



## 2008 Human Rights Report: China (includes Tibet, Hong Kong, and Macau)

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

**2008 Country Reports on Human Rights Practices**

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

The People's Republic of China, with a population of approximately 1.3 billion, is an authoritarian state in which the Chinese Communist Party (CCP) constitutionally is the paramount source of power. Party members hold almost all top government, police, and military positions. Ultimate authority rests with the 25-member political bureau (Politburo) of the CCP and its nine-member standing committee. Hu Jintao holds the three most powerful positions as CCP general secretary, president, and chairman of the Central Military Commission. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor and worsened in some areas. During the year the government increased its severe cultural and religious repression of ethnic minorities in Tibetan areas and the Xinjiang Uighur Autonomous Region (XUAR), increased detention and harassment of dissidents and petitioners, and maintained tight controls on freedom of speech and the Internet. Abuses peaked around high-profile events, such as the Olympics and the unrest in Tibet. As in previous years, citizens did not have the right to change their government. Nongovernmental organizations (NGOs), both local and international, continued to face intense scrutiny and restrictions. Other serious human rights abuses included extrajudicial killings, torture and coerced confessions of prisoners, and the use of forced labor, including prison labor. Workers cannot choose an independent union to represent them in the workplace, and the law does not protect workers' right to strike.

The government continued to monitor, harass, detain, arrest, and imprison journalists, writers, activists, and defense lawyers and their families, many of whom were seeking to exercise their rights under the law. A lack of due process and restrictions on lawyers further limited progress toward rule of law, with serious consequences for defendants who were imprisoned or executed following proceedings that fell far short of international standards. The party and state exercised strict political control of courts and judges, conducted closed trials, and carried out administrative detention. Individuals and groups, especially those deemed politically sensitive by the government, continued to face tight restrictions on their freedom to assemble, their freedom to practice religion, and their freedom to travel. The government continued its coercive birth limitation policy, in some cases resulting in forced abortion or forced sterilization. The government failed to protect refugees adequately, and the detention and forced repatriation of North Koreans continued to be a problem. Serious social conditions that affected human rights included endemic corruption, trafficking in persons, and discrimination against women, minorities, and persons with disabilities.

On October 17, the government made permanent rules granting foreign journalists greater freedoms, which were initially applied in the period leading up to and during the Olympic Games. The new rules eliminated previous requirements that foreign journalists first seek permission from local officials before conducting interviews in a particular province or locality.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Arbitrary or Unlawful Deprivation of Life

During the year security forces reportedly committed arbitrary or unlawful killings. No official statistics on deaths in custody were available. The outbreak of widespread unrest in the Tibet Autonomous Region (TAR) and other Tibetan areas in March and April resulted in significant loss of life, with many credible reports putting the number killed at over 200 (see Tibet Addendum).

On January 7, Wei Wenhua was beaten to death by municipal "urban management" officials in Tianmen, Hubei Province, after he filmed their clash with local residents on his mobile phone. Authorities detained 41 officials and sentenced four to short prison terms for their role in Wei's death. On February 6, authorities reportedly instructed the family of Falun Gong practitioner Yu Zhou, who had been arrested in Beijing on January 26, to come to an emergency center to see him. Yu was dead when the family arrived, and authorities claimed he had died of diabetes. However, Yu's family stated that he was healthy at the time of his arrest and that authorities refused the family's request for an autopsy. On May 26, the family of Tibetan protester Paltsal Kyab was informed he died in custody, after he was detained in April for participating in a March 17 protest. Authorities claimed Paltsal Kyab had died from kidney and stomach problems, although relatives reported he was healthy at the time of his arrest. According to witnesses his body was covered with bruises and burn blisters. There were no reports of any official investigation into his death. On July 16, 100 individuals reportedly attacked police in Huizhou, Guangdong Province, after a motorcyclist died. Police reported the man died in a traffic accident but his relatives claimed he was beaten to death by security guards.

There were no developments in a 2007 incident in which 18 persons were killed and 17 were arrested during a raid at a location in the XUAR that officials called a terrorist training camp.

Defendants in criminal proceedings were executed following convictions that sometimes took place under circumstances involving severe lack of due process and inadequate channels for appeal. On November 26, Yang Jia, who was accused of killing six Shanghai police officers on July 1, was executed following a decision by the Shanghai High Court to uphold his conviction. Yang's case included serious irregularities at trial, and the appellate court deprived him an opportunity to be examined for mental illness despite a request by Yang's new attorney to allow it. On November 28, biomedical researcher Wo Weihuan was executed on charges of espionage. Wo, who was convicted in a closed trial, was reportedly coerced into confessing and mistreated in detention. Executions of Uighurs whom authorities accused of separatism, but which some observers claimed were politically motivated, were reported during prior reporting periods. In February 2007 authorities executed Ismail Samed, an ethnic Uighur from the XUAR, following 2005 convictions for "attempting to split the motherland" and other counts related to possession of firearms and explosives.

#### b. Disappearance

In May underground Catholic priests Zhang Li and Zhang Jianlin disappeared after authorities detained them while they were preparing to visit a Catholic shrine in Sheshan Province. At year's end their whereabouts remained unknown. The whereabouts of Wu Qinjing, the bishop of Zhouzhi, Shaanxi Province, who was detained in March 2007, also remained unknown. Human rights defender Gao Zhisheng was detained and questioned several times over the past two years, and during the reporting period his whereabouts were unknown. There were no new developments in the September 2007 disappearances of 21 farmers who reportedly traveled from Chengdu to Beijing to petition the government in a land compensation case. At year's end 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.

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

The law prohibits the physical abuse of detainees and forbids prison guards from extracting confessions by torture, insulting prisoners' dignity, and beating or encouraging others to beat prisoners. However, during the year there were reports that officials used electric shocks, beatings, shackles, and other forms of abuse.

Mao Hengfeng, a family planning issues petitioner, reportedly was physically and mentally abused in prison. During an August 13 phone call, Mao reportedly told her husband that scars on her wrists that resulted from being tied up tightly had not healed. On May 22, Heilongjiang resident and reform activist Liu Jie was transferred from a Qiqihar reeducation through labor (RTL) camp to the Harbin Drug Rehabilitation Center, where she reportedly was tortured. Human rights organizations also reported democracy activist and member of the China Democracy Party (CDP) Chi Jianwei reportedly was tortured in July 2007 for refusing to confess to "using an evil cult to hinder law enforcement."

In November the UN Committee Against Torture (UNCAT) stated its deep concern about the routine and widespread use of torture and ill-treatment of suspects in police custody, especially to extract confessions or information used in criminal proceedings. However, UNCAT did acknowledge government efforts to address the practice of torture and related problems in the criminal justice system. Many alleged acts of torture occurred in pretrial criminal detention centers or RTL centers. Sexual and physical abuse and extortion occurred in some detention centers.

According to foreign researchers, the country had 20 ankang institutions (high-security psychiatric hospitals for the criminally insane) directly administered by the Ministry of Public Security (MPS). Political activists, underground religious believers, persons who repeatedly petitioned the government, members of the banned Chinese Democracy Party (CDP), and Falun Gong adherents were among those housed with mentally ill patients in these institutions, and they had no mechanism for objecting to public security officials' determinations of mental illness. Patients in these hospitals reportedly were given medicine against their will and forcibly subjected to electric shock treatment. The regulations for committing a person to an ankang facility were not clear. Activists sentenced to administrative detention also reported they were strapped to beds or other devices for days at a time, beaten, forcibly injected or fed medications, and denied food and use of toilet facilities.

Prison and Detention Center Conditions

Conditions in penal institutions for both political prisoners and common criminals generally were harsh and often degrading. Prisoners and detainees often were kept in overcrowded conditions with poor sanitation. Inadequate prison capacity was an increasing problem in some areas. Food often was inadequate and of poor quality, and many detainees relied on supplemental food and medicines provided by relatives; some prominent dissidents were not allowed to receive such goods.

Many inmates in penal and RTL facilities were required to work, with minimal or no remuneration. In some cases prisoners worked in facilities directly connected with penal institutions; in other cases they were contracted to nonprison enterprises. Former prison inmates reported that workers who refused to work in some prisons were beaten. Facilities and their management profited from inmate labor.

In January 2007 Ministry of Health spokesman Mao Qunan reportedly acknowledged that the government harvested organs from executed prisoners. Adequate, timely medical care for prisoners remained a serious problem, despite official assurances that prisoners have the right to prompt medical treatment. In October 2007 Chen Ningbiao died

in prison, reportedly due to mistreatment and denial of medical treatment. Chen was one of seven villagers who led protests against forced land evictions in April 2007, and was convicted of "extortion and blackmail." Labor activist Yao Fuxin remained in prison in very poor health, in part because of abuse suffered in prison and inadequate access to medical attention. Authorities continued to deny his family's requests for medical parole. The poor health of reform activist Liu Jie reportedly eroded further as a result of inadequate medical care and other harsh treatment suffered while in detention. In April cyber dissident He Depu wrote a letter to International Olympic Committee President Jacques Rogge complaining about deteriorating conditions for himself and other political prisoners. Prison officials reportedly denied a February request from family members that He be released on medical parole, and He's health reportedly remained poor due to medical neglect and maltreatment. Many other prisoners with serious health concerns remained in prison at year's end. Prison officials often denied privileges, including the ability to purchase outside food, make telephone calls, and receive family visits to those who refused to acknowledge guilt.

Conditions in administrative detention facilities, such as RTL camps, were similar to those in prisons. Beating deaths occurred in administrative detention and RTL facilities.

The law requires juveniles to be held separately from adults, unless facilities are insufficient. In practice children sometimes were held with adult prisoners and required to work. Political prisoners were segregated from each other and placed with common criminals, who sometimes beat political prisoners at the instigation of guards. Newly arrived prisoners or those who refused to acknowledge committing crimes were particularly vulnerable to beatings.

The government generally did not permit independent monitoring of prisons or RTL camps, and prisoners remained inaccessible to local and international human rights organizations, media groups, and the International Committee of the Red Cross (ICRC).

#### d. Arbitrary Arrest or Detention

Arbitrary arrest and detention remained serious problems. The law permits police and security authorities to detain persons without arresting or charging them. Because the government tightly controlled information, it was impossible to determine accurately the total number of persons subjected to arbitrary arrest or detention.

#### Role of the Police and Security Apparatus

The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army (PLA), and the state judicial, procuratorial, and penal systems. The Ministries of State Security and Public Security and the People's Armed Police were responsible for internal security. The Supreme People's Procuratorate (SPP) and the Supreme People's Court (SPC) officials admitted that courts and prosecutors often deferred to the security ministries on policy matters and individual cases. The SPP was responsible for the investigation of corruption and duty crimes. The PLA was responsible for external security but also had some domestic security responsibilities.

The Ministry of Public Security (MPS) coordinates the country's law enforcement, which is administratively organized into local, county, provincial, and specialized police agencies. Some efforts were made to strengthen historically weak regulation and management of law enforcement agencies; however, judicial oversight was limited, and checks and balances were absent. Corruption at the local level was widespread. Security officials, including "urban management" officials, reportedly took individuals into custody without just cause, arbitrarily collected fees from individuals charged with crimes, and mentally and physically abused victims and perpetrators.

The SPP acknowledged continuing widespread abuse in law enforcement. Domestic news media reported the convictions of public security officials who had beaten to death suspects or prisoners in their custody. On October

23, Li Litian, a former policeman in Zhoukou City, Henan Province, was executed for killing laid-off worker Li Shengli in 2004. Li Litian and five other officers beat Li Shengli at the request of a local court official with whom Li Shengli had a dispute. After beating Li Shengli, police threw him off of the third story of the police station. The court official, Lu Liusheng, was sentenced to death with a two-year reprieve in May 2007. Investigation of misconduct typically only came in response to publicity, public pressure, and persistent efforts by relatives of victims to petition the government.

#### Arrest and Detention

Public security organs do not require court-approved warrants to detain suspects under their administrative detention powers. After detention the procuracy can approve formal arrest without court approval. According to the law, in routine criminal cases police can unilaterally detain persons for up to 37 days before releasing them or formally placing them under arrest. After a suspect is arrested, the law allows police and prosecutors to detain a person for up to seven months while public security organs further investigate the case. Another 45 days of detention are allowed where public security organs refer a case to the procuratorate to decide whether to file charges. If charges are filed, authorities can detain a suspect for an additional 45 day period between filing and trial. However, in practice the police sometimes detained persons beyond the time limits stipulated by law. In some cases, investigating security agents or prosecutors sought repeated extensions, resulting in pretrial detention of a year or longer. The criminal procedure law allows detainees access to lawyers before formal charges are filed, although police often limited such access.

The criminal procedure law requires a court to provide a lawyer to a defendant who is blind, deaf, mute, a minor, or persons who may be sentenced to death, if the defendant has not already retained a lawyer. 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 appoint counsel in such circumstances.

Detained criminal suspects, defendants, their legal representatives, and close relatives are entitled to apply for bail; however, in practice few suspects were released on bail pending trial.

The government used incommunicado detention. The law requires notification of family members within 24 hours of detention, but individuals often were held without notification for significantly longer periods, especially in politically sensitive cases. Under a sweeping exception, officials were not required to provide notification if doing so would "hinder the investigation" of a case. In some cases police treated those with no immediate family more severely.

There were numerous reports of citizens who reportedly were detained with no or severely delayed notice. For example, on February 5, a court in Hanzhou sentenced writer and rights activist Lu Gengsong to four years in prison for "inciting subversion of state power." Lu was detained in August 2007 following publication of articles critical of authorities. On March 5, consumer rights advocate Chen Shuwei was seized without warrant by a dozen police officers in a Beijing hotel and held without charge until March 20. On March 7, human rights activist and lawyer Teng Biao was taken by Beijing Public Security agents and held incommunicado for two days. On May 18, police detained Nanjing-based blogger and professor Guo Quan after Guo posted articles critical of the government's response to the May 12 earthquake in Sichuan Province. Guo was released 10 days later but was detained again on November 13 by Nanjing authorities on suspicion of "inciting subversion of state power."

The law permits nonjudicial panels, called labor reeducation panels, to sentence persons without trial to three years in RTL camps or other administrative detention programs. The labor reeducation committee is authorized to extend a sentence up to one year. Defendants could challenge RTL sentences under the administrative litigation law and appeal for a reduction in, or suspension of, their sentences. However, appeals rarely succeeded. Many other persons were detained in similar forms of administrative detention, known as "custody and education" (for women

engaged in prostitution and those soliciting prostitution) and "custody and training" (for minors who committed crimes). Administrative detention was used to intimidate political activists and prevent public demonstrations. On June 4, Chen Lianqing was detained while petitioning authorities in Beijing to investigate the murder of his father; he was later sent to RTL. Authorities used special reeducation centers to prolong detention of Falun Gong practitioners who had completed terms in RTL.

Authorities arrested persons on charges of revealing state secrets, subversion, and common crimes to suppress political dissent and social advocacy. Citizens also were detained and prosecuted under broad and ambiguous state secrets laws for, among other actions, disclosing information on criminal trials, meetings, and government activity. Information could retroactively be classified a state secret by the government.

During the year human rights activists, journalists, unregistered religious figures, and former political prisoners and their family members were among those targeted for arbitrary detention or arrest.

The government continued to use house arrest as a nonjudicial punishment and control measure against dissidents, former political prisoners, family members of political prisoners, petitioners, underground religious figures, and others it deemed politically sensitive. House arrest encompassed varying degrees of stringency but sometimes included complete isolation in one's own home or another location under lock and guard. In some cases house arrest involved constant monitoring, but the target of house arrest was occasionally permitted to leave the home to work or run errands. Sometimes those under house arrest were required to ride in the vehicles of their police monitors when venturing outside. When outside the home, the subject of house arrest was usually, but not always, under surveillance. In some instances security officials assumed invasive positions within the family home, rather than monitoring from the outside.

On April 3, a Beijing court sentenced HIV/AIDS and environmental activist Hu Jia to three years and six months in prison for "inciting subversion" of state authority. Hu Jia was detained in December 2007 on suspicion of inciting subversion. Hu Jia's wife, activist Zeng Jinyan, remained under house arrest with the couple's newborn child. During the Olympics, authorities required Zeng and her child to go to the northeastern city of Dalian, and restricted Zeng's contact with outsiders. On May 31, police at Guiyang Airport apprehended human rights activist Chen Xi as he was attempting to fly to Beijing to commemorate the Tiananmen massacre. He was detained for nine hours without explanation and then sent home, where he remained under house arrest. Several underground Catholic clergy were under house arrest for varying periods during the year. The longest serving among them may be Bishop Su Zhimin, who has reportedly been detained in a form of house arrest in Baoding, Hebei Province, since 1997. An unverified 2006 press report stated that Bishop Su had died in custody; the government has never responded to inquiries about Bishop Su.

Police continued the practice of placing under surveillance, harassing, and detaining citizens around politically sensitive events, including before the third anniversary of Zhao Ziyang's death, the plenary sessions of the National People's Congress (NPC) and the Chinese People's Political Consultative Conference (CPPCC), and the Olympic Games. Authorities in the XUAR used house arrest and other forms of arbitrary detention against those accused of subscribing to the "three evils" of religious extremism, "splittism," and terrorism. Raids, detentions, arrests, and judicial punishments indiscriminately affected not only those suspected of supporting terrorism but also those who peacefully sought to pursue political goals or to worship.

#### e. Denial of Fair Public Trial

The law states that the courts shall exercise judicial power independently, without interference from administrative organs, social organizations, and individuals. However, in practice the judiciary was not independent. It received policy guidance from both the government and the CCP, whose leaders used a variety of means to direct courts on



verdicts and sentences, particularly in politically sensitive cases. At both the central and local levels, the government and CCP frequently interfered in the judicial system and dictated court decisions. Trial judges decide individual cases under the direction of the adjudication committee in each court. In addition the CCP's law and politics committee, which includes representatives of the police, security services, procuratorate, and courts, had the authority to review and influence court operations at all levels of the judiciary; in some cases the committee altered decisions. People's congresses also had authority to alter court decisions, but this happened rarely.

Corruption often influenced judicial decision making, and safeguards against corruption were vague and poorly enforced. Local governments appointed judges at the corresponding level of the judicial structure. Judges received their court finances and salaries from these government bodies and could be replaced by them. Local authorities often exerted undue influence over the judges they appointed and financed. Several high-profile corruption cases involved procuracy officials.

Courts lacked the independence and authority to rule on the constitutionality of laws. The law permits organizations or individuals to question laws and regulations they believe contradict the constitution, but a constitutional challenge first requires consultation with the body drafting the questioned regulation and can only be appealed to the NPC. Accordingly, lawyers had little or no opportunity to use the constitution in litigation.

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

The CCP used a form of discipline known as shuang gui for violations of party discipline, but there were reports of its use against nonparty members. Shuang gui is similar to house arrest and can be authorized without judicial involvement or oversight. Shuang gui requires the CCP party member under investigation to submit to questioning at a designated place and time. According to regulations of the Central Discipline Inspection Commission (CDIC) governing shuang gui, corporal punishment is banned, the member's dignity must be respected, and he or she is regarded as a comrade unless violations are proved. Absent any legal oversight, it is unclear how these regulations were enforced in practice.

#### Trial Procedures

Trials took place before a judge, who often was accompanied by "people's assessors," lay persons hired by the court to assist in decision making. According to law, people's assessors had authority similar to judges, but in practice they deferred to judges and did not exercise an independent jury-like function.

There was no presumption of innocence, and the criminal justice system was biased toward a presumption of guilt, especially in high-profile or politically sensitive cases. The combined conviction rate for first and second instance criminal trials was more than 99 percent in 2007; 933,156 defendants were tried, and 1,417 were found not guilty. In many politically sensitive trials, which rarely lasted more than several hours, the courts handed down guilty verdicts immediately following proceedings. Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. There was an appeals process, but appeals rarely resulted in reversed verdicts. Appeals processes failed to provide sufficient avenues for review, and there were inadequate remedies for violations of defendants' rights.

SPC regulations require all trials to be open to the public, with certain exceptions, such as cases involving state secrets, privacy, and minors. Authorities used the legal exception for cases involving state secrets to keep politically sensitive proceedings closed to the public and sometimes even to family members and to withhold access to

defense counsel. Under the regulations, foreigners with valid identification are allowed the same access to trials as citizens, but in practice foreigners were permitted to attend court proceedings by invitation only. As in past years, foreign diplomats and journalists sought permission to attend a number of trials only to have court officials reclassify them as "state secret" cases, fill all available seats with security officials, or otherwise close them to the public. For example, foreign diplomats requested but were denied permission to attend Hu Jia's March 18 trial on charges of subverting state authority. Some trials were broadcast, and court proceedings were a regular television feature. A few courts published their verdicts on the Internet.

The law gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation, although police frequently interfered with this right. Individuals who face administrative detention do not have the right to seek legal counsel.

Both criminal and administrative cases remained eligible for legal aid, although 70 percent or more of criminal defendants still went to trial without a lawyer. According to the Ministry of Justice, the number of legal-aid cases reached 420,000 in 2007, 3.3 times the 2002 figure. The country had 12,285 full-time legal aid personnel, including 5,927 lawyers, and 76,890 registered volunteers at the end of 2007, although the number of legal-aid personnel remained inadequate to meet demand. Nonattorney legal advisors and volunteers provided the only legal aid options in many areas. According to the SPC's March work report to the NPC, courts over the past five years have waived RMB 5.4 billion (\$790 million) in litigation costs.

Government-employed lawyers often refused to represent defendants in politically sensitive cases, and defendants frequently found it difficult to find an attorney. When defendants were able to retain counsel in politically sensitive cases, government officials sometimes prevented effective representation of counsel. Officials deployed a wide range of tactics to obstruct the work of lawyers representing sensitive clients, including unlawful detentions, disbarment, intimidation, refusal to allow a case to be tried before a court, and physical abuse.

During the year the Beijing Judicial Bureau refused to renew the professional license of distinguished lawyer Teng Biao, who offered to represent Tibetans taken into custody for their role in the March protests in Lhasa. Other lawyers deprived of their license to practice law included Henan lawyers Li Wusi and Li Subin; Shanghai lawyers Zheng Enchong and Guo Guoting; Beijing lawyer Gao Zhisheng; and Guangdong lawyers Tang Jingling, Guo Yan, and Yang Zaixin. On June 2, Beijing-based lawyer Pu Zhiqiang, who was barred from commemorating the June 4 massacre in Tiananmen Square, was followed by Beijing police and detained on June 3 for several hours.

According to the law, defense attorneys can be held responsible if their client commits perjury, and prosecutors and judges have wide discretion to decide what constitutes perjury. In some sensitive cases, lawyers had no pretrial access to their clients, and defendants and lawyers were not allowed to speak during trials. In practice criminal defendants often were not assigned an attorney until a case was brought to court. Even in nonsensitive criminal trials, only one in seven defendants reportedly had legal representation.

The mechanism that allows defendants to confront their accusers was inadequate; the percentage of witnesses who came to court in criminal cases was less than 10 percent and as low as 1 percent in some courts. According to one expert, only 1 to 5 percent of trials involved witnesses. In most criminal trials, prosecutors read witness statements, which neither the defendant nor his lawyer had an opportunity to question. Approximately 95 percent of witnesses in criminal cases did not appear in court to testify, sometimes due to hardship or fear of reprisals. Although the criminal procedure law states pretrial witness statements cannot serve as the sole basis for conviction, officials relied heavily on such statements to support their cases. 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 practice pretrial access to information was minimal, and the defense often lacked adequate opportunity to prepare for trial.



Police and prosecutorial officials often ignored the due process provisions of the law, which led to particularly egregious consequences in death penalty cases. By law there are at least 68 capital offenses, including nonviolent financial crimes such as counterfeiting currency, embezzlement, and corruption.

In 2007 the SPC reassumed jurisdiction to conduct final review of death penalty cases handed down for immediate execution (but not death sentences handed down with a two-year reprieve). In most cases the SPC does not have authority to issue a new decision or declare a defendant innocent if it discovers errors in the original judgment, and can only approve or disapprove lower court decisions. SPC spokesman Ni Shouming stated that, since reassuming the death penalty review power in January 2007, the SPC had rejected 15 percent of the cases it reviewed due to unclear facts, insufficient evidence, inappropriateness of the death sentence in some cases, and inadequate trial procedures. The SPC remanded these cases back to lower courts for further proceedings, although it did not provide underlying statistics or figures. Because official statistics remained a state secret it was not possible to evaluate independently the implementation and effects of the procedures.

Following the SPC's reassumption of death penalty review power, executions were not to be carried out on the date of conviction, but only with the SPC's approval. On May 23, the chief judge of the third criminal law division of the SPC declared that since the implementation of this reform, the number of death sentences with a two-year reprieve surpassed the number of immediate-execution death sentences. Media reports stated that approximately 10 percent of executions were for economic crimes, especially corruption.

Through the monitoring of publicly available records and reports, Amnesty International estimated that in 2007 at least 470 persons were executed and 1,860 persons were sentenced to death, although Amnesty stated that the true figures were believed to be much higher. The foreign-based Dui Hua Foundation estimated that about 6,000 persons were executed in 2007, a 25 to 30 percent decrease from the previous year's estimate.

#### Political Prisoners and Detainees

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

Foreign NGOs estimated that several hundred persons remained in prison for the repealed crime of "counterrevolution," and thousands of others were serving sentences under the state security law, which authorities stated covers crimes similar to counterrevolution. Foreign governments urged the government to review the cases of those charged before 1997 with counterrevolution and to release those who had been jailed for nonviolent offenses under provisions of the criminal law, which were eliminated when the law was revised. No systematic review has occurred. The government maintained that prisoners serving sentences for counterrevolution and endangering state security were eligible on an equal basis for sentence reduction and parole, but evidence suggested that political prisoners benefitted from early release at lower rates than those enjoyed by other prisoners. Dozens of persons were believed to remain in prison in connection with their involvement in the 1989 Tiananmen prodemocracy movement. International organizations estimated that at least 10 and as many as 200 Tiananmen activists were still in prison. The exact number was unknown because official statistics have never been made public.

Many political prisoners remained in prison or under other forms of detention at year's end, including rights activists Hu Jia and Wang Bingzhang; Alim and Ablikim Abdureyim, sons of Uighur activist Rebiya Kadeer; journalist Shi Tao; dissident Wang Xiaoning; land-rights activist Yang Chunlin; Internet writers Yang Zili and Xu Wei; labor activists

Yao Fuxin, Hu Mingjun, Huang Xiangwei, Kong Youping, Ning Xianhua, Li Jianfeng, Li Xintao, Lin Shun'an, Yue Tianxiang, Li Wangyang, and She Wanbao; CDP cofounder Qin Yongmin; family planning whistleblower Chen Guangcheng; Bishop Su Zhimin; Christian activist Zhang Rongliang; Inner Mongolian activist Hada; Uighurs Tohti Tunyaz and Dilkex Tilivaldi; and Tibetans Jigme Gyatso, Tenzin Deleg, and Gendun Choekyi Nyima. Labor activist Hu Shigen was released in August. Political prisoners obtained parole and sentence reduction much less frequently than ordinary prisoners.

