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China (includes Tibet, Hong Kong, and Macau)

Country Reports on Human Rights Practices - [2005](#)

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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 (PRC) is an authoritarian state in which, as specified in its constitution, the Chinese Communist Party (CCP) is the paramount source of power. Party members hold almost all top government, police and military positions. Ultimate authority rests with the 24-member political bureau (Politburo) of the CCP and its 9-member standing committee. General Secretary Hu Jintao holds the three most powerful positions as CCP general secretary, president, and chairman of the Central Military Commission (CMC). The party's authority rested primarily on the government's ability to maintain social stability; appeals to nationalism and patriotism; party control of personnel, media, and the security apparatus; and continued improvement in the living standards of most of the country's 1.3 billion citizens. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor, and the government continued to commit numerous and serious abuses. There was a trend towards increased harassment, detention, and imprisonment by government and security authorities of those perceived as threatening to government authority. The government also adopted measures to control more tightly print, broadcast and electronic media, and censored online content. Protests by those seeking to redress grievances increased significantly and were suppressed, at times violently, by security forces. There were notable developments in legal reforms during the year. However, some key measures to increase the authority of the judiciary and reduce the arbitrary power of police and security forces stalled. The government adopted new religious affairs regulations expanding legal protection for some activities of registered religious groups but was criticized for failing to protect unregistered groups.

The following human rights problems were reported:

- denial of the right to change the government
- physical abuse resulting in deaths in custody
- torture and coerced confessions of prisoners
- harassment, detention, and imprisonment of those perceived as threatening to party and government authority
- arbitrary arrest and detention, including nonjudicial administrative detention, reeducation-through-labor, psychiatric detention, and extended or incommunicado pretrial detention
- a politically controlled judiciary and a lack of due process in certain cases, especially those involving dissidents
- detention of political prisoners, including those convicted of disclosing state secrets and subversion, those convicted under the now-abolished crime of counterrevolution, and those jailed in connection with the 1989 Tiananmen demonstrations
- house arrest and other nonjudicially approved surveillance and detention of dissidents
- monitoring of citizens' mail, telephone and electronic communications
- use of a coercive birth limitation policy, in some cases resulting in forced abortion and sterilization
- increased restrictions on freedom of speech and the press; closure of newspapers and journals; banning of politically sensitive books, periodicals, and films; and jamming of some broadcast signals
- restrictions on the freedom of assembly, including detention and abuse of demonstrators and petitioners
- restrictions on religious freedom, control of religious groups, and harassment and detention of unregistered religious groups
- restrictions on the freedom of travel, especially for politically sensitive and underground religious figures
- forcible repatriation of North Koreans and inadequate protection of many refugees
- severe government corruption
- increased scrutiny, harassment and restrictions on independent domestic and foreign nongovernmental organization (NGO) operations
- trafficking in women and children
- societal discrimination against women, minorities, and persons with disabilities
- cultural and religious repression of minorities in Tibetan areas and Muslim areas of Xinjiang
- restriction of labor rights, including freedom of association, the right to organize and bargain collectively, and worker health and safety
- forced labor, including prison labor

There were several positive human rights developments during the year. The government returned authority to approve death sentences to the Supreme People's Court, supported local experiments to record police interrogation of suspects, and limited the administrative detention of minors, the elderly, pregnant women, and nursing mothers. In March government officials stated that family bible studies in private homes need not be registered with the government and said that the law permitted religious education of minors, but problems continued in both areas. The National People's Congress (NPC) adopted amendments to the law protecting women's rights and interests, including one

outlawing sexual harassment. The government ratified International Labor Organization (ILO) Convention 111 prohibiting discrimination in employment. The government also hosted visits by international human rights monitors.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

During the year politically motivated and other arbitrary and unlawful killings occurred. While no official statistics on deaths in custody were available, state-run media reported that law enforcement officials killed 460 persons and seriously injured more than 100 through abuse or dereliction of duty in 2003.

In December police shot and killed at least three protesters in Dongzhou village, Guangdong Province, the first known shooting of public protesters by security forces since 1989. Villagers claimed that as many as 20 villagers were shot and killed by paramilitary riot police, with approximately 40 others missing. The government said the shooting occurred after protesters threw explosives at police and claimed that three protesters were killed. It suspended an official responsible for the incident, pending an investigation.

An unconfirmed, published report said that authorities beat a petitioner to death in Beijing in April.

Trials involving capital offenses sometimes took place under circumstances involving severe lack of due process and with no meaningful appeal. Executions often took place on the day of conviction or failed appeal. In Xinjiang, executions of Uighurs whom authorities accused of separatism but which some observers claimed were politically motivated were reported (see section 5). The government regarded the number of death sentences it carried out as a state secret. However, in March 2004 an NPC deputy asserted that nearly 10 thousand cases per year "result in immediate execution," a figure Supreme People's Court (SPC) and Ministry of Justice officials stated was exaggerated. Foreign experts estimated that the country executed between 5 thousand and 12 thousand persons each year. The SPC announced its intention to take back from provincial courts the authority to approve all death sentences, an authority given to provinces during the government's 1983 anticrime "strike hard" campaign. During the year judges were hired and an administrative division established to conduct reviews of death sentences, but the SPC had not yet begun exercising its authority (see section 1.e.). Media reports stated that approximately 10 percent of executions were for economic crimes, especially corruption. NPC officials insisted during the year that there were no plans to abolish the death penalty for economic crimes.

b. Disappearance

The government used incommunicado detention. The law requires notification of family members within 24 hours of detention, but individuals were often held without notification for significantly longer periods, especially in politically sensitive cases. Citizens who were reportedly detained with no or severely delayed notice included blind legal activist Chen Guangcheng, attorney Zhu Jiuhu, petitioner advocate Hou Wenzhuo, and writer Yang Maodong (also known as Guo Feixiong). In 2004 Jiang Yanyong and his wife were detained and held incommunicado for several weeks in connection with a letter he wrote to government leaders asking for reconsideration of the 1989 Tiananmen massacre.

As of year's end, the government 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 forbids prison guards from extorting confessions by torture, insulting prisoners' dignity, and beating or encouraging others to beat prisoners; however, police and other elements of the security apparatus employed torture and degrading treatment in dealing with some detainees and prisoners. Officials acknowledged that torture and coerced confessions were chronic problems and began a campaign aimed at curtailing these practices. Former detainees credibly reported that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and other forms of abuse.

After a November visit, UN Special Rapporteur on Torture Manfred Nowak concluded that torture remained widespread, although the amount and severity decreased. He reported that beatings with fists, sticks, and electric batons were the most common tortures. Cigarette burns, guard-instructed beatings by fellow inmates, and submersion in water or sewage were also reported. Nowak further found that many detainees were held for long periods in extreme positions, that death row inmates were shackled or handcuffed 24 hours per day, and that systematic abuse was designed to break the will of detainees until they confessed. Procedural and substantive measures to prevent torture were inadequate. Nowak found that members of some house church groups, Falun Gong adherents, Tibetans, and Uighur prisoners were specific targets of torture. The government said Nowak's preliminary report was inaccurate because he had visited only three Chinese cities (Beijing, Lhasa, and Urumqi) and urged him to revise conclusions in his final report.

Since the crackdown on Falun Gong began in 1999, estimates of Falun Gong adherents who died in custody due to torture, abuse, and neglect ranged from several hundred to a few thousand (see section 2.c.). In October Falun Gong adherents Liu Boyang and Wang Shouhui of Changchun, Jilin Province, reportedly died in custody after being tortured by police.

During the year police continued to use torture to coerce confessions from criminal suspects, although the government made efforts to address the problem of torture. A one-year campaign by the Supreme People's Procuratorate (SPP) to punish officials who infringed on human rights, including coercing confessions through torture or illegally detaining or mistreating prisoners, ended in May. The campaign uncovered more than 3,700 cases of official abuse.

A series of wrongful convictions in murder cases came to light in which innocent persons were convicted on the basis of coerced confessions. Among them, Nie Shubin of Hebei Province, who was executed in 1995 for a murder-rape, was exonerated in January after the true killer confessed. She Xianglin of Hubei Province was exonerated in March of murdering his wife in 1994 after she reappeared alive and well. The SPP campaign resulted in the prosecution of 1,924 officers and 1,450 convictions. Among them, a Gansu Province police officer was sentenced to life in prison in January for torturing a suspect to death. In June three Yunnan Province police officers were sentenced to one year in prison for torturing a suspect and rendering him disabled. At the campaign's conclusion, the SPP announced that preventing coerced confessions was its most important supervisory priority. Scholars advocated reform of police interrogation practices. In one highly publicized experiment, officials ordered audio and videotaping of police interrogations. Suspects in a few locations were offered the opportunity to have a lawyer present during interrogation.

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

Petitioners and other activists sentenced to administrative detention also reported being tortured. Such reports included being strapped to beds or other devices for days at a time, beaten, forcibly injected or fed medications, and denied food and use of toilet facilities. A petitioner reportedly choked to death from force-feeding in a police-run psychiatric hospital in Beijing, according to a released inmate. Mao Hengfeng, a Shanghai housing petitioner who reportedly suffered various forms of torture while in reeducation-through-labor, was released in September, but authorities continued to monitor and harass her.

Prison and Detention Center Conditions

The Ministry of Justice administered more than 700 prisons with a population of over 1.5 million inmates, according to official statistics. In addition some 30 jails for juveniles housed approximately 22 thousand juvenile offenders. The country also operated hundreds of administrative detention centers, which were run by security ministries and administered separately from the formal court system (see section 2.d.).

Conditions in penal institutions for both political prisoners and common criminals generally were harsh and frequently degrading. Prisoners and detainees often were kept in overcrowded conditions with poor sanitation. Prison capacity became an increasing problem in some areas. 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. 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. In January 2004 political dissident He Depu was reportedly beaten by guards at Beijing No. 2 Prison and made deaf in one ear. Authorities acknowledged He's deafness, but asserted that he was already deaf when he entered prison. Prolonged use of electric shocks and use of a rack-like disciplinary bed were reported. Inner Mongolian cultural activist Hada was among those reportedly tortured. Chinese prison management forced prisoners to engage in labor, both as punishment and a source of funding (see section 6.c.).

Officials confirmed that executed prisoners were among the sources of organs for transplant. No national law governed organ donations nor were there reliable statistics on how many organ transplants using organs from executed prisoners occurred, but a Ministry of Health directive explicitly states that buying and selling human organs and tissues is not allowed. Transplant doctors stated publicly in 2003 that "the main source [of organ donations] is voluntary donations from condemned prisoners," but serious questions remained concerning whether meaningful or voluntary consent from the prisoners or their relatives was obtained.

Adequate, timely medical care for prisoners continued to be a serious problem, despite official assurances that prisoners have the right to prompt medical treatment. Labor activist Yao Fuxin suffered a heart attack in prison in August and foreign residents Yang Jianli and Wang Bingzhang previously suffered strokes in prison. In all three cases, authorities rejected their requests for outside medical care. Yao and fellow labor activist Xiao Yunliang also had to withstand frequent prison transfers while in ill health.

According to an NGO report, the government recently confirmed that Abidjan Obulkasim, a Uighur student imprisoned in 1995 on charges of counterrevolutionary activities, died in prison in 2003 of tuberculosis. Other prisoners with health concerns included democracy activists Qin Yongmin, Hua Di, Wang Sen, and He Depu; Internet writers Yang Zili and Luo Yongzhang; labor activists Hu Shigen and Zhang Shanguang; Inner Mongolian activist Hada; and religious prisoners Zhang Rongliang, Liu Fenggang, Xu Yonghai, Gong Shengliang, Bishop Su Zhimin, and other underground Catholic bishops. During the year some political prisoners went on hunger strikes to protest their treatment, including Shandong Province legal advocate Chen Guangcheng, Anhui Province democracy activist Zhang Lin, and writer Yang Maodong (Guo Feixiong).

Acknowledging guilt was a precondition for receiving certain prison privileges, including the ability to purchase outside food, make telephone calls, and receive family visits. Prison officials often denied privileges to those, including political prisoners, who refused to acknowledge guilt or obey other prison rules. After foreign resident Yang Jianli refused to wear his prison uniform and engaged in acts of civil disobedience, prison staff prohibited him from communicating with his lawyer, obstructed family visits, transferred him to another facility, and reportedly placed him on an abusive labor team. Foreign citizen and Falun Gong member Charles Lee staged a hunger strike to protest forced "reeducation" sessions he received in prison, where he remained at year's end. Some prominent political prisoners, however, received better than standard treatment.

Conditions in administrative detention facilities, such as reeducation-through-labor camps, were similar to those in prisons. Beating deaths occurred in administrative detention and reeducation-through-labor facilities. While the 2003 death of Sun Zhigang in a custody-and-repatriation camp for illegal migrants led the State Council to abolish that system, the government failed to enact proposed legislation to reform the system of reeducation-through-labor. The reform reportedly stalled because of objections from public security forces.

Sexual and physical abuse and extortion were reported in some detention centers. Falun Gong activists reported that police raped female practitioners, including an incident in November at the Dongchengfang police station in Tunzhou City, Hebei Province, in which two women were raped while in detention. Forced labor in prisons and reeducation-through-labor camps was common. Juveniles were required by law to be held separately from adults, unless facilities were insufficient. In practice, children sometimes were detained without their parents, held with adults, and required to work (see sections 1.d. and 6.c.).

The government generally did not permit independent monitoring of prisons or reeducation-through-labor camps, and prisoners remained inaccessible to most international human rights organizations. However, the government hosted visits by the UN high commissioner for human rights and the UN special rapporteur for torture and permitted them to visit prisons (see section 4). In July the government and the International Committee of the Red Cross (ICRC) agreed to terms permitting the ICRC to open an office in Beijing. The office opened, although the agreement did not grant the ICRC access to prisons. Working level meetings with foreign government officials on a prison labor memorandum of understanding continued during the year and included a few prison visits (see section 6.c.).

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. It also permits sentencing without trial to as many as four years in reeducation through-labor camps and other administrative detention. Because the government tightly controlled information, it was impossible to determine accurately the total number of persons subjected to new or continued arbitrary arrest or detention. According to 2003 government statistics, more than 260 thousand persons were in reeducation-through-labor camps. Foreign experts estimated that more than 310 thousand persons were serving sentences in these camps in 2003. According to published SPP reports, the country's 340 reeducation-through-labor facilities had a total capacity of about 300 thousand persons. In addition the population of special administrative detention facilities for drug offenders and prostitutes grew rapidly following a campaign to crack down on drugs and prostitution. In 2004 these facilities held more than 350 thousand offenders, nearly three times as many as in 2002. The government also confined some Falun Gong adherents, petitioners, labor activists, and others to psychiatric hospitals.

Among those specially targeted for arbitrary detention or arrested during the year were current and former China Democracy Party activists, Falun Gong practitioners, domestic and foreign journalists, unregistered religious figures, and former political prisoners and their family members. Business associates of released Uighur political prisoner Rebiya Kadeer were detained in Xinjiang from May to December. Her relatives were also harassed on several occasions after her March release abroad (see sections 2.c. and 5).

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 and Public Security were responsible for internal security. SPP and SPC officials admitted that courts and prosecutors often deferred to the security ministries on policy matters and individual cases. 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. Recent efforts have been 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. Police officers reportedly coerced victims, took individuals into custody without due cause, arbitrarily collected fees from individuals charged with crimes, and mentally and physically abused victims and perpetrators.

Arrest and Detention

Extended, unlawful detention remained a problem, although the government claimed to have eliminated it. In March both the SPP and the SPC told the NPC that they had resolved all cases of extended, unlawful detention. Nonetheless, a number of politically sensitive individuals were held for periods longer than that authorized by law, including journalists Zhao Yan and Ching Cheong. In some cases, investigating security agents or prosecutors sought repeated extensions, resulting in pretrial detention of a year or longer. It was uncertain how many other prisoners were similarly detained.

According to the law, police may unilaterally detain a person for up to 37 days before releasing him or formally placing him under arrest. After a suspect is arrested, the law allows police and prosecutors to detain him for up to six and one-half months before trial while the case is further investigated. Dissident Yang Jianli was held without conviction for more than two years before his verdict and five-year sentence was announced in May 2004.

The law stipulates that authorities must notify a detainee's family or work unit of his detention within 24 hours. However, failure to provide timely notification remained a serious problem, particularly in sensitive political cases (see section 1.b.). Under a sweeping exception, officials are not required to provide notification if doing so would "hinder the investigation" of a case. In some cases police treated those with no immediate family more severely.

According to regulations, public security organs had broad discretion to detain administratively suspects without supervision from a court or

other outside bodies for up to 15 days, with the possibility of consecutive detention periods of up to 45 days. During the year the NPC passed the Security Administration Punishments Law, which banned administrative detention of minors, the elderly, pregnant women, and nursing mothers, created a maximum time for interrogation, and revised the maximum period of this type of detention to 20 days. The law provided for administrative review of detention decisions. It also expanded the number and type of offenses subject to administrative detention to include illegal demonstrations, disturbing social order in the name of religion, invasion of privacy, and publication that incites ethnic or national hostility or discrimination. Police continued to hold individuals without granting access to family members or lawyers, and some trials continued to be conducted in secret. Detained criminal suspects, defendants, their legal representatives, and close relatives were entitled to apply for bail; however, in practice few suspects were released pending trial.

The reeducation-through-labor system allows non-judicial panels of police and local authorities, called Labor Reeducation Committees, to sentence persons to up to three years in prison-like facilities. The committees have authority to extend an inmate's sentence for an additional year. Defendants were legally entitled to challenge reeducation-through-labor sentences under the Administrative Litigation Law through the court system (see section 1.e.). They could appeal for a reduction in, or suspension of, their sentences; however, appeals rarely were successful. Many other persons were detained in similar forms of administrative detention, known as "custody and education" (for prostitutes and those soliciting prostitutes) and "custody and training" (for minors who committed crimes). Li Guoqing was detained for three months in a mandatory drug rehabilitation center in Pingdingshan, Henan Province. Published reports said Li was given electric shocks until he signed a confession saying he took drugs and was then incarcerated at the center. Medical tests taken after his release supported his claim that he had never used drugs. A special form of reeducation centers was used to detain Falun Gong practitioners who had completed terms in reeducation-through-labor but whom authorities decided to continue detaining.

According to foreign researchers, the country had 20 anfang institutions (high-security psychiatric hospitals for the criminally insane) directly administered by the Ministry of Public Security. Some dissidents, persistent petitioners, and others were housed with mentally ill patients in these institutions. Patients in these hospitals were reportedly given medicine against their will and forcibly subjected to electric shock treatment. The regulations for committing a person into an anfang psychiatric facility were not clear. Credible reports indicated that a number of political and trade union activists, underground religious believers, persons who repeatedly petitioned the government, members of the banned China Democratic Party, and Falun Gong adherents were incarcerated in such facilities during the year. These included Wang Miaogen, Wang Chanhao, Pan Zhiming, and Li Da, who were reportedly held in an anfang facility run by the Shanghai Public Security Bureau. In August Wang Wanxing, who unfurled a banner in Tiananmen Square on the third anniversary of the 1989 massacre, was released from a Beijing anfang run by the Ministry of Public Security and sent abroad. After his release, he described conditions in the anfang as "basically sadistic" and said he witnessed a petitioner held in the facility who choked to death from force-feeding.

In 2004 the government attempted to resolve a motion that would have expelled China from the World Psychiatric Association (WPA) for using psychiatric facilities to incarcerate political prisoners. During the year, a WPA delegation visited the country without reaching a consensus

Administrative detention was frequently used as a vehicle to intimidate political activists and prevent public demonstrations (see section 2.b.).

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. The number of persons executed each year has been deemed by the government to be a state secret. Information could retroactively be classified a state secret by the government. Approximately 10 citizens writing on the Internet were detained on state secrets and subversion charges during the year (see section 2.a.)

The government used house arrest as a nonjudicial punishment and control measure against dissidents, released political prisoners, family members of political prisoners, petitioners, underground religious figures, and others it deemed politically sensitive or troublemakers. House arrest was characterized by 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 conduct errands. When outside the home, the subject of house arrest was usually, but not always, under surveillance. No publicly available laws or regulations governed conditions for house arrest.

Former senior leader Zhao Ziyang died in January after spending more than 15 years under house arrest in Beijing for his support of students during Tiananmen in 1989. Zhao's former aide Bao Tong remained under similar surveillance in his home. In March Jiang Yanyong was released after spending more than eight months in house arrest because he wrote to government leaders in 2004 requesting an official reassessment of the 1989 crackdown. He was formally detained for two months in June 2004 and was monitored in his home after release. His wife, who was detained at the same time as Jiang, was released earlier but forbidden to travel abroad until mid-year. At year's end Jiang remained unable to travel abroad. In September blind legal advisor and family planning whistleblower Chen Guangcheng was released by security authorities after four days of formal detention, but he was immediately placed under house arrest in Yanan County, Shandong Province. Local police and other government officials took turns monitoring him. Several underground Catholic priests and bishops 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. Government officials claimed they took no coercive actions against him (see section 2.c.). Tibetan nun Phuntsog Nyidrol remained under constant surveillance and could not travel freely despite expiration of her parole in February (see Tibet addendum).

Scores of other dissidents and activists reported regularly being placed under house arrest during sensitive political events, such as the NPC session or visits by foreign dignitaries, including the visit of the UN high commissioner for human rights in August and the November visit of the UN special rapporteur on torture. Authorities in Xinjiang used house arrest and other forms of arbitrary detention against those accused of the "three evils" of extremism, splittism, and terrorism, including at the time of Xinjiang's 50th anniversary celebration in October. Because authorities failed to distinguish carefully between peaceful activities supporting independence, "illegal" religious activities, and violent terrorism, it was difficult to determine whether raids, detentions, arrests, or judicial punishments were targeted at those peacefully seeking political goals, those seeking worship, or those engaged in violence (see section 5). Others held under house arrest for varying periods

during the year included Tiananmen activist Qi Zhiyou, Internet writer Liu Di, underground Catholic bishops Jia Zhiguo and Wei Jingyi, members of the Tiananmen Mothers organization and the Independent PEN Center for Freedom to Write. Family members of some detained political prisoners reported being under house arrest or other surveillance for nearly one-third of the year.

The CCP used a form of discipline known as *shuang gui* for violations of CPC 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.

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 frequently interfered in the judicial system and dictated court decisions. Trial judges decide individual cases under the direction of the trial committee in each court. In addition the CCP's law and politics committee, which include representatives of the police, security, 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. Party and political leaders were known to instruct courts and judges on the handling of individual cases. 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 (see section 3). The people's congresses appointed judges at the corresponding level of the judicial structure. Judges received their court finances and salaries from those government bodies and could be replaced by them. This sometimes resulted in local authorities exerting undue influence over the judges they appointed and financed.

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

Trial Procedure

Trials took place before a judge, who was often 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 adversary system, no presumption of innocence, and judges and prosecutors typically used an inquisitorial style of questioning the defendant, who was often the only witness. The law affords no right to remain silent, no protection against double jeopardy, and no law governing the type of evidence that may be introduced.

The mechanism that allows defendants to confront their accusers was inadequate; according to one expert, only 1 to 5 percent of trials involved witnesses. Accordingly, most criminal trials consisted of the prosecutor reading statements of witnesses who neither the defendant nor his lawyer had an opportunity to question. 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.

The law gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation, although police often circumvented defendants' right to seek counsel. Individuals who faced administrative detention were not granted the right to seek legal counsel. Government-employed lawyers were often reluctant to represent defendants in politically sensitive cases and defendants frequently found it difficult to find an attorney. In some sensitive cases, lawyers had no pretrial access to their clients, and defendants and lawyers were not allowed to speak during trials. In practice criminal defendants often were not assigned an attorney until a case was brought to court. Even in nonsensitive criminal trials, only one of every seven defendants had legal representation, according to credible reports citing internal government statistics.

Although the government did not publish a conviction rate, more than 98 percent of defendants whose cases were closed in 2004 were sentenced to criminal punishment; less than 0.5 percent of all defendants 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. Defendants who refused to acknowledge guilt often received harsher sentences than those who confessed. There was an appeals process, but appeals rarely resulted in reversed verdicts. Appeals processes failed to provide sufficient avenue for review, and there were inadequate remedies for violations of defendants' rights. Nationwide, original verdicts were changed on appeal in only 0.34 percent of all cases, including capital cases.

SPC regulations require all trials to be open to the public, with certain exceptions, such as cases involving state secrets, privacy, and minors. The legal exception for cases involving state secrets was used to keep politically sensitive proceedings closed to the public and in some cases even to family members. 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. Some trials were broadcast, and court proceedings were a regular television feature. A few courts published their verdicts on the Internet.

The government still had not implemented recommendations from the UN Working Group on Arbitrary Detention's 1997 visit, and the issues identified in 1997 continued to be serious problems. First, the law lacks a presumption of innocence until proven guilty. Second, it fails to define "endangering national security," so overly broad prosecutions could and did occur. Third, the law includes no protection for those

peacefully exercising rights protected by the Universal Declaration of Human Rights. Fourth, there is no real judicial control of the reeducation-through-labor system. During a return 2004 visit, the Working Group noted that the government announced plans to address deficiencies in reeducation through labor and regulate the use of psychiatric institutions in administrative detention through legislation, but there was no action on such legislation during the year.

The government offered limited legal aid and reduced fees for poor litigants. According to the Ministry of Justice, during the year 433,965 litigants in 253,665 cases received legal aid, up 48 percent and 33 percent, respectively, from the previous year. The four thousand government lawyers providing legal aid remained inadequate to meet demand. Nonattorney legal advisors and government employees provided the only legal aid options in many areas. According to government statistics, 10,458 employees provided legal aid at 3,023 legal aid institutions. New regulations required law firms and private attorneys to provide some legal aid. Criminal and administrative cases remained eligible for legal aid, although the vast majority of defendants still went to trial without a lawyer. During 2004 courts waived over \$130 million (RMB 1.09 billion) in litigation costs.

