



China (includes Tibet, Hong Kong, and Macau)

Country Reports on Human Rights Practices - [2007](#)

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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 25-member political bureau (Politburo) of the CCP and its nine-member standing committee. Hu Jintao holds the three most powerful positions as CCP general secretary, president, and chairman of the Central Military Commission. 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 controls were tightened in some areas, such as religious freedom in Tibetan areas and in the Xinjiang Uighur Autonomous Region (XUAR); freedom of speech and the media, including the Internet; and the treatment of petitioners in Beijing. As in previous years, citizens did not have the right to change their government. The government tightened restrictions on freedom of speech and the press, particularly in anticipation of and during sensitive events, including increased efforts to control and censor the Internet. Nongovernmental organizations (NGOs), both local and international, continued to face intense scrutiny and restrictions. The government continued its severe cultural and religious repression of minorities, with some tightening of control in the XUAR, and an increased level of religious repression in Tibetan areas. The government stepped up efforts to rid Beijing of petitioners seeking redress for various grievances. Other serious human rights abuses included extrajudicial killings, torture and coerced confessions of prisoners, and the use of forced labor, including prison labor. The government continued to monitor, harass, detain, arrest, and imprison journalists, writers, activists, and defense lawyers and their families, many of whom were seeking to exercise their rights under law. The party and state exercised strict political control of courts and judges, conducted closed trials and carried out administrative detention. Executions often took place on the day of conviction or immediately after the denial of an appeal. A lack of due process and restrictions on lawyers further limited progress toward rule of law. Individuals and groups, especially those deemed politically sensitive by the government, continued to face tight restrictions on their freedom to assemble, their freedom to practice religion, and their freedom to travel. The government continued its coercive birth limitation policy, in some cases resulting in forced abortion and sterilization.

The government failed to protect refugees adequately, and the forced repatriation of North Koreans continued to be a grave problem. Serious social conditions that affected human rights included endemic corruption, trafficking in persons, and discrimination against women, minorities, and persons with disabilities. In the XUAR, trials of Uighurs charged with separatism continued.

The government pursued some important criminal and judicial reforms. In January the country's highest court, the Supreme People's Court (SPC), reassumed the death penalty review power from provincial courts in cases handed down for immediate execution, a power that had devolved to provincial high courts in 1980. Also in January the government implemented temporary rules for foreign journalists, which eliminated the requirement for journalists to seek approval from authorities before conducting interviews. The Foreign Correspondents Club of China (FCCC) reported that although the regulations improved overall reporting conditions for foreign journalists, problems with enforcement of the regulations remained a challenge, and there were over 180 reports of interference, some of which included plainclothes thugs intimidating or physically assaulting foreign journalists.

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 the government and its agents reportedly committed arbitrary or unlawful killings. No official statistics on

deaths in custody were available. On January 5, 18 persons were killed and 17 were arrested during a raid at a location in the XUAR that Chinese officials called a terrorist training base. On February 27, Xu Hongmei and Shen Zili, two women who were arrested in January for Falun Gong activities, died after they were reportedly tortured by security forces. On March 22, local procuracy officials detained a Guilin judge, Li Chaoyang, on bribery allegations. After family members learned that Li was dead, they examined the body and found that Li was missing several teeth and had a stitched-up face wound. On May 28, local procuracy officials detained Lianyungang City electric utility official Liang Xuping, and Liang subsequently died. Liang's body was bruised, but officials claimed Liang died of a heart attack.

There were no developments in the investigation of the 2006 shooting of Tibetan nun Kelsang Namtso, who was shot and killed when People's Armed Police at the Nangpa La pass fired at a group of approximately 70 Tibetans, or the 2005 police killing of at least three protesters in Dongzhou Village, Guangdong Province.

Trials involving capital offenses sometimes took place under circumstances involving severe lack of due process and with no meaningful appeal. Some executions took place on the day of conviction or failed appeal. Executions of Uighurs whom authorities accused of separatism, but which some observers claimed were politically motivated, were reported. On February 8, authorities executed Ismail Samed, an ethnic Uighur from the XUAR, following 2005 convictions for "attempting to split the motherland" and other counts related to possession of firearms and explosives.

b. Disappearance

Human rights defender Gao Zhisheng, who was detained and questioned several times over the past two years, was last seen September 22 in the presence of municipal security officials at his Beijing home. Gao wrote a letter addressing human rights in China to a foreign government, which became public in the days preceding his disappearance. In September a group of 21 farmers reportedly disappeared in Beijing after traveling from Chengdu to petition the government in a land compensation case. Tibetan Web master Tsewangnorbu has been missing since Gansu province security authorities shut down his Web site in 2005.

At year's end the government still had not provided a comprehensive, credible accounting of all those killed, missing, or detained in connection with the violent suppression of the 1989 Tiananmen demonstrations.

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

The law forbids prison guards from extracting confessions by torture, insulting prisoners' dignity, and beating or encouraging others to beat prisoners. However, in November 2006 the Supreme People's Procuratorate (SPP) Deputy Secretary Wang Zhenchuan acknowledged that illegal interrogation by "atrocious torture" existed in local judicial practice throughout China and that almost all mishandled criminal cases in the previous year involved the "shadow of illegal interrogation." Wang estimated that at least 30 wrongful convictions were issued each year because of torture. In addition there continued to be frequent reports that police and other elements of the security apparatus employed widespread torture and degrading treatment when dealing with some detainees and prisoners.

During the year there were reports that officials used electric shocks, beatings, shackles, and other forms of abuse. In February and March legal advisor and rights activist Guo Feixiong (also known as Yang Maodong) reportedly suffered repeated torture, including electric shocks and being tied to a "tiger bench" for four hours. When on a "tiger bench" the victim reportedly sits on a bench with legs tied stretched out straight on the bench and hands tied behind a vertical back support. Bricks or other hard objects are then pushed under the victim's legs or feet, causing the legs to bend upwards, sometimes until they break. The abuse reportedly drove Guo to attempt suicide. In June Guo Feixiong's wife reportedly sent an open letter to UN Special Rapporteur on Torture Manfred Nowak detailing her husband's abuse in prison, which included beatings with electric police batons when Guo refused to make a confession. On September 29, rights defender Li Heping reportedly was detained for six hours by plainclothes assailants who beat and tortured him with cattle prods before releasing him. In October a recently released cellmate of land activist Yang Chunlin reported that Yang was tortured in prison, including having his legs and arms stretched and chained to four corners of an iron bed for days.

In June 2006 authorities detained and beat Alim and Ablikim, the sons of prominent Uighur human rights activist Rebiya Kadeer, and Alim reportedly confessed to the charges against him after being tortured by security officials. In 2006 Beijing-based petitioner leader Ye Guozhu reportedly was tortured and abused in prison, including beatings with electric batons, suspension from the ceiling by his arms, and shackled and forced to sit in extreme positions for extended periods of time. In June the Guangzhou Intermediate Court convicted a police officer of beating to death a fraud suspect, Wang Weiqing, in 2002. Prosecutors determined that 40 officers in the local public security bureau (PSB) conspired to conceal the beating. Many alleged acts of torture occurred in pretrial criminal detention centers or reeducation-through-labor centers.

In March 2006 UN Special Rapporteur Nowak reaffirmed earlier findings that torture, although on a decline--particularly in urban areas--remained widespread, and that procedural and substantive measures were inadequate to prevent torture. Nowak reported that beatings with fists, sticks, and electric batons continued to be the most common forms of torture. He also found that prisoners continued to suffer cigarette burns, prolonged periods of solitary confinement, and submersion in water or sewage, and that they were made to hold extreme positions for long periods, were denied medical treatment, and

were forced to do hard labor. Death row inmates were shackled or handcuffed 24 hours per day and systematically abused to break their will and force confessions. According to Nowak, officials specifically targeted for abuse house church groups, Falun Gong adherents, Tibetans, and Uighur prisoners. Nowak reported that Falun Gong practitioners accounted for 66 percent of victims of alleged torture while in government custody. Since the crackdown on Falun Gong began in 1999, estimates of the number of Falun Gong adherents who died in custody due to torture, abuse, and neglect ranged from several hundred to a few thousand.

Sexual and physical abuse and extortion occurred in some detention centers. Falun Gong activists reported that police raped female practitioners, including in 2005 at the Dongchengfang police station in Tunzhou City, Hebei Province, where two women were allegedly raped while in detention.

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. Persons committed to these institutions had no mechanism for objecting to public security officials' determinations of mental illness. 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 to an anfang facility were not clear. Political activists, underground religious believers, persons who repeatedly petitioned the government, members of the banned China Democratic Party (CDP), and Falun Gong adherents reportedly were incarcerated in such facilities during the year. Activists sentenced to administrative detention also reported they were strapped to beds or other devices for days at a time, beaten, forcibly injected or fed medications, and denied food and use of toilet facilities.

From January to May prosecutors nationwide investigated 2,808 cases of dereliction of duty and infringement of rights by officials, involving 3,470 persons. This represented an 8.3 percent increase in cases from the same period in 2006. In 2006 the SPP and the courts issued directives to eliminate interrogation through torture. By September 2,829 procuratorates throughout China had begun audio and video taping police interrogations, in some cases to prevent coerced confessions. Beginning in September Beijing and several other cities launched campaigns providing that police officers who obtain coerced confessions can be suspended.

Prison and Detention Center Conditions

According to 2005 official statistics, the Ministry of Justice administered more than 700 prisons with a population of more than 1.8 million inmates. In addition 30 jails for juveniles held approximately 22,000 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.

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

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

In January Ministry of Health spokesman Mao Qunan reportedly acknowledged that the government harvested organs from executed prisoners. On May 1, new regulations came into effect that include a ban on the trade of human organs and on live organ transplants from persons under the age of 18. The regulations also stipulate that the donation of human organs for transplant should be free and voluntary. However, the new regulations make no specific reference to the extraction of organs from death penalty prisoners.

Adequate, timely medical care for prisoners remained a serious problem, despite official assurances that prisoners have the right to prompt medical treatment. On July 1, Shanghai petitioner Chen Xiaoming died the day he was released from custody on medical parole. According to media reports, authorities refused earlier requests by the family for medical parole and only allowed the family to provide Chen with medication one time during his detention. Labor activist Yao Fuxin remained in prison in very poor health, and authorities denied his family's request for medical parole. Labor union leader Wang Sen remained in prison and was also reportedly in poor health. Wang applied for medical parole but was also denied. During the year cyber dissident He Depu's health reportedly deteriorated significantly due to medical neglect and maltreatment. However, prison officials stated that his condition would have to deteriorate further before he could be considered for medical parole. Journalist Ching Cheong's health also deteriorated, and in August the Hong Kong Journalists Association sent an open letter to President Hu Jintao urging authorities to grant him medical parole. Many other prisoners with serious health concerns remained in prison at year's end. Prison officials often denied privileges, including the ability to purchase outside food, make telephone calls, and receive family visits, to those who refused to acknowledge guilt.

Conditions in administrative detention facilities, such as reeducation-through-labor camps, were similar to those in prisons. Beating deaths occurred in administrative detention and reeducation-through-labor facilities.

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

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

d. Arbitrary Arrest or Detention

Arbitrary arrest and detention remained serious problems. The law permits police and security authorities to detain persons without arresting or charging them. Because the government tightly controlled information, it was impossible to determine accurately the total number of persons subjected to arbitrary arrest or detention. According to 2005 official statistics, 500,000 persons were held in 310 reeducation-through-labor camps. In 2004 special administrative detention facilities held more than 350,000 offenders.

Role of the Police and Security Apparatus

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

The Ministry of Public Security (MPS) coordinates the country's law enforcement, which is administratively organized into local, county, provincial, and specialized police agencies. 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 just cause, arbitrarily collected fees from individuals charged with crimes, and mentally and physically abused victims and perpetrators.

The SPP acknowledged continuing widespread abuse in law enforcement. In July 2006 the SPP issued new standards for prosecuting official abuses of power. Domestic news media reported the convictions of several public security officials who had beaten to death suspects or prisoners in their custody. Nonetheless, investigation of misconduct typically only came in response to publicity, public pressure, and persistent efforts by relatives of victims to petition the government. In July 2006 an SPP spokesperson said there were many abuse of power cases that the procuratorates did not dare handle.

Arrest and Detention

Public security organs do not require court-approved warrants to detain suspects under their administrative detention powers. After detention the procuracy can approve formal arrest without court approval. According to the law, in routine criminal cases police can unilaterally detain persons for up to 37 days before releasing them or formally placing them under arrest. After a suspect is arrested, the law allows police and prosecutors to detain a person for up to seven months while public security organs further investigate the case. Another one and one-half months of detention are allowed where public security organs refer a case to the procuratorate to decide whether to file charges. If charges are filed, authorities can detain a suspect for an additional one and one-half month period between filing and trial. However, in practice the police sometimes detained persons beyond the time limits stipulated by law. In some cases, investigating security agents or prosecutors sought repeated extensions, resulting in pretrial detention of a year or longer. The trial of *New York Times* researcher Zhao Yan was delayed almost two years before finally convening in June 2006. It was uncertain how many other prisoners were similarly detained. The criminal procedure law allows detainees access to lawyers before formal charges are filed, although police often limited such access.

The criminal procedure law requires a court to provide a lawyer to a defendant who is blind, deaf, mute, a minor, or may be sentenced to death, if the defendant has not already retained a lawyer, whether or not the defendant is indigent. Courts may also provide lawyers to other criminal defendants who cannot afford them, although courts often do not appoint counsel in such circumstances.

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

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

Administrative detention was frequently used to intimidate political activists and prevent public demonstrations. During the year individuals were assigned to administrative detention without charge, trial, or judicial review. Efforts to reform or abolish the reeducation-through-labor system remained stalled. In March 2006 the New Public Order Administrative Punishment Law went into effect, which provides for review of detention decisions but also creates 165 new offenses subject to administrative punishment. According to reports there were concerns that authorities were expanding the use of punitive administrative detention rather than reforming or abolishing it.

In May 2006 the SPP acknowledged that unlawful extended detentions remained a problem and that authorities misused legal provisions to hide this. A nationwide survey found that, between January 2003 and September, 33,643 persons were detained longer than provided by law at some stage of the investigation, prosecution, or trial process. A number of individuals in politically sensitive cases were held for periods longer than the time authorized by law. In some cases investigating security agents or prosecutors sought repeated extensions, resulting in pretrial detention of a year or longer.

Citizens who were reportedly detained with no or severely delayed notice included Pan Blue Alliance leader Sun Buer, who police in May took from his home and held incommunicado. On August 24, PSB officials arrested writer and rights activist Lu Gengsong following publication of articles critical of authorities. Lu was held in detention for more than a month, and on September 29 he was formally charged with "inciting subversion of state power." On August 21, activist Yue Ming was detained for two weeks without charge for posting online messages calling a meeting for people upset over high housing costs.

The law permits nonjudicial panels, called labor reeducation panels, to sentence persons without trial to three years in reeducation-through-labor camps or other administrative detention programs. The labor reeducation committee is authorized to extend a sentence up to one year. Defendants could challenge reeducation-through-labor sentences under the administrative litigation law and appeal for a reduction in, or suspension of, their sentences. However, appeals rarely succeeded. Many other persons were detained in similar forms of administrative detention, known as "custody and education" (for prostitutes and those soliciting prostitutes) and "custody and training" (for minors who committed crimes). Administrative detention was used to intimidate political activists and prevent public demonstrations. Special reeducation centers were used to detain Falun Gong practitioners who had completed terms in reeducation-through-labor but whom authorities decided to continue detaining.

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

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

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

In March rights activist Hu Jia was released after spending 214 days under house arrest. On May 18, Hu and his wife, activist Zeng Jinyan, were placed under house arrest immediately before leaving on a trip overseas to speak about human rights. In November Hu Jia participated by webcam in a European Parliament hearing on human rights conditions in China. Hu was detained on December 27 on suspicion of inciting subversion of state authority. That same day, police reportedly placed Zeng Jinyan under house arrest with the couple's newborn child. Bao Tong, the former aide to Zhao Ziyang (who died in 2005 after spending more than 15 years under house arrest), remained under similar surveillance in his home; restrictions on Bao eased somewhat as he was allowed to give media interviews and to travel to his hometown during the year. In February local authorities blocked Dr. Gao Yaojie, a prominent HIV/AIDS activist, from traveling overseas to receive a human rights award by placing her under house arrest. Following international pressure, Gao was permitted to travel. In August Yuan Weijing was prevented from leaving the country to receive an award on behalf of her husband, legal activist Chen Guangcheng. Despite being released from prison in June 2006, activist lawyer Zheng Enchong was placed under house arrest for over a year and continued to be under round-the-clock surveillance. 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. An

unverified press report circulated in June 2006 stated that Bishop Su had died in custody. The government has not responded to inquiries about Bishop Su.

Police continued the practice of placing under surveillance, harassing, and detaining citizens around politically sensitive events, including before the second anniversary of Zhao Ziyang's death in January, the plenary sessions of the National People's Congress (NPC) and Chinese People's Political Consultative Conference (CPPCC) in March, and the 17th Communist Party Congress in October. Authorities in the XUAR used house arrest and other forms of arbitrary detention against those accused of the "three evils" of extremism, "splittism," and terrorism. Because authorities failed to distinguish carefully among peaceful political activities, "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. Others held under house arrest for varying periods during the year included Tiananmen activist Qi Zhiyong, rights lawyer Gao Zhisheng, and democracy activist Liu Anjun.

e. Denial of Fair Public Trial

The law states that the courts shall exercise judicial power independently, without interference from administrative organs, social organizations, and individuals. However, in practice the judiciary was not independent. It received policy guidance from both the government and the CCP, whose leaders used a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases. At both the central and local levels, the government and CCP frequently interfered in the judicial system and dictated court decisions. Trial judges decide individual cases under the direction of the adjudication committee in each court. In addition the CCP's law and politics committee, which includes representatives of the police, security services, procuratorate, and courts, had the authority to review and influence court operations at all levels of the judiciary; in some cases the committee altered decisions. People's congresses also had authority to alter court decisions, but this happened rarely.

Corruption often influenced judicial decision making, and safeguards against corruption were vague and poorly enforced. In 2006 292 judges were investigated for "illegally handling cases," which most often means taking bribes or abusing power; 109 were found criminally liable. Local governments appointed judges at the corresponding level of the judicial structure. Judges received their court finances and salaries from these government bodies and could be replaced by them. Local authorities often exerted undue influence over the judges they appointed and financed. Several high-profile corruption cases involved procuracy officials. In August the Anhui provincial deputy procurator-general was removed from his position after taking a government trip overseas based on a fraudulent invitation letter.

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

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

The CCP used a form of discipline known as shuang gui for violations of party discipline, but there were reports of its use against nonparty members. Shuang gui is similar to house arrest and can be authorized without judicial involvement or oversight. Shuang gui requires the CCP party member under investigation to submit to questioning at a designated place and time. According to regulations of the Central Discipline Inspection Commission (CDIC) governing shuang gui, corporal punishment is banned, the member's dignity must be respected, and he or she is regarded as a comrade unless violations are proved. Absent any legal oversight, it is unclear how these regulations were enforced in practice. In September 2006 Zeng Jinchun, secretary of the discipline inspection committee in Chenzhou City, Hunan Province, was removed for abusing his shuang gui authority by accepting bribes.

Trial Procedures

Trials took place before a judge, who often was accompanied by "people's assessors," lay persons hired by the court to assist in decision making. According to statistics published during the year, there were 55,681 people's assessors. 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.

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

The government expanded the scope of legal aid and required authorities to notify criminal defendants of their right to apply for legal aid. Both criminal and administrative cases remained eligible for legal aid, although 70 percent or more of criminal defendants still went to trial without a lawyer. According to the Ministry of Justice, during the first half of the year legal aid was granted in 124,800 cases. The number of 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, more than 12,155 employees provided legal aid at 3,171 legal aid centers. During 2006 courts waived more than \$169.4 million (RMB 1.21 billion) in litigation costs.

Government-employed lawyers often refused to represent defendants in politically sensitive cases, and defendants frequently found it difficult to find an attorney. When defendants were able to retain counsel in politically sensitive cases, government officials sometimes prevented effective representation of counsel. Officials deployed a wide range of tactics to obstruct the work of lawyers representing sensitive clients, including unlawful detentions, disbarment, intimidation, refusal to allow a case to be tried before a court, and physical abuse. According to the law, defense attorneys can be held responsible if their client commits perjury, and prosecutors and judges have wide discretion to decide what constitutes perjury. In February 2006 lawyer Tang Jingling was beaten by thugs after visiting Guo Feixiong. Police refused to investigate the incident. In April 2006 Tang, who had begun practicing law at a second firm, was stripped of his license to practice law and dismissed from that law firm. 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. For example, officials detained prominent rights attorney Gao Zhisheng in August 2006 on "suspicion of involvement in criminal activity" and subsequently deprived Gao of his right to counsel by obstructing efforts to formalize Gao's representation. Officials later claimed that Gao declined representation by counsel. Even in nonsensitive criminal trials, only one in seven defendants reportedly had legal representation.

The mechanism that allows defendants to confront their accusers was inadequate; the percentage of witnesses who came to court in criminal cases was less than 10 percent and as low as 1 percent in some courts. According to one expert, only 1 to 5 percent of trials involved witnesses. In most criminal trials, prosecutors read witness statements, which neither the defendant nor his lawyer had an opportunity to question. Approximately 95 percent of witnesses in criminal cases did not appear in court to testify, in part due to hardship or fear of reprisals. Although the criminal procedure law says pretrial witness statements cannot serve as the sole basis for conviction, officials relied heavily on such statements to support their cases. Defense attorneys had no authority to compel witnesses to testify or to mandate discovery, although they could apply for access to government-held evidence relevant to their case. In practice pretrial access to information was minimal, and the defense often lacked adequate opportunity to prepare for trial.