Criminal punishments included "deprivation of political rights" for a fixed period after release from prison, during which the individual is denied the already-limited rights of free speech and association granted to other citizens. Former prisoners sometimes found their status in society, ability to find employment, freedom to travel, and access to residence permits and social services severely restricted. Former political prisoners and their families frequently were subjected to police surveillance, telephone wiretaps, searches, and other forms of harassment, and some encountered difficulty in obtaining or keeping employment and housing.

#### Civil Judicial Procedures and Remedies

Courts deciding civil matters suffered from internal and external limitations on judicial independence. The State Compensation Law provides administrative and judicial remedies for deprivations of criminal rights, such as wrongful arrest or conviction, extortion of confession by torture, or unlawful use of force resulting in bodily injury. In civil matters, prevailing parties often found it difficult to enforce court orders, and resistance to the enforcement sometimes extended to forcible resistance to court police.

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

The law states that the "freedom and privacy of correspondence of citizens are protected by law;" however, the authorities often did not respect the privacy of citizens in practice. Although the law requires warrants before law enforcement officials can search premises, this provision frequently was ignored; moreover, the Public Security Bureau (PSB) and prosecutors can issue search warrants on their own authority without judicial consent, review, or consideration. Cases of forced entry by police officers continued to be reported.

During the year authorities monitored telephone conversations, facsimile transmissions, e-mail, text messaging, and Internet communications. Authorities also opened and censored domestic and international mail. The security services routinely monitored and entered residences and offices to gain access to computers, telephones, and fax machines. All major hotels had a sizable internal security presence, and hotel guestrooms were sometimes bugged and searched for sensitive or proprietary materials.

Some citizens were under heavy surveillance and routinely had their telephone calls monitored or telephone service disrupted. The authorities frequently warned dissidents and activists, underground religious figures, former political prisoners, and others whom the government considered to be troublemakers not to meet with foreign journalists or diplomats, especially before sensitive anniversaries, at the time of important government or party meetings, and during the visits of high-level foreign officials. Security personnel also harassed and detained the family members of political prisoners, including following them to meetings with foreign reporters and diplomats and urging them to remain silent about the cases of their relatives.

Forced relocation because of urban development continued and in some locations increased during the year. During the year protests over relocation terms or compensation, some of which included thousands of participants, were increasingly common and some protest leaders were prosecuted. There were numerous reports that evictions in

Beijing were linked to construction for the Olympics. In rural areas relocation for infrastructure and commercial development projects resulted in the forced relocation of millions of persons.

The government restricted the rights of parents to choose the number of children they will have and the period of time between births. While the national family planning authorities shifted their emphasis from lowering fertility rates to maintaining low fertility rates and emphasized quality of care in family planning practices, the country's birth limitation policies retained harshly coercive elements in law and practice. The penalties for violating the law are strict, leaving some women little choice but to abort pregnancies. Although some officials suggested that adjustments to the policy were needed to address aging and sex-ratio at birth problems, during the year the family planning minister announced the policy would not change for at least a decade.

The law standardizes the implementation of the government's birth limitation policies; however, enforcement varied significantly. The law only grants married couples the right to have one birth and allows eligible couples to apply for permission to have a second child if they meet conditions stipulated in local and provincial regulations. The law requires couples that have an unapproved child to pay a "social compensation fee," which sometimes reached 10 times a person's annual disposable income, and grants preferential treatment to couples who abide by the birth limits. Although the law states that officials should not violate citizens' rights, these rights, as well as penalties for violating them, are not clearly defined. The law provides significant and detailed sanctions for officials who help persons evade the birth limitations.

Social compensation fees are set and assessed at the local level. The law requires family planning officials to obtain court approval before taking "forcible" action, such as detaining family members or confiscating and destroying property of families who refuse to pay social compensation fees. However, in practice this requirement was not always followed and the national authorities remained ineffective at reducing abuses by local officials.

The one-child limit was more strictly applied in the cities, where only couples meeting certain conditions (e.g., both parents are only children) were permitted to have a second child. In most rural areas the policy was more relaxed, with slightly more than half of women permitted to have a second child if the first was a girl or had a disability.

All provinces have regulations implementing the national family planning law. For example, Anhui Province's law permits 13 categories of couples, including coal miners, some remarried divorcees, and some farm couples, to have a second child. Ethnic minorities, such as the Uighurs and the Tibetans, are also allowed more than one child. Several provinces--Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin, Liaoning, and Ningxia--require "termination of pregnancy" if the pregnancy violates provincial family planning regulations. An additional 10 provinces--Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi, and Yunnan--require unspecified "remedial measures" to deal with out-of-plan pregnancies.

Zhejiang and Hunan provinces revised their regulations to eliminate their birth spacing requirement to adjust for local circumstances. Birth spacing policies are set at the provincial level, typically requiring that a couple wait four years between births if the couple is eligible to have a second child. If the second pregnancy occurs during the four-year waiting period, it is considered an unapproved pregnancy and local officials may require termination. However, Hunan Province also raised the social compensation fee from two times a family's annual income to up to six times if the family was wealthy. Hunan Province also added that violators of the birth limitation regulations could not work as public servants.

The country's population control policy relied on education, propaganda, and economic incentives, as well as on more coercive measures. Those who violated the child limit policy by having an unapproved child or helping another do so faced disciplinary measures such as social compensation fees, job loss or demotion, loss of promotion opportunity, expulsion from the party (membership in which was an unofficial requirement for certain jobs), and

other administrative punishments, including in some cases the destruction of private property. In the case of families that already had two children, one parent was often pressured to undergo sterilization. The penalties sometimes left women with little practical choice but to undergo abortion or sterilization.

In order to delay childbearing, the law sets the minimum marriage age for women at 20 years and for men at 22 years. It continued to be illegal in almost all provinces for a single woman to have a child. In November 2007, Hunan Province adopted new penalties for children conceived out of wedlock, requiring violators to pay 6 to 8 percent of their income from the previous year, in addition to the standard social compensation fee. The law states that family planning bureaus will conduct pregnancy tests on married women and provide them with unspecified "follow-up" services. Some provinces fined women who did not undergo periodic pregnancy tests. For example, in Hebei Province fines ranged from RMB 200 to RMB 500 (approximately \$29 to \$73), and in Henan Province fines ranged from RMB 50 to RMB 500 (\$7 to \$73).

Officials at all levels remained subject to rewards or penalties based on meeting the population goals set by their administrative region. Promotions for local officials depended in part on meeting population targets. Linking job promotion with an official's ability to meet or exceed such targets provided a powerful structural incentive for officials to employ coercive measures to meet population goals. In an effort to meet local sterilization targets, officials in Gansu Province, who were often promised a promotion and a monetary reward, reportedly forcibly detained and sterilized a Tibetan woman who had abided by local population planning requirements. There continued to be sporadic reports of violations of citizens' rights by local officials attempting to reduce the number of births in their region. In March family-planning officials in Henan Province reportedly forcibly detained a 23-year-old unmarried woman who was seven months pregnant. Officials reportedly tied her to a bed, induced labor, and killed the newborn upon delivery. In April population-planning officials in Shandong Province reportedly detained and beat the sister of a woman who had illegally conceived a second child in an attempt to compel the woman to undergo an abortion. In November in XUAR, family planning officials and police escorted a Uighur woman, Arzigul Tursun, who was more than six months pregnant with her third child, to the hospital for an abortion. Tursun had gone into hiding to save her pregnancy but returned amid threats that her family's home and land would be confiscated. After the situation was brought to the attention of central government officials, Tursun was released from the hospital without having to undergo the procedure.

According to law, citizens may sue officials who exceed their authority in implementing birth-planning policy. However, there were few protections for whistleblowers against retaliation from local officials.

Laws and regulations forbid the termination of pregnancies based on the sex of the fetus, but because of the intersection of birth limitations with the traditional preference for male children, particularly in rural areas, many families used ultrasound technology to identify female fetuses and terminate these pregnancies. National Population and Family Planning Commission (NPFPC) regulations ban nonmedically necessary determinations of the sex of the fetus and sex-selective abortions, but some Chinese experts believed that the penalties for violating the regulations were not severe enough to deter unlawful behavior. According to government estimates released on February 28, the male-female sex ratio at birth was 120 to 100 at the end of 2007 (compared with norms elsewhere of between 103 and 107 to 100).

Family members of activists and rights defenders, Falun Gong practitioners, journalists, unregistered religious figures, and former political prisoners were targeted for arbitrary arrest, detention, and harassment. Some were required to leave Beijing during the Olympics. Rights activist Zeng Jinyan, the wife of Hu Jia, reportedly was held at a hotel in Dalian during the Olympics. After returning Zeng Jinyan to her Beijing apartment, authorities kept her under close surveillance. Yuan Weijing, the wife of legal advisor Chen Guangcheng, continued to be subjected to ongoing harassment, including strict surveillance, confinement to her home, and denial of prison visits.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, although the government generally did not respect these rights in practice. The government interpreted the CCP's "leading role," as mandated in the constitution, as superseding and circumscribing these rights. The government continued to control print, broadcast, and electronic media tightly and used them to propagate government views and CCP ideology. During the year the government increased censorship and manipulation of the press and the Internet during major events, including the Tibetan protests in March through June, the May 12 Sichuan earthquake, and the Olympic games. All media were expected to abide by censorship guidelines issued by the party. In a June 20 speech on propaganda work, CCP General Secretary Hu Jintao reiterated local media's subordinate role to the party, telling journalists they must "serve socialism" and the party.

Media outlets received regular guidance from the Central Propaganda Department, which listed topics that should not be covered, including politically sensitive topics. During the year propaganda officials issued guidelines restricting media coverage of sensitive topics, including demonstrations by parents whose children died in the May 12 Sichuan earthquake when their schools collapsed. On August 12, the Hong Kong-based South China Morning Post reported that propaganda authorities had issued a 21-point directive outlining how the domestic media should handle certain stories during the Olympics. According to the directive, Chinese journalists were barred from reporting on the lifting of censorship of foreign Web sites during the Olympics, the private lives of visiting heads of state, and Tibetan and Uighur separatist movements, among other topics. The directive also ordered journalists to report positively on Olympic security arrangements.

So long as the speaker did not publish views that challenged the CCP or disseminate such views to overseas audiences, the range of permissible topics for private speech continued to expand. Political topics could be discussed privately and in small groups without punishment, and criticisms of the government were common topics of daily speech. However, public speeches, academic discussions, and speeches at meetings or in public forums covered by the media remained circumscribed, as did speeches pertaining to sensitive social topics.

The government also frequently monitored gatherings of intellectuals, scholars, and dissidents where political or sensitive issues were discussed. Those who aired views that disagreed with the government's position on controversial topics or disseminated such views to domestic and overseas audiences risked punishment ranging from disciplinary action at government work units to police interrogation and detention. To commemorate human rights day on December 10, a group of 303 intellectuals and activists released a petition calling for human rights and democracy. Security forces questioned or detained several signatories to the document. At year's end one signer, writer Liu Xiaobo, remained in detention. On May 21, police in Liaoning Province detained Shenyang resident Gao Qianhui a day after she posted a YouTube video criticizing the lack of entertainment during the national period of mourning for Sichuan earthquake victims.

The Central Propaganda Department continued to list subjects that were off limits to the domestic media, and the government maintained authority to approve all programming. Nearly all print media, broadcast media, and book publishers were owned by, or affiliated with, the CCP or a government agency. There were a small number of privately owned print publications, but no privately owned television or radio stations. International media were not allowed to operate freely and faced heavy restrictions.

In October the government permanently adopted the Olympics-related temporary regulations that expanded press freedoms for foreign media. In a September 17 statement, the Foreign Correspondent's Club of China (FCCC) noted some improvements in government transparency, including the release of more official data, especially on

environmental matters, and increased access to government officials. However, the FCCC also reported that local authorities continued to infringe upon the freedom of foreign journalists to travel and conduct interviews, and that during the year harassment of foreign journalists rose sharply, particularly in the weeks before and during the Olympics. Between July 25, when the Olympics media center opened, and August 23, the day before the Olympics closing ceremony, the FCCC reported 30 cases of "reporting interference." On July 22, police manhandled Hong Kong journalists who were covering a crowd attempting to purchase Olympic tickets. In Kashgar, XUAR police detained and beat two Japanese journalists attempting to cover the aftermath of an August 4 deadly attack on a People's Armed Police unit. From August 8 to 11, a foreign writer and photographer and a foreign photojournalist were detained and searched repeatedly while attempting to cover bombings in the Xinjiang Province. On August 13, Beijing police roughed up and detained a journalist for Independent Television News who was covering a Tibet-related protest near the Olympic village. Foreign correspondents were still unable to visit the TAR without official permits, which rarely were granted.

Between January 1 and December 2, the FCCC reported 178 incidents of harassment compared with 160 cases for all of 2007. On January 24, thugs in Shandong Province threw stones at a German television crew attempting to meet with Yuan Weijing, the wife of imprisoned rights activist Chen Guangcheng. In November thugs beat a Belgian television crew attempting to cover the HIV/AIDS epidemic in Henan Province. The thugs also robbed the crew of its tapes, camera memory card, mobile phones, and money.

After protests and rioting broke out in Tibetan areas in March, more than two dozen foreign reporters were turned away from or forced to leave Tibetan areas, including Lhasa, Tibet's regional capital, and Xiahe in Gansu Province. Also in Xiahe, authorities barred a foreign film crew from using e-mail and ordered the crew not to report on the police in riot gear and soldiers they saw headed toward Labrang Monastery. Several other reporting teams were turned away from Tibetan areas during this period, including a foreign television crew, which was told that foreigners were not allowed into the area due to concerns for their safety. In the weeks after the riots, several Beijing-based foreign correspondents received death threats after their personal contact information, including mobile phone numbers, was revealed on the Internet.

In May police in Henan Province detained two Finnish journalists for seven hours while preparing a report on a migrant worker who had been employed on an Olympics-related construction site in Beijing.

In the immediate aftermath of the May 12 Sichuan earthquake, authorities generally allowed foreign reporters access to the disaster areas, although the FCCC reported some incidents of local authorities detaining journalists and confiscating photos and videos. However, this access was sharply curtailed by June when parents of children who had died in collapsed school buildings began organizing protests. The FCCC reported ten incidents of harassment and intimidation of foreign reporters attempting to report on the school collapses.

Officials can be punished for unauthorized contact with journalists. According to Reporters Without Borders (RSF), Li Fuguo, a municipal official in Fuyang, Anhui Province, died in prison in March. RSF reported that Li was arrested in August 2007 after speaking with a journalist about an illegal requisition of farm land. Prison officials, RSF reported, claimed Li took his own life.

In December the Committee to Protect Journalists documented the cases of 28 imprisoned journalists. Editors and journalists continued to practice self-censorship as the primary means for the party to limit freedom of the press on a day-to-day basis. Official guidance on permitted speech was often vague, subject to change at the whim of propaganda officials, and retroactively enforced. Propaganda authorities can force newspapers to fire editors and journalists who print articles that conflict with official views and can suspend or close publications. The system of post-publication punishment encourages editors to take a conservative approach since a publication could face enormous business losses if it were suspended for inadvertently printing forbidden content. In September



authorities ordered the China Business Post to suspend publication for three months as punishment for publication of an article critical of the Agricultural Bank of China.

Government officials used criminal prosecution, civil lawsuits, and other punishments, including violence, detention, and other forms of harassment, to intimidate authors and domestic journalists and block controversial writings. On January 4, officials in Xifeng, Liaoning Province, dispatched police to Beijing to arrest Zhu Wenna, a reporter for the magazine Faren Zazhi, on defamation charges after Zhu criticized a local communist party leader in a story about a contested land seizure in Xifeng. Xifeng officials abandoned efforts to arrest Zhu after a public and media outcry. On June 10, police in Chengdu detained Internet writer and activist Huang Qi, director and cofounder of the Tianwang Human Rights Center in Chengdu, after he posted an article on his Web site criticizing the government's handling of the May 12 earthquake. On August 8, a reporter for the Chengdu newspaper, Peng Shijun, was reportedly beaten by thugs and hospitalized while reporting on alleged false advertising by a language translation school in Xian, Shaanxi Province.

A domestic journalist can face demotion or job loss for publishing views that challenge the government. In April journalist Zhang Ping (who writes under the name Chang Ping) was demoted from his job as deputy editor of Nandu Weekly after publishing an article on his blog critical of official censorship surrounding the outbreak of protests in Tibet. In August Mehbube Ablesh, a Uighur writer, poet, and employee of Xinjiang People's Radio, was fired from her post and detained by police after posting articles online that criticized the central government and provincial leaders.

Journalists who remained in prison included Lu Gengsong, Lu Jianhua, Huang Jinqiu, Yu Huafeng, Li Mingying, Cheng Yizhong, and Shi Tao. In February Ching Cheong, who had been imprisoned since 2005 on espionage charges, was released unexpectedly. During the year, Li Changqing, former deputy news director of the Fuzhou Ribao, was released after serving his two-year sentence in prison. However, authorities refused to issue Li Changqing a passport, preventing him from traveling overseas to receive the World Association of Newspapers' Gold Pen prize. Authorities stopped Li's wife, Bao Dingling, at Beijing's airport when she attempted to attend the June 2 award ceremony on her husband's behalf.

During the year journalists and editors who exposed corruption scandals frequently faced problems with the authorities. On May 16, police in Heilongjiang Province reportedly detained Ren Shangyan, assistant director of the corruption-monitoring Web site China Justice Advocacy Web (Zhonghua Shenzheng Wang), for her reporting on national and local corruption cases. Newspapers and journalists who reported on corruption without government or party approval faced possible sanction, although authorities allowed reporting on some high-profile cases. On May 13, Qi Chonghuai, a journalist in Shandong Province, was convicted of "extortion and blackmail" and sentenced to four years in prison. Qi was arrested in June 2007 after he and a friend published an article on the Xinhuanet Web site alleging official corruption in the Tengzhou Communist Party. The coauthor of the article, photographer Ma Shiping, remained in jail at year's end. On May 13, He Yanjie, who was working as Qi's research assistant, was sentenced to two years in prison.

According to an official report, during the year authorities confiscated more than 83 million copies of "pornographic, pirated, and unauthorized publications." Some copies of the July 24 edition of the Beijing News were removed from newsstands after the paper printed a photo related to the 1989 Tiananmen Square crackdown. The paper also removed the related story from its Web site.

Officials continued to censor, ban, and sanction reporting on labor, health, environmental crises, and industrial accidents. Official censorship, including strict media controls surrounding the Beijing Olympic Games, prevented timely reporting by Chinese journalists of the discovery of dairy products tainted with the chemical melamine. Authorities later restricted reporting on efforts by parents of children harmed by the tainted products to seek

redress through the court system.

By law only government-approved publishing houses were permitted to print books. The State Press and Publications Administration (PPA) controlled all licenses to publish. No newspaper, periodical, book, audio, video, or electronic publication may be printed or distributed without the PPA and relevant provincial publishing authorities' approval of both the printer and distributor. Individuals who attempted to publish without government approval faced imprisonment, fines, confiscation of their books, and other sanctions. The CCP exerted control over the publishing industry by preemptively classifying certain topics as off-limits.

During a nationwide teleconference on January 17, party propaganda department head Liu Yunshan ordered officials to step up the campaign against "illegal publications," a term that includes pornography and pirated material, but also any content deemed politically subversive.

Many intellectuals and scholars exercised self-censorship, anticipating that books or papers on political topics would be deemed too sensitive to be published. The censorship process for private and government media also increasingly relied on self-censorship and, in a few cases, post-publication sanctions.

At year's end Korash Huseyin, the former editor of the Uighur-language Kashgar Literature Journal, remained in an undisclosed prison. In late 2004 Huseyin was sentenced to three years for publishing Nurmuhemmet Yasin's short story "Wild Pigeon," which authorities considered critical of CCP rule of Xinjiang. Yasin remained in prison serving a 10-year sentence. Authorities continued to ban books with content they deemed controversial.

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

Television broadcasts of foreign news, which were largely restricted to hotels and foreign residence compounds, were occasionally subject to censorship. According to an October 18 report by the communication news Web site c114.net, in the first half of the year authorities confiscated more than 110,000 private satellite dishes and closed over 2,000 vendors of illegal satellite equipment. In the days following the outbreak of the March 14 riots in Lhasa and protests in other Tibetan communities, authorities cut off satellite feeds from the BBC World News and CNN when the stations aired reports about Tibet. Such censorship of foreign broadcasts also occurred around the anniversary of the 1989 crackdown in Tiananmen Square. Individual issues of foreign newspapers and magazines were occasionally banned when they contained articles deemed too sensitive. Authorities banned the May issue of the Far Eastern Economic Review, reportedly because of an article headlined, "Beijing Embraces Classical Fascism."

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.

#### Internet Freedom

During the year the China Internet Network Information Center reported that the number of Internet users increased to 298 million, 91 percent of whom had broadband access. The government took steps to monitor Internet use, control content, restrict information, and punish those who violated regulations, but these measures were not universally effective. A large number of Internet users used proxy servers to access banned content. During the year political dissidents successfully used Internet instant-messaging technology to hold large-scale,

virtual meetings.

The MPS, which monitors the Internet under guidance from the Central Propaganda Department, employed thousands of persons at the national, provincial, and local levels to monitor electronic communications. Xinhua News Agency reported that during the year authorities closed 14,000 illegal Web sites and deleted more than 490,000 items of "harmful" content from the Internet. In 2007 authorities reported closing 62,600 illegal Web sites as part of a nationwide crackdown on "illegal and pornographic" publications. Many Web sites included images of cartoon police officers that warn users to stay away from forbidden content. Operators of Web portals, blog hosting services, and other content providers engaged in self-censorship to ensure their servers were free from politically sensitive content.

Individuals using the Internet in public libraries were required to register using their national identity card. Internet usage reportedly was monitored at all terminals in public libraries. Internet cafes were required to install software that allows government officials to monitor customers' Internet usage. Internet users at cafes were often subject to surveillance. Many cafes sporadically enforced regulations requiring patrons to provide identification.

The government consistently blocked access to Web sites it deemed controversial, especially those discussing Taiwanese and Tibetan independence, underground religious and spiritual organizations, democracy activists, and the 1989 Tiananmen crackdown. The government also at times blocked access to selected sites operated by major foreign news outlets, health organizations, foreign governments, and educational institutions. During the year, particularly during the outbreak of unrest in Tibet and the run-up to the Olympic Games, authorities maintained tight control over Internet news and information. Computers set up at the Olympic press center were subject to censorship, and journalists complained that they were unable to visit some overseas Web sites. Following complaints by foreign reporters, many normally blocked Web sites were temporarily available during the games. During the Olympics, authorities temporarily blocked iTunes, reportedly because officials were concerned that Olympic athletes were downloading pro-Tibet songs.

Authorities employed an array of technical measures to block sensitive Web sites based in foreign countries. The ability of users to access sensitive foreign Web sites varied from city to city. Internet police were also able to automatically censor e-mail and web chats based on an ever-changing list of sensitive key words, such as "Falun Gong" and "Tibetan independence." While such censorship was effective in keeping casual users away from sensitive content, it was defeated easily through the use of various technologies. Software for defeating official censorship was readily available inside the country. Despite official monitoring and censorship, during the year some dissidents continued to use voice-over-Internet and instant messaging software, such as Skype, to conduct online meetings and events.

Given the limitations of technical censorship, self-censorship by Internet companies remained the primary means for authorities to restrict speech online. All Web sites are required to be licensed by, or registered with, the Ministry of Information Industry and all Internet content providers inside the country faced the potential suspension of their licenses for failing to adequately monitor users of e-mail, chat rooms, and instant messaging services. The Internet Society of China, a group composed of private and state-run Internet companies, government offices, and academic institutions, cosponsored a Web site, China Internet Illegal Information Reporting Centre (ciirc.china.cn), which invited members of the public to report illegal online activity. Users were able to use the site to report crimes such as pornography, fraud and gambling, but also "attacks on the party and government." Self-censorship by blog-hosting services intensified in the weeks before and during the Olympic Games.

An October report by the OpenNet Initiative Asia and the Information Warfare Monitor revealed that TOM-Skype, a Chinese version of the Skype Internet communication software, was logging and saving user messages on to TOM-Skype servers based on the presence of sensitive key words, such as "Communist Party," "Falun Gong," and

"Taiwan independence." In response to the report, Skype President Josh Silverman stated that while Skype's Chinese partner, TOM Online, monitored and blocked certain messages in accordance with Chinese law, the logging and storage of such messages was conducted without Skype's knowledge.

In January provisions went into effect reiterating licensing requirements for audio- and video-hosting Web sites, requiring them to be state owned or state controlled. In March the government reported the results of the two-month crackdown on audio and video, as well as online map and geographical information Web sites, reporting that it shut down 25 video Web sites and warned 32 others for, among other things, failing to have the proper license or "endangering the security and interest of the state." The government also reported that most of the 10,000 Web sites that provided online maps did so without approval and were subject to closure. In April the government began a year-long campaign to remove "illegal" maps from the Internet, including those that label Taiwan as a country or fail to note the government's territorial claims in the South China Seas, the Diaoyu Island, and the Chiwei Islands.

During the year authorities continued to jail numerous Internet writers for peaceful expression of political views. For example on June 5, authorities in Shanghai detained Feng Zhenghu, a rights defender, online writer, and freelance journalist, on suspicion of "intentionally disturbing public order." The charges came after Feng published and distributed a list of wrongful convictions handed down by Shanghai courts, along with other writings. Feng was released June 15. On June 27, Sun Lin, a reporter for the foreign-based Web site Boxun, was sentenced to four years in prison for creating social unrest. Sun and his wife He Fang were arrested in May 2007 after Sun wrote articles on sensitive subjects, including crime and police brutality. He Fang was also charged and given a suspended sentence. In July Internet writer Du Daobin was rearrested and ordered to serve the remaining two years of a previously suspended sentence for "inciting subversion of state power." On July 5, Shanghai PSB officers traveled to Suzhou to arrest 23-year-old blogger Jia Xiaoyin, who later was charged with libel for "spreading rumors" that Yang Jia's killing of six Shanghai police officers July 1 was "justifiable homicide" because police allegedly had tortured Yang (see section 1.a). Jia's parents were not notified of his arrest until mid-October. At year's end he was awaiting trial. In May Chen Daojun, an Internet writer and environmental activist based in Chengdu, Sichuan Province was arrested, and on November 21 he was sentenced to three years in prison for "inciting subversion of state power." Chen was arrested after he participated in an environmental protest and posted articles online supportive of Tibetan demonstrators. According to Chen's lawyer, three of his articles were submitted as evidence that he had attacked the CCP.

According to the PEN American Center, persons who remained in prison as a result of their online writings and activities included: Zhu Yufu (who was sentenced to two additional years in prison), Guo Qizhen, Jin Haike, Kong Youping, Li Zhi, Lu Zengqi, Ning Xianhua, Tao Haidong, Wu Yilong, Xu Wei, Yan Zhengxue, Yang Tongyan, Yang Zili, Yuan Qiuyan, Zeng Hongling, Zhang Jianhong (aka "Li Hong"), Zhang Honghai, Zhang Lin, and Zheng Yichun.