Police and prosecutorial officials often ignored the due process provisions of the law. The lack of due process was particularly egregious in death penalty cases. There were over 60 capital offenses, including nonviolent financial crimes such as counterfeiting currency, embezzlement, and corruption. Executions were often carried out on the date of conviction. The SPC reported that in 2004 it reviewed 400 serious criminal cases, including capital cases, and began the process of taking back from provincial courts the authority to approve all death sentences to ensure that more uniform standards were used (see section 1.a.). From 2003 to October, the SPC rejected 7.2 percent of death sentences it reviewed and changed 22 percent of death penalty verdicts to life imprisonment. The government regarded the number of death sentences it carried out as a state secret. Minors and pregnant women were expressly exempt from the death sentence, although in the past the government executed a few criminals who were under age 18 at the time they committed an offense.

During the year lawyers, law professors, legal journals, and jurists held seminars and publicly debated systemic legal reform.

Courts lacked the independence and authority to rule on the constitutionality of laws. In December a law was enacted permitting any organization or individual to question laws and regulations they believe contradict the constitution. Under the new law, a constitutional challenge first requires consultation with the body drafting the questioned regulation and allows only an appeal to the NPC. During the year lawyers saw little opportunity to use the constitution in litigation.

Some lawyers who tried to defend their clients aggressively faced serious intimidation and abuse by police and prosecutors, and some were detained. According to Article 306 of the Criminal Law, defense attorneys can be held responsible if their clients commit perjury, and prosecutors and judges have wide discretion in determining what constitutes perjury. According to the All-China Lawyers Association, since 1997 more than 500 defense attorneys have been detained under Article 306 and similar charges. Although over 80 percent were ultimately acquitted, the prosecutions had a chilling effect on attorneys' willingness to handle controversial defense cases. In 1990 Beijing attorneys handled an annual average of 2.64 criminal cases; by 2000, the figure had dropped to 0.78. Nationwide, attorneys handled an average of only 0.72 criminal cases in 2004.

Harassment and detention of defense attorneys continued during the year. In February, Shanghai defense attorney Guo Guoting had his law license suspended and ultimately fled the country. His suspension came only days before the trial of journalist Shi Tao, whom Guo had agreed to defend against charges of leaking state secrets (see section 2.a.). The attorney who replaced Guo handling Shi's defense was unwilling to enter a not guilty plea on Shi's behalf. Guo previously defended several controversial clients, including forced eviction victims in Shanghai and their legal advisor Zheng Enchong. Zheng was sentenced in 2003 to three years' imprisonment for providing state secrets to overseas entities. After Zheng won a human rights award from the German Association of Judges in December, security officials harassed those who represented Zheng at the awards ceremony and prevented his wife from visiting him in prison.

In May Beijing attorney Zhu Jiuju was detained in Shaanxi Province and held for four months after meeting with clients protesting land seizures involving private oil fields. Zhu was charged with unlawful assembly based on a meeting he had with his clients (see section 2.b.). The Beijing Bar Association made several unsuccessful attempts to secure Zhu's release, and attorneys hired by the bar association were refused access to him on several occasions. One of the attorneys defending Zhu, Gao Zhisheng, had his law license suspended later in the year. Zhu was released in September, but several of his clients remained detained. Among those clients, the leading organizer of the oil field protests, Feng Bingxian, was tried in December for instigating "mass social disorder" and sentenced to three years' imprisonment. The chief prosecutor at Feng's trial was part of a government working group investigating the seizure of the private oil fields and had been sued by Feng in a civil lawsuit. The prosecutor refused to stand down amid charges of conflict of interest.

In September blind legal activist Chen Guangcheng, who publicized family planning (see section 1.f.) and other abuses by local officials in Linyi City, Shandong Province, was detained in Beijing and held for four days before being forced to return to Shandong and placed under house arrest. Local officials physically abused Chen on several occasions after he tried to file lawsuits objecting to the abuses by local officials, including those involving family planning and police abuse of power. Attorneys and law professors who rallied to defend Chen were threatened with retaliation, including dismissal from university posts. In October local authorities and hired thugs beat attorneys Xu Zhiyong and Li Fanping when they tried to meet Chen at his home. Other attorneys attempting to appear in court on lawsuits Chen initiated were detained and forced to leave town. Chen remained under a form of house arrest at year's end, and the central government took no action.

In September authorities detained writer Guo Feixiong, an employee of the Gao Zhisheng law firm, as he was helping villagers attempt to recall the elected village head of Taishi, Guangdong Province. He was charged with gathering a crowd to disturb social order and held until December 29 (see section 2.b.). In December two attorneys assisting the Taishi villagers, Guo Yan and Tang Jingling, were fired by their law firms, allegedly due to government pressure.

In November the Beijing justice department closed the law firm of defense attorney Gao Zhisheng and suspended his license for one year. Authorities claimed Gao's suspension was due to his refusal to retract an open letter he wrote to Hu Jintao in October condemning abuse of

Falun Gong practitioners. He was suspended shortly before the sentencing of another controversial client, house Christian pastor Cai Zhuohua (see section 2.c.). After Gao continued to fight his suspension, security officials rammed his car and threatened his life. Gao was detained, questioned, and released on several occasions.

Political Prisoners

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 reeducation-through-labor camps and other forms of administrative detention. The government did not grant international humanitarian organizations access to political prisoners.

Western NGOs estimated that approximately 500 persons remained in prison for the repealed crime of "counterrevolution," and thousands of others were serving sentences under the state security law, which Chinese authorities stated covers crimes similar to counterrevolution. Persons detained for counterrevolutionary offenses included labor activist Hu Shigen; Inner Mongolian activist Hada; and dissidents Yu Dongyue, Zhang Jingsheng, and Sun Xiongying. Foreign governments urged the government to review the cases of those charged before 1997 with counterrevolution and to release those who had been jailed for nonviolent offenses under the old statute. During the year the government held expert-level discussions with foreign officials on conducting such a review, but no formal review was initiated. However, a number of "counterrevolutionary" prisoners were released during the year, some after receiving sentence reductions. Editor Chen Yanbin, who received a sentence reduction several years ago, was released on April 12 after spending more than 14 years in prison. The government maintained that counterrevolutionary prisoners were eligible for parole and early release on an equal basis with other non-counterrevolutionary prisoners but provided no evidence to support this assertion.

The reeducation-through-labor system allows nonjudicial panels of police and local authorities, called labor reeducation committees, to sentence persons to up to three years in prison-like facilities. The committees can also extend an inmate's sentence for an additional year. Defendants were legally entitled to challenge reeducation-through-labor sentences. They could appeal for a reduction in, or suspension of, their sentences; however, appeals rarely were successful. Many other persons were detained in similar forms of administrative detention, known as "custody and education" (for prostitutes and their clients) and "custody and training" (for minors who committed crimes). Li Guoqing was detained for three months in a forced drug rehabilitation center in Pingdingshan, Henan Province. Published reports said Li was given electric shocks until he signed a confession saying he took drugs and was then incarcerated at the center. A special form of reeducation center was used to detain Falun Gong practitioners who had completed terms in reeducation through labor, but whom authorities decided to continue detaining.

Amnesty International has identified more than 80 persons by name all of who remained imprisoned or on medical parole for their participation in the 1989 Tiananmen demonstrations; other NGOs estimated that as many as 200 persons remained in prison for political activities connected to the demonstrations.

The authorities granted early release from prison to Uighur businesswoman Rebiya Kadeer in March. Many others, including journalists Zhao Yan, Shi Tao and Jiang Weiping; Internet writers Yang Zili and Xu Wei; labor activists Yao Fuxin and Xiao Yunliang; China Democracy Party cofounder Qin Yongmin; political dissident Yang Jianli; family planning whistleblower Chen Guangcheng; Su Zhimin and other underground Catholic Bishops; house Christian activists Zhang Rongliang, Cai Zhuohua, Liu Fenggang and Xu Yonghai; Uighurs Tohti Tunyaz and Dilkex Tilivaldi; Tibetans Jigme Gyatso, Tenzin Deleg, and Gendun Choekyi Nyima; and Inner Mongolian cultural activist Hada remained imprisoned or under other forms of detention during the year. Political prisoners generally benefited from parole and sentence reduction at significantly lower rates than ordinary prisoners.

Criminal punishments could include "deprivation of political rights" for a fixed period after release from prison, during which the individual is denied the already limited rights of free speech and association granted to other citizens. Former prisoners also sometimes found their status in society, ability to find employment, freedom to travel, and access to residence permits and social services severely restricted. Former political prisoners and their families frequently were subjected to police surveillance, telephone wiretaps, searches, and other forms of harassment, and some encountered difficulty in obtaining or keeping employment and housing (see section 1.f.).

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 and the Procuratorate could 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 foreigners. During the year police ordered many such citizens 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. Family members of prisoners were discouraged or prevented from meeting with the UN special rapporteur for torture.

Forced relocation because of urban development continued, and in some locations, increased during the year. Protests over relocation terms or compensation, some of which included thousands of participants, were common, and some protest leaders were prosecuted during the year (see sections 2.b. and 3). Some evictions in Beijing were linked to construction for the 2008 Olympics. In rural areas, relocation for major state projects, such as dams, and for commercial development resulted in the forced relocation of millions of persons.

The country's birth planning policies retained harshly coercive elements in law and practice. The laws restrict the rights of families to choose the number of children they have and the period of time between births. The penalties for violating the law are strict, leaving some women little choice but to abort pregnancies. In addition implementation of the policy by local officials resulted in serious violations of human rights. Reports of forced sterilizations and abortions, in violation of the national law, continued to be documented in rural areas.

The law standardizes the implementation of the government's birth limitation policies; however, enforcement varied significantly from place to place. The law 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. Many provincial regulations require women to wait four years or more after their first birth before making such an application. According to the UN Population Fund (UNFPA), the spacing requirement was removed in 5 and relaxed in 10 of the 30 counties across 30 provinces participating in UNFPA's "Fifth Country Program." The law requires couples that have an unapproved child to pay a "social compensation fee," which sometimes reached 10 times a person's annual income, and grants preferential treatment to couples who abide by the birth limits. 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 confiscation of property, against families who refuse to pay social compensation fees. However, in practice this requirement was not always followed.

The one-child limit was more strictly applied in the cities, where only couples meeting certain conditions (e.g., both parents are only children) were permitted to have a second child. In most rural areas (including towns of under 200 thousand persons), which included approximately two-thirds of the country's population, the policy was more relaxed, generally allowing couples to have a second child if the first was a girl or had a disability. Central government policy formally prohibits the use of physical coercion to compel persons to submit to abortion or sterilization, although reports of physical coercion to meet birth targets continued.

Provinces have responsibility to enforce the law through the implementation of regulations. All provincial-level governments except the Tibet Autonomous Region (TAR) have amended their regulations to conform to the new law. For example, Anhui Province passed a law permitting 13 categories of couples, including coal miners, some remarried divorcees, and some farm couples, to have a second child. Ethnic minorities like the Uighurs and the Tibetans are also allowed more than one child.

Seven provinces--Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin and Ningxia--require "termination of pregnancy" if the pregnancy violates provincial family planning regulations. An additional 10 provinces--Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi and Yunnan--require unspecified "remedial measures" to deal with out-of-plan pregnancies.

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. Social compensation fees have been levied on unwed mothers.

The country's population control policy relied on education, propaganda, and economic incentives, as well as on more coercive measures such as the threat of job loss or demotion and social compensation fees. Psychological and economic pressures were very common. According to provincial regulations, the fees ranged from one-half to 10 times the average worker's annual disposable income. Those who violated the child limit policy by having an unapproved child or helping another to do so faced disciplinary measures such as job loss or demotion, loss of promotion opportunity, expulsion from the party (membership in which was an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of property. In the case of families that already had two children, one parent was often pressured to undergo sterilization. These penalties sometimes left women with little practical choice but to undergo abortion or sterilization. There were several rewards for couples who adhered to birth limitation laws and policies, including monthly stipends and preferential medical and educational benefits. The National Population and Family Planning Commission (NPFPC) expanded a number of programs to encourage smaller families. For example, new pension benefits were made available nationwide for those who adhered to birth limitation laws.

The law states that Family Planning Bureaus will conduct pregnancy tests on married women and provide them with unspecified "follow-up" services. Some provincial regulations provide for fines if women do not undergo periodic pregnancy tests. For example, in Hebei the range was \$25 to \$62 (RMB 200 to 500), and in Henan it was \$6 to \$62 (RMB 50 to 500).

Officials at all levels remained subject to rewards or penalties based on meeting the population goals set by their administrative region. There continued to be sporadic reports of violations of citizens' rights by local officials attempting to reduce the number of births in their region. The most egregious reports occurred in Linyi, Shandong Province. International press reports alleged that some 130 thousand persons were detained by local officials in "population schools" to force them or their relatives to submit to abortions or sterilization procedures. Local officials profited from this illegal system by charging fees, according to media reports. At least seven thousand people were forcibly sterilized. Local rights activists documented several cases of forced late-term abortions. According to law, citizens may sue officials who exceed their authority in implementing birth-planning policy. Legal activist Chen Guangcheng remained under investigation and house arrest as a result of his work exposing the abuses in Linyi (see section 1.e.). Use of population schools as detention centers was reported in 2004 in Anhui Province.

A subsequent NPFPC investigation revealed that local officials in Linyi had violated the law. Some officials were removed from office. The

NPFPC announced it would take steps to enhance the rule of law and safeguard the rights of citizens. However, promotions for local officials still depended in part on meeting population targets.

Laws and regulations forbid the termination of pregnancies based on the sex of the fetus, but because of the intersection of birth limitations with the traditional preference for male children, particularly in rural areas, many families used ultrasound technology to identify female fetuses and terminate these pregnancies (see section 5). The most recent official figures put the overall male to female sex ratio at birth at 116.9 to 100 (compared with the statistical norm of 106 to 100), and in some parts of the country, the ratio was even more skewed. For second births, the national ratio was 151.9 to 100. During the year the NPFPC expanded programs to raise awareness of the sex ratio imbalance and to improve protection of the rights of girls.

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 circumscribing these rights. The government continued to threaten, arrest, and imprison many individuals for exercising rights to free expression. Internet essayists and journalists in particular were targeted, including Hunan writer Shi Tao and New York Times employee Zhao Yan. The government continued to control print, broadcast, and electronic media tightly and used them to propagate government views and CCP ideology. Such controls tightened during the year, and new regulations made it increasingly difficult to express views that differed from those authorized by the government on the Internet, through broadcast media and in print. Media outlets received regular guidance from the Central Propaganda Department listing topics that should not be covered, including politically sensitive topics. All media employees were under explicit orders to follow CCP directives and guide public opinion. These measures greatly restricted the freedom of journalists and Internet writers to report the news and led to a high degree of self-censorship.

The scope of permissible private speech continued to expand. Political topics could be discussed privately and in small groups without punishment, and minor criticisms of the government were common topics of daily speech. So long as the speaker did not publish views that challenged the Communist Party or disseminate such views to overseas audiences, the range of permissible topics for private speech continued to grow. However, public speeches, academic discussions, and speeches at meetings or in public forums covered by the media remained circumscribed. Those who aired views that disagreed with the government's position on controversial topics risked punishment ranging from disciplinary action at government work units to police interrogation and detention. These restrictions and more formal restrictions on freedom of the press and academic freedom had a chilling effect on freedom of speech.

Some citizens continued to speak out and publish on controversial topics, despite the government's restrictions. For example, Ding Zilin and other family members of those killed or missing at the 1989 Tiananmen demonstration wrote an open letter to legislators seeking an official reassessment of the verdict condemning the protests, including rehabilitation of recently deceased former Party Secretary Zhao Ziyang. Guangzhou Professor Ai Xiaoming wrote an open letter to Hu Jintao protesting the beating of villagers, including the elderly, in Taishi, Guangdong Province (see sections 2.b. and 4). Afterwards, Ai was reportedly beaten and threatened. In November Huang Jingao, party secretary of Lianjiang County, Fujian Province, was sentenced to life in prison for writing a 2004 open letter critical of endemic corruption. Li Changqing, a journalist from Fuzhou who helped Huang write the open letter, was detained and charged with subversion. Lawyer Gao Zhisheng wrote an open letter criticizing the persecution of Falun Gong, resulting in the suspension of his license to practice law (see section 1.d.).

Journalists who reported on topics that met with the government's or local authorities' disapproval continued to suffer harassment, detention, and imprisonment.

In July courts rejected an appeal by two editors from Guangdong Province's Southern Metropolitan Daily newspaper, despite receiving a petition from over 2,300 Chinese journalists claiming that conviction of the two editors on corruption charges in 2004 was punishment for the newspaper's muckraking news coverage. Yu Huafeng continued to serve an eight-year sentence on charges of embezzlement, and former editor Li Minying was serving a six-year sentence on bribery charges. The newspaper's editor-in-chief Cheng Yizhong, who was imprisoned for five months in 2004 on similar charges, which were subsequently dropped, was not allowed to travel abroad to accept a UN Educational, Scientific and Cultural Organization (UNESCO) press freedom award. Other journalists who remained in prison included Liaoning Province anticorruption reporter Jiang Weiping, Jiangsu Province journalist Huang Jinqiu, and Hunan Province journalist and Internet writer Shi Tao. During the year 32 journalists and Internet writers were imprisoned.

Detention of journalists and Chinese employees working for foreign media outlets increased concern that the government was attempting to intimidate foreign correspondents and newspapers. In April Hong Kong-born journalist Cheng Xiang (more commonly known as Ching Cheong) of the Singapore Straits Times was detained and charged with espionage. NGOs reported he was detained while researching a story about former leader Zhao Ziyang, while the government claimed he accepted money from overseas intelligence groups. In August security officials detained and questioned a Chinese employee of the Washington Post. The employee was released the same day. In November two Hong Kong journalists were harassed and expelled after attempting to interview Lin Mu, a secretary to former premier Hu Yaobang. New York Times employee Zhao Yan remained jailed without trial after being detained in September 2004 and later formally charged with fraud and leaking state secrets. Zhao Yan's detention came shortly after the newspaper published an article correctly forecasting the resignation of Jiang Zemin as chairman of the CMC. The newspaper denied that Zhao provided any information about Jiang's retirement. A handwritten note by Zhao that prosecutors highlighted as the key incriminating evidence said nothing about Jiang.

In addition to criminal prosecution of writers, some government officials used civil lawsuits and other punishments to intimidate authors and block controversial writings. In April writer Li Jianping was detained in Zibo, Shandong Province, for posting articles critical of the CCP on foreign Web sites. Originally charged with libel, he has since been formally arrested on subversion charges. There was still no verdict from

the August 2004 libel trial of Anhui Province authors Chen Guidi and Wu Chuntao over their book *China Peasant Survey* (Nongmin Diaocha). The book, a best seller until it was banned, describes abuse and extortion of farmers by local officials, one of whom sued the authors and their publishing house for libel. Scholars and attorneys stated that the lawsuit and high damages sought of approximately \$25 thousand (RMB 200 thousand) were intended to intimidate the publisher and inhibit criticism.

The government continued to close publications and punish journalists for printing material deemed too sensitive. In March Xiao Weibin, who in 2004 was dismissed as editor of *Tongzhou Gongjin* magazine, was stripped of his post as a member of the Guangdong Province Political Consultative Congress during the year. Zhang Jian, a reporter for the *Legal Daily* who in 2004 wrote about the beating death of bible distributor Jiang Zongxiu, was sanctioned by his work unit. In December three Beijing News editors, Yang Bin, Sun Xuedong and Li Duoyu, were fired. To protest the firing, over 100 of the newspaper's journalists held a brief work boycott. Published reports said the editors were fired because of the newspaper's reporting on controversial events, including a land protest in Shengyou, Hebei Province (see section 2.b.).

Newspapers could not report on corruption without government and party approval, although authorities approved reports about some high-profile cases. Publishers printed such material at their own risk. During the year journalists and editors who exposed corruption scandals frequently faced problems with the authorities. The 10-year sentence meted out to journalist Shi Tao in April was seen as a form of retaliation for Shi's past work exposing corruption in Hunan and Shanxi Provinces, according to published reports.

Propaganda authorities also restricted reporting about public protests (see section 2.c.). In December media were banned from reporting on an incident in Dongzhou, Guangdong Province, in which police fatally shot at least three protesters in a land dispute. Domestic and foreign reporters were also blocked from traveling to the area. Earlier in the year, authorities blocked reporting and prevented journalists from covering protests that turned violent, including July and August protests over the recall of the village chief in Guangdong's Taishi village and a May protest in Hebei Province's Shengyou village over a land dispute that left six dead and dozens injured.

Officials continued to censor and ban some reporting on labor, health, and environmental crises. In November local and central government authorities withheld information for several days about a toxic chemical spill into the Songhua River. Reporting was restricted and Web site comments were blocked concerning several fatal mining accidents (see section 6.e.). In August Henan Commercial News was closed for a month, and its editor was forced to resign after it publicized the government practice of paying journalists not to write about controversial stories. The article described how local officials paid journalists from \$25 to \$1,250 (RMB 201 to RMB 10,075) not to report about a coal mine accident. It claimed the practice was a common one and that journalists from Xinhua and large media outlets were paid more than local journalists for not reporting such events.

Transparency in the health sector improved compared with the government's cover up of the initial Severe Acute Respiratory Syndrome (SARS) outbreak in 2003. Central government officials pledged to promptly report cases of avian flu but acknowledged that local authorities did not promptly report some cases. International observers acknowledged that transparency had improved with regard to avian influenza but expressed concern about delays in reporting some human and animal cases. Some academics were unable to publish results of independent research into contagious disease cases. In September authorities announced that the number of people who died in natural disasters would no longer be considered a state secret and presumably could be reported by media.

There were a few privately funded print publications but no privately owned television or radio stations or Internet portals. The censorship process for private and government media continued to shift so that censors relied mostly on self-censorship and, in a few cases, post-publication sanctions. Nonetheless, the Central Propaganda Department continued to list areas that were off limits to media, and the government maintained authority to approve all programming.

Government-approved publishing houses were the only organizations legally 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; selectively rewarding with promotions and perks those publishers, editors, and writers who adhered to CCP guidelines; and punishing with administrative sanctions and blacklisting those who did not.

Underground printing houses were targets of periodic campaigns to stop all illegal publications (including pornography and pirated computer software and audiovisual products).

Many intellectuals and scholars exercised self-censorship, anticipating that books or papers on political topics would be deemed too sensitive to be published. Overt intervention by the PPA, which was responsible for all printing and distribution in the country, and by the Party Central Propaganda Department, which provides editorial guidelines for all media, mostly occurred after publication. In November Christian pastor Cai Zhuhua was sentenced to three years in prison on charges related to his unapproved publication of religious literature (see section 2.c.). Sichuan Province scholar Wang Yi filed suit to reclaim hundreds of books he wrote that were confiscated by authorities.

In past years officials reportedly destroyed Uighur books on the grounds that Uighur groups used art and literature to distort historical fact and advocate ethnic separatism. Uighur writers and editors, including the editor of the *Kashgar Literature Journal* Korash Huseyin, were jailed during the year for publishing stories that authorities maintained advocated separatism (see section 5). Authorities continued to ban books containing content they deemed controversial. Among the most notable was *Serve the People*, a sexually explicit novel that officials said debased Chairman Mao's image and *Notes on Party History*, which exposed historical incidents that were embellished or purportedly fabricated by the CCP.

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 from these sources often was blocked. Despite jamming overseas broadcasts, VOA, BBC, RFA, and Radio France International had a large audience, including activists, ordinary citizens, and government officials.

The government prohibited some foreign and domestic films from legally appearing in the country. Television broadcasts of foreign news, largely restricted to hotel and foreign residence compounds, occasionally suffered censorship. Politically sensitive coverage in Chinese, and to a lesser extent in English, suffered more censorship than in other languages. In the south, where television programming from Hong Kong was available, "public service announcements" frequently interrupted news items critical of the government.

In July the State Administration for Radio, Film, and Television announced regulations that banned cooperation between domestic broadcasting companies and foreign broadcasters in producing news content.

The government continued to encourage expanded use of the Internet, while monitoring use and control of content. It also took steps to increase monitoring of the Internet, restricted the information available online, and punished those who violated regulations. In March new regulations required all Web sites in the country to reregister with authorities or be closed. In July authorities required that Web sites operating under pseudonyms be reregistered using the sponsors' real names or face closure. In September the government issued Rules on the Administration of Internet News Information Services to enhance official control of online content. The regulations establish stricter registration procedures for Internet news portals and define information in online bulletin board systems and in text messages as news so that they are subject to the same regulations. In addition the guidelines include new restrictions on some content, specifically a ban against "inciting illegal assemblies, associations, marches, demonstrations, or gatherings that disturb social order." The guidelines also forbid "conducting activities in the name of an illegal civil organization."

The country's Internet control system reportedly employed between 30 thousand and 50 thousand persons and was allegedly the largest in the world. According to a 2002 Harvard University report, the government blocked at least 19 thousand sites during a six-month period and may have blocked as many as 50 thousand. At times the government blocked the sites of some major foreign news organizations, health organizations, educational institutions, Taiwanese and Tibetan businesses and organizations, religious and spiritual organizations, democracy activists, and sites discussing the 1989 Tiananmen massacre.

The number of blocked sites appeared to increase around major political events and sensitive dates. The authorities reportedly began to employ more sophisticated technology enabling the selective blocking of specific content rather than entire Web sites. Such technology was also used to block e-mails containing sensitive content (see section 1.f.). The government generally did not prosecute citizens who received dissident e-mail publications, but forwarding such messages to others sometimes did result in detention. 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.

The Ministry of Information Industry regulated access to the Internet while the Ministries of Public and State Security monitored its use. Regulations prohibit a broad range of activities that authorities interpreted as subversive or as slanderous to the state, including the dissemination of any information that might harm unification of the country or endanger national security. Promoting "evil cults" was banned, as was providing information that "disturbs social order or undermines social stability." Internet service providers (ISPs) were instructed to use only domestic media news postings, record information useful for tracking users and their viewing habits, install software capable of copying e-mails, and immediately end transmission of so-called subversive material. Many ISPs practiced extensive self-censorship to avoid violating broadly worded regulations. According to a 2003 study by Reporters Without Borders of messages deemed to have "controversial content," only 30 percent were allowed onto Chinese "chat rooms." The site host filtered out or removed the remaining 70 percent.

