In the Matter of:  

In removal proceedings  

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  

INDEX TO DOCUMENTATION OF COUNTRY CONDITIONS REGARDING  
PERSECUTION BASED ON POLITICAL OPINION IN CHINA  

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- “In 2016 the Tiexi District Court in Shenyang detained human rights advocate Lin Mingjie for assembling a group of demonstrators in front of the Ministry of Public Security in Beijing to protest Shenyang Public Security Bureau director Xu Wenyou’s abuse of power. After two years in pretrial detention, in June 2018 Lin was sentenced to two years and six months in prison, including time served. Lin was reportedly released on April 23. Despite Lin’s having been released, however, his attorney had neither heard from him nor knew his whereabouts.” (p. 14)

- “On July 22, three public interest lawyers--Cheng Yuan, Liu Yongze, Wu Gejianxiong, also known as the “Changsha Three”--were detained by Changsha Municipal Bureau of State Security authorities on suspicion of “subversion of state power.” The lawyers worked for Changsha Funeng, an organization that litigated cases to end discrimination against persons with disabilities and carriers of HIV and Hepatitis B. Cheng Yuan had also worked on litigation to end the country’s one-child
policy and reform its household registration laws. Although Cheng Yuan’s family retained two lawyers to represent him, neither had been able to meet with Cheng Yuan as of year’s end. Authorities also interrogated Cheng Yuan’s wife, Shi Minglei, on multiple occasions about her husband’s work, including forcibly entering her home in Shenzhen on July 22 and seizing her identification card, passport, cell phone, computer, and bank cards. \(\text{(p. 19)}\)

- “Lawyers are required to be members of the CCP-controlled All China Lawyers Association, and the Ministry of Justice requires all lawyers to pledge their loyalty to the leadership of the CCP upon issuance or annual renewal of their license to practice law. The CCP continued to require law firms with three or more party members to form a CCP unit within the firm.” \(\text{(p. 17)}\)

- “Despite the government’s stated efforts to improve lawyers’ access to their clients, in 2017 the head of the All China Lawyers Association told China Youth Daily that defense attorneys had taken part in less than 30 percent of criminal cases. In particular, human rights lawyers reported authorities did not permit them to defend certain clients or threatened them with punishment if they chose to do so. Some lawyers declined to represent defendants in politically sensitive cases, and such defendants frequently found it difficult to find an attorney. In some instances authorities prevented defendant-selected attorneys from taking the case and instead appointed their own attorney.” \(\text{(p. 17)}\)

- “The government suspended or revoked the business licenses or law licenses of some lawyers who took on sensitive cases, such as defending prodemocracy dissidents, house-church activists, Falun Gong practitioners, or government critics. Authorities used the annual licensing review process administered by the All China Lawyers Association to withhold or delay the renewal of professional lawyers’ licenses. In January the Guangdong Department of Justice revoked the license of Liu Zhengqing, a Guangdong lawyer known for defending activists and Falun Gong practitioners. The department charged him with “jeopardizing national security” when defending his clients in court.” \(\text{(p. 17)}\)

- “Other government tactics to intimidate or otherwise pressure human rights lawyers included unlawful detentions, vague “investigations” of legal offices, disbarment, harassment and physical intimidation, and denial of access to evidence and to clients. In February several lawyers wrote an open letter protesting the government’s harassment of lawyers who took on human rights cases.” \(\text{(p. 17)}\)

- “On May 15, police in Guizhou detained Huang Yanning for 25 days around the 30th anniversary of the Tiananmen protests and the June 9 Hong Kong protests. Ministry of State Security officers denied him any outside communication and kept him detained in a hotel in Guiyang. No charges were announced.” \(\text{(p. 22)}\)

- “On September 19, local police from Gucheng Township, Chengdu, detained Chen Yunfei for publishing comments in support of Hong Kong’s antiextradition bill movement. Chen had shown public support for the antiextradition protests in Hong Kong and called for a dialogue between Hong Kong leader Carrie Lam and protesters to try to reach a resolution.” \(\text{(p. 27)}\)
• “The government used economic leverage on the mainland to suppress freedom of expression in Hong Kong. In reaction to protests in Hong Kong in August, the mainland government told Hong Kong-based Cathay Airlines that any of its employees who had engaged in “illegal demonstrations, protests, and violent attacks, as well as those who have radical behaviors” were forbidden from working on flights that entered Chinese airspace.” (p. 29)

• “Prominent Chinese journalist Huang Xueqin, known for her publications about the #MeToo movement in China, was arrested in Guangzhou in October after she wrote about antigovernment protests in Hong Kong. Officials charged her with “picking quarrels and provoking” (p. 33)

• “Restrictions on foreign journalists by central and local CCP propaganda departments remained strict, especially during sensitive times and anniversaries. The Foreign Correspondents’ Club of China (FCCC) published a report in January detailing conditions for foreign journalists in the country. More than half (55 percent) of journalists who responded to the FCCC’s survey said reporting conditions had further deteriorated over the prior 12 months. They reported the government regularly surveilled foreign journalists, both in person and, increasingly, via electronic means. Of respondents, 91 percent expressed concern about the security of their telephones, and 66 percent worried about surveillance inside their homes and offices. Half of the journalists said this surveillance diminished their ability to report in the country.” (p. 33)

• “While the constitution provides for freedom of peaceful assembly, the government severely restricted this right. The law stipulates 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.” (p. 50)

• “Thubpa, a monk from Ngaba County, Sichuan, was detained in late 2017 and has not been heard from since. He had previously served 18 months in prison for burning a Chinese flag in protest in 2008. No charges have been announced and his whereabouts were unknown.” (p. 90)


• “The Chinese government continued to suppress the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) individuals in China. LGBTQ individuals faced a multitude of challenges, including a lack of legal protections. The Chinese government cracked down on organizations and rights defenders active on LGBTQ issues” (p. 220)

• “LGBTQ individuals rarely petition for formal redress from discrimination, in part because they lack legal protection under Chinese law.” (p. 227)

• “Chinese authorities censored LGBTQ content on television, film, and online, and in some cases prevented public forms of LGBTQ expression. In October 2018, authorities in Wuhu municipality, Anhui province, sentenced an author to
ten years and six months’ imprisonment on pornography charges for writing a novel depicting gay sex.”  (p. 228)  
- “Chinese officials continued censoring online discussion of topics related to LGBTQ issues and shut down organizations engaging in advocacy. These restrictions were a continuation of an official crackdown on advocacy that began in 2015.”  (p. 226)


- “There were numerous reports that the government or its agents committed arbitrary or unlawful killings. In many instances few or no details were available. There were reports Shanghai police shot and killed Ju Hailiang on April 13, while he was protesting a decision to demolish his home. Police reportedly also injured Ju’s sister and his nephew. Authorities charged Ju’s sister, her husband, and their son with “endangering public safety.” His sister and her husband were also charged with “disorderly behavior” for throwing bricks and rocks at the police.”  (p. 2)
- “Lawyers who take on politically sensitive cases often become targets of harassment and detention themselves. Beijing-based lawyer Li Yuhan, who defended human rights lawyers during the “709” crackdown, remained in custody in Shenyang without formal trial proceedings, other than “pretrial meetings” in July and October. Authorities initially detained Li in October 2017.”  (p. 15)
- “On August 1, authorities entered the house of retired professor Sun Wenguang in Jinan, Shandong, during an on-air telephone interview with Voice of America (VOA). Listeners heard the police stop the interview as the professor protested their incursion. The government held Sun for approximately two weeks and then released him under “strict supervision.” A pair of VOA journalists, Yibing Feng and Allen Ai, went to Sun’s home after his release on August 13, at which point the police detained them for six hours, destroyed their cell phones, and scanned their equipment.”  (p. 25)
- “Citizens throughout the country continued to gather publicly to protest evictions, forced relocations, and inadequate compensation, often resulting in conflict with authorities or formal charges… Although peaceful protests are legal, public security officials rarely granted permits to demonstrate. Despite restrictions, many demonstrations occurred, but authorities quickly broke up those motivated by broad political or social grievances, sometimes with excessive force.”  (p. 36)
- “The constitution provides for freedom of association, but the government restricted this right. CCP policy and government regulations require all professional, social, and economic organizations officially register with and receive approval from the government. These regulations prevented the formation of autonomous political,
human rights, religious, spiritual, labor, and other organizations that the government believed might challenge its authority in any area. The government maintained tight controls over civil society organizations and in some cases detained or harassed NGO workers.” (p. 36)


- “Individuals who staged events to commemorate the anniversary of the Tiananmen Square Massacre were themselves targeted. In May and June, police detained at least two dozen individuals who held various ceremonies, attended protests, or assisted others who did so. Some, such as Li Xiaoling, were charged with crimes, while others were released from detention after several weeks.” (p. 17)
- “The government, however, routinely took harsh action against citizens who questioned the legitimacy of the CCP. Some independent think tanks, study groups, and seminars reported pressure to cancel sessions on sensitive topics. Those who made politically sensitive comments in public speeches, academic discussions, or in remarks to media, or posted sensitive comments online, remained subject to punitive measures.” (p. 21)
- “On August 3, a court in Dali, Yunnan, sentenced citizen journalist Lu Yuyu to four years’ imprisonment for “picking quarrels and stirring up trouble.” Authorities arrested Lu and his partner, Li Tingyu, in June 2016 after they spent several years compiling daily lists of “mass incidents”—the official term for protests, demonstrations, and riots—and disseminated their findings via social media. Public security officials reportedly beat Lu, who later went on a hunger strike to protest his treatment and lack of access to his attorney. The government tried Li in a secret trial, then released her in April without announcing a formal verdict.” (p. 24)
- “A pair of Voice of America (VOA) reporters were assaulted and detained for four hours under false pretenses while trying to cover the trial of jailed dissident blogger Wu Gan in Tianjin on August 14. As they approached the courthouse, they were accosted by 10 plainclothes individuals, physically detained and had their laptops and cameras confiscated. The police took them to jail and accused them of beating one of the persons who had detained them. They were released with their personal effects four hours later—after their photographs were deleted.” (p. 24)
- “Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly suppressed demonstrations involving expression of dissenting political views.” (p. 37)

### INTER-GOVERNMENTAL SOURCES

“HRIC advises caution in classifying Chinese companies as “private,” a label that may obscure the extensive links that exist between nominally private companies and the party-state. Government and CPC control is made possible, informally, through opaque shareholding structures, more formally through state protection and support of these companies, and through Party committees that must be established within private firms and SOEs. The Party committee requirement extends to private and foreign companies operating in China. According to official government data, over 91% of publicly-owned companies and over 73% of private companies in China have established these Party organizations. According to media reports, these Party committees have put “political pressure” on joint ventures to allow the CPC final authority in major decisions.” (p. 2)

“The Chinese government has promulgated a series of laws under an overarching policy framework of comprehensive securitization, including the National Security Law (effective July 1, 2015), the Counterterrorism Law (effective January 1, 2016), the Cybersecurity Law (effective June 1, 2017), and the National Intelligence Law (effective June 28, 2017). These overarching laws lay out general requirements for private companies to cooperate with and provide necessary technological and law enforcement support for the state in the name of national security.” (p. 3)

“Internet service providers are tasked with closely monitoring content on their platforms, often by implementing a “real-time inspection” system. For example, the Internet Post and Comments Service Management Regulations require service providers to establish such a system for posts and comments, and implement “a screen-before-publishing system” for posts and comments of Internet news information (Art. 5). The Internet User Public Account Information Service Management Regulations require service providers to “conduct real-time management of user public accounts’ messages, posts, comments, and other interactive elements” (Art. 12). The Internet Forum Community Service Regulations also set the requirement for inspection systems including “real-time public information patrol” (Art. 5).” (p. 6)

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“Censorship law explicitly bans homosexual content in any form in movies and television.” (P. 10)

**Policies:** “Finally, legal registration of LGBT civil society organizations remains extremely difficult, especially at the provincial level. This is the primary bottleneck for the development of the LGBT community.” (P. 10)

**Media and technology:** “…Broader public discourse of LGBT people and identities, as represented in mainstream media coverage, is still inadequate, often stigmatizing and based on common stereotypes. This is made worse by the fact
that censorship laws ban homosexual content in any form in movies and television.” (P. 14)

**NON-GOVERNMENTAL SOURCES**

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<td>• “Hong Kong authorities’ arrest of a pro-democracy figure for “seditious intent” heightens concerns of a renewed crackdown on the 2019 protest movement, Human Rights Watch said today. On March 26, 2020, police arrested district councilor Cheng Lai-king, 60, at her home two days after she reposted a message on Facebook that revealed a police officer’s identity. “Arresting a pro-democracy politician for seeking police accountability is political persecution, not legitimate policing,” said Sophie Richardson, China director. “Hong Kong authorities should immediately drop the case against councilor Cheng Lai-king.” (p. 1)</td>
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<td>• “On March 20, lawyers for a pro-Beijing television station, TVB, sent a letter to pro-democracy district councilor Ho Kai-ming, accusing him of defamation after he criticized the station for “participating in political persecution.” (p. 3)</td>
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<td>• “Chinese authorities should immediately and unconditionally release a well-known anti-corruption activist who had eluded arrest after a new government crackdown on rights activists, Human Rights Watch said today. On February 15, 2020, authorities in Guangzhou apprehended Xu Zhiyong at a friend’s home where he had gone after authorities in December detained participants of a gathering on human rights in Fujian province.” (p. 1)</td>
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<td>• “In late December 2019, police across the country began to detain participants of a December 7 and 8 gathering in Xiamen, Fujian province, where they discussed human rights and China’s political future. On December 26, in what has become known as the 12.26 crackdown, authorities detained prominent human rights lawyer Ding Jiaxi, scholar Zhang Zhongshun, and activists Dai Zhenya and Li Yingjun. Since then, Xu had been traveling to different cities, updating his Twitter account, and criticizing the government’s authoritarian rule and its mishandling of the coronavirus outbreak.” (p. 2)</td>
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<td>• “Hours after the police took Xu away, his girlfriend, Li Qiaochu, a Beijing-based women’s rights and labor rights activist, also went missing. In January 2020, Beijing police searched Xu’s home, detained Li for 24 hours, and denied her adequate medicine in the detention center.” (p. 2)</td>
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<td>• “This backlash was evident in months of demonstrations opposing Beijing’s encroachment on Hong Kong’s freedoms and public statements by countries critical of the oppression of Turkic Muslims in Xinjiang.”</td>
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<td>• “In the 652-page World Report 2020, its 30th edition, Human Rights Watch reviews human rights practices in nearly 100 countries. In his introductory essay, Executive Director Kenneth Roth says that the Chinese government, which depends on repression to stay in power, is carrying out the most intense attack on the global human rights system in decades. He finds that Beijing’s actions both encourage and gain support from autocratic populists around the globe, while Chinese authorities use their economic clout to deter criticism from other governments. It is urgent to resist this assault, which threatens decades of progress on human rights and our future.”</td>
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<td>• “In Tibet, authorities continue to severely restrict freedoms of speech, assembly, and religion. From May to July 2019, thousands of monks and nuns were reportedly expelled from a monastery in Sichuan and their dwellings demolished. In November, Yonten, a former Buddhist monk, became the 156th Tibetan to die of self-immolation since March 2009.”</td>
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| • “In his keynote essay, Human Rights Watch Executive Director Kenneth Roth examines the increasingly dire threat to the global system for protecting human rights posed by the Chinese government under President Xi Jinping. Deepening and increasingly sophisticated domestic repression show that China’s leaders view human rights at home as an existential threat. That, in turn, has led Beijing to see international laws and institutions for the defense of human rights as an existential threat. As a result, Chinese authorities seek to censor criticism of China overseas, mute attention to human rights in its global engagements, and weaken global rights mechanisms. At stake is a system of governance built on the belief that every
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<td>person’s dignity deserves respect—that regardless of official interests, limits exist on what states can do to people.” (p. VII)</td>
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<td>• “At home, the Chinese Communist Party, worried that permitting political freedom would jeopardize its grasp on power, has constructed an Orwellian high-tech surveillance state and a sophisticated internet censorship system to monitor and suppress public criticism. Abroad, it uses its growing economic clout to silence critics and to carry out the most intense attack on the global system for enforcing human rights since that system began to emerge in the mid-20th century.” (p. 1)</td>
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<td>• “Free-speech problems are also cropping up at universities worldwide. The goal of maintaining the flow of students from China, who often pay full tuition, can easily become an excuse for universities to avoid uncomfortable subjects. In Australia, Canada, the United Kingdom, and the United States, some pro-Beijing students have sought to shut down campus discussions about human rights abuses in Hong Kong, Xinjiang, or Tibet. In other cases, students from China who want to join campus debates on ideas that would be taboo at home feel they cannot for fear of being reported to Chinese authorities. Universities have done little publicly in such cases to assert the rights of free speech.” (p. 15)</td>
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<td>• “In January, the Guangzhou government banned two lesbian, gay, bisexual, and transgender rights organizations, including a student-led group at the University of Guangzhou.” (p. 139)</td>
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<td>• “China’s authoritarian regime has become increasingly repressive in recent years. The ruling Chinese Communist Party (CCP) is tightening its control over the state bureaucracy, the media, online speech, religious groups, universities, businesses, and civil society associations, and it has undermined its own already modest rule-of-law reforms. The CCP leader and state president, Xi Jinping, has consolidated personal power to a degree not seen in China for decades.” (p. 1)</td>
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<td>• “Internet censorship and surveillance reached new extremes during the year, driven in part by the CCP’s determination to suppress discussion of the 30th anniversary of the June 1989 military crackdown on prodemocracy protesters in Beijing’s Tiananmen Square. Restrictions were placed on apolitical social media platforms, and more ordinary users faced account closures and criminal prosecutions for political, social, religious, and humorous speech.” (p. 1)</td>
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<td>• “Citizens who seek to establish genuinely independent political parties or otherwise advocate for democracy are harshly punished. In September 2019, activist Wang Meiyu died in custody in Hunan Province, and family members reported signs of abuse on his body; Wang had been detained in July after holding a placard in public that called for Xi Jinping’s resignation and free elections. In late December, authorities carried out a wave of detentions, rounding up at least a dozen activists and lawyers who had met earlier that month in Fujian Province and reportedly discussed the prospects for a democratic transition in China.” (p. 4)</td>
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<td>• “China is home to one of the world’s most restrictive media environments and its most sophisticated system of censorship, particularly online. The CCP maintains control over news reporting via direct ownership, accreditation of journalists, harsh penalties for public criticism, and daily directives to media outlets and websites that guide coverage of breaking news stories. State management of the telecommunications infrastructure enables the blocking of websites, removal of smartphone applications from the domestic market, and mass deletion of microblog posts, instant messages, and user accounts that touch on banned political, social, economic, and religious topics. Thousands of websites have been blocked, many for years, including major news and social media hubs like the New York Times, YouTube, Twitter, and Facebook.” (p. 7)</td>
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<td>• “The Hong Kong Electoral Affairs Commission (EAC) should immediately reverse its decision to disqualify the candidacy of Joshua Wong, a prominent pro-democracy activist, for upcoming district council elections, Human Rights Watch said today. On October 29, 2019, the EAC notified Wong that his candidacy for the November 24 elections was invalid. Barring a candidate from running for elected office on the basis of their peaceful political views violates fundamental rights to freedom of expression and to take part in genuine elections as guaranteed by the International Covenant on Civil and Political Rights (ICCPR).” (p. 1)</td>
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<td>• “Disqualifying Joshua Wong from running for office is just the latest example of the Hong Kong government’s increasingly anti-democratic tactics,” said Sophie Richardson, China director. “The government’s rigging of the electoral process reinforces for many people that the only way to be heard is by protesting on the streets.” (p. 1)</td>
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<td>• “In 2016, the electoral commission added a requirement that all candidates wishing to run for the LegCo must fill out a “confirmation form,” in which candidates affirm that Hong Kong is an inalienable part of China, a requirement that infringes on the right to peaceful expression. The commission then disqualified two pro-democracy candidates – Edward Leung of Hong Kong Indigenous and Andy Chan of the Hong Kong National Party – because their pro-independence stances were deemed “incompatible with the Basic Law.” (p. 2)</td>
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<td>• “China’s Cybersecurity Law, which bans the dissemination of information disruptive to the “social order,” criminalizes the distribution of information for and about the LGBTIQ community. Due to this shrinking civic space and censorship, it has been challenging for LGBTIQ groups to organize.” (p. 1)</td>
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<td>• “It’s already been three years since China launched a crackdown on human rights lawyers and activists across the country. Starting on 9 July 2015, nearly 250 targeted individuals were questioned or detained by state security agents.” (p. 1)</td>
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<td>• “Beijing human rights lawyer Yu Wensheng was formally arrested by the Xuzhou City Public Security Bureau on 19 April 2018 on suspicion of “inciting subversion of state power” and “obstructing the duties of public officers”. (p. 3)</td>
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<td>• “Meanwhile, Chinese censors have sparked a storm of international criticism after they issued a set of rules banning the depiction of &quot;abnormal sexual acts ... such as homosexuality&quot; from online video content.” (p. 3)</td>
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<td>• “Content in vulgar taste and with obscene sexual content ... that depicts abnormal sexual relations such as incest, homosexuality, perversion, sexual abuse, sadism or sexual violence,&quot; was listed as banned in the regulations posted to the association's official website.” (p. 3)</td>
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<td>• “China’s decision to implement a new ban on homosexual content on the internet is irresponsible and dangerous,&quot; the U.K.’s Gay Times said in a recent article on its website.” (p. 3)</td>
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<td>• “Freedom House, a US government grant-funded, Washington-based non-profit, said that 2019 was the 14th consecutive year of deteriorating political rights and freedoms – notably in China – despite the rise of mass protest movements worldwide, including antigovernment demonstrations in Hong Kong that called for greater political autonomy from China.” (p. 3)</td>
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| 17. | **A. Bhandari, China imprisoned more journalists than any other country in 2019, Reuters (Nov. 12, 2019), available at:** https://www.reuters.com/article/us-global-rights-
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<td><em>journalists-graphic/china-imprisoned-more-journalists-than-any-other-country-in-2019-cpj-idUSKBN1YF0KA</em></td>
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<td>“China imprisoned at least 48 journalists in 2019, more than any other country, displacing Turkey as the most oppressive place for the profession, a report by the Committee to Protect Journalists report said on Wednesday.”  (p. 1)</td>
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<td>“In 2019, CPJ found at least 48 journalists jailed in China, one more than in 2018; the number has steadily increased as President Xi Jinping consolidated political control of the country and instituted ever tighter controls on the media. In one recent Chinese case, Sophia Huang Xueqin, a freelancer who formerly worked as an investigative reporter at Chinese outlets, was arrested in October shortly after describing on her blog what it was like to march with the pro-democracy protesters in Hong Kong. She faces charges of “picking quarrels and provoking trouble,” a common anti-state allegation levied against critics whom the ruling Chinese Communist Party view as a threat.”  (p. 4)</td>
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<td>“But in recent years, the Communist government under President Xi Jinping has taken an increasingly hardline stance on LGBT rights, banning portrayal of same-sex relationships on television and online.”  (p. 3)</td>
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<td>“According to the South China Morning Post, several LGBT organizations, including the Guangzhou Gender and Sexuality Education Centre, have been shut down in recent months.”  (p. 3)</td>
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<td>“Speaking to the Financial Times before the Weibo ban was rolled back, a spokesman for the Beijing LGBT Centre predicted that &quot;China's censorship of LGBT content will be ever more strict this year compared to last year.&quot;  (p. 3)</td>
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<td>“The Communist Party wants to assert itself as the only moral authority in Chinese society and dictate ... what is not for the public to consume, often in the name of national security and social stability,&quot; she said. The Chinese government considers independent civil society groups and organized protests as threats to its rule, Wang added. &quot;It certainly does not want to see China's LGBT community becoming more empowered through online organizing.&quot;  (p. 3)</td>
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<td>“In an assault on freedom of expression, a court in China sentenced a successful novelist, Ms. Liu, to 10 years in prison on October 31 for including explicit homoerotic content in her work. The charge against her was making and selling “obscene material” for profit.” (p. 1)</td>
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<td>“In 2001, the Chinese Society of Psychiatry removed homosexuality from the Chinese Classification of Mental Disorders. Even so, the government closely monitors public expression of LGBT identities. And contrary to Chinese law that requires a diagnosis prior to treatment, “conversion therapies,” in some cases including electroshock treatment, are offered in private and public clinics, indicating intense family pressure on LGBT people to change.” (p. 2)</td>
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<td>“The guidelines include a category of “abnormal sexual relationships and sexual behaviors” that lists homosexuality alongside sexual assault, abuse and violence, hence characterizing homosexuality as abnormal and abusive.” (p. 2)</td>
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<td>“Chinese rights activists say they have been warned off any form of public activism or protest on World AIDS Day, in a crackdown on civil society in the country that began around two years ago.” (p. 1)</td>
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<td>“Henan-based AIDS activist Sun Ya, a long-time activist with the Beijing-based Aizhixing health rights group, said he would like to take part in public events on Friday in support of the rights of people living with HIV and AIDS, but doesn't dare. &quot;They have urged us [not to do this],&quot; Sun said. &quot;On top of that, there is also the fact that they are monitoring our communications, listening in.&quot; (p. 1)</td>
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<td>“People are routinely getting detained, and all of the lawyers who used to stand up for us are being taken off [such cases] for a variety of reasons,&quot; Sun said.” (pp. 1-2)</td>
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Dated: [DATE]  

Respectfully submitted,  

[CITY, STATE]  

[FIRM]  

*Pro Bono* Counsel for Respondent [________]
EXECUTIVE SUMMARY

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

The main domestic security agencies include the Ministry of State Security, the Ministry of Public Security, and the People’s Armed Police. The People’s Armed Police continue to be under the dual authority of the Central Committee of the CCP and the Central Military Commission. The People’s Liberation Army is primarily responsible for external security but also has some domestic security responsibilities. Local jurisdictions also frequently use civilian municipal security forces, known as “urban management” officials, to enforce administrative measures. Civilian authorities maintained effective control of the security forces.

During the year the government continued its campaign of mass detention of members of Muslim minority groups in the Xinjiang Uighur Autonomous Region (Xinjiang). Authorities were reported to have arbitrarily detained more than one million Uighurs, ethnic Kazakhs, Kyrgyz, and other Muslims in extrajudicial internment camps designed to erase religious and ethnic identities. Chinese government officials justified the camps under the pretense of combating terrorism, separatism, and extremism. International media, human rights organizations, and former detainees reported security officials in the camps abused, tortured, and killed detainees. Government documents, as published by international media, corroborated the coercive nature of the campaign and its impact on members of Muslim minority groups in Xinjiang and abroad.

Significant human rights issues included: arbitrary or unlawful killings by the government; forced disappearances by the government; torture by the government; arbitrary detention by the government; harsh and life-threatening prison and detention conditions; political prisoners; arbitrary interference with privacy; substantial problems with the independence of the judiciary; physical attacks on and criminal prosecution of journalists, lawyers, writers, bloggers, dissidents,
petitioners, and others as well as their family members; censorship and site blocking; interference with the rights of peaceful assembly and freedom of association, including overly restrictive laws that apply to foreign and domestic nongovernmental organizations (NGOs); severe restrictions of religious freedom; substantial restrictions on freedom of movement (for travel within the country and overseas); refoulement of asylum seekers to North Korea, where they have a well-founded fear of persecution; the inability of citizens to choose their government; corruption; a coercive birth-limitation policy that in some cases included forced sterilization or abortions; trafficking in persons; and severe restrictions on labor rights, including a ban on workers organizing or joining unions of their own choosing; and child labor.

Official repression of the freedoms of speech, religion, movement, association, and assembly of Tibetans in the Tibet Autonomous Region (TAR) and other Tibetan areas, and of predominantly Uighurs and other ethnic and religious minorities in Xinjiang, was more severe than in other areas of the country. Such repression, however, occurred throughout the country, as exemplified by the case of Pastor Wang Yi, the leader of the Early Rain Church, who was charged and convicted of “inciting subversion of state power” in an unannounced, closed-door trial with no defense lawyer present. Authorities sentenced him to nine years in prison.

The CCP continued to dominate the judiciary and controlled the appointment of all judges and in certain cases directly dictated the court’s ruling. Authorities harassed, detained, and arrested citizens who promoted independent efforts to combat abuses of power.

In the absence of reliable data, it was difficult to ascertain the full extent of impunity for the domestic security apparatus. Authorities often announced investigations following cases of reported killings by police. It remained unclear, however, whether these investigations resulted in findings of police malfeasance or disciplinary action.

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

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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. In many instances few or no details were available.
In Xinjiang there were reports of custodial deaths related to detentions in the internment camps. In October Radio Free Asia (RFA) reported that “at least 150 people” died in a six-month period while detained at one of four internment camps in Kuchar (Chinese: Kuche), Aksu (Akesu) Prefecture.

In June 2018 Aytursun Eli died in Kashgar (Kashi), Xinjiang, while being questioned in official custody, according to a recorded interview, released during the year, which her mother gave to the official Xinjiang Women’s Federation. Authorities reportedly targeted the Uighur tour director at Hua An Tourism Company after she returned from a work trip to Dubai. Officials later said she died of a “medical condition” and prevented family members from examining the body.

Although legal reforms in recent years decreased the use of the death penalty and improved the review process, authorities executed some defendants in criminal proceedings following convictions that lacked due process and adequate channels for appeal. Official figures on executions were classified as a state secret. According to the U.S.-based Dui Hua Foundation, the number of executions stabilized after years of decline following the reform of the capital punishment system initiated in 2007. Dui Hua reported an increase in the number of executions for bosses of criminal gangs and individuals convicted of “terrorism” in Xinjiang likely offset the drop in the number of other executions.

**b. Disappearance**

There were multiple reports authorities detained individuals and held them at undisclosed locations for extended periods.

The government conducted mass arbitrary detention of Uighurs, ethnic Kazakhs, Kyrgyz, and other Muslims in Xinjiang. China Human Rights Defenders reported these detentions amounted to enforced disappearance, since families were often not provided information about the length or location of the detention.

After disappearing in November 2018 following a trip to Xinjiang to lead a photography workshop, award-winning documentary photographer Lu Guang appeared to have been released to his hometown in Zhejiang a “few months” before September, according to his wife. Although Lu was a legal resident of the United States, he was believed to be under “residential surveillance” and restricted from leaving China.
The Uyghur Human Rights Project published a report in January detailing the forced disappearance, imprisonment, and internment of 338 Uighur intellectuals. Many were prominent Uighur scholars and cultural icons. Sanubar Tursun, a singer, was reported disappeared. Qurban Mahmut, a magazine editor who encouraged works on Uighur culture and history, disappeared into an internment camp. Five intellectuals identified in the report died while interned in a camp or shortly after release. This included 40-year-old Mutellip Nurmemmet, who died nine days after his release from an internment camp. Media also reported that prominent Uighur writer Nurmuhammed Tohti suffered a heart attack during his 70-day detention in an internment camp and died shortly after being released. Camp doctors reportedly ignored his health conditions, and when authorities returned his body home on June 3, his legs were still chained.

According to a December 2019 report, Iminjan Seydin, a professor of Chinese history at the Xinjiang Islamic Institute and founder of the Imin Book Publishing Company who disappeared in May 2017, was tried in May 2019 in a closed-door hearing. A family member stated she learned of the trial months later, in September.

The exact whereabouts of Aikebaier Aisaiti, a Uighur journalist and entrepreneur, remained unknown. He was reportedly detained in Xinjiang in 2016 after participating in a program in the United States and subsequently sentenced to up to 15 years in prison.

Lawyer Wang Quanzhang was transferred in April from the Tianjin Detention Center to a prison in Linyi, Shandong, after his closed-session sentencing in January, which followed his December 2018 closed-court trial and conviction on charges of “subverting state power.” Wang had been held incommunicado detention since 2015 when he was detained in the “709” nationwide roundup of more than 300 human rights lawyers and legal associates. He was first allowed to see his wife and son on June 28, after nearly four years of detention. His wife told media he appeared “lethargic” and was in poor physical and mental health. She continued to see him once a month, the maximum prison authorities allowed.

In February relatives of detained labor activist Fu Changguo, an employee at the labor organization Dagongzhe, reported they could no longer determine Fu’s whereabouts. Shenzhen’s Second Detention Center, which was previously believed to be in custody of Fu, informed the family in early February that Fu was not on their detainee list. Earlier, in December 2018, the Pingshan District Police Station denied his family’s application for bail, claiming Fu might “destroy or
fabricate evidence, and disrupt or conspire to falsify witness statements.” Fu was among more than 50 individuals detained, disappeared, or placed under house arrest between July 2018 and January after being accused of participating in or aiding the labor movement against Shenzhen’s Jasic Technology, a manufacturer of industrial welding equipment (see section 7).

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. Many activists who were involved in the 1989 demonstrations and their family members continued to suffer official harassment. The government made no efforts to prevent, investigate, or punish such harassment.

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

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

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

Chen Yunfei, who was released from prison in Sichuan in March, reported that during his four-year imprisonment for sweeping the tombs of victims of the 1989 Tiananmen demonstrations, prison guards forced him to maintain stress positions for extended periods of time and held him in solitary confinement in a dark room for several months. The guards also reportedly beat him and ordered other prisoners to beat him as well. After one such beating, Chen was hospitalized for 40 days. During his incarceration he was denied contact with family or friends.

According to China Human Rights Defenders, Fujian rights advocate lawyer Ji Sizun died on July 10 in the Zhangzhou Xiangcheng Intensive Care Unit (ICU)
after his April 26 release from prison, where he was deprived of adequate medical care. During his imprisonment he suffered from strokes and various other diseases that resulted in his paralysis. Authorities allowed his family to visit him for the first time in the ICU on May 6. Ji was malnourished, intubated, unable to eat except through a tube, and could recognize only two of his three sisters. Four security guards were deployed at the ICU, which admitted only one visitor at a time for 15 minutes each. Individuals with knowledge of the case said authorities pressured Ji’s family to sign a power of attorney, empowering authorities to immediately cremate his body after death.

In September media outlets reported the custodial death of prodemocracy activist Wang Meiyu. Wang was detained in July after he held up a placard outside Hengyang Normal University in Hunan calling for Chairman Xi Jinping’s resignation and for democratic elections in the country. On September 23, police called Wang’s wife, Cao Shuxia, saying Wang had died suddenly in a military hospital in Hengyang, where he was detained. Cao said Wang’s body was “unrecognizable” when she went to identify it: He was bleeding from his eyes, mouth, ears and nose, and there were bruises on his face. His wife said Wang was a “healthy, normal man” when he was taken into custody. Police did not offer any explanation of the cause of death. Wang’s lawyers learned he was moved from a large cell with many other inmates to solitary confinement. Wang’s mother said she was offered compensation of 2.98 million yuan ($420,000). Wang and Cao lost their jobs due to his activism. Cao and her two children were reportedly under house arrest after his death.

Wu Gan, a Chinese blogger and human rights activist, received an eight-year prison sentence on a charge of “subverting state power” from a Tianjin court in 2017, after 952 days in preventive detention. On March 4, Wu’s father visited him in Fujian’s Qingliu Prison. According to Wu’s father, Wu reported sustaining multiple injuries while in police custody in Tianjin and Beijing, which resulted in a heart attack, chronic pain, and a paralyzed hand.

Members of the minority Uighur ethnic group reported systematic torture and other degrading treatment by law enforcement officers and officials working within the penal system and the internment camps. Survivors stated that authorities subjected individuals in custody to electric shock, waterboarding, beatings, rape, stress positions, injection of unknown substances, and cold cells (see section 6, National/Racial/Ethnic Minorities).
There was no direct evidence of an involuntary or prisoner-based organ transplant system. Nevertheless, some activists and organizations continued to accuse the government of involuntarily harvesting organs from prisoners of conscience, especially members of Falun Gong. The PRC government denied the claims, stating it had officially ended the long-standing practice of harvesting the organs of executed prisoners for use in transplants in 2015. One Australian National University study of PRC official statistics of organ donations said there was “highly compelling evidence” based on statistical forensics that the data was “falsified.” Furthermore, the research paper argued that the government’s organ transplant program involved donations from “nonvoluntary donors who are marked down as ‘citizen donors.’” In June the nongovernmental Independent Tribunal into Forced Organ Harvesting of Prisoners of Conscience in China released a report which found “direct and indirect evidence of forced organ harvesting” in China, citing “extraordinarily short waiting times” and “massive infrastructure development of facilities and medical personnel for organ transplant operations.” Some Xinjiang internment camp survivors reported healthy young men would be spared the physical abuse that other detainees suffered and given health screenings including DNA samples before disappearing, raising these survivors’ concerns that organ harvesting from detainees was taking place in the camps.

The treatment and abuse of detainees under the liuzhi detention system, which operates outside the judicial system but is a legal tool for the government to investigate corruption, featured custodial treatment such as extended solitary confinement, sleep deprivation, beatings, and forced standing or sitting in uncomfortable positions for hours and sometimes days, according to press reports (see section 4).

The law states psychiatric treatment and hospitalization should be “on a voluntary basis,” but the law also allows authorities and family members to commit persons to psychiatric facilities against their will and fails to provide meaningful legal protections for persons sent to psychiatric facilities. The law does not provide for the right to a lawyer and restricts a person’s right to communicate with those outside the psychiatric institution.

Official media reported the Ministry of Public Security directly administered 23 high-security psychiatric hospitals for the criminally insane. While many of those committed to mental health facilities were convicted of murder and other violent crimes, there were also reports of activists, religious or spiritual adherents, and petitioners involuntarily subjected to psychiatric treatment for political reasons.
Public security officials may commit individuals to psychiatric facilities and force treatment for “conditions” that have no basis in psychiatry.

**Prison and Detention Center Conditions**

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

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

Adequate, timely medical care for prisoners remained a serious problem, despite official assurances prisoners have the right to prompt medical treatment. Prison authorities at times withheld medical treatment from political prisoners.

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

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

In Xinjiang authorities expanded existing internment camps for Uighurs, ethnic Kazakhs, and other Muslims. In some cases authorities used repurposed schools, factories, and prisons to hold detainees. According to Human Rights Watch, these camps focused on “military-style discipline and pervasive political indoctrination of the detainees.”

**Administration:** The law states letters from a prisoner to higher authorities of the prison or to the judicial organs shall be free from examination; it was unclear to what extent the law was implemented. While authorities occasionally investigated
credible allegations of inhuman conditions, their results were not documented in a publicly accessible manner. Authorities denied many prisoners and detainees reasonable access to visitors and correspondence with family members. Some family members did not know the whereabouts of their relatives in custody. Authorities also prevented many prisoners and detainees from engaging in religious practices or gaining access to religious materials.

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

**d. Arbitrary Arrest or Detention**

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

The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government generally did not observe this requirement.

In early April courts in Chengdu, Sichuan, tried and convicted four activists--Chen Bing, Fu Hailu, Zhang Junyong, and Luo Fuyu--who had been detained without trial since 2016. They were charged with “picking quarrels and provoking trouble” after producing liquor with a label commemorating the 1989 Tiananmen demonstrations and sentenced to prison terms between three and three-and-one-half years. Three of the accused were forced to use court-appointed lawyers during the trial instead of lawyers they had retained themselves.

Pu Wenqing, mother of Sichuan-based activist Huang Qi, disappeared in December 2018, after plainclothes security personnel detained her at a Beijing train station. She had petitioned central authorities in October 2018 to release her detained son for health reasons and poor treatment within his detention center. At year’s end she remained under house arrest with no formal charges filed. In a related case, in July Beijing authorities also detained and arrested Zhang Baocheng, who had assisted and escorted the elderly Pu Wenqing around Beijing in 2018 as she sought to petition central authorities over her son’s detention.
Beijing police on December 30 charged Zhang, a former member of the now-defunct New Citizens Movement that campaigned for democracy and government transparency, with “picking quarrels, promoting terrorism, extremism, and inciting terrorism.” At year’s end he was awaiting trial.

**Arrest Procedures and Treatment of Detainees**

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

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

The law stipulates detainees be allowed to meet with defense counsel before criminal charges are filed. The criminal procedure law requires a court to provide a lawyer to a defendant who has not already retained one; is blind, deaf, mute, or mentally ill; is a minor; or faces a life sentence or the death penalty. This law applies whether or not the defendant is indigent. Courts may also provide lawyers to other criminal defendants who cannot afford them, although courts often did not do so. Lawyers reported significant difficulties meeting their clients in detention centers, especially in cases considered politically sensitive.

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

The law requires notification of family members within 24 hours of detention, but authorities often held individuals without providing such notification for significantly longer periods, especially in politically sensitive cases. In some cases notification did not occur. Under a sweeping exception, officials are not required to provide notification if doing so would “hinder the investigation” of a case. The criminal procedure law limits this exception to cases involving state security or
terrorism, but public security officials have broad discretion to interpret these provisions.

Under certain circumstances the law allows for residential surveillance in the detainee’s home, rather than detention in a formal facility. With the approval of the next-higher-level authorities, officials also may place a suspect under “residential surveillance at a designated location” (RSDL) for up to six months when they suspect crimes of endangering state security, terrorism, or serious bribery and believe surveillance at the suspect’s home would impede the investigation. Authorities may also prevent defense lawyers from meeting with suspects in these categories of cases. Human rights organizations and detainees reported the practice of RSDL left detainees at a high risk for torture since being neither at home nor in a monitored detention facility reduced opportunities for oversight of detainee treatment and mechanisms for appeal.

Authorities used administrative detention to intimidate political and religious advocates and to prevent public demonstrations. Forms of administrative detention included compulsory drug rehabilitation treatment (for drug users), “custody and training” (for minor criminal offenders), and “legal education” centers for political activists and religious adherents, particularly Falun Gong practitioners. The maximum stay in compulsory drug rehabilitation centers is two years, including commonly a six-month stay in a detoxification center. The government maintained similar rehabilitation centers for those charged with prostitution and with soliciting prostitution.

**Arbitrary Arrest**: Authorities detained or arrested persons on allegations of revealing state secrets, subversion, and other crimes as a means to suppress political dissent and public advocacy. These charges, including what constitutes a state secret, remained ill defined, and any piece of information could be retroactively designated a state secret. Authorities also used the vaguely worded charges of “picking quarrels and provoking trouble” broadly against many civil rights advocates. It remained unclear what this term means. Authorities also detained citizens and foreigners under broad and ambiguous state secret laws for, among other actions, disclosing information on criminal trials, commercial activity, and government activity. A counterespionage law grants authorities the power to require individuals and organizations to cease any activities deemed a threat to national security. Failure to comply could result in seizure of property and assets.
There were multiple reports authorities arrested or detained lawyers, religious leaders or adherents, petitioners, and other rights advocates for lengthy periods, only to have the charges later dismissed for lack of evidence. Authorities subjected many of these citizens to extralegal house arrest, denial of travel rights, or administrative detention in different types of extralegal detention facilities, including “black jails.” In some cases public security officials put pressure on schools not to allow the children of prominent political detainees to enroll. Conditions faced by those under house arrest varied but sometimes included isolation in their homes under guard by security agents. Security officials were frequently stationed inside the homes. Authorities placed many citizens under house arrest during sensitive times, such as during the visits of senior foreign government officials, annual plenary sessions of the National People’s Congress (NPC), the anniversary of the Tiananmen massacre, and sensitive anniversaries in Tibetan areas and Xinjiang. Security agents took some of those not placed under house arrest to remote areas on so-called forced vacations.

In January the government detained Yang Hengjun, an Australian author and blogger who encouraged democratic reform in China. The government held Yang incommunicado for several months before formally arresting him in August and charging him with spying. On December 2, Australian foreign minister Marise Payne publicly criticized the circumstances of Yang’s detention, noting his “increased isolation from the outside world, with restrictions on his communications with family and friends, and the resumption of daily interrogation, including while shackled.”

Swedish bookseller and Hong Kong resident Gui Minhai—who went missing from Thailand in 2015, was released by Chinese authorities in 2017, and was detained again in January 2018 while traveling on a train to Beijing—remained in detention, according to press reports, although his whereabouts were unclear. The PRC embassy in Stockholm issued a statement in February denying it had initiated contact with Gui’s daughter Angela. This was in response to her account, published online, of how Sweden’s ambassador to the PRC organized a series of meetings in Stockholm between her and a businessman who claimed he could assist with her father’s case. At year’s end the Swedish government was investigating the matter.

Media reported Shanghai police detained well-known human rights activist Chen Jianfang on March 20. In July a lawyer acting for Chen said Shanghai authorities informed him that Chen was formally arrested in June on charges of “inciting subversion of state power,” although the authorities did not publicly announce
Chen’s arrest nor allow her to meet her lawyer. Authorities did not respond to requests by international advocacy organizations to account for Chen’s status and whereabouts.

In January authorities charged Xue Renyi, leader of the environmental activism group Green Leaf Action, with “picking quarrels and provoking trouble.” Police detained Xue in May 2018 after he called for a demonstration demanding improved environmental conditions in Chongqing. Police cited social media posts of Xue in a park holding three leaves, a symbol of his group, as the reason for his arrest. Xue’s location and trial date were unknown at year’s end. In January Chongqing authorities also detained Green Leaf Action-member Pan Bin. His location and status were unknown at year’s end.

On April 27, Yuexiu District police in Guangzhou searched the home of Lai Rifu before taking him away. Lai was a long-time member of the Southern Street Movement that called for an end to one-party rule. Police detained Lai administratively for 10 days at the Yuexiu District Detention Center for the crime of “picking quarrels and provoking trouble” for wearing a T-shirt with the words “civil disobedience.” He was released on May 8. Police detained Lai again on September 16 on the suspicion of “picking quarrels and provoking trouble” after he uploaded a video with “Glory to Hong Kong,” the unofficial anthem of Hong Kong’s prodemocracy movement, on his WeChat and Facebook accounts. Liu was released in October after more than one month in detention.

In December 2018 Bitter Winter reported police had detained at least 45 of its contributors since August 2018. Of the 22 detained in Xinjiang, four were released by February. The other 23 detained were held in Henan, Fujian, Zhejiang, and Shanxi. Several had been released after indoctrination training. Police arrested the Fujian contributors in October 2018 and prohibited family members from visiting them. Online media reported that police tortured them.

In October Guangxi secret police detained Qin Yongpei on charges of “inciting subversion of state power,” then formally arrested him in December. He remained in Nanning No. 1 Detention Center without access to lawyers at year’s end. Qin had worked on several human rights cases, including those of “709” lawyers and Falun Gong practitioners, assisted many indigent and vulnerable persons, and publicized misconduct by high-level government and CCP officials. He was disbarred in May 2018 after having practiced law since the mid-1990s. After being disbarred, Qin founded the China Lawyers’ Club to employ disbarred lawyers. The proximate reason for Qin’s arrest was unclear.
Pretrial Detention: Pretrial detention could last longer than one year. Defendants in “sensitive cases” reported being subjected to prolonged pretrial detention. During the period of 2015 to 2018, authorities held many of the “709” detainees and their defense attorneys in pretrial detention for more than a year without access to their families or their lawyers. Statistics were not published or made publicly available, but lengthy pretrial detentions were especially common in cases of political prisoners.

Local authorities initially detained Beijing-based lawyer Li Yuhan, who defended human rights lawyers during the “709” crackdown, at the Shenyang Detention Center in 2017 and later charged Li with “picking quarrels and provoking trouble.” Due to her poor health condition, Li’s attorney submitted multiple requests to Shenyang authorities to release her on medical parole, but each time her request was denied without reason or hearing. Li was scheduled to stand trial on April 9; however, the Shenyang Intermediate People’s Court postponed the trial and heard the case at an unspecified date. Li dismissed her attorneys in June because she was concerned by the pressure they faced defending her case. At year’s end Li remained in detention pending a verdict.

In 2016 the Tiexi District Court in Shenyang detained human rights advocate Lin Mingjie for assembling a group of demonstrators in front of the Ministry of Public Security in Beijing to protest Shenyang Public Security Bureau director Xu Wenyou’s abuse of power. After two years in pretrial detention, in June 2018 Lin was sentenced to two years and six months in prison, including time served. Lin was reportedly released on April 23. Despite Lin’s having been released, however, his attorney had neither heard from him nor knew his whereabouts.

e. Denial of Fair Public Trial

Although the law states the courts shall exercise judicial power independently, without interference from administrative organs, social organizations, and individuals, the judiciary did not exercise judicial power independently. Judges regularly received political guidance on pending cases, including instructions on how to rule, from both the government and the CCP, particularly in politically sensitive cases. The CCP Central Political and Legal Affairs Commission has the authority to review and direct court operations at all levels of the judiciary. All judicial and procuratorate appointments require approval by the CCP Organization Department.
Corruption often influenced court decisions, since safeguards against judicial corruption were vague and poorly enforced. Local governments appointed and paid local court judges and, as a result, often exerted influence over the rulings of those judges.

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

Courts are not authorized to rule on the constitutionality of legislation. The law permits organizations or individuals to question the constitutionality of laws and regulations, but a constitutional challenge may be directed only to the promulgating legislative body. Lawyers had little or no opportunity to rely on constitutional claims in litigation. In March 2018 lawyers and others received central government instructions to avoid discussion of the constitutionality of the constitutional amendments that removed term limits for the president and vice president.

Media sources indicated public security authorities used televised confessions of lawyers, foreign and domestic bloggers, journalists, and business executives in an attempt to establish guilt before their criminal trial proceedings began. In some cases these confessions were likely a precondition for release. NGOs asserted such statements were likely coerced, perhaps by torture, and some detainees who confessed recanted upon release and confirmed their confessions had been coerced. No provision in the law allows the pretrial broadcast of confessions by criminal suspects.

In May the United Kingdom broadcasting regulator launched a formal investigation into an allegation that China Global Television Network, the international news channel of China Central Television (CCTV), broadcast a confession forced from a British private investigator imprisoned in China.

Attorney Jiang Tianyong was released in February after fulfilling his two-year sentence for his 2017 conviction on charges of inciting state subversion in Changsha, Hunan. Authorities had prevented Jiang from selecting his own attorney to represent him at a trial that multiple analysts viewed as neither impartial nor fair. Despite his release Jiang was immediately placed under house arrest in his parents’ home in Henan. At year’s end he remained under strict movement controls by local authorities there despite mounting health problems that worsened in prison. Police built a monitoring station outside his parents’
home, where he was supposed to spend most of his time, although sometimes he could visit his sister nearby. Local police prevented him from taking public transportation out of town.

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

**Trial Procedures**

Although the amended criminal procedure law reaffirms the presumption of innocence, the criminal justice system remained biased toward a presumption of guilt, especially in high-profile or politically sensitive cases.

Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. The appeals process rarely reversed convictions, and it failed to provide sufficient avenues for review; remedies for violations of defendants’ rights were inadequate.

Regulations of the Supreme People’s Court require trials to be open to the public, with the exception of cases involving state secrets, privacy issues, minors, or, on the application of a party to the proceedings, commercial secrets. Authorities used the state secrets provision to keep politically sensitive proceedings closed to the public, sometimes even to family members, and to withhold a defendant’s access to defense counsel. Court regulations state foreigners with valid identification should be allowed to observe trials under the same criteria as citizens, but foreigners were permitted to attend court proceedings only by invitation. As in past years, authorities barred foreign diplomats and journalists from attending several trials. In some instances authorities reclassified trials as “state secrets” cases or otherwise closed them to the public.

The Open Trial Network (Tingshen Wang), a government-run website, broadcast trials online; the majority were civil trials.

Regulations require the release of court judgments online and stipulate court officials should release judgments, with the exception of those involving state secrets and juvenile suspects, within seven days of their adoption. Courts did not post all judgments. They had wide discretion not to post if they found posting the judgment could be considered “inappropriate.” Many political cases did not have judgments posted.
Individuals facing administrative detention do not have the right to seek legal counsel. Criminal defendants are eligible for legal assistance, but the vast majority of criminal defendants went to trial without a lawyer.

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

Despite the government’s stated efforts to improve lawyers’ access to their clients, in 2017 the head of the All China Lawyers Association told China Youth Daily that defense attorneys had taken part in less than 30 percent of criminal cases. In particular, human rights lawyers reported authorities did not permit them to defend certain clients or threatened them with punishment if they chose to do so. Some lawyers declined to represent defendants in politically sensitive cases, and such defendants frequently found it difficult to find an attorney. In some instances authorities prevented defendant-selected attorneys from taking the case and instead appointed their own attorney.

The government suspended or revoked the business licenses or law licenses of some lawyers who took on sensitive cases, such as defending prodemocracy dissidents, house-church activists, Falun Gong practitioners, or government critics. Authorities used the annual licensing review process administered by the All China Lawyers Association to withhold or delay the renewal of professional lawyers’ licenses. In January the Guangdong Department of Justice revoked the license of Liu Zhengqing, a Guangdong lawyer known for defending activists and Falun Gong practitioners. The department charged him with “jeopardizing national security” when defending his clients in court.

Other government tactics to intimidate or otherwise pressure human rights lawyers included unlawful detentions, vague “investigations” of legal offices, disbarment, harassment and physical intimidation, and denial of access to evidence and to clients. In February several lawyers wrote an open letter protesting the government’s harassment of lawyers who took on human rights cases.

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

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

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

Under the law lawyers are assigned to convicted prisoners on death row who cannot afford one during the review of their sentences.

According to China Labor Bulletin, Shenzhen police detained labor activists Wu Guijun, Zhang Zhiru, He Yuancheng, Jian Hui, and Song Jiahui on January 20 on the charge of “disrupting social order.” They were reportedly formally charged in late February. The families of some of the activists never received formal notices
of detention and did not know where they were held. According to media reports, authorities banned Zhang and Wu from hiring lawyers and warned their families not to take any media interviews. According to the head of China Labor Watch, the detentions were not connected to any specific activity but were intended to serve as a warning to other labor activists against the backdrop of increasing labor protests and economic stagnation.

On July 22, three public interest lawyers--Cheng Yuan, Liu Yongze, Wu Gejianxiong, also known as the “Changsha Three”--were detained by Changsha Municipal Bureau of State Security authorities on suspicion of “subversion of state power.” The lawyers worked for Changsha Funeng, an organization that litigated cases to end discrimination against persons with disabilities and carriers of HIV and Hepatitis B. Cheng Yuan had also worked on litigation to end the country’s one-child policy and reform its household registration laws. Although Cheng Yuan’s family retained two lawyers to represent him, neither had been able to meet with Cheng Yuan as of year’s end. Authorities also interrogated Cheng Yuan’s wife, Shi Minglei, on multiple occasions about her husband’s work, including forcibly entering her home in Shenzhen on July 22 and seizing her identification card, passport, cell phone, computer, and bank cards.

**Political Prisoners and Detainees**

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

Authorities granted political prisoners early release at lower rates than other prisoners. Thousands of persons were serving sentences for political and religious offenses, including for “endangering state security” and carrying out “cult activities.” The government neither reviewed the cases of those charged before 1997 with counterrevolution and hooliganism nor released persons imprisoned for nonviolent offenses under repealed provisions.

Many political prisoners remained either in prison, or under other forms of detention after release, at year’s end, including writer Yang Maodong (pen name: Guo Feixiong); Uighur scholars Ilham Tohti and Rahile Dawut; activist Wang
Bingzhang; activist Liu Xianbin; Taiwan prodemocracy activist Lee Ming-Che; pastor Zhang Shaojie; Falun Gong practitioners Bian Lichao and Ma Zhenyu; Catholic Auxiliary Bishop of Shanghai Thaddeus Ma Daqin; rights lawyers Wang Quanzhang, Xia Lin, Gao Zhisheng, Yu Wensheng, and Jiang Tianyong; blogger Wu Gan; and Shanghai labor activist Jiang Cunde.

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

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

**Politically Motivated Repraisal Against Individuals Located Outside the Country**

There were credible reports the government attempted to misuse international law enforcement tools for politically motivated purposes as a reprisal against specific individuals located outside the country. There also were credible reports that for politically motivated purposes, the government attempted to exert bilateral pressure on other countries aimed at having them take adverse action against specific individuals.

PRC officials pressured a Montreal-based human rights research institute affiliated with Concordia University to cancel a conference featuring a prominent exiled Uighur leader. Executive director Kyle Matthews of the Montreal Institute for Genocide and Human Rights Studies at Concordia University said he received an email from the PRC consul general in Montreal on March 25, asking him for an urgent meeting to discuss a planned conference on the Uighur minority in the PRC. While he chose to ignore the request and went ahead with the conference as planned, Matthews said he later found out the consul general was also pressuring different individuals in Montreal to cancel the Concordia University event.
Other reports continued throughout the year regarding PRC pressure on Xinjiang-based relatives of persons located outside of China who spoke publicly about the detentions and abusive policies underway inside Xinjiang. Tahir Imin, a Uighur residing outside of China, said that PRC authorities had imprisoned his brother Adil to retaliate against Tahir’s activism abroad. PRC state media also released videos of Xinjiang-based ethnic and religious minorities to discredit their overseas relatives’ accounts to foreign media. The persons in the videos urged their foreign-based family members to stop “spreading rumors” about Xinjiang. The overseas relatives said they had lost communication with their Xinjiang relatives until the videos were released. U.S. citizen Ferkat Jawdat’s mother, who had lost contact with him for a year because she was in an internment camp, called in May to urge Ferkat to stop his activism and media interviews. Relatives of U.S. resident Zumrat Dawut, who spoke to media about her detention in a Xinjiang re-education center, also joined in a video in November urging her to stop “spreading rumors.” The overseas-based relatives said the PRC government coerced their family members to produce such videos.

On November 25, RFA reported Thai authorities had detained Xing Jiang, a Chinese refugee accredited by UNHCR, at the request of Jiangsu provincial public security officials for allegedly “spreading rumors online.”

Civil Judicial Procedures and Remedies

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

Although historically citizens seldom applied for state compensation because of the high cost of bringing lawsuits, low credibility of courts, and citizens’ general lack of awareness of the law, there were instances of courts overturning wrongful convictions. Official media reported that in June Jin Zhehong applied for 21.3 million yuan ($3 million) in state compensation for his 23 years spent behind bars following an overturned conviction for intentional homicide. The Jilin High People’s Court in an appeal hearing ruled the evidence was insufficient to prove the initial conviction.

The law provides for the right of an individual to petition the government for resolution of grievances. Most petitions address grievances regarding land,
housing, entitlements, the environment, or corruption, and most petitioners sought to present their complaints at local “letters and visits” offices. The government reported approximately six million petitions were submitted every year; however, persons petitioning the government continued to face restrictions on their rights to assemble and raise grievances.

Despite attempts at improving the petitioning system, progress was unsteady. While the central government reiterated prohibitions against blocking or restricting “normal petitioning” and against unlawfully detaining petitioners, official retaliation against petitioners continued. Regulations encourage that all litigation-related petitions be handled at the local level through local or provincial courts, reinforcing a system of incentives for local officials to prevent petitioners from raising complaints to higher levels. Local officials sent security personnel to Beijing to force petitioners to return to their home provinces to prevent them from filing complaints against local officials with the central government. Such detentions often went unrecorded and often resulted in brief periods of incarceration in extralegal “black jails.”

Ye Mulan, wife of petitioner Chen Chunzhang, said her husband’s death on November 6 while in police custody was suspicious, and she called on provincial authorities to investigate. According to Ye, Chen was detained in August in Beijing by “interceptors” from Qinkou Township, Fujian, and local police later imprisoned him. (“Interceptors” are enforcement agents sent by local governments to detain petitioners on their way to complain to provincial capitals or to Beijing authorities about their local governments.) Chen had told his lawyer that he had made four statements to police so far but that he had refused to plead guilty to the charges against him. On October 26, local police called Ye to see Chen in a local hospital emergency room; he was alive but unconscious. Police prevented the family from inspecting him up close, although they had asked authorities to check if he had any external signs of injury. Chen died on November 6 after undergoing emergency brain surgery.

On May 15, police in Guizhou detained Huang Yanming for 25 days around the 30th anniversary of the Tiananmen protests and the June 9 Hong Kong protests. Ministry of State Security officers denied him any outside communication and kept him detained in a hotel in Guiyang. No charges were announced.

In June the Beijing Number 2 Intermediate People’s Court criminally tried 12 suspects accused of illegally detaining and beating a petitioner from Jiangxi in 2017. The petitioner, Chen Yuxian from Shangyou, died in Beijing eight hours
after the suspects took him away. The 12 suspects were reportedly from an illegal crime group under the guise of a car rental company that had close connections to local government officials, who had demanded the petition be intercepted. The Beijing court had not issued a verdict as of year’s end.

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

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

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

According to media reports, the Ministry of Public Security used tens of millions of surveillance cameras throughout the country to monitor the general public. Human rights groups stated authorities increasingly relied on the cameras and other forms of surveillance to monitor and intimidate political dissidents, religious leaders and adherents, Tibetans, and Uighurs. These included facial recognition and “gait recognition” video surveillance, allowing police not only to monitor a situation but also to quickly identify individuals in crowds. The monitoring and disruption of telephone and internet communications were particularly widespread in Xinjiang and Tibetan areas. The government installed surveillance cameras in monasteries in the TAR and Tibetan areas outside the TAR (see Special Annex, Tibet). The law allows security agencies to cut communication networks during “major security incidents.”

According to Human Rights Watch, the Ministry of State Security partnered with information technology firms to create a “mass automated voice recognition and monitoring system,” similar to ones already in use in Xinjiang and Anhui, to help
with solving criminal cases. According to one company involved, the system was programmed to understand Mandarin Chinese and certain minority languages, including Tibetan and Uighur. In many cases other biometric data such as fingerprints and DNA profiles were being stored as well. This database included information obtained not just from criminals and criminal suspects but also from entire populations of migrant workers and all Uighurs applying for passports.

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

Property-related disputes between citizens and government authorities sometimes turned violent. These disputes frequently stemmed from local officials’ collusion with property developers to pay little or no compensation to displaced residents, combined with a lack of effective government oversight or media scrutiny of local officials’ involvement in property transactions, as well as a lack of legal remedies or other dispute resolution mechanisms for displaced residents. The problem persisted despite central government claims it had imposed stronger controls over illegal land seizures and taken steps to standardize compensation.

The government at various levels and jurisdictions continued implementing pilot programs for “social credit systems” which collect vast amounts of data to create scores for individuals and companies in an effort to address deficiencies in “social trust,” strengthen access to financial credit instruments, and reduce public corruption. The social credit system also collected information on academic records, traffic violations, social media presence, friendships, and adherence to birth control regulations, employment performance, consumption habits, and other topics. These systems were intended to promote social control and self-censorship, since citizens would be liable for their statements, relationships, and even information others shared within closed social media groups.

“Social credit scores,” among other things, quantify a person’s loyalty to the government by monitoring citizens’ online activity and relationships. There were indications the systems awarded and deducted points based on the “loyalty” of sites visited, as well as the “loyalty” of other netizens with whom a person interacted. The systems also created incentives for citizens to police each other. Organizers of chat groups on messaging apps, for example, were responsible for policing and reporting any posts with impermissible content, making them liable for violations.
Although the government’s goal is to create a unified government social credit system, there were several disparate social credit systems under several domestic technology companies, and the specific implementation of the system varied by province and city. In Hangzhou the scoring system, which applied to residents 18 years or older, included information on individuals’ education, employment, compliance with laws and regulations (such as tax payments), payment of medical bills, loan repayment, honoring contracts, participating in volunteer activities, and voluntary blood donations.

There were several cases in which an individual’s credit score resulted in concrete limitations on that person’s activities. Users with low social credit scores faced an increasing series of consequences, including losing the ability to communicate on domestic social media platforms, travel, and buy property.

In a separate use of social media for censorship, human rights activists reported authorities questioned them about their participation in human rights-related chat groups, including on WeChat and WhatsApp. Authorities monitored the groups to identify activists, which led to users’ increased self-censorship on WeChat as well as several separate arrests of chat group administrators.

In May a security lapse exposed personal information collected from facial recognition from a system that monitors housing communities in Beijing. The exposed data contained enough information to pinpoint where individuals went, when and for how long, allowing anyone with access to the data—including police—to build up a picture of a person’s day-to-day life.

The government continued to use the “double-linked household” system in Xinjiang developed through many years of use in Tibet. This system divides towns and neighborhoods into units of 10 households each, with the households in each unit instructed to watch over each other and report on “security issues” and poverty problems to the government, thus turning average citizens into informers. In Xinjiang the government also continued to require Uighur families to accept government “home stays,” in which officials or volunteers forcibly lived in Uighurs’ homes and monitored families for signs of “extremism.” Those who exhibited behaviors the government considered to be signs of “extremism,” such as praying, possessing religious texts, or abstaining from alcohol or tobacco, could be detained in re-education camps.
The government restricted the rights of men and women to have children (see section 6, Women).

Local police in Maoming, Guangdong, launched a shaming campaign to urge local telephone fraud suspects to turn themselves in during the Spring Festival. The Public Security Ministry listed Maoming as a major source of telephone fraud in the country. For the criminal suspects who remained at large, police reportedly spray-painted the letters “home of fugitive” on the outside walls of their houses, cut off their water and electricity supplies, and froze their immediate family members’ bank accounts and identification cards.

April media reports indicated the government expanded its use of facial recognition software targeting ethnic minorities, especially Uighurs, from Xinjiang to other areas, including Fujian. The video monitoring system allegedly was able to alert law enforcement agencies to the increased presence of Uighurs in a community in a given period.

According to Freedom House, rapid advances in surveillance technology--including artificial intelligence (AI), facial recognition, and intrusive surveillance apps--coupled with growing police access to user data had turned the country into a “technodystopia” and helped facilitate the prosecution of prominent dissidents as well as ordinary users. A Carnegie Endowment report noted that the country was a major worldwide supplier of AI surveillance technology, such as facial recognition systems, smart city/safe city platforms, and smart policing technology.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution states citizens “enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.” Authorities limited and did not respect these rights, however, especially when their exercise conflicted with CCP interests. Authorities continued ever tighter control of all print, broadcast, electronic, and social media and regularly used them to propagate government views and CCP ideology. Authorities censored and manipulated the press, social media, and the internet, particularly around sensitive anniversaries and topics.

Freedom of Expression: Citizens could discuss many political topics privately and in small groups without official punishment. Authorities, however, routinely took
harsh action against citizens who questioned the legitimacy of the CCP. Some independent think tanks, study groups, and seminars reported pressure to cancel sessions on sensitive topics. Those who made politically sensitive comments in public speeches, academic discussions, or remarks to media or posted sensitive comments online, remained subject to punitive measures. In addition, an increase in electronic surveillance in public spaces, coupled with the movement of many citizens’ routine interactions to the digital space, signified the government was monitoring an increasing percentage of daily life. Conversations in groups or peer-to-peer on social media platforms and via messaging applications were subject to censorship, monitoring, and action from the authorities.

In August the Unirule Institute of Economics, a prominent economic think tank, closed its doors after years of increasing government pressure. Founded in 1993 to promote market reforms, a decade ago Unirule was a well-respected institution in the country with the space to disseminate ideas and facilitate dialogue with government leaders. The last few years have seen the shutdown of its website and public office, and as of August the organization was in liquidation.

On April 19, Zi Su was sentenced by a Chengdu court to four years’ imprisonment on charges of subversion. Zi, a retired professor from the Yunnan Communist Party School, was detained in 2017 after releasing an open letter questioning Xi Jinping’s suitability to continue as the CCP’s leader. Prior to his trial in December 2018, the government offered to shorten his sentence if he fired his lawyer and accepted a court-appointed attorney. Zi accepted, reducing his sentence from 10 to four years.

In September a Sichuan court convicted Chengdu-based activist Huang Xiaomin to 30 months’ imprisonment for “picking quarrels and provoking trouble.” Huang had called for direct elections to select party leaders. He was detained for several months before being allowed to hire a lawyer. He was then told to fire his lawyer and accept a court-appointed lawyer in exchange for a more lenient sentence, which he did.

On September 19, local police from Gucheng Township, Chengdu, detained Chen Yunfei for publishing comments in support of Hong Kong’s antiextradition bill movement. Chen had shown public support for the antiextradition protests in Hong Kong and called for a dialogue between Hong Kong leader Carrie Lam and protesters to try to reach a resolution.
Countless citizens were arrested and detained for “spreading fake news,” “illegal information dissemination,” or “spreading rumors online.” These claims ranged from sharing political views or promoting religious extremism to sharing factual reports on sensitive issues. For example, in Nan Le, Henan, a netizen was arrested for spreading “fake news” about a chemical factory explosion on WeChat. In Lianyungang police arrested 22 persons for “internet rumors,” and in Huzhou a netizen was arrested for “spreading rumors,” while he claimed he was only sharing political views.

This trend was particularly apparent in Xinjiang, where the government had developed a multifaceted system of physical and cyber controls to stop individuals from expressing themselves or practicing their religion or traditional beliefs. Beyond the region’s expansive system of internment camps, the government and the CCP implemented a system to limit in-person speech and online speech. In Xinjiang police regularly stopped persons of certain ethnicities and faith and demanded to review their cell phones for any evidence of communication deemed inappropriate. During the year the government significantly extended the automation of this system, using phone apps, cameras, and other electronics to monitor all speech and movement. Authorities in Xinjiang built a comprehensive database that tracked the movements, mobile app usage, and even electricity and gasoline consumption of inhabitants in the region.

The government also sought to limit criticism of their Xinjiang policies even outside the country, disrupting academic discussions and intimidating human rights advocates across the world. Government officials in Xinjiang detained the relatives of several overseas activists. Chinese embassy officials in Belgium asked a Belgian university to remove information critical of the PRC’s Xinjiang policies from their website, and in February the Belgian author of that critique reported that Chinese government officials disrupted a Xinjiang-focused academic conference in Strasbourg, France. Numerous ethnic Uighurs and Kazakhs living overseas were intimidated into silence by government officials making threats against members of their family who still lived in China, threats sometimes delivered in China to the relatives, and sometimes delivered by Chinese government officials in the foreign country.

The government increasingly moved to restrict the expression of views it found objectionable even when those expressions occurred abroad. Online, the government expanded attempts to control the global dissemination of information while also exporting its methods of electronic information control to other nations’ governments. During the year there was a rise in reports of journalists in foreign
countries and ethnic Chinese living abroad experiencing harassment by Chinese government agents due to their criticisms of PRC politics. This included such criticisms posted on platforms such as Twitter that were blocked within China.

In October PRC authorities publicly condemned a tweet by the professional basketball team Houston Rockets’ general manager that expressed support for Hong Kong protesters, and the state-run CCTV cancelled broadcasts of games involving U.S. professional basketball teams visiting China. The Ministry of Foreign Affairs sent an official from its consulate general in Houston to personally denounce the statement to the Houston Rockets. Similarly, in December Chinese state television cancelled the broadcast of an English Premier League soccer game after one of its players, Mesut Ozil, posted messages on Twitter and Instagram—both of which were blocked in China—denouncing the government’s policies towards Muslims in Xinjiang.

In July Dalian police detained a man only identified as “Lu” for distributing online cartoons that featured pro-Japanese and anti-Chinese contents. The CCP-controlled Global Times accused Lu of being “spiritually Japanese” by advocating for Japanese right-wing politics and militarism. In March 2018 Foreign Minister Wang Yi reportedly criticized such pro-Japanese cartoonists as “scum among Chinese people.”

In May Anhui police arrested cartoonist Zhang Dongning on charges of “picking quarrels and provoking trouble” for creating comic books that depicted the Chinese people as pigs. The drawings “distorted historical facts, trampled national dignity, and hurt the feelings of the Chinese people,” according to a police statement. Zhang remained in custody at year’s end.

The government used economic leverage on the mainland to suppress freedom of expression in Hong Kong. In reaction to protests in Hong Kong in August, the mainland government told Hong Kong-based Cathay Airlines that any of its employees who had engaged in “illegal demonstrations, protests, and violent attacks, as well as those who have radical behaviors” were forbidden from working on flights that entered Chinese airspace.

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

During the year state media reported senior authorities issued internal CCP rules detailing punishments for those who failed to hew to ideological regulations, ordering a further crackdown on illegal internet accounts and platforms, and instructing media to further promote the interests of the government.

The government continued its tight ideological control over media and public discourse following the restructuring of its regulatory system in 2018. The CCP propaganda department has the ultimate say in regulating and directing media practices and policies in the country. The reorganization created three independent administrative entities controlled by the CCP propaganda department: the National Radio and Television Administration (NART), the General Administration of Press and Publications, and the National Film Bureau. While NART is still ostensibly under the State Council, its party chief was also a deputy minister within the CCP’s propaganda department.

The Cyberspace Administration of China (CAC), which directly manages internet content, including online news media, also promotes CCP propaganda. The CAC served as the representative office to a recently formed CCP committee on cyberspace, which is nominally chaired by President Xi Jinping. One of the CCP propaganda department deputy ministers ran the organization’s day-to-day operations. It enjoyed broad authority in regulating online media practices and played a large role in regulating and shaping information dissemination online.

The internet “clean up” CAC announced in November 2018 continued into 2019. As part of CAC’s 2018 requirements, internet platforms had to submit reports on their activities if their platforms could be used to “socially mobilize” or could lead to “major changes in public opinion.” On January 23, the CAC issued a statement confirming another step in its crackdown on internet content. On April 6, the National Office Against Pornographic and Illegal Publications announced an eight-month crackdown on “vulgar content” online. According to the announcement, the National Office tasked local authorities to conduct inspections of online platforms, including social media, livestreaming, videos, and online games. In July the CAC ordered 26 podcast and music applications to terminate, suspend services, or have “talks” with regulators. According to a CAC notice, these applications were investigated and deemed to have spread “historical nihilism.”
In 2018 the government directed consolidation of China Central Television, China Radio International, and China National Radio into a new super media group known as the “Voice of China,” which “strengthened the party’s concentrated development and management of important public opinion positions.”

All books and magazines continued to require state-issued publication numbers, which were expensive and often difficult to obtain. As in the past, nearly all print and broadcast media as well as book publishers were affiliated with the CCP or the government. There were a small number of print publications with some private ownership interest but no privately owned television or radio stations. The CCP directed the domestic media to refrain from reporting on certain subjects, and traditional broadcast programming required government approval.

Several popular domestic soap operas from 2018 were taken off the air after state-owned newspaper the Beijing Daily called the dramas “incompatible with core socialist values.” One such popular show featured Emperor Qianlong and concubines. While episodes from 2018 remained available online, many television stations had canceled similar period dramas in their 2019 programming plans. The National Radio and Television Administration followed up with a temporary ban of historical dramas in late March. The CCP also policed cartological political correctness to ensure that cartoons and documentaries supported the CCP. In one example the domestic television drama Go Go Squid was investigated after displaying a map that did not show Taiwan and Hainan Island as part of China.

Journalists operated in an environment tightly controlled by the government. Only journalists with official government accreditation were allowed to publish news in print or online. The CCP constantly monitored all forms of journalist output, including printed news, television reporting, and online news, including livestreaming. Journalists and editors self-censored to stay within the lines dictated by the CCP, and they faced increasingly serious penalties for crossing those lines, which could be opaque. While the country’s increasingly internet-literate population demanded interesting stories told with the latest technologies, government authorities asserted control over those new technologies (such as livestreaming) and clamped down on new digital outlets and social media platforms.

Because the CCP does not consider internet news companies “official” media, they are subject to debilitating regulations and barred from reporting on potentially “sensitive” stories. According to the most recent All China Journalist Association report from 2017 on the nation’s news media, there were 231,564 officially
credentialed reporters working in the country. Only 1,406 worked for news websites, with the majority working at state-run outlets such as XinhuaNet.com and ChinaDaily.com. Other online outlets also reported on important issues but limited their tactics and topics, since they were acting without official approval.

In January government officials detained Yang Zhengjun, the editor in chief of an online labor rights news outlet, iLabour, which reported on harmful working conditions for Chinese laborers. According to RFA, on March 20, police detained Wei Zhili, editor of the citizen media magazine New Generation and a labor rights activist, at his Guangzhou home. He was not allowed to meet with his lawyer for 19 days, during which police interrogated Wei five times at the Shenzhen No. 2 Detention Center. Voice of America reported that authorities forbade Wei’s wife, Zheng Churan, from speaking to foreign media about her husband’s detention. Police also detained Wei’s colleague Ke Chengbing in Guangzhou on March 20, but there was no information regarding his status as of year’s end. Authorities formally arrested and charged Yang, Wei, and Ke in August on charges of “picking quarrels.”

In June authorities in Chongqing announced they had convicted Liu Pengfei on unknown charges and sentenced him to two years’ imprisonment. Liu was detained in 2017 while running a WeChat group that reposted foreign press articles in Chinese. Until his conviction was announced, Liu’s condition and location were unknown.

On August 1, Chongqing police arrested former journalist Zhang Jialong. No charges were formally announced, although police reportedly arrested him for social media posts he made in 2017 and earlier. Zhang, a well-known journalist and anticensorship activist, had stopped posting publicly in 2014 after being fired from Tencent, where he worked as an editor, for meeting with then secretary of state John Kerry. His location was unknown at year’s end.

**Violence and Harassment:** The government frequently impeded the work of the press, including citizen journalists. Journalists reported being subjected to physical attack, harassment, monitoring, and intimidation when reporting on sensitive topics. Government officials used criminal prosecution, civil lawsuits, and other punishment, including violence, detention, and other forms of harassment, to intimidate authors and journalists and to prevent the dissemination of unsanctioned information on a wide range of topics.
Family members of journalists based overseas also faced harassment, and in some cases detention, as retaliation for the reporting of their relatives abroad. As of year’s end, dozens of Uighur relatives of U.S.-based journalists working for RFA’s Uighur Service remained disappeared or arbitrarily detained in Xinjiang.

A journalist could face demotion or job loss for publishing views that challenged the government. In many cases potential sources refused to meet with journalists due to actual or feared government pressure. During the year the scope of censorship grew to the point that, according to several journalists, “almost all topics are considered sensitive.” For example, whereas in past years business news reporting had been relatively free of control, many journalists’ contacts were hesitant to express themselves openly even on this topic. During the year authorities imprisoned numerous journalists working in traditional and new media.

On June 10, the discipline inspection commission of the CCP’s Beijing branch accused Dai Zigeng, former publisher and cofounder of popular daily newspaper the Beijing News, of “serious violations of discipline and law.”

Prominent Chinese journalist Huang Xueqin, known for her publications about the #MeToo movement in China, was arrested in Guangzhou in October after she wrote about antigovernment protests in Hong Kong. Officials charged her with “picking quarrels and provoking trouble.” At year’s end she remained in detention.

Restrictions on foreign journalists by central and local CCP propaganda departments remained strict, especially during sensitive times and anniversaries. The Foreign Correspondents’ Club of China (FCCC) published a report in January detailing conditions for foreign journalists in the country. More than half (55 percent) of journalists who responded to the FCCC’s survey said reporting conditions had further deteriorated over the prior 12 months. They reported the government regularly surveilled foreign journalists, both in person and, increasingly, via electronic means. Of respondents, 91 percent expressed concern about the security of their telephones, and 66 percent worried about surveillance inside their homes and offices. Half of the journalists said this surveillance diminished their ability to report in the country.

In August a Canadian journalist working for a foreign outlet was detained while reporting in Guangdong. Local police detained the journalist and a PRC news assistant in a rural area, then drove them to a police station in a larger town, held them for seven hours, confiscated their electronic devices, copied all the data on
their cell phones, and tried to compel the PRC colleague to sign a confession before putting them on a train out of town. The officials followed them onto the train, separated the two, and continued to intimidate them.

During the Hong Kong protests, mainland government authorities escalated their harassment of foreign journalists, stopping numerous journalists at border crossings near Hong Kong and at airports in Beijing and elsewhere, threatening them with visa obstacles, and making copies of their electronic devices. Journalists said this impeded their ability to gather and disseminate reports about the protests.

Foreign press outlets reported local employees of foreign news agencies were subjected to official harassment and intimidation. A citizen who was assisting a foreign journalist on a reporting trip was detained by local police, then chained to a chair for a full day before being released. Government officials contacted and harassed many Chinese citizen employees’ family members in an attempt to pressure them away from their reporting work. Both the local citizens and their foreign employers lacked recourse in these cases and were generally hesitant to address grievances with authorities due to fear of experiencing even greater repression.

Government harassment of foreign journalists was particularly aggressive in Xinjiang. According to the January FCCC report, 26 of 28 foreign journalists who traveled to Xinjiang in 2018 reported that government officials told them reporting was restricted or prohibited. This continued throughout the year, as numerous foreign journalists reported being followed constantly while in Xinjiang, with government agents stepping in to block access to some areas, intimidating local inhabitants so they would not talk to the journalists, and stopping the journalists--sometimes many times per day--to seize their cameras and force them to erase pictures. Foreign journalists also had trouble securing hotel rooms, since authorities directed hotels to prohibit the journalists’ stays.

Foreign ministry officials again subjected a majority of foreign journalists to special interviews as part of their annual visa renewal process. During these interviews the officials pressured journalists to report less on human rights issues, referencing reporting “red lines” journalists should not cross, and in some cases threatened them with nonrenewal of visas. Many foreign media organizations continued to have trouble expanding or maintaining their operations in the country due to the difficulty of receiving visas. When the Wall Street Journal published an article by Singaporean citizen Chun Han Wong about the financial misdeeds of
President Xi Jinping’s cousin, the Ministry of Foreign Affairs cancelled the author’s press credentials, effectively eliminating his ability to work in China. In explaining its decision to take away Chun’s credentials, the ministry specifically stated that “foreign reporters are maliciously tarnishing China, and we do not welcome such reporters.” In several cases journalists who published news critical of the government subsequently received shorter-term visas of six or even three months, impeding their ability to work effectively in the country. Other media organizations were unable to submit applications for new journalists in an opaque system where foreign journalists are reviewed by government officials before a visa request is even submitted or processed. Some foreign media companies were unwilling to publicize such issues due to fear of provoking further backlash by the government.

Authorities continued to enforce tight restrictions on citizens employed by foreign news organizations. The code of conduct for citizen employees of foreign media organizations threatens dismissal and loss of accreditation for those citizen employees who engage in independent reporting. It instructs them to provide their employers information that projects “a good image of the country.”

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

Government officials also sought to suppress journalism outside their borders. While in past years these efforts largely focused on Chinese-language media, during the year additional reports emerged of attempts to suppress media critical of China regardless of language or location. In March government officials warned a Swedish media outlet to cease its “serious political provocations,” for publishing a Swedish-language editorial that supported a position that Chinese officials opposed. Another government official threatened to blacklist a Russian journalist if the journalist did not retract an article in a Russian newspaper detailing negative Chinese economic statistics.

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

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

Journalist arrests and dismissals for reporting on sensitive issues continued. One of the country’s few prominent investigative reporters, Liu Wanyong, announced he was leaving the profession, blaming the shrinking space for investigating and publishing accurate news. The Weibo accounts of several bloggers, including Wang Zhian, a former state broadcast commentator who wrote about social issues, were blocked.

The CCP Central Propaganda Department ordered media outlets to adhere strictly to the information provided by authoritative official departments, especially with respect to sensitive or prominent situations. Directives often warned against reporting on issues related to party and official reputation, health and safety, and foreign affairs.

Control over public depictions of President Xi increased, with censors aggressively shutting down any depiction that varied from official media storylines. Censors continued to block images of the Winnie the Pooh cartoon on social media because internet users used the symbol to represent President Xi Jinping. Social media posts did not allow comments related to Xi Jinping and other prominent Chinese leaders.

It was extremely difficult for foreign journalists to report from the TAR, other Tibetan areas, or Xinjiang without experiencing serious interference. Foreign reporters also experienced restricted access and interference when trying to report in other areas the government considers sensitive. According to the January FCCC report, journalist respondents said they encountered government interference in Xinjiang (93 percent), the North Korean border region (56 percent), Inner Mongolia (67 percent), and industrial districts such as steel-producing areas (100 percent), among other locations.
Domestic films continued to be subject to government censorship. In July the head of the government’s film regulatory body, the National Film Bureau, gave a speech to government officials and film industry representatives exhorting them to use films to promote Chinese political values. Throughout the year the government forbade the release of a number of new movies—including several films with prominent directors and large budgets—because they ran afoul of government censors. Shortly before its July 5 release date, the historical war drama *The Eight Hundred* was removed from distribution despite numerous theatrical trailers and an $80 million budget. Similarly, in February the film *One Second* by world-famous director Zhang Yimou was pulled from the Berlin Film Festival only days before its debut for “technical difficulties,” a common euphemism for censorship in China. Another film, *Better Days*, was pulled from the same festival after the movie failed to receive the necessary permissions from Chinese authorities. The head of the National Film Bureau explicitly encouraged domestic filmmakers to find more “valuable and heavy” topics and materials in the country’s “excellent traditional culture,” “revolution culture,” and “advanced culture of socialism.”

In October, when the U.S. comedy show *South Park* ran an episode depicting the PRC’s censorship practices, authorities banned the episode and other *South Park* content from local television and internet.

Newscasts from overseas news outlets, largely restricted to hotels and foreign residence compounds, were subject to censorship. Individual issues of foreign newspapers and magazines were occasionally banned when they contained articles deemed too sensitive. Articles on sensitive topics were removed from international magazines. Television newscasts were blacked out during segments on sensitive subjects.

Politically sensitive coverage in Chinese, and to a lesser extent in English, was censored more than coverage in other languages. The government prohibited some foreign and domestic films deemed too sensitive or selectively censored parts of films before they were released, including *Bohemian Rhapsody* and *Top Gun: Maverick*. Under government regulations, authorities must authorize each foreign film released in the country, with a restriction on the total number that keeps annual distribution below 50 films.

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

In May media reported that three government officials in Chongqing and Yunnan were disciplined for “secretly purchasing, reading, and keeping overseas books and publications with serious political problems.”

In the fall the Ministry of Education directed all school libraries to review their holdings and dispose of books that “damage the unity of the country, sovereignty or its territory; books that upset society’s order and damage societal stability; books that violate the Party’s guidelines and policies, smear or defame the Party, the country’s leaders and heroes.” Officials at a state-run library in Zhenyuan, Gansu, responded by burning a pile of “illegal books, religious publications, and especially books and articles with biases,” according to a notice and photograph on the library’s website, which circulated widely online.

New cases of extraterritorial book censorship occurred: government censors required that books printed domestically conform to government propaganda guidelines, even if those books were written by a foreign author for a foreign audience. In February an Australian bookseller reported that PRC officials forbade a Chinese company from publishing a book that included political content they found objectionable, even though the books would have been shipped out of China as soon as they were printed.

Government rules ban the sale of foreign publications without an import permit. This includes sales on online shopping platforms, which are banned from offering “overseas publications,” including books, movies, and games that do not already have government approval. The ban also applies to services related to publications.

On the 30th anniversary of the June 4, 1989, Tiananmen Square massacre, the government made an array of efforts to block all public mention of that historical event, not just in China but even in other countries. Within the country the government preemptively targeted potential critics, including elderly parents of the massacre victims, jailing them or temporarily removing them from major cities. Online censorship increased, with government censors aggressively blocking even indirect references and images from all online platforms, including, for example,
an image of books lined up facing a cigarette packet in a pattern invoking the famous video of a man facing down tanks on a Beijing street. The CNN website, normally accessible in the country, was blocked on June 4, and officials broke up a live CNN newscast in Beijing on June 4 by rushing between a news reporter and cameraman as they were broadcasting, demanding CNN staff stop reporting. Other international media outlets faced increased monitoring and detentions for reporting focused on the anniversary, including one reporter who was detained for six hours. Censors at domestic internet companies said tools to detect and block content related to the 1989 crackdown reached unprecedented levels of accuracy, aided by machine learning as well as voice and image recognition.

The new Heroes and Martyrs Law makes it illegal to insult or defame prominent communists. Citing this law, the CAC ordered major domestic news app Bytedance to rectify information “slandering” Fang Zhimin, a prominent communist historical figure, and to punish the individuals responsible for publishing the defamatory information. Sichuan police arrested a prominent female blogger for violating the Heroes and Martyrs Law because in one of her videos she paired a red scarf, “which symbolized the revolutionary tradition,” with an “inappropriately short” skirt. On March 28, the court sentenced the blogger, identified in court documents only by her last name “Tang,” to 12 days’ incarceration, a fine, and removal of her videos.

Authorities often justified restrictions on expressions on national security protection grounds. In particular, government leaders generally cited the threat of terrorism in justifying restricting freedom of expressions by Muslims and other religious minorities. These justifications were a baseline rationale for restrictions on press movements, publications, and other forms of repression of expression.

Internet Freedom

The government tightly controlled and highly censored domestic internet usage. Most internet users accessed the internet on mobile devices. More than 686 million individuals, or more than three-quarters of mobile internet users, reportedly obtained their news from social and online media sources.

Although the internet was widely available, authorities heavily censored content. The government continued to employ tens of thousands of individuals at the national, provincial, and local levels to monitor electronic communications and online content. The government reportedly paid personnel to promote official views on various websites and social media and to combat alternative views posted
online. Internet companies also independently employed thousands of censors to carry out CCP and government directives on censorship. When government officials criticized or temporarily blocked online platforms due to content, the parent corporations were required to hire additional in-house censors, creating substantial staffing demands well into the thousands and even tens of thousands per company.

In the first three weeks of January, the CAC closed 730 websites and 9,300 mobile apps, and during the second quarter of the year, it shuttered a total of 2,899 websites. The CAC announced that it had deleted more than seven million pieces of online information, and 9,382 mobile apps by April. These were deemed “harmful” due to inappropriate content, which included politically sensitive materials. For example, in July alone the CAC reportedly collected nearly 12 million “valid” reports of online “illegal and harmful” information.

The CAC also specifically ordered Tencent’s “Tiantian Kuaibao” news app to make changes, alleging it had been spreading “vulgar and low-brow information that was harmful and damaging to the internet ecosystem,” per the CAC statement. New approvals for offerings on Tencent’s gaming platforms were frozen for nine months in 2018 for any new video game approvals as part of an industry-wide tightening of the video game market, but this was the first time the news app had been criticized. Tencent’s popular messaging app WeChat announced in late February that it had closed more than 40,000 public accounts since the beginning of the year and removed 79,000 articles. The announcement stated the contents of the closed accounts were “false, exaggerated and vulgar” and that they “conveyed a culture of hopelessness and depression,” which “tarnished users’ taste” and the overall environment of the platform.

The law requires internet platform companies operating in the country to control content on their platforms or face penalties. According to Citizen Lab, China-based users of the WeChat platform are subject to automatic filtering of chat messages and images, limiting their ability to freely communicate.

On April 8, popular social media site Weibo (similar to Twitter and owned by Sina) announced it had suspended more than 50 popular accounts “according to relevant laws and regulations,” as they included “politically harmful information.” Account owners received notifications from Weibo that the suspensions would last 90 to 180 days. Account holders included Yu Jianrong, a prominent scholar of rural development and activist for the country’s peasants, who reportedly had not
published information deemed sensitive for several years but had 7.2 million followers at the time his Weibo account shut down.

The government continued to issue an array of regulations implementing the Cybersecurity Law, which took effect in 2017. The law allows the government to “monitor, defend, and handle cybersecurity risks and threats originating from within the country or overseas sources,” and criminalizes using the internet to “create or disseminate false information to disrupt the economic or social order.” The law also codifies the authority of security agencies to cut communication networks across an entire geographic region during “major security incidents,” although the government had previously implemented such measures before the law’s passage.

Xinhua issued an authoritative news piece in January stating that the China Netcasting Services Association (CNSA) had released two new documents regarding short-video market regulation: one on regulation of the platforms and one concerning censorship. The new censorship measures imposed stricter criteria for short videos online. The guidelines, which were believed to have been issued at the government’s direction, banned 100 types of inappropriate content, from videos of users dressing up in Communist Party costumes to those “promoting money worship and hedonism.” The CNSA documents openly discussed the “content review” standards it expected of these online video services. Other content to be removed included anything that “attacks China’s political or legal systems,” “content that damages China’s image,” “foot fetishes or sexual moaning,” and “spoofing the national anthem.” The documents called for platforms to expand their internal censorship teams as business grows and changes, and to keep at least one “content review” employee on staff for every 1,000 new videos posted to their platform each day.

CAC regulations on Internet News Information Services require websites, mobile apps, forums, blogs, instant communications services, and search engines to ensure news coverage of a political, economic, diplomatic, or commentary nature conforms to official views of “facts.” These regulations extend longstanding traditional media controls to new media, including online and social media, to ensure these sources also adhere to CCP directives.

In June censors abruptly shut down the app of the financial news aggregator wallstreetcn.com, which had been downloaded more than 100 million times, as well as its website. Earlier in the year, regulators fined wallstreetcn.com for distributing news without a license, and disrupting “online news order.” In the
shutdown notice the CAC said that wallstreetcn.com was in breach of cybersecurity measures.

The CAC also required all live-streaming platforms, video platforms, commercial websites, web portals, and apps to register with the CAC. Online content platforms by licensed central media and their affiliates were not required to register.

Regulators required a special permit for transmission of audio and visual materials on blogging platforms such as Weibo and instant messaging platforms such as WeChat. Platform managers were made directly responsible for ensuring user-posted content complies with their permit’s scope. This includes television shows, movies, news programs, and documentaries, which many netizens consumed exclusively through social media channels. The rules prohibit the uploading of any amateur content that would fall under the definition of news programming or “sensitive” topics.

The finalization of the Cybersecurity Law in 2017 also bolstered real-name registration requirements for websites and social media platforms, imposing penalties on network operators that provide services to users who do not provide real-name information. In response, Baidu and Sina Weibo announced accounts without real name registration would have restricted access to certain website functions (e.g., commenting on posts). Cybercafes in Xingtai and Shanghai also began using facial recognition to match users with their photographs printed on national identification documents. In March, following a chemical plant explosion outside of Shanghai, the local government jammed drones sent by media outlets to capture footage of the explosion.

The government continued efforts to limit unauthorized virtual private network (VPN) service use. While the government permitted some users, including major international companies, to continue to utilize authorized VPNs, many smaller businesses, academics, and citizens were prohibited from using these tools. In March a Henan court charged Sun Dongyang with the crime of “illegally providing a tool for intruding into a computer information system” because he ran a website that promoted VPNs and other methods of circumventing the government’s firewall.

The government regularly penalized those caught using unauthorized VPNs. At the same time, the government tacitly allowed netizens to use VPNs to access Twitter, Facebook, Instagram, and other websites normally inaccessible in the
country for the purpose of attacking views that criticized the government. PRC embassies abroad and state-run media outlets, for example, regularly posted in Chinese and English on Twitter, Facebook, and YouTube.

In December 2018 the Zhuhai Court sentenced prominent anticensorship campaigner Zhen Jianghua to a jail term of two years for “inciting subversion of state power” in a closed-door trial. He was released from prison on November 8. Zhen, also known by his online moniker GuestsZhen, reportedly provided technical guidance to domestic Internet users on how to circumvent the Great Firewall to make their posts visible overseas. He was also the executive governor of a website, Rights Movement, which helped collect and disseminate information on rights protections.

Many if not most of the major international news and information websites were blocked, including the New York Times and Wall Street Journal, as well as the websites of human rights organizations such as Amnesty International and Human Rights Watch. The government further restricted this space during the year, adding the Washington Post, the Guardian, Huffington Post, Australia’s the Age and News, and Wikipedia to the list of websites blocked by the so-called Great Firewall.

Government censors continued to block content from any source that discussed topics deemed sensitive, such as Taiwan, the Dalai Lama, Tibet, Xinjiang, and the 1989 Tiananmen Square massacre. The Hong Kong protests that occurred during the year were subject to heavy, selective censorship: the government initially struck any mention of the protests from media and online discussions, then began to allow and even promote reports criticizing the protesters, while continuing to prohibit access to positive or neutral reporting on the protesters, including reporting that detailed the protesters’ demands for democracy and accountability for police actions.

On August 5, Sun Yat-sen University doctoral student Chen Chun joined the protests in Hong Kong and posted his support for the Hong Kong protesters on his Weibo account. Other netizens reported him to Guangdong police, and his account was shut down.

Censorship on Chinese-owned social media platforms of users in other countries also occurred. In November TikTok, which was owned by Bytedance, blocked the account of a foreign-based user who had posted a video to raise awareness of the continuing human rights abuses in Xinjiang. After a public outcry, TikTok
restored her account and admitted her video had been temporarily removed “due to human moderation error.”

The government also punished Chinese citizens for expressing their opinions on foreign social media platforms while outside the country. In November a court in Wuhan sentenced Luo Daiqing to six months’ imprisonment on charges of “provocation” for posting a set of images mocking Chinese leaders on Twitter. Luo posted the images while living in Minnesota, where he was a student; he was arrested in July on a visit home to Wuhan.

The government also significantly increased censorship of business and economic information. In June at least 10 prominent blogs that published financial news and analyses were shut down and had all past content erased. This happened at the same time that government propaganda sources were publishing specific new messages about the country’s economy.

Thousands of social media and other websites remained blocked, including Facebook, Twitter, Instagram, Google, and YouTube.

Despite being blocked in China, Twitter was estimated to have millions of users there. A recent round of government attention on Twitter users in China started in late 2018. A Chinese dissident who lived in Beijing said the Beijing Municipal Public Security Bureau summoned him twice on suspicion of “inciting subversion of state power” and presented printed pages of his tweets as evidence. Internet monitors and activists tallied at least 40 cases of government authorities pressuring users in person to delete their tweets or their Twitter accounts. One user spent 15 days in a detention center, while police threatened another user’s family, and a third Twitter user was chained to a chair for eight hours of interrogation.

During the year authorities continued to manipulate the content of individual Twitter accounts. There were reports of authorities forcing individuals to give them access to their Twitter accounts, which authorities then used to delete their tweets. In March the anonymous netizen behind @AirMovingDevice, a Twitter account that specialized in using publicly available data to critically analyze government activity, declared she or he would be deleting all previous tweets and ceasing communication, adding, “it is not my intention to subvert state or Party authority.”