The criminal justice system was biased toward a presumption of guilt, especially in high-profile or politically sensitive cases. The conviction rate for first-instance criminal cases was above 99 percent in 2006. In many politically sensitive trials, which rarely lasted more than several hours, the courts handed down guilty verdicts immediately following proceedings. Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. There was an appeals process, but appeals rarely resulted in reversed verdicts. Appeals processes failed to provide sufficient avenue for review, and there were inadequate remedies for violations of defendants' rights. Nationwide, courts at all levels found 1,713 defendants not guilty, which represented 0.19 percent of criminal defendants at trial.

SPC regulations require all trials to be open to the public, with certain exceptions, such as cases involving state secrets, privacy, and minors. Authorities used the legal exception for cases involving state secrets to keep politically sensitive proceedings closed to the public and sometimes even to family members, and to improperly withhold access to defense counsel. Under the regulations, foreigners with valid identification are allowed the same access to trials as citizens, but in practice foreigners were permitted to attend court proceedings by invitation only. As in past years, foreign diplomats and journalists sought permission to attend a number of trials only to have court officials reclassify them as "state secret" cases, fill all available seats with security officials, or otherwise close them to the public. Between June and July in Guangzhou, representatives of a foreign consulate initially were granted permission to attend the trial of Guo Feixiong, but authorities postponed the trial date and subsequently denied access to the consulate. On November 14, Guo was sentenced to five years' imprisonment and fined over \$5,600 (RMB 40,000) following a year in detention. Some trials were broadcast, and court proceedings were a regular television feature. A few courts published their verdicts on the Internet.

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

Police and prosecutorial officials often ignored the due process provisions of the law. Because of the lack of due process, the consequences were particularly egregious in death penalty cases. By law there are at least 68 capital offenses, including nonviolent financial crimes such as counterfeiting currency, embezzlement, and corruption. Following the SPC's reassumption of death penalty review power on January 1, executions were not to be carried out on the date of conviction, but only on the SPC's approval following review. Media reports stated that approximately 10 percent of executions were for economic crimes, especially corruption. However, SPC Vice President Jiang Xingchang stated the SPC handed down only "a very small number of death sentences for economic crimes now, just a few a year."

Through the monitoring of publicly available records and reports, Amnesty International estimated that in 2006 at least 1,770 persons were executed, although the true figure was believed to be much higher. Other sources estimated that

between 7,500 and 8,000 persons were executed in 2006. On January 1, the SPC reassumed jurisdiction to conduct final review of death penalty cases handed down for immediate execution (but not death sentences handed down with a two-year reprieve), thus consolidating and reclaiming the death penalty review power from provincial courts. An SPC regulation effective February 28 clarified circumstances in which the SPC should approve, revise, or remand death sentences; in most cases the SPC does not have the authority to issue a new decision or declare a defendant innocent if it discovers errors in the original judgment. The regulation also provided that the SPC would generally limit the exercise of its discretion to approve or disapprove lower court decisions. Courts handling death penalty cases in the second instance are required to conduct hearings at which witnesses in certain circumstances, such as when the prosecution and defense disagree about a witness' testimony or when the judge orders it, should testify. In August the SPP sent to local procuracies guidance to improve due process standards in death penalty cases. Monitoring and analysis of the application of the death penalty was difficult because official statistics remained a state secret. After the new procedures went into effect, three Beijing intermediate courts asserted the number of death penalty cases declined by 10 percent, although they did not provide underlying figures. Given the absence of open procedures and statistics, it was not possible to evaluate independently the implementation and effects of the new procedures.

Political Prisoners and Detainees

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

Foreign NGOs estimated that several hundred persons remained in prison for the repealed crime of "counterrevolution," and thousands of others were serving sentences under the state security law, which authorities stated covers crimes similar to counterrevolution. Persons who continued to be detained for counterrevolutionary offenses included labor activist Hu Shigen and Inner Mongolian activist Hada. Foreign governments urged the government to review the cases of those charged before 1997 with counterrevolution and to release those who had been jailed for nonviolent offenses under provisions of the criminal law, which were eliminated when the law was revised. To date, no systematic review has occurred. The government maintained that counterrevolutionary prisoners were eligible for parole and early release on an equal basis with other prisoners but provided no evidence to support this assertion. According to Amnesty International, dozens of people were believed to remain in prison in connection with their involvement in the 1989 Tiananmen prodemocracy movement. Others estimated that at least 10 and as many as 200 Tiananmen activists were still in prison. The exact number was unknown because official statistics have never been made public.

Many political prisoners remained in prison or under other forms of detention at year's end, including rights activist Hu Jia; journalist Shi Tao; Internet writers Yang Zili and Xu Wei; labor activists Yao Fuxin, Mu Mingjun, Hu Shigen, Huang Xiangwei, Kong Youping, Ning Xianhua, Li Jianfeng, Li Xintao, Lin Shun'an, Yue Tianxiang, Zhang Shanguang, Gao Hongming, Zha Jianguo, Li Wangyang, and She Wanbao; China Democracy Party cofounder Qin Yongmin; family planning whistleblower Chen Guangcheng; Su Zhimin; Christian activist Zhang Rongliang; Uighurs Tohti Tunyaz and Dilkex Tilivaldi; and Tibetans Jigme Gyatso, Tenzin Deleg, and Gendun Choekyi Nyima. Political prisoners obtained parole and sentence reduction much less frequently than ordinary prisoners.

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

Civil Judicial Procedures and Remedies

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

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

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

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

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

Forced relocation because of urban development continued and in some locations, increased during the year. During the year protests over relocation terms or compensation, some of which included thousands of participants, took place and some protest leaders were prosecuted. Some activists and NGOs linked evictions in Beijing 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 government restricted the rights of parents to choose the number of children they will have and the period of time between births. While the national family planning authorities made some progress on maternal health issues and in emphasizing quality of care in family planning practices, the country's birth limitation policies retain harshly coercive elements in law and practice. The penalties for violating the law are strict, leaving some women little choice but to abort pregnancies.

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. The law requires couples that have an unapproved child to pay a "social compensation fee," which sometimes reached 10 times a person's annual disposable income, and grants preferential treatment to couples who abide by the birth limits. Although the law states that officials should not violate citizens' rights, these rights, as well as penalties for violating them, are not clearly defined. The law provides significant and detailed sanctions for officials who help persons evade the birth limitations.

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

The one-child limit was more strictly applied in the cities, where only couples meeting certain conditions (e.g., both parents are only children) were permitted to have a second child. In most rural areas (including towns of under 200,000 persons), which included approximately 60 percent 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.

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

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 were 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 common. 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. The penalties sometimes left women with little practical choice but to undergo abortion or sterilization.

The law states that family planning bureaus will conduct pregnancy tests on married women and provide them with

unspecified "follow-up" services. Some provinces fine women who do not undergo periodic pregnancy tests. For example, in Hebei fines range from \$28 to \$70 (RMB 200 to 500) and in Henan from \$7 to \$70 (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. Promotions for local officials depended in part on meeting population targets. 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 of mass violations occurred in April and May in Guangxi Province, where authorities forced dozens of pregnant women to undergo abortions at a hospital in Baise City, some as late as nine months. In a separate incident in Guangxi, thousands of residents of nine towns in Bobai and Rong counties protested illegal family planning measures, which included forced abortions and sterilizations, by attacking government workers and looting family planning offices. The protesters claimed that thousands of homes had been ransacked by local officials, who also levied excessive fines to punish households with unauthorized pregnancies. Media reports stated that villagers were fined up to \$9,800 (RMB 70,000), whereas villagers reported that fines normally do not exceed \$700 (RMB 5,000). National authorities issued a statement instructing the local government to resolve the matter lawfully, protect citizens' legitimate rights, and train staff according to the law, including quality of service. National authorities stated that they would investigate reports of coercion and sanction violators, although by year's end no Guangxi officials had been punished.

According to law, citizens may sue officials who exceed their authority in implementing birth-planning policy. A couple from Hebei Province sued local family planning officials for forcing a late-term abortion in September 2000 of a fetus deemed "illegal" because it was conceived five months prior to the couple's marriage, which they said destroyed the mother's ability to conceive. In May the district court ruled against them, but in an unprecedented move, a higher court accepted the appeal in July. At year's end the case was still pending. However, there existed few protections for whistleblowers against retaliation from local officials.

Laws and regulations forbid the termination of pregnancies based on the sex of the fetus, but because of the intersection of birth limitations with the traditional preference for male children, particularly in rural areas, many families used ultrasound technology to identify female fetuses and terminate these pregnancies. National Population and Family Planning Commission (NPFPC) regulations ban nonmedically necessary determinations of the sex of the fetus and sex-selective abortions, but some Chinese experts believed that the penalties for violating the regulations were not severe enough to deter unlawful behavior. According to government estimates during the year, the male-female birth ratio for first births in rural areas was 122.85 to 100, higher than the national average of 119.58 to 100 (compared with norms elsewhere of between 103 and 107 to 100), and in some parts of the country, the ratio was even more skewed. For second births, the national ratio was 152 to 100. While the NPFPC continued to deny a direct connection between family planning and skewed sex ratios at birth, it promoted expanded programs to raise awareness of the sex ratio imbalance and to improve protection of the rights of girls.

Family members of activists and rights defenders, Falun Gong practitioners, journalists, unregistered religious figures, and former political prisoners were targeted for arbitrary arrest and detention. On September 29, state security officers detained the brother and son of Ye Guozhu, who was imprisoned in 2004 for leading protests against forced evictions. Ye Guozhu's son, Ye Mingjun, reportedly was released on bail on October 30. Ye Guozhu's brother, Ye Guoqiang, remains in custody. Ye Guoqiang reportedly has not been permitted to meet with attorneys, and it is not clear if he has been formally charged. In November 2006 Geng He, the wife of prominent human rights defender Gao Zhisheng, was attacked by local officials while shopping in Beijing. On May 27, Yuan Weijing, the wife of legal advisor Chen Guangcheng, was released from house arrest. She reportedly has continued to be subjected to police surveillance and other harassment.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, although the government generally did not respect these rights in practice. The government interpreted the CCP's "leading role," as mandated in the constitution, as superseding and circumscribing these rights. The government continued to control print, broadcast, and electronic media tightly and used them to propagate government views and CCP ideology. Some controls tightened during the year, and it was increasingly difficult to express views that differed from the official line through broadcast media and in print. All media were expected to abide by censorship guidelines issued by the party. Media outlets received regular guidance from the Central Propaganda Department, which listed topics that should not be covered, including politically sensitive topics. During the year propaganda officials issued new guidelines restricting media coverage of an additional 20 topics, including judicial corruption and campaigns by legal rights defenders. These measures greatly restricted the freedom of journalists and Internet writers to report the news and led to a high degree of self-censorship.

So long as the speaker did not publish views that challenged the CCP or disseminate such views to overseas audiences, the range of permissible topics for private speech continued to expand. Political topics could be discussed privately and in small groups without punishment, and minor criticisms of the government were common topics of daily speech. However, public speeches, academic discussions, and speeches at meetings or in public forums covered by the media remained circumscribed. The government also frequently monitored gatherings of intellectuals, scholars, and dissidents where political or sensitive issues were discussed. Those who aired views that disagreed with the government's position on

controversial topics or disseminated such views to an overseas audience risked punishment ranging from disciplinary action at government work units to police interrogation and detention.

On January 1, the government implemented new temporary regulations governing foreign media coverage related to the 2008 Olympic Games. The regulations, which are set to expire October 17, 2008, eliminate the requirement that foreign journalists must obtain permission from local authorities before conducting interviews and investigations outside Beijing and Shanghai. The FCCC reported that although the regulations improved overall reporting conditions for foreign journalists, the government and state security officials continued to detain, harass, and intimidate foreign journalists; they were also still required to apply for the rarely granted official permits to visit the Tibet Autonomous Region (TAR) and XUAR. In March security forces detained and expelled two BBC journalists from Zhushan, Hunan Province, who were investigating reports of the death of a student during a protest. During an August trip to the XUAR, a journalist for *Le Monde* newspaper was interrogated and searched by local authorities. According to the journalist, his sources in the XUAR were also questioned and intimidated after meeting with him.

Detention and harassment of journalists and Chinese employees working for foreign media outlets raised concern that local officials were attempting to intimidate foreign correspondents and newspapers. However, some foreign journalists reported that the temporary regulations widened access to individuals and topics that previously would have been strictly prohibited. Reuters interviewed prominent dissident Bao Tong on more than one occasion, as well as Xinna, the wife of Inner Mongolian political prisoner Hada. In July an FCCC survey found that 40 percent of foreign correspondents said they had encountered government interference, including intimidation of sources, detention, surveillance, and violence. Fifteen correspondents operating under the new rules reported that they had been detained. Some journalists said they encountered difficulties with officials who refused to accept the regulations. Some foreign academics and journalists critical of the country continued to be denied visas.

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

Journalists who reported on topics that met with the government's or local authorities' disapproval continued to suffer harassment, detention, and imprisonment. In July local authorities from Henan Province initially blocked a story that uncovered more than 1,000 illegal slave laborers in the brick kilns in Henan and Shanxi provinces, most of whom were kidnapped children or persons with mental disabilities. A state council information official criticized the local authorities' actions, and the story was covered extensively. However, within two weeks the propaganda department reportedly issued an order to stop the discussion. The local journalist, Fu Zhenzhong, was not permitted to speak with foreign correspondents, and families questioned by the foreign media were visited by the police, who reportedly urged them to avoid contact with outsiders. Although the factory owner, his foremen, and several other low-level bosses were prosecuted, only four officials, including one police officer, were prosecuted. Ninety-five party members who were implicated in the effort to cover up received warnings (see sections 5 and 6.c.).

Local governments continued to use anonymous thugs suspected of being plainclothes police personnel to intimidate journalists. In January thugs beat to death LAN Chengzhang, a reporter for the *China Trade Times*, who was researching illegal coal mines in Hunyuan, Shanxi Province. The thugs allegedly were hired by the owner of the coal mine, but local police reportedly obstructed the activities of journalists who went to Hunyuan to investigate Lan's death. In August unidentified assailants reportedly beat five local journalists, including one from the *People's Daily*, who were reporting on a bridge collapse in Fenghuang, Hunan Province. Local officials detained the reporters and accused them of "illegal reporting," while the assailants were reportedly released without charge.

Journalists who remained in prison included Ching Cheong, Lu Gengsong, Lu Jianhua, Huang Jinqiu, Li Changqing, Yu Huafeng, Li Minying, Cheng Yizhong, and Shi Tao. International NGOs reported that at least 29 journalists and 51 cyber dissidents remained imprisoned.

Government officials used criminal prosecution, civil lawsuits, and other punishments to intimidate authors and block controversial writings. On April 13, writer and painter Yan Zhengxue was sentenced to three years in prison for inciting subversion in connection with articles he posted on foreign Web sites attacking CCP leaders. Yan was detained in October 2006 and formally charged with inciting subversion in November 2006.

During the year journalists and editors who exposed corruption scandals frequently faced problems with the authorities. Newspapers and journalists who reported on corruption without government or party approval faced possible sanction, although authorities allowed reporting on some high-profile cases. Propaganda officials restricted independent reporting of the case of former Shanghai Party Secretary Chen Liangyu, who was dismissed from the CCP in July for corruption, and ordered publications to rely only on Xinhua News Agency reports for their coverage of this topic. Similar restrictions applied in the case of Zheng Xiaoyu, the former director of the State Food and Drug Administration, who was executed on July 10. Qi Chonghua, a *Shandong Fazhi Zaobao* journalist, was reportedly detained on June 25 and held for two months after reporting allegations of government corruption in Tengzhou, Shandong.

The government continued to target publications that contained political information and restricted reporting on politically sensitive topics. During the first three months of the year, authorities confiscated nearly 400,000 copies of publications deemed to have harmed social stability, endangered state security, or incited ethnic separatism. In July Beijing PSB officials shut down the *China Development Brief*, an online journal that served as an information clearing house for NGOs and reported on social and civil society developments. In June security officials investigated the *Chengdu Evening News* after it ran an advertisement saluting the mothers of victims of the June 4 Tiananmen crackdown. The investigation determined that a young employee unfamiliar with June 4 history mistakenly allowed the advertisement to run.

Authorities continued to block reporting and restricted journalists from covering protests, including the June 1 and 2 demonstrations in Xiamen, during which an estimated 10,000 residents marched against the proposed construction of a chemical plant. Following the protest city authorities banned anonymous online postings. Police also detained protest organizer Li Yiqiang the day after the march and charged him with illegal assembly.

Officials continued to censor, ban, and sanction reporting on labor, health, environmental crises, and industrial accidents. On August 15, authorities in Hangzhou, Zhejiang Province, reportedly ordered an environmental protection Web site to remove posted articles about environmental activist Wu Lihong. Chinese media stated that Wu had been sentenced the week before to three years' imprisonment on charges of fraud and extortion, though foreign media reported that the sentence was retribution for his work exposing the pollution of Tai Lake. In August authorities interfered with reporting a mine disaster in Xintai, Shandong Province, by preventing journalists from interviewing the victims' relatives and urging the media to emphasize efforts to rescue trapped miners.

Several reports of food safety incidents surfaced, including a July story in which a Beijing television station reported that a street vendor substituted chemically treated cardboard for pork in its products. The government later announced that the story was false and sentenced the reporter to one year in jail. In August the General Administration of Press and Publications (GAAP) launched a campaign to stamp out illegal news coverage and "false news." In November an emergency response law went into effect that punishes media organs for mistakes made in reporting natural disasters and emergencies, as well as government efforts to handle them, if they fail to obtain prior authorization to report. Journalists expressed concern that the measures were intended to further restrict press freedom. On November 12, the government-run English language newspaper *China Daily* reported that the government would, in preparation for the 2008 Olympics, compile a database of foreign journalists, ostensibly to combat the phenomenon of "fake journalists" posing as reporters to extort money. The Ministry of Foreign Affairs later denied that such a database existed.

By law, only government-approved publishing houses were permitted to print books. The State Press and Publications Administration (PPA) controlled all licenses to publish. No newspaper, periodical, book, audio, video, or electronic publication may be printed or distributed without the PPA and relevant provincial publishing authorities' approval of both the printer and distributor. Individuals who attempted to publish without government approval faced imprisonment, fines, confiscation of their books, and other sanctions. The charge that Guo Feixiong conducted "illegal business activity" reportedly resulted from his publication of a book, *Shenyang's Political Earthquake*, without government approval. The CCP exerted control over the publishing industry by preemptively classifying certain topics as off limits. 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. The censorship process for private and government media also increasingly relied on self-censorship and, in a few cases, post-publication sanctions.

During the year authorities in Urumqi, XUAR, destroyed over 25,000 "illegal" religious books. In 2006 XUAR authorities reported confiscating publications about Islam with "unhealthy content." Uighur writers and editors, including the editor of the *Kashgar Literature Journal*, Korash Huseyin, reportedly were jailed in 2005 for publishing stories that authorities maintained advocated separatism. Authorities continued to ban books containing content they deemed controversial. In January the GAPP reportedly banned eight books. Most of the banned titles dealt with China's recent history, including Zhang Yihe's *Past Stories of Peking Opera Actors*.

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

Television broadcasts of foreign news, largely restricted to hotels and foreign residence compounds, were occasionally subject to censorship. Politically sensitive coverage in Chinese, and to a lesser extent in English, was censored more than coverage in other languages. "Public service announcements" frequently interrupted news items critical of the government, particularly in the south, where television programming from Hong Kong was available. In July China reportedly initiated a crackdown against local cable television systems that were illegally receiving the Hong Kong-based news station Phoenix TV via satellite. Prior to the crackdown, an estimated 200 million citizens had access to the television station. The government prohibited some foreign and domestic films from appearing in the country when they were deemed to touch upon sensitive themes.

Internet Freedom

The China Internet Network Information Center reported that at the end of the year the number of Internet users increased to 210 million, 78 percent of whom had broadband access to the Internet. There were 53 million Internet users in rural areas, more than double the number in 2006. While the government took steps to monitor Internet use, control content, restrict information, and punish those who violated regulations, these measures were not universally effective. A large number of Internet users used proxy servers to access banned content. During the year political dissidents successfully used Internet instant messaging technology to hold large-scale, virtual meetings. In January President Hu Jintao called for purifying the Internet environment and stated that the CCP's ability to control the Internet is a matter affecting state stability. In the lead-up to the 17th Communist Party Congress in October, Internet regulators reportedly ordered the country's leading search engine operators, including Google, Baidu, Yahoo, Sina, and Sogou, to delete all "harmful information." Restrictions aimed at increasing government control over the Internet included stricter Web site registration requirements, enhanced official control of online content, and an expanded definition of illegal online content. All Web sites are required to be licensed by, or registered with, the Ministry of Information Industry (MII).

The MPS, which monitors the Internet under guidance from the Central Propaganda Department, employs thousands of people at the national, provincial, and local levels to police electronic communications. According to news reports, by the end of June all major portals and online forums were monitored by MPS, reportedly as part of a campaign against online pornography. Beijing public security officials unveiled cartoon police officers that popped up on Internet users' screens to warn them to stay away from forbidden Web sites. Operators of Web portals, blog hosting services, and other content providers engaged in significant self-censorship to ensure their servers were free from politically sensitive content.

The government consistently blocked access to sites it deemed controversial, such as sites discussing Taiwan and Tibetan independence, underground religious and spiritual organizations, democracy activists, and the 1989 Tiananmen massacre. The government also at times blocked access to selected sites operated by major foreign news outlets, health organizations, foreign governments, and educational institutions. According to news reports, between April and September, the MPS shut down 18,400 illegal Web sites; 8,808 for carrying pornographic content and another 9,593 because they were unregistered.

The number of blocked and censored sites increased around major political events and sensitive dates, particularly during the period leading up to the October 17th Communist Party Congress. The authorities employed more sophisticated technology enabling selective blocking of specific content rather than entire Web sites. Such technology also was used to block e-mails containing sensitive content. Individuals using the Internet in public libraries were required to register using their national identity card. Internet usage reportedly was monitored at all terminals in public libraries.

On February 13, lawyer Pu Zhiqiang, one of four lawyers who initiated an online campaign protesting the censorship of the Xinlang (new wave) blog, had his own blog shut down. In July authorities reportedly blocked access to an overseas Web site shvoong.com, which provided abstracts of academic papers and literature popular with intellectuals and students. In July Shanghai officials reportedly shut down an online literary forum run by poet Lu Yang reportedly due to a posting related to the anniversary of Tiananmen. According to news reports, authorities disconnected entire Internet data centers, which contained thousands of servers, because of blog pages containing sensitive material.

