

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	450
Land:	Kina
Kilde:	US Department of State
Titel:	Country Report on Human Rights Practices 2016 - China
Udgivet:	3. marts 2017
Optaget på baggrundsmaterialet:	31. maj 2018

[EN](#) | [DE](#)

- **Source:**
USDOS - US Department of State
- **Title:**
Country Report on Human Rights Practices 2016 - China (includes Tibet, Hong Kong, and Macau) - China
- **Publication date:**
03 March 2017
- **ecoi.net summary:** Annual report on human rights in 2016 [ID 337277]
- **Countries:**
China
- **Original link** <https://www.state.gov/j/drl/rls/hrrpt/2016/eap/265328.htm>

Recommended citation:

USDOS - US Department of State: Country Report on Human Rights Practices 2016 - China (includes Tibet, Hong Kong, and Macau) - China, 03 March 2017 (available at [ecoi.net](http://www.ecoi.net))
http://www.ecoi.net/local_link/337277/467040_en.html (accessed 28 April 2017)



Country Report on Human Rights Practices 2016 - China (includes Tibet, Hong Kong, and Macau) - China

EXECUTIVE SUMMARY

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

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

Repression and coercion of organizations and individuals involved in civil and political rights advocacy as well as in public interest and ethnic minority issues remained severe. As in previous years, citizens did not have the right to choose their government and elections were restricted to the lowest local levels of governance. Authorities prevented independent candidates from running in those elections, such as delegates to local people's congresses. Citizens had limited forms of redress against official abuse. Other serious human rights abuses included arbitrary or unlawful deprivation of life, executions without due process, illegal detentions at unofficial holding facilities known as "black jails," torture and coerced confessions of prisoners, and detention and harassment of journalists, lawyers, writers, bloggers, dissidents, petitioners, and others whose actions the authorities deemed unacceptable. There was also a lack of due process in judicial proceedings, political control of courts and judges, closed trials, the use of administrative detention, failure to protect refugees and asylum seekers, extrajudicial disappearances of citizens, restrictions on nongovernmental organizations (NGOs), discrimination against women, minorities, and persons with disabilities. The government imposed a coercive birth-limitation policy that, despite lifting one-child-per-family restrictions, denied women the right to decide the number of their children and in some cases resulted in forced abortions (sometimes at advanced stages of pregnancy). Severe labor restrictions continued, and trafficking in persons was a problem.

Although most of the more than 300 lawyers and human rights activists detained in 2015 were released, 16 remained in pretrial detention without access to attorneys or family members at year's end. Four others were sentenced to jail terms ranging from three years to seven and one-half years in trials that foreign governments and international human rights organizations said lacked basic due process. Wang Yu, one of the most prominent lawyers detained during the crackdown, was released after her televised confession, which circumstances suggest was likely coerced. Many others remained under various restrictions, including

continuous residential surveillance at undisclosed locations. Public security officials continued to harass, intimidate, and take punitive measures against the family members of rights defenders and lawyers in retaliation for their work.

A new Law on the Management of Foreign NGO Activities inside Mainland China placed foreign NGOs under the supervision of the Ministry of Public Security, a move that indicated foreign NGOs were considered a "national security" threat. Although the law was not scheduled to go into effect until January 1, 2017, many foreign NGOs and their domestic partners began to curtail operations before the year's end, citing concerns over the law's vaguely worded provisions. As a result, an already limited space for civil society was further constrained. Individuals and groups regarded as politically sensitive by authorities faced tight restrictions on their freedom to assemble, practice religion, and travel both within China and overseas. Authorities used extralegal measures, such as enforced disappearances and strict house arrest, to prevent public expression of critical opinions. Authorities continued to censor and tightly control public discourse on the internet, and in print and other media. There was at least one widely reported extraterritorial disappearance that occurred during the year.

Official repression of the freedoms of speech, religion, movement, association, and assembly of Tibetans in the Tibet Autonomous Region (TAR) and other Tibetan areas and of Uighurs in the Xinjiang Uighur Autonomous Region (XUAR) continued and were more severe than in other areas of the country. In the XUAR officials sometimes subjected individuals engaged in peaceful expression of political and religious views to arbitrary arrest, harassment, and expedited judicial procedures without due process in the name of combatting terrorism.

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

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

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

Security forces reportedly committed arbitrary or unlawful killings. In many instances, few or no details were available.

In May environmentalist Lei Yang died under mysterious circumstances while in custody in Beijing following a brief altercation with public security officials. Authorities initially claimed 29-year-old Lei had suffered a heart attack, although an autopsy determined the cause of death was suffocation. Lei's body also showed bruising on his arms and head. A subsequent investigation found that public security officials had blocked the inquiry into the cause of Lei's death. In June, two public security officers were arrested on suspicion of "dereliction of duty." Subsequent reporting on the case was censored. In late December officials announced that five law enforcement officers would not stand trial for Lei's death.

In December, 58-year-old democracy activist Peng Ming died under suspicious circumstances in prison. His family was unable to view the body, and authorities denied his adult children permission to enter the country to collect his ashes.

In June, Tibetan Buddhist nun Yeshe Lhakdron of Kardze prefecture in the Tibetan area of Kham, now administered under Sichuan Province, died in custody due to torture, according to the Tibetan Center for Human Rights. Also in June a 40-year-old man from Kardze who was detained on suspicion of possessing a gun died in custody, reportedly due to severe torture (see the Tibet Annex for further information).

Authorities did not account for the circumstances surrounding the 2015 death of Zhang Liumao, who died suddenly in custody in Guangzhou after being detained and charged with "picking quarrels and provoking trouble." His family's lawyer found his corpse was bruised with apparent signs of torture. He had not yet been tried at the time of his death. During the year Zhang's sister, Zhang Wuzhou, made multiple attempts to file lawsuits against the government over the mishandling of her brother's forensic report. Public security imposed a foreign travel ban on her and detained her outside a Guangzhou courthouse in April. The court eventually accepted the lawsuit.

A number of violent incidents in the XUAR resulted in multiple deaths. For example, media reported that at least five persons, including two public security officers, died in May as a result of violent unrest sparked when an

officer allegedly shot and killed a Uighur prisoner in a juvenile detention center in Urumqi. Official accounts of these events generally blamed “terrorists” or “separatists” and portrayed incidents involving violence as terrorist attacks on community members and security personnel. The government’s control of information coming out of the XUAR, together with its increasingly tight security posture there, made it difficult to verify reports (see also the Tibet annex for incidents of abuse).

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

b. Disappearance

There were multiple reports of individuals detained by authorities and held at undisclosed locations.

As of the end of the year, 16 individuals detained as a result of the July 2015 “709” roundup of more than 300 human rights lawyers and legal associates remained in pretrial detention at undisclosed locations without access to attorneys or to their family members. The crackdown primarily targeted those individuals who worked as defense lawyers on prominent human rights and public interest cases, including the 2008 melamine scandal, the Beijing “feminist five” detentions, the Xu Chunhe case, and cases involving the sexual abuse of young girls. The clients of those targeted included jailed Uighur economist Ilham Tohti, members of unregistered churches, and Falun Gong practitioners. The names of those who were still detained at the end of the year are Li Heping, Xie Yanyi, Wang Quanzhang, Liu Sixin, Xie Yang, Li Chunfu, Wu Gan, Lin Bin, Yin Xu’an, Wang Fang, Zhang Wanhe, Liu Xing, Li Yanjun, Yao Jianqing, Tang Zhishun, and Xing Qianxian.

Jiang Tianyong, a lawyer who advocated on behalf of the family members of the “709” detainees, disappeared on November 21 in Henan Province. He subsequently was placed under “residential surveillance at an undisclosed location” on suspicion of “inciting subversion of state power.”

While several “709” detainees still awaited trial, some lawyers were convicted in trials lacking due process (see section 1.e.), and others were released on bail from formal custody after detentions that lasted, in many cases, more than a year. For example, in August attorney Wang Yu was released from detention after the government released a video that many observers called a forced confession. In the video Wang said she would no longer allow herself to be “used by foreign forces.” Wang’s attorney learned about her release when he saw the televised statement. Wang’s husband, law associate Bao Longjun, was released as well in August. The couple was reportedly reunited with their son, Bao Zhuoxuan, who had tried to flee the country via Burma in 2015, where he was intercepted by government agents and returned to China. The couple’s lawyer and other friends and associates were unable to contact them since their release from formal detention, and reports indicated that they remained under some form of residential surveillance and detention.

In March lawyer Zhang Kai was released from detention after seven months. Zhang was known for his work defending Wenzhou Christian churches that faced demolition or forced cross removals. He had been detained in 2015 on the eve of a planned meeting with a prominent foreign diplomat. Zhang’s release also followed a statement in which he “confessed” on state-run television to his alleged crimes and urged other citizens “not to collude with foreigners.” In August, Zhang took to social media to recant his earlier confession, which he said was made under conditions of duress. Authorities responded by surrounding his family home and threatening to rearrest him. Zhang remained under house arrest and was not able to resume his legal duties.

A number of extraterritorial disappearances occurred during the year. Former *Southern Metropolis Daily* journalist Li Xin, who fled to India in 2015 after allegedly leaking documents detailing the Communist Party’s propaganda policies, went missing on a train in Thailand in January and later reappeared in China in custody of security officials. He told his wife by telephone that he had returned voluntarily, but Thai immigration officials told the media they had no exit record for Li.

Five men working in Hong Kong’s publishing industry disappeared between October and December 2015. In addition to being Hong Kong residents, Gui Minhai was a Swedish citizen and was taken while he was in Thailand; Lee Bo was a British citizen taken from Hong Kong. Media coverage of the cases noted that the men worked for Mighty Current, a publishing house, and its affiliate, Causeway Bay Bookstore, which were known for selling books critical of the CCP and its leaders. In a televised “confession” released by Chinese authorities in the spring, Gui Minhai said he had “voluntarily returned” to China to “bear the responsibility” for a traffic accident that supposedly occurred more than a decade before. Another bookseller, Hong Kong resident Lam Wing Kee, was detained at the border crossing into Shenzhen in October 2015 and released after five months. Upon his return to Hong Kong, Lam immediately recanted his televised confession, saying it was scripted and recorded under extreme pressure. He also said he was forced to sign away his legal rights when he was taken to Ningbo by men who claimed they were from a “central special unit.” With the exception of Swedish citizen Gui Minhai, the other detained booksellers were released during the year but remained under surveillance,

travel restrictions, and the threat of punishment after returning to Hong Kong. At year's end Gui remained in incommunicado detention in the mainland.

The government still had not provided a comprehensive, credible accounting of all those killed, missing, or detained in connection with the violent suppression of the 1989 Tiananmen demonstrations. The Dui Hua Foundation reported that Miao Deshun, the last known political prisoner dating from the Tiananmen era, was released during the year. Many activists who were involved in the 1989 demonstrations and their family members continued to suffer official harassment. Chen Yunfei, arrested in 2015 for visiting the grave of a Tiananmen victim, was formally brought to trial in July on charges of "picking quarrels and provoking troubles." Chengdu authorities subsequently postponed his trial without explanation. In December a rescheduled hearing was also reportedly delayed after Chen dismissed his lawyers, citing their harassment at the hands of local security officials outside the courthouse. Others who attempted to commemorate the protests and associated deaths were themselves detained or otherwise targeted. In late May, seven activists who appeared in a photograph marking the massacre's 27th anniversary were detained on suspicion of "picking quarrels and provoking troubles." They were released several weeks later. In June, Chengdu activists Fu Hailu, Zhang Junyong, Luo Yufu, and Chen Bing were detained for allegedly creating and marketing a liquor whose label commemorated the 1989 crackdown. They faced charges of "inciting subversion" and were held in the Chengdu Municipal Detention Center.

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

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

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

The problem of torture was systemic, according to a UN Committee against Torture report released in December 2015 that detailed the extent to which torture was embedded in the criminal justice system. While the UN committee acknowledged some improvements, such as the broader use of surveillance cameras during interrogations, the report stated that torture was "entrenched."

A May 2015 Human Rights Watch report found continued widespread use of degrading treatment and torture by law enforcement authorities. Some courts continued to admit coerced confessions as evidence, despite the criminal procedure law, which restricts the use of unlawfully obtained evidence. After examining 158,000 criminal court verdicts published on the Supreme People's Court website, Human Rights Watch found that judges excluded confessions in only 6 percent of the cases in which torture was alleged and that all the defendants were convicted, even in the cases when evidence such was excluded. Lawyers reported that interrogators turned to less-detectable methods of torture. Confessions were often videotaped; harsh treatment beforehand was not. Lawyers who attempted to shed light on the problem of torture in the criminal justice system themselves became targets of intimidation and harassment.

