizations representing persons with disabilities reported in 2002 that approximately 700,000 residents were disabled, about half of whom were able to work. As of June 30, there were 3,162 persons with disabilities employed as civil servants out of a total civil service work force of 163,101. During the first half of the year, the Labor Department's Selective Placement Division found jobs for 1,057 of 2,226 disabled job seekers. Approximately 10,400 students out of a school population of 840,000 (1.2 percent) were disabled.

The EOC sponsored a variety of activities to address discrimination against persons with disabilities, including youth education programs, distributing guidelines and resources for employers, carrying out media campaigns, and co-sponsoring seminars and research.

National/Racial/Ethnic Minorities

At year's end, a bill to prohibit racial discrimination in employment, education, provision of goods and services, use and renting of facilities or household properties, consultative and mandatory organizations, lawyers' apprenticeship practices, and government and public bodies was on the Legco's agenda for 2004 05.

The Government's legally non-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's Race Relations Unit funded numerous projects promoting racial harmony.

Minorities, who make up approximately 5.1 percent of the population, were well represented in the civil service and many professions. Foreign domestic workers, most of whom are from the Philippines and Indonesia, may be 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 87,850 Indonesian domestic helpers who worked in the SAR. Similar organizations worked for the interests of Philippine domestic helpers, of whom there were approximately 121,500.

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 register under the Trade Unions Ordinance. The basic precondition for registration is a minimum membership of seven persons. The Trade Unions Ordinance does not restrict union membership to a single trade, industry, or occupation and the Government did not discourage or impede the formation of unions. Trade unions were independent of political parties and the Government.

During the first half of the year, 12 new unions were registered, while 3 were deregistered; there were 698 registered trade unions. In 2003, 21.8 percent of the 3,066,800 salaried employees and wage earners belonged to a labor organization.

The Employment Ordinance includes provisions that protect against anti-union discrimination. Violation 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 (for instance, severance pay) and compensation. The maximum amount of compensation is \$19,230 (HK\$150,000). Some labor activists have complained that the Labor Tribunals tended to push conciliation rather than issue orders.

The Basic Law commits the SAR to 41 International Labor Organization (ILO) conventions, and the Government has amended labor legislation and taken administrative measures to comply.

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. Notification of the Labor Department within 1 month of affiliation is required.

b. The Right to Organize and Bargain Collectively

In 1997, the pre-handover 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. Had they not been amended, 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 asserted that existing law already offered adequate protection against unfair dismissal arising from anti-union discrimination.

The 1997 Employment and Labor Relations (Miscellaneous Amendments) Ordinance removes the legal stipulation of trade unions' right to engage employers in collective bargaining. The ordinance 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. In a few trades such as tailoring and carpentry, wage rates were determined collectively in accordance with established trade practices and customs rather than a statutory mechanism, but collective bargaining was not practiced widely. Unions were not powerful enough to force management to engage in collective bargaining. The Government did not engage in collective bargaining with civil servants' unions.

The Workplace Consultation Promotion Unit in the Labor Department facilitated communication, consultation, and voluntary negotiation between employers and employees. Tripartite committees for each of nine sectors of the economy included representatives from trade unions, employers, and the Labor Department.

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

There were a number of labor stoppages during the year, including a series of strikes by swimming pool lifeguards concerning staff and pay cuts. Chicken wholesalers struck over an avian flu-related ban on imports of mainland origin chicken.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. Although the law does not specifically prohibit forced or compulsory labor by children, there were no reports that such practices occurred.

d. Prohibition of Child Labor 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 may work in certain non industrial establishments, subject to conditions aimed at ensuring a minimum of 9 years' education and protecting their safety, health, and welfare. The Labor Department conducted regular workplace inspections to enforce compliance with the regulations. During the first half of the year, the Labor Department conducted 57,936 inspections and discovered one violation of the Employment of Children Regulations, resulting in the assessment of \$450 (HK\$3,500) in fines. The regulations limit work hours in the manufacturing sector for persons 15 to 17 years of age to 8 hours per day and 48 hours per week between 7 a.m. and 7 p.m. They also prohibit, for persons under 18 years of age, overtime in industrial establishments with employment in dangerous trades.

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 exists, wage levels customarily are fixed by individual agreement between employer and employee and are 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. There are no regulations concerning working hours, paid weekly rest, rest breaks, or compulsory overtime.

The minimum wage for foreign domestic workers was approximately \$419 per month (HK\$3,270). 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 provide a decent standard of living. Foreign domestic workers can be deported if dismissed. During the first half of the year, 48 foreign domestic workers filed suit for maltreatment.