Regulations prohibit a broad range of activities that authorities interpret as subversive or slanderous to the state. Internet Service Providers were instructed to use only domestic media news postings, to record information useful for tracking users and their viewing habits, to install software capable of copying e-mails, and to end immediately transmission of so-called subversive material.

#### Academic Freedom and Cultural Events

The government did not respect academic freedom and increased restrictions on political and social discourse at colleges, universities, and research institutes during the period leading up to and during the Olympics. Scholars and researchers reported varying degrees of control regarding issues they could examine and conclusions they could draw. There were reports that academics who advocated political reform were discouraged from attending academic conferences in the run-up to the Olympics. Others were urged by their schools to keep a low profile and not publish during the Olympics. Instructors were not allowed to raise certain topics in class, such as the 1989 suppression of

the Tiananmen protesters. In July the General Administration of Press and Publication banned the book *The Real DPRK* by writer Yu Yonglie, reportedly in response to complaints from the government of North Korea.

Authorities canceled university conferences involving foreign and domestic academics on short notice when they deemed the topics too sensitive. Information outreach, educational exchanges, and other cultural and public diplomacy programs organized by foreign governments occasionally were subject to government interference. Foreign experts invited to participate in foreign government-sponsored programs on certain topics were denied visas. During the year the government imposed new restrictions on cultural expression and banned artists it deemed controversial. In November authorities banned the album "Chinese Democracy" by the band Guns N'Roses, both because of the album title and song lyrics. In March, according to media reports, the State Administration of Radio, Film, and Television (SARFT) issued orders to television stations and print media to pull all advertising featuring the actress Tang Wei, allegedly because of Tang's work in the film *Lust, Caution*, which some officials deemed unpatriotic. In February the General Administration of Press and Publications announced a ban on the sale of horror movie videos. In January SARFT banned the film *Lost in Beijing* and also barred the film's producer from working in the film industry for two years. Prior to the Olympics, customs officials seized a painting by New York-based artist Zhang Hongtu because officials disliked the painting's portrayal of the Olympic "Bird's Nest" stadium.

The government continued to use political attitudes and affiliations as criteria for selecting persons for the few government-sponsored study abroad programs but did not impose such restrictions on privately sponsored students. The government and the party controlled the appointment of high-level officials at universities. While party membership was not always a requirement to obtain a tenured faculty position, scholars without party affiliation often had fewer chances for promotion.

Researchers residing abroad also were subject to sanctions, including denial of visas, from the authorities when their work did not meet with official approval. For example, during the year some scholars who contributed to the 2004 book *Xinjiang: China's Muslim Borderland* reported subsequent difficulty obtaining visas.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The law provides for freedom of peaceful assembly; however, the government severely restricted this right in practice. 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.

All concerts, sports events, exercise classes, or other meetings of more than 200 persons require approval from public security authorities. Although peaceful protests are legal, in practice police rarely granted approval. Despite restrictions, during the year there were many demonstrations, but those with political or social themes were broken up quickly, sometimes with excessive force. Social inequalities and uneven economic development, combined with dissatisfaction over widespread official corruption, increased social unrest. As in past years, the vast majority of demonstrations concerned land disputes, housing issues, industrial, environmental, and labor matters, government corruption, taxation, and other economic and social concerns. Others were provoked by accidents or related to personal petition, administrative litigation, and other legal processes.

On June 28, an estimated 30,000 persons rioted and set fire to government buildings and vehicles in Weng'an, Guizhou Province, after a female middle school student died under mysterious circumstances. On July 19, 400 rubber farmers clashed with police in Menglian County, Yunnan Province. Police fired plastic bullets at the rioters and state media reported two deaths and 54 persons injured, including 41 police officers.

Beijing Olympic organizers designated three parks as special protest zones during the August 8-24 Olympic Games. However, the Beijing PSB did not approve a single application to stage a demonstration, although reportedly 77 persons applied. At least six of those who applied to use the protest zones later were detained and several were returned forcibly to their home provinces. Two elderly women who applied were administratively sentenced to one year of RTL, although authorities later reportedly rescinded these sentences.

Police detained foreign citizens attempting to demonstrate near the Olympic Village or on Tiananmen Square. Most foreign demonstrators were expelled from the country within 24 hours.

During the Olympics Beijing-based dissidents were forced to leave the city, placed under house arrest, or subjected to 24-hour police surveillance. Many reported that in the weeks leading up to the opening ceremony, they were visited by state security officials who warned them to keep a low profile. Some dissidents were also warned against granting media interviews.

Persons petitioning the government continued to face restrictions on their rights to assemble and raise grievances. Most petitions mentioned grievances about land, housing, entitlements, the environment, or corruption. Most petitioners sought to present their complaints at national and provincial "letters and visits" offices.

Efforts to rid Beijing of petitioners resulted in heightened harassment, detention, incarceration, and restrictions on rights to assemble and raise grievances. During the year police in Beijing stepped up a campaign to rid the capital of petitioners before the Olympics. As the Olympics approached, Beijing hotels reportedly were pressured by police not to rent rooms to petitioners. Police from provinces across the country dispatched officers to the capital to apprehend petitioners from their jurisdictions. During the Olympics police cars from numerous provinces were seen near the offices of the State Bureau of Letters and Calls, the primary government agency responsible for receiving petitions. Police were also stationed outside the Beijing municipal letters and calls office. In December the Beijing News newspaper reported that authorities in Xintai, Shandong Province, had been abducting petitioners and confining them to mental hospitals and that some petitioners were reportedly force fed drugs. Officials from Nanyang City, Henan Province, reportedly operated a "black" or illegal jail in Beijing to detain Nanyang petitioners arriving in the capital to press grievances for property claims, police brutality, and official corruption. An official at the "black jail" reportedly stated that the detention site operated with central government permission.

Although regulations banned retaliation against petitioners, reports of retaliation continued. This was partly due to incentives provided to local officials by the central government to prevent petitioners in their regions from raising complaints to higher levels. Incentives included provincial cadre evaluations based in part on the number of petitions from their provinces. This initiative aimed to encourage local and provincial officials to resolve legitimate complaints but also resulted in local officials sending security personnel to Beijing and forcibly returning the petitioners to their home provinces. Such detentions occurred before and after the enactment of the new regulations and often went unrecorded.

#### Freedom of Association

The law provides for freedom of association, but the government restricted this right in practice. CCP policy and government regulations require that all professional, social, and economic organizations officially register with, and be approved by, the government. In practice these regulations prevented the formation of truly autonomous political, human rights, religious, spiritual, labor, and other organizations that might challenge government authority.

The government maintained tight controls over civil society organizations and in recent years heightened legal restraints and surveillance aimed at controlling them, particularly in the run-up to the Olympics. A government task



force aimed at blocking NGOs involved in social, political and charitable activities, and groups dedicated to combating discrimination against women, persons with disabilities, and minorities from fomenting political change.

To register, an NGO must find a government agency to serve as its organizational sponsor, have a registered office, and hold a minimum amount of funds. Some organizations with social or educational purposes that previously had been registered as private or for-profit businesses reportedly were requested to find a government sponsor and reregister as NGOs during the year. Although registered organizations all came under some degree of government control, some NGOs were still able to operate with some degree of independence.

The number of NGOs continued to grow, despite tight restrictions and regulations. According to official statistics, by the end of 2007 there were 387,000 registered NGOs, a 9.3 percent increase from 2006. NGOs existed under a variety of formal and informal guises, including national mass organizations created and funded by the CCP. The lack of legal registration created numerous logistical challenges for NGOs, including difficulty opening bank accounts, hiring workers, and renting office space. To register, private NGOs often had to partner with government agencies, while other NGOs chose to register as commercial consulting companies, which allowed them to obtain legal recognition at the cost of forgoing tax-free status. Security authorities routinely warned domestic NGOs, regardless of their registration status, not to accept donations from the National Endowment for Democracy and international organizations deemed sensitive by the government. Authorities supported the growth of some NGOs that focused on social problems, such as poverty alleviation and disaster relief, but authorities remained concerned that these organizations might emerge as a source of political opposition among disgruntled citizens. Several NGOs working in Tibetan areas were forced to delay some activities following the outbreak of riots in Lhasa and other Tibetan communities in March.

No laws or regulations specifically govern the formation of political parties. But the CDP remained banned, and the government continued to monitor, detain, and imprison current and former CDP members.

### c. Freedom of Religion

The constitution and laws provide for freedom of religious belief and the freedom not to believe, although the constitution only protects religious activities defined as "normal." The government sought to restrict legal religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of the activity of both registered and unregistered religious groups, including house churches. To be considered legal, religious groups must register with a government-affiliated patriotic religious association (PRA) associated with one of the five recognized religions: Buddhism, Taoism, Islam, Protestantism, and Catholicism. The PRAs supervised the activities of each of these religious groups and liaised with government religious affairs authorities charged with monitoring religious activity. The government tried to control and regulate religious groups, particularly unregistered groups, and repression and harassment of unregistered religious groups intensified in the run-up to the Olympics. Nonetheless, freedom to participate in religious activities continued to increase in many areas. Religious activity grew not only among the five main religions, but also among the Eastern Orthodox Church and folk religions.

The government's repression of religious freedom intensified in Tibetan areas and in the XUAR. Authorities reportedly requested that some house church groups in Beijing, including those with large congregations, those that were high-profile, or those located near Olympic venues, suspend meetings during the Olympic Games and Paralympic Games, although few groups reported that this request was enforced. Authorities reportedly asked some Beijing area house church leaders to sign a written agreement not to meet, although there were no confirmed instances in which any church leaders were required to sign the document. Beijing authorities reportedly closed or requested a very small number of unregistered groups to stop meeting during the Olympic Games and Paralympic Games, although at least one large group ignored the request with impunity. Officials detained and interrogated

several foreigners about their religious activities and in several cases alleged that the foreigners had engaged in "illegal religious activities" and cancelled their visas. Officials in the XUAR, the TAR, and other Tibetan areas tightly controlled religious activity. Followers of Tibetan Buddhism, including those in the Inner Mongolian Autonomous Region and most Tibetan autonomous areas, faced more restrictions on their religious practice and ability to organize than Buddhists in other parts of the country. The "patriotic education" campaigns in the TAR and other Tibetan regions, which often required monks and nuns to sign statements denouncing the Dalai Lama, and other new restrictions on religious freedom were major factors that led monks and nuns to mount peaceful protests at a number of monasteries on March 10. The protests and subsequent security response gave way to violence in Lhasa and other Tibetan communities by March 14 and 15. "Underground" Roman Catholic clergy faced repression. The government continued to repress groups that it designated as "cults," which included several Christian groups and Falun Gong.

Government officials stated that the five PRAs were the only groups registered as religious organizations under the Regulations on Social Organizations, which are administered by the Ministry of Civil Affairs and cross-referenced under the regulations on religious affairs (RRA). The RRA states that all religious venues are required to register with the State Administration for Religious Affairs (SARA) or its provincial or local offices, which are known as Religious Affairs Bureaus (RABs). SARA and the RABs were responsible for monitoring and judging whether religious activity was "normal" and therefore lawful. SARA and the CCP's United Front Work Department provided policy guidance and supervision over implementation of government regulations on religious activity.

The RRA and supplementary regulations issued between 2005 and 2007 provide some legal advantages and protections for activities in registered religious venues. Inability to register under the RRA deprived groups of the ability to hold funds in their own names and enter lease contracts. Vague language and inconsistent implementation limited the effectiveness of these regulations even for registered groups, and the legal protections remain limited in scope, conditioned on government approval, and applicable only to state-sanctioned religions.

The law requires religious groups to register religious venues, although many thousands of religious groups did not register. Spiritual activities in religious venues that have not registered may be considered illegal and participants can be punished. Government officials stated that private homes where family and friends gather to study the Bible would not be required to register. Clergy did not have to be approved by the government but had to be reported to the government after being selected pursuant to the rules of the relevant government-affiliated religious association. Reports of government pressure on religious groups to register or to come under the supervision of official religious organizations continued during the year. Various unofficial groups reported that authorities refused them registration without explanation or that they were denied registration because of their failure to affiliate with a PRA or to employ PRA-approved clergy. The government acknowledged that only those groups associated with a PRA would be allowed to register a religious venue. Some religious groups were reluctant to comply with the regulations out of principled opposition to state control of religion. In the past some groups expressed a fear of adverse consequences if they revealed, as required, the names and addresses of church leaders and members. Members of some house church groups reported that they did not want to become a registered meeting point or venue of a state-approved church, because they would not be able to administer communion or baptism and would not be able to choose their own clergy.

Local authorities' handling of unregistered Protestant groups varied in different regions of the country. In some regions unregistered groups or house churches with hundreds of members met openly, with the full knowledge of local authorities, who characterized the meetings as informal gatherings. In other areas meetings of more than a handful of family members and friends were strictly proscribed. Leaders of unauthorized groups were sometimes the target of abuse. Authorities disrupted church meetings and retreats; detained, beat, and harassed leaders and church members; and confiscated the personal property of church leaders and members. Unregistered groups were more likely to encounter difficulties when their membership was large or when they forged links with other

unregistered groups or foreign organizations. Unregistered groups also faced increased scrutiny from authorities when they engaged in discussions of legal or political activism.

In June several prominent Christians were harassed, placed under surveillance, restricted to their homes, or forced to leave Beijing during the visit of a delegation of foreign officials. These individuals included religious freedom attorneys Li Baiguang and Li Heping, Christian writer Yu Jie, and pastor Zhang Mingxuan and his wife. Zhang Mingxuan was detained on and off for the last six months of the year, including during the Olympics and during a celebration to commemorate the third anniversary of the China House Church Alliance (CHCA). Security officials in Beijing also severely beat his sons, Zhang Jian and Zhang Chuang, and detained Zhang's wife and sister-in-law. Authorities also pressed Zhang to sign a document agreeing to abolish the CHCA, and when Zhang refused and attempted to file an administrative statement of complaint, the court refused to accept his case.

During the year there were numerous reports of detention and harassment of unregistered Protestant groups. On November 5, pastor Lou Yuanqi was tried for using superstition in violation of the criminal law. He was accused of organizing people in his residence to preach religion, contacting overseas individuals and organizations, and providing them with false information to influence international opinion.

On June 24, the government extended the detention of Beijing bookstore owner Shi Weihai, who was taken into police custody on March 19, for two months. Shi was initially detained in November 2007 for the illegal publication of Bibles and Christian literature, but authorities released him in January due to "insufficient evidence." PSB officials reportedly denied him contact with his family since March, and Shi was not granted access to his lawyer until April.

On May 27, the Kashgar District Intermediate People's Court, XUAR, tried Alimujiang Yimiti, a Uighur Christian employed by a foreign-owned company, on the charge of "endangering national security." The court sent Yimiti's case back to prosecutors due to "insufficient evidence," yet reportedly had not released him at year's end. Yimiti had been arrested in January on charges of engaging in illegal religious activities "in the name of business" and preaching Christianity to ethnic Uighurs. On May 11, authorities disrupted a worship service at the unregistered Shouwang Church in Beijing and ordered church members to stop meeting prior to the Olympics. However, Shouwang Church continued to meet before and during the Olympics and the government did not interfere again. Officials had previously rejected multiple attempts by the church to register.

The government permitted registered and unregistered religious groups to play a larger role in providing social services. Some groups were permitted to provide assistance in response to natural disasters, including the May earthquake in Sichuan Province.

Harassment of unregistered Catholic bishops, priests, and laypersons continued, including government surveillance and detentions. On August 24, officials reportedly detained 74-year-old Jia Zhiguo, an underground bishop of the diocese of Zhengding, Hebei Province. There was no new information about unregistered Bishop Su Zhimin, who remained unaccounted for since his reported detention in 1997.

The Catholic Patriotic Association did not recognize the authority of the Holy See to appoint bishops. However, it allowed the Vatican's discreet input in selecting some bishops.

The distinction between the official Catholic Church, which the government controlled politically, and the unregistered Catholic Church has blurred over time. In some official Catholic churches, clerics led prayers for the pope, and pictures of the pope were displayed. An estimated 90 percent of official Catholic bishops have reconciled with the Vatican. Likewise, the large majority of Catholic bishops appointed by the government have received official approval from the Vatican through "apostolic mandates."

Traditional folk religions, such as Fujian Province's "Mazu Cult," were still practiced in some locations. They were tolerated to varying degrees, often seen as loose affiliates of Taoism or as ethnic minority cultural practices. However, the government labeled folk religions "feudal superstition" and sometimes repressed them. An administrative division at SARA was responsible for the activities of folk religions and religions outside the main five, including the Eastern Orthodox Church and the Church of Jesus Christ of Latter-day Saints.

Buddhists made up the largest body of organized religious believers. The traditional practice of Buddhism continued to expand among citizens in many parts of the country. However, in Tibetan areas, the level of repression of Tibetan Buddhists increased significantly during the year, especially following the outbreak of protests across the Tibetan Plateau in the spring.

Press and NGO reports suggested that continued tight government controls on religious practices and places of worship in Tibetan areas was a major factor contributing to the widespread protests that began in March. Although authorities permitted many traditional practices and public manifestations of belief, they promptly and forcibly suppressed activities they viewed as vehicles for political dissent or advocacy of Tibetan independence, including worshipping the Dalai Lama.

Following violent protests in Lhasa on March 14 and 15, authorities locked down many monasteries across Tibetan areas and detained and physically abused an unknown number of monks and nuns, or expelled them from their monastery. The government expanded and intensified patriotic education campaigns in monasteries and nunneries, prompting additional rounds of protests through June. At year's end some of the monasteries in Tibetan areas remained closed. Following the outbreak of demonstrations in Tibetan areas in March, government officials and representatives of the Dalai Lama held three rounds of discussions in May, July, and November, with no progress.

The government tightly controlled the practice of Islam, and official repression of Uighur Muslims in the XUAR increased. Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be implemented forcefully in the XUAR. Measures to tighten control over religion in XUAR included increasing surveillance of mosques, religious leaders, and practitioners; detaining and arresting persons engaged in unauthorized religious activities; curbing illegal scripture readings; and increasing accountability among implementing officials. On August 5, authorities in Kashgar reportedly issued accountability measures to local officials responsible for high-level surveillance of religious activity in the region. Also in August in Kashgar, authorities called for enhancing controls of groups that included religious figures as part of broader CCP measures of "prevention" and "attack." Authorities in Hotan reportedly restricted women from wearing head coverings (Hijab) in government offices. Coupled with news of a proposed government ban on headscarves, this led to large protests in March. In addition some men were required to shave their beards.

The government reportedly continued to limit access to mosques, detain citizens for possession of unauthorized religious texts, imprison citizens for religious activities determined to be "extremist," pressure Muslims who were fasting to eat during Ramadan, and confiscate Muslims' passports to strengthen control over Muslim pilgrimages. Following violent clashes in western Xinjiang during the Olympic Games, XUAR authorities imposed widespread detentions, restricted movement within the XUAR, and established curfews in some cities. XUAR party secretary Wang Lequan declared in September that the XUAR government would carry out "preemptive attacks," implement "antiseparatist reeducation" across the region, and increase policing of religious groups.

XUAR authorities maintained the most severe legal restrictions in the country on children's right to practice religion. Authorities continued to prohibit the teaching of Islam outside the home to elementary-and middle-school-age children in some areas, and children under the age of 18 were prohibited from entering mosques. In August authorities reportedly forced the return of Uighur children studying religion in another province and detained them in the XUAR for engaging in "illegal religious activities."

According to procuratorial officials, XUAR authorities arrested nearly 1,300 persons on state security charges during the first 11 months of the year. Authorities approved the prosecution of 1,154 of these individuals for committing one or more of the "three evils" of terrorism, separatism, and extremism. This was a dramatic increase from 2007, when the number of individuals arrested for state security crimes nationwide was 744.

Authorities reserved the right to censor imams' sermons, and imams were urged to emphasize the damage caused to Islam by terrorist acts in the name of the religion. Certain Muslim leaders received particularly harsh treatment. Authorities in some areas conducted monthly political study sessions for religious personnel, which, according to one CCP official who took part in a study session, called for "creatively interpreting and improving" religious doctrine. Authorities also reportedly tried to restrict Muslims' opportunities to study religion overseas. The China Islamic Conference required religious personnel to study "new collected sermons" compiled by an Islamic Association of China (IAC) committee, including messages on patriotism and unity aimed at building a "socialist harmonious society." In contrast to the heavy-handed approach to Muslims in the XUAR, officials in Ningxia, Gansu, Qinghai, and Yunnan Provinces did not interfere heavily in Muslims' activities.

In addition to the restrictions on practicing religion placed on party members and government officials throughout the country, teachers, professors, and university students in the XUAR were sometimes not allowed to practice religion openly. Authorities imposed restrictions on state employees' observance of Ramadan and prohibitions on closing restaurants during periods of fasting. A local party secretary, Zhang Zhengrong, reportedly called on schools to strengthen propaganda education during Ramadan and to put a stop to activities including fasting and professing a religion. The Kashgar Teachers College reportedly implemented a series of measures to prevent students from observing Ramadan, including imposing communal meals and requiring students to obtain permission to leave campus. School authorities also made students gather for a school assembly at a time of day coinciding with Friday prayers.

The government took steps to prevent Muslims from traveling on unauthorized pilgrimages. The government continued to enforce a policy barring Muslims from obtaining hajj visas outside of China. The government published banners and slogans discouraging hajj pilgrimages outside those organized by the IAC. Foreign media reported that XUAR officials confiscated the passports of Uighur Muslims in some areas to prevent unauthorized hajj pilgrimages. Government officials in some areas also arbitrarily detained Muslims to prevent them from going on the hajj, required them to show that their hajj travel funds were not borrowed from other sources, required them to pay a large deposit to retrieve their passports for overseas travel, and required them to pass a health test.

Official reports noted that 11,900 Muslims traveled to Mecca during the year for the hajj pilgrimage. This figure did not include participants who were not organized by the government, for whom there were no official estimates but who numbered in the thousands in previous years.

The law does not prohibit religious believers from holding public office; however, party membership is required for almost all high-level positions in government, state-owned businesses, and many official organizations.

Despite regulations encouraging officials to be atheists, some party officials engaged in religious activity, most commonly Buddhism or a folk religion but also Christianity. The NPC included several religious representatives. Religious groups also were represented in the CPPCC, an advisory forum for "multiparty" cooperation and consultation led by the CCP, and in local and provincial governments. CPPCC Standing Committee vice chairmen included Pagbalha Geleg Namgyal, a Tibetan reincarnate lama, and Cao Shengjie, president of the China Christian Council.

The authorities continued a general crackdown on groups considered to be "cults." These "cults" included not only Falun Gong and various traditional Chinese meditation and exercise groups (known collectively as qigong groups), but also religious groups that authorities accused of preaching beliefs outside the bounds of officially approved doctrine.

Actions against members of such groups continued during the year. Police also continued efforts to close down the underground evangelical group Shouters, an offshoot of a pre-1949 indigenous Protestant group. Government action against the South China Church continued.

Public Falun Gong activity in the country remained negligible, and practitioners based abroad reported that the government's crackdown against the group continued. In the past the mere belief in the discipline (even without any public practice of its tenets) sometimes was sufficient grounds for practitioners to receive punishments ranging from loss of employment to imprisonment. Falun Gong sources estimated that since 1999 at least 6,000 Falun Gong practitioners have been sentenced to prison, more than 100,000 practitioners have been sentenced to RTL, and almost 3,000 have died from torture while in custody. Some foreign observers estimated that Falun Gong adherents constituted at least half of the 250,000 officially recorded inmates in RTL camps, while Falun Gong sources overseas placed the number even higher.

Over the past several years, Falun Gong members identified by the government as "core leaders" were singled out for particularly harsh treatment. More than a dozen Falun Gong members were sentenced to prison for the crime of "endangering state security," but the great majority of Falun Gong members convicted by the courts since 1999 were sentenced to prison for "organizing or using a sect to undermine the implementation of the law," a less serious offense. Most practitioners, however, were punished administratively. Some practitioners were sentenced to RTL. Some Falun Gong members were sent to "legal education" centers specifically established to "rehabilitate" practitioners who refused to recant publicly their belief voluntarily after their release from RTL camps. Government officials denied the existence of such "legal education" centers. In addition hundreds of Falun Gong practitioners were confined to mental hospitals, according to overseas groups.

Police continued to detain current and former Falun Gong practitioners and used possession of Falun Gong material as a pretext for arresting political activists. The government continued its use of high-pressure tactics and mandatory anti-Falun Gong study sessions to force practitioners to renounce Falun Gong. Even practitioners who had not protested or made other public demonstrations of belief reportedly were forced to attend anti-Falun Gong classes or were sent directly to RTL camps. These tactics reportedly resulted in large numbers of practitioners signing pledges to renounce the movement.

The government supported atheism in schools. Authorities in many regions barred school-age children from attending religious services at mosques, temples, or churches and prevented them from receiving religious education outside the home.

Official religious organizations administered local religious schools, seminaries, and institutes to train priests, ministers, imams, Islamic scholars, and Buddhist monks. Students who attended these institutes had to demonstrate "political reliability," and all graduates had to pass an examination on their political, as well as theological, knowledge to qualify for the clergy. The government permitted registered religions to train clergy and allowed an increasing number of Catholic and Protestant seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies, but some religion students had difficulty getting passports or obtaining approval to study abroad. In most cases foreign organizations provided funding for such training programs.

Although Bibles and other religious texts were available in most parts of the country, the government tightly regulated the publication of religious texts and prohibited individuals from printing religious material.



In 2007, XUAR authorities also confiscated 25,000 illegal religious publications. The Xinjiang People's Publication House was the only publisher officially permitted to print Muslim literature.

The supply of Bibles was adequate in most parts of the country, but some members of underground churches complained that the supply and distribution of Bibles, especially in rural locations, was inadequate. Individuals could not order Bibles directly from publishing houses. Customs officials continued to monitor for the "smuggling" of religious materials into the country. Authorities in a few areas reportedly sometimes confiscated Bibles, Korans, and other religious material. In August Kunming officials confiscated 315 Bibles that four foreign citizens imported into the country. The Bibles were returned when the visitors departed China.

#### Societal Abuses and Discrimination

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

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The law provides for freedom of movement within the country, foreign travel, emigration and repatriation; however, the government generally did not respect their rights in practice. Authorities heightened restrictions periodically, particularly curtailing the movement of individuals deemed politically sensitive before key anniversaries and visits of foreign dignitaries, and to forestall demonstrations. Freedom of movement was extremely limited in the TAR and other Tibetan areas following the protests and unrest in March. Police checkpoints were established in most counties and on roads leading into many towns, as well as within major cities such as Lhasa. The government continued to consider all North Koreans "economic migrants" rather than refugees, and the UN High Commissioner for Refugees (UNHCR) continued to have limited access to North Korean refugees inside China. The lack of access to UNHCR-supported durable solutions and options, as well as constant fear of forced repatriation by authorities, left North Korean refugees vulnerable to human traffickers. Even refugees under UNCHR care were subjected to harassment and restrictions by authorities.