Family members asserted that rights lawyer Xie Yang was repeatedly tied up and beaten during his lengthy detention in Changsha, Hunan Province. According to reports leaked from the detention facility, at one point Xie required hospitalization after he was beaten until he lost consciousness. As of December he was still in detention. There were multiple reports that other lawyers, law associates, and activists detained in the "709" crackdown also suffered various forms of torture, abuse, or degrading treatment, including Sui Muqing, whom public security officers reportedly kept awake for days on end, and Yin Xu'an, whom security agents repeatedly tortured in an attempt to extract a confession. The lawyers of Wu Gan, another "709" detainee, also reported that Wu had been tortured following their meeting with him at the Tianjin No. 2 Detention Center. Guangdong attorney Sui Muqing, who was detained in July 2015 and held under residential surveillance at an undisclosed location until the end of the year, was reportedly tortured while in custody.

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

The law states that psychiatric treatment and hospitalization should be "on a voluntary basis," but it has loopholes that allow authorities and family members to commit persons to psychiatric facilities against their will and fails to provide meaningful legal protections for persons sent to psychiatric facilities. The law does not

provide for the right to a lawyer and restricts a person's right to communicate with those outside the psychiatric institutions.

According to the *Legal Daily* (a state-owned newspaper covering legal affairs), the Ministry of Public Security directly administered 23 high-security psychiatric hospitals for the criminally insane (also known as anfang facilities). While many of those committed to mental health facilities had been convicted of murder and other violent crimes, there were also reports of activists and petitioners involuntarily subjected to psychiatric treatment for political reasons. Public security officials may commit individuals to anfang facilities and force treatment for "conditions" that have no basis in psychiatry. In February, one domestic NGO reported that it had tracked more than 30 cases of activists "who were forcibly committed to psychiatric institutions in 2015, often without their relatives' knowledge or consent." For example, Shanghai authorities dispatched agents to intercept petitioner Lu Liming when he was en route to Beijing to protest. They detained him in a psychiatric facility, tied him to a bed for days, beat him, and forcibly medicated him.

As of January 2015, the government claimed it was ending the long-standing practice of involuntarily harvesting the organs of executed prisoners for use in transplants. In August the official Xinhua News Agency reported 10,057 organ transplants from voluntary donors were performed in the country in 2015, with transplants expected to increase 40 to 50 percent in 2016. Some international medical professionals and human rights researchers questioned the voluntary nature of the system, the accuracy of official statistics, and official claims about the source of organs. The country has no tradition of organ donorship, and its organ donor system remained fledgling.

Prison and Detention Center Conditions

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

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

Adequate, timely medical care for prisoners remained a serious problem, despite official assurances that prisoners have the right to prompt medical treatment. Prison authorities withheld medical treatment from political prisoners. In April prison officials refused requests to send ailing Guangdong activist Yang Maodong (better known by his pen name Guo Feixiong) to a hospital for medical tests. To protest his treatment, he went on a hunger strike, during which prison officials reportedly force-fed him. Guo was also reportedly routinely tortured. In one attempt to humiliate him, prison officials performed a rectal exam on Guo, videotaped the procedure, and threatened to post the video online. In August authorities transferred him to a different prison hospital, and he ended his hunger strike.

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

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

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

There were no prison ombudsmen per se, but prisoners and detainees are legally entitled to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions. The law states that letters from a prisoner to higher authorities of the prison or to the judicial organs shall be free from examination; it was unclear to what extent the law was implemented. While authorities occasionally investigated credible allegations of inhuman conditions, the results were not documented in a publicly accessible manner. Many prisoners and detainees did not have reasonable access to visitors and could not engage in religious practices.

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

Improvements: In August the Supreme People's Procuratorate published data that favored an "education first" approach towards juvenile crime, specifically focusing on counseling over punishment, according to the Dui Hua Foundation. The same figures showed the number of juvenile arrests later dismissed by the court expanded from 26 percent in 2014 to 29 percent in 2015.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

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

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

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

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

Arrest Procedures and Treatment of Detainees

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

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

The law stipulates that detainees be allowed to meet with defense counsel before criminal charges are filed. Some criminal defense attorneys stated that under the 2013 revised criminal procedure law, their ability to meet with clients improved. In some routine cases, defense attorneys could arrange visits at any time and have private meetings with their clients in detention centers. This generally did not apply to cases considered politically sensitive.

The criminal procedure law requires a court to provide a lawyer to a defendant who has not already retained one, who has various disabilities or is a minor, or who faces a life sentence or the death penalty. This law applies whether or not the defendant is indigent. Courts may also provide lawyers to other criminal defendants who cannot afford them, although courts often did not do so.

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

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

limits this exception to cases involving state security or terrorism, but public security officials have broad discretion to interpret what is “state security.”

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

The law provides for the right to petition the government for resolution of grievances, but many citizens who traveled to Beijing to petition the central government were subjected to arbitrary detention, often by security agents dispatched from the petitioner’s hometown. Petitioners reported harsh treatment by security officials. In February officers from the Fuyou Street Station of the Xicheng District Public Security Bureau in Beijing reportedly beat Qiao Zhigang, the leader of a group of retired and disabled members of the military, and detained many others who had gathered with Qiao to protest the government’s failure to provide promised benefits and compensation.

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

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

There were multiple reports of lawyers, petitioners, and other rights activists being arrested or detained for lengthy periods of time, only to have the charges later dismissed for lack of evidence. Many activists were subjected to extralegal house arrest, denied travel rights, or administratively detained in different types of facilities, including “black jails.” In some cases public security officials put pressure on schools not to allow the children of prominent political detainees to enroll. Conditions faced by those under house arrest varied but sometimes included isolation in their homes under guard by security agents. Security officials were frequently stationed inside the homes. Authorities placed many citizens under house arrest during sensitive times, such as during the visits of senior foreign government officials or preceding the annual plenary sessions of the National People’s Congress, the G20 summit, the anniversary of the Tiananmen massacre, and sensitive anniversaries in Tibetan areas and the XUAR. Some of those not placed under house arrest were taken by security agents to remote areas on so-called forced vacations.

In early September security officials abducted rights lawyer Li Yuhan from the hospital where she was receiving treatment for a heart condition and beat and choked her when she resisted. She was told she would need to take a “vacation” before the G20 Summit to ensure she did not cause trouble. She was held overnight at an undisclosed location, where security officials denied her access to the bathroom. She was released the next day without charges.

Despite being released from prison in 2011, activist Hu Jia remained under extrajudicial house arrest during the year. Human rights lawyer Gao Zhisheng, who was released from prison in 2014, remained confined under strict house arrest.

Pretrial Detention: Pretrial detention could last longer than one year. Defendants in “sensitive cases” reported being subjected to prolonged pretrial detention. Many of the “709” detainees were held in pretrial detention for more than a year without access to their families or their lawyers.

e. Denial of Fair Public Trial

Although the law states that the courts shall exercise judicial power independently, without interference from administrative organs, social organizations, and individuals, the judiciary did not, in fact, exercise judicial power

independently. Judges regularly received political guidance on pending cases, including instructions on how to rule, from both the government and the CCP, particularly in politically sensitive cases. The CCP Central Political and Legal Affairs Commission has the authority to review and direct court operations at all levels of the judiciary. All judicial and procuratorate appointments require approval by the CCP Organization Department.

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

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

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

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

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

Trial Procedures

Although the amended criminal procedure law reaffirms the presumption of innocence, the criminal justice system remained biased toward a presumption of guilt, especially in high-profile or politically sensitive cases. According to the March work report submitted to the National People's Congress (NPC) by the Supreme People's Court (SPC), more than 1.2 million individuals were convicted while 1,039 were acquitted in 2015. The low acquittal rate of less than 1 percent has persisted for many years, although the overall number of acquittals during the year rose from the 778 recorded in 2014.

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

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

Portions of some trials were broadcast, and court proceedings were a regular television feature. In September, Zhou Qiang, the president of the SPC and head of the judiciary, announced the debut of a website, the Chinese Open Trial Network. It offered videos of more than 67,000 criminal, administrative, and civil proceedings, including all open SPC hearings and some select lower court hearings. The CCP leadership of the court involved, however, must approve the streaming of every case.

In keeping with the CCP Central Committee's Fourth Plenum decision to reform certain aspects of the judicial system, the SPC issued updated regulations requiring the release of court judgments online. The regulations, which took effect on October 1, stipulate that court officials should release judgments, with the exception of those involving state secrets and juvenile suspects, within seven days of their adoption. These reforms, aimed at bringing greater transparency to the judicial system, extended to some of the most sensitive political cases. The Dui Hua Foundation reported that it obtained 117 judgments in cases involving state security as of September 30, up from 80 judgments in all of 2015.

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

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

According to Chinese legal experts and statistics reported in domestic media, defense attorneys took part in less than 20 percent of criminal cases; in some provinces it was less than 12 percent. In particular human rights lawyers reported that authorities did not permit them to effectively defend certain clients or threatened them with punishment if they chose to do so. Some lawyers declined to represent defendants in politically sensitive cases, and such defendants frequently found it difficult to find an attorney. When defendants were able to retain counsel in politically sensitive cases, government officials often prevented attorneys from organizing an effective defense. In some instances authorities prevented attorneys selected by defendants from taking the case and appointed a court attorney to the case instead.

Tactics employed by court and government officials included unlawful detentions, disbarment, harassment and physical intimidation, and denial of access to evidence and to clients. In June police beat Guangxi lawyer Wu Liangshu for refusing a body search by court police when he filed a lawsuit with the People's Court in Nanning. Police suspected he was recording their conversations in court. Wu emerged from the courthouse partially stripped with his clothes torn.

The government suspended or revoked the business licenses or law licenses of those who took on sensitive cases, such as defending prodemocracy dissidents, house-church activists, Falun Gong practitioners, or government critics. Authorities used the annual licensing review process administered by the All China Lawyers Association to withhold or delay the renewal of professional lawyers' licenses. In April lawyer Pu Zhiqiang was formally disbarred following the three-year suspended prison term he was given in December 2015 for his online comments critical of CCP rule.

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

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

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

In 2015 the Ministry of Justice announced a rule that requires assigning lawyers to convicted prisoners on death row who cannot afford one during the review of their sentences. The number of capital offenses in the criminal code was reduced to 46 in 2015. Official figures on executions were classified as a state secret. According to the Dui Hua Foundation, the number of executions fell to 2,400 in 2013, down from a high of 24,000 in 1983. The drop reflected the reform of the capital punishment system initiated in 2007, but the number of executions since 2013 stabilized or even increased. Dui Hua also reported that an increase in the number of Uighur executions likely offset the drop in the number of Han Chinese executed.

Political Prisoners and Detainees

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

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

In August, four men were convicted of the political crime of “subversion of state power” as a result of the 2015 “709” crackdown on public interest legal activism. Zhou Shifeng, the founder of the Beijing Feng Rui Law Firm, was sentenced to seven years for subversion. The media reported that prosecutors stated Zhou had “conspired with foreign governments,” and Zhou reportedly confessed to his crimes in a statement that some observers interpreted as a protest of the ruling. As recently as 2012, Beijing municipal authorities honored Zhou with recognition as a “Beijing Excellent Lawyer” for three straight years. His law firm was known for its legal activism and had represented clients in high-profile cases, including the 2008 melamine milk scandal.

In August authorities sentenced democracy activist and unregistered church leader Hu Shigen to seven years in prison for “subversion of state power.” The media reported he pled guilty, and his was one of the longer sentences among those detained during the “709” crackdown. In the same week, Feng Rui associate Zhai Yanmin and Christian activist Guo Hongguo were also convicted of the same charges, although both received suspended sentences.

In September the Beijing Municipal No. 2 Intermediate Court sentenced human rights lawyer Xia Lin, who previously represented artist Ai Weiwei, to 12 years’ imprisonment on charges of fraud. Supporters said that the charges were baseless and that authorities targeted Xia for his efforts to support human rights activists.

Many political prisoners remained in prison or under other forms of detention at year’s end, including writer Yang Maodong (Guo Feixiong); Uighur scholar Ilham Tohti; anticorruption activist Xu Zhiyong; Wang Bingzhang; activist Liu Xianbin; Zhou Yongjun; online dissident Kong Youping; Roman Catholic bishops Ma Daqin and Su Zhimin; pastor Zhang Shaojie; Falun Gong practitioner Bian Lichao; lawyers or legal associates Li Heping, Wang Quanzhang, Xie Yanyi, Xie Yang, and Li Chunfu; blogger Wu Gan; and many others. Nobel Peace Prize laureate Liu Xiaobo remained in Jinzhou Prison in Liaoning Province. His wife, Liu Xia, remained under surveillance and faced continued restrictions on her freedom of movement.