The Occupational Safety and Health Branch 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, the Occupational Safety and Health Ordinance, the Boilers and Pressure Vessels Ordinance, and their 35 sets of subsidiary regulations regulate safety and health conditions. During the first half of the year, the Labor Department conducted 61,707 inspections of workplaces and issued 983 summonses, resulting in a total of \$1,312,500 (HK\$10,237,900) in fines. Worker safety and health has improved over the years, but serious problems remained, particularly in the construction industry. During the first half of the year, there were 9,820 occupational injuries, of which 3,934 were classified as industrial accidents. There were 10 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.

MACAU

Macau, a 13-square-mile enclave on the south China coast, reverted from Portuguese to Chinese administration in 1999. 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 Basic Law is the SAR's constitution, promulgated by PRC's National People's Congress (NPC) in 1993. The 1987 Sino-Portuguese Joint Declaration and the Basic Law specify that the SAR is to continue to enjoy substantial autonomy and 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 300-member election committee, which in turn is chosen by a preparatory committee composed of 60 SAR and 40 mainland representatives appointed by the NPC. In August, the committee re-elected Edmund Ho to a second term as Chief Executive. The most recent legislative elections were in 2001, when voters elected 10 of the legislature's 27 members in direct elections based on geographical constituencies. Interest groups in functional constituencies elected 10 others, and the Chief Executive appointed the remaining 7 members. There are limits on the types of bills that may be initiated by individual members of the legislature. The judiciary is independent.

The Public Security Police, which was created at the time of the handover through a merger of the various police force branches, has primary responsibility for law enforcement and maintenance of public order. The civilian authorities maintained effective control of the police. The People's Liberation Army maintained a garrison of approximately 800 soldiers in the SAR. According to the Macau Garrison Law, the Chief Executive can call on the garrison to maintain public order, but it has never been used for this purpose. There were no reports that security forces committed human rights abuses.

The market-based economy was fueled by textile and garment exports, infrastructure investment, and construction, along with tourism and gambling. The population was approximately 461,000. The economy grew at an annual rate of 30.5 percent in the first 9 months of the year.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. These problems included the limited ability of citizens to change their government, limits on the legislature's ability to initiate legislation, 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 the arbitrary or unlawful deprivation of life committed by the Government or its agents.

There were no reports of suspicious deaths in custody. The Public Prosecutions Office filed a criminal investigation concerning one of the Judiciary Police officers involved in the 2002 death of a prisoner in custody. An investigation into the conduct of a second officer was ongoing 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. During the year, there were 21 reports of police brutality, compared with no reports in 2003.

Prison conditions met international standards, and the Government permitted visits by independent human rights observers. As of October, the prison population was 872, almost one-quarter of whom were from the PRC. At year's end, the SAR and the PRC had not reached an agreement on prisoner transfers. Female prisoners were held separately from male prisoners, juveniles were held separately from adults, and pretrial detainees were separated from convicted prisoners.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Civilian authorities, specifically the Secretary for Security, supervised and controlled the police. The Public Security Police was well disciplined. The Commission Against Corruption acted to preclude problems with corruption.

Police must present persons remanded in custody to an examining judge within 48 hours of detention. The 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. 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 estimated average length of pretrial incarceration was 3 to 6 months. Judges often refused bail in cases where sentences could exceed 3 years.

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 in all cases that are within the authority 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"; however, before making their final judgment (a judgment not subject to appeal), the courts must seek an interpretation of the relevant provisions from the NPC's Standing Committee. 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 SAR 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 Basic Law provides for the use of Portuguese, in addition to Chinese, as an official language by executive authorities, the legislature, and the judiciary. The need to translate laws and judgments from Portuguese and a severe shortage of local bilingual lawyers and magistrates have hampered development of the legal system. At year's end, there were 105 lawyers in private practice in the SAR, of whom 14 spoke Mandarin and Cantonese and 27 spoke only Cantonese. The Government sponsored a postgraduate training program for magistrates who had received legal training outside of the SAR. The judiciary was relatively inexperienced and lacked locally trained lawyers. The first law school in the SAR opened in the early 1990s.

According to the Basic Law, the Chief Executive appoints judges at all levels, acting on the recommendation of an independent commission, which he appoints. The commission is composed of local judges, lawyers, and "eminent persons." The Basic Law stipulates that judges must be chosen on the basis of their professional qualifications. 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 of 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. A decision to close off a trial must be revoked if those factors 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 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 provides citizens with a fair and efficient judicial process; however, at times, a period of up to a year passed between the filing of a civil case and its scheduled hearing.