Several individuals were jailed for their Internet writing during the year. Perhaps most notable was the 10-year sentence meted out to Hunan Province journalist Shi Tao in April for disclosing state secrets. According to the verdict in Shi's case, police searched his e-mail files and found that Shi had described to an overseas Internet discussion forum a propaganda department directive barring Chinese media from covering the 15th anniversary of the Tiananmen massacre. That directive, widely circulated to Chinese journalists, was deemed a state secret. Shi had previously written extensively about corruption for Contemporary Trade News, and his jailing was also viewed as retaliation for such reporting. His attorney was jailed days before Shi's March 11 trial, and a substitute attorney entered a guilty plea on Shi's behalf.

Internet essayist Zhang Lin was detained in January and convicted in July on charges of endangering national security. The primary evidence against Zhang consisted of excerpts from 192 articles he posted online, including the words to a rock music song. Zhang was detained immediately upon returning from Beijing to mourn China's Tiananmen-era Premier Zhao Ziyang. Zhang used the country's constitutional guarantee of free expression in his defense, but was convicted and sentenced to five years in prison. He began a hunger strike in September.

Tsewangnorbu, a webmaster for a Web site run by the Snow Country Tibetans, was not heard from after Gansu Province security authorities shut down the Web site March 25, according to NGOs. His whereabouts remained unknown. In July, Internet writer and poet Zheng Yichun was sentenced to seven years in prison in Liaoning Province for inciting subversion. Evidence against him consisted of 63 articles and several essays he wrote calling for political reform, greater economic freedom and the end of imprisonment of writers. In December an intermediate court rejected Zheng's appeal. In October, Shi Xiaoyu was reportedly detained in Zhejiang Province after writing about labor disputes online. His status at year's end was unknown.

In April cyber dissident Yan Jun was released in Xian after serving a two-year sentence. Yan reportedly fled to Taiwan after his release. In June cyber dissident Huang Qi was released after serving his full five-year term for running a Web site discussing the 1989 Tiananmen massacre. Upon release he was supervised and his movements restricted. Some who supported Huang during his imprisonment, including previously detained university Internet essayist Liu Di, continued to suffer harassment and house arrest around sensitive political occasions. In August Shanghai petitioner activist Ma Yalian was released from a reeducation camp, where she had been held after posting articles

online stating that individuals were committing suicide in front of government petitioning offices.

The government continued its efforts to get companies to sign a "Public Pledge on Self Discipline for China's Internet Industry." More than 300 companies had signed the pledge, including the popular Sina.com and Sohu.com, as well as foreign-based Yahoo's China division. Those who signed the pledge agreed not to spread information that "breaks laws or spreads superstition or obscenity." They also promised to refrain from "producing, posting, or disseminating pernicious information that may jeopardize state security and disrupt social stability." According to court documents Yahoo provided information to security authorities, including access to private e-mail accounts, used in the prosecution of journalist Shi Tao for leaking state secrets. The company said it was required to provide the information under national law and customs. In December Microsoft deleted a blog reporting on the firing of journalists and a controversial strike at the Beijing News, stating that it did so at the government's request

The China Internet Association adopted a "self-regulatory pledge" for search engine services in 2004 that was viewed by many as even more strict than the government's self discipline pledge.

At year's end the China Internet Network Information Center reported that more than half of the country's 111 million Internet users had broadband access to the Internet, up 50 percent from the previous year. As of 2002 the country had more than two hundred thousand licensed Internet cafes, as well as a number of unlicensed ones. A campaign to crack down on illegal Internet cafes resulted in the closure of more than 12,575 venues during the last three months of 2004. Under regulations passed in 2004, Internet cafes must install software that allows government officials to monitor customers' Web usage. Internet users at cafes were often subject to surveillance. Most places sporadically enforced regulations requiring patrons to provide identification when using Internet cafes.

In March the government initiated a new campaign to "clean up" Web sites on university campuses. As part of the campaign, popular online bulletin boards at Beijing, Tsinghua and Nanjing Universities were closed. Students held public demonstrations to urge officials to reopen the Web sites. Campus groups supporting gay rights said their Web sites were also closed at the time, and many remained closed later in the year (see section 5). During anti-Japanese demonstrations in April, many university Web sites were closed. Some persons were detained and interrogated for discussing the anti-Japan demonstrations online or distributing e-mails and text messages about the demonstrations.

In 2004 the government announced it would invest nearly \$6 million (RMB 49.8 million) to create a new system to control political publications on the Internet. The government also began censoring text messages distributed by mobile telephone in 2004. According to the state-run media, the campaign was designed to stop the spread of pornographic and fraudulent messages by telephone. During the year authorities launched a "strike hard" campaign against illegal text messages. All text messaging service providers were required to install filtering equipment to monitor and delete messages deemed offensive by authorities.

The government did not respect academic freedom and increased controls on political and social discourse at colleges, universities, and research institutes. Scholars and researchers reported varying degrees of control regarding issues they could examine and conclusions they could draw. In April new measures regulating nongovernment research institutes took effect, resulting in the closure of some institutes deemed politically sensitive, including the Unirule Institute run by economist Mao Yushi. Also in April authorities blocked the opening of the Beijing Chinese Citizens' Rights Information Center even though organizers, including recently released dissident Liu Jingsheng, had received the necessary administrative approval. Beijing University professor Jiao Guobiao was suspended indefinitely from teaching after criticizing censorship and ultimately left the university's employment. Law professors were warned not to propose abolition of the reeducation-through-labor system. At least one professor's university threatened him with dismissal because he represented politically sensitive clients. Scholar Xu Zerong remained in prison for "illegally providing state secrets" by sending sensitive reference materials on the Korean War to a contact in Hong Kong. Scholars studying religion reported that the official Protestant church blocked some publications it found objectionable.

University conferences involving foreign and domestic academics were canceled on short notice by authorities who decided the topics at issue were too sensitive. Conferences canceled during the year included those discussing corporate social responsibility, political reform, and the death penalty.

The government continued to use political attitudes as criteria for selecting persons for the few government-sponsored study abroad programs but did not impose such restrictions on privately sponsored students.

Researchers residing abroad also were subject to sanctions from the authorities when their work did not meet with official approval.

b. Freedom of Peaceful Assembly and Association

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 moved to suppress demonstrations involving expression of dissenting political views.

Freedom of Assembly

At times police used excessive force against demonstrators. Demonstrations with political or social themes were often broken up quickly and violently. The vast majority of demonstrations during the year concerned land disputes, housing issues, industrial, environmental, and labor matters, and other economic and social concerns. During the year over 87 thousand "public order disturbances" were reported, according to government statistics, up 6.6 percent from 2004. Some of these demonstrations included thousands of participants. Incidents described as mob violence rose by 13 percent over 2004, according to the Ministry of Public Security, which said that the number of demonstrations

continued to grow and protesters were becoming more organized. Land protests involving thousands of residents occurred throughout the year, including violent incidents in Hebei Province's Shengyou village and in Guangdong Province's Nanhai District, Dongzhou and Taishi villages (see section 1.a.). In April thousands of villagers in Zhejiang Province's Huaxi village battled with security thugs in demonstrations over polluting factories, while in October, 10 thousand workers in Chongqing took to the streets to protest corruption surrounding the bankruptcy of a local steel plant.

Authorities detained potential protesters before the June 4 anniversary of the Tiananmen massacre, after the death of former Premier Zhao Ziyang in January, at the time of the NPC session in March, and during the August visit by UN High Commissioner for Human Rights Louise Arbour. Dissidents were detained around the time of other sensitive events to head off public demonstrations (see section 1.d.). Labor protests over restructuring of state-owned enterprises' (SOEs) and resulting unemployment continued, as did protests over environmental degradation and major infrastructure projects, such as dams. Protests, some of which included thousands of participants, were also widespread and usually concerned land, housing, and forced evictions. All concerts, sports events, exercise classes, or other meetings of more than 200 persons required approval from public security authorities. In practice much smaller gatherings also ran the risk of being disrupted by authorities.

Large anti-Japanese protests occurred in April in many cities, but the government brought them under control after a few weeks and refused to issue permits for further demonstrations. On December 23, Chongqing-based activist Xu Wenping was sentenced to 12 years' imprisonment for inciting subversion stemming from his role in organizing petitions concerning the anti-Japanese rallies.

The government continued to wage a severe campaign against the Falun Gong movement, but there were no reports of public Falun Gong protests during the year. In many cases Falun Gong practitioners were subject to close scrutiny by local security personnel, and their personal mobility was tightly restricted, particularly at times when the government believed public protests were likely.

Persons petitioning the government continued to face restrictions on their rights to assemble and raise grievances. Hundreds of thousands of petitions were filed each year, according to domestic experts, but only a small fraction received any action by authorities. Most petitions mentioned grievances about land, housing, entitlements, the environment, or corruption. Petitioners largely sought to present their complaints at national and provincial "letters and visits" offices but also targeted foreign embassies and media to bring attention to their complaints.

Petitioners continued to face harassment, detention, and incarceration. According to a published report, in April a petitioner was beaten to death while petitioning in Beijing. In July Shanghai petitioners Yang Weiming and Liang Yuling were detained for protesting the new petition regulations, and petitioner Wang Qiaojuan was sentenced to one year of reeducation. Police said she assaulted them, but eyewitnesses said police beat her for protesting forced evictions and left her bleeding and unconscious. In September Shanghai petition leader Xu Zhenging was tried in connection with his work on forced evictions and his attempt to attend a memorial service for Zhao Ziyang. Over 100 other petitioners, many of whom were Xu's supporters, reportedly were detained shortly after the trial and some were threatened with the possibility of being sent to psychiatric hospitals. Among them was activist Mao Hengfeng, who had been released from a reeducation facility earlier in September. Beijing and provincial officials moved petitioners out of the capital at the time of the March NPC session and again in April just before the new regulations took effect. Some were reportedly sent to psychiatric facilities.

In December 2004 Beijing-based petitioner leader Ye Guozhu was sentenced to four years in prison for attempting to hold a rally to protest forced evictions. He was not permitted to meet with family members or meet with lawyers to file an appeal, and his whereabouts remained unknown.

On May 1, new regulations urging local officials to resolve petitioners' legitimate problems and protect their legitimate rights came into effect. State-run media said that more than 80 percent of petitions were reasonable and could be, but were not, resolved by local governments. The regulations were accompanied by a public relations campaign in which public security chiefs nationwide were urged to meet petitioners face-to-face. Although the 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 both before and after the enactment of the new regulations and often went unrecorded.

One provision of the new regulations reportedly limits to six the number of petitioner representatives in a single matter. In May Beijing defense attorney Zhu Jiuhu was detained in Shaanxi Province and held for four months after meeting with clients protesting land seizures involving private oil fields. He was charged with illegal assembly because he met with too many petitioner clients at one time. Zhu was ultimately released without charges. One of his clients, investor Feng Bingxian, was sentenced in December to three years in prison on charges of instigating mass social disorder in connection with the protests and other legal efforts to obtain compensation for confiscation of the private oil fields (see section 1.e.).

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. Implementation of these regulations tightened during the year. As a result, some domestic NGOs were denied registration or deregistered, while other social groups previously registered as for-profit businesses were required to reregister as not-for-profit organizations with government sponsorship (see section 2.a.).

Authorities established a task force during the year to increase scrutiny over NGOs, especially those with links overseas. Published reports said the task force was part of a campaign initiated in response to "color revolutions" in former Soviet republics and aimed to block NGOs from fomenting political change. Security ministries participated in this task force and interrogated representatives of domestic and international NGOs about their activities. International foundations, NGOs involved in social and charitable activities,

and groups dedicated to combating discrimination against women, persons with disabilities, and minorities were targets of the campaign, along with organizations focused on rights issues.

The NGO Empowerment and Rights Institute (EARI), which worked on petitioner issues, appeared to come under particular scrutiny, as its employees were often monitored and its offices raided. During November visits by foreign officials to Beijing, security officials asked EARI Executive Director Zhao Xin to leave Beijing. When Zhao complied with their request and traveled to Sichuan Province, he was beaten severely and had to be hospitalized for several weeks. He claimed police witnessed the beating but took no action, although officials later apologized to him. The group's previous director, Hou Wenzhuo, left the country during the year after being harassed, interrogated and detained by security officials.

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

As in past years, individuals were charged with and often convicted of "disclosing state secrets" after passing information to human rights NGOs based abroad (see sections 1.c. and 2.a.).

According to government statistics, at the end of 2004 there were approximately 153 thousand social organizations, including 1,673 national-level and cross-provincial organizations, 20,563 provincial organizations, 50,424 local and county-level organizations registered with the Ministry of Civil Affairs, and others. NGOs were required to register with the government. To register, an NGO must find a government agency to serve as the NGO's organizational sponsor, have a registered office, and hold a minimum amount of funds. Organizations with social or educational purposes that had previously been registered as private or for-profit businesses reportedly were requested to find a government sponsor and reregister as NGOs during the year (see section 4). Experts estimated that there were over one million unregistered NGOs.

Although the registered organizations all came under some degree of government control, various NGOs were able to develop their own agendas. A number of NGOs had support from foreign secular and religious NGOs, and several were able to undertake limited advocacy roles in public interest areas like women's issues, the environment, health, and consumer rights. According to government guidelines, NGOs must not advocate nonparty rule, damage national unity, or upset ethnic harmony. Groups that disregarded guidelines and unregistered groups that continued to operate could face administrative punishment or criminal charges.

c. Freedom of Religion

The law provides for freedom of religious belief and the freedom not to believe. However, the government sought to restrict religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of the activity of religious groups. The government recognized five main religions: Buddhism, Taoism, Islam, Protestantism, and Catholicism. A government-affiliated association monitored and supervised the activities of each of these faiths. Membership in these faiths as well as unregistered religious groups grew rapidly. The government tried to control and regulate religious groups, especially groups that were unregistered, to prevent the rise of sources of authority outside the control of the government and the party.

The government's respect for religious freedom remained poor, although the extent of religious freedom continued to vary widely within the country. Freedom to participate in officially sanctioned religious activity continued to increase in most areas. Religious activity grew not only among the five main religions, but also among Korean Christians, Russian Orthodox, and folk religions. Bibles and other religious texts were available in most parts of the country. At the same time, crackdowns against unregistered Protestants and Catholics, Muslim Uighurs, and Tibetan Buddhists (see Tibet Addendum) continued. The government continued its repression of groups that it determined to be "cults" and of the Falun Gong spiritual movement in particular.

All religious venues were required to register with the State Administration for Religious Affairs (SARA) or its provincial or local offices (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.

On March 1, new regulations governing religious affairs came into effect. Officials said the regulations were an attempt to bring regulatory practices governing religious affairs within a legal framework. Unlike previous regulations, the new regulations protect the rights of registered religious groups, under certain conditions, to possess property, publish literature, train and approve clergy, and collect donations. Analysts and some government officials said the new regulations would create greater space for lawful religious activity by groups not affiliated with the five main religions. However, critics stated the new regulations merely codify past practices and give authorities broad discretion to define which religious activities are permissible.

The new regulations require religious groups to register places of worship and authorized the government to define what religious activity is "normal" and therefore lawful. Spiritual activities in places of worship that have not registered may be considered illegal and participants can be punished. Government officials stated that private homes where family and friends meet to study the Bible would not be required to register, but venues for formal worship services should be registered, even if such formal worship takes place in a private home. Under the new regulations, clergy need not be approved by the government, but must be reported to the government after being selected pursuant to

the rules of the relevant government-affiliated religious association. A national campaign requiring religious groups to register or to come under the supervision of official "patriotic" religious organizations continued during the year. Some groups registered voluntarily, while a number registered under pressure; several groups avoided officials in an attempt to avoid registration, and authorities refused to register others. Various unofficial groups reported that authorities refused them registration without explanation. The government contended that these refusals were mainly the result of failure to meet requirements concerning facilities and meeting spaces. Some religious groups were reluctant to comply with the regulations out of principled opposition to state control of religion or due to fear of adverse consequences if they revealed, as required, the names and addresses of church leaders and members.

A campaign to prevent "foreign infiltration" continued during the year. On July 7, Protestant Pastor Cai Zhuohua, his wife, and two other relatives were convicted of operating an illegal business, stemming from their large-scale publishing of bibles and Christian literature without government approval. Cai and two family members were sentenced to three years, two years, and 18 months in prison, respectively, while a fourth defendant was released after the trial for time served. Reports indicated that Cai and his two codefendants did not file an appeal because they were threatened with longer sentences. The four were detained in September 2004, after authorities seized over 200 thousand volumes of religious literature from a warehouse they owned. According to reliable reports, the central government and CCP officials described the prosecution of Cai as one of the most important cases in the campaign to prevent foreign infiltration under the cover of religion. Other churches, mosques and temples also came under scrutiny because of their contacts with foreign groups.

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

Leaders of unauthorized groups were sometimes the target of harassment, interrogation, detention, and physical abuse. Police closed "underground" churches and other places of worship, including some with significant memberships, properties, financial resources, and networks. Local officials destroyed several unregistered places of worship around the country. Authorities particularly targeted unofficial religious groups in locations where there were rapidly growing numbers of unregistered churches, or in places of long-seated conflict between official and unofficial churches, such as with Catholics in Baoding, Hebei Province, or with evangelical underground Protestant groups in Henan Province and elsewhere.

Protestant house churches and their leaders were subject to a selective crackdown in many areas. Authorities frequently disrupted house church meetings and retreats and detained leaders and church members. In May authorities reportedly detained hundreds of house church members from different groups in Jilin Province. In June authorities reportedly held approximately 100 pastors at Henan Province's Qi County detention center after detaining them at religious retreats in the province. On July 1, some 70 Christians were detained administratively in Henan Province's Sui County. On August 2, authorities reportedly abused some of 40 worshippers detained in Hubei Province's Zaoyang City. On August 7, a house church in Hejing County, Xinjiang Province, was reportedly raided and several worshippers were detained. In late September security officials reportedly broke a chest bone of Xinjiang businessman Tong Qimiao while interrogating him about the activities of house churches in Xinjiang. A number of leaders detained in previous years, including Henan Province underground church leader Zhang Rongliang and Beijing-based Christian activists Liu Fenggang, Xu Yonghai, and Yan Haibing, remained in prison or in reeducation-through-labor camps. The government refused to confirm Zhang Rongliang's whereabouts or the charges against him. Xu Yonghai, who had been sentenced to two years in prison, had not been released at year's end although more than two years had passed since his December 2003 arrest. In September house church historian Zhang Yinan, who was detained in 2003, was released from a reeducation-through-labor camp in Pingdingshan County, Henan Province.

Detention of "underground" Catholic bishops, priests, and lay leaders who refused to join the government-approved Chinese Patriotic Catholic Church continued during the year. In April a Vatican spokesman complained of the January detention of Hebei Province Bishop Zhao Zhendong, and the separate March detentions of Zhejiang Province Bishop Lin Xili, Hebei Province priest Zhao Kexun and lay-worker Gao Xinyou. On April 1, Bishop Yao Liang of Xiwanzi in Hebei Province and Father Wang Jinling were detained for a few days prior to the pope's death. Other underground bishops reportedly were kept under heightened surveillance at the same time. In July one such bishop, Jia Zhiguo of Hebei Province, was confined to his home, the sixth time authorities had detained him in an 18-month period. In July Fujian Province police reportedly detained and abused a priest, Lin Daixian, and 10 other Catholics. In November six priests from Zhengding, Hebei Province, were detained. Two of them, Wang Jingshan and Gao Lingshen, were reportedly beaten. Seven underground Catholics from Zhaoxian, Hebei reportedly were detained in late November. Six were released, but priest Gao Baojin remained unaccounted for. In November the Vatican condemned the beating of 16 nuns, one of whom was blinded and another partially paralyzed. The nuns, from an officially recognized church order, were attacked as they attempted to prevent demolition of a Catholic school in Xian.

In Hebei Province, where approximately half of the country's Catholics reside, friction between unofficial Catholics and local authorities continued, as authorities punished many underground priests and believers who refused to join the official Chinese Church. On September 2, priests Pang Yongxing and Ma Yongjiang reportedly were detained for providing religious services to underground Catholics in Hebei Province's Qingyuan County. Reliable sources also reported that Bishop An Shuxin, Bishop Zhang Weizhu, Father Cui Xing, and Father Wang Quanjun remained detained in Hebei Province. According to reliable reports, Bishop An was last seen four years ago. There was no new information about underground Bishop Su Zhimin, who has been unaccounted for since his reported detention in 1997. Reports suggested that he had been held in a government-run guesthouse near Baoding, Hebei Province. The government continued to deny taking coercive measures against him.

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

that party membership and religious belief were incompatible. Government and CCP officials reiterated that religious believers should resign their party membership. The Routine Service Regulations of the People's Liberation Army state explicitly that service members "may not take part in religious or superstitious activities." CCP and PLA personnel have been expelled for adhering to Falun Gong beliefs.

Despite regulations encouraging officials to be atheists, some party officials engaged in religious activity, most commonly Buddhism or a folk religion. The NPC included several religious representatives. NPC Standing Committee vice chairmen included Fu Tieshan, a bishop and vice-chairman of the Chinese Catholic Patriotic Association, and Pagbalha Geleg Namgyal, a Tibetan reincarnate lama. Religious groups also were represented in the Chinese People's Political Consultative Conference, an advisory forum for "multiparty" cooperation and consultation led by the CCP, and in local and provincial governments.

Official religious organizations administered local religious schools, seminaries, and institutes to train priests, ministers, imams, Islamic scholars, and Buddhist monks. Students who attended these institutes had to demonstrate "political reliability," and all graduates must pass an examination on their political as well as theological knowledge to qualify for the clergy. The government permitted registered religions to train clergy and allowed 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.

Religious organizations of all faiths, including those composed of foreigners, were encouraged to engage in charitable activities and social services. Religious organizations engaged in social services faced obstacles registering with local authorities. These difficulties were similar to those faced by nonreligious NGOs (section 2.b.).

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 has labeled folk religions "feudal superstition" and sometimes repressed them. SARA established a new administrative division responsible for activities of folk religions and religions outside the main five, including the Russian 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. Tibetan Buddhists in some areas had growing freedom to practice their faith. However, government restrictions remained, particularly in cases in which the government interpreted Buddhist belief as supporting separatism, such as in some Tibetan areas and parts of the Inner Mongolian Autonomous Region. In July emissaries of the Dalai Lama met with government officials, the fourth round of consultations to take place since 2002 (see Tibet Addendum).

Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be implemented forcefully in Xinjiang. Xinjiang authorities used counter terrorism as an excuse for religious repression of Uighur Muslims, as documented in an NGO report released in April (see section 5). Xinjiang authorities often charged religious believers with committing the "three evils" of terrorism, separatism, and Muslim extremism. While targeted at Muslims, this tight control of religion in Xinjiang affected followers of other religions as well.

Authorities continued to prohibit the teaching of Islam to elementary and middle school-age children in some areas, although children studied Arabic and the Koran without restriction in many others. Local officials stated that school-age children may not study religion or enter mosques in Xinjiang. In August a teacher, Aminan Momixi, and over 30 students were reportedly detained for holding Koran study sessions during school vacation. Authorities confiscated their Korans and Muslim textbooks and the government declined to clarify Momixi's status. According to media reports, Xinjiang authorities confiscated religious publications on many other occasions, sometimes detaining those who possessed unapproved religious texts.

Authorities reserved the right to censor imams' sermons. In particular, imams were urged to emphasize the damage caused to Islam by terrorist acts in the name of the religion. Certain Muslim leaders received particularly harsh treatment. In 2000 authorities began conducting monthly political study sessions for religious personnel and the program continued through the year.

According to an overseas organization, 179 practitioners of the Sala order, a local Sufi branch of Islam, were arrested in August following a government ban on the movement. A Xinjiang official denied the existence of the movement but said a separate movement of Islam called Salafism was restricted around the National Day and New Year's holidays due to concerns that followers of the movement supported extremism. In August, 2004 eight Uighur Muslims in Hotan were reportedly charged with endangering state security and scores were detained on charges of engaging in "illegal religious activities." Because of government control of information coming from Xinjiang, such reports were difficult to confirm.

In addition to the restrictions on practicing religion placed on party members and government officials throughout the country, teachers, professors, and university students in Xinjiang were not allowed to practice religion openly.

The government permitted Muslim citizens to make the Hajj to Mecca and in some cases subsidized the journey. More than 10 thousand Chinese Muslims made the Hajj journey during the year, nearly half of them on government-organized delegations. During the year 6,900 Chinese Muslims traveled to Saudi Arabia in preparation for the 2006 Hajj, according to the China Islamic Association.

Media reports stated that authorities confiscated illegal religious publications in Xinjiang. The Xinjiang People's Publication House was the only publisher allowed to print Muslim literature. In addition to national restrictions on party members and government officials' religious practice, teachers, professors, and university students in Xinjiang were not allowed to practice religion openly.

The government and the Holy See have not established diplomatic relations and there was no Vatican representative on the Mainland. The government stated that the role of the pope in selecting bishops, the status of underground Catholic clerics, and Vatican recognition of

Taiwan remained obstacles to improved relations.

After the death of Pope John Paul II in April, government and Patriotic Church officials made conciliatory statements but did not send a delegation to the pope's funeral. Official Catholic churches were encouraged to hold masses remembering Pope John Paul II and tens of thousands of residents took part. Official Catholic Churches welcomed Pope Benedict XVI and his picture was displayed prominently in many official and unofficial Catholic venues across the country. The government also minimized historical disputes with the Vatican. Nonetheless, the government rejected the Vatican's invitation to send a delegation of three bishops from the official church and one from the "underground" church to an October synod meeting in Rome.

The government insisted it retains sole power to appoint bishops, but the Vatican has recognized most bishops of the official Catholic Church, either before or after their appointment by the government. In a few cases, the bishop named by the government-affiliated church conflicted directly with the bishop recognized by the Vatican, contributing to tensions between the official and unofficial Catholic churches and between the Vatican and the government. There was friction between some bishops of the Patriotic Church who have been consecrated with secret Vatican approval (or who obtained such secret approval after their consecration) and others consecrated without such approval. Despite these tensions, some bishops and priests publicly acknowledged during the year that the Vatican had approved their appointment. They suffered no punishment for this public stance, although the government denied that the Vatican played any role in approving bishops.