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

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

According to the 2015 *China Law Yearbook*, in 2014 authorities indicted 1,411 individuals for “endangering state security,” an increase of 2 percent from 2013. Based on figures in the report of the Supreme People’s Court to the 2016 plenary session of the National People’s Congress, the Dui Hua Foundation estimated that approximately 500 “endangering state security” trials took place in 2015, down from approximately 1,000 in 2014, a decline believed to be due to the reclassification of crimes. Offenses previously considered as “endangering state security” were, starting in 2015, increasingly dealt with as “terrorism” and “disturbing social order,” including a charge frequently used against activists called “picking quarrels and provoking trouble.”

Civil Judicial Procedures and Remedies

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

state compensation because of the high cost of bringing lawsuits, low credibility of courts, and citizens' lack of awareness of the law. Victims' claims were difficult to assess because of vague definitions in the law and difficulties in obtaining evidence of damage. Judges were reluctant to accept such cases, and government agencies seldom ruled in favor of plaintiffs.

In some cases authorities pressured plaintiffs to drop their lawsuits. On May 1, Chen Wenying dropped her suit against the Xinhua News Agency and China Central Television (CCTV) for allegedly falsely accusing her son, labor rights activist Zeng Feiyang, of committing fraud. Chen decided to withdraw the lawsuit after she and her family began to receive threats from the government.

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

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

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

In September the General Office of the CCP Central Committee and the PRC State Council issued a directive mandating the establishment of a centralized "social credit system" to evaluate the trustworthiness of all individuals and companies in the country. Each person and company is to be assigned a score on the basis of information collected from the internet as well as public records. The directive's goal is "to construct a credit-monitoring, warning, and punishment system" that operates on the principle that "if trust is broken in one place, restrictions are imposed everywhere." It details a wide range of privileges that could be denied and punishments that could be imposed for "trust-breaking" conduct, including subjecting individuals and companies to targeted daily monitoring, random inspections, and possible arrest and criminal prosecution. The directive requires that an individual's score be considered when he or she attempts to establish a social organization, and it singles out lawyers and law firms for restrictions if they engage in "trust-breaking" conduct.

According to media reports, the Ministry of Public Security used tens of millions of surveillance cameras throughout the country to monitor the general public. In 2015 the Beijing Municipal Public Security Bureau announced it had "covered every corner of the capital with a video surveillance system." Human rights groups stated that authorities increasingly relied on video and other forms of surveillance to monitor and intimidate political dissidents, Tibetans, and Uighurs. The monitoring and disruption of telephone and internet communications were particularly widespread in the XUAR and Tibetan areas. The Cybersecurity Law passed in November codified the authority of security agencies to cut communication networks across an entire geographic region during "major security incidents," although they have previously exercised this authority prior to passage of the Cybersecurity Law.

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

Property-related disputes between citizens and government authorities sometimes turned violent. These disputes frequently stemmed from local officials' collusion with property developers to pay little or no compensation to displaced residents, combined with a lack of effective government oversight or media scrutiny of local officials' involvement in property transactions as well as a lack of legal remedies or other dispute resolution mechanisms for displaced residents. The problem persisted despite central government claims it had imposed stronger controls over illegal land seizures and taken steps to standardize compensation. Redevelopment in traditional Uighur neighborhoods in cities throughout the XUAR resulted in the destruction of historically or culturally important areas. Some residents expressed opposition to the lack of proper compensation by the government and the coercive measures used to obtain their agreement to redevelopment.

There were several reports of authorities confiscating traditional pastoral lands from ethnic Mongolian herders for development in the Inner Mongolia Autonomous Region. In August authorities in Shin-Barag Left Banner forcibly evicted ethnic Mongolian herders from their pastoral lands they had grazed for generations under a legal contract with the government. Media and private sources reported that paramilitary officers placed the region under a security lockdown and detained 10 herders, charging one named Huubshalat with "separatism."

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

In late February prominent real estate developer Ren Zhiqiang criticized President Xi’s call for media outlets to display absolute loyalty to the CCP. In two social media posts, Ren urged the CCP not to waste taxpayer money and opined, “Since when did the people’s government become the party’s government?” The government consequently stripped Ren Zhiqiang of his social media accounts, which had an estimated 37 million followers. The *New York Times* reported on March 11 that Xinhua News Agency employee Zhou Gang issued an online letter accusing government censors of silencing critics, apparently in response to the Ren case.

Two weeks after President Xi’s visit to state media, anonymous authors posted a letter online calling for him to resign “for the future of the country and the people.” The authors claimed to be “loyal Communist Party members.” Authorities promptly shut down *Wujie News*, the news website that carried the letter, and detained journalists, such as Jia Jia, whom security agents apprehended at the Beijing airport en route to Hong Kong. According to contacts and news reports, all *Wujie News* staff were later released.

In April online commentator Tian Li (also known as Chen Qitang) was tried for “inciting subversion of state power.” His verdict was suspended for a third time, with no announcement made before the end of the year. The charges stemmed from six political commentaries Chen had posted, three of which he had personally written. The prosecution said the articles represented a “harsh attack” on the CCP.

In November, Liu Feiyue, the founder of the Civil Rights and Livelihood Watch website, was detained on charges of “inciting state subversion” in Hubei Province. He had been detained and released earlier in the year when he tried to cover the CCP Central Committee’s sixth plenary session in Beijing.

Huang Qi, founder of the Tianwang Human Rights Center, was detained on November 28 and formally charged with “illegally providing state secrets abroad” on December 16. Authorities had long taken action against Huang for his efforts to document human rights abuses in the country on his 64Tianwang.com website. Previously convicted of “inciting subversion of state power” and “illegally possessing state secrets” in 2003 and 2008, he served five and three years in prison, respectively.

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

The government continued to strictly monitor the press and media, including film and television, via its broadcast and press regulatory body, the State Administration of Press, Publication, Radio, Film, and Television (SAPPRFT). The Cyberspace Administration of China (CAC) regulates online news media. All books and magazines continued to require state-issued publication numbers, which were expensive and often difficult to obtain. As in the past, nearly all print and broadcast media as well as book publishers were affiliated with the CCP or government. There were a small number of print publications with some private ownership interest but no privately owned television or radio stations. There were growing numbers of privately owned online media. The CCP directed the domestic media to refrain from reporting on certain subjects, and traditional broadcast programming required government approval. The SAPPRFT announced that satellite television channels may broadcast no more than two imported television programs each year during prime-time hours and that imported programs must receive the approval of local regulators at least two months in advance.

In a well-publicized February 19 visit to the three main state and CCP news organizations--the Xinhua News Agency, CCTV, and the *People’s Daily*--President Xi said, “Party and state-run media are the propaganda

battlefield of the party and the government, [and] must bear the surname of the party. All of the party's news and public opinion work must embody the party's will, reflect the party's ideas, defend the authority of the Party Central Committee, [and] defend the unity of the party."

In March the prominent Chinese financial magazine *Caixin* defied the government by highlighting censorship of its online content. On March 5, *Caixin* published an article pointing out how the CAC had deleted an interview with Jiang Hong, a delegate to the advisory Chinese People's Political Consultative Conference, because it touched on the issue of free speech. The CAC told *Caixin* editors the interview contained "illegal content" and "violated laws and regulations."

Both the SAPPRFT and CAC continued efforts to reassert control over the country's growing world of new media. In December the SAPPRFT announced that commercial social media platforms like WeChat and Weibo are not allowed to disseminate user-generated audio or video programs about current events and are only supposed to distribute content from those that hold state-issued audiovisual online transmission licenses.

Violence and Harassment: The government frequently impeded the work of the press, including citizen journalists. Journalists reported being subjected to physical attack, harassment, and intimidation when reporting on sensitive topics. Government officials used criminal prosecution, civil lawsuits, and other punishment, including violence, detention, and other forms of harassment, to intimidate authors and journalists and to prevent the dissemination of unsanctioned information on a wide range of topics. A journalist could face demotion or job loss for publishing views that challenged the government.

Family members of journalists based overseas also faced harassment, and in some cases detention, as retaliation for the reporting of their relatives abroad. In March authorities detained the siblings of the Germany-based writer Zhang Ping after he wrote an article criticizing the government for its role in the disappearance of journalist Jia Jia. The family members, detained in Xichong County, Sichuan Province, were released several days later, and Zhang later publicly said he had "cut off ties" in order to protect them.

Uighur webmasters Dilshat Perhat and Nijat Azat continued to serve sentences for "endangering state security." During the year additional journalists working in traditional and new media were also imprisoned.

Liu Yuxia, front-page editor of the *Southern Metropolis Daily*, once considered a bastion for relatively independent views, was dismissed in March after the headline of one of the newspaper's front-page stories about the burial of a prominent reformer was seen as a veiled criticism of President Xi's admonition that the media "bear the surname of the party." If the Chinese characters of the headline about the sea burial were read vertically in conjunction with the headline about President Xi's call for loyalty by the media, as both headlines appeared in proximity on the same page, the combined headline could be interpreted as "the souls of Chinese media have died because they bear the party's name."

Li Xin, another former editor for the *Southern Metropolis Daily's* website, disappeared in Thailand and reappeared in China under detention after reportedly seeking political asylum in Thailand. Yu Shaolei, who edited the newspaper's cultural section, also resigned in late March. Yu reportedly posted a photograph of his resignation form on Weibo, citing his "inability to bear your surname." One *Southern Metropolis Daily* journalist was quoted as stating, "We think it won't get any worse and then it does. We are being strangled."

Four of the five Hong Kong booksellers who disappeared between October and December 2015 were released but remained under surveillance (see section 1.b.). In June, Zhu Tiezhi, the deputy editor in chief of *Qiushi*, the CCP's foremost theoretical journal, reportedly hanged himself in the garage of the building where the journal was housed. Media outlets reported that Zhu had been depressed by ideological infighting within the CCP and was linked to Ling Jihua, one of former president Hu Jintao's closest aides, who became a prime target in President Xi's anticorruption campaign.

In December security officials in Gannan County, Heilongjiang Province, detained and beat journalists Liu Bozhi and Liu Dun from *China Educational News* after they investigated reports of financial irregularities in public school cafeterias.

In July the state-controlled Chinese Academy of National Arts announced on its website that it had removed the existing management of the monthly magazine *Yanhuang Chunqiu*, including its 93-year-old publisher and cofounder Du Daozheng. The magazine was known as an "intellectual oasis" in which topics like democracy and other "sensitive" issues could be discussed, and it had a reputation for publishing views on politics and history that challenged CCP orthodoxy. Observers saw the removal of Du along with several other senior staff including Hu Dehua, the son of late reformist CCP leader Hu Yaobang, as a threat to one of the country's last strongholds of liberal thought. The magazine's chief editor Yang Jisheng quit in 2015 in protest of increasing censorship. Following the forced reshuffle, Du suspended the publication on July 19, and it had not resumed operations by year's end.

In September journalists were attacked, detained, and expelled from Wukan, a fishing village in Guangdong Province, as they tried to conduct interviews following protests over alleged land seizures and the detention of the elected village chief. Wukan was the site of protests in 2011 over land seizures and corruption, to which the provincial government responded by allowing villagers to elect their local leader.

Foreign journalists based in the country continued to face a challenging environment for reporting. According to the annual *Reporting Conditions* survey of the Foreign Correspondents' Club of China (FCCC) conducted during the year, 98 percent of respondents did not believe reporting conditions in the country met international standards. In addition, 48 percent of respondents believed working conditions had stayed the same since the previous year, while 29 percent believed conditions had deteriorated. Fifty-seven percent said they had been subjected to some form of interference, harassment, or violence while attempting to report from the country.

Restrictions on foreign journalists by central and local CCP propaganda departments remained strict, especially during sensitive times and anniversaries. Foreign press outlets reported that local employees of foreign news agencies were also subjected to official harassment and intimidation and that this remained a major concern for foreign outlets. The FCCC's survey reported that 26 percent of respondents described interference or obstruction by police or "unidentified individuals" while reporting. Eight percent of respondents reported being subjected to "manhandling or physical violence," a 3 percent increase from 2015. In addition, FCCC members reported physical and electronic surveillance of their staff and premises.

Although authorities continued to use the registration and renewal of residency visas and foreign ministry press cards to pressure and punish journalists whose reporting perturbed authorities, wait times were reportedly shorter for many applicants than in previous years. Many foreign media organizations continued to have trouble expanding their operations in the country due to the difficulty of receiving visas for new positions. Government officials continued to require regular meetings with journalists at the time of their renewals or after seeing reports they deemed "sensitive," at which officials commonly made clear to reporters they were under scrutiny for their reporting. Security personnel often visited reporters unannounced and questioned them about their reporting activities.