Authorities continued to jail numerous internet writers for their peaceful expression of political views. On July 29, a court in Sichuan sentenced prominent
blogger Huang Qi—a Chinese internet pioneer who once won CCP praise for using the web to “combat social ills”—to 12 years in prison for “deliberately disclosing state secrets” and “illegally providing state secrets to foreign entities.” The charges arose from Huang’s efforts to publicize cases of human rights abuses on the 64Tianwang blog. Huang Qi had been jailed twice previously, for a total of eight years, as a result of his blogging that exposed local government malfeasance and brutality. After Huang’s release from those sentences, he continued his blogging activities.

On January 29, a court in Hubei sentenced Liu Feiyu to five years in prison for “inciting subversion of state power” because he ran a news portal publicizing government corruption and human rights abuses. In addition, there were continuing reports of cyber operations against foreign websites, journalists, and media organizations carrying information that the government restricted internet users in the country from accessing. As in the past, the government selectively blocked access to sites operated by foreign entities, including the websites or social media platforms of health organizations, educational institutions, NGOs, social networking sites, and search engines.

References to same-sex acts, same-sex relations, and the scientifically accurate words for genitalia remained banned following a 2017 government pronouncement listing same-sex acts/relations as an “abnormal sexual relation” and forbidding its depiction. A Weibo account featuring lesbian topics, where more than 143,000 users swapped information, was abruptly shut down in April and then reopened several weeks later. Several scenes in the movie Bohemian Rhapsody that depicted the main character’s gay relationships were cut out of the version shown in Chinese movie theaters.

While such censorship was effective in keeping casual users away from websites hosting sensitive content, many users circumvented online censorship by using various technologies. Information on proxy servers outside the country and software for defeating official censorship were available, although frequently limited by the Great Firewall. Encrypted communication apps such as Telegram and WhatsApp and VPN services were regularly disrupted, especially during “sensitive” times of the year.

The State Secrets Law obliges internet companies to cooperate fully with investigations of suspected leaks of state secrets, stop the transmission of such information once discovered, and report the crime to authorities. This was defined broadly and without clear limits. Furthermore, the companies must comply with
authorities’ orders to delete such information from their websites; failure to do so is punishable by relevant departments, such as police and the Ministry of Public Security.

On June 9, police in Jiuxiangling District summoned Guo Yongfeng, a Christian and former participant of a local democratic movement who lived in Shenzhen, to Xili Police Station in response to his online post about his intention to sue Tencent for banning several of his social media accounts. Police warned Guo against disseminating information online about rights protection and organizing related assemblies, and they did not release him until he wrote a letter of guarantee.

Academic Freedom and Cultural Events

The government continued restrictions on academic and artistic freedom and on political and social discourse at colleges, universities, and research institutes. Restrictive Central Propaganda Department regulations and decisions constrained the flow of ideas and persons.

Many intellectuals and scholars exercised self-censorship, anticipating that books or papers on political topics would be deemed too sensitive to be published. Censorship and self-censorship of artistic works was also common, particularly artworks deemed to involve politically sensitive subjects. Authorities frequently denied Western musicians permission to put on concerts, scrutinized the content of cultural events, and applied pressure to encourage self-censorship of discussions.

The government and the CCP Organization Department continued to control appointments to most leadership positions at universities, including department heads. While CCP membership was not always a requirement to obtain a tenured faculty position, scholars without CCP affiliation often had fewer chances for promotion. Academic subject areas deemed politically sensitive (e.g., civil rights, elite cronyism, civil society, etc.) continued to be off-limits. Some academics self-censored their publications, faced pressure to reach predetermined research results, or were unable to hold conferences with international participants during politically sensitive periods. Foreign academics claimed the government used visa denials, along with blocking access to archives, fieldwork, or interviews, to pressure them to self-censor their work. The use of foreign textbooks in classrooms remained restricted, and domestically produced textbooks continued to be under the editorial control of the CCP.
Undergraduate students, regardless of academic major, must complete political ideology coursework on subjects such as Marxism, Maoism, Deng Xiaoping thought, and Xi Jinping thought. In February the CCP’s Central Committee and the State Council made public the government’s *Education Modernization Plan 2035*, which specified 10 strategic tasks, the first task being to study Xi Jinping thought, implement it throughout the education system, including at primary and secondary education levels, and strengthen political thought education in institutes of higher education.

Multiple media reports cited a tightening of ideological controls on university campuses, with professors dismissed for expressing views not in line with CCP thought. In March Tsinghua University Professor Xu Zhangrun was suspended due to a series of essays he wrote criticizing policies of the CCP and Xi Jinping. In August 2018 Professor Yang Shaozheng was expelled from Guizhou University for publishing “politically mistaken speech and politically harmful articles,” including an article that estimated the total cost of maintaining the CCP apparatus. After his expulsion the government stripped his teaching credentials, prevented him from finding new employment, and on June 4, state security officials arrested him for “picking quarrels and provoking trouble.” He was then released, but authorities detained him again in August and cancelled his health coverage and social benefits. In December Fudan University, Nanjing University, and Shaanxi Normal University revised their charters, adding a pledge to highlight the party’s overall leadership in schoolwork and removing a reference to “freedom of thought.” Students at Fudan University protested the revisions by singing the university’s official anthem, which included a reference to “freedom of thought.”

University professors also continued to come under scrutiny after their students reported them for comments deemed politically sensitive or inappropriate. In some cases the university assigned the students to act as informants. In July a university professor in Chengdu was suspended from teaching for two years after students filed a complaint for remarks deemed to have shown insufficient appreciation for Chinese culture and innovation. Professor Tang Yun of Chongqing University was banned from teaching and demoted for making “politically incorrect statements” while lecturing on Chinese author Lu Xun. Professor Tang had his teaching credentials cancelled after students reported his statements to party representatives at the school.

Crackdowns against student labor activists on university campuses increased early in the year. In January the *New York Times* reported that more than 20 students at elite Chinese universities had been forced to watch videotaped confessions of
detained labor activists to pressure the students to abandon their activism. Additional students and several recent graduates from Peking and Renmin Universities were reportedly detained and held incommunicado after releasing statements decrying police use of coerced confession videos. In May CNN reported six Marxist university students had been disappeared in the lead up to International Labor Day and the 100th anniversary of the May 4 student protests. One of the missing student labor activists, Qiu Zhanxuan, released a video and written testimony detailing abuse at the hands of police, including being strip-searched and forced to listen to a marathon speech by Xi Jinping at high volume.

Foreign universities establishing joint venture academic programs in the country must establish internal CCP committees and grant decision-making power to CCP officials. In August Reuters reported a surge in arrests and deportations of foreign teachers over the past six months as part of a continuing effort to crack down on foreign influence.

During the academic year, schools faced new prohibitions on the use of international curricula. The Ministry of Education forced the suspension of the advanced placement (AP) exams on U.S. history, world history, European history and human geography. The government allowed tests in other subjects, including calculus, biology, and chemistry, to continue.

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

The CCP’s reach increasingly extended beyond the country’s physical borders. In multiple instances overseas Chinese students monitored and pushed back against on-campus speech or activity considered to be critical of China, oftentimes in coordination with the government. In February the Washington Post reported a group of Chinese students at McMaster University in Ontario, Canada, sought guidance from the PRC embassy and filmed the presentation of Uighur activist Rukiye Turdush about China’s mass internment of Muslims. In August the Times of London reported that China aimed to manipulate United Kingdom media and
influence public officials through British universities, citing training provided by a University of Westminster media research center with links to the Chinese government on how to handle the British media, and the targeting of United Kingdom government officials, academics, and business executives by Leeds University’s Business Confucius Institute. In August Australia established a University Foreign Interference Task Force to increase consultation between its schools and government to protect national interests out of growing concern about foreign influence on Australian campuses. On November 14, the task force released a set of guidelines designed to protect against such foreign interference by safeguarding the reputation of Australian universities, protecting academic freedom, and ensuring academic institutions and the Australian economy can maximize the benefits of research endeavors.

Authorities in Xinjiang disappeared or detained several prominent Uighur academics and intellectuals. Some officials and academics were charged with being “two-faced,” a euphemism referring to members of minority groups serving state and party occupations who harbor “separatist” or “antiofficial” tendencies, including disagreeing with official restrictions on minority culture, language, and religion. Those disappeared and believed to be held in the camps or otherwise detained included Rahile Dawut, an internationally known folklorist; Abdukerim Rahman, literature professor; Azat Sultan, Xinjiang University professor; Gheyretjan Osman, literature professor; Arslan Abdulla, language professor; Abdulqadir Jalaleddin, poet; and Yalqun Rozi, writer. Rahile Dawut’s Han Chinese student Feng Siyu was also detained. Authorities detained former director of the Xinjiang Education Supervision Bureau Satar Sawut and removed Kashgar University president Erkin Omer and vice president Muhter Abdughopur; all were disappeared at year’s end. Courts delivered a suspended death sentence for “separatism” to Halmurat Ghopur, former president of Xinjiang Medical University Hospital. Religious scholars Muhammad Salih Hajim and Abdulnehed Mehsum died in the camps, according to reports during the year from international organizations. Tashpolat Tiyip, former president of Xinjiang University, remained detained on charges of “separatism,” and some human rights groups reported he had been sentenced to death. Economist Ilham Tohti remained in prison, where he was serving a life sentence after his conviction on separatism-related charges in 2014.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.
Freedom of Peaceful Assembly

While the constitution provides for freedom of peaceful assembly, the government severely restricted this right. The law stipulates 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.

Citizens throughout the country continued to gather publicly to protest evictions, forced relocations, and inadequate compensation, often resulting in conflict with authorities or formal charges. Media reported thousands of protests took place during the year across the country. Although peaceful protests are legal, public security officials rarely granted permits to demonstrate. Despite restrictions, many demonstrations occurred, but authorities quickly broke up those motivated by broad political or social grievances, sometimes with excessive force.

In July residents from Wuhan, the capital of Hubei, protested a planned waste incineration plant in the city’s Yangluo District. Media had reported in 2013 that five such plants in Wuhan were substandard and emitted dangerous pollutants. Protests grew over several days, involving up to 10,000 demonstrators, until the local government dispersed them.

On December 26, police from Shandong coordinated with other police nationwide to arrest human rights activists and participants who gathered in Xiamen, Fujian, in early December to organize civil society and plan nonviolent social movements in the country. Suspected charges included “incitement to subvert state power” and “subversion of state power”; the latter crime carries a minimum 10-year prison sentence if convicted. At the end of the year, police held at least four activists in “residential surveillance at a designated location”: organizer Ding Jiaxi and activists Zhang Zhongshun, Li Yingjun, and Dai Zhenya. Their families had no information on their whereabouts. Some human rights activists or those indirectly connected to the meeting participants fled the country or went into hiding inside the country. Several others involved in the meeting, including human rights lawyers, were held for several days in police custody in various jurisdictions for questioning and investigation.

Concerts, sports events, exercise classes, or other meetings of more than 200 persons require approval from public security authorities. Large numbers of public
gatherings in Beijing and elsewhere were canceled at the last minute or denied government permits, ostensibly to ensure public safety.

**Freedom of Association**

The constitution provides for freedom of association, but the government restricted this right. CCP policy and government regulations require that all professional, social, and economic organizations officially register with and receive approval from the government. These regulations prevented the formation of autonomous political, human rights, religious, spiritual, labor, and other organizations that the government believed might challenge its authority in any area. The government maintained tight controls over civil society organizations and in some cases detained or harassed NGO workers.

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

In 2016 the CCP Central Committee issued a directive mandating the establishment of CCP cells within all domestic NGOs by 2020. According to authorities, these CCP organizations operating inside domestic NGOs would “strengthen guidance” of NGOs in areas such as “decision making for important projects, important professional activities, major expenditures and funds, acceptance of large donations, and activities involving foreigners.” The directive also mandates authorities to conduct annual “spot checks” to ensure compliance on “ideological political work, party building, financial and personnel management, study sessions, foreign exchange, acceptance of foreign donations and assistance, and conducting activities according to their charter.”

In 2017 the Law on the Management of Foreign NGOs’ Activities in Mainland China (Foreign NGO Management Law) came into effect. The law requires foreign NGOs to register with the Ministry of Public Security and to find a state-
sanctioned sponsor for their operations. NGOs that fail to comply face possible civil or criminal penalties. The law provides no appeal process for NGOs denied registration, and it stipulates NGOs found to have violated certain provisions could be banned from operating in the country. The law also states domestic groups cooperating with unregistered foreign NGOs will be punished and possibly banned. On November 25, the Foreign Ministry publicly confirmed for the first time that public security authorities had investigated and penalized a foreign NGO, in this case the New York-based Asia Catalyst, for carrying out unauthorized activities.

Some international NGOs reported it was more difficult to work with local partners, including universities, government agencies, and other domestic NGOs, as the law codified the CCP’s perception that foreign NGOs were a “national security” threat. Finding an official sponsor was difficult for most foreign NGOs, as sponsors could be held responsible for the NGOs’ conduct and had to undertake burdensome reporting requirements. After the Ministry of Public Security published a list of sponsors, NGOs reported most government agencies still had no unit responsible for sponsoring foreign NGOs. Professional supervisory units reported they had little understanding of how to implement the law and what authorities would expect of them. The vague definition of an NGO, as well as of what activities constituted “political” and therefore illegal activities, left many business organizations and alumni associations uncertain whether they fell within the purview of the law. The lack of clear communication from the government, coupled with harassment by security authorities, caused some foreign NGOs to suspend or cease operations in the country. As of December 31, approximately 510 foreign NGO representative offices (representing 420 distinct organizations) had registered under the Foreign NGO Management Law, with nearly half of those focusing on industry or trade promotion activities.

According to the Ministry of Civil Affairs, by the end of 2017, there were more than 800,000 registered social organizations, public institutions, and foundations. Many experts believed the actual number of domestic NGOs to be much higher. Domestic NGOs reported foreign funding continued to drop, as many domestic NGOs sought to avoid such funding due to fear of being labeled as “subversive” in the face of growing restrictions imposed by new laws. NGOs existed under a variety of formal and informal guises, including national mass organizations created and funded by the CCP that are organizationally prohibited from exercising any independence, known as government-operated NGOs, or GONGOs.

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

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

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

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at [https://www.state.gov/religiousfreedomreport/](https://www.state.gov/religiousfreedomreport/).

d. Freedom of Movement

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

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

In-country Movement: Authorities continued to maintain tight restrictions on freedom of movement, particularly to curtail the movement of individuals deemed politically sensitive before key anniversaries, visits by foreign dignitaries, or major political events, as well as to forestall demonstrations. Freedom of movement for Tibetans continued to be very limited in the TAR and other Tibetan areas. Uighurs faced draconian restrictions on movement within Xinjiang and outside the region.
Although the use of “domestic passports” that called for local official approval before traveling to another area was discontinued in 2016, identification checks remained in place when entering or leaving cities and on public roads. In Xinjiang, security officials set up checkpoints managing entry into public places, including markets and mosques, that required Uighurs to scan their national identity card, undergo a facial recognition check, and put any baggage through airport-style security screening. Such restrictions were not applied to Han Chinese in these areas.

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

The household registration system added to the difficulties faced by rural residents, even after they relocated to urban areas and found employment. According to the *Statistical Communiqué of the People’s Republic of China on 2019 National Economic and Social Development,* published in February by the National Bureau of Statistics of China, 286 million individuals lived outside the jurisdiction of their household registration. Migrant workers and their families faced numerous obstacles with regard to working conditions and labor rights. Many were unable to access public services, such as public education for their children or social insurance, in the cities where they lived and worked because they were not legally registered urban residents.

From May to July, non-Beijing residents applied for a Beijing hukou under the special municipality’s new points-based system. Under the new policy enacted in 2018, nonnatives of the city under the legal retirement age who have held a Beijing temporary residence permit with the city’s social insurance records for seven consecutive years and were without a criminal record were eligible to accumulate points for the hukou. Those with “good employment, stable homes in Beijing, strong educational background, and achievements in innovation and establishing
start-ups in Beijing” were reportedly likely to obtain high scores in the point-based competition.

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

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

Border officials and police sometimes cited threats to “national security” as the reason for refusing permission to leave the country, although often authorities provided no reason for such exit bans. Authorities stopped most such persons at the airport at the time of their attempted travel.

Most citizens could obtain passports, although individuals the government deemed potential political threats, including religious leaders, political dissidents, petitioners, and ethnic minorities, routinely reported being refused passports or otherwise prevented from traveling overseas.

Uighurs, particularly those residing in Xinjiang, reported great difficulty in getting passport applications approved at the local level. They were frequently denied passports to travel abroad, particularly to Saudi Arabia for the Hajj, to other Muslim countries, or to Western countries for academic purposes. Since 2016 authorities ordered Xinjiang residents to turn in their passports or told residents no new passports were available. Foreign national family members of Uighur activists living overseas were also denied visas to enter the country. The government continued its concerted efforts to compel Uighurs studying abroad to return to China, often pressuring relatives in Xinjiang to ask their overseas relatives to return. Authorities also refused to renew passports for Uighurs living abroad, compelling them to either return to China or pursue ways to maintain legal
status in other countries. Upon return, many of these Uighurs, or persons connected with the Xinjiang residents, were detained or disappeared.

Tibetans faced significant hurdles in acquiring passports, and for Buddhist monks and nuns, it was virtually impossible. Authorities’ unwillingness to issue or even renew old passports for Tibetans created, in effect, a ban on foreign travel for the Tibetan population. Han Chinese residents of Tibetan areas did not experience the same difficulties.

The government continued to try to prevent many Tibetans and Uighurs from leaving the country and detained many when they attempted to leave. Some family members of rights activists who tried to emigrate were unable to do so.

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

Chen Xiaoya, author of the History of Civil Rights Movement 1989, was turned away by Guangxi customs officials when she tried to travel abroad on January 10. Customs officers told her that she was banned from leaving the country because she might jeopardize national security.

Fuzhou-based human rights activist Zhuang Lei attempted to visit Hong Kong on June 6 but was stopped by Shenzhen enforcement officers at the border. Zhuang, who claimed to have no criminal record, was referred to Fuzhou’s domestic security police by the Shenzhen officers. Zhuang believed he was prevented from traveling to Hong Kong due to concerns that he might participate in the Hong Kong protests against an extradition bill on June 9.

Families of “709” lawyers faced difficulties applying for passports or were barred from leaving the country.

Foshan dissident Chen Qitang was released from Sihui Prison on May 24, after serving four and one-half years in jail for “subversion of state power.” After his release, he was prevented from returning home.

On June 1, police in Guilin and Liuzhou summoned internet users who had discussed on social media their plans to travel to Hong Kong to participate in the
annual gathering in Victoria Park commemorating the 30th anniversary of the Tiananmen Square massacre, and ordered them not to go to Hong Kong. In April the 1990s Cantonese pop song “Ren Jian Dao” was banned nationwide, including on Apple Music, because the lyrics were believed to be making a reference to the 1989 massacre.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Although restricting access to border areas, the government regularly cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), which maintained an office in Beijing.

Abuse of Migrants, Refugees, and Stateless Persons: There were reports North Korean agents operated clandestinely within the country to repatriate North Korean citizens against their will. In addition, North Koreans detained by PRC authorities faced repatriation unless they could pay bribes to secure their release. North Korean refugees were either detained in holding facilities or placed under house arrest at undisclosed locations. Family members wanting to prevent forced returns of their North Korean relatives were required to pay fees to Chinese authorities purportedly to cover expenses incurred while in detention. While detained North Koreans were occasionally released, they were rarely given the necessary permissions for safe passage to a third country.

Refoulement: The government continued to consider North Koreans as illegal “economic migrants” rather than refugees or asylum seekers and refouled many of them to North Korea. Missionaries in China involved in helping North Koreans reach safe destinations said that Chinese authorities’ crackdown on North Korean defectors had intensified since Kim Jong Un took power.

In April Chinese authorities apprehended three North Korean women, three men, and a 10-year-old girl who fled from North Korea. RFA reported in August that China had detained 60 North Korean defectors and had refouled them to North Korea where they faced harsh punishments including torture, forced abortions, forced labor, sexual violence, or death.
Access to Asylum: The law does not provide for the granting of refugee or asylum status. The government did not have a system for providing protection to refugees but generally recognized UNHCR-registered refugees in China. Asylum applicants and refugees remained in the country without access to education or social services and were subject to deportation at any time.

North Korean refugees and asylum seekers, particularly young women living on the margins of society, were vulnerable to trafficking and forced marriages as a result of their unrecognized status. Authorities continued to forcibly repatriate North Korean refugees and asylum seekers, including trafficking victims, generally treating them as illegal economic migrants. The government detained and deported them to North Korea, where they faced severe punishment or death, including in North Korean forced-labor camps. The government did not provide North Korean trafficking victims with legal alternatives to repatriation.

UNHCR reported that Chinese officials continued to restrict its access to border areas. Authorities sometimes detained and prosecuted citizens who assisted North Korean refugees, as well as those who facilitated illegal border crossings.

Access to Basic Services: Refugees, including North Korean asylum seekers in the country seeking economic opportunities generally did not have access to health care, public education, or other social services due to lack of legal status.

Durable Solutions: The government largely cooperated with UNHCR when dealing with the local settlement in China of Han Chinese or ethnic minorities from Vietnam and Laos living in the country since the Vietnam War era. The government and UNHCR continued discussions concerning the granting of citizenship to these long-term residents and their children, many of whom were born in China.

g. Stateless Persons

International media reported as many as 30,000 children born to North Korean women in China, most of whom were trafficked and married to Chinese spouses, had not been registered because their North Korean parent was undocumented, leaving the children de facto stateless. These children were denied access to public services, including education and health care, despite provisions in the law that provide citizenship to children with at least one PRC citizen parent. Chinese fathers reportedly sometimes do not register their children to avoid exposing the illegal status of their North Korean partners.
Section 3. Freedom to Participate in the Political Process

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

In March the NPC removed the two-term limit for the positions of president and vice president, clearing the way for Xi Jinping to remain in office.

Elections and Political Participation

Recent Elections: On March 4, the NPC’s 2,980 delegates elected the president and vice president, the premier and vice premiers, and the chairman of the Central Military Commission. The NPC Standing Committee, which consisted of 175 members, oversaw the elections and determined the agenda and procedures for the NPC. The selection of NPC members takes place every five years, and the process is controlled by the CCP.

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

According to Ministry of Civil Affairs’ 2016 statistics, almost all of the country’s more than 600,000 villages had implemented direct elections by ordinary citizens for members of local sub-governmental organizations known as village committees. The direct election of officials remained narrow in scope and strictly confined to the lowest rungs of local governance. Corruption, vote buying, and interference by township-level and CCP officials continued to be problems. The law permits each voter to cast proxy votes for up to three other voters.
The election law governs legislative bodies at all levels, although compliance and enforcement varied across the country. Under the law citizens have the opportunity every five years to vote for local people’s congress representatives at the county level and below, although in most cases higher-level government officials or CCP cadres controlled the nomination of candidates. At higher levels legislators selected people’s congress delegates from among their ranks. For example, provincial-level people’s congresses selected delegates to the NPC. Local CCP secretaries generally served concurrently within the leadership team of the local people’s congress, thus strengthening CCP control over legislatures.

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

No laws or regulations specifically govern the formation of political parties. The China Democracy Party (CDP) remained banned, and the government continued to monitor, detain, and imprison current and former CDP members. CDP founder Qin Yongmin, detained with his wife Zhao Suli in 2015, began his 13-year jail term in 2018 in Hubei’s Qianjiang Prison for “subversion of state power.” After his wife was released, she and Qin’s brother visited him in January and noted prison authorities denied him reading and writing materials and that Qin’s physical and mental health were deteriorating due to his forced hard labor.

**Participation of Women and Minorities:** Women and members of minority groups held few positions of significant influence in the government or CCP structure. Among the 2,987 appointed delegates to the 13th NPC during the year, 742 (25 percent) were women. Following the 19th Party Congress, one member of the CCP Central Committee’s 25-member Politburo was a woman. There were no women in the Politburo Standing Committee.

The election law provides a general mandate for quotas for female and ethnic minority representatives, but achieving these quotas often required election authorities to violate the election law.
A total of 438 delegates from 55 ethnic minorities were members of the 13th NPC, accounting for 16 percent of the total number of delegates. All of the country’s officially recognized minority groups were represented. The 19th Party Congress elected 15 members of ethnic minority groups as members of the 202-person Central Committee. There was no ethnic minority member of the Politburo, and only one ethnic minority was serving as a party secretary of a provincial-level jurisdiction, although a handful of ethnic minority members were serving as leaders in provincial governments. An ethnic Mongolian woman, Bu Xiaolin, served as chair of the Inner Mongolia Autonomous Region, equivalent to a provincial governor. An ethnic Hui woman, Xian Hui, also served as chair of the Ningxia Hui Autonomous Region.

Section 4. Corruption and Lack of Transparency in Government

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

Transparency International’s analysis indicated corruption remained a significant problem in the country. There were numerous reports of government corruption—and subsequent trials and sentences--during the year.

In March 2018 the NPC adopted the National Supervision Law, which codified the joint National Supervisory Commission-Central Commission for Discipline Inspection (NSC-CCDI). The NSC-CCDI is charged with rooting out corruption, and its investigations can target any public official, including police, judges, and prosecutors; the commission can investigate and detain individuals connected to targeted public officials. The creation of the NSC essentially vested the CCDI, the CCP’s internal discipline investigation unit that sits outside of the judicial system, with powers of the state. Rules governing NSC-CCDI investigations, operations, and detentions remained unclear.

NSC-CCDI detention, known as liuzhi, faced allegations of detainee abuse and torture. Liuzhi detainees are held incommunicado and have no recourse to appeal their detention. While detainee abuse is proscribed by the National Supervision
Law, the mechanism for detainees to report abuse is unclear. According to the compensation law, however, suspects wrongly accused of corruption can receive compensation for time spent in liuzhi.

Although liuzhi operates outside the judicial system, confessions given while in liuzhi were used as evidence in judicial proceedings. According to press reports and an NGO report released in August, liuzhi detainees experienced extended solitary confinement, sleep deprivation, beatings, and forced standing or sitting in uncomfortable positions for hours and sometimes days.

According to state media, the Discipline Inspection Commission and Supervision Commission in Maoming City, Guangdong, put 11 individuals in liuzhi detention between March and April 2018 for investigation of bribery or negligence of duty. One provincial official head of the liuzhi detention system said suspects averaged 42.5 days in detention before being transferred into the criminal justice system.

**Corruption:** In numerous cases government prosecutors investigated public officials and leaders of state-owned enterprises, who generally held high CCP ranks, for corruption.

While the tightly controlled state media apparatus publicized some notable corruption investigations, in general very few details were made public regarding the process by which CCP and government officials were investigated for corruption. In September Meng Hongwei, serving as the country’s first Interpol president in Lyon, France, while retaining his position as a PRC Ministry of Public Security vice minister, disappeared after arriving in China on a September 25 flight. Media outlets reported Meng was taken into custody by “discipline authorities” upon his arrival for suspected corruption. The government announced Meng was being monitored while the NSC-CCDI investigated him and his associates for allegedly taking bribes; at year’s end additional details about the case were unavailable.

In 2018 anticorruption investigations probed the high-profile suicide of Zhang Yi, president of the Langfang Chengnan Orthopedic Hospital, when he detailed the corrupt practices that interfered in hospital management and funds. On March 26, a Gu’an County court in Langfang City, Hebei, began hearing the trial for 12 suspects accused of committing crimes including organizing, leading, and participating in a criminal organization; extortion; provoking troubles; intentional injury; intentional destruction of property; forcing deals; capital embezzlement; graft; and fraud. The court did not pass its judgment immediately. The Gu’an
Financial Disclosure: A regulation requires officials in government agencies or state-owned enterprises at the county level or above to report their ownership of property, including that in their spouses’ or children’s names, as well as their families’ investments in financial assets and enterprises. The regulations do not require declarations be made public. Instead, they are submitted to a higher administrative level and a human resource department. Punishments for not declaring information vary from training on the regulations, warning talks, and adjusting one’s work position to being relieved of one’s position. Regulations further state officials should report all income, including allowances, subsidies, and bonuses, as well as income from other jobs, such as giving lectures, writing, consulting, reviewing articles, painting, and calligraphy. Officials, their spouses, and the children who live with them also are required to report their real estate properties and financial investments, although these reports are not made public. They are required to report whether their children live abroad as well as the work status of their children and grandchildren (including those who live abroad). Officials are required to file reports annually and are required to report changes of personal status within 30 days.

In late 2018, but reported during the year, the Shenzhen government provided a one-off payment of 300 million yuan ($42 million) to more than 300 workers from Hunan for the serious occupational lung diseases they acquired while working there.

On March 22, several hundred villagers in Shunde District in Foshan demonstrated at the entrance of their village over their officials’ alleged corruption in selling their collectively owned farmland. Police surrounded the village, dispersed the crowd, and detained demonstration participants.

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

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

The United Nations or Other International Bodies: The government remained reluctant to accept criticism of its human rights record by other nations or international organizations. The government sharply limited the visits of UN experts to the country and rarely provided substantive answers to queries by UN human rights bodies. A dozen requests for visits to the country by UN experts remained outstanding.

The government used its membership on the UN Economic and Social Council’s Committee on NGOs to block groups critical of China from obtaining UN accreditation and barring accredited activists from participating in UN events. The government also retaliated against human rights groups working with the United Nations, eliciting the criticism of UN Secretary-General Antonio Guterres.

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

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

Women

Rape and Domestic Violence: Rape of women is illegal and carries a sentence that ranges from three years in prison to death. The law does not safeguard same-sex couples or victims of marital rape. The separate law on sexual assault includes male victims, but it has a maximum penalty of five years in prison. Of the reported cases, most allegations of rape were closed through private settlement rather than prosecution. Some persons convicted of rape were executed.
Domestic violence remained a significant problem. Some scholars said victims were encouraged to attempt to resolve domestic violence through mediation. Societal sentiment that domestic violence was a personal, private matter contributed to underreporting and inaction by authorities when women faced violence at home. The Family Violence Law defines domestic violence as a civil, rather than a criminal, offense. Web publication Sixth Tone reported 25 percent of families had experienced domestic violence.

The government supported shelters for victims of domestic violence, and some courts provided protections to victims, including through court protective orders prohibiting a perpetrator of domestic violence from coming near a victim. Nonetheless, official assistance did not always reach victims, and public security forces often ignored domestic violence. Legal aid institutions working to provide counseling and defense to victims of domestic violence were often pressured to suspend public activities and cease all forms of policy advocacy, an area that was reserved only for government-sponsored organizations.

According to women’s rights activists, a recurring problem in the prosecution of domestic violence cases was a failure by authorities to collect evidence, including photographs, hospital records, police records, or children’s testimony. Witnesses seldom testified in court.

Courts’ recognition of domestic violence improved, making spousal abuse a mitigating factor in crimes committed in self-defense.

**Sexual Harassment:** The law prohibits sexual harassment against women; however, there is no clear legal definition of sexual harassment. Offenders are subject to a penalty of up to 15 days in detention, according to the Beijing Public Security Bureau. It remained difficult for victims to file a sexual harassment complaint and for judges to reach a ruling on such cases. Many women remained unwilling to report incidents of sexual harassment, believing the justice system was ineffectual, according to official media. Several prominent media reports of sexual harassment went viral on social media, helping to raise awareness of the problem, particularly in the workplace.

In September 2018 Liang Songji and Zhang Wuzhou witnessed police officers beating and forcing female lawyer Sun Shihua to strip naked at a police station in Guangzhou’s Liwan District. They published accounts of the incident on social media, for which Guangzhou police detained both in October 2018. Prosecutors charged them with rumor mongering and obstructing police from performing
After an initial trial on August 11, the Liwan District Court sent the case back to the procuratorate for further investigation, but no new evidence was submitted. Liang and Zhang were sentenced on October 25, Liang to 18 months in jail for “picking quarrels and provoking trouble” and Zhang to 16 months in jail on the charges of “picking quarrels and provoking trouble” and “obstruction of official duties.”

Although many women experienced workplace sexual harassment, very few reported it. Human Rights Watch cited one statistic showing nearly 40 percent of women said they experienced sexual harassment in the workplace.

The Law on the Protection of Women’s Rights and Interests empowers victims to file a sexual harassment complaint with their employer, authorities, or both. Employers who failed to take effective measures to prevent sexual harassment could be fined.

Some women’s NGOs that sought to increase public awareness of sexual harassment reported harassment by public security and faced challenges executing their programs.

Coercion in Population Control: There were reports of coerced abortions and sterilizations, although government statistics on the percentage of abortions that were coerced during the year were not available. The CCP restricts the rights of parents to choose the number of children they have and utilizes family planning units from the provincial to the village level to enforce population limits and distributions. The Population and Family Planning Law permits married couples to have two children and allows couples to apply for permission to have a third child if they meet conditions stipulated in local and provincial regulations.

State media claimed the number of coerced abortions had declined in recent years in the wake of loosened regulations, including the implementation of the two-child policy. Nevertheless, citizens were subject to hefty fines for violating the law, while couples who had only one child received a certificate entitling them to collect a monthly incentive payment and other benefits that vary by province--from approximately six to 12 yuan (one to two dollars) per month up to 3,000 yuan ($420) for farmers and herders in poor areas. Couples in some provinces were required to seek approval and register before a child was conceived. The National Health Commission rejected calls to eliminate legal references to family planning, citing the country’s constitutional provision that “the state promotes family
planning so that population growth may fit the plans for economic and social development.”

According to other international reports, several Uighur women reported they were forced to undergo sterilization while detained in detention centers. A Uighur woman said she and other women were forced to ingest unknown drugs and drink a white liquid that caused them to lose consciousness and in some cases resulted in a loss of menstruation. She said some women died from excessive bleeding.

Under the law and in practice, there are financial and administrative penalties for births that exceed birth limits or otherwise violate regulations. The law, as implemented, requires each woman with an unauthorized pregnancy to abort or pay the social compensation fee, which can reach 10 times a person’s annual disposable income. The exact amount of the fee varied widely from province to province. Those with financial means often paid the fee so that their children born in violation of the birth restrictions would have access to a wide array of government-provided social services and rights. Some parents avoided the fee by hiding children born in violation of the law with friends or relatives. Minorities in some provinces, however, were entitled to higher limits on their family size.

The law maintains “citizens have an obligation to practice birth planning in accordance with the law” and also states “couples of child-bearing age shall voluntarily choose birth planning contraceptive and birth control measures to prevent and reduce unwanted pregnancies.”

Since the national family planning law mentions only the rights of married couples, local implementation was inconsistent, and unmarried persons must pay for contraception. Although under both civil law and marriage law the children of single women are entitled to the same rights as those born to married parents, in practice children born to single mothers or unmarried couples are considered “outside of the policy” and subject to the social compensation fee and the denial of legal documents, such as birth documents and the hukou residence permit. Single women could avoid those penalties by marrying within 60 days of the baby’s birth.

As in prior years, population control policy continued to rely on social pressure, education, propaganda, and economic penalties, as well as on measures such as mandatory pregnancy examinations and, less frequently, coerced abortions and sterilizations. Officials at all levels could receive rewards or penalties based on whether or not they met the population targets set by their administrative region. With the higher birth limit, and since most persons wanted to have no more than
two children, it was easier to achieve population targets, and the pressure on local officials was considerably less than before. Those found to have a pregnancy in violation of the law or those who helped another to evade state controls could face punitive measures, such as onerous fines or job loss.

Regulations requiring women who violate the family planning policy to terminate their pregnancies still exist and were enforced in some provinces, such as Hubei, Hunan, and Liaoning. Other provinces, such as Guizhou and Yunnan, maintained provisions that require “remedial measures,” an official euphemism for abortion, to deal with pregnancies that violate the policy.

Although many local governments encouraged couples to have a second child, families with three or more children still must pay a “social compensation fee.” In Shandong a local district seized a family’s bank account of 22,987 yuan ($3,200) for failure to pay the social compensation fee of 64,626 yuan ($9,000) after having their third child. In a separate case in Shandong, a 67-year-old woman who gave birth to a third child faced fines from the local family planning commission. In previous years those who did not pay the fee were added to a “personal credit black list,” restricting their ability to request loans, take public transportation, purchase items, educate their children, and join tours. The compensation fees were estimated to be 15 to 30 percent of some local governments’ discretionary spending budgets. At year’s end the local government had not decided whether to fine the woman, but one government official promised to publicize the final decision.

The law mandates family planning bureaus administer pregnancy tests to married women of childbearing age and provide them with basic knowledge of family planning and prenatal services. Some provinces fined women who did not undergo periodic state-mandated pregnancy tests.

Family-planning officials face criminal charges and administrative sanctions if they are found to violate citizens’ human or property rights, abuse their power, accept bribes, misappropriate or embezzle family planning funds, or falsely report family planning statistics in the enforcement of birth limitation policy. Forced abortion is not specifically listed as a prohibited activity. The law also prohibits health-care providers from providing illegal surgeries, ultrasounds to determine the sex of the fetus that are not medically necessary, sex-selective abortions, fake medical identification, and fake birth certificates. By law citizens could submit formal complaints about officials who exceed their authority in implementing
birth-planning policy, and complaints are to be investigated and dealt with in a timely manner.

**Discrimination:** The constitution states, “women enjoy equal rights with men in all spheres of life.” The law provides for equality in ownership of property, inheritance rights, access to education, and equal pay for equal work. Nonetheless, women reported discrimination, unfair dismissal, demotion, and wage discrepancies were significant problems.

On average, women earned 35 percent less than men who did similar work. This wage gap was greater in rural areas. Women also continued to be underrepresented in leadership positions, despite their high rate of participation in the labor force.

Authorities often did not enforce laws protecting the rights of women. According to legal experts, it was difficult to litigate sex discrimination suits because of vague legal definitions. Some observers noted 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; others pointed to the active role played by the All China Women’s Federation in passing the new domestic violence legislation.

On July 11, a Chengdu court ruled in favor of Liu Li, who used an alias, in a lawsuit against her former employer who she said sexually harassed her. The court ordered the former employer to apologize.

In October the Jing’an District People’s Court sentenced a man to six months in prison after he groped an adult woman and an under aged girl on a subway train on July 1.

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

**Gender-biased Sex Selection:** The most recent information from the PRC’s National Bureau of Statistics stated the boy-girl birth ratio was 111.9 to 100 in
2017, which was lower than the World Bank’s statistic of 115 to 100 for the same year.

A 2016 regulation released by the PRC’s National Health and Family Planning Commission, the State Administration for Industry and Commerce, and the State Food and Drug Administration bans nonmedical fetal sex diagnosis and aborting a pregnancy based on gender selection. It stipulates that no unit or individual should carry out or promote such procedures.

In September 2018 five government departments, including the National Health Commission and the State Drug Administration, jointly released a regulation on banning the use of ultrasonic diagnostic equipment to take “fetus photos” after the government found that such tools had been used to reveal the gender of the fetus.

**Children**

**Birth Registration:** Citizenship is derived from parents. Parents must register their children in compliance with the national household registration system within one month of birth. Unregistered children could not access public services, including education.

**Education:** Although the law provides for nine years of compulsory education for children, many children in economically disadvantaged rural areas did not attend school for the required period, and some never attended. Public schools were not allowed to charge tuition, but many schools continued to charge miscellaneous fees because they received insufficient local and central government funding. Such fees and other school-related expenses made it difficult for poorer families and some migrant workers to send their children to school. The gap in education quality for rural and urban youth remained extensive, with many children of migrant workers attending unlicensed and poorly equipped schools.

**Child Abuse:** The physical abuse of children is ground for criminal prosecution. The Domestic Violence Law also protects children. Sexual abuse of minors, particularly of rural children, was a significant problem.

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

**Sexual Exploitation of Children:** The minimum legal age for consensual sex is 14. Persons who forced girls younger than 14 into prostitution could be sentenced to
10 years to life in prison in addition to a fine or confiscation of property. In especially serious cases, violators could receive a life sentence or death sentence, in addition to having their property confiscated. Those who visited girls forced into prostitution younger than 14 were subject to five years or more in prison in addition to paying a fine.

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

According to the law, persons broadcasting or showing obscene materials to minors younger than 18 are to be “severely punished.”

Infanticide or Infanticide of Children with Disabilities: The law forbids infanticide; it was unknown if the practice continued. Parents of children with disabilities frequently left infants at hospitals, primarily because of the anticipated cost of medical care. Gender-biased abortions and the abandonment and neglect of baby girls were believed to be in decline but continued to be a problem in some circumstances due to the traditional preference for sons and the birth-limitation policy.

Displaced Children: The detention of an estimated one million or more Uighurs, ethnic Kazakhs, Kyrgyz, and other Muslims in Xinjiang left many children without caregivers. While many of these children had other relatives willing to care for them, the government began placing the children of detainees in orphanages, boarding schools, or “child welfare guidance centers,” where they were forced to shout patriotic slogans, learn Mandarin Chinese, and answer questions about their parents’ religious beliefs and practices. The number of such children was unknown, especially as many of these facilities were also used for orphans and regular students, but one media outlet reported that, based on a 2017 government planning document, at least 500,000 children were separated from their parents and put into these “care” centers. Government policy aims to provide such children with state-sponsored care until they reach age 18. Media reports showed new construction for orphanages in Xinjiang greatly escalated in 2017 and 2018 to house thousands of children of parents being held in camps. In Hotan, some boarding schools were topped with barbed wire.
Institutionalized Children: See “Displaced Children” section above.


Anti-Semitism

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

Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at https://www.state.gov/trafficking-in-persons-report/.

Persons with Disabilities

The law protects the rights of persons with disabilities and prohibits discrimination, but in many instances conditions for such persons lagged behind legal requirements, and the government failed to provide persons with disabilities access to programs intended to assist them.

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

The Ministry of Education reported there were more than 2,000 separate education schools for children with disabilities, but NGOs reported only 2 percent of the 20 million children with disabilities had access to education that met their needs.

Individuals with disabilities faced difficulties accessing higher education. Universities often excluded candidates with disabilities who would otherwise be qualified. A regulation mandates accommodations for students with disabilities when taking the national university entrance exam.
Unemployment among adults with disabilities, in part due to discrimination, remained a serious problem. The law requires local governments to offer incentives to enterprises that hire persons with disabilities. Regulations in some parts of the country also require employers to pay into a national fund for persons with disabilities when employees with disabilities do not make up a statutory minimum percentage of the total workforce.

Standards adopted for making roads and buildings accessible to persons with disabilities are subject to the Law on the Handicapped, which calls for their “gradual” implementation; compliance was limited.

The law forbids the marriage of persons with certain mental disabilities, such as schizophrenia. If doctors find a couple is at risk of transmitting congenital disabilities to their children, the couple may marry only if they agree to use birth control or undergo sterilization. In some instances officials continued to require couples to abort pregnancies when doctors discovered possible disabilities during prenatal examinations. The law stipulates local governments are to employ such practices to eliminate the births of children with disabilities.

**National/Racial/Ethnic Minorities**

Government policy called for members of recognized minorities to receive preferential treatment in birth planning, university admission, access to loans, and employment. The substance and implementation of ethnic minority policies nonetheless remained poor, and discrimination against minorities remained widespread. The government “sinicization” campaign resulted in ethnically based restrictions on movement, including curtailed ability of ethnic Uighurs to travel freely or obtain travel documents; greater surveillance and presence of armed police in Xinjiang; and legislative restrictions on cultural and religious practices.

According to the most recent government census (in 2015), 9.5 million, or 40 percent, of the Xinjiang’s official residents were Han Chinese. Uighur, Hui, ethnic Kazakh, Kyrgyz, and other ethnic minorities constituted 14.1 million Xinjiang residents, or 60 percent of the total population. Official statistics understated the Han Chinese population because they did not count the more than 2.7 million Han residents on paramilitary compounds (bingtuan) and those who were long-term “temporary workers,” an increase of 1.2 percent over the previous year, according to a 2015 government of Xinjiang report.
The government’s policy to encourage Han Chinese migration into minority areas significantly increased the population of Han in Xinjiang. Han Chinese officials continued to hold the majority of the most powerful CCP and many government positions in minority autonomous regions, particularly Xinjiang. The rapid influx of Han Chinese into Xinjiang in recent decades has provoked Uighur resentment.

In 2017 the Xinjiang government also implemented new “Deradicalization Regulations,” codifying efforts to “contain and eradicate extremism,” according to Xinhua. The broad definition of extremism resulted in the reported detention since 2017 of more than one million Uighurs, ethnic Kazakhs, Kyrgyz, and other Muslims in “transformation through education” centers, or detention centers, designed to instill patriotism and erase their religious and ethnic identities. This included many of those ordered to return to China from studying or working abroad. International media reported security officials in the centers abused, tortured, and killed some detainees (see sections 1.a, 1.b, 1.c, 1.d, and 2.d.).

Officials in Xinjiang sustained efforts to crack down on the government-designated “three evil forces” of religious extremism, ethnic separatism, and violent terrorism, including by continuing the concentrated re-education campaign. Xinjiang Communist Party secretary Chen Quanguo, former Communist leader in the TAR, replicated in Xinjiang policies similar to those credited with reducing opposition to CCP rule in Tibet, increasing the security budget by more than 300 percent and advertising more than 90,800 security-related jobs. Authorities cited the 2016 Xinjiang guidelines for the implementation of the national Counterterrorism Law and a “people’s war on terrorism” in its increased surveillance efforts and enhanced restrictions on movement and ethnic and religious practices.

Outside the internment camps, the government implemented severe restrictions on expressions of minorities’ culture, language, and religious identity, including regulations prohibiting behaviors the government considered signs of “extremism” such as growing “abnormal” beards, wearing of veils in public places, and suddenly stopping smoking and drinking alcohol, among other behaviors. The regulations banned the use of some Islamic names when naming children and set punishments for the teaching of religion to children. Authorities conducted “household surveys” and “home stays” in which officials or volunteers forcibly lived in Uighurs’ homes and monitored families for signs of “extremism.” There were media reports that male officials would sleep in the same bed as the wives of men who were detained in internment camps, as part of the “Pair Up and Become Family” program, and also bring alcohol and pork for consumption during the home stay.
In October 2018 the Xinjiang government released new implementing regulations on “de-extremification.” Article 17 of the regulations states that county-level governments “may establish occupational skills education and training centers and other such education and transformation bodies and management departments to conduct education and transformation for persons influenced by extremism.” Some observers noted, despite this new regional law, the “re-education centers” were still illegal under the constitution.

Minority groups in border and other regions had less access to education than their Han Chinese counterparts, faced job discrimination in favor of Han Chinese migrants, and earned incomes well below those in other parts of the country. Government development programs and job provisions disrupted traditional living patterns of minority groups and in some cases included the forced relocation of persons and the forced settlement of nomads. Han Chinese benefited disproportionately from government programs and economic growth in minority areas. As part of its emphasis on building a “harmonious society” and maintaining social stability, the government downplayed racism and institutional discrimination against minorities and cracked down on peaceful expressions of ethnic culture and religion, which remained a source of deep resentment in Xinjiang, the Inner Mongolia Autonomous Region, the TAR, and other Tibetan areas.

The law states “schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever possible, use textbooks in their own languages and use their languages as the medium of instruction.” Despite provisions to ensure cultural and linguistic rights, measures requiring full instruction in Mandarin beginning in preschool and banning the use of Uighur in all educational activities and management were implemented throughout Xinjiang, according to international media.

Many of the security raids, arbitrary detentions, and judicial punishments appeared to target groups or individuals peacefully seeking to express their political or religious views. Detention and punishment extended to expression on the internet and social media, including the browsing, downloading, and transmitting of banned content. Officials continued to use the threat of violence as justification for extreme security measures directed at the local population, journalists, and visiting foreigners. According to Xinhua, officials used surveillance and facial recognition software, biodata collection, and big data technology to create a database of Uighurs in Xinjiang for the purpose of conducting “social-instability forecasting, prevention, and containment.” Security forces frequently staged large-scale
parades involving thousands of armed police in cities across Xinjiang, according to state media.

Uighurs and other religious minorities continued to be sentenced to long prison terms and in some cases executed without due process on spurious charges of separatism and endangering state security. In 2016 and 2017, the Xinjiang regional government posted advertisements to recruit nearly 100,000 security personnel, international media reported.

The law criminalizes discussion of “separatism” on the internet and prohibits use of the internet in any way that undermines national unity. It further bans inciting ethnic separatism or “harming social stability” and requires internet service providers and network operators to set up monitoring systems to detect, report, and delete religious content or to strengthen existing systems and report violations of the law. Authorities searched cell phones at checkpoints and during random inspections of Uighur households, and persons in possession of alleged terrorist material, including pictures of general religious or cultural importance, could be arrested and charged with crimes. International media reported security officials at police checkpoints used a surveillance application to download and view content on mobile phones.

Ethnic Kazakhs were also targeted, RFA and other international media reported. In August 2018 Sayragul Sauytbay, an ethnic Kazakh Chinese citizen, testified in a Kazakhstan court that she was forced to work in a center where an estimated 2,500 ethnic Kazakhs were detained. She told the court she had to undergo “political indoctrination” at the camp. Kazakhs were also prevented from moving freely between China and neighboring Kazakhstan, and some were detained in internment camps upon their return to China.

The government pressured foreign countries to repatriate or deny visas to Uighurs who had left China and repatriated Uighurs faced the risk of imprisonment and mistreatment upon return. Some Uighurs who were forcibly repatriated disappeared after arriving in China. Family members of Uighurs studying overseas were also pressured to convince students to return to China, and returning students were detained or forced to attend re-education camps, according to overseas media. Overseas ethnic Uighurs, whether they were citizens of the PRC or their countries of residence, were sometimes pressured to provide information about the Uighur diaspora community to agents of the PRC government.
In July media reported a Uighur woman and her two daughters were given Tajik passports and deported against their will from Turkey to Tajikistan, where they were flown by PRC authorities to Urumqi, despite being legal residents of Turkey. In August a Uighur man fled his home in Pakistan to seek asylum in Europe because multiple other Pakistan-based Uighurs had been refouled back to China. He was refused in entry in Bosnia and sent to Qatar, where he faced refoulement back to China, before ultimately being granted entry to another country.

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

For specific information on Tibet, see the Tibet Annex.

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

No laws criminalize private consensual same-sex activities between adults. Individuals and organizations working on lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues continued to report discrimination and harassment from authorities similar to that experienced by other organizations that accept funding from overseas.

LGBTI individuals reported incidents of violence, including domestic violence; however, they encountered difficulties in seeking legal redress, since regulations on domestic violence, including the Family Violence Law, do not include recognition of same-sex relations. Accessing redress was further limited by societal discrimination and traditional norms, resulting in most LGBTI persons refraining to publicly discuss their sexual orientation or gender identity.

NGOs working on LGBTI issues reported that although public advocacy work became more difficult for them due to the Foreign NGO Management Law and the Domestic Charity Law, they made some progress in advocating for LGBTI rights through specific antidiscrimination cases.

**HIV and AIDS Social Stigma**

Discrimination against persons with HIV remained a problem, impacting individuals’ employment, educational, and housing opportunities and impeding
access to health care. In some instances laws protecting persons with HIV from discrimination contradict laws restricting the rights of persons with HIV. During the year state media outlets reported instances of persons with HIV/AIDS who were barred from housing, education, or employment due to their HIV status. An estimated 1.25 million persons in the country had HIV.

Early in the year, a retired worker named “Wang Ming” in Xi’an was “persuaded” by the president of a local public hospital to return home, citing his coughing as a chronic disease. Wang Ming stated his belief the public hospital declined him service after finding out he was HIV positive, infected earlier during a dental operation at a private clinic.

According to the law, companies may not demand HIV antibody tests nor dismiss employees for having HIV. Nonetheless, the regulation on Prevention and Treatment of HIV/AIDS revised during the year also stipulates that HIV-positive individuals shall not engage in work that is prohibited by laws, administrative regulations, and the Department of Health under the State Council.

**Other Societal Violence or Discrimination**

The law prohibits discrimination against persons carrying infectious diseases and allows such persons to work as civil servants. Despite provisions in the law, discrimination against hepatitis B carriers (including 20 million chronic carriers) remained widespread in many areas, and local governments sometimes tried to suppress their activities. Despite a 2010 nationwide rule banning mandatory hepatitis B virus tests in job and school admissions applications, many companies continued to use hepatitis B testing as part of their pre-employment screening.

The law does not address some common types of discrimination in employment, including discrimination based on height, physical appearance, or ethnic identity.

**Promotion of Acts of Discrimination**

In an effort to justify the detention of ethnic minorities in Xinjiang and elsewhere, official Chinese state media outlets published numerous articles describing members of minority ethnic or religious groups as violent and inferior. Such propaganda emphasized the connection between religious beliefs, in particular belief in Islam, and acts of violence. Moreover, many articles described religious adherents as culturally backward and less educated, and thus in need of government rectification.
Section 7. Workers’ Rights

a. Freedom of Association and the Right to Collective Bargaining

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

The law provides for legal protections against discrimination against the officially sanctioned union and specifies union representatives may not be transferred or terminated by enterprise management during their term of office. The law provides for the reinstatement of workers dismissed for official union activity as well as for other penalties for enterprises that engage in antiunion activities. The law does not protect workers who request or take part in collective negotiations with their employers independent of the officially recognized union.

All union activity must be approved by and organized under the ACFTU, a CCP organ chaired by a member of the Politburo. The ACFTU and its provincial and local branches continued to establish new constituent unions and add new members, especially among younger workers in technology companies. The law gives the ACFTU financial and administrative control over constituent unions empowered to represent employees in negotiating and signing collective contracts with enterprises and public institutions. The law does not mandate the ACFTU to represent the interests of workers in disputes.

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

The law does not expressly prohibit work stoppages and does not prohibit workers
from striking spontaneously. Although some local authorities tolerated strikes
protesting unpaid or underpaid wages, reports of police crackdowns on strikes
continued throughout the year. For example, on April 10, police in Zhangjiakou,
Hebei, beat and arrested a group of Bell Tower Brewery employees calling for
unpaid social insurance benefits. Wage and benefit arrears constituted 84 percent
of the 1,386 strikes and collective protests recorded during the year by the Hong
Kong-based labor rights NGO China Labor Bulletin.

In cases where local authorities cracked down on strikes, they sometimes charged
leaders with vague criminal offenses, such as “inciting subversion of state power,”
“picking quarrels and provoking trouble,” “gathering a crowd to disturb public
order,” or “damaging production operations,” or detained them without any
charges. The only legally specified roles for the ACFTU in strikes are to
participate in investigations and to assist the Ministry of Human Resources and
Social Security in resolving disputes.

Enforcement was generally insufficient to deter wide-scale violations of laws
designed to protect workers’ rights. Labor inspectors lacked authority and
resources to compel employers to correct violations. While the law outlines
general procedures for resolving disputes, procedures were lengthy and subject to
delays. Local authorities in some areas actively sought to limit efforts by
independent civil society organizations and legal practitioners. Some areas
maintained informal quotas on the number of cases allowed to proceed beyond
mediation to arbitration or the courts. Some local government authorities took
steps to increase mediation or arbitration. According to the China Labor Statistical
Yearbook, in 2017 local labor dispute arbitration committees handled 785,323
cases, of which 169,456 were related to the termination of employment contracts.

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

China Labor Bulletin reported workers throughout the country engaged in wildcat strikes, work stoppages, and other protest actions and claimed the workers’ actions were indicative of the ACFTU’s inability to prevent violations and resolve disputes. Media reported a number of protests at factories throughout the country and a number of worker protests in the service and retail sectors.

The government increasingly targeted labor activists, students, and others advocating for worker rights during the year. For example, the government continued to target labor organizers and labor rights activists following the detention of Jasic Technology factory workers and their supporters that began in July 2018. The government ramped up its antilabor campaign by detaining and harassing labor rights advocates, including factory workers, activists, researchers, NGO workers, social workers, and media editors, beyond those involved in the Shenzhen Jasic movement in which workers at a Jasic Technology factory attempted to form a union in response to low pay and poor working conditions. Guangdong labor activists, the Maoist organization Wu-You-Zhi-Xiang, leftist university students, and other groups supported the protests, and Shenzhen police took into custody dozens of workers and one student labor activist in 2018, and four workers--Li Zhan, Liu Penghua, Mi Jiuping, and Yu Juncong--remained in custody at year’s end. According to the Jasic Workers’ Support Group, some of its members were interviewed by state security officials and asked to watch a video in which their peers confessed to their alleged wrongdoings in supporting the labor campaign against the Jasic company. In one video, Shen Mengyu and three other activists reportedly said their violations of the law and extremist thoughts were the result of brainwashing by radical organizations that wanted to utilize them to instigate dissent against the state. The Support Group criticized the police’s footage and described it as a forced production against the will of the students and full of loopholes.

Six UN independent experts wrote to the government in May expressing concern over the Jasic detentions. In June and October, the International Labor Organization (ILO)’s Committee on the Freedom of Association, in response to a case filed by the International Trade Union Confederation alleging government harassment, intimidation, arrests, and physical abuse, concluded the government’s detention of and criminal charges against the Jasic workers constituted a serious interference with civil liberties and trade union rights. The ILO urged the
government to release workers detained in relation to their activities to form a union and submit a detailed reply on the allegations.

Despite restrictions on worker action, joint action across provinces took place in several other sectors. In April protests by delivery company employees over layoffs, wage arrears, social insurance, and equal pay took place at various locations in Shandong, Jiangxi, and Shaanxi, as well as in Beijing and Shanghai.

Coordinated efforts by governments at the central, provincial, and local levels, including surveillance, harassment, detention, and the imposition of travel restrictions on labor rights defenders and restrictions on funding sources for NGOs, disrupted labor rights advocacy. In January and March, police detained three editors of an online worker rights advocacy platform after they published information advocating for migrant workers from Hunan to receive overdue compensation for the occupational lung disease pneumoconiosis. In May police raided civil society organizations supporting migrant workers in Beijing, Guangzhou, and Shenzhen, detaining four social workers. On December 15, three labor activists who worked to defend the legal rights of sanitation workers were detained for 15 days in Guangzhou.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor. Although domestic media rarely reported forced labor cases and the penalties imposed, the law provides a range of penalties depending on the circumstances, including imprisonment, criminal detention, and fines. It was unclear whether the penalties were sufficient to deter violations.

There were multiple media and NGO reports that persons detained in the internment camps in Xinjiang (see section 6) were subjected to forced labor. The detainees mostly worked in textile factories producing garments. In June a factory investigation report stated apparel made at a forced labor camp in Xinjiang was imported by a U.S. athletic gear provider.

The more than one million Chinese workers overseas remained vulnerable to employer exploitation and forced labor. On March 22, the head of U.S. operations for a Chinese construction firm and its U.S.-based subsidiaries was convicted in U.S. court on forced labor charges for exploiting Chinese construction workers in New York City.
Although in 2013 the NPC officially abolished the re-education through labor system, an arbitrary system of administrative detention without judicial review, numerous media outlets and NGOs reported forced labor continued in prisons as well as drug rehabilitation facilities where individuals continued to be detained without judicial process. In August an NGO report stated prison labor was used in cotton production in Xinjiang.

There were several reports small workshops and factories subjected persons with mental disabilities to forced labor.

Also see the Department of State’s Trafficking in Persons Report at https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all of the worst forms of child labor. The law prohibits the employment of children younger than 16. It refers to workers between the ages of 16 and 18 as “juvenile workers” and prohibits them from engaging in certain forms of dangerous work, including in mines. Where there were reports of child labor in the private sector, the government reportedly enforced the law.

The law specifies administrative review, fines, and revocation of business licenses of enterprises that illegally hire minors and provides underage working children be returned to their parents or other custodians in their original place of residence. The penalty is imprisonment for employing children younger than 16 in hazardous labor or for excessively long hours, but a gap remained between legislation and implementation despite annual inspection campaigns launched by local authorities across the country. Laws aimed at stopping child trafficking may not apply to boys ages 14-17. It was unclear whether the penalties were sufficient to deter violations. During the year there were reports of children working, often unpaid, in small manufacturing workshops, on farms, and as acrobats.

In April media reported that student interns from Changchun University of Science and Technology were forced to sign contracts, often without reading them, with electronics factories in Hebei and Jilin. The students reportedly worked 12 hours a day with no breaks, no holidays, no sick leave, and minimal pay. One male student was taken to the hospital after being beaten by another employee, and one female student reported being sexually harassed on the job.
In July the Ministry of Education issued guidelines to regulate student internships. As in past years, however, abuse of the student-worker system continued. There were multiple reports schools and local officials improperly facilitated the supply of student laborers. For example, there were media and NGO reports that vocational student interns at Foxconn Technology Group’s facility in Hengyang, Hunan, accounted for more than 20 percent of one facility’s workforce, double the level permitted by law. Some students were forced to work night shifts and overtime in violation of the law. Media reported that in one case, a student who complained to the manager of her production line was told by a teacher that noncompliance could jeopardize her graduation. In response to media inquiries, Foxconn acknowledged it was not in full compliance with relevant laws and regulations, adding it would take immediate steps to ensure interns no longer worked overtime or nights. Foxconn had previously been criticized for using child labor from vocational schools.

Also see the U.S. Department of Labor’s List of Goods Produced by Child Labor or Forced Labor at https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods.

**d. Discrimination with Respect to Employment and Occupation**

The law provides some basis for legal protection against employment discrimination on the grounds of ethnicity, race, gender, religious belief, disability, age, and infectious or occupational diseases. The government did not effectively implement the laws. In February nine government ministries and groups issued a notice prohibiting gender discrimination during recruitment and hiring and the ACFTU published a manual for promoting gender equality at work. Enforcement clauses include the right to pursue civil damages through the courts. Some courts were reluctant to accept discrimination cases, and authorities at all levels emphasized negotiated settlements to labor disputes. As a result, there were few examples of enforcement actions that resulted in final legal decisions. Discrimination in employment was widespread, including in recruitment advertisements that discriminated based on gender, age, height, birthplace, marital status, disability, and physical appearance and health status (see section 6).

Workplace discrimination against women was common during the year. The mandatory retirement age for women was 50 for those in blue-collar jobs and 55 for those in white-collar jobs. The retirement age for all men was 60.
A November 2018 Human Rights Watch survey of 36,000 civil service job advertisements between 2013 and 2018 found one in five specified a requirement or preference for men. Examples of discrimination included job advertisements seeking pretty women, preferring men, or requiring higher education qualifications from women compared with men for the same job. Survey results showed women were less likely to be invited for interviews or called back for a second round of interviews. In interviews some women were asked whether they had children, how many children they had, and whether they planned to have children or more children if they had a child already. A 2018 survey of 100,000 job seekers by Zhaopin, an online job search platform, found women were paid 22 percent less than men and more than 10 percent of working women believed deciding to marry or have children would put their opportunities to advance at risk. In August a member of the National People’s Congress Standing Committee noted women faced discrimination when pregnant, which employers associated with additional costs.

In December 2018 the Supreme Court issued instructions announcing infringement of equal employment rights was an acceptable cause of action for litigation. Subsequently, on October 28, a 41-year-old female worker in Zhuhai won the country’s first-ever civil lawsuit filed for pregnancy discrimination. Media reported the plaintiff, pseudonym Zhang Min, was fired on February 20 by her employer, Yingli Property Management Company, Ltd., the day after her pregnancy was confirmed by a local hospital. The Zhuhai District Court held the employer violated the Employment Promotion Law and ordered the company to issue the plaintiff a written apology, compensate her for unpaid wages during and after her pregnancy, and pay 10,000 yuan ($1,500) in psychological damages.

The hukou system remained the most pervasive form of employment-related discrimination, denying migrant workers access to the full range of social benefits, including health care, pensions, and disability programs, on an equal basis with local residents.

e. Acceptable Conditions of Work

There is no national minimum wage, but the law generally requires local and provincial governments to set their own minimum wage rates for both the formal and informal sectors according to standards promulgated by the Ministry of Human Resources and Social Security. By law employees are limited to working eight hours a day and 40 hours per week; work beyond this standard is considered
overtime. It also prohibits overtime work in excess of three hours per day or 36 hours per month and mandates premium pay for overtime work.

The Ministry of Emergency Management, established in 2018, sets and enforces occupational safety regulations. The National Health Committee sets and enforces occupational health regulations. The law requires employers to provide free health checkups for employees working in hazardous conditions and to inform them of the results. The law also provides workers the right to report violations or remove themselves from workplace situations that could endanger their health without jeopardy to their employment.

Regulations state labor and social security bureaus at or above the county level are responsible for enforcement of labor laws. Companies that violate occupational, safety, and health regulations face various penalties, including suspension of business operations or rescission of business certificates and licenses.

The government did not effectively enforce the law. Penalties were not adequate to deter violations and were seldom enforced. The number of inspectors was insufficient to deter violations and did not operate in the informal sector. Although the country’s worker safety record improved over the preceding eight years, there were a number of workplace accidents during the year. Media and NGO reports attributed them to a lack of safety checks, weak enforcement of laws and regulations, ineffective supervision, and inadequate emergency responses.

Nonpayment of wages, including overtime and premium pay, remained a problem in many areas. Moreover, a 2018 ACFTU survey found 30 percent of white-collar employees were discouraged from taking annual leave to which they were entitled. The government seldom enforced overtime laws, and 72-hour workweeks were common for a wide range of workers. Early in the year, technology workers organized an online campaign protesting “996 culture,” representing typical working hours in the industry, from 9 a.m. to 9 p.m., six days a week. The campaign prompted public debate and limited action. For example, some technology product developers began refusing to license projects to companies that promoted a work culture of voluntary or mandatory overtime. Also, in response to the campaign, more than 70 lawyers signed a letter directed to the Ministry of Human Resources and Social Security urging the government to enforce labor laws. Some local authorities, including in Hangzhou, launched investigations to determine if companies violated labor laws by encouraging overtime work.
Unpaid wages have been an acute problem for decades due to the prevalence of hiring subcontracted low-wage migrant workers. This informal hiring scheme made rural laborers susceptible to delayed payment or nonpayment for their work, prompting them to join in collective action. Governments at various levels continued efforts to prevent arrears and to recover payment of unpaid wages and insurance contributions. According to the Supreme People’s Procuratorate, it prosecuted 2,609 individuals in 2,396 cases of nonpayment of wages during the year, helping workers recover 250 million yuan ($35.2 million) of unpaid wages. Prosecutions resulted in 2,599 arrests. Workers, however, occasionally took drastic measures to demand payment. On June 27, two construction workers in Lengshujiang, Hunan, threatened to jump from a crane unless they were paid for their work.

Companies continued to relocate or close on short notice, often leaving employees without adequate recourse for due compensation. On July 23, workers staged a protest demanding back wages when a car dealership in Taizhou, Zhejiang, suddenly closed without warning.

Workers in the informal sector often lacked coverage under labor contracts, and even with contracts, migrant workers in particular had less access to benefits, especially social insurance. Workers in the informal sector worked longer hours and earned less than comparable workers in the formal sector. On April 23, a strike of approximately 100 sanitation workers in Henan protested excessive working hours, stagnant pay, and poor working conditions (also see section 7.a.).

According to several official documents published during the year, occupational diseases were prevalent, and, according to media reports, underreported. Patients came from many industries, including coal, chemical engineering, and construction. The National Health Commission reported 28,000 new cases of occupational illnesses were diagnosed annually, with pneumoconiosis, or black lung disease, accounting for nearly 90 percent of cases. In July media reported that police halted the travel of more than 10,000 former construction workers affected by pneumoconiosis from Shaanxi, as they traveled to Luoyang to petition for compensation for the occupational illness.

Workplace accidents and injuries remained common. Although there were fewer news reports on coal mine accidents during the year, the coal mining industry remained extremely deadly. According to the China Coal Safety Production Network, during the year there were 170 coal mine accidents, causing 3,168 deaths. On January 12, a coal dust explosion in Shaanxi killed 21 miners. A May
29 coal mine collapse in Jiangxi left two dead. On July 31, seven individuals died when methane gas exploded in a coal mine in Guizhou.

Work accidents also remained widespread in other industries. On February 23, a silver mine accident in Inner Mongolia killed 22 persons and injured 28. On March 21, a chemical plant explosion in Jiangsu killed 78 persons and injured more than 600. Ten construction workers died on May 16, when the building they were working on collapsed in Shanghai. On September 29, a factory fire in Zhejiang killed 19 workers.
EXECUTIVE SUMMARY

The Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures (TAPs) and counties in Sichuan, Qinghai, Yunnan, and Gansu are part of the People’s Republic of China (PRC). The Chinese Communist Party’s (CCP) Central Committee oversees Tibet policies. As in other predominantly minority areas of the PRC, Han Chinese CCP members held the overwhelming majority of top party, government, police, and military positions in the TAR and other Tibetan areas. Ultimate authority rests with the 25-member Political Bureau (Politburo) of the CCP Central Committee and its seven-member Standing Committee in Beijing, neither of which had any Tibetan members.

Civilian authorities maintained control over the security forces.

Significant human rights issues included: forced disappearances; torture; arbitrary detention; political prisoners; censorship and website blocking; substantial interference with the rights of peaceful assembly and freedom of association; severe restrictions on religious freedom; severe restrictions on freedom of movement; and restrictions on political participation.

The government strictly controlled information about, and access to, the TAR and some Tibetan areas outside the TAR. The PRC government harassed or detained Tibetans as punishment for speaking to foreigners, attempting to provide information to persons abroad, or communicating information regarding protests or other expressions of discontent through cell phones, email, or the internet, and placed restrictions on their freedom of movement.

Disciplinary procedures for officials were opaque, and there was no publicly available information to indicate senior officials punished security personnel or other authorities for behavior defined under PRC laws and regulations as abuses of power and authority.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings
There were no reports the government or its agents committed arbitrary or unlawful killings. There were no reports that officials investigated or punished those responsible for such killings that had previously taken place.

b. Disappearance

Authorities in Tibetan areas continued to detain Tibetans arbitrarily for indefinite periods.

Lodoe Gyatso was arrested outside the Potala Palace in January 2018 and has not been seen since. In November 2018 sources reported Lodoe had been sentenced to 18 years in prison, but officials insisted his case was a state secret that could not be discussed. His whereabouts and condition were unknown.

Thubpa, a monk from Ngaba County, Sichuan, was detained in late 2017 and has not been heard from since. He had previously served 18 months in prison for burning a Chinese flag in protest in 2008. No charges have been announced and his whereabouts were unknown.

The whereabouts of the 11th Panchen Lama, Gedhun Choekyi Nyima, the second-most prominent figure after the Dalai Lama in Tibetan Buddhism’s Gelug school, remained unknown. Neither he nor his parents have been seen since PRC authorities disappeared them in 1995, when he was six years old.

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

According to credible sources, police and prison authorities employed torture and cruel, inhuman, or degrading treatment or punishment in dealing with some detainees and prisoners. There were reports during the year PRC officials severely beat some Tibetans who were incarcerated or otherwise in custody. Such beatings reportedly led to death.

On May 1, Yeshi Gyatso, 50, died in Rebkong County of Malho TAP, Qinghai, following his release from prison where he was reportedly beaten and tortured. Authorities had arrested him in 2008 for taking part in peaceful protests against PRC policies in Tibet.

Prison and Detention Center Conditions
Prison conditions were harsh and potentially life threatening due to physical abuse and inadequate sanitary conditions and medical care.

There were reports of recently released prisoners who were permanently disabled or in extremely poor health because of the harsh treatment they endured in prison (see Political Prisoners and Detainees subsection below). Former prisoners reported being isolated in small cells for months at a time and deprived of sleep, sunlight, and adequate food. According to individuals who completed their prison terms in recent years, prisoners rarely received medical care except in cases of serious illness. There were many cases in which officials denied visitors access to detained and imprisoned persons.

d. Arbitrary Arrest or Detention

Arbitrary arrest and detention remained serious problems. Public security agencies are required by law to notify the relatives or employer of a detained person within 24 hours of their detention, but they often failed to do so when Tibetans and others were detained for political reasons. Public security officers may legally detain persons throughout the PRC for up to 37 days without formally arresting or charging them. Criminal detention beyond 37 days requires approval of a formal arrest by the procuratorate, but in cases pertaining to “national security, terrorism, and major bribery,” the law permits up to six months of incommunicado detention without formal arrest. After formally arresting a suspect, public security authorities are authorized to detain a suspect for up to an additional seven months while the case is investigated. After the completion of an investigation, the procuratorate can detain a suspect an additional 45 days while determining whether to file criminal charges. If charges are filed, authorities can detain a suspect for an additional 45 days before beginning judicial proceedings. Security officials frequently violated these legal requirements, with pretrial detention periods of more than a year being a common occurrence. It was unclear how many Tibetan detainees held by authorities under various forms of detention were not subject to judicial review.

On April 29, Wangchen, Lobsang, and Yonten (reports only indicated the use of one name) from Sershul County of Kardze TAP, Sichuan, were detained for praying for the release of the 11th Panchen Lama Gedhun Choekyi Nyima and for his reunification with the Dalai Lama in Tibet. The Sershul County People’s Court sentenced Wangchen to four years and six months in prison. Authorities fined Lobsang and Yonten 15,000 yuan ($2,140) and ordered them to attend six months of political re-education classes.
Lobsang Thamkhe and Lobsang Dorjee, both monks at Kirti Monastery in Ngaba County, Ngaba Tibetan and Qiang Autonomous Prefecture, Sichuan, were detained in 2018 without stated cause. On July 31, Thamkhe was convicted on undisclosed charges and sentenced to four years’ imprisonment. Dorjee’s whereabouts and the reasons for his detention were unknown.

e. Denial of Fair Public Trial

Legal safeguards for detained or imprisoned Tibetans were inadequate in both design and implementation. Criminal suspects in the PRC have the right to hire a lawyer or other defense representation, but many Tibetan defendants, particularly those facing politically motivated charges, did not have access to legal representation. While some Tibetan lawyers are licensed in Tibetan areas, observers reported they were often unwilling to defend individuals in front of Han Chinese judges and prosecutors due to fear of reprisals or disbarment. In cases that authorities claimed involved “endangering state security” or “separatism,” trials often were cursory and closed. Local sources noted trials were predominantly conducted in Mandarin, with government interpreters provided for Tibetan defendants who did not speak Mandarin. Court decisions, proclamations, and other judicial documents, however, generally were not published in Tibetan.

Trial Procedures

In a report published in January, the TAR High People’s Court reportedly sentenced 25 persons for supporting the Dalai Lama, spreading reactionary information, and inciting separatism. Details of the trial proceedings were unknown.

In May officials in Nyntri City, TAR, announced the local court would hire 39 court clerks. Among the requirements for new employees were loyalty to CCP leadership and a critical attitude towards the Dalai Lama.

Tibetan language activist Tashi Wangchuk, arrested in 2016, has not been granted access to a lawyer since his conviction in May 2018. Attorney access was limited prior to his trial, and petitions and motions to appeal the verdict filed by his lawyer during the year were not accepted by the government, despite provisions for such requests in the PRC legal system.
Security forces routinely subjected political prisoners and detainees known as “special criminal detainees” to “political re-education” sessions.

**Political Prisoners and Detainees**

An unknown number of Tibetans were detained, arrested, or sentenced because of their political or religious activities. Individuals detained for political or religious reasons were often held on national security charges, which had looser restrictions on the length of pretrial detention. Many political detainees were therefore held without trial far longer than other types of detainees. Authorities held many prisoners in extrajudicial detention centers without charge and never allowed them to appear in public court.

The U.S. Congressional-Executive Commission on China examined publicly available information, and as of November 7, its Political Prisoner Database (PPD) contained 273 records of Tibetans known or believed to be detained or imprisoned by PRC authorities in violation of international human rights standards. Of the 115 cases for which there was available information on sentencing, punishment ranged from 15 months’ to life imprisonment. The PPD is believed to contain only a small fraction of the actual number of political prisoners due to Chinese government censorship, and a change in the number of PPD records compared with previous years does not necessarily reflect a change in the human rights situation.

**Politically Motivated Reprisal Against Individuals Located Outside the Country**

Tibetans seeking asylum in neighboring countries were sometimes repatriated to China, with reports citing pressure by the PRC as a main cause for the repatriation. There were credible reports that the PRC put heavy pressure on the government of Nepal to approve an extradition treaty in which Nepal would commit to forcibly returning Tibetan refugees facing criminal prosecution in the PRC. While the Government of Nepal deferred the bill amid reported concerns about sovereignty infringement and the safety of Tibetan refugees, the government signed a mutual legal assistance treaty with China in October. Rights groups expressed concerns that the PRC could use it to target Tibetan refugees in Nepal.

Tightened border controls sharply limited the number of Tibetans crossing the border from China into Nepal and India. The PRC government at times compelled Tibetans located in China to pressure their family members seeking asylum overseas to return to China.
Authorities in Tamil Nadu State, India, detained approximately 40 Tibetans, including the leader of the Tibetan Youth Congress, as “preventative arrests” ahead of the October 2019 state visit by PRC president Xi Jinping. The government of Nepal also closed monasteries during Xi’s visit in October, despite no protests being planned. The Nepali government also refused requests by Tibetan residents for a public celebration on the Dalai Lama’s birthday. When Tibetan Buddhists held private events in the largest settlement in Kathmandu, police intervened to stop the celebration.

**Tibetan Self-Immolations**

One case of self-immolation was reported in November. There have been 156 known immolations since 2009, more than half of which took place in 2012. Local contacts reported the decline in reported self-immolations was due to tightened security by authorities, the collective punishment of self-immolators’ relatives and associates, and the Dalai Lama’s public plea to his followers to find other ways to protest Chinese government repression. Chinese officials in some Tibetan areas withheld public benefits from the family members of self-immolators and ordered friends and monastic personnel to refrain from participating in religious burial rites or mourning activities for self-immolators.

Self-immolators reportedly viewed their acts as protests against the government’s political and religious oppression. According to multiple reports, the law criminalizes various activities associated with self-immolation, including “organizing, plotting, inciting, compelling, luring, instigating, or helping others to commit self-immolation,” each of which may be prosecuted as “intentional homicide.”

On November 26, 24-year-old former monk Yonten self-immolated and died in Meruma Township, Ngaba County, Sichuan.

**Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The TAR regional government punished CCP members who followed the Dalai Lama, secretly harbored religious beliefs, made pilgrimages to India, or sent their children to study with Tibetans in exile. Authorities continued electronically and manually to monitor private correspondence and to search private homes and businesses for photographs of the Dalai Lama and other politically forbidden
items. Police examined the cell phones of TAR residents to search for “reactionary music” from India and photographs of the Dalai Lama. Authorities also questioned and detained some individuals who disseminated writings and photographs over the internet.

The “grid system” (also known as the “double-linked household system”) continued. The grid system involves grouping households and establishments and encouraging them to report problems in other households, including monetary problems and transgressions, to the government. Authorities reportedly rewarded individuals with money and other forms of compensation for reporting on others. While this system allows for greater provision of social services to those who need them, it also allows authorities to more easily control those it considers “extremists” and “splitsists.” During the year maximum rewards for information leading to the arrests of social media users deemed disloyal to the government increased to RMB 300,000 ($42,800), six times the per capita GDP of the TAR.

According to contacts in the TAR, Tibetans frequently received telephone calls from security officials ordering them to remove from their cell phones photographs, articles, and information on international contacts the government deemed sensitive. Security officials visited the residences of those who did not comply with such orders.

The TAR Communist Party also launched specialized propaganda campaigns to counter “Tibetan independence” and undermine popular support for the Dalai Lama. Media reports indicated that in some areas, households were required to have photographs of President Xi Jinping placed in prominent positions in private homes and were subject to inspections and fines for noncompliance. The PRC’s continuing campaign against organized crime also targeted supporters of the Dalai Lama, who were considered by police to be members of a criminal organization.

In July international media reported local officials detained and beat a number of Tibetan villagers from Palyul County of Kardze TAP, Sichuan, for possessing photographs of the Dalai Lama after raids on their residences.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

Freedom of Expression: Tibetans who spoke to foreigners or foreign reporters, attempted to provide information to persons outside the country, or communicated
information regarding protests or other expressions of discontent including via mobile phones and internet-based communications, were subject to harassment or detention under “crimes of undermining social stability and inciting separatism.” During the year authorities in the TAR and other Tibetan areas sought to strengthen control over electronic media and to punish individuals for the vaguely defined crime of “creating and spreading rumors.” Supporting the CCP, criticizing the Dalai Lama, and “not creating and spreading rumors” were some of the major requirements Tibetans had to fulfill to apply for jobs and receive access to government benefits.

Media reports in October noted that advertisements for teaching positions within the TAR required applicants to “align ideologically, politically, and in action with the CCP Central Committee,” “oppose any splitist tendencies,” and “expose and criticize the Dalai Lama.” The advertisements explained that all applicants were subject to a political review prior to employment.

Press and Media, Including Online Media: Foreign journalists may visit the TAR only after obtaining a special travel permit from the government, and authorities rarely granted this permission.

Authorities tightly controlled journalists who worked for the domestic press and could hire and fire them based on assessments of their political reliability. In April the Shannan Newspaper, a daily newspaper in Lhoka City, TAR, included in a listing for new positions the requirement that employees “resolutely implement the party’s line, principles, policies, and political stance, fight against separatism, and safeguard the motherland’s unity and ethnic unity.” CCP propaganda authorities remained in charge of journalist accreditation in the TAR and required journalists working in the TAR to display “loyalty to the party and motherland.” The deputy head of the TAR Propaganda Department simultaneously holds a prominent position in the TAR Journalist Association, a state-controlled professional association to which local journalists must belong.

Violence and Harassment: PRC authorities arrested and sentenced many Tibetan writers, intellectuals, and singers for “inciting separatism.” Numerous prominent Tibetan political writers, including Jangtse Donkho, Kelsang Jinpa, Buddha, Tashi Rabten, Arik Dolma Kyab, Gangkye Drupa Kyab, and Shojkhang (also known as Druklo), reported security officers closely monitored them following their releases from prison between 2013 and 2019 and often ordered them to return to police stations for further interrogation. In addition, authorities banned some writers from
publishing and prohibited them from receiving services and benefits such as government jobs, bank loans, passports, and membership in formal organizations.

**Censorship or Content Restrictions:** Authorities prohibited domestic journalists from reporting on repression in Tibetan areas. Authorities promptly censored the postings of bloggers and users of WeChat who did so, and the authors sometimes faced punishment.

The TAR Internet and Information Office maintained tight control of a full range of social media platforms. According to multiple observers, security officials often cancelled WeChat accounts carrying “sensitive information,” such as discussions about Tibetan-language education, and interrogated the account owners. Many sources also reported it was almost impossible to register with the government, as required by law, websites promoting Tibetan culture and language in the TAR.

The PRC continued to disrupt radio broadcasts of Radio Free Asia’s Tibetan- and Mandarin-language services in Tibetan areas, as well as those of the Voice of Tibet, an independent radio station based in Norway.

In addition to maintaining strict censorship of print and online content in Tibetan areas, PRC authorities sought to censor the expression of views or distribution of information related to Tibet in countries and regions outside mainland China.

**Internet Freedom**

As in past years, authorities curtailed cell phone and internet service in the TAR and other Tibetan areas, sometimes for weeks or even months at a time. Interruptions in internet service were especially pronounced during periods of unrest and political sensitivity, such as the March anniversaries of the 1959 and 2008 protests, “Serf Emancipation Day,” and around the Dalai Lama’s birthday in July. When authorities restored internet service, they closely monitored its usage. There were widespread reports of authorities searching cell phones they suspected of containing suspicious content. Many individuals in the TAR and other Tibetan areas reported receiving official warnings and being briefly detained and interrogated after using their cell phones to exchange what the government deemed to be sensitive information. In July, in advance of the Dalai Lama’s birthday, Radio Free Asia reported authorities warned Tibetans not to use social media chat groups to organize gatherings or celebrations of the spiritual leader’s birthday. The TAR Internet and Information Office continued a research project known as
Countermeasures to Internet-based Reactionary Infiltration by the Dalai Lama Clique.

In February, TAR Party Secretary Wu Yingjie urged authorities to “resolutely manage the internet, maintain the correct cybersecurity view, and win the online antiseparatist battle.”

Throughout the year authorities blocked users in China from accessing foreign-based, Tibet-related websites critical of official government policy in Tibetan areas. Technically sophisticated hacking attempts originating from China also targeted Tibetan activists and organizations outside mainland China.

Academic Freedom and Cultural Events

As in recent years, authorities in many Tibetan areas required professors and students at institutions of higher education to attend regular political education sessions, particularly during politically sensitive months, to prevent “separatist” political and religious activities on campus. Authorities frequently encouraged Tibetan academics to participate in government propaganda efforts, both domestically and overseas, such as making public speeches supporting government policies. Academics who refused to cooperate with such efforts faced diminished prospects for promotion and research grants.

Academics in the PRC who publicly criticized CCP policies on Tibetan affairs faced official reprisal. The government controlled curricula, texts, and other course materials as well as the publication of historically or politically sensitive academic books. Authorities frequently denied Tibetan academics permission to travel overseas for conferences and academic or cultural exchanges the party had not organized or approved. Authorities in Tibetan areas regularly banned the sale and distribution of music they deemed to have sensitive political content.

The state-run TAR Academy of Social Science continued to encourage scholars to maintain “a correct political and academic direction” in its March conference to “improve scholars’ political ideology” and “fight against separatists” under the guidance of Xi Jinping.

In May police detained Sonam Lhundrub, a Tibetan university student in Lanzhou City, Gansu, after he wrote an essay criticizing the government. His essay noted the lack of government job positions available to Tibetans in the province and the difficulty of competing with Han Chinese applicants for jobs.
In accordance with government guidance on ethnic assimilation, state policies continued to disrupt traditional Tibetan living patterns and customs and accelerated forced assimilation through promoting the influx of non-Tibetans to traditionally Tibetan areas, expanding the domestic tourism industry, forcibly resettling and urbanizing nomads and farmers, and weakening Tibetan-language education in public schools and religious education in monasteries.

Tibetan and Mandarin Chinese are the official languages of the TAR. Both languages appeared on some, but not all, public and commercial signs. Official buildings and businesses, including banks, post offices, and hospitals, frequently lacked signage in Tibetan. In many instances forms and documents were available only in Mandarin. Mandarin was used for most official communications and was the predominant language of instruction in public schools in many Tibetan areas. To print in the Tibetan language, private printing businesses in Chengdu needed special government approval, which was often difficult to obtain.

Financial and subsistence aid is sometimes tied to a reeducation program called “Unity and Love for the Motherland,” a program that continued to expand since its inception in 2017. In areas where this program was in place, state subsidies and incentives were given only to Tibetans who could demonstrate support and knowledge of CCP leaders and ideology, often requiring them to memorize party slogans and phrases of past CCP leaders and to sing the national anthem. These tests were carried out in Chinese, disadvantaging Tibetans who could not speak or read Chinese.

According to multiple sources, monasteries throughout Tibetan areas of China were required to integrate CCP members into their governance structure, with party members exercising control over monastic admission, education, security, and finances. This requirement included geographic residency limitations on who can attend each monastery. In August monks from prominent Tibetan monasteries attending a government training were told to “lead the religion in the direction of better compatibility with socialist society” and that the reincarnation of the Dalai Lama “would not be affected by the Dalai Lama’s separatist clique.”

PRC law states “schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever possible, use textbooks in their own languages and use their languages as the media of instruction.” Despite guarantees of cultural and linguistic rights, many primary, middle, high school, and college students had limited access to officially
approved Tibetan-language instruction and textbooks, particularly in the areas of “modern-day education,” which refers to nontraditional, nonreligious education, particularly computers, physical education, arts, and other “modern” subjects.

The country’s most prestigious universities provided no instruction in Tibetan or other ethnic minority languages, although classes teaching the Tibetan language were available at a small number of universities. “Nationalities” universities, established to serve ethnic minority students and Han Chinese students interested in ethnic minority subjects, offered Tibetan language instruction only in courses focused on the study of the Tibetan language or culture. Mandarin was used in courses for jobs that required technical skills and qualifications.

Tsering Dorjee, a Tibetan from the Shigatse area of the TAR, was detained in a reeducation camp for over a month after having a phone conversation with his brother about the importance of Tibetan language education. Security officials told family members that discussing Tibetan language instruction constituted a political crime.

b. Freedoms of Peaceful Assembly and Association

Even in areas officially designated as “autonomous,” Tibetans generally lacked the right to organize and play a meaningful role in the protection of their cultural heritage and unique natural environment. Tibetans often faced government intimidation and arrest if they protested official policies or practices.

In March and July, local observers noted that many monasteries and rural villages in the TAR and Tibetan areas in Sichuan, Qinghai, and Gansu received official warnings not to organize certain gatherings, including the celebration of the Dalai Lama’s birthday.

c. Freedom of Religion

See the Department of State’s International Religious Freedom Report at https://www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

PRC law provides for freedom of internal movement, foreign travel, emigration, and repatriation; however, the government severely restricted travel and freedom
of movement for Tibetans, particularly Tibetan Buddhist monks and nuns as well as lay persons whom the government considered to have “poor political records.”

**In-country Movement:** The People’s Armed Police and local public security bureaus set up roadblocks and checkpoints in Tibetan areas on major roads, in cities, and on the outskirts of cities and monasteries, particularly around sensitive dates. Tibetans traveling in monastic attire were subject to extra scrutiny by police at roadside checkpoints and at airports. Tibetans without local residency were turned away from many Tibetan areas deemed sensitive by the government.

Authorities sometimes banned Tibetans, particularly monks and nuns, from leaving the TAR and from traveling to the TAR without first obtaining special permission from multiple government offices. Some Tibetans reported encountering difficulties in obtaining the required permissions. Such restrictions not only made it difficult for Tibetans to make pilgrimages to sacred religious sites in the TAR, but they also made it difficult to visit family, conduct business, or travel for leisure. Tibetans from outside the TAR who traveled to Lhasa also reported that authorities there required them to surrender their national identification cards and notify authorities of their plans in detail on a daily basis. These requirements were not applied to Han Chinese visitors to the TAR.

Even outside the TAR, many Tibetan monks and nuns reported it remained difficult to travel beyond their home monasteries for religious and traditional Tibetan education, with officials frequently denying permission for visiting monks to stay at a monastery for religious education. Implementation of this restriction was especially rigorous in the TAR, and it undermined the traditional Tibetan Buddhist practice of seeking advanced teachings from a select number of senior teachers based at major monasteries scattered across the Tibetan Plateau.

**Foreign Travel:** Many Tibetans continued to report difficulties in obtaining new or renewing existing passports. Sources reported that Tibetans and certain other ethnic minorities had to provide far more extensive documentation than other citizens when applying for a PRC passport. For Tibetans, the passport application process sometimes required years and frequently ended in rejection. Some Tibetans reported they were able to obtain passports only after paying substantial bribes and offering written promises to conduct only apolitical or nonsensitive international travel.

Tibetans continued to encounter significant obstacles in traveling to India for religious, educational, and other purposes. In some instances the government
refused to issue passports to Tibetans. Many Tibetans who possessed passports were concerned authorities would place them on the government’s blacklist and therefore did not travel. Tibetans who had traveled to Nepal and planned to continue to India reported that PRC officials visited their homes in Tibet and threatened their relatives if they did not return immediately. Sources reported that explicit punishments included placing family members on a blacklist, which could lead to the loss of a government job or difficulty in finding employment; expulsion of children from the public education system; and revocation of national identification cards, thereby preventing access to other social services, such as health care and government aid.

The government restricted the movement of Tibetans in the period before and during sensitive anniversaries and events and increased controls over border areas at these times. According to local observers, travel agents in the cities of Chengdu, Xining, and Kunming were forbidden to sell overseas package tours to Tibetans for the months of March and July, the periods around Tibet Uprising Day (March 10) and the Dalai Lama’s birthday (July 6). Travel restrictions also increased around Chinese National Day (October 1).

The government strictly regulated travel of international visitors to the TAR, a restriction not applied to any other provincial-level entity of the PRC. In accordance with a 1989 regulation, international visitors had to obtain an official confirmation letter issued by the TAR government before entering the TAR. Most foreign tourists obtained such letters by booking tours through officially registered travel agencies. In the TAR a government-designated tour guide had to accompany international tourists at all times. It was rare for foreigners to obtain permission to enter the TAR by road. As in prior years, authorities banned many international tourists from the TAR in the period before and during the March anniversary of the 1959 Tibetan uprising as well as during other periods the PRC government deemed politically sensitive. International tourists sometimes also faced restrictions traveling to Tibetan areas outside the TAR during such times.

The 2018 Reciprocal Access to Tibet Act defines open access to Tibet as meeting the following two criteria: that U.S. diplomats, journalists, and citizens can access Tibetan areas in the same way as other areas in China, and that no special permits or procedures are required to access Tibetan areas. During the year the PRC did not provide open access to Tibet based on either criterion. PRC authorities repeatedly denied requests for international journalists to visit the TAR and other Tibetan areas (see Freedom of Expression section). The TAR government also frequently denied foreign diplomats’ requests for official travel. Although foreign
officials were able to travel more freely in Tibetan areas outside the TAR, the People’s Armed Police and local public security bureaus often subjected them to multiple checkpoints. Local government officials routinely limited diplomatic travel within Sichuan Province.

From February to April, the local government reportedly banned foreign tourists from visiting the TAR in advance of Tibet Uprising Day and the convening of the PRC’s national legislature.

Exile

Approximately 150,000 Tibetans live in exile throughout the world. Tibetans live outside of China for many reasons, although policies enacted by the PRC government in Tibetan areas were frequently cited as the primary factor. Among those living outside of China are the 14th Dalai Lama and several other senior religious leaders who are not approved by the PRC government. These leaders were often unable to meet directly with their home monasteries and students.

The Tibetan overseas community is often subjected to harassment, monitoring, and cyberattacks believed to be carried out by the PRC government. Individuals reported they were subjected to government harassment and investigation because of family members living overseas. Observers also reported that many Tibetans traveling to visit family overseas were required to spend several weeks in political education classes after returning to China.

In September media outlets reported PRC government efforts to hack into the phones of several leaders in the Central Tibetan Administration, the governance organization of the overseas Tibetan community, as well as officials in the Office of the Dalai Lama.

Section 3. Freedom to Participate in the Political Process

According to the law, Tibetans and other Chinese citizens have the right to vote in some local elections. The PRC government, however, severely restricted its citizens’ ability to participate in any meaningful elections. Citizens could not freely choose the officials who governed them, and the CCP continued to control appointments to positions of political power.

Since 2015 the TAR and many Tibetan areas have strictly implemented the Regulation for Village Committee Management, which stipulates that the primary
condition for participating in any local election is the “willingness to resolutely fight against separatism”; in some cases this condition was interpreted to require candidates to denounce the Dalai Lama. Several sources reported that newly appointed Communist Party cadres had replaced nearly all traditional village leaders in the TAR and in Tibetan areas outside the TAR over the last three years, despite the lack of village elections.

Section 4. Corruption and Lack of Transparency in Government

PRC law provides criminal penalties for corrupt acts by officials, but the government did not implement the law effectively in Tibetan areas, and high-ranking officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption in Tibetan areas during the year; some low-ranked officials were punished.

In September 2018 Tibetan anticorruption activist A-nya Sengdra was arrested for “picking quarrels and provoking trouble” by Qinghai police after exposing corruption among local officials who were failing to pay for land appropriated from local Tibetans. A-nya’s detention was extended several times, and no trial had been scheduled.

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

Some domestic human rights groups and nongovernmental organizations (NGOs) were able to operate in Tibetan areas, although under substantial government restrictions. Their ability to investigate impartially and publish their findings on human rights cases was limited. Restrictions on foreign NGOs made it nearly impossible for foreign human rights groups to investigate or report findings within Tibetan areas. PRC government officials were not cooperative or responsive to the views of foreign human rights groups.

In a July interview, the China director for Human Rights Watch noted that the PRC government was “making the stakes higher for people inside [of Tibet] to talk [to NGOs]. There can be consequences for family members … The authorities are trying very hard to not just cut people off from information sources but really to discourage certain kinds of research or enquiry.”

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

Coercion in Population Control: As in the rest of China, there were reports of coerced abortions and sterilizations, although government statistics on the percentage of abortions coerced during the year were not available. The CCP restricts the rights of parents to choose the number of children they have and utilizes family planning units from the provincial to the village level to enforce population limits and distributions.

Discrimination: There were no formal restrictions on women’s participation in the political system, and women held many lower-level government positions. Nevertheless, women were underrepresented at the provincial and prefectural levels of government.

See the Women section in the Mainland China section for more information.

Children

Many rural Tibetan areas have implemented the PRC’s nationwide “centralized education” policy, which forced the closure of many village and monastic schools and the transfer of students to boarding schools in towns and cities. Media reports indicated this program was expanding. The policy limited the ability of children to learn Tibetan language and culture by removing Tibetan children from their homes and communities where the Tibetan language is used. It has also led to the removal of young monks from monasteries, forcing them instead into government-run schools. Authorities enforced regulations specifying that traditional monastic education is available only to monks older than 18, which has led to a reduction in younger students at monasteries. Instruction in Tibetan, while provided for by PRC law, was often inadequate or unavailable at schools in Tibetan areas.

Media outlets reported an increase in the scale of Tibetans attending government-sponsored boarding school outside Tibetan areas. The PRC government reported the programs allowed students greater educational opportunities than they would have had in their home cities. Tibetans and reporters, however, noted the program prevented students from participating in Tibetan cultural activities, observing religious practices, or using the Tibetan language. Media reports also highlighted discrimination within government boarding school programs. Tibetans attending government-arranged boarding schools in eastern China reported studying and living in ethnically segregated classrooms and dormitories justified as necessary
security measures, despite cultural integration being the government’s stated purpose for these programs.