The supply of Bibles is 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. There have been credible reports that the authorities sometimes confiscated Bibles, Korans and other religious material.

Authorities displayed increasing tolerance of religious practice by foreigners in many places, provided their religious observance did not involve Chinese nationals. Weekly services of the foreign Jewish communities in Beijing and Shanghai have been held for years with minimal interruption. Expatriate members of the Church of Jesus Christ of Latter-day Saints (Mormons) met regularly in a number of cities.

The authorities permitted officially sanctioned religious organizations to maintain international contacts that do not involve "foreign control." However, what constitutes "control" is not defined. Regulations on religious practice by foreigners include a ban on proselytizing. Authorities generally allowed foreign nationals to preach to other foreigners, bring in religious materials for personal use, and preach to citizens at the invitation of registered religious organizations. Despite a ban on missionary activities, many foreign Christians teaching on college campuses openly professed their faith with minimum interference from authorities provided their religious activity remains discreet.

Foreign church organizations came under pressure to register with government authorities, and several foreign missionaries whose activities extended to Chinese nationals were expelled or asked to leave the country. The government stated that those asked to leave had violated the law.

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. Groups that the government labeled cults included Eastern Lightning, the Servants of Three Classes, the Shouters, the South China Church, the Association of Disciples, the Full Scope Church, the Spirit Sect, the New Testament Church, the Way of the Goddess of Mercy, the Lord God Sect, the Established King Church, the Unification Church, and the Family of Love. Authorities accused some in these groups of lacking proper theological training, preaching the imminent coming of the apocalypse or holy war, or exploiting the reemergence of religion for personal gain. The Eastern Lightning group was accused by the government and some other unregistered Christian groups of involvement in violence.

Actions against such groups continued during the year. There were no further developments following the April 2004 detention of more than 100 members of the evangelical group the "Servants of Three Classes" in Harbin, Heilongjiang Province. Most were released, but Gu Xianggao died in custody, allegedly as a result of beatings by police. Police also continued their efforts to close down an underground evangelical group called the "Shouters," an offshoot of a pre-1949 indigenous Protestant group. Action against the South China Church (SCC) continued during the year, especially in Hubei Province where it was founded. In August approximately 40 church members were detained there after meeting with foreigners. SCC founder Gong Shengliang continued to allege that he suffered abuse in prison. He is serving a life sentence for rape, arson, and assault, even though the women who testified against him in his original trial in 2001 reported that police had tortured them into signing statements accusing Gong of raping them. During the year elderly SCC leader Chen Jingmao was released from a Chongqing prison after serving his full term.

The extent of public Falun Gong activity in the country remained negligible, and practitioners based abroad reported that the government's crackdown against the group continued. Since the government banned the Falun Gong in 1999, the mere belief in the discipline (even without any public manifestation of its tenets) has been sufficient grounds for practitioners to receive punishments ranging from loss of employment to imprisonment. Although the vast majority of practitioners detained have been released, many were detained again after release (see section 1.e.), and thousands reportedly remained in reeducation-through-labor camps. Those identified by the government as "core leaders" were singled out for particularly harsh treatment. More than a dozen Falun Gong members have been sentenced to prison for the crime of "endangering state security," but the great majority of Falun Gong members convicted by the courts since 1999 have been sentenced to prison for "organizing or using a sect to undermine the implementation of the law," a less serious offense. Among them, Yuan Yuju and Liang Hui in Luzhou, Sichuan Province, faced such criminal charges during the year. Most practitioners, however, were punished administratively. Liu Yawen of Beijing and Zheng Ruihuan and Liu Yinglan of Shandong Province were among those reportedly detained administratively for Falun Gong activity. In addition to being sentenced to reeducation-through-labor, some Falun Gong members were sent to detention facilities specifically established to "rehabilitate" practitioners who refused to recant their belief voluntarily after release from reeducation-through-labor camps. In addition hundreds of Falun Gong practitioners have been confined to mental hospitals, according to

overseas groups (see section 1.d.).

During the year allegations of abuse of Falun Gong practitioners by the police and other security personnel continued to be made. Groups based abroad estimated that as many as two thousand practitioners have died in custody (see section 1.c.)

Police continued to detain current and former Falun Gong practitioners and place them in reeducation camps. Police reportedly had quotas for Falun Gong arrests and targeted former practitioners, even if they were no longer practicing. 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 reeducation-through-labor camps, where in some cases beatings and torture reportedly were used to force them to recant. These tactics reportedly resulted in large numbers of practitioners signing pledges to renounce the movement. During the year a former Chinese diplomat based in Australia publicly described how government operatives based overseas reported on the activities of Falun Gong practitioners.

The government supported atheism in schools. On March 15, a Foreign Ministry spokesman said the country has no national regulations preventing children from receiving religious instruction, but said religion should not interfere with public education. In practice local 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.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for some of these rights, although the government generally did not respect them in practice. Although the government maintained restrictions on the freedom to change one's workplace or residence, the national household registration system continued to erode, and the ability of most citizens to move within the country to work and live continued to expand. However, the government retained the ability to restrict freedom of movement through other mechanisms. Authorities heightened restrictions periodically, particularly curtailing the movement of individuals deemed politically sensitive before key anniversaries and visits of foreign dignitaries and to forestall demonstrations.

The system of national household registration (hukou) underwent further change during the year, as the country accumulated a more mobile labor force. Rural residents continued to flock to the cities, where the per capita disposable income was more than triple the rural per capita cash income. Nonetheless, many could not officially change their residence or workplace within the country. Government and work unit permission were often required before moving to a new city. Most cities had annual quotas for the number of new temporary residence permits that would 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 economically more developed urban areas. There remained a floating population of between 100 and 150 million economic migrants who lacked official residence status in cities. Without official residence status, it was difficult or impossible to gain full access to social services, including education. 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 subjected to abuse by employers and officials. In some major cities, access to education for children of migrant workers continued to improve, and some cities offered migrants other social services free of charge. Many cities and provinces continued experiments aimed at abolishing the distinction between urban and rural residents in household registration documents.

House arrest continued to be used as a nonjudicial punishment and control measure against dissidents, family members of political prisoners, petitioners, and others whom the government or party deemed politically sensitive or "troublemakers" (see section 1.d.).

Under the "staying at prison employment" system applicable to recidivists incarcerated in reeducation-through-labor 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. Most citizens could obtain passports, although those whom the government deemed threats, including religious leaders, political dissidents, and some ethnic minority members continued to have difficulty obtaining passports (see Tibet Addendum). There were reports that some academics faced travel restrictions around the year's sensitive anniversaries, particularly the June 4 anniversary of the Tiananmen Square massacre. There were instances in which the authorities refused to issue passports or visas on apparent political grounds. Cheng Yizhong, the editor of Guangdong Province's Southern Metropolitan Daily newspaper, was banned by authorities from traveling abroad during the year to accept a UNESCO press freedom award. Members of underground churches, Falun Gong members and other politically sensitive individuals sometimes were refused passports and other necessary travel documents.

Visas to enter the country were sometimes denied for political reasons. For example, some foreign academics and journalists who had been critical of the country continued to be denied visas. Others who intended to discuss human rights or rule of law issues also were denied visas. In July security authorities interrogated and harassed a representative of a western human rights NGO after she participated in an international seminar on free expression sponsored by the government (see section 4).

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 have been allowed to return, dissidents released on medical parole and allowed to leave the country often were effectively exiled. Activists residing abroad have been imprisoned upon their return to the country. Writer Liu Hongbin was detained briefly in 2004 upon return for a family visit. He was released and allowed to visit an ill family member, but the ban on his return was then reinstated, according to NGO reports.

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

Protection of Refugees

Although 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 Office of the UN High Commissioner for Refugees (UNHCR) when dealing with the resettlement of ethnic Han Chinese or ethnic minorities from Vietnam and Laos resident in the country. During the year the government and UNHCR continued ongoing discussions concerning the granting of citizenship to these residents. Since the late 1980s, the government has adopted a de facto policy of tolerance toward the small number of persons, fewer than 100 annually, from other nations who registered with the Beijing office of the UNHCR as asylum seekers. The government permitted these persons to remain in the country while the UNHCR made determinations as to their status and, if the UNHCR determined that they were bona fide refugees, while they awaited resettlement in third countries. However, the government continued to deny the UNHCR permission to operate along its northeastern border with North Korea, arguing that North Koreans who crossed the border were illegal economic migrants, not refugees.

During the year several thousand North Koreans were reportedly detained and forcibly returned to North Korea. Many faced persecution and some may have been executed upon their return, as provided by North Korean law. Several hundred North Koreans were permitted to travel to Seoul after they had entered diplomatic compounds or international schools in China, and approximately 1,400 arrived in South Korea via third countries such as Mongolia, Vietnam, Thailand, and Cambodia, most after transiting through China. There were numerous credible reports of harassment and detention of North Koreans in the country. The government also arrested and detained foreign journalists, missionaries, and activists, as well as some Chinese citizens, for providing food, shelter, transportation, and other assistance to North Koreans. The government continued to detain several foreigners in Northeast China, some on charges of alien smuggling, but most for helping North Koreans enter the country. Among them a foreign citizen was detained on May 9, and was held in Yanji on suspicion of helping North Koreans leave China. Jilin Province's public security Web site reported that it had deported about two thousand "foreigners" in 2004, most of whom were believed to be North Korean. According to NGOs, during the year North Korean agents operated within the country to forcibly repatriate North Korean citizens.

While UNHCR reported that more than two thousand Tibetans each year crossed into Nepal, the government continued to try to prevent many Tibetans from leaving (see Tibet Addendum).

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

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

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, but recent reforms allowed citizens to elect members of nongovernment village committees and representatives to local people's congresses.

Elections and Political Participation

According to the law, the NPC is the highest organ of state power. Formally, it elects the president and vice president, selects the premier and vice premiers, and elects the chairman of the State Central Military Commission. In practice the NPC Standing Committee, which is composed of 153 members, oversees these elections and determines the agenda and procedure for the NPC. The NPC Standing Committee remains under the direct authority of the CCP's 9-member Politburo Standing Committee. The NPC does not have the power to set policy or remove government or party leaders.

In 2003 the NPC confirmed CCP General Secretary Hu Jintao as president and in 2004 Hu consolidated his power when he was also appointed chairman of the Central Military Commission (CMC), following the retirement of former president and chairman Jiang Zemin.

Under the 1987 Organic Law of Village Committees and its 1998 amendments, all of the country's approximately one million villages are expected to hold competitive, direct elections for subgovernmental village committees. Rural citizens vote directly for their local village committees, which are not considered to be government bodies. Most provinces already have held four or five rounds of village committee elections, according to the Ministry of Civil Affairs. Foreign observers who monitored local village committee elections judged those they observed to have been generally fair. However, 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 permitted each voter to cast proxy votes for up to three other voters. Many rural voters cast the maximum number of proxy votes, especially in areas with significant out-migration.

Although the 1998 amendments include a provision for recalling village committee members, local implementing regulations have proven sufficiently vague or cumbersome so as to prevent most successful recalls. In cases of alleged corruption, a handful of local legislative

deputies have been recalled, but not village heads. During the year villagers in Guangdong Province's Taishi Village were subjected to severe abuse after they tried to recall village chief Chen Jinsheng, whom villagers accused of embezzling village funds. In August villagers submitted a petition and elected a recall election committee, in accordance with local regulations, calling for Chen's removal. Villagers and committee members were intimidated, beaten, and in some cases, detained by hired thugs until all seven committee members resigned their posts, effectively nullifying the recall attempt. Villagers started a hunger strike, a news blackout was instituted, and foreign journalists who attempted to travel to Taishi were interrogated and detained. On September 12, local police raided the village, reportedly beating and detaining some 50 villagers. Among those detained was legal advisor Guo Feixiong, who was ultimately charged with gathering a crowd to disrupt public order. He was held in the Panyu District Public Security Bureau (PSB) detention center, where he was fed intravenously after staging a hunger strike from September through November. On December 29, Guo was released. In October Lu Banglie, a local legislator from Hubei Province who had been helping the villagers organize their recall action, was severely beaten after escorting foreign journalists to the outskirts of Taishi. Government officials took no action to punish those accused of beating him. After such incidents, villagers appeared to have abandoned the recall attempt.

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

Although the party controls appointments of officials to government and party positions at all levels, some township, county, and provincial elections featured experiments with increased competition, including self-nomination of candidates, campaign speeches by candidates, public vetting of nominees, and a two-tiered indirect election system. During a September visit by British Prime Minister Tony Blair, Premier Wen Jiabao said that local elections will be expanded to the township level, but he did not specify when such a reform would be implemented. Separately, officials continued experimenting with the election of party leaders in balloting among party members. In October, the state council information office issued a white paper, China's Democratic Political Construction, discussing the government's version of its efforts towards building democracy.

The CCP retained a monopoly on political power and forbade the creation of new political parties. In its white paper, the government said nine political parties existed, all of which were founded prior to the establishment of the PRC in 1949. The white paper did not discuss the China Democracy Party (CDP), an opposition party that had attracted hundreds of members nationwide within a few months of its founding in 1998 and that the CCP declared to be illegal. Dozens of CDP leaders, activists, and members have been arrested, detained, or confined, including over 40 CDP leaders imprisoned for subversion. In 1998 CDP founders Xu Wenli, Wang Youcai, and Qin Yongmin were sentenced to prison terms of 13, 12, and 11 years, respectively. Xu Wenli and Wang Youcai were released on medical parole to a foreign country in December 2002 and March 2004, respectively. Qin remained in prison at year's end, as did others connected with a 2002 open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre signed by 192 activists. In May former CDP member Xu Wanping of Chongqing was arrested on charges of subversion. Shandong's Ren Ziyuan reportedly was charged with subversion for attempting to organize an opposition group called the "Mainland Democratic Front." More than 40 current or former CDP members remained imprisoned or held in reeducation-through-labor camps during the year, including Zhang Lin, Zhao Changqing, Sang Jiancheng, He Depu, Yao Zhenxiang, Han Lifa, Dai Xuezhong, 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 still held few positions of significant influence at the highest rungs of the CCP or government structure. There was one woman on the 24-member Politburo. There was also one woman among the five state councilors. The head of a key CCP organization, the United Front Work Department, was a woman. During the year, women headed 2 of the country's 28 ministries, and 25 women served at the level of vice minister or higher, nearly double the number in 2004. 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. At the end of 2004, there were 12.9 million female party members, making up 18.6 percent of the 69.6 million members of the Communist Party. Women constituted 20.2 percent of the NPC and 13.2 percent of the NPC Standing Committee. In November 2002 the 16th Party Congress elected 27 women to serve as members or alternates on the 198 person Central Committee, a slight increase over the total of the previous committee.

Minorities constituted 14 percent of the NPC, although they made up approximately 9 percent of the population. All of the country's 55 officially recognized minority groups were represented in the NPC membership. The 16th Party Congress elected 35 members of ethnic 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 (see section 5).

Government Corruption and Transparency

Corruption remained an endemic problem. The National Audit Office determined that approximately \$400 million (RMB 3.21 billion) from the central government's 2004 budget was misused or embezzled, nearly triple the amount reported in 2003. Corruption plagued courts, law enforcement agencies and other government agencies. In 2004 economists estimated that the cost of corruption might exceed 14 percent of gross domestic product.

The courts and party agencies took disciplinary action against many public and party officials during the year. According to the SPP, in the first 11 months of the year, prosecutors filed and investigated 33,821 cases of embezzlement, bribery, or dereliction of duty, including 22,503 that were prosecuted. In 2004, 30,788 officials were prosecuted for corruption, resulting in the government recovering more than \$500 million (RMB 4.02 billion) in economic losses. From 2001 through July, prosecutors investigated 152,440 such cases, involving over 170 thousand persons. In Guangdong Province alone, 32 senior officials and 295 mid-level officials were arrested for taking bribes or dereliction of duty, some related to coalmine accidents. The CCP's Central Discipline and Inspection Commission (CDIC) reported that 164,831 officials were

disciplined for breaking laws and party discipline in the 12 months ending November 2004. During the year at least seven current or former high-ranking officials were executed or given suspended death sentences on corruption-related charges. Of those, 4,775 lost CCP membership and were prosecuted, only half as many as in the previous year. In some cases the CDIC reportedly acted as a substitute for sanctions by the courts and other legal agencies.

The country had no national freedom of information law, but many local jurisdictions continued to enact freedom of information regulations, aimed at improving the public's communication with and supervision over local government initiatives. Shanghai's local freedom of information process was viewed as particularly well developed. Some 95 percent of government ministries, provincial governments and prefecture-level cities had Web sites, providing some, albeit controlled, public information. However, citizens, local media, and foreign journalists found it difficult to get information about government decision-making, especially before decisions were formally announced.

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, 92,192 administrative lawsuits were filed against the government in 2004, slightly more than in the previous year. Over one-third of the cases related to individual rights and economic interests, an increase of 19 percent over 2003. Petitioning officials directly and outside the court system was also a common avenue used by citizens to redress grievances (see section 2.b.).

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

The government did not permit independent domestic NGOs to monitor openly or to comment on human rights conditions; 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 quasi-governmental in nature, and all NGOs had to be sponsored by government agencies (see section 2.b.). Authorities established a task force during the year to monitor the activities of domestic and foreign NGOs, including those involved in human rights issues. Some NGOs were forced to reregister and others had their registrations cancelled as a result of this campaign (see section 2.b.).

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 Democratic Movement in China and the New York-based Human Rights in China.

When permitted by authorities, the press reported about officials who exceeded their authority and infringed on citizens' rights. However, the government remained reluctant to accept criticism of its human rights record by other nations or international organizations. It criticized reports by international human rights monitoring groups, claiming that such reports were inaccurate and interfered with the country's internal affairs. The government-established China Society for Human Rights is a "nongovernmental" organization whose mandate was 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.

The government had active human rights dialogues with Australia, Canada, Germany, Hungary, Mexico, Norway, Switzerland, the United Kingdom, and the European Union (EU). During a July seminar on freedom of expression, part of the EU's human rights dialogue, security officials interrogated and threatened a member of the EU delegation. After intervention by representatives of foreign governments, the individual was permitted to leave the country. Government officials claimed security officials acted properly in interrogating the NGO representative. Representatives of other international human rights organizations reported that authorities denied their visa requests or restricted the length of visas issued to them.

The government continued its unofficial dialogue on human rights and prisoner issues with a San Francisco-based human rights group. Visits by the group's executive director continued, but the government suspended cooperation with the group on responding to prisoner lists.

The government hosted visits by the UN high commissioner for human rights and the US Committee for International Religious Freedom in August and by the UN special rapporteur for torture in November. The government permitted the International Committee of the Red Cross (ICRC) to open an office in Beijing, although it did not authorize the ICRC to visit prisons. The government submitted to the UN its first compliance report on the International Covenant on Economic, Cultural and Social Rights.

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

Violence against women remained a significant problem. There was no national law criminalizing domestic violence, but the Marriage Law provides for mediation and administrative penalties in cases of domestic violence. In August the NPC amended the Law on the Protection of Women's Rights specifically to prohibit domestic violence, although critics complained that the provision fails to define domestic violence. Over 30 provinces, cities, or local jurisdictions passed legislation aimed at addressing violence. According to a 2004 survey by the All-China Women's Federation (ACWF), 30 percent of families had experienced domestic violence, and 16 percent of husbands had beaten their wives. The ACWF reported that it received some 300 thousand letters per year complaining about family problems, mostly domestic violence. The actual incidences were believed to be higher because spousal abuse went largely unreported. According to experts, domestic

abuse was more common in rural areas than in urban centers. In response to increased awareness of the problem of domestic violence, there were a growing number of shelters for victims. Rape is illegal, and some persons convicted of rape were executed. The law does not expressly recognize or exclude spousal rape.

The 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 has resulted in instances of local birth planning officials using physical coercion to meet government goals (see section 1.f.). In addition women faced a disproportionate burden due to the government's enforcement of its birth limitation laws and practices. Such laws and practices require the use of birth control methods (particularly IUDs and female sterilization, which according to government statistics, accounted for over 80 percent of birth control methods employed) and the abortion of certain pregnancies.

According to expert estimates, there were 1.7 to 5 million commercial sex workers in the country. The commercialization of sex and related trafficking in women trapped tens of thousands of women in a cycle of crime and exploitation and left them vulnerable to disease and abuse. 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. A 2004 Guangdong Province survey found that 74.2 percent of massage parlor workers were involved in prostitution. Unsafe working conditions were rampant among the saunas, massage parlors, clubs, and hostess bars in cities. Research indicated that up to 80 percent of prostitutes in some areas had hepatitis.

Although the government made some efforts to crack down on the sex trade, credible 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. Actions to curtail prostitution had limited results. In 2004 an investigation of prostitution at entertainment facilities in Guangdong Province led to the permanent closure of 15 percent and temporary closure of another 40 percent of the facilities investigated, according to state-run media. Courts have prosecuted persons involved in organizing and procuring prostitutes.

The amended Law on the Protection of Women's Rights included a ban on sexual harassment, stating "The injured woman has the right to complain to the work unit and the relevant department" and may "bring a civil action in court for damages." Legal scholars and activists praised the amendment but emphasized the law should also specifically define what constitutes abusive behavior. Experts continued to suggest that many victims did not report sexual harassment out of fear of losing their jobs.

The government has made gender equality a policy objective since 1949. 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. Policies that once allotted work unit housing only to the husband have become gender-neutral, and an April Supreme Court interpretation emphasized that housing rights are shared equally, even in cases of divorce. The State Council's National Working Committee on Children and Women has coordinated women's policy since 1990. The ACWF is the leading implementer of women's policy for the government. Nonetheless, many activists and observers are 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.

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

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

Nevertheless, women frequently encountered serious obstacles to the enforcement of laws. According to legal experts, it was very hard to litigate a sex discrimination suit because the vague legal definition made it difficult to quantify damages. As a result very few cases were brought to court. Some observers 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 after marriage and in divorce.

The All China Women's Federation reported that 47 percent of laid-off workers were women, a percentage significantly higher than their representation in the labor force. Many employers preferred to hire men to avoid the expense of maternity leave and childcare, and some lowered the effective retirement age for female workers to 40 years of age (the official retirement age for men was 60 years and for women 55 years). Lower retirement ages also reduced pensions, which generally were based on the number of years worked. Job advertisements sometimes specified height and age requirements for women.

The law provides for equal pay for equal work. However, a 1999 government survey found that urban women were paid only 70 percent of what men received for the same work, while women in rural areas received only 60 percent of male peasants' incomes. Average incomes of female executives and senior professionals were only 58 percent and 68 percent of their male colleagues' salaries. Most women employed in industry worked in lower-skilled and lower-paid jobs and in sectors, such as textiles, which were particularly vulnerable to restructuring of state-owned enterprises and layoffs. Women accounted for 60 percent of those below the poverty line in the country.

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

A high female suicide rate continued to be a serious problem. According to the World Bank and the World Health Organization, there were approximately five hundred female suicides per day, estimated to be nearly five times the global rate. Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, the country's birth limitation policies, and other societal factors contributed to the especially high female suicide rate. Women in rural areas were especially vulnerable.

While the gap in the education levels of men and women was narrowing, men continued to constitute a disproportionate number of the relatively small percentage of the population that received a university-level education. According to the State Council Information Office, in 2004 women accounted for 45.7 percent of students in institutions of higher learning, 44.2 percent of postgraduate students and 31.4 percent of doctoral students. However, 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 for compulsory education. The State Council's National Working Committee on Children and Women was tasked with carrying out policy toward children.

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. Public schools were not allowed to charge tuition, but after the central government largely stopped subsidizing primary education in the early 1990s, many public schools began to charge mandatory school-related fees to meet revenue shortfalls. Such fees made it difficult for poorer families and some migrant workers to send their children to school.

The government campaign for universal primary school enrollment by 2000 helped to increase enrollment in some areas. It also reportedly led some school officials to inflate the number of children actually enrolled. According to government statistics, 98.6 percent of children nationwide were enrolled in elementary school. In 2002 the government reported a girl/boy ratio of approximately 90 percent for primary education and 85 percent for secondary education. It was widely believed that the proportion of girls attending school in rural and minority areas was far smaller than in cities.

In 2003, the UN special rapporteur on the right to education visited and found that the government failed to provide education to many children of migrant workers and prohibited children from receiving religious education. The special rapporteur expressed serious concern about privatization of the costs of public education, reporting that the government compels parents to pay nearly half the costs of public education, making education inaccessible to many children. The special rapporteur also recommended the government immediately ban the practice of children performing manual labor at their schools to raise funds.

An extensive health care delivery system led to improved child health and a continued decline in infant mortality rates. According to the 2000 census, the infant mortality rate was 28.4 per 1,000. According to the UN International Children's Emergency Fund (UNICEF) statistics, the mortality rate for children under 5 years of age was 39 per 1,000 live births. The Law on the Protection of Juveniles forbids infanticide; however, there was evidence that the practice continued. According to the National Population and Family Planning Commission, a handful of doctors have been charged with infanticide under this law. The law prohibits discrimination against disabled minors and codifies a variety of judicial protections for juvenile offenders. The physical abuse of children can be grounds for criminal prosecution.

More than half of all boys and almost a third of all girls have been physically abused, according to survey results released at a May conference in Beijing. The survey reported that 10 percent of boys and 15 percent of girls have been sexually abused. These statistics were among those publicized at a National Consultation on Violence against Children, which the government and UNICEF sponsored. However, journalists were sanctioned for reporting on the rape of girl students as young as 10 in Shanxi and Guangdong Provinces. A media ban was also issued after a Nanjing newspaper publicized the forced sterilization of mentally challenged teenagers in Nantong, Jiangsu Province.

Despite government efforts to prevent kidnapping and the buying and selling of children, these problems persisted in some rural areas, and children were trafficked for labor purposes (see section 5, Trafficking).