Authorities continued to enforce tight restrictions on citizens employed by foreign news organizations. The code of conduct for citizen employees of foreign media organizations threatens dismissal and loss of accreditation for those citizen employees who engage in independent reporting. It instructs them to provide their employers information that projects "a good image of the country." Several FCCC members reported local assistants had been summoned for meetings with security officials that the assistants found extremely intimidating. One foreign correspondent said security officials had called her local assistant a "traitor" and asked her why she was willing to help the foreign press with its "anti-China bias."

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

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

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

The CCP Central Propaganda Department ordered media outlets to adhere strictly to the information provided by authoritative official departments when reporting on officials suspected of involvement in graft or bribery. Throughout the year the Central Propaganda Department issued similar instructions regarding various prominent events. Directives often warned against reporting on issues related to party and official reputation, health and safety, and foreign affairs. The orders included instructions for media outlets not to investigate or report on their own. The CAC and SAPPRFT strengthened regulations over the content online publications are allowed to distribute, reiterating long-standing rules that only state-licensed news media may conduct original reporting.

The FCCC reported that it was still largely impossible for foreign journalists to report from the TAR, other Tibetan areas, or Xinjiang without experiencing serious interference. Those who took part in government-sponsored trips to the TAR and other Tibetan areas expressed dissatisfaction with the access provided. Of those who tried to report from Tibetan areas, 60 percent reported problems, while 44 percent had trouble in

Xinjiang. Foreign reporters also experienced restricted access and interference when trying to report in other sensitive areas, including the North Korean border, coal mining sites where protests had taken place, and other sites of social unrest, such as Wukan village in Guangdong Province.

Authorities continued to jam, with varying degrees of success, Chinese-, Uighur-, and Tibetan-language broadcasts of the Voice of America (VOA), the BBC, and Radio Free Asia. English-language VOA broadcasts generally were not jammed. Internet distribution of streaming radio news and podcasts from these sources was often blocked. Despite the jamming of overseas broadcasts, the VOA, the BBC, Radio Free Asia, Deutsche Welle, and Radio France International had large audiences, including human rights advocates, ordinary citizens, and government officials.

Overseas television newscasts, largely restricted to hotels and foreign residence compounds, were occasionally subject to censorship. Individual issues of foreign newspapers and magazines occasionally were banned when they contained articles deemed too sensitive.

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

In November the NPC Standing Committee passed a Cybersecurity Law containing a provision that appeared to be aimed at deterring economists and journalists from publishing analysis that deviated from official views on the economy. Article 12 of the law criminalizes using the internet to “fabricate or spread false information to disturb economic order.” In January authorities blocked Reuters’ social media account on the Chinese platform Sina Weibo following a report that the country’s securities regulator Xiao Gang had offered to resign. The government stated that the Reuters report was not accurate, but a month later state media announced Xiao had been forced out.

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

Many intellectuals and scholars exercised self-censorship, anticipating that books or papers on political topics would be deemed too sensitive to be published.

Actions to Expand Press Freedom: The Ministry of Foreign Affairs began implementing a new system for journalist visa renewals and press card issuance. There were few complaints, but there was insufficient evidence to comment on the situation at the year’s end. Delays persisted in the approval process to expand foreign bureaus as well as visa applications for short-term reporting tours.

Internet Freedom

The internet continued to be widely available and used. According to an official report released in August by the China Internet Network Information Center, the country had 710 million internet users, accounting for 51.7 percent of its total population. The report noted 21.3 million new internet users in the first half of the year, with approximately 191 million going online from rural areas. Major media companies estimated that more than 500 million persons, mainly urban residents, obtained their news from social and online media sources. According to the 2016 *Chinese Media Blue Book*, online media organizations accounted for 47 percent of the country’s entire media industry.

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

During the year there was a steady stream of new regulatory efforts to tighten government control of the online media space that had grown rapidly in the last four years, including draft regulations on strengthening government control of internet news services and online publishing.

The government’s updated definition of “internet news information” includes all matters pertaining to politics, economics, defense, diplomacy and “other social public issues and reports and comments of breaking social events.” Draft regulations require that all news reports conform to official views, establish a “dishonesty blacklist” system, and expand criminal penalties for violators.

In June the State Internet Information Office published a *Circular on Further Strengthening the Management and Control of False News*, which prohibits online platforms from publishing unverified content as news reports and strengthens regulation on the editing and distribution of news on online platforms, including microblogs and WeChat. The circular prohibits websites from publishing “hearsay and rumors to fabricate news or distort facts based on speculation.”

During the year the State Internet Information Office reportedly strengthened efforts to “punish and correct” false online news, reprimanding numerous popular portals, such as Sina, iFeng, and Caijing, and calling on the public to help monitor and report on “illegal and harmful information” found online.

On June 25, the CAC released *New Regulations on Internet Searches* that took effect August 1. The regulations specifically ban search engines from showing “subversive” content and obscene information, longstanding prohibitions for local website operators.

On June 28, the CAC released new *Regulations on the Administration of Mobile Internet App Services* that also took effect on August 1. The new rules expand the application of some requirements to app stores, such as Apple’s iTunes App Store, and developers and require mobile app providers to verify users’ identities with real-name registration, improve censorship, and punish users who spread “illicit information” on their platforms. The rules prescribe broad and vaguely worded prohibitions on content that “endangers national security,” “damages the honor or interests of the state,” “propagates cults or superstition,” or “harms social ethics or any fine national culture or traditions.” At year’s end authorities required Apple to remove the *New York Times* English- and Chinese-language news apps from its iTunes App Store in the country. At least three apps were known to have been blocked since April.

In August the CAC called for an “editor in chief” system, ensuring that senior staff are responsible for online editorial decisions contrary to the government’s wishes or censorship guidelines. In September media outlets also reported the CAC had launched a campaign to clean up the comments sections on websites, which a CAC official described as an effort to make it easier for individuals to report illegal or harmful content.

In April, GreatFire.org, a website run by activists tracking online censorship in the country, reported that 21 percent of more than 40,000 domains, web links, social media searches, and internet protocol addresses that it monitors in the country were blocked. In addition to social media websites such as Facebook, the government continued to block almost all access to Google websites, including its e-mail service, photograph program, map service, calendar application, and YouTube.

Government censors continued to block websites or online content related to topics deemed sensitive, such as Taiwan, the Dalai Lama, Tibet, the 1989 Tiananmen massacre, and all content related to the Panama Papers. The *Economist*, for example, was blocked in April after it printed an article critical of President Xi’s consolidation of power. Many other websites for international media outlets, such as the *New York Times*, the *Wall Street Journal*, and *Bloomberg*, remained perennially blocked, in addition to human rights websites, such as those of Amnesty International and Human Rights Watch.

Authorities continued to jail numerous internet writers for their peaceful expression of political views. In June authorities in Yunnan Province detained citizen journalists Lu Yuyu and Li Tingyu on suspicion of “picking quarrels and provoking trouble” as a result of their reporting. Li and Lu compiled and catalogued daily lists of “mass incidents”—the official term for protests, demonstrations, and riots—and disseminated their findings to the public via social media platforms, such as Weibo. Public security officials reportedly beat Lu, choked him, and twisted his arms until he was badly bruised. Reporters without Borders stated that Lu and Li were among 80 detained citizen journalists and bloggers.

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

While such censorship was effective in keeping casual users away from websites hosting sensitive content, some users circumvented online censorship through the use of various technologies. Information on proxy servers outside the country and software for defeating official censorship were available inside the country, but the government increasingly blocked access to the websites and proxy servers of commercial, academic, and other virtual private network providers.

The State Secrets Law obliges internet companies to cooperate with investigations of suspected leaks of state secrets, stop the transmission of such information once discovered, and report the crime to authorities. Furthermore, the companies must comply with authorities’ orders to delete such information from their websites; failure to do so is punishable by relevant departments, such as police and the Ministry of Public Security.

At the World Internet Conference in China in November, Ren Xianling, the vice minister for the CAC, called on participants to embrace state control of the internet and likened such controls to “installing brakes on a car before driving on the road.” Xi Jinping opened the conference with a videotaped address in which he reasserted earlier claims that the government exercised absolute control over the internet in the country through “cyber sovereignty.”

Academic Freedom and Cultural Events

The government continued restrictions on academic and artistic freedom and on political and social discourse at colleges, universities, and research institutes. Restrictive SAPPRFT and Central Propaganda Department regulations and decisions constrained the flow of ideas and persons. In 2013 the *South China Morning Post* reported that the CCP issued secret instructions to university faculty identifying seven “off-limits” subjects, including universal values, freedom of the press, civil society, civil rights, an independent judiciary, elite cronyism, and the historical errors of the CCP. Some academics self-censored their publications, faced pressure to reach predetermined research results, or were unable to hold conferences with international participants during politically sensitive periods. Foreign academics claimed the government used visa denials, along with blocking access to archives, fieldwork, or interviews, to pressure them to self-censor their work.

In 2015 then minister of education Yuan Guiren restricted the use of foreign textbooks in classrooms. Domestically produced textbooks remained under the editorial control of the CCP. In January, Reuters reported that the CCP Central Commission for Discipline Inspection had set up a team at the Ministry of Education that was “increasing supervision and inspection of political discipline” with the stated purpose, among other things, of preventing CCP members on university campuses from making “irresponsible remarks about major policies.” In addition, schools at all levels were required to merge “patriotic education” into their curriculum and extracurricular activities. The government and the CCP Organization Department controlled appointments to most leadership positions at universities, including department heads. While CCP membership was not always a requirement to obtain a tenured faculty position, scholars without CCP affiliation often had fewer chances for promotion.

In July, Chen Baosheng became minister of education, and one of his first acts was to establish a Commission on University Political Education to strengthen ideological discipline within the higher education system. At a press conference in March, Yuan highlighted the centrality of political indoctrination in the education system, declaring “the goal and orientation of running schools is to make our students become people qualified to inherit and build up socialism with Chinese characteristics.” The CCP continued to require undergraduate students, regardless of academic major, to complete political ideology coursework on subjects such as Marxism, Maoism, and Deng Xiaoping thought.

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

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

Censorship and self-censorship of artistic works was common, particularly those artworks deemed to involve politically sensitive subjects. In addition, authorities scrutinized the content of cultural events and applied pressure to encourage self-censorship of discussions. In March a cafe was effectively prevented from holding an event discussing online censorship in the country after security agents threatened one of the visiting Chinese participants.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

The law protects an individual's ability to petition the government, but persons petitioning the government faced restrictions on their rights to assemble and raise grievances (see section 1.d.).

While the central government reiterated prohibitions against blocking or restricting "normal petitioning" and against unlawfully detaining petitioners, official retaliation against petitioners continued. This was partly due to central government regulations that took effect in 2015 requiring local governments to resolve complaints within 60 days and stipulating that central authorities will no longer accept petitions already handled by local or provincial governments. The regulations encourage all litigation-related petitions to be handled at the local level through local or provincial courts, reinforcing a system of incentives for local officials to prevent petitioners from raising complaints to higher levels. It also resulted in local officials sending security personnel to Beijing and forcibly returning petitioners to their home provinces to prevent them from filing complaints against local officials with the central government. Such detentions often went unrecorded and often resulted in brief periods of incarceration in extralegal "black jails."

Petitioners faced harassment, illegal detention, and even more severe forms of punishment when attempting to travel to Beijing to present their grievances.

Citizens throughout the country continued to gather publicly to protest evictions, forced relocations, and inadequate compensation, often resulting in conflict with authorities or other charges.

Although peaceful protests are legal, public security officials rarely granted permits to demonstrate. Despite restrictions, many demonstrations occurred, but those motivated by broad political or social grievances were broken up quickly, sometimes with excessive force.

In June authorities arrested Wukan's popularly elected village mayor, Lin Zuluan, on corruption charges. On September 8, Lin was convicted and sentenced to three years in prison and fined 200,000 yuan (\$29,000). Large numbers of villagers took to the streets to protest what they considered bogus charges brought against Lin because of his resistance to land confiscation by higher-level authorities. Authorities deployed large numbers of riot police and used tear gas and rubber bullets to disperse the protest. Public security forces reportedly beat villagers at random, forcibly entered private homes to detain individuals suspected of participating in the protests, and prevented anyone from entering or leaving the village. The authorities also reportedly detained, interrogated, and assaulted foreign journalists, offering rewards for information leading to their detention. At year's end dozens of villagers remained in detention, and at least 13 individuals suspected of leading the protest had been charged with crimes.