Regulations prohibit a broad range of activities that authorities interpret as subversive or slanderous to the state. Internet service providers (ISPs) were instructed to use only domestic media news postings, to record information useful for tracking users and their viewing habits, to install software capable of copying e-mails, and to end immediately transmission of so-called subversive material. Many ISPs practiced extensive self-censorship to avoid violating broadly worded regulations.

During the year individuals were detained or imprisoned for their Internet writing. In August Internet blogger He Weihua was arrested by Hunan authorities and committed to a mental hospital, allegedly as punishment for antigovernment writings. On August 14, a court in Hangzhou sentenced Internet writer Chen Shuqing to four years in prison for inciting subversion after he criticized the government online. In March a court in Ningbo, Zhejiang Province, sentenced Internet writer Zhang Jianhong (also known as Li Hong) to six years in prison. Zhang was arrested in 2006 after writing an article calling for activist Gao Zhisheng's release. Zhang was a founder and editor of the literary and news Web site Aegaeon Sea (*Aiqinhai*), which authorities [shut down in March](#) 2006. On December 13, police in Guilin, Guangxi Province, arrested Internet writer Wang Dejia (also known as Jing Chu) after Wang posted several articles critical of the government. Other individuals who remained in prison for posting political or dissenting views on the Internet included journalist and Internet essayist Li Changqing, activist Ren Zhiyuan, Internet essayist Yang Tongyan (Yang Tianshui), and Internet author and human rights advocate Guo Qizhen.

On August 21, 14 major ISPs signed a "blog hosting self discipline pledge" sponsored by the Internet Society of China. Under the pledge, companies agreed to encourage bloggers to register under their real names and to erase any "illegal or unhealthy" postings. Companies that signed the pledge included popular Chinese Internet companies like Sina.com and Sohu.com as well as Yahoo China, which is operated by Alibaba.com, and MSN China. During the year the government also continued to pressure companies to sign a "Public Pledge on Self Discipline for China's Internet Industry." 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, in past years Yahoo provided information to security authorities, including access to private e-mail accounts, used in the prosecution of journalist Shi Tao and dissident Wang Xiaoning. The company said it was required to provide the information under national law and customs. Both men remained in prison at year's end.

Internet cafes must install software that allows government officials to monitor customers' Internet usage. Internet users at cafes were often subject to surveillance. Many cafes sporadically enforced regulations requiring patrons to provide identification.

Academic Freedom and Cultural Events

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. Some law professors were warned not to propose abolition of the reeducation-through-labor system. Scholar Xu Zerong, who was convicted in 2001 of providing state secrets abroad and conducting illegal business activities in connection with his research on China's role in the Korean War, remained in prison at year's end. In March Renmin University removed Zhang Ming as dean of the Political Science Department after Zhang made critical statements on his blog about Renmin University and the state of academic freedom.

Authorities canceled university conferences involving foreign and domestic academics on short notice when they deemed the topics at issue to be too sensitive. On occasion information outreach, educational exchanges, and other cultural and public diplomacy programs organized by foreign governments were subject to government interference. Foreign experts invited to participate in foreign government sponsored programs on certain topics were denied visas. In February authorities barred more than 20 writers from participating in the International PEN writers' conference in Hong Kong. According to press accounts, some writers were denied travel documents, some were turned away at the border, and others were visited by authorities before leaving and warned not to attend. Organizers of the PEN conference, which promotes writers' freedoms, stated that actions taken by authorities tightened creative freedoms over the past year.

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

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

Freedom of Assembly

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

Demonstrations with political or social themes were broken up quickly, sometimes with excessive force. Social inequalities and uneven economic development, combined with dissatisfaction over widespread official corruption, resulted in increased social unrest. As in past years, the vast majority of demonstrations during the year concerned land disputes, housing issues, industrial, environmental, and labor matters, government corruption, taxation, and other economic and social concerns. In January the MPS announced that the number of "mass incidents," a vague term encompassing all kinds of protests and disturbances, fell 16.5 percent in 2006. Officials estimated the number of mass incidents was 23,000, although experts questioned the reliability of this figure. In September, 2,000 demobilized military personnel in three provinces used cell phones and the Internet to coordinate protests over poor conditions at job retraining schools. In March as many as 20,000 persons in Yongzhou, Hunan Province, rioted when a local bus company raised fares. According to foreign media reports, a student died in the melee, and many more were injured. However, local authorities claimed there were no deaths or casualties, and there has been no official investigation into the incident. In May thousands of residents across two counties and nine towns in Guangxi Province rioted against illegal family planning measures, attacking government workers and looting family planning offices.

Authorities detained potential protesters before and after the June 4 anniversary of the Tiananmen massacre, the second anniversary of Zhao Ziyang's death in January, the March plenary sessions of the NPC and CPPCC, and the 17th Communist Party Congress in October. Dissidents were detained around the time of other sensitive events to prevent public demonstrations. Labor protests over restructuring of state-owned enterprises and resulting unemployment continued, as did protests over environmental degradation and major infrastructure projects, such as dams. 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.

Persons petitioning the government continued to face restrictions on their rights to assemble and raise grievances. Official news media reported that citizens presented 12.7 million petitions to "letters and visits" offices in 2005, but only 0.2 percent of petitions filed received a response. Most petitions mentioned grievances about land, housing, entitlements, the environment, or corruption. Most petitioners sought to present their complaints at national and provincial "letters and visits" offices.

Efforts to rid Beijing of petitioners resulted in heightened harassment, detention, incarceration, and restrictions on their rights to assemble and raise grievances. Petitioners from several provinces reported being accosted by plainclothes police at train and bus stations entering Beijing and returned to their homes before registering their petitions in the capital. Police were dispatched to detain or disperse petitioners gathering at points in Beijing to lodge petitions. In December Beijing's municipal government reportedly demolished the last dwellings of a petitioner village in the Fengtai District that housed up to 4,000 petitioners. Authorities required residents to vacate their homes to make way for demolition. Authorities said the demolition was necessary to build a road, but critics asserted that the demolition at Fengtai, near bus and train stations and the central government's appeals office, sought to rid Beijing of petitioners before the 17th Communist Party Congress. Officials from Nanyang City, Henan Province, reportedly operated a "black" or illegal jail in Beijing to detain Nanyang petitioners arriving in the capital to press grievances for property claims, police brutality, and official corruption. An official at the "black jail" reportedly stated that the detention site operated with central government permission. Although regulations implemented in 2005 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.

Freedom of Association

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

The government maintained tight controls over civil society organizations and over the past three years increased measures aimed at supervising and controlling them. In 2005 authorities established a task force to increase scrutiny over NGOs, especially those with links overseas. Published reports stated the task force was aimed at blocking NGOs from fomenting political change. International foundations, NGOs involved in social and charitable activities, and groups dedicated to combating discrimination against women, persons with disabilities, and minorities were reportedly targets of the campaign, along with organizations that focused on human rights and labor issues.

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 previously had been registered as private or for-profit businesses reportedly were requested to find a government sponsor and reregister as NGOs during the year. Although the registered organizations all came under some degree of government control, some NGOs were still able to operate with some degree of independence.

Despite tight restrictions and regulations, the number of civil society organizations continued to grow. According to official statistics, by the end of 2006, there were 354,000 registered civil society organizations. The World Bank estimated that there were between 300,000 and 700,000 NGOs, a significant increase from 4,800 in 1988. Other experts estimated that, including both registered and unregistered groups, there were perhaps as many as eight million quasi-governmental organizations and NGOs. Civil society organizations existed under a variety of formal and informal guises, including national mass organizations created and funded by the CCP.

Authorities supported the growth of some civil society organizations that addressed social problems, such as poverty alleviation. However, authorities remained cautious that these organizations might emerge as a source of political opposition among disgruntled citizens. A student-led NGO called Xinjiang Snow Lotus, which advocated on behalf of AIDS and Hepatitis B patients, was shut down in October 2006 on the claim that it was not formally registered as an NGO. Snow Lotus' founder, Chang Kun, was expelled from his university. In November 2006 Shenzhen officials investigated 12 grassroots labor rights organizations that were working together to overturn a regulation concerning labor arbitration, ultimately shutting down two of them. 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 such as 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.

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

c. Freedom of Religion

The constitution and laws provide for freedom of religious belief and the freedom not to believe, although the constitution only protects religious activities defined as "normal." The government sought to restrict legal religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of the activity of both registered and unregistered religious groups, including house churches. Religious groups must register with a government-affiliated patriotic religious association (PRA) associated with one of the five recognized religions: Buddhism, Taoism, Islam, Protestantism, and Catholicism. The PRAs supervised the activities of each of these religious groups and liaised with government religious affairs authorities charged with monitoring religious activity. The government tried to control and regulate religious groups, particularly unregistered groups. Nonetheless, membership in many religious groups continued to grow rapidly.

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 the Eastern Orthodox Church and folk religions. Some unregistered groups continued to experience varying degrees of official interference and harassment. Severe crackdowns against unregistered Protestants and Catholics, Muslims, and Tibetan Buddhists continued, and the government increased its control over some peaceful religious practices. The level of repression of religious freedom in Tibetan areas increased, and there was some tightening of official control over religious freedom in the XUAR. The government also continued its severe repression of groups that it determined to be "cults," targeting 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, which are known as Religious Affairs Bureaus (RABs). SARA and the RABs were responsible for monitoring and judging whether religious activity was "normal" and therefore lawful. SARA and the CCP's United Front Work Department provided policy guidance and supervision over implementation of government regulations on religious activity.

The 2005 regulations on religious affairs (RRA) delineated regulatory activities governing religious affairs and consolidated official pronouncements within a legal framework. The regulations protect the rights of registered religious groups, under certain conditions, to possess property, publish literature, train and approve clergy, and collect donations. However, the regulations have done little to expand religious freedom, as the activities of unregistered religious groups remain outside the scope of the RRA's legal protection. The regulations provide general protection only for freedom of "religious belief," but not expressions of belief, and merely codify past practices, including restrictions over officially recognized religious communities. The regulations protect only those religious beliefs categorized vaguely as "normal." In practice party doctrine guides the resolution of religious issues and the implementation of regulations. The regulations also give authorities broad discretion to define which religious activities are permissible.

The law requires religious groups to register places of worship. 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. 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. Pressure on religious groups to register or to come under the supervision of official religious organizations continued during the year. Some groups registered voluntarily, while some registered under pressure. Several groups avoided officials in an attempt to avoid registration, and the government refused to register some groups. 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.

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

In February police and local RAB officials reportedly raided a prayer meeting at a private home in Jiangsu Province. When some of the individuals at the meeting refused to give their names, police reportedly beat them. Police also forced the owner of the home to sign a statement agreeing not to hold religious activities in his home. In March and December, authorities in Beijing and in several provinces reportedly detained and interrogated members of the China House Church

Alliance about their connections to foreigners and about alleged plans to disrupt the 2008 Olympic Games.

In May police in Aksu, XUAR, reportedly arrested about 30 house church leaders who had met with overseas Christians. Six of the house church leaders were accused of involvement in "evil cult activities," and two were abused during interrogation. During a closed trial in June, a Beijing court sentenced house church activist Hua Huaiqi to six months in prison for obstruction of justice. Police reportedly beat him in jail and poured cold water over him in frigid weather. In July and August, at least 17 house church leaders in eight provinces were reportedly detained as part of a "strike hard" campaign against unauthorized religious activity. Christian attorney Li Heping reported that, on September 29, a group of men ordered him to stop practicing law, beat him, and struck him with electric batons for nearly five hours. Li, who went into hiding after the attack, was a prominent advocate in religious freedom and human rights cases. On November 18, public security bureau officers in Henan detained 40 church leaders from the China Gospel Fellowship. In June 2006 Henan Province house church pastor Zhang Rongliang was convicted of obtaining a passport through fraud and of illegal border crossing and sentenced to prison.

Harassment of unregistered Catholic bishops, priests, and laypersons continued, including government surveillance and detentions. In March police detained Bishop Wu Qinjing, the bishop of Zhouzhi, Shaanxi Province. His whereabouts remained unknown. On March 9, a government document stated that Bishop Wu should not run any church affairs as a bishop or interfere with the Zhouzhi diocese management. In June police detained 73-year-old Jia Zhiguo, an underground bishop of the diocese of Zhengding, Hebei Province, and held him for 17 days in an unknown location. In July officials in Inner Mongolia detained three priests, Liang Aijun, Wang Zhong, and a third individual whose name has not been reported, who had fled from Hebei Province. On July 30, 82-year-old Bishop Yao Liang was arrested, and he remained in detention at year's end. In August Bishop Jia Zhiguo reportedly was again detained and held without charge until December 14. In September underground Bishop Han Dingxiang, who reportedly suffered from cancer and had been under house arrest or other forms of detention for nearly eight years, died at a hospital while under police custody. There was no new information about unregistered Bishop Su Zhimin, who has been unaccounted for since his reported detention in 1997. The government had not responded to reports that Bishop Su died in June 2006.

The government and the Holy See have not established diplomatic relations, and there was no Vatican representative on the mainland. The state-controlled Catholic Patriotic Association (CPA) does not recognize the authority of the Holy See to appoint bishops. However, while bishops continued to be appointed according to CPA rules, the CPA returned to its historical practice of allowing the Vatican's discreet and very limited involvement in selecting some bishops. The role of the pope in selecting bishops, the status of underground Catholic clerics, and Vatican recognition of Taiwan remained obstacles to improved relations, although there were some new efforts toward rapprochement between the government and the Vatican. In January the Vatican issued an invitation to the government to enter a dialogue on restoring diplomatic relations and announced that it would set up a permanent commission to handle relations with the government. In June Pope Benedict XVI issued an open letter to Chinese Catholics inviting them to resolve differences and called for a "respectful and constructive dialogue" leading to normalized relations. The pope's letter was available online, although local authorities reportedly blocked some Web sites carrying the letter. A Ministry of Foreign Affairs spokesperson stated the government advocated improvement in relations.

In September Xiao Zejiang, who was a member of the Guizhou Provincial People's Political Consultative Congress, was ordained as coadjutor bishop of the Guizhou Diocese. Bishop Xiao's ordination was the first of five ordinations approved both by Beijing and the Vatican following the pope's June letter to Chinese Catholics. Previously, in 2006 Wang Renlei, Ma Yingling, and Liu Xinhong were appointed as bishops without the approval of the Holy See.

In some official Catholic churches, clerics lead prayers for the pope and pictures of the pope were displayed. An estimated 90 percent of official Catholic bishops have reconciled with the Vatican.

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

Buddhists made up the largest body of organized religious believers. The traditional practice of Buddhism continued to expand among citizens in many parts of the country. However, the government created an increasingly repressive environment for the practice of Tibetan Buddhists. The intensity of religious repression against Tibetan Buddhists varied across regions. Two new sets of legal measures increased the legal basis for repression. On January 1, the TAR implemented the PRC Religious Affairs Management Regulations, which are more restrictive than the TAR's previous 1991 regulations. The new regulations assert state control over nearly all aspects of Tibetan Buddhism, from the management of monasteries to the movement of monks and nuns. On September 1, another set of new regulations went into effect, empowering the party and the government to approve all reincarnate lamas, the top leaders of Tibetan Buddhism. With the implementation of this new measure, the government attempted to control a vital feature of Tibetan Buddhism, the lineages of the reincarnated Buddhist teachers that span centuries (see Tibet Addendum). In Tibetan areas of Sichuan and Qinghai, a "religious education campaign" coerced Tibetans into denouncing the Dalai Lama and forced parents to withdraw their children from monasteries where they were receiving a Tibetan education and put them in regular Chinese elementary schools. Other government restrictions used to justify repression remained, particularly where the government interpreted

Buddhist belief as supporting separatism, such as in some Tibetan areas and parts of the Inner Mongolian Autonomous Region. Authorities continued to try to prevent Tibetans from leaving the country to obtain a religious education, under the guise of promoting stability by thwarting separatists. From June 29 to July 5, envoys of the Dalai Lama met with government officials, in the sixth round of dialogue between the two sides since 2002 (see Tibet Addendum).

The government tightly controlled the practice of Islam, and official repression in the XUAR targeted at Uighur Muslims tightened in some areas. Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be implemented forcefully in the XUAR. The government continued to repress Uighur Muslims, sometimes citing counterterrorism as the basis for taking action that was repressive. XUAR authorities detained and arrested persons engaged in unauthorized religious activities. The government reportedly continued to limit access to mosques, detain citizens for possession of unauthorized religious texts, imprison citizens for religious activities determined to be "extremist," force Muslims who were fasting to eat during Ramadan, and confiscate Muslims' passports in an effort to strengthen control over Muslim pilgrimages. In addition the XUAR government maintained the most severe legal restrictions in China on children's right to practice religion. In recent years XUAR authorities detained and arrested persons engaged in unauthorized religious activities and charged them with a range of offenses, including state security crimes. Xinjiang authorities often charged religious believers with committing the "three evils" of terrorism, separatism, and extremism. XUAR authorities prohibited women, children, CCP members, and government workers from entering mosques.

Local officials reportedly arrested or expelled as many as 84 foreign citizens on charges of "illegal religious activity." Local authorities in the XUAR reportedly also committed one associate of expelled foreign citizens to two years of reeducation through labor for assisting the foreigners with conducting "illegal religious activities." Authorities reportedly detained another associate for violating an order that limits proselytizing in XUAR.

The state-controlled Islamic Association of China (IAC) aligned Islamic practice to CCP goals. However, in contrast to the heavy-handed approach to Muslims in the XUAR, officials in Ningxia, Gansu, Qinghai, and Yunnan provinces approached religious affairs cautiously and were reluctant to interfere overtly in Muslims' activities. Authorities reserved the right to censor imams' sermons, and imams were urged to emphasize the damage caused to Islam by terrorist acts in the name of the religion. Certain Muslim leaders received particularly harsh treatment. Authorities conducted monthly political study sessions for religious personnel, and the program continued through the year. Authorities also reportedly tried to restrict Muslims' opportunities to study religion overseas. The China Islamic Conference required religious personnel to study "new collected sermons" compiled by an IAC committee, including messages on patriotism and unity aimed at building a "socialist harmonious society."

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

In 2006 the IAC established an office to manage the hajj pilgrimages, and the government took steps to prevent Muslims from traveling on unauthorized pilgrimages. The government continued to enforce a policy barring Muslims from obtaining hajj visas outside of China. The government reportedly published banners and slogans discouraging hajj pilgrimages outside those organized by the IAC. Foreign media reported that XUAR officials confiscated the passports of an unknown number of Uighur Muslims in an effort to prevent unauthorized hajj pilgrimages. Foreign media reported that some Uighur Muslims were told they would have to pay a deposit of \$7,000 (RMB 50,000) to retrieve their passports for overseas travel. Government officials in some areas also arbitrarily detained Muslims to prevent them from going on the hajj, required them to show that their hajj travel funds were not borrowed from other sources, and required them to pass a health test.

Official reports noted that 10,804 Chinese Muslims traveled to Mecca for the 2006-7 hajj pilgrimage. This figure did not include participants who were not organized by the government, for whom there were no official estimates but who numbered in the thousands in previous years.

The law does not prohibit religious believers from holding public office; however, party membership is required for almost all high-level positions in government, state-owned businesses, and many official organizations. CCP officials stated that party membership and religious belief were incompatible and that religious believers should resign their party membership. However, in a December 18 Politburo collective study on religion, President Hu Jintao emphasized the positive role of religion in building a harmonious society and noted that the 17th Communist Party Congress stressed the need to bring into play the role of religion "in promoting economic and social development." The PLA Routine Service Regulations 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. Religious groups also were represented in the CPPCC, an advisory forum for "multiparty" cooperation and consultation led by the CCP, and in local and provincial

governments. CPPCC Standing Committee vice chairmen included Pagbalha Geleg Namgyal, a Tibetan reincarnate lama, and Cao Shengjie, president of the China Christian Council.

The authorities 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 remained discreet. Authorities permitted citizens who joined the Church of Jesus Christ of Latter-day Saints while outside of China to hold services after their return.

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

Actions against members of such groups continued during the year. In spring police in Liaoning Province sentenced Gu Changrong and Gu Zhaohong, members of the Society of Disciples, to one-year terms of reeducation-through-labor for allegedly preaching to a local CCP member. Police confiscated several Bibles from the home of Gu Zhaohong. Police also continued efforts to close down the underground evangelical group Shouters, an offshoot of a pre-1949 indigenous Protestant group. Government action against the South China Church (SCC) continued. SCC founder Gong Shengliang and other imprisoned SCC members reportedly continued to suffer serious abuses and poor health in prison. Gong was 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.

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

Over the past several years, Falun Gong members identified by the government as "core leaders" were singled out for particularly harsh treatment. More than a dozen Falun Gong members were sentenced to prison for the crime of "endangering state security," but the great majority of Falun Gong members convicted by the courts since 1999 were sentenced to prison for "organizing or using a sect to undermine the implementation of the law," a less serious offense. Most practitioners, however, were punished administratively. Some practitioners were sentenced to reeducation-through-labor. Among them, Yuan Yuju and Liang Jinhui, relatives of a Hong Kong journalist working for a television station supportive of Falun Gong, were sentenced to reeducation-through-labor for distributing Falun Gong materials. Some Falun Gong members were sent to "legal education" centers specifically established to "rehabilitate" practitioners who refused to recant their belief voluntarily after their release from reeducation-through-labor camps. Government officials denied the existence of such "legal education" centers. In addition hundreds of Falun Gong practitioners were confined to mental hospitals, according to overseas groups.

Police continued to detain current and former Falun Gong practitioners and used possession of Falun Gong material as a pretext for arresting political activists. In March Chi Jianwei, a member of the CDP, was sentenced to three years in prison for using a cult to undermine implementation of the law, reportedly after authorities found Falun Gong material at his house. Early in the year, authorities sentenced Cui Xin, an elderly resident of Harbin, to seven years' imprisonment for her involvement with Falun Gong. Police confiscated Falun Gong materials from Cui's home following her arrest in December 2006. 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. These tactics reportedly resulted in large numbers of practitioners signing pledges to renounce the movement.