Juvenile crime increased sharply, prompting calls to establish an independent, nationwide juvenile justice system. During the first seven months of the year, 23 percent more juveniles were convicted of crimes than during the same period in 2004. From 2000 to 2004, the annual increase in juvenile crime was 14 percent. Authorities arrested 69,780 juveniles in 2003, and approximately 19 thousand juveniles were incarcerated in formal prisons. Abolition of the system of custody and repatriation in 2003 reduced the number of children detained administratively (see section 1.c.). Nonetheless, more than 150 thousand homeless "street children" lived in cities, according to state-run media. Many did not live with their parents and survived by begging. Juveniles were required by law to be held separately from adults, except when facilities were insufficient. In practice children sometimes were detained without their parents, held with adults, and required to participate in forced labor (see sections 1.d. and 6.c.).

Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the birth limitation policy (see section 1.f.). Many families, particularly in rural areas, used ultrasound to identify female fetuses and terminate pregnancies, even though this practice remained illegal. An official study in Hainan Province found that 68 percent of abortions were of female fetuses. According to a 2002 survey, 35 percent of women in one rural township admitted to having an abortion because of a preference for a male child. 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. Neglect of baby girls was one factor in their lower survival rate. One study found the differential mortality rates were highest in areas where women had a lower social status and economic and medical conditions were poor.

The law forbids the mistreatment or abandonment of children. According to the latest available figures, compiled in 1994, the number of children abandoned annually was approximately 1.7 million. The number may have grown over the subsequent decade despite the fact that, under the law, child abandonment is punishable by a fine and a five-year prison term. The vast majority of children in orphanages were female; males 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; however, trafficking in persons and the abduction of women for trafficking remained serious problems. The country was both a source and destination country for trafficking in persons. Most trafficking was internal for the purpose of providing lower middle income farmers with brides or sons. Some cases involved trafficking of women and girls into forced prostitution in urban areas, and some reports suggested that certain victims, especially children, were sold into forced labor.

Internal trafficking was a significant problem. Ministry of Public Security (MPS) statistics show that during the first 10 months of the year, there were 1,949 cases of trafficking involving women and children. Over this same period, there were 3,574 women and children rescued compared with 8,949 women and children rescued in 2004.

Some experts suggested that the demand for abducted women was fueled by the shortage of marriageable brides, especially in rural areas. The serious imbalance in the male-female sex ratio at birth, the tendency for many village women to leave rural areas to seek employment, and the cost of traditional betrothal gifts all made purchasing a bride attractive to some poor rural men. Some men recruited brides from poorer regions, while others sought help from criminal gangs. Criminal gangs either kidnapped women and girls or tricked them with promises of jobs and higher living standards, only to be transported far from their homes for delivery to buyers. Once in their new "family," these women were "married" and raped. Some accepted their fate and joined the new community; others struggled and were punished; a few escaped.

There were reports that women and girls from Burma, Laos, North Korea, Vietnam, and Russia were trafficked into the country either to work in the sex trade or for forced marriages. Past reports noted that trafficking of North Korean women and girls into the country to work in the sex industry was widespread in the northeastern part of the country, but reliable sources suggested that the practice has decreased. North Korean women reportedly were sold as brides for approximately \$38 to \$375 (RMB 315 to 3,000). Women reportedly also were trafficked from Vietnam for the purpose of forced marriage. Citizens were trafficked from the country for sexual exploitation and indentured servitude in domestic service, sweatshops, restaurants, and other services. There were reports that citizens were trafficked to Australia, Belgium, Burma, Canada, Hungary, Italy, Japan (illegal immigrants held in debt bondage), Malaysia, the Netherlands (for the purpose of sexual exploitation), Singapore, Sri Lanka (for sexual exploitation), Taiwan, the United Kingdom (for sexual exploitation), and the United States.

Trafficked persons became entangled with alien smuggling rings, which often had ties to organized crime and were international in scope. Persons trafficked by alien smugglers paid high prices for their passage to other countries, where they hoped that their economic prospects would improve. There were credible reports that some promised to pay from \$30 thousand to \$50 thousand (RMB 248 thousand to RMB 415 thousand) each for their 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 often-fraudulent 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. Alien smugglers were fined \$6 thousand (RMB 49,600), and most were sentenced to up to three years in prison; some were sentenced to death. MPS officials stated that repatriated victims of trafficking were no longer fined upon their return. However, experts acknowledged that fining might have occurred inadvertently because of the difficulty in identifying victims.

Kidnapping and the buying and selling of children continued to occur, particularly in poorer rural areas. There were no reliable estimates of the number of children trafficked. Domestically, most trafficked children were sold to couples unable to have children; in particular, boys were trafficked to couples unable to have a son. In 2004 media reported arrests in the case of 76 baby boys sold in Hohhot, Inner Mongolia, and a case of 200 children, mostly boys, who were kidnapped in Kunming, Yunnan Province. In December, 16 people were arrested in connection with the kidnapping of 31 baby girls, whose ages ranged from newborn to three months old. Reports stated the babies were to be sold to foreigners for \$100 to \$500 (RMB 807 to RMB 4,037) each. The kidnapping ring was believed to have been in operation for two years. Children were also trafficked for labor purposes. Children trafficked to work usually were sent from poorer interior areas to relatively more prosperous areas; traffickers reportedly often enticed parents to relinquish their children with promises of large remittances their children would be able to send to them.

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

During 2004 police arrested 5,043 suspected traffickers and referred 3,144 for prosecution. In October 2004, 36 members of a child trafficking ring in Yunnan Province were given sentences, which ranged from two years to death. In Guangdong Province, 68 prosecutions were undertaken against traffickers from 2002 to June 2004 and officials rescued more than 100 children. During the year 10 members of a Guangzhou baby smuggling ring were convicted of smuggling 37 male infants. According to several media reports the average price was US\$1,239 (RMB 10 thousand) per child, although other media reports quoted a range of prices from several thousand to a few hundred dollars per child.

Despite government efforts to eliminate trafficking in women and children, the problem persisted. 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 as brides to villagers.

Agencies involved in combating trafficking included the MPS, the SPC, the SPP, the Ministry of Civil Affairs, the Central Office in Charge of Comprehensive Management of Public Order, and the Legislative Office of the State Council. It was central government policy to provide funds to provincial and local police to house victims and return them to their homes. Government-funded women's federation offices provided counseling on legal rights, including the options for legal action against traffickers, to some victims. The ACWF assisted Chinese victims in obtaining medical and psychological treatment.

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 with access to programs designed to assist them. According to the official press, all local governments have drafted specific measures to implement the law.

As attention began to focus on the 2007-08 Special Olympics and Paralympics, the press increasingly publicized the plight of persons with disabilities and the government's efforts to assist them. In 2004 16.2 million of the country's 60 million persons with disabilities found jobs, but the China Disabled Person's Federation estimated that another 12 million employable persons with disabilities remained unemployed. Some 1.7 million persons with disabilities escaped poverty and 3,821 youth with disabilities from poor families entered colleges, state-run media reported. Nearly 100 thousand organizations exist, mostly in urban areas, to serve those with disabilities and protect their legal rights. The government, at times in conjunction with NGOs, sponsored programs aimed at integrating 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 seriously inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty in getting adequate medical care, day care, and education for their children. Government statistics showed that almost one-quarter of persons with disabilities lived in extreme poverty. Unemployment among disabled adults remained a serious problem. 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

According to the 2000 census, the population of the country's 55 officially recognized ethnic minorities totaled 106.4 million, or 8.4 percent of the total population. Additionally some citizens identified themselves as members of unrecognized ethnic minorities. Most minority groups resided in areas they traditionally have inhabited. Government policy provides members of recognized minorities with preferential treatment in birth planning, university admission, access to loans, and employment. In May new regulations designed to enhance minority preferences in education became effective. Nonetheless, in practice the majority Han culture often discriminated against minorities. Most minorities in border regions were less educated than the national average, and job discrimination in favor of Han migrants remained a serious problem. Racial discrimination was the source of deep resentment in some areas, such as Xinjiang, Inner Mongolia, and Tibetan areas. For example, ethnic Uighurs in Xinjiang did not have equal access to newly created construction jobs; Han workers were brought in to work, particularly on road construction and oil and gas pipelines. As part of its emphasis on building a "harmonious society," the government downplayed racism against minorities and tension among different ethnic groups. But even in the Yanbian Korean Autonomous Prefecture of Jilin Province, which the government recognized as the most "harmonious" ethnic area, there is a perceived ceiling in career advancement for ethnic Koreans.

Incomes in minority areas remained well below those in other parts of the country, particularly for minorities. Han Chinese benefited disproportionately from government programs and economic growth. Many development programs disrupted traditional living patterns of minority groups and included, in some cases, the forced relocation of persons (see section 2.d.).

The government's policy used since 1949 to encourage Han migration into minority areas resulted in significantly increasing the population of Han Chinese in Xinjiang. According to 2004 statistics published by Xinjiang officials, 9 million of Xinjiang's 19.6 million official residents were Uighur. Approximately 7.8 million Xinjiang residents were Han (40 percent of the total population), up from 300 thousand Han in 1949 (6 percent of the total population). Significant numbers of Kazakhs, Hui, Kyrgyz, and other minorities also live in Xinjiang. Official statistics underestimated the Han population because they did not count the tens of thousands of Han Chinese who were long-term "temporary workers." The migration of ethnic Han into Xinjiang in recent decades caused the Han-Uighur ratio in the capital of Urumqi to shift from 20:80 to 80:20 and was a source of Uighur resentment. According to the 2000 census, non-Tibetan residents of the TAR comprised 6 percent of the population, but that figure did not include a large number of long-term Han Chinese "temporary" residents. Their presence also caused resentment among some Tibetans (see Tibet Addendum).

Minorities constituted 14 percent of the NPC, which was higher than their percentage in the population. According to a 1999 government report, 2.7 million minority officials served in the government. A Xinhua report claimed that more than 25 percent of Inner Mongolia's cadres were ethnic minorities, even though ethnic minorities constitute only 21 percent out of the region's population of 23.79 million. A 2003

government white paper stated that 348 thousand minority cadres serve in Xinjiang, accounting for 51.8 percent of all party members in the autonomous region. Ethnic minorities constituted 63 percent of Xinjiang's deputies to the NPC.

Nonetheless, Han officials held the most powerful party and government positions in minority autonomous regions, particularly Xinjiang. In April the government announced that 500 of 700 new government jobs in Southern Xinjiang would be reserved for Han Chinese. In September the Xinjiang Daily announced that 947 Han cadres were being sent to areas where ethnic unrest had occurred. Han Chinese also held a majority of positions in security services, including special border brigades and new counter-terrorism brigades that had some police powers. Even in the government-run Production and Construction Corps, Han received preference in employment. In April nine thousand workers from Han areas of Gansu Province signed long-term contracts to work on the corps farms in Xinjiang, even though unemployment among local minorities remained very high.

The government began moving away from the two-track school systems that used either standard Chinese or the local minority language and toward a new system that will require schools to teach both standard Chinese and local minority languages or to teach standard Chinese only. Prior to adopting the new policy, the vast majority of Uighur children in Xinjiang attended Uighur-language schools and generally received an hour's Chinese-language instruction per day. Graduates of minority language schools typically needed intensive Chinese study before they could handle course work at a Chinese language 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. Koranic education was tightly controlled and use of Arabic in public schools is forbidden (see section 2.c.). During the year the government allocated an additional US\$15 million (RMB 120 million) to build new schools and support technical training for minority students who drop out before high school. In January Party Secretary Wang Lequan urged the CCP to rewrite textbooks and increase regulation of classroom activities because schools had become the "battlefront" for strengthening the party.

A campaign in Xinjiang targeting the "three evils" of religious extremism, splittism, and terrorism continued and showed no signs of abating. Before celebrations marking the 50th anniversary of the founding of the Xinjiang Autonomous Region, authorities reemphasized the need to "strike hard" against these three evils and made numerous arrests, according to state-run media. Authorities in Xinjiang regularly grouped together individuals or organizations involved in the three evils, making it difficult to determine whether particular raids, detentions, or judicial punishments were targeted at those peacefully seeking to express their political and religious views or those who engaged in violence (see section 2.c.). The government's war on terror continued to be used as a pretext for cracking down harshly on Uighurs expressing peaceful political dissent and on independent Muslim religious leaders. In December 2003 the government published an "East Turkestan Terrorist List," which labeled organizations such as the World Uighur Youth Congress and the East Turkestan Information Center as terrorist entities. These groups openly advocated East Turkestan independence, but only one group, the East Turkestan Islamic Movement (ETIM) was designated by the UN as a terrorist organization.

Uighurs were sentenced to long prison terms and many were executed on charges of separatism. During a previous strike-hard campaign, which officially concluded in 2003, authorities stated they prosecuted more than three thousand cases in Xinjiang and held mass sentencing rallies attended by more than three hundred thousand persons. By its own account, from January to August 2004 the government broke up 22 groups engaged in what it claimed were separatist and terrorist activities and meted out 50 death sentences to those charged with separatist acts. In February Uighur writer Nurmuhammet Yasin was sentenced to 10 years in prison after publishing a short story, called The Wild Pigeon, which authorities claimed advocated separatism. In August, 10 individuals reportedly were arrested for "splittist" activities, which included possession of pamphlets and audiotapes calling for an independent state. Later in the year, editor of the Kashgar Literature Journal Korash Huseyin was sentenced to three years in prison for publishing The Wild Pigeon. In April, writer Abdulla Jamal was detained in Xinjiang, reportedly for writings that promoted Uighur independence. In October 2003 Uighur Shaheer Ali was executed after being convicted of terrorism. He had been repatriated forcibly from Nepal in 2002, where he had been interviewed by the UNHCR and granted refugee status.

In March Uighur businesswoman Rebiya Kadeer, a long-time symbol of the government's mistreatment of Uighurs, was released on medical parole to a foreign country. Kadeer, a former member of the provincial-level Chinese People's Political Consultative Conference, had been sentenced to eight years in prison on charges of "passing state intelligence" to foreigners. According to press reports, the intelligence she was accused of passing included newspaper articles and names of persons whose cases had been handled by the courts. After her release, Xinjiang officials investigated the activities of her family members and business associates who remained in the country, frequently questioning and harassing them. Two of Kadeer's former employees were detained from May 11 until December 14 in connection with the investigation. Authorities maintained that Kadeer's family members and business associates were not harassed, but were being investigated for financial crimes committed in the mid-1990s.

In October 2004 Uighur Dilkex Tilivaldi was detained after meeting a foreign journalist. The government refused to clarify his whereabouts.

Other Uighurs whose work emphasized pride in cultural identity have also been harassed and detained by the government. There were no new developments in the cases of Abdulghani Memetemin, convicted in 2003 and sentenced to 9 years in prison for translating news articles and forwarding official speeches to the East Turkestan Information Center; Abduhelil Zunun, sentenced in 2001 to 20 years in prison for translating the Universal Declaration of Human Rights into the Uighur language; or scholar Tohti Tunyaz, sentenced to 11 years imprisonment in 1999.

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

Officials in the region defended the campaign against separatism as necessary to maintain public order. In March 2004 Xinjiang's chairman Ismail Tiliwaldi asserted the campaign had improved security, and officials acknowledged there have been no acts of separatist violence or terrorism in Xinjiang since 1999. However, officials 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 Xinjiang, Han residents have received a disproportionate share of the benefits.

Inner Mongolian cultural activist Hada continued to serve a 15-year sentence during the year.

Other Societal Abuses and Discrimination

No laws criminalize private homosexual activity between consenting adults. In 2004 prohibitions on homosexuality were dropped from regulations governing the behavior of individuals serving sentences.

Gay men and lesbians stated that official tolerance had improved in recent years. In September a university in Shanghai offered the first undergraduate course on gay and lesbian studies. In June the Beijing Gay and Lesbian Culture Festival took place; however, postponement and venue changes were threatened, which organizers claimed was due to discrimination. A subsequent festival in December was cancelled, and police raided the venue where organizers subsequently attempted to gather. Societal discrimination and strong pressure to conform to family expectations deterred most gay individuals from publicly discussing their sexual orientation. Published reports said that more than 80 percent of gay men married because of social pressure. In what officials said was a campaign against pornography, authorities blocked the US-based Web site gaychinese.net for three months. Other Internet sites on gay issues that were not sexually explicit were also blocked during the year.

In 2004 the government officially outlawed discrimination against persons with HIV/AIDS and Hepatitis B. Under the new contagious disease law and adopted regulations, employment discrimination against persons with HIV/AIDS and Hepatitis B is forbidden, and provisions allow such persons to work as civil servants. However, discrimination against persons with HIV/AIDS remained widespread in many areas. Hospitals and physicians sometimes refused to treat HIV-positive patients. The government stated that there were 650 thousand persons living with HIV/AIDS, a downward revision from a 2002 estimate of 840 thousand people. The government stated the change resulted from improved data analysis and collection involving an international committee of experts.

The NGO Human Rights Watch reported discrimination against some NGOs working on HIV/AIDS and against infected persons seeking care and treatment, especially in some areas of Henan Province where thousands had been infected in government-run blood selling stations during the 1990s. Some NGOs criticized the government for failing to distribute funding, medicine, and services promised by a national program to all rural and urban poor residents with HIV/AIDS. The government and many foreign experts emphasized that the promise to provide free care to such residents was a major advance and that any problems were largely logistical as the government worked to meet its goals in care and treatment for people with HIV/AIDS. In April, 15 people were arrested as part of the illegal blood-selling schemes from the 1990s that caused the HIV infection of thousands. State-run media reported that the government closed 147 illegal blood-selling stations during the year. While the government continued to build some special detention facilities for those with HIV/AIDS, there were no public reports of discrimination against infected prisoners, such as Wang Guofang and Li Suzhou, whose mistreatment and difficulty receiving medication while in detention was a subject at the 2004 International AIDS Conference.

Section 6 Worker Rights

a. The Right of Association

The law provides for the freedom of association, although in practice workers were not free to organize or join unions of their own choosing. The All-China Federation of Trade Unions (ACFTU), which was controlled by the CCP and headed by a high-level party official, was the sole legal workers' organization. The trade union law gives the ACFTU control over all union organizations and activities, including enterprise-level unions. Independent unions are illegal. The ACFTU and its constituent unions influenced and implemented government policies on behalf of workers. The CCP used the ACFTU to communicate with and control workers.

Already established in the state-owned sector, where union representatives frequently held senior management positions, the ACFTU worked throughout the year to establish its unions in the non-state-owned sector. Organizing in the nonpublic sector continued to be difficult. However, by the end of 2004, the ACFTU reported that its membership had reached 136.9 million members or 53 percent of the 264 million urban workers, an increase of 5 percent over the previous year. Analysis by a Hong Kong-based NGO indicates that 38 percent of corporate units and 25 percent of private enterprises had registered under the ACFTU.

A large rural labor force, consisting of approximately 540 million persons, including 300 million primary sector workers, was unorganized; farmers had no union or similar organization. Few of the 130 million rural residents working in township and village enterprises were unionized. Of the 100 to 150 million rural migrants who worked in the cities, the ACFTU claimed that a total of 14 million had joined the union. The Ministry of Construction reported that 11 million of the 40 million migrant workers in the construction industry were union members. However, most migrants working in low-value-added jobs in the manufacturing and service sectors were not represented and were easily exploited. Employers controlled most unions that existed in these sectors and often appointed the trade union representative.

Some workers acted outside the ACFTU structure to demand back wages, pension or health insurance contributions or other benefits owed by employers. The government took action against these workers, either because the union refused or was powerless to help them. In May Kong Jun and Li Xintao, employees of the bankrupt state-owned Huamei Garment Company, were convicted of disturbing social order and government institutions after they asked the Shandong provincial government to act against their employer for failure to pay workers' wages and insurance benefits.

Other labor activists, detained in previous years, were reportedly still in detention at year's end. These included Yao Fuxin, Xiao Yunliang, Shao Liangchen, Hu Shigen, Wang Sen, Zhang Shanguang, He Zhaohui, Yue Tianxiang, Miao Jinhong, Ni Xianfei, Huang Xiangwei and

colleagues, Li Xintao, Kong Jun, and Du Hongqi. Although legal action and the intervention of foreign investors resulted in the 2004 release from prison of 10 workers from the Stella International factories, these workers' convictions were not overturned.

The trade union law provides specific legal remedies against anti-union discrimination and specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. Collective contract regulations provide similar protections for employee representatives during collective consultations. The degree to which these provisions were enforced was unknown.

In August, the NPC Standing Committee ratified ILO Convention 111 prohibiting discrimination in employment. Previously, the country had ratified core ILO conventions prohibiting child labor, the worst forms of child labor, and discrimination in remuneration between male and female workers, but had not ratified other core conventions regarding the right of association, the right to collective bargaining, and the prohibition against compulsory labor.

In May the International Confederation of Free Trade Unions (ICFTU) issued a report to the UN condemning China's violations of core labor standards, in particular the freedom of association and collective bargaining. The government still had not replied to an ICFTU complaint to the ILO alleging that the government had violated freedom of association in the handling of the Tieshu Textile Factory matter.

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. In 2004 the Ministry of Labor and Social Security (MOLSS) promulgated regulations clarifying the consultation process for establishing collective contracts. Beijing municipality passed its own regulation, which mirrored the national provisions. Under the law and regulations, collective contracts are to be developed through collaboration between the labor union (or in the absence of a union, worker representatives) and management and should specify such matters as working conditions, wage scales, and hours of work. 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, but it was not clear to what extent these provisions were carried out in practice. The collective contract acted as a minimum standard for individual contracts between employers and employees.

The trade union law specifically addresses unions' responsibility to bargain collectively on behalf of workers' interests. The union claimed to have signed 107 thousand collective contracts, most in state-owned enterprises, covering 25.8 million workers by the end of 2004. However, given the non-democratic, party-dominated nature of the country's unions, collective bargaining fell far short of international standards. Moreover, without the right to strike, workers had only a limited capacity to influence the negotiation process. The ICFTU reported cases in which the local ACFTU refused to negotiate on behalf of workers because it had not received permission to do so from the municipal government. In the private sector, where official unions were few and alternative union organizations were unavailable, workers faced substantial obstacles to bargain collectively with management. The revised company law, which was passed in October, recognizes the role of the labor union in representing employees in signing a collective agreement with a company. It also provides for employee congresses to enable employees to play a role in the democratic management of the company.

The law does not provide for the right to strike. The trade union law acknowledges that strikes may occur, in which case the union is to reflect the views and demands of workers in seeking a resolution of the strike. Some observers interpreted this provision to offer a theoretical legal basis for the right to strike. However, the government continued to treat worker protests as illegal demonstrations, indicating that there was still no officially accepted right to strike.

Worker protests occurred throughout the year (see section 2.b. and section 3). Most involved actual or feared job loss, wage or benefit arrears, allegations of owner/management corruption, dissatisfaction with new contracts offered in enterprise restructuring, or discontent over substandard conditions of employment. While some were tolerated, the government took swift action to halt protests that became large or that officials deemed embarrassing. Police sometimes detained protest leaders and dispersed demonstrations. In some cases workers were offered payments that met at least a portion of their demands.

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, and the government denied that there was a problem; however, forced labor was a serious problem in penal institutions. Detainees in reeducation-through-labor facilities were required to work, often with little or no remuneration. In some cases prisoners worked in facilities directly connected with penal institutions; in other cases they were contracted to non-prison enterprises. Facilities and their management profited from inmate labor.

The government cooperated throughout the year to resolve a number of cases that alleged products produced with prison labor were exported to a foreign country. Although the government prohibits forced and compulsory labor by children, some child trafficking victims were reportedly sold into forced labor (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

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

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.

The government continued to maintain that the country did not have a widespread child labor problem and that the majority of children who worked did so to supplement family income, particularly in impoverished rural areas. Although 9 years of education (through age 16) is compulsory, the high cost of basic education caused some children to drop out of school to seek work; other children worked while in school. Families alleged that child labor was widely employed at the Lihua Textile Factory in Shijiazhuang, Hebei Province, where five teenage girls died of asphyxiation in the factory dormitories, according to a lawsuit filed in March. NGOs alleged that the employer, fearful of being punished for hiring child workers, placed two of the girls in coffins while they were still alive. State-run media denied the claims, but the government sent officials to investigate the charges. In Xinjiang children were forced to pick cotton for army-based production brigades under the guise of a "work-study" program, according to foreign media reports.

State-run media reported on provincial bureau investigations into child labor cases, as well as punishment of factory owners who employed children. However, there was little follow-up on whether children involved in such cases continued to work outside the home.

e. Acceptable Conditions of Work

There was no national minimum wage. The labor law allows local governments to set their own minimum wage according to standards promulgated by the MOLSS. According to a 2004 regulation, 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. The regulation states that the bureaus of labor and social security 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 department of labor and social security deal with the case, although it was not clear how that provision was implemented in practice. State-run media reported that provincial and municipal governments adjusted their minimum wages and took steps to enforce them.

Wage arrearages to employees of state-owned and private enterprises were common. State-run media reported that localities took increasingly stringent action to remedy the wage arrearages problem. Some provinces promulgated regulations requiring companies to establish wage guaranty funds, and one municipality criminally prosecuted employers accused of intentionally defaulting on workers' wages. The press reported on incidents of violence against migrants demanding back pay, and on the investigation and punishment by the State Council of those who committed such violence.

The labor law mandates a 40-hour standard workweek, excluding overtime, and a 24-hour weekly rest period. It also prohibits overtime work in excess of 3 hours per day or 36 hours per month and mandates a required percentage of additional pay for overtime work. However, these standards were regularly violated, particularly in the private sector and in enterprises that use low-skilled migrant labor. In the manufacturing sector, compulsory overtime reportedly was common, often without overtime pay. Many areas of the country experienced shortages of migrant and skilled workers during the year, in part due to worker dissatisfaction with low wages and poor working conditions. Social auditors found that factories routinely falsified overtime and payroll records.

Occupational health and safety concerns remained serious. The poor enforcement of occupational health and safety laws and regulations continued to put workers' lives at risk. The State Administration for Work Safety (SAWS), which was elevated to ministry status, and the State Administration for Coal Mine Safety Supervision SACMSS continued to develop the national framework for work safety. SAWS promulgated regulations on gas control by state-owned mines, on worker protection equipment and on closing dangerous mines. The Ministry of Health was responsible for the prevention and treatment of occupational illness, while SAWS was responsible for workplace health supervision. Some provincial and local governments have followed the national pattern of establishing separate work safety agencies. Enforcement of national health and safety standards, which was the responsibility of governments below the national level, remained very weak.