In July, thousands of citizens took to the streets in Lubei to protest plans for a new incinerator plant. Local citizens were concerned the plant would contaminate drinking water. The BBC reported that 21 protest leaders were detained, and other media reports indicated that the protests turned violent.

Rights lawyers and activists who advocated for nonviolent civil disobedience were detained, arrested, and in some cases sentenced to prison terms. In January a Guangzhou court convicted Tang Jingling, Yuan Xinting, and Wang Qingying of "inciting subversion of state power," citing their promotion of civil disobedience and the peaceful transition to democratic rule as evidence. Media outlets reported the men were also signatories of the Charter 08 manifesto advocating political reform.

In April human rights activist Su Changlan stood trial at Foshan Intermediate Court on charges of "incitement to subvert state power" for activities in support of the 2014 Hong Kong prodemocracy movement. Five activists who gathered outside the court in support of Su were detained briefly. Authorities detained Su in 2014 and had held her for more than two years without sentencing her. She was refused a request for medical parole in September. Her husband reported being under police surveillance.

Concerts, sports events, exercise classes, or other meetings of more than 200 persons require approval from public security authorities. Large numbers of public gatherings in Beijing and elsewhere were not revived during the year after being canceled at the last minute or denied government permits in 2015, ostensibly under the guise of ensuring public safety.

Freedom of Association

The constitution provides for freedom of association, but the government restricted this right. CCP policy and government regulations require that all professional, social, and economic organizations officially register with and receive approval from the government. These regulations prevented the formation of autonomous political, human rights, religious, spiritual, labor, and other organizations that the government believed might challenge its authority in any area.

The government maintained tight controls over civil society organizations and in some cases detained or harassed NGO workers.

In January authorities detained a Swedish NGO worker, Peter Dahlin, on charges of endangering state security. He had worked for an organization that trained and supported activists and lawyers seeking to “promote the development of the rule of law.” After being paraded on state television in what his friends and colleagues characterized as a forced confession, which included an apology for “hurting the Chinese government and the Chinese people,” authorities deported Dahlin from the country.

On April 15, police detained 15 human rights activists while they ate dinner in a restaurant in Guangzhou. The activists had planned to gather at the Guangzhou Municipal Intermediate People’s Court the next day to show support for four prominent activists who faced charges of subversion for expressing their support for Hong Kong’s 2014 prodemocracy protest movement.

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

On August 22, the CCP Central Committee issued a directive mandating the establishment of CCP cells within all domestic NGOs by 2020. According to authorities, these CCP organizations operating inside domestic NGOs would “strengthen guidance” of NGOs in areas such as “decision making for important projects, important professional activities, major expenditures and funds, acceptance of large donations, and activities involving foreigners.” The directive also mandates that authorities conduct annual “spot checks” to ensure compliance on “ideological political work, party building, financial and personnel management, study sessions, foreign exchange, acceptance of foreign donations and assistance, and conducting activities according to their charter.” An editorial in the CCP’s official mouthpiece, the *People’s Daily*, explained how the CCP intends to transform social organizations into CCP affiliates: “Social organizations are important vehicles for the party to connect with and serve the masses; strengthening the party’s leadership is the basic guarantee of accelerating the healthy and orderly development of social organizations. We must fully bring into play the combat fortress function of party cells within social organizations.”

In April the NPC Standing Committee passed the Law on the Management of Foreign NGOs’ Activities within Mainland China (Foreign NGO Management Law), which was scheduled to go into effect in January 2017. The law requires foreign NGOs to register with the Ministry of Public Security and to find a state-sanctioned sponsor for their operations. NGOs that fail to comply face possible civil or criminal penalties. The law provides no appeal process for NGOs denied registration, and it stipulates that NGOs found to have violated certain provisions could be placed on a “blacklist” and barred from operating in the country.

Although the law had not yet gone into effect, some international NGOs reported that it became more difficult to work with local partners, including universities, government agencies, and other domestic NGOs, as the law codified the CCP’s perception that foreign NGOs were a “national security” threat. Finding an official sponsor was also difficult for foreign NGOs, as sponsors could be held responsible for the NGO’s conduct and had to undertake burdensome reporting requirements. Implementation guidelines and a list of permissible government sponsors were released less than a month before implementation, leaving NGOs uncertain how to comply with the law. Even after a list of sponsors was published, NGOs reported that most government agencies had no unit responsible for sponsoring foreign NGOs. The vague definition of an NGO, as well as of what activities constituted “political” and therefore illegal activities, also left many business organizations and alumni associations uncertain whether they fell under the purview of the law. The lack of clear communication from the government, coupled with harassment by security authorities, caused some foreign NGOs to suspend or cease operations in the country, even before the law took effect.

According to the Ministry of Civil Affairs, by June there were more than 670,000 legally registered social organizations, public institutions, and foundations. According to the Ministry of Public Security, in August there were more than 7,000 foreign NGOs. Many experts believed the actual number of domestic NGOs to be much higher. Domestic NGOs reported that foreign funding dropped during the year, as many domestic NGOs sought to avoid such funding for fear of being labeled as “subversive” in the face of growing restrictions imposed by new laws. NGOs existed under a variety of formal and informal guises, including national mass organizations created and funded by the CCP that are organizationally prohibited from exercising any independence, known as government-operated NGOs or GONGOS.

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

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

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

No laws or regulations specifically governed the formation of political parties. The Chinese Democracy Party (CDP) remained banned, and the government continued to monitor, detain, and imprison current and former CDP members. Activists Chen Shuqing and Lu Gengsong, who had been active with the banned CDP, were sentenced to more than 10 years' imprisonment on charges of "subversion of state power" in June.

c. Freedom of Religion

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

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

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

Abuse of Migrants, Refugees, and Stateless Persons: There were reports that North Korean agents operated clandestinely within the country to forcibly repatriate North Korean citizens. According to press reports, some North Koreans detained by Chinese authorities faced repatriation unless they could pay bribes to secure their release.

In-country Movement: Authorities heightened restrictions on freedom of movement, particularly to curtail the movement of individuals deemed politically sensitive before key anniversaries, visits by foreign dignitaries, or major political events, as well as to forestall demonstrations. Freedom of movement for Tibetans continued to be very limited in the TAR and other Tibetan areas. Public security officers maintained checkpoints in most counties and on roads leading into many towns as well as within major cities, such as Lhasa. Restrictions were not applied to Han Chinese migrants or tourists in Tibetan areas.

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

A 2014 State Council legal opinion removed restrictions on rural migrants seeking household registration in small and mid-sized towns and cities. The regulations base household registrations on place of residence and employment instead of place of birth. The opinion exempts cities with large populations.

The household registration system added to the difficulties faced by rural residents, even after they relocated to urban areas and found employment. According to the *Statistical Communique of the People's Republic of China on 2015 National Economic and Social Development* published by the Ministry of Human Resources and Social Security, 294 million persons lived outside the jurisdiction of their household registration. Of that number, 247 million individuals worked outside their home district. Many migrant workers and their families faced numerous obstacles with regard to working conditions and labor rights. Many were unable to access public services, such

as public education for their children or social insurance, in the cities where they lived and worked because they were not legally registered urban residents. Poor treatment and difficulty integrating into local communities contributed to increased unrest among migrant workers in the Pearl River Delta. Migrant workers had little recourse when abused by employers and officials. Some major cities maintained programs to provide migrant workers and their children access to public education and other social services free of charge, but migrants in some locations reported difficulty in obtaining these benefits due to onerous bureaucratic processes.

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

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

Border officials and police cited threats to “national security” as the reason for refusing permission to leave the country. Authorities stopped most such persons at the airport at the time of their attempted travel. In January authorities detained journalist Jia Jia at the Beijing airport as he attempted to board a flight to Hong Kong. They held him for nearly two weeks with no charges and interrogated him about an open letter published online calling for Xi Jinping to resign.

Most citizens could obtain passports, although individuals the government deemed potential political threats, including religious leaders, political dissidents, petitioners, and ethnic minorities, routinely reported being refused passports or otherwise prevented from traveling overseas. The passport of former political prisoner and Falun Gong practitioner Wang Zhiwen was physically cancelled at a border checkpoint as he attempted to leave the country.

Uighurs, particularly those residing in the XUAR, reported great difficulty in getting passport applications approved at the local level. They were frequently denied passports to travel abroad, particularly to Saudi Arabia for the Hajj, to other Muslim countries, or to Western countries for academic purposes. Since October authorities ordered residents in some areas of the XUAR to turn in their passports or told residents no new passports were available. The passport recall, however, was not limited to Uighur areas. Family members of Uighur activists living overseas were also denied visas to enter the country.

Uighurs in the XUAR also faced restrictions on movement within the XUAR itself. Although the use of “domestic passports” that called for local official approval before traveling to another area was discontinued in May, identification checks remained in place when entering cities and on public roads. Reuters reported that authorities required applicants for travel documents to provide extra information prior to the month of Ramadan. For example, residents in the Ili Kazakh Autonomous Prefecture in the XUAR had to provide DNA samples, fingerprints, and voice recordings in order to apply for travel documents, according a local government newspaper in June.

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

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

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

Protection of Refugees

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

Authorities continued to repatriate North Korean refugees forcibly, including trafficking victims, generally treating them as illegal economic migrants. The government detained and deported such refugees to North Korea, where they faced severe punishment or death, including in North Korean forced-labor camps. The government did not provide North Korean trafficking victims with legal alternatives to repatriation. The government continued to prevent UNHCR from having access to North Korean or Burmese refugees. Authorities sometimes detained and prosecuted citizens who assisted North Korean refugees as well as those who facilitated illegal border crossings.

In some instances the government pressured neighboring countries to return asylum seekers or UNHCR-recognized refugees to China. At year's end India was reportedly preparing to return to China two Uighur asylum seekers who had been convicted of crimes in India.

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

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

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

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

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

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

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

The election law governs legislative bodies at all levels, although compliance and enforcement varied across the country. Under the law citizens have the opportunity every five years to vote for local people's congress representatives at the county level and below, although in most cases higher-level government officials or CCP

cadres controlled the nomination of candidates. At higher levels legislators selected people's congress delegates from among their ranks. For example, provincial-level people's congresses selected delegates to the NPC. Local CCP secretaries generally served concurrently within the leadership team of the local people's congress, thus strengthening CCP control over legislatures.

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

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

No laws or regulations specifically govern the formation of political parties. The Chinese Democracy Party (CDP) remained banned, and the government continued to monitor, detain, and imprison current and former CDP members. Activists attempting to create or support unofficial parties were arrested, detained, or confined.

Participation of Women and Minorities: While the government placed no special restrictions on the participation of women or minority groups in the political process, women held few positions of significant influence in the government or CCP structure. Among the 2,987 appointed delegates to the 12th NPC in 2013, 699 (23 percent) were women. Following the 18th CCP Congress in 2013, two women were members of the CCP Central Committee's 25-member Politburo. There were no women in the Politburo Standing Committee.

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

A total of 409 delegates from 55 ethnic minorities were members of the 12th NPC, accounting for 14 percent of the total number of delegates. All of the country's officially recognized minority groups were represented. The 18th Communist Party Congress in 2013 elected 10 members of ethnic minority groups as members of the 205-person Central Committee. There was no ethnic minority member of the Politburo and only one ethnic minority was serving as a party secretary of a provincial-level jurisdiction, although a handful of ethnic minority members were serving as leaders in provincial governments. In March an ethnic Mongolian woman, Bu Xiaolin, became chair of the Inner Mongolia Autonomous Region, equivalent to a provincial governor. In July an ethnic Hui woman, Xian Hui, also became chair of the Ningxia Hui Autonomous Region.

Section 4. Corruption and Lack of Transparency in Government

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

In January the Central Commission for Discipline Inspection (CCDI), the CCP's investigative body that enforces political discipline among its members, including countering corruption, reported that in 2015 it received more than 2.8 million allegations of corruption, investigated 330,000 corruption-related cases, and disciplined 336,000 officials, 44 percent more than in 2014. Among those investigated, 42 senior officials at the vice-ministerial level or above in the CCP, government, and state-owned enterprises were eventually removed from their posts. In addition, 34,000 officials were punished for violating one or more of the "eight rules" that serve as the mandate for the anticorruption campaign, 52 percent less than 2014. The CCDI continued to operate outside the judicial system, and in many cases it punished CCP members and officials in the absence of a judicial process.

The CCP internal disciplinary system used to investigate party members suspected of corruption and other violations of party rules--known as "shuanggui"--continued to operate without legal oversight and with

widespread allegations of torture. Many officials accused of corruption or other discipline violations were interrogated and in some cases tortured while under investigation by the CCP, often to extract a confession of wrongdoing. Some were later turned over to the judicial system for criminal prosecution.