The government supported atheism in schools. In March 2005 a Foreign Ministry spokesperson said the country had 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.

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.

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 the XUAR.

Although Bibles and other religious texts were available in most parts of the country, the government tightly regulated the publication of religious texts and prohibited individuals from printing religious material. The 2005 religious regulations permits authorized religious organizations and venues to compile and print materials for internal and public distribution but requires publications to be prepared in accordance with national regulations. These regulations, in turn, impose strict prior restraints on religious literature, even beyond the restrictions on other types of publications. The regulations also provide for government oversight of the appointment of religious personnel.

On August 31, house church leader Zhou Heng was detained in the XUAR for "illegal business operation." Zhou reportedly had imported three tons of Bibles from South Korea, and he remained in prison at year's end. In April 2006 Pastor Liu Yuhua from Shandong was detained in Linchu County on charges of operating an illegal business after he was found distributing religious texts. In July 2005 Protestant Pastor Cai Zhuohua and two other relatives were sentenced to prison for operating an illegal business, stemming from their large-scale publishing of Bibles and Christian literature without government approval.

According to media reports during the year, XUAR authorities also confiscated 25,000 illegal religious publications. In February 2006 XUAR authorities reportedly raided a minority-language printing market and seized "illegally printed" religious posters. Also in February authorities announced that in 2005 they had seized 9,860 illegal publications involving religion, Falun Gong, or "feudal superstitions." The Xinjiang People's Publication House was the only publisher officially permitted to print Muslim literature.

The supply of Bibles was adequate in most parts of the country, but some members of underground churches complained that the supply and distribution of Bibles, especially in rural locations, was inadequate. Individuals could not order Bibles directly from publishing houses. Customs officials continued to monitor for the "smuggling" of religious materials into the country. Authorities in a few areas reportedly sometimes confiscated Bibles, Korans, and other religious material.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

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

The law provides for some of these rights; however, 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. Authorities heightened restrictions periodically, particularly curtailing the movement of individuals deemed politically sensitive before key anniversaries, visits of foreign dignitaries, and to forestall demonstrations.

The system of national household registration (hukou) underwent further change during the year. Rural residents continued to migrate to the cities, where the per capita disposable income was more than quadruple the rural per capita income, but many could not officially change their residence or workplace within the country. Most cities had annual quotas for the number of new temporary residence permits that 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 more economically developed urban areas.

The household registration system added to the difficulties rural residents faced even after they relocated to urban areas and found employment. In March 2006 the National Bureau of Statistics estimated that there was a floating population of 147.35 million, nearly one-third of which moved between provinces. These economic migrants lacked official residence status in cities, and it was difficult or impossible for them 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. Some major cities maintained programs to provide migrant workers and their children access to public education and other social services free of charge, but migrants in some locations reported that it was difficult to qualify for these benefits in practice.

Many cities and provinces continued experiments aimed at further eroding the distinction between urban and rural residents in household registration documents. At the beginning of the year, the Shenzhen Special Economic Zone

delinked the right to participate in the public pension system from workers' hukou status, allowing all workers who have lived in the zone for 15 years and contributed to the pension system to claim benefits.

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. Members of underground churches, Falun Gong members, and other politically sensitive individuals sometimes were refused passports or otherwise prevented from traveling overseas. In February local authorities blocked prominent HIV/AIDS activist Dr. Gao Yaojie from traveling overseas to receive a human rights award. Following international pressure, authorities relented. On August 24, authorities in Beijing reportedly confiscated the passport of Yuan Weijing to prevent her from traveling overseas to receive a human rights award for her imprisoned husband, legal activist Chen Guangcheng. Also in August authorities denied rights lawyer Zheng Enchong's application for a passport to travel to Hong Kong and Macau. They had previously told Zheng to stop opposing the government and working with human rights groups in Hong Kong.

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

Some 2,445 Tibetans reportedly fled Tibetan areas for India in 2006, most of them teenagers and novice monks and nuns seeking religious education. Police vowed to "strike hard" against such border crossings as part of a campaign against "separatists." While the UN High Commissioner for Refugees (UNHCR) reported that more than 2,000 Tibetans each year crossed into Nepal, the government continued to try to prevent many Tibetans from leaving and detained many who were apprehended in flight (see Tibet Addendum).

Protection of Refugees

Although the country is a signatory of the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the law does not provide for the granting of refugee or asylum status. The government largely cooperated with the 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. 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.

The government did not provide protection against refoulement, the return of refugees to a country where there is reason to believe they face persecution. During the year authorities continued to detain and forcibly return North Koreans to North Korea, where many faced persecution and some may have been executed upon their return. Some North Koreans were permitted to travel to third countries after they had entered diplomatic compounds or international schools in the country. There were numerous reports of harassment and detention of North Koreans in the country. The children of some North Korean asylum seekers and of mixed couples (i.e., one Chinese parent and one North Korean parent) reportedly did not have access to health care or education. The government also arrested and detained journalists, missionaries, and activists, including some citizens, who provided food, shelter, transportation, and other assistance to North Koreans. In February police reportedly arrested a foreign national who arranged for five North Korean asylum seekers to travel to South Korea. According to reports, activists or brokers helping North Koreans were charged with human smuggling, and the North Koreans were forcibly returned to North Korea. There were also reports that North Korean agents operated within the country to forcibly repatriate North Korean citizens.

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

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

Elections and Political Participation

According to the law, the NPC is the highest organ of state power. Formally, 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 159 members, oversaw these elections and determined the agenda and procedure for the NPC. The NPC Standing Committee remained under the direct authority of the CCP's nine-member Politburo Standing Committee. Despite its broad authority under the state constitution, the NPC does not have power independently to set policy or remove political leaders without the party's approval. 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.

All of the country's approximately one million villages were expected to hold competitive, direct elections to select members of local village committees, which were subgovernment organizations. In June the Ministry of Civil Affairs reported that villages in all 31 provincial-level jurisdictions had held at least two rounds of elections since 1998. Although international monitors who previously observed local village committee elections judged those they observed to have been generally fair, during the year these same monitors reported that officials increasingly resisted allowing them to observe the quality, procedural integrity, and fairness of the village elections. The government estimated that one-third of all elections had serious procedural flaws. Corruption, vote buying, and interference by township-level and party officials continued to be problems. The law permits each voter to cast proxy votes for up to three other voters. Many rural voters cast the maximum number of proxy votes, especially in areas with significant out-migration.

Although the law includes a provision for recalling village committee members, local implementing regulations proved sufficiently vague or cumbersome so as to prevent most attempted recalls. In cases of alleged corruption, a handful of local legislative deputies, but not village heads, were recalled. In 2005 villagers in Guangdong Province's Taishi village were subjected to severe abuse when they tried to recall village chief Chen Jinsheng, whom they accused of embezzling village funds. Authorities resorted to violence, intimidation, and other tactics to quash 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 (LPC) representatives at the county level and below, although in most cases the nomination of candidates in those elections was strictly controlled by the party. Legislators selected people's congress delegates above the county level. For example, provincial-level people's congresses selected delegates to the NPC. Local CCP secretaries generally served concurrently as the head of the local people's congress, thus strengthening party control over legislatures.

During the year independent candidates not selected by local authorities ran or attempted to run in people's congress elections held at the local level across the country. While a small number of independents were elected in some areas, local officials reportedly manipulated and pressured some candidates, who mounted aggressive campaigns to prevent independents from being nominated, and if nominated, from winning. Local police detained and monitored independent candidates, seized campaign materials, and intimidated supporters, family members, and friends. In November 2006 on the eve of LPC elections in Hubei Province, police detained democracy activist and local independent candidate Yao Lifa, reportedly as a means of interfering with his ability to campaign for votes. Some activists also alleged that vote counts were rigged to ensure defeat. In 2006 Taishi villagers failed in their attempt to nominate an independent candidate for local people's congress representative, allegedly because of ballot tampering and an illegal refusal to allow proxy votes.

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

Official statements asserted that "the political party system China has adopted is multiparty cooperation and political consultation under the leadership of the Communist Party of China." However, the CCP retained a monopoly on political power and forbade the creation of new political parties. The government recognized nine parties founded prior to 1949, but not the CDP, an opposition party founded in 1998 and subsequently declared illegal. Dozens of CDP leaders, activists, and members have been arrested, detained, or confined. One of the CDP's founders, Qin Yongmin, who was imprisoned in 1998, remained in prison at year's end, as did others connected with a 2002 open letter calling for political reform and reappraisal of the 1989 Tiananmen massacre. In September 2006 authorities detained CDP leader Chen Shuqing on suspicion of inciting "to subvert state power," and in August the Hangzhou Intermediate court sentenced Chen to four years' imprisonment and one year's deprivation of political rights. More than 30 current or former CDP members reportedly remained imprisoned or held in reeducation-through-labor camps, including Zhang Lin, Sang Jiancheng, He Depu, Yang Tianshui, Wang Rongqing, and Jiang Lijun.

The government placed no special restrictions on the participation of women or minority groups in the political process. However, women held few positions of significant influence in the CCP or government structure. There was one female member of the 25-member Politburo selected in October. There was also one woman among the five state councilors elected in March 2003. During the year women headed two of the country's 28 ministries.

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

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

Government Corruption and Transparency

Corruption remained an endemic problem. The National Audit Office found that 56 ministerial level departments and their affiliates made unauthorized use of approximately \$1.38 billion (RMB 6.87 billion) during the first 11 months of the year. Corruption plagued courts, law enforcement agencies, and other government agencies. In September 2006 foreign citizen Jude Shao was granted a one-year reduction in his 16-year sentence. Shao had been charged with tax evasion for allegedly refusing to pay bribes to local tax auditors. He remained in prison at year's end.

The courts and party agencies took disciplinary action against many public and party officials during the year. According to the SPP's March report to the NPC, prosecutors filed and investigated 33,688 cases of embezzlement, bribery, or dereliction of duty, and they prosecuted 29,966 officials while investigating a total of 40,041 officials in 2006. From January to June, prosecutors investigated 23,700 officials. The CCP's CDIC reported that 97,260 party officials were disciplined for breaking party discipline in 2006. Of these, 3,530 were transferred to judicial organs for investigation of possible violations of law. Inspection committees stripped 21,210 persons of CCP membership, nearly twice the number in 2005. In some cases sanctions administered by the CDIC reportedly substituted for sanctions by courts and other legal agencies. In 1995 the CCP central committee and state council established a policy requiring government officers at director level or above to make financial disclosures, but this policy has not been implemented effectively.

On May 1, the new national freedom of information law came into effect, which allows citizens to obtain information from local governments. Many government ministries, provincial governments, and prefecture-level cities had Web sites, providing some, albeit restricted, information to citizens. 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, 95,052 administrative lawsuits were filed against the government in 2006, slightly fewer than in the previous year. Petitioning officials directly and outside the court system was also a common avenue used by citizens to redress grievances. Official media reported that petitions filed in 2006 decreased by 15.5 percent compared to the number filed in 2005.

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

The government sought to maintain control over civil society groups, halt the emergence of independent NGOs, and prevent what it has called the "westernization" of China. The government did not permit independent domestic NGOs to monitor openly or to comment on human rights conditions; existing domestic NGOs were harassed. The government tended to be suspicious of independent organizations and increased scrutiny of NGOs with links overseas. Most large NGOs were quasigovernmental in nature, and all NGOs had to be sponsored by government agencies.

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

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. Representatives of some international human rights organizations reported that authorities denied their visa requests or restricted the length of visas issued to them. The government-established China Society for Human Rights is an NGO whose mandate 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 ICRC operated an office in Beijing, but the government did not authorize the ICRC to visit prisons. The government continued unofficial discussions on human rights and prisoner issues with a foreign-based human rights group, although the government's cooperation with the group was not as extensive as in previous years.

Section 5 Discrimination, Societal Abuse, and Trafficking in Persons

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

Women

Rape is illegal, and some persons convicted of rape were executed. The law does not expressly recognize or exclude spousal rape. According to official statistics, 32,352 cases of rape were reported to police in 2006. 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 2005 the NPC amended the Law on the Protection of Women's Rights specifically to prohibit domestic violence, although critics complained that the provision failed to define domestic violence. More than 30 provinces, cities, or local jurisdictions passed legislation aimed at addressing domestic violence. In 2006 and 2007, several provinces, including Shaanxi, Guangdong, Gansu, and Zhejiang, passed regulations requiring police to respond immediately to domestic violence calls or face punishment. According to a 2005 survey by the All-China Women's Federation (ACWF), 30 percent of 270 million families had experienced domestic violence, and 16 percent of husbands had beaten their wives. The ACWF reported that it received some 300,000 letters per year complaining about family problems, mostly domestic violence. The actual incidence was 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. An ACWF study found that only 7 percent of rural women who suffered domestic violence sought help from police. In response to increased awareness of the problem of domestic violence, there was a growing number of shelters for victims. Most shelters were government run, although some included NGO participation.

The law prohibits the use of physical coercion to compel persons to submit to abortion or sterilization. However, intense pressure to meet birth limitation targets set by government regulations resulted in instances of local birth-planning officials using physical coercion to meet government goals. Such laws and practices required the use of birth control methods (particularly IUDs and female sterilization, which according to government statistics, accounted for more than 80 percent of birth control methods employed) and the abortion of certain pregnancies.

Although prostitution is illegal, experts estimated that there were between 1.7 and five million women involved in prostitution 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. Up to 80 percent of prostitutes in some areas had hepatitis.

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

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 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 a 2005 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 coordinated women's policy. The ACWF was the leading implementer of women's policy for the government. Nonetheless, many activists and observers were concerned that the progress made by women over the past 50 years was eroding. They asserted that the government appeared to have made the pursuit of gender equality a secondary priority as it focused on economic reform and political stability.

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. According to a survey by the ACWF, 50 percent of female migrant workers, versus 40 percent of male migrants, had no labor contract with their employers. ACWF studies also showed that 21 percent of rural women working in cities were fired after becoming pregnant or giving birth and that some women delay motherhood for fear of losing job and promotion opportunities.

Social organizations and the government made efforts to educate women about their legal rights. During the year over half of 11,669 respondents to a survey conducted by the *People's Daily* Web site reported they had experienced sexual harassment in the workplace.

Women frequently encountered serious obstacles to the enforcement of laws. According to legal experts, it was difficult 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 in divorce proceedings.

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

Women have less earning power than men, despite government policies that mandate nondiscrimination in employment and occupation.

The UN Economic and Social Council reported that less than 2 percent of women between the ages of 15 and 24 were illiterate. According to 2005 official government statistics, women comprised 73.6 percent of all illiterate persons. In some underdeveloped regions, the female literacy rate lagged behind the male literacy rate by 15 percent or more.

A high female suicide rate continued to be a serious problem. According to the World Bank and the World Health Organization, there were approximately 500 female suicides per day. The suicide rate for females was 25 percent higher than for males. Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, the country's birth limitation policies, and other societal factors contributed to the especially high female suicide rate. Women in rural areas, where the suicide rate for women is three to four times higher than for men, were especially vulnerable.

While the gap in the education levels of men and women narrowed, differences in educational attainment remained a problem. Men continued to be overrepresented among the relatively small number of persons who received a university-level education. According to official statistics, in 2005 women accounted for 47.1 percent of undergraduate and college students, 43.4 percent of postgraduate students, and 32.6 percent of doctoral students. Women with advanced degrees reported discrimination in the hiring process as the job distribution system became more competitive and market driven.

Children

The law prohibits maltreatment of children and provides for compulsory education. The State Council's National Working Committee on Children and Women was tasked with carrying out policy toward children. Parents must register their children in compliance with the national household registration system within one month of birth. If children are not registered, they cannot access public services.

The law provides for nine years of compulsory education for children. However, in economically disadvantaged rural areas, many children did not attend school for the required period and some never attended. Public schools were not allowed to charge tuition, but after the central government largely stopped subsidizing primary education, 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.

According to 2006 government statistics, 99.27 percent of children nationwide were enrolled in elementary school. In 2005 the government reported that 51.4 percent of primary school students, 45.7 percent of junior secondary school students, and 44.0 percent of senior secondary school students were girls. It was widely believed that the proportion of girls attending school in rural and minority areas was smaller than in cities. According to a Chinese Academy of Social Sciences report, 61 percent of boys and 43 percent of girls in rural areas completed education higher than lower middle school. The government reported that nearly 20 million children of migrant laborers followed their parents to urban areas. Most children of migrant workers who attended school did so at schools that were unlicensed and poorly equipped.

The law prohibits discrimination against minors with disabilities and codifies a variety of judicial protections for juvenile offenders. The physical abuse of children can be grounds for criminal prosecution. Boys and girls have equal access to state-provided medical care.

More than half of all boys and almost a third of all girls have been physically abused, according to survey results released at a 2005 conference in Beijing. The survey reported that 10 percent of boys and 15 percent of girls were sexually abused. These statistics were among those publicized at a National Consultation on Violence against Children, which the government and the UN Children's Fund sponsored. A media ban was also issued after a Nanjing newspaper publicized the forced sterilization of mentally challenged teenagers in Nantong, Jiangsu Province.

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. Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the coercive birth limitation policy. 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. 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.

Abolition of the system of custody and repatriation in 2003 reduced the number of children detained administratively. Nonetheless, more than 150,000 "street children" lived in cities, according to state-run media. This number was even higher if the children of migrant workers who spend the day on the streets were included.

The law forbids the mistreatment or abandonment of children. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages were usually disabled or in poor health. Medical professionals sometimes advised parents of children with disabilities to put the children into orphanages.

The government denied that children in orphanages were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems. Adopted children were counted under the birth limitation regulations in most locations. As a result, couples that adopted abandoned baby girls were sometimes barred from having additional children.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. Persons convicted of trafficking face criminal sanctions including fines, confiscation of personal property, imprisonment, and, in extreme cases, the death penalty. Victims and their families can also bring civil suits against offenders. During the year, the government increased efforts to combat trafficking, leading to a decline in some forms of trafficking. However, trafficking laws do not fully comply with international standards or cover all forms of trafficking. In September an MPS official stated that the number of reported cases of sexual exploitation and forced labor, which are addressed in the criminal or labor laws rather than the trafficking law, increased. Persons convicted of forced prostitution, abduction, or commercial exploitation of girls under 14 may receive life imprisonment or the death penalty.

The revised law on the protection of minors, which took effect in June, prohibits trafficking, kidnapping, and sexual exploitation of minors. In July the National Antitrafficking Children's Forum brought children's advocates from several provinces together in Beijing to discuss strategies for preventing minors from being trafficked and to draft recommendations for the December 12 to 14 Cooperation Against Trafficking in Persons in the Greater Mekong Subregion Second Ministerial in Beijing.

The country was both a source and destination for trafficking in persons. Most trafficking was internal for the purposes of sexual exploitation, forced labor, and forced marriage. 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. In many cases women and children were lured abroad with false promises of employment and then trafficked into prostitution or forced labor.

Domestic and cross-border trafficking continued to be significant problems, although the exact numbers of persons involved could only be estimated due to a huge itinerant population of approximately 150 million. The MPS reported about 3,000 cross-border trafficking cases but stated this figure as decreasing by approximately 20 percent every year. NGOs estimated the number of victims trafficked internally each year was between 10,000 and 20,000. Between 2001 and 2005, the government resolved more than 27,280 trafficking cases, arrested more than 25,000 traffickers, and rescued more than 54,121 victims. During 2006 a joint China-Burma investigation uncovered a large human trafficking ring that reportedly lured women to China with employment offers and then forced them to marry Chinese men. In May police in Sichuan Province broke up an Internet-based trafficking gang and rescued three women. In June a court in Shandong Province sentenced four people to life in prison for kidnapping a boy and selling him. From January to August, the government investigated more than 2,100 cases of trafficking victims. In 2006 the government investigated 2,569 cases, and provincial governments rescued 371 victims and arrested 415 traffickers. Between June and September 2006, the government improved cooperation with Vietnamese authorities, jointly disrupting 13 trafficking networks and rescuing 193 victims. The government also launched antitrafficking operations with Vietnam, Thailand, and Burma in late 2006. In August border police arrested three traffickers attempting to smuggle 12 teenagers to Canada. In December 2006 the government convicted and sentenced six traffickers to life imprisonment in Anhui Province.

Some experts and NGOs suggested that a shortage of marriageable women fueled the demand for abducted women, especially in rural areas. They argued that 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 wife attractive to some poor rural men. Some men recruited women 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 sometimes raped. Some accepted their fate and joined the new community, others struggled and were punished, and a few escaped. Some former trafficking victims became traffickers themselves, lured by the prospect of financial gain.

Over the past five years there reportedly was an increase in cross-border trafficking cases, with most trafficked women and girls coming from North Korea, Mongolia, and Vietnam. Others came from Burma, Laos, Russia, and Ukraine. They were trafficked into the country for sexual exploitation, forced marriage, and indentured servitude in domestic service or businesses. North Korean women and girls were trafficked into the country to work in the sex industry and for other purposes. Because the government continued to treat North Korean trafficking victims as economic migrants, they were routinely deported back to North Korea. North Korean women reportedly were sold for approximately \$406 to \$1,358 (RMB 2,900 to RMB 9,700). Women reportedly were also trafficked from Vietnam for the purpose of forced marriage. The UN reported that Chinese citizens were most often trafficked to Malaysia, Thailand, the United Kingdom, and the United States. Second-tier destinations included Australia, European countries, Canada, Japan, Burma, Singapore, South Africa, and Taiwan.

Trafficked persons became entangled with alien smuggling rings, which often had ties to organized crime and were international in scope. Persons trafficked by alien smugglers paid high prices for their passage to other countries, where they hoped that their economic prospects would improve. Some reportedly promised to pay from \$32,340 to \$53,900 (RMB 231,000 to RMB 385,000) 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 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. When arrested and brought to court, human smugglers received five- to 10-year jail sentences and fines up to \$6,468 (RMB 46,200). In very serious cases, courts imposed life imprisonment or the death penalty.