Workplace health and safety did not improve significantly during the year, and there continued to be numerous industrial accidents. According to official statistics, during the year industrial accidents killed 126,760 workers, 7.3 percent fewer than in 2004. There were also 17 major accidents (defined as those killing more than 30 people), causing 1,200 deaths, which increased 6.3 percent and 28.2 percent, respectively, over the previous year. Eleven of these major accidents occurred in coalmines, causing 961 deaths. This was an increase of 57 percent over the number of coalmine accidents in the same category last year and an increase of 97 percent over the number of deaths in the same category last year. During the year a total of 5,986 workers died in the nation's coalmines. Soaring demand and increasing prices drove companies to increase production of coal.

Direct worker involvement in coal mine safety remained limited. In May, the ACFTU and SAWS announced that 100 thousand coal miners would be selected to work as grassroots safety supervisors in coalmines, but at year's end the degree to which the program had been implemented was still unclear. The government took steps throughout the year to improve mine safety. In response to serious methane explosions in state-owned mines, the government allocated \$ 375 million (RMB 3 billion) to improve gas control in mines, and required local governments and companies to set aside funds for the same purpose. The government also required that companies step up efforts to draw off coal bed methane before mining. SAWS and the Ministry of Supervision announced that more than 200 officials and other persons responsible for six major coalmine accidents that occurred since November 2004 received disciplinary penalties, were removed from their posts or were referred to judicial departments for criminal investigation. However, allegations of local government complicity in the cover-up of mining disasters continued. In August, a Henan Province newspaper was closed after it publicized how local officials and mine operators paid journalists not to report a coalmine accident, a practice the article claimed was common (see section 2.a.).

Independent observers reported that the government's efforts to close small illegal and unsafe mines had been successful in some areas. To

further reduce accidents, the government ordered 12,000 small mines to stop production, and closed 2,411 of those that could not meet safety licensing standards. In August, following a mine flooding accident in Guangdong Province in which 123 miners were killed, the State Council issued a notice requiring all government officials to withdraw their investments in private coalmines; by year-end 3,200 officials had complied, according to a Hong Kong-based NGO.

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 failed to inform them about the hazards, neglected to provide them with health inspections as required by law, and when they fell ill, denied their claims for compensation. The Ministry of Health said that pneumoconiosis, a chronic respiratory disease caused by inhaling metallic or mineral particles, remains the single most prevalent occupational disease in China. It was estimated that pneumoconiosis may affect as many as five million workers, including coal miners and jewelry workers. By the end of the year nearly 78 million workers participated in the country's work-injury insurance system, an increase of 20 million workers over the previous year. However, 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 there were few sources of legal aid available.

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. There were reports of serious accidents in which miners were killed when mine managers forced them to continue work under unsafe conditions.

TIBET

The United States recognizes the Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures and counties in other provinces to be a part of the People's Republic of China. The Tibetan population within the TAR was 2.4 million, while in autonomous prefectures and counties outside the TAR the Tibetan population was 2.9 million.

The preservation and development of the unique religious, cultural, and linguistic heritage of Tibetan areas and the protection of Tibetan people's fundamental human rights continued to be of concern. The government strictly controlled information about, and access to Tibetan areas, making it difficult to determine accurately the scope of human rights abuses.

The government's human rights record in Tibetan areas of China remained poor, and the level of repression of religious freedom remained high. The government continued to view the Dalai Lama with suspicion and tended to associate Tibetan Buddhist religious activity with separatist sympathies.

Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest and detention, house arrest and other nonjudicial surveillance of dissidents, detention without public trial, repression of religious freedom, and arbitrary restrictions on free movement.

Positive developments in Tibetan areas included a fourth round of dialogue between the government and envoys of the Dalai Lama. In August the government permitted an international delegation to meet with released political prisoner Phuntsog Nyidrol in the TAR for the first time. In November the UN special rapporteur on torture visited Lhasa, the capital of the TAR, for the first time.

Deprivation of Life

In early October Ngawang Jangchub, a 28-year-old Tibetan monk, was found dead in his room at the Drepung Monastery in Lhasa. According to reports, Ngawang Jangchub's death followed a heated dispute with the monastery's "work team" over his refusal to denounce the Dalai Lama. The government claimed Ngawang Jangchub's death was due to medical complications relating to serious heart disease and epilepsy he had suffered from since childhood.

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

Torture

The security apparatus 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, severe beatings, and were forced to perform heavy physical labor. Prisoners were subjected routinely to "political investigation" sessions and were punished if deemed to be insufficiently loyal to the state.

Prison Conditions

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

Tibetan political prisoner Rinzin Wangyal, also known as Rinwang, age 59, reportedly died in prison in late 2004 of unknown causes. There was no official confirmation of Rinzin Wangyal's death, nor was his body handed over to his family. Rinzin was serving a life imprisonment term, imposed in the late 1990s while he was already serving a 16-year sentence in TAR Prison Number Two (Pawo Tramo Prison). Local authorities alleged that he was involved in a plan to disrupt the 30th anniversary of the TAR and while in prison he participated in "serious prison protests," leading to an extension of his sentence. Previously, he was imprisoned from 1967 until 1983 for political activities.

Arbitrary Arrest

In January the Tibet Information Network (TIN) reported the detention in December 2004 of monk Sonam Phuntsog in Sichuan Province, following a fire in the hall of the local People's Congress in the Ganzi Prefecture. TIN's sources said that local authorities accused him of starting the fire. They also said that local authorities suspected him of being a Free Tibet activist. Prior to his arrest, Sonam Phuntsog reportedly filmed the long life prayer ceremonies held for the Dalai Lama as well as the arrival of police sent to suppress the ceremonies at the Ganzi Monastery.

In mid-January local authorities in Hainan (Tsolho) Prefecture of Qinghai Province reportedly arrested five monks from the Dakar Treltzong Monastery for publishing politically sensitive poems. The jailed monks were identified as Tashi Gyaltzen, Tsultrim Phelgyal, Tsesum Samten, Jhamphel Gyatso, and Lobsang Thargyal; they were sentenced from two to three years in prison.

In May according to the London-based Free Tibet Campaign, authorities in the Gansu Province detained three Tibetan nuns and two monks. Nuns Yonten Drolma, Tadrin Tsomo, and Choekyi Drolma and monks Jamyang Samdrub and Dargye Gyatso were reportedly arrested for distributing letters calling for Tibetan independence at a local monastery, market, and other areas. The Congressional Executive Commission on China Political Prisoner Database (CECC PPD) also listed monk Sherab detained as part of this group.

Radio Free Asia (RFA) reported in June that local authorities detained Jigme Dasang, a Tibetan monk from Kumbum Monastery in Qinghai Province. No charges were reported.

In a case of apparent preventative detention, state security detained a tailor, Sonam Gyalpo, as he returned from work on August 25. Officials reported he was detained on suspicion of endangering national security. On September 28, Sonam Gyalpo was officially arrested on charges of separating the country and destroying national unity.

A number of former political prisoners and other suspected activists were reportedly detained in the period prior to the 40th anniversary of the founding of the TAR on September 1. According to Human Rights Watch, Sonam, a monk from the Potala Palace, was detained by security forces on August 21; officials claimed no action had been taken against him.

According to the Tibetan Centre for Human Rights and Democracy (TCHRD), authorities arrested five monks who refused to take part in the "patriotic campaign" that began in October at the Drepung Monastery in Lhasa. The monks, who were identified as Ngawang Namdrol, Ngawang Nyingpo, Ngawang Thupten, Ngawang Phelgey, and Phuntsok Thupwang reportedly refused to denounce the Dalai Lama and recognize Tibet as part of China.

In August Tibetan Buddhist nun Phuntsog Nyidrol, who was released early from Lhasa's TAR Prison in February 2004, was permitted to meet with visiting foreign government officials. Phuntsog Nyidrol received a nine-year sentence for taking part in peaceful demonstrations supporting the Dalai Lama in 1989. In 1993 her sentence was extended to 17 years after she and other nuns recorded songs about their devotion to Tibet and the Dalai Lama. Since her release authorities restricted Phuntsog Nyidrol's movements and associations. Although she expressed interest in traveling abroad for medical treatment, the government refused to issue her a passport.

Chadrel Rinpoche, released in 2002 after six years and six months in prison for leaking information about the selection of the Panchen Lama, was reportedly still under house arrest near Lhasa.

Political Prisoners

The lack of independent access to prisoners and prisons made it difficult to ascertain the number of Tibetan political prisoners or to assess the extent and severity of abuses. According to the CECC PPD, there were 117 Tibetan political prisoners and 65 percent of them were monks and nuns. The CECC reported that the number of political prisoners declined this year to less than one fifth the number 10 years ago.

Approximately 50 political prisoners remained in the TAR Prison in Lhasa, most serving sentences on the charge of "counterrevolution," which was dropped from the criminal law in 1997. Chinese authorities have stated that acts previously prosecuted as counterrevolutionary crimes continue to be considered crimes under China's antissubversion laws. The CECC PPD estimated that nearly 70 Tibetan political prisoners were imprisoned in the TAR, nearly 35 in Sichuan Province, fewer than 15 in Qinghai Province, and 6 in Gansu. None were documented in Yunnan Province. The overall number of political prisoners in Tibetan areas dropped to 117 from 145 in 2004.

An unknown number of Tibetans were serving sentences in "reeducation-through-labor" camps and other forms of administrative detention not subject to judicial review.

In March the World Tibet Network News (WTN) reported that local authorities extended Tibetan Buddhist monk Jigme Gyatso's prison term from 15 to 17 years. He was arrested in Lhasa in 1996 for alleged "political activities."

TCHRD reported that monks Lobsang Khedrub and Gyalpo were detained in Ganzi Prefecture in February 2004 and subsequently

sentenced to 11 years in prison for raising a banned Tibetan national flag.

The status of the following persons arrested in 2004 remained unconfirmed at year's end: Nyima Dorjee and Lobsang Dorjee who were arrested for hanging pro-independence posters on government buildings; Choeden Rinzen who was arrested for possessing pictures of the Dalai Lama and the Tibetan National flag; Dejour, Tsering Dawa, and Datsok who were detained after clashing with Chinese workers over a mining project, and Nyima Tenzen and Sonam Nyidup who protested their detention by shouting pro-independence slogans in a bar.

On January 6, authorities released Tibetan monk Tashi Phuntsog, who served two years and nine months of his seven-year sentence. Tashi Phuntsog was detained in 2002 following the arrest of his colleague, prominent Buddhist leader Tenzin Delek. Tashi Phuntsog was detained in conjunction with a series of bombings in Sichuan Province.

In April Drepung monk Jamphel Jangchub was released after serving 16 years in prison.

Tibetan Buddhist monks Chogri and Topden, who were detained in July for unfurling a Tibetan flag in Chogri Monastery in Draggo County, Ganzi, were released later in the year. At year's end Chogri was in the Chogri Monastery, while Topden was reportedly no longer a monk.

Denial of Fair Public Trial

Legal safeguards for Tibetans detained or imprisoned were inadequate in both design and implementation. Most judges had little or no legal training. According to an official of the TAR higher people's court, all seven cities and prefectures had established legal assistance centers, although these centers did not offer services in Tibetan language. Some accused persons did not have access to legal representation. Moreover, their trials were cursory and closed if issues of state security were involved. Under the law, maximum prison sentences for crimes such as "endangering state security" and "splitting the country" were 15 years for each count, not to exceed 20 years in total. Such cases mainly concerned actions perceived to be in support of Tibetan independence, and activities did not have to be violent to be illegal or to draw a heavy sentence.

In January the government commuted the death sentence of Tenzin Delek, a prominent lama from Ganzi, to life in prison. Foreign governments and international organizations raised concerns about the lack of due process and transparency in Tenzin Delek's legal proceedings. Tenzin Delek was originally detained in 2002.

Freedom of Religion

The level of repression in Tibetan areas remained high, and the government's record of respect for religious freedom remained poor during the year. The law provides for freedom of religious belief, and the government's 2004 white paper on Regional Ethnic Autonomy in Tibet states "Tibetans fully enjoy the freedom of religious belief." However, the government maintained tight controls on religious practices and places of worship in Tibetan areas. Although authorities permitted many traditional practices and public manifestations of belief, they promptly and forcibly suppressed activities they viewed as vehicles for political dissent or advocacy of Tibetan independence, such as religious activities venerating the Dalai Lama (which the government described as "splittist").

Approximately 615 Tibetan Buddhist religious figures held positions in local people's congresses and local Chinese people's political consultative conferences in the TAR. However, the government continued to insist that CCP members and senior employees adhere to the CCP's code of atheism, and routine political training for cadres continued to promote atheism. TAR officials confirmed that some Religious Affairs Bureau (RAB) officers were members of the CCP and that religious belief is incompatible with CCP membership. However, some lower-level RAB officials practiced Buddhism.

The atmosphere for religious freedom varied from region to region. Conditions were generally more relaxed in Tibetan areas outside the TAR.

Monks outside the TAR who want to study in the TAR are required to get official permission from government religious bureaus, which were not readily granted. Sources said that ethnic Han Chinese monks were generally not allowed to undertake religious study in the TAR. 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.

Monasteries in the TAR are not allowed to establish any relationship with other monasteries or hold joint religious activities. Monasteries are required to report to the local government and request permission to hold any large or important religious events or to build new temples.

On June 30 and July 1, Lodi Gyari, the Dalai Lama's special envoy, and several other representatives, met with Chinese authorities in Bern, Switzerland, the fourth such meeting since 2002. The idea of periodic meetings at venues outside of China was discussed during the third session of talks in September 2004. In his public remarks, the Dalai Lama continued to call for a "middle way" approach, which included "meaningful autonomy" for Tibet but not independence.

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

Government officials maintained that possessing or displaying pictures of the Dalai Lama was legal. However, authorities appeared to view possession of such photos as evidence of separatist sentiment when detaining individuals on political charges. Pictures of the Dalai Lama were not openly displayed in major monasteries and could not be purchased openly in the TAR. In January TAR authorities from Lhatse

Dzong in Shigatse Prefecture reportedly arrested Phuntsok Tsering, the chant master of Magar Dhargyeling Monastery, on charges of possessing a portrait of the Dalai Lama. In April the TIN reported raids on Tibetan homes in the TAR border town of Dram. Officials reportedly entered the houses of the Tibetan residents and confiscated pictures and books that contained speeches of the Dalai Lama.

During the year international observers saw pictures of a number of religious figures, including the Dalai Lama, displayed more widely in Tibetan areas outside the TAR. 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, most likely because most Tibetans do not recognize him as the Panchen Lama.

The government's 2004 white paper stated that the TAR had more than 46 thousand Tibetan Buddhist monks and nuns and more than 17 hundred venues for Tibetan Buddhist activities. Officials have cited almost identical figures since 1996, although the number of monks and nuns has dropped at many sites due to the patriotic education campaign and the expulsion of many monks and nuns who refused to denounce the Dalai Lama or who were found to be "politically unqualified." These numbers represented only the TAR, where the number of monks and nuns was very strictly controlled. According to statistics collected by the China Center for Tibetan Studies, a government research institution, there are 1,535 monasteries in Tibetan areas outside the TAR.

Government officials closely associated Buddhist monasteries with pro-independence activism in Tibetan areas of China. Spiritual leaders encountered difficulty re-establishing historical monasteries due to lack of funds, general limitations on monastic education, and lack of authorization to build and operate religious institutions; officials in some areas contended such religious institutions were a drain on local resources and a conduit for political infiltration by the Tibetan exile community.

The government stated there were no limits on the number of monks in major monasteries and that each monastery's democratic management committee (DMC) decided independently how many monks the monastery could support. However, the government exercised strict control over most monasteries through the DMCs and imposed strict limits on the number of monks in major monasteries, particularly within the TAR. The government had the right to disapprove any individual's application to take up religious orders, although there were no reports of the government exercising this right during the year. Authorities limited the traditional practice of sending young boys to monasteries for religious training by means of regulations that forbade monasteries from accepting individuals under the age of 18. Nevertheless, many monasteries continued to admit younger boys, often delaying their formal registration until the age of 18.

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

The quality and availability of high-level religious teachers in the TAR and other Tibetan areas remained inadequate; many teachers were in exile, older teachers were not being replaced, and those remaining in Tibetan areas outside the TAR had difficulty securing permission to teach in the TAR. DMCs at several large TAR monasteries used funds generated by the sales of entrance tickets or donated by pilgrims for purposes other than the support of monks engaged in full-time religious study. As a result, some "scholar monks" who had formerly been fully supported had to engage in income-generating activities. Some experts were concerned that, as a result, fewer monks will be qualified to serve as teachers. However, in July 2004, for the first time in 16 years authorities permitted resumption of the Geshe Lharampa examinations, the highest religious examinations in the Gelug sect of Tibetan Buddhism.

Government officials claimed that the patriotic education campaign, which often consisted of intensive, weeks-long sessions conducted by outside work teams, ended in 2000. However, monks and nuns continued to undergo political education on a regular basis. Numerous credible sources reported that the political education sessions intensified in the Lhasa area beginning in April. In July, 18 monks were expelled from Sera Monastery, and 8 others were detained before they were to be tested. In October RFA reported that 40 of the approximately 50 nuns residing at the Gyarak Nunnery near Lhasa were expelled for refusing to participate in political education. Because the primary responsibility for conducting political education shifted from government officials to monastery leaders, the form, content, and frequency of training at each monastery appeared to vary widely. However, conducting such training remained a requirement and has become a routine part of monastic management.

During the year the Ganzi Prefecture Web site reported that the Permanent Work Team at Serthar destroyed 74 illegal houses in the monastery during its "management of religious work."

The Karmapa Lama, leader of Tibetan Buddhism's Karma Kagyu sect and one of the most influential religious figures in Tibetan Buddhism, remained in exile following his 1999 flight to India. The Karmapa Lama stated that he fled because of the government's controls on his movements and its refusal either to allow him to go to India to be trained by his spiritual mentors or to allow his teachers to come to him. During the year, an official international delegation was permitted to visit Tsurphu Monastery, the seat of the Karmapa Lama, for the first time since 2001. While they did not meet with monastery officials, they were able to talk to some monks and learned that the current population was less than it was five years ago.

The government routinely asserted control over the process of finding and educating reincarnate lamas. The Panchen Lama is Tibetan Buddhism's second most prominent figure, after the Dalai Lama. The government continued to insist that Gyaltzen Norbu, the boy it selected in 1995, is the Panchen Lama's 11th reincarnation. The government continued to refuse to allow access to Gendun Choekyi Nyima, the boy recognized by the Dalai Lama in 1995 as the 11th Panchen Lama (when he was six years old), and his whereabouts were unknown. Government officials claimed the boy was under government supervision at an undisclosed location for his own protection and attends classes as a "normal schoolboy." All requests from the international community to access the boy, in order to confirm his well-being, have been refused. While the overwhelming majority of Tibetan Buddhists recognized the boy identified by the Dalai Lama as the Panchen Lama, Tibetan monks claimed that they were forced to sign statements pledging allegiance to the boy the government selected. The CCP also

urged its members to support the "official" Panchen Lama.

The government-recognized Panchen Lama, Gyaltzen Norbu, made his first visit to Tibetan areas of Sichuan Province from June 12 to 28. According to official media reports, during his stay Gyaltzen Norbu held head-touching ceremonies to bless more than 60 thousand persons, some of whom reported being screened by security forces prior to receiving the head touching blessing. Gyaltzen Norbu reportedly toured dozens of counties in Sichuan and held religious rituals in more than 10 Tibetan Buddhist Monasteries.

In April Chinese authorities permitted diplomatic officials to meet the seven-year-old child approved by the government as the seventh reincarnation of Reting Rinpoche. His appointment was reportedly disputed by many of the monks at Reting Monastery in 2000 because the Dalai Lama did not recognize the selection. The Reting Rinpoche's religious training, which began during the year, was closely supervised by the government through the selection of his religious and lay tutors.

Pawo Rinpoche, who was recognized by the Karmapa Lama in 1994, lived under strict government supervision at Nenang Monastery.

The government claimed that since 1949 it has contributed approximately \$36 million (RMB 300 million) to renovate and open more than 1,400 monasteries and to repair cultural relics, many of which were destroyed before and during the Cultural Revolution.

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

Freedom of Movement

The government strictly regulated travel and freedom of movement of Tibetans, especially within the TAR. Many Tibetans, particularly those from rural areas, continued to report difficulties obtaining passports.

The government also regulated foreign travel to the TAR. In accordance with a 1989 regulation, foreign visitors (excluding individuals from Hong Kong, Macau, and Taiwan) were required to obtain an official confirmation letter issued by the government before entering the TAR. Most tourists obtained such letters by booking tours through officially registered travel agencies. In 2004, state media announced that foreign tourists would enjoy "unrestricted access to all 70 counties of the TAR." However, TAR authorities were unable to confirm the change, and travelers reported that many restrictions remained in place. During the 40th anniversary of the 1965 founding of the TAR in September, there were reports that foreigners were refused permission to travel to Tibetan areas from August 20 to September 10.

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. However, during the year several large official foreign delegations were permitted to visit the TAR. One international delegation was able to meet with monastery management committees and raise official concerns about human rights and religious freedom. Foreigners could travel freely in most Tibetan areas outside the TAR.

Tibetans continued to encounter substantial difficulties and obstacles in traveling to India for religious and other purposes. The government placed restrictions on the movement of Tibetans during sensitive anniversaries and events and increased controls over border areas at these times. There were reports of arbitrary detention of persons, particularly monks, returning from Nepal. Detentions generally lasted for several months, although in most cases no formal charges were brought.

In January RFA reported that Tibetan pilgrims heading for Nepal and India on pilgrimage from Ganzi were asked to return home after the TAR authorities in Lhasa revoked their travel permits. The authorities gave no explanation for the revocation.

In September RFA reported that Chinese border forces opened fire on a group of 51 Tibetan asylum-seekers trying to travel to Nepal by way of Dhingri, in Shigatse Prefecture. All but three were taken into custody, and their whereabouts remained unknown. The group included six children between the ages of 10 and 11, two nuns and one monk. On November 3, TIN reported the detention in the TAR of 14 Tibetans from Amdo who were attempting to travel to India via Nepal.

The Office of the UN High Commissioner for Refugees (UNHCR) reported that 3,395 Tibetan new arrivals approached UNHCR in Nepal during the year; 3,352 Tibetans departed for India, of whom 2,340 received UNHCR transit assistance, and 1,012 Tibetans left for India by their own means.

Nevertheless, thousands of Tibetans, including monks and nuns, visited India via third countries and returned to China after temporary stays. In 2004 RFA reported that the majority of Tibetans who transited via Nepal to India were young, whose ages ranged from 6 to 30, and that the main reason they migrated was the lack of Tibetan-language educational facilities and opportunities for religious education.

National Minorities

According to China's 2000 census, the population of Tibetans in the TAR was 2.4 million while the population of Tibetans in autonomous prefectures and counties outside the TAR was 2.9 million. Tibetans made up 94 percent of the population of the TAR. Government-sponsored development and new economic opportunities attracted migrant workers from China's large transient population to Tibetan areas. The result was a net increase in the non-Tibetan share of the TAR population from approximately 4 percent in 1990 to 6 percent in 2000. However, TAR census figures did not include a large number of long-term Han residents, such as cadres, skilled workers, unskilled laborers,

military and paramilitary troops, and their dependents.

In Tibetan areas outside the TAR, Tibetans increased their majority share as natural population growth outpaced net migration by non-Tibetans. Migrants to the TAR were overwhelmingly concentrated in cities and towns, while Tibetans continued to make up nearly 98 percent of the rural population. One official estimate put the number of Han residents in Lhasa at 100 thousand out of a total population of approximately 409,500, although many observers estimated that more than half of Lhasa's population was Han Chinese. Small businesses run by Han and Hui migrants--mostly restaurants and retail shops--predominated in cities throughout the Tibetan areas.

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

The TAR is one of China's poorest regions, and Tibetans are one of the poorest groups; malnutrition among Tibetan children continued to be widespread in many areas of the TAR.

In August state media reported that Tibetans and other minority ethnic groups made up 70 percent of all government employees in the TAR. However, Han Chinese continued to hold key positions, including party secretary of the TAR.

Some Tibetans reported that they experienced discrimination in employment and claimed Han Chinese were hired preferentially for many jobs and received greater pay for the same work. In recent years some Tibetans reported that it was more difficult for Tibetans than Han to get permits and loans to open businesses. The widespread use of the Chinese language in urban areas and many businesses limited employment opportunities for Tibetans who did not speak Chinese.

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

Women

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 prefectural levels of government. According to an official Chinese Web site, there were 28,197 female cadres in the TAR, accounting for 32 percent of the TAR's total cadres; 16 percent of those were county-level female cadres.

Prostitution was a growing problem in Tibetan areas, and hundreds of brothels operated semi-openly in Lhasa. Up to 10 thousand commercial sex workers may have been employed in Lhasa alone. Some of the prostitution occurred at sites owned by the CCP, the government, and the military. Most prostitutes in the TAR were Han Chinese women, mainly from Sichuan. However, some Tibetans, mainly young girls from rural or nomadic areas, also worked as prostitutes. The incidence of HIV/AIDS among prostitutes in Tibetan areas was unknown, but lack of knowledge about HIV transmission and economic pressures on prostitutes to engage in unprotected sex made an increase in the rate of HIV infection likely.

Protection of Cultural Heritage

Rapid economic growth, the expanding tourism industry, and the introduction of more modern cultural influences have disrupted traditional living patterns and customs and threatened traditional Tibetan culture. Residents lacked the right to play a role in protecting their cultural heritage.

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

Both Tibetan and Chinese are official languages in the TAR, and both languages were used on public and commercial signs. However, the Chinese language was spoken widely and was used for most commercial and official communications.