Corruption: In numerous cases public officials and leaders of state-owned enterprises, who generally held high CCP ranks, were investigated for corruption. In March, Procurator General Cao Jianming reported to the 12th NPC that in 2015 the government investigated 4,568 public servants above the county level for corruption, including 41 at the provincial and ministerial levels or above, in 4,490 cases of graft, bribery, and embezzlement of public funds, each involving more than one million yuan (\$145,000). While the tightly controlled state media apparatus publicized some notable corruption investigations, as a general matter, there were very few details regarding the process by which CCP and government officials were investigated for corruption.

In January the CCP announced it was investigating National Bureau of Statistics head Wang Bao'an. Wang was expelled from the CCP in August for accepting bribes, and his case was turned over to judicial officials for prosecution.

In March the CCP announced it was investigating former Liaoning provincial CCP secretary Wang Min. Wang was expelled from the party in August for his association with a bribery and vote-buying scheme involving members of the Liaoning Provincial People's Congress and Liaoning deputies to the NPC.

On July 4, a court sentenced Ling Jihua, a former member of the Politburo and head of the CCP General Office, to life in prison for extorting 77.1 million yuan (\$11.2 million), abuse of power, and illegally obtaining state secrets. Ling was one of former president Hu Jintao's closest advisors.

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

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

Public Access to Information: Open-government information regulations allow citizens to request information from the government. The regulations require government authorities to create formal channels for information requests and to include an appeals process if requests are rejected or not answered. They stipulate that administrative agencies should reply to requests immediately to the extent possible. Otherwise, the administrative agency should provide the information within 15 working days, with the possibility of a maximum extension of an additional 15 days. According to the regulations, administrative agencies may collect only cost-based fees (as determined by the State Council) for searching, photocopying, postage, and similar expenses when disclosing government information on request. The regulations include exceptions for state secrets, commercial secrets, and individual privacy.

Publicly released provincial- and national-level statistics for open-government information requests showed wide disparities across localities, levels of government, and departments regarding the number of requests filed and official documents released in response.

If information requesters believed that an administrative agency violated the regulations, they could report it to the next higher-level administrative agency, the supervision agency, or the department in charge of open-government information.

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

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

The United Nations or Other International Bodies: In August the UN special rapporteur on extreme poverty and human rights, Philip Alston, visited the country. Alston said that the government restricted his activities and that security agents followed him throughout his visit. Many of his meeting requests were declined, and although he submitted a list of academics he wanted to meet prior to his visit, he was told that many of them had been advised they should be on vacation during his visit. Security agents detained one person en route to a meeting with Alston. Alston's request to visit was first made in 2005, according to the UN Office of the Human Rights Commissioner. A dozen other requests for visits to the country by UN experts remained outstanding.

The government remained reluctant to accept criticism of its human rights record by other nations or international organizations. It criticized reports by international human rights monitoring groups, claiming that such reports were inaccurate and interfered in the country's internal affairs.

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

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

Women

Rape and Domestic Violence: Rape is illegal, and some persons convicted of rape were executed. The penalties for rape range from three years in prison to death. The law does not address spousal rape.

Cases of rape were unreported, and most cases were closed through private settlement. From 2013 to 2015, courts adjudicated 66,736 rape cases in which 62,551 defendants were given criminal convictions. Scholars pointed out that performance indicators for public security officers and prosecutors disincentivized prosecution of rape cases, as private settlement of cases minimized the risk that the records of prosecutors and public security officials would be tarnished by mishandled cases. The government, however, acknowledged the need to include the reporting of rape, domestic violence, sexual harassment, and other gender-related cases in annual judicial statistics.

Domestic violence remained a significant problem, but the government took a significant step to protect women from domestic abuse through the passage of the Family Violence Law, which took effect March 1. The law defines domestic violence as physical and mental violence between family members. NGOs reported that, as a result of the law, more women were willing to report domestic violence incidents to police. Nevertheless, implementation of the law remained inconsistent during its first year, largely due to authorities' lack of awareness of the law's implementing measures. Societal sentiment that domestic violence was a personal, private matter also contributed to underreporting and inaction by authorities when women faced violence at home.

According to reports, at least one-quarter of families suffered from domestic violence and more than 85 percent of the victims were women. The government supported shelters for victims of domestic violence, and some courts provided protections to victims, including through restraining orders prohibiting a perpetrator of domestic violence from coming near a victim. Nonetheless, official assistance did not always reach victims, and public security forces often ignored domestic violence. Legal aid institutions working to provide counseling and defense to victims of domestic violence were often pressured to suspend public activities and cease all forms of policy advocacy, an area that was reserved only for government-sponsored organizations. During the year

several domestic violence service-oriented organizations were unable to register formally as nonprofit organizations, as authorities rejected their applications.

While domestic violence tended to be more prevalent in rural areas, it also occurred among the highly educated urban population. Women in rural areas, however, often lacked access to protection due to the perception that domestic violence was a lesser crime. In one case in Henan Province, a man was sentenced to death with a two-year reprieve--instead of immediate execution--after murdering his wife. In its written judgement, the court cited the fact that the murder was a "domestic case" in its reasoning for a reduced penalty.

During the year the government began to open dedicated shelters for domestic violence survivors, a change from previous years when survivors could only go to homeless shelters providing domestic violence-related services. Such shelters opened in Chengdu, Dazhou, Nanjing, and Zhengzhou municipalities, offering psychological counseling for victims of domestic abuse, including women and children. The shelters reported they were underutilized due to the public shame associated with domestic violence.

According to women's rights activists, a recurring problem in the prosecution of domestic violence cases was a lack of evidence--including photographs, hospital records, police records, or children's testimony--which hindered their prosecution. Witnesses seldom testified in court.

Courts' recognition of domestic violence improved, making spousal abuse a mitigating factor in crimes committed in self-defense. In 2015 the SPC issued guidelines for dealing with cases of domestic violence to improve the unified application of laws, according to the Information Office of the State Council.

Sexual Harassment: The law bans sexual harassment. Offenders are subject to a penalty of up to 15 days in detention, according to the Beijing Public Security Bureau. Nonetheless, because laws lacked a clear definition of sexual harassment, it remained difficult for victims to file a sexual harassment complaint and for judges to reach a ruling on such cases.

Many women remained unwilling to report incidents of sexual harassment, believing that the justice system was ineffectual, according to official media. Several prominent media reports of sexual harassment went viral on social media, helping to raise awareness of the problem, particularly in the workplace.

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

Sexual harassment was not limited to the workplace. According to a 2014 survey by the All China Women's Federation (ACWF), 57 percent of female students at 15 universities reported having been sexually harassed. Some of them experienced such harassment repeatedly. Many students said they were unaware of formal procedures to report incidents of harassments. At Beijing Normal University, one student documented 60 instances of sexual harassment over the past decade, prompting online debate and the university to start an antiharassment awareness campaign.

The ACWF and universities worked to improve awareness on sexual harassment by offering seminars and classes; however, NGOs that sought to increase public awareness of sexual harassment came under increasing scrutiny. Some women's NGOs reported harassment by public security and faced challenges executing their programs. In September women's rights activist Shan Lihua was found guilty by the Gangzha District People's Court in Nantong, Jiangsu Province, of "picking quarrels and stirring up trouble." The indictment specifically cited Shan's activism on a rape case in Hainan Province as evidence, according to media reports.

Reproductive Rights: On January 1, the government raised the birth limit imposed on its citizens from one to two children per married couple, thereby ending the "one-child policy" first enacted in 1979. The revised law permits married couples to have two children and allows couples to apply for permission to have a third child if they meet conditions stipulated in local and provincial regulations. The revised law did not, however, eliminate state-imposed birth limitations or the penalties that citizens face for violating the law. The government considers intrauterine devices (IUDs) and sterilization to be the most reliable form of birth control and compelled women to accept the insertion of IUDs by officials. The National Health and Family Planning Commission reported that all provinces eliminated an earlier requirement to seek approval for a birth before a first child was conceived, but provinces could still require parents to "register pregnancies" prior to giving birth, which could be used as a de facto permit system in some provinces.

Under the law and in practice, there continued to be financial and administrative penalties for births that exceed birth limits or otherwise violate regulations. The National Health and Family Planning Commission announced it would continue to impose fines, called "social compensation fees," for policy violations. The law as implemented requires each woman with an unauthorized pregnancy to abort or pay the social compensation fee, which can reach 10 times a person's annual disposable income. The exact level of the fee varied widely from province to

province. Those with financial means often paid the fee so that their children born in violation of the birth restrictions would have access to services. Some parents avoided the fee by hiding a child born in violation of the law with friends or relatives.

The revised law maintains previous language indicating that “citizens have an obligation to practice birth planning in accordance with the law” and also states that “couples of child-bearing age voluntarily choose birth planning contraceptive and birth control measures to prevent and reduce unwanted pregnancies.” Regulations pertaining to single women and unmarried couples remain unchanged. Children born to single mothers or unmarried couples are considered “outside of the policy” and subject to the social compensation fee and the denial of legal documents, such as birth documents and the “hukou” residence permit. Single women can avoid those penalties by marrying within 60 days of the baby’s birth. In localities with large populations of migrant workers, officials specifically targeted migrant women to ensure that they did not exceed birth limitations.

Government statistics on the percentage of abortions during the year that were nonelective were not available. State media claimed the number of coerced abortions had declined in recent years in the wake of looser regulations, including the implementation of the two-child policy.

As in prior years, population control policy continued to rely on social pressure, education, propaganda, and economic penalties as well as on measures such as mandatory pregnancy examinations and coercive abortions and sterilizations. Those found to have a pregnancy in violation of the law or those who helped another to evade state controls could face punitive measures, such as onerous fines, job loss, demotion, and loss of promotion opportunity (for those in the public sector or state-owned enterprises), expulsion from the CCP (membership is an unofficial requirement for many jobs), and other administrative punishments. In July the state-funded news outlet *Sixth Tone* reported that officials in Guangdong Province threatened a remarried couple with termination of their employment unless the wife had an abortion. Both individuals were government employees and each had a child from a prior marriage. Regulations in Guangdong Province do not permit such couples to have a child.

Regulations requiring women who violate the family-planning policy to terminate their pregnancies still exist and were enforced in some provinces, such as Hubei, Hunan, and Liaoning. For example, Hunan provincial regulations that were revised in March stipulate: “Pregnancies that do not conform to the conditions established by the law should promptly be terminated. For those who have not promptly terminated the pregnancy, the township people’s government or subdistrict office shall order that the pregnancy be terminated by a deadline.” Other provinces, such as Jilin, removed previous requirements to terminate pregnancies that violate the policy but retained provisions that require local officials to “promptly report” to higher authorities when such pregnancies are discovered without specifying what measures will be taken thereafter. Other provinces, such as Guizhou, Jiangxi, Qinghai, and Yunnan, maintained provisions that require “remedial measures,” an official euphemism for abortion, to deal with pregnancies that violate the policy. Some provinces, such as Guangdong, removed provisions from provincial-level regulations requiring “remedial measures” but inserted them instead into the revised regulations of major municipalities, such as Shenzhen. In the provinces where provincial regulations do not explicitly require termination of pregnancy or remedial measures, some local officials still coerced abortions to avoid surpassing population growth quotas.

The law mandates that family planning bureaus administer pregnancy tests to married women of childbearing age and provide them with unspecified “follow-up” services. Some provinces fined women who did not undergo these periodic state-mandated pregnancy tests. Officials at all levels could receive rewards or penalties based on whether or not they met the population targets set by their administrative region. Promotions for local officials depended in part on meeting population targets.

Although the population and birth planning law states that officials should not violate citizens’ “lawful rights” in the enforcement of birth limitation policy, these rights are not clearly defined nor are the penalties for violating them. The law lists seven activities that authorities are prohibited from undertaking when enforcing birth control regulations, which include beating individuals and their families, destroying property or crops, confiscating property to cover the amount of the fee, detaining relatives, and conducting pregnancy tests on unmarried women. Forced abortion is not listed. By law citizens may sue officials who exceed their authority in implementing birth-planning policy, but few protections exist for citizens against retaliation from local officials.

Discrimination: The constitution states that “women enjoy equal rights with men in all spheres of life.” The law provides for equality in ownership of property, inheritance rights, access to education, and equal pay for equal work. Despite this, many activists and observers expressed concern that discrimination remained a problem. Women reported that discrimination, unfair dismissal, demotion, and wage discrepancies were significant problems.