A Public Prosecutor General heads the Public Prosecutions Office. It 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 Government generally respected the law 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 and did not restrict academic freedom. Local law also protects a citizen's right to petition the Government and the legislature.

The print media included eight Chinese-language dailies, three Portuguese-language dailies, one Portuguese-language weekly, and six Chinese-language weeklies. There were three television networks: Two broadcast in Mandarin, and the other included a mix of Portuguese, English, and Cantonese programming. Macau Radio broadcast in both Portuguese and Chinese (Cantonese and Mandarin). Hong Kong and international newspapers were widely available. The dominant newspapers, mainly Chinese-language, supported PRC government positions in their editorial line, while some of the Portuguese-language press published articles critical of mainland policies, such as those regarding Tibet and Falun Gong. The Union for Democracy Development Macau (UDDM), a nongovernmental organization (NGO) headed by pro-democracy legislators, charged that newspapers did not give equal attention to liberal and pro-democracy voices. At least three leading daily newspapers and a leading Hong Kong daily newspaper sold in the SAR provided extensive coverage of pro-democracy activities. The press regularly published articles critical of the Government, with opinion columns often directly criticizing government officials.

Article 23 of the Basic Law obliges the SAR to enact legislation that would forbid any act of treason, secession, sedition, subversion against the PRC Government; theft of state secrets; or links to foreign political organizations harmful to national security. At year's end, the Government had not enacted any such legislation. The Portuguese law dealing with crimes against state security became null and void after the handover, and no new law has replaced it.

There were no government-imposed limits on Internet access.

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, persons can establish "political organizations." Several such organizations existed, including the pro democracy New Democratic Macau Society, headed by a legislator. Civic associations and candidates' committees may present candidates for geographic and functional constituencies (see Section 3). Article 23 of the Basic Law obliges the SAR to enact laws to prohibit foreign political organizations from establishing ties with domestic political organizations or bodies. At year's end, the Government had not enacted such legislation.

Falun Gong practitioners were allowed to continue their exercises and demonstrations in public parks.

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, and the Government generally respected these rights in practice. 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. There is no state religion.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

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

The law provides for these rights, and the Government generally respected them in practice. Approximately 100,000 residents held Portuguese European Union passports, and an increasing number held SAR passports that allowed visa-free entry to many countries, including EU member states. Most residents also held special permits that allowed travel to and from the mainland. There was a separate pass for travel to and from Hong Kong.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government granted refugee status or asylum and provided protection against refoulement, the return of persons to a country where they feared prosecution. The Migration Department cooperated with the U.N. High Commissioner for Refugees in handling refugees. As of November, there were no refugee cases.

In 2002, the SAR enacted the Internal Security Legal Framework, which allows the Government to refuse entry or expel any nonresident considered inadmissible or constituting a threat to internal security, or suspected of having a relationship with transnational crime or terrorism. During the year, no person was refused entry based on suspicion of having a connection to terrorism; 131 persons were refused entry based on suspicion of having a relationship with transnational crime; and 4,465 persons were refused entry for internal security reasons, primarily for violations of immigration law.

During the year, 317 illegal migrants and 4,660 overstayers were returned to the mainland.

The Basic Law prohibits forced exile by guaranteeing the right of permanent residents to leave and enter the SAR, and the Government respected the law.

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

The Basic Law restricts citizens' ability to change their government. The Government is led by a chief executive, chosen by a 300-member election committee, which in turn is chosen by a 100-member preparatory committee, composed of 60 SAR and 40 mainland representatives appointed by the NPC.

An election law enacted in April expanded the number of election committee members from 200 to 300, but it did not otherwise move the SAR closer to universal suffrage. A pro-democracy legislator refused a seat on the election committee after his efforts failed to widen further its membership.

In August, Chief Executive Edmund Ho was re-elected to a second 5-year term with 296 of the 300 election committee votes.

The Legislative Assembly, elected in 2001, is composed of 27 members: 10 elected directly from geographical constituencies; 10 elected indirectly by local community interests such as business, labor, professional, welfare, cultural, educational, and sports associations; and 7 appointed by the Chief Executive. Legislative elections are held every 4 years, and the Basic Law stipulates that the number of legislators is to increase gradually in subsequent elections. After 2009, the rules regarding 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. 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 Chief Executive's written approval before they are submitted.