The CECC Annual Report said that the rate of illiteracy among Tibetans (47.55 percent) was more than five times higher than China's national average (9.08 percent), according to the 2000 census data. The TAR rate of illiteracy (47.25 percent) is the highest in the country and is nearly twice as high as the second-ranked Qinghai Province (25.22 percent). Primary school is the only level of educational attainment for which data show Tibetans nearly on par with the national average. In practice, many pupils in rural and nomadic areas received only one to three years of schooling. The illiteracy rate of youth and adults in the prime of life fell from 95 percent before 1959 to 22 percent at the end of 2004. However, the illiteracy rate for this group was much higher than 22 percent in some areas.

The government has established a comprehensive national Tibetan-language curriculum, and many elementary schools in Tibetan areas used Tibetan as the primary language of instruction. Tibetan students were also required to study Chinese language and Chinese was generally used to teach certain subjects, such as arithmetic. 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 Chinese was essential to receive a higher education. China's most prestigious universities provided instruction only in Chinese, while the lower-ranked universities established to serve ethnic minorities allowed study of only some subjects in Tibetan. Opportunities to study at Tibetan-language schools were greater in the TAR, while opportunities to study at privately funded Tibetan-language schools and to receive a traditional Tibetan-language religious education were greater in Tibetan areas outside the TAR.

Authorities in Tibetan areas required professors and students at institutions of higher education to attend political education sessions and limited course studies and materials in an effort to prevent separatist political and religious activities on campus. Students at Tibet University were prohibited from engaging in religious practice. The government controlled curricula, texts, and other course materials.

The Tibetan-language services of Voice of America and RFA, as well as of the Oslo-based Voice of Tibet, suffered from the same jamming of their frequencies by Chinese authorities as their Chinese-language services. However, Tibetans were able to listen to the broadcasts at least some of the time. In April authorities shut down the Tibet culture Web site, a domestic Chinese site devoted to contemporary Tibetan culture.

Although the government made efforts in recent years to restore some of the physical structures and other aspects of Tibetan Buddhism and Tibetan culture damaged or destroyed during the Cultural Revolution, repressive social and political controls continued to limit the fundamental freedoms of Tibetans and risked undermining Tibet's unique cultural, religious, and linguistic heritage.

HONG KONG

Hong Kong, with a population of approximately 6.9 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 Hong Kong Special Administrative Region of the Peoples Republic of China (hereafter referred to as the basic law), specify that Hong Kong will enjoy a high degree of autonomy except in matters of defense and foreign affairs. The basic law provides for the protection of fundamental rights and calls for further democratization and progress toward universal suffrage after 2007.

The chief executive is chosen by an election committee composed of 800 directly elected, indirectly elected, or appointed individuals. The chief executive appoints and supervises a cabinet of principal officers. Following the resignation of former Chief Executive Tung Chee-hwa in March, the National People's Congress (NPC) standing committee ruled that the acting chief executive should serve the remaining two years of Tung's term. The basic law significantly circumscribes the power of the Legislative Council (Legco), which is comprised of 60 members, only half of whom are elected through popular vote. Legco members were elected in 2004 to four-year terms. Although the elections were generally considered free and fair, there were allegations in the months leading up to the election with respect to intimidation of voters and political commentators. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, the following human rights problems were reported:

- limitations on residents' ability to change their government and limitations on the power of the legislature to affect government policies
- continuing concerns about self-censorship
- violence and discrimination against women
- restrictions on workers' rights to organize and 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 deprivations of life.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law forbids torture and other abuse by the police, and the government generally observed the prohibition in practice. However, there were allegations of police assaults during the year. Disciplinary action can range from warnings to dismissal. Criminal proceedings may be undertaken independently of the disciplinary process. The Complaints Against Police Office (CAPO) investigates allegations of excessive use of force and the Independent Police Complaints Council (IPCC), a body composed of public members appointed by the chief executive, monitors and reviews their work.

During the first half of the year, CAPO received 202 allegations of police officer assaults against persons in custody and 117 allegations of assault against persons not in custody, out of a total of 19,985 arrests. Of the 202 allegations of assault by police officers against persons in custody, 118 case investigations were completed and endorsed by the IPCC, and none were substantiated: 62 were withdrawn, 43 were deemed "not pursuable," 10 were judged to be false, 1 was judged "no fault," and 2 were judged "unsubstantiated." The remaining 84 cases

were pending as of June 30. Of the 117 allegations of assault against persons not in custody, 86 case investigations were completed and endorsed by the IPCC, and none were substantiated: 47 were withdrawn, 33 were deemed "not pursuable," 4 were judged to be false, and 2 were judged "unsubstantiated." The remaining 31 cases were pending as of June 30.

Prison and Detention Center Conditions

Prison conditions generally met international standards. For the first 6 months of the year, the average prison occupancy rate for the 24 prisons was 108 percent. Overcrowding was most serious in maximum security prisons, which operated at an average occupancy rate of 131 percent. The government continued to address the problem of prison overcrowding by remodeling existing buildings to provide space for additional prisoners and redistributing the prison population. In addition the Immigration Department opened a new detention center in Tuen Mun during the year, which held 400 additional persons and eliminated the need to put immigration offenders in prison or other correctional facilities.

The government permitted prison visits by human rights observers, although there were no requests for visits during the year.

d. Arbitrary Arrest or Detention

Common law, legal precedent, and the basic law provide substantial and effective legal protection against arbitrary arrest or detention, and the government observed these provisions in practice.

Role of Security Apparatus

The police force is led by a uniformed police commissioner who reports to the secretary for security--a member of the chief executive's cabinet. The force had approximately 28,700 officers and was divided into five departments with both headquarters and regional formations. Corruption was not a significant problem within the force. Police officers are subject to disciplinary review by CAPO and IPCC in cases of alleged misconduct (see section 1.c.).

Arrest and Detention

Suspects must be charged within 48 hours or released, and the government respected this right in practice. The law provides accused persons with the right to a prompt judicial determination. During the year the average length of pre conviction incarceration was 55 days. There were no reports of political detainees.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice. The judiciary, underpinned by the basic law's provision that the common law tradition be maintained, provided citizens with a fair and efficient judicial process. Under the basic law, the courts may interpret those provisions of the basic law that address matters within the limits of the SAR's autonomy. The courts also interpret provisions of the basic law that touch on PRC central government responsibilities or on the relationship between the central authorities and the SAR. 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 NPC. The basic law requires the courts to follow the standing committee's interpretation of basic law provisions, although judgments previously rendered are not affected. As the final interpreter of the basic law, the standing committee of the NPC also has the power to self-initiate interpretations of the basic law, as it did in April 2004 when it ruled out universal suffrage in Hong Kong's 2007 and 2008 elections (see section 3). The NPC's mechanism for interpretation is its Committee for the Basic Law, composed of six mainland and six Hong Kong members. The chief executive, the president of the Legco, and the chief justice nominate the Hong Kong members. Human rights and lawyers' organizations have expressed concern that this process, which circumvents the Court of Final Appeal's power of final adjudication, could be used to limit the independence of the judiciary or could degrade the courts' authority. There were accusations during the year that the government effectively undermined the authority of the courts by requesting an interpretation of the basic law from the NPC standing committee on the question of Chief Executive Tung Chee-hwa's successor's term of office. In response to the request, the NPC standing committee ruled in April that Tung's successor should only serve out the remaining two years of Tung's term rather than a full five-year term. Critics argued that the request, and the resulting NPC interpretation, sought to circumvent the judicial process. The government argued that the need to resolve the issue quickly left insufficient time for a lengthy judicial review.

The Court of Final Appeal is the SAR's supreme judicial body. An independent commission nominates judges. The chief executive is required to appoint those nominated, subject to endorsement by the legislature. Nomination procedures ensure that commission members nominated by the private bar have a virtual veto on the nominations. The basic law provides that, with the exception of both the chief justice and the chief judge of the high court, who are prohibited from residing outside Hong Kong, foreigners may serve on the courts. During the year approximately 22 percent of judges and judicial officers were expatriates. Judges have security of tenure until retirement.

Under the Court of Final Appeal is the high court, composed of the court of appeal and the court of first instance. Lower judicial bodies include the district court, which has limited jurisdiction in civil and criminal matters; the magistrates' courts, which exercise jurisdiction over a wide range of criminal offenses; the coroner's court; the juvenile court; the lands tribunal; the labor tribunal; the small claims tribunal; and the obscene articles tribunal

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. The judiciary provides citizens with a fair and efficient judicial process. 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 generally enjoy a presumption of innocence. However, under prosecution rules, there is a presumption of guilt in official corruption cases. Under the Prevention of Bribery Ordinance, a current or former government official who maintains a standard of living above that commensurate with his official income, or controls monies or property disproportionate to his official income is, unless he can satisfactorily explain the discrepancy, guilty of an offense. The courts have upheld this ordinance in practice.

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

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits arbitrary interference with privacy, family, home, and correspondence, and the government generally respected these prohibitions in practice.

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

The Independent Commission against Corruption (ICAC) was criticized during the year for abusing its powers in using covert surveillance without legal authorization. In April a district court judge excluded tape-recorded evidence introduced by the ICAC during a corruption trial, saying there were no legal procedures governing the use of concealed microphones and cameras. The court said that under the basic law, the freedom of private communication could only be impinged in accordance with legal procedures. In July another district court judge threw out a corruption case, ruling that the ICAC had knowingly recorded conversations between a client and his lawyers in violation of ICAC procedures. In August, responding to these cases and to mounting public criticism of ICAC, the chief executive issued an executive order regulating the use of covert surveillance by law enforcement authorities. The order stipulated that law enforcement officials must get the approval of an "authorizing agent" before carrying out such surveillance. Some legislators criticized the order for making police officers above the rank of senior superintendent authorizing agents. They argued that only the courts should have such power. Legislators also criticized the order as a violation of the basic law because it bypassed the legislative process. One legislator filed suit to overturn the order as well as the existing wiretap law; the court of first instance is expected to hear the case in November. The Hong Kong Bar Association said the order was "constitutionally dubious." The government countered that the order was merely a temporary measure to regulate the use of covert surveillance until comprehensive legislation could be enacted.

The Office of the Privacy Commissioner for Personal Data (PCO), established under the Personal Data (Privacy) Ordinance (PDPO), works to prevent the misuse, disclosure, or matching of personal data without the consent of the subject individual or the commissioner. Some government departments are exempted to combat social welfare abuse and tax evasion. Violations of the PDPO can be either criminal or civil offenses. Between June and June 2004 the PCO investigated 1,172 complaints of suspected breaches of the ordinance and completed action on 984. The PCO found violations of the PDPO in 24 of these cases, with none resulting in prosecution. The remaining cases were resolved, rejected, or withdrawn after preliminary inquiries.

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Accusations of media self-censorship continued during the year. Most media outlets are owned by businesses with interests on the mainland, making them vulnerable to self-censorship. The Hong Kong Journalist Association's (HKJA) 2005 annual report noted that there "is a continued perception that some sections of the media are engaged in self-censorship." During the year the HKJA cited a May poll by the University of Hong Kong showing that respondents were evenly split as to whether the media practiced self-censorship.

In November two employees of the local daily newspaper Ming Pao were slightly injured by a small package bomb that was addressed to the paper's editor. An accompanying letter denounced the paper's executives for publishing an unspecified article. As of year-end, the perpetrator's identity and exact motivation remained a mystery.

In March, the private printing company that Falun Gong used to publish the Hong Kong edition of its Epoch Times newspaper refused to renew the group's contract, which expired May 13. Falun Gong alleged the contract was canceled because the company feared business reprisals from its mainland clients, some of who had connections to the PRC government. A Falun Gong spokesperson said the printing company considered the content of the paper "sensitive" and was afraid that continued printing would negatively affect its business. Falun Gong found another printer in late May, but said the company refused to sign a written contract--verbal orders are placed each day. They also said that at least 10 other printing companies had refused to print the paper.

In July a radio talk show host resigned his position, saying that he was denied a primetime slot because of his outspoken views. The same talk show host had previously resigned in 2004 for unexplained reasons, but later returned to his job and was given a Saturday evening time slot. This followed the resignation in 2004 of two other popular radio talk show hosts, who were known for their anti-government and anti-mainland rhetoric, due to alleged intimidation. The police investigated the allegations but determined there was not enough evidence to file charges.

Also in 2004 several journalist groups accused the ICAC of violating press freedom when it raided newspaper offices to seize evidence related to a corruption case. Although a legal challenge resulted in ICAC's search warrant being overturned, the courts ruled that ICAC had acted lawfully.

The editorial independence of the government-owned Radio Television Hong Kong (RTHK) was questioned during the year. The station discontinued live broadcasts of horse racing and a music award show following a suggestion by then-candidate for Chief Executive Donald Tsang in June that such programs were already being broadcast by commercial radio stations.

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

There were no restrictions on the use of the Internet.

The basic law provides for academic freedom, and the government generally respected that freedom in practice.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

Under the Public Order Ordinance, demonstration organizers must notify the police of their intention to demonstrate one week in advance. The police accept shorter notice if groups can satisfy the commissioner of police that earlier notice could not have been given for a march involving more than 30 persons and for an assembly of more than 50 persons. The police must explicitly object within 48 hours and, if there is no reply, it is assumed there is no objection. The ordinance also empowers police to object to demonstrations on national security grounds, although that portion of the law has never been invoked. If the police object, demonstration organizers may appeal to a statutory appeals board comprising members from different sectors of society. Both the board's proceedings and the police's exercise of power are subject to judicial review.

The Public Order Ordinance has been criticized by civil rights activists for giving the police too much power to restrict marches and protests. In July the Court of Final Appeal dismissed a challenge of the Public Order Ordinance by a legislator and two others who were arrested in 2002 for staging a protest without notifying the police. In upholding the convictions, the court ruled that the prior notification system was constitutional.

In practice the police rarely reject requests for public marches or protests, and rejected none during the year. There were 834 public meetings and processions in the first half of the year, roughly half of which required notification. Many of these demonstrations concerned Hong Kong related issues, but some also involved issues sensitive to the central authorities. For example on June 4 approximately 30 thousand persons attended the annual candlelight vigil to commemorate the anniversary of the 1989 massacre in Beijing's Tiananmen Square. On July 1, 15 thousand to 50 thousand persons marched through central Hong Kong in support of greater democracy, worker's rights, gay rights, and other social causes. On December 4, tens of thousands of persons marched in support of universal suffrage. Unlike demonstrations in the past, this protest seemed focused on demands for political reform, pressing for a timetable on the introduction of fully democratic elections for the post of chief executive and Legco. These events were legally sanctioned and peaceful, although some protesters scuffled with police during the December 4 march. The protestors alleged that the police tried to contain the rally by closing too few lanes of traffic. During the World Trade Organization (WTO) ministerial meeting in December, one thousand protesters, mostly from outside Hong Kong, clashed with police. The police responded with tear gas, pepper spray, and water cannons. While some groups alleged police brutality, most observers said the police responded appropriately.

Falun Gong practitioners regularly conducted public protests against the crackdown on fellow practitioners in the PRC. In May, the Court of Final Appeal overturned the convictions of eight Falun Gong practitioners who had been charged with obstructing and assaulting police officers during a sit-in protest in 2002. The ruling was viewed as an important affirmation of Hong Kong's fundamental freedom of assembly,

demonstration, and expression under the basic law.

Freedom of Association

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

c. Freedom of Religion

The basic law provides for freedom of religion, the Bill of Rights Ordinance prohibits religious discrimination, and the government generally respected these provisions in practice.

Societal Abuses and Discrimination

While Falun Gong practitioners freely and openly practiced their beliefs, they were routinely subjected to more subtle forms of discrimination. In September the Falun Gong's newspaper Epoch Times said an international hotel chain canceled its conference room booking due to a water leak. The newspaper had booked the room for a forum on the future of China. A Falun Gong spokesperson said that once it became widely known that the Falun Gong had sponsored the conference, a replacement facility could not be found. The group later held the forum in a public park. This is the second report in three years that an international hotel chain canceled a Falun Gong conference room booking.

Unlike previous years Falun Gong members were not denied entry into Hong Kong (see section 2.d.). Hong Kong's small Jewish community has excellent relations with the rest of society and there were no reports of anti-Semitic acts during the year.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

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. Most residents easily obtained travel documents from the SAR government. There were limits on travel to the mainland imposed by the PRC government.

The government does not recognize the Taiwan passport as valid for visa endorsement purposes.

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

The government continued to deny entry to persons it considered politically controversial. In January Taipei Mayor Ma Ying-jeou was unexpectedly denied a visa to attend a University of Hong Kong seminar on culture and city management. The government refused to give a reason for the denial. Most observers linked it to Ma's comments that the PRC's enactment of an antiseccession law was "unnecessary and unwise." Ma had previously visited Hong Kong in 1998 and 2001 and was received by the chief executive.

In December 2004 a New Zealand citizen and Falun Gong practitioner was denied entry to Hong Kong for unspecified reasons. The person was 1 of 16 Falun Gong members whose conviction for obstruction during a 2002 sit-in was overturned in November 2004.

Unlike in previous years, no Falun Gong members were denied entry. In 2004 the government barred 41 Falun Gong practitioners from entering the SAR for "security reasons," although approximately 350 practitioners were granted entry. Most of the practitioners were attempting to attend Falun Gong's annual conference, which attracted approximately seven hundred persons. Four of those denied entry filed a judicial review, which the Hong Kong branch of Falun Gong joined as a fifth applicant. As of year-end, the Court of Final Appeal had not yet issued a ruling in the case.

Also in 2004 the government denied a request to allow two 1989 Tiananmen Square student leaders to enter the SAR to participate in a conference focused on the Tiananmen Square massacre. Earlier in the year, other Tiananmen Square student leaders had been allowed to enter to engage in uncontroversial activities.

In the months leading up to the Sixth WTO Ministerial Conference in December, the government said it would not allow violent protesters to enter Hong Kong, although it denied having a blacklist. Apart from one French activist and three Filipino activists who were detained at the airport and eventually allowed to enter, there were no reports that immigration officials denied entry to demonstrators. To the contrary, media reports criticized the government for allowing entry to known activists.

PRC authorities do not permit some Hong Kong human rights activists and prodemocracy legislators to visit the mainland; however, this policy has been relaxed over the past two years. In April the PRC invited a group of moderate prodemocracy legislators, including two members of the Democratic Party who had previously been banned from traveling to the mainland, to Shenzhen to discuss with mainland officials the appropriate length of term for Tung Chee-hwa's replacement. In September the chief executive escorted 59 of 60 members of Legco, including some democrats who had been barred from the mainland since the 1989 Tiananmen Square crackdown, to Guangdong for a two-day trip to meet with provincial government and Chinese Communist Party (CCP) officials. In addition a handful of more moderate prodemocracy activists and legislators had their home return permits returned to them during the year.

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 eliminated its temporary protection policy. On a case-by-case basis, the director of immigration has discretion to grant refugee status or asylum in cases of exceptional humanitarian or compassionate need, but the Immigration Ordinance does not provide foreigners any right to have asylum claims recognized. The government practice is to refer refugee and asylum claimants to a lawyer or to the Office of the UN High Commissioner for Refugees (UNHCR). Those granted refugee status, as well as those awaiting UNHCR assessment of their status, receive a UNHCR subsistence allowance but are not allowed to seek employment or enroll their children in local schools. The UNHCR worked with potential host country representatives to resettle those few persons designated as refugees. Government policy is to repatriate all illegal immigrants, including those who arrive from the mainland, as promptly as possible. During the first half of the year, 1,683 illegal PRC immigrants were repatriated to the mainland.

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

The right of residents to peacefully change their government 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, or appointed). The basic law provides for the direct election of only 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 legislature, and two thirds of Hong Kong's NPC delegates is required to place an amendment of the basic law on the agenda of the NPC which, under the basic law, has the sole power to amend the basic law.

The basic law states that "the ultimate aim is the selection of the chief executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." Similarly, the basic law states that the "ultimate aim is the election of all the members of Legco by universal suffrage." However, in 2004 the NPC standing committee rejected universal suffrage in Hong Kong in the 2007 and 2008 elections.

The government is authorized to exercise a high degree of autonomy and to enjoy executive, legislative, and independent judicial power. It contains an executive branch staffed by a professional and independent civil service, and a two-tiered legislative branch consisting of the Legco and 18 district councils.

Elections and Political Participation

In March Chief Executive Tung Chee-hwa unexpectedly resigned citing health concerns. Tung's resignation sparked a debate over the appropriate length of term for his replacement under the basic law. In 2004 the Hong Kong government took the explicit position that the basic law stating that "the term of the chief executive of the Hong Kong SAR shall be five years," applied without exception to any chief executive. The government abruptly changed that position following Tung's resignation, holding that the legislative intent of the basic law was that a chief executive returned through a by-election should only serve out the remaining term of the outgoing chief executive. In explaining the change, Secretary for Justice Elsie Leung said that she had been persuaded by arguments put forth by mainland legal experts based on unpublished records from the committee that drafted the basic law. This decision was criticized by the Hong Kong Bar Association, the Legal Society, and prominent legal scholars in Hong Kong who argued that the basic law specifies only a five year term for a chief executive. After legislators raised the prospect of filing for judicial review by the Hong Kong courts, the government requested an interpretation by the NPC standing committee to clarify the issue. The Hong Kong government argued that there was no time for a lengthy judicial review given the constitutional requirement to elect a new chief executive within six months, and that clarity was required to avoid a constitutional crisis. In April the standing committee of the NPC issued an interpretation of the basic law stating that Tung's replacement should only serve the remaining two years of Tung's term. The interpretation, which was regarded by many as inconsistent with the basic law, raised questions about the central government's commitment to the rule of law in Hong Kong and respect for Hong Kong's high degree of autonomy.

In June after a 10-day campaign, former Chief Secretary Donald Tsang secured 710 of the 800 election committee nominating votes. This was enough to ensure that his two declared challengers, Democratic Party Chairman Lee Wing-tat and Independent legislator Chim Pui-cheng, could not obtain the 100 nominations required to contest the election. Tsang was sworn-in on June 24 in Beijing.

In April 2004 the NPC standing committee issued a self-initiated interpretation of the basic law, cutting short local debate and rejecting universal suffrage for Hong Kong in the 2007 and 2008 elections. The NPC also determined that the current 50-50 ratio for directly elected geographic seats and indirectly elected functional constituency seats in Legco must remain indefinitely in place. In addition the NPC narrowed the circumstances in which Legco members would be permitted to initiate legislation. The NPC decision left room for amendments to the election processes, albeit strictly within the limits dictated by the NPC standing committee. In October a task force on constitutional development issued a report outlining the government's plan for constitutional changes in the methods for selecting the chief executive and the Legco in 2007 and 2008. The plan called for an increase in the size of the chief executive election committee and the addition of five seats each to both the geographic and functional constituencies. In December the government failed to garner the two-thirds support in Legco necessary to pass the reform package. All "no" votes came from prodemocracy members, who decried the legislation's failure to introduce a timeline for the introduction of universal suffrage.

Legco members were elected in 2004 to four-year terms, and despite some minor problems, including an insufficient supply of ballot boxes and intimidation of voters and political commentators, the elections were considered free and fair. Prodemocracy candidates won 18 of the 30 directly elected geographic seats and 25 seats overall. There were 199,539 persons eligible to vote in the functional constituencies.

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 Legco from putting forward bills that affect public expenditure, political structure, or government operations. Bills that affect government policy cannot be introduced without the chief executive's written consent. The government has adopted a very broad definition of

"government policy" in order to block private member bills, and the president of Legco has upheld the government's position.

District councils are responsible for advising the government on matters affecting: (1) the well being of district residents; (2) the provision and use of public facilities; and (3) the use of public funds allocated for local public works and community activities. The District Council Ordinance gives the chief executive authority to appoint 102 out of 529 of the district councilors, and he exercises this power in practice.

Hong Kong sends 36 delegates to the PRC's National People's Congress. In 2002 Hong Kong's NPC delegates were elected to a 5-year term by an NPC-appointed committee of 955 residents. Politicians and human rights activists criticized the election process as undemocratic and lacking transparency. In 2004 two local NPC delegates won directly elected seats in the Legco. One NPC delegate lost his bid for a directly elected Legco seat.

Women held 11 of the 60 Legco seats and made up between 17 and 23 percent of membership in the major political parties. The president of the Legco was a woman, as were the heads of several government departments. More than one-third of civil servants were women, and 2 of the 15 most senior government officials were women.

There were no ethnic minorities in the Legco, but there were a number of ethnic minorities in senior civil service positions.

Government Corruption and Transparency

The government vigorously and with apparent success combated official corruption through the Prevention of Bribery Ordinance and the ICAC. There were only isolated reports of corruption during the year.

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

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 PRC also operated freely and maintained permanent resident status in Hong Kong, but overseas dissidents sometimes had difficulty gaining entry to the SAR.

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

The government was sharply criticized during the year for failing to adequately address the growing problem of domestic violence. Local public health officials remained concerned about violence against women, particularly among new immigrants from the mainland. 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. During the first half of the year, there were 1,620 cases of domestic violence reported to the social welfare department, which receives reports from the police, social workers, the health department, and volunteer organizations.

In October the executive director of Harmony House, an NGO that provides services to victims of domestic violence, said that between April and April 2004, 263 women were admitted to shelters to escape domestic violence--the highest figure in five years. In July a University of Hong Kong survey found that one in five families had experienced some form of domestic violence. Figures from the social welfare department, however, showed that only 622 child-abuse cases and 3,371 cases of spousal abuse were reported in 2004. The survey found that most victims endured years of abuse before seeking help. A study released by the Family Crisis Support Center in 2004 showed that many women were reluctant to report cases of domestic violence, with 1 in 6 victims waiting as long as 10 years before reporting an attack.

In 2004 a mother and her two daughters were killed in an act of domestic violence hours after unsuccessfully seeking help at a police station. The mother had previously sought help from government social workers. In September a coroner's inquest into that murder recommended sweeping changes to existing guidelines to combat domestic violence. The police department said it had already implemented some of the recommendations and would study the others. The social welfare department announced a "zero tolerance policy" toward domestic violence and said it was examining ways to strengthen the Domestic Violence Ordinance. NGOs said there was an urgent need to amend the law to make domestic violence a crime directly under the Domestic Violence Ordinance. The legislator representing the social welfare sector accused the government of doing too little to fight domestic violence.