** Trafficking in Persons **


** National/Racial/Ethnic Minorities **

Although the 2010 TAR census figures showed that Tibetans made up 90.5 percent of the TAR’s permanently registered population, official figures did not include a large number of long-, medium-, and short-term Han Chinese migrants, such as cadres, skilled and unskilled laborers, military and paramilitary troops, and their respective dependents. Tibetans continued to make up nearly 98 percent of those registered as permanent residents in rural areas of the TAR, according to official census figures.

Migrants to the TAR and other parts of the Tibetan Plateau were overwhelmingly concentrated in urban areas. Government policies to subsidize economic development often benefited Han Chinese migrants more than Tibetans. In many predominantly Tibetan cities across the Tibetan Plateau, Han Chinese migrants owned and managed most of the small businesses, restaurants, and retail shops.

Observers continued to express concern that major development projects and other central government policies disproportionately benefited non-Tibetans and resulted in a considerable influx of Han Chinese persons into the TAR and other Tibetan areas. Large state-owned enterprises based outside the TAR engineered or implemented many major infrastructure projects across the Tibetan Plateau, with Han Chinese professionals and low-wage temporary migrant workers from other provinces, rather than local residents, managing and staffing the projects.

Economic and social exclusion was a major source of discontent among a varied cross section of Tibetans. Some Tibetans continued to report discrimination in employment. Some Tibetans reported it was more difficult for them than Han Chinese persons to obtain permits and loans to open businesses, and the government gave many Han Chinese persons, especially retired soldiers, incentives to move to Tibet. Increased restrictions in the three years since a foreign NGO management law was passed severely decreased the number of local NGOs that received foreign funding and international NGOs that provided assistance to
Tibetan communities. For example, after the NGO law took effect in 2017, Trace Foundation, a U.S.-based nonprofit organization focusing on Tibetan areas, began closing its programs on the plateau and reported that it had not carried out any programs within China during the year. Other foreign NGOs reported being unable to find local partners. Several Tibetan-run NGOs were also reportedly pressured to close. Throughout the year there were no known Tibetan Plateau-based international NGOs operating in the country.

Some employers specifically barred Tibetans and other minorities from applying to job openings. In August, Lens Technology in Hunan Province published a job opportunity specifically barring Tibetans, Uighurs, and Mongolians from applying.

The PRC government continued its campaign to resettle Tibetan nomads into urban areas and newly created communities in rural areas across the TAR and other Tibetan areas. Improving housing conditions, health care, and education for Tibet’s poorest persons were among the stated goals of resettlement, although there was a pattern of settling herders near townships and roads and away from monasteries, which were the traditional providers of community and social services. A requirement that herders bear a substantial part of the resettlement costs often forced resettled families into debt. The government’s campaign resulted in many resettled herders losing their livelihoods and living in impoverished conditions in urban areas.

Although a 2015 media report noted that Tibetans and other minority ethnic groups made up 70 percent of government employees in the TAR, the top CCP position of TAR party secretary continued to be held by a Han Chinese person, and the corresponding positions in the vast majority of all TAR counties were Han Chinese. Within the TAR, Han Chinese persons also continued to hold a disproportionate number of the top security, military, financial, economic, legal, judicial, and educational positions. The law requires CCP secretaries and governors of ethnic minority autonomous prefectures and regions to be from that ethnic minority; however, party secretaries were Han Chinese in eight of the nine TAPs located in Gansu, Qinghai, Sichuan, and Yunnan Provinces. One TAP in Qinghai had a Tibetan party secretary. Authorities strictly prohibited Tibetans holding government and CCP positions from openly worshipping at monasteries or otherwise publicly practicing their religion.

Promotion of Acts of Discrimination
Government propaganda against alleged Tibetan “proindependence forces” contributed to Chinese societal discrimination against ordinary Tibetans. Many Tibetan monks and nuns chose to wear nonreligious clothing to avoid harassment when traveling outside their monasteries and throughout China. Some Tibetans reported that taxi drivers throughout China refused to stop for them, hotels refused to provide lodging, and Han Chinese landlords refused to rent to them.
EXECUTIVE SUMMARY

Hong Kong is a special administrative region (SAR) of the People’s Republic of China (PRC). The 1984 Sino-British Joint Declaration and the Basic Law of the SAR specify that the SAR enjoys a high degree of autonomy under the “one country, two systems” framework, except in matters of defense and foreign affairs. Throughout the year, however, domestic and international observers continued to express concerns about central PRC government encroachment on the SAR’s autonomy. In November district council elections, prodemocracy candidates won control of 17 out of 18 councils in elections widely regarded as free and fair, although the government barred one opposition figure’s candidacy. The turnout, 71 percent of all registered voters, was a record for Hong Kong. In March 2017 the 1,194-member Chief Executive Election Committee, dominated by proestablishment electors, selected Carrie Lam to be the SAR’s chief executive. In 2016 Hong Kong residents elected the 70 representatives who compose the SAR’s Legislative Council. Voters directly elected 40 representatives, while limited-franchise constituencies elected the remaining 30.

The Hong Kong police force maintains internal security and reports to the SAR’s Security Bureau. Civilian authorities maintained effective control over the security forces.

From June to year’s end, Hong Kong experienced frequent protests, with some exceeding more than one million participants. Most protesters were peaceful, but some engaged in violence and vandalism. The protests began as a movement against the government’s introduction of legislation that would have allowed the extradition of criminal suspects to any jurisdiction, including mainland China, but subsequently evolved to encompass broader concerns.

Significant human rights issues included: police brutality against protesters and persons in custody; arbitrary arrest; substantial interference with the rights of peaceful assembly and freedom of association; and restrictions on political participation.

The government took steps to prosecute and punish officials who committed human rights abuses but resisted widespread calls for a special inquiry into alleged police brutality that occurred during the demonstrations. The government
continued to rely on the Independent Police Complaints Council (IPCC) to review allegations against the police.

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

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

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits such practices, but there were several reports the police physically abused or degraded detainees. In September Amnesty International alleged that police beat or otherwise mistreated individuals in custody. For example, the Amnesty International report stated that police severely beat and threatened to break the hands of a detained protester in August. Other protesters alleged police sexually assaulted them while in police custody. Several activists alleged that police abused detainees at the San Uk Ling Holding Center, including breaking bones and sexually assaulting detainees. The police denied those allegations.

Many Hong Kong residents and experts alleged that police officers on several occasions used excessive force to disperse crowds or arrest individuals suspected of participating in violent protests. For example, on August 31, police rushed onto a subway train and beat several individuals while making arrests. In August the UN Human Rights Office stated there was “credible evidence” the Hong Kong police were “employing less lethal weapons in ways that are prohibited by international norms and standards” when conducting crowd dispersal operations. Critics also noted that police officers frequently did not show identification when conducting crowd dispersal operations, which made it difficult to identify officers who may have committed abuses.

Prison and Detention Center Conditions
There were reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: On several occasions police reportedly used the San Uk Ling Holding Center to detain persons arrested during protests. The center, originally used to hold illegal immigrants from mainland China, reportedly has no security cameras in meeting rooms or detention rooms.

Administration: The government investigated allegations of problematic conditions and documented the results in a publicly accessible manner. There was an external Office of the Ombudsman. Activists and legislators, however, urged the government to establish an independent prisoner complaint and monitoring mechanism for prisons and detention centers.

Independent Monitoring: The government generally permitted legislators and justices of the peace to conduct prison visits. Justices of the peace may make suggestions and comments on matters, such as physical conditions, overcrowding, staff improvement, training and recreational programs and activities, and other matters affecting the welfare of inmates.

In August the government blocked legislators, journalists, and justices of the peace from visiting the San Uk Ling Holding Center, where many protesters were detained. In September Chief Executive Lam announced that the police would no longer hold protesters at the San Uk Ling Holding Center. The IPCC announced it visited the San Uk Ling Holding Center on October 8 and affirmed that it would “make recommendations to the Police should any area of improvement has been (sic) identified.” As of year’s end, however, the IPCC provided no report on its findings.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Several claims of arbitrary arrest were made in connection with the protests. In August police arrested several democracy activists and prodemocracy legislators the day before a large planned protest. Police alleged the arrests arose out of the activists’ and legislators’ illegal acts, such as obstructing police officers, during their participation in prior protests. One arrested legislator was accused of assaulting police officers by loudly speaking through a bullhorn and thus hurting
police officers’ ears. Critics said the arrests were an attempt to suppress turnout at protests.

The Hong Kong Police Force maintains internal security and reports to the SAR’s Security Bureau. The People’s Liberation Army is responsible for foreign defense. The Immigration Department controls passage of persons into and out of the SAR as well as the documentation of local residents. Civilian authorities maintained effective control over the police force, and the government had mechanisms to investigate and punish abuse and corruption. The government’s apparent unwillingness to criticize the police force for its actions related to protests, including the force’s delayed response to a large July 21 vigilante attack on protesters and commuters, led to concerns that the police force operated with some degree of impunity.

Police officers frequently did not display identification when conducting crowd dispersal operations, a practice which made it difficult to identify officers who may have committed abuses. In August the head of the IPCC, the police watchdog, criticized police for not clearly displaying identification on uniforms, but the practice continued after August.

Multiple sources reported suspected members of the Chinese central government security services in the SAR monitored some political activists, nongovernmental organizations (NGOs), and academics who criticized the Chinese central government’s policies.

Activists expressed concern that the chief executive appointed all IPCC members and noted that the council’s lack of power to conduct independent investigations limited its oversight capacity. There was wide public support for the establishment of a commission of inquiry into alleged police abuses in handling the protests. The government continued to rely on the IPCC to investigate complaints, but in September it augmented the IPCC with international experts. In December all five experts announced in a statement they would “formally stand aside” from their role, citing “a shortfall in the powers, capacity and independent investigative capability of IPCC.”

**Arrest Procedures and Treatment of Detainees**

Police generally apprehended suspects openly when they observed suspects committing a crime or with warrants based on sufficient evidence and issued by a duly authorized official. Police must promptly charge arrested suspects. The
government respected this right and generally brought arrested persons before a judicial officer within 48 hours. Detainees were generally informed promptly of charges against them. There was a functioning bail system.

Authorities allowed detainees access to a lawyer of their choice, although the Hong Kong Bar Association reported that lawyers experienced obstruction at police stations and delays in seeing clients arrested during protests. Suspects were not detained incommunicado or held under house arrest. Interviews of suspects are required to be videotaped.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the SAR government respected judicial independence and impartiality.

**Trial Procedures**

The law provides for the right to a fair and public trial, and an independent judiciary enforced this right. Defendants are presumed innocent, except in official corruption cases. Under the law a sitting or former government official who maintains a standard of living above that commensurate with an official income or who controls monies or property disproportionate to an official income is considered guilty of an offense unless the official can satisfactorily explain the discrepancy. The courts upheld this ordinance. Defendants have the right to be informed promptly and in detail of the charges against them and the right to a trial without undue delay.

Trials are by jury except at the magistrate and district court level. An attorney is provided at public expense if defendants cannot afford counsel. Defendants have adequate time and facilities to prepare a defense. The government conducted court proceedings in either Cantonese or English, the SAR’s two official languages. The government provided interpretation service to those not conversant in Cantonese or English during all criminal court proceedings. Defendants could confront and question witnesses testifying against them and present witnesses to testify on their own behalf. Defendants have the right not to be compelled to testify or confess guilt, the right to be present at their trial, and the right of appeal.

The SAR’s courts are charged with interpreting those provisions of the Basic Law that address matters within the limits of the SAR’s autonomy. SAR courts also interpret provisions of the Basic Law that relate to central government
responsibilities or the relationship between the central authorities and the SAR. The Court of Final Appeal may seek an interpretation of relevant provisions from the central government’s Standing Committee of the National People’s Congress (NPCSC). SAR courts must by law follow the NPCSC interpretations in cases involving central government jurisdiction, although judgments previously rendered are not affected. The NPCSC has issued five interpretations of the Basic Law since 1997. The most recent interpretation, issued in 2016, requires lawmakers to correctly, completely, and solemnly swear an oath to uphold the Basic Law and recognize the Hong Kong SAR as a part of China before taking office. This ruling was the basis, in 2017, for disqualifying six opposition figures from taking their Legislative Council seats.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

The law prohibits such actions, and there were no reports the SAR government failed to respect these prohibitions. There were credible reports Chinese central government security services monitored prodemocracy and human rights activists and journalists in the SAR. There were also reports central government security services detained, questioned, and intimidated Hong Kong-based activists visiting the mainland. Media reports indicated that during the year thousands of persons, primarily police officers, protesters, and protest movement leaders, have been “doxed,” that is, their personal information was publicly revealed online. The Chinese Communist Youth League, a central-government-controlled organization, as well as mainland state-controlled media, have published individuals’ personal information or promoted sites containing apparently stolen personal information.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press
The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and an unfettered internet combined to permit freedom of expression, including for the press, on most matters. During the year, however, some SAR and central government actions restricted or sought to restrict the right to express or report on dissenting political views, particularly support for Hong Kong independence.

Freedom of Expression: There were some legal restrictions on the ability of individuals to criticize the government publicly without reprisal. Police arrested several individuals for damaging the national flag, which is illegal. For example, in May police arrested a proindependence activist for damaging the Chinese national flag during a protest against the controversial extradition bill. In October, media reported police asked Facebook to remove user posts about police handling of protests. Facebook reportedly declined to do so.

Requirements for electoral candidacy and for taking the oath of office also limited free speech in the political arena. For example, the Electoral Affairs Commission requires all Legislative Council candidates to sign a pledge stating the SAR is an “inalienable part” of China in order to run for office. The commission disqualified one candidate, democracy activist Joshua Wong, from running in the November district council election. The government determined that Wong could not “possibly comply with the requirements of the relevant electoral laws, since advocating or promoting ‘self-determination’ is contrary to the content of the declaration” candidates are required to sign.

In 2017 the government disqualified six legislators-elect from taking office because they took their oaths in ways that did not conform to a 2016 NPCSC interpretation of the Basic Law to demonstrate “sincerity” and “solemnity” when taking an oath.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. An April Hong Kong Journalists Association poll found, however, that 81 percent of journalists said press freedom in the SAR had worsened since 2018.

Violence and Harassment: In September unknown persons threw firebombs at the home of Jimmy Lai, owner of the prodemocracy Apple Daily newspaper. Also in September, four unknown assailants attacked an Apple Daily reporter who was covering protests. In November protesters smashed windows and vandalized the
offices of China’s state-controlled Xinhua News Agency. Several journalists alleged that police detained, assaulted, or harassed them while covering protests. In October the Foreign Correspondent’s Club condemned the arrest of a photojournalist who was covering a protest. Police reportedly ordered her and other journalists to remove their gas masks despite previous government assurances that the mask ban did not apply to those using masks to perform their professional duties.

**Censorship or Content Restrictions:** Reports of media self-censorship and suspected content control continued. The April Hong Kong Journalists Association survey showed that one in five journalists surveyed said their superiors had pressured them to reduce reporting about Hong Kong independence. Many media outlets, bookstores, and publishers were owned by companies with business interests on the mainland or by companies directly controlled by the Chinese central government, a situation that led to claims they were vulnerable to self-censorship.

**Internet Freedom**

The SAR government did not restrict or disrupt access to the internet or censor online content, although activists claimed central government authorities monitored their email and internet use.

There were reports of suspected politically motivated cyberattacks against private persons and organizations. In June the creator of the encrypted messaging app Telegram said the app, frequently used by protesters in Hong Kong, was the target of a massive cyberattack, apparently originating from mainland China. In August a similar attack briefly disabled the LIHKG online-chat forum, also frequently used by protesters to organize activities.

**Academic Freedom and Cultural Events**

There were some restrictions on academic freedom and cultural events. A museum dedicated to memorializing the 1989 massacre in Beijing’s Tiananmen Square reopened in a new location in May after previously closing due to pressure from the museum’s prior landlord. In October Hong Kong Community College assigned Chan Wai-keung, a lecturer, to nonteaching duties after dozens of antigovernment protesters surrounded him and insulted him inside his classroom after Chan publicly called for stiffer penalties against violent protesters. In
November the Education Bureau warned students in all government-run schools not to participate in “political activities” while at school.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government allowed most public gatherings to proceed, but government actions, including prosecutions of activists and refusals to grant approval for some assemblies, infringed on the right of peaceful protest.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. Before violence erupted at some protests, the police routinely issued the required “letter of no objection” for public meetings and demonstrations, including those critical of the SAR and Chinese central government. After violence began occurring at some protests, however, the police issued letters of objection against several gatherings, including large protest marches. The police also revoked permission for some gatherings after they started. Police on each occasion said they feared the gatherings would result in violence. Police frequently warned participants in unapproved protests that they were participating in unlawful assemblies. As of year’s end, police confirmed more than 6,000 arrests on varying charges in connection with the protests.

Media reports indicated that on several occasions police arrested onlookers not involved in protests. Police also fired thousands of rounds of tear gas to disperse crowds. Several human rights organizations repeated longstanding concerns that the SAR’s legal definitions of illegal assembly and rioting, charges frequently brought against protesters, were overly broad.

On several occasions the MTR Corporation, the operator of Hong Kong’s subway system, suspended services before and during protests. For example, on August 24, the MTR suspended services to Kwun Tong Station, the site of a police-approved protest. Critics claimed the MTR Corporation was acting to suppress peaceful protest in response to mainland state media criticism that the rail operator was facilitating protest. The Hong Kong government owns a majority stake in the MTR Corporation.

In October Chief Executive Lam, through executive fiat under the colonial-era Emergency Regulations Ordinance (ERO), banned the wearing of masks.
Protesters frequently wore masks to protect themselves from tear gas and to hide their identity from police and from employers who might be pressured to punish employees who support the protests. In November a Hong Kong court ruled the government’s use of the ERO to implement the mask ban unconstitutional.

Continuing government prosecutions of peaceful protesters led to concerns the government was using the law to suppress political dissent. For example, in April and June, a court sentenced Benny Tai and eight other leaders of the 2014 “Occupy Central” protests following their convictions for actions related to peaceful protests. The court sentenced four of the nine to jail for eight to 16 months; the remaining five received community service or were given suspended sentences. All nine defendants have appealed their convictions.

On several occasions progovernment vigilantes, whom the international NGO Freedom House described in some cases as having “probable ties to the Chinese government,” violently attacked protesters and protest organizers. The largest vigilante attack occurred on July 21. On that day a group of more than 100 men, which police sources told the South China Morning Post included persons with organized crime connections, beat protesters and commuters at the Yuen Long subway station, resulting in at least 45 injuries. In August, two unknown men attacked Jimmy Sham, the leader of the Civil Human Rights Front (CHRF), with baseball bats the day before the CHRF was scheduled to lead a large protest march. In October unknown men used hammers to attack Jimmy Sham again. The CHRF was the organizer of the year’s largest protests. On several occasions, prodemocracy protesters also physically attacked allegedly progovernment individuals. For example, in November, one protester lit a man who was heckling him on fire.

**Freedom of Association**

SAR law provides for freedom of association, and the government generally respected it. In February, however, the Executive Council upheld the ban on the proindependence Hong Kong National Party (HKNP). The ban came after repeated SAR and Chinese central government warnings that advocacy for Hong Kong independence “crosses a red line.”

Under the law any person claiming to be an officer of a banned group may be sentenced to a fine of HK$100,000 ($12,800) and a maximum of three years in prison. Those providing meeting space or other aid to a banned group may also be sentenced to fines and jail time.
c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Reports that the Immigration Department refused entry to a small number of persons traveling to the SAR for political reasons continued. In May Immigration Department authorities denied entry to former Philippine supreme court justice Conchita Carpio-Morales, who previously accused Chinese president Xi Jinping of crimes against humanity, according to media reports. Activists and other observers contended that refusals, usually of persons holding, or suspected of holding, views critical of the Chinese central government, were made at the behest of mainland authorities.

Foreign Travel: Most residents easily obtained travel documents from the SAR government, although Chinese central government authorities in the past did not permit some human rights activists, student protesters, and prodemocracy legislators to visit the mainland. There were reports of mainland security officials harassing and questioning Hong Kong residents suspected of participating in protests when they traveled to the mainland. In August central government officials detained an employee of the United Kingdom’s consulate in Hong Kong while he was returning from the mainland to his home in Hong Kong. He was released after more than two weeks in detention and later told media that mainland authorities tortured him.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: Activists indicated that persons seeking refugee status faced discrimination and were the frequent target of generalizations by some political parties and media organizations.
The government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Access to Asylum: The law does not provide for granting asylum or refugee status, but the SAR government has established a system for providing limited protection to persons who would be subject to torture or other abuses in their home country.

The SAR government used the term “nonrefoulement claim” to refer to a claim for protection against deportation. Persons subject to deportation could file a nonrefoulement claim if they either arrived in the SAR without proper authorization or had overstayed the terms of their entry. Filing such a claim typically resulted in a period of detention followed by release on recognizance. Activists and refugee rights groups expressed concerns about the quality of adjudications and the very low rate of approved claims, less than 1 percent. Denied claimants may appeal to the Torture Claims Appeal Board. The government did not publish the board’s decisions, a practice which the Hong Kong Bar Association previously noted created concerns about the consistency and transparency of decisions. Persons whose claims were pending were required to appear periodically before the Immigration Department. An NGO reported the government’s process for evaluating claims, which did not allow claimants to legally work in the SAR, made some refugees vulnerable to trafficking.

Employment: “Nonrefoulement claimants” have no right to work in the SAR while their claims are under review, and they must rely on social welfare stipends and charities. The SAR government, however, frequently granted exceptions to this rule for persons granted nondeportation status and awaiting UNHCR resettlement.

Access to Basic Services: Persons who made “nonrefoulement” claims were eligible to receive publicly funded legal assistance, including translation services, as well as small living subsidies. The children of such claimants could attend SAR public schools.

Temporary Protection: Persons whose claims for “nonrefoulement” are substantiated do not obtain permanent resident status in the SAR. Instead the SAR government refers them to UNHCR for possible recognition as refugees and
resettlement in a third country. Some such persons have waited years in the SAR before being resettled.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The Basic Law limits the ability of residents to change their government. Hong Kong voters do not enjoy universal suffrage in elections for the chief executive or equal suffrage in Legislative Council elections. Article 45 of the Basic Law establishes as the “ultimate aim” direct election of the chief executive through “universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.”

The chief executive is elected by an election committee (CEEC) of approximately 1,200 members (1,194 members in 2017). The election committee consists of the 70 members of the Legislative Council and a mix of professional, business, and trade elites.

Voters directly elect 40 of the Legislative Council’s 70 seats by secret ballot. Thirty-five seats are designated as “geographic constituencies” (GCs) and 35 as “functional constituencies” (FCs). All 35 GCs are directly elected by all voters in a geographic area. Thirty FC seats are selected by a set of voters representing various economic and social sectors, most of whom are probusiness and generally supportive of the Chinese central government. In 2016 the constituencies that elected these 30 FC Legislative Council seats consisted of 239,724 registered individual and institutional voters, of whom approximately 172,820 voted, according to the SAR’s Election Affairs Office’s statistics. The remaining five FC seats must be filled by district councilors (the so-called district council sector, known as “super seats,”) were directly elected by the approximately five million registered voters not represented in another FC, and therefore represented larger constituencies than any other seats in the Legislative Council.

Under the Basic Law, only the SAR government, not members of the legislature, may introduce bills that affect public expenditure, the political structure, or government policy.
In October Chief Executive Carrie Lam invoked the ERO, which grants the chief executive power to “make any regulations whatsoever” in times of “emergency or public danger,” to ban face masks. In November a court ruled that Lam’s use of the ERO was unconstitutional.

The SAR sends 36 deputies to China’s National People’s Congress (legislature, NPC) and had approximately 200 delegates in the Chinese People’s Political Consultative Conference--bodies that operate under the direction of the Chinese Communist Party and do not exercise legislative independence. The approval of the chief executive, two-thirds of the Legislative Council, and two-thirds of the SAR’s delegates to the NPC are required to place an amendment to the Basic Law on the agenda of the NPC, which has the sole power to amend the Basic Law.

Elections and Political Participation

Recent Elections: On November 24, registered voters elected district councilors in the SAR’s 18 districts. These elections are open to all voters on a one-person, one-vote basis. Turnout for the poll was a record 71 percent of registered voters. The election was considered generally peaceful, free, and fair, although the Hong Kong government barred one prodemocracy advocate, Joshua Wong, from running. Proestablishment candidates reported that attacks on party offices and candidates also negatively affected campaign activities. Voters broadly endorsed prodemocracy and other nonestablishment candidates, who took control of 17 of the 18 councils and won 388 of the 452 contested seats (out of 479 total).

In March 2017 the 1,194-member Chief Executive Election Committee, dominated by proestablishment electors, selected Carrie Lam to be the SAR’s chief executive. Residents expressed concern the small-circle elections for the great majority of CEEC seats were open only to 239,724 of the SAR’s 7.5 million residents. Moreover, although the CEEC election (in 2016) saw a historically high voter turnout of 46 percent and a record number of contested seats across industrial, professional, grassroots, and political sectors, local political observers noted that 300 members--approximately 25 percent--of the committee were elected without a poll or other transparent election process to represent 12 uncontested subsectors and one sub-subsector.

In 2016 SAR residents elected representatives to the 70-member Legislative Council. Proestablishment candidates won 40 of the 70 Legislative Council seats, while prodemocracy candidates won 30.
Political Parties and Political Participation: In 2018 the SAR government banned the proindependence HKNP. This was the first ban of a political party since the establishment of the SAR.

All Legislative Council candidates must sign a confirmation form pledging their allegiance to the SAR and intent to uphold the Basic Law, including provisions stating that Hong Kong is an inalienable part of China. Since that requirement was instituted, the government barred several potential candidates from running for office.

The Chinese central government and its business supporters reportedly provided generous financial resources to parties that supported the Chinese central government’s political agenda in the SAR, giving them a major advantage in controlling the levers of government and senior positions.

Participation of Women and Minorities: No law limits participation of women in the political process, and they did participate. Fifteen percent of the Legislative Council’s members were women. In March 2017, Carrie Lam was elected to be the SAR’s first female chief executive.

There is no legal restriction against ethnic minorities running for electoral office, serving as electoral monitors, or participating in the civil service. There were no members of ethnic minorities in the Legislative Council, and members of ethnic minorities reported they considered themselves unrepresented.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Although the SAR continued to be relatively uncorrupt, there were isolated reports of government corruption.

Financial Disclosure: The SAR requires the most senior civil service and elected officials to declare their financial investments annually and senior working-level officials to do so biennially. Policy bureaus may impose additional reporting requirements for positions seen as having a greater risk of conflict of interest. The Civil Service Bureau monitors and verifies disclosures, which are available to the public. There are criminal and administrative sanctions for noncompliance.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights
A 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 somewhat cooperative and responsive to their views. Prominent human rights activists and organizations critical of the central government also operated in the SAR.

**Government Human Rights Bodies:** There is an Office of the Ombudsman and an Equal Opportunities Commission (EOC). The government recruits commissioners to represent both offices through a professional search committee, which solicits applications and vets candidates. Commissioners were independent in their operations. Both organizations operated without interference from the SAR government and published critical findings in their areas of responsibility. NGOs pointed out that the EOC had limited ability to conduct investigations.

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

**Women**

**Rape and Domestic Violence:** The law criminalizes rape only against women but includes spousal rape. Activists expressed concern that rape was underreported, especially within the ethnic minority community.

The law does not directly criminalize domestic violence, but the government regarded domestic violence against women as a serious concern. Abusers may be liable for criminal charges, such as offenses against person, sexual assault, and ill-treatment of a child, depending on which act constituted the domestic violence. The government effectively prosecuted violators under existing criminal violations.

The Domestic and Cohabitation Relationships Violence Ordinance allows survivors to seek a three-month injunction, extendable to six months, against an abuser. The ordinance covers abuse between married couples, heterosexual and homosexual cohabitants, former spouses or cohabitants, and immediate and extended family members. It protects victims younger than 18, allowing them to apply for an injunction in their own right, with the assistance of an adult guardian, against abuse by parents, siblings, and specified immediate and extended family members. The law also empowers the court to require that the abuser attend an antiviolence program. In cases in which the abuser caused bodily harm, the court may attach an arrest warrant to an existing injunction and extend both injunctions and arrest warrants to two years.
The government maintained programs that provided intervention, counseling, and assistance to domestic violence victims and abusers.

**Sexual Harassment:** The law prohibits sexual harassment or discrimination based on sex, marital status, and pregnancy. The law applies to both men and women, and police generally enforced the law effectively. There were multiple reports, however, of sexual harassment in housing, the workplace, and in universities.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization.

**Discrimination:** Women enjoy the same legal status and rights as men. The SAR’s sexual discrimination ordinance prohibits discrimination based on sex or pregnancy status, and the law authorizes the EOC to work towards the elimination of discrimination and harassment as well as to promote equal opportunity for men and women. Although the government generally enforced these laws, women reportedly faced some discrimination in employment, salary, welfare, inheritance, and promotion.

**Children**

**Birth Registration:** All Chinese nationals born in the SAR, on the mainland, or abroad to parents, of whom at least one is a Chinese national and Hong Kong permanent resident, acquire both Chinese citizenship and Hong Kong permanent residence. Children born in the SAR to non-Chinese parents, at least one of whom is a Hong Kong permanent resident, acquire SAR permanent residence and qualify to apply for naturalization as Chinese citizens. Authorities routinely registered all such statuses.

**Child Abuse:** The law mandates protection for victims of child abuse (battery, assault, neglect, abandonment, and sexual exploitation), and the SAR government enforced the law. The law allows for the prosecution of certain sexual offenses, including against minors, committed outside the territory of the SAR.

The government provided parent education programs through its maternal and child health centers, public education programs, clinical psychologists, and social workers. Police maintained a child abuse investigation unit and, in collaboration with the Social Welfare Department, operated a child witness support program.
Early and Forced Marriage: The legal minimum age of marriage is 16 for both men and women; however, parents’ written consent is required for marriage before the age of 21.

Sexual Exploitation of Children: Under the law a person having “unlawful sexual intercourse” with a victim younger than 16 is subject to five years’ imprisonment, while having unlawful sexual intercourse with a victim younger than 13 carries a sentence of life imprisonment. The law prohibits the commercial sexual exploitation of children and procuring children for prostitution. The law makes it an offense to possess, produce, copy, import, or export pornography involving a child or to publish or cause to be published any advertisement that conveys, or is likely to be understood as conveying, the message that a person has published, publishes, or intends to publish any child pornography. Authorities enforced the law. The penalty for creation, publication, or advertisement of child pornography is eight years’ imprisonment, while possession carries a penalty of five years’ imprisonment.

The legal age for consensual sex is 16.


Anti-Semitism

The Jewish community numbered 5,000 to 6,000 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at https://www.state.gov/trafficking-in-persons-report/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government generally enforced these provisions. The government took action to investigate and punish those
responsible for violence or abuses against persons with disabilities. The
government generally implemented laws and programs to provide persons with
disabilities access to education, employment, the judicial system, and health
services. The law on disabilities states that children with separate educational
needs must have equal opportunity in accessing education. Some human rights
groups reported the SAR’s disability law was too limited and that its
implementation did not promote equal opportunities. The Social Welfare
Department provided training and vocational rehabilitation services to assist
persons with disabilities, offered subsidized resident-care services for persons
considered unable to live independently, offered preschool services to children
with disabilities, and provided community support services for persons with mental
disabilities, their families, and other local residents.

The government generally implemented laws and programs to provide persons
with disabilities access to information, communications, and buildings, although
there were reports of some restrictions. The law calls for improved building access
and provides for sanctions against those who discriminate.

National/Racial/Ethnic Minorities

Although ethnic Chinese made up the vast majority of the population, the SAR is a
multiethnic society, with persons from a number of ethnic groups recognized as
permanent residents with full rights under the law. The law prohibits
discrimination, and the EOC oversees implementation and enforcement of the law.
The EOC maintained a hotline for inquiries and complaints concerning racial
discrimination. Although the SAR government took steps to reduce
discrimination, there were frequent reports of discrimination against ethnic
minorities; the law did not clearly cover racial discrimination occurring in the
course of law enforcement activity.

The government has a policy to integrate non-Chinese students into SAR schools.
Nevertheless, advocacy groups said schools were de-facto segregated. Advocates
also expressed concerns that Chinese language teaching for minority students was
inadequate. Students who did not learn Chinese had significant difficulty entering
university and the labor market, according to experts.

Persons born in mainland China also experienced frequent discrimination. On
several occasions, protesters verbally or physically attacked mainlanders.
Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

No laws criminalize consensual same-sex sexual conduct between adults. While the SAR has laws that ban discrimination on the grounds of race, sex, disability, and family status, no law prohibits companies or individuals from discriminating on grounds of sexual orientation or gender identity. There are also no laws that specifically aid in the prosecution of bias-motivated crimes against members of the lesbian, gay, bisexual, transgender, or intersex community. In October a gay man sued the government because public housing rules did not allow his male spouse, whom he married overseas, to live with him because the rules only recognize opposite-sex partners as spouses.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions without previous authorization or excessive requirements and to conduct legal strikes, but it does not protect the right to collective bargaining or obligate employers to bargain. Trade unions claimed the lack of collective bargaining rights and divisions in the labor movement weakened workers’ leverage in negotiations. The law explicitly prohibits civil servants from bargaining collectively.

The law prohibits firing an employee for striking and voids any section of an employment contract that punishes a worker for striking. The commissioner of police has broad authority to control and direct public gatherings, including strikes, in the interest of national security or public safety.

According to the law, an employer cannot fire, penalize, or discriminate against an employee who exercises his or her union rights and cannot prevent or deter the employee from exercising such rights. Penalties for violations of laws protecting union and related worker rights included fines as well as legal damages paid to workers, and penalties were sufficient to deter violations. Dismissed employees, however, had difficulty proving antiunion discrimination. In August, according to media reports, Cathay Pacific Airways (Cathay) warned employees that they may be fired if they joined a city-wide general strike. Cathay’s cabin crew union head Rebecca Sy told the press in August that Cathay Dragon, a Cathay subsidiary, fired
her after company officials showed her printouts of proprotest movement postings on her private Facebook account.

b. Prohibition of Forced or Compulsory Labor

The law does not prohibit all forms of forced or compulsory labor, nor do laws specifically criminalize forced labor. Instead, the SAR uses its Employment and Theft Ordinances to prosecute labor violations and related offenses. Penalties for these offenses were not sufficient to deter violations.

NGOs expressed concerns some migrant workers, especially domestic workers in private homes, faced high levels of indebtedness assumed as part of the recruitment process, creating a risk they could fall victim to debt bondage. Domestic workers in Hong Kong were mostly female and mainly came from the Philippines, Indonesia, and other Southeast Asian countries. The SAR allows for the collection of maximum placement fees of 10 percent of the first month’s wages, but some recruitment firms required large up-front fees in the country of origin that workers struggled to repay. Some locally licensed employment agencies were suspected of colluding with agencies overseas to profit from debt schemes, and some local agencies illegally confiscated the passports and employment contracts of domestic workers and withheld them until they repaid the debt.

SAR authorities stated they encouraged aggrieved workers to file complaints and make use of government conciliation services as well as actively pursued reports of any labor violations.

Also see the Department of State’s Trafficking in Persons Report at https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. Regulations prohibit employment of children younger than 15 in any industrial establishment. The law prohibits overtime in industrial establishments with employment in dangerous trades for persons younger than 18. Children between 13 and 14 may work in certain nonindustrial establishments, subject to conditions aimed at ensuring a minimum of nine years of education and protection for their safety, health, and welfare.

The Labor Department effectively enforced these laws and regularly inspected workplaces to enforce compliance with the regulations. Penalties for violations of
child labor laws include fines and legal damages and were sufficient to deter violations.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit employment discrimination based on race or ethnicity, disability, family status (marital status or pregnancy), or sex. The law stipulates employers must prove that proficiency in a particular language is a justifiable job requirement if they reject a candidate on those grounds. Regulations do not prohibit employment discrimination on the grounds of color, religion, political opinion, national origin or citizenship, sexual orientation or gender identity, HIV or other communicable disease status, or social status.

The government generally enforced these laws and regulations. In cases in which employment discrimination occurred, the SAR’s courts had broad powers to levy penalties on those who violated these laws and regulations.

Human rights activists and local scholars continued to raise concerns about job prospects for minority students, who were more likely to hold low-paying, low-skilled jobs and earn below-average wages. Experts assessed that a lack of Chinese-language skills was the greatest barrier to employment.

e. Acceptable Conditions of Work

The statutory minimum wage was below the poverty line for an average-sized household. There were many press reports regarding poor conditions faced by and underpayment of wages to domestic workers.

There is no law concerning working hours, paid weekly rest, rest breaks, or compulsory overtime for most employees. Several labor groups reported that employers expected extremely long hours, and the groups called for legislation to address that concern.

Laws exist to provide for health and safety of workers in the workplace. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. Employers are required to report any injuries sustained by their employees in work-related accidents.

The government effectively enforced the law, and the Labor Tribunal adjudicated disputes involving nonpayment or underpayment of wages and wrongful dismissal.
The number of labor inspectors was sufficient to deter violations except in the cases of nonpayment or underpayment of wages to and working conditions of domestic workers. Penalties for violations of the minimum wage or occupational safety and health violations include fines, payments of damages, and worker’s compensation payments. These penalties were sufficient to deter violations.

The Occupational Safety and Health Branch of the Labor Department is responsible for safety and health promotion, identification of unsafe conditions, enforcement of safety management legislation, and policy formulation and implementation; it enforced occupational safety and health laws effectively.
MACAU 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Macau is a Special Administrative Region (SAR) of the People’s Republic of China (PRC) and has a high degree of autonomy, except in defense and foreign affairs, according to the Basic Law. In 2017 residents elected 14 representatives to the SAR’s legislative assembly. In accordance with the law, limited franchise functional constituencies elected 12 representatives, and the chief executive nominated the remaining seven. In August a 400-member election committee selected Ho Iat-seng to be the chief executive, the head of government. He began a five-year term in December after being appointed by the government.

The Secretariat for Security oversees the Public Security Police, which has responsibility for general law enforcement, and the Judiciary Police, which has responsibility for criminal investigations. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included interference with the rights of peaceful assembly and restrictions on political participation.

The government took steps to prosecute and punish officials who committed human rights abuses.

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

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

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment
The law prohibits such practices, and there were no reports government officials employed them.

**Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

**Physical Conditions:** There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse.

**Administration:** The law allows prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of alleged deficiencies. Judges and prosecutors visited prisons at least once a month to hear prisoner complaints.

**Independent Monitoring:** The government permits monitoring by independent nongovernmental observers. According to the government, no independent human rights observers requested or made any visit to the prison in the SAR.

**d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

** Arrest Procedures and Treatment of Detainees**

Authorities detained persons with warrants issued by a duly authorized official based on sufficient evidence. Detainees had access to a lawyer of their choice or, if indigent, to one provided by the government. Detainees had prompt access to family members. Police must present persons in custody to an examining judge within 48 hours of detention. Authorities informed detainees promptly of charges against them. The examining judge, who conducts a pretrial inquiry in criminal cases, has wide powers to collect evidence, order or dismiss indictments, and determine whether to release detained persons. Investigations by the prosecuting attorney should end with charges or dismissal within eight months, or six months when the defendant is in detention. The pretrial inquiry stage must conclude within four months, or two months if the defendant is in detention. By law the maximum limits for pretrial detention range from six months to three years,
depending on the charges and progress of the judicial process; there were no reported cases of lengthy pretrial detentions. There is a functioning bail system. Complaints of police mistreatment may be made to the Macau Security Forces and Services Disciplinary Supervisory Committee, the Commission against Corruption, or the Office of the Secretary for Security. The Macau Security Forces and Services Disciplinary Supervisory Committee report directly to the chief executive. The government has also established a website for receiving named or anonymous complaints about irregular police activity or behavior.

**e. Denial of Fair Public Trial**

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

**Trial Procedures**

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. A case may be presided over by one judge or a group of judges, depending on the type of crime and the maximum penalty involved.

Under the law, defendants enjoy a presumption of innocence and have a right to appeal. The law provides that trials be public except when the court rules otherwise to “safeguard the dignity of persons, public morality, or to provide for the normal functioning of the court.” Defendants have the right to be informed promptly and in detail of the charges (with free interpretation), be present at their trials, confront witnesses, have adequate time to prepare a defense, not be compelled to testify or confess guilt, and consult with an attorney in a timely manner. The government provides public attorneys for those financially incapable of engaging lawyers or paying expenses of proceedings. The law extends these rights to all residents.

The SAR’s unique civil-code judicial system derives from the judicial framework of the Portuguese legal system. The courts may rule on matters that are the responsibility of the PRC government or concern the relationship between central authorities and the SAR, but before making their final judgment, which is not subject to appeal, the courts must seek an interpretation of the relevant provisions from the National People’s Congress Standing Committee (NPCSC). The Basic Law requires that courts follow the NPCSC’s interpretations when cases intersect with central government jurisdiction, although judgments previously rendered are not affected, and when the NPCSC makes an interpretation of the provisions
concerned, the courts, in applying those provisions, “shall follow the interpretation of the Standing Committee.” As the final interpreter of the Basic Law, the NPCSC also has the power to initiate interpretations of the Basic Law.

**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 citizens have access to a court to bring lawsuits seeking damages for a human rights violation.

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

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

**Section 2. Respect for Civil Liberties, Including:**

**a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, but the government occasionally sought to restrict this right. In January the Legislative Assembly passed legislation to amend an existing law that criminalized some actions that disrespect the Chinese national anthem.

*Press and Media, Including Online Media:* Local media expressed a wide range of views, but the government took steps to restrict unfavorable news coverage.

*Censorship or Content Restrictions:* Media sometimes practiced self-censorship, in part because the government subsidized some media outlets. According to 2018 media reports, the Central Government Liaison Office in Hong Kong indirectly owns Plaza Cultural Macau, a local bookstore, raising concerns that central government authorities may restrict the sale of sensitive books.

*Libel/Slander Laws:* Macau law criminalizes libel, slander, and defamation. If such offenses are committed through the media or online, they are punishable by up to two years’ imprisonment.
Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. Law enforcement entities may intercept communications under judicial supervision; there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

In September the Education and Youth Affairs Bureau director, according to media reports, said teachers should not discuss their own political viewpoint regarding protests in Hong Kong inside the classroom. Academics also reportedly practiced self-censorship.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association but the government limited the freedom of peaceful assembly.

Freedom of Peaceful Assembly

The law requires prior notification, but not approval, of demonstrations involving public roads, public places, or places open to the public. Police may redirect demonstration marching routes, but organizers have the right to challenge such decisions in court.

In August, Macau police did not permit a silent protest against police brutality in Hong Kong. Despite organizers cancelling the protest, police still searched people at the intended protest site, according to media reports. In September a court upheld the police decision to disallow the protest.

Critics alleged that authorities were making a concerted effort to use both intimidation and criminal proceedings against participants in peaceful demonstrations to discourage their involvement. For example, in May a court upheld the conviction of Scott Chiang for illegal assembly, a charge which arose from his participation in a 2016 peaceful protest against the chief executive.

Freedom of Association
The law provides for freedom of association, and the government generally respected this right. No authorization is required to form an association, and the only restrictions on forming an organization are that it not promote racial discrimination, violence, crime, or disruption of public order, or be military or paramilitary in nature.

c. Freedom of Religion

See the Department of State’s International Religious Freedom Report at https://www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The law grants police authority to deport or deny entry to nonresidents whom they regard under the law as unwelcome, a threat to internal security and stability, or possibly implicated in transnational crimes. The government banned several Hong Kong activists from entering Macau throughout the year, claiming the activists posed threats to internal security, according to media reports. In December, Macau denied entry to both the president and the chairman of American Chamber of Commerce in Hong Kong.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Persons granted refugee status would ultimately enjoy the same rights as other SAR residents.

Pending final decisions on their asylum claims, the government registered asylum seekers and provided protection against their expulsion or return to their countries of origin. There were few applicants for refugee or asylum status and no successful applicants. Persons with pending applications were eligible to receive government support, including basic needs such as housing, medical care, and
education for children, but they were not allowed to work until their refugee status was granted.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The law limits voters’ ability to change their government through free and fair periodic elections because there was no universal suffrage in elections for the majority of elected positions. Only a small fraction of citizens played a role in the selection of the chief executive, who was chosen in August by a 400-member election committee consisting of 344 members elected from four broad societal sectors (which themselves have a limited franchise) and 56 members chosen from and by the SAR’s legislators and representatives to the National People’s Congress and Chinese People’s Political Consultative Conference. In June critics protested against this “small circle” election. Organizers of an unofficial online petition for universal suffrage said in August that the petition website suffered a severe cyberattack reportedly originating from mainland China, and unknown individuals physically threatened the petition’s organizers.

Elections and Political Participation

Recent Elections: In August a 400-member election committee selected Ho Iat-seng to be chief executive. Ho was unopposed and received 98 percent of the vote. The most recent general election for the 14 directly elected seats in the 33-member Legislative Assembly occurred in 2017, with all Macau voters able to vote for candidate lists and seats, which were then allocated based on a proportional representation system. The election for these seats was generally free and fair. There were no reports of the government unduly restricting the list of candidates. In accordance with the law, limited franchise functional constituencies, which represent particular industries and social sectors, elected 12 Legislative Assembly representatives, and the chief executive appointed the remaining seven.

Political Parties and Political Participation: The SAR has no laws on political parties. Politically active groups registered as societies or limited liability companies were active in promoting their political agendas. Those critical of the government generally did not face restrictions, but persons seeking elected office must swear to uphold the Basic Law.
Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. Six of the 33 Legislative Assembly members were women.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively.

Corruption: The government’s Commission against Corruption (CAC) investigated the public and private sectors and had power to arrest and detain suspects. The Ombudsman Bureau within the CAC reviewed complaints of mismanagement or abuse by the CAC. An independent committee outside the CAC--the Monitoring Committee on Discipline of CAC Personnel--accepted and reviewed complaints about CAC personnel.

Financial Disclosure: By law the chief executive, judges, members of the Legislative Assembly and Executive Council, and executive agency directors must disclose their financial interests upon appointment, promotion, retirement, and at five-year intervals while encumbering the same position. The information is available to the public on the website of the Macau Courts. The law states that if the information contained in the declaration is intentionally incorrect, the declarant shall be liable to a maximum imprisonment of three years or a minimum fine equal to six months’ remuneration of the position held. Furthermore, the declarant may be prohibited from appointment to public office or performing public duties for a maximum of 10 years.

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

Domestic and international groups monitoring human rights generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

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

Women
Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and domestic violence, but the domestic violence law does not cover same-sex couples. The rate of investigation for domestic violence cases was low, with police initiating investigations in only two of the 104 cases of domestic violence reported to them in 2018, according to official statistics. Domestic violence law stipulates that a judge may order urgent coercive measures imposed upon the defendant individually or cumulatively, and the application of these measures does not preclude the possibility of prosecuting the perpetrators for criminal responsibilities as stipulated in the criminal code.

The government made referrals for victims to receive medical treatment, and social workers counseled victims and informed them of social welfare services. The government funded nongovernmental organizations to provide victim support services, including medical services, family counseling, and housing, until their complaints were resolved.

Sexual Harassment: The law criminalizes physical sexual harassment, but verbal and noncontact harassment are not covered by the law. Persons convicted of sexual harassment may be imprisoned for up to one year.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Equal opportunity legislation mandates that women receive equal pay for equal work. The law prohibits discrimination in hiring practices based on gender or physical ability and allows for civil suits. Penalties exist for employers who violate these guidelines and the government generally enforced the law effectively (see section 7.) Media reports, however, indicated that discrimination persisted and gender differences in occupation existed, with women concentrated in lower-paid sectors and lower-level jobs.

Children

Birth Registration: According to the Basic Law, children of Chinese national residents of the SAR who were born inside or outside the SAR and children born to non-Chinese national permanent residents inside the SAR are regarded as permanent residents. There is no differentiation between these categories in terms of access to registration of birth. Most births were registered immediately.
Early and Forced Marriage: The minimum legal age of marriage is age 16; however, children from ages 16 to 18 who wish to marry must obtain approval from their parents or guardians.

Sexual Exploitation of Children: The law specifically provides for criminal punishment for sexual abuse of children and students, statutory rape, and procurement involving minors. The criminal code sets 14 years as the age of sexual consent. The law forbids procurement for prostitution of a person younger than age 18. The law also prohibits child pornography. The government generally enforced these laws effectively, but there were concerns about the participation of minors in sex work.


Anti-Semitism

The Jewish population was extremely small. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at https://www.state.gov/trafficking-in-persons-report/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government generally enforced these provisions. The law mandates access to buildings, public facilities, information, and communications for persons with disabilities. The government enforced the law effectively.

National/Racial/Ethnic Minorities

There were reports of societal discrimination against ethnic minorities, and the law did not fully define and criminalize racial discrimination.
Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits discrimination in employment on the grounds of sexual orientation; however, the law does not prohibit discrimination based on sexual orientation in other areas, such as housing.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The Basic Law provides workers the right to form and join unions, but the Legislative Assembly has not passed legislation to regulate this right. Workers may join labor associations of their choice, but employers and the government reportedly wielded considerable influence over some associations. The law does not provide that workers can collectively bargain, and, while workers have the right to strike, there is no specific protection in the law from retribution if workers exercise this right. The law prohibits antiunion discrimination, stating employees or job seekers shall not be prejudiced, deprived of any rights, or exempted from any duties based on their membership in an association. The law imposes financial penalties for antiunion discrimination, but observers noted this may not be sufficient to deter discriminatory activity. The law does not require reinstatement of workers dismissed for union activity.

The law forbids workers in certain professions, such as the security forces, to form unions, take part in protests, or to strike. Such groups had organizations that provided welfare and other services to members and could speak to the government on behalf of members. Vulnerable groups of workers, including domestic workers and migrant workers, could freely associate and form associations, as could public servants.

Workers who believed they were dismissed unlawfully could bring a case to court or lodge a complaint with the Labor Affairs Bureau (LAB) or the CAC, which also has an Ombudsman Bureau to handle complaints over administrative violations. The bureau makes recommendations to the relevant government departments after its investigation.

b. Prohibition of Forced or Compulsory Labor
The law prohibits all forms of forced or compulsory labor. Penalties range from three to 12 years’ imprisonment, with the minimum and maximum sentences increased by one-third if the victim is younger than age 14. Observers previously noted these penalties generally were sufficient to deter the use of forced labor.

Children and migrants were vulnerable to sex and labor trafficking, including in construction and domestic work. The government investigated cases, but there were no convictions during the year.

Also see the Department of State’s Trafficking in Persons Report at https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

A law prohibits minors younger than age 16 from working, although minors from ages 14 and 15 may work in “exceptional circumstances” if they get a health certificate to prove they have the “necessary robust physique to engage in a professional activity.” The law defines “exceptional circumstances” as: the minor (younger than age 16) has completed compulsory education and has the authorization of the LAB after hearing the Education and Youth Affairs Bureau’s opinions; minors between ages 14 and 16 may work for public or private entities during school summer holidays; minors of any age may be employed for cultural, artistic or advertising activities upon authorization of the LAB after hearing the Education and Youth Affairs Bureau’s opinions and when such employment does not adversely affect their school attendance. The law governing the number of working hours was equally applicable to adults and legally working minors, but the law prohibits minors from working overtime hours. According to the civil code, minors who are age 16 can acquire full legal capacity if they marry.

The law prohibits minors younger than age 16 from certain types of work, including but not limited to domestic work, employment between 9 p.m. and 7 a.m., and employment at places where admission of minors is forbidden, such as casinos. The government requires employers to assess the nature, extent, and duration of risk exposure at work before recruiting or employing a minor. These regulations serve to protect children from physically hazardous work, including exposure to dangerous chemicals, and jobs deemed inappropriate due to the child’s age.

The LAB enforced the law through periodic and targeted inspections, and prosecuted violators. Penalties were sufficient to deter violations.
d. Discrimination with Respect to Employment and Occupation

The law provides that all residents shall be equal before the law and shall be free from discrimination, irrespective of national or social origin, descent, race, color, gender, sexual orientation, age, marital status, language, religion, political or ideological beliefs, membership in associations, education, or economic background. Equal opportunity legislation states that women are to receive equal pay for equal work. The law prohibits discrimination in hiring practices based on gender or physical ability and allows for civil suits. Penalties exist for employers who violate these guidelines and the government generally enforced the law effectively.

Some discrimination occurred. According to official statistics, at the end of June, nonresident workers accounted for approximately 28 percent of the population. They frequently complained of discrimination in the workplace in hiring and wages.

e. Acceptable Conditions of Work

Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements. The SAR does not calculate an official poverty line. The law provides for a 48-hour workweek, an eight-hour workday, paid overtime, annual leave, and medical and maternity care. The law provides for a 24-hour rest period each week. All workers employed in the SAR, whether under a term contract or an indefinite contract, are entitled to such benefits as specified working hours, weekly leave, statutory holidays, annual leave, and sick leave. It was not clear whether penalties were sufficient to deter violations. The law requires that employers provide a safe working environment, and the LAB sets industry-appropriate occupational safety and health standards. The law prohibits excessive overtime but permits legal overtime (a maximum of eight hours and irrespective of workers’ consent) in force majeure cases or in response to external shocks, at the discretion of the employer.

All workers, including migrants, have access to the courts in cases in which an employee is unlawfully dismissed, an employer fails to pay compensation, or a worker believes his or her legitimate interests were violated. If an employer dismisses staff “without just cause,” the employer must provide economic compensation indexed to an employee’s length of service.
The LAB provides assistance and legal advice to workers upon request, and cases of labor-related malpractice are referred to the LAB.

The LAB enforced occupational safety and health regulations, and failure to correct infractions could lead to prosecution. The number of labor inspectors was adequate to enforce compliance.

The law allows workers to remove themselves from hazardous conditions without jeopardy to their employment.
CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA

ANNUAL REPORT
2019

ONE HUNDRED SIXTEENTH CONGRESS
FIRST SESSION

NOVEMBER 18, 2019

Printed for the use of the Congressional-Executive Commission on China

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U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2019
CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

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PETER MATTIS, Deputy Staff Director
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I. Executive Summary

STATEMENT FROM THE CHAIRS

The Congressional-Executive Commission on China (Commission) was established by the U.S.-China Relations Act of 2000 (Public Law No. 106–286) as China prepared to enter the World Trade Organization. The Commission is mandated to monitor human rights and the development of the rule of law in China, and to submit an annual report to the President and Congress. The Commission is also mandated to maintain a database of political prisoners in China—individuals who have been detained or imprisoned by the Chinese government for exercising their internationally recognized civil and political rights, as well as rights protected by China’s Constitution and other domestic laws.

The Commission’s 2019 Annual Report covers the period from August 2018 to August 2019. The comprehensive findings and recommendations in this report focus on the Chinese government’s compliance with or violation of internationally recognized human rights, including the right to free expression, peaceful assembly, religious belief and practice, as well as any progress or regression on the development of the rule of law. As discussed in the subsequent chapters of this report, the human rights and rule of law conditions in China have continued to worsen this past year.

A part of the Commission’s mandate is the inclusion of recommendations for legislative and executive action. In addition to the recommendations contained in this report, the Commission drafted, edited, and provided support for numerous legislative initiatives over the last year, including those related to human rights in the Xinjiang Uyghur Autonomous Region, Hong Kong’s autonomy and rule of law, Tibet policy and human rights, the 30th anniversary of the 1989 Tiananmen protests, and the use of advanced technology to facilitate human rights abuses in China.


The Commission’s Political Prisoner Database is an important tool for documenting political prisoners in China and providing publicly accessible information on individual cases for U.S. Government officials, advocates, academics, journalists, and the public.
Executive Summary

As Legislative and Executive Branch decisionmakers seek a more effective strategy for promoting human rights and the rule of law in China, the Commission plays an essential role in reporting on conditions, raising awareness of human rights violations, and informing U.S. policy. We are grateful for the opportunity to serve as the Commission Chair and Co-Chair, and we appreciate the attention of the U.S. Congress and Administration to the issues highlighted in this report.

Sincerely,

Representative James P. McGovern
Chair

Senator Marco Rubio
Co-Chair
OVERVIEW

It has been three decades since China’s People’s Liberation Army was ordered to forcefully end the peaceful protests for political reform in Tiananmen Square and throughout China. The violent suppression of the 1989 Tiananmen protests was a key turning point in history as the Chinese government and Communist Party suspended experiments in openness and reform and strengthened a hardline approach to prevent the growth of independent civil society and reinforce their control over the people of China.

Since the Tiananmen crackdown, the Chinese government and Party have expanded a costly and elaborate authoritarian system designed to intimidate, censor, and even imprison Chinese citizens for exercising their fundamental human rights, including freedom of expression, peaceful assembly, and freedom of religion. Authorities targeted and imprisoned citizens calling for democratic reform—including Nobel Peace Prize laureate Liu Xiaobo, who took part in the Tiananmen protests and co-authored Charter 08, a political treatise that called for constitutional government and respect for human rights. In the years since Tiananmen, Liu Xiaobo spent a total of almost 16 years in detention and died in state custody in 2017.

After Xi Jinping became Chinese Communist Party General Secretary in 2012, and President in 2013, the space for human rights advocacy and political reform narrowed further as the Chinese government and Party exerted a tighter grip over governance, law enforcement, and the judiciary. Under President Xi’s tenure, authorities launched a nationwide crackdown on the legal community and rights defenders; curtailed civil society, academia, and religious life; led an anticorruption campaign that helped remove political opposition inside the Party; and eliminated term limits on the presidency, signaling Xi’s intention to remain in power indefinitely.

During its 2019 reporting year, the Congressional-Executive Commission on China (Commission) found that the human rights situation has worsened and the rule of law continued to deteriorate, as the Chinese government and Party increasingly used regulations and laws to assert social and political control. The Chinese government continued its crackdown on “citizen journalists” who report on human rights violations, with mainstream Chinese journalists calling conditions in China an “era of total censorship.” The abuse of criminal law and police power to target rights advocates, religious believers, and ethnic minority groups also continued unabated, and reporting on such abuses became increasingly restricted.

Further, the Chinese government has become more efficient in the use of advanced technology and information to control and suppress the people of China. Nowhere is this more of a concern than in the Xinjiang Uyghur Autonomous Region (XUAR), where the Commission believes Chinese authorities may be committing crimes against humanity against the Uyghur people and other Turkic Muslims. Over the past year, Chinese authorities have expanded a system of extrajudicial mass internment camps in the XUAR. Although the true number of detainees has not been publicly reported, experts estimate one million or more Uyghurs,
Executive Summary

Kazakhs, Kyrgyz, Hui, and others currently are or have been detained and subjected to abuse and forced labor in mass internment camps.

Outside the camps, the Chinese government and Party have created a pervasive and high-tech surveillance system in the XUAR that some observers have called an “open-air prison.” The system integrates facial recognition cameras and real-time monitoring of cell phones into an Orwellian policing platform that observes every aspect of life in the XUAR and allows Chinese officials to tighten their control of Uyghurs and other Turkic Muslims in the region. This surveillance system is implemented—often with the assistance of domestic and international businesses—using security personnel and surveillance technology that helps Chinese officials repress Uyghurs and others in the XUAR.

As the world commemorated the 30th anniversary of the Tiananmen Square Massacre in 2019, China’s leaders not only refused to provide a full, public, and independent accounting of events, but also continued to prohibit any public mourning by the families of the victims and censored discussion of the events of 1989 in mainland China. Hundreds of thousands of people joined together in Victoria Park in Hong Kong to participate in a candle-light vigil on the Tiananmen anniversary.

In Hong Kong, millions of people took to the streets to protest the Hong Kong government’s introduction of a bill to amend the city’s extradition law, revisions that would put anyone in Hong Kong—including U.S. citizens—at risk of extradition to mainland China, where lack of due process and custodial abuses have been well documented. The protest on June 16, 2019, which organizers estimated had over two million participants, was spurred by the unwillingness of the Hong Kong government to formally withdraw the extradition bill. As protests continued throughout the summer, Hong Kong police used rubber bullets, tear gas, pepper spray, and water cannons against peaceful protesters. Although consideration of the extradition law amendments was suspended, protesters continued to call for the bill to be withdrawn and for accountability for the excessive use of force by the Hong Kong police and criminal gangs—who were suspected of working with police—against protesters.

The 2019 Hong Kong protests are a manifestation of an unprecedented grassroots movement revealing deep discontent with the erosion of Hong Kong’s autonomy. Under the “one country, two systems” framework based on the 1984 Sino-British Joint Declaration and established by Hong Kong’s Basic Law, the Chinese government agreed to allow Hong Kong a “high degree of autonomy” with the “ultimate aim” of electing its Chief Executive and Legislative Council members by universal suffrage. Yet instead of making progress toward universal suffrage, Hong Kong authorities have prosecuted and sentenced pro-democracy leaders, disqualified and removed pro-democracy legislators from office, and introduced a new national anthem bill that would restrict free expression. In addition, mainland Chinese authorities continued to arbitrarily detain Hong Kong bookseller Gui Minhai, who was first abducted in 2015. Anson Chan, the former Hong Kong Chief Secretary and Legislative Council member, recently offered this insight: “If only Beijing
Executive Summary

would understand what makes Hong Kong tick, what are the values we hold dear, then they can use that energy to benefit both China and Hong Kong. Instead, they have this mentality of control.”

In Tibet, the 60th anniversary of the Dalai Lama’s escape into exile passed without any progress toward a genuine dialogue between the Chinese government and the Dalai Lama or his representatives. This past year, Chinese authorities continued to systematically repress the peaceful exercise of internationally recognized human rights and intensify their restrictions on the religious and cultural life of Tibetans. Access to the Tibet Autonomous Region (TAR) remained tightly controlled, with international journalists reporting that it was more difficult to visit the TAR than North Korea. In a white paper issued in March 2019, the Chinese government restated the claim that it has the sole authority to select the next reincarnation of the Dalai Lama, in violation of the religious freedom of the Tibetan Buddhist community.

Chinese authorities continued to aggressively target unregistered Christian churches this past year as part of the implementation of new regulations on religious affairs. In a troubling development, congregations with hundreds of worshipers were officially banned, including Zion Church and Shouwang Church in Beijing municipality; Rongguili Church in Guangzhou municipality, Guangdong province; and the Early Rain Covenant Church in Chengdu municipality, Sichuan province. Sources also reported Protestant church closures in Guizhou, Henan, Anhui, and Zhejiang provinces.

The Chinese government and Communist Party seek to legitimize their political model internationally while preventing liberal and universal values from gaining a foothold inside China. The Party’s United Front Work Department and Central Propaganda Department are increasingly active beyond China’s borders, working to influence public perceptions about the Chinese government and neutralize perceived threats to the Party’s ideological and policy agenda. These efforts focus heavily on shaping the mediums through which ideas about China, what it means to be Chinese, and Chinese government activities are understood. The practical effect of these activities is the exportation of the Party’s authoritarian values. On the ground, this takes multiple forms, such as interfering in multilateral institutions; threatening and intimidating critics of the Chinese government; imposing censorship mechanisms on foreign publishers and social media companies; influencing academic institutions and critical analysis of China’s past history and present policies; and compelling American companies to conform to the Party’s narratives and to convey those narratives to U.S. policymakers. Chinese government-led investment and development projects abroad, such as the Belt and Road Initiative, bring with them a robust non-democratic political agenda. Just as at home, the Chinese government tries to integrate economic development and political control to leverage the market without endangering the Party’s authoritarian values.

The people of China continued to actively organize and advocate for their rights, despite the Chinese government’s deepening repression. In the labor sector, non-governmental organizations and citizen journalists documented numerous worker strikes and other
Executive Summary

labor actions over the past year, despite an expanded crackdown on labor advocates and citizen journalists throughout the country. At Jasic Technology in Shenzhen municipality, Guangdong province, workers who attempted to set up a trade union were taken into custody in a crackdown starting in July 2018. Authorities also detained supporters of the Jasic workers, including university students, labor rights advocates, and citizen journalists, many of whom remained in detention as of August 2019. Earlier this year, Chinese internet technology workers launched a campaign against exploitative work hours—referred to as “996,” a 9 a.m. to 9 p.m. schedule for six days a week common in many Chinese companies. Such long hours violate China’s labor laws.

Women in China continued to face severe discrimination in hiring, wages, and promotions along with gender bias and sexual harassment in the workplace. Public pressure from advocacy campaigns, including a #MeToo-inspired movement, led Chinese officials to initiate policies to address sexual harassment and gender discrimination in employment. Nonetheless, inadequate enforcement and discriminatory laws persist.

Rising authoritarianism in China is one of the most important challenges of the 21st century. In the coming decades, global challenges will require a constructive Chinese role that respects and elevates the voices of over 1.3 billion people in China instead of suppressing them. U.S. foreign policy must prioritize the promotion of universal human rights and the rule of law in China, not only to respect and protect the basic dignity of the people of China, but to better promote security and prosperity for all of humanity.
KEY FINDINGS

FREEDOM OF EXPRESSION

• The Chinese government and Communist Party continued to restrict freedom of expression and freedom of the press in contravention of international human rights standards.
• At the UN Human Rights Council’s third Universal Periodic Review (UPR) of China’s compliance with international human rights norms, non-governmental organizations (NGOs) reported that the Chinese government and Communist Party violated freedom of expression and freedom of the press. NGO stakeholders raised concerns about Chinese government influence over the UPR process.
• Conditions for journalism in China continued to deteriorate. Some professional Chinese journalists described current conditions for journalism as an “era of total censorship.” In addition, the government’s ongoing crackdown on “citizen journalists” who have founded or are associated with websites that document human rights violations continued, as seen in the detention of individuals focused on labor conditions, such as Wei Zhili, Yang Zhengjun, and Ke Chengbing. Foreign journalists faced multiple challenges from the government, including surveillance, harassment, and obstruction.
• The government and Party continued to link internet security to national security. This past year, authorities detained and prosecuted individuals who criticized government officials and policies online. Authorities also censored or distorted a range of news and information that the government deemed “politically sensitive,” including the 30th anniversary of Tiananmen, rights conditions in the Xinjiang Uyghur Autonomous Region (XUAR), the protests in Hong Kong against proposed extradition legislation, and trade issues.
• Declining academic freedom in China linked to Party General Secretary and President Xi Jinping’s reassertion of ideological control over universities was illustrated by reports of the internment of hundreds of predominantly Uyghur scholars in mass internment camps in the XUAR; the detentions of university students who advocated for labor rights; and the dismissal, suspension, and other forms of discipline imposed on faculty who criticized the government and Party.

WORKER RIGHTS

• China’s laws and practices continue to contravene international worker rights standards, including the right to create or join independent trade unions. The All-China Federation of Trade Unions, an organization under the direction of the Chinese Communist Party, remains the only trade union organization permitted under Chinese law.
• The Chinese government did not publicly report on the number of worker strikes and protests, and NGOs and citizen journalists continued to face difficulties in obtaining comprehensive information on worker actions. The Hong Kong-based NGO China Labour Bulletin documented 1,702 strikes and
Executive Summary

other labor actions in 2018, up from 1,257 strikes and other labor actions in 2017. In March 2019, Chinese internet technology workers launched a campaign against “996”—a 9 a.m. to 9 p.m. schedule for six days a week common in many Chinese technology companies. The campaign began with a project on the Microsoft-owned software development platform Github that identified how the schedule violates provisions in Chinese labor laws. The project received over 200,000 stars indicating popular support.

PERCENTAGE OF WORKER STRIKES AND OTHER LABOR ACTIONS BY SECTOR

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<tr>
<th>Year</th>
<th>Manufacturing</th>
<th>Construction</th>
<th>Transportation</th>
<th>Services</th>
<th>Other</th>
<th>Total Number Reported</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>15.5% (263)</td>
<td>44.8% (763)</td>
<td>15.9% (270)</td>
<td>13.3% (227)</td>
<td>10.6% (180)</td>
<td>1,702</td>
</tr>
<tr>
<td>2017</td>
<td>19.7% (267)</td>
<td>38.1% (518)</td>
<td>8.6% (117)</td>
<td>15.2% (207)</td>
<td>10.8% (148)</td>
<td>1,257</td>
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</table>

Source: China Labour Bulletin. Note that the percentages indicate the percentage of total worker actions documented that year.

- During the 2019 reporting year, Chinese authorities restricted the ability of civil society organizations to work on labor issues, and authorities expanded a crackdown on labor advocates across China. As of August 2019, authorities continued to detain over 50 workers and labor advocates, including Fu Changguo, Zhang Zhiyu (more widely known as Zhang Zhiru), and Wu Guijun.
- Chinese authorities and university officials monitored, harassed, and detained students and recent graduates who advocated on behalf of workers. Authorities detained approximately 50 supporters of workers who attempted to organize an independent union at Jasic Technology in Shenzhen municipality, Guangdong province, including Peking University graduate Yue Xin. In October 2018, Cornell University’s School of Industrial and Labor Relations suspended two student exchange programs with Renmin University due to “gross violations of academic freedom” in China. As of May 2019, Chinese authorities had detained 21 members of the Marxist Society at Peking University, including Qiu Zhanxuan and Zhang Shengye.
- Government data showed a continued decline in workplace deaths this past year, although Chinese workers and labor organizations expressed concern about inadequate safety equipment and training. In March 2019, a chemical explosion killed 78 people in Jiangsu province, the largest industrial accident in China since 2015.

CRIMINAL JUSTICE

- Chinese government and Communist Party officials continued to abuse criminal law and police power to “maintain stability” (weiwen) with the goal of perpetuating one-party rule. The Chinese government used the criminal law to target rights advocates, religious believers, and ethnic minority groups.
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- The government continued to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders. Amnesty International estimated that China carried out more executions than any other country. The death penalty disproportionately targeted ethnic and religious minorities, such as Muslim Uyghurs, for their religious beliefs.
- Authorities continued to use various forms of arbitrary detention to deprive individuals of their liberty this past year, contravening international human rights standards.
- Authorities held rights advocates, lawyers, petitioners, and others in prolonged pretrial detention, including under “residential surveillance at a designated location,” a form of incommunicado detention that can last up to six months, restricts access to counsel, and places detainees at risk of abuse by authorities.

Freedom of Religion

- Scholars and international rights groups have described religious persecution in China over the last year to be of an intensity not seen since the Cultural Revolution. Chinese Communist Party General Secretary and President Xi Jinping has doubled down on the “sinicization” of religion—a campaign that aims to bring religion in China under closer official control and into conformity with officially sanctioned interpretations of Chinese culture. Authorities have expanded the “sinicization” campaign to target not only religions perceived as “foreign,” such as Islam and Christianity, but also Han Buddhism, Taoism, and folk religious beliefs.
- Violations of the religious freedom of Hui Muslim believers continued to intensify, with plans to apply “anti-terrorism” measures currently used in the Xinjiang Uyghur Autonomous Region (XUAR) in the Ningxia Hui Autonomous Region (Ningxia)—a region with a high concentration of Hui Muslim believers. A five-year plan to “sinicize” Islam in China was passed in January 2019. Meanwhile, ongoing policies included measures requiring Islamic religious leaders and lay believers to demonstrate their political reliability.
- Chinese authorities continued to subject Protestant Christian believers in China belonging to both official and house churches to increased surveillance, harassment, and control. The Commission observed reports this past year of official bans of large unregistered churches, including Zion Church and Shouwang Church in Beijing municipality; Rongguili Church in Guangzhou municipality, Guangdong province; and Early Rain Covenant Church in Chengdu municipality, Sichuan province. After the PRC Ministry of Foreign Affairs signed an agreement with the Holy See in September 2018 paving the way for unifying the state-sanctioned and underground Catholic communities, local Chinese authorities subjected Catholic believers in China to increasing persecution by demolishing churches, removing crosses, and continuing to detain underground clergy.
- As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment, with 931 practitioners reportedly sentenced for criminal “cult” of-
Executive Summary

fenses in 2018. Human rights organizations and Falun Gong practitioners documented coercive and violent practices against practitioners during custody, including physical violence, forced drug administration, and other forms of torture.

• Bans on religious belief proliferated at the local level for students and various professionals. Party disciplinary regulations were revised to impose harsher punishment on members for manifestations of religious belief.

ETHNIC MINORITY RIGHTS

• Authorities carried out the physical destruction and alteration of Hui Muslim spaces and structures, continuing a recent trend away from relative toleration of Hui Muslim communities. These changes narrowed the space for Hui Muslim believers to assert an ethnic and religious identity distinct from that of the dominant Han Chinese population.

• Mongol herders in the Inner Mongolia Autonomous Region demonstrated and petitioned the government over the loss of traditional grazing lands. As in past reporting years, authorities detained some of the Mongol herders who peacefully protested.

POPULATION CONTROL

• Central government authorities rejected calls to end birth restrictions, despite population experts and National People’s Congress delegates voicing demographic, economic, and human rights concerns over the Chinese government’s population control policies. The Commission continued to observe reports of Chinese authorities threatening or imposing punishments on families for illegal pregnancies and births, using methods including heavy fines, job termination, and abortion.

• The Chinese government’s restrictive family planning policies have exacerbated China’s aging society and sex ratio imbalance. Human trafficking for forced marriage and commercial sexual exploitation continue to be challenges that have worsened under the decades-long population control policies implemented by the Chinese government.

SPECIAL TOPIC: MIGRANT NEIGHBORHOODS A TARGET OF ANTI-CRIME AND VICE CAMPAIGN

• An anti-crime campaign launched by central authorities in 2018 was used to target marginalized groups in China. Called the “Specialized Struggle to Sweep Away Organized Crime and Eliminate Vice,” the stated aims of the three-year campaign include guaranteeing China’s lasting political stability and further consolidating the foundation of Communist Party rule.

• The Commission observed reports of local governments invoking this anti-crime campaign in order to target petitioners (individuals and groups who seek redress from the government), religious believers, village election candidates, and lawyers. Some local governments have also increased monitoring of internal migrant neighborhoods in the name of the anti-crime campaign.
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STATUS OF WOMEN

• Women in China face severe discrimination throughout their careers, from job recruitment and hiring to wages and promotions. Gender bias and sexual harassment in the workplace are major factors contributing to the employment gender gap, as well as national laws mandating parental leave and other entitlements for women but not men.
• Despite official repression, independent public advocacy for women’s rights continue to influence public discourse and policy. Following significant public pressure via advocacy campaigns led by grassroots activists, Chinese officials initiated policies to address gender discrimination in employment. Nonetheless, inadequate enforcement and discriminatory laws persist.
• Thirty percent of women have experienced some form of domestic violence, yet as of December 2018—nearly three years after the passage of the PRC Anti-Domestic Violence Law in March 2016—Chinese courts had issued only a total of 3,718 protection orders.

HUMAN TRAFFICKING

• Chinese authorities subjected Uyghur Muslims and other ethnic minorities in the XUAR to forced labor in the production of food, textiles, and other goods.
• Women and girls from countries including Burma (Myanmar), Cambodia, Indonesia, Laos, Mongolia, North Korea, Pakistan, and Vietnam were trafficked into China for forced marriage and sexual exploitation; and individuals from Burma, Mongolia, Nepal, and North Korea were trafficked to China for the purpose of forced labor. Chinese nationals were trafficked outside of China to other parts of the world, including the United States.
• The government of the Democratic People’s Republic of Korea (DPRK) reportedly continued to generate revenue by sending DPRK nationals to work in China under conditions that may constitute forced labor, in possible violation of UN sanctions.
• Hong Kong remained a destination for the trafficking of migrant domestic workers from Indonesia and the Philippines who face exploitative working conditions.

NORTH KOREAN REFUGEES IN CHINA

• The Chinese government continued to detain North Korean refugees in China and repatriate them to the DPRK, where they face severe punishment, including torture, imprisonment, forced labor, and even execution. The repatriation of North Korean refugees violates China’s obligations under international human rights and refugee law and may amount to “aiding and abetting crimes against humanity.” This past year, Chinese and North Korean authorities reportedly imposed stricter border controls to deter North Korean refugees from escaping the DPRK.
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• The majority of North Korean refugees leaving the DPRK are women. The Chinese government’s refusal to recognize these women as refugees denies them legal protection and may encourage the trafficking of North Korean women and girls within China. Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to their lack of legal resident status in China, which constitute violations of the PRC Nationality Law and the Convention on the Rights of the Child.

PUBLIC HEALTH

• Food safety and vaccine safety scandals have continued to flare up in the past year, despite the Chinese government’s attempts in the past decade to improve quality control. Analysts point to a lack of accountability, weak regulatory capacity and enforcement of laws, corruption, and government procurement systems that favor low-cost goods. The National People’s Congress passed a new vaccine management law in June 2019 aimed at strengthening vaccine supervision, penalizing producers of substandard or fake vaccines, and introducing compensation for victims of faulty vaccines.
• Despite strong regulations aimed at improving food and vaccine safety and punishment for companies and individuals found guilty of criminal acts, authorities also continued to detain citizens for speaking out and organizing protests, including victims and parents of children who received tainted vaccines.
• Chinese authorities reportedly continued to forcibly commit individuals to psychiatric facilities, including government critics and those with grievances against government officials and legal processes, even though the PRC Mental Health Law prohibits such abuses.

THE ENVIRONMENT

• Environmental pollution remained a major challenge in China due to authorities’ top-down approach to environmental challenges, transparency shortcomings, and the suppression and detention of environmental advocates. The Chinese government’s vision of environmental governance was articulated in the National Development and Reform Commission’s work report for 2018, which states, “the government leads, enterprises are the main actors, and social organizations and the public participate.” The role for the public in environmental protection, however, remained limited.
• In 2018, carbon dioxide emissions in China continued to increase, as Chinese state-owned banks funded international coal-fired power projects. While the Chinese government continued to report progress in environmental protection, a March 2019 ranking of air pollution in over 3,000 cities around the world, indicated that 57 of the 100 most polluted cities in 2018 (based on fine particulate concentrations) were in China.
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BUSINESS AND HUMAN RIGHTS

• Chinese domestic businesses and international businesses are increasingly at risk of complicity in the egregious human rights violations committed by the Chinese Communist Party and government. For example, in the XUAR, experts have documented the rapid expansion of a network of mass internment camps in which authorities have arbitrarily detained over a million individuals from predominantly Muslim ethnic minority groups. The company Hangzhou Hikvision Digital Technology has supplied surveillance systems to the camps as part of a public-private partnership with XUAR authorities.
• The Commission observed numerous reports this past year of forced labor in the XUAR. One investigation found that materials from firms using forced labor in the XUAR had entered the supply chains of major international clothing companies including Adidas, H&M, Nike, and Patagonia.
• Chinese security authorities continued to work with domestic companies to expand the reach and analytical power of government surveillance systems across China. Chinese technology firms SenseTime, Megvii, CloudWalk, Yitu, and Tiandy all reportedly sold technology to Chinese authorities for use in surveillance systems. The government uses this technology to surveil rights advocates and others the government views as threats.

CIVIL SOCIETY

• In the past few years, the Chinese government has harshly repressed human rights lawyers, women’s rights advocates, labor rights defenders, citizen journalists, and petitioners. In conjunction with the continued implementation of legislative and regulatory reforms passed in 2016 and the increased role and purview of the Party over all aspects of Chinese society, the space non-governmental organizations (NGOs) had in which to carry out human rights advocacy activities continued to shrink.
• The Chinese government highlighted overseas NGOs as threats to China’s “political security,” without defining the term. The Chinese government invoked this vague term to crack down on organizations working in human rights and rule-of-law advocacy.
• Chinese government efforts to suppress labor advocacy—labeling such advocacy as driven by foreign interests—made it increasingly difficult for workers in China to organize grassroots efforts and advocate for their rights. Chinese authorities carried out a large-scale nationwide crackdown on labor rights advocates that began in July 2018 when workers at the Jasic Technology factory in Shenzhen municipality, Guangdong province, attempted to organize a labor union and received widespread national support from university students and internet users. Authorities portrayed the labor protests as orchestrated by a “foreign-funded” NGO, and harassed, physically assaulted, detained, and prosecuted labor advocates and supporters.
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- The Chinese government continued to suppress the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) individuals in China. LGBTQ individuals faced a multitude of challenges, including a lack of legal protections. The Chinese government cracked down on organizations and rights defenders active on LGBTQ issues. Nevertheless, LGBTQ advocates supported online campaigns highlighting workplace discrimination and sexual harassment, and censorship. The Chinese government has not followed multiple recommendations from UN bodies regarding LGBTQ protections.

Institutions of Democratic Governance

- China’s one-party authoritarian political system remains out of compliance with international human rights standards because authorities deprived citizens of the right to meaningfully participate in the electoral process and in public affairs in general.
- As General Secretary Xi Jinping continued to promote rule-based governance, the Chinese Communist Party passed a series of rules to formalize the manner and extent of the Party’s control over the government and society. These rules reinforced the all-encompassing authority of the Party and centralized personal leadership of Xi Jinping. One set of rules formalized the Party’s longstanding control over the judiciary, the procuratorate, public security agencies, national security agencies, and judicial administration agencies.
- Central authorities also issued rules to regulate personnel management in the government by requiring civil servants to receive political indoctrination and by imposing political considerations as criteria for career advancement. In one instance, the Party Central Committee issued an opinion prohibiting officials from expressing views inconsistent with or “improperly discussing” the Party’s policy even outside of work hours.
- Citizens’ opportunities to participate in limited local elections diminished this past year. Chinese authorities reduced the frequency of elections for grassroots-level committees—from once every three years to once every five years—in order to synchronize with the terms of the corresponding Party offices, thereby “complementing the Party’s complete leadership.”
- On the international stage, China categorically denied responsibility for human rights violations despite evidence of human rights abuses. It further rejected recommendations to cease the practice of arbitrary detention and rejected calls to release political prisoners.

Access to Justice

- Chinese authorities continued to influence the judiciary, control the legal profession, and persecute human rights lawyers in violation of the International Covenant on Civil and Political Rights.
- Official media’s promotion of the Party’s absolute leadership over the judiciary had a negative impact on the overall judicial process. The Supreme People’s Court planned to amend past
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judicial interpretations to conform to the approved political ideology and not issue any new judicial interpretations unless the topic is specified by the Party. With respect to the legal profession, the Minister of Justice urged lawyers to “unify their thoughts” and to accept the Party’s complete leadership over their work.

• Authorities continued to view legal representation provided by human rights lawyers as a threat to the Party’s political security, as they continued to criminally prosecute them on charges such as “subversion of state power.” Authorities also restricted the speech and movement of human rights lawyers, and in some cases stripped them of their law licenses.

XINJIANG

• In the past year, authorities in the XUAR expanded a system of extrajudicial mass internment camps, arbitrarily detaining one million or more Uyghurs, Kazakhs, Kyrgyz, Hui, and others. Security personnel at the camps subjected detainees to torture, including forced ingestion of drugs; punishment for behavior deemed religious; forced labor; overcrowding; deprivation of food; and political indoctrination. Authorities transferred some detainees from mass internment camps in the XUAR to detention facilities in other parts of China, due to factors including overcrowding in camps within the XUAR and authorities’ desire to conceal information on camp detainees. Some detainees reportedly died in camps due to poor conditions, medical neglect, or other reasons.

• Scholars and rights groups provided strong arguments, based on available evidence, showing that the “crimes against humanity” framework may apply to the case of mass internment camps in the XUAR. Article 7 of the Rome Statute of the International Criminal Court provides a list of 11 acts, any one of which may constitute “crimes against humanity” “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”

<table>
<thead>
<tr>
<th>Acts listed in Article 7 of the Rome Statute</th>
<th>Possible application to the treatment of Turkic Muslims in the XUAR</th>
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<tbody>
<tr>
<td>(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;</td>
<td>Arbitrary, prolonged detention of Uyghurs, Kazakhs, Kyrgyz, Hui, and others in mass internment camps in the XUAR since around April 2017;</td>
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<tr>
<td>(f) Torture;</td>
<td>Security personnel in mass internment camps in the XUAR subjected detainees to widespread torture, including through the use of electric shocks and shackling people in painful positions;</td>
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<td>(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in Paragraph 3 [Article 7(3) of the Rome Statute], or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph [Article 7 of the Rome Statute] or any crime within the jurisdiction of the Court;</td>
<td>Security personnel have detained a million or more Uyghurs, Kazakhs, Kyrgyz, and Hui; enforced harsh, widespread restrictions on peaceful Islamic practices of XUAR residents; and subjected Turkic and Muslim XUAR residents to intense surveillance, checkpoints, intimidation, and involuntary biometric data collection.</td>
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<tr>
<td>(i) Enforced disappearance of persons.</td>
<td>Hundreds of intellectuals forcibly disappeared by authorities in the XUAR are among the million or more Uyghurs, Kazakhs, Kyrgyz, and Hui detained in mass internment camps.</td>
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</table>

- Mass internment camp detainees reportedly included permanent residents of the United States and Australia. American officials stated in March 2019 that Chinese authorities may have detained several American residents in mass internment camps. As of April 2019, authorities had reportedly detained more than a dozen Australian residents. In addition, at least five Australian children reportedly were unable to leave the XUAR due to restrictions on the freedom of movement of their parents in the XUAR.
- Authorities reportedly placed the children of mass internment camp detainees in the XUAR in orphanages, welfare centers, and boarding schools, often despite the willingness of other relatives to care for the children, raising concerns of forcible assimilation.
- XUAR government authorities continued to use surveillance technology and other measures to tighten state control over ethnic minority groups in the region, and to identify individuals to detain in mass internment camps. A Human Rights Watch report documented authorities’ continued use of a centralized system known as the “Integrated Joint Operations Platform” (IJOP) to compile and analyze information collected through mass surveillance mechanisms in the XUAR and detect “abnormal” behaviors, targeting individuals for detention in camps or other types of restriction on movement.
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TIBET

• The Chinese government and Communist Party significantly tightened restrictions on access to the Tibet Autonomous Region (TAR) and other Tibetan areas in China for international journalists, non-governmental organizations (NGOs), foreign officials, scholars, and members of the Tibetan diaspora. Chinese authorities require all foreign visitors to the TAR to apply for a special permit. Tourists must be accompanied by government-designated tour guides, and are only allowed to see controlled sites. International journalists have stated that the isolation of the TAR is worse than that of North Korea, allowing the Chinese government to conceal human rights abuses and environmentally damaging large-scale activities, such as damming rivers and mining, and to promote the claim that Tibetans benefit from and support the Party and its actions.

• The government and Party intensified security and surveillance in the TAR and other Tibetan autonomous areas, using increasingly advanced technology, and continued an “anti-crime and vice campaign” to crack down on Tibetans suspected of organizing or participating in activities that authorities deem to be threatening to government control or “social stability.”

• Authorities continued to restrict the religious freedom of Tibetan Buddhists under the “sinicization” campaign, which aims to bring religion in China under closer official control and into conformity with officially sanctioned interpretations of Chinese culture. Actions taken included mandatory political education for religious leaders, large-scale evictions from influential monasteries, banning religious activities for youth, and replacing images of the Tibetan Buddhists’ spiritual leader, the Dalai Lama, with past and current Party leaders Mao Zedong and Xi Jinping.

• The Chinese government continued to pursue large-scale infrastructure and investment projects in the TAR and other Tibetan areas, including hydropower dams, mines, and the resettlement of Tibetan nomads, with no apparent representative input from the Tibetan population, independent environmental NGOs, or rights groups. These activities violate the social, economic, and cultural rights of Tibetans, such as their rights to housing and livelihood, and raised concerns among environmental scientists and advocates about their regional and global impact.

• The Panchen Lama, Gedun Choekyi Nyima, whom the Dalai Lama recognized in May 1995, reached his 30th birthday on April 25, 2019, while remaining incommunicado in government custody at an unknown location. Moreover, in violation of the religious freedom of Tibetan Buddhists, the Party continued to promote public appearances by its chosen Panchen Lama, Gyaltse Norbu, including his first trip abroad to Thailand, and to a sacred Buddhist site, adding to speculation that Chinese officials will eventually attempt to use him in efforts to select the next Dalai Lama.
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DEVELOPMENTS IN HONG KONG AND MACAU

• The Commission observed a further erosion of Hong Kong's autonomy and fundamental freedoms under the “one country, two systems” framework. The Hong Kong government sought to advance changes to the territory’s extradition law to allow the surrender of individuals to mainland China and to empower the Chief Executive to make decisions on fugitive arrangements on a case-by-case basis without a vetting process in the Legislative Council (LegCo). If passed, the bill would expose local and foreign citizens transiting, visiting, or residing in Hong Kong to the risk of being extradited to China.

• A series of mass protests against the extradition bill on the scale of tens of thousands to two million took place in Hong Kong beginning in March 2019, garnering widespread international attention and concern. Protests continued throughout the summer, despite the Hong Kong government’s decision to suspend—but not withdraw—consideration of the extradition bill. Protesters demanded that the government formally withdraw the extradition bill, create an independent commission to investigate reports of the excessive use of force by police during the protests, retract the characterization of the June 12 demonstrations as a “riot,” drop all charges against arrested anti-extradition bill protesters, and pursue democratic reforms to allow for universal suffrage in Hong Kong’s elections.

• Over the past year, the Hong Kong government continued to reject the candidacy of LegCo and local election nominees such as Lau Siu-lai and Eddie Chu Hoi-dick based on their political beliefs and associations, violating Article 21 of the Hong Kong Bill of Rights Ordinance, which guarantees the right to “vote and be elected at genuine periodic elections.”

• The Hong Kong government continued to pursue criminal charges against leaders and participants of public demonstrations, including the 2014 pro-democracy protests (“Umbrella Movement”). In April 2019, a Hong Kong court found nine leaders of the Umbrella Movement guilty of charges related to “public nuisance” and sentenced Benny Tai Yiu-ting and Chan Kin-man to 16 months in prison and Raphael Wong and Shiu Ka-chun to 8 months in prison.

• The Hong Kong government limited the freedoms of expression, association, and assembly by banning the pro-independence Hong Kong National Party (HKNP) and rejecting the visa renewal request of Financial Times Asia editor Victor Mallet who hosted an event featuring Andy Chan, founder of the HKNP, months earlier. An event featuring dissident artist Badiucao was canceled over “safety concerns” after authorities from the Chinese government reportedly issued threats against the artist.

• Chinese government influence over the territory, and Hong Kong officials’ willingness to conform to the interests of the Chinese government, continued a trend of decreased autonomy observed over the past several years. This trend has implications for both the protection of the rights and freedoms of the people of Hong Kong and for the future of U.S. policy towards
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Hong Kong, which is based on the territory’s continuing autonomy.
• The Commission did not observe progress in Macau toward universal suffrage in the 2019 Chief Executive (CE) election. Former Macau Legislative Assembly president Ho Iat Seng won the uncontested election on August 25, 2019, because he was the only candidate able to garner enough nominations in the 400-member CE Election Committee.

The Commission’s Executive Branch members have participated in and supported the work of the Commission. The content of this Annual Report, including its findings, views, legal determinations, and recommendations, does not necessarily reflect the views of individual Executive Branch members or the policies of the Administration.

The Commission adopted this report by a vote of 17 to 0.†

†Voted to adopt: Representatives McGovern, Kaptur, Suozzi, Malinowsky, McAdams, Smith, Mast, and Hartzler; Senators Rubio, Lankford, Cotton, Daines, Young, Feinstein, Merkley, Peters, and King.
**Political Prisoner Cases of Concern**

Members of Congress and the Administration are encouraged to consult the Commission’s Political Prisoner Database (PPD) for credible and up-to-date information on individual prisoners or groups of prisoners. The Cases of Concern in the Commission’s 2019 Annual Report highlight a small number of individuals whom Chinese authorities have detained or sentenced for peacefully exercising their internationally recognized human rights. Members of Congress and the Administration are encouraged to advocate for these individuals in meetings with Chinese government and Communist Party officials. For more information on these cases and other cases raised in the Annual Report, see the Commission’s Political Prisoner Database.