Kidnapping and the buying and selling of children for adoption increased over the past several years, particularly in poor rural areas. There were no reliable estimates of the number of children trafficked. Most children trafficked internally were sold to couples unable to have children, particularly sons. In the past most infants rescued were male, but increased demand for children reportedly drove traffickers to focus on females as well.

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

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

The purchase of women was criminalized in 1991. This decision made abduction and sale separate offenses. There are no legal protections that prohibit forms of trafficking such as debt bondage or commercial sexual exploitation.

There were reports of local officials' complicity in both alien smuggling and in prostitution, which sometimes involved trafficked women. In some cases village leaders sought to prevent police from rescuing women who had been sold to villagers.

The principal organs responsible for combating trafficking or assisting its victims were the MPS, the State Council's Work Committee for Women and Children, and the ACWF. In addition 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 played roles in this area. It was central government policy to provide funds to provincial and local police to house victims and return them to their homes. Government-funded women's federation offices and other women's organizations provided counseling on legal rights, rehabilitation, and other assistance to trafficking victims, although lack of funding reportedly limited services in many areas. The government and NGOs also supported centers in communities with large numbers of migrant laborers, to train members of at-risk groups to avoid being trafficked and to get out of trafficking situations. The government distributed information to combat trafficking, and schools provided antitrafficking training to students. The December 13 National Action Plan (NAP) to combat trafficking, the first of its kind in the country, requested ministries to expand victim services by providing training, rehabilitation, counseling, and other assistance. The NAP required all relevant ministries to draft implementing plans. The ACWF assisted victims in obtaining medical and psychological treatment. Overseas NGOs provided treatment to trafficking victims and conducted educational outreach programs to educate rural

youth about the dangers of trafficking.

Persons with Disabilities

The law protects the rights of persons with disabilities and prohibits discrimination; however, conditions for such persons lagged far behind legal dictates, failing to provide persons with disabilities access to programs designed to assist them. According to the official press, all local governments have drafted specific measures to implement the law.

The Ministry of Civil Affairs and the China Disabled Persons Federation, a government-organized civil association, were the main entities responsible for persons with disabilities. In December 2006 the government stated that there were 82.96 million persons with disabilities. According to government statistics, 3,250 educational and vocational centers provided training and job-placement services for persons with disabilities. During the year 572,000 persons with disabilities received education or training. However, some 1.15 million urban and 3.37 million rural persons with disabilities were unemployed. Nationwide 243,000 school-age children with disabilities did not attend school. Nearly 100,000 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 to integrate persons with disabilities into society. However, misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems.

According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions, where care was often inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education for their children. Government statistics showed that almost one-quarter of persons with disabilities lived in extreme poverty. Unemployment among adults with disabilities remained a serious problem. 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 2005 national population survey, the population of the country's 55 officially recognized ethnic minorities totaled 123 million, or 9.44 percent of the total population. Additionally some citizens identified themselves as members of unrecognized ethnic minorities. Most minority groups resided in areas they traditionally inhabited. Government policy calls for members of recognized minorities to receive preferential treatment in birth planning, university admission, access to loans, and employment. In 2005 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, and job discrimination in favor of Han migrants remained a serious problem even in state-owned enterprises. Racial discrimination was the source of deep resentment in some areas, such as the XUAR, Inner Mongolia, and Tibetan areas. As part of the government's emphasis on building a "harmonious society," the government downplayed racism against minorities and tension among different ethnic groups.

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.

The government's policy to encourage Han migration into minority areas resulted in significant increases in the population of Han Chinese in the XUAR. According to 2005 statistics published by XUAR officials, 7.98 million of the XUAR's 20 million official residents were Han. Hui, Kazakhs, Kyrgyz, Uighur, and other ethnic minorities comprised approximately 12 million XUAR residents. Official statistics understated the Han population, because they did not count the tens of thousands of Han Chinese who were long-term "temporary workers."

Minorities constituted 14 percent of the NPC, which was higher than their percentage in the population. According to a 1999 government report, 2.9 million minority officials served in the government. According to the government, at the end of 2005 30.59 percent of Inner Mongolia's cadres were ethnic minorities. A government report stated that ethnic minority representation in local people's congresses nationwide was 12 percent, including 62.7 percent in the XUAR, 68.2 percent in the TAR, 58.8 percent in Guangxi, 59.8 percent in Ningxia, and 40.7 percent in Inner Mongolia. Nonetheless, Han officials held most of the most powerful party and government positions in minority autonomous regions, particularly the XUAR. In February the government launched an 11th Five-Year Plan for Ethnic Minorities Affairs, to perfect the "ethnic minority autonomous system," hasten the "safeguarding of ethnic minorities' legal rights," and strengthen "socialist ethnic relations" based on "equality, solidarity, mutual assistance, and harmony." The 11th Five-Year Plan calls for "establish[ing]

a system to monitor the ethnic relationships," cracking down on "ethnic separatists in accordance with the law," and safeguarding "ethnic unity, social stability and national security."

The migration of ethnic Han into the XUAR in recent decades caused the Han-Uighur ratio in the capital of Urumqi to shift from 20 to 80 to 80 to 20 and was a deep source of Uighur resentment. Discriminatory hiring practices gave preference to Han and discouraged job prospects for ethnic minorities. In June 2006 the Xinjiang Production and Construction Corps announced that it would recruit 840 employees from the XUAR designating nearly all of the job openings for Han Chinese. While the government promoted Han migration into the XUAR, overseas human rights organizations alleged that government-sponsored labor programs forced Uighur girls and young women to work in factories in eastern China on false pretenses and without regular wages.

The XUAR government tightened measures that diluted expressions of Uighur identity, including measures to reduce education in ethnic minority languages and to institute language requirements that disadvantage ethnic minority teachers. The government continued moving away from the two-track school systems that used either standard Chinese or the local minority language and toward a new system that required 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 the XUAR 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 Chinese-language course work at a university. The dominant position of standard Chinese in government, commerce, and academia put graduates of minority-language schools who lacked standard Chinese proficiency at a disadvantage. Koranic education was tightly controlled, and use of Arabic in public schools was forbidden.

Since 2001 authorities have increased repression in the XUAR, targeting in particular the region's ethnic Uighur population. In January XUAR Party Secretary Wang Lequan again urged government organs to crack down on the "three forces" of religious extremism, "splittism," and terrorism, and to "firmly establish the idea that stability overrides all." It was sometimes difficult to determine whether raids, detentions, and judicial punishments directed at individuals or organizations suspected of promoting the "three forces," were instead actually used to target those peacefully seeking to express their political or religious views. The government continued to repress Uighurs expressing peaceful political dissent and independent Muslim religious leaders, sometimes citing counterterrorism as the reason for taking action. On January 5, police raided a suspected East Turkestan Islamic Movement training camp in the southern XUAR, killing 18 Uighurs. One police officer also died. Exiled Uighur leaders questioned the motives behind the raid and claimed that the government had not produced evidence establishing that the training camp had terrorist links. 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, was designated by the UN as a terrorist organization.

Uighurs were sentenced to long prison terms, and in some cases executed, on charges of separatism. On February 8, authorities executed Ismail Semed, an ethnic Uighur from the XUAR, following convictions in 2005 for "attempting to split the motherland" and other counts related to possession of firearms and explosives. During his trial Semed claimed that his confession was coerced. Semed was forcibly returned from Pakistan in 2003. On April 19, foreign citizen Huseyin Celil was sentenced to life in prison for allegedly plotting to split the country and 10 years in prison for belonging to a terrorist organization, reportedly after being extradited from Uzbekistan and tortured into giving a confession. Although Celil was granted Canadian citizenship, Chinese authorities refused to recognize this and consequently denied Celil access to consular officials. During the year the government reportedly sought the repatriation of Uighurs living outside the country, where they faced the risk of persecution.

In June 2006 authorities charged Alim, Ablikim, and Qahar Abdureyim, three of Uighur activist and businesswoman Rebiya Kadeer's sons, with state security and economic crimes. In April Ablikim was sentenced to nine years in prison and three years deprivation of political rights, reportedly after confessing to charges of "instigating and engaging in secessionist activities." In November 2006 Alim was sentenced to seven years in prison and fined \$62,500 (RMB 446,429).

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. In 2005 writer Abdulla Jamal was detained in the XUAR, reportedly for writings that promoted Uighur independence. Other Uighurs who remained in prison at year's end for peaceful expression included Tohti Tunyaz, Adduhelil Zunun, Abdulghani Memetemin, Nurmuhemmet Yasin, and Korash Huseyin.

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

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

(See also the Tibet addendum.)

Other Societal Abuses and Discrimination

The household registration system continued to result in widespread discrimination against citizens from rural areas. Because they could not change their household registrations, many migrants living and working in urban areas were denied access to public services such as education and health care, as well as pension benefits, unemployment, and other social insurance programs. Where public services were available to migrant families, they rarely reached a standard equal to those of registered urban residents.

No laws criminalize private homosexual activity between consenting adults. According to the Ministry of Health, the country has approximately 30 million homosexuals between the ages of 15 and 60. Societal discrimination and strong pressure to conform to family expectations deterred most gay individuals from publicly discussing their sexual orientation. Published reports stated that more than 80 percent of gay men married because of social pressure.

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 the estimated 700,000 persons with HIV/AIDS and approximately 120 million hepatitis B carriers (including 20 million chronic carriers) remained widespread in many areas. Hospitals and physicians sometimes refused to treat HIV-positive patients. During the year a number of hepatitis B carriers sued local government institutions to enforce their rights to work and study. While they won judgments in some cases, widespread discrimination remained. In October 2006 the Ministry of Health criticized local officials in Urumqi, XUAR, for expelling 19 hepatitis B carriers from public schools. The criticism was carried in the national press, but no remedies were reported.

Persons with HIV/AIDS likewise suffered discrimination and local governments sometimes tried to suppress their activities. In July officials in Guangzhou forced organizers to cancel an international conference on the legal rights of HIV/AIDS patients. At the same time, international involvement in HIV/AIDS prevention, care, and treatment, as well as central government pressure on local governments to respond appropriately, brought improvements in some localities. Some hospitals that previously refused to treat HIV/AIDS patients have active care and treatment programs, because domestic and international training programs improved the understanding of local healthcare workers and their managers. In Beijing dozens of local community centers encouraged and facilitated HIV/AIDS support groups.

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

Scholarly studies by Chinese indicated that discrimination in employment based on height and physical appearance was both legal and common.

Section 6 Worker Rights

a. The Right of Association

Although the law provides for the freedom of association, in practice workers were not free to organize or join unions of their own choosing. Workers cannot choose an independent union to represent them in the workplace, as independent unions are illegal. The All-China Federation of Trade Unions (ACFTU), which was controlled by the CCP and chaired by a member of the Politburo, was the sole legal workers' organization. The trade union law gives the ACFTU control over all union organizations and activities, including enterprise-level unions, and requires the ACFTU to "uphold the leadership of the Communist Party." Direct election by workers of union leaders is rare, occurs only at the enterprise level, and is subject to supervision by higher levels of the union or Communist Party organization. The ACFTU and its constituent unions influenced and implemented government policies on behalf of workers.

Already established in the state-owned sector, where union representatives frequently held senior management positions, the ACFTU continued the campaign it began in 2006 to organize unions in foreign-invested enterprises. Labor laws make no distinction between domestic and foreign-invested enterprises with respect to the establishment of unions. During the year the ACFTU reported that it had 1,322,000 labor unions with membership of 170 million workers as of the end of 2006, and that it had established unions in 54.5 percent of foreign-invested enterprises. ACFTU made efforts to encourage rural migrants working in the cities to join or form ACFTU unions.

Although the law states that trade union officers at each level should be elected, most were appointed by higher levels of the ACFTU, often in coordination with employers. In enterprises where direct election of union officers took place, regional ACFTU offices and local party authorities retained control over the selection and approval of candidates.

The trade union law provides specific legal remedies against antiunion discrimination and specifies that union

representatives may not be transferred or terminated by enterprise management during their term of office. Collective contract regulations provide similar protections for employee representatives during collective consultations. The degree to which these provisions were enforced was unknown. ACFTU officials and other observers reported that such protections were difficult to enforce in practice.

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 some of these workers, especially when they engaged in organized campaigns. Some workers who complained to local labor and social security bureau offices about working conditions reported that they faced harassment from their employers and police and sometimes from labor bureau officials. Labor rights activists complained throughout the year of police surveillance, including interviews with police.

In April the Jingzhou district court in Hubei sentenced Zhou Yuanwu, who led workers' protests at the Jingzhou Brewery in 2006, to 30 months in prison for "obstructing public officers in performance of their duties." Zhou's advocate denied the charge that Zhou struck a police officer in 2006, when police attempted to bring Zhou to court without a subpoena. In a December 6 letter to President Hu Jintao, the International Trade Union Confederation (ITUC) general secretary protested the November sentencing of Li Guohong, a representative of workers dismissed from positions at the Zhongyuan Oil Field (ZOF) in Henan Province, to 18 months of reeducation-through-labor. The ITUC reported that Li Guohong was detained on October 31 when he inquired about earlier detentions of ZOF workers. Other labor activists detained in previous years were reportedly still in detention at year's end. These included Yao Fuxin, Hu Shigen, Wang Sen, Zhang Shanguang, He Zhaohui, Yue Tianxiang, Miao Jinhong, Ni Xiafei, Huang Xiangwei, Li Xintao, Gao Hongming, Zha Jianguo, Hu Mingjun, Li Wangyang, Liu Zhihua, Luo Mingzhong, Luo Huiquan, Kong Youping, Ning Xianhua, Li Jianfeng, Lin Shun'an, Chen Wei, She Wanbao, and Zhu Fangming. Family members of some imprisoned labor activists reported surveillance and harassment by public security officials.

In a November 26 letter to the mayor of Shenzhen, the ITUC general secretary protested a widely reported series of attacks against a Shenzhen-based labor advice and support center, including one on November 20 in which the center's director, Huang Qingnan, was stabbed and seriously wounded. At year's end no arrests were made in the case. The ITUC also protested violence against workers claiming unpaid wages and urged the government and police to ensure the safety of labor activists and their organizations.

b. The Right to Organize and Bargain Collectively

The labor law permits collective bargaining for workers in all types of enterprises; however, in practice collective bargaining fell far short of international standards. Under the law, collective contracts are to be developed through collaboration between the labor union and management and should specify such matters as working conditions, wage scales, and hours of work.

The trade union law specifically addresses unions' responsibility to bargain collectively on behalf of workers' interests. Regulations required the union to gather input from workers prior to consultation with management and to submit collective contracts to workers or their congress for approval. There is no legal obligation for employers to negotiate.

At year's end, ACFTU reported that there were more than 800,000 collective contracts in place, covering 1.5 million enterprises. However, the majority were prefabricated contracts adopted without negotiation. Collective contracts generally reflected statutory minimums labor standards. The majority of collective contracts did not address the issue of wages.

The law does not protect workers' 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. Without the right to strike, workers had only a limited capacity to influence the negotiation process. In the private sector, where active labor unions were rare and alternative union organizations had no legal standing to negotiate, workers faced heightened obstacles to bargaining collectively with management.

In some cases, workers did strike to demand better conditions and benefits. In April workers at the Yantian Container Port in Shenzhen, Guangdong Province, reportedly went on strike for one day to demand higher wages and creation of a labor union. Local labor officials reportedly intervened to resolve the strike. Two weeks later the press reported that 300 workers at a garment factory, also in Yantian, went on strike when management demanded workers sign new labor contracts that contained policy changes to wage and hours that had not been negotiated with workers. Management of a printing plant in Dongguan, Guangdong, reportedly fired workers who went on strike to protest inaccurate overtime calculations. The managers claimed to have the approval of the local government for their actions. On July 18, up to several thousand transport workers in Jinzhou, Liaoning Province, launched a strike to protest wage issues and the privatization of the city's bus company.

The law provides for labor dispute resolution through a three-stage process: mediation between the parties, arbitration by officially designated arbitrators, and litigation. According to the Ministry of Labor and Social Security, between 2001 and 2006, the number of labor disputes accepted by arbitration commissions more than doubled, while the number of workers

involved in officially registered labor disputes increased by 45 percent. Government officials and academics attributed the rising number of officially recorded disputes to both increasing labor unrest and the government's improving ability to handle and keep track of disputes.

During the year there were numerous media accounts of worker protests involving actual or feared job loss, wage or benefit arrears, dissatisfaction with new contracts offered in enterprise restructuring, failure to honor contract terms, or discontent over substandard conditions of employment. In April 500 workers at the Huaxing Light Manufacturing in Shenzhen, Guangdong Province, protested inadequate severance pay for laid-off employees. In May workers organized a strike and blocked factory premises at Eltop Electronics in Shenzhen to demand back wages and severance pay before the factory relocated to another city. In June there was a strike and factory blockade at the Yongxing Toy Company in Dongguan, Guangdong, after more than 2,000 workers reportedly demanded 10 weeks' back wages. The press also reported some instances of labor unrest leading to violence. In April at a textile factory in Fuyang, Anhui Province, police responded with force to workers who blocked roads and railways and rushed a hotel. In May private security guards wielding iron bars injured nine workers demanding back wages at a construction company in the Baiyun district of Guangzhou. In June in Heyuan City, Guangdong Province, private security guards armed with steel pipes and tools reportedly attacked unarmed migrant workers in a contract dispute, seriously injuring at least seven and killing one.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, including by children, but such practices occurred. In May and June, domestic media uncovered a massive network of forced labor at brick factories in Shanxi and Henan provinces. By mid-August a central government-organized joint task force reported that it had inspected 277,000 brick kilns and other small-scale enterprises nationwide and had rescued 1,340 workers from forced labor conditions, including 367 workers with mental disabilities and an undisclosed number of children. In Shanxi alone authorities rescued 359 workers, including 121 persons with mental disabilities and 15 underage workers. The local government sentenced one person to death and 28 other persons to prison terms of up to life for their roles in these cases, but government officials found complicit in the cases received only administrative penalties.

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

It remained common for employers to withhold several months' wages, or to require unskilled workers to deposit several months' wages, as security against the workers departing early from their labor contracts. This practice prevented workers from exercising their right to leave their employment. Although this practice was illegal, the government did not emphasize controlling it.

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.

Reliable statistics on the prevalence of child labor were not available, but the government acknowledged the problem and noted that it was relatively prevalent in certain industries. The government also maintained 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.

While poverty remained the main reason for child labor, inadequacy of the mandatory education system, rising market demand, labor shortages, and the potential child labor supply in the informal labor market also contributed to this problem. Although nine years of education (through age 16) is compulsory, the high cost of basic education caused some children to drop out of school to work; other children worked while in school.

There were new reports during the year of cases in which school officials colluded with employers to supply low-cost child labor to factories under the guise of "work-study" programs. In June a report issued by a Hong Kong-based labor NGO on the abuse of "work study" programs observed that "students have no say in the terms and conditions of their employment

and have little or no protection from abusive work practices."

In June reports of forced child labor at brick kilns in Shanxi Province again drew attention to the problem of child labor nationwide. In another well-publicized case in August 2006, authorities in Ningbo rescued over 70 middle-school students used as laborers at a grape cannery under the guise of a summer work-study program. There were sporadic cases in the export sector as well, where social compliance auditors from foreign buyers reported that the incidence of child labor in suppliers' factories, though still low, appeared to be rising. In June a Guangdong factory licensed to produce products bearing the 2008 Olympics logo admitted to employing workers under the age of 16, after an international NGO published a report on working conditions at the factory. The Beijing Organizing Committee for the Olympic Games subsequently terminated the company's license to manufacture Olympic items.

e. Acceptable Conditions of Work

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

During the year many cities increased their minimum wages, typically by 10 to 15 percent, to keep up with a rising cost of living. Nevertheless, the minimum wage system was not fully implemented, and there was no regular mechanism in most locations for increasing wages. In many locations shortages of unskilled labor continued to push actual wages up. A midyear nationwide survey by the National Bureau of Statistics found that rural and urban incomes had increased by 13.3 and 17.6 percent, respectively, over the previous year.

Wage arrearages remained common, especially among migrant workers. Some migrant workers received wages once a year, when settling with employers prior to returning home for the lunar New Year. The government reported progress in its efforts to prevent arrearages and recover payment of missing wages and insurance contributions. Legal aid lawyers and government sources reported that nonpayment or underpayment of wages accounted for more than half of all cases handled through the labor dispute resolution system.

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

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

The State Administration for Work Safety (SAWS) also acknowledged that occupational health and safety concerns remained serious.

Inadequate and poorly enforced occupational health and safety laws and regulations continued to put workers' health and lives at risk. In April more than 30 workers were killed at the Qinghe Special Steel plant in Liaoning Province when a cauldron of molten steel broke loose and spilled into a conference room. The initial SAWS investigation concluded that "chaotic" management, poor safety practices, and major equipment problems all contributed to the accident.

Overall there was a decline in reported accidents and fatalities compared to the previous year. Between January and October, official statistics reported that industrial accidents killed 11,109 workers, a decrease of 6.1 percent from the previous year.

The coal industry continued to suffer the largest number of accidents and fatalities. During the year there were 3,770 reported coal mine fatalities, 20 percent fewer than in 2006. About two-thirds of coal mine accidents occurred in small mines, which accounted for only one third of the country's coal production. The drop in reported fatalities reflected, in part, the success of government efforts to improve mine safety, including through a policy of consolidating the industry into larger, better regulated mining companies. SAWS reported that over the past two years the government had closed 11,155 small coal mines. Although reported coal mine fatalities decreased in absolute terms, the fatality rate remained very high

by international standards. There were 2.4 coal mine fatalities per million metric tons of coal produced in 2006. Legislative and mine safety experts reported that mine safety problems stemmed from an inadequate legal framework, weak penalties, poor mine supervision, noncompliance with mine safety regulations and mine closure orders, and inadequate training for mine inspectors, mine operators, and miners. In August 181 coal miners in Xintai, Shandong Province, were trapped and killed one day after local mine safety authorities warned mines in the area to cease operations because of torrential rains.