On average, women earned 35 percent less than men doing similar work. This wage gap was greater in rural areas. Women also continued to be underrepresented in leadership positions, despite their high rate of participation in the labor force. In 2015 women constituted 17 percent of legislators, senior officials, and managers.

Authorities often did not enforce laws protecting the rights of women. According to legal experts, it was difficult to litigate sex discrimination suits because of vague legal definitions. Some observers noted that the agencies tasked with protecting women's rights tended to focus on maternity-related benefits and wrongful termination during maternity leave rather than on sex discrimination, violence against women, and sexual harassment.

In April a Guangzhou court sided with a female plaintiff, Gao Xiao, who had sued a restaurant for refusing to hire her as a cook after she was told the job was only open to men. The court ordered that Gao be paid 2,000 yuan (\$290) in compensation. This was reportedly Guangzhou's first gender-discrimination lawsuit.

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

Gender-biased Sex Selection: According to the National Bureau of Statistics of China, the sex ratio at birth was 113 males to 100 females in 2016, a decline from 2013, when the ratio was 116 males for every 100 females. Sex identification and sex-selective abortion are prohibited, but the practices continued because of traditional preference for male children and the birth-limitation policy.

Children

Birth Registration: Citizenship is derived from parents. Parents must register their children in compliance with the national household registration system within one month of birth. Unregistered children could not access public services, including education. No data was available on the number of unregistered births. In 2010 the official census estimated there were 13 million individuals without official documentation, many of whom likely were "ghost" children whose births were concealed from local officials because they violated the population control policy. Some local officials denied such children household registration and identification documents, particularly if their families could not pay the social compensation fees.

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

Denied access to state-run schools, most children of migrant workers who attended school did so at unlicensed and poorly equipped schools.

Child Abuse: The physical abuse of children is ground for criminal prosecution. Kidnapping, buying, and selling children for adoption existed, particularly in poor rural areas, but there were no reliable estimates of the number of children kidnapped. Government authorities regularly estimated that fewer than 10,000 children were abducted per year, but media reports and experts sources noted that as many as 70,000 may be kidnapped every year. Most children kidnapped internally were sold to couples unable to have children. Those convicted of buying an abducted child could be sentenced to three years' imprisonment. In the past most children abducted were boys, but increased demand for children reportedly drove kidnappers to focus on girls as well. In an effort to reunite families, the Ministry of Public Security maintained a DNA database of parents of missing children and of children recovered in law enforcement operations. During the year the government adopted a telephone system similar to the Amber Alert system in the United States.

Between 2013 and 2015, courts adjudicated 7,610 child molestation cases, sentencing 6,620 individuals. The number of convictions in child molestation cases consistently increased between 2013 and 2015. In a report during the year, the SPC acknowledged there had been a high number of cases involving the sexual abuse of minors. The People's Public Security University of China estimated that, for every reported case of sexual abuse, as many as seven cases went unreported.

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

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

The minimum legal age for consensual sex is 14.

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

Persons broadcasting or showing obscene materials to minors under the age of 18 are to be “severely punished.”

Infanticide or Infanticide of Children with Disabilities: The law forbids infanticide, but there was evidence that the practice continued. According to the National Health and Family Planning Commission, at least one doctor was charged with infanticide. No other statistics on the practice were available. Female infanticide, gender-biased abortions, and the abandonment and neglect of baby girls were declining but continued to be a problem in some circumstances due to the traditional preference for sons and the birth-limitation policy.

Displaced Children: There were approximately 1.5 million street children, according to the UN Development Program. There were between 150,000 and one million urban street children, according to state media. This number could be even higher if the children of migrant workers who spent the day on the streets were included. In 2013 the ACWF estimated that more than 61 million children under the age of 17 were left behind by their migrant-worker parents in rural areas.

Institutionalized Children: The law forbids the mistreatment or abandonment of children. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages usually had disabilities or were in poor health. Medical professionals sometimes 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. Adopted children were counted under the birth-limitation regulations in most locations. As a result, couples who adopted abandoned infant girls were sometimes barred from having additional children. The law was changed during the year to allow children who are rescued to be made available for adoption within one year if their family is not identified.

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

Anti-Semitism

The government does not recognize Judaism as an ethnicity or religion. According to information from the Jewish Virtual Library, the country’s Jewish population was 2,500 in 2014. In September the *New York Times* reported that members of the Kaifeng Jewish community in Henan Province came under pressure from authorities. Approximately 1,000 Kaifeng citizens claimed Jewish ancestry. Media reports stated that authorities forced the only Jewish learning center in the community to shut down.

Trafficking in Persons

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

Persons with Disabilities

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

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

Publicly available statistics showed conflicting information about the education rate for children with disabilities. The Ministry of Education reported that there were more than 2,000 special education schools for children with disabilities and that 83,000 children remained outside the state education system, mostly in rural areas. In August the CDPF reported that more than 140,000 school-age children with disabilities were in need of suitable

education. NGOs reported that only 2 percent of the 20 million children with disabilities had access to education that met their needs.

Individuals with disabilities faced difficulties accessing higher education. The law permits universities to exclude candidates with disabilities who would otherwise be qualified. In 2015, of the country's 7.4 million college freshman, only 8,508 had disabilities. A regulation mandates accommodations for students with disabilities when taking the national university entrance exam.

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

Misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems. Parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education for their children. Government statistics reported that four million persons with disabilities lived in poverty.

Unemployment among adults with disabilities, in part due to discrimination, remained a serious problem. In April the Ministry of Human Resources and Social Security reported that, of the country's 85 million reported persons with disabilities, 4.3 million were employed in urban areas and 16.7 million were employed in rural areas. The law requires local governments to offer incentives to enterprises that hire persons with disabilities. Regulations in some parts of the country also require employers to pay into a national fund for persons with disabilities when employees with disabilities do not make up a statutory minimum percentage of the total workforce. In some parts of the country, billboard advertisements informed companies that they needed to pay a disability "tax" rather than encouraging them to hire persons with disabilities. In some cases otherwise qualified candidates were denied jobs because of physical disabilities. In August the government reported that at least four million persons with disabilities lived in poverty.

Standards adopted for making roads and buildings accessible to persons with disabilities are subject to the Law on the Handicapped, which calls for their "gradual" implementation. Compliance with the law was limited.

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

National/Racial/Ethnic Minorities

Most minority groups resided in areas they had traditionally inhabited. Government policy called for members of recognized minorities to receive preferential treatment in birth planning, university admission, access to loans, and employment. The substance and implementation of ethnic minority policies nonetheless remained poor, and discrimination against minorities remained widespread.

Minority groups in border and other regions had less access to education than their Han Chinese counterparts, faced job discrimination in favor of Han Chinese migrants, and earned incomes well below those in other parts of the country. Government development programs often disrupted traditional living patterns of minority groups and in some cases included the forced relocation of persons and the forced settlement of nomads. Han Chinese benefited disproportionately from government programs and economic growth in minority areas. Some job advertisements in the XUAR made clear that Uighur applicants would not be considered for employment. As part of its emphasis on building a "harmonious society" and maintaining social stability, the government downplayed racism and institutional discrimination against minorities, which remained the source of deep resentment in the XUAR, the Inner Mongolia Autonomous Region, the TAR, and other Tibetan areas.

Ethnic minorities represented approximately 13.7 percent of delegates to the NPC and more than 15 percent of NPC Standing Committee members, according to an official report issued in 2014. Han Chinese officials continued to hold the majority of the most powerful CCP and government positions in minority autonomous regions, particularly the XUAR.

The government's policy to encourage Han Chinese migration into minority areas significantly increased the population of Han in the XUAR. In recent decades, the Chinese-Uighur ratio in the capital of Urumqi reversed from 20/80 to approximately 80/20 and continued to be a source of Uighur resentment. Discriminatory hiring practices gave preference to Han Chinese and reduced job prospects for ethnic minorities. Arable land in the XUAR's Hotan Prefecture was appropriated from Uighur residents and distributed to Han Chinese migrants, Radio Free Asia reported in April.

According to a November 2015 government census, 9.5 million, or 40 percent, of the XUAR's official residents were Han Chinese. Uighur, Hui, Kazakh, Kyrgyz, and other ethnic minorities constituted 14.1 million XUAR residents, or 60 percent of the total population. Official statistics understated the Han Chinese population because they did not count the more than 2.7 million Han residents on paramilitary compounds (bingtuan) and those who were long-term "temporary workers," an increase of 1.2 percent over the previous year, according to a 2015 government of Xinjiang report. As the government continued to promote Han migration into the XUAR and filled local jobs with domestic migrant labor, local officials coerced young Uighur men and women to participate in a government-sponsored labor transfer program to cities outside the XUAR, according to overseas human rights organizations. In April, Radio Free Asia reported that local authorities in Hotan Prefecture ordered Uighur men and women to take part in a labor program to prevent their involvement in "illegal activities" and promote stability in the area.

The law states that "schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever possible, use textbooks in their own languages and use their languages as the medium of instruction." Despite guarantees of cultural and linguistic rights, many primary, middle, and high school students in the XUAR had limited access to Uighur-language instruction and textbooks. There were reports that private Uighur-language schools were shut by authorities without any transparent investigation under the pretense that they promoted radical ideologies. Uighur students were often provided insufficient Uighur-language resources and instruction to maintain the integrity of their culture and traditions.

Officials in the XUAR continued to implement a pledge to crack down on the government-designated "three evil forces" of religious extremism, ethnic separatism, and violent terrorism, and they outlined efforts to launch a concentrated re-education campaign to combat what it deems to be separatism. The government in December 2015 adopted a counterterrorism law defining terrorism broadly in a way that could include religious, political, and ethnic expression. In August the XUAR government adopted a provincial-level interpretation of the national legislation, expanding the definition of terrorism to include the use of cell phones to spread terrorist ideology and "twisting" the concept of halal to apply to nonfood aspects of life. Some security raids, arbitrary detentions, and judicial punishments, ostensibly directed at individuals or organizations suspected of promoting the "three evil forces," appeared to target groups or individuals peacefully seeking to express their political or religious views. Officials continued to use the threat of violence as justification for extreme security measures directed at the local population, journalists, and visiting foreigners.

Uighurs continued to be sentenced to long prison terms and in some cases executed without due process on charges of separatism and endangering state security. Economist Ilham Tohti remained in prison, where he was serving a life sentence, after being convicted on separatist-related charges in 2014. Many governments continued to call for his release, and Tohti was awarded the Martin Ennals Foundation's human rights award.

In January, Xinjiang-based activist Zhang Haitao was sentenced to 19 years in prison on charges of "inciting subversion of state power" and "probing and supplying intelligence abroad." Haitao, who is Han Chinese, had been publicly critical of the government's policies toward Uighurs. In November a Xinjiang court upheld the sentence.

Authorities detained Uighur social activists and the web administrators of popular Uighur language websites, including the website *Misranim*, in the weeks leading up to Ramadan, Radio Free Asia reported in June. Ababekri Muhtar, the founder of *Misranim* and a disabled social activist, was also detained between April and June.

Authorities employed show trials, mass arrests, and sentencing to convict large numbers of Uighurs for state security and other suspected crimes. Seventeen Uighurs, including four women, were reportedly arrested in connection with a September incident that resulted in the death of a public security chief in Hotan prefecture, but there was no information on their alleged crimes or place of custody, according to NGOs.

Eleven Uighurs convicted of endangering state security and terrorism saw their sentences reduced or commuted by the Xinjiang High People's Court in February following lobbying efforts by the Dui Hua Foundation.

The government pressured foreign countries to repatriate or deny visas to Uighurs who had left the country, and repatriated Uighurs faced the risk of imprisonment and mistreatment upon return. There were accusations that government pressure led to India's cancellation of exiled Uighur leader Dolkun Isa's visa to attend a conference there, according to Reuters. Some Uighurs who were forcibly repatriated disappeared after arrival. The international community was still unable independently to confirm the welfare of the 109 Uighurs forcibly repatriated from Thailand in July 2015. Uighurs residing in Canada indicated that Xinjiang authorities detained and interrogated them during visits to the region, pressuring them to spy on other Uighurs living abroad for Chinese authorities.

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

Authorities did not permit possession of publications or audiovisual materials discussing independence, autonomy, or other politically sensitive subjects. Uighur Abduhelil Zunun remained in prison for his peaceful expression of ideas the government found objectionable.