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<thead>
<tr>
<th>Name</th>
<th>PPD Record No.</th>
<th>Case Summary (as of August 2019)</th>
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| Abdughappar Abdurusul 2018-00645 | **Date of Detention:** July 2018  
**Place of Detention:** Unknown, but taken into custody while in Ghulja (Yining) city, Ili (Yili) Kazakh Autonomous Prefecture, Xinjiang Uyghur Autonomous Region (XUAR)  
**Charge:** Unknown  
**Status:** Sentenced to death  
**Context:** A 42-year-old businessman and philanthropist living in Ghulja, Abdughappar Abdurusul may have been detained for taking the Hajj pilgrimage independently, rather than through a Chinese government-organized group. His brother reported that officials sentenced Abdurusul to death in a mass trial without legal counsel and seized his family’s assets.  
**Additional Information:** Authorities also reportedly detained his wife, Merhaba Hajim, in April 2018, and held her in a mass internment camp. She reportedly died in detention. In 2017, authorities detained their eldest son Abuzer, then 18, after he returned to China from studying in Turkey. Authorities also detained Abdurusul’s younger brother Abduqadir Abdurusul and his wife (name not reported) in or around July 2018. Details on their detentions were unavailable. |
| Rahile Dawut 2018-00552 | **Date of Detention:** December 2017  
**Place of Detention:** Unknown, possibly held in a mass internment camp in the XUAR  
**Charge:** Unknown  
**Status:** Disappeared  
**Context:** Uyghur ethnographer Rahile Dawut disappeared and is believed to be held in a mass internment camp. Friends and other observers suggested authorities may have detained her due to her efforts to preserve Uyghur culture and heritage, or her foreign connections. She formerly taught at Xinjiang University and is well regarded for her scholarly research on traditional Uyghur culture.  
**Additional Information:** At least one of Dawut’s graduate students also reportedly disappeared. |
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| **Tashpolat Teyip**  | 2019-00064    | **Date of Detention:** March 2017  
**Place of Detention:** Unknown location in the XUAR  
**Charge:** Possibly related to separatism  
**Status:** Sentenced to death with 2-year reprieve  
**Context:** Xinjiang University president Tashpolat Teyip disappeared in Beijing municipality as he prepared to fly to Germany to attend a conference. A Uyghur geographer who received international acclaim for his environmental research, authorities accused Teyip of being a "separatist," together with 5 other Uyghur intellectuals. Authorities reportedly cracked down on Teyip for being “two-faced,” a term Chinese officials use to refer to ethnic minority cadres who pretend to support the Chinese Communist Party. A student of Teyip said his custom of beginning public statements with a Uyghur greeting may have prompted authorities to target him. |
| **Sanubar Tursun**   | 2019-00071    | **Date of Detention:** Late 2018  
**Place of Detention:** Unknown, possibly held in a mass internment camp in the XUAR  
**Charge:** Unknown  
**Status:** Unknown  
**Context:** Renowned Uyghur singer Sanubar Tursun disappeared inside China in late 2018. In November 2018, concerts she had been scheduled to perform in France in February 2019 were canceled, after her international contacts could no longer reach her. Authorities may have sentenced Tursun to 5 years in prison, but sources were unable to confirm this. |
| **Bonkho Kyi**       | 2012-00261    | **Date of Detention:** November 2015  
**Place of Detention:** A prison in Wenchuan (Lunggu) county, Aba (Ngaba) Tibetan & Qiang Autonomous Prefecture (T&QAP), Sichuan province  
**Charge:** Unknown  
**Status:** Sentenced to 7 years  
**Context:** Between October and December 2015, public security officials in Aba (Ngaba) county, Aba T&QAP, detained at least 8 Tibetans accused of involvement in organizing observances of the Dalai Lama’s 80th birthday, including Bonkho Kyi, who had helped organize a public picnic to celebrate the birthday.  
**Additional Information:** Other Tibetans in Aba county detained for commemorating the Dalai Lama’s 80th birthday included Argya Gya (Akyakya), Tseltrim (Tseulte), and Tseltrim, all of whom remained in detention. |
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| Tashi Wangchug  | 2016-00077    | **Date of Detention:** January 27, 2016  
**Place of Detention:** Dongchuan Prison, Qinghai province  
**Charge:** Inciting separatism  
**Status:** Sentenced to 5 years  
**Context:** Tibetan language rights advocate and entrepreneur Tashi Wangchug (also spelled Wangchuk) shared information online calling on the Qinghai provincial government to improve bilingual education and hire more bilingual civil servants. Authorities used as evidence in Tashi Wangchug's trial a short New York Times documentary that featured his attempts to file a lawsuit over the lack of sufficient Tibetan-language education. |
| Bian Lichao     | 2015-00171    | **Date of Detention:** February 25, 2012  
**Place of Detention:** Shijiazhuang Prison, Hebei province  
**Charge:** Unknown  
**Status:** Sentenced to 12 years  
**Context:** Public security officials detained middle school teacher and Falun Gong practitioner Bian Lichao, allegedly because he made DVDs and other materials to promote the Falun Gong-connected Shen Yun performance arts group.  
**Additional Information:** In 2014, authorities also detained Bian’s wife, daughter, and another relative in connection with Bian’s daughter’s attempts to visit him in prison. |
| Gao Zhisheng    | 2005-00291    | **Date of Detention:** August 2017  
**Place of Detention:** Beijing municipality (unconfirmed). Authorities disappeared Gao while holding him at his family’s home in Jia county, Yulin municipality, Shaanxi province.  
**Charge:** Unknown (if any)  
**Status:** Disappeared  
**Context:** The reason for Gao’s current detention is unknown. Since August 2006, authorities have held Gao—a former lawyer whose license was suspended in 2005—under various forms of detention, reportedly for representing farmers in land expropriation cases and for writing open letters condemning persecution of Falun Gong practitioners and Christians. Authorities reportedly tortured Gao during detention. |
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| Huang Qi     | 2004-04053     | **Date of Detention:** November 28, 2016  
**Place of Detention:** Mianyang PSB Detention Center, Sichuan province  
**Charges:** Illegally providing state secrets to foreign entities, intentionally leaking state secrets  
**Status:** Sentenced to 12 years  
**Context:** Huang Qi is a citizen journalist and founder of the website 64 Tianwang, which reported on petitioners and other human rights issues in China. Huang previously served prison sentences for posting articles online about the 1989 Tiananmen protests and Falun Gong, and for aiding the parents of children who died in the 2008 earthquake in Sichuan.  
**Additional Information:** Authorities have refused requests for medical parole despite Huang's life-threatening kidney disease. Authorities have also detained Huang's 85-year-old mother, Pu Wenqing, in confinement at home and at a hospital since December 2018. |
| Jiang Wei    | 2018-00366     | **Date of Detention:** November 9, 2015  
**Place of Detention:** Liaoning Women’s Prison, Liaoning province  
**Charge:** Unknown  
**Status:** Sentenced to 12 years  
**Context:** Jiang is a Falun Gong practitioner who has been detained multiple times for her beliefs. Previously, authorities ordered Jiang to serve 3 years at a reeducation-through-labor camp in 1999, subjecting her to electric shocks and other physical abuse. In 2004, authorities sentenced Jiang to 8 years in prison, and later committed her to a psychiatric hospital.  
**Additional Information:** Jiang has reportedly endured maltreatment while in prison, including abusive language, beatings, and 15 days of solitary confinement. While in solitary, she was kept in a cell too small to stand in. She was also forced to eat and defecate in the cell, which was infested with flies and mosquitoes. |
| Li Yuhan     | 2017-00361     | **Date of Detention:** October 9, 2017  
**Place of Detention:** Shenyang No. 1 PSB Detention Center, Liaoning province  
**Charges:** Picking quarrels and provoking trouble, fraud  
**Status:** Pretrial detention  
**Context:** A lawyer, Li previously represented rights lawyer Wang Yu, whom authorities detained in a crackdown on human rights legal professionals that began in mid-2015.  
**Additional Information:** Li suffers from various health conditions, including heart disease, hypertension, and hyperthyroidism. Staff at the detention center reportedly instructed other inmates to urinate on her food, denied her hot water for showers, denied her medical treatment, and threatened to beat her to death. In March 2018, Li went on a hunger strike to protest the mistreatment, which prompted detention center officials to force-feed her. |
**Executive Summary**

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<thead>
<tr>
<th>Name</th>
<th>PPD Record No.</th>
<th>Date of Detention:</th>
<th>Place of Detention:</th>
<th>Charge:</th>
<th>Status:</th>
<th>Context:</th>
<th>Additional Information:</th>
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<tbody>
<tr>
<td>Qin Yongmin</td>
<td>2004-02138</td>
<td>January 9, 2015</td>
<td>Guanghua Prison, Hubei province</td>
<td>Subversion of state power</td>
<td>Sentenced to 13 years</td>
<td>A longstanding democracy advocate, Qin Yongmin previously served 8 years in prison for his participation in the Democracy Wall movement and 12 years in prison for his role in co-founding the China Democracy Party. He also co-founded the NGO China Human Rights Watch (also known as “Rose Group”). A 2018 court decision noted the 2012 publication in Hong Kong of Qin’s writings on peaceful democratic transition. Authorities detained Qin’s wife, Zhao Suli, around the same time as Qin. After more than 3 years of “enforced disappearance,” Zhao returned to her Wuhan home around February 2018. Authorities continued to restrict Zhao’s activities after her release.</td>
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<tr>
<td>Wang Yi</td>
<td>2018-00615</td>
<td>December 9, 2018</td>
<td>Chengdu PSB Detention Center, Sichuan province</td>
<td>Inciting subversion of state power, illegal business activity</td>
<td>Pretrial detention</td>
<td>Authorities detained Early Rain Covenant Church pastor and founder Wang Yi one day before officially banning the unregistered Protestant church located in Chengdu municipality, Sichuan. Wang’s detention took place amid a broad crackdown on unregistered churches in China. In addition to Wang, authorities detained at least 100 Early Rain members beginning in December 2018. Authorities continued to surveil many of the members even after releasing them, including Wang’s wife, Jiang Rong. Church members reported that while in detention they were force-fed unknown medication and were coerced to confess or to falsely accuse Wang and other church leaders of wrongdoing.</td>
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Executive Summary

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<tr>
<th>Name</th>
<th>PPD Record No.</th>
<th>Case Summary (as of August 2019)</th>
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</table>
| Yue Xin               | 2018-00665     | **Date of Detention:** August 24, 2018  
**Place of Detention:** Unknown  
**Charge:** Unknown  
**Status:** Disappeared  
**Context:** Beginning in July 2018, authorities took into custody over 60 individuals connected to factory workers’ attempts to form a labor union at Jasic Technology (Jasic) in Shenzhen municipality, Guangdong province. On August 19, Peking University graduate Yue Xin published an open letter calling on central authorities to permit the workers to unionize. On August 24, police detained Yue Xin and about 50 individuals who had gathered in Shenzhen to show support for the detained Jasic workers.  
**Additional Information:** Authorities continued to hold at least 32 individuals in detention in connection with the Jasic protests as of December 7, 2018. In January 2019, Yue Xin and other student supporters of Jasic workers appeared in a video giving what appeared to be forced confessions. |
| Zhang Haitao          | 2015-00343     | **Date of Detention:** June 26, 2015  
**Place of Detention:** Shaya Prison, XUAR  
**Charges:** Inciting subversion of state power; stealing, spying, purchasing, and illegally providing state secrets and intelligence for overseas entities  
**Status:** Sentenced to 19 years, upheld on appeal  
**Context:** In June 2015, authorities in Urumqi municipality, XUAR, reportedly launched a “clean-up of individuals active on the internet” campaign as part of a “stability maintenance” effort in the region, detaining Zhang in connection to his online criticism of the government’s ethnic minority policies. |
| Zhang Zhiyu (more widely known as Zhang Zhiru) | 2019-00117     | **Date of Detention:** January 20, 2019  
**Place of Detention:** Detention center in Bao’an district, Shenzhen municipality, Guangdong province  
**Charge:** Gathering a crowd to disturb social order  
**Status:** Formally arrested, awaiting trial  
**Context:** Zhang Zhiyu (more widely known as Zhang Zhiru) was one of five labor advocates whom authorities detained in January 2019. These detentions appear to be part of an ongoing crackdown on grassroots labor advocacy. Zhang is the director of the Chunfeng Labour Dispute Service Center, which he founded in 2007, and has been involved in many landmark labor disputes. |
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In addition, members of Congress and the Administration are encouraged to advocate for the increasing number of individuals prosecuted and imprisoned in connection with their promotion of democracy or human rights in Hong Kong. For more information on the following case and related cases, see Section VI—Developments in Hong Kong and Macau in this report.

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<th>Name</th>
<th>Case Summary (as of August 2019)</th>
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<tr>
<td>Chan Kin-man</td>
<td>Date of Detention: Began serving sentence April 24, 2019&lt;br&gt;Place of Detention: Pik Uk Prison, Sai Kung, New Territories, Hong Kong&lt;br&gt;Charges: Conspiracy to commit public nuisance, incitement to commit public nuisance, incitement to incite public nuisance&lt;br&gt;Status: Sentenced to 1 year and 4 months, appeal filed&lt;br&gt;Context: Professor Chan Kin-man of the Chinese University of Hong Kong, Professor Benny Tai of the University of Hong Kong, and Reverend Chu Yiu-ming initiated the peaceful “Occupy Central with Love and Peace Campaign” in 2013, demanding universal suffrage for the 2017 Chief Executive (CE) election and 2020 Legislative Council elections. In response to the National People's Congress Standing Committee August 2014 decision that the CE would not be elected by universal suffrage in 2017, Chan and others mobilized supporters to protest the decision in what is now known as the “Umbrella Movement,” during which protesters occupied the Central district in Hong Kong for 79 days, demanding electoral reform and universal suffrage.&lt;br&gt;Additional information: Hong Kong authorities pursued charges related to public nuisance against 9 pro-democracy advocates for their activities in the Umbrella Movement. In 2019, a Hong Kong court found them guilty on April 9, and on April 24, sentenced Chan Kin-man and Benny Tai to 1 year and 4 months in prison, and Chu Yiu-ming to 1 year and 4 months, suspended for 2 years. On August 15, 2019, Tai was released on bail pending appeal.</td>
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GENERAL RECOMMENDATIONS TO CONGRESS AND THE ADMINISTRATION

As the Chinese government and Communist Party continue to erode the rule of law in China and the human rights of the Chinese people, the U.S. Government should develop coordinated policies that reflect that pressing for greater transparency, reciprocity, and adherence to universal standards is necessary to advance American interests and the interests of Chinese citizens eager for peace, rights protections, the rule of law, and genuine political reform. A shared commitment to universal human rights and the rule of law—and willingness to act in their defense—is the foundation for the cooperative alliances, security partnerships, and multilateral consultative mechanisms underpinning U.S. power since the end of World War II. The Commission makes the following recommendations for consideration by Congress and the Administration:

• **Develop a Whole-of-Government Approach to Human Rights in China.** In order to ensure that the U.S. Government can strategically address a more authoritarian China, the President should issue a policy directive to develop a comprehensive strategy embedding human rights, the rule of law, and democratic governance into the critical mission strategies of all U.S. Government entities interacting with the Chinese government. This strategy should include expanding efforts within the U.S. Government to counter disinformation, coercive political influence operations, and censorship efforts, particularly those targeting diaspora communities. As the Administration develops this strategy, attention should be paid to messaging and programs that address the rights violations that affect the largest number of Chinese citizens, particularly workers, families, religious believers, ethnic minority groups, internet users, women, and rural residents; avoid fostering an atmosphere of unfair suspicion of Chinese-Americans who are often targets of coercive political influence operations; and inform Chinese nationals of their civil rights while living, studying, or working in the United States.

• **Address Abuses in the Xinjiang Uyghur Autonomous Region (XUAR).** The Administration should aggregate policy responses within the U.S. Government to address gross human rights violations in the XUAR, including by:
  ○ Using Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) sanctions to hold accountable Chinese business entities and officials complicit in the mass internment and surveillance of Uyghurs and other Turkic Muslim minorities and to encourage like-minded allies to issue their own sanctions.
  ○ Controlling sales of new and emerging technologies, including facial recognition systems, machine learning, and biometric and artificial intelligence technologies, by placing the XUAR government and security agencies on the U.S. Department of Commerce’s “Entity List.”
  ○ Requesting an open debate or, at the very least, an Arria-formula briefing at the UN Security Council on the XUAR, and initiating or signing on to joint statements on the XUAR at the UN Human Rights Council.
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- Creating guidelines for counterterrorism and law enforcement cooperation with China and other countries in the Shanghai Cooperation Organization to ensure that the U.S. Government does not condone or assist in Chinese authorities’ crackdown on domestic political dissent or restrictions on internationally recognized human rights.
- Working with Congress to pass legislation that provides information and new authorities, including export controls and limitations on U.S. Government procurement from China, that will allow a more robust approach to the Chinese government’s atrocities in the XUAR, including through passage of the Uyghur Human Rights Policy Act of 2019 (S. 178/H.R. 649).

- **Hold Chinese Government Officials Accountable for Abuses.** In addition to the list-based sanctions of the Global Magnitsky Act, the Administration should strategically use the mechanisms available in the International Religious Freedom Act of 1998 (Public Law No. 105–292), the Victims of Trafficking and Violence Protection Act of 2000 (Public Law No. 106–386), the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law No. 114–122), and the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act of 2000 (Public Law No. 106–113—Appendix G) to levy financial sanctions against or deny U.S.-entry visas to Chinese officials complicit in human rights violations including severe religious freedom restrictions and human trafficking.

- **Update the “Tiananmen Sanctions.”** Congress should strengthen existing sanctions prohibiting the sale of “crime control and detection” equipment (Public Law No. 101–246 902(a)(4)) to the Chinese government to include related services and training, as well as add language identifying and controlling the technology needed for mass surveillance, the creation of predictive policing platforms, and the gathering of sensitive electronic or biometric information.

- **Condition Access to U.S. Capital Markets.** The Administration should identify and list Chinese companies and entities with a presence in U.S. capital markets that have provided material support or technical capabilities to facilitate human rights abuses in China—including in the XUAR—and strengthen disclosure requirements at the Securities and Exchange Commission to alert American investors about the presence of such Chinese entities in U.S. capital markets.

- **Address the Erosion of Hong Kong’s Autonomy.** The Congress should pass the Hong Kong Human Rights and Democracy Act of 2019 (S. 1838 / H.R. 3289), which requires an annual certification of Hong Kong’s autonomy to spur regular discussions on how to maintain Hong Kong’s special trade and economic status under U.S. law. The bill also provides tools to hold accountable Hong Kong and Chinese government officials who suppress freedom of expression and assembly or undermine the rule of law.

- **Update the Tibetan Policy Act.** The Congress should update the Tibetan Policy Act of 2002 (Public Law No. 107–228) to clarify in U.S. policy that the reincarnation of the Dalai Lama is an exclusively religious matter that should be made solely by the Tibetan Buddhist faith community. The legislation should make clear that
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Chinese officials who interfere in the process of recognizing a successor or reincarnation of the Dalai Lama will be subject to targeted financial, economic, and visa-related sanctions like those in the Global Magnitsky Act. The Administration should heed the guidance from Congress on the implementation of the Reciprocal Access to Tibet Act of 2018 (Public Law No. 115–330) and use the sanctions available in the act against Chinese officials responsible for denying Americans access to Tibetan regions.

• **Voice Support for Human Rights in China.** Members of Congress and Administration officials, especially the President, should regularly meet with Chinese civil society and human rights defenders, Hong Kong civil society, the Dalai Lama and other Tibetans in exile including the Central Tibetan Administration, members of the Uyghur diaspora, and other human rights advocates and non-governmental organizations. It is also essential that the President of the United States express support for human rights and democracy in China.

• **Address Digital Authoritarianism.** Because the growth of digital authoritarianism is one of the most urgent national security and human rights challenges associated with the Chinese government’s foreign policy, the Administration and the Congress should work together to:
  - Lead a global effort with allies and partners to develop a set of principles for Artificial Intelligence (AI) development and usage to ensure the protection of human rights, including the right to privacy.
  - Launch a digital infrastructure initiative that makes information and communication technology development a priority for U.S. foreign assistance programs, including through implementation of the BUILD Act of 2018 (Public Law No. 115–254).

• **Counter Internet Censorship.** The Administration should develop a comprehensive interagency action plan to promote internet freedom through the funding and wide distribution of effective technologies that provide the greatest possible access to the internet within China and globally. The plan could include actively opposing the Chinese government’s efforts to establish a new international norm of “internet sovereignty,” expanding digital security training for civil society advocates, and transparently employing congressionally mandated funding to circumvent China’s “Great Firewall.” In addition, the Administration should develop talking points for U.S. Government officials—including those engaged in trade negotiations—that consistently link freedoms of press, speech, and association to U.S. and Chinese interests, noting how censorship prevents the free flow of information on issues of public concern, including public health and environmental crises, food safety problems, and corruption.

• **Promote Transparency in University and Think Tank Funding.** As part of any amendment to the U.S. Higher Education Act of 1965 (Public Law No. 89–329), Congress should require U.S. colleges and universities to publicly report all foreign gifts, contracts, and in-kind contributions that exceed $10,000 per year from a single foreign government, institution, or group of institutions. U.S. think tanks and other non-governmental organizations should
be required to publicly disclose all foreign grants and gifts as part of their tax filings to maintain non-profit status.

- **Counter Foreign Malign Influence.** The Administration should provide to Congress a strategy to address the strategic challenge posed by the Chinese government’s intensified use of disinformation, propaganda, economic intimidation, and political influence operations to weaken commitments to universal human rights and promote the Chinese Communist Party’s political-economic model globally. The Administration should develop an action plan to counter the Chinese government’s “sharp power” efforts globally, monitoring and controlling foreign influence operations and providing information about the Chinese ministries, entities, and individuals engaged in foreign influence operations and their connections with entities of the Chinese Communist Party or government. The Congress should pass the “Countering the Chinese Government and Communist Party’s Political Influence Operations Act” (S. 480/H.R. 1811) that, among other priorities, clarifies that U.S. Government policy and statements should clearly differentiate between the Chinese people and culture and the Chinese government and Communist Party, ensuring that central Chinese government and Party political influence operations do not lead to the targeting of Chinese-Americans or the Chinese diaspora.

- **Expand the Mandate of the Foreign Agents Registration Act (FARA).** The Administration and the Congress should work together to expand the mandate of the Foreign Agents Registration Act of 1938 (FARA) (Act June 8, 1938, ch. 327, sec. 14) to bring oversight and transparency to issue areas beyond foreign representation and address the challenges the United States faces today, which include incidents of Chinese Students and Scholars Associations working with Chinese embassies and consulates in the United States, Confucius Institutes and Classrooms at U.S. universities and high schools, and American companies accepting funding from Chinese sources to acquire technologies prohibited by U.S. export controls.

- **Develop a Non-Governmental Code of Conduct.** The Administration should work with U.S. non-governmental organizations and academic institutions to formulate a code of conduct for interacting with Chinese government-affiliated entities to assist them in navigating the challenges of working effectively in China and to counter influence operations that are manipulative, coercive, or corrupting of democratic institutions and help protect human rights and academic freedom.

- **Prioritize Reciprocity.** The Administration, as part of ongoing trade discussions, should seek a rules-of-the-road agreement that will correct longstanding diplomatic, investment, media, and cultural and academic exchange imbalances in U.S.-China relations and provide to Congress a strategy for pursuing reciprocity more generally in U.S.-China relations, particularly to ensure that U.S.-based media outlets and non-governmental organizations have the same freedom to operate, publish, and broadcast afforded to a growing number of Chinese government-sponsored and funded think tanks, academic institutions, and media entities in the United States.
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- **Expand Global Alliances to Advance Human Rights.**
  International responses to human rights have the greatest impact when the U.S. Government exercises effective diplomatic leadership with our allies and partners. The Administration should send to Congress a multilateral human rights diplomacy strategy on China, to coordinate responses when the Chinese government uses multilateral institutions to undermine human rights norms and closes off discussion of its failures to uphold its international obligations. The Administration should also consider as part of such strategy:

  ○ Creating a public mechanism for coordinating human rights diplomacy and technical assistance programs with like-minded allies that includes the meaningful participation of experts and non-governmental organizations from all participating countries.
  ○ Expanding funding for capacity-building initiatives for rights and rule-of-law advocates in settings outside China, given growing restrictions on the funding of civil society organizations inside China.
  ○ Forming a multinational human rights dialogue where the U.S. Government invites countries without human rights dialogues with China (or those whose human rights dialogues have been canceled by the Chinese government) to participate in or observe formal discussions with the Chinese government.
  ○ Coordinating public statements, diplomatic demarches, and public diplomatic efforts to condemn detentions of political and religious prisoners and other serious human rights abuses in China, and creatively communicating these efforts to the Chinese people.

- **Prioritize an End to Torture and Arbitrary Detention Through Diplomatic Engagement.** The Administration should prioritize an end to torture in detention and all forms of arbitrary detention in China and raise these issues in all bilateral discussions and in multilateral institutions of which the U.S. and China are members. The Administration should create public diplomacy campaigns and support media efforts to raise global awareness about the detention of political and religious prisoners in “black jails,” psychiatric institutions, compulsory drug detoxification centers, police and state security detention centers, and mass internment camps in the XUAR. In addition, the Administration should consider funding non-governmental projects that assist individuals with submissions to the UN Working Group on Arbitrary Detention, in order to provide actionable information to the UN High Commissioner for Human Rights and UN system of Special Procedures, and to accumulate evidence on Chinese officials complicit in the torture and arbitrary detention of political and religious prisoners.

- **Take Meaningful Action to Address Human Trafficking.**
  To respond to China’s “Tier 3” designation for failing to meet minimum standards for addressing human trafficking, the Administration should use all the tools available in the Victims of Trafficking and Violence Protection Act of 2000 (Public Law No. 106–386) and the Girls Count Act of 2015 (Public Law No. 114–24), including individual sanctions for officials and entities complicit in human traf-
Executive Summary

ficking. In addition, the Administration should send Congress a strategy to address forced labor in the XUAR, including by publicly identifying Chinese businesses profiting from such labor, assisting corporations to identify forced labor goods from the XUAR in global supply chains, and expanding the use of the “reasonable suspicion” standard found in the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) (Public Law No. 114–125) to stop goods made with forced labor from entering the United States.

• **Protect North Korean Refugees.** The Administration should employ the tools available in the North Korean Human Rights Act of 2004 (Public Law No. 108–333) and the North Korea Sanctions and Policy Enhancement Act (Public Law No. 114–122) to expand efforts to channel uncensored news and information into North Korea and to North Korean asylum seekers in China, including through defector communities, and to impose secondary sanctions on Chinese corporations, individuals, or banks that profit from North Korean forced labor and those assisting the North Korean government in avoiding international sanctions. The Special Representative for North Korea at the Department of State should provide Congress with a strategy to protect North Korean refugees in China, implement the recommendations of the Commission of Inquiry on Human Rights in North Korea, and close existing prison labor camps and other forms of arbitrary detention in North Korea and in China where refugees are detained.

• **Advocate for Specific Political Prisoners.** Members of Congress and Administration officials at the highest levels should raise specific prisoner cases in meetings with Chinese government officials. Experience demonstrates that consistently and prominently raising individual prisoner cases—and the larger human rights issues they represent—can result in improved treatment in detention, lighter sentences or, in some cases, release from custody, detention, or imprisonment. The Administration should consider creating a Special Advisor for Religious and Political Prisoners to coordinate interagency resources on behalf of political and religious prisoners in China and globally. Members of Congress are encouraged to “adopt” individual prisoners and advocate on their behalf through the Tom Lantos Human Rights Commission’s “Defending Freedoms Project.”
POLITICAL PRISONER DATABASE

Recommendations

When composing correspondence advocating on behalf of a political or religious prisoner, or preparing for official travel to China, Members of Congress and Administration officials are encouraged to:

- Check the Political Prisoner Database (PPD) (https://ppdcecc.gov) for reliable, up-to-date information on a prisoner or groups of prisoners. Consult a prisoner’s database record for more detailed information about the prisoner’s case, including his or her alleged crime, specific human rights that officials have violated, stage in the legal process, and location of detention or imprisonment, if known.
- Advise official and private delegations traveling to China to present Chinese officials with lists of political and religious prisoners compiled from database records.
- Urge U.S. state and local officials and private citizens involved in sister-state and sister-city relationships with China to explore the database, and to advocate for the release of political and religious prisoners in China.

A POWERFUL RESOURCE FOR ADVOCACY

The Commission’s 2019 Annual Report provides information about Chinese political and religious prisoners in the context of specific human rights and rule-of-law abuses. Many of the abuses result from the Chinese Communist Party and government’s application of policies and laws. The Commission relies on the Political Prisoner Database (PPD), a publicly available online database maintained by the Commission, for its research, including the preparation of the Annual Report, and routinely uses the database as a resource to prepare summaries of information about and support advocacy for political and religious prisoners for Members of Congress and Administration officials. The Commission invites the public to read about issue-specific Chinese political imprisonment in sections of this Annual Report, and to access and make use of the PPD at https://ppdcecc.gov. (Information about the PPD is also available at https://www.cecc.gov/resources/political-prisoner-database.)

The PPD received approximately 306,974 online requests for prisoner information during the 12-month period ending July 31, 2019—a change of approximately negative 38.96 percent compared with the 502,900 requests reported in the Commission’s 2018 Annual Report for the 12-month period ending July 31, 2018. During the 12-month period ending in July 2019, the United States remained the country of origin for the largest share of requests for information, with approximately 27.2 percent of such requests. China was in the second position, with approximately 20.5 percent of such requests, followed by Ukraine (3.9 percent), India (2.9 percent), the United Kingdom (2.6 percent), Hong Kong (2.3 percent), Brazil (1.9 percent), Canada (1.8 percent), the Russian Federation (1.7 percent), France (1.6 percent), and the Republic of Korea (1.4 percent).
Executive Summary

Internet Protocol addresses that do not provide information about the name of the registrant or the type of domain were the source of the largest share of online requests for information during the Commission’s 2019 reporting year, accounting for approximately 52.6 percent of the 306,974 requests for information in the 12-month period ending in July 2019. The approximate number of requests from other sources are as follows: Domains ending in .com were second, with 18.9 percent of requests for PPD information. Domains ending in .net were third, with 8.8 percent of online requests for information, followed by U.S. Government domains (.gov) with 1.7, then by domains for Brazil (.br) with 1.6 percent, India (.in) with 1.3, Germany (.de) with 1.0, Italy (.it) with 0.9, China (.cn) with 0.9, the European Union (.eu) with 0.7, and Mexico (.mx) with 0.7. Domains for Turkey (.tr), France (.fr), and the Russian Federation (.ru) accounted for 0.6 percent of requests each.

POLITICAL PRISONERS

The PPD seeks to provide users with prisoner information that is reliable and up to date. Commission staff members work to maintain and update political prisoner records based on the staff member’s area of expertise. Staff seek to provide objective analysis of information about individual prisoners, and about events and trends that drive political and religious imprisonment in China. As of September 1, 2019, the PPD contained information on 9,933 cases of political or religious imprisonment in China. Of those, 1,587 are cases of political and religious prisoners currently known or believed to be detained or imprisoned, and 8,346 are cases of prisoners who are known or believed to have been released, who were executed, who died while imprisoned or soon after release, or who escaped. The Commission notes that there are considerably more than 1,587 cases of current political and religious imprisonment in China. Commission staff work on an ongoing basis to add cases of political and religious imprisonment to the PPD.

When the PPD was first launched, the Dui Hua Foundation, based in San Francisco, and the former Tibet Information Network, based in London, shared their extensive experience and data on political and religious prisoners in China with the Commission to help establish the database. The Dui Hua Foundation continues to do so. The Commission relies on its own staff research for prisoner information, as well as on information provided by non-governmental organizations (NGOs), other groups that specialize in promoting human rights and opposing political and religious imprisonment, and other public sources of information.

MORE POWERFUL DATABASE TECHNOLOGY

The PPD has served since its launch in November 2004 as a unique and powerful resource for the U.S. Congress and Administration, other governments, NGOs, educational institutions, and individuals who research political and religious imprisonment in China, or who advocate on behalf of prisoners. The July 2010 PPD upgrade significantly leveraged the capacity of the Commission’s information and technology resources to support such research, reporting, and advocacy.
In 2015, the Commission enhanced the functionality of the PPD to empower the Commission, the U.S. Congress and Administration, other governments, NGOs, and individuals to strengthen reporting on political and religious imprisonment in China and advocacy undertaken on behalf of Chinese political prisoners. The upgrade allowed the PPD full text search and the basic search both to provide an option to return records that either include or do not include an image of the prisoner. In addition, the 2015 enhancement allowed PPD record short summaries to accommodate more text as well as greater capacity to link to external websites.

The PPD aims to provide a technology with sufficient power to handle the scope and complexity of political imprisonment in China. The most important feature of the PPD is that it is structured as a genuine database and uses a powerful query engine. Each prisoner’s record describes the type of human rights violation by Chinese authorities that led to his or her detention. These types include violations of the right to peaceful assembly, freedom of religion, freedom of association, and freedom of expression, including the freedom to advocate peaceful social or political change and to criticize government policy or government officials.

The design of the PPD allows anyone with access to the internet to query the database and download prisoner data without providing personal information to the Commission, and without the PPD downloading any software or web cookies to a user’s computer. Users have the option to create a user account, which allows them to save, edit, and reuse queries, but the PPD does not require a user to provide any personal information to set up such an account. The PPD does not download software or a web cookie to a user’s computer as the result of setting up such an account. Saved queries are not stored on a user’s computer. A user-specified ID (which can be a nickname) and password are the only information required to set up a user account.
Notes to Section I—Executive Summary

1 The Commission treats as a political prisoner an individual detained or imprisoned for exercising his or her human rights under international law, such as peaceful assembly, freedom of religion, freedom of association, and freedom of expression, including the freedom to advocate peaceful social or political change, and to criticize government policy or government officials. (This list is illustrative, not exhaustive.) In most cases, prisoners in the PPD were detained or imprisoned for attempting to exercise rights guaranteed to them by China’s Constitution and law, or by international human rights standards, or both. Chinese security, prosecution, and judicial officials sometimes seek to distract attention from the political or religious nature of imprisonment by convicting a de facto political or religious prisoner under the pretext of having committed a generic crime. In such cases, defendants typically deny guilt but officials may attempt to coerce confessions using torture and other forms of abuse, and standards of evidence are poor. A defendant may authorize someone to provide him or her legal counsel and defense, as the PRC Criminal Procedure Law guarantees in Article 32, yet officials may deny the counsel adequate access to the defendant, restrict or deny the counsel’s access to evidence, and not provide the counsel adequate time to prepare a defense.

2 CECC, 2018 Annual Report, October 10, 2018, 22.
II. Human Rights

Freedom of Expression

Findings

- At the UN Human Rights Council’s third Universal Periodic Review (UPR) of China’s compliance with international human rights norms, non-governmental organizations (NGOs) reported that the Chinese government and Communist Party violated freedom of expression and freedom of the press. The Office of the UN High Commissioner for Human Rights apparently removed information submitted by at least seven non-governmental groups, among which were NGOs that advocate for the rights of Tibetans, Uyghurs, and Hong Kong people, from an official summary of UPR submissions. That information from some of the missing submissions was inserted in a supplement prior to the November 2018 session did little to dispel stakeholder concerns about Chinese government influence during the UPR.

- Conditions for journalism in China continued to deteriorate. Some professional Chinese journalists described current conditions for journalism as an “era of total censorship.” In addition, the government’s ongoing crackdown continued against “citizen journalists” who have founded or are associated with websites that document human rights violations, as seen in the detention of individuals focused on labor conditions, such as Wei Zhili, Yang Zhengjun, and Ke Chengbing. Foreign journalists faced multiple challenges from the government, including surveillance; harassment of Chinese nationals who work as news assistants; limits on the length of work visas or visa denial; and obstruction in the coverage of developments in the Xinjiang Uyghur Autonomous Region (XUAR) and other ethnic minority or border areas.

- The government and Party continued to link internet security to national security. This past year, authorities detained and prosecuted individuals who criticized government officials and policies online, and censored or distorted a range of news and information that the government deemed “politically sensitive,” including the 30th anniversary of the 1989 Tiananmen protests, the protests in Hong Kong against proposed extradition legislation, and trade issues.

- Declining academic freedom in China linked to Party General Secretary and President Xi Jinping’s reassertion of ideological control over universities was illustrated by reports of the internment of hundreds of predominantly Uyghur scholars in mass internment camps in the XUAR; the detention of university students who advocated for labor rights; and the dismissal, suspension, and other forms of discipline imposed on faculty who criticized the government and Party.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:
Freedom of Expression

- Give greater public expression, including at the highest levels of the U.S. Government, to the issue of press freedom in China, condemning the harassment and detention of both domestic and foreign journalists; the denial, threat of denial, or delay of visas for foreign journalists; and the censoring or blocking of foreign media websites. Consistently link press freedoms to U.S. interests, noting how censorship and restrictions on journalists and media websites prevent the free flow of information on issues of public concern, including public health and environmental crises, food safety problems, and corruption, and act as trade barriers for foreign media and companies attempting to access the Chinese market. Raise these issues with Chinese officials during bilateral dialogues. Assess the extent to which China's treatment of foreign journalists contravenes its World Trade Organization commitments and other obligations.
- Sustain, and where appropriate expand, programs that develop and widely distribute technologies that will assist Chinese human rights advocates and civil society organizations in circumventing internet restrictions, in order to access and share content protected under international human rights standards. Continue to maintain internet freedom programs for China at the U.S. Department of State and the Broadcasting Board of Governors to provide digital security training and capacity-building efforts for bloggers, journalists, civil society organizations, and human rights and internet freedom advocates in China.
- Raise with Chinese officials, during all appropriate bilateral discussions, the cost to U.S.-China relations and to the Chinese public's confidence in government institutions that is incurred when the Chinese government restricts political debate, advocacy for democracy or human rights, and other forms of peaceful political expression. Emphasize that such restrictions violate international standards for free expression, particularly those contained in Article 19 of the International Covenant on Civil and Political Rights and Article 19 of the Universal Declaration of Human Rights. Emphasize that such restrictions erode confidence in media and government institutions.
- Urge Chinese officials to end unlawful detention and official harassment of Chinese rights advocates, lawyers, and journalists subject to reprisal for exercising their right to freedom of expression. Call on officials to release or confirm the release of individuals detained or imprisoned for exercising freedom of expression, such as Liu Feiyue, Huang Qi, Sun Lin, Zhang Haitao, Tashi Wangchug, Chai Xiaoming, Wei Zhili, Ke Chengbing, Yang Zhengjun, Lu Guang, Yang Hengjun, and other political prisoners mentioned in this report and documented in the Commission’s Political Prisoner Database.
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China’s Compliance with International Standards on Freedom of Expression

During the Commission’s 2019 reporting year, the Chinese government and Communist Party continued to restrict expression in contravention of international human rights standards, including Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 19 of the Universal Declaration of Human Rights. According to the ICCPR—which China signed in 1998 but has not ratified—and as reiterated in 2011 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, countries may impose certain restrictions or limitations on freedom of expression, if such restrictions are provided by law and are necessary for the purpose of respecting the “rights or reputations of others” or protecting national security, public order, public health, or morals. An October 2009 UN Human Rights Council resolution specified that restrictions on the “discussion of government policies and political debate,” “peaceful demonstrations or political activities, including for peace or democracy,” and “expression of opinion and dissent” are inconsistent with Article 19(3) of the ICCPR. The UN Human Rights Committee also cautioned that restrictions on freedom of expression noted in Article 19(3) should be interpreted narrowly so that the restrictions “may not put in jeopardy the right itself.”

At the UN Human Rights Council’s (HRC) third Universal Periodic Review (UPR) of China’s compliance with international human rights norms this past year, international non-governmental organizations (NGOs) reported multiple violations of freedom of expression and press freedom in China in written submissions available in the months prior to China’s November 2018 opening session and in oral comments at the March 2019 session to consider the HRC’s report. NGO stakeholders also raised concerns about efforts by the Chinese government to silence criticism of its record during the UPR. In one publicly reported incident, the Office of the UN High Commissioner for Human Rights (OHCHR) removed information submitted by at least seven groups, among which were NGOs that advocate for the rights of Tibetans, Uyghurs, and Hong Kong people, from an initial official summary of stakeholder submissions in September 2018, replacing that summary with a revised version in October 2018. That information from some but not all of the missing submissions was inserted in a corrigendum issued a few days before the November session did little to dispel stakeholder concerns about Chinese government influence. A coalition of 40 NGOs subsequently called on HRC States Parties to adopt a resolution to “express collective concern about worsening rights abuse in China and the government’s failure to follow through on its obligations and commitments.”

30 Years after Tiananmen

International coverage of the 30th anniversary of the protests for political reform and democratic change in Tiananmen Square, Beijing municipality, and hundreds of other locations in China in the
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spring of 1989, provided new accounts, images, and analysis of the Chinese Communist Party and government’s violent suppression of those demonstrations on June 3 and 4, 1989 (“June Fourth” or “Tiananmen”). Among the highlights were a former military journalist’s account of opposition among some military leaders to the use of force to quell the protests; a collection of secret documents from a meeting of senior Party leaders from June 19 to 21, 1989; and essays by younger Chinese describing how they learned about June Fourth despite ongoing government censorship. An academic analysis linked Party General Secretary and President Xi Jinping’s aggressive policies of ideological conformity and information control, Party discipline, and centralization of his own power to the political legacy of June Fourth.

China’s Defense Minister Wei Fenghe spoke publicly about Tiananmen in early June 2019, reiterating the official position that the government’s crackdown in 1989 was “correct.” Wei’s use of “political turmoil” (zhengzhi dongluan) in these comments reflected a revival of hardline official rhetoric on Tiananmen, a “regression” from the comparatively mild expressions commonly used in official statements such as “political turbulence” (zhengzhi fengbo) and the “turn from spring to summer” (chunxia zhi jiao). Likewise, the July 2019 obituary for senior leader Li Peng in the state-run media outlet Xinhua reiterated the harsher language: Xinhua commended Li—the premier who declared martial law in Beijing in May 1989—for his staunch support of the “resolute measures to halt the turmoil [dongluan] and quell the counterrevolutionary rebellion [fan’geming baoluan].”

The government’s tight control of information about the use of violence against protesters as well as the crackdown on protesters has left much unknown about Tiananmen, particularly the total number of dead and wounded. The Tiananmen Mothers—a group in China composed of parents and family members of persons killed on or around June 4—wrote in March 2019 to the National People’s Congress, again appealing to the government for truth, accountability, and a reckoning over the victims. Through years of effort, the Tiananmen Mothers have confirmed the deaths of 202 persons, but overall estimates range from the hundreds to the thousands. Referring to persons detained in connection to June Fourth, John Kamm, the executive director of the U.S.-based Dui Hua Foundation, which maintains an extensive database of political prisoners in China, estimated some 15,000 detentions in a 2009 speech, noting, “Whatever the number is, it is staggeringly high.”


## Freedom of Expression

### Press Freedom and Tiananmen

During the spring 1989 protests, freedom of expression was a key demand among the student demonstrators, a demand also taken up by Chinese journalists who petitioned the government for dialogue on press freedom. Despite a hardline editorial in the Party mouthpiece People’s Daily on April 26, 1989, which condemned the student protests as “counterrevolutionary” and “turmoil,” some official media outlets reported on the demonstrations with a “new openness” and accuracy in May 1989, including front-page coverage of the protests across the country on May 6, 1989. Former People’s Daily journalist Liu Binyan reported in 1992 that a “‘dark age’ once more descended over the mass media” after the military crackdown, with increased ideological control over news content. Progress also ended in the efforts to pass national press legislation in spite of robust developments and drafting in the late 1980s.

### Freedom of the Press

China fell one place lower in Reporters Without Borders’ 2019 press freedom index from its rank in 2018 (176th to 177th), making it the fourth worst country in the world for press freedom. Some professional Chinese journalists described current conditions for journalism as an “era of total censorship.” A leading investigative journalist who left the field in 2019 emphasized his disenchantment with the practice of journalism in China. Freedom of the press is guaranteed in China’s Constitution, yet regulations on news media, some related to the broad restrictions on internet content in the PRC National Security Law and PRC Cybersecurity Law, leave journalists vulnerable to criminal prosecution. The Chinese government’s repression of Uyghur and other ethnic minority groups in the Xinjiang Uyghur Autonomous Region (XUAR) since 2017 has resulted in a significant increase in detained journalists as well as editorial staff from at least one leading newspaper and a publishing house. The November 2018 detention of photojournalist and U.S. resident Lu Guang in the XUAR, while he was reportedly in Urumqi municipality to give a photography workshop, and the January 2019 detention of Australian national and political commentator Yang Hengjun, while at the Guangdong international airport en route to Shanghai municipality, heightened concerns about freedom of speech and the press, and for the safety of individuals traveling to China for personal or professional activity.

### PARTY CONTROL OF THE MEDIA

In January 2019, Party General Secretary Xi Jinping and members of the Standing Committee of the Party Central Committee Political Bureau visited People’s Daily, the Party’s flagship newspaper, to publicize efforts by the news media to keep up with emerging technologies of the digital era. These efforts—officially referred to as “media convergence” (meiti ronghe)—envisage a fusion of news media and digital technologies, whereby “Party newspapers, periodicals, broadcast stations, websites and other...”

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mainstream media must catch up with the times, bravely utilizing new technologies, new mechanisms and new modes, accelerating the pace of convergence and achieving more expansive and optimized propaganda results.” High-level promotion of “media convergence” this past year occurred in tandem with government entities responsible for news media moving under the Central Propaganda Department’s operations, part of a sweeping reorganization of Party and government institutions in March 2018 that has reinforced Party power more broadly.

Media serving “as government mouthpieces instead of as independent bodies operating in the public interest” are a major challenge to free expression, according to international experts. The Chinese Communist Party historically designated the Chinese news media as its “mouthpiece,” providing the Party’s version of the news and shaping public opinion. Official control included prohibitions on independent reporting or use of foreign media reports, and restricting coverage to “authoritative” content, typically from the state media agency Xinhua and People’s Daily. China Digital Times, a U.S.-based web portal that translates leaked censorship directives from the Central Propaganda Department and other government entities, highlighted directives from the reporting year that restricted coverage of the China-U.S. trade war and of high-ranking Chinese leaders, among other issues authorities deemed “politically sensitive.” In a related development, People’s Daily monetized its expertise in identifying “politically sensitive” content by marketing the services of its in-house censors and in formally training and certifying censors.

Wielding state media to positively portray the Party and government as well as to criticize developments that authorities consider to be security threats continues to be a manifestation of the Party-defined “mouthpiece” role of the news media. This past year, official coverage of Uyghurs and other predominantly Muslim groups in the Xinjiang Uyghur Autonomous Region, at least one million of whom have been detained in mass internment camps for “political reeducation,” reportedly portrayed the region as “happy and stable.” Chinese state media also reportedly manipulated information about the summer 2019 protests in Hong Kong, rather than objectively reporting on protester grievances about the eroding rule of law. State media, moreover, provided negative coverage of the Hong Kong protests in its international outlets, such as CGTN and China Daily, to generate a counter-narrative to international media outlets’ coverage.

CRIMINAL DETENTION AND PROSECUTION OF CITIZEN JOURNALISTS

This past year, the Committee to Protect Journalists (CPJ) ranked China in second place, after Turkey, for having the highest number of detained journalists in the world, a large number of whom can be classified as “citizen journalists.” Citizen journalists in China cover issues such as the treatment of ethnic minority groups, labor protests, and rights defense activities topics that the government and Party restrict in official news outlets. Bitter Winter, an online magazine managed in Italy which reports on religious freedom and human rights in China, described its contributors from China as amateurs, noting that “only in a few cases [do]
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our reporters have professional training in journalism . . . " CPJ identified 47 journalists in detention as of December 2018, and Reporters Without Borders counted 111 detained journalists as of April 2019. Government control of court data, media censorship of cases, obstruction by local law enforcement, and official harassment of lawyers representing journalists contribute to the challenge in assessing the total number of detentions.

The ongoing crackdown on citizen journalists who have founded or are associated with websites that document human rights violations continued this past year, particularly in the detention of individuals focused on labor conditions and religious freedom. Authorities detained staff from two websites that monitor worker rights' protections, including Shang Kai in August 2018, Yang Zhengjun in January 2019, and Chai Xiaoming, Wei Zhili, and Ke Chengbing in March 2019. Shang and Chai were former editors at Red Reference, a self-described “leftist” website that expressed support for worker efforts in 2018 to organize a union at the Jasic Technology factory in Shenzhen municipality, Guangdong province. Yang, Wei, and Ke worked at the website iLabour (Xin Shengdai), highlighting inadequate labor conditions and occupational health hazards such as pneumoconiosis. [For further information on the Jasic crackdown and occupational health hazards in China, see Section II—Worker Rights.] Between August and December 2018, authorities also reportedly detained 45 Chinese contributors to Bitter Winter.

Trials and sentencing proceeded against several citizen journalists detained in 2016 and 2017 whom authorities prosecuted on the charges “inciting subversion of state power,” “picking quarrels and provoking trouble,” and “illegally procuring state secrets for overseas entities.” According to the UN Working Group on Arbitrary Detention, the incitement and state secrets charges are “vague and broad,” thus restricting the freedoms of expression and association that are protected by international human rights instruments. The Dui Hua Foundation noted similar concerns about the lack of transparency in the charge “illegally procuring state secrets for overseas entities,” and its misuse to prosecute journalists, among others. Some citizen journalists are vulnerable to abuse and maltreatment in detention.

Citizen journalist cases of concern from this past year included the following:

- **Liu Feiyue, Civil Rights & Livelihood Watch (CRLW).** In January 2019, the Suizhou Municipal Intermediate People’s Court in Hubei province sentenced Liu to five years’ imprisonment and three years’ deprivation of political rights for “inciting subversion of state power.” Liu’s indictment specified CRLW’s reporting on human rights violations, its annual report on rights defense and forced psychiatric commitment, and its calls for authorities to release political prisoners.

- **Sun Lin, freelance writer.** In January 2019, the Nanjing Municipal Intermediate People’s Court in Jiangsu province sentenced Sun to four years’ imprisonment for “inciting subversion of state power” in connection to Sun’s social media posts that authorities apparently deemed “politically sensitive.” Authorities previously sentenced Sun, a former journalist for
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Nanjing media outlets, to four years’ imprisonment in June 2008, in connection to work he published on an overseas website.94

- Huang Qi, 64 Tianwang.95 On July 29, 2019, the Mianyang Municipal Intermediate People’s Court in Sichuan province found Huang guilty of “illegally providing state secrets to overseas entities” and “intentionally leaking state secrets,” sentencing him to serve 12 years’ imprisonment.96 In an editorial following the sentence, the Washington Post noted, “in actuality, his only offense was speaking out against government wrongdoing.”97 Authorities also continuously harassed and extralegally detained Huang’s 85-year-old mother, Pu Wenqing,98 as she sought to raise attention to reports that detention center authorities have denied Huang adequate medical care, tortured him, and refused her applications for his medical parole.99

WORSENING WORKING CONDITIONS FOR FOREIGN JOURNALISTS

Official Chinese efforts to control coverage of China in international news media reportedly intensified this past year, increasing the difficulties for foreign journalists in China. The Foreign Correspondents’ Club of China (FCCC) annual survey of working conditions in China described a marked deterioration in 2018.100 The FCCC documented the Chinese government’s “escalation of human and digital” surveillance of foreign journalists;101 harassment of Chinese nationals who worked as news assistants; 102 threats against and harassment of sources; 103 limits on the length of work visas or denial of work visa renewal altogether to retaliate against unfavorable coverage by specific journalists or their news outlets;104 and interference in the coverage of developments in the Xinjiang Uyghur Autonomous Region (XUAR) and other ethnic minority or border areas of China.105 The Chinese government also continued to block access in China to major international news outlets,106 such as the New York Times, 107 and additional international news and online information sites were censored by authorities around the Tiananmen anniversary, including the Intercept, the Guardian,108 and Wikipedia.109

Incidents this past year of official control of foreign journalists included the following:

- Visa non-renewal or threat of withholding a visa. In August 2018, Chinese authorities refused to renew the work visa of Megha Rajagopalan,110 a BuzzFeed reporter who described developments in the XUAR as “dystopian.”111 In addition, authorities did not issue a journalist visa to Bethany Allen-Ebrahimian, who submitted an application in late 2018 to join Agence France-Presse in China.112 The Committee to Protect Journalists called it “an act of retribution for her past reporting on the Chinese government’s efforts to spread political power abroad and is a shameful attempt to prevent critical coverage of China . . . .”113 In another incident, Voice of America reported in March 2019 that a Chinese embassy official in Russia threatened to place a journalist from Russia’s Sputnik News on a visa “blacklist” in connection to the journalist’s alleged “negative” coverage of the Chinese economy.114 (For in-
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formation on the Hong Kong government’s visa denial to Victor Mallet, Asia editor of the Financial Times, see Section VI—Developments in Hong Kong and Macau.

• **Interference in the XUAR.** FCCC also reported instances of official harassment, surveillance, and intimidation while foreign reporters were on assignment in the XUAR in 2018. In April 2019, a New York Times correspondent recounted both high-tech (digital) and low-tech (human) surveillance of him and a colleague while on assignment in the XUAR. [For further information on official harassment of foreign journalists in the XUAR, see Section IV—Xinjiang.]

• **Lack of access in the Tibet Autonomous Region (TAR).** Five respondents to the FCCC’s annual working conditions survey unsuccessfully applied to the Chinese government for a special permit to visit the TAR in 2018. In a March 2019 position paper, the FCCC emphasized that the Chinese government’s restrictions on access to the TAR and Tibetan areas in Qinghai, Gansu, Sichuan, and Yunnan provinces has limited the amount of “accurate information” on the “lives of ethnic Tibetans living in China.”

**Internet and Social Media**

During the 2019 reporting year, senior officials reiterated the Party’s aim to further secure Party control of digital space and technologies. In September 2018, the newly appointed head of the Cyberspace Administration of China, Zhuang Rongwen, urged Party and government to marshal “netizens” (wangmin) as a “force” (liliang) in Party control. As mentioned earlier in this section, in January 2019, Party General Secretary and President Xi Jinping called for even greater uniformity on digital platforms through deeper “convergence” with the Party’s ideological priorities. A key premise underlying this aim is “internet sovereignty,” a notion the Chinese government and Party have linked to national security concerns such that each country may manage the internet within its own borders. Internet sovereignty, however, implies that internet and social media use in any individual country is not subject to international standards on freedom of expression, information, and association as they pertain to the internet and social media.

Content control remained a focus in the growing body of internet and social media regulations and censorship technologies. [For information on the role of internet service providers in censorship, data privacy concerns, and surveillance, see Section III—Business and Human Rights.] These regulatory and technological developments, in combination with provisions in the PRC Criminal Law that punish certain political and other speech, severely curtailed freedom of speech online, and included the detention and potential criminal prosecution of individuals engaged in speech, and other forms of online expression authorities deem to be “politically sensitive.” The Cyberspace Administration of China issued provisions for internet service providers in November 2018, that one expert claimed will “increase the requirements for self-inspection for services with ‘public opinion properties’ or ‘social mobilization capacity.’” Some experts have found that Chinese government
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censorship is less motivated by preventing dissemination of sensitive content than by a fear that online speech has the potential to stimulate collective organizing. Other analysis, nevertheless, questioned this interpretation, finding instead that government criticism remains a central target of official censorship within the complex operation of state repression in China. Indeed, as Human Rights Watch researcher Yaqiu Wang observed, the nationwide Twitter crackdown this past year appeared “absent any protests or other social events organized via Twitter as a trigger, . . . signaling a new level of suppression of free speech . . . .”

- **Tiananmen anniversary.** Official efforts to suppress mention of Tiananmen online were demonstrated by the government’s “simultaneous social media crackdowns” to stem access to information and communication and blocking online access to international media. At least one commentator speculated that the Cybersecurity Association of China’s six-month campaign (January to June 2019) to “clean up online ecology” was linked to the 30th anniversary. According to research conducted by the University of Toronto’s Citizen Lab and the University of Hong Kong’s Weiboscope, June Fourth is the most censored topic on the Chinese internet. During ten years of research, Citizen Lab collected a list of 3,237 Tiananmen-related keywords that apparently trigger censorship in China. Weiboscope identified 1,256 Tiananmen-related posts censored between 2012 and 2018, among which are images of a single lit candle and the annual Tiananmen vigil held in Hong Kong.

- **Twitter crackdown.** Reports began to emerge in November 2018 that Chinese authorities were several months into a coordinated, nationwide effort to silence Twitter users in China. These Twitter users included not only government critics and advocates for greater rights protection but also individuals who apparently were not politically active on- or offline. Public security officials harassed and intimidated targeted individuals, employing interrogation, usually at a police station; administrative or criminal detention; coercion to compel a promise to no longer use Twitter; and deletion of entire Twitter archives. Prior to the 30th anniversary of Tiananmen, the social media company Twitter reportedly suspended the accounts of at least 100 Twitter users, including political commentators and nationalists, which it later claimed was part of routine maintenance and not in response to Chinese authorities.

- **Criminal prosecution—“June Fourth liquor” case.** In April 2019, the Chengdu Municipal Intermediate People’s Court in Sichuan province tried and sentenced four men involved in the “June Fourth liquor” case. Authorities accused them of posting photos online of the self-made labels they placed on bottles of hard liquor in 2016, which memorialized June Fourth by using a product name homophonous with the date “89/6/4,” an image modeled on the well-known “Tank Man” photo, and promotional language that said “Never forget, Never give up.”
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Curtailment of Academic Freedom in China

Domestic and international experts have linked the widespread deterioration of academic freedom in China to Party General Secretary and President Xi Jinping’s reassertion of ideological control over universities since he assumed the senior-most Party and government leadership positions in 2012 and 2013, respectively. Around politically sensitive anniversaries this past year, such as the 100th anniversary of the 1919 May Fourth Movement and the 30th anniversary of the 1989 Tiananmen protests, authorities also increased pressure at Chinese universities such that some Chinese scholars reportedly have asserted that the “current [academic] environment is the most restrictive in their lifetimes.” Reports this past year demonstrated a broad range of official repression, including the following:

- Detention or disappearance of 435 prominent Uyghur scholars in mass internment camps by authorities in the Xinjiang Uyghur Autonomous Region (XUAR) as part of the government and Party’s massive crackdown on Uyghur and other ethnic minority groups in the XUAR since 2017, according to a Uyghur rights advocacy organization. Authorities also have detained scholars from other ethnic minority groups in the XUAR;
- Interrogation, forced videotaped confessions, and in some cases detention of 20 student labor rights advocates and participants of on-campus “leftist” study groups by authorities, including Peking University students Qiu Zhanxuan and Yue Xin;
- Intensified promotion of ideological and “patriotic” education in the classroom;
- Book bans, such as leading law scholar Zhang Qianfan’s textbook on constitutional law;
- A leadership change at Peking University that apparently emphasized Party and public security credentials over academic qualifications;
- Discipline, suspension, and dismissal of professors who publicly aired critical assessments of the government or Party, notably Tsinghua University law professor Xu Zhangrun;
- Widespread use of surveillance cameras in classrooms to monitor discussion as well as the encouragement of students to report professors or classmates with dissenting views;
- Pressure on domestic academic experts who have been contacted by foreign journalists or scholars for interviews and commentary either to refuse such requests or restrict the “candor” of their comments; and
- Prevention of Chinese academics and others from participating in academic exchange and travel, such as rights lawyer Chen Jiangang’s April 2019 travel to the United States to begin a Humphrey Fellowship.

The government and Party’s restrictions on academic and intellectual freedom in China also compounded concerns in the United States about international scholarly exchange with China. A report from leading China specialists highlighted the lack of reciprocity and accountability in academic exchange as a factor for the report’s
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policy guidance that recommended a shift away from engagement in U.S.-China relations to the more cautious “constructive vigilance.” In October 2018, Cornell University emphasized violations of academic freedom when it suspended two exchange programs with Renmin University (Renda) in Beijing municipality following reports that Renda officials had harassed students advocating for worker rights. The Commission also observed reports of alleged Chinese government harassment taking place outside mainland China involving two foreign specialists (one incident in Hong Kong and multiple incidents in New Zealand) whose work has been critical of the Chinese leadership. The Chinese government also denied a visa to one American expert to attend a conference in Beijing. While known cases of outright visa denial to foreign scholars whose research or publications are deemed by Chinese authorities to be “politically sensitive” remain limited, the threat of visa denial is a longstanding concern of foreign scholars. Foreign scholars also have pointed to difficulties accessing archives and libraries, the culling of digital archives and Chinese government censorship demands on foreign academic publishers, and limitations on conducting field work in China. Accurate data on the frequency and substance of such incidents, nevertheless, are difficult to obtain.
Notes to Section II—Freedom of Expression

1 Civil Rights & Livelihood Watch, “Gongmin yanlun ziyou de xianfa quanli burong jianta” [Constitutional right to citizens’ freedom of speech not easily trampled upon], October 3, 2018.


4 UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, recommendations 28.5, 28.6; UN Human Rights Council, Report of the Working Group on the Universal Periodic Review China, Addendum, Views on Conclusions and/or Recommendations, Voluntary Commitments and Replies Presented by China, A/HRC/40/6/Add.1, February 15, 2019, para. 2 (28.5, 28.6). The Chinese government did not accept recommendations to ratify the International Covenant on Civil and Political Rights proposed by several countries during the UN Human Rights Council’s third Universal Periodic Review of China’s compliance with international human rights norms, noting that it was “making preparations for ratification, but the specific date of ratification depends on whether relevant conditions in China are in place.”


7 UN Human Rights Committee, General Comment No. 34, Article 19: Freedoms of Opinion and Expression, CCPR/C/GC/34, September 12, 2011, para. 21.


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44Lee Chyen Yee, “Chinese Defense Minister Says Tiananmen Crackdown Was Justified,” Reuters, June 1, 2019; Wei Fenghe 1 sui zhengque de lüe de ‘[Wei Fenghe says the June 4th Tiananmen crackdown was correct], Voice of America, June 2, 2019. See also “China Military Says Shouldn’t Say Tiananmen Protests Were ‘Suppressed,’” Reuters, May 30, 2019.

45Xianggang yu lun: Zhongguo Fangzhang de Liusi yanlun xianshi guanfang lichang ‘daotui’ ‘[Interview: Why has official Chinese media again raised “quell the counter-revolutionary rebellion”]’, [Wei Fenghe cheng Liusi Tiananmen zhengque de ‘[Wei Fenghe says the June 4th Tiananmen crackdown was correct]’, Voice of America, June 3, 2019; “Zhuanfang: Zhongguo guanmei heyi chongti ‘pinxi fan’geming baoluan’ ‘[Interview: Why has official Chinese media again raised “quell the counter-revolutionary rebellion”]’, Deutsche Welle, December 18, 2018. See also Qian Gang, “Reading Xi’s Reform Anniversary Speech,” China Media Project, December 18, 2018.


51Dui Hua Foundation, “Last Known Tiananmen Prisoner to Be Released in October,” May 2, 2016.


54Sheryl WuDunn and Special to the New York Times, “1,000 Chinese Journalists Call for Greater Freedom of Press,” New York Times, May 10, 1989. Journalists from state media called for dialogue with senior leaders on freedom of the press and permission to provide more accurate coverage of the protests in a petition reportedly signed by approximately 1,000 journalists.


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51 Central Commission for Discipline Inspection, “Guanyu meiti rouge fazhan, Xi Jinping Zongshu ji zheyang shou” [These are General Secretary Xi Jinping’s sayings about the development of media convergence], January 25, 2019.
53 “Zhongguo jiaqiang guankong ‘qi ganzi’ chuanmei jianqianu chengqi” [Central Committee strengthens control over the “writing stick,” news broadcast regulatory department established], Duowen, April 10, 2019. See also CECC, 2018 Annual Report, October 10, 2018, 66–67, 227–28.
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57 “Dangmei xing Deng yu zhengzhijia banbao Xi Jinping xinwen xiaixiang chu” [Party media is named Party and politicians run newspapers, Xi Jinping’s news thought released], Duowei, June 14, 2018; David Bandurski, “Mirror, Mirror on the Wall,” China Media Project, February 22, 2016; Anne-Marie Brady, Marketing Dictatorship: Propaganda and Thought Work in Contemporary China (Lanham, MD: Rowman & Littlefield, 2008); 46; Zhu Jiligang, “Lon xin shini jianchi zhengzhijia banbao de zhonggaoxing” [In the new era, adhering to the importance of politicians running the newspaper], Journalism Lover (Xinwen Aihaozhe), December 7, 2018, reprinted in People’s Daily, December 10, 2018.


63 Zhang Jinwen and Feng Sichao, “Renminwang fangang shou pi huihuanwai neonrong fengkongshi zhengzhijia” [People’s Daily Online issues first group of certificates for online content risk control specialists], People’s Daily, July 24, 2019.


68 Emily Feng and Amy Cheng, “China State Media Present Their Own Version of Hong Kong Protests,” NPR, August 14, 2019; Simone McCarthy, “Hong Kong Protests Push Chinese State Media’s Drive to Win over an International Audience to the Test,” South China Morning Post, August 16, 2019.


70 Ian Johnson, “My Responsibility to History: An Interview with Zhang Shihe,” NYRB Daily (blog), New York Review of Books, January 30, 2019; Eva Pils, Human Rights in China (Mald- ford, MA: Polity Press, 2018), 88–89. Journalist Ian Johnson writes that “citizen journalists” are “a breed of self-taught activists who used the newly emerging digital technologies to record interviews and post them online, thus bypassing—for about a decade starting in the early 2000s—traditional forms of censorship.” Scholar Eva Pils also points to the changes in communication technologies that gave rise to citizen journalism.


77 Rights Defense Network, “Jiya yi ge duo yue hou Guangdong zi meiti ‘Xin Shengdai’ bianji biaozhun zhengzhijia banbao de zhonggaoxing” [In the new era, adhering to the importance of politicians running the newspaper], Journalism Lover (Xinwen Aihaozhe), December 7, 2018, reprinted in People’s Daily, December 10, 2018.

78 “Hongse Cankao bianji bu Beijing bangongshi bei chachao, gongzuo renyuan bei xingju” [Red Reference’s editorial department in Beijing subjected to search, staff criminally detained], Red Reference, August 12, 2019. For more information on Shang Kai, see the Commission’s Political Prisoner Database record 2019-00010.

79 Rights Defense Network, “Jiya yi ge duo yue hou Guangdong zi meiti ‘Xin Shengdai’ bianji biaozhun zhengzhijia banbao de zhonggaoxing” [In the new era, adhering to the importance of politicians running the newspaper], Journalism Lover (Xinwen Aihaozhe), December 7, 2018, reprinted in People’s Daily, December 10, 2018.
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ditions are unclear], April 23, 2019. For more information on Yang Zhengjun, see the Commission’s Political Prisoner Database record 2019-00129.

60 Hong Kong Confederation of Trade Unions, “Former Online Media Editor Arrested for ‘Inciting Subversion of State Power,’” accessed June 15, 2019; “Zhenguo zuoyuan zhengzhi bianji bei yi ‘dianfu zui’ shenpan” [Editor of Chinese leftist website detained for “subversion of state power”], Radio Free Asia, March 25, 2019. For more information on Chai Xiaoming, see the Commission’s Political Prisoner Database record 2019-00126.


65 Authorities prosecuted the cases of Huang Qi and Liu Feiyue this past year, both of which are described in detail later in this sub-section. The Commission also continued to monitor the cases of several 61 Tianwang “volunteers” detained in 2016. Authorities formally prosecuted some of them and held others in some form of detention during the 2019 reporting year. For more information on those cases, see the Commission’s Political Prisoner Database records 2013-00063 on Chen Tianmiao, 2016-00044 on Yang Xingqiong, 2016-00105 on Li Zhaoxiu, and 2018-00314 on Jiang Chengfen.

66 “Zhenguo zuoyuan zhengzhi bianji bei yi ‘dianfu zui’ shenpan” [Editor of Chinese leftist website detained for “subversion of state power”], Radio Free Asia, March 25, 2019. For more information on Zhen Jianghua, see the Commission’s Political Prisoner Database record 2019-00126.


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96 Miangyuan Municipal Intermediate People's Court, “Huang Qi guyi xiehou guojia mim” [First instance (trial) publicly announced sentence of Huang Qi for intentionally leaking state secrets and illegally providing state secrets abroad], July 29, 2019. The court sentenced Huang to 3 years’ imprisonment on the charge of “intentionally leaking state secrets” and to 11 years’ imprisonment on the charge of “illegally providing state secrets to overseas entities”; it ordered him to serve 12 years of the combined 14-year sentence. In addition, the court sentenced him to four years’ deprivation of political rights and a fine of 200,000 yuan (US$28,000). For more information on Huang Qi, see the Commission’s Political Prisoner Database record 2004-04053.


98 Lily Kao, “The Last Time I Saw Granny Pu: 85-Year-Old Mother of Chinese Dissident Seized by Police,” Guardian, December 20, 2018; Rights Defense Network, “Zao ruanjin de Huang Qi muqin Pu Wengjing yao jian Zhongyang xunshizu, dianhua bei pingbi cheng konghao” [Huang Qi’s mother Pu Wengjing, currently held in soft detention, asks to see Central investigation team, but phone call filtered into empty number], July 9, 2019. For more information on Pu Wengjing, see the Commission’s Political Prisoner Database record 2018-00619.


100 Foreign Correspondents’ Club of China, Under Watch: Reporting in China’s Surveillance State, January 2019, 1.

101 Ibid., 1–2.


103 Foreign Correspondents’ Club of China, Under Watch: Reporting in China’s Surveillance State, January 2019, 8.

104 Ibid., 11–12.


114 “Weixie ba jizhe liuru hei mingdan E’meiti zhize Zhongguo ganse xinwen ziyu” [For threatening to put journalist on blacklist, Russian media accuses China of meddling in freedom of the press], Voice of America, March 5, 2019.


117 Foreign Correspondents’ Club of China (FCCC), “Foreign Journalist Access to Tibet,” FCCC Position Paper, March 2019, 1, 4. The FCCC urged foreign governments to pressure the Chinese government to approve individual reporting trips to the TAR by the end of 2019, rather than offering only highly restricted government-arranged group media access, and to push for the removal of prior approval requirements in 2021, one year in advance of the 2022 Winter Olympics in Beijing municipality.

118 Ibid., 1.

119 Zhuang Rongwen, “Kexue renshi wangluo chuanbo guilu nuli tigao yong wang zhi wang” [Scientifically understanding the natural laws of online communication, striving to boost the level of internet use and network governance], Qiushi Journal, September 16, 2018; RogierCreemers, Paul Triolo, and Graham Webster, “Translation: China’s New Top Internet Official Lays Out Agenda for Party Control Online,” DigiChina (blog), New America, September 24, 2018. See also Nectar Gan, “Cyberspace Controls Set to Strengthen under China’s New Internet Boss,” South China Morning Post, September 20, 2018.

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122 Ibid., 644, 646.


125 See, e.g., Manya Koetse, “Chinese Blogger Addresses Weibo’s ‘Elephant in the Room,’” What’s on Weibo (blog), June 10, 2019.


127 See, e.g., “Spiritually Japanese” Artist Held in China’s Anhui over Pig-Head Cartoons,” Radio Free Asia, August 1, 2019. For more information on this case, see the Commission’s Political Prisoner Database record 2019-00809 on Zhang Dongning.


131 Blake Miller, “Delegated Dictatorship: Examining the State and Market Forces behind Information Control in China,” (PhD diss., University of Michigan, 2018), chap. IV.


146 Chinese Human Rights Defenders, “June 4th Wine Bottle Case”: Luo Fuyu sentenced in court to 3 years, suspended for 4 years; Fu Hailu was given a three-year sentence, suspended for five years; Rights Defense Network, “Chengdu Liusi Jiu’an” zui xin tongbao: Luo Fuyu dangting bei panjue youqi tuxing 3 nian, huanqi 4 nian zhixing” [Latest bulletin on “Chengdu June 4th liquor case”]: Luo Fuyu sentenced in court to 3 years, suspended for 4 years; April 3, 2019; Rights Defense Network, “Chengdu Liusi Jiu’an” zui xin tongbao: Zhang Junyong....

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dang fen bei panju youqi tu xiang 3 nian, huang qu nian zhi xing" [Latest bulletin on “Chengdu June 4th liquor case”: Zhang Junyong sentenced in court to 3 years, suspended for 4 years], April 2, 2019; Rights Defense Network, “Chengdu Luisz Jiu’zi zu chin tongbo: Chen Bing ju jue ren zui dang fu bei panju youqi tu xiang 3 nian 6 ge ye yue ci an dao shi chen’ai huoding” [Latest bulletin on “Chengdu June 4th liquor case”: Chen Bing refuses to admit guilt, sentenced in court to 3 years and 6 months in prison, the dust has now settled in this case], April 4, 2019; “Court in China’s Sichuan Jails Fourth Man over Tiananmen Massacre Liquor,” Radio Free Asia, April 4, 2019. For more information on the June Fourth liquor bottle cases, see the Commission’s Political Prisoner Database records 2016-00240 on Fu Hailu, 2016-00241 on Chen Bing, 2016-00242 on Luo Fuyu, and 2016-00243 on Zhang Junyong.


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165 Chen Jian’gang, “A Statement by Lawyer Chen Jiangang, Blocked Today from Leaving China to Take Part in the Humphrey Fellowship Program,” China Change, April 1, 2019; “China Bars Human Rights Lawyer from US State Dept. Program,” Associated Press, April 3, 2019. Chen had been accepted into a U.S. State Department-supported program. Authorities prevented him from leaving the Beijing Capital International Airport.


175 Ibid., 13.
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Findings

• During the Commission’s 2019 reporting year, Chinese authorities severely restricted the ability of civil society organizations to work on labor issues, expanding a crackdown on labor advocates across China. As of August 2019, over 50 workers and labor advocates were under some form of detention in connection with the crackdown.
• The Chinese Communist Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law, and workers are not permitted to establish independent unions. In November 2018, Chinese authorities detained two local-level ACFTU officials, Zou Liping and Li Ao, who attempted to assist workers at a Jasic Technology factory in Shenzhen municipality, Guangdong province, in setting up an ACFTU union.
• The Chinese government did not publicly report the number of worker strikes and protests, and non-governmental organizations (NGOs) and citizen journalists continued to face difficulties in obtaining comprehensive information on worker actions. The Hong Kong-based NGO China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media, documented 1,702 strikes and other worker actions in 2018, up from 1,257 incidents in 2017. In 2018, almost half (44.8 percent) of the worker actions documented by CLB were in the construction sector, although significant incidents were documented by workers at a recycling company, food delivery workers, and factory workers in the manufacturing sector.
• In March 2019, Chinese internet technology workers launched a campaign against exploitative work hours—referred to as “996,” a 9 a.m. to 9 p.m. schedule for six days a week common in many technology companies. The campaign, described by an American tech worker advocate as “the largest demonstration of collective action the tech world has ever seen,” posted a list of companies, including Huawei and Alibaba, that reportedly require their employees to follow the 996 schedule. Jack Ma, the founder of Alibaba called the 996 schedule “a blessing,” and some Chinese companies blocked access to the software development platform Github, a Microsoft subsidiary, where tech workers first posted the campaign.
• During this reporting year, international media documented the use of forced labor associated with mass internment camps in the Xinjiang Uyghur Autonomous Region (XUAR). Based on personal accounts, analysis of satellite imagery, and official documents, the New York Times documented a number of new factories in or nearby the camps, and the Associated Press tracked shipments from one of these factories to a U.S.-based company Badger Sportswear.
• In March 2019, following a chemical explosion that killed 78 people in Jiangsu province, the largest industrial accident in China since a 2015 industrial explosion in Tianjin municipality killed 173 people, the UN special rapporteur on human rights
and toxics stated that, “China’s repeated promises on chemical safety must be followed by meaningful action and lasting measures if it is to meet its human rights obligations.”

- In 2019, Chinese authorities detained three citizen journalists from the iLabour (Xin Shengdai) website—Yang Zhengjun, Ke Chengbing, and Wei Zhili—as well as NGO worker Li Dajun, all of whom had advocated on behalf of pneumoconiosis victims.

**Recommendations**

Members of the U.S. Congress and Administration officials are encouraged to:

- Press the Chinese government to immediately release labor advocates and journalists who are in prison or detention for the exercise of their lawful rights and to stop censoring economic and labor reporting. Specifically, consider raising the following cases:
  - Detained NGO staff and labor advocates, including Fu Changguo and Zhang Zhiyu (more widely known as Zhang Zhiru);
  - Citizen journalists and NGO workers who had advocated on behalf of pneumoconiosis victims, including Yang Zhengjun, Ke Chengbing, Wei Zhili, and Li Dajun;
  - Detained factory worker advocates from Jasic Technology in Shenzhen municipality, Guangdong province, including Mi Jiuping and Liu Penghua;
  - Detained university students and recent graduates, including Yue Xin and Qiu Zhanxuan; and
  - Detained local-level ACFTU officials Zou Liping and Li Ao who supported grassroots worker organizing efforts.

- Call on the Chinese government to respect internationally recognized rights to freedom of association and collective bargaining, and allow workers to organize and establish independent labor unions. Raise concern in all appropriate trade negotiations and bilateral and multilateral dialogues about the Chinese Communist Party’s role in collective bargaining and elections of trade union representatives, emphasizing that in a market economy, wage rates should be determined by free bargaining between labor and management.

- Call on the Chinese government to permit academic freedom on university campuses in China, and stop the harassment, surveillance, and detention of students who support worker rights.

- Call on the Chinese government to end the use of forced labor associated with the mass internment camps in the XUAR.

- Promote and support bilateral and multilateral exchanges among government officials, academics, legal experts, and civil society groups to focus on labor issues such as freedom of expression, collective bargaining, employment discrimination, and occupational health and safety. Seek opportunities to support capacity-building programs to strengthen Chinese labor and legal aid organizations defending the rights of workers.
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○ When appropriate, integrate meaningful civil society participation into bilateral and multilateral dialogues, meetings, and exchanges. Invite international unions and labor NGOs as well as domestic civil society groups from all participating countries to observe relevant government-to-government dialogues.
○ Encourage compliance with fundamental International Labour Organization (ILO) conventions. Request that the ILO increase its work monitoring core labor standards in China, including freedom of association and the right to organize.
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Trade Unions and Collective Bargaining

The Chinese government and Communist Party’s laws and practices continue to contravene international worker rights standards, including the right to create or join independent trade unions. The Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law. The ACFTU’s submission to the November 2018 session of the UN Human Rights Council’s Universal Periodic Review (UPR) of the Chinese government’s human rights record claimed that it had 303 million members, including 140 million migrant workers. Based on a National Bureau of Statistics of China survey, however, the Hong Kong-based non-governmental organization (NGO) China Labour Bulletin concluded that around 80 percent of the migrant members of the ACFTU were not aware of their membership. In 2018, 288.36 million out of 775.86 million employed Chinese were migrant workers, individuals with rural household registration but who work and reside in urban areas without access to most government benefits. Scholars and international observers noted that the ACFTU typically prioritized Party interests over the interests of workers and did not effectively represent workers. In November 2018, at the 17th National Congress of the ACFTU, held once every five years, Wang Dongming, the ACFTU Chairman and a Vice Chairman of the National People’s Congress Standing Committee, emphasized that the ACFTU should be loyal to the Party. At the enterprise level, union representatives often side with management interests. Provisions in the PRC Labor Law, PRC Labor Contract Law, and PRC Trade Union Law provide a legal framework for negotiating collective contracts, but these laws designate the Party-controlled ACFTU as responsible for negotiating with employers and signing collective contracts on behalf of workers. Restrictions on workers’ rights to freely establish and join independent trade unions violate international standards set forth by the International Labour Organization (ILO), Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. As a member of the ILO, China is obligated to respect workers’ right to collective bargaining.

Heightened Suppression of Labor Rights Advocacy

The Hong Kong Confederation of Trade Unions, which participated in an October 2018 pre-session to the UPR, summarized that labor rights in China have “deteriorated significantly in recent years” and that authorities have increased efforts to “quell labor [unrest] by coercive means.” During the Commission’s 2019 reporting year, Chinese authorities expanded a nationwide crackdown on labor advocates, following authorities’ detention of workers and their supporters at a Jasic Technology factory in Shenzhen municipality, Guangdong province, beginning in July 2018. According to the China Labor Crackdown Concern Group, an organization made up of concerned individuals in mainland China and abroad, as of August 2019, over 50 of the 130 labor advocates det-
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tained since July 2018 remain missing or in custody, and beginning in January 2019, “[s]ocial work organizations and labour rights activists at large have become targets.”

### Jasic Incident

In July 2018, factory workers Mi Jiuping and Liu Penghua obtained signatures from 89 of approximately 1,000 employees at Jasic Technology, a company in Shenzhen municipality, Guangdong province, that manufactures industrial equipment, in support of organizing a union. Local-level ACFTU officials had initially supported worker efforts to organize a union, but later that month, Guangdong authorities in Guangdong province detained around 30 people including Mi and Liu. The Jasic incident was distinct from the thousands of other worker actions in 2018 because self-described Maoist and Marxist university students and recent graduates organized in support of the workers. In August 2018, authorities detained about 50 of the student and recent graduate supporters, including Peking University graduate and outspoken women’s rights advocate Yue Xin, who had traveled to Guangdong. Police and university officials also monitored and harassed individuals involved in labor advocacy on college campuses. In October, Cornell University’s School of Industrial and Labor Relations suspended two student exchange programs with Renmin University in Beijing municipality due to “gross violations of academic freedom” after university officials—reportedly at the direction of the Communist Party—harassed, threatened, and surveilled student supporters of the Jasic workers. In November, authorities detained at least 12 additional supporters of the Jasic workers’ labor advocacy and two local-level ACFTU officials, Zou Liping and Li Ao, who had assisted the workers’ attempts to establish a union. As of May 2019, Chinese authorities had detained 21 members of the Marxist society at Peking University, including the group’s leader Qiu Zhanxuan. In May, the labor scholars who edit Made in China Journal, a publication supported in part by the Australian National University, wrote that there is a “... serious moral and political issue for those Western universities that collaborate with academic institutions ... that blatantly and unapologetically collude with Chinese authorities to suppress student activists.” [For more information on academic freedom in China, see Section II—Freedom of Expression.]

### Civil Society Organizations

This past year, Chinese authorities severely restricted the ability of civil society organizations to work on labor issues and expanded a crackdown on labor advocates across China. Labor NGOs have been active in China since the mid-1990s and had even advised workers on collective bargaining and other rights advocacy beginning around 2002. Following an earlier crackdown on labor advocates that began in 2015, Chinese labor NGOs have been less active, and the work of some labor NGOs has become more service-oriented. In 2019, Chinese authorities continued to crack down on labor advocates, including Wu Guijun, He Yuancheng, and Song Jiahui. Between August 2018 and July 2019, authorities de-
tained 22 individuals working with 10 different labor NGOs or social service centers, including from the following organizations:

- **Dagongzhe Migrant Workers Center (Dagongzhe Zhongxin).** In August 2018, authorities in Shenzhen municipality, Guangdong province, detained Dagongzhe staff Fu Changguo and Huang Qingnan on suspicion of aiding Jasic workers with foreign financial support.

- **Red Reference (Hongse Cankao).** In August 2018, authorities in Beijing municipality searched the office of this leftist website and detained staff member Shang Kai. In March 2019, authorities in Nanjing municipality, Jiangsu province, placed former editor Chai Xiaoming under “residential surveillance in a designated location” on suspicion of “subversion of state power.”

- **Qingying Dreamworks (Qingying Meng Gongchang).** In November 2018, Shenzhen authorities detained seven individuals associated with Qingying Dreamworks, a non-profit center providing workers’ services in a neighborhood with many migrant workers: co-founders Wang Xiangyi and He Pengchao; staff members Jian Xiaowei, Kang Yanyan, Hou Changshan, Wang Xiaomei; and supporter He Xiumei. As of June 2019, these individuals were still missing.

- **Chunfeng Labor Dispute Center (Chunfeng Laodong Zhengyi Fuwu Bu).** In January 2019, Shenzhen authorities detained founder Zhang Zhiyu (more widely known as Zhang Zhiru) and former staff Jian Hui from Chunfeng Labor Dispute Center, which provided legal assistance to workers. Authorities held Zhang on suspicion of “disturbing public order.” In 2014, Party-run Global Times described Zhang as “one of China’s top defenders of labor rights.”

- **iLabour (Xin Shengdai).** In January 2019, authorities in Guangzhou municipality, Guangdong, detained Yang Zhijun, the editor-in-chief of the labor advocacy website iLabour (Xin Shengdai), and in March, authorities in Guangzhou detained two other editors, Ke Chengbing and Wei Zhili. The iLabour website reported on worker rights issues in China, including the health hazard pneumoconiosis. Authorities held the editors on suspicion of “picking quarrels and provoking trouble.”

In May 2019, during three separate raids, Chinese authorities detained social workers from the following organizations that assisted migrant workers:

- **Hope Community (Lengquan Xiwang Shequ).** Beijing authorities detained Li Dajun, director of Hope Community.

- **Qinghu Social Learning Center (Qinghu Shequ Xuetang).** Shenzhen authorities detained center director Li Changjiang.

- **Guangdong Mumian Social Work Service Center (Guangdong Mumian Shehui Fuwu Gongzuo Zhongxin).** Guangzhou authorities detained Tsinghua University post-doctoral researcher and Mumian volunteer Liang Zicun.

Domestic labor advocates’ connections to foreign groups and funding were reportedly of particular concern to authorities. In
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January 2019, for example, Party-run Global Times reported that Dagongzhe Migrant Workers Center was “fully funded by overseas NGOs,” and “instigating [labor] incidents and coercing some workers into taking radical actions.” Also in January, Chinese authorities forced some student labor advocates to watch videotaped confessions of other students in which they may have been forced to admit to, among other things, “working with foreign forces to hurt China’s international image.” [For more information on civil society in China, see Section II—Civil Society.]

Worker Strikes and Protests

The Chinese government did not publicly report on the number of worker strikes and protests, and NGOs that work on labor issues continued to face difficulties in obtaining comprehensive information on worker actions. Lu Yuyu, a citizen journalist who posted data about social unrest—including labor protests—on social media platforms, continued to serve a four-year sentence in Yunnan province. China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media, documented 1,702 strikes and other labor actions in 2018, up from 1,257 strikes and other labor actions in 2017. The majority of the labor actions documented by CLB were small in scale: in 2018, 1,524 incidents (89.5 percent) involved fewer than 100 people, and 163 (9.6 percent) involved over 1,000 people, including 13 with over 10,000 people (0.8 percent). In 2018, police were involved in 267 of the total incidents (15.7 percent), although police were involved in over half (7 out of 13 protests) of the incidents involving over 1,000 people. During this reporting year, wage arrears in China were a problem due in part to the continued refusal of employers to give workers contracts, and in 2018, 1,342 strikes and other labor actions (78.7 percent) involved wage arrears.

<table>
<thead>
<tr>
<th>Year</th>
<th>Manufacturing</th>
<th>Construction</th>
<th>Transportation</th>
<th>Services</th>
<th>Other</th>
<th>Total Number Reported</th>
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<tbody>
<tr>
<td>2018</td>
<td>15.5% (263)</td>
<td>44.8% (763)</td>
<td>15.9% (270)</td>
<td>13.3% (227)</td>
<td>10.6% (180)</td>
<td>1,703</td>
</tr>
<tr>
<td>2017</td>
<td>19.7% (267)</td>
<td>38.1% (518)</td>
<td>8.6% (117)</td>
<td>15.2% (207)</td>
<td>10.8% (148)</td>
<td>1,257</td>
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</table>

Source: China Labour Bulletin. Note that the percentages indicate the percentage of total worker actions documented that year. CLB changed their methodology beginning in 2017.

Chinese law does not protect workers’ right to strike, contravening the International Covenant on Economic, Social and Cultural Rights, which China has signed and ratified.

Examples of strikes and worker actions this past year included the following:

- **Temporary Workers.** In November 2018, reports indicated that hundreds to thousands of temporary workers protested outside of a Biel Crystal factory, a major supplier for Apple and Samsung, in Huizhou municipality, Guangdong province, after the factory reportedly laid off 8,000 people due to poor sales of Apple’s iPhone.
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- **Independent Contractors.** In February 2019, food delivery drivers for online food delivery companies Meituan and Ele.me went on strike in four cities after the companies significantly reduced delivery rates for drivers.74

- **Wage Arrears and Bankruptcy.** In April 2019, over 1,000 workers at Little Yellow Dog Environmental Protection, a recycling company, protested in at least four cities after the company announced that it would not be able to pay workers.75 According to CLB, the local labor bureau in Dongguan municipality, Guangdong, did not support an arbitration request filed by the workers.76

<table>
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<tr>
<th>996.ICU Campaign and Excessive Overtime</th>
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<tr>
<td>In March 2019, Chinese internet technology workers launched a campaign against exploitative working hours, protesting “996”—a 9 a.m. to 9 p.m. schedule for six days a week common in many technology companies.77 Chinese labor laws generally require that work schedules not exceed 8 hours per day or 44 hours per week,78 with overtime limited to 3 hours per day and 36 hours per month.79 The campaign began as a project on the software development platform GitHub,80 a subsidiary of Microsoft; the campaign identified labor law provisions that the schedule violates.81 The campaign posted a list of companies, including Huawei and Alibaba, that reportedly require their workers to adhere to the 996 schedule.82 According to an American tech worker advocate, the campaign was “the largest demonstration of collective action the tech world has ever seen,”83 as the project received over 200,000 “stars” indicating support.84 Jack Ma, the founder of Alibaba, called the 996 schedule “a blessing;”85 and some Chinese companies blocked access to GitHub.86 In April, two Chinese programmers released an “anti-996” license for open source software that requires any individual or company using the licensed software to comply with all applicable labor laws and international labor standards.87</td>
</tr>
</tbody>
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<table>
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<tr>
<th>Social Insurance</th>
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<tbody>
<tr>
<td>The majority of workers in China continued to lack social insurance coverage. According to the PRC Social Insurance Law, workers are entitled to five forms of social insurance: basic pension insurance, health insurance, work-related injury insurance, unemployment insurance, and maternity insurance.88 Under the law, employers and workers are required to contribute to basic pension, health, and unemployment insurance; in addition, employers are required to contribute to work-related injury and maternity insurance on behalf of workers.89 According to the National Bureau of Statistics of China (NBS), in 2018, the number of people covered by work-related injury insurance coverage increased by 11.45 million to a total of 238.68 million for a coverage rate of 30.8 percent.90 Similarly, NBS reported that work-related injury insurance coverage increased for migrant workers by 2.78 million people to 80.85 million, for a coverage rate of 28.0 percent.91 Unemployment and maternity insurance coverage rates increased slightly to 25.3 percent and 26.3 percent, respectively for all workers.92 In July 2018, the central government established a central adjustment</td>
</tr>
</tbody>
</table>
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Fund to shift some pension funds from wealthier provinces to provinces with more retirees. The Ministry of Finance reported that in 2019, central authorities planned to collect and redistribute a total of 484.5 billion yuan (US$72 billion), with Guangdong province expected to provide a net contribution of 47.4 billion yuan and Beijing municipality a net contribution of 26.3 billion yuan, while Liaoning and Heilongjiang provinces are expected to receive net distributions of 21.6 billion yuan and 18.4 billion yuan, respectively.

Employment Relationships

This past year, several categories of workers were unable to benefit fully from protections provided under Chinese law. The PRC Labor Law and PRC Labor Contract Law only apply to workers who have an “employment relationship” (laodong guanxi) with their employers.

Dispatch Labor and Contract Labor

The Commission continued to observe reports of dispatch labor (laowu paiqian) and contract worker (waibao) abuses during this reporting year, in violation of domestic laws and regulations. Firms, including state-owned enterprises, have long used dispatch labor—workers hired through subcontracting agencies—to cut costs, and some firms have replaced dispatch labor with contract labor to further reduce costs. For example, in September and October 2018, former dispatch workers at the Sino-German automobile joint venture FAW–Volkswagen in Changchun municipality, Jilin province, protested after management ended its reliance on dispatch workers, but then made employees choose to either become formal employees at lower pay or accept more tenuous employment as contract workers. In January 2019, the state-backed media outlet Sixth Tone reported on contract workers who were employed at a Protek factory in Shanghai municipality—a site that assembled Apple iPhones. Employees there protested after learning that they would not be paid promised bonuses. The PRC Labor Contract Law stipulates that dispatch workers shall be paid the same as full-time workers doing similar work, and may only perform work on a temporary, auxiliary, or substitute basis.

Intern Labor

During this reporting year, reports continued to emerge of labor abuses involving vocational school students working at school-arranged “internships.” In October 2018, the Hong Kong-based NGO Students and Scholars Against Corporate Misbehavior released a report on the widespread use of 16- to 19-year-old student interns in Chongqing municipality who were forced to work 12-hour shifts on production lines as part of compulsory internships. In November 2018, the Financial Times reported that hundreds of students in Beijing municipality and Kunshan city, Shandong province, were required to complete mandatory internships during which they had to work up to 18 hours a day at below minimum wage sorting and packing goods for the Chinese e-commerce company JD.com. In August 2019, China Labor Watch published a report on labor viola-
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tions at Hengyang Foxconn in Hunan province, which included required overtime for interns at a facility that manufactures products for Amazon. Regulations prohibit interns from working overtime and require internships to be relevant to students’ plans of study.

FORCED LABOR

This past year, international media reported on the use of forced labor associated with mass internment camps in the Xinjiang Uyghur Autonomous Region (XUAR). In December 2018, based on personal accounts, analysis of satellite imagery, and official documents, the New York Times documented a number of new factories in or nearby the camps, and the Associated Press tracked shipments from one of these factories to a U.S.-based company Badger Sportswear. In March 2019, the State Council Information Office issued a white paper acknowledging that certain products were being made in the camps. In May 2019, a Wall Street Journal report found that the supply chains for a number of additional international companies may involve forced labor in the XUAR, including Adidas, Kraft Heinz, Coca-Cola, and Gap. [For more information on forced labor in the Xinjiang Uyghur Autonomous Region, see Section II—Human Trafficking, and Business and Human Rights; and Section IV—Xinjiang.]

WORKERS ABOVE THE RETIREMENT AGE

Chinese workers above the legal retirement age continued to lack certain legal protections afforded to other workers under Chinese law, as the number of elderly workers increased. According to the PRC Labor Contract Law and the law’s implementing regulations, once workers reach retirement age or receive pensions, their labor contracts are terminated by operation of law. The inability of workers over the retirement age to establish a formal employment relationship with their employers leaves them without the protections provided for in Chinese labor laws in cases of work-related injury, unpaid overtime, or other labor issues. [For more information on China’s aging population, see Section II—Population Control.]

Work Safety and Industrial Accidents

During this reporting year, government data showed a continued decline in workplace deaths, although Chinese workers and labor organizations expressed concerns about inadequate safety equipment and training. According to the National Bureau of Statistics of China (NBS), a total of 34,046 people died in workplace accidents in 2018, compared to 37,852 deaths in 2017. According to one labor expert, however, the actual number of deaths “may be much higher, because incidents involving few deaths often go unreported.” In 2018, there were 333 officially reported coal mining deaths, a major decrease from recent years, although according to China Labour Bulletin, “the decline in accident and death rates . . . has far more to do with mine closures and the falling demand for coal . . . than the introduction of any new safety measures.”
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Management of Chinese companies and factories often did not provide adequate safety equipment or required safety training. In April 2019, for example, a migrant construction worker in Qingdao municipality, Shandong province, claimed that he was fired after he filmed and posted a video online that showed the low quality of safety helmets that the company had allegedly provided to workers. In response to the video, which received over two million views, the Ministry of Emergency Management (MEM) posted a message on Weibo, China’s Twitter-like microblogging platform, which said that the realization of safe production relies on workers having safe helmets, and that MEM should pay more attention to safety measures in practice rather than what the companies say about those measures. In a December 2018 report entitled, “A Nightmare for Workers: Appalling Conditions in Toy Factories Persist,” New York City-based China Labor Watch (CLW) detailed conditions in four factories that make toys for Hasbro, Disney, and Mattel, brands that are sold in Walmart, Costco, and Target, including inadequate pre-job safety training and inadequate safety equipment. In March 2019, CLW published a report on Dongguan Dongwon Electronics, a factory in Dongguan municipality, Guangdong province, that manufactures Samsung mobile phone chargers, which described, among other violations of Chinese law, a lack of pre-job safety training.

The Chinese government’s ineffective enforcement of work safety regulations may also have contributed to a significant industrial accident. On March 22, 2019, an explosion at Jiangsu Tianjiayi Chemical plant in Yancheng city, Jiangsu province, killed 78 people, injured 640, destroyed 16 nearby factories, and forced the evacuation of almost 3,000 people. This explosion was the largest industrial accident since a 2015 explosion in Tianjin municipality killed 173 people. Between 2016 and 2018, Chinese authorities had issued 5 administrative fines against the chemical plant, and in February 2018, the State Administration of Work Safety had identified 13 production-related hazards at the facility. Following the explosion, the UN special rapporteur on human rights and toxics declared that, “China’s repeated promises on chemical safety must be followed by meaningful action and lasting measures if it is to meet its human rights obligations.” [For more information on the Jiangsu Tianjiayi Chemical plant explosion, see Section II—The Environment and Climate Change.]

Occupational Health

The Chinese government reported a decrease in the number of cases of occupational disease. In May 2019, the National Health Commission reported that there were 23,497 cases of occupational disease reported in 2018, compared to 26,756 cases in 2017 and 31,789 cases in 2016. Of the occupational disease cases in 2018, 19,440 were work-related cases of the lung disease pneumoconiosis. In January 2019, however, National Health Commission research acknowledged that the documented number of pneumoconiosis cases was only “the tip of the iceberg.” This past year, protesters from Hunan province who demanded compensation demonstrated the difficulties that pneumoconiosis victims face in obtaining the official recognition required to obtain
workers' compensation. In November 2018, approximately 200 retired migrant construction workers from Hunan traveled to Shenzhen municipality, Guangdong, continuing a long-term campaign to seek compensation for pneumoconiosis, which they asserted was caused by their earlier work in Guangdong. After Shenzhen police used pepper spray on the retired workers on November 7, authorities agreed to provide limited compensation to the workers, most of whom had never signed labor contracts. In 2019, Chinese authorities detained three citizen journalists from the iLabour (Xin Shengdai) website, Yang Zhengjun, Ke Chengbing, and Wei Zhili, as well as NGO worker Li Dajun, all of whom had advocated on behalf of pneumoconiosis victims.
Notes to Section II—Worker Rights


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CRIMINAL JUSTICE

Findings

• During the Commission’s 2019 reporting year, Chinese government and Communist Party officials continued to abuse criminal law and police power to punish government critics and to “maintain stability” (wéiwěn) with the goal of perpetuating one-party rule. The Chinese government in many cases violated the freedoms of Chinese citizens protected under PRC laws and international human rights standards, and used criminal law to target rights advocates, religious believers, and ethnic minority groups.

• Authorities continued to use various forms of arbitrary detention—such as extralegal “black jails” and forced psychiatric commitment of individuals without mental illness—to deprive individuals of their liberty, contravening international human rights standards. Authorities also continued to use administrative detention that circumvented judicial oversight and protections for detainees’ rights under the PRC Criminal Procedure Law (CPL).

• Authorities continued to detain individuals under broad provisions in the PRC Criminal Law—such as crimes of “endangering state security,” “picking quarrels and provoking trouble,” and “organizing and using a cult organization to undermine implementation of the law”—to suppress rights advocacy and other activities protected under international human rights standards.

• Authorities held rights advocates, lawyers, petitioners, and others in prolonged pretrial detention, including under “residential surveillance at a designated location” (RSDL), a form of incommunicado detention that can last up to six months, restricts access to counsel, and places detainees at risk of abuse by authorities.

• In one case with numerous human rights violations, Falun Gong practitioner Sun Qian said that she was tortured while in custody, subjected to arbitrary and prolonged pretrial detention, and prevented from obtaining proper legal counsel. In other cases, officials denied detainees access to counsel, such as human rights lawyer Wang Quanzhang who was prevented from seeing lawyers appointed by his wife.

• In December 2018, Chinese authorities separately detained Canadian citizens Michael Spavor and Michael Kovrig for allegedly “endangering state security.” In the same month, during a retrial, the Dalian Intermediate People’s Court sentenced to death Canadian Robert Schellenberg for drug smuggling. Observers believed these actions within the criminal justice system were likely Chinese authorities’ attempt to exert pressure on the Canadian government for the arrest of Meng Wanzhou, the chief financial executive of the Chinese technology company Huawei, whom Canadian authorities detained in December 2018 based on an extradition request made by the U.S. Department of Justice.

• Authorities continued to torture and otherwise abuse detainees:
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○ Authorities denied requests to release human rights website 64 Tianwang founder Huang Qi for medical reasons. In October 2018, authorities reportedly purposely manipulated readings of Huang's high blood pressure and rejected attempts by detention center officials to allow additional treatment due to “political” reasons.
○ Authorities reportedly required Taiwanese college employee and non-governmental organization (NGO) volunteer Lee Ming-cheh to work more than 10 hours a day without a day of rest and served him and other prisoners spoiled food. After Lee’s wife Lee Jingyu made public statements concerning her prison visit, authorities revoked her right to visit her husband.

• Authorities continued to develop technology-based means to help public security officials track persons of interest—based in part on large-scale, sometimes involuntary collection of personal data—raising concerns over Chinese citizens’ privacy and the potential for public security officials’ capacity to use this technology to crack down on rights advocates and other targeted persons. The manner in which authorities collected personal data, including biometric data, appeared to violate privacy protections in international human rights instruments.
• While the Chinese government continued to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders, Amnesty International estimated that China carried out more executions than any other country. China continued to classify statistics on its use of the death penalty as a state secret, and the Commission did not observe official reports on overall death penalty numbers. A French NGO reported that the death penalty disproportionately targeted ethnic and religious minorities, such as Uyghur Muslims, for their religious beliefs.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:
○ Publicly advocate for political prisoners and other targets of government oppression whom officials have deprived of liberty on unsubstantiated criminal charges and for apparent political or religious reasons. Refer to the Commission’s Political Prisoner Database for details on individual cases.
○ Include discussion of rights protections for rights advocates and other targets of government repression in a wide range of bilateral and multilateral discussions with Chinese officials. Stress to the Chinese government the importance of procedural compliance and effective legal representation in criminal cases in relation to the goal of rule-based governance.
○ Urge Chinese officials to end all forms of arbitrary detention, as well as forms of extrajudicial detention, that are imposed without meeting the standards for a fair trial as set forth in the International Covenant on Civil and Political Rights and other international human rights instruments. These include detentions in “black jails,” psychiatric institu-
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tions, compulsory drug detoxification centers, and the detention of over a million Uyghurs, Kazakhs, and other individuals from ethnic minority groups in mass internment camps in the Xinjiang Uyghur Autonomous Region.

○ Consult with Chinese officials regarding progress toward adopting the recommendations made in February 2016 by the UN Committee against Torture in relation to China’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, such as the call to repeal the provisions in Chinese law allowing for “residential surveillance at a designated location.” Further, encourage Chinese officials to extend invitations to all UN special rapporteurs who have requested to visit China.

○ Urge Chinese officials to adopt a legal and regulatory framework for technology-based policing practices that meets international human rights standards. Such a framework should include, for example, privacy protections, restrictions on police authority to collect personal information without consent, and protections against discriminatory practices, including profiling of ethnic and religious minorities. Encourage Chinese officials to require police who use information technology to complete appropriate human rights training and impose strict penalties for officials who authorize or carry out preemptive detentions.