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 more than four times the rural per capita income, but many could not officially change their 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 peasants from rural areas to obtain household registration in more economically developed urban areas.

The household registration system added to the difficulties rural residents faced even after they relocated to urban areas and found employment. The Ministry of Human Resources and Social Security (MOHRSS) reported that there were approximately 230 million migrant workers from rural areas engaged in wage employment in urban areas. These economic migrants lacked official residence status in cities, and it was difficult for them to gain full access to social services, including education, despite laws, regulations, and programs meant to address their needs. Furthermore, law and society generally limited migrant workers to types of work considered least desirable by local residents, and such workers had little recourse when subject to abuse 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 that it was difficult to qualify for these benefits in

practice.

Under the "staying at prison employment" system applicable to recidivists incarcerated in RTL camps, authorities denied certain persons permission to return to their homes after serving their sentences. Some released or paroled prisoners returned home but were not permitted freedom of movement.

The government permitted legal emigration and foreign travel for most citizens. There were reports that some academics faced travel restrictions around the year's sensitive anniversaries, particularly the anniversary of the Tiananmen Square massacre and the Olympics. Most citizens could obtain passports, although those whom the government deemed threats, including religious leaders, political dissidents, and ethnic minorities were refused passports or otherwise prevented from traveling overseas. In March prominent human rights lawyer Teng Biao told reporters that authorities seized his passport. On May 14, the Chaoyang People's Court in Beijing upheld an administrative decision that barred Yuan Weijing, the wife of lawyer Chen Guangcheng, from leaving the country in August 2007 to receive an award on her imprisoned husband's behalf. In July Tsering Woesser, a well-known Tibetan writer, filed a lawsuit against the government for denying her a passport for more than three years.

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

Some 2,445 Tibetans reportedly fled Tibetan areas for India in 2006, most of them teenagers and novice monks and nuns seeking religious education. Police vowed to "strike hard" against such border crossings as part of a campaign against "separatists." The government continued to try to prevent many Tibetans from leaving and detained many who were apprehended in flight (see Tibet Addendum). By year's end Tibetan arrivals in the UNHCR reception center in Kathmandu were down to 550, a 75 percent decrease from 2,164 in 2007. The biggest disparities in arrivals occurred during the heavily trafficked fall and winter months when border security historically has been weak. Decreased flows were attributed to tightened security across Tibet, along the border and inland, in the wake of the Lhasa crackdown in March.

#### Protection of Refugees

Although the country is a signatory of the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the law does not provide for the granting of refugee or asylum status. The government largely cooperated with the UNHCR when dealing with the resettlement of ethnic Han Chinese or ethnic minorities from Vietnam and Laos resident in the country. During the year the government and UNHCR continued ongoing discussions concerning the granting of citizenship to these residents. However, the government continued to deny the UNHCR permission to operate along its northeastern border with North Korea.

In practice the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. During the year, reportedly in preparation for the Olympics, authorities stepped up efforts to locate, detain, and forcibly return North Koreans to North Korea, where many faced persecution and some may have been executed. Police in Yanbian reportedly offered an award of RMB 2,000 (\$292) to RMB 2,700 (\$395) for turning over North Koreans. Some North Koreans were permitted to travel to third countries after they entered diplomatic compounds in the country. The intensified crackdown against North Korean refugees reportedly extended to harassment of religious communities along the border. The undocumented children of some North Korean asylum seekers and of mixed couples (i.e., one Chinese parent and one North Korean parent) reportedly did not have access to health care and other social services. The government also arrested and detained

individuals who provided food, shelter, transportation, and other assistance to North Koreans. According to reports, some activists or brokers detained for assisting North Koreans were charged with human smuggling, and in some cases the North Koreans were forcibly returned to North Korea. There were also reports that North Korean agents operated clandestinely within the country to forcibly repatriate North Korean citizens.

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

The law does not provide citizens with the right to change their government peacefully, and citizens cannot freely choose or change the laws and officials that govern them. The CCP continued to control appointments to positions of political power.

#### Elections and Political Participation

According to the law, the NPC is the highest organ of state power. Formally the NPC, composed of 2,987 deputies, elects president and vice president, the premier and vice premiers, and the chairman of the State Central Military Commission. In practice the NPC Standing Committee, which is composed of 175 members, oversaw these elections and determined the agenda and procedure for the NPC. The NPC Standing Committee remained under the direct authority of the CCP's nine-member Politburo Standing Committee. Despite its broad authority under the state constitution, the NPC does not have power to set policy independently or remove political leaders without the party's approval. At the March NPC plenary session, Hu Jintao was reelected to a five-year term as president; Xi Jinping was elected vice president.

All of the country's approximately one million villages were expected to hold competitive, direct elections for members of local village committees, which were subgovernment organizations. The direct election of officials by ordinary citizens remained narrow in scope and strictly confined to the local level. The government estimated that one-third of all elections had serious procedural flaws. Corruption, vote buying, and interference by township-level and party officials continued to be problems. The law permits each voter to cast proxy votes for up to three other voters.

Although the law includes a provision for recalling village committee members, local implementing regulations proved sufficiently vague or cumbersome so as to prevent most attempted recalls. In cases of alleged corruption, a handful of local legislative deputies, but not village heads, were recalled.

The election law governs legislative bodies at all levels. Under this law, citizens have the opportunity to vote for local people's congress representatives at the county level and below, although in most cases the nomination of candidates in those elections was strictly controlled by the party. Legislators selected people's congress delegates above the county level. For example, provincial-level people's congresses selected delegates to the NPC. Local CCP secretaries generally served concurrently as the head of the local people's congress, thus strengthening party control over legislatures.

In 2006 and 2007 independent candidates not selected by local authorities ran or attempted to run in CPC elections held across the country. While a small number of independents were elected in some areas, local officials reportedly exerted manipulation and pressure to prevent others from winning. Local police detained and monitored independent candidates, seized campaign materials, and intimidated supporters, family members, and friends. Some activists also alleged that vote counts were rigged to ensure defeat.

Although the CCP controlled appointments of officials to government and party positions at all levels, some township, county, and provincial elections featured experiments with increased competition, including self-nomination of candidates, campaign speeches by candidates, public vetting of nominees, and a two-tiered indirect

election system. State-run media reported in April that 16 candidates used a live television debate format while running for four Nanjing municipal government positions. Each of the candidates, including a nonparty member, gave a speech and answered questions. A studio audience of more than 240 commented and voted on candidates. Candidates with the most votes were recommended to the Nanjing Municipal Party Committee for final selection.

Official statements asserted that "the political party system China has adopted is multiparty cooperation and political consultation under" the CCP leadership. However, the CCP retained a monopoly on political power and forbade the creation of new political parties. The government recognized nine parties founded prior to 1949, but not the CDP, an opposition party founded in 1998 and subsequently declared illegal. Dozens of CDP leaders, activists, and members have been arrested, detained, or confined. One of the CDP's founders, Qin Yongmin, who was imprisoned in 1998, remained in prison at year's end, as did others connected with a 2002 open letter calling for political reform and reappraisal of the 1989 Tiananmen massacre. More than 30 current or former CDP members reportedly remained imprisoned or held in RTL camps, including Chen Shuqing, Zhang Lin, Sang Jiancheng, He Depu, Yang Tianshui, Wang Rongqing, and Jiang Lijun.

The government placed no special restrictions on the participation of women or minority groups in the political process. However, women held few positions of significant influence in the CCP or government structure. There was one female member of the CCP's 25-member Politburo, who also concurrently served as one of five state councilors. During the year women headed three of the country's 27 ministries.

The government encouraged women to exercise their right to vote in village committee elections and to stand for those elections, although only a small fraction of elected members were women. In many locations, a seat on the village committee was reserved for a woman, who was usually given responsibility for family planning.

Minorities, who made up approximately 8.4 percent of the population, constituted 13.9 percent of the NPC. All of the country's 55 officially recognized minority groups were represented in the NPC membership. The 17th Communist Party Congress elected 40 members of ethnic minority groups as members or alternates on the Central Committee. The only ministerial-level post held by an ethnic minority was the ethnic affairs post, and there was one ethnic minority, Vice Premier Hui Liangyu, on the Politburo. Minorities held few senior party or government positions of significant influence.

#### Government Corruption and Transparency

Corruption remained an endemic problem. The National Audit Office in 2007 found that 56 ministerial level departments and their affiliates made unauthorized use of RMB 6.87 billion (approximately \$1 billion) during the first 11 months of the year. During the year a report delivered to the NPC by the National Audit Office stated that in 2007 the office audited 53 departments at the central level and 368 affiliated organs, and that RMB 46.37 billion (approximately \$6.78 billion) had been misused. Corruption plagued courts, law enforcement agencies, and other government agencies.

During the year the courts and party agencies took disciplinary action against many public and party officials. In the first five months of the year, prosecutors filed and investigated 20,294 cases of embezzlement, bribery, or dereliction of duty, down 9.6 percent from the same period in 2007. From December 2002 to June 2007, the CCP's CDIC reported that 518,484 party members were punished for breaking party discipline. From November 2007 to November, 151,000 party officials and cadres were disciplined. Of the 4,960 persons who were at or above director level, 801 were transferred to judicial organs for investigation of possible violations of law.

The government experimented with various forms of public oversight of government, including telephone hot lines and complaint centers, administrative hearings, increased opportunity for citizen observation of government

proceedings, and other forms of citizen input in the local legislative process, such as hearings to discuss draft legislation. Citizens continued to file administrative lawsuits to seek legal redress against government malfeasance. According to official statistics, 101,510 administrative lawsuits were filed against the government in 2007, slightly more than in the previous year. Petitioning officials directly and outside the court system was also a common avenue used by citizens to redress grievances.

The national regulations on the disclosure of government information went into effect on May 1. The regulations seek to ensure access to government information in accordance with the law, enhance government transparency, promote law-based government administration, and foster open access to government information for use in the service of the people's productivity and livelihood in social and economic activities. According to a state council official, the regulations attempt to protect "the public's right to know, the right to participate, and the right to supervise," and seek to "curb corruption at its source, largely reducing its occurrence."

#### Section 4 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 prevent what it has called the "westernization" of the country. The government did not permit independent domestic NGOs to monitor openly or to comment on human rights conditions; existing domestic NGOs were harassed. The government tended to be suspicious of independent organizations and increased scrutiny of NGOs with links overseas. Most large NGOs were quasigovernmental, and all NGOs had to be sponsored by government agencies.

An informal network of activists around the country continued to serve as a credible source of information about many human rights violations. The information was disseminated through organizations such as the Hong Kong-based Information Center for Human Rights and Democracy and the foreign-based Human Rights in China.

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 with the country's internal affairs. Representatives of some international human rights organizations reported that authorities denied their visa requests or restricted the length of visas issued to them. The government-established China Society for Human Rights is an NGO whose mandate is to defend the government's human rights record. The government maintained that each country's economic, social, cultural, and historical conditions influence its approach to human rights. Many domestic and international NGOs were required to suspend meetings and other activities around the Olympics. Some foreign NGO employees reported difficulty obtaining and renewing visas during the period leading up to the Olympics.

The ICRC operated an office in Beijing, but the government did not authorize the ICRC to visit prisons. The government continued unofficial discussions on human rights and prisoner issues with a foreign-based human rights group, although the government's cooperation with the group was not as extensive as in previous years.

#### Section 5 Discrimination, Societal Abuse, and Trafficking in Persons

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

##### Women

Rape is illegal, and some persons convicted of rape were executed. The law does not recognize expressly or exclude

spousal rape. According to official statistics, 31,833 cases of rape were reported to police in 2007, down from 32,352 cases in 2006. In June media reports indicated that riots erupted in the Southwest over what was seen as a cover-up by police of a schoolgirl's rape and murder. Police arrested up to 200 protesters who claimed that police were attempting to protect the suspect of the crime, reportedly the son of a local politician. The protests became violent when it became known that the 15-year-old girl's uncle died, allegedly due to police beatings after questioning the police's conclusion that his niece had committed suicide.

Violence against women remained a significant problem. There was no national law criminalizing domestic violence, but the criminal law, marriage law, and other laws on public security provide for mediation and administrative penalties in cases of domestic violence. Critics asserted that these penalties are vague and lack specific measures for implementation.

Although the NPC amended the Law on the Protection of Women's Rights specifically to prohibit domestic violence in 2005, critics complained that the provision failed to define domestic violence. According to media reports, approximately 30 percent of families suffered from domestic violence, while 90 percent of the victims were women and children. The All-China Women's Federation (ACWF) reported that it received some 300,000 letters per year complaining about general family problems, mostly involving domestic violence. In 2007 ACWF reported that it received approximately 40,000 specific complaints about domestic violence, more than double the number received in 2000. The actual incidence was believed to be higher because spousal abuse largely went unreported. ACWF also reported that approximately one-quarter of the 400,000 divorces registered each year were the result of family violence. According to experts, domestic abuse was more common in rural areas than in urban centers. An ACWF study found that only 7 percent of rural women who suffered domestic violence sought help from police.

In response to an increased awareness of domestic violence, there were a growing number of shelters for victims. During the year the ACWF reported 27,000 legal aid service centers, 12,000 special police booths for domestic violence complaints, 400 shelters for victims of domestic violence, and 350 examination centers for women claiming to be injured by domestic violence had been established nationwide. Most shelters were government run, although some included NGO participation.

In August a district court in Wuxi, Jiangsu Province, issued a precedent-setting court order on the protection of personal safety, prohibiting a husband from intimidating or beating his wife who had tried to divorce him and who, he claimed, had not provided him with a son. A second, similar order was issued in September at a district court in Changsha, Hunan Province. The two protection orders were based on guidance issued by the SPC in May, intended for rulings on family cases involving domestic violence. Building on lessons learned at the provincial level and placing an emphasis on protection of victims, the recommendations addressed a range of issues affecting domestic violence cases, including typical behavior patterns of the offender and victim, protection of victims during trial, testimony of children, and special considerations for evidence collection, as well as effective mediation techniques to be used in such cases.

Experts pointed out that in addition to the new guidance, 25 of 33 provinces and administrative regions have adopted their own legislation to combat domestic violence. In July seven ministries, including the MPS, the Ministries of Civil Affairs and Health, as well as the ACWF issued new guidelines on the prevention and elimination of domestic violence, which lay out specific actions to be taken to raise awareness of the issue, properly handle domestic violence cases, protect victims, and provide legal assistance where needed.

The law prohibits the use of physical coercion to compel persons to submit to abortion or sterilization. However, intense pressure to meet birth limitation targets set by government regulations resulted in instances of local birth-planning officials using physical coercion to meet government goals (see section 1.f.). Such practices required the use of birth control methods (particularly intrauterine devices and female sterilization, which according to



government statistics, accounted for more than 80 percent of birth control methods employed), and the abortion of certain pregnancies.

Although prostitution is illegal, experts estimated that between 1.7 million and 6 million women were involved in prostitution in the country. According to state-run media, one out of every five massage parlors in the country was involved in prostitution, with the percentage higher in cities. In December Xinhua reported that, according to Beijing's municipal health bureau, only 47 percent of Beijing's 90,000 sex workers used condoms. The report also mentioned that sexual transmission surpassed intravenous drug use as the primary method of infection, which accounted for 55 percent of all HIV transmissions in the capital.

Although the government made some efforts to crack down on the sex trade, media reports claimed that some local officials were complicit in prostitution, owned prostitution venues, or received proceeds from such businesses. Prostitution involved organized crime groups and businesspersons as well as the police and the military. According to official statistics, 94,687 cases involving prostitution were investigated by police in 2007. Courts prosecuted persons who organized or procured prostitutes, but actions to curtail prostitution had limited results.

After the Law on the Protection of Women's Rights was amended in 2005 to include a ban on sexual harassment, the number of sexual harassment complaints increased significantly. In June a court in Chengdu sentenced a manager from a high-tech firm to five months in prison for molesting a female employee, marking the first sexual harassment conviction in the country.

The constitution states "women enjoy equal rights with men in all spheres of life." The Law on the Protection of Women's Rights and Interests provides for equality in ownership of property, inheritance rights, and access to education. The ACWF was the leading implementer of women's policy for the government, and the State Council's National Working Committee on Children and Women coordinated women's policy. Nonetheless, many activists and observers were concerned that the progress made by women over the past 50 years was eroding. They asserted that the government appeared to have made the pursuit of gender equality a secondary priority as it focused on economic reform and political stability.

Women continued to report that discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies were significant problems. In 2007 the ACWF reported that female migrant workers, comprising more than 30 percent of all migrant workers in the country, faced numerous challenges in the workplace. The survey found that female migrant workers lacked legal protection (more than 50 percent had no labor contract, compared with 40 percent of male migrants), had long working hours (more than 40 percent worked nine to 10 hours a day while 24.8 percent worked more than 11 hours a day), earned low wages, and did not have access to safe and sanitary work environments. The ACWF studies also showed that 21 percent of rural women working in cities were fired after becoming pregnant or giving birth and that some women delayed motherhood for fear of losing job and promotion opportunities.

Authorities often did not enforce laws protecting the rights of women. According to legal experts, it was difficult to litigate a sex discrimination suit because the vague legal definition made it difficult to quantify damages, so very few cases were brought to court. 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. Women's rights advocates indicated that in rural areas women often forfeited land and property rights to their husbands in divorce proceedings. In principle rural contract law and laws protecting women's rights stipulate that women enjoy equal rights in cases of land management, but experts argued that in practice, this was rarely the case due to the complexity of the law and difficulties in its implementation.

Many employers preferred to hire men to avoid the expense of maternity leave and childcare, and some lowered the effective retirement age for female workers to 40 (the official retirement age for men was 60 and for women 55, with the exception of men and women involved in physically demanding jobs for which the retirement age was 55 and 45, respectively). In addition work units were allowed to impose an earlier mandatory retirement age for women than for men, which limited a woman's lifetime earning power and career span. Lower retirement ages also reduced pensions, which generally were based on the number of years worked. Job advertisements sometimes specified height and age requirements for women.

Women had less earning power than men, despite government policies mandating nondiscrimination in employment and occupation. MOHRSS and the local labor bureaus were responsible for ensuring enterprises complied with the labor law and the employment promotion law, each of which contains antidiscrimination provisions. Despite the existence of administrative and civil remedies for discrimination, labor law enforcement was generally lax. Lawyers explained that there were very few cases of disputes regarding alleged discrimination, as such allegations were difficult to prove.

The UN Economic and Social Council reported that less than 2 percent of women between the ages of 15 and 24 were illiterate. According to 2008 official government statistics, women comprised more than 70 percent of all illiterate persons above the age of 15. In some underdeveloped regions, the female literacy rate lagged behind the male literacy rate by 15 percent or more.

A high female suicide rate continued to be a serious problem. According to the World Bank and the World Health Organization, there were approximately 500 female suicides per day. The Beijing Psychological Crisis Study and Prevention Center reported that the suicide rate for females was three times higher than for males. Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, the country's birth limitation policies, and other societal factors contributed to the high female suicide rate. Women in rural areas, where the suicide rate for women is three to four times higher than for men, were especially vulnerable.

While the gap in the education levels of men and women narrowed, differences in educational attainment remained a problem. Men continued to be overrepresented among the relatively small number of persons who received a university-level education. According to Ministry of Education statistics, in 2006 women accounted for 48 percent of undergraduate and college students, 44 percent of postgraduate students, and 34 percent of doctoral students. Women with advanced degrees reported discrimination in the hiring process as the job distribution system became more competitive and market-driven.

#### Children

The law prohibits maltreatment of children and provides protection for a wide range of children's rights. However, accurate statistics were difficult to obtain from the official sources, and enforcement of laws remained weak. The State Council's National Working Committee on Children and Women was tasked with carrying out policy on children. Parents must register their children in compliance with the national household registration system within one month of birth. Children not registered cannot access public services.

The law provides for nine years of compulsory education for children. However, in economically disadvantaged rural areas, many children did not attend school for the required period and some never attended at all. Public schools were not allowed to charge tuition but faced with insufficient local and central government funding, many schools continued to charge miscellaneous fees. Such fees and other school-related expenses made it difficult for poorer families and some migrant workers to send their children to school.

According to reports, the proportion of girls attending school in rural and minority areas was smaller than in cities; in rural areas 61 percent of boys and 43 percent of girls completed education higher than lower middle school. The government reported that nearly 20 million children of migrant laborers followed their parents to urban areas. Most children of migrant workers who attended school did so at schools that were unlicensed and poorly equipped.

The Law on the Protection of Juveniles forbids infanticide; however, there was evidence that the practice continued. According to the NPFPC, a handful of doctors have been charged with infanticide under this law. Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the coercive birth limitation policy. Female babies also suffered from a higher mortality rate than male babies, contrary to the worldwide norm. State media reported that infant mortality rates in rural areas were 27 percent higher for girls than boys and that neglect was one factor in their lower survival rate.

There were more than 150,000 urban "street children," according to state-run media. This number was even higher if the children of migrant workers who spend the day on the streets were included. In August state media reported that the number of children in rural areas left behind by their migrant worker parents totaled 5.8 million.

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 were usually disabled or 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 that adopted abandoned baby girls were sometimes barred from having additional children.

#### Trafficking in Persons

The law prohibits trafficking in women and children for sexual exploitation; however, there were reports that men, women, and children were trafficked to, from, through, and within the country for sexual exploitation and forced labor. The government increased efforts to combat trafficking, including raising public awareness, expanding social services, and improving international cooperation. However, trafficking laws do not fully comply with international standards, and the definition of trafficking did not include forced labor or trafficking of men and boys; minors were defined as persons under 14 years of age.

The country was both a source and destination for trafficking in persons. Most trafficking was internal for the purposes of sexual exploitation, forced labor, and forced marriage. Women and children, who made up 90 percent of trafficking cases, were often trafficked from poorer, rural areas where they were abducted or lured to urban centers with false promises of employment and then trafficked into prostitution or forced labor. The MPS estimated that 10,000 women and children were abducted and sold each year, and NGOs estimated that between 10,000 and 20,000 were trafficked annually.

Domestic and cross-border trafficking continued to be significant problems, although the exact number of persons involved could only be estimated, due in part to an itinerant population of approximately 150 million. The MPS reported about 2,500 trafficking cases during the year, although experts claimed the number was much higher.

In April state media reported that police dismantled a trafficking ring that allegedly was trafficking elementary and middle school students from Liangshan, Sichuan Province, to factories in coastal cities. In June the Fujian Provincial High Court reportedly upheld criminal sentences for a group of men convicted of trafficking more than 130 individuals to various countries from 2002 to 2006. The three ringleaders of the group were sentenced to jail terms

of 13, 8, and 5 years. Between February and July, police in Guangdong Province reportedly handled 33 trafficking cases and arrested 57 suspects involved in trafficking in persons, 15 of whom were foreign nationals.

In November police in Fujian Province cracked a trafficking case involving 18 Vietnamese women who had been trafficked to Yunnan, Guangxi, and other provinces in China. The women were reportedly sold into marriages in rural communities for RMB 20,000 (approximately \$3,000) to RMB 30,000 (approximately \$4,400) each. In Guizhou Province state media reported that courts heard a case involving 30 suspects accused of trafficking more than 80 women over a four-year period from Guizhou to Shanxi, Fujian, Zhejiang, and other provinces. The women were led to believe they were being provided employment, but instead were trafficked to rural areas for forced marriage.

Some experts and NGOs suggested trafficking of persons has been fueled by economic disparity and the effects of population planning policies and that a shortage of marriageable women fueled the demand for abducted women, especially in rural areas. The serious imbalance in the male-female sex ratio at birth, the tendency for women to leave rural areas to seek employment, and the cost of traditional betrothal gifts all made purchasing a wife attractive to some poor rural men. Some men recruited women from poorer regions, while others sought help from criminal gangs. Once in their new "families," these women were "married" and sometimes became victims of forced labor and/or rape. Some joined their new communities, others struggled and were punished, and a few escaped. Some former trafficking victims became traffickers themselves, lured by the prospect of financial gain.

Over the past five years, there reportedly was an increase in cross-border trafficking cases, with most trafficked women and girls coming from North Korea, Mongolia, and Vietnam. Others came from Burma, Laos, Russia, and Ukraine. All were trafficked into the country for sexual exploitation, forced marriage, and indentured servitude in domestic service or businesses. North Korean women and girls were trafficked into the country to work in the sex industry and for forced marriages and other purposes, including forced labor. Because the government continued to classify all North Korean trafficking victims as economic migrants, they were routinely deported back to North Korea. North Korean women reportedly were sold for RMB 2,900 to RMB 9,700 (approximately \$425 to \$1,420). In the year leading up to the Olympic Games, authorities stepped up efforts to locate and forcibly repatriate North Korean refugees, including trafficking victims. The UN reported that Chinese citizens were most often trafficked to Malaysia, Thailand, the United Kingdom, and the United States. Second-tier destinations included Australia, European countries, Canada, Japan, Burma, Singapore, South Africa, and Taiwan.

Trafficked persons became entangled with alien smuggling rings, which often had ties to organized crime and were international in scope. Persons trafficked by alien smugglers paid high prices for their passage to other countries, where they hoped their economic prospects would improve. Some reportedly promised to pay RMB 231,000 to RMB 385,000 (approximately \$33,791 to \$56,320) for passage. Upon arrival many reportedly were forced to repay traffickers for the smuggling charges and their living expenses by working in specified jobs for a set period of time. Living and working conditions for trafficked persons were generally poor. Traffickers restricted their movements and confiscated their travel documents. Threats to report trafficking victims to the authorities or to retaliate against their families if they protested made trafficked persons even more vulnerable.

The revised law on the protection of minors, which took effect in June 2007, prohibits trafficking, kidnapping, and sexual exploitation of minors. Persons convicted of forced prostitution, abduction, or commercial exploitation face criminal sanctions including fines, confiscation of personal property, life imprisonment, and, in extreme cases, the death penalty; convictions for trafficking minors carry heavier sentences. Victims and their families can also bring civil suits against offenders, but in practice few civil suits made it beyond initial stages. In cases where they did go beyond initial stages, victims encountered obstacles in claiming their award compensation.

Kidnapping and the buying and selling of children for adoption increased over the past several years, particularly in poor rural areas. There were no reliable estimates of the number of children trafficked. Most children trafficked

internally were sold to couples unable to have children, particularly sons. Those convicted of buying an abducted child may be sentenced to three years' imprisonment. In the past most children rescued were boys, but increased demand for children reportedly drove traffickers to focus on girls as well.

NGOs reported an increase in child trafficking, especially in rural areas, and in cases of children forced to work as beggars, petty thieves, and prostitutes. Some children worked in factories, but many ended up under the control of local gangs and were induced to commit petty crimes such as purse snatching (see section 6.d.).