A 10-member Executive Council functions as an unofficial cabinet, approving all draft legislation before it is presented in the Legislative Assembly.

In 2000, the legislature passed a law reconstituting the pre handover High Commission Against Corruption as the Commission Against Corruption (CAC). The CAC investigates public-sector corruption and has the power to arrest and detain suspects. From January to October, the CAC received 804 complaints against public officials in a variety of agencies. The CAC opened 68 files, of which 67 were criminal cases and 1 was an administrative grievance. The CAC transferred eight cases to the Public Prosecutions Office. A monitoring body established to review complaints of maladministration or abuse by the CAC received no complaints from January through October.

The executive branch published online, in both Chinese and Portuguese, an extensive amount of information including laws, regulations, ordinances, government policies and procedures, and biographies of government officials. The Government also issued a daily press release on topics of public concern. However, the information provided by the legislature was less extensive. For example, it did not publish a legislative agenda or a list of pending bills.

Five of the 27 Legislative Assembly members (3 directly elected, 1 indirectly elected, and 1 appointed), including the President of the Assembly, were women. Women held a number of senior positions throughout the Government (see Section 5).

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

Domestic human rights groups 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.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Basic Law stipulates that residents shall be free from discrimination, irrespective of their nationality, descent, race, sex, language, religion, political persuasion, ideological belief, educational level, economic status, or social condition, and the Government effectively enforced the law. 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 effectively enforced criminal statutes prohibiting domestic violence and prosecuted violators. Domestic violence is punishable by 1 to 15 years in prison. In the case of spousal abuse and violence against minors, the penalty is 2 to 8 years' imprisonment, and 5 to 15 years if the abuse leads to the death of the victim.

The Government provided hospital treatment for victims of abuse, and medical social workers counseled victims and informed them about social welfare services. The Government may provide victims of domestic violence with public housing until their complaints are resolved, but it did not reserve facilities expressly for this purpose.

Private and religious groups sponsored programs for victims of domestic violence, and the Government supported and helped to fund these organizations and programs. The Bureau for Family Action, a government organization subordinate to the Department of Family and Community of the Social Welfare

Institute, helped female victims of domestic violence by providing a safe place for them and their children and furnishing advice regarding legal actions against the perpetrators. A family counseling service was available to persons who requested such services at social centers. Two government-supported religious programs also offered rehabilitation programs for female victims of violence. From January to October, 13 cases of spousal abuse and 10 cases of family violence were reported to the Social Welfare Institute. The law on rape covers spousal rape. From January to October, there were 13 reported rapes.

Prostitution is legal, but procuring is not. Trafficking in persons also is illegal, and there were cases of trafficking in women for the purposes of prostitution (see Section 5, Trafficking).

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

Equal opportunity legislation 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. The law allows for civil suits, but few women took their cases to the Labor Affairs Bureau or other entities. There were no cases alleging sexual discrimination during the year.

Women held a number of senior positions in the Government. The Chairperson of the Legislative Assembly, the Secretary for Justice and Administration on the Executive Council, and the Commissioner for Audit were women. In September, 7 women were among 10 newly appointed judges and public prosecutors. Women also have become more active and visible in business. However, wage discrimination occurred in certain sectors of the job market, notably construction.

Children

The Government protected the rights and welfare of children through the general framework of civil and political rights legislation that protects all citizens. For example, the Criminal Code provides for criminal punishment for sexual abuse of children and students, statutory rape, and procuring that involves minors.

School attendance is compulsory for all children between ages 5 and 15. Basic education was provided in government-run schools and subsidized private schools, and it covered the preprimary year, primary education, and general secondary school education. The Education Department provided assistance to families that could not pay school fees. The children of illegal immigrants were excluded from the educational system. Experts believed that only a few children were affected by this exclusion. The Government provided free medical care for all children. Child abuse and exploitation were not widespread problems. From January to October, seven cases of child abuse were reported to the Social Welfare Institute. During the same period, 120 cases of offenses against the physical integrity of minors, including 10 cases of family violence, were reported to the Office for Security Coordination. From January to October, the Government received two reports of rape of minors and five reports of sexual abuse of minors.

Trafficking in Persons

The Law on Organized Crime makes trafficking in persons a crime punishable by 2 to 8 years in prison, and the Government effectively enforced the law. The law increases this penalty by one-third (within minimum and maximum limits) if the victim is under 18 years of age. If the victim is under 14 years of age, the penalty is increased by 5 to 15 years. If the trafficker rapes the victim, the two offenses are treated as different crimes.