○ Stress to the Chinese government the need for greater transparency on the number and circumstances of executions and urge Chinese officials to further limit the crimes for which the death penalty is applicable. Urge the Chinese government to ban explicitly in national legislation the harvesting of organs from executed prisoners.

○ Continue and, where appropriate, expand support for programs involving U.S. entities engaging with reform-minded Chinese organizations and individuals (both within and outside the government) that draw on comparative experience to improve the criminal justice process. For example, the experience of the United States and other jurisdictions can inform individuals and institutions in China that are working toward reducing reliance on confessions, enhancing the role of witnesses at trials, and creating more reliable procedures for reviewing death penalty cases.

○ Call on the Chinese government to publicly commit to a specific timetable for ratification of the International Covenant on Civil and Political Rights, which the Chinese government signed in 1998 but has not yet ratified.
CRIMINAL JUSTICE

Introduction

During the Commission’s 2019 reporting year, Chinese government and Communist Party officials continued to use criminal law and police power to punish their critics and to “maintain stability” (weiwen) with the goal of perpetuating one-party rule. In doing so, the Chinese government violated the freedoms and rights of Chinese citizens protected under PRC laws and international human rights standards and targeted rights advocates, religious believers, and ethnic minority groups in particular.

Use of Criminal Law to Punish Rights Advocates

This past year, authorities continued to detain individuals under provisions in the PRC Criminal Law (CL) to suppress rights advocacy and other activities protected under international human rights standards. Selected examples follow:

CRIMES OF ENDANGERING STATE SECURITY

The Chinese government continued to prosecute individuals under “endangering state security” charges for peacefully exercising their rights. CL Articles 102 to 112—listing offenses including “subversion of state power,” “separatism,” and “espionage”—are collectively referred to as crimes of “endangering state security,” some of which carry multi-year sentences or the death penalty.

- In December 2018, the Zhuhai Municipal Intermediate People’s Court in Guangdong province sentenced Zhen Jianghua to two years in prison for “inciting subversion of state power.” Authorities detained Zhen in September 2017, and officially charged him in March 2018. Zhen is the executive director of Human Rights Campaign in China (HRCIC), which reports on cases involving rights advocacy and provides aid for people who are involved in or who have reported on advocacy cases.

- Beginning on December 9, 2018, public security officials in Chengdu municipality, Sichuan province, took into custody over 100 leaders and members of the Early Rain Covenant Church, an unregistered Protestant house church in Chengdu municipality, Sichuan province. Authorities criminally detained Early Rain founder and pastor Wang Yi and placed Wang’s wife Jiang Rong under “residential surveillance at a designated location,” both on suspicion of “inciting subversion of state power.” [For more information on the crackdown on Early Rain, see Section II—Freedom of Religion.]

- Additional cases in which authorities detained rights advocates on “subversion” grounds include human rights lawyer Wang Quanzhang, Civil Rights and Livelihood Watch founder Liu Feiyue, and Tiananmen Square protest leader Zhou Yongjun.
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PICKING QUARRELS AND PROVOKING TROUBLE

Authorities used the charge of “picking quarrels and provoking trouble”\(^{20}\) under Article 293 of the PRC Criminal Law to punish petitioners and rights advocates.\(^{21}\) One Chinese legal scholar described the criminal charge as being “so broadly defined and ambiguously worded that prosecutors can apply it to almost any activity they deem undesirable, even if it may not otherwise meet the standards of criminality.”\(^{22}\)

- In April 2019, the Chengdu Municipal Intermediate People’s Court in Chengdu, Sichuan province, tried Zhang Junyong,\(^{23}\) Fu Hailu,\(^{24}\) and Luo Fuyu\(^{25}\) and sentenced them to three years in prison, suspended for four to five years,\(^{26}\) and Chen Bing\(^{27}\) to three years and six months in prison, all for “picking quarrels and provoking trouble.”\(^{28}\) Authorities first detained the four in May 2016 on suspicion of “inciting subversion of state power” after Fu posted images online of satirical liquor bottles meant to commemorate the violent suppression of the June 4, 1989 Tiananmen pro-democracy protests.\(^{29}\)
- In May 2019, the Gulou District People’s Court in Xuzhou municipality, Jiangsu province, sentenced Zhang Kun\(^{30}\) to two years and six months in prison for “picking quarrels and provoking trouble.”\(^{31}\) The arrest and sentencing was connected to Zhang posting a video in which he revealed that prison authorities at Pengcheng Prison in Yunlong district, Xuzhou, had subjected him to torture and abuse while he was imprisoned there between 2015 and 2016 for the same charge.\(^{32}\)

ORGANIZING AND USING A CULT TO UNDERMINE IMPLEMENTATION OF THE LAW

Authorities continued to charge members of religious communities and spiritual movements with “organizing and using a cult organization to undermine implementation of the law” under CL Article 300.\(^{33}\) For example, in January 2019, Qingshan District People’s Court in Baotou municipality, Inner Mongolia Autonomous Region, sentenced Falun Gong practitioners Wang Ying\(^{34}\) and Wang Hongling\(^{35}\) to two years in prison and one year and six months in prison, respectively.\(^{36}\) Authorities detained the two in connection to Falun Gong materials they distributed in Batou.\(^{37}\)

[For more information on official Chinese persecution of Falun Gong, see Section II—Freedom of Religion.]

OTHER CRIMINAL LAW PROVISIONS

Authorities accused rights advocates and others of other criminal offenses, including “gathering a crowd to disturb social order,”\(^ {38}\) “obstructing official business,”\(^ {39}\) and “illegal business activity”\(^ {40}\) on account of activities protected under international human rights standards.\(^ {41}\)

Arbitrary Detention

Authorities continued to use various forms of arbitrary detention\(^ {42}\) that deprive individuals of their liberty, contravening international human rights standards.\(^ {43}\) During China’s November 2018...
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UN Human Rights Council Universal Periodic Review (UPR) of the Chinese government’s human rights record, non-governmental organizations and member states called for the Chinese government to end its use of arbitrary detention, including in mass internment camps used to arbitrarily detain Uyghur Muslims and other ethnic minority groups in the Xinjiang Uyghur Autonomous Region.44 [For more information on arbitrary detention in China’s mass internment camps, see Section IV—Xinjiang.] During the UPR, China rejected calls to end various forms of arbitrary detention.45

Descriptions of selected forms of arbitrary detention follow:

BLACK JAILS

Authorities continued to hold individuals in “black jails,” extra-legal detention sites that operate outside of the PRC’s judicial and administrative detention systems.46 For example, authorities or individuals presumably acting on their behalf held rights advocates in “black jails” as a part of “stability maintenance” efforts leading up to the Shanghai International Import Expo in November 2018,47 and the annual meetings of the National People’s Congress and Chinese People’s Political Consultative Conference in March 2019.48

PSYCHIATRIC FACILITIES

Authorities continued to forcibly commit individuals without mental illness to psychiatric facilities—a practice known as “bei jingshenbing”—to punish rights advocates, despite protections in the PRC Mental Health Law (MHL)49 and related regulations.50 [For more information, see Section II—Public Health.] For example, from August to October 2018, authorities forcibly committed Lu Qianrong51 to a psychiatric facility in Changzhou municipality, Jiangsu province, reportedly due to Lu’s posting “unfavorably against the country” on social media.52 Authorities reportedly forced Lu to take daily antipsychotic medication while in detention.53

ADMINISTRATIVE DETENTION

 Authorities continued to use administrative forms of detention, which allow officials to detain individuals without judicial oversight or protections for their rights under the PRC Criminal Procedure Law (CPL). For example, police have ordered human rights defenders to serve up to 20 days of administrative detention without any judicial process.54 In addition, authorities continued to operate compulsory drug detoxification centers55 where they can hold detainees for up to two years.56

This past year, Chinese authorities, human rights advocates, and legal scholars continued to call for the abolition of “custody and education” (shourong jiaoyu),57 in which public security officials can detain sex workers and their clients for six months to two years without judicial oversight.58 Chinese legal experts have questioned the legality of such “extrajudicial prisons without any due process.”59
Chinese Authorities’ Retaliatory Use of Criminal Law against Canadian Citizens

On December 10, 2018, Chinese authorities separately detained Canadian citizens Michael Spavor and Michael Kovrig on suspicion of “endangering state security.” Reports suggest that authorities held Spavor and Kovrig under “residential surveillance at a designated location” (RSDL), a coercive measure under the CPL that allows security authorities to hold a criminal suspect in de facto incommunicado detention for up to six months. Reports further indicate that authorities held them in conditions that some experts have said may amount to torture. In May 2019, the Chinese Ministry of Foreign Affairs said that authorities had formally arrested both Spavor and Kovrig for crimes of “endangering state security.”

In another case involving a Canadian citizen, the Dalian Municipal Intermediate People’s Court in Liaoning province changed Robert Schellenberg’s sentence for drug smuggling from a 15-year imprisonment to a death sentence in January 2019, in spite of a provision in the PRC Criminal Procedure Law generally prohibiting the trial court from imposing a harsher sentence in a retrial. The court cited “new evidence” for the change in Schellenberg’s original November 2018 judgment of 15 years. Moreover, Chinese lawyers and international observers noted irregularities in Schellenberg’s case, namely, the court of second instance having remanded the case without being requested to do so by the procuratorate, as well as the expediency with which the court of first instance concluded the case on remand (16 days), compared to the first round of proceedings (two years).

Observers suggested that the detentions of Spavor and Kovrig as well as the death sentence of Schellenberg, were likely Chinese authorities’ attempt to exert pressure on the Canadian government for the arrest of the chief financial officer of the Chinese technology company Huawei, Meng Wanzhou, whom Canadian authorities detained based on an extradition request made by the U.S. Department of Justice.

“RETENTION IN CUSTODY” (LIUZHI) UNDER THE PRC SUPERVISION LAW

The PRC Supervision Law (Supervision Law), authorizes the National Supervisory Commission (NSC) to investigate suspected official misconduct using methods including “retention in custody” (liuzhi), an extrajudicial form of detention that allows NSC officials to hold individuals without legal representation. “Retention in custody” contravenes rights guaranteed by international legal standards, as it denies the “minimum guarantees” of those charged as a criminal including access to counsel, and to be tried while present.

In early October 2018, authorities placed then President of the International Criminal Police Organization (Interpol), Meng Hongwei, under liuzhi while he was on a trip to China. NSC officials transferred Meng’s case to the Supreme People’s Procuratorate, which approved his arrest on April 23, 2019. In June 2019, while on trial in the Tianjin No. 1 Intermediate People’s Court, Meng pled guilty to taking bribes. One Chinese commentator noted that the NSC’s detention of the president of an organization such as Interpol highlights a “new normal” of Chinese au-
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Authorities arresting Party officials in anti-corruption cases despite their positions in prominent international organizations.

Ongoing Challenges in the Implementation of the Criminal Procedure Law

This past year, the National People’s Congress Standing Committee passed legislation that could adversely affect the rights of prisoners and detainees. In addition, the Commission continued to observe reports of authorities violating the rights of detainees, despite protections in the PRC Criminal Procedure Law (CPL) and international human rights standards.

LEGISLATIVE DEVELOPMENTS

In October 2018, the National People’s Congress Standing Committee passed an amendment to the CPL. In cases of corruption, state security, and terrorism, the amendment allows courts to try defendants in absentia, which violates international fair trial standards. Rights groups warned that Chinese authorities might use this amendment to threaten and punish human rights defenders outside of China through abuse of international arrest warrants.

The CPL amendment also provides for lenient and expedited sentencing, both of which require the defendant to “voluntarily” confess his or her crime, despite ongoing concerns about the reliance on coerced confessions in China’s criminal justice system. “Lenient sentencing” is allowed if the defendant admits to a crime, does not dispute the facts of the case, and willingly accepts punishment. Additionally, the amendment provides for expedited sentencing in cases under the jurisdiction of basic-level people’s courts of a defendant who faces a maximum three-year sentence, has confessed, accepted punishment, and who agrees to the use of an expedited process.

COERCED CONFESSIONS

Authorities continued to coerce detainees to confess guilt to crimes, in violation of the CPL, and in some cases forced detainees to recite apparently scripted remarks in court or on camera while in pretrial custody.

For example, in or around January 2019, authorities reportedly forced more than 20 university students involved in labor advocacy to watch video confessions of four young labor rights advocates—Yue Xin, Shen Mengyu, Gu Jiayue, and Zheng Yongming—whom authorities detained in August 2018 after they had helped organize protests in support of workers’ attempts to organize a union at Jasic Technology in Shenzhen municipality, Guangdong province. The students reported that the videos appeared coerced, and that authorities showed the video confessions in order to deter students from further activism. [For more information on the Jasic student protests advocating labor rights, see Section II—Worker Rights. For information on the televised confession of former Supreme People’s Court Judge Wang Linqing, see Section III—Access to Justice.]
PROLONGED PRETRIAL DETENTION

Authorities in some cases held suspects in pretrial detention beyond limits allowed in the CPL and international human rights standards. Observers indicate that detainees held in prolonged pretrial detention are at an increased risk of torture.

- For example, in February 2017, authorities in Beijing municipality detained Falun Gong practitioner Sun Qian for “organizing and using a cult to undermine implementation of the law.” During her trial in September 2018, Sun said that she was tortured while in custody, and lawyers have noted that in addition to arbitrary and prolonged pretrial detention, authorities have prevented her from obtaining legal counsel by harassing and intimidating 11 different lawyers she had hired to represent her.

- This past year, Chinese courts tried and sentenced individuals after prolonged periods of pretrial detention, including human rights lawyer Wang Quanzhang (pretrial detention of almost three years and six months), four men in the “June Fourth liquor” case (almost three years of pretrial detention for each), and founder of rights website 64 Tianwang Huang Qi (held for two years and eight months before receiving a sentence).

ACCESS TO COUNSEL

Authorities continued to deny some criminal suspects meetings with their lawyers and to prevent others from hiring their preferred attorneys, particularly in cases involving rights advocates. Chinese law grants suspects and defendants the right to hire and meet with defense counsel, but it restricts meetings in cases of “endangering state security,” such as terrorism, or significant bribes, as well as for those held in “residential surveillance at a designated location” (RSDL), contravening international standards.

For example, in January 2019, the Tianjin No. 2 Intermediate People’s Court sentenced human rights lawyer Wang Quanzhang to four years and six months in prison for “inciting subversion of state power,” a crime of “endangering state security.” Authorities prevented lawyers appointed by Wang’s wife, Li Wenzu, from representing Wang in court, and Wang dismissed his state-appointed lawyer during the trial. Wang is well known for taking on cases of Falun Gong practitioners, petitioners, and others deemed “politically sensitive” by authorities, and had been in custody since the July 2015 crackdown on human rights lawyers. Several international observers expressed concern over Wang’s deprivation of counsel and continued detention. [For more information on access to counsel and the harassment and prosecution of rights lawyers, see Section III—Access to Justice.]

RESIDENTIAL SURVEILLANCE AT A DESIGNATED LOCATION

Authorities continued to place some criminal suspects in “residential surveillance at a designated location” (RSDL), a form of incommunicado detention that can last up to six months, re-
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stricts access to counsel, and places detainees at risk of abuse by authorities. For example, in January 2019, authorities detained former Chinese official and Australian citizen Yang Hengjun when he arrived in China from New York. Authorities placed Yang in RSDL on suspicion of “endangering national security.” Authorities did not inform the Australian embassy within three days of Yang’s detention in violation of the China-Australian consular agreement. In August 2019, Chinese authorities notified Australian diplomats that Yang had been formally arrested on suspicion of committing espionage. Yang has written articles critical of the Chinese government.

Torture and Abuse in Custody

Authorities continued to torture and abuse detainees, violating international standards. Examples include the following:

- On February 28, 2019, rights lawyer Jiang Tianyong completed his two-year prison term for “inciting subversion of state power.” Upon his release, Jiang told his wife that authorities had deprived him of sunlight and ordered him to sit on a marble block for prolonged periods, injuring his spine and causing him to no longer be able to sit up straight. Jiang’s wife also said that Jiang suffered from depression and significant memory loss.

- In December 2018, Lee Jingyu, wife of Taiwanese college employee and non-governmental organization (NGO) volunteer Lee Ming-cheh, reported that authorities in Chishan Prison in Nanzui township, Yuanjiang city, Yiyang municipality, Hunan province, required her husband to work more than 10 hours a day without a day of rest, and served him and other prisoners rotten food. Under such treatment, Lee has reportedly lost significant weight. After she made public statements concerning her prison visit, authorities revoked Lee Jingyu’s right to visit her husband for three months. In 2017, authorities sentenced Lee Ming-cheh to five years’ imprisonment for “subversion of state power.”

Medical Care in Custody

Authorities continued to deny or fail to provide adequate medical care to some detainees, which violates international human rights standards and may amount to torture.

- Human rights website 64 Tianwang founder Huang Qi, whom authorities detained in 2016, suffers from “high blood pressure, heart disease, [a] chronic kidney condition, and hydrocephalus.” The Mianyang Municipality Public Security Bureau (PSB) in Sichuan province has denied requests to release Huang on “bail on medical grounds.” In October 2018, Huang reportedly told his lawyer that authorities in Sichuan manipulated readings of his high blood pressure and the Mianyang PSB rejected attempts by detention center officials to allow additional treatment due to “political” reasons. In January 2019, the Mianyang Municipal Intermediate People’s Court tried Huang on charges of “illegally providing state se-
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crets to foreign entities” and “intentionally leaking state secrets.” During the trial, Huang dismissed his lawyer out of concern for his lawyer’s safety. In July 2019, the court sentenced Huang to 12 years in prison.

• In July 2019, legal advocate Ji Sizun died in a hospital less than three months after completing a term of four years and six months in prison, which authorities reportedly imposed in connection to his support of the 2014 Hong Kong pro-democracy protests (“Umbrella Movement”). Despite having completed his sentence in April, Ji remained in the custody of authorities in Fujian province, who placed him in a local hospital and restricted family visits. Ji suffered a paralyzing stroke in prison, intestinal cancer, and other illnesses, but authorities reportedly denied him adequate medical treatment and denied applications for medical parole. Ji died after his condition worsened due to internal bleeding. Within hours of Ji’s death, police officers reportedly coerced Ji’s family to consent to immediate cremation.

Wrongful Conviction

Although authorities highlighted efforts to correct past wrongful convictions and to prevent future ones, some Chinese legal experts expressed concern about continued abusive practices that facilitated wrongful convictions, such as illegal collection of evidence and coerced confessions. The Dui Hua Foundation noted how authorities’ use of unreliable jailhouse informants could lead to wrongful convictions.

The Commission observed reports of wrongful convictions overturned this year:

• In November 2018, the Jilin Province High People’s Court found Jin Zhehong—not guilty because “the evidence was insufficient and the facts were not clear” in the murder of a 20-year old woman. One of Jin’s lawyers said his client had “repeatedly accused the investigators of using torture to extract confessions out of him.”

• In January 2019, the Liaoyuan Municipal Intermediate People’s Court in Jilin province ordered 4.6 million-yuan (approximately US$670,000) compensation for Liu Zhonglin after he served 25 years in prison. During his 1994 trial for murder, Liu did not have a lawyer present, and has maintained that police tortured him to obtain a confession.

Policing

This past year, authorities continued to develop technology-based means to help public security officials track persons of interest. These developments are based in part on large-scale, sometimes involuntary collection of personal data—raising concerns about privacy and public security officials’ capacity to crack down on rights advocates and other targeted persons. Collection of personal information, including biometric data, may violate privacy protections in international human rights instruments, and the Commission did not observe efforts by authorities to bring the collection or use
of such information in line with international standards. Examples of technology used to track and collect data on individuals included smart glasses, artificial intelligence, facial recognition, and drones. Authorities increasingly used technology that can scan facial features as well as vehicle license plates for comparison against a centralized database linked with other personal information. At times the technology was used in conjunction with the social credit system. [For more information on the social credit system, see Section II—Business and Human Rights.] Reports indicated that authorities use such technology to publicly shame individual lawbreakers. While such technology could aid criminal investigations, observers have noted the risk involved in authorities using the technology against human rights advocates. Reports indicated that U.S. and Chinese firms aided Chinese police in developing their surveillance technology. [For more information on the involvement of U.S. companies in the Chinese government’s development and procurement of surveillance technology, see Section II—Business and Human Rights. For information on public security and counterterrorism policy implementation in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]

In addition, in February 2019, new provisions from the Ministry of Public Security took effect with the stated purpose of “protecting the law enforcement authority of the police.” The provisions address concerns for police officers’ safety when their interaction with citizens becomes violent by permitting the Ministry of Public Security to punish “actors who violate the law enforcement authority of the police,” as well as reducing the liability of individual police for damage caused in the line of duty. A Chinese legal expert asserted that under the new regulations, the increase in police authority comes at the expense of citizens’ rights.

Death Penalty

Following the November 2018 session of the UN Human Rights Council’s Universal Periodic Review of the Chinese government’s human rights record, the Chinese government rejected all recommendations calling for reform of its use of the death penalty, and continued to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders. Amnesty International, however, estimated that authorities “execute[d] and sentence[d] to death thousands of people,” more than any other country, and officials voiced support for the continued use of the death penalty. The Chinese government classifies statistics on its use of the death penalty as a “state secret,” and the Commission did not observe official reports on overall death penalty numbers.

According to a French NGO, authorities disproportionately sentenced religious minorities, including Uighurs of the Xinjiang Uyghur Autonomous Region, to the death penalty for their religious beliefs. For example, in a case reported by Radio Free Asia in November 2018, authorities sentenced to death prominent Uyghur businessman and philanthropist, Abdughappar Abdurussul, reportedly for taking a trip to Saudi Arabia for the Hajj pilgrimage. [For more information on the crackdown on...]

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Organ Harvesting

Between July and August 2019, two scientific journals retracted at least 13 transplant studies by authors in China published between 2008 and 2014. The studies were retracted after a bioethicist and her colleagues raised concerns that organs in certain studies may have been sourced from executed prisoners in China.
Notes to Section II—Criminal Justice


6 For more information on Zhen Jianghua, see the Commission’s Political Prisoner Database record 2017-00360.


11 For more information on Wang Yi, see the Commission’s Political Prisoner Database record 2018-00615.

12 For more information on Jiaying Weng, see the Commission’s Political Prisoner Database record 2018-00643.

13 Rights Defense Network, “Sichuan Chengdu Erly Rain Church situation bulletin: 8 people detained, 1 person put in residential surveillance at a designated location, 3 people forcibly disappeared” [Sichuan Chengdu Early Rain Church situation bulletin: 8 people detained, 1 person put in residential surveillance at a designated location, 3 people forcibly disappeared (December 13, 2018)], December 13, 2018; Rights Defense Network, “Sichuan Chengdu ‘12.9’ Quyu Jiao’ jian jiaojian tongbao” [Sichuan Chengdu ‘12.9’ Quyu Jiao’s criminal case of Early Rain Church, Sichuan: 11 criminally detained, 1 in residential Surveillance at a designated location, 6 forcibly disappeared, 1 administratively detained, for a total of 19 persons (December 19, 2018)], December 19, 2018; Chinese Human Rights Defenders, “Submission to UN on Wang Yi and Jiang Rong—February 2019,” February 20, 2019.

14 For more information on Wang Quanzhang, see the Commission’s Political Prisoner Database record 2015-00278.

15 For more information on Liu Feiyue, see the Commission’s Political Prisoner Database record 2016-00469.


For more information on Zhang Junyong, see the Commission's Political Prisoner Database record 2016-00243.

For more information on Fu Hailu, see the Commission's Political Prisoner Database record 2016-00240.

For more information on Luo Fuyu, see the Commission's Political Prisoner Database record 2016-00242.

Rights Defense Network, “‘Chengdu Liu Si jiu an’ zuixin tongbao: Zhang Junyong dang ting bei panju youqi tuixing 3 nian, huanqi 4 nian zhixing” [Latest on the "Chengdu June 4th liquor case": Zhang Junyong sentenced to 3 years' imprisonment, suspended for 4 years], April 2, 2019; Rights Defense Network, “Chengdu Liu Si jiu an’ zuixin tongbao: Lu Fuyu dang ting bei panju youqi tuixing 3 nian, huanqi 4 nian zhixing” [Latest on the "Chengdu June Fourth Liquor Case": Lu Fuyu sentenced to 3 years' imprisonment, suspended for 4 years], April 3, 2019; Rights Defense Network, “‘Chengdu Liu Si jiu an’ zuixin tongbao: Fu Hailu dang ting bei panju youqi tuixing 3 nian, huanqi 5 nian zhixing” [Latest on the "Chengdu June 4th liquor case": Fu Hailu sentenced to 3 years' imprisonment, suspended for 5 years], April 1, 2019. The Chengdu Intermediate People's Court sentenced Zhang to 3 years' imprisonment, suspended for 4 years; Fu Hailu to 3 years' imprisonment, suspended for 5 years; and Luo Fuyu to 3 years' imprisonment, suspended for 4 years.

For more information on Chen Bing, see the Commission's Political Prisoner Database record 2016-00241.

Rights Defense Network, “‘Chengdu Liu Si jiu an’ zuixin tongbao: Chen Bing jujie renzui dang ting bei panju youqi tuixing 3 nian 6 ge yue ci an daoci chen’ai luoding” [Latest on the "Chengdu June 4th liquor case": Chen Bing refuses to admit guilt, sentenced to 3 years and 6 months' imprisonment, the dust has now settled in this case], April 4, 2019; Rights Defense Network, “Chengdu Liu Si jiu an’ zuixin tongbao: Zhang Junyong dang ting bei panju youqi tuixing 3 nian, huanqi 4 nian zhixing” [Latest on the "Chengdu June Fourth Liquor Case": Zhang Junyong sentenced to 3 years' imprisonment, suspended for 4 years], April 2, 2019; Rights Defense Network, “Four Chinese Activists Sentenced over Liquor Labels,” *Agence France-Press*, reprinted in *France24*, April 4, 2019.

Rights Defense Network, “‘Chengdu Liu Si jiu an’ zuixin tongbao: Chen Bing jujie renzui dangting bei panju youqi tuixing 3 nian 6 ge yue ci an daoci chen’ai luoding” [Latest on the "Chengdu June 4th liquor case": Chen Bing refuses to admit guilt, sentenced to 3 years and 6 months' imprisonment, the dust has now settled in this case], April 4, 2019; Mimi Lau, “Tiananmen Square ‘Tank Man Liquor Label’ Protester Sentenced to 3½ years in Prison,” *South China Morning Post*, April 4, 2019; “Four Chinese Activists Sentenced over Liquor Labels,” *Agence France-Presse*, reprinted in *France24*, April 4, 2019.

For more information on Zhang Kun, see the Commission's Political Prisoner Database record 2014-00110.


Rights Defense Network, “‘Chengdu Liusi jiu an’ zuixin tongbao: Chen Bing jujie renzui dangting bei panju youqi tuixing 3 nian 6 ge yue ci an daoci chen’ai luoding” [Latest on the "Chengdu June 4th liquor case": Chen Bing refuses to admit guilt, sentenced to 3 years and 6 months' imprisonment, the dust has now settled in this case], April 4, 2019; Mimi Lau, “Tiananmen Square ‘Tank Man Liquor Label’ Protester Sentenced to 3½ years in Prison,” *South China Morning Post*, April 4, 2019; “Four Chinese Activists Sentenced over Liquor Labels,” *Agence France-Presse*, reprinted in *France24*, April 4, 2019.

For more information on Zhang Kun, see the Commission's Political Prisoner Database record 2014-00110.

Rights Defense Network, “Zhang Kun beikong xunxinizhi an 5 yue 5 ri zai Xuzhou Guloufu yuanyuan Zheng Run huxing 2 nian 6 ge yue” [Gulou District Court in Xuzhou announced decision in Zhang Kun's case of being accused of picking quarrels and provoking trouble on May 5, Zhang Kun sentenced to 2 years, 6 months], May 7, 2019.

Rights Defense Network, “Jiangsu Xuzhou renquan hanweizhe Zhang Kun an jiang yi zai Xuzhou shi Gulou fu yuanyuan” [Case of Xuzhou, Jiangsu, rights defender Zhang Kun will go to trial on December 28, 2018, at the Gulou District Court in Xuzhou municipality], December 20, 2018; *Human Rights in China, Xuzhou gongming Zhong Kun shexian xunxinizhi an bei bianchayuan de ri cai niuhan zhehuo" [Xuzhou citizen Zhang Kun's case of suspected picking quarrels and provoking trouble sent back for investigation for a second time by procuratorate], December 28, 2017.

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of America), 28.178 (Belgium), 28.180 (Germany), 28.181 (Iceland).


For more information on Wang Hongling, see the Commission’s Political Prisoner Database record 2019-00084.


29. New Citizens’ Movement, “Shenzhen Zhang Zhiru deng shu ming laogong weilian renshen bei shuhsu’’ [In Shenzhen, Zhang Zhiru and several other labor advocates detained].

30. “Er ling yi ba nian ba yue yi ri dalu zonghe xiaoxi” [August 1, 2018, comprehensive news report from mainland China], Clear Wisdom, August 1, 2019; “Novelist Known for Gay Content Sentenced for ‘Illegal Publication’ in Wuhan ’9.02’’, [Lawyer’s application to see Liu Fuxiang and others is denied], January 4, 2019.

31. For more information on Wang Ying, see the Commission’s Political Prisoner Database record 2019-00070.

32. New Citizens’ Movement (blog), March 1, 2019. For more information, see the Commission’s Political Prisoner Database record 2019-00117 on Zhang Zhiru and 2013-00316 on Wu Guijun.


35. UN Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its 78th session (19–28 April, 2017), A/HRC/WGAD/2017/4, August 11, 2017. The UN Working Group on Arbitrary Detention classifies detention as “arbitrary” when there is no legal basis for the deprivation of liberty, when detention results from the exercise of certain fundamental rights, when non-observance of international fair trial norms is particularly serious, when displaced persons are placed in prolonged administrative custody without the possibility custody without resolution, or when it is a violation of international law on the grounds of discrimination.


37. UN Working Group on Arbitrary Detention, A/HRC/25/5, February 15, 2019, items 28.5, 28.6, 28.10; Permanent Mission of the People’s Republic of China to the United Nations, “Aide Memoire,” reprinted in Ministry of Foreign Affairs, November 30, 2009. Upon presenting its candidacy for the 2013 UN Human Rights Council elections, China reportedly promised to “further protect civil and political rights,” although it did not specifically state intent to ratify the ICCPR. UN General Assembly, Note Verbale Dated June 5, 2013 from the Permanent Mission of China to the United Nations Addressed to the President of the General Assembly, June 6, 2013, A/68/90. The UN Working Group on Arbitrary Detention classifies detention as “arbitrary” when there is no legal basis for the deprivation of liberty, when detention results from the exercise of certain fundamental rights, when non-observance of international fair trial norms is particularly serious, when displaced persons are placed in prolonged administrative custody without the possibility custody without resolution, or when it is a violation of international law on the grounds of discrimination.

38. For more information on Liu Fuxiang, see the Commission’s Political Prisoner Database record 2019-00117 on Zhang Zhiru and 2013-00316 on Wu Guijun.

39. For more information on Wang Ying, see the Commission’s Political Prisoner Database record 2019-00070.

40. For more information on Wang Hongling, see the Commission’s Political Prisoner Database record 2019-00084.

41. For more information on Wang Ying, see the Commission’s Political Prisoner Database record 2019-00070.

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44 Rights Defense Network, “Zhongguo Guoji Jinjuhui’s Shanghai kaizai zhong Shanghaisuiquan renshen hai xing ju, guan hejiangu, qiandao shizhong” [“China’s International Import Expo” opened in Shanghai, Shanghai rights advocates were arrested, placed in black jails, and forcibly disappeared], November 5, 2018; “Jinkou Bolanhui kaimu Shanghai zhongduo weiquan renshen hai xing ju, guan hejiangu, qiandao shizhong” [China’s International Import Expo opens, numerous Shanghai rights defenders encounter “stability maintenance”], Radio Free Asia, November 5, 2018.

45 Rights Defense Network, “Zhongguo kai Tongzhi Jiedu Center—20 years all without any incidents” [Jiayuguan Education Information Web, March 6, 2019; Liang Dahong, “Guizhou Tongzi xian jiedu zuojia ren shengming” [Liang Dahong: Tongzi’s declaration concerning his being completely banned from online speech], January 11, 2019.

46 See, e.g., Yang Bo and Wang Mingrun, “Guangzhou Ribao jizhe fang’ai ri zoujin Nanfengdrug detoxification Center to speak with people with HIV on AIDS prevention day,” Guangzhou Daily, December 1, 2018; “Qiangzhi geli jiedu” [Compulsory drug detoxification], Jiayuguan Education Information Web, March 6, 2019; Liang Dahong, “Guizhou Tongzi xian Qiangzhi Geli Jiedu zuojia ren shengming” [Tongzi county, Guizhou, Compulsory Detoxification Center—20 years without any incidents], Spreading Culture Network, October 31, 2018. See also State Council, Jiedu Tiaoli [Regulations on Drug Detoxification], issued and effective June 22, 2011, art. 4; Ministry of Public Security, Gong’an Jiju Quanguo Zhi’an Guanli Banfa [Measures on the Management of Public Security Agency Compulsory Isolation and Drug Detoxification Centers], issued and effective September 19, 2011, arts. 1–2.


48 See also State Council, Maxin Piaochang Renyuan Shourong Jiaoyu Banfa [Regulations on Drug Detoxification], issued and effective June 22, 2011, art. 27.


54 Nathan VanderKlippe, “Two Canadians Detained in China for Four Months Prevented from Going Outside, Official Says,” Globe and Mail, April 10, 2019; Safeguard Defenders, “The use
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of solitary confinement in RSDL as a method of torture,” *RSDL Monitor* (blog), April 11, 2019. Spavor and Kovrig were held in (separate) isolation rooms with lights on for 24 hours, were barred from going outside, and were subjected to 6- to 8-hour interrogations.


*Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 257.


*Yu Ziran*, “Zuiguo Renmin Jianchayuan yifu dui Meng Hongwei jueding daibu” [Supreme People’s Procuratorate decides to arrest Meng Hongwei according to law], *Xinhua*, April 24, 2019; “China Formally Arrests Interpol’s Former Chief for Corruption,” *Press Trust of India*, reprinted in *Business Standard*, April 24, 2019. See also *Zhonghua Renmin Gongheguo Xingshi*.
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Zhonghua Renmin Gongheguo Xingshi Susong Fa [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 170.

For more information on Zheng Yongming, see the Commission’s Political Prisoner Database record 2018-00053.

For more information on Gu Jiayue, see the Commission’s Political Prisoner Database record 2018-00067.

For more information on Shen Mengyu, see the Commission’s Political Prisoner Database record 2018-00064.

For more information on Javier C. Hernández, see the Commission’s Political Prisoner Database record 2018-00064.
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100 Zhonghua Renmin Gongheguo Xingshi Susong Fa [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 156–59.


106 For more information on Wang Quanzhang, see the Commission's Political Prisoner Database record 2015-00278.


109 For more information on Huang Qi, see the Commission’s Political Prisoner Database record 2004-04053.


111 Zhang Junyong. For more information on Huang Qi, see the Commission's Political Prisoner Database record 2015-00278.

112 Ibid.

113 Ibid.

114 Ibid.


119 Rights Defense Network, [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 39.


121 Ibid.

122 Ibid.

123 Ibid., art. 79.

124 See, e.g., UN Human Rights Council, “Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special
Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the right to privacy; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. OL CHN 15/2018, August 24, 2018; Safeguard Defenders, “The Use of Solitary Confinement in RSDL as a Method of Torture,” April 11, 2019; Michael Caster, “China Thinks It Can Arbitrarily Detain Anyone. It Is Time for Change.” Guardian, January 3, 2019. See also Benedict Rogers, “China’s Residential Surveillance at a Designated Location—A Licence to Disappear, Hold and Torture Dissenters.” Hong Kong Free Press, February 4, 2018.

125 For more information on Yang Hengjun, see the Commission’s Political Prisoner Database record 2019-00083.


128 For more information on Yang Hengjun, see the Commission’s Political Prisoner Database record 2019-00083.


133 For more information on Jiang Tianyong, see the Commission’s Political Prisoner Database record 2011-00179.


135 Ibid.

136 For more information on Lee Ming-cheh, see the Commission’s Political Prisoner Database record 2017-00248. See also CECC, 2018 Annual Report, October 10, 2018, 105.


138 For more information on Lee Ming-cheh, see the Commission’s Political Prisoner Database record 2017-00248. See also CECC, 2018 Annual Report, October 10, 2018, 105.


134 For more information on Lee Ming-cheh, see the Commission’s Political Prisoner Database record 2017-00248. See also CECC, 2018 Annual Report, October 10, 2018, 105.

135 For more information on Lee Ming-cheh, see the Commission’s Political Prisoner Database record 2017-00248. See also CECC, 2018 Annual Report, October 10, 2018, 105.

136 For more information on Lee Ming-cheh, see the Commission’s Political Prisoner Database record 2017-00248. See also CECC, 2018 Annual Report, October 10, 2018, 105.

137 For more information on Lee Ming-cheh, see the Commission’s Political Prisoner Database record 2017-00248. See also CECC, 2018 Annual Report, October 10, 2018, 105.
Criminal Justice


143 Rights Defense Network, “DuLu NGO ‘Liusi Tianwang’ fuzezen Huang Qi yi bei dangju zhixing danbu” [Head of mainland NGO “64 Tianwang” Huang Qi arrested by authorities], December 20, 2018. For more information on Huang Qi, see the Commission’s Political Prisoner Database record 2004-04051.


148 Human Rights Watch, “China: Release Huang Qi, Respect Right to Fair Trial,” January 10, 2019. See also, CECC, “Dalu NGO ‘Liusi Tianwang’ fuzeren Huang Qi yi bei dangju zhixing danbu” [Head of mainland NGO “64 Tianwang” Huang Qi arrested by authorities], December 20, 2018.

149 Mianyang Intermediate People’s Court, “Huang Qi guyi xieou guojia mimi, wei jingwai feifa tongguo guojia mimi an yishen gongkai xuanpan” [First instance [trial] publicly announces sentence of Huang Qi for intentionally leaking state secrets and illegally providing state secrets abroad], July 29, 2019.


Criminal Justice


178 Ministry of Public Security, Gong’an Jiguan Weihu Minjing ZhiFa QuanWei Gongzuo Guiding [Provisions on Safeguarding the Law Enforcement Authority of Police Officers by Public Security Agencies], passed December 7, 2018, effective February 1, 2019.


180 Ministry of Public Security, Gong’an Jiguan Weihu Minjing ZhiFa QuanWei Gongzuo Guiding [Provisions on Safeguarding the Law Enforcement Authority of Police Officers by Public Security Agencies], passed December 7, 2018, effective February 1, 2019, arts. 8, 9.

181 Ministry of Public Security, Gong’an Jiguan Weihu Minjing ZhiFa QuanWei Gongzuo Guiding [Provisions on Safeguarding the Law Enforcement Authority of Police Officers by Public Security Agencies], passed December 7, 2018, effective February 1, 2019, art. 16. See also Charlotte Gao, “China Vows to Protect The Authority of Police,” The Diplomat, September 11, 2018.
Criminal Justice


185 “Zuigao Renmin Fayuan gongzuo baogao” [Supreme People’s Court work report], Xinhua, March 12, 2019, sec. 2. See also Zhonghua Renmin Gongheguo Xing Fa [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 48.


190 “Xinjiang Authorities Sentence Uyghur Philanthropist to Death for Unsanctioned Hajj,” Radio Free Asia, November 21, 2018. For more information on Abdughappar Abdurusul, see the Commission’s Political Prisoner Database record 2018-00645.


FREEDOM OF RELIGION

Findings

• Observers have described religious persecution in China over the last year to be of an intensity not seen since the Cultural Revolution. The Chinese government under President and Communist Party General Secretary Xi Jinping has doubled down on the “sinicization” of religion—a campaign that aims to bring religion in China under closer official control and in line with officially sanctioned interpretations of Chinese culture. Authorities have expanded the “sinicization” campaign to target not only religions perceived as “foreign,” such as Islam and Christianity, but also Chinese Buddhism, Taoism, and folk religious beliefs.
• Party disciplinary regulations were revised to impose harsher punishments on Party members for manifestations of religious belief.
• In sharp contrast to their past treatment of Buddhist and Taoist communities, local officials directly targeted local Buddhist and Taoist sites of worship throughout China. Local officials in the provinces of Liaoning, Shanxi, Hubei, and Hebei ordered the destruction of Buddhist statues. In past decades, government and Party officials had rarely targeted Chinese Buddhist and Taoist communities with direct suppression—both were considered to be relatively compliant with Party and government leadership and compatible with the official promotion of traditional Chinese culture.
• In September 2018, the Chinese Ministry of Foreign Affairs signed an agreement with the Holy See, paving the way for the unification of state-sanctioned and underground Catholic communities. Subsequently, local Chinese authorities subjected Catholic believers in China to increased persecution by demolishing churches, removing crosses, and continuing to detain underground clergy. The Party-led Catholic national religious organizations also published a plan to “sinicize” Catholicism in China.
• As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment, with at least 931 practitioners sentenced for criminal “cult” offenses in 2018. Human rights organizations and Falun Gong practitioners documented coercive and violent practices against practitioners in custody, including physical violence, forced drug administration, sleep deprivation, and other forms of torture.
• Violations of the religious freedom of Hui Muslim believers continued to intensify, with plans to apply “anti-terrorism” measures currently used in the Xinjiang Uyghur Autonomous Region (XUAR) in the Ningxia Hui Autonomous Region (Ningxia)—a region with a high concentration of Hui Muslim believers. A five-year plan to “sinicize” Islam in China was passed in January 2019. Meanwhile, ongoing policies included measures requiring Islamic religious leaders and lay believers to demonstrate their political reliability.
• Religious communities outside of the five religions that are the main objects of official regulation continued to exist in
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China, but the religious practices of communities that previously received tacit recognition and support were subject to repression over the last year.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Call on the Chinese government to guarantee to all citizens freedom of religion in accordance with its international human rights obligations. Stress to Chinese authorities that freedom of religion includes the right to freely adopt beliefs and practice religious activities without government interference.

- Stress to the Chinese government that the right to freedom of religion includes, but is not limited to: the right of Buddhists and Taoists to carry out activities in temples and to select monastic teachers independent of state control; the right of Catholics to be led by clergy who are selected and who conduct their ministry according to the standard called for by Catholic religious beliefs; the right of Falun Gong practitioners to freely practice Falun Gong inside China; the right of Muslims to freely preach, undertake overseas pilgrimage, select and train religious leaders, and wear clothing with religious significance; the right of Protestants to exercise their faith free from state controls over doctrine and worship, and free from harassment, detention, and other abuses for public and private manifestations of their faith, including the display of crosses; and the right of members of other religious communities to be free from state control and harassment.

- Call for the release of Chinese citizens confined, detained, or imprisoned for peacefully pursuing their religious beliefs, as well as people confined, detained, or imprisoned in connection to their association with those people. The Administration should use existing laws to hold accountable Chinese government officials and others complicit in severe religious freedom restrictions, including by using the sanctions available in the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) and the International Religious Freedom Act of 1998 (Public Law No. 105–292). Ensure that conditions related to religious freedom are taken into account when negotiating any trade agreement as mandated by the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law No. 114–26).

- Call on the Chinese government to fully implement accepted recommendations from its October 2013 session of the UN Human Rights Council's Universal Periodic Review, including taking necessary measures to ensure that rights to freedom of religion, religious culture, and expression are fully observed and protected; cooperating with the UN human rights system, specifically UN special procedures and mandate holders; facilitating visits to China for UN High Commissioners; taking steps to ensure that lawyers working to advance religious rights can practice their profession freely, and promptly investigating allegations of violence and intimidation impeding their
work; and considering possible revisions to legislation and administrative rules to provide better protection of freedom of religion.

- Call on the Chinese government to abolish Article 300 of the PRC Criminal Law, which criminalizes “organizing and using a cult to undermine implementation of the law,” and Article 27 of the PRC Public Security Administration Punishment Law, which provides for detention or fines for organizing or inciting others to engage in “cult” activities and for using “cults” or the “guise of religion” to disturb social order or to harm others’ health.

- Encourage U.S. political leaders to visit religious sites in China to raise awareness of and promote freedom of religion.
FREEDOM OF RELIGION

International and Chinese Law on Religious Freedom

Both Chinese and international law provide guarantees of religious freedom. Despite these guarantees, the Commission continued to observe widespread and systematic violation of the principles of religious freedom, as Chinese authorities exercised broad discretion over religious practice.

Under international law, freedom of religion or belief encompasses both the right to form, hold, and change convictions, beliefs, and religion—which cannot be restricted—and the right to outwardly manifest those beliefs—which can be limited for certain, specific justifications. These principles are codified in various international instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR). China has signed and stated its intent to ratify the ICCPR, which obligates China to refrain in good faith from acts that would defeat the treaty’s purpose.

Article 36 of China’s Constitution guarantees citizens “freedom of religious belief” and protection for “normal religious activities.” With essential terms such as “normal” undefined, it is unclear whether China’s Constitution protects the same range of belief and outward manifestation that is recognized under international law. Nevertheless, China’s Constitution and other legal provisions join the ICCPR in prohibiting discrimination based on religion and loosely parallel the ICCPR’s prohibition on coercion by forbidding state agencies, social organizations, and individuals from compelling citizens to believe or not believe in any religion.

China’s Constitution prohibits “making use of religion to engage in activities that disrupt social order, impair the health of citizens, or interfere with the educational system of the State.” The ICCPR does allow State Parties to restrict outward manifestations of religion or belief, but such restrictions must be “prescribed by law and . . . necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”

Policies and Regulations Pertaining to Religious Freedom

- Top Chinese officials continued to emphasize the importance of the national-level campaign to “sinicize” religion. Members of the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo)—China’s top policymaking body—continued to highlight the need to “sinicize” religion in China at national-level political gatherings. Politburo Standing Committee member Wang Yang promoted the campaign among lower level officials through local visits and in meetings with state-affiliated religious organizations. Party General Secretary Xi Jinping announced the need to uphold the sinicization of religion in order to actively guide religions to adapt to socialist society” in 2015, and the subsequent “sinicization” campaign aims to bring religion in China under closer official control and in line with officially sanctioned interpretations of Chinese culture. In the years following, officials have escalated the repression of reli-
religious practice, which one scholar of Chinese politics has characterized as being the worst since the Cultural Revolution. The “sinicization” campaign characterizes control over religious groups as connected to national security and foreign affairs. The repression of religion is happening alongside a general crackdown on popular culture as the Party responds to the increased complexity of society and the growth of new groups in the period of economic reform and opening. Religious believers are among the social groups of which Chinese officials are the most wary. This is in part because the fast growth and the level of organization within certain religious communities represents the potential for competing with the Party and government monopoly on collective organization. Party and government officials accuse some of these religious communities of being used by foreign forces to “infiltrate” Chinese society, targeting Christian, Muslim, and Tibetan Buddhist groups in particular as retaining undue foreign influence. Official pronouncements also identified “extremism” as a particular problem that officials should address within Islam. Meanwhile, Party and government policy promoted the Chinese Buddhist community to project an image of China as a country supporting Buddhism while fostering connections with majority-Buddhist countries.

Administration of religious affairs and implementation of the revised Regulations on Religious Affairs. Local government bureaus continued to be responsible for managing religious affairs. These religious affairs agencies have effective authority over the state-sanctioned “patriotic” religious associations that act as liaisons between the government and practitioners of the five “main” religions in China, while the Party’s United Front Work Department vets the association leaders. Public security bureaus are generally responsible for enforcement of laws against religious activity that authorities deem illegal. Following President and Party General Secretary Xi Jinping’s exhortations to focus on religious work, the regulatory framework for religion imposed increased restrictions on religious freedom through revisions to the Regulations on Religious Affairs that took effect on February 1, 2018. The revisions include prohibitions on groups, schools, and venues engaging in or hosting religious activities unless they have been officially designated as religious (Article 41) and on clergy acting as religious professionals without official certification (Article 36). The revisions also established legal responsibilities and penalties for violations of the regulations, including fining those who “provide the conditions” for unauthorized religious activities (Article 71).

Other laws and Party policies also continued to restrict citizens’ freedom to hold religious beliefs and practice religion. Article 300 of the PRC Criminal Law criminalizes “organizing and using a cult to undermine implementation of the law,” and the PRC National Security Law prohibits “the use of religion to conduct illegal criminal activities that threaten state security.” The latter also contains mandates to “maintain the order of normal religious activities,”
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“oppose the interference of foreign influence into domestic religious affairs,” and “suppress cult organizations.”

- Revised Party disciplinary regulations impose harsher punishments on Party members for manifestations of religious belief. New disciplinary measures for Party members that increased the penalty for involvement in religious activities in violation of Party policies from a warning for a “minor offense” to dismissal took effect on October 1, 2018. One international law expert has noted that because Party membership to a large degree determines the extent to which citizens may participate in public life, the ban on religious belief for Party members constitutes discrimination against religious believers and a violation of freedom of religious belief.

Buddhism (Non-Tibetan) and Taoism

In sharp contrast to the past treatment of Buddhist and Taoist communities, the Commission observed numerous reports of local officials ordering the destruction of Buddhist statues throughout China, including in the provinces of Liaoning, Shanxi, Hubei, and Hebei. Officials in Dalian municipality, Liaoning province, ordered Buddhist iconography taken down and replaced with the Chinese national flag. In September 2018, the Party secretary of Hebei province threatened county-level officials with dismissal if a large bronze Guanyin bodhisattva statue in their jurisdiction was not demolished. In November 2017 the State Administration for Religious Affairs and 11 other central Party and government departments issued a joint opinion targeted at combating commercialization in Buddhism and Taoism that prohibited the construction of large outdoor statues so as to avoid negative effects on “the healthy development of [the two religions’] dissemination.” One human rights expert has noted that when a state distinguishes between proper and improper conduct in order to uphold religious standards or to enhance the legitimacy of particular religions over others, it violates the state neutrality necessary to maintain the free exercise of religious freedom.

A large number of Chinese citizens engage in Buddhist and Taoist practices, with estimates of around 244 million Buddhists as of 2010 and 173 million citizens engaging in some Taoist practices as of 2007. Both communities have been subjected to extensive regulation and control by officials: government authorities connected with local religious affairs bureaus are involved with the administration of officially sanctioned temples; all candidates for the clergy must obtain the approval of the local patriotic association and religious affairs bureau for ordination; and Buddhist ordinations themselves are restricted by the state-run patriotic associations.

In past decades, government and Party officials rarely targeted Chinese Buddhist and Taoist communities with direct suppression—both were considered to be relatively compliant with Party and government leadership and compatible with the official promotion of traditional Chinese culture. At the outset of the implementation of “sinicization” policies in Buddhist and Taoist contexts, Chinese officials had sought to bolster the idea of these two religions as indigenous religions embodying Chinese culture and val-
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ues so that they might serve as a bulwark against “infiltration” of other values via religions perceived as foreign. Officials also sought to leverage the Buddhist and Taoist communities to foster closer diplomatic ties with other countries with significant Buddhist or Taoist communities—an aim that has persisted within this reporting year to include overtures toward majority-Buddhist countries.

Christianity—Catholicism

The number of Catholics in China is estimated to be around 10.5 million, and they have historically been divided between “official” congregations led by state-sanctioned bishops and “underground” congregations whose bishops are not recognized by the Chinese government. Official statistics reported in 2018 that 6 million Catholics were part of officially sanctioned congregations with bishops selected by Party-led religious organizations and ordained by other official bishops—a process described by the Chinese government as “self-selection and self-ordination.” Underground Catholic believers have historically avoided the ministry of official bishops because of the belief that legitimate ecclesiastical authority can be conferred only by the Pope’s mandate, and also an objection to official bishops’ affiliation with the Party-led body for Catholic leadership in China, the Catholic Patriotic Association (CPA). Underground clergy are frequently subjected to detention and other government pressure to compel them to join the CPA.

The Holy See and the Chinese government announced a provisional agreement on the appointment of bishops on September 22, 2018. A representative for the Holy See stated that its aim was for Chinese Catholic believers to have bishops recognized by both the Holy See and Chinese authorities, while observers noted that the Chinese government was likely seeking to increase its control over the underground community. Although the terms of the agreement were not made public, a source familiar with the negotiations stated that the agreement gave the Chinese government the authority to nominate bishops, which the Pope would retain the right to veto. The Holy See also recognized seven formerly excommunicated official bishops as part of the deal, having already asked two underground bishops to give up their positions to make way for two of these state-sanctioned bishops; the Chinese government made no commitments toward recognizing the more than 30 underground bishops.

Observers and Catholic believers expressed concern that the agreement did not provide sufficient support for the Chinese Catholic community, with one scholar pointing out that the authorities’ persecution of both underground and official Catholic communities has actually intensified over the last year under the “sinicization” campaign. In spring 2019, authorities detained three underground priests of Xuanhua diocese in Hebei province.

Christianity—Protestantism

During the 2019 reporting year, Chinese officials further escalated the repression of Protestant Christian belief. While official repression has historically focused on unregistered church commu-
nities (commonly referred to as “house churches”), believers worshiping at state-sanctioned churches have also become targets of state restrictions under President Xi Jinping.\textsuperscript{71} The number of Chinese Protestants is estimated to number around 60 to 80 million.\textsuperscript{72} Instances of official persecution recorded by U.S.-based organization advocating for religious freedom, ChinaAid Association (ChinaAid), increased from 1,265 in 2017 to more than 10,000 in 2018.\textsuperscript{73}

Much of the increased repression targeted house church communities. Several major house churches with hundreds to thousands of members were forcibly closed: Zion Church and Shouwang Church, among the largest unregistered churches in Beijing municipality, were banned in September 2018 and March 2019, respectively;\textsuperscript{74} Rongguili Church, an important church in southern China, Guangzhou municipality, Guangdong province, was forced to suspend activities in December 2018;\textsuperscript{75} and Early Rain Covenant Church (Early Rain) in Chengdu municipality, Sichuan province, was declared an “illegal social organization” in December 2018.\textsuperscript{76} Beginning December 9, authorities also detained more than 100 Early Rain church members for several days, including Early Rain pastor Wang Qi,\textsuperscript{77} who, along with three other church members, remained in criminal detention as of August 2019.\textsuperscript{78}

Local authorities also banned or shut down activities at numerous other house churches across China,\textsuperscript{79} with a campaign in Henan province reportedly aiming to close more than two-thirds of all churches within the province.\textsuperscript{80} Local authorities in different areas also pressured unregistered churches to disband with repeated raids and harassment,\textsuperscript{81} heavy administrative penalties,\textsuperscript{82} termination of electricity and water supplies,\textsuperscript{83} and compelling landlords to evict churches from meeting spaces.\textsuperscript{84} Authorities also subjected individual members of house church communities to detention: ChinaAid recorded more than 5,000 detentions in 2018, more than 1,000 of which were of church leaders.\textsuperscript{85} Members were also subject to other rights abuses—for example, various people connected to Early Rain, including lawyers defending the detained, reported ongoing detentions\textsuperscript{86} and disappearances,\textsuperscript{87} denying detainees access to lawyers,\textsuperscript{88} and various forms of harassment, including physical assault, eviction, cutting off utilities, death threats, and surveillance.\textsuperscript{89} Authorities also tried to compel at least one member to sign a statement renouncing the church.\textsuperscript{90}

Officials in different localities violated believers’ freedom of religion by eliminating their options to join unregistered churches, shutting down state-sanctioned churches, and increasing control over remaining churches. In some cases, unregistered house churches were pressured into joining the state-sponsored Three-Self Patriotic Movement (TSPM)—a national religious organization responsible for maintaining political relations between the Protestant community and Party and government leadership.\textsuperscript{91} In some areas, officials refused to let churches register and demanded instead that individual believers join already-established TSPM churches.\textsuperscript{92} In Henan, even TSPM churches were ordered closed by officials, with most of the 10,000 churches shut down in Henan in 2018 being state-sponsored.\textsuperscript{93} For many of the remaining TSPM churches in Henan and in other areas such as Beijing municipality,
government officials implemented measures subjecting congregations to increased control, for example, by requiring the installation of surveillance equipment inside church buildings.

In many areas, local authorities required both TSPM and house churches to demonstrate political loyalty to the Chinese Communist Party and Chinese government, for example, by requiring changes to church services to include singing the national anthem and speeches by government officials, as well as demanding that churches hang national flags, portraits of President Xi, and posters listing “socialist core values,” while also ordering the removal of Christian symbols such as crosses and signs with Christian messages. In parts of Henan province, the prohibition on Christian symbols was extended to the homes of believers.

Falun Gong

As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment. Due to government suppression, it is difficult to determine the number of Falun Gong practitioners in China. Chinese authorities commonly prosecute Falun Gong practitioners under Article 300 of the PRC Criminal Law; the Falun Gong-affiliated website Clear Wisdom reported that at least 931 practitioners were sentenced under Article 300 in 2018, with the greatest number sentenced in the northern provinces of Liaoning, Shandong, Hebei, and Heilongjiang. In November 2018, two lawyers had their licenses to practice temporarily suspended by the Ministry of Justice in Changsha municipality, Hunan province, for arguments made in defense of Falun Gong practitioners against Article 300 charges. International human rights non-governmental organization Dui Hua Foundation characterized the penalties as part of an incipient pattern of official punishment of attorneys representing politically sensitive clients that will likely discourage other criminal defense lawyers from pursuing “perfectly legal and effective defense strategies.” Clear Wisdom, an organization that reports on the Falun Gong community, documented coercive and violent practices against practitioners during custody, including physical violence, forced drug administration, sleep deprivation, and other forms of torture. In February 2019, Clear Wisdom reported 69 confirmed deaths of Falun Gong practitioners in 2018 due to abuse by officials.

Islam

Violations of the religious freedom of the 10.5 million Hui Muslim believers continued to intensify, with observers raising alarm at an announcement in November 2018 that authorities in the Ningxia Hui Autonomous Region (Ningxia) had signed an “anti-terrorism” cooperation agreement with counterparts in the Xinjiang Uyghur Autonomous Region (XUAR). The agreement would apply “anti-terrorism” measures currently used in the XUAR to Ningxia—a region with a high concentration of Hui Muslim believers. Ningxia authorities announced in March 2019 that they would launch “thorough inspections” of religious venues and carried out “innovative” religious management measures, such as rais-
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ing national flags in mosques and organizing religious leaders to study the Chinese Constitution, socialist core values, and traditional classical Chinese culture. Local officials in Weishan Yi and Hui Autonomous County, Dali Bai Autonomous Prefecture, Yunnan province, reportedly accused Hui Muslim believers of engaging in “illegal religious activities” and forcibly evicted the local Muslim community from three mosques in December 2018 before a planned demolition. [For more information on Uyghur Muslim believers, see Section IV—Xinjiang; for more information on Muslim believers of other ethnic minority backgrounds, see Section II—Ethnic Minority Rights.]

A five-year plan to “sinicize” Islam in China was passed in January 2019. Meanwhile, ongoing policies included measures requiring Islamic religious leaders and lay believers to demonstrate their “political reliability”—for example, to be officially certified, imams and other religious personnel must be educated at one of 10 state-sanctioned Islamic schools or otherwise obtain equivalent education, and be vetted by the local religious affairs bureau and the China Islamic Association. After certification, religious leaders are required to continue attending political training sessions. All Chinese Muslims seeking to carry out the Hajj pilgrimage must fulfill requirements for “political reliability,” including taking “patriotic education” classes, obtaining the approval of their local religious affairs bureau, and participating only through tours arranged by the China Islamic Association.

Other Religious Communities

Religious communities outside of the five religions that are the main objects of official regulation continued to exist in China, but the religious practice of communities that previously received tacit recognition and support were subject to repression over the last year. For example, although folk religion was acknowledged in a 2018 white paper issued by the State Council Information Office, authorities in Jiangsu province launched a wide-scale campaign from February through March 2019 to demolish over 5,900 temples of tudigong, a god from traditional Chinese folk religion. Authorities also destroyed religious iconography and filled in the mikveh (a bath used for religious ceremonies) in a synagogue in Kaifeng municipality, Henan province, and subjected the Jewish community of less than 1,000 to other increased restrictions, including the cancelation of plans for foreign support for the local Jewish community.
Notes to Section II—Freedom of Religion


2 Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 18; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18. Article 18 of the ICCPR upholds a person’s right to “have or adopt a religion or belief” and the freedom to manifest that religion or belief “in worship, observance, practice and teaching.” Article 18 also prohibits coercion that impairs an individual’s freedom to freely hold or adopt a religion or belief. See also Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by UN General Assembly resolution 36/55 of November 25, 1981.


6 PRC Constitution, passed and effective December 4, 1982 (amended March 11, 2018), art. 36.


10 Ibid., art. 18(2).


12 PRC Constitution, passed and effective December 4, 1982 (amended March 11, 2018), art. 36.


21 See, e.g., Cyrille Payetted, “En Chine, le Pouvoir Renforce son Contrôle sur les Religions,” Le Figaro, updated December 12, 2017, translated in Marc Alves, “In China’s Crackdown on Re-
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John Dotson, “Propaganda Themes at the CPPCC Stress the ‘Sinicization’ of Religion,” China Brief, Jamestown Foundation, April 9, 2019, 4.


Vincent Goossaert and David A. Palmer, The Religious Question in Modern China (Chicago: University of Chicago Press, 2011), 153–54, 330. The “patriotic” religious associations are state-controlled institutions that represent the five “main” religions of China: the Buddhist Association of China, the China Islamic Association, the China Taoist Association, the China Catholic Patriotic Association, the National Conference of Bishops (an organization led by Catholic clergy), the Three-Self (for “self-governing, self-financing, and self-expanding”) Patriotic Movement, and the Chinese Christian Council (the latter two organizations have overlapping membership and represent Protestants). According to Goossaert and Palmer, although “nominally independent,” the “patriotic” religious associations are effectively under the authority of the State Council’s agency for religious affairs.

Ibid., 154.


Ibid., art. 71.


Pew Research Center, “Pew-Templeton Global Religious Futures Project—China,” accessed June 10, 2019. See also Zhe Ji, “Chinese Buddhism as a Social Force: Reality and Potential of Thirty Years of Revival,” Chinese Sociological Review 45, no. 2 (Winter 2012–2013): 10–12. Quan’s estimate assumes that the total number of Buddhists are difficult to determine because Buddhist religious identity does not need to be formalized within a particular institution and may overlap with other religious practices.


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83 Ibid., 45.
84 Ibid., 45.
85 Ibid., 58.
86 ChinaAid Association, “More Than 30 Early Rain Covenant Church Members Taken into Custody,” January 11, 2019; ChinaAid Association, “Updated: Spouses of Arrested House Church Members Taken into Custody,” February 15, 2019.
94 Ibid., 20, 26, 40. 95 Ibid., 26.
96 For information on suppression of Falun Gong practitioners from previous years, see, e.g., CECC, 2016 Annual Report, October 6, 2016, 125–27; CECC, 2015 Annual Report, October 8, 2015, 123–25. See also “Communist Party Calls for Increased Efforts to ‘Transform’ Falun Gong Practitioners as Part of Three-Year Campaign,” Congressional-Executive Commission on China, March 22, 2011.
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102 Ibid.


109 "China’s Ningxia to ‘Learn From’ Xinjiang’s Anti-Terror Campaign," Radio Free Asia, December 3, 2018; Sophia Yan, "Fears China’s Internment Camps Could Spread as Area Home to Muslim Minority Signs ‘Anti-Terror’ Deal," Telegraph, November 29, 2018.

110 "China’s Ningxia to ‘Learn From’ Xinjiang’s Anti-Terror Campaign," Radio Free Asia, December 3, 2018; Sophia Yan, "Fears China’s Internment Camps Could Spread as Area Home to Muslim Minority Signs ‘Anti-Terror’ Deal," Telegraph, November 29, 2018.


118 State Council Information Office, “China’s Policies and Practices on Protecting Freedom of Religious Belief,” April 4, 2018. The central government has referred to the five religions as China’s “major religions,” stating that the religions citizens “mainly” follow are Buddhism, Taoism, Islam, Catholicism, and Protestantism. See, e.g., Henan Province People’s Congress Standing Committee, Henan Sheng Zongjiao Shiwu Tiaozi [Henan Province Regulations on Religious Affairs], issued July 30, 2005, effective January 1, 2006, art. 2; Shaanxi Province People’s Congress Standing Committee, Shaanxi Sheng Zongjiao Shiwu Tiaozi [Shaanxi Province Regulations on Religious Affairs], issued September 29, 2000, amended July 30, 2008, effective October 1, 2008, art. 2. Some local regulations on religious affairs define “religion” to mean only these five religions.


121 "Kaifeng Jews Persecuted along with Other Religions," Asia News, February 16, 2019.
ETHNIC MINORITY RIGHTS

Findings

• During the Commission’s 2019 reporting year, the Chinese Communist Party’s United Front Work Department continued to promote ethnic affairs work at all levels of Party and state governance that emphasized the importance of “sinicizing” ethnic and religious minorities. Officials emphasized the need to “sinicize” the country’s religions, including Islam. Official “sinicization” efforts contributed to the increasing marginalization of ethnic minorities and their cultures and languages.

• Reports indicate that official efforts to repress Islamic practices in the Xinjiang Uyghur Autonomous Region (XUAR) have spread beyond the XUAR to Hui communities living in other locations. Developments suggest officials may be starting to carry out religious repression in areas outside of the XUAR that are modeled on restrictions already implemented within the XUAR. In November 2018, official media reported that Zhang Yunsheng, Communist Party official of the Ningxia Hui Autonomous Region, had signed a counterterrorism agreement with XUAR officials during a trip to the XUAR to learn about its efforts to fight terrorism, maintain “social stability,” and manage religious affairs.

• During the reporting year, authorities carried out the physical destruction and alteration of Hui Muslim spaces and structures, continuing a recent trend away from relative toleration of Hui Muslim faith communities. Officials demolished a mosque in a Hui community in Gansu province, raided and closed several mosques in Hui areas in Yunnan province, closed an Arabic-language school serving Hui students in Gansu, and carried out changes such as removing Arabic signage in Hui areas. These changes narrowed the space for Hui Muslim believers to assert an ethnic and religious identity distinct from that of the dominant Han Chinese population.

• Mongol herders in the Inner Mongolia Autonomous Region (IMAR) protested and petitioned the government over the loss of traditional grazing lands. As in past reporting years, authorities detained some of the Mongol herders who peacefully protested.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Urge Chinese authorities to adopt a comprehensive anti-discrimination law that includes a definition of racial discrimination in full conformity with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); to amend Chinese domestic laws to expressly define and criminalize all forms of racial discrimination in full conformity with Article 1 of ICERD; and to expressly prohibit both direct and indirect racial discrimination in all fields of public life, including law enforcement and other government powers.
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- Urge Chinese authorities to establish independent national human rights institutions in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles).
- Urge Chinese authorities to formulate and establish comprehensive statistics, surveys, and administrative records on acts of racial discrimination and related administrative and civil complaints, investigations, procedures, and sanctions.
- Urge Chinese authorities to allow Hui and other predominantly Muslim ethnic minority populations to freely engage in Islamic religious rituals, as a matter of their right to religious freedom, and in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as China’s Constitution, which prohibits discrimination based on religion.
- Call on the Chinese government to allow Mongol herders to exercise their fundamental rights of freedom of expression, association, and peaceful assembly, as well as the right to be free from arbitrary detention. Convey to Chinese officials the importance of consulting with ethnic minority communities regarding the impact of proposed development on their traditional grazing lands.
- Raise the cases of Mongol political prisoners, including detained Mongol historian Lhamjab Borjigin and detained Mongol writers O. Sechenbaatar and Tsogil, in public forums and meetings with Chinese officials, and call for their immediate release from detention.
ETHNIC MINORITY RIGHTS

Introduction

During the Commission’s 2019 reporting year, Chinese Communist Party and government authorities promoted policies and regulations restricting rights guaranteed to ethnic minority groups under Chinese and international law. The PRC Regional Ethnic Autonomy Law contains protections for the languages, religious beliefs, and customs of these “nationalities,” in addition to a system of regional autonomy in designated areas.1 Article 27 of the International Covenant on Civil and Political Rights, which China has signed and declared its intention to ratify, contains safeguards for the rights of “ethnic, religious or linguistic minorities” within a state.2 In practice, however, Chinese authorities reportedly implemented policies that marginalized the cultures and languages of ethnic minority populations.3 International human rights organizations submitted reports in advance of the November 2018 session of the UN Human Rights Council’s Universal Periodic Review that criticized China’s controls on ethnic minorities’ religious freedom and cultural identity.4 [For additional information on ethnic minority rights, see Section IV—Xinjiang and Section V—Tibet.]

Party and State “Sinicization” of Ethnic Minorities

During this reporting year, the Chinese Communist Party’s United Front Work Department (UFWD) continued to promote ethnic affairs work at all levels of Party and state governance that emphasized the importance of “sinicizing” ethnic and religious minorities.5 The UFWD promoted an approach to ethnic affairs that stressed ethnic unity;6 the “five identifications” (wu ge rentong) (referring to identification with the Chinese nation, the Chinese people, Chinese culture, the Chinese Communist Party, and “socialism with Chinese characteristics”);7 the primacy of Mandarin Chinese;8 a resistance to foreign culture;9 and the use of both material assistance and propaganda efforts to manage “ethnic problems.”10 At the March 2019 meetings of the Chinese People’s Political Consultative Conference in Beijing municipality, officials emphasized the need to “uphold the Party’s leadership over religious work [and] persist in advancing the sinicization of our country’s religions.”11 During the March 2019 National People’s Congress (NPC), Premier Li Keqiang delivered the annual government work report, telling NPC delegates that they must “uphold the sinicization of religion in China.”12

Policies Affecting Hui Islamic Communities

Officials implemented policies and restrictions in Hui communities in ways that represented intensified efforts to promote the “sinicization” of ethnic and religious minorities. In the past, Chinese officials have allowed Hui Muslims to practice religion more freely than Uyghur or other Turkic Muslims, but in recent years have placed more limits on Hui Muslim traditions.13 International observers have reported that official efforts to repress Islamic practices in the Xinjiang Uyghur Autonomous Region (XUAR) appear to have spread beyond the XUAR to Hui communities living in other
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In November 2018, official media reported that Zhang Yunsheng, Communist Party official of the Ningxia Hui Autonomous Region, had signed a counterterrorism agreement with XUAR officials during a trip to the XUAR to learn about its efforts to fight terrorism, maintain “social stability,” and manage religious affairs. A researcher for the NGO Human Rights Watch expressed concern the agreement signaled that officials would carry out religious repression in areas outside of the XUAR modeled on restrictions already implemented within the XUAR.

During this reporting year, authorities carried out the physical destruction and alteration of Hui Muslim spaces and structures. Officials demolished a mosque in a Hui community in Gansu province, raided and closed several mosques in Hui areas in Yunnan province, and closed an Arabic-language school serving Hui students in Gansu. Officials in provinces with significant Hui populations promoted “anti-halal” and “sinicization” efforts during the year, requiring the removal of Arabic signage on buildings and crescent domes on mosques, and also discontinued halal food standards, in order to stop the spread of Islamic influences officials deemed “foreign.” In July, Reuters reported that officials in Beijing municipality had ordered some local restaurants and stores to remove words and symbols with Islamic significance from their signage, including the word “halal” written in Arabic. [For more information on freedom of religion for Muslims in China, see Section II—Freedom of Religion.]

Grassland Protests in Inner Mongolia

During this reporting year, authorities detained Mongol herders who protested or petitioned the government over the loss of traditional grazing lands. As in past reporting years, authorities detained some of the Mongol herders who peacefully protested. Representative examples of protests and petitioning by Mongol herders included the following:

- In April 2019, authorities administratively detained three Mongol herders who had traveled to Hohhot municipality, Inner Mongolia Autonomous Region (IMAR), to petition authorities over access to grazing lands. Authorities escorted herders Haaserdun, Tegshibayla, and Oobuuren back to their hometown in Zaruud Banner, Tongliao municipality, IMAR, and ordered them to serve eight days' administrative detention for “picking quarrels and provoking trouble.”
- On April 22, 2019, more than 100 Mongol herders in Urad (Wulate) Middle Banner, Bayannur (Bayannao'er) municipality, IMAR, protested in front of local government offices to demand a meeting with IMAR chairwoman Bu Xiaolin, who was visiting the area. Authorities detained around a dozen herders, including Bai Xiulong and Altanbagan, each of whom security personnel ordered to serve 14 days’ administrative detention for unknown charges. On the evening of April 22 and the early morning of April 23, some of the herders protested in front of a local government building to call for the release of Bai, Altanbagan, and other herders still detained.
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Detention of Mongol Writers

Authorities in the IMAR tried a Mongol historian on charges related to a book he wrote and detained two Mongol writers who had advocated on behalf of herders’ rights:

- **Lhamjab Borjigin.** On April 4, 2019, the Xilingol (Xilinguole) League Intermediate People’s Court in Xilinhot city, Xilingol League, tried 75-year-old Mongol historian Lhamjab Borjigin on the charges of “ethnic separatism,” “sabotaging national unity,” and “illegal publication and illegal distribution.” A Xilinhot official previously linked the first two charges to a book Borjigin self-published in 2006 about Mongols’ experiences during the Cultural Revolution.

- **O. Sechenbaatar.** On April 12, 2019, security personnel in Heshigten (Keshenketeng) Banner, Chifeng municipality, detained 68-year-old Mongol writer O. Sechenbaatar on suspicion of “obstructing official business,” after he participated in a nearby protest involving more than 200 herders over government plans to restrict local herders’ access to traditional grazing lands. Sechenbaatar has authored numerous books and other materials on Mongolian culture, and he has hosted group discussions about Mongol herders’ concerns on the messaging service WeChat. On April 16, 2019, more than 100 herders protested in front of a government building in Heshigten to call for O. Sechenbaatar’s release from detention.

- **Tsogjil.** On April 16, 2019, security personnel in Hohhot took into custody 40-year-old Mongol writer Tsogjil, and authorities subsequently took him back to his hometown in Heshigten Banner, and detained him on April 17 on the charge of “picking quarrels and provoking trouble.” According to a U.S.-based Mongol rights organization, prior to his detention, Tsogjil had advocated for Mongols’ language and cultural rights, as well as their access to natural resources, including by hosting WeChat discussion groups. Tsogjil had traveled to Hohhot to submit a complaint to regional government officials regarding Mongol herders’ rights.
Notes to Section II—Ethnic Minority Rights

1 Zhonghua Renmin Gongheguo Minzu Quyu Zizhi Fei,[PRC Regional Ethnic Autonomy Law], passed May 31, 1984, effective October 1, 1984, amended February 28, 2001. For protections related to languages, religious beliefs, and customs, see Articles 10, 11, 21, 36, 37, 47, 49, and 53.

2 International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 27.


8 Hao Shiyuan, “Zhalou Zhonghua minzu gongtong ti yishi bixu tuiguang guojia tongyong yuyan wenzi” [To forge Chinese collective consciousness the national common language and characters must be promoted], People’s Daily, October 31, 2018; Shen Guiping, “Jiang qingchu Zhonghua wenhua, zhalou Zhonghua minzu gongtong ti yishi—Shehui Zhiyue Xueyuan Gongzuo Taoli/xuexi tihui” [Clearly explain Chinese culture, forge a unified Chinese consciousness — “Socialism Institute Work Regulations” learning experience], China Ethnicity News, February 1, 2019.


10 State Ethnic Affairs Commission, “Guojia minwei zhaoke quanguo minzu xuanchuan gongzuo huiyi Guo Weiping chuxi bing jianghua” [SEAC holds national ethnic propaganda work meeting, Guo Weiping attends and delivers a speech], March 27, 2019.

11 You Quan: Jianchi Dang dui zongjiao gongzuo de lingdao, chixu tuijin woguo zongjiao Zhonggouhua” [You Quan: uphold the Party’s leadership over religious work, persist in advancing the Sinicization of our country’s religions] Xinhua, March 20, 2019. See also John Dotson, “Propaganda Themes at the CPPCC Stress the ‘Sinicization of Religion,’ China Brief, Jamestown Foundation, April 9, 2019, 2.

12 State Council, “Zhongguo gongzuo baogao” [Government work report], reprinted in Xinhua, March 16, 2018; Beijing Plans to Continue Tightening Grip on Christianity and Islam as China Pushes Ahead with the ‘Sinicisation of Religion,’” South China Morning Post, March 6, 2019.


14 Ian Johnson, “How the State Is Co-Opting Religion in China,” Foreign Affairs, January 7, 2019; Chan Han Wong, “China Applies Xinjiang’s Policing Lessons to Other Muslim Areas,” Wall Street Journal, December 23, 2018; Nectar Gan, “Chinese Hui Mosque Protest Ends after Authorities Promise to Consult Community,” South China Morning Post, August 15, 2018; China’s Xinjiang to ‘Learn From Xinjiang’s Anti-Terror Campaign,’ Radio Free Asia, December 3, 2018; Hui Muslims also live in the XUAR, but reports from the past reporting year have focused on increased repression of Hui communities outside of the XUAR. See, e.g., Joanne Smith Finley, “Now We Don’t Talk Anymore,” ChinaFile, Asia Society, December 28, 2017.

15 Yi Yuqiao, “Xinjiang Learns From Xinjiang How to Fight Terrorism,” Global Times, November 27, 2018; Deng Zhilu, “Xinjiang dengwei zhengfa wei demen bu Xinjiang kaocha dujie fanzuige” [Xinjiang political-legal committee department travels to Xinjiang to inspect counterterrorism and stability maintenance work], Xinjiang Daily, November 27, 2018. See also “China’s Xinjiang to ‘Learn From Xinjiang’s Anti-Terror Campaign,’ Radio Free Asia, December 3, 2018; Sophia Yan, “Fears China’s Internment Camps Could Spread as Area Home to Muslim Minority Signs ‘Anti-Terror’ Deal,” Telegraph, November 29, 2018.
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17 Gansu Linxia yi qingzhensi zao qiangchui dao ren bei ju” [A mosque in Linxia, Gansu, is demolished, many people are detained], Radio Free Asia, April 12, 2019; William Yang, “Zhongguo xu tui Yisitan Hanzhong Gansu qingzhensi zao ‘mieding’” [China continuesificant of Islam, Gansu mosque “extinguished’], Deutsche Welle, April 12, 2019; Bai Shengyi, “Gansu yi qingzhensi gong jiancheng jiu zao qiangchui Muslim laoren tang de tongku” [Mosque in Gansu demolished just after being built, elderly Muslims lie on the ground and weep], Bitter Winter, April 12, 2019.


19 Zhao Yusha, “Gansu Shut Down Arabic School over Regulations,” Global Times, December 4, 2018; Mimi Lau, “Chinese Arabic School to Close as Areas with Muslim Populations Are Urged to Study the Xinjiang Way,” South China Morning Post, December 9, 2018; Chun Han Wong, “China Applies Xinjiang’s Policing Lessons to Other Muslim Areas,” Wall Street Journal, December 23, 2018.


POPULATION CONTROL

Findings

• To address demographic concerns and spur population growth, the Chinese Communist Party and government relaxed the family planning policy in 2016 to allow all married couples to have two children. The “universal two-child policy,” however, remained a birth limit policy, and the Commission continued to observe reports of official coercion committed against women and their families during this reporting year. Chinese authorities threatened or imposed punishments on families for illegal pregnancies and births, using methods including heavy fines, job termination, and abortion.

• Chinese authorities implemented the “universal two-child policy” for a fourth consecutive year in 2019, and the latest government statistics showed that the policy’s effect was limited. The National Bureau of Statistics of China data showed that the total number of births in 2018—reportedly the lowest since 1961—dropped by 2 million in comparison to the 2017 figure. This decline is much larger than what some population experts had predicted. In 2018, China’s fertility rate remained around 1.6 births per woman, below the replacement rate of 2.1 births per woman necessary to maintain a stable population. The birth rate was 10.94 per 1,000 persons, reportedly the lowest since 1949 when the People’s Republic of China was founded. The working-age population continued its seventh consecutive decline by 4.7 million, while the elderly population increased by 8.59 million. China’s overall sex ratio in 2018 was 104.64 males to 100 females, and there were approximately 31.64 million more males than females in China.

• This reporting year, central government authorities rejected calls to end birth restrictions, despite population experts and National People’s Congress delegates voicing demographic, economic, and human rights concerns over China’s population control policies. Experts urged the Chinese government to implement policies, including financial incentives and other forms of assistance, to encourage couples to have children. If not adequately addressed, China’s decades-long birth limit policies and resultant demographic challenges could weaken China’s economy and political stability.

• The Chinese government’s restrictive family planning policies have exacerbated China’s sex ratio imbalance, which reportedly has fueled the demand for foreign women and resulted in human trafficking for forced marriage and commercial sexual exploitation.

• Four decades of China’s population control policies combined with a traditional preference for sons may have encouraged a black market for illegal adoptions. This past year, the Commission observed a new trend in which pregnant foreign women sold their newborn children in China for illegal adoption.

• One former mass internment camp detainee in the Xinjiang Uyghur Autonomous Region (XUAR) alleged that authorities sterilized her without her knowledge while she was in detention. Two former detainees reported that camp authorities
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forced female detainees to take unknown medications and injected them with unknown substances, after which the women ceased menstruating.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Highlight the looming demographic challenges currently facing China in bilateral meetings with Chinese government officials—including a rapidly aging population, shrinking workforce, and sex ratio imbalance; and emphasize that these demographic trends could harm China’s economy if not addressed in a timely manner by ending as soon as possible all birth restrictions imposed on families.
- Use authorities provided in the Foreign Relations Authorization Act of 2000 (Public Law No. 106–113) and the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328) to deny entry into the United States and impose sanctions against Chinese officials who have been directly involved in the formulation, implementation, or enforcement of China’s coercive family planning policies, including those who have forced men and women to undergo sterilizations and abortions.
- Call on China’s central and local governments to vigorously enforce provisions of Chinese law that provide for punishment of officials and other individuals who engage in these abuses.
- Publicly link, with supporting evidence, the sex ratio imbalance exacerbated by China’s population control policies with regional humanitarian and security concerns—human trafficking, crime, increased internal and external migration, and other possible serious social, economic, and political problems—and discuss and address these issues in bilateral and multilateral dialogues.
- Call on officials in the XUAR to address allegations of the forced sterilization of mass internment camp detainees; and call on officials to respond to accounts that authorities subjected female camp detainees to the forced injection of unknown substances and forced ingestion of unknown medication that disrupted their menstrual cycles.
POPULATION CONTROL

International Standards and China’s Coercive Population Policies

During the Commission’s 2019 reporting year, Chinese authorities continued to implement coercive population control policies that violate international standards. Starting in 2016, the Chinese Communist Party and government relaxed birth restrictions and implemented the “universal two-child policy.” However, the “universal two-child policy” continued to impose birth limits as the PRC Population and Family Planning Law and provincial-level regulations restrict married couples to having two children. Exceptions allowing for additional children exist for couples who meet certain criteria, which vary by province, including some exceptions for ethnic minorities, remarried couples, and couples who have children with disabilities. Despite population experts and National People’s Congress delegates voicing their concerns over China’s population policy on demographic and human rights grounds, central government authorities rejected calls to end birth limits during this reporting year. Local-level officials reportedly continued to enforce compliance with family planning policies using methods including heavy fines, job termination, and coerced abortion.

Coercive controls imposed on women and their families, as well as additional abuses engendered by China’s population and family planning system, violate standards set forth in the 1995 Beijing Declaration and Platform for Action and the 1994 Programme of Action of the Cairo International Conference on Population and Development. China was a state participant in the negotiation and adoption of both documents. Acts of official coercion committed in the implementation of population control policies also contravene provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which China has ratified.

Coercive Implementation and Punishment for Noncompliance

During the Commission’s 2019 reporting year, the Commission continued to observe reports of coercive enforcement of family planning policies. The PRC Population and Family Planning Law contains provisions that prohibit officials from infringing upon the “legitimate rights and interests” of citizens while implementing family planning policies. Some provincial-level population planning regulations, however, continued to explicitly instruct officials to carry out abortions—often referred to as “remedial measures” (bujiu cuoshi)—for unsanctioned pregnancies. Some local government authorities emphasized in official reports the need to prevent and control illegal pregnancies and births, and instructed family planning officials to carry out the invasive “three inspections” (intrauterine device (IUD), pregnancy, and health inspections) and “four procedures” (IUD insertion, first trimester abortion, mid- to late-term abortion, and sterilization). For example, a government report from Dalu township, Qionghai city, Hainan province, stated that local authorities carried out in total 264 “four procedures” operations in 2018. The same report also touted that local authorities had a success rate of 83 percent in detecting pregnancies with-
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in the first six months of the gestation period and reached 100.5 percent of their family planning work targets.\textsuperscript{17}

Chinese authorities also continued to use various methods of punishment to enforce citizens’ compliance with family planning policies. In accordance with national-level legal provisions,\textsuperscript{18} local provisions and governments have directed officials to punish non-compliance through heavy fines, termed “social compensation fees” (\textit{shehui fuyang fei}), which are often much greater than the average annual income in localities across China.\textsuperscript{19} In addition to fines, officials imposed or threatened other punishments for family planning violations that included job termination\textsuperscript{20} and abortion.\textsuperscript{21} The PRC Population and Family Planning Law prohibits, and provides punishments for, infringement by officials on citizens’ personal, property, and other rights while implementing family planning policies.\textsuperscript{22}

CASES OF COERCION

In March 2019, authorities in Yuncheng district, Yunfu municipality, Guangdong province, reportedly dismissed a female public school teacher, surnamed Xie, from her job for giving birth to a third child in violation of China’s two-child policy.\textsuperscript{23} Earlier in December 2018, authorities also dismissed Xie’s husband from his job, reportedly leaving the family in a dire financial situation.\textsuperscript{24} Xie became pregnant in June 2018, and local authorities from various government agencies pressured her—a total of 14 times—to terminate her pregnancy or face losing her job.\textsuperscript{25} Xie refused and gave birth to her third child in January 2019.\textsuperscript{26} She argued that authorities’ administrative actions were illegal and violated several provincial and national laws and regulations.\textsuperscript{27} As of June 2019, the Commission had not observed any update on the case.

According to Chinese and international reports, shortly before the lunar new year in January 2019, local authorities in Chengwu county, Heze municipality, Shandong province, froze the financial accounts and work pay of a couple surnamed Wang, because they had failed to pay “social compensation fees” in the amount of 64,626 yuan (approximately US$9,500).\textsuperscript{28} The couple, however, had approximately 23,000 yuan (approximately US$3,300) in their accounts, with the remaining balance still due.\textsuperscript{29} Authorities had fined the couple for the January 2017 birth of their third child, which violated national law and local family planning regulations.\textsuperscript{30} The Wangs were reportedly in a dire financial situation as a result of the account freeze.\textsuperscript{31}
Report of Forced Sterilization in Mass Internment Camps in the Xinjiang Uyghur Autonomous Region (XUAR)

Mihrigul Tursun. According to international media, authorities in the XUAR forcibly sterilized ethnic Uyghur Mihrigul Tursun without her knowledge while she was detained in a mass internment camp in the XUAR. Authorities detained Tursun three times in mass internment camps and other facilities, for a total of 10 months. Tursun said authorities at a mass internment camp where she was held forced her and other detainees to swallow unknown pills and drink “some kind of white liquid,” and injected them with unknown substances. According to Tursun, the white liquid halted menstruation in some detainees and caused severe bleeding in others. Following her release from custody and arrival in the United States, doctors confirmed that she had been sterilized. Gulbahar Jelilova, an ethnic Uyghur woman detained in a mass internment camp in the XUAR, also said that doctors repeatedly injected female detainees with an unknown substance that stopped their menstruation.

The Universal Two-Child Policy

To address demographic challenges facing China, the Party and government implemented the “universal two-child policy” in 2016 to boost population growth, but government statistics showed that the policy’s effect was limited. In 2016, the former National Health and Family Planning Commission had predicted that the universal two-child policy would result in population growth, with an estimated total of 17.5 to 21 million children born per year during the 13th Five-Year Plan period (2016–2020). According to a January 2019 National Bureau of Statistics of China (NBS) report, however, the number of total births in 2018 was 15.23 million—reportedly the lowest since 1961—showing a decline of 2 million births in comparison to the 2017 figure of 17.23 million. This decline is much larger than the range of 300,000 to 800,000 annual drop that some population experts predicted. Yi Fuxian, a prominent U.S.-based demographic expert, disagreed with the official NBS report and suggested that the total births in 2018 may have been as low as 10.3 million.

Some experts argued that the universal two-child policy did have a short-term effect of encouraging births and stabilizing the birth rate. This effect was evidenced by the one-time increase of 1.31 million births in 2016, and in the first few years of the “universal two-child policy,” over 50 percent of new births reportedly were second children. Experts noted, however, that these phenomena were likely caused by a temporary “pile-up effect,” as many women nearing the end of their childbearing age rushed to give birth to a second child after the two-child policy became effective in 2016. As this “pile-up effect” is unsustainable, experts predicted that beginning in 2018, the annual newborn population would rapidly decline further. Some experts attributed the decline in births to the shrinking number of women of childbearing age and the reluctance on the part of many married couples to have children owing to concerns such as the high cost of rearing a child, the lack of...
adequate child care and education options, and the potential disruption to career development. As the “universal two-child policy” failed to boost population growth for a second consecutive year, population experts and National People’s Congress (NPC) delegates, citing demographic and economic challenges, as well as human rights concerns, called on the Chinese government to end all birth restrictions imposed on Chinese families. Experts noted that China’s decades-long birth limit policies and resultant demographic challenges, which include a rapidly aging population and a shrinking workforce, could weaken China’s economy and political stability. Falling fertility in the past two years shows that the existing universal two-child policy may not adequately mitigate China’s demographic challenges, causing experts and NPC delegates to call on Chinese authorities to abolish all birth restrictions. Experts also warned that even if all birth restrictions are removed, it may not stop the trend of a falling birth rate and population decline, especially if it is not supplemented by policies that encourage births. Experts urged the Chinese government to provide financial incentives, such as tax breaks, subsidies, and other forms of assistance to encourage couples to have more children.

In addition to demographic concerns, some experts also emphasized that Chinese government authorities should respect and protect citizens’ human rights and not intrude on their private reproductive lives. In an August 2018 China Daily interview, Zhang Juwei, Director of the Institute of Population and Labor Economics at the Chinese Academy of Social Sciences, said that it is “inappropriate” to control population size for the sake of “boosting economic and social development . . . because reproductive rights are the fundamental rights of families.” This past year, central government authorities rejected calls to end all birth restrictions imposed on Chinese families. In a written statement posted in January 2019, the National Health Commission (NHC) rejected an NPC recommendation of abolishing the birth limit policy, stating that “it is not appropriate to immediately and completely remove the ‘family planning [policy],’” as it is still a law and policy mandated in China’s Constitution. In a separate response to the NPC, the NHC reiterated that Chinese family planning authorities will continue to impose “social compensation fees” on couples who violate the two-child policy.

Demographic and Humanitarian Consequences of Population Control Policies

Four decades of population control policies have exacerbated China’s demographic challenges, which include a rapidly aging population, shrinking workforce, and sex ratio imbalance. Affected in recent decades by government restrictions on the number of births per couple, China’s total fertility rate has dropped from approximately 3 births per woman in the late 1970s to an estimated 1.6 births per woman in 2018, below the replacement rate of 2.1 births per woman necessary to maintain a stable population. Some reports suggested that the fertility rate in 2018 may have been as low as 1.02 births per woman. In addition, the National Bureau of Statistics of China (NBS) reported that China’s birth rate in
2018 was 10.94 per 1,000 persons in the population, reportedly the lowest since the founding of the People\'s Republic of China in 1949.64

China\'s low fertility rate and birth rate have contributed to a rapidly aging population and a shrinking workforce. According to the NBS, from 2017 to 2018, China\'s working-age population (persons between the ages of 16 and 59) declined by 4.7 million to 897.29 million, continuing a downward trend for a seventh consecutive year.65 During the same period, the elderly population (persons aged 60 or older) increased by 8.59 million in 2018 to 249.49 million, or 17.9 percent of the total population.66 According to the State Council National Population Development Plan (2016–2030), China\'s working-age population is expected to decline rapidly from 2021 to 2030, while the elderly population will increase markedly during the same period and is predicted to reach a quarter of the population by 2030.67 By 2050, the elderly population is expected to account for approximately one-third of China\'s total population,68 while the working-age population is expected to decrease by 200 million.69 These demographic trends reportedly may burden China\'s healthcare, social services, and pension systems,70 and could bring adverse effects to China\'s economy.71

The Chinese government\'s restrictive family planning policies have also exacerbated China\'s sex ratio imbalance, which reportedly fueled the demand for foreign women and contributed to human trafficking. Although Chinese authorities continued to implement a ban on “non-medically necessary sex determination and sex-selective abortion,”72 some people reportedly continued the practice in keeping with a traditional cultural preference for sons.73 According to a January 2019 NBS report, China\'s overall sex ratio in 2018 was 104.64 males to 100 females, and there were approximately 31.64 million more males than females in China (713.51 million males to 681.87 million females).74 The NBS reported that the sex ratio at birth (SRB) in 2015 was 113.51 males to 100 females,75 but it did not provide statistics on the SRB since 2016 when the universal two-child policy was implemented.76 Demographic experts have long expressed concerns that the sex ratio imbalance in China could lead to an increase in crime,77 trafficking of women,78 and social instability.79 This past year, international media reports continued to suggest a link between China\'s sex ratio imbalance and the trafficking of foreign women—from countries including Burma (Myanmar), Cambodia, Indonesia, Laos, Pakistan, and Vietnam—into China for forced marriage or commercial sexual exploitation.80 [For more information on cross-border trafficking, see Section II—Human Trafficking.]

Decades of birth limits under China\’s population control policies combined with a traditional preference for sons may also have encouraged a black market for illegal adoptions.81 This reporting year, the Commission observed a new trend in which foreign women sold their newborn children in China for illegal adoption.82 According to Vietnamese news media reports, Vietnamese authorities detained and investigated individuals suspected of moving pregnant women across the border into China to sell newborn children.83 In the Vietnamese province of Nghe An alone, there were at least 27 pregnant women who had traveled to China to sell their
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newborns in 2018.84 [For inconsistencies in the definition of “human trafficking” between Chinese law and international standards, see Section II—Human Trafficking.]
Notes to Section II—Population Control


3 For provincial population planning provisions that allow these exceptions for having an additional child, see, e.g., Fujian Province People’s Congress Standing Committee, Fujian Sheng Renkou Yu Jihua Shengyu Tiaoli [Fujian Province Population and Family Planning Regulations], issued April 29, 1988, amended November 24, 2017, art. 9(1)–(3); Guangxi Zhuang Autonomous Region People’s Congress Standing Committee, Guangxi Zhuangzu Zizhiqu Renkou He Jihua Shengyu Tiaoli [Guangxi Zhuang Autonomous Region Population and Family Planning Regulations], issued October 18, 2002, effective January 1, 2003, amended April 21, 2016, art. 13.


7 See, e.g., Dashan, “Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, jueqing” [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], China 50 Plus, April 3, 2019. See also Xie Zhenglin, “Hui di san hai bei citui” [Fire for bearing a third child], Worker Online, Southern Daily, January 10, 2019.

8 See, e.g., Dashan, “Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, jueqing” [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], China 50 Plus, April 3, 2019. See also Xie Zhenglin, “Hui di san hai bei citui” [Fire for bearing a third child], Worker Online, Southern Daily, January 10, 2019.

9 Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women on September 15, 1995, Annex I, paras. 9, 17. The Beijing Declaration states that governments which participated in the Fourth World Conference on Women reaffirmed their commitment to “ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms” (Annex I, para. 9) and “[the explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment” (Annex I, para. 17). Programme of Action adopted by the Cairo International Conference on Population and Development on September 13, 1994, paras. 7.2, 8.25. Paragraph 7.2 states, “Reproductive health therefore implies that people . . . have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice . . . ” Paragraph 8.25 states, “In no case should abortion be promoted as a method of family planning.” For coercive controls imposed on Chinese women and their families, see, e.g., Sha Heshang de Weibo (@Shaheshangdeweibo01), “Guangdong Yufun shi nuzi sheng san tai, fuqi shuangshuang bei kaichu” [A woman in Yufu municipality, Guangdong, gave birth to three children, husband and wife both dismissed from jobs], Weibo post, March 26, 2019; Michelle Wong, “China’s Two-Child Policy Under Fire as Parents’ Bank Account Frozen for Having Third Child,” South China Morning Post, February 14, 2019.

10 United Nations, Report of the Fourth World Conference on Women, A/CONF.177/20/Rev.1, September 15, 1995, chap. II, para. 3; chap. VI, para. 12. China was one of the participating
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13 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 1; UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, February 5, 2016, para. 51. In 2016, the UN Committee against Torture noted its concern regarding “reports of coerced sterilization and forced abortions, and . . . the lack of information on the number of investigations into such allegations . . . (and) the lack of information regarding redress provided to victims of past violations.” For acts of coercion committed in the implementation of population planning policies, see, e.g., Dashan, “Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation,” China 50 Plus, April 3, 2019. See also Xie Zhengling, “Huai di san hai bei citui” [Fired for bearing a third child], Worker Online, February 10, 2019; Luo Fa, “Zhongguo yan’ge shixing er tai zhengce Shandong fu sheng san tai zao fa” [China strictly implements two-child policy, Shandong couple punished for giving birth to a third child], Deutsche Welle, February 18, 2019.