On December 5, 105 miners were killed in a gas explosion in a coal mine in Shanxi Province. There were numerous other reports of smaller-scale fatal coal mine accidents throughout the year. 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 government reported that, by year's end, 120 million workers participated in the country's work-injury insurance system, an increase of 18 percent over 2006. 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 access to legal aid was limited.

The work safety law states that employees have the right, after spotting an emergency situation that threatens their personal safety, to evacuate the workplace. Employers are forbidden to cancel the labor contracts or reduce the wages or benefits of any employee who takes such action. In practice such protective provisions were difficult to enforce. There were reports of serious accidents in which miners were killed when mine managers forced them to continue working under unsafe conditions.

While many labor laws and regulations were fully compatible with international standards, implementation and enforcement were generally poor. In addition labor contracts were executed rarely or contained terms inconsistent with the law. The lack of written labor contracts made it much more difficult for workers whose rights had been violated to seek redress through administrative processes or through the courts. The widespread use of labor contracting agencies to supply manpower also created legal gray areas that made labor law enforcement more difficult.

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 (PRC). The Tibetan population within the TAR was approximately 2.8 million, while in autonomous prefectures and counties outside the TAR the Tibetan population was an estimated 2.9 million. The government strictly controlled information about, and access to, the TAR and, to a lesser extent, Tibetan areas outside the TAR, 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 increased. Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest and detention, and house arrest and surveillance of dissidents. The government restricted freedom of speech, academic freedom, and freedom of movement. The government adopted new regulations and other measures to control the practice of Tibetan Buddhism, including measures that require government approval to name all reincarnated lamas. The preservation and development of the unique religious, cultural, and linguistic heritage of Tibetan areas and the protection of the Tibetan people's other fundamental human rights continued to be of concern.

Deprivation of Life

In contrast with 2006, there were no reports that government security agents killed persons during the year.

There were no developments in the investigation of the September 2006 shooting at the Nangpa La pass, in which People's Armed Police (PAP) killed Kelsang Namtso and injured others in a group of approximately 70 Tibetans attempting to enter Nepal.

There were no developments in the 2005 death of monk Ngawang Jangchub.

Disappearance

In April authorities arrested Phuntsok Gyaltsen, the deputy head of Phurbu Township, Palgon County, TAR. At year's end his whereabouts were unknown.

The whereabouts of 19-year-old monk Thubten Samten, reportedly arrested in May 2006, remained unknown at year's end. There was no information on the location of 13 Tibetans arrested near Tingri in June 2006. The whereabouts of

Lhadon, a Kangma Middle School teacher in Kangma County, TAR, arrested in 2006, were unknown.

The whereabouts of the Panchen Lama, Tibetan Buddhism's second most prominent figure after the Dalai Lama, and his family remained unknown. Government officials continued to claim he was under government supervision at an undisclosed location.

Torture and Other Degrading Treatment

In early September authorities detained seven ethnic Tibetan school children ages 14 and 15 in the Gannan Tibetan Autonomous Prefecture (TAP) of Gansu Province for allegedly writing slogans on public buildings calling for the return of the Dalai Lama. The children were held until fines were paid. According to reports, during their incarceration they were severely beaten and subjected to electric shocks. One child was released to a hospital for treatment after sustaining serious injuries believed to be the result of beatings.

Tibetans seeking to flee to India and other countries overland via Nepal risked violence and arrest at the hands of security forces. On October 18, PAP border guards reportedly fired on a group of 46 Tibetans attempting to enter Nepal at the Nangpa La pass. Three Tibetans reportedly were arrested and nine were missing; the remainder reached Nepal.

The security apparatus employed torture and degrading treatment in dealing with some detainees and prisoners. Tibetans repatriated from Nepal reportedly continued to suffer torture and other abuse in detention centers, including electric shocks, exposure to cold, and severe beatings, and were forced to perform heavy physical labor. Many were required to pay fines upon release.

In a Radio Free Asia (RFA) report in April, monk Sonam Dorje, who served a 13-year jail term in Lhasa's Drapchi Prison, described torture used by Chinese prison guards. He reported that the guards used rubber tubes filled with sand, electric batons, and iron tongs to beat the prisoners, and he said they were kept in solitary confinement for up to a month at a time.

Approximately 30 Tibetans captured at the Nangpa La pass in September 2006 remained in detention in a labor camp.

A group of 23 Tibetans captured at the Nangpa La pass in 2005 also remained in detention. The whereabouts of 27 other persons in the same group were unknown.

Prison Conditions

Prisoners in Tibetan areas were generally subject to the same prison conditions as 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 one rest day every two weeks, but these regulations often were not enforced. Conditions in administrative detention facilities, such as reeducation-through-labor camps, were similar to those in regular prisons.

Arbitrary Arrest or Detention

Arbitrary arrest and detention remained serious problems in Tibetan areas. By law police may detain persons for up to 37 days without formally arresting or charging them. After the 37-day period has expired, police must either formally arrest the detainees or release them. The relatives or employer of a person arrested must be notified within 24 hours of the arrest. In practice police frequently violated these requirements.

Political Prisoners and Detainees

Due to the lack of independent access to prisoners and prisons, it was difficult to ascertain the number of Tibetan political prisoners. According to sources, the overall number of reported political prisoners in Tibetan areas dropped to 95, compared with 105 in 2006. However, the number of persons known to be detained for political reasons during the year rose to 24 from 13 in 2006. Based on information available for 70 political prisoners, the average sentence was 10 years and 11 months, and 67 percent were monks or nuns. Sources showed that 48 Tibetan political prisoners were imprisoned in the TAR, 34 in Sichuan Province, six in Qinghai Province, four in Gansu Province, and three in Beijing.

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

On January 8, plainclothes officers reportedly arrested Jamyang Gyatso, a monk from Gansu Province. Local residents speculated that he was detained for helping persons listen to RFA broadcasts. Gyatso was beaten while in prison and released in September.

In January the Tibetan Centre for Human Rights and Democracy (TCHRD) reported the February 2006 detention of Buchung, a monk from Tashilhunpo Monastery. Buchung reportedly had a compact disc containing the Dalai Lama's 2006 Kalachakara teaching. At year's end there was no information on whether he had been charged or sentenced.

In January the RFA reported the December 2006 arrest of Penpa, a village leader from Dingri County in Shigatse Prefecture, TAR. Police reportedly searched Penpa's home and found materials relating to the Kalachakara teachings of the Dalai Lama. TibetInfoNet reported that in February Penpa was sentenced to three years in Nyari Prison in Shigatse.

On July 16, according to the TCHRD, Khenpo Jinpa, the abbot of Chogtsang Talung Monastery in Ganzi (Kardze) TAP, Sichuan Province, was sentenced to three years in prison on charges of endangering national security. The TCHRD reported that Khenpo Jinpa was detained in August 2006 and accused of distributing leaflets in support of Tibetan independence and the Dalai Lama.

On August 1, ethnic Tibetan Rongye Adrak was arrested in the Ganzi TAP after calling for the Dalai Lama's return at a public event. On November 20, the Ganzi Intermediate People's Court convicted him of inciting separatism and sentenced him to eight years in prison. Senior monk Adak Lupoe, who is Rongye Adrak's nephew, as well as Jarib Lothog and art teacher and musician Kunkhyen were subsequently arrested and convicted of leaking intelligence and endangering national security after they attempted to provide pictures and information concerning Rongye Adrak's arrest to foreign organizations. Lupoe received a 10-year sentence, Kunkhyen nine years, and Luthog three years.

The following persons remained in prison: Dawa (also called Gyaltzen Namdak), sentenced in October 2006 to five years' imprisonment for allegedly distributing pamphlets containing political material; monk Lobsang Palden from Ganzi Monastery, charged in September 2006 for initiating separatist activities based on his alleged possession of photographs of the Dalai Lama; teacher Dolma Kyab; Sherab Yonten, Sonam Gyelpo, and two others; and monk Tsering Dhondup.

There was no information regarding the following 2006 cases: six Tibetans from Sichuan Province detained for allegedly advocating Tibetan independence; former nun Yiga and lay women Sonam Choetso and Jampa Yangtso, all from the Ganzi TAP and detained in Lhasa; layman Kayi Doega and nun Sonam Lhamo, detained in the Ganzi TAP; and Yiwang, a 17-year-old Tibetan girl from the Ganzi TAP.

The status of the following persons arrested in 2005 remained unconfirmed at year's end: nuns Choekyi Drolma and Tamdrin Tsomo; monks Namkha Gyaltzen, Dargyal Gyatso, and Jamyang Sambdrub; monk and teacher of traditional monastic dance Gendun; and monks Ngawang Namdrol, Ngawang Nyingpo, Ngawang Thupten, Ngawang Phelgey, and Phuntsok Thupwang from Drepung Monastery in Lhasa.

Jigme Gyatso and Bangri Chogtrul Rinpoche remained in prison at year's end, as did monk Choeying Khedrub from Nagchu Prefecture, sentenced to life in prison in 2001 on charges of "endangering state security" and "supporting splittist activities." He was one of two Tibetans known to be serving life sentences for political offenses. The other was Tenzin Delek Rinpoche, a senior monk imprisoned for allegedly setting explosives and inciting separatism.

Chadrel Rinpoche remained under house arrest; officials denied requests by foreign diplomats to visit him.

Denial of Fair Public Trial

Legal safeguards for Tibetans detained or imprisoned were inadequate in both design and implementation. Most judges in the TAR had little or no legal training. According to a TAR Bureau of Justice official, all seven cities and prefectures had established legal assistance centers that offered services in the Tibetan language. Prisoners may request a meeting with a government-appointed attorney, but in practice many defendants did not have access to legal representation. In cases involving state security, trials were often cursory and closed. By law maximum prison sentences for crimes such as "endangering state security" and "splitting the country" are 15 years for each count, not to exceed 20 years in total. Such sentences are frequently given to Tibetans for alleged support of Tibetan independence regardless of whether such activities involved violence.

Freedom of Speech and Press

The Chinese government continued to jam Voice of America's and RFA's Tibetan- and Chinese-language services and the Oslo-based Voice of Tibet. Some Tibetans reported that at times they were able to receive such broadcasts; however, research indicated that listenership was down because of the jamming.

The government severely restricted travel by foreign journalists to Tibetan areas of China. These restrictions remained in force during the year despite the January 1 implementation of new temporary regulations governing foreign media coverage of the 2008 Olympic Games. Under the new regulations, foreign journalists no longer need to obtain permission from local authorities before conducting interviews and investigations outside Beijing and Shanghai. In practice foreign journalists were not allowed to travel independently in the TAR.

Internet Freedom

During the year the PRC Ministry of Culture strongly tightened content restrictions for the largest Chinese language Tibet-related Web site, tibetcul.com. The ministry ordered the site to limit the content to tourism information, improve control over its blogs, and delete all sensitive articles. In July Chinese authorities permanently closed the Tibetan literary Web site The Lamp. The Internet blogs of well-known Tibetan poet and journalist Tsering Wooser, also known as Oser, remained closed. Most foreign Tibet-related Web sites critical of official policy in Tibet were blocked to users in China year round.

Academic and Cultural Freedom

Authorities in Tibetan areas required professors and students at institutions of higher education to attend political education sessions in an effort to prevent separatist political and religious activities on campus. The government controlled curricula, texts, and other course materials as well as the publication of historically or politically sensitive academic books (see Protection of Cultural Heritage).

Freedom of Religion

The law provides for freedom of religious belief, and the government's 2004 white paper "Regional Ethnic Autonomy in Tibet" states, "Tibetans fully enjoy the freedom of religious belief." However, the level of repression in Tibetan areas increased, especially in the TAR and the Ganzi TAP. 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.

The atmosphere for religious freedom varied from region to region. Although conditions were more relaxed in some Tibetan areas outside the TAR, repression increased in other Tibetan areas. For example, as part of a patriotic education campaign in the Ganzi TAP, home to 700,000 ethnic Tibetans, officials forced monks to sign statements denouncing the Dalai Lama and compelled many parents to withdraw their children from educational programs at monasteries or schools in India and place them in Chinese schools. The environment in the Aba Tibetan Autonomous Prefecture of northern Sichuan Province was less repressive.

The government especially repressed any religious activity perceived as venerating the Dalai Lama, whom the authorities and many ethnic Tibetans see as continuing a tradition of both political and religious leadership. In July the State Administration for Religious Affairs announced new regulations described by the official press as a "move to institutionalize the management of reincarnation." Under the new rules, which went into effect September 1 and codify the government's existing policy of seeking to influence the selection of Tibetan religious leaders, the Chinese government must approve all reincarnations of lamas. Outside observers and many Tibetans criticized the measures as an unwarranted interference in Tibetan religious affairs. Some experts viewed these regulations as an attempt to minimize the Dalai Lama's influence and strengthen government control over the process of selecting reincarnate lamas, including the selection of the next Dalai Lama.

The Panchen Lama is Tibetan Buddhism's second most prominent figure after the Dalai Lama. According to Tibetan religious tradition, the Dalai Lama and the Panchen Lama recognize each others' incarnations. The government continued to insist that Gyaltsen Norbu is the Panchen Lama's 11th reincarnation and to deny access to Gendun Choekyi Nyima. While the overwhelming majority of Tibetan Buddhists recognized Gendun Choeki Nyima as the Panchen Lama, Tibetan monks claimed that they were forced to sign statements pledging allegiance to Gyalsten Norbu. The Chinese Communist Party (CCP) also urged its members to support the "official" Panchen Lama.

The government routinely asserted control over the process of finding and educating reincarnate lamas. In 2005 diplomatic officials met 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 was closely supervised by the government through the selection of his religious and lay tutors.

Diplomatic observers repeatedly have been denied access to Nenang Monastery to verify the well-being of Pawo Rinpoche, who was recognized by the Karmapa in 1994 and has lived under strict government supervision since that time.

Security was intensified in the TAR and in other Tibetan areas during the Dalai Lama's birthday, sensitive anniversaries, and festival days. In March the TibetInfoNet reported that CCP members and civil servants were instructed not to visit temples in Lhasa during the March session of the National People's Congress; persons who disobeyed would face expulsion and dismissal. In May government officials reportedly warned some parents of Lhasa school students that their children would face expulsion from school if they participated in religious activities during the holy month of Saga Dawa. The prohibition on celebrating the Dalai Lama's birthday on July 6 continued.

During the time the Dalai Lama was awarded the U.S. Congressional Gold Medal on October 17, Lhasa citizens were ordered not to carry out any religious or celebratory activities. Drepung Monastery was closed for up to a week, and no one was allowed to enter or exit. There were also reports that at least one other monastery was closed and that some Tibetans were temporarily detained after celebrations and prayers in Gansu Province. Public access to monasteries in Lhasa and some other Tibetan areas was restricted temporarily.

During the summer Chinese authorities reportedly circulated a petition for monks at Lithang Monastery in Sichuan Province to sign stating that they did not want the Dalai Lama to return to Tibet. There were reports that monks in other nearby monasteries were also required to sign such a petition.

A sixth round of discussions between envoys of the Dalai Lama and Chinese government officials was held June 29 to July 5 in Shanghai and Nanjing but ended with no apparent progress. During the year the Chinese government escalated its criticism of the Dalai Lama, partly in conjunction with the Dalai Lama's meetings with foreign leaders. When the Dalai Lama was awarded the U.S. Congressional Gold Medal in October, a Ministry of Foreign Affairs spokesman stated, "The words and deeds of the Dalai Lama in the past decade show he is a political refugee engaged in secessionist activities in the camouflage of religion."

TAR party secretary Zhang Qingli continued to criticize the Dalai Lama, accusing him of linking with "hostile forces" within and outside China to overthrow China's socialist system. TAR government chairman Qiangba Puncog stated that the "high degree of autonomy for Tibet" advocated by the Dalai Lama was contrary to the wishes of Tibetans and to the Chinese constitution.

In 2006-7 the government of the Golog TAP in Qinghai Province held "Meetings Condemning the Dalai Lama" in all 66 monasteries in the prefecture. However, many monasteries refused to participate in the meetings. In May Abbot Khenpo Tsanor of Dungkyab Monastery in Gande County of Golog Prefecture was forced to step down after he refused to hold these meetings at his monastery and to sign documents condemning the Dalai Lama.

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 most major monasteries and could not be purchased openly in the TAR. In December the *Ganzi Daily* reported that Ganzi TAP officials were collecting hundreds of photographs of the Dalai Lama together with pledges from Tibetans "not to believe in him" anymore.

International observers saw pictures of a number of religious figures, including the Dalai Lama, displayed more widely in some 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. However, photos of the previous Panchen Lama, his daughter, and the Karmapa (who fled to India in 1999) were widely sold and displayed.

On January 1, the "TAR Implementation of the PRC Religious Affairs Regulations" (TAR Implementing Regulations) came into force, superseding the TAR's 1991 regulations. The TAR Implementing Regulations of the 2005 PRC religious affairs regulations assert state control over all aspects of Tibetan Buddhism, including religious groups, venues, and personnel. According to Chinese media reports, the TAR Implementing Regulations would play an important role in resisting the "Dalai Clique's separatist activities."

The TAR Implementing Regulations and the parallel November 2006 revision of the Sichuan Province Religious Affairs Regulations more explicitly codify existing practice regulating the government's control over the movement of registered nuns and monks by requiring that they seek permission from county-level religious affairs officials to travel to another prefecture or county-level city within the TAR. In practice similar restrictions were sometimes applied even to monks visiting another monastery within the same county. The previous regulations required monks and nuns to seek travel permission only if they were visiting another province. According to the educational practices of Tibetan Buddhism, monks and nuns must travel to receive specialized training from teachers who are considered experts in their particular theological traditions. In December a Tibetan Buddhist monk told the *Ganzi Daily*, the official newspaper of the Ganzi Prefecture Communist Party Committee, that monks in Lithang, Ganzi TAP, needed permission to leave their monasteries and go into town.

The TAR Implementing Regulations also increase the government's control over the building and management of religious structures. According to Article 13 of the TAR Implementing Regulations, individuals and organizations must petition the government's Religious Affairs Department to build religious structures. The department may demolish a religious structure built without authorization. In mid-May the PAP demolished a nearly completed statue of Guru Padmasambava at Samye Monastery in Lhoka Prefecture in the TAR. The statue was being constructed with donations from Han Chinese Buddhists from Guangdong Province.

Chapter two, Articles 48 and 49, of the TAR Implementing Regulations forbid the carrying out of "monastic construction" and "reconstructing, extending, or repairing religious venues" without official permission. Structures that violate these

provisions may be torn down by Chinese authorities. Government officials sometimes used regulations regarding religious structures to demolish the homes of individual monks and nuns. In the Ganzi TAP, where Sichuan Province authorities applied similar restrictions on religious structures, officials destroyed the homes of more than 60 monks and nuns in the first half of the year.

The TAR Implementing Regulations also grant the government control over large-scale religious gatherings. Chapter 2, Articles 27 and 28, require that monasteries request permission to hold large or important religious events. In October Pangsa Monastery was closed after a dramatic surge in the number of devotees visiting the reliquary statue.

The TAR had 1,750 registered religious venues. Government officials closely associated Buddhist monasteries with proindependence activism in Tibetan areas. Spiritual leaders encountered difficulty reestablishing 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, and there were reports during the year of some young monks and monks critical of the government being forced out of monasteries.

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 as monks until age 18. According to the *Ganzi Daily*, hundreds of young monks in the Ganzi TAP were reportedly removed from monasteries and placed in regular schools as part of the patriotic education campaign.

Monks outside the TAR who want to study in the TAR are required to obtain official permission from the religious affairs bureaus (RABs) of their home province and the TAR RAB, but such permission was not readily granted. Sources reported that ethnic Han Chinese monks generally were not allowed to undertake religious study in the TAR.

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.

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

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

The government continued to 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. DMCs at several large TAR monasteries diverted funds generated by the sale of entrance tickets or donated by pilgrims to 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 would be qualified to serve as teachers.

Government officials claimed that the patriotic education campaign in the TAR, 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. According to the *Ganzi Daily*, the Ganzi TAP government sent cadres to the TAR to learn the patriotic education campaign model and began applying it in the Ganzi TAP, home to 700,000 ethnic Tibetans.

In February officials from the Bureau of Ethnic and Religious Affairs told diplomatic observers that political education was carried out for all citizens, not just monks and nuns. 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 was a routine part of monastic management.

The deputy party secretary of the Sichuan Provincial Party Committee stated at an educational conference held in the Ganzi TAP in August that "the major targets of these patriotic educational activities must be Tibetan Buddhist monasteries and monks and nuns."

In November the Patriotic Education Leading Group of the Sichuan Provincial Party Committee held a conference on enhancing the patriotic educational campaign in the Ganzi TAP. It was reported that the prefecture carried out patriotic educational campaigns during the year at 95 prefecture-level government units, 18 counties, 850 schools, and 532 monasteries.

In the Ganzi TAP a patriotic education campaign focused on CCP members and monks, seeking to strengthen the loyalty of wavering party members, some of whom follow the Dalai Lama, under the slogan "The Party is key, and the focus is the monasteries."

During the year the TAR government tightened its control over Tibetan cultural relics. Under Article 3 of the July revision of the TAR Cultural Relics Protection Regulations, the TAR asserts ownership of religious institutions as cultural sites, and of cultural and religious relics. Article 3 also provides that monasteries may not lend relics to other monasteries without state permission.

According to PRC press reports, from 1949 to year's end, the Chinese government spent \$83 million (RMB 600 million) on the preservation of Tibetan historical and cultural relics. This included renovating and reopening more than 1,400 monasteries and repairing cultural relics, many damaged or destroyed before and during the Cultural Revolution. Nevertheless, many monasteries destroyed during the Cultural Revolution were not rebuilt or repaired, and others remained only partially repaired. Government funding of restoration efforts as cultural preservation 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.

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 RAB officers were CCP members and that religious belief was incompatible with CCP membership. However, some lower-level RAB officials practiced Buddhism.

Freedom of Movement

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

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

Border guards continued to use force to prevent unauthorized border crossings. On October 18, PAP border guards reportedly shot at 46 Tibetans attempting to enter Nepal at the Nangpa La pass. In September 2006 Chinese border forces at the Nangpa La pass shot at a group of approximately 70 Tibetans attempting to enter Nepal, killing one and injuring others. The group included monks, nuns, and children.