MPS officials stated that repatriated victims of trafficking no longer faced fines or other punishment upon their return. However, authorities acknowledged that some victims continued to be sentenced or fined because of corruption among police, provisions allowing for the imposition of fines on persons traveling without proper documentation, and the difficulty in identifying victims. Trafficking victims often lacked proper identification, which made it difficult to distinguish them from persons who illegally crossed borders. MPS trained border officials to spot potential victims of trafficking, and MPS opened two border liaison offices on the Burma and Vietnam borders to process victims. However, the ACWF reported that ongoing problems required intervention to protect trafficking victims from unjust punishment.

The law criminalizing the purchase of women makes abduction and sale separate offenses. There were reports of local officials' complicity in both alien smuggling and in prostitution, which sometimes involved trafficked women. In some cases village leaders sought to prevent police from rescuing women who had been sold to villagers. Authorities had yet to take sufficient steps to deter or prevent trafficking-related corruption in the country.

Principal organs responsible for combating trafficking or assisting its victims were the MPS, the State Council's Work Committee for Women and Children, and the ACWF. It was central government policy to provide funds to provincial and local police to house victims and return them to their homes. Government-funded women's federation offices and other women's organizations provided some counseling on legal rights, rehabilitation, and other assistance to trafficking victims, although lack of funding reportedly limited services in many areas. The government and NGOs also supported centers in communities with large numbers of migrant laborers, to train members of at-risk groups to avoid being trafficked and to get out of trafficking situations. The government distributed information to combat trafficking, and schools provided antitrafficking training to students. The December 2007 National Action Plan on Combating Trafficking of Women and Children formalizes cooperation among government agencies and establishes a national information and reporting system. However, there were no plans for resources to be allocated to local and provincial governments for the implementation of the plan. Additionally, the plan covered only sex trafficking of females, and did not address labor trafficking or male victims of sex trafficking. The ACWF assisted victims in obtaining medical and psychological treatment. Overseas NGOs provided treatment to trafficking victims and conducted educational outreach programs to educate rural youth about the dangers of trafficking. However, the country continued to lack comprehensive, countrywide victim protection services.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law protects the rights of persons with disabilities and prohibits discrimination; however, conditions for such persons lagged far behind legal dictates, failing to provide persons with disabilities access to programs designed to assist them.

The Ministry of Civil Affairs and the China Disabled Persons Federation, a government-organized civil association, were the main entities responsible for persons with disabilities. State-run media reported that there were 83 million persons with disabilities living in the country. According to government statistics, 3,250 educational and vocational

centers provided training and job-placement services for persons with disabilities. In 2007, 572,000 persons with disabilities received education or training, but approximately 1.15 million urban and 3.37 million rural persons with disabilities were unemployed.

The law prohibits discrimination against minors with disabilities and codifies a variety of judicial protections for juvenile offenders. In 2007 the Ministry of Education reported that nationwide there were 1,618 schools for children with disabilities. During the year there were 63,400 new enrollments, bringing the total number of children with disabilities at school to 419,000. The physical abuse of children can be grounds for criminal prosecution. Nationwide 243,000 school-age children with disabilities did not attend school. 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. However, misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems.

According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions, where care was often inadequate. Those 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 showed that almost one-quarter of persons with disabilities lived in extreme poverty. Unemployment among adults with disabilities remained a serious problem. Under the Employment Promotion Law, local governments were required to offer incentives to enterprises that hired persons with disabilities. Existing regulations in some parts of the country also required employers to pay into a national fund for the disabled when the employees with disabilities did not make up the statutory minimum percentage of the total workforce. Standards adopted for making roads and buildings accessible to persons with disabilities were subject to the Law on the Handicapped, which calls for their "gradual" implementation; compliance with the law was lax. Students with disabilities were discriminated against in access to education. The law permits universities legally to exclude otherwise qualified candidates from higher education.

The law forbids the marriage of persons with certain acute mental illnesses, such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. The law stipulates that local governments must employ such practices to raise the percentage of healthy births. Media reports publicized the forced sterilization of mentally challenged teenagers in Nantong, Jiangsu Province.

#### National/Racial/Ethnic Minorities

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

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



Minorities constituted nearly 14 percent of the NPC, which was higher than their percentage in the population. According to 2007 government statistics, 36.3 percent of Guangxi's cadres were ethnic minorities. All five of the country's ethnic minority autonomous regions had governors from minority groups for the first time in history. However, the Communist Party secretaries of these five autonomous regions were all Han. Han officials continued to hold most of the most powerful party and government positions in minority autonomous regions, particularly the XUAR.

The government's policy to encourage Han Chinese migration into minority areas has significantly increased the population of Han in the XUAR. In recent decades the Han-Uighur ratio in the capital of Urumqi has shifted from 20 to 80 to 80 to 20 and was a deep source of Uighur resentment. Discriminatory hiring practices gave preference to Han and discouraged job prospects for ethnic minorities. According to 2005 statistics published by XUAR officials, eight million of the XUAR's 20 million official residents were Han. Hui, Kazakhs, Kyrgyz, Uighur, and other ethnic minorities comprised approximately 12 million XUAR residents. Official statistics understated the Han population, because they did not count the tens of thousands of Han Chinese who were long-term "temporary workers." While the government continued to promote Han migration into the XUAR and fill local jobs with migrant labor, overseas human rights organizations reported during the year that local officials under direction from higher levels of government have deceived and pressured young Uighur women to participate in a government sponsored labor transfer program.

The XUAR government took measures to dilute expressions of Uighur identity, including measures to reduce education in ethnic minority languages in XUAR schools and to institute language requirements that disadvantaged ethnic minority teachers. The government continued to apply policies that prioritized Mandarin Chinese for instruction in school, thereby reducing or eliminating ethnic-language instruction. Graduates of minority language schools typically needed intensive Chinese study before they could handle Chinese-language course work at a university. The dominant position of standard Chinese in government, commerce, and academia put graduates of minority-language schools who lacked standard Chinese proficiency at a disadvantage.

During the year authorities increased repression in the XUAR, and targeted the region's ethnic Uighur population. In August officials in XUAR reiterated a pledge to crack down on the government-designated "three forces" of religious extremism, "splittism," and terrorism. In September XUAR CCP Chair Wang Lequan stated that "this winter and next spring we will launch a concentrated antiseparatist reeducation campaign across the whole region." It was sometimes difficult to determine whether raids, detentions, and judicial punishments directed at individuals or organizations suspected of promoting the "three forces" were instead actually used to target those peacefully seeking to express their political or religious views. The government continued to repress Uighurs expressing peaceful political dissent and independent Muslim religious leaders, often citing counterterrorism as the reason for taking action.

Uighurs were sentenced to long prison terms, and in some cases executed, on charges of separatism. In April 2007 foreign citizen Huseyin Celil was sentenced to life in prison for allegedly plotting to split the country and 10 years in prison for belonging to a terrorist organization, reportedly after being extradited from Uzbekistan and tortured into giving a confession. During the year the government reportedly sought the repatriation of Uighurs living outside the country, where they faced the risk of persecution.

Possession of publications or audiovisual materials discussing independence or other sensitive subjects was not permitted. According to reports, those possessing such materials received lengthy prison sentences, such as Uighur Mehbube Ablesh, who was detained for expressing sensitive views online. Uighurs who remained in prison at year's end for their peaceful expression of ideas the government found objectionable included Abdulla Jamal, Tohti Tunyaz, Adduhelil Zunun, Abdulghani Memetemin, and Nurmuhemmet Yasin.

During the year XUAR officials defended the campaign against separatism as necessary to maintain public order and continued to use the threat of violence as justification for extreme security measures directed at the local population and visiting foreigners.

Han control of the region's political and economic institutions also contributed to heightened tension. Although government policies brought economic improvements to the XUAR, Han residents received a disproportionate share of the benefits.

(See also the Tibet addendum.)

#### Other Societal Abuses and Discrimination

No laws criminalize private homosexual activity between consenting adults. Societal discrimination and strong pressure to conform to family expectations deterred most gay individuals from publicly discussing their sexual orientation. Published reports stated that more than 80 percent of gay men married because of social pressure.

The Employment Promotion Law, which went into effect January 1, improves protection against discrimination in employment, and local governments began modifying their regulations to reflect the new law. Under the new law and adopted regulations, employment discrimination against persons carrying an infectious disease is prohibited, and provisions allow such persons to work as civil servants. While the new law improves protection against discrimination in employment, it does not address some common types of discrimination in employment, including discrimination based on height, physical appearance, or place of origin.

Despite provisions in the new Employment Promotion Law, discrimination against persons with HIV/AIDS and hepatitis B carriers (including 20 million chronic carriers) remained widespread in many areas. Persons with HIV/AIDS suffered discrimination, and local governments sometimes tried to suppress their activities. At the same time, international involvement in HIV/AIDS prevention, care, and treatment, as well as central government pressure on local governments to respond appropriately, brought improvements in some localities. Some hospitals that previously refused to treat HIV/AIDS patients had active care and treatment programs because domestic and international training programs improved the understanding of local healthcare workers and their managers. In Beijing dozens of local community centers encouraged and facilitated HIV/AIDS support groups.

Some NGOs working with HIV/AIDS patients and their family members continued to report difficulties with local governments, particularly in Henan Province, where thousands were infected in government-run blood-selling stations during the 1990s. Henan authorities successfully provided free treatment to persons with HIV/AIDS, but foreign and local observers noted that local governments were reluctant or even hostile toward coordinating efforts with NGOs and preferred to work independently.

#### Section 6 Worker Rights

##### a. The Right of Association

Although the law provides for the freedom of association, in practice workers were not free to organize or join unions of their own choosing. Workers cannot choose an independent union to represent them in the workplace, as independent unions are illegal. The right to strike is also not protected in law.

The All-China Federation of Trade Unions (ACFTU), which was controlled by the CCP and chaired by a member of the Politburo, was the sole legal workers' organization. The trade union law gives the ACFTU control over all union organizations and activities, including enterprise-level unions, and requires the ACFTU to "uphold the leadership of

the Communist Party." In some cases, the ACFTU and its constituent unions influenced and implemented government policies on behalf of workers. During the first half of the year, the ACFTU claimed to have 209 million members in 1.7 million constituent unions in 3.6 million enterprises. The number of active members and union organizations was unknown.

Already established in the state-owned sector, where union representatives frequently held senior management positions, the ACFTU continued its 2006 campaign to organize unions in foreign-invested enterprises. Labor laws make no distinction between domestic and foreign-invested enterprises with respect to the establishment of unions. The ACFTU set a goal to organize unions in 80 percent of foreign-invested enterprises by the end of September; the actual percentage was unknown at year's end. The ACFTU dropped barriers to migrant workers joining ACFTU unions, and launched a campaign to increase the number of migrant worker members.

Direct election by workers of union leaders was rare, occurred only at the enterprise level, and was subject to supervision by higher levels of the union or Communist Party organization. Although the law states that trade union officers at each level should be elected, most were appointed by higher levels of the ACFTU, often in coordination with employers. In enterprises where direct election of union officers took place, regional ACFTU offices and local party authorities retained control over the selection and approval of candidates.

Some workers acted outside the ACFTU structure to demand back wages, pension or health insurance contributions, or other benefits owed by employers. During the year strikes and labor protests throughout the country were increasingly widespread and well-organized. Reports of protests in which workers blocked traffic or damaged employers' facilities appeared to increase during the year. Most of these protests occurred at export-oriented Hong Kong and Taiwan-invested factories, which shut down suddenly due to deteriorating business conditions without paying back wages or severance pay.

During the year the government acted against some activist workers, especially when they engaged in organized campaigns. Some workers who complained to local labor and social security bureau offices about working conditions reported that they faced harassment from their employers and police and sometimes from labor bureau officials. Labor rights activists complained throughout the year of police surveillance, including interviews with police. In March authorities in Guangzhou arrested and subsequently detained 13 workers from three factories in Guangzhou's Panyu District who were involved in public protests over unpaid wages. Authorities used force to suppress the demonstrations, bringing criminal charges against the protestors, and continued to use administrative detention, which is not subject to judicial review, as a penalty for involvement in such protests.

Although the government showed some tolerance for civil society organizations and law firms involved in protecting workers' rights, authorities continued to monitor labor rights organizations closely, especially those receiving funding from foreign sources. In some cases local authorities interfered with the programs or activities of labor organizations. On May 16, Chen Yuping was reportedly sentenced to 18 months of RTL for "disturbing public order" after he applied to the AFTCU to establish a labor union for workers involuntarily retired or laid off by their former employer, Jilin Oilfield. According to international NGOs, authorities detained two other workers connected with the case for 10 days after they talked to overseas media. Labor organizations reported close surveillance by government security agencies, including close attention to sources of funding and connections to foreign organizations. Some labor organizations reported pressure from local governments to cancel certain activities and public events.

Labor activists detained in previous years were reportedly still in detention at year's end, including Yao Fuxin, Wang Sen, He Zhaohui, Yue Tianxiang, Miao Jinhong, Ni Xiafei, Huang Xiangwei, Li Xintao, Hu Mingjun, Li Wangyang, Liu Zhihua, Luo Mingzhong, Luo Huiquan, Kong Youping, Ning Xianhua, Li Jianfeng, Lin Shun'an, Chen Wei, She Wanbao, and Zhu Fangming. Family members of some imprisoned labor activists reported surveillance and

harassment by public security officials.

The trade union law acknowledges that strikes may occur, in which case the union is to reflect the views and demands of workers in seeking a resolution of the strike. Local government interpretations of laws and regulations with respect to the right to strike vary, with some jurisdictions showing limited tolerance for strikes. Other jurisdictions continued to treat worker protests as illegal demonstrations. Without a clearly defined right to strike, workers had only a limited capacity to influence the negotiation process.

In some cases workers did strike to demand better conditions and benefits. During the year labor strikes and protests throughout the country became increasingly widespread and well organized. In January in Guangzhou and Dongguan in Guangdong Province, thousands of workers from Hong Kong and Taiwan-invested factories protested wage arrears and other grievances. Some of these strikers reportedly clashed with police.

During the year there were numerous media accounts of worker protests other than strikes, involving actual or feared job loss, wage or benefit arrears, dissatisfaction with new contracts offered in enterprise restructuring, failure to honor contract terms, or discontent over substandard conditions of employment. In March pilots flying out of Kunming simultaneously turned their planes around in flight in what the press reported was an organized protest against new airline policies affecting their take home pay. In July the airline suspended or demoted 13 of the pilots involved in the March incident. In November and December, there were also a series of spontaneous taxi strikes, beginning in Chongqing and spreading to other cities, in which taxi drivers protested high operating fees and competition from unlicensed cabs. Labor experts reported that such protests were typically initiated by small numbers of workers and organized through text messaging.

#### b. The Right to Organize and Bargain Collectively

The labor law permits collective bargaining for workers in all types of enterprises; however, in practice collective bargaining fell far short of international standards. Under the law, collective contracts are to be developed through collaboration between the labor union and management and should specify such matters as working conditions, wage scales, and hours of work. In the private sector, where active labor unions were rare and alternative union organizations had no legal standing to negotiate, workers faced significant obstacles to bargaining collectively with management.

The trade union law specifically addresses unions' responsibility to bargain collectively on behalf of workers' interests. Regulations required the 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, and some employers refused to do so.

On January 1, the new labor contract law went into effect. A key article of the labor contract 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. Although the central government had not clarified the meaning of this article, some local jurisdictions interpreted it as a mandate for collective bargaining and reflected such an interpretation in local regulations on collective contract negotiations. During the year the ACFTU also called on its local organizations to carry out more aggressively their mandate to conclude collective contracts with employers. In 2007 the ACFTU reported that there were more than 975,000 collective contracts in place, covering 1.7 million enterprises and 128 million workers; 343,000 of these were contracts specifically covering wages. During the first half of the year, the ACFTU reported that there were more than 1.09 million collective contracts in place, covering 1.8 million enterprises and 143 million workers; 376,000 collective contracts specifically addressed the issue of wages.

However, the majority of the collective contracts were prefabricated contracts adopted without negotiation. Collective contracts generally reflected statutory minimum labor standards. The majority of collective contracts did not address the issue of wages.

The law provides for labor dispute resolution through a three-stage process: mediation between the parties, arbitration by officially designated arbitrators, and litigation. The labor dispute mediation and arbitration law, which went into effect in May, improved workers' access to and streamlined this three-stage process. During the year the volume of cases processed through this system increased sharply, with some jurisdictions, especially in the coastal exporting regions, posting increases of 300 to 500 percent, according to government statistics. The number of such officially adjudicated labor disputes had already more than doubled between 2001 and 2007. Experts claimed that this notable rise in recorded disputes was due to both an increase in actual disputes and to the government's increased capacity to record and handle these disputes.

The trade union law provides specific legal remedies against antiunion discrimination and specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. Collective contract regulations provide similar protections for employee representatives during collective consultations. ACFTU officials and other observers reported that such protections were difficult to enforce in practice.

Workers and their advocates suffered harassment and intimidation by criminal elements often hired by employers. In January the local press reported that 31 migrant workers in Beijing involved in a dispute with their employer over unpaid wages were beaten by club-wielding thugs. In March unknown assailants beat and severely injured two Shenzhen labor lawyers with steel pipes after luring them to a remote area by claiming to be workers seeking legal advice. This occurred two days before the lawyers were to represent a group of over 20 workers in a labor arbitration case.

There are no special laws or exemptions from regular labor laws in export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, including by children, but such practices occurred. In April police in Dongguan, Guangdong Province, rescued more than 100 Yi minority youths, following reports that labor brokers in the city were supplying workers to factories and workshops on contract terms that violated labor, child welfare, and antitrafficking laws. Press reports claimed that more than 1,000 underage Yi workers were working in Dongguan. These workers reportedly received less than the minimum wage, worked longer than the maximum number of hours permitted, and received no social insurance benefits. There were also reports some of the female workers were sexually exploited. The workers were recruited, sometimes with the complicity of their families, through a network of informal labor brokers from the impoverished Liangshan Yi Minority Autonomous Prefecture in Sichuan Province. Employers reportedly paid the wages directly to the labor brokers who kept a portion and passed the rest to the workers' families. Press reports indicated that many of the workers had false documentation, but were really between 12 and 15 years old, and that some workers appeared to be younger than 10. Dongguan authorities reported that all the rescued workers had documentation indicating they were over 16, and that few of the workers wanted to return to Liangshan. After the initial press reports, local authorities suppressed reporting about the incident. In June the MPS asserted that "the information in the report on Dongguan Child Labor Issues was not factual, nor did we find any enterprises in Dongguan City using child labor." In March police in Harbin, Heilongjiang Province, rescued 33 migrant construction workers, several of whom were persons with mental disabilities, from confinement in a room 98 feet square. State media reported the workers lived under "slave-like" conditions, and had been lured with false promises of paid employment by traffickers, who targeted vulnerable workers at train and bus stations.

Forced labor remained a serious problem in penal institutions. Many prisoners and detainees in RTL facilities were required to work, often with no remuneration. There was no effective mechanism to prevent the export of goods made under such conditions.

It remained common for employers to withhold several months' wages, or to require unskilled workers to deposit several months' wages, as security against the workers departing early from their labor contracts. These practices prevented workers from exercising their right to leave their employment.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under the age of 16, but the government had not adopted a comprehensive policy to combat child labor and child labor remained a persistent problem. The labor law specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire minors. The law also stipulates that parents or guardians should provide for children's subsistence. Workers between the ages of 16 and 18 were referred to as "juvenile workers" and were prohibited from engaging in certain forms of physical work, including labor in mines.

A decree prohibiting the use of child labor provides that businesses illegally hiring minors or in whose employ a child dies will be punished via administrative review, fines, or revocation of their business license. The decree further provides that underage children found working should be returned to their parents or other custodians in their original place of residence.

Child labor was reportedly discovered in low-skill manufacturing sectors such as toys, textiles, and shoes. In October in Hubei Province, authorities announced a crackdown on child labor in small-scale workshops in Wuhan, after a local photojournalist posted an expose on the Internet, including photographs of child laborers in local garment, silk screening, zipper, and mop factories. After announcing its crackdown, there was no further press reporting on the story and the relevant Internet postings were blocked.

In June an international NGO reported that some factories licensed to make goods bearing the 2008 Olympics logo employed child labor. A subsequent investigation by the government of Dongguan, Guangdong Province, found that Lekit Stationery Company had hired eight students under the age of 16. The students earned RMB 32 (\$4.70) for a 12-hour day and worked six days a week, according to the investigation. The Beijing Organizing Committee for the Olympic Games revoked the company's license to produce Olympic logo goods.

Social compliance auditors working for foreign buyers continued to report a low but increasing incidence of child labor in factories producing for export. Under the government-permitted work-study programs, elementary schools supplied factories with low-cost child labor under the pretext of vocational training.

#### e. Acceptable Conditions of Work

There was no national minimum wage, but the labor law requires local governments to set their own minimum wage according to standards promulgated by the Ministry of Human Resources and Social Security. These standards include the minimum cost of living for workers and their families, levels of economic development, and employment in the area, as well as the level of social insurance and other benefits contributions paid by the employees themselves. Labor bureaus set these standards to cover basic needs. The regulation states that labor and social security bureaus at or above the county level are responsible for enforcement of the law. It provides that where the ACFTU finds an employer in violation of the regulation, it shall have the power to demand that the relevant labor bureaus deal with the case.



During the early part of the year many cities increased their minimum wages, typically by 10 to 15 percent, to keep up with a rising cost of living. However, in November the MOHRSS announced that it would postpone further planned increases in the minimum wage nationwide, because of diminished economic growth and falling consumer prices.

Wage arrears remained a common problem, especially among migrant workers. Some migrant workers received wages once a year, when settling with employers prior to returning home for the lunar New Year. Governments at various levels continued their efforts to prevent arrears to recover payment of missing wages and insurance contributions. Legal aid lawyers and government sources reported that nonpayment or underpayment of wages still accounted for a large portion of labor disputes. The incidence of wage arrears increased late in the year as many of the country's export-oriented manufacturers, facing a sharp decline in orders from overseas, began to lay off large numbers of workers.

Migrant workers, estimated between 130 and 230 million, faced numerous other obstacles with regard to working conditions and labor rights. Many were unable to access public services, such as public education or social insurance, in the cities where they lived and worked. Because pension benefits are not portable, many migrant workers opted not to participate, or had to forfeit the majority of social insurance contributions made on their behalf when they moved to another jurisdiction.

Other widespread illegal practices effectively reduced workers' wages. These included arbitrary fines and wage deductions levied by employers for alleged breaches of company rules. Many employers used an "extended shift" system, in which the employer set an unrealistic production target that workers could not achieve within designated work hours, forcing workers to work overtime without additional compensation to meet the target and sometimes resulting in actual hourly wages that were below the legal minimum wage. The illegal practice of collecting wage deposits or paying wages in arrears to prevent workers from quitting their jobs without the employer's consent remained a common problem.

The labor law mandates a 40-hour standard workweek, excluding overtime, and a 24-hour weekly rest period. It also prohibits overtime work in excess of three hours per day or 36 hours per month and mandates a required percentage of additional pay for overtime work. However, in practice compliance with the law was weak, and standards were regularly violated, particularly in the private sector and in enterprises that used low-skilled migrant or seasonal labor. In some cases local labor bureaus formally approved employers' overtime policies that exceeded the legal maximum. Social auditors found that factories routinely falsified overtime and payroll records.

Inadequate and poorly enforced occupational health and safety laws and regulations continued to put workers' health and lives at risk. The State Administration for Work Safety (SAWS) acknowledged that occupational health and safety concerns remained serious. The work safety law states that employees have the right, after spotting an emergency situation that threatens their personal safety, to evacuate the workplace. Employers are forbidden to cancel the labor contracts or reduce the wages or benefits of any employee who takes such action. In practice such protective provisions were difficult to enforce.

Overall there was a decline in reported accidents and fatalities compared with the previous year. SAWS reported a 10.2 percent decline in work and traffic-related fatalities compared with 2007 but did not publish separate statistics for work-related accidents or fatalities.

The coal industry continued to have high accidents and fatalities. SAWS reported that coal mine accidents and fatalities fell during the year by 19.3 percent and 15.1 percent, respectively. The drop in reported fatalities reflected, in part, the success of government efforts to improve mine safety, which included a policy of consolidating the industry into larger, better regulated mining companies. About two-thirds of coal mine accidents

occurred in small mines, which accounted for only one-third of the country's coal production. Although reported coal mine fatalities decreased in absolute terms, the fatality rate remained very high by international standards. There were 1.5 reported coal mine fatalities per million metric tons of coal produced in 2007, compared with 2.4 fatalities per ton in 2006.

The government sought to prosecute some employers responsible for these incidents. In January police arrested individuals who illegally reopened a closed coal mine in Linfen City, Shanxi Province, after an explosion killed 25 workers. In February, also in Linfen City, authorities publicly convicted and sentenced 17 individuals in connection with a mine explosion that killed 105 miners in December 2007.

Cover-ups of mine accidents and other work-related accidents were common. Legislative and mine safety experts reported that mine safety problems stemmed from an inadequate legal framework, weak penalties, poor mine supervision, noncompliance with mine safety regulations and mine closure orders, and inadequate training for mine inspectors, mine operators, and miners. In September the governor of Shanxi Province resigned following a mudslide that killed 260 villagers adjacent to an illegally operated iron mine.

Work-related injuries and fatalities were also common outside the mining sector. In January the Beijing Organizing Committee for the Olympic Games denied allegations that 10 workers had died at Olympic venue construction sites, but SAWS, which did not supervise the construction industry directly, later confirmed the death of six workers at Olympic construction sites over a three-year period. Also in January the government reported that 18 rail workers were killed in Shandong Province when struck by a passing high-speed train.

Many factories that used harmful materials or processes not only failed to protect their workers against the ill effects of such materials or processes but also failed to inform them about the hazards, neglected to provide them with health inspections as required by law, and denied their claims for compensation when they fell ill. In February 130 workers at a lead refinery in Shaanxi Province, which the government ordered closed in November 2007, reportedly suffered from lead poisoning and were seeking compensation after being dismissed from their jobs. In July, 20 workers at a battery factory in Jiangsu Province reportedly suffered from cadmium poisoning and were seeking compensation.

NGOs reported that local labor and social security bureaus frequently rejected claims for compensation by workers because employers failed to provide them with documentation as required by law. Workers showed a willingness to use lawsuits to pursue injury and illness claims against employers, but access to legal aid was limited.

While many labor laws and regulations were fully compatible with international standards, implementation and enforcement were generally poor. In addition labor contracts were executed rarely or contained terms inconsistent with the law. The lack of written labor contracts made it much more difficult for workers whose rights had been violated to seek redress through administrative processes or through the courts. The labor legislation that went into effect during the year aims to improve the regulation of labor contracting agencies and limit the conditions under which employers can use contingent or temporary labor; however, the widespread use of such workers continued to create legal gray areas that made labor law enforcement more difficult.