11 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 1; UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, February 5, 2016, para. 51. In 2016, the UN Committee against Torture noted its concern regarding “reports of coerced sterilization and forced abortions, and . . . the lack of information regarding redress provided to victims of past violations.” For acts of coercion committed in the implementation of population planning policies, see, e.g., Dashan, “Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation,” China 50 Plus, April 3, 2019. See also Xie Zhengling, “Huai di san hai bei citui” [Fired for bearing a third child], Worker Online, February 10, 2019; Luo Fa, “Zhongguo yan’ge shixing er tai zhengce Shandong fu sheng san tai zao fa” [China strictly implements two-child policy, Shandong couple punished for giving birth to a third child], Deutsche Welle, February 18, 2019.

10 “Social compensation fees” are also known as “social maintenance fees.”

19 For a list of provincial-level provisions that mandate collection of “social compensation fees,” see 2018 nian shehui fuyang fei zhengshou biaozhun yu zui xin guiding [2018 social compensation fee collection standards and newest provisions], Shebao Chaxun Wang, January 15, 2018. For an example of a local government that collected or demanded collection of “social compensation fees” during this reporting year, see, e.g., Luo Fa, “Zhongguo yan’ge shixing er tai zhengce Shandong fu sheng san tai zao fa” [China strictly implements two-child policy, Shandong couple punished for giving birth to a third child], Deutsche Welle, February 18, 2019. “Social compensation fees” are also known as “social maintenance fees.”

22 See, e.g., Dashan, “Guangdong: nu jiaoshi san tai, faqi shuanghuang kaichao, 3 ge haizi 4 ge laoren, juejing” [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], China 50 Plus, April 3, 2019. See also Xie Zhengling, “Huai di san hai bei citui” [Fired for bearing a third child], Worker Online, Southern Daily, January 10, 2019.

30 Shandong cunmin sheng san hai wei jiao shehui fuyang bei dongjiao, cun ganbu: ta jia jingji tiaojian bing bu hao [Shandong villager had three children but did not pay social compensation fees, WeChat cash account frozen, village official said his family’s financial situation not good]. Jiemen, reprinted in Guancha Net, February 13, 2019; Luo Fa, “Zhongguo yan’ge shixing er tai zhengce Shandong fufu sheng san tai zao fa” [China strictly implements two-child policy, Shandong couple punished for giving birth to a third child], Deutsche Welle, February 18, 2019; Michelle Wong, “China’s Two-Child Policy Under Fire as Parents’ Bank Account Frozen for Having Third Child,” South China Morning Post, February 14, 2019.


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22 Zhonghua Renmin Gongheguo Renkou Yu Jihsia Shengyu Fa [PRC Population and Family Planning Law], passed December 29, 2001, amended December 27, 2015, effective January 1, 2016, arts. 4, 39(1)–(2). Article 4 of the PRC Population and Family Planning Law states that officials “shall perform their family planning work duties strictly in accordance with the law, and enforce the law in a civil manner, and they may not infringe upon the legitimate rights and interests of citizens.” Article 39 states that an official is subject to criminal or administrative punishment if he “infringe[s] on a citizen’s personal rights, property rights, or other legitimate rights and interests” or “abuse[s] his power, neglect[s] his duty, or engage[s] in malpractice for personal gain” in the implementation of family planning policies.

23 Dashan, “Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing” [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], China 50 Plus, April 3, 2019. See also Xie Zhengling, “Huai di san hai bei citui” [Fired for bearing a third child], Worker Online, Southern Daily, January 10, 2019.

24 Dashan, “Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing” [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], China 50 Plus, April 3, 2019. See also Xie Zhengling, “Huai di san hai bei citui” [Fired for bearing a third child], Worker Online, Southern Daily, January 10, 2019.

25 Dashan, “Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing” [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], China 50 Plus, April 3, 2019. See also Xie Zhengling, “Huai di san hai bei citui” [Fired for bearing a third child], Worker Online, Southern Daily, January 10, 2019.

26 Dashan, “Guangdong: nu jiaoshi san tai, fuqi shuangshuang kaichu, 3 ge haizi 4 ge laoren, juejing” [Guangdong: female teacher had three children, husband and wife both fired, 3 children and 4 elderly family members in dire situation], China 50 Plus, April 3, 2019.

27 Ibid.


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35 Ibid., 5.
43 Ma Danmeng and Han Wei, “Couples Not Delivering on Beijing’s Push for Two Babies,” Caixin, January 19, 2018; Liang Jianzhang and Huang Wenzhang, “Chusheng renkou xuebeng wei yao haizi jianshui he butie” [Birth population avalanche: cut taxes and provide subsidies to encourage having more children], Caixin, January 18, 2018; “China’s Declining Birth Rate Requires Policy Change,” Xinhua, January 25, 2018.
44 Zhongguo shengyu lu quanqiu dao shu quanmian kaifang renyao yu wuqi? (xia) [China’s fertility rate lowest in the world, is the end of family planning policy still distant? (Part 2)], Radio Free Asia, January 25, 2019.
47 Liang Jianzhang and Huang Wenzhang, “Opinion: China’s Demographic Crisis Is a Reality,” Caixin, January 23, 2019; Shannon Tiezzi, “China’s Number of Births Just Keeps Dropping,” The Diplomat, November 1, 2018; Zhongguo weilai ni jian xin sheng renkou yuji chixiu xinjiang [China’s newborn population expected to continue declining in the next few years], Voice of America, November 1, 2018.
53 China’s Demographic Danger Grows as Births Fall Far Below Forecast,” Wall Street Journal, February 9, 2019; “China Sees Fewest Births in 2018 since Mao’s Great Famine,” 134
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60 National Health Commission, “Dui Shisan Jie Renda Yici Huiyi di 1948 hao jianyi de dafu” [Reply to 13th NPC First Session’s suggestion no. 1948], January 8, 2019.


64 National Bureau of Statistics of China, “2018 nian jingji yunxing baoshi hai qijian fazhuan de zhouyao yuqiu muduo jiao hao wancheng [The economy moved within reasonable range in 2018, main expected development targets were reached], January 21, 2019; Tom Clifford, “China Faces Economic Headwinds from Shrinking Population,” International Policy Digest, March 27, 2019; Stella Qiu, Yawen Chen, and Ryan Woo, “Modern China’s Birth Rate Falls to Lowest Ever,” Reuters, January 21, 2019; Central Intelligence Agency, “World Factbook: China,” accessed May 15, 2019. According to the Central Intelligence Agency, the birth rate is defined as the “average annual number of births during a year per 1,000 persons in the population. . . . The birth rate is usually the dominant factor in determining the rate of population growth.”


68 "Baoqiao yuyue, 2050 nian Zhongguo laonian xiaofei shichang jiange da 60 wayni yuanyu" [Report predicts, China’s elderly consumer market will reach 60 trillion yuan by 2050], China News Service, October 21, 2018; Zhao Yueying, “Fazhan zhibi yuanyu yingdai laolinhua” [Develop smart (ways) to care for the elderly to address aging], People’s Daily, December 6, 2018.


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73. See, e.g., Linda Lew, "Chinese Blood Mule, 12, Caught Trying to Smuggle 142 Samples into Hong Kong for Sex Testing," South China Morning Post, March 29, 2019; Lin Feiya bei tiai xingbie jiandian cheng heishe! Chouxue ji dao jingwai jiance bian zhi nan ru [A black market for illegal fetal sex determination! Blood sample sent overseas to determine sex], Shanghai Observer, October 26, 2018.


76. Liu Yanju, “Daling sheng nu bushi shenme wentsi, nongcun sheng shangzhi zhenzhang de weijii” [Older leftover women are not a problem, rural leftover men are the real crisis], Beijing News, January 23, 2019; Wusheng County Communist Party Committee Party School, “Pinkun diqu daling nan qingnian hunpei kunnan wenti de xiangwang yu si tu" yi Wusheng xian Liemian zhen weili” [Research and reflection on the problem of older men with marriage difficulties in poor rural areas: Wusheng county's Liemian township as an example], December 6, 2018; Danzon Zhang, Lisa Cameron, and Xin Meng, “Has China’s One-Child Policy Increased Crime?”, Oxford University Press (blog), March 25, 2019; Andrea den Boer and Valerie M. Hudson, “The Security Risks of China’s Abnormal Demographics,” Monkey Cage (blog), Washington Post, April 30, 2014.


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SPECIAL TOPIC: MIGRANT NEIGHBORHOODS A TARGET OF ANTI-CRIME AND VICE CAMPAIGN

Findings

• An anti-crime campaign launched by central authorities in 2018 is being used to target marginalized groups in China. Called the “Specialized Struggle to Sweep Away Organized Crime and Eliminate Vice,” the stated aims of the three-year campaign include guaranteeing China’s lasting political stability and consolidating the foundation of the Chinese Communist Party’s authoritative power.

• The Commission observed reports of local governments invoking this anti-crime campaign to target groups of people including petitioners (individuals who seek redress from the government), religious believers, village election candidates, lawyers, and internal migrants.

• Municipal governments carried out large-scale evictions and demolitions of internal migrant neighborhoods in the name of the anti-crime campaign. These localities appear to be using the campaign to achieve the goals of a central government plan to “renovate” urban villages across China by 2020. Urban villages are municipal neighborhoods that are categorized as rural under China’s household registration (hukou) system. Registered residents of these urban villages often rent to internal migrants, who have hukou from other localities and face discrimination in housing, education, and the provision of government services.

• In addition to evictions and demolitions of internal migrant neighborhoods, local governments have also invoked the anti-crime campaign to justify increasing monitoring and surveillance of internal migrant neighborhoods. For example, in Xi’an municipality, public security officers investigated over 800 internal migrant communities and over 400 urban villages under the local “2019 Thunder Strike and Iron Fist Anti-Crime and Vice Operation.”

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Call on Chinese authorities to end forced evictions, demolitions, and heightened surveillance of internal migrant communities across China, and to follow both international and Chinese law in providing adequate notice, compensation, and assistance to residents when public safety requires demolishing dangerous structures.

○ Encourage the Chinese government to expand both the rights of migrant workers in China, and the space for civil society organizations that provide social services and legal assistance to internal migrants. Note that improving the rights of internal migrants and expanding their access to social services would likely lower the chances of spontaneous, large-scale protests, while large-scale forced evictions, demolitions, and surveillance could increase the likelihood of such protests.
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- Call on Chinese authorities to accelerate reforms to the *hukou* system, including lowering restrictions on migration to major cities and centers of economic opportunity; equalizing the level and quality of public benefits and services tied to local hukou and residence permits; and implementing laws and regulations to provide equal treatment for all Chinese citizens, regardless of place of birth, residence, or hukou status.
- Support programs, organizations, and exchanges with Chinese policymakers and academic institutions engaged in research and outreach to migrants, in order to advance legal and anti-discrimination assistance for migrants and their families, and to encourage policy debates aimed at eliminating inequality and discrimination connected to residence policies, including the hukou system.
SPECIAL TOPIC: MIGRANT NEIGHBORHOODS A TARGET OF ANTI-CRIME AND VICE CAMPAIGN

Introduction

This past year, the Commission observed reports of local authorities in jurisdictions across China targeting internal migrants, petitioners, religious groups, and others with increased monitoring and other forms of repression. In many cases, local authorities tied these actions to a central-level Chinese Communist Party and government campaign called the “Specialized Struggle to Sweep Away Organized Crime and Eliminate Vice” (Saohei Chu’e Zhuaxiang Douzheng, or the “anti-crime and vice campaign”). This section will examine the origins and broad application of this campaign, with a special focus on how lower-level Party and government officials used the campaign to justify increased monitoring of internal migrants and large-scale evictions and demolitions of migrant neighborhoods.

On January 23, 2018, the Communist Party Central Committee and the State Council announced the commencement of a three-year national anti-crime and vice campaign in the form of a centrally issued circular. Authorities did not make the circular publicly available, but the central government news agency Xinhua provided a summary of the circular. According to that summary, the four stated aims of the campaign are:

- guaranteeing the people's contentment in life and work,
- social stability and orderliness,
- China's lasting political stability,2 and
- further consolidating the foundation of Communist Party rule.3

A Chinese academic observed that the campaign is intended to bring greater legitimacy to the Party's governance by increasing central Party and government officials' control over local government, which is often otherwise dominated by “grass-roots leaders” of villages and enterprises.4 A Party official announced that by the end of March 2019, authorities had prosecuted 79,018 people as part of the campaign.5

According to state-run media outlet Xinhua, the Party has directed the campaign to focus on “key areas, key industries, and key sectors with prominent problems of crime and vice,”6 and the Ministry of Public Security emphasized that the campaign must include the “modernization of social management at the grassroots level to eradicate the breeding grounds of crime and vice” (chanchu hei'e shili zisheng turang).7 This broad mandate has provided local authorities with large discretion to target various types of groups and conduct, leading international media8 as well as the Central Commission for Discipline and Inspection to openly criticize the broad application of the campaign at the local level.9

Local authorities across China have invoked the campaign to restrict the freedoms of a wide range of marginalized groups. For example, a number of local governments have specifically named petitioners—individuals with grievances seeking redress from the government—as targets of the campaign.10 Some local governments reportedly increased monitoring and suppression of religious groups.
in the name of the anti-crime and vice campaign, with officials asking residents to report on members of religious groups that are not officially registered. Authorities excluded 51,000 individuals from running in village elections as part of the anti-crime and vice campaign, claiming some of these individuals had suspected ties to organized crime or “did not meet criteria” such as “excellent political quality.” Authorities have also used the campaign to suppress ethnic minority groups in the Xinjiang Uyghur Autonomous Region and the Tibet Autonomous Region. [For more information on how government officials have used this campaign against religious believers, ethnic minority groups, petitioners, and other groups, see Section II—Freedom of Religion, Section IV—Xinjiang, and Section V—Tibet.]

Also as part of the campaign, some local governments increased monitoring of “urban villages” (chengzhong cun) that are often areas with large populations of internal migrants. Local municipal governments have sought to demolish these urban villages, sometimes referred to as “slums” (penghu qu) by government sources, as part of a national plan to “renovate” (gaizao) all urban villages by 2020. Some local government documents specifically point to urban villages and neighborhoods with large numbers of migrant workers as areas with “crime and vice forces” (hei e shili). One example of increased monitoring of migrant communities this past year as part of the anti-crime and vice campaign is Xi’an’s “2019 Thunder Strike and Iron Fist Anti-Crime and Vice Operation” (lei ting tie wan soohi chu’ e xingdong) that involved public security officers investigating over 800 internal migrant communities and over 400 urban villages.

### Urban Village Eviction, Demolition, and Surveillance under the Anti-Crime and Vice Campaign: Yuhuazhai in Xi’an

In October 2018, local officials of the Xi’an Hi-Tech Industries Development Zone (Xi’an Hi-Tech Zone), Xi’an municipality, Shaanxi province, initiated an eviction and demolition campaign followed by a large-scale inspection and registration of remaining businesses and residents as part of local implementation of the national “anti-crime and vice campaign” in February 2019. The campaign targeted Yuhuazhai village in Yanta district, Xi’an, itself a collection of eight urban villages with a local official reporting more than 100,000 internal migrant residents compared with 9,000 residents with local residence permits—leading to numerous rights abuses and several deaths. The campaign was led by the Xi’an Hi-Tech Zone Management Committee and largely state-owned education technology company China Hi-Tech Group, acting jointly with over 20 government agencies to “thoroughly renovate, evict, and demolish” residences and local enterprises within the village. China Business News reporters observed that in October 2018, the Xi’an Hi-Tech Zone Management Committee reportedly held a competition among ten districts and townships over the acquisition of more than 33 square kilometers of land, scoring them on categories including whole-village demolition, barrier removal, and pollution reduction.
Local officials reportedly hired several thousand people—some allegedly members of criminal syndicates—to harass and assault residents, resulting in at least one death, as well as to demolish commercial establishments in October. Officials gave businesses and residents notice on the same day of the demolition, thereby depriving them of the opportunity to seek judicial or administrative review and denying entrance to those without residence permits so that many were unable to recover their personal property. In November, residents reportedly protested continued demolitions and faced violence from people in local security uniforms. Demolition campaigns reportedly were also planned for 116 villages in and around Xi'an, with 62 scheduled to begin within 2019.

Chinese authorities have a history of carrying out forced evictions that affect migrant workers in particular. International rights organizations documented widespread forced evictions prior to the 2008 Beijing Olympics and Expo 2010 in Shanghai municipality. In late 2017 and early 2018, in response to two fatal fires in migrant neighborhoods, authorities in Beijing municipality and the surrounding areas launched a campaign of large-scale forced evictions and demolitions in migrant neighborhoods across the region. Residents reportedly were given days or hours to leave.

Chinese migrant workers continued to be marginalized because of their residency status under the household registration (hukou) system. The hukou system, established in 1958, classified Chinese citizens as being urban or rural and effectively tied them to a locality. According to the National Bureau of Statistics of China, in 2018, 286 million people in China did not live in their hukou location. Yet provision of certain government services, such as education, remains tied to one’s hukou location, which is, in general, inherited from one’s parents. The hukou system reportedly also exacerbates these migrants’ vulnerability to exploitation in China’s workforce. [For more information on forced labor, see Section II—Human Trafficking.]

In 2014, the government began to reform the hukou system to gradually eliminate the urban-rural distinction and allow some migrants to obtain hukou in smaller cities. In April 2019, the National Development and Reform Commission required cities with populations of 1 to 3 million to eliminate all restrictions on obtaining hukou, yet restrictions remained in cities with populations above 3 million, such as Xi’an and Beijing, and the government continues to use the hukou system to restrict internal migration.

In 2014, the UN Committee on Economic, Social and Cultural Rights urged China “to ensure that any relocation necessary for city renewal is carried out after prior consultation with the affected individuals . . . .” In 2018, the UN Committee on the Elimination of Racial Discrimination was concerned by reports that changes to the hukou system “have not made substantial positive changes for many rural migrants, including ethnic minorities.”
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Actions taken by Chinese government officials enforcing the eviction campaign throughout China contravene both international standards\(^\text{45}\) and Chinese law.\(^\text{46}\) Restrictions on movement and discrimination arising from the *hukou* system contravene international human rights standards guaranteeing freedom of residence.\(^\text{47}\)
Notes to Section II—Special Topic: Migrant Neighborhoods a Target of Anti-Crime and Vice Campaign

1 Unless otherwise noted, all references are to articles in Xinhua, China's official news agency.

2 Quoted in Xiong Feng, “Rong renmin qunzhong de anquan gan jujue shi quanmian” (Keep public safety at bay, keep the whole country safe), Doushi, February 10, 2018.

3 See, e.g., “Yongzhou shi saohei chu'e zhanxiang douzheng dudao zu gonggao” (Yongzhou Municipal Specialized Struggle to Eliminate Crime and Vice Supervisory Group public announcement), Yongzhou Municipal People's Government, April 12, 2019; Rights Defense Network, “Fangman congzi baolu de wenti yu qianjing” (Let the masses know about the anti-crime and vice campaign!), Guizhou Finance Bureau, March 15, 2019.


5 “Zhi quan qu guangda renmin qunzhong guanyu saohei chu'e zhuanxiang douzheng de zhi zu gonggao” (Official statement on the special struggle to sweep away organized crime and eliminate vice), Xinhua, January 24, 2018.


7 “Zhi quan qu guangda renmin qunzhong guanyu saohei chu'e zhuanxiang douzheng de zhi zu gonggao” (Official statement on the special struggle to sweep away organized crime and eliminate vice), Xinhua, January 24, 2018.

8 Guo Rui, “China’s War on Organised Crime, Corrupt Officials Sees 79,000 People Detained,” South China Morning Post, April 14, 2019.

9 Zhang Yan, “Saohei chu'e bixu jingzhun shibie jingzhun daji” (Eliminate crime and vice campaign requires precise distinctions and precise attacks), China Discipline and Inspection Daily, April 17, 2019.


11 Xiong Feng, “Rang renmin qunzhong de anquan gan jujue shi quanmian” (Keep public safety at bay, keep the whole country safe), Doushi, February 10, 2018.

12 Xiong Feng, “Rang renmin qunzhong de anquan gan jujue shi quanmian” (Keep public safety at bay, keep the whole country safe), Doushi, February 10, 2018.

13 Xiong Feng, “Rang renmin qunzhong de anquan gan jujue shi quanmian” (Keep public safety at bay, keep the whole country safe), Doushi, February 10, 2018.

14 Ma Li, “Why China’s Migrants Can’t Just Leave Poverty Behind,” Sixth Tone, September 1, 2018; “Saohei chu'e zhanxiang douzheng youguan wenti” (Questions regarding the specialized struggle to sweep away organized crime and eliminate vice), Yong'an Municipal People's Government, November 16, 2018; “Saohei chu'e zhanxiang douzheng youguan wenti” [Questions regarding the specialized struggle to sweep away organized crime and eliminate vice], Guizhou Finance Bureau, March 15, 2019.

15 See, e.g., “Yongzhou shi saohei chu'e zhanxiang douzheng dudao zu gonggao” (Yongzhou Municipal Specialized Struggle to Eliminate Crime and Vice Supervisory Group public announcement), Yongzhou Municipal People's Government, April 12, 2019; Rights Defense Network, “Fangman congzi baolu de wenti yu qianjing” (Let the masses know about the anti-crime and vice campaign!), Guizhou Finance Bureau, March 15, 2019.

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2019: “Saobei chu'e zhexie shi yao zhidas!” [Things you need to know about the anti-crime and evil campaign!], Guizhou Finance Bureau, March 15, 2019; Wang Ruolin, “Woshi hangyue lingyue zhengzhi quxian zhida zuo benwai” [Shenzhen business management achieving results in phases], Shenzhen News, April 9, 2019; “Saobei chu'e zhuanxing douzheyou gouyuan wenti” [Questions regarding the specialized struggle to sweep away organized crime and eliminate evil], Yong'an Municipal People's Government, November 16, 2018.


20 Li Jing, Zhao Bin, and Zhang Pengkang, “Yuhuazhai yuezi qingcha? gongye yuanqu wuwei qingdong” [Yuhuazhai to be demolished at the end of the month? industrial park district begins demolition, village demolition yet to begin], China Business News, October 22, 2018. See also Li Yunfeng, “Xi'an Yuhuazhai tujin zhengcun qingcha, bainian chengzhong wuwei qingdong” [Yuhuazhai, Xi'an, advances with demolition of entire village, hundred-year-old urban village gets a facelift], Phoenix New Media, December 4, 2018; Xiong Bin and Chen Jie, “Xi'an Yuhuazhai cumin kanyi qiangguo zao zhénya” [Villagers in Yuhuazhai, Xi'an, protesting forced demolition are oppressed], New Tang Dynasty Television, December 6, 2018.


22 Li Yunfeng, “Xi'an Yuhuazhai tuijin zhengcun qingcha, bainian chengzhong cun jiu hao zao chang” [Yuhuazhai, Xi'an, advances with demolition of entire village, hundred-year-old urban village gets a facelift], Phoenix New Media, December 4, 2018.


24 “Xi'an yu qian cumin kanyi qiangchui zao zhénya” [Xi'an represses more than a thousand villagers protesting forced demolitions], Radio Free Asia, December 5, 2018.

25 Xiong Bin and Chen Jie, “Xi'an Yuhuazhai cumin kanyi qiangyu zao zhénya” [Villagers in Yuhuazhai, Xi'an, protesting forced demolition are oppressed], New Tang Dynasty Television, December 6, 2018.

26 Ibid.

27 “Feifa qianjin yan de minxin yifa zhiguo zhongyu minsheng” [How can illegal demolition gain the people's support, when rule of law is prioritized over people's livelihood], China Guandong Web, November 12, 2018.

28 “Feifa qianjin yan de minxin yifa zhiguo zhongyu minsheng” [How can illegal demolition gain the people's support, when rule of law is prioritized over people's livelihood], China Guandong Web, November 12, 2018; “Xi'an yu qian cumin kanyi qiangchui zao zhénya” [Xi'an represses more than a thousand villagers protesting forced demolitions], Radio Free Asia, December 5, 2018.


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46. “Zhouhong Rennmin Gongheguo Xingzheng Qingcha Fa [PRC Administrative Enforcement Law],” passed June 30, 2011, effective January 1, 2012, arts. 43–44. For analyses of the legality of the evictions in Beijing under Chinese law, see “Jiang Peng, He Weifang deng xuezhe lushi dui Beijing shi zhengfu qu’an wailai jumin de xingdong ji qi yuju de xingzhe wenzhan xiang Quanguo Renmin Gongheguo Xingzhenghui tiqing hexianxing shencha de quanwen” [Full text of request from Jiang Peng, He Weifang, and other scholars and lawyers to the National People’s Congress Standing Committee for a review of the constitutionality of the Beijing government’s campaign against forced evictions], accessed July 26, 2019.
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STATUS OF WOMEN

Findings

• Women in China face severe discrimination throughout their careers, from job recruitment and hiring to wages and promotions. Such disparities have increased over the current period of economic reform that began in 1978, accelerating during the 2000s with the intensification of market liberalization. Gender biases and sexual harassment in the workplace are major factors contributing to the employment gender gap, as well as national laws mandating parental leave and other entitlements for women and not men. These laws enforce the role of women as caregivers and have led employers to avoid hiring women without children in order to avoid the cost of these legal entitlements.

• Following widely publicized grassroots campaigns highlighting challenges faced by women in the workplace, Chinese officials initiated policies to address gender discrimination in employment, including creating a cause of action for disputes over employment discrimination and sexual harassment and a series of policies aimed primarily at punishing employers for discriminatory job recruitment practices. Nonetheless, inadequate enforcement and discriminatory laws persist; local bureaus responsible for enforcement seldom take punitive action in response to complaints, and some laws themselves continue to discriminate against women by barring them from performing certain jobs.

• Thirty percent of women have experienced some form of domestic violence, yet nearly three years after the passage of the PRC Anti-Domestic Violence Law in March 2016, Chinese courts had only issued a total of 3,718 protective orders by December 2018. News media and expert analysis noted that cultural norms that do not recognize domestic violence as a crime contributed to the low number of reported incidents, with family members and police commonly discouraging victims from going forward with requesting protective orders or divorce.

• Despite official repression, independent public advocacy for women’s rights continues to influence public discourse and policy. Public advocacy in recent years has highlighted gender inequities in recruitment and sexual harassment, while news media and civil society actors have noted a connection to the issues publicly addressed by national officials this year as a sign that independent advocacy is having an impact even as it has been severely suppressed.

• Chinese officials continued censoring online discussion of topics related to feminism and harassing and threatening individual citizens engaging in advocacy. These restrictions were a continuation of the official repression of women’s rights advocacy beginning in 2015.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:
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- Publicly and privately urge the Chinese government to respect the freedom of expression and assembly of all rights advocates, and in particular to refrain from harassing and intimidating the independent rights advocates seeking to increase awareness about sexual harassment in public areas.

- Urge the Chinese government to publicly expand its commitment to gender equality through measures such as increasing the number of women in the highest levels of political leadership, instituting gender equality and anti-harassment trainings in government workplaces, and challenging discriminatory attitudes based on gender through public education.

- Commend the Chinese government for recent legal developments aimed at promoting the welfare of women and gender equality. These include the inclusion of a gender discrimination case among the Supreme People’s Court’s guiding cases and the creation of causes of action allowing plaintiffs to sue for sexual harassment and gender discrimination in employment. Encourage the government to strengthen formal support services for implementation—for example, by increasing funding for health services or shelters for women experiencing violence, providing funding and support for lawyers for legal services, and allowing independent lawyers and advocates to assist with the promotion and implementation of laws related to gender equality through lawsuits and public campaigns.

- Support international exchanges among academics, legal advocates, non-governmental organizations, and others that focus on the implementation and enforcement of recently adopted laws promoting gender equity. In particular, facilitate and support technical assistance programs that would help all those working in law enforcement and the judiciary to implement the PRC Anti-Domestic Violence Law effectively and challenge discriminatory attitudes. As the first point of contact, law enforcement in particular should be trained in addressing reports of violence in a way that does not undermine victims’ concerns or safety. Urge provincial level officials to implement provincial regulations according to the PRC Anti-Domestic Violence Law.

- Facilitate and support technical assistance programs that would help the development of gender equality education in schools and communities.

- Encourage the collection and analysis of data on disparities in economic and social life based on gender so as to monitor changes.
Although international human rights standards prohibit discrimination on the basis of gender, women in China continued to face serious obstacles to equal treatment in employment.

- **Women in China face severe discrimination throughout their careers, from job recruitment and hiring to wages and promotions.** Surveys have found that recruitment listings frequently indicate a preference or requirement for men, with 35 percent of civil servant job listings for 2019 containing gender specifications despite national laws prohibiting gender discrimination in hiring. Women continued to be represented in the top leadership of only 20.1 percent of Chinese firms and political institutions while earning on average 64.3 percent of what men earned, according to the World Economic Forum’s 2018 Global Gender Gap Report. An International Labour Organization (ILO) study conducted in 2015 noted that such disparities have increased over the current period of economic reform that began in 1978, accelerating during the 2000s with the intensification of market liberalization. A survey by Chinese online recruiter Boss Zhipin Major found that three major reasons for the gender disparity in workplace advancement were the comparatively greater share of domestic obligations shouldered by women, their lack of outside connections and social support, and underdeveloped management skills.

- **National laws mandating parental leave and other entitlements for women and not men are a major reason for discriminatory hiring and dismissal.** Male employees are not legally entitled to parental leave, but employers are required to grant female employees 98 days of parental leave by the Law on the Protection of Women’s Rights and Interests in addition to other parental benefits required only for women, such as allowances and termination restrictions. One scholar notes that these laws enforce the role of women as caregivers and have led employers to avoid hiring women without children in order to avoid the cost of these legal entitlements. One expert reported that women perceive such discrimination against them to have increased since the implementation of the “universal two-child policy” in January 2016, which generally allows couples to have two children, somewhat loosening the restrictions under the former “one-child policy.” [For more information on the “universal two-child policy,” see Section II—Population Control.]

- **The national parental leave policy is also a major factor in pregnancy discrimination.** Gender inequality in parental leave has led to a rise in the number of labor disputes filed by female employees against their employers for dismissing them or treating them negatively as a result of reporting their pregnancies. Some employers require female employees to submit applications to have children or assign them to a “queue,” dismissing or otherwise pressuring those who
have children out of turn. Such negative treatment is prohibited by national laws, but employers also retaliated against those who attempted to vindicate their legal rights. For example, in December 2018, an employer in Changchun municipality, Jilin province, assigned one employee to work alone at a site without toilet facilities after she obtained a judgment declaring that her employer should continue her employment contract when she sued over pressure to leave her position upon reporting that she was pregnant.

- **Gender biases and sexual harassment in the workplace also contribute to the employment gender gap.** Legal entitlements associated with reproduction and parenthood do not fully explain the gender gap in employment: A 2018 study by Renmin University in Beijing municipality found that employers were actually less likely to hire women for important positions if they already had two children—and thus were ineligible for parental benefits. A 2015 ILO study attributed most of the wage differential to discrimination, and Chinese officials have also acknowledged the negative effect of gender discrimination on female workforce participation.

- **After a year of social media campaigns highlighting sexual harassment cases garnering significant public attention,** national-level officials announced policies to address sexual harassment and gender discrimination in employment. The Supreme People’s Court issued a circular in December 2018 amending the Rules for Civil Causes of Action to allow disputes over sexual harassment and employment discrimination. This was followed in February 2019 by a joint circular outlining measures to promote gender equality in employment, citing the need to increase women’s participation in the economy. The measures primarily targeted gender discrimination in job recruitment, outlining plans to develop procedures for notification and mediation and to investigate and penalize employers and recruitment agencies that fail to comply. The circular also included legal assistance for those bringing claims of gender-based employment discrimination, job counseling and training for women, and development of support for childcare. In March 2019, Premier Li Keqiang also announced support for addressing gender discrimination in employment in his government work report. Assessments
from rights advocates were mixed, from critiquing the policy announcements for “lack[ing] detailed measures” to seeing them as signs that “gender discrimination is something that the government can and is willing to manage.”  

- **Local-level officials also took actions related to gender discrimination.** For example, officials in Dezhou municipality, Shandong province, established a reporting hotline, and Beijing municipality officials published anti-sexual harassment advertisements on all subway lines.  

- **Discriminatory laws and inadequate enforcement persist.** International observers reported that gender-based employment discrimination in China has not been checked by prohibitions against gender discrimination in existing laws or by China’s international commitments. Chinese laws do not give a clear definition of gender discrimination, leading to the refusal of courts and arbitration committees to accept such cases. In addition, some laws themselves continue to discriminate against women by barring them from performing certain jobs—in some cases based on whether they are menstruating, pregnant, or breastfeeding.

### Domestic and Gender-Based Violence

Domestic violence continued to affect large numbers of women in China. Based on a large-scale study published by the People's Daily in November 2018, 30 percent of married women in China have experienced some form of domestic violence. Nearly three years after the passage of the PRC Anti-Domestic Violence Law in March 2016, Chinese courts had issued a total of 3,718 protection orders by December 2018, approving 63 percent out of a total of 5,860 applications. News media identified cultural norms that do not recognize domestic violence as a crime as contributing to the low numbers of reported incidents, with family members and police commonly discouraging victims from going forward with requesting protective orders or divorce—women who do report do so only after experiencing an average of 35 incidents. As of August 2019, Yunnan province is the only province to have implemented measures in accordance with the 2016 law, which includes a mandatory reporting provision that makes government bodies responsible for gathering evidence related to domestic violence.

### Public Participation

- **Low levels of women’s representation in political leadership persisted.** Although Chinese domestic law contains pronouncements stressing the importance of women’s political participation, the proportion of female representatives continued to fall short of the 30 percent target recommended by the UN Commission on the Status of Women. The Chinese government is obligated under its international commitments to ensure gender equality in political participation.

- **Blacklisting advocacy organizations and activists working on gender equality issues.** On January 8, 2019, the Guangzhou Municipal Department of Civil Affairs in Guangdong province issued a list of suspected “illegal social or-
organizations” that included the Guangzhou Gender and Sexuality Education Center (Guangzhou Xingbie Jiaoyu Zhongxin), which worked on both gender and LGBTQ issues, primarily focusing on combating sexual harassment and violence.45 Founded by prominent women’s rights advocate Wei Tingting,46 the organization had encountered censorship restrictions for a campaign raising funds to conduct a survey on the prevalence of sexual harassment and assault on Chinese college campuses, which it nonetheless conducted and published in April 2018.47 The organization announced on the social media platform WeChat in December 2018 that it would temporarily cease operations.48 This followed a wave of crackdowns on independent women’s rights advocacy in previous years that shut down leading voices such as the social media accounts of prominent independent media outlet Feminist Voices in March 201849 and the Beijing Zhongze Women’s Legal Counseling and Service Center in January 2016.50

- **Heavy censorship of content and symbols related to feminist issues.** As activists moved much of their advocacy online in the face of growing pressure,51 different social media campaigns in support of victims of sexual assault engaged millions before themselves being censored.52 According to Hong Kong University researchers, reports of sexual misconduct were “one of the most heavily censored topics on WeChat in 2018.”53 A wide range of WeChat public accounts that had circulated a petition in support of a survivor of an alleged sexual assault were shut down in April 2019.54

- **Despite official repression, independent public advocacy for women’s rights continued to influence public discourse and policy.** Public advocacy in recent years has highlighted gender inequities in recruitment55 and sexual harassment.56 In addition, news media and civil society actors have noted a connection to the issues publicly addressed by national officials this year as a sign that independent advocacy is having an impact even as it has been severely suppressed.57
Notes to Section II—Status of Women


6 Ibid., 8.


16 Ministry of Human Resources and Social Security et al., Renli Ziyuan Shehui Baoshang Bu, Jinayu Bu, Deng Ji Bumen Guanyu Jin Yibu Guifan Zhaopin Xingwei Cujin Funu Jiuye De Tongzhi [Circular Regarding Furthering the Regulation of Recruitment Activity to Increase Female Employment], issued February 21, 2019.


18 Ibid., 30, 33.
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21Simina Mistreanu, “China’s #MeToo Activists Have Transformed a Generation,” Foreign Policy, January 10, 2019.

22Supreme People’s Court, Zuiguo Renmin Fayuan Guanyu Zengjia Minshi Anjian Anyou De Tongzhi [Circular Regarding the Addition of Civil Causes of Action], issued December 12, 2018, effective January 1, 2019.

23Ministry of Human Resources and Social Security et al., Renli Ziyuan Shehui Baozhang Bu, Jiujiu Bu, Deng Ji Bu Renmen Guanyu Jiyu Turuan Zhaopin Xingwei Cuju Fanju Jiuye De Tongzhi [Circular Regarding Furthering the Regulation of Recruitment Activity to Increase Female Employment], issued February 21, 2019.

24Ibid.

25Ibid.


37Tongzhi Jiaoyu Bu, Deng Ji Bumen Guanyu Jinyibu Guifan Zhaopin Xingwei Cujin Funju Jiuye De Tongzhi [Circular Regarding Furthering the Regulation of Recruitment Activity to Increase Female Employment], issued February 21, 2019.


41Xia Fanghai, “Xiang jiabao shuo bu! Yunnan chutai jiating baoli qiangzhi baogao zhidu [Circular Regarding the Addition of Civil Causes of Action], issued December 12, 2018, effective January 1, 2019.

42Supreme People’s Court, Zuiguo Renmin Fayuan Guanyu Zengjia Minshi Anjian Anyou De Tongzhi [Circular Regarding the Addition of Civil Causes of Action], issued December 12, 2018, effective January 1, 2019.


45Simina Mistreanu, “China’s #MeToo Activists Have Transformed a Generation,” Foreign Policy, January 10, 2019.

46Zhang Qing and Feng Yuan, “Domestic Violence in China and the Limitations of Law,” SupChina, October 10, 2018; Renmin Ribao (@renminribao), “Jintian, zhuanca fengxiang baoli shida shi zhi baozuo shidai” [“Say no to domestic violence! Yunnan releases enforcing measures for compulsory reporting mechanism for domestic violence], Weibo post, November 25, 2018, 4:15 p.m.

47Fangfang, “Xiang jiabao shuo bu! Yunnan chutai jiating baoli qiangzhi baogao shidai zhi baozuo shidai” [“Say no to domestic violence! Yunnan releases enforcing measures for compulsory reporting mechanism for domestic violence], Yunnan Net, January 3, 2019.


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43 “Target: 30 Percent of Leadership Positions to Women by 1995—United Nations Commission on the Status of Women,” UN Chronicle 27, no. 2, June 1990, reprinted in Poptline. The target of 30-percent female representation in leadership positions by 1995 was recommended by the UN Commission on the Status of Women at its 34th session in 1990. “China Political Leaders” [Zhongguo zhengyao], Chinese Communist Party News, People’s Daily, accessed April 13, 2018; “China’s National Legislature Starts Annual Session in Beijing,” Xinhua, March 5, 2018; “Reality Check: Does China’s Communist Party Have a Woman Problem?” BBC, October 25, 2017; “China Focus: New Era for China’s Female Deputies,” Xinhua, March 7, 2018. Upon the convening of the 19th Party Congress in October 2017, women represented 1 out of 25 members of the Political Bureau of the Communist Party Central Committee (Politburo) and there remained no women among the 7 members of the Politburo Standing Committee—the most powerful governing body in China. The 13th National People’s Congress (NPC) was seated in March 2018 with 24.9 percent female delegates. Under the State Council, 1 of the 26 national-level ministerial positions was filled by a woman. No women were appointed as Party secretaries at the provincial level, while women were selected for 3 of 31 provincial-level governorships—compared with 2 out of 31 in the previous government.

44 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by UN General Assembly resolution 34/180 of December 19, 1979, entry into force September 3, 1981, arts. 7, 24. Under Article 7(b) of CEDAW, China, as a State Party, is obligated to “ensure to women, on equal terms with men,” the right “[t]o participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government . . . .” United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, accessed July 15, 2019. China signed the convention on July 17, 1980, and ratified it on November 4, 198, thereby committing to undertake the legal rights and obligations contained in these articles.


46 Wei Tingting is one of the Feminist Five rights advocates detained in March 2015 for organizing an anti-sexual harassment campaign. For more information on Wei Tingting, see Lu Pin, “Four Years On: The Whereabouts of the ‘Feminist Five’ and the Sustainability of Feminist Activism in China,” China Change, March 11, 2019; CECC, 2015 Annual Report, October 8, 2015, 173. See also the Commission’s Political Prisoner Database record 2015-00114.


48 Erweima Hen Nan Fuzhi (@GSEC123), “Gong hao ting geng shuoming” [Account closure and explanation], WeChat, December 6, 2018; Jiayun Feng, “Guangzhou Gender and Sexuality Education Center Shuts Down,” SupChina, December 6, 2018.


54 Simina Mistreanu, “China’s #MeToo Activists Have Transformed a Generation,” Foreign Policy, January 10, 2019.


56 CECC, 2018 Annual Report, October 8, 2018, 170.

HUMAN TRAFFICKING

Findings

• In its 2019 Trafficking in Persons Report, the U.S. State Department listed China as Tier III, which is a designation for governments who “do not fully meet the minimum standards [under the Trafficking Victims Protection Act] and are not making significant efforts to do so.”

• Chinese anti-trafficking law remains inconsistent with international standards in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), to which China is a State Party. Whereas the Palermo Protocol encompasses the exploitation of any individual, Chinese law addresses the selling of women and children, making it difficult to assess the scale of human trafficking in China as defined by international standards.

• Women and girls from countries including Burma (Myanmar), Cambodia, Indonesia, Laos, North Korea, Pakistan, and Vietnam were trafficked into China for forced marriage and sexual exploitation. The demand for such trafficking is due in part to the sex ratio imbalance in China, a result of decades of government-imposed birth limits and a traditional preference for sons, as well as a lack of economic opportunity in countries of origin.

• Chinese nationals were trafficked from China to other parts of the world, including the United States. Chinese sex workers were found working in illicit massage parlors across the United States. Because of their coercive nature, some of these cases may constitute human trafficking.

• Continued restrictions on movement imposed by the hukou system contributed to the risks that internal migrant workers face in human trafficking.

• The Chinese government continued to subject individuals to forced labor during pretrial detention and in administrative detention.

• Chinese authorities subjected Uyghur Muslim and other ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR) to forced labor in the production of food, textiles, and other goods. German scholar Adrian Zenz argues that cases of forced labor in the XUAR are part of a large-scale government-subsidized forced labor scheme. Supply chains of major companies including Adidas AG, C&A Campbell Soup, Esquel Group, Hennes & Mauritz AB, Kraft Heinz Co., Coca-Cola Co., and Gap Inc. may include products made by such forced labor.

• The government of the Democratic People’s Republic of Korea (DPRK) reportedly continued to generate revenue by sending DPRK nationals to work in China under conditions that may constitute forced labor and in possible violation of UN sanctions.

• Hong Kong remained a destination for the trafficking of migrant domestic workers from Indonesia and the Philippines who face exploitative working conditions. The Hong Kong government’s refusal to acknowledge the severity of the human
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trafficking problem has resulted in weak policy responses in addressing the issue.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Request the Department of Labor to use the latest reporting to update their 2019 “List of Goods Produced by Child Labor or Forced Labor” for China required by the Trafficking Victims Protection Reauthorization Act of 2005, paying particular attention to including products produced in or made with materials from the XUAR, and removing products that may no longer be made with forced labor.
- Support the passage of the Uyghur Human Rights Policy Act (H.R. 649/S. 178, 116th Cong., 1st Sess.) to respond to Chinese treatment of Uyghur Muslims, such as subjecting Uyghurs to forced labor and other human rights violations in mass internment camps.
- Support U.S. Government efforts to improve human trafficking data collection. Work with regional governments, multilateral institutions, and non-governmental organizations (NGOs) to improve the quality and accuracy of data and to monitor the effectiveness of anti-trafficking measures. Urge the Chinese government to collect and share relevant law enforcement data related to human trafficking. Incorporate language into bilateral and multilateral economic agreements requiring member countries to improve data collection on human trafficking and to take concrete steps toward eliminating human trafficking within their borders.
- Discuss with Chinese officials in appropriate bilateral and multilateral meetings the importance of protecting worker rights as a means of combating human trafficking for the purpose of forced labor. Stress that when workers are able to organize and advocate for their rights, they are less vulnerable to all forms of exploitation, including forced labor.
- Engage in regional cooperation to combat human trafficking through multilateral agreements and forums such as the Coordinated Mekong Ministerial Initiative Against Trafficking, Asia-Pacific Economic Cooperation, and the East Asia Summit. Such regional cooperation should address migration and the flow of refugees, poverty, sex ratio imbalances, and other risk factors that contribute to human trafficking.
- Pursue cooperation on anti-trafficking efforts through the U.S.-China Joint Liaison Group on Law Enforcement Cooperation. Support the work of the U.S. State Department’s International Law Enforcement Academy Program in Bangkok, Thailand, to build regional law enforcement capacity.
- Facilitate international exchanges among civil society groups and industry associations to raise awareness of best practices to identify and combat human trafficking in supply chains. Support NGOs working on anti-trafficking research, education, prevention, and victims’ services throughout Asia.
HUMAN TRAFFICKING

Defining Human Trafficking

As a State Party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), China is obligated to enact legislation criminalizing human trafficking as defined by the Palermo Protocol. The definition of human trafficking under the PRC Criminal Law, however, remains inconsistent with Palermo Protocol standards. The Palermo Protocol definition of human trafficking involves three components:

- the action of recruiting, transporting, harboring, or receiving persons;
- the means of coercion, deception, or control;
- "the purpose of exploitation," including sexual exploitation or forced labor.

In contrast, Chinese law focuses on the act of selling a woman or child, rather than the purpose of exploitation. The definition of trafficking in the PRC Criminal Law does not clearly cover all forms of trafficking in the Palermo Protocol, including certain types of non-physical coercion; offenses against male victims; and forced labor, though forced labor is illegal under a separate provision of the law. As defined by the Palermo Protocol, human trafficking can but does not always involve crossing international borders, such as in the examples of Chinese government-sponsored forced labor described in this section. In addition, the Chinese legal definition of trafficking includes the purchase or abduction of children for subsequent sale without specifying the purpose of these actions. Under the Palermo Protocol, illegal adoptions constitute trafficking only if the purpose is exploitation.

Human trafficking experts note a dearth of reliable statistics on the scale of human trafficking in Asia in general; in China, inconsistencies between domestic law and international standards further contribute to the difficulty of assessing the scale of human trafficking.

Trends and Developments

In 2019, the U.S. State Department listed China as Tier III, a designation for governments who "do not fully meet the minimum standards [Under the Trafficking Victims Protection Act] and are not making significant efforts to do so."

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CROSS-BORDER TRAFFICKING

China remains a destination country for human trafficking, particularly of women and children from Southeast Asia, and a source country for trafficking to the United States, Europe, and Latin America. This past year, the Commission observed regional and international news media reports of the trafficking of women and girls to China for forced marriage and sexual exploitation from Burma (Myanmar), Cambodia, Indonesia, North Korea, Pakistan, and Vietnam; and the trafficking of individuals to China from Burma, Nepal, and North Korea for the purpose of forced labor.

The commission further observed multiple reports of Chinese nationals working in the U.S. sex industry through illicit massage parlors. The managers of these illicit massage parlors in some cases subjected women to poor living conditions and restricted their freedom of movement. The coercive nature of these cases may constitute human trafficking.

In addition, in March 2019, a federal jury in New York found Dan Zhong, a former Chinese diplomat to the United States and former head of a U.S. affiliate of China Rilin Construction Group, guilty of forced labor charges. Prosecutors alleged that Dan Zhong and his former employer, Wang Landong, also a former Chinese diplomat, forced Chinese construction workers to work on construction for diplomatic and commercial projects. The security deposits that the workers gave the former diplomats to secure employment in the United States for higher wages would be forfeited if the workers escaped.

DOMESTIC TRAFFICKING

According to UN Action for Cooperation against Trafficking in Persons (UN-ACT) and the U.S. Department of State, men, women, and children were trafficked within China’s borders for forced labor, forced begging, and sexual exploitation. During this reporting year, the Commission observed cases of trafficking for the purpose of forced labor, including one case in Hunan province where traffickers abducted at least 10 men—many with physical or intel-
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...lectual disabilities—from several provinces, and held them for years, forcing them to do various physically demanding work and beating them for disobedying. Moreover, many of China’s workers in construction and other industries reportedly worked in conditions that may constitute forced labor, facing frequent non-payment of wages. [For more information on the problem of wage arrears, see Section II—Worker Rights.]

GOVERNMENT-SPONSORED FORCED LABOR

This past year, the Chinese government continued to subject individuals to forced labor during pretrial detention and in administrative detention centers. The International Labour Organization’s (ILO) definition of forced labor makes an exception for labor performed “as a consequence of a conviction in a court of law . . . ,” but the Commission observed reports this past year of individuals in China performing forced labor in detention before trial. The Financial Times published an investigative report in August 2018 indicating that garlic peeled by unconvicted Chinese detainees awaiting trial entered the United States. This is in violation of U.S. law. Moreover, Chinese authorities continued to require suspected drug users to perform labor after detaining them in compulsory drug detoxification centers, a form of administrative detention that bypasses the judicial process. As the Chinese government does not convict compulsory detoxification detainees in court, the requirement to perform labor constitutes human trafficking under the Palermo Protocol for the purpose of forced labor as defined by the ILO. Compulsory drug detoxification centers are similar to the reeducation through labor (RTL) system, under which detainees were subjected to forced labor without judicial process. After abolishing RTL in 2013, authorities reportedly converted most RTL facilities to compulsory drug detoxification centers.

Authorities continued to detain sex workers accused of prostitution for up to two years without judicial process and require them to perform labor in a form of administrative detention known as “custody and education” (shourong jiaoyu). In March 2019, one member of the Chinese People’s Political Consultative Conference renewed his call to abolish the practice of “custody and education,” and a U.S.-based human rights expert observed that while the intention of “custody and education” may be to educate those detained, in reality “the system puts people into forced labor.”
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Forced Labor in the Xinjiang Uyghur Autonomous Region

This past year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) expanded a system of extrajudicial mass internment camps. German scholar Adrian Zenz estimated that “up to 1.5 million ethnic minorities . . . are or have been interned.” Satellite imagery, personal testimonies, and official documents indicate that the XUAR authorities required current and former detainees of these mass internment camps to perform forced labor in factories inside or near the camps. International media reported that the XUAR authorities have forced detainees to work in food, textile, and other manufacturing jobs, and in some cases in government subsidized factories after authorities release them from the camps. Some observers have compared work in mass internment camps to previous forced labor practices including the now abolished reeducation through labor (RTL) system. [For more information on mass internment camps, see Section IV—Xinjiang.]

In mid-December 2018, international media reported that Badger Sportswear, an American sportswear company, received shipments from Hetian Taida Apparel Co. Ltd. that included clothing made by forced labor. Soon after the reports were released, Badger Sportswear ended its relationship with Hetian Taida. Hetian Taida, based in the XUAR, had a cluster of 10 workshops within a mass internment camp. Its workshops were featured in a 15-minute government broadcasted video report that highlighted “a vocational skills education and training center” in Hotan (Hetian) city, Hotan prefecture, XUAR. The chairman of Hetian Taida, Wu Hongbo, confirmed that the company had a factory inside the camp, saying that Hetian Taida provided employment to trainees who were deemed unproblematic by the government as part of their “contribution to eradicating poverty.”

In May 2019, the Wall Street Journal linked supply chains of Adidas AG, C&A Campbell Soup, Esquel Group, Hennes & Mauritz AB, Kraft Heinz Co., Coca-Cola Co., and Gap Inc. to forced labor in the XUAR. Additionally, according to a July 2019 report by ABC Australia, many Australian companies source cotton from the XUAR. German scholar Adrian Zenz argued that forced labor in the XUAR is part of a large government-subsidized forced labor scheme that affects current and former detainees of mass internment camps in the XUAR as well as individuals not held in the camps. Zenz warned that “[s]oon, many or most products made in China that rely at least in part on low-skilled, labor-intensive manufacturing, could contain elements of involuntary ethnic minority labor from Xinjiang.”

Risk Factors

This past year, Chinese workers migrating within China were at risk of human trafficking, and government restrictions on freedom of residence and movement and worker rights exacerbated this risk. Although the central government promoted hukou system reforms to move millions of rural Chinese to cities, the hukou system continued to disadvantage and marginalize internal migrants. Migrant workers have limited access to housing and government benefits due to the lack of official status in their new places of residence, and they are more likely to work in informal employment
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sectors. The hukou system reportedly exacerbates these migrants’ vulnerability to trafficking for the purpose of forced labor. [For more information on the marginalization of internal migrants in China, see Section II—Special Topic: Migrant Neighborhoods a Target of Anti-Crime and Vice Campaign.]

The Chinese government also limited workers’ freedom of association by not permitting the formation of independent unions. A September 2016 UN report noted that the failure to enforce workers’ fundamental right to freedom of association “directly contributes” to human trafficking. Observers have noted that informal labor contracting practices in China increase the vulnerability to human trafficking of Chinese workers involved in Chinese infrastructure projects at home and abroad, including China’s Belt and Road Initiative. [For more information on restrictions on worker rights in China, see Section II—Worker Rights.]

Decades of government-imposed birth limits combined with a traditional preference for sons have led to a sex ratio imbalance in China. In rural areas, this imbalance is more pronounced as many women have migrated to cities for work. The sex ratio imbalance has created a demand for marriageable women that may contribute to human trafficking for forced marriage. [For more information on China’s population policies, see Section II—Population Control.]

In addition to domestic human trafficking, individuals from other Asian countries are at risk for human trafficking in China. A lack of economic opportunity in developing countries in Asia, especially among ethnic minority communities, contributes to human trafficking from that region. Women and girls in these countries are particularly at risk of trafficking for the purpose of forced marriage. The Chinese government continued to treat refugees from the Democratic People’s Republic of Korea (DPRK) as illegal economic migrants and maintained a policy of repatriating undocumented North Koreans, leaving the refugees, who are predominantly women, vulnerable to trafficking for forced marriage and sexual exploitation. [For more information, see Section II—North Korean Refugees in China.]

While reports from March 2019 indicated that many workers from the DPRK had been repatriated due to the Chinese government’s enforcement of UN sanctions, the DPRK government reportedly continued to generate revenue by sending DPRK nationals to work in China under conditions that may constitute forced labor. The DPRK government reportedly withheld approximately 67 percent of the workers’ earnings.

Anti-Trafficking Efforts

During the Commission’s 2019 reporting year, government figures indicated a decline in the number of criminal human trafficking cases opened by public security officials. According to the 2018 China Law Yearbook, public security officials opened 6,668 criminal cases involving the trafficking of women and children in 2017. This was 6 percent fewer cases than the 7,121 cases opened in 2016. The National Bureau of Statistics of China further reported that in 2017, authorities uncovered 546 cases of child trafficking, down from 618 cases in 2016. All figures likely include

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cases of illegal adoption, while excluding other cases such as offenses against male victims and forced labor. In June 2019, the Ministry of Public Security reported it rescued over one thousand trafficking victims from July to December 2018 in coordination with five Southeast Asian countries.

**Hong Kong**

Hong Kong remained a destination for human trafficking, with migrant domestic workers (MDWs) particularly at risk of exploitation for forced labor. The Hong Kong Census and Statistics Department's 2018 annual digest reported that in 2017, there were over 360,000 MDWs working for households in Hong Kong, the majority (approximately 97 percent) of whom came from the Philippines and Indonesia. Non-governmental organizations (NGOs), advocates, and MDWs themselves reported that MDWs continued to face exploitative working conditions, including inadequate living conditions, little time off, unpaid wages, and in some cases physical and emotional abuse. Two regulations—one requiring MDWs to live with their employers (live-in rule) and another requiring them to leave Hong Kong within two weeks of contract termination—contribute to MDWs' risk of exploitation for forced labor.

The definition of human trafficking in Hong Kong's Crimes Ordinance covers only the cross-border movement of persons “for the purpose of prostitution” and not other forms of trafficking such as forced labor or trafficking that occurs within Hong Kong. A 2018 Court of Appeal ruled in favor of the Hong Kong government when the government appealed a 2016 ruling, saying the Hong Kong government is not “[obligated under the Hong Kong Bill of Rights] to enact specific legislation to combat forced labour.” In March 2019 Matthew Cheung, Chief Secretary for Administration of the Hong Kong government, listed various measures Hong Kong was taking to combat trafficking and said it is “unfair and groundless for some critics to accuse the government of lacking the determination in tackling people trafficking simply because there is no composite law here.” But critics said there was no one single law against trafficking and existing laws do not cover all forms of trafficking present in Hong Kong. While China acceded to the Palermo Protocol in 2010, the central government has not extended the Protocol to apply to Hong Kong.
Notes to Section II—Human Trafficking


4 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a), (c), (d). Note that for children younger than 18 years old, the means described in Article 3(a) are not required for an action to constitute human trafficking.


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Zhonghua Renmin Gongheguo Xing Fa [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). The PRC Criminal Law defines trafficking as “swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim].” See also “Sifa da shuqu zhuanti baogao zhi she guan faanzu” [Judicial big data special report on crimes involving trafficking], Supreme People’s Court Information Center and Judicial Cases Research Institute, December 22, 2016, 11.


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40 International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930, art. 2.1, 2.2(c); International Labour Organization, “Ratifications of CO29—Forced Labour Convention, 1930 (No. 29),” accessed May 16, 2019. Article 2.1 defines forced or compulsory labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” China has not ratified this convention.


45 Yang Bo and Wang Mingrun, “Guangzhou Ribao jizhe fang ai ri zou jin Nanfeng Qiangzhi Geli Jiedu Tiaoli” [Police from Baojing, Hunan, crack forced labor case: 10 people rescued, helped reunite father and son who had been separated for 17 years], Guangzhou Daily, August 30, 2018. See also U.S. Customs and Border Protection, “CBP Issues Detention Order on Tuna Harvested by Forced Labor Aboard the Tunago No. 61,” February 6, 2019.


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52 National People’s Congress Standing Committee, Quanguo Renmin Daibiao Dahui Guanyu Laodong Jiaoyang Wenti de Jueding [Supplementary Provi-sions on Reeducation Through Labor] [Decision on Abolishing Legal Provisions Regarding Reeducation Through Labor], issued and effective December 28, 2013.


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to Factory in China’s Internment Camps,” Associated Press, December 19, 2018; China Countering Evil Cults, “Uncovering Xinjiang’s ‘Reeducation Camps’ (High Definition Video)” [Video File], YouTube, October 16, 2018.


64 Badger Sportswear is a part of Founder Sport Group which is owned by CCMP Capital Advisors LP. “About Us,” Badger Sport, accessed September 6, 2019; Iris Dorbian, “CCMP to Buy Uniforms Maker Badger Sportswear,” The PE Hub Network, August 23, 2016.


66 Badger Sport (@badger_sport). Update: Wrap Investigation Concludes No Use of Forced Labor at Western China Facility,” Twitter, December 22, 2018, 7:18 p.m.


69 Eva Dou and Chao Deng, “Western Companies Get Tangled in China’s Muslim Clampdown,” Wall Street Journal, May 16, 2019. According to a Wall Street Journal report of May 16, 2019, “Hong Kong-based Esquel Group—the world’s largest contract shirt maker, which says its customers include Calvin Klein, Tommy Hilfiger, Nike Inc. and Patagonia Inc.—set up three spinning mills in Xinjiang to be close to the region’s cotton fields. Esquel CEO John Cheh said that in 2017 officials began offering the company Uighurs from southern Xinjiang as workers.”


85 Badger Sport (@badger_sport). Update: Wrap Investigation Concludes No Use of Forced Labor at Western China Facility,” Twitter, December 22, 2018, 7:18 p.m.


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84. Chinese workers in North Korea continue to face severe human rights abuses, as reported by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association in Maina Kist, A/71/385, September 14, 2016, paras. 2, 4, 11, 74.
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106 Mary Ann Benitez, “Hong Kong Public Helps Bethune House Secure Enough Funding to Keep Two Refuges for Distressed Helpers Open until End of Year,” South China Morning Post, October 28, 2018; Raquel Carvalho, “Migrant Domestic Workers Prop Up Hong Kong’s Economy, so Why Are They Excluded?,” Inkstone, March 4, 2019; Raquel Carvalho, “Filipino Domestic Worker in Hong Kong Fired after Employer Found Out She Has Cervical Cancer,” South China Morning Post, March 5, 2019; Communications and Public Relations Office, Chinese University of Hong Kong, “Migrants Rights Denied in Hong Kong,” February 13, 2019.
107 Immigration Department, Hong Kong Special Administrative Region Government, “Cong waiguo shoupin lai gang jiating yonggong quan zhi tong ji tong ji yu tong ji” [Visa/extension of stay application form for domestic helper from abroad], accessed April 25, 2019, 6(vi); Immigration Department, Hong Kong Special Administrative Region Government, “Employment Contract for a Domestic Helper Recruited from Outside Hong Kong,” accessed April 25, 2019, para. 6(vi); Immigration Department, Hong Kong Special Administrative Region Government, “Conditions of Employment for Foreign Domestic Helpers: A General Guide to the Helper,” accessed April 25, 2019, para. 6(vi); Immigration Department, Hong Kong Special Administrative Region Government, “Foreign Domestic Helpers,” accessed April 25, 2019, question 33.
108 Mary Ann Benitez, “Hong Kong Public Helps Bethune House Secure Enough Funding to Keep Two Refuges for Distressed Helpers Open until End of Year,” South China Morning Post, October 28, 2018; Raquel Carvalho, “Migrant Domestic Workers Prop Up Hong Kong’s Economy, so Why Are They Excluded?,” South China Morning Post, March 12, 2019; Alan Wong, “Inkstone Index: Hong Kong’s Foreign Domestic Workers Photo; Dickson Lee,” Inkstone, March 4, 2019; Raquel Carvalho, “Filipino Domestic Worker in Hong Kong Fired after Employer Found Out She Has Cervical Cancer,” South China Morning Post, March 5, 2019; Communications and Public Relations Office, Chinese University of Hong Kong, “Migrants Rights Denied in Hong Kong,” February 13, 2019.
109 Immigration Department, Hong Kong Special Administrative Region Government, “Cong waiguo shoupin lai gang jiating yonggong quan zhi tong ji tong ji yu tong ji” [Visa/extension of stay application form for domestic helper from abroad], accessed April 25, 2019, 6(vi); Immigration Department, Hong Kong Special Administrative Region Government, “Employment Contract for a Domestic Helper Recruited from Outside Hong Kong,” accessed April 25, 2019, para. 6(vi); Immigration Department, Hong Kong Special Administrative Region Government, “Conditions of Employment for Foreign Domestic Helpers: A General Guide to the Helper,” accessed April 25, 2019, para. 6(vi); Immigration Department, Hong Kong Special Administrative Region Government, “Foreign Domestic Helpers,” accessed April 25, 2019, question 33.
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“Carrie Lam Urged to End ‘Institutional Slavery’ in Hong Kong by Acting on Promise of Support for City's Foreign Domestic Workers,” South China Morning Post, October 12, 2019.

110 Crimes Ordinance (Cap. 200) sec. 129(1). See also Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong et al., “Joint Submission of NGOs for the Universal Periodic Review (3rd Cycle) Hong Kong Special Administrative Region (HKSAR) China,” March 2018, para. 49.

111 Department of Justice, Hong Kong Special Administrative Region Government, “Summary of Judicial Decision: ZN (“the Applicant”) v Secretary for Justice, Director of Immigration, Commissioner of Police and Commissioner for Labour (Collectively as ‘the Respondents’) CACV 14/17; [2018] HKCA 473,” August 2, 2018, para. 8. For the full court ruling, see In the High Court of the Hong Kong Special Administrative Region Court of Appeal, Civil Appeal No. 14 of 2017, (On Appeal From Hcal 15/2015) Between ZN and Secretary for Justice, Director of Immigration, Commissioner of Police, Commissioner for Labour, Judgement.

112 “Hong Kong Determined to Fight People Trafficking and Protect Helpers,” South China Morning Post, March 9, 2019.


NORTH KOREAN REFUGEES IN CHINA

Findings

• During the Commission’s 2019 reporting year, the Chinese government continued to detain North Korean refugees in China and repatriate them to the Democratic People’s Republic of Korea (DPRK), where they face severe punishments, including torture, imprisonment, forced labor, and even execution. The repatriation of North Korean refugees violates China’s obligations under international human rights and refugee law and may amount to “aiding and abetting crimes against humanity.”

• The majority of North Korean refugees escape to South Korea via China and Southeast Asian countries. This past year, Chinese and North Korean authorities reportedly imposed stricter border controls to deter North Korean refugees from escaping the DPRK. The South Korean government reported that about 1,137 North Korean refugees escaped to South Korea in 2018, compared to the peak of 2,914 refugees in 2009.

• South Korean missionaries and organizations have played a crucial role in assisting and facilitating the movement of North Korean refugees in China. Chinese authorities’ crackdown on and expulsions of South Korean missionaries in recent years have undermined refugee rescue work carried out by the missionaries.

• The majority of North Korean refugees leaving the DPRK are women. The Chinese government’s refusal to recognize these women as refugees denies them legal protection and may encourage the trafficking of North Korean women and girls within China. The UK-based Korea Future Initiative estimated that about 60 percent of all female North Korean refugees in China are trafficked for the purpose of sexual exploitation.

• Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to their lack of legal resident status in China, which constitutes violations of China’s PRC Nationality Law and the Convention on the Rights of the Child.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Urge the Chinese government to recognize North Koreans in China as refugees, especially as refugees sur place who fear persecution upon return to their country of origin, regardless of their reason for leaving the DPRK; immediately halt the repatriation of North Korean refugees; adopt asylum or refugee legislation and incorporate the principle of non-refoulement into domestic legislation; establish a responsible government institution and mechanism to determine asylee or refugee status for North Koreans seeking international protection in China, in cooperation with the UN High Commissioner for Ref-
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ugees; and allow North Korean refugees safe passage to another country, including to the Republic of Korea.
○ Consider using the suite of sanctions that are available, where appropriate, against Chinese government agencies and individuals involved in the repatriation of North Korean refugees; and press for increased international monitoring of and accountability for the Chinese government’s treatment of refugees.
○ Urge Chinese authorities to recognize the legal status of North Korean women who marry or have children with Chinese citizens, and ensure that all such children are granted resident status and access to education and other public services in accordance with Chinese law and international standards.
○ Appoint and confirm the U.S. Special Envoy on North Korean Human Rights Issues, and encourage the Special Envoy to work with South Korean counterparts to coordinate efforts related to humanitarian assistance and human rights promotion for North Korean refugees in China, in accordance with the North Korean Human Rights Reauthorization Act (Public Law No. 115–198).
NORTH KOREAN REFUGEES IN CHINA

Introduction

During the Commission’s 2019 reporting year, the Chinese government's policy to detain North Korean refugees and repatriate them to the Democratic People's Republic of Korea (DPRK) remained in place, despite substantial evidence that repatriated persons face torture, imprisonment, forced labor, execution, and other inhuman treatment. The North Korean government’s imprisonment and torture of repatriated North Koreans render North Koreans in China refugees *sur place* who fear persecution upon return to their country of origin, regardless of their reason for leaving the DPRK. The Chinese government, however, regards North Korean refugees in China as illegal economic migrants and maintains a policy of forcible repatriation based on a 1998 border protocol with the DPRK. China’s repatriation of North Korean refugees contravenes its international obligations under the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, to which China has acceded. China is also obligated under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to refrain from repatriating persons if there are “substantial grounds for believing that [they] would be in danger of being subjected to torture.”

Border Conditions and Repatriation of Refugees

The majority of North Korean refugees escape to South Korea via China and Southeast Asian countries, and heightened security measures along the China-North Korea border may have contributed to a trend of significant decline in the number of North Korean refugees that reach South Korea. This past year, Chinese and North Korean authorities reportedly imposed stricter border controls to deter North Korean refugees from escaping the DPRK. Chinese authorities also appear to be conducting regular raids on safe houses and detaining higher numbers of North Korean refugees than in the past. Reuters reported in June 2019 that Chinese authorities detained “at least 30” North Koreans in China since mid-April. A rights advocate, however, separately estimated 20 to 30 detentions and as many as 7 raids every month. The South Korean Ministry of Unification reported that about 1,137 North Korean refugees reached South Korea in 2018, compared to the peak of 2,914 refugees in 2009.

Throughout the 2019 reporting year, Chinese authorities reportedly detained and repatriated North Korean refugees to the DPRK. Representative cases included the following:

- **November 2018.** Chinese authorities reportedly detained two North Korean refugees in Dandong municipality, Liaoning province, and repatriated them to the DPRK. In a separate incident, Chinese authorities detained another North Korean refugee at an unknown location near the China-North Korea border and later repatriated the refugee.
- **December 2018.** According to a *Daily NK* report, Chinese authorities repatriated an elderly North Korean refugee after he had been involved in a traffic accident at an unknown loca-
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tion in China.\textsuperscript{16} The refugee reportedly died a week after his repatriation to the DPRK, due to a lack of medical treatment.\textsuperscript{17}

- **February 2019.** China’s Ministry of State Security officials reportedly detained a North Korean refugee family of three in Shenyang municipality, Liaoning.\textsuperscript{18} The Daily NK warned that if repatriated, the family could face severe punishment, because they escaped North Korea during “a very politically sensitive time.”\textsuperscript{19}

- **April 2019.** According to South Korean media reports, in early April, Vietnamese authorities reportedly detained three North Korean refugees near the China-Vietnam border and later transferred them to Chinese authorities.\textsuperscript{20} In late April, Chinese authorities detained a group of seven North Korean refugees—including a minor and her uncle—at an unknown location in Shenyang, causing concerns that they too may be repatriated.\textsuperscript{21}

- **May 2019.** The Daily NK reported the detentions of 14 North Korean defectors in China: on May 15, two detentions in Shenyang; on May 21, four detentions (including two teenagers) in Nanning municipality, Guangxi Zhuang Autonomous Region, two more detentions in Shenyang, and two detentions in Tonghua municipality, Jilin province; and on May 25, four more detentions in Shenyang.\textsuperscript{22}

- **July 2019.** Radio Free Asia cited South Korean sources who claimed that Chinese authorities detained 60 North Koreans and had already begun repatriating some of them to the DPRK.\textsuperscript{23}

As of August 2019, the Commission had not observed any new developments in these cases.

In 2014, the UN Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea stated that China’s forcible repatriation of North Korean refugees may amount to “aiding and abetting crimes against humanity.”\textsuperscript{24} During this reporting year, UN officials again voiced their concerns and urged Chinese authorities on a number of occasions to stop the repatriation of North Korean refugees.\textsuperscript{25}

**Crackdown on Foreign Missionaries**

During this reporting year, the Commission continued to observe reports of Chinese authorities cracking down on organizations and individuals, particularly South Korean Christian missionaries and churches, that have played a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK.\textsuperscript{26} As documented in the Commission’s 2017 and 2018 annual reports, in recent years Chinese authorities expelled at least several hundred South Korean missionaries, many of whom assisted North Korean refugees in fleeing to South Korea and other countries.\textsuperscript{27} One international advocacy group stated that the recent wave of expulsions of foreign missionaries is one of the largest since 1954, a development that has undermined refugee rescue work carried out by the missionaries.\textsuperscript{28}
North Korean Refugees in China

Trafficking of North Korean Women

North Korean women who enter China illegally remain particularly vulnerable to human trafficking. The demand for North Korean women has been linked to a sex ratio imbalance in China exacerbated by the Chinese government’s population planning policies. Sources indicate that the majority of North Korean refugees leaving the DPRK are women, many of whom are trafficked by force or deception from the DPRK into or within China for the purposes of forced marriage and commercial sexual exploitation.

The Chinese government’s refusal to recognize these women as refugees denies them legal protection and may encourage the trafficking of North Korean women and girls within China. According to a May 2019 report published by U.K.-based Korea Future Initiative, an estimated 60 percent of all female North Korean refugees in China are trafficked for the purpose of sexual exploitation. Roughly 50 percent of those trafficked women “are forced into prostitution” and 15 percent are “pressed into cybersex.” This past year, international news media reported several cases of traffickers confining North Korean women and girls at unknown locations in China and forcing them to work in “cybersex dens.” China is obligated to take measures to safeguard trafficking victims and suppress all forms of trafficking of women under the Convention on the Elimination of All Forms of Discrimination against Women and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. [For more information on the sex ratio imbalance and the trafficking of women in China, see Section II—Population Control and Section II—Human Trafficking.]

Children of North Korean and Chinese Parents

Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to their lack of legal resident status in China. According to some estimates, the population of children born in China to North Korean women ranges between 20,000 and 30,000. The PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen. Chinese authorities reportedly continue to largely deprive these children of their rights to birth registration and nationality. Without proof of resident status, these children are unable to access education and other public services. The denial of nationality rights and access to education for these children contravenes China’s obligations under the Convention on the Rights of the Child.
Notes to Section II—North Korean Refugees in China


15 Ibid.
North Korean Refugees in China

17Ibid.
19Ibid.
27Ministry of Unification, Republic of Korea, “Policy on North Korean Defectors,” accessed June 3, 2019. South Korean Ministry of Unification data show that as of June 2019, 85 percent (989) of the total number of North Korean refugees (1,137) who entered South Korea in 2018 were female; and 72 percent (23,606) of all North Korean refugees (32,706) who have entered South Korea since 1998 were female. Su-Min Hwang, “The North Korean Women Who Had to Escape Twice,” BBC, January 18, 2019; Robert R. King, “Attention on DPRK and China Policies That Result in Sex Trafficking,” Peninsula (blog), Korea Economic Institute, January 23, 2019.
31Ibid.
North Korean Refugees in China


38 Zhonghua Renmin Gongheguo Guoji Fa [PRC Nationality Law], passed and effective September 10, 1980, art. 4. Article 4 of the PRC Nationality Law provides that, “Any person born in China whose parents are both Chinese nationals and one of whose parents is a Chinese national shall have Chinese nationality.”


41 Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of November 20, 1989, entry into force September 2, 1990, arts. 2, 7, 28(a). Under the Convention on the Rights of the Child, China is obligated to register children born within the country immediately after birth and also provide all children with access to education without discrimination on the basis of nationality.
PUBLIC HEALTH

Findings

• Food safety and vaccine safety scandals have continued to emerge this past year, despite the Chinese government’s attempts in the past decade to improve quality control. Analysts point to a lack of accountability, weak regulatory capacity and enforcement of laws, corruption, and government procurement systems that favor low-cost goods. The National People’s Congress passed a new vaccine law in June 2019 aimed at strengthening vaccine supervision, penalizing producers of substandard or fake vaccines, and introducing compensation for victims of faulty vaccines.

• Despite strong regulations aimed at improving food and vaccine safety and punishments for companies and individuals found guilty of criminal acts, authorities also continued to detain citizens for speaking out and organizing protests in response to food and vaccine scandals.

• Chinese authorities reportedly continued to forcibly commit individuals to psychiatric facilities, including government critics and those with grievances against government officials and legal processes, even though the PRC Mental Health Law prohibits forcible commitment as a form of punishment.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

○ Continue to support technical assistance and exchange programs in public health. Require that U.S.-China cooperative programs include the participation of U.S. and Chinese non-governmental organizations and a focus on human rights.

○ Urge Chinese officials—including officials in the National Health Commission—to focus on effective implementation of laws and regulations that prohibit health-based discrimination in employment and education. Where appropriate, share the United States’ ongoing experience promoting the rights of persons with disabilities in education and employment, through non-governmental advocacy and services, as well as legal and regulatory means.

○ Urge the Chinese government to establish panels of legal, medical, social work, and security professionals from within and outside the government to monitor and report on implementation of the PRC Mental Health Law (MHL) and initiatives under the National Mental Health Work Plan (2015–2020) to ensure that local implementation consistently meets standards of care and rights protection stipulated in the MHL, the PRC Law on the Protection of the Rights of Persons with Disabilities, and international standards.
PUBLIC HEALTH

Legislative and Policy Developments

In October 2018, the National People’s Congress Standing Committee released a second draft of healthcare legislation aimed at protecting healthcare workers from the ongoing problem of “commotions at hospitals” (yihao). The draft legislation establishes that actions such as disturbing order at healthcare institutions, threatening or endangering the personal safety of staff, and illegally gaining favors will be investigated as crimes. In February 2019, the Chinese Communist Party General Office and State Council General Office issued the “Provisions on the Food Safety Responsibility System for Local Party and Government Leading Cadres,” which, if implemented, could strengthen food safety accountability for local officials. In June 2019, the National People’s Congress passed the PRC Vaccine Management Law set to take effect in December 2019.

Food Safety

Although the Chinese government has committed itself to protect citizens’ right to safe food, and it continues to take steps aimed at improving food safety, food safety scandals nevertheless continued to occur. Authorities suppressed protests by victims and their parents, violating freedoms of expression, assembly, and demonstration.

The Commission observed reports of the following instances of such suppression during its 2019 reporting year:

- In September 2018, after expired, worm-infested food was served to children at three kindergartens, authorities detained two individuals in Wuhu municipality, Anhui province, who were believed to be responsible. The incident reportedly affected 765 children.
- According to international and domestic reports, in March 2019 public security authorities in Chengdu municipality, Sichuan province, used pepper spray to control parents who protested against unsanitary food served at a private high school and detained at least 12 of them. At least 77 students received medical attention after ingesting the food, including 3 who were hospitalized.

Drug Safety

Vaccine scandals continued this reporting year, sparking protests by parents of sickened children. In the aftermath of a major vaccine scandal uncovered in 2018 involving Changsheng Biotechnology Company in Changchun municipality, Jilin province, public health expert Yanzhong Huang noted that the case had exposed “systematic safety risks across China’s entire vaccine industry.” Huang further said that ongoing scandals stem from “a host of issues confronting China today: corruption, moral decline, loopholes in internal corporate controls, weak regulatory capacity, and a lack of accountability.”

The Office of the UN High Commissioner on Human Rights and the World Health Organization, in a jointly issued fact sheet, noted
that the right to quality healthcare includes “scientifically approved and unexpired drugs.” Following the 2018 vaccine scandal involving Changsheng Biotechnology Company, in June 2019 the National People’s Congress Standing Committee passed the PRC Vaccine Management Law, aimed at strengthening supervision, penalizing producers and distributors of substandard or fake vaccines, and introducing compensation for victims of faulty vaccines.

During this past year, the Chinese government took the following actions against companies and individuals deemed responsible for vaccine safety violations:

- In October 2018, the National Medical Products Administration imposed a record total penalty of 9.1 billion yuan (approximately US$1.3 billion) on Changsheng Biotechnology Company, which it found responsible for producing faulty vaccines that were administered to hundreds of thousands of people, along with other illegal actions, and detained 18 people. In November 2018, the Shanghai and Shenzhen stock exchanges issued new measures providing for the mandatory delisting of companies suspected of “illegal behavior in the areas of national security, public security, environmental security, work safety, and public health.” In January 2019, the state media outlet Xinhua reported that Changsheng Biotechnology announced that it had received its delisting notice from the Shenzhen Stock Exchange.

- In January 2019, authorities in Jinhu county, Jiangsu province, reportedly fired 3 health officials and “held 33 persons responsible” after at least 145 children were administered expired polio vaccines.

- In January 2019, authorities in Shijiazhuang municipality, Hebei province, criminally detained a nurse suspected of administering incorrect vaccines to 29 children for financial gain, and removed 2 district heads of the Shijiazhuang disease control center.

- In April 2019, authorities in Hainan province fined and revoked the license of privately-owned Bo’ao Yinfeng Healthcare International Hospital, for reportedly administering fake HPV vaccines to at least 38 patients, one of whom reportedly was pregnant.

The Commission observed that Chinese authorities violated the rights to free speech and free assembly of individuals who protested against unsafe vaccines and sought compensation, including the following:

- In February 2019, authorities in Beijing municipality detained He Fangmei, whose daughter was paralyzed in March 2018 by a series of tainted vaccines, after He Fangmei organized other aggrieved parents to protest before the annual meetings of the National People’s Congress and Chinese People’s Political Consultative Conference (Two Sessions). In April 2019, authorities charged her with “picking quarrels and provoking trouble,” and held her at the Xinxiang Public Security Bureau Detention Center in Xinxiang municipality, Henan province. He’s case was sent to court in August 2019.
On or around September 2, 2018, authorities in Beijing detained Tan Hua, in connection to her public advocacy for compensation for victims of tainted vaccines in August 2018, and reportedly transferred her to the custody of authorities in Shanghai municipality.

Ongoing Misuse of the PRC Mental Health Law

Authorities continued to use forcible psychiatric commitment (bei jingshenbing), in violation of the PRC Mental Health Law, to punish or arbitrarily detain individuals who expressed political dissent or grievances against the government. Two experts in Chinese law commented that the law’s definition of “mental disorder” is too vague, and a “lack of due process in such important decision-making jeopardizes millions of people’s basic right to freedom from arbitrary detention.”

Examples of misuse of the law this past year include the following:

- On July 16, 2018, officials in Zhuzhou municipality, Hunan province, forcibly committed Dong Yaoqiong, a 29-year-old woman who live-streamed a video of herself criticizing Communist Party General Secretary Xi Jinping and the Chinese Communist Party, to a psychiatric hospital. According to Radio Free Asia, authorities detained her father in August 2018, and barred a rights lawyer from visiting her. The Commission has not observed updates on the status of Dong Yaoqiong during this reporting year.

- In March 2019, authorities in Shanghai municipality forcibly committed Yan Fenlan to a psychiatric institution after she had traveled to Beijing during the Two Sessions to petition for compensation for her demolished home. She was first forcibly committed to a psychiatric institution in 2008 after she petitioned authorities in Beijing and Shanghai regarding land confiscation.
Notes to Section II—Public Health

1 National People’s Congress, Zhonghua Renmin Gongheguo Jiben Yiliao Weisheng yu Juanhawk Cujin Fa (Caotan) (Er Ci Shenqy Gao) [PRC Basic Healthcare and Health Promotion Law (Draft) (Second Deliberation Draft)], NPC Observer, accessed July 24, 2019, arts. 43, 47, 107; Tian Xiaohang, “Woguo ni lifa shiyou yiliao weisheng renyuan renshen anquan” [China drafts legislation to protect healthcare workers’ personal safety], Xinhua, October 22, 2018. Public reports about these “commotions” typically describe incidents of violence against hospital personnel, sometimes resulting in fatalities, by aggrieved patients or their extended family. For more information on yi’nao, see CECC, 2016 Annual Report, October 6, 2016, 203.


4 Zhonghua Renmin Gongheguo Yimiao Guanli Fa [PRC Vaccine Management Law], passed June 29, 2019, effective December 1, 2019.


11 Ibid.


13 Ye Hanyong, Li Like, and Liu Hai, “Chengdu gongbu Chengdu Qi Zhong Shiyian Xueziao shipin anquan wenti diaocha zuixin jinzhan” [Chengdu announces latest progress in investigation of Chengdu No. 7 Experimental Middle School food safety problem], Xinhua, March 17, 2019.


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28 Civil Rights & Livelihood Watch, “Yimiao shouhai jiazhang He Fangmei fufu bei jin chan ban huzhao” [He Fangmei and her husband, parents of vaccine victim, prevented from getting passports], September 14, 2018. He Fangmei’s daughter was sickened by a series of vaccines, including hepatitis A; measles, mumps, and rubella; and diphtheria, tetanus, and pertussis.


32 Rights Defense Network, “Yimiao Baobao zhi Jia’ weiquan tuanti faqi ren He Fangmei (Shisan Mei) an jianchayuan shencha qiu giman, yi zhuann dao fayuan” [“Tainted-Vaccine Ba-
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hies’ Home’ rights organization founder He Fangmei (Sister Thirteen) case sent to court upon expiration of procuratorial indictment review period], August 6, 2019.

34 New Citizens’ Movement, “Yimiao shouhaizhe Lianghui zao weifen Tan Hua bei qiangpo shizong jin liangbai tian” [Vaccine victims face stability maintenance during Two Sessions, Tan Hua forcibly disappeared nearly 200 days], March 4, 2019; Rights Defense Network, “Kuangquan yimiao shouhaizhe, Shanghai weiquan renshi Tan Hua bei qiangpo shizong jin yi 57 tian muqin ye zao qiangpo shizong 40 tian” [Rabies vaccine victim and Shanghai rights defender Tan Hua forcibly disappeared for 57 days as of today, her mother also forcibly disappeared for 40 days], October 28, 2018. For more information on Tan Hua, see the Commission’s Political Prisoner Database record [forthcoming].

35 Zhonghua Renmin Gongheguo Jingshen Weisheng Fa [PRC Mental Health Law], passed October 26, 2012, effective May 1, 2013, arts. 27, 30, 75(5), 78(1). Provisions in the PRC Mental Health Law prohibit forcible commitment of individuals who do not have mental illness or who do not exhibit clinically determined “dangerousness” to themselves or others.


37 “Pomo nuihai Dong Yaoqiong bei song Zhuzhou jingshenbing yuan Zhongguo ge di ji che Xi huaxiang” [Girl who splashed ink, Dong Yaoqiong, sent to Zhuzhou psychiatric hospital, Xi’s image quickly removed from many sites in China], Voice of America, July 23, 2018; “Woman Who Splashed Xi Jinping Poster Sent to Psychiatric Hospital,” Radio Free Asia, July 23, 2018.

38 “Chinese Police Detain Father of Ink-Splash Woman Held in Mental Hospital,” Radio Free Asia, August 1, 2018. For more information on Dong Yaoqiong, see the Commission’s Political Prisoner Database record 2018-00343.

39 “Chinese Police Detain Father of Ink-Splash Woman Held in Mental Hospital,” Radio Free Asia, August 1, 2018; “Chinese Police Block Lawyer Hired for Ink-Splash Woman in Mental Hospital,” Radio Free Asia, July 31, 2018.

40 Civil Rights & Livelihood Watch, “Lianghui weiwen jinxing shi xilie baodao zhi liu” [Maintaining social stability during the Two Sessions: sixth report in series], March 14, 2019. For more information on Yan Fenlan, see the Commission’s Political Prisoner Database record 2008-00619.
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Findings

• During the Commission’s 2019 reporting year, top Chinese Communist Party and government leaders continued to highlight the importance of protecting the environment, yet environmental pollution remained a major challenge. The government’s vision of top-down environmental governance was demonstrated by the National Development and Reform Commission’s work report for 2018 which stated, “the government leads, enterprises are the main actors, and social organizations and the public participate.” In addition, the government severely limited the role of the public in environmental protection.

• In March 2019, Minister of Ecology and Environment Li Ganjie reported that “some local governments were not containing pollution until clean-up deadlines approached or national inspection teams arrived.” Li noted that these local governments imposed blanket production bans on businesses regardless of their environmental performance, thereby damaging the credibility of the government and the rights of law-abiding enterprises. In 2018, Chinese authorities approved the arrest of 15,095 people for environmental crimes, an increase of over 50 percent from 2017.

• The government continued to report progress in environmental protection, although a March 2019 ranking of air pollution in over 3,000 cities around the world, compiled by IQAir in collaboration with Greenpeace East Asia, indicated that 57 of the 100 most polluted cities in 2018 (based on fine particulate concentrations) were in China. Although some non-governmental organizations have standing as plaintiffs in certain public interest lawsuits, most public interest litigation continued to be brought by the government.

• During this reporting year, Chinese and international media reported on incidents in which officials lied about environmental problems, failed to take meaningful action despite repeated environmental violations, or were involved in environmental corruption, resulting in some cases of disciplinary action against local officials. In March 2019, an explosion at Jiangsu Tianjiayi Chemical plant—a facility that had been penalized six different times in the previous two years for environmental and safety violations—killed 78 people, injured over 600, and forced the evacuation of almost 3,000. Authorities responded by closing down all chemical facilities in the area.

• Chinese citizens continued to raise concerns about health issues related to the environment through street-level protests and other forms of public advocacy. Chinese authorities detained Lu Guang, an American permanent resident and photo-journalist who is known for his photographs documenting environmental degradation and coal mining, while he was in the Xinjiang Uyghur Autonomous Region in November 2018.

• In 2018, carbon dioxide emissions in China continued to increase, as Chinese government-backed financial institutions funded international coal-fired power projects, raising inter-
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national concerns about air pollution and increasing carbon dioxide emissions.
• The government promoted the use of traditional Chinese medicine in countries participating in the Belt and Road Initiative, raising international concerns about wildlife trafficking and the sale of products made from tigers and rhinos.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:
○ Call on the Chinese government to cease harassment of environmental advocates and follow international standards on freedom of speech, association, and assembly, including those contained in the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and China’s Constitution.
○ In meetings with Chinese officials, raise the detentions of photojournalist Lu Guang; Tibetan village head Karma; founder Xue Renyi and worker Pan Bin of Chongqing municipality-based Green Leaf Action; environmental advocates Chen Wuquan, Chen Weiliang, Chen Zhenming, Chen Huansen, Chen Chunlin, Chen Shuai, and Chen Longqun; and the Mongolian herders O. Sechenbaatar and Tsojgil.
○ Support efforts by Chinese and U.S. groups working to use satellite analysis and remote sensing to monitor environmental problems in China, and also expand awareness of citizens’ environmental rights in China and the protection of those rights.
○ Encourage Chinese leaders to strengthen the rule of law and transparency in the environmental and climate sectors. Raise questions with Chinese officials about the manipulation of environmental data and censorship of environmental news reporting, as well as the detention of the former head of the National Energy Administration, Nur Bekri.
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Introduction and Environmental Governance

During the Commission’s 2019 reporting year, top Chinese Communist Party and government leaders continued to highlight the importance of protecting the environment, yet environmental pollution remained a major challenge in China due to authorities’ top-down approach to environmental problems, transparency shortcomings, and the suppression and detention of environmental advocates. The central government was focused on addressing local level officials’ shortcomings in protecting the environment.\(^1\) Central authorities heavily controlled media and permitted space for reporting only to the extent consistent with central government policies,\(^2\) such as pushing local officials to enforce its environmental policies.\(^3\) This reporting year, carbon dioxide emissions in China continued to increase,\(^4\) as Chinese government-backed financial institutions funded international coal-fired power projects, raising international concerns about air pollution and increasing carbon dioxide emissions.\(^5\)

The Chinese government’s vision of top-down environmental governance was demonstrated by the National Development and Reform Commission’s work report for 2018 which stated, “the government leads, enterprises are the main actors, and social organizations and the public participate.”\(^6\) In the recently enacted PRC Soil Pollution Prevention and Control Law,\(^7\) for example, the term “public participation” refers only to the requirement that the public must follow official policies.\(^8\) The law lacks any provision for public supervision, as noted by Greenpeace East Asia and Nanjing University Ecology department, who concluded that although “the new law does take an important step towards openness . . ., [p]ublic supervision still has no place in the regulatory system.”\(^9\) In December 2018, the UN special procedure mandate holders issued a statement on climate change calling on State Parties to “ensure full and effective participation, access to information and transparency . . . in the public spaces where actors from civil society can gather and exercise their rights to freedom of expression and opinion, association and peaceful assembly.”\(^10\)

Not only did Chinese authorities fail to promote meaningful public participation, they actively suppressed those who monitor environmental issues. Chinese authorities detained Lu Guang—an American permanent resident and photojournalist\(^11\) who is known for his photographs documenting environmental degradation and coal mining\(^12\)—while he was in the Xinjiang Uyghur Autonomous Region (XUAR) in November 2018.\(^13\) According to the Committee to Protect Journalists, “Lu’s detention is a high-profile illustration of the cruel and arbitrary way that China detains journalists and other civilians in [the XUAR].”\(^14\)

Environmental Enforcement and Persistence of Severe Pollution

During this reporting year, severe pollution persisted in China, and Chinese authorities criticized some local officials for failing to enforce environmental regulations. In March 2019, Minister of Ecology and Environment Li Ganjie reported that “some local gov-
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...ernments were not containing pollution until clean-up deadlines approached or national inspection teams arrived.” Li noted that these local governments imposed blanket production bans on businesses regardless of their environmental performance, thereby damaging the credibility of the government and the rights of law-abiding enterprises. In constrast, other local governments “might have loosened supervision on air pollution and carbon emissions” due to the current economic downturn, according to a China-based adviser to an international environmental non-governmental organization. While the government continued to report progress in environmental protection, a March 2019 ranking of air pollution in over 3,000 cities around the world, compiled by IQAir in collaboration with Greenpeace East Asia, indicated that 57 of the 100 most polluted cities in 2018 (based on fine particulate concentration) were in China. According to a Hong Kong-based professor, “air pollution [has much] to do with burning of fossil fuel . . . ; so by addressing the air pollution sources, you actually can address these CO2 emissions.”

Public Interest Litigation and Criminal Enforcement

During the 2019 reporting year, the Chinese government played a dominant role in public interest environmental litigation, and criminal environmental enforcement significantly increased. In 2018, Chinese courts accepted 1,737 public interest environmental lawsuits filed by procuratorates, compared to 65 that were filed by non-governmental organizations (NGOs). Although some NGOs have standing as plaintiffs in certain public interest lawsuits, most public interest litigation continued to be brought by the government. In a significant development, in a public interest case brought by the NGOs China Biodiversity Conservation and Green Development Fund and Friends of Nature in December 2018, the Jiangsu High People’s Court rejected claims that three chemical companies pay for soil remediation near a school. The court, however, held that the NGOs were not responsible for court fees assessed by the lower court—an issue that had been a significant concern to Chinese NGOs. In 2018, Chinese authorities increased criminal enforcement, as authorities indicted 42,195 people and approved the arrest of 15,095 people for environmental crimes, a 51.5 percent increase in arrests from 2017.

Suppression of Environmental Protests and Advocates

Chinese citizens continued to raise concerns about health issues related to the environment through street-level protests and other forms of public advocacy at the risk of being persecuted, such as by imprisonment. China’s Constitution provides for freedom of speech, assembly, association, and demonstration, as do the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and the UN Human Rights Council Framework on Human Rights and the Environment. The following cases not only illustrate common types of environmental complaints raised by Chinese citizens but also reveal the ongoing lack of protection for citizens’ rights when they raise environmental concerns:
• **Hazardous Waste Processing in Guangdong province.** In October 2018, thousands of residents in Shunde district, Foshan municipality, Guangdong, protested government plans to build an industrial waste processing facility near local drinking water sources and fish farms. Residents reported that the government had not provided adequate public consultation on the project, had criticized residents who joined the protests for disturbing social order, and had deleted thousands of social media posts about the planned project.

• **Environmental group in Chongqing municipality.** In December 2018, authorities at a closed trial sentenced Pan Bin, a member of Green Leaf Action, to four years in prison for “picking quarrels and provoking trouble.” In May 2018, authorities had detained Xue Renyi, the founder of Green Leaf Action, and, as of May 2019, he remained in detention. Green Leaf Action advocates for environmental protection, and in 2016, police had warned Xue that the group was being “controlled” by “foreign forces.”

• **Land Reclamation in Guangdong.** In January 2019, the Zhanjiang Economic and Technological Development Zone People’s Court in Guangdong sentenced environmental advocates Chen Wuquan (a disbarred rights lawyer), Chen Weiliang, Chen Zhenming, Chen Huansen, Chen Chunlin, Chen Shuai, and Chen Longqun to prison terms ranging from one to five years in prison for “picking quarrels and provoking trouble.” Beginning in October 2017, these individuals and other villagers from Diaoluo village, Donghai Island, Zhanjiang, protested a land reclamation project that they claimed was illegal and had destroyed the natural environment. In February 2019, the Council of Bars and Law Societies of Europe, an organization that represents over one million lawyers in 45 European countries, criticized the detention and sentencing of Chen Wuquan as being “solely motivated by his activity as a lawyer” and expressed concern about possible violations of the UN Basic Principles on the Role of Lawyers.

• **Mining in the Tibet Autonomous Region (TAR).** Radio Free Asia reported that in March 2019, Chinese authorities had forcibly relocated a group of approximately 12 families in Gonjo (Gongjue) county, Qamdo (Changdu) municipality, TAR, from their rural homes to a newly built urban area. Authorities reportedly moved the families for mining-related development, and the villagers were only the most recent group of Tibetans from nine villages affected. In another mining case, in January 2019, the Central Tibetan Administration, a political entity based in Dharamsala, India, reported that due to a “total clampdown on phones and other communications,” they were unable to ascertain the current status of villagers and village head Karma, in Driru (Biru) county, Nagchu (Naqu) prefecture, whom authorities detained in 2018 after they protested mining on a sacred mountain.

• **Environmental Degradation in the Inner Mongolia Autonomous Region (IMAR).** In April 2019, over 200 residents in Heshigten (Keshenketeng) Banner, Chifeng municipality, IMAR, protested in front of a government office after authori-
ties imposed a grazing ban on local herding communities.\textsuperscript{43} Heshigten police criminally detained 68-year-old herder O. Sechenbaatar on suspicion of “obstructing official business.”\textsuperscript{44} Also that month, more than 100 herders in Urad Middle Banner in Bayanur (Bayannao'er) municipality, gathered to request a meeting with the IMAR Party Secretary about environmental degradation and inadequate compensation to local residents who had been removed from their grazing lands.\textsuperscript{45} Also in April, Hohhot (Huhehaote) municipality authorities criminally detained Heshigten resident Tsogjil, in connection to WeChat discussion groups with 2,500 members which he hosted that encouraged people to join a protest in Heshigten.\textsuperscript{46} [For further information on the suppression of herders protesting environmental pollution in the Inner Mongolia Autonomous Region, see Section II—Ethnic Minority Rights.]