The Office of the UN High Commissioner for Refugees reported that during the year 2,156 Tibetans arrived at the Tibet Reception Center in Nepal, compared with 2,405 in 2006. During the year 2,156 Tibetans departed the reception center for India. Nevertheless, thousands of Tibetans, including monks and nuns, visited India via third countries, and some returned after temporary stays. The majority of Tibetans who transited via Nepal to India were young persons six to 30 years of age who migrated principally due to cultural suppression, including the lack of Tibetan-language educational facilities and opportunities for religious education.

The Karmapa, leader of Tibetan Buddhism's Karma Kagyu schools and one of the most influential religious figures in Tibetan Buddhism, remained in exile following his 1999 flight to India.

The government also regulated foreign travel to the TAR. In accordance with a 1989 regulation, foreign visitors were required to obtain an official confirmation letter issued by the government before entering the TAR. Most tourists obtained such letters by booking tours through officially registered travel agencies. While none of the TAR's 70 counties were officially closed to foreigners, access for foreigners to many areas of the TAR remained problematic.

Official visits to the TAR were supervised closely and afforded delegation members very few opportunities to meet local persons not previously approved by the authorities. Foreigners could travel freely in most Tibetan areas outside the TAR.

National Minorities

Although according to TAR census figures, Tibetans made up 92 percent of the population of the TAR's permanently registered population; however, official population figures did not include a large number of long-, medium-, and short-term Han residents, such as cadres, skilled workers, unskilled laborers, military and paramilitary troops, and their dependents. Chinese social scientists placed the total number of this floating population (including tourists and visitors on short-term business trips) for Lhasa alone at more than 200,000 (a figure that comprised half of Lhasa's overall population and more than 10 percent of the TAR's population) during the May to November high season for tourism and migrant workers. The size of this floating, mostly ethnic Han population rapidly increased over the past decade, especially since the opening of the Qinghai-Tibet railway in July 2006.

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

Family planning policies permitted Tibetans and members of other minority groups to have more children than Han. Urban Tibetans, including 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.

Since 2000 the government has been implementing a resettlement campaign of Tibetan nomads into urban areas across the TAR and other Tibetan areas. Officially nomads are encouraged with monetary incentives to kill or sell their livestock and move to newly created Tibetan communities. However, reports existed of incidences of compulsory resettlement with compensation that was promised but either never materialized or was inadequate.

In January TAR Party Secretary Zhang Qingli stated that the restructuring of Tibetan farming and grazing communities was not only to promote economic development but also to counteract the Dalai Lama's influence. He also stated that to do so was essential for "continuing to carry out major development of west China." In 2006 a total of 25,000 TAR nomad and farming households were resettled, and another 52,000 were planned for 2008. Improving housing conditions and education for Tibet's poorest were among the goals of resettlement, yet a requirement that villagers build houses according to strict official specifications within two or three years often forced resettled families into debt to cover construction costs.

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

Some Tibetans reported that they experienced discrimination in employment and claimed that Han Chinese were hired preferentially for many jobs and received greater pay for the same work. Some Tibetans reported that it was more difficult for Tibetans than Han to get permits and loans to open businesses. The use of the Chinese language was widespread 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 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. Some ethnic Tibetan tour guides in the TAR complained of unfair competition from government-sponsored "Help Tibet" tour guides brought in from outside the TAR and put to work after receiving a crash course on Tibet.

Women and Children

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

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

Prostitution was a growing problem in Tibetan areas, and hundreds of brothels operated semiopenly in Lhasa. International development workers in the TAR reported there was no reliable data on the number of persons engaged in commercial sex acts in Lhasa and Shigatse, the TAR's two largest cities, although some estimates placed the number of such persons as high as 10,000. Some of the prostitution occurred at sites owned by the CCP, the government, and the military. Most

prostitutes in the TAR were Han women, mainly from Sichuan. However, some Tibetans, mainly young girls from rural or nomadic areas, also engaged in prostitution. 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 them particularly vulnerable.

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

Primary school education was compulsory, free, and universal, according to official statements. According to official TAR statistics, 96.5 percent of children between the ages of six and 13 were in school, and 90 percent of the TAR's 520,000 primary school students completed lower middle school, for a total of nine years of education. In 2003 the UN special rapporteur on the right to education in China reported that education statistics did not accurately reflect attendance and were not independently verified. Miscellaneous fees for the TAR's 131,000 middle school students were abolished in mid-year.

Both Tibetan and Chinese are official languages in the TAR, and both languages were used on public and commercial signs. However, Chinese was spoken widely and was used for most commercial and official communications. The use of both languages was also affected by the rate of illiteracy among Tibetans, which reportedly was more than five times higher (47.6 percent) than the national average (9.1 percent), according to 2000 census data. The TAR's overall rate of illiteracy (47.3 percent) was the highest in the country and was nearly twice as high as in the second-ranked Qinghai Province (25.2 percent). In many rural and nomadic areas, children received only one to three years of Tibetan language education before continuing their education in a Chinese-language school. The illiteracy rate of youth and adults fell from 95 percent before 1959 to 15 percent at the end of 2005. However, the illiteracy rate for this group was much higher than 15 percent in some areas. According to a 2006 report by the Xinhua News Agency, a looser definition of literacy was used for Tibetan speakers than for Chinese speakers in rural Tibet. Tibetan-speaking peasants and nomads were considered literate if they could read and write the 30 letters of the Tibetan syllabary. Chinese-speaking nomads and herders were considered literate if they could recognize 1,500 Chinese characters.

Protection of Cultural Heritage

Rapid economic growth, the expanding tourism industry, the resettlement of nomads, and the introduction of more modern cultural influences have disrupted traditional living patterns and customs and threatened traditional Tibetan cultural. 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 disproportionately benefited non-Tibetans and continued to promote a considerable influx of Han Chinese, Hui, and other ethnic groups into the TAR. The opening of the Qinghai-TAR railroad in 2006 increased migration of non-Tibetans into the TAR. The government reported the railroad carried 1.5 million passengers during the year, with approximately half of those passengers being nontourists.

Residents lacked the right to play a role in protecting their cultural heritage. The TAR government asserted ownership over religious relics and monasteries. Although in recent years the government made efforts 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.

In May local Tibetans from Daocheng County of the Ganzi TAP clashed with authorities over the development of Yading, an important Buddhist religious mountain area.

In June a similar conflict occurred between Tibetans from Bamei Town in the Ganzi TAP and mining developers in the sacred Yala Mountain area. Local citizens destroyed vehicles of party and government officials and the mine owner. Chinese authorities reportedly detained 10 village elders who tried to petition provincial and central level officials about the exploitation of the holy mountain. The petitioners reportedly were badly beaten.

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

As a practical matter, proficiency in 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. Apart from some universities specifically for ethnic minorities, Chinese universities generally required English language proficiency for entrance. Most graduates of Tibetan schools, however, learned only Chinese and Tibetan and were thus unable to attend the better universities. One consequence was a

shortage of Tibetans trained in science and engineering and a near total reliance on imported technical specialists from outside the TAR to work on development projects inside the TAR.

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.

HONG KONG

Hong Kong, with a population of approximately seven million, is a Special Administrative Region (SAR) of the People's Republic of China (PRC). The 1984 Sino-British Joint Declaration on the Question of Hong Kong and the SAR's constitution, the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (the Basic Law), specify that Hong Kong will enjoy a high degree of autonomy except in matters of defense and foreign affairs. In March the Election Committee reelected Donald Tsang to chief executive. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, although core issues remained. Residents were limited in their ability to change their government. However, in December the PRC's National People's Congress Standing Committee announced a possible timeline for Hong Kong's transition to election by universal suffrage of its Chief Executive and Legislative Council beginning in 2017. Democratic activists protested the decision and called for universal suffrage in 2012. In 2004 the NPC Standing Committee issued a self-initiated interpretation of the Basic Law and rejected universal suffrage for the 2007 Chief Executive and 2008 Legislative Council elections. The legislature was restricted in its power to affect government policies. Claims of press self-censorship persisted, violence against women remained a problem, and workers were not guaranteed the right to bargain collectively.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Basic Law prohibits torture and other forms of abuse, and the government generally observed the prohibition in practice. From January to July, there were 304 allegations of assault by police officers on persons; however, none alleged torture or were substantiated by the Complaints Against Police Office (CAPO).

In August 2006 an asylum seeker from Sri Lanka lodged a complaint with CAPO that he was assaulted by police while being pushed into a police car after being apprehended for overstaying. CAPO determined that there was insufficient evidence to substantiate the allegation, and in April the Independent Police Complaints Council classified the case as "unsubstantiated."

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by independent human rights observers; however, there were no requests during the year. Media visits were permitted, and local justices of the peace regularly conducted unannounced prison inspections. For the first six months of the year, the average prison occupancy rate for the 24 prisons was 99 percent. Overcrowding occurred in some prisons, particularly in maximum-security prisons, which operated at an average occupancy rate of 115 percent.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention

Suspects were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. Suspects must be charged within 48 hours or released, and the government respected this right in practice. There is a functioning bail system, and detainees are allowed prompt access to a lawyer and family members. The law provides accused persons with the right to a prompt judicial determination. During the year the average length of preconviction incarceration was 56 days.

e. Denial of Fair Public Trial

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

The NPCSC's mechanism for interpretation is its Committee for the Basic Law, composed of six mainland and six Hong Kong members. The chief executive, the president of the Legislative Council (LegCo), and the chief justice nominate the Hong Kong members. Human rights and lawyers' organizations 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.

Trial Procedures

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

Defendants generally enjoy a presumption of innocence. However, 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 guilty of an offense unless he can satisfactorily explain the discrepancy. In practice the courts upheld this ordinance. Court is conducted in either Cantonese or English, the SAR's two official languages.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters, and there were no problems enforcing domestic court orders.

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

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

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

The use of covert surveillance and the interception of telecommunications and postal communications can be granted only

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

On October 31, the commissioner on interception of communications and surveillance, Justice Woo Kwok-hing, reported his findings into the allegations of unlawful surveillance activities. Woo reported that in the first five months after the law took effect, four episodes of misconduct had occurred but all were inadvertent. He also reported that a total of 526 authorizations were issued, leading to 177 arrests, and that the three judges authorized to approve applications refused 67 requests. No applications were sought in relation to matters of legal privilege or journalistic materials.

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. Unlike in past years, there were no reports of violence or other actions taken against *The Epoch Times* newspaper. Reports of media self-censorship continued during the year. Most media outlets were owned by businesses with interests on the mainland, which led to claims that they were vulnerable to self-censorship. In January the Hong Kong University Public Opinion Program reported that close to half of respondents--a 10-year high--believed that news media practiced self-censorship. According to the survey, 29.5 percent of respondents within the industry said they practiced self-censorship.

The publishing or importation of print or other media are subject to regulation by a few provisions to safeguard the interest of readers, as in the case of obscene print materials and other media not regulated by the Broadcasting Ordinance. The case that Gillian Chung filed in August 2006 seeking an injunction against further publication of peephole-style photos and an order for the Hong Kong weekly *Easy Finder* magazine to surrender all existing copies of the photos was deferred until June 2008.

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

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

Internet Freedom

There were no government restrictions on access to the Internet or reports that government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were generally no restrictions on academic freedom and cultural events. In February the chief executive appointed a two-person commission of inquiry to investigate allegations of political interference in academic freedom at the Hong Kong Institute of Education (HKIEd).

In June the commission ruled that Fanny Law, the former permanent secretary for education and manpower and current anticorruption commissioner, improperly interfered with the academic freedom of HKIEd academics in two of four alleged cases. Law resigned soon after the release of the inquiry. The inquiry also concluded that then-secretary for education and manpower Arthur Li Kwok-cheung had not infringed on institutional autonomy by forcing the institute to merge with Chinese University. Although Li was cleared of wrongdoing, he was replaced when the chief executive appointed the new cabinet on July 1.

There were allegations that the education system was vulnerable to government intervention. Problems identified by students and staff included the Education and Manpower Bureau's alleged control over the recently established University Grants Committee, the ruling councils of universities, and a funding mechanism, which resulted in the discouragement of academic research into local issues.

b. Freedom of Peaceful Assembly and Association

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

Falun Gong practitioners regularly conducted public protests against the crackdown on fellow practitioners in the mainland.

c. Freedom of Religion

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

Societal Abuses and Discrimination

No major societal abuses or acts of religious discrimination were reported during the year. 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 *2007 International Religious Freedom Report*.

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

The law provides residents freedom of movement, freedom of emigration, and freedom to enter and leave the territory, and the government generally respected these rights in practice, with some prominent exceptions. Most residents easily obtained travel documents from the SAR government; however, limits on travel to the mainland were sometimes imposed by the mainland government on outspoken political figures.

Government policy was to repatriate undocumented migrants who arrive from the mainland, and authorities were not able to consider them for refugee status under the "one country, two systems" framework. During the first half of the year, 1,619 migrants were repatriated to the mainland. 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.

In July local and western media sources reported that between 150 and 1,000 Falun Gong adherents, most of them reportedly from Taiwan, were refused admission to Hong Kong immediately before PRC President Hu Jintao joined the observances marking the 10th anniversary of Hong Kong's retrocession to the PRC. The Hong Kong Association of Falun Dafa requested a review by the High Court, but at year's end the findings of the review had not been released.

PRC authorities do not permit some Hong Kong human rights activists and prodemocracy legislators to visit the mainland.

Protection of Refugees

The 1951 UN Convention relating to the Status of Refugees and its 1967 protocol do not extend to Hong Kong, and the SAR has no temporary protection policy. The director of immigration has discretion to grant refugee status or asylum on an ad hoc basis, but only in cases of exceptional humanitarian or compassionate need. The Immigration Ordinance does not provide foreigners the right to have asylum claims recognized. The government's practice was to refer refugee and asylum claimants to a lawyer or the Office of the UN High Commissioner for Refugees (UNHCR). In May 2006 the UNHCR stopped providing financial support to individuals awaiting status assessment due to budget cuts. In response the government began offering limited allowances to adult claimants through its social welfare department. As of September 30, approximately 900 persons were receiving assistance-in-kind, based on the needs assessed by professional workers, under the government support program. The UNHCR worked with potential host country representatives to resettle those persons designated as refugees.

In a High Court case filed in December, six refugees challenged the government's refusal to set a mechanism for assessment of refugee claims. The refugees alleged this constituted a breach of the city's obligations under the principle of nonrefoulement. The groups's lawyer argued that the principle had gained the status of customary international law and as such had been incorporated into Hong Kong's laws; the government countered that many other Asian countries were not signatories to the UN's refugee convention, which proved the principle had not gained the status of customary international law. The justice hearing the case postponed his decision to a later date, and at year's end no decision had been made.

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

The right of residents to change their government peacefully is limited by the Basic Law, which provides for the selection of

the chief executive by an 800-person election committee (composed of individuals who are directly elected, indirectly elected, and appointed). The Basic Law provides for the direct election of 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 delegates to the mainland's National People's Congress (NPC) is required to place an amendment of the Basic Law on the agenda of the NPC, which has the sole power to amend the Basic Law.

The law provides for eventual universal suffrage in both chief executive and LegCo elections; however, in 2004 the NPCSC rejected universal suffrage in Hong Kong for the 2007 and 2008 elections. The NPCSC 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. On December 29, the PRC's NPCSC officially provided a possible timeline for Hong Kong's transition to election by universal suffrage of its chief executive in 2017 and the LegCo in 2020.

Elections and Political Participation

On March 25, the Chief Executive Election Committee selected incumbent Donald Tsang by a wide margin over pan-democratic challenger Alan Leong to serve a five-year term as chief executive. In April Donald Tsang was appointed as chief executive, and the mainland government approved his new cabinet in June.

On July 11, the secretary for constitutional and mainland affairs unveiled the details of the government's green paper on constitutional reform, thereby launching a three-month consultation period during which the government hoped to build consensus on the timeframe and roadmap for the implementation of universal suffrage for future chief executive and LegCo elections. The proposal offered the public numerous options on structural reforms related to each election, but some lawmakers and the press criticized the proposal as too complicated, particularly given the relatively short consultation period. They chastised the government for not providing a reasonable number of mainstream and coherent options.

On November 18, a record 900 candidates contested 405 district council seats. The pro-Beijing Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) nearly doubled its number of seats to 115, while the Democratic Party won 59 seats (down from 95 in the 2003 election), the probusiness Liberal Party won 14, the prodemocracy Civic Party--contesting its first district council election--won nine, and various smaller parties and independents took the remainder. More than 1.1 million persons voted, for a participation rate of 38.8 percent, significantly lower than the 44 percent turnout in 2003. The Electoral Affairs Commission received approximately 2,000 complaints of irregularities; most concerned either improper advertisements or canvassing in prohibited areas near polling stations.

On December 2, former Hong Kong government chief secretary and pandemocratic leader Anson Chan won a by-election held to fill the Hong Kong Island LegCo seat left vacant by the death of DAB chairman Ma Lik in August. Chan earned just under 55 percent of the vote, while her main challenger, former secretary for security Regina Ip, received almost 43 percent. The turnout rate, 52 percent, compared favorably to the most recent LegCo by-election in 2000 (33 percent) and also to the 2004 LegCo general election (55.6 percent). The Electoral Affairs Commission stated that the election was conducted successfully and that a report would be submitted to the chief executive within three months following the election.

As of December 7, the Independent Commission Against Corruption (ICAC) received 813 election-related complaints. Among them, 487 were related to the district council elections on November 18 and six concerned the LegCo by-election on December 2. Another six were related to the chief executive election in March.

Polls conducted by the University of Hong Kong consistently found that over half of the respondents favored electing the chief executive and the entire legislature by universal suffrage in 2012. However, the mainland government and pro-Beijing political figures and pundits in the HKSAR consistently maintained that 2017 would be the earliest appropriate date for universal suffrage in either election.

On December 12, the government submitted a report on the outcome of the public consultation on the green paper on Constitutional Development to the NPCSC. Chief Executive Tsang issued a public statement about his report to the NPCSC and stated that he urged the NPCSC "to allow us to amend the methods for selecting the Chief Executive and for forming the Legislative Council in 2012." Following his statement, the chief secretary made a statement in LegCo outlining the key conclusions and recommendations made in the report to the NPCSC: (1) the community generally hoped that the universal suffrage timetable could be determined early, so as to set the course for Hong Kong's constitutional development; (2) implementing universal suffrage for the chief executive first in 2012 was the expectation of more than half of the public, as reflected in the opinion polls; this expectation should be taken seriously and given consideration; (3) implementing universal suffrage for the chief executive first by no later than 2017 would stand a better chance of being accepted by the majority in the community; (4) community consensus has begun to emerge on taking steps toward universal suffrage for the chief executive first, followed by that for LegCo; and (5) diverse views remained on the models for forming LegCo by universal suffrage and how the functional constituencies should be dealt with, but setting the timetable for implementing universal suffrage for the chief executive and LegCo could help promote the ultimate resolution of the issues involved. The chief secretary went on to state that if the NPCSC confirmed that the methods for selecting the chief executive and for forming LegCo in 2012 may be amended, the government would study how these two electoral

methods could do so, and the community would have a further opportunity to discuss these issues.

On December 29, the NPCSC stated appropriate amendments may be made to the specific method for selecting the chief executive and the LegCo in 2012. The decision ruled out the possibility of universal suffrage for the chief executive and LegCo in 2012 but explicitly noted that the election of the chief executive in the year 2017 may be implemented by universal suffrage. After the chief executive is selected by universal suffrage, the LegCo may be elected by universal suffrage. Any amendments to the Hong Kong Basic Law regarding election of the chief executive and LegCo must obtain consent (the chief executive), approval by two-thirds of the LegCo, and then be submitted for approval (chief executive) or for the record (LegCo) to the NPCSC. If the methods for selecting the chief executive and electing the LegCo are not amended, then the existing methods shall continue to apply. The citizens and government of Hong Kong now must devise an electoral process that will lead to universal suffrage and democratic elections in 2017 and 2020.

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

In January the Court of First Instance found that the Rules of Procedure cited by LegCo President Rita Fan were consistent with the Basic Law. This concluded the August 2006 judicial review launched by legislator Leung Kwok-hung challenging Fan's refusal to table many private member amendments during debate over the Interception of Communications and Surveillance bill. Leung said he would consider filing an appeal, although at year's end he had not done so.

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

Hong Kong sends 36 delegates to the NPC. In March local papers reported on proposed curbs to the electoral process under consideration by the fifth annual session of the 10th NPC. According to deputies attending the ongoing plenary sessions of the NPC and the Chinese People's Political Consultative Conference in Beijing, Hong Kong deputies elected to the NPC will be disqualified if they are found to be members of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China or the Falun Gong.

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 four of the 22 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

There were only isolated reports of government corruption, and the government sought to combat official corruption through the Prevention of Bribery Ordinance and the Independent Commission Against Corruption (ICAC).

On December 11, the ICAC reported that it received 3,278 corruption reports in the first 11 months of the year, representing a 6 percent increase from the same period of 2006. The number of corruption reports against government departments had fallen by 10 percent from 984 to 885. However, the reports against the private sector had increased by 15 percent, from 1,886 to 2,169. The ICAC Advisory Committee on Corruption chairman reportedly stated the antigraft body needed to upgrade its investigation skills to deal with technological advancements, which facilitate cross-boundary financial transactions.

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

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

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

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Violence against women continued to be a problem, although the government took measures against it. There were 58 cases of rape reported to the police during the first half of the year, of which 38 were prosecuted, resulting in 14 convictions. The Statute Law (Miscellaneous Provisions) Bill criminalizes marital rape, and the Crimes Ordinance expressly states that "unlawful sexual intercourse" could be applied both outside and inside the bounds of marriage. During the first half of the year, 669 sexual assault cases were reported to the police.