## **TIBET**

The United States recognizes the Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures, counties, and townships in other provinces to be a part of the People's Republic of China (PRC). The Tibetan population within the TAR was approximately 2.8 million, while the Tibetan population outside the TAR was an estimated 2.9 million. The government strictly controlled information about, and access to, the TAR and Tibetan areas outside the TAR, making it difficult to determine accurately the scope of human rights abuses. These controls intensified following

the outbreak of widespread unrest in Tibetan areas on March 14.

The government's human rights record in Tibetan areas of China deteriorated severely during the year. Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest, extrajudicial detention, and house arrest. Official repression of freedoms of speech, religion, association, and movement increased significantly following the outbreak of protests across the Tibetan plateau in the spring. The preservation and development of Tibet's unique religious, cultural, and linguistic heritage continued to be of concern.

On March 10, monks and nuns from a number of monasteries mounted peaceful protests in Lhasa and other Tibetan communities to commemorate the anniversary of the 1959 Tibetan uprising. During the next few days, laypeople joined the protests. Local police attempted to contain the demonstrations with tear gas and detentions and conducted searches of local monasteries and homes. On March 14 and 15, rioting occurred in Lhasa after security officials used force to arrest some demonstrators, including monks. Some protesters resorted to violence, in some cases deadly, against ethnic Han and Hui residents. Protesters damaged property and stole from non-Tibetan businesses and government buildings. The demonstrations quickly spread to other ethnic Tibetan communities in the TAR as well as in Qinghai, Gansu, and Sichuan provinces, as protesters conveyed solidarity with the monks and nuns, and expressed frustration over restrictions on fundamental rights, including religious practice, and unequal economic and educational opportunities. The government responded by deploying large numbers of People's Armed Police (PAP) troops to Tibetan areas and violently suppressing demonstrations, which resulted in killings. PAP troops also conducted random searches and arbitrary arrests, and severely limited movement of Tibetans and foreigners. Protests, which at times turned violent, continued in the TAR and Tibetan areas of Sichuan, Gansu and Qinghai during the second half of the year.

#### Deprivation of Life

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. Observers estimated security forces killed up to 218 Tibetans in March and April during the outbreak of widespread protests in the TAR and other Tibetan areas. According to eyewitness accounts, security forces used firearms against demonstrators in Lhasa on March 14 and 15, resulting in killings. However, on March 28, TAR Chairman Qiangba Puncog asserted to a delegation of foreign diplomats in Lhasa that security forces had not used deadly force to suppress the demonstrations and riots in Lhasa. The government reported that 22 persons were killed in the Lhasa violence, including 18 civilians, one police officer, and three rioters. Outside observers, including Tibetan exile groups and such NGOs as the International Campaign for Tibet (ICT) and the Tibetan Center for Human Rights and Democracy (TCHRD), variously placed the number of persons killed in Tibetan areas due to official suppression that began March 10 at between 100 and 218. Because the government severely limited access by foreign diplomats and journalists to Tibetan regions, it was not possible to verify independently the number of killed and injured.

Following the March 14-15 riots in Lhasa, more than 125 protests spread across the TAR and other Tibetan areas, occasionally becoming violent. According to nongovernmental organization (NGO) reports, at least 14 protests involved a significant degree of violence, including the deaths of protesters. On March 15 or 16, in Phenpo Lhundrup county (Linzhou) in the TAR, local police reportedly fired on a crowd demanding the release of the monks arrested in Lhasa for demonstrating. One businessman, Jinpa, was killed and hundreds of monks and local residents were arrested. On March 16, press and NGOs reported that police in Aba Prefecture, Sichuan Province, fired on demonstrators near the Kirki monastery, resulting in the deaths of at least 10 Tibetans, including monks and three high school students. The Xinhua News Agency confirmed the incident, but reported police had fired in self-defense and did not acknowledge casualties. On April 3, the ICT reported a second incident in which security forces fired on protesters at Tongkor monastery in Kardze (Ganzi) Tibetan Autonomous Prefecture (TAP), Sichuan Province, killing 10 to 15 persons, including three monks, six women and one child. The TCHRD reported that on May 28, in Kardze, Sichuan Province, security forces shot a Tibetan student staging a peaceful and solitary protest and dragged her

away from the scene. The ICT reported that on March 28, more than 80 bodies were burnt together at a crematorium in one county under Lhasa Municipality.

Some Tibetans injured in the unrest in Lhasa reportedly were denied medical care and access to hospitals, possibly resulting in an unknown number of otherwise preventable deaths.

#### Disappearance

Following the March 14 and 15 riots in Lhasa, authorities arrested Tibetans arbitrarily, including monks and nuns, many of whom remained missing. Official statistics for the number detained were incomplete and covered only certain areas. On July 11, official media reported that 953 persons were detained or had surrendered to police in Lhasa following the riots. The report stated that 42 persons were sentenced to prison in connection with the unrest, and an additional 116 were awaiting trial. On November 4, the Xinhua News Agency quoted a statement by TAR Vice Chairman Baema Cewang that 55 persons were sentenced to three years to life in connection with the March violence in Lhasa. Cewang added that 1,317 persons had been detained, "of whom 1,115 subsequently were released," while the remainder "stood trial." At year's end at least 190 Tibetans had reportedly been sentenced by various county-level courts in the TAR, according to TCHRD. In August the ICT released a list with the names of more than 900 individuals detained in connection with the March unrest, 263 of whom reportedly were still in custody. In September the TCHRD reported that more than 1,000 Tibetans remained missing, including 80 monks from the Drepung Monastery near Lhasa. Family members and monastic leaders often were unable to receive information regarding missing family members from local authorities following the unrest.

On March 18, Phurbu Tsering Rinpoche of Tehor Kardze Monastery, a highly revered religious leader and head of Pangri and Yatseg nunneries in Kardze (where demonstrations occurred), was arbitrarily arrested in his home. His whereabouts were unknown at year's end. On March 23, Dhondup Wangchen and Jigme Gyatso, who filmed a documentary featuring interviews with Tibetans discussing their views of the Beijing Olympic Games and conditions in Tibet, reportedly were arrested, although their whereabouts remained unknown at year's end.

According to the Asian Forum for Human Rights and Development and TCHRD, on April 7, following a midnight raid on the Ramoche Temple in Lhasa, five monks, including Sonam Rabgyal, Damdul, and Rabgyal, disappeared. No new information was available on the whereabouts of Phuntsok Gyaltzen, the deputy head of Phurbu Township, Palgon County, TAR, who was detained in April 2007.

The whereabouts of the Panchen Lama, Gendun Choekyi Nyima, Tibetan Buddhism's second most prominent figure after the Dalai Lama, and his family remained unknown. In August TAR Ethnic and Religious Affairs officials maintained that his recognition as the Panchen Lama was illegal, and that he valued his privacy and was in good health.

#### Torture

The security regime employed torture and degrading treatment in dealing with some detainees and prisoners. Tibetans repatriated from Nepal reportedly suffered torture, including electric shocks, exposure to cold, and severe beatings, and were forced to perform heavy physical labor. Prisoners were subjected routinely to "political investigation" sessions and were punished if deemed insufficiently loyal to the state.

According to numerous sources, many of those detained after March 10 were subjected to extrajudicial punishments such as severe beatings and deprivation of food, water, and sleep for long periods. In some cases, detainees suffered broken bones and other serious injuries at the hands of PAP and Public Security Bureau (PSB) officers. According to eyewitnesses, the bodies of persons killed during the unrest or subsequent interrogation were

disposed of secretly rather than returned to their families. Tibetan monk Jigme Guri from the Labrang Monastery in Gansu Province told Associated Press journalists that prison authorities beat him repeatedly during two months of detention beginning March 21. According to Jigme, the beatings left him unconscious for six days, and he required two hospitalizations. On November 4, authorities reportedly detained Jigme again for unknown reasons.

Tibetans seeking to flee to India and other countries overland via Nepal risked violence and arrest at the hands of security forces.

#### Prison Conditions

The mass detentions connected with the March unrest amplified already crowded and harsh prison conditions. Some prisons used forced labor, including those in the public security reeducation through labor system (RTL), detention centers, and prison work sites. The law states that prisoners may be required to work up to 12 hours per day, with one rest day every two weeks, but these regulations often were not enforced.

#### Arbitrary Arrest and Detention

Arbitrary arrest and detention increased substantially in Tibetan areas during the year. Police legally may detain persons for up to 37 days without formally arresting or charging them. Following the 37-day period, police must either formally arrest or release the detainees. Police must notify the relatives or employer of an arrested person within 24 hours of the arrest. In practice police frequently violated these requirements, and international NGOs reported that police detained thousands of Tibetans following the Lhasa riots for months without notifying their families.

Official state media reported the detentions of 4,434 persons in Tibetan areas (1,315 in Lhasa) between March and April, although some NGOs placed the number at more than 6,500. On March 25, the official Xinhua News Agency reported that 381 rioters in Ngaba (Aba) TAP, Sichuan Province, had surrendered to police. On April 9, Xinhua reported that in the Gannan TAP, Gansu Province, 2,204 persons, including 519 monks, surrendered to police, although police later released 1,870 of them. The same report noted that police formally arrested eight persons in Gannan and placed 432, including 170 monks, in temporary custody.

On November 8, the Lhasa Evening News reported that on October 27, the Lhasa Intermediate Court sentenced Wangdu (Wangdui), a former employee of an HIV/AIDS prevention project run by a foreign NGO, to life in prison for engaging in "espionage" on behalf of the "Dalai clique." The paper also reported that six other Tibetans, including another former employee of a foreign NGO, Migmar Dhondup, received sentences ranging from eight to 15 years for "espionage" or "providing intelligence to foreigners."

Many prisoners were subject to the RTL system or other forms of detention not subject to judicial review.

#### Political Prisoners and Detainees

Due to the lack of independent access to prisoners and prisons, it was nearly impossible to ascertain the number of Tibetan political prisoners. Many prisoners were held in the extrajudicial RTL prisons operated by the Ministry of Public Security and never appeared in court. The number of political prisoners in Tibetan areas, estimated at 95 in 2007, rose sharply due to the March unrest. Although exact figures were unavailable, the TCHRD placed the number of Tibetans detained in the months following the protests at more than 6,500.

Based on information available from the Congressional Executive Commission on China's (CECC) political prisoner database (PPD), at year's end there were 550 political prisoners imprisoned in Tibetan areas. However, the actual

number of Tibetan political prisoners and detainees was believed to be much higher. Of the 550 documented political prisoners and detainees, 463 were detained on or after March 10 and 385 political prisoners were Tibetan Buddhist monks and nuns. At year's end the CECC PPD contained sentencing information on only 20 of the Tibetan political prisoners. The judicial system imposed sentences on these 20 political prisoners ranging from one year to life imprisonment. An unknown number of prisoners continued to be held under the RTL system.

On May 19, security forces reportedly arrested 12 monks from the Dingri Shelkar Choedhe Monastery for resisting patriotic education. On July 26, authorities reportedly arrested Asang Bersatsand, Ngoesoe Konkyaptsang, Jamsang, and Gadho from Nangchen County (Yushu) in Qinghai Province for protesting the Summer Festival.

Prominent Buddhist figure Tenzin Delek Rinpoche remained in Sichuan's Chuandong Prison. Dozens of monks and nuns who resisted "patriotic education" campaigns before the March protests continued serving prison terms.

The following persons remained in prison: Rongye Adrak; Adak Lupoe, sentenced to 10 years in prison for "endangering national security;" Jarib Lothog, sentenced to three years in prison; Khenpo Jinpa, sentenced to three years in prison; Jarib Lothog; art teacher and musician Kunkhyen, sentenced to nine years in prison; Buchung; Penpa; Jigme Gyatso and Bangri Chogtrul Rinpoche; monk Choeying Khedrub from Nagchu Prefecture, sentenced to life in prison in 2001; Dawa (also called Gyaltsen Namdak), sentenced in 2006 to five years' imprisonment for allegedly distributing pamphlets containing political material; monk Lobsang Palden from Ganzi Monastery, charged in 2006 for initiating separatist activities based on his alleged possession of photographs of the Dalai Lama; teacher Dolma Kyab; Sherab Yonten, Sonam Gyelpo, and two others; and monk Tsering Dhondup.

#### Denial of Fair Public Trial

Legal safeguards for Tibetans detained or imprisoned were inadequate in both design and implementation. Twenty-one lawyers from across China who had volunteered free legal representation to detained Tibetans following the March protests received warnings from authorities not to take on such cases. The lawyers were questioned, threatened with punishment, and many were placed under police surveillance. One such attorney, Beijing-based lawyer Teng Biao, was barred from renewing his annual law license. Most judges in the TAR had little or no legal training. According to a TAR Bureau of Justice official, all seven cities and prefectures had established legal assistance centers that offered services in the Tibetan language. Prisoners may request a meeting with a government-appointed attorney, but in practice many defendants did not have access to legal representation. In cases involving state security, trials were often cursory and closed. By law maximum prison sentences for crimes such as "endangering state security" and "splitting the country" are 15 years for each count, not to exceed 20 years in total. Authorities frequently sentenced Tibetans for alleged support of Tibetan independence regardless of whether their activities involved violence.

Authorities sentenced Tibetans convicted of crimes in connection with their participation in the March and April protests in mass sentencing trials, none of which were open to foreign observers despite repeated requests from the international community. On April 29, the Lhasa Intermediate People's Court sentenced 30 Tibetans to terms ranging from three years to life imprisonment. On June 19 and 20, the same court convicted an additional 12 persons. In October a third sentencing occurred with seven Tibetans (including Wangdu) receiving sentences ranging from eight years to life.

During a secret trial in November, a court reportedly sentenced 81-year-old Paljor Norbu, a Tibetan traditional painter, to seven years in prison. His relatives received neither official notification of his detention nor information regarding the charges against him. His whereabouts were unknown at year's end.



## Freedom of Speech and Press

Tibetans who spoke to foreign reporters, attempted to relay information to foreigners outside China, or passed information regarding the March and April protests were subject to harassment or detention. According to Radio Free Asia (RFA), on April 19, authorities detained Nyima Drakpa in Tawu (Daofu) County, Sichuan Province, for allegedly passing information and sending photos of protests to a reporter in Hong Kong. On November 3, a court sentenced Norzin Wangmo, from Ngaba TAP in Sichuan Province, to five years in prison for passing news of the situation in Tibet.

The government continued to jam radio broadcasts of Voice of America's (VOA) and RFA's Tibetan- and Chinese-language services and the Oslo-based Voice of Tibet. In Ganzi TAP, Sichuan Province, police confiscated or destroyed satellite dishes suspected of receiving VOA television broadcasts. Some Tibetans reported that at times they were able to receive such radio broadcasts despite frequent jamming. In the days following the March protests, official censors cut off satellite feeds from the BBC World News and CNN when the stations aired reports concerning the protests. Domestic media showed images of the March 14-15 violence perpetrated by Tibetans in Lhasa, but did not provide domestic audiences with reporting on the violent official suppression thereof, or on the protests that continued throughout the year. Authorities reportedly also disrupted cell phone, landline, and Internet transmissions in Tibetan areas following the riots.

The government severely restricted travel by foreign journalists to Tibetan areas. Liberalized regulations governing foreign media coverage during the Beijing Olympic Games, which permitted unrestricted travel throughout China by foreign journalists, were made permanent in October but did not apply to foreign journalists traveling to the TAR.

After the March unrest, authorities barred a foreign film crew in Xiahe, Gansu Province, from using email and ordered the crew not to report on police activities at Labrang Monastery. Officials also routinely denied foreign media representatives access to Tibetan areas throughout the spring, ostensibly out of concern for their safety.

Domestic journalists reporting on repression in Tibetan areas faced punishment. Authorities at the Nandu Weekly demoted journalist Zhang Ping from his position as deputy editor after Zhang published an article critical of official censorship during the March unrest on his blog in April.

## Internet Freedom

The Internet blog of well-known Tibetan poet and journalist Tsering Woesser, also known as Oser, remained inaccessible to Internet users inside China due to official Internet filtering. During the year hackers attacked Woesser's blog site and Skype account. Authorities also refused to issue Woesser a passport. Most foreign Tibet-related Web sites critical of official policy in the TAR were blocked to users in China year-round. Following the March protests, Internet Service Providers censored searches for news reports and blocked Web site footage of the protests. On March 20, Reporters Without Borders obtained a copy of a message from authorities in charge of Internet censorship banning Internet users from posting news about Tibetan events in Sichuan Province.

Critics of China's Tibet policy were subject to Internet-related harassment. In the weeks after the March unrest, several Beijing-based foreign correspondents received death threats after their personal contact information, including mobile phone numbers, was revealed on the Internet.

## Academic Freedom and Cultural Events

Authorities in Tibetan areas required professors and students at institutions of higher education to attend political education sessions in an effort to prevent separatist political and religious activities on campus. The government

controlled curricula, texts, and other course materials as well as the publication of historically or politically sensitive academic books (see Protection of Cultural Heritage). Academics in China who publicly criticized the Chinese Communist Party's (CCP) policies on Tibetan affairs faced official reprisal.

#### Freedom of Religion

While the law provides for freedom of religious belief, the level of repression in Tibetan areas increased significantly during the year, especially following the March unrest. Religious freedom often was restricted due to the government's linkage of reverence for the Dalai Lama with political opposition to the government and the CCP.

Press and NGO reports suggested that continued tight government controls on religious practices and places of worship in Tibetan areas was a major factor leading to the widespread protests that began in March. Although authorities permitted many traditional practices and public manifestations of belief, they promptly and forcibly suppressed activities they viewed as vehicles for political dissent or advocacy of Tibetan independence, including worshipping the Dalai Lama.

Although regional differences in religious freedom remained throughout the year, official respect for religious practice deteriorated sharply after the protests of March 10. Following the unrest in Lhasa of March 14 and 15, authorities locked down many monasteries across Tibetan areas, and detained and physically abused an unknown number of monks and nuns or expelled them from their monasteries. The government expanded and intensified patriotic education campaigns in monasteries and nunneries, prompting additional rounds of protests through June. By year's end, according to reports from many monks and some abbots, considerably fewer monks and nuns resided in monasteries and nunneries than in the previous year.

Since March authorities reportedly detained more than 80 nuns in Sichuan Province. On March 28-29, authorities arrested more than 570 monks from Ngaba Kirti Monastery in Ngaba County (Aba Xian), Sichuan Province. On May 14, authorities arrested more than 55 nuns of Pangri Na Tashi Gepheling Nunnery in Kardze County. The nuns were peacefully demonstrating against the government's handling of protesters, as well as official statements that the Dalai Lama had masterminded the protests.

In August an annual religious festival normally attended by tens of thousands of persons at Labrang Monastery in Gansu Province was cancelled, reportedly due to official desire to prevent any incidents from taking place during the Olympic Games. While repression was less evident in Tibetan areas of Yunnan Province, many monks from Sichuan Province's Aba Prefecture fled to Chengdu and other areas to escape the government's harsh official response to the March and April protests. As many as 80 percent of the approximately 2,500 monks at Kirti Monastery in Aba's Ngaba county left the monastery in June and July to avoid a continuing and increasingly intense patriotic education campaign.

Following the March unrest, authorities forced many monks to attend weekly, sometimes daily, political education sessions. On April 3, the government ordered officials across the TAR to conduct patriotic education programs at monastic institutions, workplaces, businesses, and schools. In some areas these political education campaigns involved forced denunciations of the Dalai Lama. Officials also forced monks to remove portraits of the Dalai Lama from prayer halls and personal residences, although enforcement varied significantly by region. Restriction on religious expression was most intense at high-profile monasteries, such as Labrang in Xiahe, Gansu Province, and Drepung and Sera near Lhasa.

Security measures intensified in the TAR and other Tibetan areas during the Dalai Lama's birthday, sensitive anniversaries, and festival days. The prohibition on celebrating the Dalai Lama's birthday on July 6 continued.

The government maintained and intensified its criticism of the Dalai Lama after the events of March 14 and 15, blaming him for instigating the widespread protests and rejecting claims that the protests signaled systemic problems with its Tibet policy. According to the domestic press, shortly after the events of March 14-15, Secretary of the CCP TAR Committee Zhang Qingli told regional officials that the Dalai Lama was "a wolf in Buddhist monk's robes, an evil spirit with a human face and the heart of a beast." An official white paper released by the government in September stated, "the Dalai Lama and his clique are the chief representatives of the backward feudal serfdom system and culture of theocratic rule and religious despotism that used to prevail."

In May, July, and November Chinese government officials and representatives of the Dalai Lama held three rounds of discussions with no progress.

The government continued to ban pictures of Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the Panchen Lama. Photos of the "official" Panchen Lama, Gyaltzen Norbu, were not widely displayed except at some high-profile monasteries and then only at the insistence of government leaders. However, photos of the previous Panchen Lama, his daughter, and the Karmapa (the leader of Tibetan Buddhism's Karma Kagyu schools and one of the most influential religious figures in Tibetan Buddhism who fled to India in 1999) were widely sold and displayed.

The TAR had 1,750 registered religious venues. Government officials closely associated Buddhist monasteries with pro-independence activism in Tibetan areas.

The government restricts ethnic Han Buddhists from living and studying in monasteries in the TAR and other Tibetan areas. Monks outside the TAR who want to study in the TAR are required to obtain official permission from the religious affairs bureaus (RABs) of their home province and the TAR or Tibetan area involved, and such permission was not readily granted.

Although Tibetan monks were not allowed to conduct large-scale religious teachings outside Tibetan areas, many monks continued to give private teachings to audiences in non-Tibetan regions of China. According to reports, ethnic Han Buddhists outside Tibetan areas were sometimes discouraged from inviting Tibetan monks to give teachings. Such visits required explicit permission from both the monk's local RAB and the receiving province's RAB. Nevertheless, Tibetan monks sometimes traveled in plain clothes outside the TAR to teach.

Monasteries in the TAR were not allowed to establish relationships with other monasteries or hold joint religious activities.

The Government continued to fund restoration efforts of religious and cultural sites as part of its program to develop tourism in Tibetan areas. The Xinhua News Agency reported that on April 18 the government launched a RMB 570 million (approximately \$83 million) program to preserve 22 historical and cultural sites in the TAR, including 15 monasteries. The same report noted that, "over the past two decades China has invested more than RMB 700 million to preserve and maintain more than 1,400 monasteries, cultural relics and religious sites." Nevertheless, many monasteries destroyed during the Cultural Revolution were not rebuilt or repaired, and others remained only partially repaired. Most recent restoration efforts were funded privately, although a few religious sites also received government support for reconstruction projects during the year.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### Freedom of Movement

The law provides for the freedom to travel; however, in practice the government strictly regulated travel and freedom of movement of Tibetans. Many Tibetans, particularly prominent religious figures, scholars, and dissidents,

as well as those from rural areas, continued to report difficulties obtaining passports.

After March 14, freedom of movement in Tibetan areas was limited severely within Lhasa, throughout the TAR, and in Qinghai, Gansu, and Sichuan. The PAP and local Public Security Bureaus set up multiple roadblocks and checkpoints on major roads, in cities, and on the outskirts of monasteries. Following the March protests in Lhasa and other Tibetan communities, authorities sent many monks from outside the TAR back to their home monasteries even if they had resided in Lhasa monasteries for several years. Several monks also reported encountering severe difficulty traveling between monasteries following the March unrest. Authorities barred foreign nationals from entering most Tibetan areas. Movement in some areas opened up slightly at the end of the summer, and in late June foreign nationals with permission were allowed to travel to Lhasa again, although their movements within the city and surrounding areas remained restricted.

Tibetans continued to encounter substantial difficulties and obstacles in traveling to India for religious, educational, and other purposes. The government placed restrictions on the movement of Tibetans during sensitive anniversaries and events and increased controls over border areas at these times. There were reports of arbitrary detention of persons, particularly monks and nuns, returning from India and Nepal. Detentions generally lasted for several months, although in most cases authorities did not bring formal charges against prisoners.

The reinforcement of border controls during the year sharply reduced the number of people crossing the border into Nepal and India. The Tibet Reception Center in Dharamsala, India, received 627 visitors during the year.

The Office of the UN High Commissioner for Refugees (UNHCR) reported a drastic reduction in the number of Tibetans who arrived at the Tibetan Reception Center in Nepal during the year. Arrivals virtually ceased following the breakout of unrest in March and the ensuing near closure of the China/Nepal border. At the end of the summer, Tibetans began to trickle across the border, but by year's end there were only 596 arrivals, compared to 2,156 in 2007. The few arrivals who succeeded in entering Nepal reported an intimidating police presence in the border areas. Monks and nuns also reported greater difficulty traveling within Tibet.

The Dalai Lama, the Karmapa, and leaders of all other schools of Tibetan Buddhism remained in exile.

The government also regulated foreign travel to the TAR. In accordance with a 1989 regulation, foreign visitors were required to obtain an official confirmation letter issued by the government before entering the TAR. Most tourists obtained such letters by booking tours through officially registered travel agencies. After the March 14 demonstrations, access to the area by foreign nationals was impossible in practice. Authorities prohibited more than two dozen foreign reporters from entering Tibetan areas, and authorities forced some reporters to leave. According to Chinese press reports, the region reopened to domestic tourists on April 24 and foreign tourists on June 25, although tourists and diplomats reported continued difficulty in securing permission to travel. Foreign diplomats must obtain permission from the TAR's Foreign Affairs Office for each visit to the TAR.

Official visits to the TAR were supervised closely and afforded delegation members very few opportunities to meet local persons not previously approved by the authorities. Foreigners could not travel freely in most Tibetan areas outside the TAR after March 14. With the exception of a few highly controlled trips, authorities repeatedly denied requests for international observers to visit Tibetan areas to assess the situation, including a request by then UN High Commissioner for Human Rights Louise Arbour.

#### National Minorities

Although TAR census figures show that Tibetans made up 92 percent of the TAR's permanently registered population, official figures did not include a large number of long-, medium-, and short-term Han residents, such as

cadres, skilled workers, unskilled laborers, military and paramilitary troops, and their dependents. Chinese social scientists estimated the number of this floating population, including tourists and visitors on short-term business trips, for Lhasa alone was more than 200,000 (nearly half the population of Lhasa and more than 10 percent of the TAR's population) during the May to November high season for tourism and migrant workers. Some Tibet experts in China asserted that the catastrophic May 12 earthquake in Sichuan Province led to a temporary decrease in the TAR's migrant population as many migrants returned to their hometowns in the disaster area to assist relatives in rebuilding.

Migrants to the TAR overwhelmingly were concentrated in urban areas, where government economic policies disproportionately benefited Han Chinese. Small businesses, mostly restaurants and retail shops, run by Han and Hui migrants predominated in cities throughout Tibetan areas. Tibetans continued to make up nearly 98 percent of the rural population, according to official census figures.

Family planning policies permitted Tibetans and members of other minority groups to have more children than Han. Urban Tibetans, including CCP members, and some ethnic Han living in Tibetan areas, generally were limited to two children. Rural Tibetans were encouraged, but not always required, to limit births to three children.

Since 2000 the government implemented a resettlement campaign of Tibetan nomads into urban areas across the TAR and other Tibetan areas. Officials offered nomads monetary incentives to kill or sell their livestock and move to newly created Tibetan communities. However, reports existed of incidences of compulsory resettlement with promised compensation that either failed to materialize or was inadequate.