The law criminalizes discussion of "separatism" on the internet and prohibits use of the internet in any way that undermines national unity. It further bans inciting ethnic separatism or "harming social stability" and requires internet service providers and network operators to set up monitoring systems or to strengthen existing ones and report violations of the law. Authorities reportedly searched cell phones at checkpoints and during random inspections of Uighur households, and those in possession of alleged terrorist material, including digital pictures of the East Turkistan flag, could be arrested and charged with crimes. When their use was detected, authorities forced individuals to delete messaging software and software used to circumvent internet filters. In some areas authorities restricted the use of cell phones and internet access. In February authorities in Chaghraq Township in Aksu Prefecture sentenced a resident to seven years in prison for allegedly watching a film on Muslim migration, according to a Radio Free Asia report.

For specific information on Tibet, see the Tibet Annex.

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

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

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

Although homosexual activity is no longer officially pathologized, some mental health practitioners offered "corrective treatment" to LGBTI persons at "conversion therapy" centers or hospital psychiatric wards, sometimes at the behest of family members.

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

HIV and AIDS Social Stigma

Public health authorities reported there were more than 600,000 persons diagnosed with HIV in the country. New HIV diagnoses reported in 2015 numbered 115,465, up 11.5 percent from the 2014 total. During the year the government put significant efforts toward raising awareness of the risks of HIV/AIDS transmission, particularly among the college-age population, and Peng Liyuan made this problem a cornerstone of her platform as the country's "first lady."

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

A 2013 study by the Joint UN Program on HIV/AIDS conducted across seven provinces found that 53 percent of HIV-infected respondents who had recently been to a doctor were denied immediate treatment, often either being referred to an infectious disease hospital less equipped to handle ordinary medical problems or given alternate treatments. Some respondents said they chose to forgo medical treatment altogether rather than navigate obstacles imposed by the health-care system.

Inadequate protection for health-care workers exposed to HIV in the workplace was cited as a reason persons with HIV/AIDS faced challenges in the health-care system. In 2015 the National Health and Family Planning Commission sought to address the problem by issuing a regulation recognizing HIV exposure as an

occupational hazard in certain professions, including medicine and public security. State media characterized the regulation in part as an effort to protect the rights of health workers better while curbing AIDS-related discrimination.

Other Societal Violence or Discrimination

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

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

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

Section 7. Workers Right

a. Freedom of Association and the Right to Collective Bargaining

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

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

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

The law provides for labor dispute resolution through a three-stage process: mediation between the parties, arbitration by officially designated arbitrators, and litigation. A key article of the law requires employers to consult with labor unions or employee representatives on matters that have a direct bearing on the immediate interests of their workers.

The law does not expressly prohibit work stoppages, and it is not illegal for workers to strike spontaneously. Authorities appeared most tolerant of strikes protesting unpaid or underpaid wages. Authorities rarely released statistics for labor disputes, but in November 2015 the official Xinhua News Agency reported a growing number of wage arrears cases totaling 11,007 in the first three quarters of 2015, an increase of 34 percent over the same period in 2014. Unofficial records from the Hong Kong-based labor rights NGO China Labor Bulletin (CLB) showed that at least 1,050 strikes and collective protests by workers occurred between December 2014 and February 2015, 90 percent relating to unpaid wages.

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

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

There were no publicly available official statistics on inspection efforts to enforce labor laws, and enforcement was generally insufficient to deter wide-scale violations. Labor inspectors lacked authority and resources to compel employers to correct violations. While the law outlines general procedures for resolving disputes, including mediation, arbitration, and recourse to the courts, procedures were lengthy and subject to delays. Local authorities in some areas actively sought to limit efforts by independent civil society and legal practitioners to offer organized advocacy, and some areas maintained informal quotas on the number of cases allowed to proceed beyond mediation.

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

Employers often circumvented legal provisions allowing for collective consultation over wages, hours, days off, and benefits through such tactics as forcing employees to sign blank contracts and failing to provide workers with copies of their contracts.

There continued to be reports of workers throughout the country engaging in wildcat strikes, work stoppages, and other protest actions. Although the government restricted the release of statistics on the number of strikes and protests each year, the frequency of “spontaneous” strikes remained high, especially in Guangdong and other areas with developed labor markets and large pools of sophisticated, rights-conscious workers.

Coordinated efforts by governments at the central, provincial, and local levels, including harassment, detention, and the imposition of travel restrictions on labor rights defenders and restrictions on funding sources for NGOs, disrupted labor rights advocacy. In December 2015 police in Guangdong arrested Zeng Feiyang, director of the Panyu Workers’ Center, for “gathering a crowd to disturb social order.” Police also detained on similar charges six other workers’ rights defenders: Zhu Xiaomei, Meng Han, and Tang Beiguo of the Panyu Dagongzu Service Center; Deng Xiaoming, a volunteer with the Haige Service Center; He Xiaobo of the Foshan Nanfeiyang Social Work Service Center; and Peng Jiayong of the Labor Mutual-aid Center. On September 26, a Guangdong court convicted Zeng Feiyang, Zhu Xiaomei, and Tang Beiguo of gathering a crowd to disturb social order and accepting funds from “foreign forces.” They were given suspended prison sentences of between one and one-half and three years. On November 3, Meng Han was convicted and given a 21-month prison sentence. A local labor NGO said the court was sending a clear signal that the only way to resolve labor disputes was through government entities.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, and where there were reports that forced labor of adults and children occurred, the government reportedly enforced the law. Although the domestic media rarely reported forced labor cases and the penalties imposed, the law provides a penalty of imprisonment of not more than three years or criminal detention and a fine or, if the circumstances are serious, imprisonment of not less than three years but not more than 10 years and a fine. Men, women, and children were subjected to forced labor in coalmines and factories. In September, six men with mental disabilities were reportedly freed from a brick factory in Yunnan Province where they had been forced to work without pay. The brick kiln was shut down.

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under the age of 16. It refers to workers between the ages of 16 and 18 as “juvenile workers” and prohibits them from engaging in certain forms of dangerous work, including in mines.

The law specifies administrative review, fines, and revocation of business licenses of enterprises that illegally hire minors and provides that underage children found working be returned to their parents or other custodians in their original place of residence. The penalty for employing children under age 16 in hazardous labor or for excessively long hours ranges from three to seven years' imprisonment, but a significant gap remained between legislation and implementation. For example, in April media outlets reported that Wang Ningpan, a 15-year-old migrant worker from Hunan, died after working on the production line in an underwear garment factory in Foshan, Guangdong. Wang's normal work schedule was from 6 a.m. to 11 p.m. The garment factory gave Wang's family 155,000 yuan (\$22,470) compensation. Official reports stated that Wang's mother had told the employer that her son was 17. Guangdong's provincial government launched an inspection to crack down on child labor, and the company was fined 10,000 yuan (\$1,450) for hiring child labor.

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

d. Discrimination with Respect to Employment and Occupation

The Employment Promotion Law provides some basis for legal protection against employment discrimination. Article 3 states "no worker seeking employment shall suffer discrimination on the grounds of ethnicity, race, gender, or religious belief." Article 30 outlines employment protections available to carriers of infectious diseases. Enforcement clauses include the right to pursue civil damages through the courts. Other laws provide similar protections for women and persons with disabilities. The Labor Contract Law includes a provision limiting the circumstances under which employers could terminate the contracts of employees suspected of suffering from an occupational disease and those within five years of the statutory retirement age. The Ministry of Human Resources and Social Security and the local labor bureaus were responsible for verifying that enterprises complied with the labor laws and the employment promotion law.

Discrimination in employment was widespread, including in recruitment advertisements that discriminated based on gender, age, height, and physical appearance and health status (see section 6).

Some employers lowered the effective retirement age for female workers to 50. This reduced overall pension benefits, which were generally based on the number of years worked. Many employers preferred to hire men to avoid the expense of maternity leave.

Courts were generally reluctant to accept discrimination cases, and authorities at all levels emphasized negotiated settlements to labor disputes. As a result there were few examples of enforcement actions that resulted in final legal decisions. One example came from the Dongguan Municipal Intermediate People's Court's decision in May, which declared illegal a local department store's decision to revoke a female employee's paid maternity leave for a second child. The court ordered the company to restore the employee's position and to compensate her with 108 days of paid leave.

According to a study released in March, 50 percent of more than 10,000 female survey respondents working in 60 cities said they often experienced discrimination at the workplace, while 47 percent had encountered occasional discrimination and only 3 percent had never faced discrimination against them.

In 2015 authorities issued the Provisional Regulations for Residency. Effective from January, the provisional regulations require local authorities to establish a streamlined process for migrants to register as urban residents, renewable annually, and to provide and pay for a package of limited social service benefits for these new residents. The most important of the benefits would be the inclusion of compulsory education for the children of legal residents, meaning that children of migrant workers would be eligible to relocate with their parents and attend local urban schools. While the regulations would benefit many of the estimated 270 million migrant workers residing in urban centers, the unaltered half-century-old hukou system remained the most pervasive form of employment-related discrimination, denying migrant workers access to the full range of social benefits, including health care, pensions, and disability programs, on an equal basis with local residents.

e. Acceptable Conditions of Work

There was no national minimum wage, but the law generally requires local and provincial governments to set their own minimum wage rates for both the formal and informal sectors according to standards promulgated by the Ministry of Human Resources and Social Security. The law mandates a 40-hour standard workweek, excluding overtime, and a 24-hour weekly rest period. It also prohibits overtime work in excess of three hours per day or 36 hours per month and mandates premium pay for overtime work.

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

Regulations state that labor and social security bureaus at or above the county level are responsible for enforcement of labor laws. The law also provides that, where the ACFTU finds an employer in violation of the regulation, it has the power to demand that the relevant local labor bureaus deal with the case. Companies that violate occupational, safety, and health regulations face various penalties, including suspension of business operations or rescission of business certificates and licenses.

The government did not effectively enforce the law. Penalties were not adequate to deter violations and were seldom enforced. The 230,000 inspectors were insufficient to monitor working conditions and did not operate in the informal sector. Despite many labor laws and regulations on worker safety, there were a number of workplace accidents during the year. Media and NGO reports attributed them to a lack of safety checks, weak enforcement of laws and regulations, ineffective supervision, and inadequate emergency responses.

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

Unpaid wages have been an acute problem in the construction sector for decades. Construction projects were often subcontracted several times until eventually a construction team composed of low-wage migrant workers was formed. This informal hiring scheme made rural laborers susceptible to delayed or unpaid payment for their work, prompting them to join in collective action. Workers occasionally took drastic measures to demand payment. In January the State Council issued guidance asking all government sectors to strengthen their efforts to solve the problem of migrant workers' unpaid wages and ordering the elimination of wage arrears problems by 2020.

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

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

Instances of pneumoconiosis, or black lung disease, and silicosis remained high. Official figures released in December 2015 showed the country recorded 26,873 new pneumoconiosis cases in 2014, a 16 percent increase from the previous year. The mining and processing of coal and nonferrous metals were the sectors most vulnerable to occupational diseases, responsible for 62.5 percent of all cases in 2015. In January the National Health and Family Planning Commission and 10 other ministry-level government organizations jointly issued a statement expressing concern over this workplace hazard. The statement noted that individuals were diagnosed with the disease at an increasingly younger age in recent years and that industries in central and western regions had become prone to the illness, mainly in jobs related to mining and handling construction materials and nonferrous metals.

On August 11, an explosion at a power plant in Dangyang, Hubei Province, killed 21 workers and severely injured five others. The blast, caused by the rupture of a steam pipe undergoing testing, came just a few hours before the first anniversary of the massive 2015 Tianjin warehouse explosion that killed 173 persons, including 104 firefighters. The CLB logged 37 explosions that were reported in the local media during the year, although major explosions, such as the one in Dangyang, were a small proportion of the overall number of workplace accidents.

Accidents tended to occur at the year-end, when employers and employees tended to overlook safety procedures to meet production goals. In the last quarter of the year, in addition to a November 24 scaffolding collapse in Jiangxi Province that killed 74 workers, media outlets reported a number of coal mine accidents, including an October 31 explosion at Chongqing that killed 33 workers, a December 1 accident at Qitaihe, Heilongjiang Province, that killed 21 miners, and a December 3 disaster in Inner Mongolia that left 32 persons dead.

Despite negative publicity surrounding the year-end increase, the number of workplace accidents and fatalities in the country decreased on a year-over-year basis. According to State Administration of Work Safety data, from 2010 to 2015, the number of accidents dropped from 363,383 to 281,576 and fatalities declined from 79,552 to 66,182. From January to October, 45,000 accidents occurred and 27,000 workers were killed, representing declines of 6.2 percent and 3.3 percent, respectively, from the same period in 2015. In addition, 23 major workplace accidents took place in the first eight months of the year, leaving 348 individuals dead or missing. The data represented year-over-year decreases of 11.5 percent and 32.8 percent, respectively.

published on  eoi.net
European Centre of Human Rights