**Waste Incineration in Hubei Province.** In June and July 2019, as many as ten thousand residents of Xinzhou district, Wuhan municipality, protested against a planned waste incineration plant.\textsuperscript{47} Chinese authorities reportedly censored reporting on the protests, blocked cell phone signals, and in some instances, used violence against protestors.\textsuperscript{48}

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**Media Reporting on Environmental Incidents and Corruption**

During this reporting year, Chinese and international media reported on incidents in which officials lied about environmental problems, failed to take meaningful action despite repeated environmental violations, or were involved in environmental corruption, resulting in some cases of disciplinary action against local officials. Despite considerable censorship of the media in China,\textsuperscript{49} the Commission observed some notable media reports on environmental incidents:

- In **November 2018**, a chemical spill in Quanzhou municipality, Fujian province, resulted in the hospitalization of 52 nearby residents, although at first authorities instructed Chinese media not to report on the leak.\textsuperscript{50} Domestic media later reported that local officials initially lied about the cause and size of the spill—authorities later stated that it was 10 times larger than first reported,\textsuperscript{51} prompting the state-run newspaper China Daily to call for the Quanzhou government to explain its shortcomings.\textsuperscript{52} A female journalist from Caixin, a news outlet known for more market-driven reporting, revealed that local police harassed her while she was reporting on the spill, including forcing their way into her hotel room late one night to demand her press credentials and following her around as she was gathering news.\textsuperscript{53} A South China Morning Post editorial criticized the “clumsy cover-up” and said that “[t]he habit of cover-ups that put officials’ political interests first seems to die hard.”\textsuperscript{54} Authorities disciplined two police officers involved in the harassment of the journalist\textsuperscript{55} and three local officials involved in the alleged coverup efforts.\textsuperscript{56}
- In **March 2019**, an explosion at Jiangsu Tianjiayi Chemical plant in Yancheng municipality, Jiangsu province, killed 78 people, injured over 600, and forced the evacuation of almost
Between 2016 and 2018, authorities had administratively penalized the chemical plant over five times, including an 18-month suspended sentence for the company chairman for environmental violations. The Institute of Public and Environmental Affairs (IPE), an environmental non-governmental organization based in Beijing municipality, had reportedly documented environmental violations at 300 of 367 facilities at the industrial park. After the explosion, authorities announced plans to shut down all industrial chemical facilities in the industrial park. Ma Jun, IPE’s director, nevertheless, told the Party-affiliated media outlet Global Times that “the complete shutdown that resulted is not the best solution since the park has an important role in the chemical industry.”

In April 2019, state-run media reported on corruption at the environmental protection bureau in Suining municipality, Sichuan province. A total of 32 officials at the bureau were reported to have accepted bribes related to environmental matters, including from companies under environmental inspection.

Assessing the Chinese Government’s Commitment to Combat Climate Change

During the 2019 reporting year, carbon dioxide emissions in China continued to increase, even as Chinese officials continued to call for “green development.” Based on an analysis of Chinese government data, carbon dioxide emissions in China increased by approximately three percent in 2018. Coal consumption was reportedly responsible for more than 70 percent of energy-related carbon dioxide emissions. According to analysts, however, official reports on coal consumption and economic growth made it difficult to determine China’s carbon intensity—an essential metric used to assess China’s international commitment to combating climate change. In April 2016, the Chinese government signed the Paris Agreement and its commitment under the agreement, known as its nationally determined contribution (NDC), included “lower[ing] carbon dioxide emissions per unit of GDP by 60 percent to 65 percent from the 2005 level,” “achiev[ing] the peaking of carbon dioxide emissions around 2030 and making best efforts to peak early,” and “increas[ing] the share of non-fossil fuels in primary energy consumption to around 20 percent.” According to Climate Action Tracker, which produces independent science research by a consortium of research institutes, China’s NDC is “highly insufficient.” In October 2018, the United Nations’ Intergovernmental Panel on Climate Change special report found that to limit global warming to 1.5 degrees Celsius by 2050, global coal use would need to be “reduced to close to 0%.” China has the largest concentration of glaciers outside of the polar regions, supplying water to 1.8 billion people, and the glaciers are at risk due to global warming. From June 25 to 29, 2019, in Lhasa municipality, TAR, the Chinese government recorded five consecutive days with an average daily temperature at or above 71.6 degrees Farenheit (22 degrees Celsius), meeting the Chinese government’s definition for the beginning of summer for the first time in Lhasa since authorities began measuring in 1955.
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International environmental groups and scientists were skeptical about the Chinese government’s reported plans to suspend new coal-fired power plants in China and reduce methane emissions from coal mines—major sources of greenhouse gases—in light of a Chinese industry policy group’s recommendation that the government permit many new coal-fired power plants. Although central authorities had reportedly suspended a number of new coal-fired power plants in 2017, 2018 analysis of satellite imagery by an environmental group found that many of the suspended projects had resumed construction. In March 2019, the China Electricity Council, an industry association, recommended that China increase its coal-fired power capacity to 1,300 gigawatts, an increase of 290 gigawatts of new coal-fired power capacity—more than the entire coal-fired power capacity of the United States. In January 2019, research published in Nature Communications found that although the Chinese government had set “ambitious benchmarks” for limiting methane production, based on satellite imagery, they found that “[the methane] regulations have had ‘no discernible impact’ on the continued increase in Chinese methane emissions.”

This past year, as top Chinese officials proclaimed the importance of green development, international concern increased regarding Chinese government funding for coal-fired power plants in countries participating in the Belt and Road Initiative (BRI). In March 2019, at the BRI Forum in Beijing, Chinese Communist Party General Secretary Xi Jinping said, “We need to pursue open, green and clean cooperation.” Following the forum, attendees issued a joint communique highlighting that “communication among . . . think tanks, academia, media, civil societies . . .” would be welcomed. In 2019, reports that Chinese government-backed financial institutions provided funding to build coal-fired power plants abroad also raised international concerns. According to an analysis by a group of international researchers, Chinese financial institutions and corporations have offered funding to more than one-quarter of coal-fired power plants under construction outside of China. An international journalist believes that these Chinese-funded power plants will “make it more difficult” for some countries to meet their Paris Agreement commitments. In July 2019, the UN special envoy for the 2019 Climate Summit stated that “[w]e would also like China to encourage green investment throughout the Belt and Road Initiative and not build coal-fired power plants.”

Wildlife Trade and Traditional Chinese Medicine

During this reporting year, the government continued to promote the worldwide use of traditional Chinese medicine leading to international concern about Chinese authorities’ commitment to fighting wildlife trafficking. According to a Hong Kong-based foundation, “one of the most alarming characteristics of wildlife trafficking is the growing use of threatened species in traditional medicines.” By 2020, the government plans to set up 50 traditional Chinese medicine model centers outside China. In October 2018, the State Council issued a circular that would permit the use of tiger and rhinoceroses bones for traditional Chinese medicine. The Chinese government had prohibited trade in tiger bones and rhino horns.
since 1993, when then-U.S. President Bill Clinton threatened to sanction the Chinese government for undermining the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES generally prohibits all international trade in tigers, rhinos, and their derivative parts, and the CITES standing committee has identified 36 facilities that keep tigers in China, the existence of which “may be of concern.” The UN Environment Programme subsequently described any changes to the ban on the trade of tiger and rhino parts as an “extremely alarming development” pointing out that such trade “falsely indicates that these products have medical value.” Following international criticism, in November 2018, the Chinese government announced that implementation of the circular “has been postponed after study.” According to an international wildlife organization employee, “[t]he lack of clarity does not help the wildlife enforcement authorities to do their job.” The General Administration of China Customs (China Customs) reportedly cooperated with international non-governmental organizations (NGOs) to combat wildlife trafficking through educational outreach and identification of illicit shipments. In April 2019, China Customs suggested that “further cooperation” with NGOs include ongoing publicization of the “positive outcomes” of the Chinese government’s efforts to implement a ban on the ivory trade.
Notes to Section II—The Environment


3 Cai Fei, “Quanzhou Officials Need to Come Clean about Chemical Leak,” China Daily, November 22, 2018; Kang Jia and Zhou Shiling, “6 ci xingzheng chufa beihou de baozha huangchang” [Explosion at a chemical plant that had been administratively fined 6 times], Beijing News, March 23, 2019; Cao Xiao, “Bei wuran de huanbaoju: Sichuan huanbaojiao 32 ren jiti shouhui yi ge ju de lingdao jihu quan jun fumo” [“Polluted” environmental protection bureau: 32 people from Sichuan environmental protection bureau collectively accepted bribes, bureau leadership almost completely annihilated], The Cover, April 17, 2019. See also Wu Changhua, “How Is the Digital Age Redefining China’s Environmental Governance?,” CGTN, March 4, 2019.


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22 Luo Sha, “2018 nian quanguo fazhan shenjie jiancha jiguang huanjing gongsi songan xianian 1252 jian” [2018 Chinese courts concluded 1,252 public interest cases brought by procuratorates], Xinhua, March 2, 2019.


27 PRC Constitution, passed and effective December 4, 1982 (amended March 11, 2018), art. 35.


32 “Guangdong Shunde wan ren kangji jianwei feiwei zhongxin” [Ten thousand people in Shunde, Guangdong, protest establishment of hazardous waste center], Radio Free Asia, October 24, 2018; “Shunde jumin haozhao jin wan zai shiwei daiji jingche jinzhu” [Shunde residents call for another demonstration tonight, a large number of police vehicles stationed there], Boxun, October 25, 2018.


37 “Hu hai zao daysa Zhanjiang weiquan lushi Chen Wuquan ji duo wei cunmin bei zhu” [Suppressed for protecting the sea, Zhanjiang rights defense lawyer Chen Wuquan and several villagers detained], Radio Free Asia, February 19, 2018; Human Rights Campaign in China, “Yin shou ju xiaoxiang haitan jingweiquan lushi Chen Wuquan zao Zhanjiang dangju yi shexian xunxin zhi zhi xingxi julu” [Zhanjiang authorities criminally detained former rights defense lawyer Chen Wuquan on suspicion of picking quarrels and provoking trouble for protecting hometown beach], February 11, 2018.


41 Central Tibetan Administration, “Tibetans Sentenced in Central Tibet in 2018 for ‘Inciting Separatism,’” January 19, 2019. For more information on Karma, see the Commission’s Political Prisoner Database record 2018-00132.

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46 Ibid.


52 Cai Fei, “Quanzhou Officials Need to Come Clean about Chemical Leak,” China Daily, November 22, 2018.


54 “Chemical Cover-Up of Toxic Spill Has Again Damaged Public Trust,” editorial, South China Morning Post, November 17, 2018.


59 Xiang Han, “Chemical Factories to Be Shut Down After Deadly Explosion in Xiangshui,” Global Times, April 7, 2019.

60 Ibid.

61 Ibid.

62 Cao Xia, “Bei wuran de Huanbaoju: Sichuan Suining Huanbaoju 32 ren jito shouhui yige ju de lingdao jihu quan jun fumo” [Environmental Protection Bureau that was “polluted”]: 32 people from Sichuan Suining Environmental Protection Bureau collectively accepted bribes, the leadership of the bureau is almost completely annihilated], The Cover, April 17, 2019; Olivia Li, “Chinese Authorities Sack an Entire Environmental Protection Bureau for Corruption Misdeeds,” Epoch Times, April 20, 2019.

63 Cao Xia, “Bei wuran de Huanbaoju: Sichuan Suining Huanbaoju 32 ren jito shouhui yige ju de lingdao jihu quan jun fumo” [Environmental Protection Bureau that was “polluted”]: 32 people from Sichuan Suining Environmental Protection Bureau collectively accepted bribes, the leadership of the bureau is almost completely annihilated], The Cover, April 17, 2019; Olivia Li, “Chinese Authorities Sack an Entire Environmental Protection Bureau for Corruption Misdeeds,” Epoch Times, April 20, 2019.


71 “Intergovernmental Panel on Climate Change, “Summary for Policymakers,” in Global Warming of 1.5°C (Geneva: World Meteorological Organization, 2018), 15; Intergovernmental
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75 China Electricity Council, “Dianli ‘shisanwu’ guihua zhongqi pinggu ji youhua” [Mid-term evaluation and optimization of power during “13th five-year plan], China Power Enterprise Management, reprinted in BJX Power T&D, March 18, 2019. 1.3 billion kilowatts is equal to 1,300 gigawatts.


78 Embassy of the People’s Republic of China, “The Complete Text of President Xi Jinping’s Speech at the Belt and Road Forum for International Cooperation 2019,” reprinted in China-Pakistan Economic Corridor, April 26, 2019. The full name of this forum was the “Second Belt and Road Forum for International Cooperation.”


82 Isabel Hilton, “How China’s Big Overseas Initiative Threatens Global Climate Progress,” Yale Environment 360, Yale School of Forestry & Environmental Studies, January 3, 2019.


91 “Full Transcript: State Council Executive Deputy Secretary-General Ding Xuendong Answers Media Questions,” Xinhua, reprinted in China Internet Information Center, November 12, 2018.


94 Ibid.
BUSINESS AND HUMAN RIGHTS

Findings

• As the Chinese Communist Party and government engage in increasingly egregious human rights violations, domestic and international businesses are increasingly at risk of complicity in abuses committed by the Chinese government. Of particular concern are: reports that companies are involved in the government’s suppression of ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR), including through the use of forced labor; companies’ complicity in government surveillance of individuals throughout China; and companies engaging in censorship on behalf of Chinese authorities.
• In the XUAR, the actions of the Party and government may constitute crimes against humanity according to scholars and rights groups, and companies that work in the region are at great risk of complicity in those crimes. Experts have documented the rapid expansion of a network of mass internment camps in which authorities have arbitrarily detained over a million individuals from predominantly Muslim ethnic minority groups. Commercial entities have been directly involved in the construction of these camps and supplied them with a wide range of goods and services. The company Hangzhou Hikvision Digital Technology, in particular, has supplied surveillance systems to the camps as part of a public-private partnership with XUAR authorities. U.S.-based firms such as Intel, Ambarella, and Nvidia reportedly continue to supply Hikvision with critical components. According to a March 2019 report, the California State Teachers’ Retirement System and the New York State Teachers’ Retirement System both continued to own Hikvision stock.
• The Commission observed numerous reports this past year of forced labor associated with government repression of ethnic minority groups in the XUAR. In some cases, detainees performed forced labor within the camps. In other cases, detainees were “released” in order to perform forced labor. In still other cases, XUAR authorities reportedly assigned individuals from ethnic minority groups to forced labor directly, without first sending them to the camps. A Wall Street Journal investigation found that materials from firms using forced labor in the XUAR had entered the supply chains of major international clothing companies including Adidas, H&M, Nike, and Patagonia.
• Chinese security authorities continued to work with domestic companies to expand the reach and analytical power of government surveillance systems. Chinese technology firms ZTE, Hikvision, iFlytek, Huawei Technologies, SenseTime, Megvii, CloudWalk, Yitu, and Tiandy all reportedly sold technology to Chinese authorities for use in surveillance systems. This surveillance is used to target rights advocates and others whom the government views as a threat. For example, police in at least 16 provinces and regions were reportedly using artificial intelligence (AI) to track the movement of Uyghurs, an ethnic minority group.
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- Companies in China collect large amounts of data on Chinese citizens and are required under Chinese law to make this data available to authorities. In the wake of rising domestic concerns over data collection and misuse, the government has already begun to revise recent regulations governing consumer data collection. While the government has punished companies over the collection of consumer data in some instances, the government has simultaneously expanded its own data collection powers.
- Chinese government restrictions on freedom of expression increased this past year, and companies—particularly tech companies—were both targets and enablers of Chinese government censorship. For example, Tencent’s WeChat—a ubiquitous social media app in China—regularly filters and censors content and turns over user information to authorities. In 2018, media reports revealed that Google was developing a censored version of its search engine in an attempt to re-enter the Chinese market. Following employee protests and media attention, Google’s Vice President for Government Affairs and Public Policy informed the Congress in July 2019 that Google had “terminated” the search engine project.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Take the necessary steps to prohibit the export of U.S. goods and services to Chinese entities—including government agencies and companies—that have been directly involved in building and supplying the system of internment camps in the Xinjiang Uyghur Autonomous Region (XUAR). Specifically, the video surveillance company Hangzhou Hikvision Digital Technology, which has supplied the camps with surveillance equipment and is complicit in state surveillance of ethnic minorities more generally, should be placed on the Entity List of the Bureau of Industry and Security (BIS) within the U.S. Department of Commerce.
- Impose Global Magnitsky sanctions on both Chinese government officials carrying out severe human rights abuses in the XUAR as well as the companies directly complicit in those abuses. U.S. Customs and Border Protection should examine the import of goods made in the XUAR—or containing materials made in the XUAR—and determine whether such imports violate Section 1307 of the Tariff Act of 1930 (19 U.S.C. 1307).
- The Department of Labor should update its list of goods produced with child labor or forced labor to reflect the recent reports of forced labor in the XUAR.
- Hold public hearings and private meetings with companies from their districts to raise awareness of the risks of complicity in human rights abuses that U.S. companies working in China may face, including complicity in possible crimes against humanity in the XUAR; the possibility of goods made with forced labor entering supply chains; and the use of AI technology and
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surveillance equipment to monitor human rights advocates, religious believers, and ethnic minorities.

- Encourage companies in their districts to engage in appropriate due diligence with regard to potential complicity in human rights abuses. For additional resources on best practices, companies may consult the UN Guiding Principles on Business and Human Rights, the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises, and the OECD Due Diligence Guidance for Responsible Business Conduct.
BUSINESS AND HUMAN RIGHTS

Introduction

During the Commission’s 2019 reporting year, the Chinese Communist Party and government engaged in increasingly egregious human rights violations, as detailed by international human rights organizations and in the other sections of this report. In this environment, domestic and international businesses are directly complicit in or at risk of complicity in human rights abuses committed by the Chinese government, including the severe repression of minority groups in the Xinjiang Uyghur Autonomous Region (XUAR), government surveillance of citizens without adequate privacy protections, and government censorship. Technology companies, in particular, play a major role in government surveillance and censorship, and Human Rights Watch warned companies operating in China that “the authorities might deploy [their] technology to commit serious abuses.” Although the Chinese government requires companies to comply with domestic laws and regulations that infringe on internationally recognized rights such as the right to privacy and freedom of expression, the UN Guiding Principles on Business and Human Rights state that businesses have a responsibility to respect human rights and should seek to avoid “contributing to adverse human rights impacts . . . .” Whereas the preceding sections of this report examine in detail Chinese government violations of human rights and relevant international human rights standards, this section focuses on the risk domestic and international companies face of complicity in these human rights violations.

Corporate Involvement in Possible Crimes Against Humanity in the XUAR

The actions of the Chinese Communist Party and government in the XUAR may constitute crimes against humanity according to scholars and rights groups. This past year, experts documented the expansion of a network of mass internment camps in which authorities have arbitrarily detained over a million individuals from predominantly Muslim ethnic minority groups. Outside the camps, members of ethnic minority groups in the XUAR face extreme levels of surveillance, restrictions on freedom of movement, and forced political indoctrination. Companies that work in the XUAR are at great risk of complicity in the human rights abuses being committed in the region. [For more information on human rights violations in the XUAR, including a discussion of possible crimes against humanity committed by Chinese authorities, see Section IV—Xinjiang.]

COMPANIES USING FORCED LABOR IN THE XUAR

The Commission observed numerous reports this past year of forced labor associated with government repression of ethnic minority groups in the XUAR. In some cases, detainees performed forced labor in factories within internment camps. In other cases, authorities released individuals from the camps to perform forced labor in factories elsewhere in the XUAR. In still other cases,
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XUAR authorities reportedly assigned individuals from ethnic minority groups to forced labor directly, without first sending them to the camps.\textsuperscript{11} Radio Free Asia (RFA) reported in January 2019 that authorities had also sent Uyghurs and Kazakhs from the XUAR to other provinces in China for forced labor.\textsuperscript{12} Comments from the president of the China National Textile and Apparel Council in March 2018 suggested that textile manufacturers, in particular, were working with XUAR authorities to exploit detainee labor.\textsuperscript{13} More recent reports found that authorities used tax exemptions and subsidies to encourage Chinese garment manufacturers to move production to the XUAR.\textsuperscript{14} German scholar Adrian Zenz warned that “[s]oon, many or most products made in China that rely at least in part on low-skilled, labor-intensive manufacturing, could contain elements of involuntary ethnic minority labor from Xinjiang.”\textsuperscript{15} [For more information on forced labor in the XUAR and elsewhere in China, see Section II—Human Trafficking.]

Products reportedly produced with forced labor by current and former camp detainees included:

\begin{itemize}
  \item textiles, such as yarn, clothing, gloves, bedding, and carpet;\textsuperscript{16}
  \item electronics, including cell phones and computer hardware and software;\textsuperscript{17}
  \item food products, including noodles and cakes;\textsuperscript{18}
  \item shoes;\textsuperscript{19}
  \item tea;\textsuperscript{20} and
  \item handicrafts.\textsuperscript{21}
\end{itemize}

Companies that used forced labor in the XUAR this past year included:

\begin{itemize}
  \item Hetian Taida Apparel,\textsuperscript{22} a supplier of the U.S. company Badger Sportswear;\textsuperscript{23}
  \item Yili Zhou Wan Garment Manufacturing Company;\textsuperscript{24}
  \item Zhihui Haipai Internet of Things Technology Company;\textsuperscript{25}
  \item Urumqi Shengshi Hua’er Culture Technology Limited Company;\textsuperscript{26}
  \item Litai Textiles;\textsuperscript{27}
  \item Huafu Fashion Company, whose yarn reportedly entered the supply chains for H&M, Esprit, and Adidas;\textsuperscript{28}
  \item ÉSquel Group, headquartered in Hong Kong, which reportedly supplied clothing to Calvin Klein, Tommy Hilfiger, Nike, and Patagonia;\textsuperscript{29} and
  \item Cofco Tunhe Company, which supplied tomato paste to Kraft Heinz and Campbell Soup, and sugar to Coca-Cola.\textsuperscript{30}
\end{itemize}
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<table>
<thead>
<tr>
<th>Clothing Made With Forced Labor Imported Into United States</th>
</tr>
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<tbody>
<tr>
<td>In January 2019, U.S. company Badger Sportswear (Badger) stopped importing clothing from Hetian Taida Apparel (Hetian Taida), following media reports that the clothing was made with forced labor by internment camp detainees. The Associated Press (AP) tracked shipments from Hetian Taida workshops located within an internment camp to Badger, and the U.S.-based Worker Rights Consortium independently confirmed that the Hetian Taida factory supplying Badger was located inside a camp. The chairman of Hetian Taida confirmed to the AP that his workforce included “trainees” from the camp. Badger said it relied on the U.S.-based social compliance nonprofit Worldwide Responsible Accredited Production (WRAP) to certify that its suppliers met certain standards. Following media reports, WRAP conducted its own investigation, concluding that “this facility is not engaged in the use of forced labor.” WRAP later admitted to the AP, however, that it had not visited the facility in question, but rather a separate Hetian Taida workshop located elsewhere.</td>
</tr>
</tbody>
</table>

SURVEILLANCE STATE IN THE XUAR

Outside the network of extrajudicial internment camps, ethnic minority groups in the XUAR faced near-constant government surveillance in their daily lives, in violation of the internationally recognized right to privacy. Numerous companies—both Chinese and international—have facilitated what Human Rights Watch describes as “Orwellian surveillance” in the XUAR.

- In October 2018, the video surveillance research firm IPVM provided evidence that the video surveillance company Hangzhou Hikvision Digital Technology was directly involved in the construction, operation, and ongoing maintenance of the Integrated Joint Operations Platform (IJOP) in the XUAR. Human Rights Watch has described the IJOP as a “predictive policing” system that aggregates and analyzes large amounts of individuals’ data, flagging “those it deems potentially threatening.” In addition to tracking them, authorities may arbitrarily detain individuals flagged by the IJOP in the internment camps or other detention facilities. Hikvision also reportedly contracted with local XUAR authorities to build surveillance systems to install in mosques in some localities in the XUAR as part of a public-private partnership.
- Despite Hikvision’s involvement in both the XUAR’s network of extrajudicial camps and the IJOP, foreign suppliers such as Intel, Ambarella, and Nvidia reportedly sold computer processing chips and graphics chips to Hikvision, and the U.S. data storage company Seagate provided the company with “custom storage solutions” for its surveillance systems, according to a November 2018 Financial Times report. Foreign Policy further reported in March 2019 that the U.S.-based company Amax, which provides advanced computing technology, had formed a partnership with Hikvision. Hikvision is listed on the Shenzhen stock exchange and is 41.88 percent owned by two subsidiaries of the Chinese state-owned enterprise China Electronics Technology Corporation (CETC). CETC is
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also involved in managing government surveillance systems in the XUAR, including the IJOP. 48

• Hikvision was one of the Chinese companies that index provider MSCI included in its emerging markets index, which means that funds investing in the index are investing in Hikvision. 49 MSCI announced plans in February 2019 to quadruple the weight of mainland Chinese shares in the index. 50 According to a March 2019 Financial Times article, the California State Teachers' Retirement System and the New York State Teachers' Retirement System both owned stock in Hikvision. 51 In addition, U.S. public relations firms Burson-Marsteller 52 and Mercury Public Affairs are registered with the U.S. Department of Justice as foreign agents working on behalf of Hikvision in the U.S. 53

• In February 2019, a cybersecurity researcher discovered that the Chinese firm SenseNets had left a database tracking over 2.5 million people in the XUAR exposed online. 54 The database tracked individuals' GPS coordinates—seemingly in real time—and also contained government identification numbers, dates of birth, photos, home addresses, and employers. 55 According to experts, the information in this database suggested that authorities in the XUAR were working with SenseNets to monitor residents. 56

• Bloomberg and the Financial Times reported that SenseTime had set up a “smart policing” joint venture in the XUAR with Urumqi-based Leon Technology (Leon) called Xinjiang SenseTime Leon Technology. 57 According to Leon’s website and the company’s page on a job-listing website, among Leon’s main customers were XUAR government agencies, including the XUAR public security bureau. 58 In March 2019, SenseTime sold its stake in the joint venture with Leon, possibly to avoid negative publicity in preparation for its planned initial public offering (IPO). 59 According to Bloomberg, with investors such as Qualcomm, Fidelity International, and Alibaba, SenseTime was “the world’s most valuable AI startup.” 60 A May 2019 BuzzFee News investigation found that private equity firms IDG Capital and Silver Lake both owned shares in SenseTime. 51 Those firms’ clients reportedly included 14 public pension funds. 62

• Reports emerged this past year that XUAR authorities purchased a video management system from Infinova, a U.S.-based company that is listed on the Shenzhen stock exchange, for use in urban surveillance systems in the XUAR. 63 According to IPVM, XUAR authorities have purchased the company’s surveillance technology in the past. 64

• In April 2019, the Wall Street Journal reported that U.S. firms, including Boeing and Carlyle Group, had “indirectly facilitated” the Chinese government’s use of American-made satellites to aid in communications during protests and strife in the XUAR in 2009. 65 The Hong Kong-based intermediary that sold the satellite bandwidth to Chinese authorities, AsiaSat, “declined to comment directly” when asked if police in the XUAR continued to use the satellites. 66
OTHER COMMERCIAL CONNECTIONS TO XUAR AUTHORITIES

The Commission observed additional instances of connections between companies and XUAR authorities that raised human rights concerns. For example, the U.S.-based firm **Thermo Fisher Scientific** sold DNA analysis equipment to XUAR authorities until February 2019, ending sales following criticism from Human Rights Watch (HRW) and members of the U.S. Congress. According to the New York Times, procurement documents showed that Chinese authorities intended for some of Thermo Fisher’s equipment to be used by XUAR police. A 2017 HRW article highlighted Thermo Fisher’s sales of DNA sequencers to XUAR police, with HRW’s China Director calling the mass, involuntary collection of DNA from Uyghurs in the region “a gross violation of international human rights norms.” In addition, in January 2019, the Hong Kong-based security services company **Frontier Services Group** (FSG) announced on its website that it had signed an agreement with local XUAR officials to build a training facility in Kashgar prefecture, XUAR. The announcement, since removed, noted that the agreement was part of a “strategic cooperation framework agreement” (zhangle xiezuo kuangjia xieyi) between the state-owned company **CITIC Group**, which owns controlling shares in FSG, and the Xinjiang Production and Construction Corps, a Han-Chinese led paramilitary institution that operates across the XUAR. FSG’s American co-founder, Erik Prince, who remains a minority shareholder and deputy chairman of the board, claimed “no knowledge” of the company’s plans to build a training center in the XUAR.

**Commercial Firms’ Role in Government Data Collection and Surveillance Across China**

Evolving Regulatory Regime

Chinese law allows the government to collect personal data from companies without adequate protections for the internationally recognized right to privacy. For example, the PRC Cybersecurity Law requires companies to store user data inside mainland China and to provide technical support to authorities conducting criminal investigations or “protecting state security,” without specifying what such technical support entails. The PRC National Intelligence Law similarly requires entities operating in China—including companies—to provide support and assistance to authorities engaged in “intelligence work” without defining what the government considers “intelligence work.”

In September 2018, the Ministry of Public Security issued implementing provisions that further detailed the government’s authority under the Cybersecurity Law. The new provisions allow police to inspect data centers, internet service providers, and others, providing for both on-site and remote inspections and allowing police to copy “relevant information” from the companies they inspect. Experts note that companies typically must comply with government demands to provide information. Chapter 4 of the implementing regulations stipulates potential criminal penalties for failure to comply.
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In the wake of rising domestic concerns over data collection and misuse, the government has already begun to revise recent regulations governing consumer data collection. Observers noted that while the government has punished companies over the collection of consumer data in some instances, the government has simultaneously expanded its own data collection powers—in some cases leading to conflicting guidance for businesses over whether and when to retain user data.

SOCIAL CREDIT SYSTEM

The Chinese government continued to work with Chinese companies to develop and implement a social credit system that aimed to aggregate and monitor the data that the government and companies collect. Legal scholars and observers warned that the system could increase the government’s capacity for social control and potentially violate the internationally recognized rights to privacy, due process, and freedom of expression. In 2014, the State Council released an outline for the creation of a national social credit system by 2020 to measure and improve the credibility of government agencies, organizations, and individuals. All Chinese individuals and organizations must now have a unique social credit code, including multinational companies operating in China. Private companies such as Ant Financial also offer private credit scoring services that collect large amounts of customer data. While these services are separate from the government system, the government has the authority to access the companies’ data. In the case of Ant Financial’s Sesame Credit, the company is reportedly providing information directly to the entity that oversees the government’s social credit system.

CONTINUED EXPANSION OF SURVEILLANCE NETWORKS

Chinese security authorities continued to work with domestic companies to expand the reach and analytical power of government surveillance systems. In February 2019, the Chinese Communist Party Central Committee called for the expansion of the rural surveillance system dubbed “Sharp Eyes.” According to the Nikkei Asian Review, numerous Chinese firms have supplied equipment and services to the government for the Sharp Eyes project, including Hikvision, ZTE, iFlytek, Inspur, Huawei Technologies, and Alibaba Group Holding. In addition to the Sharp Eyes surveillance project, Chinese technology firms SenseTime, Megvii, and Tiandy all reportedly sold technology to Chinese authorities for use in other surveillance systems. For example, SenseTime sold artificial intelligence (AI) technology to police in China in the form of SenseTotem and SenseFace surveillance systems. In April 2019, the New York Times revealed that police departments in at least 16 provinces and regions were using AI to track the movement of Uyghurs, an ethnic minority group. Chinese companies CloudWalk, Megvii, Yitu, and SenseTime assisted authorities in this surveillance. The head of China equity strategy for Credit Suisse noted that for many Chinese AI firms, their “biggest business” was government surveillance projects. As one human rights advocate noted, while the Chinese government claims these surveillance projects target criminals, “police treat those that exercise
basic civil liberties like peaceful assembly or freedom of association as criminals."97

U.S. firms have also assisted in the development of Chinese government surveillance systems. According to a November 2018 Wall Street Journal report, the U.S. chipmaker Nvidia has sold chips to SenseTime.98 Nvidia has also sold chips to Hikvision, one of the Chinese firms that has been integral to the construction of government surveillance systems.99 The U.S. consulting firm McKinsey & Company reportedly assisted local governments in China to implement “smart cities” surveillance systems.100 In the words of one expert, these “smart cities” projects are “about political control.”101

Role of Commercial Firms in Government Censorship

Chinese government restrictions on freedom of expression increased this past year, and companies—particularly tech companies—were both targets and enablers of Chinese government censorship. The international non-governmental organization Freedom House called the Chinese government “the worst abuser of internet freedom in 2018,”102 and Human Rights Watch reported that the government continued to censor “politically sensitive information” online.103 The PRC Cybersecurity Law requires companies to monitor content their customers create or share, censor content that violates laws and regulations, and report such content to authorities.104 New regulations,105 censorship campaigns,106 and increasing restrictions on the use of virtual private networks (VPNs)107 this past year have further circumscribed online expression. In 2018, regulators reportedly shut down over 6,000 websites.108 From January 3 to 21, 2019, the Cyberspace Administration of China shut down 733 websites and 9,382 mobile apps, and deleted over 7 million pieces of online information.109 [For more information on censorship in China, see Section II—Freedom of Expression.]

Faced with the possibility of lost revenue and other forms of punishment, both domestic and international companies engaged in self-censorship. For example, Tencent’s WeChat—a ubiquitous social media app in China—regularly filters and censors content and turns over user information to authorities.110 In 2018, online news outlet The Intercept revealed that Google was developing a censored version of its search engine, called “Project Dragonfly,” in an attempt to re-enter the Chinese market.111 Work on the project appeared to end in late 2018 following employee protests and media attention.112 Google’s Vice President for Government Affairs and Public Policy told the Senate Judiciary Committee in July 2019 that Google had “terminated” Project Dragonfly.113

Not only do companies engage in self-censorship, censorship itself can be a lucrative business in China. The online version of the Party-run newspaper People’s Daily, People.cn, contracts with companies such as the news aggregator Jinri Toutiao to censor content that contravene government censorship directives.114 Revenue from People.cn’s censorship services reportedly rose 166 percent in 2018.115 Another censorship service, Rainbow Shield, owned by the company Beyondsoft, employs over 4,000 people in multiple cities to review online content.116 In Chengdu municipality, Sichuan province, 160 Beyondsoft employees reportedly monitor a single news-aggregating app for politically sensitive con-
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tent.117 [For more information on censorship in China, see Section II—Freedom of Expression.]
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11 Eva Dou and Chao Deng, “Western Companies Get Tangled in China’s Muslim Clampdown,” Wall Street Journal, May 16, 2019; Adrian Zenz, “Beyond the Camps: Beijing’s Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang,” SocArXiv, July 12, 2019, 1–4; Sophie McNeill et al., “Cotton On and Target Investigate Suppliers after Forced Labour of Uyghurs Exposed in China’s Xinjiang,” Australian Broadcasting Corporation, July 16, 2019. For the definition of forced labor, see International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930, art. 2.1; International Labour Organization, “Ratifications of CO29–Forced Labour Convention, 1930 (No. 29),” accessed August 28, 2019. Article 2.1 defines forced or compulsory labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” China has not ratified this convention.
12 “Neidi gu Xinjiang Hasakeren yaosut que xayu Hanay ru Dang” [Inland China employs Kazakhs from Xinjiang, asks them to learn Chinese and join the Party], Radio Free Asia, January 22, 2019.
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Hasakeren yaoqiu xue Hanyu ru Dang” [Inland China employs Kazakhs from Xinjiang, asks them to learn Chinese and join the Party], *Radio Free Asia*, January 22, 2019.


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52WPP Announces the Merger of Burson-Marsteller and Cohn & Wolfe,” WPP, February 27, 2018; “Our Companies,” WPP, accessed April 8, 2019. Although the Foreign Agents Registration Act database on the U.S. Department of Justice website uses the name Burson-Marsteller, LLC, in February 2018, the firm merged with Cohn & Wolfe to form BCW (Burson Cohn & Wolfe), which itself is a subsidiary company of the communications services holding company WPP.
62Ibid.
Business and Human Rights

67 “Xianfeng Jituan Xinjiang Kashi peixun zhongxin qianyue yishi zai Jing juxing” [Signing ceremony for Frontier Services Group Training Center in Kashgar, Xinjiang, held in Beijing], Frontier Services Group, January 22, 2019; “Erik Prince Company to Build Training Centre in China’s Xinjiang,” Reuters, January 31, 2019. The Commission did not observe reports regarding what kind of training facility would be built.
68 “Xianfeng Jituan Xinjiang Kashi peixun zhongxin qianyue yishi zai Jing juxing” [Signing ceremony for Frontier Services Group Training Center in Kashgar, Xinjiang, held in Beijing], Frontier Services Group, January 22, 2019; “Erik Prince Company to Build Training Centre in China’s Xinjiang,” Reuters, January 31, 2019. For more information on the Xinjiang Production and Construction Corps, see Uyghur Human Rights Project, “The Bingtuan: China’s Paramilitary Colonizing Force in East Turkestan,” April 20, 2018.
71 Zhonghua Renmin Gongheguo Wangluo Anquan Fa [PRC Cybersecurity Law], passed November 7, 2016, effective June 1, 2017, art. 37.
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101 Ibid.


105 Ibid.


1010 Ibid.


1018 Shi Jingnan and Bai Ying, “Wangluo shengtai zhili zhuanxiang xingdong yi qingli youhai xinxi 709.7 wan yu tiao” [Internet ecology governance special action already cleaned up 70.97 million pieces of information], Xinhua, January 23, 2019.

1019 “Censored on WeChat: A Year of Content Removals on China’s Most Powerful Social Media Platform,” Wechatscope, University of Hong Kong, reprinted in Global Voices, February 11, 2019.


113 Google and Censorship Through Search Engines, Hearing of the Subcommittee on the Constitution, Committee on the Judiciary, U.S. Senate, 116th Cong. (2019) (testimony of Karan Bhatia, Vice President for Government Affairs and Public Policy, Google, Inc.). Note that discussion of Project Dragonfly can be found at 1:14:38 in the hearing video on the Judiciary Committee’s website.


115 Ibid.


117 Ibid.
III. Development of the Rule of Law

CIVIL SOCIETY

Findings

• In the past few years, the Chinese government has harshly repressed human rights lawyers, women’s rights advocates, labor rights defenders, citizen journalists, and petitioners. Some previously tolerated “gray areas” of civil society experienced what experts describe as a “chilling effect.” In conjunction with the continued implementation of legislative and regulatory reforms passed in 2016 and the increased role and purview of the Chinese Communist Party over all aspects of Chinese society, the space which non-governmental organizations (NGOs) had to carry out human rights advocacy activities continued to shrink.

• The Chinese government’s efforts to promote its vision for “human rights with Chinese characteristics” at the November 2018 session of the UN Human Rights Council’s (UNHRC) Universal Periodic Review undermined principles in the international human rights framework. A September 2018 Brookings Institution report examining China’s activities at the UNHRC from 2016 to 2018 concluded that the Chinese government opposed international standards of legitimate civil society activity and association and is in favor of limiting the power and freedom of civil society organizations. As Chinese government influence in international organizations continues to grow, support from democratic states is critical to upholding civil society’s role as independent human rights and rule of law watchdogs.

• Chinese government efforts to suppress labor advocacy and to label such efforts as driven by foreign interests make it increasingly difficult for workers in China to organize grassroots efforts and advocate for their rights. Chinese authorities carried out a large-scale nationwide crackdown on labor rights advocates that began in July 2018 when workers at a Jasic Technology factory in Shenzhen municipality, Guangdong province, attempted to organize a labor union and received widespread national support from university students and internet users. Authorities portrayed the labor protests as orchestrated by a “foreign-funded” NGO, and detained, forcibly disappeared, harassed, and physically assaulted labor advocates and their supporters.

• In the fall of 2018, Chinese authorities carried out a broad crackdown on unregistered Protestant churches (“house churches”), including Zion Church (banned in September 2018) and Shouwang Church (banned in March 2019) in Beijing municipality; Rongguili Church in Guangzhou municipality, Guangdong province (banned in December 2018); and Early Rain Covenant Church in Chengdu municipality, Sichuan province (banned in December 2018). The government’s efforts to ban major unregistered churches this past year is part of the intensification of national policy against religious groups throughout China.
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- In the face of pressure and censorship from the government against the growing #MeToo movement in China, women’s rights advocates continued to carry out their advocacy on social media, negotiate with officials, and offer support to survivors of sexual harassment. Women’s rights advocates use online networks and forums to organize advocacy, offer support, and create a network among supporters. Despite the government’s efforts to shut down social media platforms of gender-based advocacy, advocates continue to establish new networks and seek ways to offer support to those who need it.

- In addition to implementing the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China, the Chinese government highlighted overseas NGOs that threatened China’s “political security” and urged citizens to report violations of the law. The Chinese government has intensified efforts to root out illegal overseas NGOs by using the internet and mobilizing Chinese citizens. The lack of a definition for what is considered threatening to China’s “political security” gives the Chinese government unlimited latitude to crack down on organizations working on human rights and rule of law advocacy.

- Chinese central- and provincial-level authorities continued to implement the national campaign launched in 2018 to clamp down on domestic “illegal social organizations” that do not possess proper government registration or that perform activities outside the scope of those for which they have registered, targeting those that “threaten state security and social stability.” In September 2018, the Ministry of Civil Affairs released an action plan to monitor the online activities of groups and mobilize public reporting of illegal activities online in order to crack down on illegal organizations. Internet surveillance and the use of big data, combined with citizen reporting, narrows the space of operation for organizations that have not obtained official approval, including those focused on human rights advocacy in China.

- The Chinese government continued to suppress the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) individuals in China. LGBTQ individuals faced a multitude of challenges, including a lack of legal protections. The Chinese government cracked down on organizations and rights defenders active on LGBTQ issues. Nevertheless, LGBTQ advocates supported online campaigns highlighting workplace discrimination and sexual harassment, and censorship. The Chinese government has not followed multiple recommendations from UN bodies regarding LGBTQ protections.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Urge the Chinese government to revise or repeal the PRC Law on the Management of Overseas NGOs’ Activities in Mainland China and revise the PRC Charity Law to reflect the principles of the International Covenant on Civil and Political
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Rights, especially with regard to the rights to freedom of association, assembly, and expression.

○ Urge the Chinese government to refrain from using legal provisions or government policy to crack down on civil society advocates and organizations working on human rights.

○ Call on the Chinese government to cease harassment and arbitrary detention of civil society advocates and NGOs and provide adequate procedural due process to those individuals subject to criminal investigation and trial.

○ Call on the Chinese government to stop censoring and shutting down social media accounts and internet-based platforms of civil society organizations working on rights advocacy.

○ Oppose efforts by the Chinese government at the UN Human Rights Council to undermine universal human rights standards and urge Chinese officials to adopt policies that encourage civil society organizations in China to uphold universal norms and become independent from the government.

○ Integrate civil society issues into bilateral discussions and agreements with Chinese officials to promote reciprocity in the approach and implementation of civil society exchanges between the United States and China.

○ Continue to fund, monitor, and evaluate foreign assistance programs in China that support democracy promotion, rule of law, and human rights advocacy.

○ Take measures to facilitate the participation of Chinese civil society advocates in relevant international conferences and forums and support international training to build their leadership capacity in non-profit management, public policy advocacy, and media relations.
CIVIL SOCIETY

Introduction

Since Chinese President and Communist Party General Secretary Xi Jinping came into power in late 2012, the space for civil society in China has become more regulated and restricted.\(^1\) Under Xi’s rule, moreover, the crackdown on civil society has intensified over the past few years as the government targeted different sectors of civil society that advocate for human rights and the rule of law.\(^2\) In the past few years, the Chinese government has harshly repressed human rights lawyers, women’s rights advocates, labor rights defenders, citizen journalists, and petitioners for peacefully exercising their rights.\(^3\) Some previously tolerated “gray areas” of civil society experienced what experts describe as a “chilling effect.”\(^4\) In conjunction with the continued implementation of legislative and regulatory reforms passed in 2016\(^5\) and the increased role and purview of the Party over all aspects of Chinese society,\(^6\) the space in which non-governmental organizations (NGOs) had to carry out human rights advocacy activities continued to shrink.\(^7\)

The number of Chinese NGOs is difficult to determine, in part because of the complex regulatory framework, the existence of unregistered NGOs and informal associations, the pace of growth of the non-governmental and non-profit sector, and the range of different types of such organizations.\(^8\) According to the Ministry of Civil Affairs, at the end of 2018, China had 816,027 registered “social organizations” (shehui zuzhi)—the official term for NGOs\(^9\)—that consisted of 443,000 non-governmental, non-commercial organizations (minban feiqiye danweiyipei); 7,027 foundations (jijinhui); and 366,000 social associations (shehui tuanti).\(^10\) Many social associations, however, are government-organized non-governmental organizations (GONGOs) and therefore have close ties to the government.\(^11\) Many NGOs, with few or no ties to the government, remain unregistered or are registered as business entities due to restrictions and barriers to registration imposed by the government.\(^12\)

Universal Periodic Review

At the November 2018 session of the UN Human Rights Council’s (UNHRC) Universal Periodic Review (UPR) of the Chinese government’s human rights record, the Chinese government continued to promote its vision for “human rights with Chinese characteristics.”\(^13\) A September 2018 Brookings Institution report outlined China’s activities at the UNHRC from 2016 to 2018 and concluded that the Chinese government opposed international definitions of civil society and is in favor of limiting the power and freedom of civil society organizations.\(^14\) The Brookings report urged support from democratic states to “protect [Chinese] civil society’s vital role as independent watchdogs for upholding universal norms.”\(^15\) During the 2018 UPR, Estonia recommended that China enable civil society to “freely engage with international human rights mechanisms without fear of intimidation and reprisals,” while Greece recommended that China “ensure a safe environment for journalists
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and other civil society actors to carry out their work.” In January 2019, 40 international NGOs sent a joint appeal urging the UNHRC to issue a resolution addressing human rights violations in China, particularly in light of the large-scale arbitrary detention of Uyghurs and other predominantly Muslim ethnic groups in the Xinjiang Uyghur Autonomous Region. [For more information on the mass detention of Uyghurs and other Turkic Muslims, see Section IV—Xinjiang.]

Government Suppression of Civil Society

This past year, government authorities continued to suppress Chinese human rights advocates and unregistered organizations. These instances included the following:

- **Labor rights advocates:** Beginning in July 2018, Chinese authorities carried out a large-scale nationwide crackdown on labor advocates after workers at a Jasic Technology factory in Shenzhen municipality, Guangdong province, began protests and attempted to organize a labor union. After the workers at Jasic received support from Chinese university students and internet users, Chinese state-run media outlet Xinhua portrayed the labor protests as orchestrated by a “foreign funded” NGO. By February 2019, authorities had detained or forcibly disappeared over 50 people, including workers, labor advocates, Marxists, students, and graduates from different universities. In addition to detaining, prosecuting, harassing, and physically assaulting members of the student-led Jasic Workers’ Solidarity Group, formed in support of the Jasic workers, Chinese authorities also prevented the group from meeting together. [For more information on worker rights in China, see Section II—Worker Rights.]

- **Unregistered Christian churches:** Chinese authorities carried out a broad crackdown on unregistered Protestant churches (“house churches”), as part of an intensification of government pressure on religious groups that previously had gathered without much government interference, including Zion Church (banned in September 2018) and Shouwang Church (banned in March 2019) in Beijing municipality; Rongguili Church in Guangzhou municipality, Guangdong province (banned in December 2018); and Early Rain Covenant Church in Chengdu municipality, Sichuan province (banned in December 2018). Beginning on December 9, 2018, public security officials in Chengdu took into custody or detained over 100 leaders and members of the Early Rain Covenant Church—including its pastor Wang Yi and his wife Jiang Rong on the charge of “inciting subversion of state power.” [For more information on religious persecution in China, see Section II—Freedom of Religion.]
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**Registration for Religious Groups:** The Chinese government requires religious groups to register based on provisions in the Regulations on Religious Affairs (RRA). Under President Xi Jinping, Chinese authorities have intensified efforts to force house churches to obtain official registration. Citing the RRA, Chinese authorities required house churches across China to submit registration forms and to provide personal information on church members. In January 2019, the State Administration for Religious Affairs and the Ministry of Civil Affairs issued a joint notice on the registration of religious venues that specifies requirements for religious groups seeking authorization to receive donations to not only obtain approval by the local government religious affairs bureau before applying for official registration with the local government civil affairs bureau, but also to provide information on finances from an authorized accounting firm as well as the social credit numbers of group leaders. [For more information on the social credit system, see Section II—Business and Human Rights.]

**Women's rights advocacy:** Despite pressure and censorship from the government against the growing #MeToo movement in China, women's rights advocates continued to “use social media, negotiate with the authorities, and offer support to survivors [of sexual harassment].” In December 2018, the Guangzhou Gender and Sexuality Education Center closed after some staff reportedly received threats from Chinese authorities. A January 2019 Foreign Policy report highlighted that NGOs were the first in responding to the needs of victims of sexual harassment since the #MeToo movement emerged in 2018, particularly in adopting comprehensive anti-sexual harassment measures and fielding sexual harassment-related inquiries. For example, a grassroots network consisting of hundreds of volunteers that connects victims to activists, lawyers, and psychologists is reportedly underway. [For more information on gender-based advocacy in China, see Section II—Status of Women.]

**Foreign NGOs’ Activities in China**

This past year, the government continued to carry out the PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China (Overseas NGOs’ Activities Law) which took effect in January 2017. By August 2019, 496 international NGOs (INGOs) had successfully registered representative offices and INGOs had filed 2,065 temporary activity permits in China, according to official data posted to the Ministry of Public Security’s Overseas Non-Governmental Organizations Services Platform. In 2018, the number of representative offices registered per month by INGOs began to decline and level off at fewer than ten per month. In contrast, the number of temporary activities filed by INGOs increased in the second half of 2018, peaking in November 2018 with 124, and dropped to 34 in February 2019 before leveling off to around 65 per month beginning in May 2019. Asia Society’s China NGO Project surmised that the increase in temporary activity filings in 2018 can be attributed to the greater overall familiarity of government officials, groups, and local Chinese
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partner units with the filing process. INGOs with representative offices work most commonly in the sectors of trade, international relations, education, youth, health, and poverty alleviation; with the exception of trade, INGOs with temporary activities work predominantly in the same sectors.

In addition to implementing the Overseas NGOs’ Activities Law, the government and Party singled out overseas NGOs that allegedly threatened China’s “political security” and urged citizens to report violations of the Overseas NGOs’ Activities Law. The People’s Daily, a Party-run media outlet, detailed in an April 2019 article how two foreign NGOs—Chinese Urgent Action Working Group (CUAWG), run by formerly detained Swedish citizen Peter Dahlin, and South Korean missionary group InterCP—“endangered political security” in China. The article accused CUAWG of accepting large sums of money from foreign organizations and called the staff of CUAWG “informants planted in China by Western anti-China forces.” In March 2019, the Guangzhou Municipal Bureau of Ethnic and Religious Affairs in Guangdong issued an official measure to encourage citizens to report illegal religious activity, offering cash rewards of 3,000 to 10,000 yuan (US$436 to US$1,455) to Chinese citizens who provide assistance in reporting or tracking down illegal overseas religious organizations and staff. In another instance, in January 2019, the Public Security Bureau in Qidong city, Nantong municipality, Jiangsu province, published a WeChat post, which was reposted by the Ministry of Public Security, instructing citizens on how to recognize and report illegal foreign NGO activities to public security authorities.

### Arbitrary Detention of Canadian Citizen Michael Kovrig in China

On December 10, 2018, authorities from the Ministry of State Security in Beijing municipality detained Canadian citizen and employee of the non-governmental organization International Crisis Group (ICG) Michael Kovrig on suspicion of “endangering state security.” Kovrig’s detention took place days after Canadian authorities arrested Meng Wanzhou, the chief financial officer of the Chinese company Huawei, in Vancouver at the request of U.S. officials who sought to extradite Meng on charges that include violation of sanctions on Iran. During a press conference on December 12, a Ministry of Foreign Affairs spokesperson said that Kovrig may have been detained under the Overseas NGOs’ Activities Law, saying the ICG “has not legally registered or submitted documents for the record” in China. An assessment by Asia Society’s ChinaFile said that the Chinese government’s reference to the Overseas NGOs’ Activities Law after detaining Kovrig may suggest that the law could “easily be used for political ends and is not a safe or reliable mechanism” for foreign NGOs working in China. A Reuters report said that Kovrig’s detention was “sending chills” through foreign NGO workers in China. [For more information on Michael Kovrig’s case, see Section II—Criminal Justice.]
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Overall Regulatory Environment for Domestic NGOs

This past year, Chinese central- and provincial-level authorities continued to implement the national campaign launched in 2018 to clamp down on “illegal social organizations” that do not possess proper government registration or that perform activities outside the scope of those for which they have registered, targeting those that “threaten state security and social stability.” In 2018, the Ministry of Civil Affairs (MCA) and the Ministry of Public Security investigated 5,845 organizations and “exposed” more than 300 suspected “illegal organizations.” Under the direction of the central government, provincial- and local-level governments took action to curb illegal organizations in their administrative jurisdictions. In September 2018, the MCA released an action plan to monitor the online activities of groups and mobilize public reporting of illegal activities online in order to crack down on illegal organizations. In May 2019, state-run media outlet Xinhua reported that the MCA and “telecom authorities” shut down the websites and social media accounts of nine illegal organizations.

Two years after the release of draft revisions to the three major regulations for civil society organizations, the MCA released a new draft regulation for public comment in August 2018, combining the three regulations that form the core of the regulatory system for domestic social service organizations, foundations, and social associations into a single regulatory document. As of August 2019, however, there were no further updates on the status of the combined draft regulation.

Suppression of the LGBTQ Community

The Chinese government continued to suppress the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) individuals in China. LGBTQ individuals faced a multitude of challenges, including a lack of legal protections. The Chinese government cracked down on organizations and rights defenders active on LGBTQ issues. Nevertheless, LGBTQ advocates supported online campaigns highlighting workplace discrimination and sexual harassment, and censorship. The Chinese government has not followed multiple recommendations from UN bodies regarding LGBTQ protections.

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- Continuing Crackdown on Civil Society Undermines LGBTQ Advocacy. Chinese officials continued censoring online discussion of topics related to LGBTQ issues and shut down organizations engaging in advocacy. These restrictions were a continuation of an official crackdown on advocacy that began in 2015.
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**Suppression of the LGBTQ Community—Continued**

- **Blacklisting advocacy organizations and activists.** On January 8, 2019, the Guangzhou Municipal Department of Civil Affairs in Guangdong province issued a list of suspected “illegal social organizations,” naming two organizations that work on gender and sexuality issues. One organization, a student group called the Guangzhou University Rainbow Group (Guangzhou Gaoxiao Caihong Xiaozu), reportedly organized discussions about sexuality at their university. The other organization, the Guangzhou Gender and Sexuality Education Center (Guangzhou Xingbie Jiaoyu Zhongxin), worked on both gender and LGBTQ issues, primarily focusing on combating sexual harassment and violence. Founded by Wei Tingting, the organization conducted and published a survey in April 2018 on the prevalence of sexual harassment and assault on Chinese college campuses. The group succeeded despite encountering censorship restrictions for the group’s campaign to raise funds for the survey. The organization announced on the social media platform WeChat in December 2018 that it would temporarily cease operations. In another example of the shrinking space for LGBTQ advocacy, on January 11, 2019, authorities in Shenzhen municipality, Guangdong, administratively detained for three days Cheung Kam Hung, the founder of a Hong Kong-based organization promoting LGBTQ rights in mainland China, accusing him of violating the PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China. Cheung told Hong Kong media that he planned to close his organization in 2019, as he could no longer operate in mainland China due to the law.

- **Barriers to individual advocacy of LGBTQ protections from discrimination have been heightened by the ongoing government crackdown on rights lawyers and advocacy organizations.** LGBTQ individuals rarely petition for formal redress from discrimination, in part because they lack legal protection under Chinese law. Nevertheless, the State Department reported the NGOs had some success advocating for LGBTQ rights “through specific anti-discrimination cases.”

- **Independent public advocacy for LGBTQ rights continued to find space despite official repression.** Organizations focusing on LGBTQ issues continued to operate this past year, and in an example of individual LGBTQ advocacy, two men organized an art project in multiple cities in China, driving trucks with slogans on the side that criticized the continued use of conversion therapy in China.

**LGBTQ Community Lacks Clear Legal Protection from Domestic Violence**

A Chinese official indicated in 2015 that the PRC Anti-Domestic Violence Law would likely not cover those in same-sex relationships. According to the U.S. Department of State, “the law does not safeguard same-sex couples.” As of August 2019, the Commission did not observe any other national statistics regarding violence against LGBTQ individuals in the reporting year.
## Suppression of the LGBTQ Community—Continued

### Censorship of LGBTQ Content

Chinese authorities censored LGBTQ content on television, film, and online, and in some cases prevented public forms of LGBTQ expression.\(^82\) In October 2018, authorities in Wuhu municipality, Anhui province, sentenced an author to ten years and six months’ imprisonment on pornography charges for writing a novel depicting gay sex.\(^83\) In April 2019, Chinese social media platforms variously banned a hashtag for lesbian issues and the use of rainbow flag emojis in display names.\(^84\) In response to significant online criticism, the microblogging platform Weibo restored the hashtag.\(^85\)

### UN Recommendations to the Chinese Government on LGBTQ Issues

- **The Chinese government has not followed a UN Committee against Torture recommendation made specifically to China to ban its particular practice of conversion therapy and other “forced, involuntary or otherwise coercive or abusive treatments.”** Conversion therapy, as practiced in Chinese medical facilities, does not meet the medical standard of “free and informed consent,” according to Human Rights Watch. Moreover, such therapy often includes forced medication, the involuntary or coercive application of electric shocks, arbitrary confinement, as well as aversion therapy.\(^86\) One non-governmental organization (NGO) focusing on LGBTQ issues documented 169 alleged cases of forced conversion therapy in China between 2016 and 2017.\(^87\) In 2016, the UN Committee against Torture called on the Chinese government to “prohibit the practice of so-called ‘conversion therapy,’ and other forced, involuntary or otherwise coercive or abusive treatments” as practiced in Chinese medical facilities.\(^88\)

- **The Chinese government accepted and supported recommendations related to LGBTQ rights from UN member states that participated in the Universal Periodic Review.** In March 2019, the Chinese government accepted recommendations made by Argentina, Chile, France, Mexico, the Netherlands, and Sweden during the November 2018 session of the Universal Periodic Review of the Chinese government’s human rights record to “[p]rohibit all forms of discrimination and violence against lesbian, gay, bisexual, transgender, and intersex persons,” and to “adopt measures, including public policies or laws, which ensure the enjoyment of the right of every person not to be discriminated against in any way, including their sexual orientation, religion or ethnic origin.”\(^89\) Although in 2016 over 30 delegates to the National People’s Congress\(^90\) proposed passage of draft anti-discrimination legislation that would prohibit discrimination on the basis of gender, sexual identity, and sexual orientation, the Commission had not observed further action toward passage of the law as of August 2019.\(^91\)
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INSTITUTIONS OF DEMOCRATIC GOVERNANCE

Findings

• China’s one-party authoritarian political system remains out of compliance with international human rights standards because authorities deprived citizens of the right to meaningfully participate in the electoral process and in public affairs in general.
• As Chinese Communist Party General Secretary Xi Jinping continued to promote rule-based governance, the Party passed a series of rules to formalize the manner and extent of the Party’s control over the government and society. These rules reinforced the all-encompassing authority of the Party and centralized personal leadership of Xi Jinping. One set of rules formalized the Party’s longstanding control over “political-legal” work covering the judiciary, the procuratorate, public security agencies, national security agencies, and judicial administration agencies. The rules focused on protecting the Party’s political security and preserving its absolute control.
• Central authorities also issued rules to regulate personnel management in the government by requiring civil servants to receive political indoctrination and by imposing political considerations as criteria for career advancement. In one instance, the Party Central Committee issued an opinion prohibiting officials from expressing views inconsistent with the Party’s policy or “improperly discussing” central Party policy even outside of work hours.
• While the Chinese government used technology to facilitate citizens’ access to public services, it continued to employ a combination of “big data, artificial intelligence, recognition technology and other police techniques” to impose social and political control. Data collection became more centralized and coordinated, as an increasing number of province-level jurisdictions have established “Big Data Bureaus.” In particular, authorities in the Xinjiang Uyghur Autonomous Region used apps to track and target Uyghurs and Turkic Muslims for investigation, which often would result in the detention of the targeted individuals for non-criminal conduct.
• Citizens’ opportunities to participate in limited local elections diminished this past year. Chinese authorities reduced the frequency of elections for grassroots-level committees—from once every three years to once every five years—in order to synchronize with the terms of the corresponding Party offices, thereby “complementing the Party’s complete leadership.”
• On the international stage, China categorically denied accountability for human rights violations despite evidence of human rights abuse. It further rejected recommendations to cease the practice of arbitrary detention and rejected calls to release political prisoners. Domestically, the Party and the government continued to carry out an anticorruption campaign, resulting in the discipline or criminal prosecution of some officials on corruption-related charges. Outside of the anti-corruption campaign, some courts awarded compensation to victims who were tortured by government officials, but reporting indi-
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cated that officials sometimes failed to hold perpetrators accountable.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Support U.S. research programs that document and analyze the governing institutions and ideological campaigns of the Chinese Communist Party, as well as its influence over companies, government agencies, legislative and judicial bodies, and non-governmental organizations (NGOs).
- Employ a “whole-of-government” approach to encourage Chinese authorities to ratify the International Covenant on Civil and Political Rights and release individuals detained or imprisoned for exercising their rights to freedom of speech, association, and assembly. These individuals include those mentioned in this report and in the Commission’s Political Prisoner Database, such as Huang Qi, Liu Feiyue, and Qin Yongmin.
- Support joint U.S.-China cooperative programs to develop independent village committee and people’s congress election monitoring systems. Encourage central and local Party and government leaders to implement free and fair elections across China. Continue to fund, monitor, and evaluate the effectiveness of democracy promotion and rule of law programs in China.
- Support organizations working in China that seek to work with local governments and NGOs to improve transparency, especially with regard to efforts to expand and improve China’s open government information initiatives. Urge Party officials to further increase the transparency of Party affairs.
- Call on the Chinese government to improve procedures through which citizens may hold their officials accountable outside of the internal Party-led anticorruption campaign. Urge Party and government officials to establish and improve public participation in government affairs. Encourage top-level officials to reform governing institutions to promote an authentic multi-party system with protections for freedom of speech, association, and assembly.
China's one-party authoritarian political system remains out of compliance with the standards defined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), which China has signed and declared an intention to ratify. These standards require that citizens be allowed to freely choose their representatives and to hold their officials accountable through fair and impartial elections regardless of political party membership. During the 2019 reporting year, the Commission observed reports of authorities depriving citizens of the right to meaningfully participate in the electoral process and in public affairs in general.

The Chinese Communist Party further curtailed the limited space for democratic participation as it moved to further formalize and tighten its control over government and social institutions. Echoing language used at the 19th National Congress of the Chinese Communist Party in 2017, official media continued to emphasize complete dominance of the Party, which in turn remained subject to the personal leadership of President and Party General Secretary Xi Jinping.

Communist Party Centralized and Expanded Control

The Chinese Communist Party Central Committee asserted the Party's control in the Opinion on Strengthening Party Political Building, issued in January 2019. The opinion demanded absolute loyalty from leading cadres and emphasized the importance of protecting the Party's leadership with Xi Jinping as the core leader and of adhering to "Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era," which is a political ideology incorporated into China's Constitution in 2018.

Beyond reaffirming the Party's authority in the opinion, the Central Committee issued substantive rules that had the effect of centralizing and expanding the Party's control. The Regulations on the Chinese Communist Party's Political-Legal Work, for example, institutionalized the Party's longstanding de facto control over "political-legal work" which covers the judiciary, the procuratorate, public security agencies, national security agencies, and judicial administration agencies. The regulations invoked the authority of both the Party Constitution as well as China's Constitution, and it was the first time that the Party described its political-legal functions by way of Party rules. The regulations repeatedly emphasized the Party's absolute control and tasked political-legal committees with devising strategies to ensure political security and social stability. A U.S.-based scholar and former rights lawyer in China observed that the Party used the regulations as a way to assert the Party's control and to forestall attempts to promote division of political power or judicial independence.

The Regulations on Requesting Instructions and Making Reports on Important Issues, effective in January 2019, established a command structure with Xi Jinping at the core, requiring local Party entities to obtain approval or guidance from a higher-ranking Party
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entity for ten categories of “important matters,” such as those necessitating policy changes. Also, the provisional Regulations on Chinese Communist Party Branch Operations, effective in October 2018, expanded the Party’s reach in society by requiring the establishment of Party branches or joint Party branches in rural cooperatives and commercial organizations to promote Party policies. These provisional regulations were promulgated after the Party amended its Constitution in 2017 in part to delineate the nature and functions of Party branches, which previously were not governed by written rules.

Communist Party Formalized Control Over Personnel Management in Government

Central Party authorities further strengthened the Party’s control over civil servants and Party-government leadership positions. In November 2018, the Chinese Communist Party Central Committee issued a plan requiring personnel in leadership positions to be trained at facilities such as the new Central Party School (Chinese Academy of Governance), a Party entity established in March 2018 to take over the function of training government officials. The plan covers seven categories of personnel, including Party-government leaders, civil servants, and leaders of enterprises and public institutions. A minimum of 70 percent of the training at Party schools must center on “Xi Jinping Thought.”

In December 2018, the National People’s Congress Standing Committee revised the PRC Civil Servant Law to require every civil servant to support and obey the Party’s leadership, an addition to the existing provisions for compliance with the constitution and the law. The Standing Committee also added political considerations as criteria for training, examination, appointment, and supervision of civil servants. Under the revised law, civil servants are prohibited from disseminating speech harmful to the Party’s reputation, “damaging ethnic relations,” or “joining activities that divide ethnic groups.” Previously, authorities prosecuted citizens on the charge of “inciting ethnic hatred” for peacefully expressing views on the government’s ethnic policies. Furthermore, the Opinion on Strengthening and Improving Party Building in Central Authority and Government Agencies, issued in March 2019, prohibited officials from expressing views inconsistent with the Party’s policy or “improperly discussing” central Party policy (wangyi zhongyang) even outside of work hours. According to one scholar’s analysis, the political assessment requirement under the revised PRC Civil Servant Law may negatively impact non-governmental organization (NGO) operations in China, as officials try to demonstrate political loyalty by interacting with NGOs in ways that are consistent with the Party’s policy of limiting the scope of public interest activities.

In March 2019, the Party issued Regulations on Selection and Appointment of Party and Government Leading Cadres to “steadfastly prioritize political standards.” The regulations require that all cadres holding leadership positions in the government or the Party must “resolutely safeguard General Secretary Xi Jinping’s core leadership and uphold the centralized and unified leadership of the party.”
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of the Central Committee.” The new regulations supersede the 2014 version, which lacks specific reference to Xi Jinping.

Some observers claimed that centralization and tightening of control has stalled democratic progress and political reform and could result in the implementation of policies that are insensitive to local conditions. A Germany-based scholar estimated that “the number of provincial experiments”—such as initiatives for building free markets and allowing private land ownership—“fell from 500 in 2010 to about 70 in 2016.” According to some Chinese officials, emphasis on loyalty and “political performance” had led civil servants to become increasingly reluctant to act independently and had caused many to leave their jobs.

Use of Technology to Control Citizens

While the Chinese government used technology to facilitate citizens’ access to public services, it continued to employ a combination of “big data, artificial intelligence, recognition technology and other police techniques” to impose social and political control.

SURVEILLANCE TECHNOLOGY

The Chinese government demonstrated its technological capacity to implement advanced surveillance systems. For example, authorities installed facial recognition systems at sites with a high volume of human traffic, such as at an airport in Shanghai municipality, four subway stations in Guangzhou municipality, Guangdong province, and the border crossing of the Hong Kong-Zhuhai-Macau Bridge. Despite having the potential to speed up the security screening process, the technology has raised privacy concerns.

Examples of surveillance systems implemented during this reporting year, including those that emerged from the Xinjiang Uyghur Autonomous Region (XUAR), demonstrate that the Chinese government has a policy of using technology for repression. One official who worked in a mass internment camp in the XUAR said that authorities could constantly monitor each room through a system of surveillance cameras, which they used to control detainees’ activities including bathroom usage. In another example, authorities required members of a government-sanctioned Christian church in the XUAR to verify their identity and go through a facial recognition system, which effectively prevented some of them from participating in the church service due to the time involved in being processed. In May 2019, non-governmental organization Human Rights Watch released a report in which it documented Chinese authorities’ use of apps as part of the “Integrated Joint Operations Platforms” to track and target Uyghurs and other Turkic Muslims for investigation, which often resulted in the detention of the targeted individuals for non-criminal conduct. [For more information on surveillance practices in the XUAR, see Section II—Business and Human Rights and Section IV—Xinjiang.]

PROVINCES CREATED BIG DATA ADMINISTRATION BUREAUS

Authorities’ efforts to collect information became more coordinated and centralized this past year. Following the restructuring of
central government agencies in March 2018, local governments also underwent reorganization, with a number of them creating new provincial- and prefectural-level bureaus designed to manage big data, adding to the existing 21 similar agencies. These bureaus, seen as instrumental to building smart cities, are tasked with coordinating data collection and sharing among different government agencies to improve transparency and the capacity of governance. While big data bureaus have the potential to improve citizens' access to government services, observers noted the lack of adequate privacy protection and expressed concerns that these bureaus can serve as the Chinese government's instrument of surveillance.

In one example, a plan issued by a local government in Henan province indicated that the provincial government was gathering, auditing, and entering information of religious followers into a database, according to an online magazine focusing on religious freedom in China. The database—called the “Henan Province Religious Affairs Management and Service Platform”—began operation in May 2018, and the data-gathering efforts may be part of the ideological “rectification measures” issued by the Henan Provincial Party Committee around September 2018. Some religious practitioners expressed concern that databases like this one would facilitate “the Chinese Communist government to carry out further monitoring, restriction, or even crack down” on religious followers.

In August 2018, China Digital Times reposted an online article by an anonymous source claiming to be an experienced public security official who disclosed the manner in which authorities categorized individuals using information collected through big data systems. Targeted people included Uyghurs in the XUAR, Tibetans returning from abroad, Falun Gong practitioners, veterans, NGO workers, and foreign journalists. The source also provided photographs of computer screens suggesting that public security officials not only collect biographical information, but they also track travel and internet usage history and have the ability to link records of a person’s neighbors, relatives, and people traveling on the same airplane. The original article has since become unavailable.

Citizen Participation

Suppression of Politically Sensitive Activities

While the official Party news outlet People’s Daily continued to operate a message board through which local officials may respond to citizens’ complaints and suggestions on issues concerning personal matters and local policies, political content posted on the board was subject to censorship. Beyond the officially maintained platform, authorities criminally detained people who engaged in speech or advocacy work that had broader social and political implications: In one example, authorities in Shenzhen municipality, Guangdong province, detained Wei Zhili in March 2019 on suspicion of “picking quarrels and provoking trouble” in connection to his online advocacy for factory workers who contracted pneumoconiosis due to the lack of occupational safety measures.
other example, authorities in Xinxiang municipality, Henan province, arrested He Fangmei in April 2019 on suspicion of “picking quarrels and provoking trouble” because she protested and organized a support group for parents with children who were rendered disabled or paralyzed after receiving substandard vaccines. [For more information on Chinese authorities’ use of the criminal justice system and extralegal measures to suppress rights activities, see Section II—Criminal Justice.]

ELECTIONS

The Commission did not observe progress in expanding the scope of direct elections, which Chinese law limits to people’s congresses of local jurisdictions and grassroots-level committees. In December 2018, the National People’s Congress Standing Committee amended two sets of laws to decrease the frequency of grassroots-level elections from once every three years to once every five years, affecting elections for village committees in rural areas and residents committees in urban areas. The new five-year term of office for these committees synchronized with the term of Party committees at the corresponding levels specified in a Party opinion issued earlier in July 2018. According to an official news article, the longer term would be beneficial to implementing policy plans and improving stability, and Minister of Civil Affairs Huang Shuxian said the change would complement the Party’s complete leadership.

Rights Defense Network, a human rights monitoring group, documented instances in which officials suppressed meaningful participation in or speech regarding elections this past year, demonstrating that China’s political institutions do not meet the standards for elections outlined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. For example, in September 2018, officials in Qianshan county, Anqing municipality, Anhui province, disqualified two candidates who, in a preselection, were leading or in close contest with another two candidates selected by the township Party committee. The township leaders also reportedly hired a known gang member to physically assault individuals who opposed the selected candidates.

Accountability

CHINA DENIED COMMITTING HUMAN RIGHTS VIOLATIONS

In international forums, China categorically denied that it had committed human rights violations. As Xi Jinping’s political ideology continued to guide China’s human rights practices, the spokesperson of China’s Ministry of Foreign Affairs in August 2018 dismissed as baseless reports of Uyghurs and other Muslim minorities being held in incommunicado detention, as noted in the concluding observations of the UN Committee on the Elimination of Racial Discrimination.

After the Universal Periodic Review held in November 2018, China likewise asserted that “[t]here is no such problem as arbitrary detention,” in response to multiple calls by UN members for China to cease all forms of arbitrary detention, including mass in-
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ternment camps in the XUAR.\textsuperscript{86} China also rejected recommendations to cease the persecution of human rights defenders and lawyers,\textsuperscript{87} claiming that requests to release those detained “in accordance with law is an interference in China's judicial sovereignty.”\textsuperscript{88}

ANTICORRUPTION CAMPAIGN

Domestically, Chinese authorities continued to carry out the anticorruption campaign,\textsuperscript{89} which began in 2012 with the stated goals of restoring Party discipline and punishing official corruption and is viewed as Xi Jinping’s signature initiative.\textsuperscript{90} According to some observers, the campaign may not be effective in combating corruption because it does not strengthen institutional supervision such as by the press, civil society, and other political parties.\textsuperscript{91}

The National Supervisory Commission (NSC)—an anticorruption body created in March 2018 with authority to detain people without judicial oversight\textsuperscript{92}—has demonstrated thus far that its operations were subordinate only to the Chinese Communist Party. Director Yang Xiaodu of the NSC said in February 2019 that the commission was supervised by the Party Central Committee and therefore would not release a report separate from the one issued by the Central Commission for Discipline Inspection (CCDI), a Party entity.\textsuperscript{93} In January, the CCDI issued its work report internally and addressed it to CCDI’s own standing committee at a plenary meeting.\textsuperscript{94} The NSC did not submit a separate work report to the National People’s Congress (NPC) in March 2019 during the annual meetings, although the law subjects supervisory commissions to the oversight of the corresponding people’s congresses.\textsuperscript{95}

Furthermore, while the NSC hired its first cohort of “special supervisors” in December 2018 with the stated purpose of improving supervision by the public,\textsuperscript{96} these supervisors are required to submit themselves to the Party’s leadership, and their duties do not go beyond making suggestions and promoting the Party’s policies.\textsuperscript{97}
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**Possible Political Motivations Behind Detaining Interpol President**

Among those detained as part of the anticorruption campaign was Meng Hongwei, who was Vice Minister of Public Security when he was elected in November 2016 to lead the International Criminal Police Organization (Interpol), the international police agency headquartered in Lyon, France. Meng disappeared upon arriving in China on a trip from France in October 2018, according to his wife. In March 2019, the Central Commission for Discipline Inspection (CCDI) and the National Supervisory Commission (NSC) expelled Meng from the Party and stripped him of his official position for a number of alleged wrongdoings, including abusing his power, not adhering to Party rules, and receiving bribes; the article did not detail any specific act, however. In addition, the article reported that Meng lacked “Party spirit” and refused to carry out orders from the Party’s Central Committee. Meng’s wife maintained that the detention was politically motivated, adding that Meng “was well-known in China for his reformist views and had in March 2017 tendered his resignation to the Central Committee of the Communist Party of China.” Sources told the Wall Street Journal that Meng, in his capacity as the head of the international police agency, did not fully carry out Chinese central authorities’ instructions to issue “red notices,” which would help them target dissidents outside of China.

**CASES OUTSIDE THE ANTICORRUPTION CAMPAIGN**

In some examples, Chinese authorities displayed a willingness to hold officials accountable outside the anticorruption campaign in cases involving official malfeasance:

- In October 2018, the Tianjin Municipal No. 1 Intermediate Court sentenced nine former procuratorate officials from Yanbian Korean Autonomous Prefecture, Jilin province, to terms of imprisonment ranging from 1 year and 3 months to 13 years on charges including “intentional assault,” “extorting confession by torture,” and “dereliction of duty,” after they tortured and caused the death of a Hong Kong businessman during an interrogation that lasted over four days.
- In November 2018, the public security bureau in Quanzhou municipality, Fujian province, issued an apology and suspended one officer for harassing a female journalist who was reporting on a biochemical leakage incident in that locality. The article reporting the event characterized the government’s response as rare, however.

In contrast, other examples showed a lack of commitment to hold officials accountable:

- In November 2018, the Shandong Province People’s Government appointed Ma Yuenan as the director of the provincial Big Data Bureau, one month after she was reprimanded for failing to prevent the distribution of substandard vaccines in Shandong. The appointment reportedly violated a Party rule that prohibits the promotion or appointment of a Party member to an important post within six months of a reprimand.
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- In January 2019, the Liaoyuan Municipal Intermediate People's Court in Jilin province awarded compensation to an individual who served over 25 years in prison for a homicide conviction based on confessions reportedly extracted through torture. Yet neither the court that awarded him compensation nor the court that reversed his conviction found that torture took place, and sources did not indicate that authorities had held the perpetrators accountable.
Notes to Section III—Institutions of Democratic Governance

1 Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217(A)III) of December 10, 1948.


4 Universal Declaration of Human Rights (UDHR), adopted and proclaimed by UN General Assembly resolution 217(A)III) of December 10, 1948, art. 21. According to Article 21 of the UDHR, “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. . . . The will of the people shall be the basis of the authority of government, this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”


7 “Xi Jinping: juesheng quanmian jiancheng xiaokang shehui duouqou xin shidai Zhongguo tese shehui zhu yi wei da shengli” [Xi Jinping: secure a decisive victory in building a moderately prosperous society in all respects and strive for the great success of socialism with Chinese characteristics for a new era], October 18, 2017, Xinhua, October 27, 2017, sec. 3.

8 See, e.g., Han Qingxiang, “Bixu jianchi dang dui yiqie gongzuo de lingdao” [Party leadership over every type of work must be steadily maintained], Qushi (Seeking Truth), December 22, 2018; “Renmin Ribao pinglunyuan: tigao dang lingdao jingji gongzuo nenli he shuiping—li lun guan chu luoshi zhongyang jingji jingji gongzuo huixi jingshen” [People’s Daily commentator: Improve ability and standard of Party leadership in economy—six points on thoroughly actualizing spirit of central committee meeting concerning economy], People’s Daily, December 27, 2018.


11 Chinese Communist Party Central Committee, Zhonggong Zhongyang Guangyuan Qingshi Baogao Tiaoli [Regulations on Requesting Instructions and Making Reports on Important Issues], effective January 31, 2019, secs. 1, 6(18). The components of “Xi Jinping Thought” include Xi’s speeches and writings generated after 2012, when Xi became the Party Secretary. See Tao Wenzhao and January 31, 2019, secs. 1, 6(18). The components of “Xi Jinping Thought” include Xi’s speeches and writings generated after 2012, when Xi became the Party Secretary. See Tao Wenzhao and...

12 Central Commission for Discipline Inspection, “Yitu dudong: ‘Zhongguo Gongchandang Zhongyang Qunmin Shehui zhuyi weida shengli’” [Building integrity: ‘Xi Jinping’s Strategic Victory in Building a Moderately Prosperous Society’], January 31, 2019, sec. 1, 6(18). The components of “Xi Jinping Thought” include Xi’s speeches and writings generated after 2012, when Xi became the Party Secretary. See Tao Wenzhao and January 31, 2019, secs. 1, 6(18). The components of “Xi Jinping Thought” include Xi’s speeches and writings generated after 2012, when Xi became the Party Secretary. See Tao Wenzhao and...

13 Xi Jinping zhuchi zhongyang zhengzhiju huiyi shenyi ‘Zhongguo Gongchandang Zhengfa Gongzuo Tiaoli’ [Xi Jinping presides over meeting of the Political Bureau of the Central Committee, reviews the Regulations on the Chinese Communist Party’s Political-Legal Work], Xinhua, December 27, 2018.


15 Ibid, art. 1.


19 Chinese Communist Party Central Committee, Zhonggong Gongchandang Zhongyang Shixiang Qingshi Baogao Tiaoli [Regulations on Requesting Instructions and Making Reports on Important Issues], effective January 31, 2019, art. 13.

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24 "Zhonggong zhongyang yinda ‘Shenhu Dang He Guojia Jigou Gaige Fang'an'” [Chinese Communist Party Central Committee issues ‘Plan for Deepening Reform of Party and Government Agencies’], Xinhua, March 21, 2018, secs. 1(6), (7); "Zhonggong zhuban chang ci xi jian guoji xingzeng xueyuan yuanzheng tuo zhen ren renmin ribao zongbianji" [Head of Central Committee’s Organization Department Chen Xi to head Chinese Academy of Governance, Tao Zhen becomes chief editor of People’s Daily], Radio Free Asia, April 4, 2018.
26 Ibid., sec. 1/3/3.
28 Zhonghua Renmin Gongheguo Gongwuyuan Fa [PRC Civil Servant Law], passed April 27, 2005, effective January 1, 2006, revised September 1, 2017, arts. 11, 12.
30 Ibid., art. 59(1), (3).
38 Ibid., art. 7(1).
40 Ibid.
42 See, e.g., Cyberspace Administration of China, ‘Hulianwang + zhengwu fuwu chuangzao xin moshi, rang zhengwu fuwu geng zhihui’ [Internet + government services: creating a new model and making government services smarter], Office of the Central Cyberspace Affairs Commission, February 14, 2018; Sha Xueliang, “Beijing jian wangshang zhengfu fuwu zongmeiti" [Beijing builds centralized website for online government services, 90 percent of matters can be handled online by end of year], Beijing News, November 6, 2018.
44 Ministry of Industry and Information Technology, "Chujin xin yida rengong zhengheng chanye fazhan sannian xingdong jihua (2018–2020 nian)" [Three-year plan to promote a new generation of artificial intelligence (2018–2020)], December 14, 2017. In December 2017, the Ministry of Industry and Information Technology issued a three-year plan to enhance the academic and business communities’ capacity to develop artificial intelligence technologies, including biometric identification technology such as facial and sound recognition.
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50 Part II. Interview: “We Can Observe the Toilet with Cameras as Well,” Radio Free Asia, October 17, 2018.
51 Li Zaili, “Facial Recognition Checks to Enter a Church,” Bitter Winter, October 15, 2018.
52 Ibid.
55 Li Deren, Cao Jianjun, and Yao Yuan, “Big Data in Smart City,” China Science, August 26, 2015. Smart cities use a network information platform, which is then stored, and analyzed in a cloud computing platform. The processed information is then used to automate certain functions around the city.
56 “Dujia: Zhejiang de zhejia xinshe zhongyao jigou yong jinjun caifang daole!” [Exclusive: This newly established important agency in Zhejiang, Yong Jinjun’s interview is here!]
57 “Facial Recognition Checks to Enter a Church,” Bitter Winter, October 15, 2018.
59 “Facial Recognition Checks to Enter a Church,” Bitter Winter, October 15, 2018.
60 Li Deren, Cao Jianjun, and Yao Yuan, “Big Data in Smart City,” China Science, August 26, 2015. Smart cities use a network information platform, which is then stored, and analyzed in a cloud computing platform. The processed information is then used to automate certain functions around the city.
62 Li Deren, Cao Jianjun, and Yao Yuan, “Big Data in Smart City,” China Science, August 26, 2015. Smart cities use a network information platform, which is then stored, and analyzed in a cloud computing platform. The processed information is then used to automate certain functions around the city.
64 Feng Yun, Chen Xiao Ping, and Wang Luyang, “Datong yishi xingtai gongzuo zerenzhi [Institutional Reform Plan], March 17, 2018.
66 “Facial Recognition Checks to Enter a Church,” Bitter Winter, October 15, 2018.
68 “Facial Recognition Checks to Enter a Church,” Bitter Winter, October 15, 2018.
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[...]
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89 See, e.g., Jiang Jie, “Kaiqi dang he guojia fanfuba fanfubian xian piaozhang” [Opening a new chapter of Party and government anticorruption work], People's Daily, March 1, 2019.


92 Zhonghua Renmin Gongheguo Jiaocha Fa [PRC Supervision Law], passed March 20, 2018, art. 22.

93 "Central Commission for Discipline Inspection and National Supervisory Commission, "Zhouyue jiewei Guojia Jianwei jiancha yuan bi tongjiu xu zai zouzhan, jiancha yuan jiancha yu yan" [Central Commission for Discipline Inspection and National Supervisory Commission convene forum to listen to suggestions of special supervisors], September 27, 2018.

94 "Zongshi luding Dangzhang he Xianfa fu zu shi " [Decision on hiring the first class of special supervisors], December 17, 2018.

95 National Supervisory Commission, Guojia Jiancha Weiyuanhui Teyue Jianchayuan Gongzuo Guifa [Measures on Special Supervisors], issued and effective August 24, 2018, arts. 1, 3, 9.

96 "Zongshi luding Dangzhang he Xianfa fu zu shi " [Decision on hiring the first class of special supervisors], December 17, 2018.

97 "Zongshi luding Dangzhang he Xianfa fu zu shi " [Decision on hiring the first class of special supervisors], December 17, 2018.

98 "Zongshi luding Dangzhang he Xianfa fu zu shi " [Decision on hiring the first class of special supervisors], December 17, 2018.


101 "Gong’an bu yuan fu zhuang Meng Hongwei yan zhi wei" [Former Vice Minister of Public Security Meng Hongwei expelled from Party and stripped of official position for serious violations of Party rules and law], Xinhua, March 27, 2019.

102 Ibid.

103 Emmanuel Jarry and John Irish, "Wife of Missing Ex-Interpol Chief Says Arrest in China Politically Motivated," Reuters, March 28, 2019; Central Commission for Discipline Inspection and National Supervisory Commission, "Gong’an bu yuan fu zhuang Meng Hongwei yan zhi wei" [Former Vice Minister of Public Security Meng Hongwei expelled from Party and stripped of official position for serious violations of Party rules and law], Xinhua, March 27, 2019; Zhonghua Renmin Gongheguo Jiaocha Fa [PRC Supervision Law], passed March 20, 2018, art. 15. Although the Xinhua article said that Meng was expelled from the Party, Meng's wife claimed that Meng already had withdrawn his Party membership two years earlier. Note is the fact that the initial official announcement stated that Meng was being investigated by the National Supervisory Commission, which has jurisdiction over non-Party members.


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107 “Quanzhou shi gong’anju fa tongbao Quangang qu gong’an zhifa bei wenze” [Quanzhou municipal public security issues bulletin, law enforcement officer in Quangang district held accountable], Caixin Net, November 21, 2018.

108 Shandong Province People’s Government, “Shandong Sheng Renmin Zhengfu guanyu renming Ma Yuenan deng gongzuogu renyuan zhiwu de tongzhi” [Circular on appointing Ma Yuenan and other staff members to certain positions], November 1, 2018.

109 Yan Xiangling, “Shandong sheng shi buhege yimiao wenti sheji danwei ji renrén yuan yuyi wenze” [Shandong province holds work units and related personnel accountable over substandard vaccine issue], Xinhua, September 30, 2018.

110 “Zhongguo xin she dashuju ju juzhang jing you shou chufen guanyuan” [Directors of China’s new big data bureaus surprisingly include disciplined officials], Radio Free Asia, November 6, 2018; Organization Department, Central Committee, Chinese Communist Party, Guanyu Zuzhi Renshi Bumen dui Lingdao Ganbu Jinxing Tixing, Hanxun he Jiemian de Shishi Xize [Implementing Details on Reminders, Written Inquiries, and Reprimands Issued to Leading Cadres from the Organization [Department’s] Human Resources Departments], issued and effective June 30, 2015, art. 19.


ACCESS TO JUSTICE

Findings

- Under the International Covenant on Civil and Political Rights (ICCPR), all persons are entitled to equal treatment in the course of seeking enforceable legal remedies within the legal system for violations of their rights. During the 2019 reporting year, the Commission observed examples in which Chinese authorities violated the right to equal treatment by influencing the judiciary, controlling the legal profession, and persecuting human rights lawyers, all of which are inconsistent with the relevant ICCPR provisions.

- The Chinese Communist Party issued regulations to formalize its control over the judiciary through political-legal work committees, which are Party entities. In January 2019, the Central Political-Legal Committee led an investigation into a case involving allegations that Supreme People's Court President Zhou Qiang interfered with the adjudication of a case. The investigation’s conclusion was based on a possibly coerced confession and did not address Zhou’s involvement.

- The Party’s absolute leadership over the judiciary, as promoted by official media, had a negative impact on the overall judicial process. The Supreme People’s Court planned to amend past judicial interpretations to conform to approved political ideology and announced that it would not issue any new judicial interpretations unless the topic was specified by the Party. With respect to the legal profession, the Minister of Justice urged lawyers to “unify their thoughts” and to accept the Party’s complete leadership over their work.

- Authorities continued to criminally prosecute human rights lawyers on charges such as “subversion of state power,” viewing legal representation provided by them as a threat to the Party’s political security. Authorities also restricted the speech and movement of human rights lawyers, and in some cases stripped them of their law licenses.

- Citizens continued to use the petitioning system as a channel to express their grievances, but the system’s opacity made the effectiveness of their efforts difficult to determine. Some local governments answered calls from central authorities to improve data-sharing capability with anticorruption agencies to better monitor conduct of local officials, suggesting a new focus for the petitioning system.

- The Ministry of Justice announced changes to the legal aid system to standardize services, including the prompt assignment of and compensation for legal aid workers. Acting jointly with the Supreme People’s Court, the Ministry of Justice also expanded a legal aid service pilot program for criminal cases to cover more locations. These new developments do not appear to expand the space for civil society groups to provide public interest legal aid services, and authorities banned a group formed to provide legal aid and consultation.
Access to Justice

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Highlight and discuss with Chinese officials the report in which the UN Working Group on Arbitrary Detention found human rights lawyers Wang Quanzhang, Jiang Tianyong, Li Yuhan, and Yu Wensheng to have been arbitrarily detained. Urge the Chinese government to unconditionally exonerate the above-named lawyers and other similarly situated lawyers.

- Highlight and discuss with Chinese officials cases of human rights lawyers such as Sui Muqing, Tan Yongpei, Liu Zhengqing, Xie Yanyi, and Chen Keyun, whose law licenses were revoked or whose ability to practice law was otherwise restricted because of their legal representation and advocacy in cases that Chinese authorities deem politically sensitive.

- Urge the Chinese government to protect the fundamental civil and professional rights of China’s lawyers, to investigate all allegations of abuse against them, and to ensure that those responsible are brought to justice. Urge the Chinese government to end all forms of harassment or persecution against the family members of human rights lawyers and advocates, including surveillance and restrictions on their freedom of movement.

- Urge the Chinese government to stop all forms of persecution or prosecution of petitioners who use the petitioning system to peacefully seek redress for their grievances.

- Urge leaders of the Chinese Communist Party and government to grant the judiciary true independence and warn them of the negative impact on the rule of law when the judiciary is involved in political campaigns.

- Increase support for programs that promote dialogue between U.S. and Chinese legal experts to determine how China can structure and implement legal reforms. Concomitantly increase support for collaboration between U.S. and Chinese academic and non-governmental entities to help develop programs that enhance the capacity of the Chinese legal system to protect citizens’ rights.
ACCESS TO JUSTICE

The International Covenant on Civil and Political Rights (ICCPR), which China signed and expressed its intention to ratify, provides that all persons are equal before the courts; it also obligates a State Party to ensure that people have enforceable legal remedies for any violation of the rights and freedoms recognized in the convention, even if the violation has been committed by an official.

Although Supreme People’s Court President Zhou Qiang reported improvements in different aspects of the judicial system, the examples of political interference with the judiciary, control over the legal profession, and persecution of human rights lawyers that the Commission observed during the 2019 reporting year are inconsistent with the relevant ICCPR provisions.

COMMUNIST PARTY’S CONTROL OVER THE JUDICIAL PROCESS

COMMUNIST PARTY EXERTS CONTROL THROUGH POLITICAL-LEGAL COMMITTEES

The Chinese Communist Party Central Committee issued Regulations on the Chinese Communist Party’s Political-Legal Work, effective in January 2019, to formalize its control over a range of state functions, including the judiciary. Under the regulations, Party-run political-legal committees at the central and provincial levels are tasked with promoting judicial transparency, as well as reporting instances of judicial interference by cadres in leadership positions. According to an official interpretation of the new regulations, political-legal committees are responsible for setting general directions and policies but are not authorized to manage substantive work in individual cases. In practice, however, political-legal committees have a record of influencing individual cases.

In March 2018, Central Party authorities expanded the scope of the Central Political-Legal Committee’s jurisdiction to domestic public security concerns, including integrated “social order management,” “social stability maintenance,” and prevention and handling of “cult” issues, which have been the bases for prosecuting citizens in connection to their legitimate and peaceful exercise of internationally recognized human rights. [For more information on Chinese authorities’ use of criminal provisions to suppress religion and human rights activities, see Section II—Criminal Justice and Freedom of Religion.]

Judicial Interference and Party-Led Investigation

In January 2019, the Central Political-Legal Committee led an investigation into a case involving allegations of judicial interference, including those involving the Supreme People’s Court (SPC) President Zhou Qiang. According to Radio Free Asia, some lawyers pointed out that the Central Political-Legal Committee lacks constitutional authority to investigate the Supreme People’s Court since such authority lies with the National People’s Congress.
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Judicial Interference and Party-Led Investigation—Continued

The subject of the investigation was a case that commenced in 2006, when entrepreneur Zhao Faqi’s company sued a state-owned enterprise over a contract dispute concerning mining rights in Shaanxi province. Despite initial success, Zhao’s company lost on appeal, and the case twice came before the SPC. In November 2016, Zhao Faqi published an open letter in which he alleged that several high-ranking officials in Shaanxi had intervened in the judicial process and thereby affected the disposition of the case.

Beginning in December 2018, Wang Linqing, a former SPC judge who handled the case, released several pre-recorded video clips and confirmed unofficial information that the case file had gone missing since 2016. Wang further recounted that an SPC leader—whom another source identified as SPC President Zhou Qiang—gave him two sets of instructions through another court official, initially to remand the case, and later to dismiss the appeal, which would have had the effect of reversing the collegial panel’s decision to rule in favor of Zhao’s company. In February 2019, official media outlet China Central Television broadcasted a recording showing Wang admitting to stealing the file himself ostensibly in order to prevent the case from being transferred away, given the amount of time he had spent working on it.

The Party-led investigation team found that the SPC’s case file security measures were defective and that the adjudication process was delayed beyond the statutory timeframe. The team, however, did not make a finding specific to the alleged involvement of Zhou Qiang. Zhou promptly expressed support for the investigation results, as reported in an editorial in the People’s Court Daily entitled “Upholding the Party’s Absolute Leadership over the Work of People’s Courts.”

Observers questioned the voluntariness of Wang Linqing’s recorded confession and the credibility of the investigation.

FIVE-YEAR PLAN TO CONFORM JUDICIAL INTERPRETATIONS TO PARTY VALUES

Following a Chinese Communist Party directive, the Supreme People’s Court (SPC) in September 2018 issued a five-year plan requiring that the selection, drafting, and amendment of judicial interpretations must conform to “socialist core values” as guided by the political ideology of Party General Secretary and President Xi Jinping. While the full text of the plan was not publicly available, the head of the SPC Research Office explained that the SPC planned to revisit existing judicial interpretations and amend portions that were in conflict with socialist core values, with an intention to incorporate the ideological aims of socialist core values into judicial adjudication standards. He also said that the SPC in principle would not issue new judicial interpretations in the next five years unless the topic was specifically listed in the five-year plan.

CONTROL OF THE LEGAL PROFESSION

In September 2018, the Ministry of Justice convened a meeting about Party-building in the legal profession nationwide, echoing a provision in the Measures on Managing Law Firms that requires
Access to Justice

law firms to engage in Party-building. "Party-building" encompasses a range of activities such as improving the Party’s organizational structure, as well as Party members’ discipline and their ideological commitment. At the meeting, Minister of Justice Fu Zhenghua urged attendees to further “unify [their] thoughts” and to “unabashedly support the Party’s complete leadership over lawyers’ work.” The meeting specified that Party-building work must be a priority within the entire legal profession by 2020. In May 2019, three non-governmental organizations submitted a joint analysis to the UN Special Rapporteur on the independence of judges and lawyers, in which they observed that recent administrative measures imposed on lawyers and law firms facilitated political interference by granting authorities “the power to deny, temporarily or indefinitely, the right to practice to lawyers without reasonable and effective avenues for appeal.”

Persecution of Human Rights Lawyers

Chinese authorities continued to persecute human rights lawyers, including Wang Quanzhang, Jiang Tianyong, Li Yuhan, and Yu Wensheng, whom the UN Working Group on Arbitrary Detention (Working Group) found to have been detained for their rights defense work, in contravention of the Universal Declaration of Human Rights. The Working Group requested that the Chinese government immediately release the lawyers. Chinese authorities, however, continued to subject them to criminal prosecution and penalty.

In January 2019, the Tianjin No. 2 Intermediate People’s Court sentenced Wang Quanzhang to four years and six months in prison for “subversion of state power.” In June 2019, authorities permitted Wang’s wife Li Wenzu to visit him for the first time in nearly four years. Li reported that Wang had lost a significant amount of weight, exhibited robotic reactions and hazy memory, and was reading from a piece of paper when he asked her not to visit him anymore. In February 2019, authorities extralegally detained Jiang Tianyong upon completion of his two-year prison term for “inciting subversion of state power.” Authorities eventually permitted Jiang to return home but continued to subject him to strict surveillance, a measure not provided for in the PRC Criminal Procedure Law. Jiang’s wife reported that authorities tortured Jiang and that he suffered from depression and significant memory loss. In April 2019, Li Yuhan’s lawyers reported that Li’s health had deteriorated further at a detention center in Shenyang municipality, Liaoning province, and that the court had postponed a scheduled trial without giving them notice.