In January 2007 TAR Party Secretary Zhang Qingli stated that the restructuring of Tibetan farming and grazing communities was not only to promote economic development but also to counteract the Dalai Lama's influence. He also stated that to do so was essential for "continuing to carry out major development of west China." According to a December 27 report by the Xinhua News Agency, during the year 57,800 TAR nomad and farming households were resettled into permanent housing. The report states "to date, 860,000 farmers and herders from 170,000 families have moved into the new houses." Improving housing conditions and education for Tibet's poorest were among the goals of resettlement, yet a requirement that villagers build houses according to strict official specifications within two or three years often forced resettled families into debt to cover construction costs.

Although a 2007 state media report noted that Tibetans and other minority ethnic groups made up 60 percent of government employees in the TAR, ethnic Han continued to hold the top CCP positions in nearly all counties and prefectures, including that of TAR party secretary. Tibetans holding government positions were prohibited from worshipping at monasteries or practicing their religion.

The economic and social exclusion of Tibetans was a major reason why such a varied cross section of Tibetans, including business operators, workers, students, university graduates, farmers, and nomads, participated in the protests. Some Tibetans reported that they experienced discrimination in employment and claimed that Han Chinese were hired preferentially for many jobs and received greater pay for the same work. Some Tibetans reported that it was more difficult for Tibetans than Han to obtain permits and loans to open businesses. The use of the Mandarin language was widespread in urban areas, and many businesses limited employment opportunities for Tibetans who did not speak Mandarin.

The TAR tourism bureau continued its policy of refusing to hire Tibetan tour guides educated in India or Nepal. Government officials stated that all tour guides working in the TAR were required to seek employment with the Tourism Bureau and pass a licensing exam on tourism and political ideology. The government's stated intent was to ensure that all tour guides provided visitors with the government's position opposing Tibetan independence and the activities of the Dalai Lama. Some ethnic Tibetan tour guides in the TAR complained of unfair competition from

government-sponsored "Help Tibet" tour guides brought in from outside the TAR and put to work after receiving a crash course on Tibet.

#### Women and Children

There were no formal restrictions on women's participation in the political system, and women held many lower-level government positions. However, women were underrepresented at the provincial and prefecture levels of government. According to an official Web site, female cadres in the TAR accounted for more than 30 percent of the TAR's total cadres.

There was no information on the incidence of rape or domestic violence.

Prostitution was a growing problem in Tibetan areas, and hundreds of brothels operated semi-openly in Lhasa. International development workers in the TAR reported there were no reliable data on the number of persons engaged in the commercial sex trade in Lhasa and Shigatse, the TAR's two largest cities, although some estimates placed the number as high as 10,000. Some of the prostitution occurred at sites owned by the CCP, the government, and the military. Most prostitutes in the TAR were ethnic Han women, predominantly from Sichuan Province. However, some ethnic Tibetans, mainly young girls from rural or nomadic areas, also engaged in prostitution. While the incidence of HIV/AIDS among those in prostitution in Tibetan areas was unknown, the TAR Health Bureau reported 56 cases of HIV/AIDS in the TAR between 1994 and 2007. Lack of knowledge about HIV transmission and economic pressures on women and girls in prostitution to engage in unprotected sex made them particularly vulnerable.

The TAR is one of the few areas of China that does not have a skewed sex ratio resulting from sex-selective abortion and inadequate health care for female infants.

According to official policy, primary education was compulsory, free, and universal. According to official TAR statistics, 96.5 percent of children between the ages of six and 13 attended school, and 90 percent of the TAR's 520,000 primary school students completed lower middle school, for a total of nine years of education. In 2003 the UN Special Rapporteur on the Right to Education reported that official Chinese education statistics did not accurately reflect attendance and were not independently verified. Miscellaneous fees for the TAR's 131,000 middle school students were abolished in 2007.

#### Protection of Cultural Heritage

Rapid economic growth, the expanding tourism industry, the resettlement of nomads, and the introduction of more modern cultural influences continued to disrupt traditional living patterns and customs.

The 2002 revision of the 1987 "Regulation on the Study, Use, and Development of the Tibetan Language in the TAR" formally lowered the status of the Tibetan language from the primary working language to an optional language in many official contexts.

The Dalai Lama and other observers expressed concern that development projects and other central government policies disproportionately benefited non-Tibetans and continued to promote a considerable influx of Han, Hui, and other ethnic groups into the TAR. The opening of the Qinghai-TAR railroad in 2006 increased migration of non-Tibetans into the TAR. The government reported the railroad carried 1.5 million passengers in 2007, approximately half of whom were non-tourists.

Residents lacked the right to play a role in protecting their cultural heritage, including their environment. In 2007



the TAR government revised the TAR Cultural Relics Protection Regulations, asserting ownership over religious relics and monasteries. In recent years the government attempted to restore some temples and other physical vestiges of Tibetan Buddhism and culture that were damaged or destroyed before and during the Cultural Revolution.

Tibetan and Mandarin are official languages in the TAR, and both languages appear on public and commercial signs. Mandarin was widely spoken and was used for most official communications. The illiteracy rate among Tibetans was more than five times higher (47.6 percent) than the national average (9.1 percent), according to 2000 census data. In many rural and nomadic areas, children received only one to three years of Tibetan-language education before continuing their education in a Mandarin-language school. According to official figures, the illiteracy rate was 15 percent at the end of 2005. However, the illiteracy rate for this group was much higher in some areas. According to a 2006 report by the Xinhua News Agency, a looser definition of literacy was used for Tibetan speakers than for Mandarin speakers in rural Tibet. Tibetan-speaking peasants and nomads were considered literate if they could read and write the 30 letters of the Tibetan syllabary and read and write simple notes. Mandarin-speaking nomads and herders were considered literate if they could recognize 1,500 Chinese characters.

The government established a comprehensive national Tibetan-language curriculum, and many elementary schools in Tibetan areas used Tibetan as the primary language of instruction. Tibetan students also were required to study Chinese, and Chinese generally was used to teach certain subjects, such as arithmetic and science. In middle and high schools--even some officially designated as Tibetan schools--teachers often used Tibetan only to teach classes in Tibetan language, literature, and culture and taught all other classes in Chinese.

As a practical matter, proficiency in Mandarin was essential to qualify for higher education. China's most prestigious universities provided instruction only in Mandarin, while the lower-ranked universities established to serve ethnic minority students only offered Tibetan-language instruction in courses focused on the study of the Tibetan language or culture. At the minority universities, Tibetans and other ethnic minority students typically achieved high proficiency in Mandarin, since much of the curriculum, such as computer and business courses, was in Mandarin.

Leading universities generally required English language proficiency for matriculation. Most graduates of Tibetan schools, however, learned only Mandarin and Tibetan and were thus unable to attend the better universities. This resulted in a shortage of Tibetans trained in science and engineering and, consequently, a near total reliance on imported technical specialists from outside the TAR to work on development projects inside the TAR.

## HONG KONG

Hong Kong, with a population of approximately seven million, is a Special Administrative Region (SAR) of the People's Republic of China (PRC). The 1984 Sino-British Joint Declaration on the Question of Hong Kong and the SAR's constitution, the Basic Law of the SAR (the Basic Law), specify that Hong Kong will enjoy a high degree of autonomy except in matters of defense and foreign affairs. In September, in generally free and fair elections, the Fourth Term Legislative Council (LegCo) was elected from a combination of geographic and functional constituencies. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, although core issues remained. The terms of the Basic Law limit the ability of citizens to participate in and change their government. Claims of press self-censorship persisted. The legislature was limited in its power to introduce or amend legislation and could not approve executive appointments. Violence against women remained a concern. Workers had a number of problems, including a minimum wage and a guaranteed right to bargain collectively.

## RESPECT FOR HUMAN RIGHTS

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

### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

### b. Disappearance

There were no reports of politically motivated disappearances.

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

The Basic Law prohibits torture and other forms of abuse, and the government generally observed the prohibition in practice. In the first half of the year, there were 189 allegations of assault by police officers on persons in detention. As of June, 81 of the officers had been investigated with results endorsed by the Independent Police Complaints Council (IPCC); the rest were pending at year's end. Investigations found one case to be unsubstantiated, five to be false, and 10 to be not pursuable; the remaining 65 allegations were withdrawn. Forty-two cases of assault by police officers on persons not in custody were filed, with 26 pending investigation as of June. Investigations into the remaining 16 were endorsed by the IPCC, with four cases found not pursuable and 12 complaints withdrawn.

Police use of strip searches during detentions of protesters and criminal suspects prompted public complaints and a formal LegCo query. Media reported concerns about, and the legislature raised questions regarding, police use of strip searches. An IPCC review of one case led the Police Department's Complaints Against Police Office (CAPO) to rule in July that repeated searches conducted each time an individual entered and departed a holding facility were incorrect. In response the police revised the guidelines for conducting both regular searches and searches involving removal of some or all of the detained person's garments.

### Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by independent human rights observers and the media; however, there were no requests during the year. For the first six months of the year, the average prison occupancy rate was 96 percent. Overcrowding occurred in some prisons, particularly in maximum security prisons, which operated at an average occupancy rate of 112 percent.

### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention, and the government generally observed these prohibitions.

### Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the police, and the government had generally effective mechanisms to investigate and punish abuse and corruption.

There were no reports of impunity involving the security forces during the year. On July 12, LegCo passed a bill granting a statutory basis to the existing IPCC, which is charged with overseeing the CAPO. The IPCC has a number of authorities to monitor investigations undertaken by CAPO, including the authority to raise questions regarding investigations and to request investigative documents. IPCC members and observers are also empowered to attend any interview conducted by the police concerning a reportable complaint and observe the collection of evidence by

the police in the investigation of a reportable complaint at any time and without prior appointment. However, human rights activists and some legislators expressed concern that all IPCC members are appointed by the chief executive and that the IPCC's lack of power to conduct independent investigations limits its oversight capacity. While the UN Committee Against Torture "welcomed the enactment of the Independent Police Complaints Council Ordinance...and the new Guidelines on Searching of Detained Persons," it "recommended that Hong Kong continue to take steps to establish a fully independent mechanism mandated to receive and investigate complaints on police misconduct."

#### Arrest and Detention

Suspects were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. Suspects must be charged within 48 hours or released, and the government respected this right in practice. There is a functioning bail system, and detainees are allowed prompt access to a lawyer and family members. The law provides accused persons with the right to a prompt judicial determination.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence in practice. The judiciary, underpinned by the Basic Law's provision that the common law tradition be maintained, provided citizens with a fair and efficient judicial process. The courts may interpret those provisions of the Basic Law that address matters within the limits of the SAR's autonomy. The courts also interpret provisions of the Basic Law that touch on mainland government responsibilities or on the relationship between the central authorities and the SAR. However, before making final judgments on these matters, which are not subject to appeal, the courts must seek an interpretation of the relevant provisions from the Standing Committee of the National People's Congress (NPCSC). The Basic Law requires that courts follow the NPCSC interpretation of Basic Law provisions, although judgments previously rendered are not affected. As the final interpreter of the Basic Law, the NPCSC also has the power to initiate interpretations of the Basic Law.

The NPCSC's mechanism for interpretation is its Committee for the Basic Law, composed of six mainland and six Hong Kong members. The chief executive, the LegCo president, and the chief justice nominate the Hong Kong members. Human rights and lawyers' organizations expressed concern that this process, which can supersede the Court of Final Appeal's power of final adjudication, could be used to limit the independence of the judiciary or could degrade the court's authority.

#### Trial Procedures

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right in practice. Trials are by jury except at the magistrate court level. An attorney is provided at the public's expense if defendants cannot afford counsel. Defendants can confront and question witnesses testifying against them and present witnesses to testify on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have the right of appeal.

Defendants enjoy a presumption of innocence except in official corruption cases. Under the Prevention of Bribery Ordinance, a current or former government official who maintains a standard of living above that commensurate with his official income, or who controls monies or property disproportionate to his official income, is guilty of an offense unless he can satisfactorily explain the discrepancy. In practice the courts upheld this ordinance. Court is conducted in either Cantonese or English, the SAR's two official languages.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters and access to a court to bring lawsuits seeking damages for, or the cessation of, human rights violations.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

The Office of the Privacy Commissioner for Personal Data works to prevent the misuse, disclosure, or matching of personal data without the consent of the subject individual or the commissioner. Certain exemptions allow authorities to transfer personal data to a PRC body for safeguarding the security, defense, or international relations of the SAR and for the prevention, detection, or prosecution of a crime.

The use of covert surveillance and the interception of telecommunications and postal communications can be granted only to prevent or detect "serious crime" or protect "public security." A 2006 law established a two-tiered system for granting approval for surveillance activities, under which surveillance of a more intrusive nature requires the approval of a judge, and surveillance of a less intrusive nature requires the approval of a senior law enforcement official. Applications to intercept telecommunications must involve crimes with a penalty of at least seven years' imprisonment, while applications for covert surveillance must involve crimes with a penalty of at least three years' imprisonment or a fine of at least HK\$1 million (approximately \$128,000).

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

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

The Code of Ethics of the Hong Kong Journalists Association (HKJA) states that "a journalist shall not lend himself/herself to the distortion or suppression of the truth because of advertising or other considerations." However, reports of media self-censorship continued during the year. Most media outlets were owned by businesses with interests on the Mainland, which led to claims that they were vulnerable to self-censorship. The Hong Kong University Public Opinion Program reported that an average of 45.8 percent of polled respondents believed that news media practiced self-censorship, down 3 percent from 2007. According to a 2007 Lingnan University survey, 29.5 percent of respondents within the industry said they practiced self-censorship. In its July annual report, the HKJA expressed concern that rising nationalism could threaten press freedom. The HKJA report noted a growing reluctance on the part of many media outlets to address mainland issues that were sensitive to the government in Beijing. These included matters of national security, including dissident and separatist activities, as well as human rights issues, corruption, and allegations of illegal land transfers and sales.

Although Secretary for Security Ambrose Lee stressed that the right of protest during the 2008 Olympics and the right of persons from abroad to travel to Hong Kong to participate in those protests would be honored, he faced criticism for stating that those seen as seeking to disrupt the Olympics would be barred from entry to the SAR. In advance of Olympic events and the Olympic torch relay, some critics of the PRC were barred, including Western critics of PRC policy on Darfur.

On April 29, Zhang Yu, secretary-general of the Independent Chinese PEN Center, who was traveling to Hong Kong to chair a World Press Freedom Day conference and participate in other human rights activities, was denied permission to enter.

The publication or importation of print or other media is subject to regulation by provisions to safeguard the interest of readers, as in the case of obscene print materials and other media not regulated by the Broadcasting Ordinance.

Controversy continued over the independence of government-owned and -operated Radio Television Hong Kong (RTHK). In 2007 a government-appointed review panel recommended that a new public service broadcaster be established, but the panel did not comment on the future of RTHK. Several media groups criticized the findings, noting that RTHK was already widely accepted as an independent public broadcaster. Media groups criticized the composition of the panel, none of whose members were public broadcasting experts. The panel's findings were widely interpreted as a threat to media freedom. At year's end, although a new program director had been appointed, the government had not decided the fate of RTHK.

International media organizations operated freely. Foreign reporters needed no special visas or government-issued press cards. The independent media were active and expressed a wide variety of views without restriction.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that government monitored e-mail or Internet chat rooms. Commercial Internet service was widely available, including a number of government-supplied wireless (WiFi) "hot spots" and public and commercial venues in which WiFi or other access was provided at no charge to visitors and customers. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

#### Academic Freedom and Cultural Events

There were generally no restrictions on academic freedom and cultural events.

#### b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. The government routinely issued the required permits for public meetings and demonstrations.

Some activists alleged instances of police using any physical contact between protesters and police as a basis to detain protesters on charges of assaulting police. In July a magistrate dismissed the case of an activist detained in 2007 on charges of interfering with and assaulting police officers. Media reported that video footage taken by a witness showed aggressive police behavior, while the activist himself remained calm and did not initiate physical contact with police. The activist further reported to media that officers assaulted him and others detained at the scene and at the police station.

#### c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

#### Societal Abuses and Discrimination

No major societal abuses or acts of religious discrimination, including anti-Semitic acts against the small Jewish community, were reported during the year.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The law provides residents freedom of movement, freedom of emigration, and freedom to enter and leave the territory, and the government generally respected these rights in practice, with some prominent exceptions. Although the SAR is not party to the 1951 Convention on Refugees, the government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing temporary permission to enter the SAR and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Most residents easily obtained travel documents from the SAR government; however, limits on travel to the Mainland were sometimes imposed by the mainland government on outspoken political figures.

Government policy was to repatriate undocumented migrants who arrive from the Mainland, and authorities were not able to consider them for refugee status under the "one country, two systems" framework. During the first half of the year, 1,352 migrants were repatriated to the Mainland. The government does not recognize the Taiwan passport as valid for visa endorsement purposes, although convenient mechanisms exist for Taiwan passport holders to visit Hong Kong.

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

PRC authorities do not permit some Hong Kong human rights activists and most prodemocracy legislators to visit the Mainland. An exception to this general practice occurred following the Sichuan earthquake, as LegCo President Rita Fan led a delegation including democratic legislators normally barred from the Mainland to view quake sites and reconstruction efforts.

#### Protection of Refugees

The 1951 UN Convention relating to the Status of Refugees and its 1967 protocol do not extend to Hong Kong, and the SAR has no temporary protection policy. The director of immigration has discretion to grant refugee status or asylum on an ad hoc basis, but only in cases of exceptional humanitarian or compassionate need. The Immigration Ordinance does not provide foreigners the right to have asylum claims recognized. The government's practice was to refer refugee and asylum claimants to a lawyer or the UNHCR. In November the UN Committee Against Torture expressed concern that there was "still no legal regime governing asylum and establishing a fair and efficient refugee status determination procedure."

In 2006, due to budget cuts, the UNHCR stopped providing financial support to individuals awaiting status assessment. In response the government began offering limited allowances to adult claimants through its Social Welfare Department. As of November 30, approximately 2,879 persons were receiving assistance-in-kind, based on the needs assessed by professional workers, under the government support program. The UNHCR worked with potential host country representatives to resettle persons designated as refugees.

A July court of appeal decision found current policies regarding detention of persons seeking relief from removal to be at odds with the Bill of Rights Ordinance, because the grounds by which the director of immigration made determinations that a person should be detained were not sufficiently "certain and accessible."



The High Court ruled in favor of six applicants for relief from removal under the Convention Against Torture; they had challenged the SAR's process for handling their applications in a December 2007 case. The High Court found the SAR's process flawed in that it made no provision for applicants to have counsel present during completion of their application questionnaires (including free counsel for those unable to afford their own). The court also struck down the system of having one officer conduct the interview portion of the application while another officer made the decision to grant or deny relief without firsthand contact with the applicant. The court further determined that the appeal process must grant both the opportunity for an oral hearing with officials making the determination and access by the applicant to any external advice given to the Security Bureau or Immigration Department in making a determination on the application.

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

The right of residents to change their government peacefully is limited by the Basic Law, which provides for the selection of the chief executive by an 800-person election committee (composed of individuals who are directly elected, indirectly elected, and appointed). The Basic Law provides for the direct election of 30 of the 60 LegCo members and the inclusion of appointed members to the elected district councils. The approval of the chief executive, two-thirds of the LegCo, and two thirds of Hong Kong's delegates to the Mainland's National People's Congress (NPC) is required to place an amendment of the Basic Law on the agenda of the NPC, which has the sole power to amend the Basic Law.

#### Elections and Political Participation

In March 2007 the Chief Executive Election Committee selected incumbent Donald Tsang. In April 2007 Tsang was appointed as chief executive, and the mainland government approved his new cabinet in June 2007.

On September 7, Hong Kong voters in six geographic constituencies elected 30 legislators, half of the total LegCo, in elections that were generally free and fair. A record number of candidates, both party affiliated and independent, contested the elections. Concerns were raised over the use of exit polling data by organizations with political party affiliations to assist parties in directing their supporters to support particular candidates. Use of polling is not illegal if the data is not publicly released prior to the close of the polls; however, the question was raised whether polling activities in support of particular political parties should be recognized as an official election expense subject to the monetary limits and reporting requirements of the law.

The other 30 seats in the LegCo were elected by 28 functional constituencies (FCs), which represent key economic and social sectors. The 28 FCs represent only 230,000 voters, less than the electorate in a single geographic constituency. Of this number of voters, 150,000 are represented by the three largest FCs, while the four smallest have less than 200 voters. FCs set their own voting rules, with some allowing heads of corporations to vote on behalf of their companies. Persons with interests in more than one sector represented by an FC may thus be able to cast three or more votes (one in their geographic constituency and one in each FC for which they meet eligibility requirements). Fourteen FC seats were returned uncontested, which spurred critics to renew calls that the FCs be abolished in the process of establishing a LegCo elected by universal suffrage.

As of October 31, the Independent Commission Against Corruption (ICAC) had received 108 complaints related to the LegCo elections on September 7. Of these, approximately 60 percent concerned corrupt conduct and 30 percent to illegal conduct.

The Basic Law substantially limits the ability of the legislature to influence policy by requiring separate majorities among members elected from geographical and functional constituencies to pass a bill introduced by an individual member. Another Basic Law provision prohibits the LegCo from putting forward bills that affect public expenditure,

political structure, or government policy. Bills that affect government policy cannot be introduced without the chief executive's written consent. The government has adopted a very broad definition of "government policy" to block private member bills, and the president of LegCo has upheld the government's position.

District councils are responsible for advising the government on matters affecting the well-being of district residents, the provision and use of public facilities, and the use of public funds allocated for local public works and community activities. The District Council Ordinance gives the chief executive authority to appoint 102 of 529 of the district councilors, and he exercised this power in practice.

Hong Kong sends 36 delegates to the NPC. Four pandemocratic candidates were among the 50 candidates for the NPC, but none was selected by the NPC electoral committee for the 36-member Hong Kong delegation.

Women were elected to seven of the 30 directly elected LegCo seats and four of the 30 functional constituency seats. Women made up between 17 and 23 percent of the membership in the major political parties. Four political parties or movements represented in the LegCo were headed by women, and several women were party vice chairs. More than one-third of civil servants were women, and four of the 22 most senior government officials were women.

There is no legal restriction against non-Chinese standing for electoral office or participating in the civil service, although some positions require that the office holder have legal right of abode only in Hong Kong. There were no ethnic minorities in the LegCo, but there were a number of ethnic minorities in senior civil service positions.

#### Government Corruption and Transparency

There were isolated reports of government corruption, and the government sought to combat official corruption through the Prevention of Bribery Ordinance and the ICAC.

By the end of September, the ICAC had received 2,549 reports of corruption (a 5 percent decrease over the same period in 2007), of which 743 were related to the government (an increase of 2 percent from 2007). The ICAC completed 285 prosecutions involving 246 individuals (an increase of 6 percent over 2007).

The SAR requires government officials to declare their financial investments--annually for the 27 most senior civil service positions and biennially for approximately 3,100 senior working-level officials. Policy bureaus may also impose additional reporting requirements for positions seen as having a greater risk of conflict of interest.

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

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. Prominent human rights activists critical of the mainland government also operated freely and maintained permanent resident status in Hong Kong.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides that all residents are equal, and the government enforced these rights in practice.

## Women

Violence against women continued to be a problem, although the government took measures against it. The Statute Law (Miscellaneous Provisions) Bill criminalizes marital rape, and the Crimes Ordinance expressly states that "unlawful sexual intercourse" could be applied both outside and inside the bounds of marriage. From January to June, 47 rape cases and 683 indecent assault cases were reported to the police.

The government regarded domestic violence against women a serious concern and took effective measures to prevent and prosecute offenses. Between January and June, there were 3,103 cases of spousal battery and 408 cases of child abuse reported to the Social Welfare Department, which receives reports from the police, social workers, the Health Department, and volunteer organizations. The Domestic Violence Ordinance allows victims to seek a three-month injunction, extendable to six months, against an abuser. The ordinance does not criminalize domestic violence directly, although abusers may be liable for criminal charges under other ordinances, including the Crime Ordinance and the Offences Against the Person Ordinance. The government enforced the law and prosecuted violators, but sentences typically consisted only of injunctions or restraining orders.

On August 1, Hong Kong's Domestic Violence (Amendment) Ordinance took effect. It expands the scope of previous law to cover molestation between married couples and heterosexual cohabitants, former spouses or cohabitants, and immediate and extended family members. The revised law provides better protection for victims under age 18, allowing them to apply for an injunction in their own right, with the assistance of an adult guardian, against molestation by their parents, siblings, and specified immediate and extended family members. The new law also empowers the court to require the abuser to attend an antiviolence program. In cases where the abuser caused bodily harm, the court may attach an authorization of arrest to an existing injunction, and both injunctions and authorizations for arrest can be extended to two years under the new law.

The government maintained programs that provide intervention and counseling to batterers. There were eight Integrated Family Service Centres and Family and Child Protective Services Units, which offered services to domestic violence victims and batterers. The government also continued its publicity campaign to strengthen families and combat violence and increased public education on the prevention of domestic violence.

Prostitution is legal, but there are laws against activities such as public solicitation, causing or procuring another to be a prostitute, living on the prostitution of others, or keeping a vice establishment.

The Sex Discrimination Ordinance prohibits sexual harassment of women seeking employment or already working in an organization. As of July 31, 51 complaints of sexual harassment had been reported to the Equal Opportunity Commission (EOC).

The law prohibits discrimination based on gender. According to the results of the General Household Survey conducted by the Census and Statistics Department, there were 1,659 men for every 1,000 women employed as professionals in the July-September period. Approximately 22 percent of judicial officers and judges were women.

While the law treats men and women equally in terms of property rights in divorce settlements and inheritance matters, in practice women faced discrimination in employment, salary, welfare, inheritance, and promotion. Women reportedly formed the majority of the working poor and those who fall outside the protection of labor laws.

The government established a Women's Commission as an advisory body for policy making, while the EOC oversaw enforcement of the Sex Discrimination Ordinance. A number of nongovernmental organizations (NGOs) were also active in raising problems of societal attitudes and discrimination against women.

## Children

The government supported children's rights and welfare through well-funded systems of public education, medical care, and protective services.

From January to June, there were 427 child abuse cases reported to the Social Welfare Department: 238 involved physical abuse (referring to victims younger than 14 years of age), and 125 involved sexual abuse (referring to victims younger than 17 years of age). The Domestic Violence Ordinance mandates substantial legal penalties for acts of child abuse such as battery, assault, neglect, abandonment, sexual exploitation, and child sex tourism, and the government enforced the law.

The government provided parent education programs, including instruction on child abuse prevention, in all 50 of the Department of Health's maternal and child health centers. It also provided public education programs to raise awareness of child abuse and alert children about how to protect themselves. The Social Welfare Department provided child psychologists for its clinical psychology units and social workers for its family and child protective services units. The police maintained a child abuse investigation unit and a child witness support program. A law on child care centers helped prevent unsuitable persons from providing child care services.