In October the chief executive announced several new measures to assist domestic violence victims and to provide counseling to offenders. The government also funded programs such as family life education counseling, a hot line service, temporary housing, legal aid, and child protective services. It also sponsored public education and media programs through the women's commission to promote public awareness of domestic violence and encouraged women to seek early professional assistance.

There were 45 cases of rape reported to the police during the first half of the year. The 2002 Statute Law (Miscellaneous Provisions) Bill criminalizes marital rape. In 2003 the legislature passed an amendment to the Crimes Ordinance expressly clarifying that the term "unlawful sexual intercourse" could be applied both outside and inside the bounds of marriage. During the first half of the year, 559 indecent assault cases were reported to the police.

Prostitution is legal, but there are laws against activities such as causing or procuring another to be a prostitute, living on the prostitution of others, or keeping a vice establishment. Hong Kong is a transit and destination point for persons trafficked for the purposes of sexual exploitation (see section 5, Trafficking.).

The Sex Discrimination Ordinance prohibits sexual harassment of women seeking employment or already working in an organization. The EOC reported 37 sexual harassment complaints in the first half of the year. In 2004 the government extended the definition of sexual harassment in schools to cover conduct not specifically directed at a person, such as chanting obscene slogans or displaying posters with sexual content. The change closed a loophole that allowed behavior in schools that was banned in the workplace.

Women faced discrimination in employment, salary, welfare, inheritance, and promotion. A survey released in 2004 found that nearly 80 percent of women workers believed they were the victims of discrimination.

The percentage of women employed in professional fields, including sciences and engineering, law, teaching, accounting, social sciences, health, and medicine, declined slightly during the year. As of June, 33.5 percent of professionals employed in these fields were women, versus 35.1 percent in June 2004. Approximately 21 percent of judicial officers and judges were women. In the Legco, women held 11 of the 60 seats. According to a survey released in 2004, approximately three-quarters of private companies had women in senior management positions, and women occupied more than a quarter of senior management posts. Women were still disproportionately represented in the lower echelons of the work force.

The law treats men and women equally in terms of property rights in divorce settlements and in inheritance matters, although women still faced discrimination based on traditional practices, such as in the inheritance of homes in rural areas of the New Territories.

Children

The government supported children's rights and welfare through well-funded systems of public education, medical care, and protective services. The Education Department provided schooling for children between 6 and 15 years of age and placement services for non-Chinese speaking children. Education is free and compulsory through grade nine. Nearly 100 percent of school-aged children attended school, and boys and girls attended in equal proportions. The government supported programs for custody, protection, day care, foster care, shelters, small group homes, and assistance to families.

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.

During the first half of the year, there were 586 child abuse cases reported to the police: 222 involved physical abuses (referring to victims less than 14 years of age) and 364 involved sexual abuses (referring to victims less than 17 years of age). Between April and April 2004, 263 women and 250 children were admitted to shelters to escape domestic violence. In July a University of Hong Kong survey found that almost one in three children had been abused.

The government provided parent education programs in all 50 of the department of health's maternal and child health centers, which included instruction on child abuse prevention. It also provided public education programs to raise awareness of child abuse, and to 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 department also commissioned research on domestic violence, including child abuse. The police maintained a child abuse investigation unit and a child witness support program. A child care center law helps prevent unsuitable persons from providing childcare services and facilitates the formation of mutual help childcare groups.

In 2003 the government enacted the Prevention of Child Pornography Ordinance, which criminalizes the making, production, distribution, publication, advertising, and possession of child pornography. It also prohibits the procurement of children for making pornography, extends the application of certain sexual offense provisions to acts committed against children outside of Hong Kong, and prohibits any arrangement or advertising relating to commission of those acts. The law carries a penalty of up to five years imprisonment and a fine of up to \$128,500 (HK\$1 million) for possession of child pornography. In 2004 police used the new law to conduct a sweep of child pornography Web sites, in co-operation with enforcement agencies in other countries. Police arrested 18 persons locally and closed down an overseas Web site. As of year-end, at least 12 of those arrested had been convicted.

In September at a hearing in Geneva the UN Committee on the Rights of the Child (UNCRC) criticized Hong Kong's implementation of the UN treaty on children's rights. Hong Kong is required to implement the treaty as a dependent territory of China. The committee outlined a number of problem areas, including the persistence of corporal punishment, a lack of measures to prevent sexual exploitation and trafficking, a lack of measures to combat child poverty, the low age of criminal responsibility, and discrimination against undocumented migrant children. The committee recommended that the government: create a single unified law or policy pertaining to children; establish a body representing children's views; ban corporal punishment; establish a poverty line; abolish life sentences for minors; and increase funding for child welfare programs. The government said it would consider the committee's recommendations, but rejected the call for a single comprehensive policy or law concerning children. The government continued to stress this was not necessary as there were no serious problems with the existing arrangements. However, the government was reviewing the Domestic Violence Ordinance to determine if there were provisions of the law pertaining to children that could be strengthened. During the UNCRC hearing, the government also pledged to prepare Hong Kong for

application of the optional protocol on the sale of children, child prostitution, and child pornography.

The government provided subsidized, quality medical care for all children who were residents.

In 2003 legislation raised the age of criminal responsibility for children from 7 to 10 years. During the first half of the year, there were 70 youths under the age of 16 who were incarcerated: 17 in prison; 10 in training centers; 13 in detention centers; and 30 in rehabilitation centers.

Trafficking in Persons

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

Nearly all foreign prostitutes 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 were coming to Hong Kong to work as homosexual prostitutes. While many came on their own, some were lured to the SAR by criminal syndicates and promises of financial rewards. Prostitutes were typically required to repay the syndicates the cost of their airfare, lodging, and food. Some were forced to stay in Hong Kong longer than they anticipated, or work more than they expected, to repay their debts. Prostitutes were sometimes required to give their passports to the syndicates until the debt was paid. When their visas expired, many would travel to Macau or Shenzhen for a day, and then re-enter Hong Kong. Immigration officials were well aware of this practice and would deny re-entry if they suspected such abuse. Despite the involvement of syndicates in bringing prostitutes to Hong Kong, very few women were lured to the SAR with false promises of legitimate employment and then forced, or coerced, to work as prostitutes.

Traffickers have used forged or illegally obtained travel documents to attempt to smuggle persons through the Hong Kong airport. In 2004 the immigration department established the Anti-Illegal Migration Agency to target human smugglers and other travelers using fraudulent documents. The agency had 60 officers stationed at the Hong Kong International Airport. The number of fraudulent documents seized at the airport declined sharply during the first half of the year due to the presence of these officers. Authorities apprehended 834 persons with forged travel documents in the first half of the year, versus 1,288 during the same period in 2004.

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

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

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

Persons with Disabilities

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

The government offered an integrated work program in sheltered workshops and provided vocational assessment and training. No comprehensive statistics were available on the number of persons with disabilities in the work force, but the last government survey conducted in 2000 estimated that there were approximately 269,500 persons with one or more disabilities, including 225,600 persons with physical disabilities and 52,700 with mental disabilities. According to the survey, of the 269,500 persons with disabilities, 52,500 were employed and 59,700 were considered "economically active," including small business owners and street vendors. However, a consortium of organizations representing persons with disabilities reported in 2002 that approximately 700 thousand residents were disabled, approximately half of whom were able to work. As of March there were 3,241 persons with disabilities employed as civil servants out of a total civil service work force of 158,737. During the first half of the year, the Labor Department's Selective Placement Division found jobs for 1,223 of 2,161 disabled job seekers. Out of 820 thousand students, approximately 10,400 were disabled (1.3 percent); approximately 38 percent of these students studied at mainstream schools.

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

Section 6 Worker Rights

a. The Right of Association

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

During the first half of the year, 9 new unions were registered, while 1 was deregistered; there were 712 registered trade unions. At the end of 2004, 21.04 percent of the 3,130,000 salaried employees and wage earners belonged to a labor organization.

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

b. The Right to Organize and Bargain Collectively

The 1997 Employment and Labor Relations (Miscellaneous Amendments) Ordinance removes the legal stipulation of trade unions' right to engage employers in collective bargaining. The ordinance bans the use of union funds for political purposes, requires the chief executive's approval before unions can contribute funds to any trade union outside of the SAR, and restricts the appointment of persons from outside the enterprise or sector to union executive committees. In a few trades such as tailoring and carpentry, wage rates were determined collectively in accordance with established trade practices and customs rather than a statutory mechanism, but collective bargaining was not practiced widely. Unions were not powerful enough to force management to engage in collective bargaining. The government did not engage in collective bargaining with civil servants' unions.

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

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

There were two labor stoppages by public employees during the year. Both were strikes by swimming pool lifeguards concerned about staff and pay cuts.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

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

d. Prohibition of Child Labor and Minimum Age for Employment

The Employment of Children Regulations 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 9 years of education and protection of their safety, health, and welfare. The Labor Department conducted regular workplace inspections to enforce compliance with the regulations. During the first half of the year, the Labor Department conducted 66,239 inspections and discovered 1 violation of the Employment of Children Regulations. The case involved an advertising company that failed to provide valid school attendance certificates for three child entertainers. The company received a written warning. The regulations limit work hours in the manufacturing sector for persons 15 to 17 years of age to 8 hours per day and 48 hours per week between 7 a.m. and 7 p.m. They also prohibit, for persons less than 18 years of age, overtime in industrial establishments with employment in dangerous trades.

e. Acceptable Conditions of Work

There is no statutory minimum wage except for domestic workers of foreign origin. Aside from a small number of trades where a uniform wage structure exists, wage levels customarily are fixed by individual agreement between employer and employee and are determined by supply and demand. Some employers provided workers with various kinds of allowances, free medical treatment, and free subsidized transport. The average wage 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. In October the chief executive for the first time acknowledged the need to study the issue of a minimum wage and limits on working hours.

The minimum wage for foreign domestic workers was approximately \$426 per month (HK\$3,320). 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. During the first half of the year, four employers were prosecuted and fined for labor law violations relating to the employment of foreign domestic workers. During the first half of the year 39 foreign domestic workers filed criminal suits against their employers for maltreatment.

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

The Factories and Industrial Undertakings Ordinance, the Occupational Safety and Health Ordinance, the Boilers and Pressure Vessels Ordinance, and their 35 sets of subsidiary regulations regulate safety and health conditions. During the first half of the year, the Labor Department conducted 61,985 inspections of workplaces and issued 731 summonses, resulting in a total of \$771,874 (HK\$6,020,617) in fines. Worker safety and health has improved over the years, but serious problems remained, particularly in the construction industry. During the first half of the year, there were 20,467 occupational injuries, of which 7,838 were classified as industrial accidents. There were nine 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.

In 2001 the SAR government was criticized by the UN Committee on Economic, Social, and Cultural Rights for failure to establish regulations on a statutory minimum wage, maximum working hours, paid weekly rest, rest breaks, compulsory overtime, and protection against unfair dismissal. In December 2004 the government referred the issue of a minimum wage and maximum working hours to the labor advisory board. As of year-end the board was still considering the issue. Moreover, there was no broad consensus in the community on these issues, which were debated by legislators, academics, and the public. Nevertheless, the Labor Department actively sought to improve working conditions by encouraging consultations, meetings, and seminars with industry-based committees comprising representatives of government, employers' associations, and trade unions. Such committees included the tripartite committee for the cargo transport industry and the committee for the property management industry.

MACAU

Macau 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. Macau's population is approximately 450 thousand, and its citizens have basic freedoms and enjoy legally protected rights. The SAR constitution, also called the basic law, was promulgated by the PRC's National People's Congress (NPC) in 1993. The government is led by a chief executive, chosen by a 300-member election committee, which in turn is chosen by a preparatory committee composed of 60 SAR and 40 mainland representatives appointed by the NPC. In September voters elected 12 of the legislature's 29 members in direct elections based on geographical constituencies. Interest groups in functional constituencies elected 10 others, and the chief executive appointed the remaining 7 members. The basic law does not posit the election of all members of the legislature by universal suffrage as an ultimate aim. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights abuses were reported:

- Limits on citizens' ability to change their government

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 deprivation of life.

Unlike the previous year, there were no reports of suspicious deaths in custody. In 2004 the public prosecutions office filed a criminal investigation concerning one of the judiciary police officers involved in the 2002 death of a prisoner in custody. An investigation into the conduct of a second officer was ongoing at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and the government generally respected these provisions in practice. During the year, there were 18 reports of police brutality, compared with 21 reports for the same period in 2004.

Prison and Detention Center Conditions

Prison conditions met international standards, and the government permitted visits by independent human rights observers.

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, specifically the secretary for security, supervised and controlled the police. The Public Security Police were well disciplined. The Commission Against Corruption acted to preclude problems with corruption.

Arrest and Detention

Police must present persons remanded in custody to an examining judge within 48 hours of detention. The examining judge, who conducts a pretrial inquiry in criminal cases, has a wide range of powers to collect evidence, order or dismiss indictments, and determine whether to release detained persons. The accused person's counsel may examine the evidence. The law provides that cases must come to trial within six months of an indictment. The estimated average length of pretrial incarceration was three to six months. Judges often refused bail in cases where sentences could exceed three years.

There were no reports of political detainees.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice. There are four courts: the primary court, with general jurisdiction of first instance; the administrative court, with jurisdiction of first instance in administrative disputes; the court of second instance; and the court of final appeal. The courts have the power of final adjudication in all cases that are within the authority of the SAR. The courts also may rule on matters that are "the responsibility of the Central People's Government or concern the relationship between the central authorities and the [Special Administrative] Region." However, before making their final judgment (a judgment not subject to appeal), the courts must seek an interpretation of the relevant provisions from the NPC's Standing Committee. When the Standing Committee makes an interpretation of the provisions concerned, the courts, in applying those provisions, "shall follow the interpretation of the Standing Committee." The Standing Committee must consult the NPC's Committee for the Basic Law of the SAR before giving an interpretation of the law. This committee is composed of 10 members, 5 from the SAR and 5 from the mainland. The chief executive, the president of the Macau SAR Legislative Assembly, and the president of the court of final appeal nominates the SAR members.

The basic law provides for the use of Portuguese, in addition to Chinese, as an official language used by executive authorities, the legislature, and the judiciary. The need to translate laws and judgments from Portuguese and a severe shortage of local bilingual lawyers and magistrates hampered development of the legal system. At year's end there were 105 lawyers in private practice in the SAR: 14 spoke Mandarin and Cantonese and 27 spoke only Cantonese. The government sponsored a postgraduate training program for magistrates who had received legal training outside of the SAR. The judiciary was relatively inexperienced and lacked locally trained lawyers.

According to the basic law, the chief executive appoints judges at all levels, acting on the recommendation of an independent commission, which he appoints. The commission is composed of local judges, lawyers, and "eminent persons." The basic law stipulates that judges must be chosen on the basis of their professional qualifications. Judges may be removed only for criminal acts or an inability to discharge their functions. With the exception of the chief justice, who must be a Chinese citizen with no right of abode elsewhere, foreigners are permitted to serve as judges under the basic law.

Trial Procedures

The law provides for the right to a fair trial, and the judiciary generally enforced this right. By law trials are open to the public, except when publicity could cause great harm to the dignity of the persons, to public morals, or to the normal development of the trial. The law provides for an accused person's right to be present during proceedings and to choose an attorney or request that one be provided at government expense. The Organized Crime Ordinance provides that "certain procedural acts may be held without publicity and witness statements read in court are admissible as evidence." There also are additional restrictions on granting bail and suspended sentences in organized crime cases. Defendants enjoy a presumption of innocence, have access to government-held evidence relevant to their cases, and have a right of appeal.

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 sometimes passed between filing a civil case and its scheduled hearing.

A public prosecutor general heads the Public Prosecutions Office. It enjoys substantial autonomy from both the executive and the judiciary. The basic law stipulates that the Public Prosecutions Office's functions be carried out without government interference, and the government respected the law in practice.

Political Prisoners

There were no reports of political prisoners.

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom and the Internet.

The dominant newspapers, mainly Chinese-language, supported PRC government positions in their editorial line. The Union for Democracy Development Macau (UDDM), a nongovernmental organization (NGO) headed by prodemocracy legislators, charged that newspapers did not give equal attention to liberal and prodemocracy voices. In February the chief editor of Open Magazine—which is openly critical of the mainland Chinese government—was refused entry to Macau "based on Macau Special Administrative Region internal security guidelines," according to a letter from the government. Although the editor had been barred from the mainland for a number of years, this was the first time he was barred from Macau. In response to a letter of concern from a Hong Kong legislator, the chief executive's office replied that it was concerned about the case and investigating it.

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

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

Societal Abuses and Discrimination

There were no reports of anti-Semitic acts during the year, and the size of Macau's Jewish population remains extremely small.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

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

The internal security legal framework allows the government to refuse entry or expel any nonresident considered inadmissible or constituting a threat to internal security, or suspected of having a relationship with transnational crime or terrorism. During the first half of the year, no person was refused entry based on suspicion of having a connection to terrorism or transnational crime; however, 12 persons were refused entry for internal security reasons, primarily for violations of immigration law.

During the first half of the year, 214 illegal migrants and 3,757 overstayers were returned to the mainland.

In January Macau immigration officials refused entry to a Hong Kong resident who was a spokesperson for the Falun Gong. The spokesperson said she had entered Macau many times without incident. This denial of entry occurred during a period of heightened security on the mainland, just three days after the death of former Communist Party Chairman Zhao Ziyang in Beijing.

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

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. In practice the government granted refugee status or asylum and provided protection against refoulement, the return of persons to a country where they feared prosecution. The Migration Department cooperated with the UN High Commissioner for Refugees in handling refugees. As of October, there were no refugee cases.

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

The basic law restricts citizens' ability to change their government. The government is led by a chief executive, chosen by a 300-member

election committee, which in turn is chosen by a 100-member preparatory committee, composed of 60 SAR and 40 mainland representatives appointed by the NPC.

Elections and Political Participation

In 2004 Chief Executive Edmund Ho was re-elected to a second five-year term.

In September the SAR's democratic development was enhanced when a record 58 percent of registered voters participated in Macau's third legislative elections. As required by the basic law, two directly-elected seats were added to the legislature during the elections. Voters directly elected 12 of the 29 legislators (versus 10 of the 27 in 2001) from geographic constituencies. Local community interests, such as business, labor, professional, welfare, cultural, educational, and sports associations, indirectly elected 10 members, and the chief executive appointed 7 members.

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

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

There were six women in the 29-member assembly, including the president of the assembly. Women also held a number of senior positions throughout the government. There were three ethnic minorities in the 29-member assembly. One member of the executive council was also an ethnic minority, as was the police commissioner.

Government Corruption and Transparency

The Commission Against Corruption (CAC) investigates public-sector corruption and has the power to arrest and detain suspects. In the first half of the year, the CAC received 602 complaints against public officials in a variety of agencies. The CAC pursued 229 of these complaints, of which 100 were criminal cases and 129 were administrative cases. The CAC transferred 11 cases to the Public Prosecutions Office. A monitoring body established to review complaints of maladministration or abuse by the CAC received no complaints during the same period.

The law does not provide for public access to government information. However, the executive branch published online, in both Chinese and Portuguese, an extensive amount of information including laws, regulations, ordinances, government policies and procedures, and biographies of government officials. The government also issued a daily press release on topics of public concern. 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 human rights groups 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 basic law stipulates that residents shall be free from discrimination, irrespective of their nationality, descent, race, sex, language, religion, political persuasion, ideological belief, educational level, economic status, or social condition, and the government effectively enforced the law. In addition many local laws carry specific prohibitions against discrimination. For example, under the law that established the general framework for the educational system, access to education was stipulated for all residents regardless of race, religious belief, or political or ideological convictions.

Women

The government effectively enforced criminal statutes prohibiting domestic violence and prosecuted violators. Domestic violence is punishable by 1 to 15 years in prison. In the case of spousal abuse and violence against minors, the penalty is 2 to 8 years' imprisonment, and 5 to 15 years if the abuse leads to the death of the victim.

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

Private and religious groups sponsored programs for victims of domestic violence, and the government supported and helped to fund these organizations and programs. The Bureau for Family Action, a government organization subordinate to the Department of Family and Community of the Social Welfare Institute, helped female victims of domestic violence by providing a safe place for them and their children and furnishing advice regarding legal actions against the perpetrators. A family counseling service was available to persons who requested such services at social centers. Two government-supported religious programs also offered rehabilitation programs for female victims of violence. In the first half of the year, 112 cases of spousal abuse and 51 cases of family violence were reported to the Social Welfare Institute. The law on rape covers spousal rape. In the first half of the year, there were 10 reported rapes.

Prostitution is legal, but procuring is not. Trafficking in persons also is illegal; however, there were 10 suspected cases of trafficking in women for the purposes of prostitution (see section 5, Trafficking).

There is no law specifically addressing sexual harassment, although there is a law prohibiting harassment in general. Sexual harassment was not considered to be a major problem.

Equal opportunity legislation applicable to all public and private organizations mandates that women receive equal pay for equal work, prohibits discrimination based on sex or physical ability, and establishes penalties for employers who violate these guidelines. The law allows for civil suits, but few women took their cases to the Labor Affairs Bureau or other entities. There were no cases alleging sexual discrimination during the first half of the year.

Women also have become more active and visible in business. However, wage discrimination occurred in certain sectors of the job market, notably construction.

Children

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

School attendance is compulsory for all children between ages 5 and 15. Basic education was provided in government-run schools and subsidized private schools, and it covered the preprimary year, primary education, and general secondary school education. The Education Department provided assistance to families that could not pay school fees. The children of illegal immigrants were excluded from the educational system. Experts believed this exclusion affected only a few children. Boys and girls attended school in equal proportions, and the government provided free medical care for all children. Child abuse and exploitation were not widespread problems. In the first half of the year, 87 cases of child abuse were reported to the police. During the same period, the government received three reports of rape of minors and nine reports of sexual abuse of minors.

Trafficking in Persons

The law makes trafficking in persons a crime punishable by two to eight years in prison. The law increases this penalty by one-third (within minimum and maximum limits) if the victim is under 18 years of age. If the victim is under 14 years of age, the penalty is increased by 5 to 15 years. If the trafficker rapes the victim, the two offenses are treated as different crimes. While prostitution is not illegal, 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.

From January to November, the SAR investigated 42 cases of procurement. While most of these cases involved women who were believed to be willing participants in the sex industry, 10 women claimed to have been brought to the SAR under false pretenses and 3 complained of abuse. SAR authorities believed that Chinese, Russian, and Thai criminal syndicates were involved in bringing women to the SAR for the purposes of prostitution. Prostitutes were primarily from mainland China, Russia, Eastern Europe, Vietnam, and Thailand.

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

Persons with Disabilities

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

The Social Welfare Institute provided financial and rehabilitation assistance to persons with disabilities, and it helped fund 24 rehabilitation facilities and 12 rehabilitation associations. These services included day centers, preschool training and education centers, vocational training and employment centers, and rehabilitation bus service. Other special programs helped persons with physical and mental disabilities gain better access to employment, education, and public facilities. For facilities that received financial support, approximately 80 percent of their income came from the government. In 2004 the government provided approximately \$3.3 million (25.4 million patacas) in subsidies to such facilities and programs. During the year, 37 NGOs provided services for persons with disabilities and received regular assistance from the Social Welfare Institute and subsidies from other governmental departments. During the 2004-05 school year, 13 schools had programs for persons with disabilities and provided special education programs for 757 students with disabilities.

The law mandates accessibility for persons with reduced mobility to public administration buildings, buildings open to the public, collective dwellings, and pavements. The government's social security fund may grant subsidies for the elimination of architectural barriers to facilitate access by persons with a physical or behavioral disability. Many sidewalks and public buildings have been modified to comply with the law.

National/Racial/Ethnic Minorities

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

of Chinese in the civil service has grown in recent years.

Section 6 Worker Rights

a. The Right of Association

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

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

b. The Right to Organize and Bargain Collectively

The law provides that agreements concluded between employers and workers shall be valid, but there is no specific statutory protection that provides for the right to collective bargaining; however, the government did not impede or discourage collective bargaining. Market forces determined wages. Unions tended to resemble local traditional neighborhood associations, promoting social and cultural activities rather than workplace issues. Local customs normally favored employment without the benefit of written labor contracts, except in the case of migrant labor from the mainland and the Philippines. Pro-PRC unions traditionally have not attempted to engage in collective bargaining.

There is no specific protection in local law from retribution if workers exercise their right to strike. The government argued that striking employees are protected from retaliation by labor law provisions, which require an employer to have "justified cause" to dismiss an employee; the government generally enforced 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. There were no reports of labor protests, strikes, or work stoppages during the year.

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

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

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits minors under the age of 16 from working, although minors between the ages of 14 and 16 can be authorized to work on an "exceptional basis." Some children reportedly worked in family-run businesses and on fishing vessels, usually during summer and winter vacations. Local laws do not establish specific regulations governing the number of hours these children can work, but International Labor Organization conventions were applied. The Labor Department enforced the law through periodic and targeted inspections, and violators were prosecuted. In July, the Labor Department Inspectorate conducted a special inspection specifically aimed at enforcing child labor laws. During this inspection, 476 companies were visited, 17 of which were found to have violated child labor laws by employing 29 minors aged 14 to 16.

e. Acceptable Conditions of Work

Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements, but there was no mandatory minimum wage. Average wages provided a decent standard of living for a worker and family.

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

The Labor Department enforced occupational safety and health regulations, and failure to correct infractions could lead to prosecution. During the first half of the year, the Labor Department inspectorate conducted 1,745 inspections and uncovered 1,826 violations carrying fines totaling \$62,640 (494,856 million patacas). There were five work related deaths during the first half of the year. Although the law includes a requirement that employers provide a safe working environment, no explicit provisions protected employees' right to continued employment if they refused to work under dangerous conditions.

Migrant workers, primarily from the PRC, made up approximately 8.4 percent of the work force. They often received less than local residents

for performing the same job, lived in controlled dormitories, worked 10 to 12 hours per day, and owed large sums of money to labor-importing companies for purchasing their jobs. They had no collective bargaining rights and no legal recourse in the case of unfair dismissal.

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