Local public health officials, politicians, and women's groups 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. Between January and March, there were 1,119 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 January Director for Social Welfare Paul Tang remarked that the government was committed to combating domestic violence, but he noted that the number of domestic violence cases had increased to 3,412 in the first nine months of 2006, up 37 percent over the same period in 2005. Tang said the increase was expected as the awareness of the public, frontline staff, and the victims was enhanced as a result of the improvements in public education, publicity, and training by the government. Tang also said the government had added two teams of social workers to increase counselling services. The Social Welfare Department reported that it had increased capacity and enhanced support to the Refuge Centres for Women during the year.

The government introduced a pilot project in January 2006 called the Batterer Intervention Programme, which provides intervention and counselling to batterers. As of June, 212 batterers had participated in 27 counselling groups. The number of Integrated Family Service Centres and Family and Child Protective Services Units, which offer services to domestic violence victims and batterers, increased from six to eight in 2006. The government also continued its publicity campaign on Strengthening Families and Combating Violence and increased public education on the prevention of domestic violence.

On October 14, a 36-year-old mother threw her two children, a girl age 12 and a boy age nine, with their hands and feet bound, out of a window and to their death; the woman, whose husband was in a mental hospital, then jumped to her own death. The tragedy prompted legislators to pass a motion on November 7 that urged the government to inject more resources into Tin Shui Wai, a low-income neighborhood, in view of the high number of family tragedies there.

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

The Sex Discrimination Ordinance prohibits sexual harassment of women seeking employment or already working in an organization. During the first seven months of the year, the Equal Opportunity Commission (EOC) reported 54 sexual harassment complaints.

The percentage of women employed in professional fields including sciences and engineering, law, teaching, accounting, social sciences, health and medicine, increased. As of June, 41 percent of professionals employed in these fields were women, versus 37 percent in June 2006. Approximately 22 percent of judicial officers and judges were women.

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

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 free and compulsory schooling for children between six and 15 years of age and placement services for non-Chinese speaking children. Nearly all school-age 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 government provided subsidized, quality medical care for all children under 18 years of age who were residents. 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 746 child abuse cases reported to the police: 326 involved physical abuses (referring to victims less than 14 years of age), and 420 involved sexual abuses (referring to victims less than 17 years of age).

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 police maintained a child abuse investigation unit and a child witness support program. A child care center law helped prevent unsuitable persons from providing childcare services.

There were no reports of child prostitution under the age of 16, which is the legal age of consent.

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 the mainland and Southeast Asia. The SAR government stated that it was difficult to identify trafficking victims from among the larger group of illegal immigrants.

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

On December 3, two Filipino women were charged in a Hong Kong district court with two counts of trafficking in persons and aiding and abetting the breach of condition of stay after they allegedly brought six Filipino women to Hong Kong in July 2006 who ended up working as prostitutes in the city's "red light" district in Wan Chai. The case was heard in a district court on December 13 and 14; both of the accused were convicted as charged and sentenced to a total of three years' imprisonment on December 20. The victims returned to the Philippines.

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

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

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

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. Despite inspections and the occasional closure of noncompliant businesses under the Buildings Ordinance, access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities.

The government offered an integrated work program in sheltered workshops and provided vocational assessment and training. While no comprehensive statistics are available on the number of persons with disabilities in the work force, a

consortium of organizations representing persons with disabilities reported in 2002 that an estimated 700,000 residents were disabled, approximately half of whom were able to work. As of March there were 3,263 persons with disabilities employed as civil servants out of a total civil service work force of 155,000. During the first half of the year, the Labor Department's Selective Placement Division found jobs for 1,634 of 2,326 disabled job seekers. As of September 2006, 1.34 percent of 784,000 primary and secondary school students were disabled; approximately 38 percent 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.

Other Societal Abuses and Discrimination

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

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of association and the right of workers to establish and join organizations of their own choosing. Trade unions must register under the Trade Unions Ordinance and must have a minimum membership of seven persons for registration. There is no provision guaranteeing reinstatement of workers dismissed because of their trade union membership. According to an International Trade Union Confederation (ITUC) survey, almost 25 percent of Hong Kong's labor force is unionized.

b. The Right to Organize and Bargain Collectively

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

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 some 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. In addition, there is no legal entitlement to reinstatement in the case of unfair dismissal.

Approximately 1,000 local metal workers at construction sites went on strike in August, demanding higher pay and an eight-hour working day. On August 11, several hundred workers staged an unauthorized demonstration, scuffling with police and snarling traffic in the SAR's central district. The government released a statement expressing its concerns about the workers' action, although some newspapers reported concerns that the government was taking a hands-off approach to the matter. One government spokesman stated that labor officials had been trying their best to mediate the dispute and urged both sides to display mutual understanding to narrow their differences. On September 12, the metal workers called off the 36-day strike, the longest in Hong Kong in decades, after they agreed to an agreement that gave the workers a 14-percent pay raise for an eight-hour day.

There are no export processing zones in the SAR.

c. Prohibition of Forced or Compulsory Labor

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

d. Prohibition of Child Labor and Minimum Age for Employment

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

e. Acceptable Conditions of Work

There is no statutory minimum wage except for domestic workers of foreign origin. Aside from a small number of trades where a uniform wage structure exists, wage levels customarily are fixed by individual agreement between employer and employee and are determined by supply and demand. Some employers provided workers with various kinds of allowances, 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. Working weeks of up to 60 hours and more were not uncommon.

In October the chief executive admitted the potential need to legislate a minimum wage for cleaners and securities guards, as a result of the government's "wage protection movement," sometimes referred to as the "voluntary wage movement," had thus far been unsatisfactory. This policy was enacted in October 2006 and sought to encourage employers to offer cleaners and security guards the average market wages for those types of work.

As a campaign for legislation on minimum wage gathered pace, hundreds of demonstrators from 40 unions marched on October 1 to demand a minimum wage of \$3.84 (HK\$30) an hour. At year's end the labor advisory board, first appointed in 2004, was still considering the issue of a minimum wage. Approximately 50 trade unions and associations protested the government's slow progress towards a minimum wage and accused it of exploiting the underprivileged and colluding with big business. However, there was no broad consensus in the community on these issues, which were debated by legislators, academics, and the public. 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 selected trade unions. Reports indicate that the Hong Kong Confederation of Trade Unions was consistently excluded from the labor advisory board.

The minimum wage for foreign domestic workers was approximately \$435 per month (HK\$3,400). The standard workweek was 48 hours, but many domestic workers worked much longer hours. The standard contract law requires employers to provide foreign domestic workers with housing, worker's compensation insurance, travel allowances, and food or a food allowance in addition to the minimum wage, which together provide a decent standard of living. Foreign domestic workers can be deported if dismissed. Labor groups reported that the 200,000 foreign domestic workers were still vulnerable to the extensive rights and contract violations. During the first six months of the year, three employers were convicted for labor law maltreatment violations under the Employment Ordinance relating to the employment of foreign domestic workers. During the first seven months of the year, 100 foreign domestic workers filed criminal suits for other types of maltreatment, including rape, indecent assault, and wounding and serious assault, 75 of which were prosecuted.

The Occupational Safety and Health Branch of the Labor Department is responsible for safety and health promotion, enforcement of safety management legislation, and policy formulation and implementation. The Factories and Industrial Undertakings Ordinance, the Occupational Safety and Health Ordinance, the Boilers and Pressure Vessels Ordinance, and their 35 sets of subsidiary regulations regulate safety and health conditions. During the first half of the year, the Labor Department conducted 58,486 workplace inspections and issued 872 summonses, resulting in a total of \$995,654 (HK\$7,766,100) in fines. Worker safety and health has improved over the years, but serious problems remained, particularly in the construction industry. The Labor Department reported 10,264 occupational injuries, of which 3,621 were classified as industrial accidents, and five fatal industrial accidents during the first half of the year. Employers are required under the Employee's Compensation Ordinance to report any injuries sustained by their employees in work-related accidents. There is no specific legal provision allowing workers to remove themselves from dangerous work situations without jeopardy to continued employment.

MACAU

Macau, with a population of approximately 526,000, is a Special Administrative Region (SAR) of the People's Republic of China (PRC) and enjoys a high degree of autonomy, except in defense and foreign affairs, under the SAR's constitution and the Basic Law. 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 National People's Congress (NPC). In 2004 Chief Executive Edmund Ho was reelected to a second five-year term. In 2005 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 seven members. The civilian authorities generally maintained effective control of the security forces.

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

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and the government generally respected these rights. Between January and July, there were seven reports of police brutality, but none involved acts of rape, sexual abuse, medical abuse, or hazing. In 2006 the Public Prosecutions Office initiated prosecution for assault or brutality by police forces, none of which involved sufficient evidence to warrant action. There was one report of death in police custody during the first half of the year, which at year's end was being investigated by the Public Prosecutions Office.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and although the government permitted visits by independent human rights observers, there were no requests during the year.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Civilian authorities, specifically the secretary for security, supervised and controlled the police. Discipline, corruption, and impunity were not widespread problems in the Public Security Police. The Commission Against Corruption (CCAC) acted to preclude problems with police corruption.

Arrest and Detention

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

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence in practice. A public prosecutor general heads the Public Prosecutions Office, which enjoys substantial autonomy from both the executive and the judiciary. The law stipulates that the Public Prosecutions Office's functions be carried out without government interference, and the government respected the law in practice.

Both Portuguese and Chinese (Cantonese) are official languages, and either may be used by executive authorities, the legislature, and the judiciary. The need to translate laws and judgments from one language to the other and a shortage of local bilingual lawyers and magistrates hampered the development of the legal system.

Several top officials in the judiciary expressed concern over shortfalls in the judicial system. The top judge publicly

criticized the severe shortage of judges and proposed that double the current number was needed. Twenty-nine judges, six of whom are Portuguese, serve in the judiciary. The public prosecutor general echoed these views, stating that the existing system of hearings and taking of evidence no longer met the demands of the SAR's society, and the president of the Macau Lawyers Association stated that delays affecting the resolution of judicial cases were unacceptable.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The courts may rule on matters that are "the responsibility of the Central People's Government or concern the relationship between the central authorities and the SAR." However, before making their final judgment, which is not subject to appeal, the courts must seek an interpretation of relevant provisions from the 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--five from the SAR and five from the mainland. The chief executive, the president of the SAR Legislative Assembly, and the president of the court of final appeal nominate the SAR members.

Defendants enjoy a presumption of innocence and have access to government-held evidence relevant to their cases and a right to appeal. Defendants have the right to confront witnesses, and public attorneys are provided for those who are financially incapable of engaging lawyers or paying expenses of proceedings. Trials are public and were by jury except at the magistrate-court level.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures

There is an independent and impartial judiciary for civil matters, and there were no problems enforcing domestic court orders.

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. An independent press and an effective judiciary combined to ensure freedom of speech and of the press.

The independent media were active and expressed a wide variety of views without restriction, as safeguarded by Article 27 of the Basic Law and Law 7/90/M, and international media operated freely. The dominant newspapers, mainly Chinese-language, supported mainland government positions in their editorial line. In May the Macau Media Workers Association complained that only a government-owned television station was allowed to film a meeting between the chief executive and local journalists after a Labor Day rally turned violent and that government information officials supervised the editing of the footage before it was released to other media sources. The government rejected the claims, and the Government Information Bureau conducted an internal review and reported its findings to the chief executive, but the findings were not made public.

In 2005 the chief editor of Hong Kong-based *Open Magazine*, which is openly critical of the mainland Chinese government, was refused entry to the SAR "based on Macau Special Administrative Region internal security guidelines." The editor, a mainland native, had been barred from the mainland since 1996 for criticizing the central government and disclosing insider stories barred from the SAR. At year's end the case was under investigation by the chief executive's office.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or

Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available; studies showed that approximately 40 percent of the population had regular access to the Internet, although less than half used or planned to use it.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice; however, in May there were some problems with security force practices in dealing with demonstrators. An estimated 2,400 residents participated in labor and anticorruption demonstrations on May 1 that turned violent after demonstrators veered off the approved march route and clashed with police. Police fired five warning shots into the air, and the violent clash resulted in 10 arrests and injuries to 21 police officers. Critics charged that the police actions were inappropriate; police defended their actions as necessary to prevent a stampede.

c. Freedom of Religion

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

Societal Abuses and Discrimination

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

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected them in practice.

Some Falun Gong practitioners complained of being denied entry into the SAR and claimed that the government did not specify reasons for denial; however, most denials appeared to be linked to overall periods of heightened political sensitivity rather than specific Falun Gong practitioners.

There were no known cases of media critical of the mainland government being denied entry during the reporting period.

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

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Immigration Department cooperated with the UN High Commissioner for Refugees in handling refugees. During the year there were no applications for refugee status.

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

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

Elections and Political Participation

In 2004 Chief Executive Edmund Ho was reelected to a second five-year term. In 2005 the SAR held the third legislative elections, with 58 percent of registered voters participating. The elections were considered generally free and fair.

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

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

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 members of ethnic minorities in the Legislative Assembly. One member of the executive council was also from an ethnic minority, as was the police commissioner.

Throughout the year local democracy activists and reporters questioned the government about steps toward universal suffrage in the SAR. Following the chief executive's policy address on November 13, reporters expressed concern that he did not mention the issue despite his earlier commitment to begin consultations during the year on universal suffrage for chief executive and legislative elections. The chief executive lauded public discourse on the issue but stated that the SAR had not met the criteria necessary to achieve full suffrage in either election in 2009.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, officials sometimes engaged in corruption. The CCAC investigates the public sector and has the power to arrest and detain suspects. Between January and June, the CCAC received 377 complaints against public officials in a variety of agencies. The CCAC pursued 11 of these complaints, 225 of which were criminal cases and 152 of which were administrative cases. The CCAC transferred seven cases to the Public Prosecutions Office. The Ombudsman Bureau, within the CCAC, was established to review complaints of maladministration or abuse by the CCAC, and there were no reports of complaints during the same period. There also is an independent committee outside CCAC called the Monitoring Committee on Discipline of the CCAC Personnel, which accepts and reviews complaints on CCAC personnel.

On August 31, the CCAC commissioner reported at a press conference that the antigraft body investigated 41 percent fewer cases in the first seven months of the year than during the same period in 2006. The commissioner attributed the decrease to a "lack staff." Furthermore, there was widespread public concern over corruption in the executive branch and the lack of transparency between the government and the business sector. The arrest of the former secretary for transport and public works exacerbated rising social tensions despite the soaring economy. Labor protests decried a growing wealth gap, flawed governance, and rising corruption, especially over government land sales to developers.

On June 6, the former public works secretary, Ao Man Long, was formally charged by the public prosecutor with abuse of power, acceptance of bribes, money laundering, and unknown sources of large amounts of assets. Ao's charges followed six months of investigation that uncovered assets exceeding \$102 million (800 million patacas). On December 12, the month-long corruption trial in the Court of Final Appeal ended, although at year's end a verdict had not been announced. Following the trial, the CCAC commissioner reportedly said that the commission was monitoring the government's land-lease authorizations and the approval of public construction projects as part of its routine antigraft prevention measures.

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

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

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

Women

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

The government effectively enforced criminal statutes prohibiting domestic violence against women and prosecuted violators; however, various nongovernmental organizations (NGOs) and government officials considered domestic violence against women to be a growing problem. In the first half of the year, 51 cases of domestic violence, including 22 cases of spousal abuse, were reported to the police, 49 of which were prosecuted.

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

The government provided hospital treatment for victims of abuse, and medical social workers counseled victims and informed them 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.

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

There is no law specifically addressing sexual harassment, although harassment in general is prohibited and was not widespread.

Equal opportunity legislation mandates that women receive equal pay for equal work; however, observers estimated that there was a significant difference in salary between men and women, particularly in unskilled jobs. The law allows for civil suits, but few women took their cases to the Labor Affairs Bureau or other entities. Discrimination in hiring practices based on gender or physical ability is prohibited by law, and penalties exist for employers who violate these guidelines. There were no reports on alleging sexual discrimination during the first half of the year.

Children

The government protected the rights and welfare of children through the general framework of civil and political rights legislation that protects all citizens. The law specifically provides for criminal punishment for sexual abuse of children and students, statutory rape, and procurement involving minors. The age of criminal responsibility is 16.

School attendance is compulsory for all children between ages five and 15 through general secondary education. Basic education was provided in government-run schools and subsidized private schools. 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.

The government provided free medical care for all children. Child abuse and exploitation were not widespread problems. During the first half of the year, one case of child abuse and 91 cases of offenses against the physical integrity of minors were reported to the police. During the same period, the police received three reports of rape of minors and no reports of sexual assault against minors.

Trafficking in Persons

The law prohibits only the trafficking of persons out of the SAR, which is punishable by two to 15 years in prison; there is no law addressing the trafficking of persons into the SAR or the involuntary servitude of persons within the SAR. Penalties for transnational trafficking out of the SAR increase if the victim is underage; if the trafficker rapes the victim, the two offenses are treated as different crimes. For instances of trafficking within or to the SAR, the government has other statutes that it can use to prosecute traffickers. For example, although prostitution is legal, a "procurement" law makes it a crime to instigate, favor, or facilitate the practice of prostitution by another person for the purposes of profit or as a way of life, although the penalties for this lighter crime are less severe and the "procurement" crime does not recognize a victim. No investigations into or prosecutions of trafficking under existing laws were reported.

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

During the first half of the year, nine women claimed to have been brought to the SAR under false pretenses to work as prostitutes, most of whom were found to be coerced and were not fined, imprisoned, or deported unless they had violated the law, including immigration statutes. There was one complaint of abuse of a prostitute between January and June. Authorities believed that Chinese, Russian, and Thai criminal syndicates were involved in trafficking women to the SAR for prostitution, after which victims were passed on to local crime syndicates. There were no confirmed reports of official involvement in human trafficking. Victims were primarily from mainland China, Mongolia, Russia, eastern Europe, Vietnam, and Thailand.

There were no dedicated government assistance programs for victims of trafficking, and no NGOs focused specifically on trafficking-related problems; however, there were charity organizations that provided assistance and shelter to women and children who were victims of trafficking.

In September the government publicly announced the establishment of an interagency "concern committee" focused on human trafficking. The government directive also called for a comprehensive review of trafficking-related law to conform them to international standards. Between September and December, the "Commission to Supervise the Implementation of Dissuasive Measures for Human Trafficking" met three times to explore future cooperation with local NGOs, including the establishment of a hot line for reporting cases of human trafficking, the drafting of a new law for combating human trafficking, and outreach activities.

On October 10, the Consultative Commission on Women's Affairs (CCWA), a 25-member advisory body comprising representatives from government, private industry, legal and social organizations which reports to the government on ways to promote women's rights and interests, briefed the chief executive--who also leads the group--on its antitrafficking activities. The CCWA reportedly met in August to study ways to improve efforts to combat human trafficking and raise civil awareness. In November the group met with the Judiciary Police to study ways to improve enforcement measures against trafficking, and later that month it also met with the Legal Affairs Bureau to review draft legislation to update Macau's antitrafficking laws and comply with international standards.

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. There were no reports related to government restrictions on the right of persons with disabilities to vote or participate in civic affairs, and the Social Welfare Institute was primarily responsible for coordinating and funding public assistance programs to persons with disabilities.

Other Societal Abuses and Discrimination

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

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of workers to form and join unions or "labor associations" of their choice without previous authorization or excessive requirement, and the government generally respected this right in practice. However, new guidelines adopted by the CCAC require that civil servants must obtain approval from their managers before joining associations or becoming leaders in labor associations. The Union for Democracy Development Macau (UDDM) expressed concern that the local law contains no explicit provisions that bar discrimination against unions. The law also specifically excludes public servants, domestic workers, and migrant workers from labor law protections, including the right of association. At the beginning of the year, there were 186 registered labor associations and 227 employers' associations. There was no data on the percentage of unionized workers.

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

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. Pro-mainland unions traditionally have not attempted to engage in collective bargaining. Migrant workers and public servants did not have the right to bargain collectively.

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

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; however, there were reports that the government failed to enforce these provisions. Strikes, rallies, and demonstrations were not permitted in the vicinity of the chief executive's office, the Legislative Assembly, and other key government buildings. In addition, the ITUC reported that violations of restrictions imposed on public meetings and demonstrations were punishable by imprisonment and forced labor.

On October 1, approximately 1,000 citizens took part in peaceful demonstrations protesting government corruption and raised labor problems such as the influx of illegal workers, which they claimed numbered approximately 70,000. Illegal laborers were not protected by labor laws. Similar concerns were raised during the May 1 protest.

Workers who believed 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. However, migrant workers had no right to such legal recourse.

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 or small businesses. Local laws do not establish specific regulations governing the number of hours these children can work, but International Labor Organization conventions were applied. The Labor Department enforced the law through periodic and targeted inspections, and violators were prosecuted. In 2005 the Labor Department Inspectorate conducted a special inspection specifically aimed at enforcing child labor laws. During the inspection 476 companies were visited, and 17 were found to have violated child labor laws by employing 29 minors between 14 and 16 years of age. A similar inspection was conducted during the year, but data was not available by year's end.

e. Acceptable Conditions of Work

Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements. There was no mandatory minimum wage except for government-outsourced security guards and cleaners. A dispatch published in the government's official gazette stipulated that, beginning September 1, all government agencies would pay a minimum wage to workers in these industries, that service providers not complying with the rule could be fined, and that the Labor Affairs Bureau was responsible for dealing with complaints. Following the dispatch, public debate arose over whether a minimum wage should be extended to other sectors. Average wages provided a decent standard of living for a worker and family.

In addition to the estimated 60,000 migrant workers, the use of illegally imported workers increased. The ITUC maintained that under the labor law, the high percentage of foreign labor was eroding the bargaining power of local residents to improve working conditions and increase wages.

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

The Labor Department enforced occupational safety and health regulations, and failure to correct infractions could lead to

prosecution. During 2006 and the first half of 2007, the Labor Department inspectorate conducted 6,142 inspections and uncovered 3,934 violations carrying fines totaling approximately \$179,000 (1.4 million patacas). From January to September, there were six work-related deaths. Although the law includes a requirement that employers provide a safe working environment, no explicit provisions protected employees' right to continued employment if they refused to work under dangerous conditions. According to the government, migrant workers, mainly from the mainland and Southeast Asia, made up approximately 26 percent of the work force.

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