Prostitution is not a crime, but living off the proceeds of prostitution is illegal. Prostitutes primarily were from Russia, mainland China, and Vietnam. While most were believed to be willing participants in the commercial sex industry, 17 women complained of being brought to the SAR under false pretenses and 5 complaints of abuse.

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

Persons with Disabilities

There were no reports of discrimination against persons with disabilities in employment, education, or provision of state services. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice.

The Social Welfare Institute provided financial and rehabilitation assistance to persons with disabilities, and it helped fund 24 rehabilitation facilities and 11 rehabilitation associations. These services included day centers, preschool training and education centers, vocational training and employment centers, and rehabilitation bus service. Other special programs helped persons with physical and mental disabilities gain better access to employment, education, and public facilities. For facilities that received financial support, approximately 80 percent of their income came from the Government. In 2003, the Government provided approximately \$3.3 million (25.4 million patacas) in subsidies to such facilities and programs. During the year, 37 NGOs provided services for persons with disabilities and received regular assistance from the Social Welfare Institute and subsidies from other governmental departments. During the 2003-04 school year, 14 schools had programs for persons with disabilities and provided special education programs for 724 students with disabilities.

The law mandates 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 to facilitate access by persons with a physical or behavioral disability. Many sidewalks and public buildings have been modified to comply with the law.

National/Racial/Ethnic Minorities

Although no specific laws prohibit discrimination on the basis of racial or ethnic background, the Government generally respected the rights of ethnic minorities, particularly the Macanese (Eurasians who comprise approximately 2 percent of the population). 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 approximately 2 percent of the population. The Chinese language has official status and the use of Chinese in the civil service has grown in recent years.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of workers to form and join unions of their choice without previous authorization or excessive requirement, and the Government generally respected this right in practice. The Basic Law stipulates that international labor conventions that applied before the handover are to remain in force and are implemented through the laws of the SAR. The UDDM has expressed concern that local law contains no explicit provisions that bar discrimination against unions. The law also specifically excludes public servants and migrant workers from labor law protections.

Nearly all private sector unions were part of the pro China Federation of Trade Unions (FTU), and they tended to stress the importance of stability and minimum disruption of the work force. The UDDM and some local journalists claimed that the FTU was more interested in providing social and recreational services than in addressing trade union issues such as wages, benefits, and working conditions. At year's end, there were 173 registered independent trade unions, including 3 new unions that registered during the year. All classes of workers have the right to join a union. At year's end, approximately 79 percent of public sector employees were members of a union. There was no data on private sector unionization.

b. The Right to Organize and Bargain Collectively

The law provides that agreements concluded between employers and workers shall be valid, but there is no specific statutory protection that provides for the right to collective bargaining; however, the Government did not impede or discourage collective bargaining. Market forces determined wages. Unions

tended to resemble local traditional neighborhood associations, promoting social and cultural activities rather than workplace issues. Local customs normally favored employment without the benefit of written labor contracts, except in the case of migrant labor from the mainland and the Philippines. Pro-PRC unions traditionally have not attempted to engage in collective bargaining.

There is no specific protection in local law from retribution if workers exercise their right to strike. The Government has 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 generally enforced these provisions. Strikes, rallies, and demonstrations are not permitted in the vicinity of the Chief Executive's office, the Legislative Assembly, and other key government buildings. There were no reports of labor protests, strikes, or work stoppages during the year.

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. Prohibition of Child Labor 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 can 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 conventions are applied. The Labor Department enforced the law through periodic and targeted inspections, and violators were prosecuted. The Labor Department Inspectorate did not conduct inspections specifically aimed at enforcing child labor laws, but it would issue summonses when such violations were discovered in the course of other workplace inspections. No violations of child labor laws were reported during the year.

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 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, workers frequently agreed to work overtime to compensate for low wages. The Labor Department provided assistance and legal advice to workers on request.

The Labor Department enforced occupational safety and health regulations, and failure to correct infractions could lead to prosecution. During the year, the Labor Department inspectorate conducted 1,835 inspections and uncovered 2,761 violations carrying fines worth \$191,000 (1.479 million patacas). There were two work related deaths during the first half of the year. 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 the PRC, made up approximately 9 percent of the work force. They often received less than local residents for performing the same job, lived in controlled dormitories, worked 10 to 12 hours per day, and owed large sums of money to labor-importing companies for purchasing their jobs. They had no collective bargaining rights and no legal recourse in the case of unfair dismissal.

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