Social service providers and the media tracked a rise in the incidence of "compensated dating" among minor girls. The majority of cases appeared to involve teenage girls, both above and below the age of consent, who advertised escort services that might include sex, either to support themselves or for extra pocket money. However, in September police raided the operations of a syndicate employing both minors and women of legal age involved essentially in prostitution services. Some women involved in the trade reported being beaten or abused by clients. In response to this trend, police began monitoring Internet chat rooms and Web sites used by both individuals and syndicates to advertise services, with officers assigned to gather evidence against the operations and determine the techniques used by syndicates to recruit the girls.

## Trafficking in Persons

There is no consolidated antitrafficking law; however, various laws and ordinances allow law enforcement authorities to take action against traffickers. Despite robust efforts by the SAR government to stop such activities, Hong Kong was a point of transit and destination for a small number of persons trafficked for sexual exploitation from the Mainland and Southeast Asia. The SAR government stated that it was difficult to identify trafficking victims from among the larger group of illegal immigrants.

Nearly all trafficking victims initially came to Hong Kong willingly to engage in prostitution. Most came from rural areas of the Mainland, Thailand, or the Philippines on 14-day tourist visas, although a very small number entered using forged documents. The overwhelming majority were women, although an increasing number of young men came to work as homosexual prostitutes. While many came on their own, some were lured by criminal syndicates and promises of financial rewards but faced circumstances of debt bondage. Syndicates sometimes held passports and travel documents until debts were paid.

Provisions in the Immigration Ordinance, the Crimes Ordinance, the Employment Ordinance, and other relevant laws enable law enforcement authorities to take action against trafficking in persons. The Security Bureau, which also combats migrant trafficking and oversees the police, customs, and immigration departments, enforces antitrafficking laws. The courts can impose heavy fines and prison sentences of up to 14 years for activities such as arranging passage of unauthorized entrants, arranging entrance or exit of a person for the purpose of prostitution, and aiding and abetting any person to use forged, false, or unlawfully obtained travel documents. Law enforcement officials received special training on handling and protecting victims and vulnerable witnesses, including victims of

trafficking.

There were no reports that government officials participated in, facilitated, or condoned trafficking, and no officials were prosecuted, convicted, or sentenced to time in prison or were removed from their duties for trafficking during the year.

The government provided legal aid to those taking legal action against an employer and immunity from prosecution for those assisting in the investigation and prosecution of traffickers. The Social Welfare Department and local NGOs provided an array of social services to victims of trafficking. The government also tried to prevent trafficking by distributing pamphlets and other public messaging campaigns, in a wide range of languages, on workers' rights.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, access to health care, or the provision of other state services, and the government effectively enforced these provisions. In the first seven months, the Labour Department's Selective Placement Division found jobs for 1,512 job seekers with disabilities out of 2,091 on the register. As of March the government employed 3,225 civil servants with disabilities, out of a total workforce estimated at 155,000.

Nevertheless, instances of discrimination against persons with disabilities persisted in employment, education, and the provision of some public services. The Disability Discrimination Ordinance calls for improved building access and sanctions against those who discriminate. Despite inspections and the occasional closure of noncompliant businesses under the Buildings Ordinance, access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities.

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

#### National/Racial/Ethnic Minorities

Although 95 percent ethnic Chinese, Hong Kong is a multiethnic society with persons from a number of ethnic groups recognized as citizens or legal permanent residents of the SAR. Discrimination based on race is prohibited by law, and the EOC oversees implementation and enforcement of the Race Discrimination Ordinance passed during the year. The Race Relations Unit, which is subordinate to the Constitutional and Mainland Affairs Bureau, served as secretariat to the Committee on the Promotion of Racial Harmony and implemented the committee's programs. The unit also maintained a hotline for enquiries and complaints concerning racial discrimination.

Opponents of the new Race Discrimination Ordinance believed that it lacked the clear statements of applicability to government agencies found in the Sex Discrimination Ordinance and similar legislation. The government argued in turn that the law, if broadened in some areas, could affect the government's ability to function, including in areas meant to correct societal inequities, and might open the government up to litigation. The government further argued that, in areas not covered by the Race Discrimination Ordinance, the Hong Kong Bill of Rights Ordinance provided sufficient guarantees.

While English and Cantonese are the two official languages, persons not fluent and literate in Cantonese faced tremendous challenges in seeking employment and in choice of education. The Constitutional and Mainland Affairs

Bureau sponsored a "Cross-Cultural Learning Programme for Non-Chinese Speaking Youth" through grants to NGO service providers.

#### Other Societal Abuses and Discrimination

There were no reports of societal violence or discrimination based on sexual orientation. Human rights activists expressed concern that while the new Domestic Violence (Amendment) Ordinance covers unmarried heterosexual partnerships, it does not extend the same protection to homosexual partnerships.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

#### Section 6 Worker Rights

##### a. The Right of Association

The law provides for the right of association and the right of workers to establish and join organizations of their own choosing. Trade unions must register under the Trade Unions Ordinance and must have a minimum membership of seven persons for registration. At the end of June, there were 782 registered trade unions, comprising 739 employee unions, 19 employers' associations, and 24 mixed organizations of employees and employers. In the first half of the year, 13 new unions were registered and six unions were deregistered upon request.

According to a 2008 International Trade Union Confederation (ITUC) survey, almost 25 percent of Hong Kong's labor force was unionized.

The 1997 Employment and Labor Relations (Miscellaneous Amendments) Ordinance bans the use of union funds for political purposes, requires the chief executive's approval before unions can contribute funds to any trade union outside of the SAR, and restricts the appointment of persons from outside the enterprise or sector to union executive committees.

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

##### b. The Right to Organize and Bargain Collectively

The law provides for the right to organize, and this right was implemented in practice; however, it does not guarantee the right to collective bargaining. The 1997 Employment and Labor Relations (Miscellaneous Amendments) Ordinance does not provide a legal framework for trade unions to engage employers in collective bargaining. In all but a few specific trades, unions were not powerful enough to force management to engage in collective bargaining. The government did not engage in collective bargaining with civil servants' unions. According to the ITUC report, only 1 percent of the workforce was covered by collective agreements, and these were not legally binding.

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

There is no provision guaranteeing reinstatement of workers dismissed because of their trade union membership.



There are no export processing zones in the SAR.

c. Prohibition of Forced or Compulsory Labor

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

d. Prohibition of Child Labor and Minimum Age for Employment

The Employment of Children Regulations prohibits employment of children under the age of 15 in any industrial establishment. Children 13 and 14 years of age may work in certain nonindustrial establishments, subject to conditions aimed at ensuring a minimum of nine years of education and protection of their safety, health, and welfare. The Labour Department conducted regular workplace inspections to enforce compliance with the regulations. During the first half of the year, the Labour Department conducted 74,451 inspections and discovered five suspected violations of the Employment of Children Regulations. The regulations limit work hours in the manufacturing sector for persons 15 to 17 years of age to eight hours per day and 48 hours per week between 7 a.m. and 7 p.m. They also prohibit overtime in industrial establishments with employment in dangerous trades for persons less than 18 years of age.

e. Acceptable Conditions of Work

There is no statutory minimum wage except for domestic workers of foreign origin. Aside from a small number of trades where a uniform wage structure exists, wage levels customarily are fixed by individual agreement between employer and employee and are determined by supply and demand. Some employers provided workers with various kinds of allowances, medical treatment, and subsidized transport. The average wage provided a decent standard of living for a worker and family. Two-income households were the norm. There are no regulations concerning working hours, paid weekly rest, rest breaks, or compulsory overtime. Workweeks of up to 60 hours and more were not uncommon.

The Occupational Safety and Health Branch of the Labour Department is responsible for safety and health promotion, enforcement of safety management legislation, and policy formulation and implementation. The Factories and Industrial Undertakings Ordinance, the Occupational Safety and Health Ordinance, the Boilers and Pressure Vessels Ordinance, and their 35 sets of subsidiary regulations regulate safety and health conditions. During the first half of the year, the Labour Department's Occupational Safety and Health Branch conducted 58,872 workplace inspections. There were 889 convicted summonses, resulting in fines totaling HK\$6,596,450 (more than \$850,000). Although worker safety and health continued to improve, serious problems remained, particularly in the construction industry. In the first quarter of the year, the Labour Department reported 9,438 occupational injuries, including 3,359 classified as industrial accidents. In the same period, there were eight fatal industrial accidents. Employers are required under the Employee's Compensation Ordinance to report any injuries sustained by their employees in work-related accidents. There is no specific legal provision allowing workers to remove themselves from dangerous work situations without jeopardy to continued employment.

The minimum wage for foreign domestic workers was HK\$3,580 per month (approximately \$460). The standard workweek was 48 hours, but many domestic workers worked much longer hours. The standard contract law requires employers to provide foreign domestic workers with housing, worker's compensation insurance, travel allowances, and food or a food allowance in addition to the minimum wage, which together provide a decent standard of living. Foreign domestic workers can be deported if dismissed. Labor groups reported that the 200,000 foreign domestic workers were still vulnerable to extensive rights and contract violations. During the first six

months of the year, four employers were convicted for labor law maltreatment violations under the Employment Ordinance relating to the employment of foreign domestic workers. During the first seven months of the year, 101 foreign domestic workers filed criminal suits, 47 of which were against employers, for other types of maltreatment, including rape, indecent assault, and injuring and serious assault.

## MACAU

Macau, with a population of approximately 543,000, is a Special Administrative Region (SAR) of the People's Republic of China (PRC) and enjoys a high degree of autonomy, except in defense and foreign affairs, under the SAR's constitution the Basic Law. In the most recent election for SAR leadership, held in 2004, Chief Executive Edmund Ho was reelected to a second five-year term. In 2005, in elections considered generally free and fair, voters elected 12 of the legislature's 29 members in direct elections based on geographical constituencies. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, some problems remained, most notably limits on citizens' ability to change their government, trafficking in persons, and reports of official corruption.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and the government generally respected these rights. In the first half of the year, there were six reports of police brutality, none involving serious acts of abuse.

#### Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards.

Although the government permitted visits by independent human rights observers, there were no requests during the year.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the Public Security Police (general law enforcement) and

Judiciary Police (criminal investigations), and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

#### Arrest and Detention

Persons were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. Detainees were allowed access to a lawyer of their choice or, if indigent, to one provided by the SAR government. Detainees also were allowed prompt access to family members. Police must present persons remanded in custody to an examining judge within 48 hours of detention. The examining judge, who conducts a pretrial inquiry in criminal cases, has a wide range of powers to collect evidence, order or dismiss indictments, and determine whether to release detained persons. The law provides that cases must come to trial within six months of an indictment. The criminal procedure code mandates that pretrial detention is limited to between six months to three years, depending on the criminal charges and progress of the judicial system. Judges often refused bail in cases where sentences could exceed three years.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence in practice.

Both Portuguese and Chinese (Cantonese) are official languages. The need to translate laws and judgments from Chinese into Portuguese and a shortage of local bilingual lawyers and magistrates hampered the development of the legal system. There also was a severe shortage of judges.

#### Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The courts may rule on matters that are "the responsibility of the Central People's Government or concern the relationship between the central authorities and the SAR." However, before making their final judgment, which is not subject to appeal, the courts must seek an interpretation of relevant provisions from the National People's Congress (NPC) Standing Committee. When the Standing Committee makes an interpretation of the provisions concerned, the courts, in applying those provisions, "shall follow the interpretation of the Standing Committee." The Standing Committee must consult the NPC's Committee for the Basic Law of the SAR before giving an interpretation of the law. This committee is composed of 10 members--five from the SAR and five from the mainland. The chief executive, the president of the SAR Legislative Assembly, and the president of the Court of Final Appeal nominate the SAR members.

Defendants enjoy a presumption of innocence and have access to government-held evidence relevant to their cases and a right to appeal. Defendants have the right to be present at their trials and to confront witnesses. They also have the right to consult with an attorney in a timely manner; public attorneys are provided for those who are financially incapable of engaging lawyers or paying expenses of proceedings. Trials are public and are by jury except at the magistrate-court level. The law extends these rights to all citizens.

The judiciary provides citizens with a fair and efficient judicial process; however, due to an overloaded court system, a period of up to a year often passed between filing a civil case and its scheduled hearing.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures

There is an independent and impartial judiciary for civil matters, and citizens have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

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

The independent media were active and expressed a wide variety of views without restriction, and international media operated freely. Major newspapers were heavily subsidized by the government and tended to follow closely the PRC central government line on sensitive political issues, such as Taiwan; however, they reported freely on the SAR government, including reports critical of the government.

In April Andrew To, a member of the Wong Tai Sin District Council and vice chairman of League of Social Democrats in Hong Kong, was refused entry into the SAR. To declared that authorities cited internal security laws for the denial of his entry.

On April 28, members of the Hong Kong political party League of Social Democrats members Chan Cheong and Michael Mak were denied entry to the SAR ahead of the Olympic torch relay in Hong Kong and Macau. Mak stated that authorities cited internal security laws for their refusal to allow them to enter.

On June 12, authorities declined the entry of Hong Kong university student Christina Chan, who waved the Tibetan Snow Lion Flag during the Olympic torch relay in Hong Kong. A spokesman for the Government Information Bureau declared that authorities declined her entry in accordance with the security law that allows the authorities to refuse the entry of a person who poses a threat to stability or internal security.

In November Hong Kong democratic legislators, including members of the League of Social Democrats, were able to participate in seminars and public protests regarding Article 23 of the Basic Law, otherwise known as the "The Defense of National Security Act," which prohibits acts such as treason, secession, sedition, and subversion against the PRC government and theft of state secrets. One legislator was held by immigration for 10 minutes on arrival but was admitted. However, in December a group of 24 Hong Kong activists, including nine legislators, was denied admission to attend Article 23-related activities.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available; studies showed that approximately 64 percent of the population had regular access to the Internet.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

#### c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

There were no reports that Falun Gong practitioners were denied entry into the SAR.

#### Societal Abuses and Discrimination

Societal relations among various religious groups were generally amicable. The size of the Jewish population remained extremely small, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected them in practice. Persons denied entry into the SAR have the right to contact their consulate or other representative of their country, to have assistance with language interpretation, and to consult a lawyer. The Immigration Department cooperated with the UN High Commissioner for Refugees in handling refugees.

The law prohibits forced exile, and the government generally respected the law in practice.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. During the year there were two applications (covering five persons) for refugee status, both of which were pending at year's end.

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

The law limits citizens' ability to change their government. The government was led by a chief executive, chosen by a 300-member election committee, which in turn was chosen by a 100-member preparatory committee, composed of 60 SAR and 40 mainland representatives appointed by the NPC. Voters directly elected 12 of the 29 members of the Legislative Assembly, and local community interest groups indirectly elected 10 members. The remaining seven members were selected by the chief executive.

#### Elections and Political Participation

In 2004 Chief Executive Edmund Ho was reelected to a second five-year term. In 2005 the SAR held elections for

the Legislative Assembly, with 58 percent of registered voters participating. The elections of directly elected seats were considered generally free and fair.

There are limits on the types of legislation that legislators may introduce. The law stipulates that legislators may not initiate legislation related to public expenditure, the SAR's political structure, or the operation of the government. Proposed legislation related to government policies must receive the chief executive's written approval before it is submitted.

A 10-member Executive Council functions as an unofficial cabinet, approving draft legislation before it is presented in the Legislative Assembly. The Basic Law stipulates that the chief executive appoints members of the SAR Executive Council from among the principal officials of the executive authorities, members of the legislature, and public figures.

There are no registered political parties; politically active groups register as societies or companies. These groups are active in promoting their political agendas, and those critical of the government do not face restrictions. Such groups participated in protests over government policies or proposed legislation without restriction.

There were six women in the Legislative Assembly, including the president. Women also held a number of senior positions throughout the government, including the secretary for justice and administration, the second-highest official in the SAR government. Eleven of the SAR's 29 judges were women. There were three members of ethnic minorities in the Legislative Assembly. One member of the Executive Council was also from an ethnic minority, as was the police commissioner.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, officials sometimes engaged in corruption.

The Commission Against Corruption (CCAC) investigates the public sector and has the power to arrest and detain suspects. The most recent figures showed that in 2007 the CCAC received 736 complaints against public officials in a variety of agencies. The CCAC pursued 369 of these complaints, 500 of which were criminal cases and 236 were administrative cases. The CCAC transferred 11 cases to the Public Prosecutions Office. The Ombudsman Bureau, within the CCAC, reviews complaints of maladministration or abuse by the CCAC, but there were no reports of such complaints in 2007. There also is an independent committee outside CCAC called the Monitoring Committee on Discipline of the CCAC Personnel, which accepts and reviews complaints on CCAC personnel.

In January the Court of Final Appeal convicted former public works secretary Ao Man Long on 57 counts of taking bribes, money laundering, abuse of power, and other charges and sentenced him to 27 years' imprisonment.

By law the chief executive, his cabinet, judges, members of the Legislative Assembly and the Executive Council, and executive agency directors are required to disclose their financial interests.

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

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

A number of domestic and international groups monitoring human rights generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law stipulates that residents shall be free from discrimination, and the government effectively enforced the law. In addition, many local laws carry specific prohibitions against discrimination, although there is no specific law for combating discrimination.

##### Women

The law criminalizes rape, including spousal rape, and the government effectively enforced the law. In the first half of the year, there were six reported rapes. Rape was not a pervasive problem, and the police and courts promptly acted on rape cases.

The government effectively enforced criminal statutes prohibiting domestic violence against women and prosecuted violators; however, various nongovernmental organizations (NGOs) and government officials considered domestic violence against women to be a growing problem. In the first half of the year, 35 cases of domestic violence, including 15 cases of spousal abuse, were reported to the police.

Domestic violence is punishable by one to 15 years in prison. In the case of both spousal abuse and violence against minors, the penalty is two to eight years' imprisonment; if the abuse leads to the death of the victim, the penalty is five to 15 years. There was no data on reported cases of spousal abuse and violence against minors.

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

Private and religious groups sponsored programs for victims of domestic violence, and the government supported and helped to fund these organizations and programs. The Bureau for Family Action, a government organization subordinate to the Department of Family and Community of the Social Welfare Institute, helped female victims of domestic violence by providing a safe place for them and their children and furnishing advice regarding legal actions against perpetrators. A family counseling service was available to persons who requested such services at social centers. Two government-supported religious programs also offered rehabilitation programs for female victims of violence.

Prostitution is legal and common; however, procurement and the operation of a brothel are illegal. Nevertheless, the SAR had a large sex trade, including brothels, most of which were believed to be controlled by Chinese organized crime groups, and many of those exploited by the trade were women.

There is no law specifically addressing sexual harassment, although harassment in general is prohibited and was not widespread. Between January 2007 and August 2008, the Labor Affairs Bureau received one sexual harassment complaint, which on investigation was found to be unsubstantiated.

Equal opportunity legislation mandates that women receive equal pay for equal work; however, observers estimated that there was a significant difference in salary between men and women, particularly in unskilled jobs. The law allows for civil suits, but few women took their cases to the Labor Affairs Bureau or other entities. Discrimination in hiring practices based on gender or physical ability is prohibited by law, and penalties exist for



employers who violate these guidelines. There were no reports on alleging sexual discrimination during the first half of the year.

#### Children

The government protected the rights and welfare of children through the general framework of civil and political rights legislation that protects all citizens.

Education is compulsory and free for most children between ages five and 15 through general secondary education. However, the children of illegal immigrants were excluded from the educational system. Experts believed this exclusion affected only a few children.

The law specifically provides for criminal punishment for sexual abuse of children and students, statutory rape, and procurement involving minors.

#### Trafficking in Persons

The SAR is a transit and destination point for women trafficked for the purposes of sexual servitude. While the majority of mainland or foreign women who entered the SAR to become prostitutes were believed to have done so voluntarily, there was evidence that some had been deceived or coerced into participating in the commercial sex trade. Some foreign victims were misinformed about their destination and diverted to the SAR, where they were trafficked into prostitution.

On June 12, the Legislative Assembly unanimously passed a comprehensive antihuman trafficking law that broadens the definition of trafficking crimes, increases punishments for convicted traffickers, and expands protections for victims. The new law took effect on June 24. The law criminalizes all forms of human trafficking into, from, or through the SAR and provides for imprisonment of three to 12 years for sex and labor trafficking, as well as trafficking organs or tissue, and five to 15 years' imprisonment for trafficking minors (under age 18). Penalties increase by one-third for trafficking victims under 14 years old. Retaining, hiding, spoiling, or destroying the identification or travel documents of a trafficking victim also incurs a penalty of one to five years' imprisonment, if no harsher punishment is available in other laws.

Although prostitution is legal, a "procurement" law makes it a crime to instigate, favor, or facilitate the practice of prostitution by another person for the purposes of profit or as a way of life, although the penalties for this lighter crime are less severe and the "procurement" crime does not recognize a victim.

Between January and August there were seven reported cases of human trafficking. On July 20, the Judiciary Police reportedly arrested two women from the PRC and referred the case--the first under the new law--to the Public Prosecutions Office. The two victims reported being offered work in a casino by the Shenzhen-based employer, only to be coerced into working as prostitutes in Cotai District. The victims were reportedly beaten and told they would have to pay 50,000 patacas (approximately \$6,250) for their freedom. The victims escaped and sought help from the police on July 18. Both offenders were illegally in the SAR, and because one victim was a minor, the alleged offenders faced the maximum penalty of 20 years' imprisonment. In accordance with the new law, authorities reportedly offered the victims protection and welfare, including psychological assistance. On August 6, a local newspaper reported separately that one of the traffickers was implicated in two additional reports of sex trafficking, both involving adult victims, and at year's end police were investigating the reported crimes.

Authorities believed that Chinese, Russian, and Thai criminal syndicates were involved in trafficking women to the SAR for prostitution, after which victims were passed on to local crime syndicates. There were no confirmed reports

of official involvement in human trafficking. Victims were primarily from mainland China, Mongolia, Russia, Eastern Europe, Vietnam, and Thailand.

As required by the new law, the SAR established a dedicated government assistance program, including shelter, social welfare, and healthcare assistance for victims of trafficking. The government also published leaflets to educate citizens on human trafficking, associated penalties, and the government's protection measures for victims. The leaflets, printed in Chinese, Portuguese, and English, were available at border and transit points, police and other government offices, healthcare and social welfare facilities, and educational institutions.

No NGOs focused specifically on trafficking-related problems; however, there were charity organizations that provided assistance and shelter to women and children who were victims of trafficking.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, access to health care, or the provision of other state services, and the government generally enforced these provisions in practice. The law mandates access to buildings for persons with disabilities. The Social Welfare Institute was primarily responsible for coordinating and funding public assistance programs to persons with disabilities.

#### Other Societal Abuses and Discrimination

There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

#### Section 6 Worker Rights

##### a. The Right of Association

The law provides for the right of workers to form and join unions or "labor associations" of their choice without previous authorization or excessive requirement, and the government generally respected this right in practice. However, guidelines adopted by the CCAC require that civil servants obtain approval from their managers before joining associations or becoming leaders in labor associations. The law also specifically excludes public servants, domestic workers, and migrant workers from labor law protections, including the right of association. At the beginning of the year, there were 214 registered labor associations and 227 employers' associations. Data on the percentage of unionized workers was unavailable.

According to the International Trade Union Confederation (ITUC), due to the mainland government's strong influence over local trade union activities, including the direct selection of the leadership of the Federation of Trade Unions (FTU), independence of trade unions was undermined and the protection of the trade union members' rights compromised. Mainland government policies emphasized minimizing workplace disruption, and some unions were criticized for tending to resemble local traditional neighborhood associations promoting social and cultural activities. The Union for Democracy Development Macau (UDDM) and some local journalists claimed that the FTU was more interested in providing social and recreational services than in addressing labor problems such as wages, benefits, and working conditions.

Workers have the right to strike, but there is no specific protection in the law from retribution if workers exercise this right. The government argued that striking employees are protected from retaliation by labor law provisions,

which require an employer to have "justified cause" to dismiss an employee; however, there were reports that the government failed to enforce these provisions. Strikes, rallies, and demonstrations were not permitted in the vicinity of the chief executive's office, the Legislative Assembly, and other key government buildings.

Workers who believed they were dismissed unlawfully may bring a case to court or lodge a complaint with the Labor Department or the Office of the High Commissioner Against Corruption and Administrative Illegality, who also functions as an ombudsman. However, migrant workers had no right to such legal recourse.

Illegal laborers are not protected by labor laws.

#### b. The Right to Organize and Bargain Collectively

The law provides that agreements concluded between employers and workers shall be valid, but there is no specific statutory protection that provides for the right to collective bargaining; however, the government did not impede or discourage collective bargaining. Promainland unions traditionally have not attempted to engage in collective bargaining. Migrant workers and public servants did not have the right to bargain collectively.

The ITUC maintained that under the law, the high percentage of foreign labor, which has no right to collective bargaining, was eroding the bargaining power of local residents to improve working conditions and increase wages.

The law prohibits antiunion discrimination and employer interference in union functions; however, the UDDM expressed concern that the local law contains no explicit provisions that bar discrimination against unions.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

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

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits minors under the age of 16 from working, although minors between the ages of 14 and 16 can be authorized to work on an "exceptional basis." Some children reportedly worked in family-operated or small businesses. Local laws do not establish specific regulations governing the number of hours these children can work, but International Labor Organization conventions were applied. The Labor Department enforced the law through periodic and targeted inspections, and violators were prosecuted.

#### e. Acceptable Conditions of Work

Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements. There was no mandatory minimum wage except for government-outsourced security guards and cleaners. Average wages provided a decent standard of living for a worker and family.

In April representatives of employers, employees, and the government discussed a minimum wage scheme for all sectors. They concluded that a minimum wage imposed on all industries would be complex and difficult and a mandatory minimum wage would be implemented only after the community reaches a consensus.

In addition to the estimated 95,500 migrant workers in 2007, the use of illegally imported workers increased. Local

customs normally favored employment without the benefit of written labor contracts, except in the case of migrant workers, who were issued short-term contracts. Labor groups reported that employers increasingly used temporary contracts as a means to circumvent obligations to pay for workers' benefits such as pensions, sick leave, and paid holidays. The short-term nature of the contracts also makes it easier to dismiss workers by means of nonrenewal.

Labor legislation provides for a 48-hour workweek, an eight-hour workday, paid overtime, annual leave, and medical and maternity care. Although the law provides for a 24-hour rest period each week, workers frequently agreed to work overtime to compensate for low wages. The Labor Department provided assistance and legal advice to workers upon request.

The Labor Department enforced occupational safety and health regulations, and failure to correct infractions could lead to prosecution. During 2007 the Labor Department inspectorate conducted 8,591 inspections and uncovered 5,512 violations carrying fines totaling approximately 1.6 million patacas (more than \$200,000). In 2007 there were 4,535 occupational injuries and 14 occupational deaths. Although the law includes a requirement that employers provide a safe working environment, no explicit provisions protected employees' right to continued employment if they refused to work under dangerous conditions.