As of March 2019, authorities continued to hold Yu Wensheng in pretrial detention for over a year and deny him legal representation by lawyers hired by his family. Yu’s wife Xu Yan reported that in March over 10 public security officials and residential committee personnel were stationed outside her residence and prevented her from leaving. Xu previously filed an administrative review and an administrative appeal over the public security bureau’s rejection of clothing that she had sent to her husband in detention.
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Besides criminal prosecution, Chinese authorities used other methods to persecute human rights lawyers, including revoking their law licenses, placing obstacles in the license renewal process, and restricting their freedom of speech and movement. In one example, police physically assaulted a lawyer when she was performing her duties as a criminal defense lawyer:

- Sun Shihua. In September 2018, lawyer Sun, the wife of human rights lawyer Sui Muqing, went to a police station in Guangzhou municipality, Guangdong province, in connection with her client’s criminal case. An officer surnamed Chen reportedly declined to discuss Sun’s client’s case with her and accused Sun of attacking him. A group of officers then gathered and beat Sun, during which time Officer Chen choked her and rendered her unconscious. Officers then ordered Sun to take off her clothes and provide a urine sample. During Sun’s six-hour long detention, officers also reportedly ordered her client to strip naked. The Guangzhou Public Security Bureau said it investigated the incident and concluded that the officers “had a rigid attitude and acted uncivilly,” but it denied physical assault or insult having taken place. While at the police station, Sun overheard two officers saying to each other that someone had asked the police station to “handle her case.”

Citizen Petitioning

The petitioning system (xinfang), also known as the “letters and visits system,” has been a popular mechanism outside of the formal legal system for citizens to present their grievances to authorities, either in writing or in person. The petitioning system reportedly has been ineffective in addressing citizens’ grievances due to factors such as the large number of petitions, staff shortages, officials’ fraudulent use of data, and corruption.

Although the director of the National Public Complaints and Proposals Administration said that the petitioning system was highly efficient and had a public satisfaction rate of over 95 percent, such claims remained unverifiable due to a lack of transparency. A group of 57 petitioners from Shanghai municipality previously asked the government to release information to verify a similar claim made in 2016. The Shanghai government called the information “state secrets” and refused to disclose it. The petitioners then sought administrative review with the State Council, which had not provided them with a response as of October 2018, far exceeding the statutory 90-day case processing time limit.

This past year, some local governments focused their efforts on enhancing the petitioning system’s capability to collect data for anticorruption agencies. For example, an official news outlet reported that officials in Beijing municipality created a system by which they would make appointments with petitioners to individually hear complaints concerning significant misconduct. In Guizhou province, officials developed a system to sort through this type of complaint and set case completion time limits.

During this reporting year, petitioners continued to face official repression. Authorities detained petitioners, alleging criminal or administrative offenses including “disrupting order in a public
place,”“picking quarrels and provoking trouble,” and “obstructing official business.” In addition, authorities reportedly detained petitioners in the period leading up to and during the annual meetings of the National People’s Congress and Chinese People’s Political Consultative Conference in March 2019.

**Legal Aid**

The legal aid system remained a state-controlled institution. State Council regulations require that justice bureaus of local governments appoint legal aid organizations and administer legal aid programs through them. Legal aid organizations may assign eligible applicants to in-house lawyers or make referrals to law firms, grassroots legal services, or other social organizations. Lawyers are legally obligated to provide legal aid services and may be disciplined or fined for refusing to do so.

This past year, authorities expanded and standardized legal aid services across China. In January 2019, the Supreme People’s Court and the Ministry of Justice expanded a legal aid pilot program from 8 locations to 31. The pilot program required authorities to advise unrepresented criminal defendants of their right to legal counsel; it also required better coordination between courts, procuratorates, public security bureaus, justice bureaus, and legal aid offices to improve allocation of legal aid resources.

Following this, the Ministry of Justice in February 2019 issued a document to standardize legal aid services in criminal cases, covering different stages of a criminal case, from pretrial investigation to appellate work. Around the same time, the Ministry of Justice and Ministry of Finance issued a guiding opinion delineating specific standards for setting the amount of compensation for legal aid workers and lawyers in administrative, civil, and criminal cases.

These documents, however, do not contain provisions for legal aid services provided by civil society groups operating outside the officially sanctioned framework. In at least one instance, authorities banned one such group and effectively shut down its operations. In September 2018, several rights lawyers who lost their law licenses after a crackdown in 2015 formed a public interest group based in Nanning municipality, Guangxi Zhuang Autonomous Region, to provide legal aid and consultation services. In January 2019, authorities in Nanning banned the group, alleging that it operated in violation of the Regulations on the Registration and Management of Social Organizations.

**Other Developments in the Judicial System**

Parallel to the repressive campaign against rights lawyers and advocates, Chinese authorities continued to carry out “the most systematic and structural legal reform, unprecedented since Chinese reform started 40 years ago,” as observed by a Hong Kong-based scholar.

- Supreme People’s Court President Zhou Qiang reported an increase in the number of successfully resolved enforcement cases in the past three years, thereby accomplishing a goal set at the Fourth Plenum of the 18th Chinese Communist Party Central Committee held in November 2014. In January
2019, however, the U.S. Department of State cautioned that Chinese authorities could prohibit U.S. citizens from leaving China in order to compel them to resolve civil disputes in favor of Chinese parties.93
• Court officials used technology to make it more convenient for citizens to access the court system, such as developing online case opening systems and promoting mobile courts housed in vehicles.94
• In October 2018, the National People’s Congress Standing Committee (NPCSC) revised the PRC Organic Law of People’s Courts, which codified certain judicial reforms in the past 40 years, including the establishment of specialized courts, a judicial responsibility system, and a judge quota system.95
• In April 2019, the NPCSC revised the PRC Judges Law to codify the selection and review process for judges.96 The revised law also added the requirement to support the Party’s leadership and the socialist system.97
Notes to Section III—Access to Justice


4. Ibid., arts. 21(8), 31.


6. For examples of the judicial improvements presented in the SPC Work Report, see “Other Developments in the Initial System” in this section.

7. “Supreme People’s Court work report,” March 12, 2019. For examples of the judicial improvements presented in the SPC Work Report, see “Other Developments in the Initial System” in this section.


9. Ibid., arts. 21(8), 31.


12. The Central Political-Legal Committee is also known as “Central Committee of Political Science and Law” and as the “Central Commission for Political and Legal Affairs.” Susan V. Lawrence, “China’s Political Institutions and Leaders in Charts,” Congressional Research Service, Library of Congress, November 12, 2013, 8 n.8.


17. Ibid.

18. Zhao Faqi, “Zhao Faqi shiming jubao quanwen: Shanxi yuan Shengzhang Yuan Chunqing, Shengwei Shuijiao Zhao Zhenghang yu tongyang Shannxi Sheng Zhengxia Changwei Liu Juan daqiu guoyou zhan” [Full text of Zhao Faqi’s complaint under his real name: former Shannxi Governor Yuan Chunqing, provincial Party Secretary Zhao Zhengyang stole state assets with the aid of Shannxi CPPCC Standing Committee member Liu Juan], WeChat post, November 3, 2016, reprinted in China Digital Times, January 18, 2019.


20. Ibid.


23. “Cui Yongyuan baoguang qianyi kuang an hou, Zhongguo Zuigao Fayuan fazuan Wang Lingqin, zibao shipin zuixin 4 duan (20 fenzhong wanzheng ban)” [Complete collection of newest 4 video clips of China’s supreme court judge Wang Lingqin, recorded for self-protection after Cui Yongyuan exposed 100 billion mining right case] (Video file), YouTube, January 6, 2019. A compiled version of the video clips showing Cui Yongyuan’s interview with Wang Lingqin is available on YouTube.

25 “Shipin: ‘Kaiqilai an’ juanzong diushi deng wenti diaocha jiegou gongbu” [Video clip: announcement of result of investigation into issues such as loss of case file in “Kaiqilai case”], CCTV, February 22, 2019.
26 “Zhongyang Zhengfawei qiantou de lianhe diaocha zu gongbu ‘Kaiqilai an’ juanzong diushi deng wenti diaocha jiegou’ [Investigation team led by Central Political-Legal Committee releases investigation results concerning issues including missing file in “Kaiqilai Case”], Xinhua, February 22, 2019.
27 “Zhongyang Zhengfawei qiantou de lianhe diaocha zu gongbu ‘Kaiqilai an’ juanzong diushi deng wenti diaocha jiegou’ [Investigation team led by Central Political-Legal Committee releases investigation results concerning issues including missing file in “Kaiqilai Case”], Xinhua, February 22, 2019.
29 “Yi shehui zhuyi he jiazhiguan de gongzuo ren zhong jiu-rong ru fayuan fuzeren” [Having socialist core values as the soul, comprehensively bolster foundation of value of judicial interpretations—interview with head of Supreme People’s Court Research Office concerning “Supreme People’s Court Plan on Comprehensively Implementing Socialist Core Values in Judicial Interpretation (2018–2023)’], Zuigao Renmin Fayuan Wang [Supreme People’s Court Net], September 18, 2018.
30 Commission research staff performed a search on April 16, 2019, and was unable to locate the full text of the plan.
34 Wang Yu, “Sifabu zhao’ai jiazhiguan de gongzuo renzhong jiu-rong ru fayuan fuzeren” [Having socialist core values as the soul, comprehensively bolster foundation of value of judicial interpretations—interview with head of Supreme People’s Court Research Center concerning “Supreme People’s Court Plan on Comprehensively Implementing Socialist Core Values in Judicial Interpretation (2018–2023)’], Zuigao Renmin Fayuan Wang [Supreme People’s Court Net], September 18, 2018.
35 Ibid.
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42 “Weiquan lushi Jiang Tianyong xingman chuyu que bei buming shenfen zhe daizou” [Rights defense lawyer Jiang Tianyong released from prison upon sentence completion, but was taken away by unidentified people], Deutsche Welle, February 28, 2019.


44 Zhonghua Renmin Gulangguo Xingshi Suoquan Fa [PRC Criminal Procedure Law], passed July 1, 1979, amended October 26, 2018. The PRC Criminal Procedure Law does not provide for surveillance of a person who has completed a sentence.

45 “Jiang Tianyong Jiankang kanyou qizi xiwang ta dao Meiguo kanbing” [Jiang Tianyong’s health a worry, wife hopes he can come to U.S. for medical treatment], Radio Free Asia, March 8, 2019.


51 “Jiang Tianyong xianzai buhong yang fangfa yingyong” [Jiang Tianyong could not find legal representation], Deutsche Welle, February 28, 2019.

52 “Weiquan lushi Jiang Tianyong xingman chuyu que bei buming shenfen zhe daizou” [Rights defense lawyer Jiang Tianyong released from prison upon sentence completion, but was taken away by unidentified people], Deutsche Welle, February 28, 2019.


55 “Chongqing lushi yin wangshang yanlun zao sifaju diaocha huo shou chufa” [Chongqing lawyer investigated and possibly punished by justice bureau for online speech], Voice of America, September 17, 2018.

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56 China Human Rights Lawyers Concern Group, “You yitian, jingcha kaishi pengci—wo bei Guangzhou jingcha gouxian zhuahu, xiuru de kongbu jingli—Sun Shihua” [One day, police began to feign being attacked—my horrific experience of being framed, detained, and insulted by Guangzhou police—Sun Shihua], October 11, 2018.

57 Ibid.

58 Ibid.

59 Ibid.

60 Ibid.


62 China Human Rights Lawyers Concern Group, “You yitian, jingcha kaishi pengci—wo bei Guangzhou jingcha gouxian zhuahu, xiuru de kongbu jingli—Sun Shihua” [One day, police began to feign being attacked—my horrific experience of being framed, detained, and insulted by Guangzhou police—Sun Shihua], October 11, 2018.


64 See, e.g., Civil Rights & Livelihood Watch, “Beijing Guojia Xinfangju bei shuwan shangfang minghuang basou” [Beijing’s State Bureau of Letters and Visits surrounded by tens of thousands of petitioners], February 26, 2018; “29 shenqing yi yuan ming ming minban jiu shi xiangguo jiti shenfang chao” [Over ten thousand temporary teachers from 29 provinces and municipalities caused another national group petitioning movement], Radio Free Asia, October 19, 2016; “Shaanxi liangqian min shi sheng xinfang ji’an gong jian zhan” [Resolutely fight to win the battle of notification of petitioning cases], Legal Daily, 27 April 2016. Such grievances reportedly include cases concerning demolition or expropriation of property, social security, agriculture, land and resources, and environmental protection.


66 Zhongdian jieshou 12 lei tu chu shenfang de xinfang” [Admitting 12 categories of outstanding problems in the petition system], Supervision Office, Commission for Discipline Inspection, Southern Medical University, December 7, 2018.

67 Juebu yunxu gongzheng de pingtai fubai cheng zaojia shuohuang wugui men dang jian cheng pai” [Admanantly oppose a fair platform being used by fraudulent and lying turtles as a shield], Beijing, November 20, 2018; “Weiben buyi luoxin dianxing shangfang shi ‘fan dang fan zhengfu’ xingwei” [Recording from meeting to maintain social stability leaked, identifies petitioners as “opposing the Party and government”], Radio Free Asia, 15 May 2018; “China’s Ruling Party in Nationwide Operation to Stop People Complaining About it,” Radio Free Asia, October 19, 2016; “Guojia Xinfangju de xiaohao ‘liancai tuan’ ” [Record-deleting Ruling Party in Nationwide Operation to Stop People Complaining About it,” Radio Free Asia, April 13, 2017.


69 Rights Defense Network, “Shanghai jiti shenqing cajue yi an de shenqin ying ding de fenleisheng de fensheng de fenshan” [Representatives of case in Shanghai group request for decision demand written response in their 12th visit to State Council’s Legislative Affairs Office but still have not received response, rights defenders took to the streets and shouted “where is China’s rule of law??!”], October 18, 2018.

70 Ibid.

71 Ibid.

72 Zhonghua Renmin Gongheguo Xingzheng Fuyi Fa [PRC Administrative Review Law], passed April 29, 1999, effective October 1, 1999, amended September 1, 2017, art. 31; Rights Defense Network, “Shanghai jiti shenqing cajue yi an de shenqin ying ding de fenleisheng de fenshan” [Representatives of case in Shanghai group request for decision demand written response in their 12th visit to State Council’s Legislative Affairs Office but still have not received response, rights defenders took to the streets and shouted “where is China’s rule of law??!!”], October 18, 2018.
have not received response, rights defenders took to the streets and shouted “where is China's rule of law?!”], October 18, 2018.
80 State Council, Falu Yanzhuan Taoli [Legal Aid Regulations], issued July 16, 2003, effective September 1, 2003, arts. 4, 5.
82 Zhonghua Renmin Gongheguo Lushi Fa [PRC Lawyers Law], passed 15 May 96, amended September 1, 2017, art. 47(5); Xiao Xianfu, “Wo guo falu yanzhuan zhidu ya sikou” [Thoughts on China’s legal aid system], Institute of Law, Institute of International Law, Chinese Academy of Social Sciences, accessed June 7, 2019. See also State Council, Falu Yanzhuan Taoli [Legal Aid Regulations], issued July 16, 2003, effective September 1, 2003, arts. 4, 5.
83 Supreme People’s Court and Ministry of Justice, Guanyu Kuoda Xingshi Anjian Lushi Yuanzhu Tiaoli [Legal Aid Tiaoli], issued January 16, 2019. See also State Council, Falu Yanzhuan Taoli [Legal Aid Regulations], issued July 16, 2003, effective September 1, 2003, arts. 4, 5.
84 Ibid., sec. 2.
85 Ministry of Justice, “Quanguo xingshi falu yanzhuan fuwu guifan” [Specifications for national criminal legal aid services], issued February 25, 2019, secs. 8.5.1–8.5.2.4.
89 “Lushizhou julebu’ zao qidi daya shengqi” [Former Lawyers’ Club’ banned as repression intensifies], Radio Free Asia, January 16, 2019. See also “‘Lushizhou julebu’ zao daya faqiren tuichu” [Crackdown on “Former Lawyers’ Club,” initiators withdraw], Radio Free Asia, November 7, 2018; Ministry of Civil Affairs, Shehu Quanguo Dezheng Quanzhong Fuzhi Guanyu Wanshan Falu Yuanzhu [Regulations on the Registration and Management of Social Organizations], issued February 15, 2019.
91 “Zuigao Renmin Fayuan gongzuo baogao” [Supreme People’s Court work report], March 12, 2019.
94 “Zuigao Renmin Fayuan gongzuo baogao” [Supreme People’s Court work report], March 12, 2019.
96 Zhonghua Renmin Gongheguo Fayuan Fa [PRC Judges Law], passed February 28, 1995, revised April 23, 2019, effective October 1, 2019, arts. 25–68.
IV. Xinjiang

Findings

• During the Commission’s 2019 reporting year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) expanded a system of extrajudicial mass internment camps in which they continued to arbitrarily detain Uyghurs, Kazakhs, Kyrgyz, Hui, and others. Security personnel at the camps subjected detainees to torture, including beatings; electric shocks; waterboarding; medical neglect; forced ingestion of medication; sleep deprivation; extended solitary confinement; and handcuffing or shackling for prolonged periods, as well as restricted access to toilet facilities; punishment for behavior deemed religious; forced labor; overcrowding; deprivation of food; and political indoctrination. Some detainees reportedly died in camps due to poor conditions, medical neglect, or other reasons.

• Authorities forced some mass internment camp detainees to engage in labor and forced former detainees to engage in labor following their release from camps. According to research published by German researcher Adrian Zenz in July 2019, authorities began establishing forced labor programs for camp detainees and “graduates” in the second half of 2018, in addition to extensive forced labor programs for XUAR residents not detained in camps.

• Scholars and rights groups provided a strong argument, based on available evidence, that the “crimes against humanity” framework may apply to the case of mass internment camps in the XUAR. Article 7 of the Rome Statute of the International Criminal Court provides a list of 11 acts that may constitute “crimes against humanity” “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”

• Official Chinese media portrayed revised regional regulations on extremism as justification for mass internment camps, but the camps remained illegal under both Chinese and international law. In October 2018, the XUAR People's Congress revised the region’s first anti-extremism regulations, which were adopted in March 2017, and official media described the revisions as a legal basis for “vocational training centers” combating “extremism” in the XUAR—an apparent reference to mass internment camps. International legal scholars and rights advocates stressed that, despite Chinese officials' attempt to use the revised regulations to justify mass internment camps, the revised local legislation did not provide a legal basis for the camps, particularly because the PRC Law on Legislation only allows deprivation of personal liberty under statutes passed by the National People's Congress or its Standing Committee.

• In November 2018, Adrian Zenz published the findings of research he conducted into budgets for security expenditures in the XUAR and other regions of China which showed that “political reeducation” carried out in mass internment camps appeared to be aimed at “political indoctrination and intimida-
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tion”—refuting Chinese officials’ assertions that the purpose of mass internment camps is to provide vocational education and employment training. In October 2018, Agence France-Presse (AFP) reported that, based on its analysis of 1,500 publicly available procurement documents from local governments in the XUAR, authorities administered mass internment camps in the same way as prisons. AFP reported that government departments in charge of administering camps ordered police uniforms, riot shields and helmets, electrified batons, cattle prods, billy clubs, spears, handcuffs, pepper spray, tear gas, tasers, net guns, stun guns, and spiked clubs known as “wolf’s teeth” to maintain control over detainees.
• Mass internment camp detainees reportedly included permanent residents of the United States and Australia. American officials stated in March 2019 that Chinese authorities may have detained several American residents. As of August 2019, Chinese authorities reportedly detained ten or more Australian residents in mass internment camps. In addition, at least five Australian children were reportedly unable to leave the XUAR due to restrictions on the freedom of movement of their parents in the XUAR.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:
◦ Call on the Chinese government to end the mass, arbitrary detention of predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others in mass internment camps, and release those currently detained. Call on Chinese officials to allow U.S. officials, diplomatic representatives of other countries, UN officials, humanitarian organizations, and international journalists to visit the XUAR and independently investigate reports of arbitrary detention. Coordinate with other governments and international non-governmental organizations to compile relevant information regarding specific XUAR officials responsible for the arbitrary mass detention and abuse of individuals in mass internment camps in preparation for possible sanctions under the Global Magnitsky Human Rights Accountability Act (Public Law No. 114–328).
◦ Support the passage of the Uyghur Human Rights Policy Act of 2019 (S. 178 and H.R. 649), requiring the Director of National Intelligence and the State Department to report on issues including the regional security threats caused by Chinese government repression of ethnic minorities in the XUAR, and on the transfer or development of technologies to facilitate mass internment and surveillance there; requiring the Federal Bureau of Investigation to report on topics such as its efforts to protect ethnic Uyghurs and Chinese nationals in the U.S. from Chinese government intimidation, and those whose families in China have been threatened or detained because of their advocacy for the Uyghurs; and establishing a position known as the Special Coordinator for Xinjiang.
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○ Urge U.S. companies selling products, providing services, conducting business, or investing in development initiatives in the XUAR to ensure that their products, services, and investment funds do not provide support for XUAR officials’ arbitrary detention of ethnic minority individuals or XUAR authorities’ use of technology to otherwise repress and control XUAR residents, rather than for legitimate law enforcement activities. Urge the Bureau of Industry and Security at the U.S. Department of Commerce to track the sale of equipment and technology used by Chinese security agencies and U.S. companies’ sale of surveillance and crime control technology to XUAR officials, and investigate the legality of such sales according to existing U.S. Export Administration Regulations.

○ Urge American universities to provide support to Uyghur, Kazakh, and Kyrgyz students at their institutions who are Chinese nationals, to ensure they are able to study in a safe environment free of threats and intimidation from Chinese government officials; to provide scholarships or other financial assistance to students whose parents or guardians have been detained in mass internment camps in the XUAR; to inquire about the well-being of Turkic Muslims who have returned to China after having studied or taught in their institutions; to hold conferences and other programs to raise awareness among students and the general public about the mass, arbitrary detention of Turkic Muslims in the XUAR; and to refrain from holding conferences or establishing programs with Chinese government entities that lend legitimacy to the mass surveillance and mass arbitrary detention programs in place in the XUAR.

○ Urge Organization of Islamic Cooperation (OIC) member states to take coordinated action to pressure the Chinese government to shut down mass internment camps and end repressive security and surveillance measures aimed at Muslim Chinese citizens, and to condemn mass internment camps and human rights abuses of Muslim Chinese citizens at OIC and other international forums.

○ In bilateral and multilateral consultations with the governments of Kazakhstan and Kyrgyzstan, raise concerns regarding the detention of Kazakhs, Kyrgyz, and Uyghurs in mass internment camps in the XUAR; work with officials from Kazakhstan and Kyrgyzstan to pressure Chinese officials to release citizens and residents of these two countries from mass internment camps in the XUAR; and urge officials from Kazakhstan and Kyrgyzstan not to deport ethnic Kazakhs, Kyrgyz, or Uyghurs to China, where they are at risk of arbitrary detention in mass internment camps and other types of political persecution.
During the Commission’s 2019 reporting year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) expanded a system of extrajudicial mass internment camps in which they continued to arbitrarily detain predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others. Security personnel at the camps subjected detainees to torture, including beatings; electric shocks; waterboarding; medical neglect; forced ingestion of medication; sleep deprivation; extended solitary confinement; and handcuffing or shackling for prolonged periods as well as restricted access to toilet facilities; punishment for behavior deemed religious; forced labor; overcrowding; deprivation of food; and political indoctrination. Some detainees reportedly died in camps due to poor conditions, medical neglect, or other reasons. Deaths that occurred in mass internment camps or shortly after release from camps included the following (this list is illustrative of available reports and not exhaustive):

- Forty-year-old Uyghur Mutellip Nurmehmet, who earned two Master’s degrees in the United States, reportedly died nine days after authorities released him from a camp.
- Renowned Uyghur writer Nurmuhemmet Tohti died in May 2019 after being held in a mass internment camp from November 2018 to March 2019. Tohti’s Canada-based relatives said the 70-year-old suffered from diabetes and heart disease.
- Amine Qadir, a Uyghur in her early thirties, died in a mass internment camp in early 2018. Qadir reportedly had a heart condition that was not treated by authorities at the camp where she was detained.
- Alimjan Emet, a 22-year-old Uyghur security guard, reportedly died in a camp at an unknown date as a result of being beaten during an interrogation.
- Aytursun Eli, a 35-year-old Uyghur woman who had worked as the deputy head of a tourism company, reportedly died during a police interrogation in June 2018. It was unclear whether Eli died in a mass internment camp or at a police station.

In March 2019, German researcher Adrian Zenz, speaking on a panel co-hosted by the U.S. Government on the sidelines of the UN Human Rights Council in Geneva, said he estimated that 1.5 million Uyghurs and other Muslims in the XUAR were or had been detained in mass internment camps. According to this estimate, nearly one in six adult Uyghurs are or have been detained in the camps.

Mass internment camps in the XUAR, though varied in size and structure, included extremely large camps such as one located in Dabancheng district, Urumqi municipality, XUAR. Using satellite imagery, analysts estimated the camp in Dabancheng had the capacity to hold up to 130,000 detainees. Internment camps shared common features, such as watchtowers, barracks, barbed wire, and reinforced walls. Some camps were located in struc-
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tures formerly used as schools, hospitals, or other existing structures, and some were newly constructed.

MASS INTERNMENT CAMPS HAVE NO BASIS IN CHINESE LAW

Official Chinese media portrayed revised regional regulations on extremism as justification for mass internment camps, but the camps remained illegal under both Chinese and international law. In October 2018, the XUAR People’s Congress revised the region’s first anti-extremism regulations, which were adopted in March 2017, and official media described the revisions as a legal basis for “vocational training centers” combating “extremism” in the XUAR—an apparent reference to mass internment camps. Prior to the revisions, the regulations made no mention of “vocational training centers.” International law also prohibits the mass detention taking place in mass internment camps. For example, as discussed by Lawfare contributor Hilary Hurd, Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) prohibits the forced internment of Uyghurs “on the basis of their religious, and ethnic, identity.” International legal scholars and rights advocates stressed that, despite Chinese officials’ attempt to use the revised regulations to justify mass internment camps, the revised local legislation did not provide a legal basis for the camps, particularly because the PRC Law on Legislation only allows deprivation of personal liberty under statutes passed by the National People’s Congress (NPC) or its Standing Committee. At a June 2019 conference on Uyghur human rights issues, George Washington University law professor Donald Clarke emphasized that when a group of American experts engaged in a bilateral legal dialogue asked their Chinese counterparts to provide the legal basis for mass internment camps, none of the counterparts were able to provide a relevant legal basis.

CRIMES AGAINST HUMANITY AND MASS INTERNMENT

Scholars and rights groups provided a strong argument, based on available evidence, that the “crimes against humanity” framework may apply to the case of mass internment camps in the XUAR. Article 7 of the Rome Statute of the International Criminal Court provides a list of 11 acts that may constitute “crimes against humanity” “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.” The following acts, listed in the Rome Statute, may apply to the persecution of Turkic Muslims in the XUAR:

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<table>
<thead>
<tr>
<th>Acts listed in Article 7 of the Rome Statute</th>
<th>Possible application to the treatment of Turkic Muslims in the XUAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;</td>
<td>Arbitrary, prolonged detention of Uyghurs, Kazakhs, Kyrgyz, Hui, and others in mass internment camps in the XUAR since around April 2017;</td>
</tr>
<tr>
<td>(f) Torture;</td>
<td>Security personnel in mass internment camps in the XUAR subjected detainees to widespread torture, including through the use of electric shocks and shackling people in painful positions;</td>
</tr>
<tr>
<td>(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in Paragraph 3 [Article 7(3) of the Rome Statute], or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph [Article 7 of the Rome Statute] or any crime within the jurisdiction of the Court;</td>
<td>Security personnel have detained a million or more Uyghurs, Kazakhs, Kyrgyz, and Hui; enforced harsh, widespread restrictions on peaceful Islamic practices of XUAR residents; and subjected Turkic and Muslim XUAR residents to intense surveillance, checkpoints, intimidation, and involuntary biometric data collection;</td>
</tr>
<tr>
<td>(i) Enforced disappearance of persons.</td>
<td>Hundreds of intellectuals forcibly disappeared by authorities in the XUAR are among the million or more Uyghurs, Kazakhs, Kyrgyz, and Hui detained in mass internment camps.</td>
</tr>
</tbody>
</table>

#### REASONS FOR DETENTION IN MASS INTERNMENT CAMPS

Security personnel continued to detain people in mass internment camps for such reasons as engaging in “religious extremism” or having foreign connections, such as previous overseas travel or relatives living abroad. Chinese laws define a wide range of peaceful religious customs as “extremism,” including the wearing of veils and having “abnormal” beards. In its March 2019 white paper, the State Council Information Office said detainees in mass internment camps, whom it referred to as “trainees” in “education and training centers,” included those “who were incited, coerced or induced into participating in terrorist or extremist activities.” According to the Xinjiang Victims Database, a resource created by American researcher Gene Bunin that contains information on political prisoners in the XUAR, as of August 15, 2019, of the detainees for whom a reason for detention had been provided, the top
three reasons were as follows: about 33 percent were detained for reasons related to religion; about 20 percent were detained in relation to having traveled abroad; and about 11 percent were detained in connection with a relative or relatives.59

SHIFT IN OFFICIAL NARRATIVE FROM DENIAL TO DEFENSE

During this reporting year, Chinese authorities shifted the official narrative regarding mass internment camps, moving from denial of the camps’ existence in early 201860 to a public defense of the facilities.61 Rights advocates and scholars noted that Chinese officials felt compelled to change their narrative from denial to justification, in part following criticism of the camps at an August 2018 review of China’s compliance with the ICERD by the UN Committee on the Elimination of Racial Discrimination.62 In November 2018, during China’s Universal Periodic Review by the UN Human Rights Council, Vice Foreign Minister Le Yucheng described the camps as a measure that was effective in preventing people from engaging in extremism and terrorism.63 In March 2019, XUAR government chairperson Shohrat Zakir told NPC delegates that the camps were “like boarding schools where the students eat and live for free,”64 and that the camps had been “effective in eliminating religious extremism.”65 In a March 2019 white paper, the State Council Information Office said the camps “fully respect and protect the customs and habits of trainees of different ethnic groups,” including by “car[ing] for their mental health,” and “offer[ing] psychological counseling services.”66 In addition, officials invited foreign journalists on escorted tours of mass internment camps, during which they referred to the facilities as voluntary educational institutions.67 During one such trip, in April 2019, Bloomberg reporter Peter Martin noted that there were bars on the windows of camp dormitories, and doors that locked only from the outside.68

On July 30, 2019, Shohrat Zakir and XUAR government vice chairperson Erkin Tuniyaz held a press conference to describe what they referred to as the success of “vocational education and training centers,” telling journalists that most people had left the centers and obtained employment.69 Research indicated authorities compelled many current and former camp detainees to engage in forced labor, but reports did not substantiate XUAR officials’ claims that authorities had released the majority of camp detainees.70 Observers, including Uyghurs living abroad whose family members were detained in camps, disputed the claims that most camp detainees had been released.71 In August 2019, the New York Times reported that the camp system continued to expand.72 While Chinese officials highlighted the occupational benefits they said camp detainees obtained from vocational education and training,73 official documents sometimes referred to camps as “transformation through education” centers, a term that refers to ideological transformation.74 Chinese authorities have also used “transformation through education” efforts to “transform” Falun Gong practitioners, pressuring them to renounce their spiritual beliefs.75 Freedom House analyst Sarah Cook stated that Chinese Communist Party and government officials who had influence on policies in the XUAR “appear[ed] to be following the anti-Falun Gong
Xinjiang playbook,” and that some of these officials had previously overseen the “transformation” of Falun Gong practitioners.76

Documentation of Mass Internment Camps

Information on the scope, nature, and architecture of mass internment camps, and on conditions for detainees in the camps, primarily comes from the following sources:

ANALYSIS OF CHINESE GOVERNMENT DOCUMENTS

Adrian Zenz’s November 2018 publication on security expenditures in the XUAR and other regions of China—research based on openly accessible official Chinese documents—illustrated that “political reeducation” carried out in mass internment camps appeared to be aimed at “political indoctrination and intimidation.”77 Zenz’s research thus refuted official Chinese claims that the purpose of mass internment camps is to provide vocational education and employment training.78 Specifically, Zenz analyzed information posted online by the Chinese government, including government procurement documents and construction bids for mass internment camps in the XUAR.79 According to Zenz’s research, XUAR budgetary data showed that spending decreased on vocational training between 2016 and 2017, while spending on security-related facility construction, prisons, and detention centers increased significantly.80

In October 2018, Agence France-Presse (AFP) reported that, based on its analysis of 1,500 publicly available procurement documents from local governments in the XUAR, authorities administered mass internment camps in the same way as prisons.81 AFP reported that government departments in charge of administering camps ordered police uniforms, riot shields and helmets, electrified batons, cattle prods, billy clubs, spears, handcuffs, pepper spray, tear gas, tasers, net guns, stun guns, and spiked clubs known as “wolf’s teeth” to maintain control over detainees.82 In addition, AFP discovered orders for advanced surveillance systems, surveillance cameras, razor wire, a telephone eavesdropping system, and infrared monitoring equipment.83

TESTIMONIES FROM CAMP SURVIVORS AND FAMILY MEMBERS

In the past reporting year, Uyghurs, Kazakhs, and rights advocates living outside of China have documented cases of detention in XUAR mass internment camps, including by sharing detention information online and speaking with international media. In testimony presented at a U.S. Senate Foreign Relations subcommittee hearing in April 2019, Uyghur-American rights advocate Rushan Abbas said “[a]lmost every Uyghur in the U.S. has friends and family detained—sometimes dozens and dozens of family members detained.”84 Abbas said Chinese authorities detained her sister and her aunt in China in retaliation for her participation in a September 2018 panel on repression in the XUAR that took place at a think tank in Washington, DC.85 According to rights advocates, fear of Chinese official retaliation against their family members or friends prevented many Uyghurs and Kazakhs living outside of China from publicizing the cases of camp detainees, but over the
past year, they have spoken out in increasing numbers. Radio Free Asia Uyghur Service journalists continued to publicize the detention of their own family members in the XUAR, which they viewed as retaliation for their reporting on rights abuses.

Online forums have provided overseas Uyghurs and Kazakhs with opportunities to document the cases of internment camp detainees. Many Uyghurs and Kazakhs began to publicize the cases of their detained relatives and friends in February 2019, after the Turkish Foreign Ministry criticized mass internment camps and mourned the reported death of Uyghur musician Abdurehim Heyit in one of the camps. The day after the Turkish Foreign Ministry released its statement, an official Chinese media organization released a video of Heyit, showing that he was alive. The video's release prompted many Uyghurs and Kazakhs living outside of China to post online videos, pictures, and information about missing family members, including some posts that linked to a social media campaign using the hashtag “#MeTooUyghur,” in which they asked Chinese authorities to release video of their detained relatives in order to prove they were still alive. Uyghurs, Kazakhs, and rights advocates have also compiled information on thousands of political prisoners in mass internment camps and other facilities in the online Xinjiang Victims Database, which represents a small proportion of the total number of camp detainees in the XUAR.

INTERNATIONAL MEDIA REPORTS

International media documented the size of mass internment camps, as well as the security features in place in and around the camps, by traveling to camp sites throughout the XUAR. Journalists from Reuters, BBC, and the Globe and Mail independently traveled to camps throughout the XUAR to document their existence. Journalists from international media also interviewed former internment camp detainees and their family members to document their experiences. For example, a Washington Post contributor interviewed the wife of ethnic Kazakh Chinese national Zharqynbek Otan, who returned to Kazakhstan after authorities detained him in a camp and other detention facilities in the XUAR for nearly two years. After his release, Otan, 31 years old, reportedly had problems with his memory and difficulty recognizing his family members.

DETENTIONS OF FOREIGN RESIDENTS

Mass internment camp detainees reportedly included permanent residents of the United States and Australia. American officials stated in March 2019 that Chinese authorities may have detained several American residents, including the father of a man living in California. As of August 2019, Chinese authorities reportedly detained ten or more Australian residents in mass internment camps. In addition, at least five Australian children were reportedly unable to leave the XUAR due to restrictions on the freedom of movement of their parents in the XUAR.
In November 2018, the International Cyber Policy Centre of the Australian Strategic Policy Institute released a report with research based on analysis of satellite imagery, as well as existing scholarly research, news reports, and other sources, which documented the recent expansion of both individual mass internment camps and the camp system as a whole. According to the Centre's report, which contained analysis of 28 camp locations in the XUAR, these camps increased in size by 465 percent from early 2016 to the quarter ending in September 2018. The report determined that the facilities being constructed “appear intended for permanent use.”

Additional satellite imagery analysis showed rapid growth in the size and scope of camp facilities. In November 2018, Reuters published a report based on analysis of satellite images it conducted together with Earthrise Media, finding that the size of 39 camps they chose to analyze had nearly tripled between April 2017 and August 2018. In October 2018, BBC published the findings of satellite imagery analysis it conducted with aerospace company GMV, concluding that the recent trend in camp construction was towards building larger facilities.

Forced Labor in Mass Internment Camps

According to international media reports, authorities forced some mass internment camp detainees to engage in labor, and forced former detainees to engage in labor following their release from camps. According to research published by Adrian Zenz in July 2019, authorities began establishing forced labor programs for camp detainees and “graduates” in the second half of 2018. At the same time, according to Zenz’s research, officials implemented extensive forced labor programs that involved sending rural residents not detained in camps to centralized training and employment, as well as programs in “satellite factories” located in villages in which rural, mainly female, residents, were forced to work. Government authorities provided subsidies to companies for each current or former camp worker they trained and employed. Companies from provinces and municipalities in eastern China also employed forced labor in the XUAR, including in mass internment camps, through a continuing “pairing assistance” program. Zenz wrote that, since camp detainees have been forced to labor alongside others that have not been detained in camps, “it will soon become impossible to clearly determine whether a labor-intensive manufacturing product in Xinjiang will be made with labor from former detainees or not.”

U.S. Customs and Border Protection officials investigated reports of forced labor products manufactured in a mass internment camp being sold in the United States after the Associated Press reported that an American sportswear company had imported such products. Authorities in Ili (Yili) Kazakh Autonomous Prefecture reportedly sent some former camp detainees back to an internment camp after they refused the terms of their forced labor in a factory. (For more information on forced labor in the XUAR, see
Transfer of Camp Detainees to Facilities Outside of the XUAR

Reports emerged that authorities transferred some detainees from mass internment camps in the XUAR to detention facilities in other parts of China, due to factors including overcrowding in camps within the XUAR and authorities’ desire to conceal information on camp detainees. Authorities reportedly carried out transfers in strict secrecy, including through using “sealed railway carriages,” covering the windows of vehicles transporting detainees, and blocking off roads used to transport detainees. Radio Free Asia reported that authorities transferred detainees to prisons in Heilongjiang province; Gansu province; Shaanxi province; Sichuan province; Shandong province; and the Inner Mongolia Autonomous Region. Authorities also reportedly transferred camp detainees to other locations within the XUAR due to concerns over existing relationships of camp employees to detainees. On September 26, 2018, state media reported that ticket sales for the regional rail system would be suspended for trains departing on October 22 and later. Australian scholar James Leibold speculated that authorities were transferring camp detainees in part in order to prevent human rights monitors from being able to track what had happened to them.

Detentions of Leading Turkic Cultural and Intellectual Figures

As in the previous reporting year, officials continued to detain leading Turkic intellectuals and cultural figures, including Uyghur, Kazakh, and Kyrgyz scholars, musicians, writers, and journalists, in mass internment camps and other facilities. According to an American scholar and rights advocate, Chinese officials have attempted to “undermine Uyghur scholarly achievement and leadership through indoctrination and terrorization of intellectuals.”

In May 2019, the U.S.-based organization Uyghur Human Rights Project (UHRP) reported the detention or disappearance of at least 435 intellectuals since early 2017 in the XUAR, stating that the cases it had documented were “likely a small portion of those persecuted,” given the lack of transparency in the region and the severe consequences to individuals providing information about such cases. UHRP cited University of Washington anthropologist Darren Byler, who said Chinese authorities had focused on public figures “working in speech or text-oriented mediums,” in part because “the reeducation campaign specifically targets public figures who have significant influence.”
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Detentions of Leading Turkic Cultural and Intellectual Figures—Continued

The detentions of Tashpolat Teyip and Sanubar Tursun are illustrative of Chinese authorities' targeting of leading cultural figures in the XUAR. According to reports published during this reporting year, an unidentified court reportedly sentenced Teyip, the president of Xinjiang University, to death with a two-year reprieve sometime after he disappeared in March 2017. Authorities reportedly accused Teyip, who received an honorary doctoral degree from the École Pratique des Hautes Études in Paris in 2008, of being a “separatist” and “two-faced.” In the case of Uyghur musician Sanubar Tursun, an international artistic expression advocacy organization reported in February 2019 that authorities may have detained her in a mass internment camp in the XUAR, and cited unconfirmed information that authorities may have sentenced her to five years in prison. In November 2018, organizers canceled concerts she had been scheduled to perform in France in February 2019, after her international contacts could no longer reach her.

Additional representative cases of detained Uyghur cultural and intellectual figures are as follows: Uyghur medical scholar Halmurat Ghopur; Uyghur comedian Adil Mijit; Uyghur singer Zahirshah Ablimit; Uyghur journal editor Qurban Mamut; Uyghur education official Satar Sawut; Uyghur editor and writer Yalqun Rozi; and retired Uyghur professor Mutellip Sidiq Qahiri.

Detentions of Kazakhs and Kyrgyz; Documentation in Kazakhstan and Kyrgyzstan of XUAR Mass Internment Camps

XUAR authorities continued to detain ethnic Kazakhs in mass internment camps, including some who held permanent residency status in Kazakhstan, sometimes after officials requested that they return to the XUAR from Kazakhstan. XUAR authorities detained at least one Kazakh citizen who was born in Kazakhstan, Gulbahar Jelilova, in a mass internment camp. Authorities detained Jelilova, an ethnic Uyghur businesswoman, in May 2017, in Urumqi municipality, and held her in custody for one year and three months after confiscating her Kazakh passport and issuing her a Chinese identification document. In December 2018, Kazakhstan’s Foreign Ministry reported that Chinese officials had agreed to allow 2,500 ethnic Kazakhs in China to forfeit their Chinese citizenship and go to Kazakhstan, but details of the move were unclear. In March 2019, Kazakhstan’s Foreign Ministry said Chinese authorities had released 20 Kazakh citizens out of a total of 33 held in mass internment camps. Nevertheless, this past year, Kazakhstan authorities repeatedly denied asylum to Chinese citizen Sayragul Sauytbay, an ethnic Kazakh, who fled China in April 2018 after Chinese authorities compelled her to work in a mass internment camp. In June 2019, Sauytbay, her husband, and her children flew to Sweden on an alien’s passport issued by Swedish authorities.

Kazakhs in Kazakhstan with family members detained in camps in the XUAR increasingly publicized their cases, through social media and online videos, often in cooperation with the Almaty-
based organization Atajurt Kazakh Human Rights (“Atajurt”). In March 2019, Kazakhstan authorities detained Atajurt head Serikzhan Bilash on charges of “inciting ethnic hatred” and raided Atajurt’s offices, removing equipment used to videotape detention testimonies. In August 2019, a court in Almaty, Kazakhstan, freed Bilash from detention according to the terms of a plea agreement that reportedly required him to curtail his rights advocacy activities.

Rights advocates in Kyrgyzstan also began documenting the cases of detained ethnic Kyrgyz, including university students whom Chinese authorities detained when the students returned to China after studying in Kyrgyzstan.

Forcible Displacement of the Children of Camp Detainees

Authorities have reportedly placed the children of mass internment camp detainees in the XUAR in orphanages, welfare centers, and boarding schools, often despite the willingness of other relatives to care for the children, raising concerns of forcible assimilation. In 2017, authorities developed a strategy to invest billions of yuan in childcare and boarding school facilities in the XUAR, and the creation of these facilities largely coincided with the establishment of the mass internment camp system in the region. Orphanages, boarding schools, and other full- and part-time childcare facilities in the XUAR house children with one or both parents in internment or another form of detention or forced labor, and provide care for children as young as several months old. Reports suggested the number of displaced children is high: between January 2017 and September 2018, the XUAR government reportedly invested over US$30 million in 45 new orphanages. In 2017, a county in Kashgar prefecture built 18 new orphanages and authorities oversaw the regionwide building and renovation of 4,300 “bilingual” kindergartens, some of which board students. In 2018, Uyghurs in Turkey, Kazakhstan, and the U.S. began reporting the possible disappearance and institutionalization of child relatives, including several non-Chinese citizens. A human rights organization expressed concern that authorities’ displacement of minority children from family homes into state-run institutions, where orphans have long been raised according to Han Chinese cultural norms, represented an attempt by the government to forcibly assimilate Uyghurs.

Intrusive Homestay Programs

Authorities continued to assign cadres and government workers, usually of Han ethnicity, to live with ethnic minority families in their homes for certain periods of time to gather information that was used, in some cases, to send their hosts to mass internment camps. According to official media, as of September 2018, regional officials and other government employees had made more than 49 million visits to ethnic minority residents since the “pairing relatives” (jiedui renqin) or “pairing and assistance” (jiedui bangfu or jiedui fubang) program began in the fall of 2016. Government workers are reportedly eligible for promotions if they volunteer to take part in a homestay program to monitor ethnic mi-
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According to an in-depth report by Darren Byler, government workers who refused to take part in homestay programs could lose their jobs. Under such programs, workers, referred to as “big brothers” and “big sisters,” watch their host families for signs that their practice of Islam is too “extreme.” Signs of a host family’s “extremism” might include possession of the Quran; having an acquaintance who lives abroad; and an unwillingness to drink alcohol. Visiting cadres were authorized to ask children in the family for information if they felt other family members were evading their questions. The cadres then used the information they compiled to decide whether to recommend that authorities should send members of their host families to a mass internment camp.

Repressive Surveillance Technology and Security Measures

During this reporting year, XUAR government authorities continued to use surveillance technology and other measures to tighten state control over ethnic minority groups in the region, and to identify individuals to detain in mass internment camps. A report published by Human Rights Watch in May 2019 documented authorities’ continued use of a centralized system known as the “Integrated Joint Operations Platform” (IJOP) to compile and analyze information collected through mass surveillance mechanisms in the XUAR and to detect “abnormal” behaviors, targeting individuals for detention in camps or other types of restriction on movement. In February 2019, Dutch cybersecurity researcher Victor Gevers discovered an online database run by the Chinese facial recognition company SenseNets that compiled real-time information on the movements of more than 2.5 million individuals in the XUAR, recording more than 6.7 million coordinates in a 24-hour period. Gevers consequently asserted that the database was used to surveil Uyghur Muslims. According to international media reports, SenseTime, which set up SenseNets together with Chinese firm NetPosa Technologies in 2015, helped establish a “smart policing” venture in the XUAR, and counted American and other companies among its investors. [For more information on surveillance measures and foreign commercial investment in repressive security technology in the XUAR, see Section II—Business and Human Rights.]

Freedom of Religion

During the reporting year, the head of the Chinese Communist Party’s United Front Work Department, You Quan, and XUAR Party Secretary Chen Quanguo both emphasized the need to “sinicize” religion and resist “religious extremism” in the XUAR under the direction of the Party. Chinese officials justified measures to repress Islamic religious faith and Muslim cultural identity, often by invoking “sinicization” and “anti-extremism” arguments. These measures included:

- Restrictions on religious ceremonies, including funerals and burial practices;
- The confiscation and destruction of religious books and prayer mats;
• The policing of commonly used religiously inflected phrases such as "assalamu alaykum";\(^{181}\)
• Cracking down on halal products and their designation;\(^{182}\)
  and
• Forcing some Muslims to drink alcohol and eat pork, in violation of their religious beliefs.\(^{183}\)

Throughout the XUAR, government and Party officials also enforced the physical destruction and closure of mosques, as well as policies restricting and deterring mosque attendance.\(^{184}\) In May 2019, the Guardian newspaper released the findings of research it had conducted with the journalism site Bellingcat, using satellite imagery analysis, reporting that 15 mosques and Islamic shrines out of 91 sites analyzed had been destroyed or nearly destroyed between 2016 and 2018.\(^{185}\) Of the sites analyzed, the Guardian and Bellingcat also found that 31 mosques and 2 major shrines, including the prominent Keriya Heytgah Mosque in Hotan prefecture, XUAR, had suffered significant structural damage.\(^{186}\) Scholars and journalists reported that mosques throughout the XUAR were empty of worshipers and featured security cameras, razor wire, and security guards at entrances who were responsible for checking visitors' identity documents.\(^{187}\)

Officials throughout the XUAR detained Turkic Muslims in mass internment camps for religious reasons. Examples of such individuals whose detentions were reported in the past year included an 80-year-old man detained in a camp for one year reportedly in part because “he was a Muslim who had a beard”;\(^{188}\) an 87-year-old man detained in a camp because he could read the Quran;\(^{189}\) a woman detained in a camp and a prison for studying Islam at an Egyptian university;\(^{190}\) and a man in his twenties whom authorities detained in a camp and then sentenced to 15 years in prison for posting information and photos about Islam on the messaging service WeChat.\(^{191}\) Authorities reportedly sentenced well-known Uyghur businessman Abdughappar Abdurusul to death, possibly for making an unsanctioned Islamic pilgrimage to Saudi Arabia.\(^{192}\)

As in previous reporting years,\(^{193}\) XUAR officials reportedly imposed controls on Muslims’ observance of Ramadan. Turkic Muslim residents of the XUAR faced restrictions on fasting,\(^{194}\) mosque attendance,\(^{195}\) and the exchange of Islamic greetings.\(^{196}\) Authorities reportedly forced some Muslim civil servants and students to eat lunch during Ramadan\(^{197}\) and forced some Uyghur Muslims to eat pork in spite of their Muslim faith.\(^{198}\)
Notes to Section IV—Xinjiang


3 Reid Standish and Aigerim Toleukhanova, “Kazakhs Won’t Be Silenced on China’s Internment Camps,” Foreign Policy, March 4, 2019.


11 Ibid.

12 Ibid.


21 “Young Uyghur Woman Dies in Detention in Xinjiang Political ‘Re-education Camp,’” Radio Free Asia, September 25, 2018. For more information on Amine Qadir, see the Commission’s Political Prisoner Database record 2018-00405.


23 “Young Uyghur Tour Director Dies Under Questioning by Xinjiang Authorities: Mother,” Radio Free Asia, June 24, 2019.


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29 An Internment Camp for 10 Million Uyghurs: Meduza Visits China’s Dystopian Police State,” Meduza, October 1, 2018.
31 Fergus Ryan, Danielle Cave, and Nathan Ruser, “Mapping Xinjiang’s ‘re-education’ Camps,” International Cyber Policy Centre, Australian Strategic Policy Institute, November 1, 2018.
37 Xinjiang Uyghur Autonomous Region People’s Congress Standing Committee, Xinjiang Weiwu’er Zizhi Qu Jidiuahua Tiaoli [Xinjiang Uyghur Autonomous Region Anti-Extremism Regulations], passed March 29, 2017, effective April 1, 2017. See also Jeremy Daum, “Explorer on Xinjiang Regulations,” China Law Translate, October 11, 2018. Daum’s analysis includes a chart titled “Decision to Revise the Xinjiang Uyghur Autonomous Region Regulation on De-extremification,” which juxtaposes provisions in the 2017 version of the regulations with changes in the 2018 revised version.
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42World Uyghur Congress (@UyghurCongress). "A group of Chinese experts legal experts were asked 4 weeks in advance..." Twitter, June 6, 2019, 6:04 p.m.


45Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court of July 17, 1998, entry into force July 1, 2002, art. 7; United Nations Treaty Collection, Chapter XVIII, Penal Matters, Rome Statute of the International Criminal Court, accessed June 14, 2019. China has neither signed nor ratified the Rome Statute. According to the Rome Statute, any of the following acts may constitute a “crime against humanity”: murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of discrimination of comparable gravity; persecution against any identifiable group or collective on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as inimicable under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; enforced disappearance of persons; the crime of apartheid; and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health. See also Michael Caster, “China’s Crimes Against Humanity You’ve Never Heard Of,” CNN, July 26, 2018; “‘Crimes Against Humanity’ in Xinjiang Draw Attention,” China Digital Times, July 30, 2018.


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to Occupy Uighur Homes. Here’s What They Think They’re Doing,” ChinaFile, Asia Society, October 24, 2018; Ruth Ingram, “Surviving China: Uyghur Voices from Xinjiang and Guantangnur,” Bitter Winter, April 15, 2019.


59 Xinjiang Victims Database (www.shahit.biz), Stats, Detention Reason, accessed August 15, 2019. As of August 15, 2019, the three reasons for detention most frequently provided in the Xinjiang Victims Database were “related to religion” (535); “related to going abroad” (324); and “relative(s)” (187). These responses were noted in the case records of 1,642 detainees for whom a reason for detention had been provided.


69 Chun Han Wong, “China Says Majority of Xinjiang Detainees Disappear, but Activists Question Claim,” Wall Street Journal, July 30, 2019; Xinjiang Situation to Realize a Soft Landing,” Global Times, August 1, 2019; “Xinjiang Wentiwen Zhiqiu zhouzi: jiaoqao zhongxin xueyuan duoxian yi huigui shenli jiu cheng ren zhaodao lixiang jiuye” [XJAR chairman: majority of education and training students have returned to society, ninety percent have found ideal employment], Global Times, July 30, 2019. The Chinese term for “vocational education and training centers” is zhiye jineng jiaoyu, peixun zhongxin.


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79 For more information on Abdurehim Heyit, see the Commission’s Political Prisoner Database record 2017-06371.


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102 Fergus Ryan, Danielle Cave, and Nathan Ruser, “Mapping Xinjiang’s ‘Re-education’ Camps,” International Cyber Policy Centre, Australian Strategic Policy Institute, November 1, 2018.

103 Ibid.

104 Ibid.


109 Ibid., 8–9.

110 Ibid., 18–19.

111 Ibid., 12.


115 “As Many as 1,200 Uyghur Detainees Held in Gansu Prison after Secret Transfer from Xinjiang,” Radio Free Asia, April 12, 2019; “China Secretly Transferring Uyghur Detainees from Xinjiang to Shaanxi, Gansu Province Prisons,” Radio Free Asia, February 8, 2019.


117 “Xinjiang da guimo zhuanyi Musilin jizhongying qian Gansu” [Large-scale transfer of Muslims from Xinjiang, concentration camps moved to Gansu], Radio Free Asia, October 1, 2018; “As Many as 1,200 Uyghur Detainees Held in Gansu Prison after Secret Transfer from Xinjiang,” Radio Free Asia, April 12, 2019; “China Secretly Transferring Uyghur Detainees from Xinjiang to Shaanxi, Gansu Province Prisons,” Radio Free Asia, February 8, 2019.

118 “As Many as 1,200 Uyghur Detainees Held in Gansu Prison after Secret Transfer from Xinjiang,” Radio Free Asia, February 8, 2019; “As Many as 1,200 Uyghur Detainees Held in Gansu Prison after Secret Transfer from Xinjiang,” Radio Free Asia, April 12, 2019.


120 “Xinjiang Authorities Secretly Transferring Uyghur Detainees Away from Xinjiang to Prisons in Inner Mongolia, Sichuan,” Radio Free Asia, February 21, 2019.

121 “As Many as 1,200 Uyghur Detainees Held in Gansu Prison after Secret Transfer from Xinjiang,” Radio Free Asia, April 12, 2019.

122 “Xinjiang Authorities Secretly Transferring Uyghur Detainees Away from Xinjiang to Prisons in Inner Mongolia, Sichuan,” Radio Free Asia, February 21, 2019.

123 “Xinjiang Authorities Secretly Transferring Uyghur Detainees to Jilui Throughout China,” Radio Free Asia, October 2, 2018; “Xinjiang da guimo zhuanyi Musilin jizhongying qian Gansu” [Large-scale transfer of Muslims in Xinjiang, concentration camps moved to Gansu], Radio Free Asia, October 1, 2018.


126 CECC, 2018 Annual Report, October 8, 2018, 276.

For more information on Gulbahar Jelilova, see the Commission's Political Prisoner Database record 2019-00064.

132 For more information on Sanubar Tursun, see the Commission's Political Prisoner Database record 2019-00071.


141 For more information on Gulbahar Jelilova, see the Commission’s Political Prisoner Database record 2019-00032.


143 Reid Standish, “China’s Expanding War on Islam: Now They’re Coming for the Kazakhs,” Washington Post, March 1, 2019; Reid Standish and Aigerim Toleukhanova, “Kazakhs Won’t Be Silenced on China’s Internment Camps,” Foreign Policy, March 4, 2019.


146 Reid Standish and Aigerim Toleukhanova, “Kazakhs Won’t Be Silenced on China’s Internment Camps,” Foreign Policy, March 4, 2019; Dake Kang, “China Allowing 2,000 Ethnic Kazakhs to Leave Xinjiang Region,” Associated Press, January 9, 2019.

147 Reid Standish and Aigerim Toleukhanova, “Kazakhs Won’t Be Silenced on China’s Internment Camps,” Foreign Policy, March 4, 2019. It was unclear if the 2,500 ethnic Kazakhs whom Chinese officials had agreed to release to Kazakhstan.

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153 Human Rights Watch, “China’s Algorithms of Repression,” May 1, 2019. Activities monitored by the IJOP system that authorities consider “abnormal” (fazhengchang) reportedly include the use of more electricity than “normal” and a relationship to a person who has obtained a new phone number.


165 Darren Byler, “China’s Government Has Ordered a Million Citizens to Occupy Uighur Homes. Here’s What They Think They’re Doing,” ChinaFile, Asia Society, October 24, 2018. See also CECC, 2018 Annual Report, October 10, 2018, 270.

166 Ji Yuqiao, “1.1 Million Civil Servants in Xinjiang Pair Up with Ethnic Minority Residents to Improve Unity,” Global Times, November 7, 2018; Yang Mingfang, Li Yuxian, and Aerdake, “Qingping yangyi nuan Tianshan” [Family-friendly and warm Tianshan], People’s Daily, November 7, 2018 (jiedui renqin); Shang Lucun, Guo Mengchen, and Cheng Shucheng, “Tianshan xuesong gen lian gen minzu tuanjie xin lian xin Xinjiang Gong’an Ting Kexin Zongdui nanjiang qianli jieqin” [The roots of Tianshan cedars link together, ethnic unity links hearts together, Xinjiang FSB Science and Technology Corps links relatives together across thousands of miles in southern Xinjiang], Northwest Energy Net, November 4, 2018, reprinted in China News Agency, July 6, 2017 (jiedui bangfu); Qiao Nong, ChinaAid, “Xinjiang guanbi shaoshu minzu xuesong gen lian gen minzu tuanjie xin lian xin Xinjiang Si Zhi piaoliang wei zhengzhijie xuezhijie jidi” [Xinjiang closes ethnic minority schools, Xinjiang Sci-tech Board encourages ethnic unity between ethnic groups], China’s Ministry of Education website, April 4, 2018 (jiedui bangfu).


169 Ibid.

170 Ibid.

171 Ibid.

172 See CECC, 2018 Annual Report, October 10, 2018, 277–78.

173 Human Rights Watch, “China’s Algorithms of Repression,” May 1, 2019. Activities monitored by the IJOP system that authorities consider “abnormal” (fazhengchang) reportedly include the use of more electricity than “normal” and a relationship to a person who has obtained a new phone number.


175 Victor Gevers (@0xDUDE), “So this insecure face recognition/personal verification solution...,” Twitter, February 14, 2019, 12:30 p.m. See also Chris Baynes, “Chinese ‘Muslim Tracker’ Surveillance System Monitoring Movements of 2.5m People in Xinjiang,” Independent, February 19, 2019.
Xinjiang


187 Lily Kuo, “Revealed: New Evidence of China’s Mission to Raze the Mosques of Xinjiang,” Guardian, May 6, 2019; Shawn Zhang, “Clarification of Keriya Etika Mosque’s Current Situation,” Medium (blog), April 23, 2019; Nick Waters, “Are Historic Mosques in Xinjiang Being Destroyed?” Bellingcat, April 5, 2019; “Keriye Heytgah Jame’ah shimali ishikin cheqwetilgenliki ugiigi suruldi”[Source claims north gate of Keriye Heytgah Mosque has been demolished], Radio Free Asia, April 24, 2019. Some reports have referred to the Keriya Heytgah Mosque as the Keriya Etika Mosque or the Yutian Aitika Mosque.


192 “Xinjiang Authorities Sentence Uyghur Philanthropist to Death for Unsanctioned Hajj,” Radio Free Asia, November 21, 2018. For more information on Abdughappar Abdurusal, see the Commission’s Political Prisoner Database record 2018-00645.

193 For information on official religious restrictions enforced during Ramadan in previous reporting years, see, e.g., CECC, 2018 Annual Report, October 10, 2018, 279, 281; CECC, 2017 Annual Report, October 5, 2017, 287; CECC, 2016 Annual Report, October 6, 2016, 287.


195 Rebecca Auer, Ali and Ann Scott Tyson, “Reporting in Xinjiang: A War Zone With No War,” Christian Science Monitor, May 8, 2019; Sophia Yan, “China’s Uighur Muslims Forced to Eat


V. Tibet

Findings

• There has been no formal dialogue between the Dalai Lama’s representatives and Chinese Communist Party and government officials since the ninth round of dialogue was held in January 2010. The Chinese government continues to regard the Dalai Lama as a “separatist” and to reject his Middle Way approach of genuine Tibetan autonomy within China.

• The Chinese government and Communist Party have significantly tightened restrictions on access to the Tibet Autonomous Region (TAR) and other Tibetan areas in China for international journalists, non-governmental organizations (NGOs), foreign officials, scholars, and members of the Tibetan diaspora. Chinese authorities require all foreign visitors to the TAR to apply for a special permit. Tourists must be accompanied by government-designated tour guides and are only allowed to see controlled sites. International journalists have stated that the isolation of the TAR is worse than North Korea, allowing the Chinese government to conceal human rights abuses and environmentally damaging large-scale projects, such as river damming and mining, and to promote the claim that Tibetans benefit from and support the Party and its actions.

• The government and Party used increasingly advanced technology to intensify security and surveillance in the TAR and other Tibetan autonomous areas, and continued to use measures included in a nationwide “anti-crime and vice” campaign to crack down on Tibetans suspected of organizing or participating in activities that authorities deemed to be threatening to maintaining control or “social stability.”

• Authorities continued to restrict religious freedom in the name of “sinicization,” using policies that force religious believers to promote the Party’s agenda. Actions taken included mandatory political education for religious leaders, large-scale evictions from influential Tibetan Buddhist monasteries, and replacing visibly displayed images of Tibetan Buddhists’ spiritual leader, the Dalai Lama, with past and current Party leaders Mao Zedong and Xi Jinping.

• The Chinese government continued to pursue large-scale infrastructure and investment projects in the TAR and other Tibetan areas, including hydropower dams, mines, and the resettlement of Tibetan nomads, with no apparent representative input from the Tibetan population, independent environmental NGOs, or rights groups. These actions violate the social, economic, and cultural rights of Tibetans, such as their rights to housing and livelihood, and raised concern among environmental scientists and advocates about the regional and global impact of these projects.

• April 25, 2019, marked the 30th birthday of the Panchen Lama, Gedun Choekyi Nyima, whom the Dalai Lama recognized in 1995. He and his parents remain incommunicado since authorities took them into custody in May 1995. Moreover, in violation of the religious freedom of Tibetan Buddhists, the
government continued to promote public appearances by its chosen Panchen Lama, Gyaltse Norbu, including his first trip abroad to Thailand, and to a sacred Tibetan Buddhist site, adding to speculation that Chinese officials will eventually attempt to use him in efforts to select the next Dalai Lama.

**Recommendations**

Members of the U.S. Congress and Administration officials are encouraged to:

- Call on the Chinese government and Communist Party to respect—as a matter of the right to religious freedom recognized under Chinese and international law—that the decision regarding the Dalai Lama’s succession or reincarnation must be reserved for the current Dalai Lama, Tibetan Buddhist leaders, and the Tibetan people.
- Urge the Chinese government to recognize the role of restrictive Party policies and government measures, and the increasing securitization of Tibetan autonomous areas of China, in Tibetan self-immolations and protests. Urge the Chinese government to cease treating the Dalai Lama as a security threat, and stress to the government the importance of respecting and protecting Tibetan culture and language—policy changes that would promote and protect social stability in Tibetan areas.
- Encourage the Chinese government to respect the right of Tibetans to travel domestically as well as internationally, and to allow unrestricted access to Tibetan autonomous areas of China to international journalists, representatives of the United Nations and NGOs, U.S. Government officials, and members of the Tibetan diaspora living around the world.
- Call on the Chinese government to remove all restrictions on foreigners’ access to the TAR. The Administration should use existing laws to hold accountable Chinese government officials and others complicit in restricting access to the TAR, including by using the sanctions available in the Reciprocal Access to Tibet Act (Public Law No. 115–330). Encourage the Chinese government to invite independent observers with relevant expertise to assess and publicly report on the damage incurred by the February 2018 fire at the 1,300-year-old Jokhang temple in Lhasa municipality, TAR.
- Urge the Chinese government to withdraw the charges against Tibetan language rights advocate Tashi Wangchug and stress that peacefully advocating for genuine bilingual education—a right recognized under Chinese and international law—is not a crime.
- In interactions with Chinese officials, call for the release of Tibetan political prisoners currently detained or imprisoned for the peaceful exercise of their human rights. The records of detained Tibetans in the Commission’s Political Prisoner Database—albeit an incomplete picture of the extent of Tibetan detentions and disappearances—provide a useful resource for such interactions with Chinese officials. Urge the Chinese government and its security forces to cease using arbitrary deten-
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tion, disappearance, beatings, torture, and intimidation to suppress and punish Tibetans’ peaceful exercise of their rights. 
- Urge the Chinese government to take into full account the views and preferences of Tibetans when planning infrastructure, natural resource development, settlement or resettlement projects, and tourist attractions in Tibetan areas of China.
- Continue to request that the Chinese government invite an independent representative of an international organization to meet with Gedun Choekyi Nyima, the 11th Panchen Lama, whom the Dalai Lama recognized in 1995, and who has been held incommunicado since May 17, 1995.
TIBET

Introduction

During the November 2018 session of the UN Human Rights Council Universal Periodic Review (UPR) of China's human rights record, the Chinese government promised to "actively participate in international cooperation in human rights," pledged its support for the work of UN human rights mechanisms, and touted its legal and other actions aimed at the protection of human rights. In contradiction to these statements, several foreign governments and international, non-governmental rights groups reported at the UPR and elsewhere that the human rights situation for Tibetans in the Tibet Autonomous Region (TAR) and other Tibetan areas of China had worsened in 2018. Various stakeholders at the UPR stated that Chinese authorities had continued to violate the rights of Tibetans to freedom of religion, movement, association and assembly, and expression, as well as their cultural and economic rights. Rights groups documented Chinese authorities' continued oppression of Tibetans through the use of such measures as arbitrary detention, enforced disappearances, torture, intrusive and increasingly sophisticated surveillance and data collection, and the forcible resettlement of nomads. During the Commission's 2019 reporting year, Chinese authorities used many of these measures as part of a nationwide anti-crime campaign launched in early 2018 that included the TAR and Tibetan autonomous areas.

Status of Negotiations Between the Chinese Government and the Dalai Lama or His Representatives

There has been no formal dialogue between the Dalai Lama or his representatives and the Chinese government since the ninth round of dialogue in January 2010. The Chinese government continues to regard the Dalai Lama as a "separatist" and to reject his Middle Way approach of genuine Tibetan autonomy within China. Reports published this past year, including one by the Tibetan government-in-exile, rejected the Chinese government's narrative of its historical control over the TAR and other Tibetan areas. The Central Tibetan Administration asserted that "today's continued occupation of Tibet by China ... violates international law and the fundamental rights of the Tibetan people." Based on this assertion, the Tibetan government-in-exile continues to call for a peaceful, negotiated resolution to the Sino-Tibetan conflict.

Government and Party Policy

ANTI-CRIME AND VICE CAMPAIGN IN THE TAR AND TIBETAN AREAS OF CHINA

During this reporting year, Chinese authorities continued the anti-crime and vice campaign launched in early 2018 aimed at those who allegedly threaten "political security" and "social stability." The Tibetan Centre for Human Rights and Democracy (TCHRD) reported that Chinese authorities had intensified control and repression in Tibetan areas of China, including the criminal-
The following are examples in which authorities used the anticrime and vice campaign to further crack down in Tibetan areas of China this past year:

- According to Voice of Tibet, Chinese authorities detained “a large number” of Tibetans in Lhasa municipality, capital of the TAR. Authorities in the TAR and other Tibetan areas reportedly posted notices asking people to inform on others suspected of involvement in such activities as “extremism,” “splitism,” “connections with the Dalai clique,” advocating “freedom to use one’s language,” “resisting land grabs, demolitions, infrastructure projects, and . . . related development projects,” and “espousing causes like economic freedom, right to livelihood, environmental protection, [and] cultural freedom,” offering cash rewards to informants in at least one county.

- According to TCHRD and Radio Free Asia, in July 2018, public security authorities detained Tibetan villagers Gedun Zoepa, Choeksang, Bende Dorje, Tashi Tsering, Sonam Gyal, Dargye, Shawo Tsering, Khajam Gyal, and Drugbum Tsering, all of whom are from Horgyal (Huorijia) village, Rongbo (Longwu) town, Rebgong (Tongren) county, Malho (Huangnan) Tibetan Autonomous Prefecture (TAP), Qinghai province, after they wrote a petition to reclaim village property expropriated by local government authorities. In April 2019, the Tongren County People’s Court sentenced them to between three and seven years in prison on the charges of founding an “evil organization” and “disturb[ing] social order by mobilizing support from the public.”

**INTENSIFYING SECURITY AND SURVEILLANCE**

This reporting year, Chinese authorities reportedly continued to use “pervasive surveillance apparatus,” including security cameras, big data centers, artificial intelligence, and “grid” surveillance. Authorities also reportedly confiscated and secretly installed surveillance apps on Tibetans’ mobile phones.

The following examples illustrate Chinese authorities’ efforts to tighten control in Tibetan areas of China:

- In July 2018, authorities displaced over 200 monks under the age of 18 from at least two monasteries in Kardze (Ganzi) county, Kardze (Ganzi) TAP, Sichuan province, and forced them instead to attend government-run schools.

- In September 2018, Tibet University and Wise-web Technology Company jointly launched a big data center to track the real-time activities of tourists. The Party-run Global Times, citing a professor at Minzu University in Beijing municipality, noted that “developing tourism in Tibet is also an important move to safeguard regional stability, promote national unity, and guard against separatist forces.”

- In October 2018, Party officials opened a new “political education camp” in Shigatse (Rikaze) municipality, TAR, to provide training in Party ideology and policies for officials.
throughout the municipality, with a particular focus on work related to “grassroots Party building” and “anti-separatism.”

• Prior to the 60th anniversary of the 1959 Tibetan uprising on March 10, 2019, Chinese authorities closed the TAR to foreign visitors for two months, restricted inter-regional travel by Tibetans, and added facial recognition, big data analysis, and upgraded GPS tracking devices in taxi cabs to monitor drivers.

• Following the passage of the Reciprocal Access to Tibet Act (RATA) by the U.S. Government in December 2018, TAR authorities announced plans to speed up the process for obtaining the special permit required of foreigners to visit the TAR. In March 2019, the State Department reported that the Chinese government “systematically impeded travel” by U.S. diplomats, officials, journalists, and tourists to Tibetan areas in 2018.

• In April 2019, Radio Free Asia reported that authorities closed enrollment at Larung Gar Buddhist Institute in Serthar (Seda) county, Kardze (Ganzi) TAP, Sichuan, after having recently built walls and checkpoints to prevent entry, while keeping monks and nuns under strict surveillance. In summer 2016, authorities began demolishing homes and forcibly expelling monks and nuns from Larung Gar, in an effort to reduce their numbers from around 10,000 to 5,000.

• From May to July 2019, authorities forcibly evicted an estimated 3,500 monks and nuns from Yachen Gar, a major Tibetan Buddhist institute in Palyul (Baiyu) county, Kardze (Ganzi) TAP, Sichuan. In July, authorities demolished at least 100 dwellings of recently evicted nuns, despite appeals by senior monks to authorities.

Religious Freedom for Tibetan Buddhists

REINCARNATION AND THE SELECTION OF THE 15TH DALAI LAMA

As the 14th Dalai Lama, Tenzin Gyatso, turned 84 years old on July 6, 2019, his advancing age continued to fuel discussion about his succession. The Chinese government continued to claim the authority to manage the selection and education of his successor through the state-controlled Buddhist Association of China, stating that “reincarnation of living Buddhas including the Dalai Lama must comply with Chinese laws and regulations and follow religious rituals and historical conventions.” In July 2019, a Party official in the TAR said that the Dalai Lama’s reincarnation “must be recognized by the central government,” and that the reincarnation would not be “decided by his personal wish or by some group of people living in other countries.” The government’s position violates international standards of religious freedom, which guarantee the right of religious communities “to train, appoint, elect or designate by succession appropriate leaders.”

The Dalai Lama has stated that the Chinese Communist Party, which rejects belief in reincarnation, has no authority or role in the recognition of reincarnated Lamas. Furthermore, he said that anyone chosen by the Party would not be accepted by Tibetan Bud-
April 25, 2019, marked the 30th birthday of Gedun Choekyi Nyima, whom the Dalai Lama recognized as the Panchen Lama in 1995. He and his family remain incommunicado since authorities abducted them in May 1995. The Chinese government’s chosen Panchen Lama, Gyaltsen Norbu, continued to appear in public, including at the sacred Buddhist site Lhamo Latso lake in Lhokha (Shannan) municipality, Tibet Autonomous Region (TAR), in August 2018, and made his first trip abroad to Thailand in May 2019, where he reportedly praised the “greatness” of the Chinese Communist Party.

“SINICIZATION” OF TIBETAN BUDDHISM

During this reporting year, Chinese authorities issued directives that curtailed previously tolerated religious practices under the national “Sinicization of Religion” policy promoted by President Xi Jinping beginning in April 2016. Such directives contravene the freedom of religious belief guaranteed in China’s Constitution and violate the right to freedom of religion defined in international human rights instruments, such as the Universal Declaration of Human Rights.

The Commission observed the following violations of Tibetan Buddhists’ right to religious freedom in this reporting year:

- **Promotion of the Sinicization of Tibetan Buddhism.** Authorities held a seminar in Sichuan province in October 2018 to discuss the “adaptation of Tibetan Buddhism to socialist society.” At a symposium in Qinghai province that same day, one of the major topics of discussion for monks and scholars was “how Buddhism could better serve China’s Belt and Road Initiative.”

- **Cancellation of a major prayer festival at Larung Gar.** In October 2018, authorities canceled the weeklong Dechen Shingdrup festival at Larung Gar Buddhist Institute, in Serthar (Seda) county, Kardze (Ganzi) Tibetan Autonomous Prefecture (TAP), Sichuan province, for the third consecutive year.

- **Forced removal of photos of the 14th Dalai Lama from temples and homes.** In December 2018, authorities in Dzoege Toema (Zuogeduoma) township, Tsoe (Hezuo) city, Kanlho (Gannan) TAP, Gansu province, reportedly announced a “Specialized Cleanup of the 14th Dalai Lama’s Portraits,” requiring locals to replace pictures of the Dalai Lama with portraits of former Party Chairman Mao Zedong and current Party General Secretary Xi Jinping. Following the Dalai Lama’s birthday in July 2019, police in Palyul (Baiyu) county, Kardze (Ganzi) TAP, Sichuan, reportedly beat Tibetan residents in two subsidized resettlement communities for displaying photos of the Dalai Lama in their homes. Public security officials also reportedly detained several individuals who had burnt incense and offered prayers on his birthday.

- **Mandatory political education for monks and nuns.** In December 2018, the TAR Party Committee announced that all religious personnel and officials must attend a three- to five-
year political education workshop. In March 2019, Chinese
official sources reported that authorities required 30,000
monks to take exams on Chinese laws and regulations, includ-
ing the PRC Anti-Terrorism Law and the PRC Counter-
espionage Law.”

- **Restrictions on religious education.** In December 2018,
  authorities in Nangchen (Nangqian) county, Yulshul (Yushu)
  TAP, Qinghai province, banned classes offered by monks, pro-
scribing them as “ideological infiltration among the young,”
  “dangerous,” and “harmful.”

- **Forced acts of worship of Chinese leaders.** In January
  2019, authorities in Serthar (Seda) county, Kardze (Ganzi)
  TAP, Sichuan, reportedly forced Tibetans to prostrate and
  make offerings before pictures of Chinese Communist Party
  leaders, including Xi Jinping. A January report disclosed
  that in May 2018, authorities also had ordered Lhasa munici-
pality residents, some of whom are dependent on state assist-
ance due to previous government land seizures, to stop wor-
shiping the Buddha or risk losing their subsidies.

**Self-Immolation**

At least two self-immolations as a form of protest occurred in Ti-
betan autonomous areas of China this past year. According to Ti-
betan advocacy groups, Chinese government suppression of Tibet-
ans’ freedoms of expression and religion have led some Tibetans to
turn to self-immolation as protest. According to the International
Campaign for Tibet and the Central Tibetan Administration (the
Tibetan government-in-exile located in Dharamsala, India), more
than 150 Tibetans have self-immolated since 2009, with many call-
ing for the long life of the Dalai Lama, his return from exile, and
freedom for Tibet.

The Commission observed the following cases of Tibetans who
self-immolated as a form of protest:

- On November 4, 2018, a 23-year-old man named Dopo (or
  Dorbe) reportedly died after self-immolating in Ngaba (Aba)
  county, Ngaba (Aba) Tibetan and Qiang Autonomous Prefec-
ture (T&QAP), Sichuan province, while shouting wishes to see
  the Dalai Lama and for his long life. Radio Free Asia also re-
  ported that authorities quickly controlled the scene and refused
to provide further information.

- On December 8, 2018, a former monk in his twenties named
  Drugkho, previously known as Choekyi Gyaltsen, from
  Soruma (Suorima) village, Choejema (Qiujima) township,
  Ngaba county, reportedly self-immolated in Ngaba county
  while shouting for the Dalai Lama’s long life and freedom for
  Tibet. According to one Tibetan advocacy organization,
  Drugkho reportedly survived.

Following these two self-immolations, authorities increased secu-
riti measures in the area, including reportedly blocking internet
communications.
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Status of Tibetan Culture and Language

The Chinese government’s National Human Rights Action Plan (2016–2020) provides both that “the cultural rights of ethnic minorities shall be guaranteed” and that “[t]he right of ethnic minorities to learn, use and develop their own spoken and written languages shall be respected and guaranteed,” echoing provisions of China’s Constitution, the PRC Regional Ethnic Autonomy Law, and the PRC Education Law. In March 2019, the State Council Information Office released the white paper, “Democratic Reform in Tibet—Sixty Years On,” which featured two aims regarding Tibetan language: “While protecting and developing the Tibetan language, the state is promoting . . . standard Chinese across the country, including [in] Tibet . . . .” In contradiction to the stated aim to protect and develop the Tibetan language, authorities continued to restrict access to Tibetan language education and suppress Tibetan language education advocacy this past year:

• According to Radio Free Asia, in December 2018, Chinese authorities restricted Tibetan language classes for children at monasteries in Nangchen (Nangqian) county, Yulshul (Yushu) TAP, Qinghai province.

• In January 2019, authorities at Dongchuan Prison in Xining municipality, Qinghai, reportedly barred a lawyer from meeting with Tibetan language education advocate Tashi Wangchug (Tashi Wangchuk), whom the Yushu TAP Intermediate People’s Court in Yushu, Qinghai, sentenced to five years in prison in May 2018 on the charge of “inciting separatism.” By blocking this meeting, authorities effectively denied him his right to proceed with a criminal petition (shensu). In August 2019, prison authorities again barred lawyers from meeting with him, despite their submission of required documents.

Freedom of Expression

The U.S. State Department and the international non-governmental organization Human Rights Watch reported in 2019 that the Chinese government continued to restrict freedom of speech and assembly in the Tibet Autonomous Region (TAR) and Tibetan areas of China. According to the State Department, “The Chinese government harassed or detained Tibetans as punishment for speaking to foreigners, attempting to provide information to persons abroad, or communicating information regarding protests . . . .” The State Department also reported that authorities had restricted internet service “for weeks or months at a time” during times deemed to be politically sensitive or times of unrest, and threatened Tibetans with prison sentences for sharing videos or information about self-immolations. A Tibetan researcher reported that Chinese authorities had “crack[ed] down hard on [social media platform] WeChat users who demonstrate sympathy and support for the Tibetan cause,” including the use of “restrictions and fines.” Representative examples of violations of Tibetans’ right to free expression this past year include:
In September 2018, authorities in Kyangche (Jiangqian) township, Gade (Gande) county, Golog (Guoluo) TAP, Qinghai, reportedly beat and detained Sengdra, a Tibetan advocate known for his campaign against corruption, on suspicion of “picking quarrels and provoking trouble.”

In September 2018, authorities in Ngaba (Aba) county, Ngaba (Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, reportedly detained Tenzin Geleg, an 18-year-old monk from Ngaba’s Kirti Monastery, after he conducted a solo protest calling for freedom for Tibet. In the same month, authorities also reportedly detained 23-year-old monk Dorje Rabten and another unidentified monk, both also from Kirti, after they staged solo protests.

On December 10, 2018, authorities in Ngaba reportedly severely beat and detained Sanggye Gyatso, a 16- or 17-year-old monk also from Kirti Monastery, as he staged a solo protest calling for “Freedom for Tibet.”

On April 29, 2019, public security officials in Sershul (Shiqu) county, Kardze (Ganzi) TAP, Sichuan, detained four Tibetan men in connection with one of them, Wangchen, praying and reportedly shouting slogans calling for the release of the 11th Panchen Lama, despite warnings from other monks of possible arrest by police. In May, a court sentenced Wangchen to four years and six months in prison for leading an illegal public protest. On May 2, authorities detained his aunt Drolkar, and later that month sentenced her to one year and three months’ imprisonment for sharing information about the protest.

During this reporting year, the Commission did not observe further news about the large February 2018 fire at the Jokhang temple in Lhasa municipality, TAR, one of Tibetan Buddhism’s holiest sites and a UNESCO World Heritage site. An international advocacy organization used satellite imagery analysis to show that the fire did more damage than the government reported, and cited commentators who criticized the government’s failure to report the severity of the damage. Authorities also reportedly censored the online sharing of information about the fire. Neither Chinese media reports on activities at the Jokhang in April 2019 nor an international media report on U.S. Ambassador to China Terry Branstad’s visit to the temple in May 2019 mentioned the fire, resulting damage, or repair efforts.

In April 2019, authorities reportedly detained Tibetan graduate student Sonam Lhundrub at Northwest Minzu University in Lanzhou municipality, Gansu province, after he posted an essay on social media criticizing the decline in opportunities to obtain government jobs for Tibetans in Tibetan areas.

Freedom of Movement

The Chinese government continued to restrict Tibetans’ freedom of movement in violation of the International Covenant on Civil and Political Rights, which articulates the rights of every person to “liberty of movement and freedom to choose his residence”; “free-
dom to leave any country, including his own”; and “the right to enter his own country.” Authorities tightened borders in Tibetan regions and restricted Tibetans’ ability to travel abroad.

The Commission observed the following restrictions on Tibetans’ movement and travel this past year:

- According to TCHRD’s 2018 annual report, authorities required Tibetan visitors to Lhasa from Tibetan areas outside the TAR to surrender their ID cards and obtain special permits to enter the city, and to undergo close searches and frisking at checkpoints in order to visit the Jokhang temple.
- Tibetans wishing to travel abroad, especially for pilgrimage to India for the Dalai Lama’s annual teachings at Bodh Gaya, India in December 2018, faced barriers in obtaining passports. Authorities reportedly subjected Tibetan travelers to a “two-track” passport system, long interrogations, and cancellation of passports or denial of permission to travel at airports without refunds. Authorities had also reportedly confiscated and destroyed the passports of returning Tibetan pilgrims after the 2018 annual teachings.
- The U.S. State Department reported that the “People’s Armed Police (PAP) and local public security bureaus (PSB) set up roadblocks and checkpoints in Tibetan areas . . . especially around sensitive dates” and that authorities required monks and nuns to undergo “extra scrutiny . . . at roadside checkpoints and at airports.”
- According to TCHRD, in 2018, Chinese authorities in Rebgong (Tongren) county, Malho (Huangnan) TAP, Qinghai, informed a Tibetan refugee visiting from India that, as of January 2018, Tibetans returning to China were not allowed to permanently reside in their hometowns. TCHRD found no evidence that the statement was connected to any formal policy.

Economy, Environment, and Development Concerns

- **Economy.** According to the Office of the UN High Commissioner for Human Rights summary of rights groups’ submissions in advance of the November 2018 session of the UN Human Rights Council’s Universal Periodic Review (UPR) of China, the Chinese government’s “large-scale infrastructure and investment projects in Tibet . . . often resulted in violations of Tibetan’s [sic] economic, social, and cultural rights, such as their rights to livelihood and to adequate housing.”
- **Environment.** The Chinese government has designated large areas in the TAR and Qinghai province as national parks, and has relocated Tibetans for the stated purposes of protecting ecosystems and improving the livelihoods of local residents. Tibetan groups state, however, that government claims about the need to protect the environment are also used as a pretext to forcibly resettle Tibetans from traditional grazing lands. Scientists and Tibetan groups note that many government actions on the Tibetan Plateau exacerbate climate change, resulting in glacial melting, permafrost degradation, and desertification of grasslands.
• **Water rights.** Many of Asia’s major rivers originate on the Tibetan Plateau, known as the “Third Pole” and “water tower of Asia.” A Tibet researcher argued that the government’s dams and water diversion projects on many of Asia’s rivers violate the water rights of Tibetans and over 1.3 billion people in downstream countries who are dependent on these rivers for drinking water and agriculture.

• **Development.** The Chinese government continued to forcibly resettle Tibetans throughout the TAR and other Tibetan areas of China for the stated purposes of development and poverty alleviation. Between January and May 2019, Radio Free Asia reported the following:

  - Authorities forced Tibetan nomadic families in Chamdo (Changdu) municipality, TAR, to move into towns and pay nearly 8,000 yuan (US$1,165) for their new homes.
  - Authorities removed 12 families from Gonjo (Gongjue) county, Chamdo, and relocated them to Nyingchi (Linzhi) municipality, TAR.
  - Nomadic families who were forcibly resettled several years ago to an area east of Chengguan district, Lhasa municipality, TAR, were suffering financial and other hardships due to the loss of their livelihoods and the failure of authorities to provide promised assistance.
  - Authorities resettled around 40 Tibetan families from their village in Qinghai for airport construction.

Some attempts by Tibetans to oppose development projects have led to violence against or detention of protesters. Observers reported the following:

- On September 11, 2018, authorities detained five monks at Gomang Monastery in Ngaba (Aba) county, Ngaba (Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, for protesting a residential construction project near the monastery.

- On October 11, 2018, Han Chinese workers reportedly attacked Tibetans who were protesting their work installing solar panels on grazing land in Chabcha (Gonghe) county, Tsole (Hainan) Tibetan Autonomous Prefecture, Qinghai.
Notes to Section V—Tibet


2 Ibid.


7 Ibid., para. 64.

8 Ibid., para. 17.


12 “Zhonggong dangju yu Xizang Lasa ‘Saohai Chu’e’ zhongjin youhuo Zangren xuxiang jiefa” (Chinese Communist Party authorities in Lhasa, Tibet’s “Anti-Crime and Evil Campaign” use large sums to entice Tibetans to expose each other), Voice of Tibet, May 25, 2019.


14 Ibid., para. 5.

15 Ibid., para. 12.


18 Zhu Weiqun, “Daogu shu’ wan bu hui Dalai jituian shibai mingyuan” (“Mischief-making” will not prevent the failure of the Dalai clique), *Global Times*, October 19, 2018; “Tibet Vows to Fight against Separatism,” *Xinhua*, January 10, 2019; State Council Information Office, “Tibet’s Path of Development Is Driven by an Irresistible Historical Tide,” April 15, 2019, sec. V.


21 Central Tibetan Administration, “Tibet Was Never a Part of China, but the Middle Way Approach Remains a Viable Solution,” October 2018, 37. See also Michael van Walt van Praag and Miek Boltjes, “Speaking Truth to Power Regarding China’s Claim to Tibet: Working Paper Prepared for the 7th World Parliamentarians’ Convention on Tibet,” Riga, Latvia, May 8, 2019, 55–57. On May 16, 2019, van Walt van Praag presented a detailed analysis and refutation of the Chinese government’s historical claim that Tibet was always an integral part of China, and argued that the virtually unchallenged international acceptance of this notion removes the possibility of equal footing for negotiations and undermines the prospect of a satisfactory resolution to the Sino-Tibetan conflict.


23 CCP Central Committee and State Council, Guanyu Kaizhan Saohe ji Chuzhixiang Douzheng De Tongzhi [Circular on the Specialized Struggle to Sweep Away Organized Crime and Eliminate Vice], January 24, 2018; Tibetan Centre for Human Rights and Democracy, An-
Tibet


25 Ibid., 9.

26 “Zhonggong dangju yu Xizang Lasa ‘saohe chu’e zhongjin yuhouo Zhangren xuxiang jiefa’” [Chinese Communist Party authorities in Lhasa, Tibet’s “Anti-Crime and Evil Campaign” use large sums to entice Tibetans to expose each other], Voice of Tibet, May 25, 2019.


29 Tongren County People’s Court, “Tongren Xian Renmin Fayuan gongkai jiating shenli ‘kangqua’ e shi ban zu yi juan anjian” [Tongren County People’s Court holds open trial in “kangqua” evil forces criminal gang case], April 16, 2019.


37 Ibid.


Tibet


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Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 18.

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"Human Rights Watch (HRW), “China: Tibetan Children Banned from Classes,” January 30, 2019. HRW provided an official copy (Tibetan language) and an unofficial English translation of the Nangchen county notice proscribing classes taught by monks.


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Tibetan Man, Aunt Sentenced for Panchen Lama Protest in Sichuan,” Radio Free Asia, May 8, 2019; Free Tibet, “Tibetans Sentenced to Prison after Panchen Lama Gathering,” May 9, 2019. For more information on Drolkar, see the Commission’s Political Prisoner Database record 2018-00175.


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115 Ibid.


117 Ibid.


127 “Four Tibetan Monks Detained Over Land Protest in Ngaju,” Radio Free Asia, September 17, 2018; “Xizang Aba wu ming sengren human zengfu shigong yingxiang siyuan hou zao jingfang jubu” [Five Tibetan monks from Aba detained by police after [expressing] dissatisfaction with government construction effect on monastery], Voice of Tibet, September 18, 2018. For more information on the five monks, see the following records in the Commission’s Political Prisoner Database: 2018-00466 on Nyidas, 2018-00467 on Kalsang, 2018-00468 on Nesang, 2018-00469 on Choje, and 2018-00470 on Shakya.


129 “Tibetan Villagers Evicted Over Land Protest in Ngaju,” Radio Free Asia, September 17, 2018; “Xizang Aba wu ming sengren human zengfu shigong yingxiang siyuan hou zao jingfang jubu” [Five Tibetan monks from Aba detained by police after [expressing] dissatisfaction with government construction effect on monastery], Voice of Tibet, September 18, 2018. For more information on the five monks, see the following records in the Commission’s Political Prisoner Database: 2018-00466 on Nyidas, 2018-00467 on Kalsang, 2018-00468 on Nesang, 2018-00469 on Choje, and 2018-00470 on Shakya.

VI. Developments in Hong Kong and Macau

Findings

• The Commission observed a further erosion of Hong Kong’s autonomy and fundamental freedoms under the “one country, two systems” framework. The Hong Kong government sought to advance changes to the territory’s extradition ordinance to allow the surrender of individuals to mainland China and to empower the Chief Executive to make decisions on fugitive arrangements on a case-by-case basis without a vetting process in the Legislative Council (LegCo). If passed, the bill would expose local and foreign citizens transiting, visiting, or residing in Hong Kong to the risk of being extradited to mainland China.

• A series of large-scale anti-extradition bill and pro-democracy demonstrations took place in Hong Kong beginning in late March 2019. Protests continued despite the Hong Kong government’s decision to suspend—but not withdraw—consideration of the extradition bill. Protesters demanded that the government withdraw the extradition bill, retract the characterization of protests on June 12 as a “riot,” drop charges against all arrested protesters, establish an independent commission of inquiry on police conduct, and enact democratic reforms toward universal suffrage in Hong Kong’s Chief Executive and LegCo elections.

• International and Hong Kong human rights groups, journalists, and crowd-control experts noted that the Hong Kong Police Force (HKPF) used excessive force and inappropriately operated crowd-control equipment in instances during the 2019 protests. The HKPF fired projectiles including rubber bullets, bean bag rounds, and pepper balls at close range; launched tear gas canisters into crowded and enclosed areas and from high buildings, did not give warning before firing tear gas, and struck individuals with tear gas canisters; and misused batons against protesters, causing blunt force trauma. The HKPF’s use of force contravened international standards enumerated in the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms for Law Enforcement Officials, both of which require officials to avoid using force, or where necessary, use the minimum extent of force at a proportionate level.

• The Chinese central government employed propaganda, disinformation, and censorship in an apparent attempt to shape reporting on the Hong Kong protests, attributing the protests to influence by “foreign forces,” and signaling threats to protesters in Hong Kong. Central government authorities issued directives to delete or promote certain content on all websites and news media platforms and detained and harassed citizens in mainland China who showed support for the Hong Kong protests on their social media accounts. The Chinese government’s restrictions on expression violate Article 19 of the International Covenant on Civil and Political Rights guaranteeing the right to freedom of expression.
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- Over the past year, the Hong Kong government continued to reject the candidacy of LegCo and local election nominees such as Lau Siu-lai and Eddie Chu Hoi-dick based on their political beliefs and associations, violating Article 21 of the Hong Kong Bill of Rights Ordinance guaranteeing the right to “vote and be elected at genuine periodic elections.”
- The Hong Kong government continued to pursue criminal charges against leaders and participants of public demonstrations, including the 2014 pro-democracy protests (“Umbrella Movement”). In April 2019, a Hong Kong court found nine leaders of the Umbrella Movement guilty of charges related to “public nuisance” and sentenced Benny Tai Yiu-ting and Chan Kin-man to one year and four months in prison and Raphael Wong Ho-ming and Shiu Ka-chun to eight months in prison.
- The Commission did not observe progress in Macau toward universal suffrage in the 2019 Chief Executive (CE) election. Former Macau Legislative Assembly president Ho Iat Seng—running as the only candidate—won the CE election on August 25, 2019. Ho received 392 out of 400 possible votes from the CE Election Committee, many of whose members are considered to be supporters of the central government.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Reassess whether Hong Kong authorities are “legally competent,” in accordance with the U.S.-Hong Kong Policy Act of 1992, to enforce the U.S.-Hong Kong Extradition Treaty and other obligations in the act, including support for U.S. businesses and the protection of human rights.
- Enact the Hong Kong Human Rights and Democracy Act (S. 417/H.R. 3856, 115th Cong., 1st Sess.) to monitor the state of Hong Kong’s autonomy from mainland China, punish human rights violators, and reaffirm U.S. government support for democracy in Hong Kong.
- Continue to advocate for Hong Kong pro-democracy advocates who are serving prison sentences for their role in peaceful demonstrations, such as Chan Kin-man. Ask Chinese authorities about the whereabouts and condition of Hong Kong bookseller Gui Minhai, a Swedish citizen whom Chinese authorities are holding in arbitrary detention in mainland China.
- Emphasize in meetings with Chinese and Hong Kong officials that the continued erosion of Hong Kong’s autonomy, which is guaranteed in both the 1984 Sino-British Joint Declaration and the Basic Law under the “one country, two systems” policy, threatens the underpinnings of U.S. policy toward Hong Kong, particularly Hong Kong’s separate treatment under U.S. law.
- Urge the Chinese and Hong Kong governments to restart the electoral reform process and work toward implementing Chief Executive and Legislative Council elections by universal suffrage, in accordance with Articles 45 and 68 of the Basic
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Law and Article 25 of the International Covenant on Civil and Political Rights (ICCPR).
○ Call on the Chinese and Macau governments to set a timeline for implementing elections in Macau for Chief Executive and the Legislative Assembly by universal suffrage, as required under Article 25 of the ICCPR.
DEVELOPMENTS IN HONG KONG AND MACAU

Introduction: Hong Kong’s Autonomy

Hong Kong’s autonomy from the central government of the People’s Republic of China (PRC) under the “one country, two systems” policy is defined by the 1984 Sino-British Joint Declaration (Declaration) and the Basic Law of the Hong Kong Special Administrative Region (Basic Law). In the Declaration, the governments of the PRC and the United Kingdom agreed that the Hong Kong government, under the “one country, two systems” framework, “will enjoy a high degree of autonomy, except in foreign and defence affairs” and be “vested with executive, legislative and independent judicial power . . .” The Basic Law, the constitutional document of Hong Kong, details the implementation of social and economic systems, the protection of fundamental rights and freedoms, and the executive, legislative, and judicial systems in Hong Kong. The Basic Law enshrines the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights, and international labor conventions as they apply to Hong Kong. The United States-Hong Kong Policy Act of 1992 commits the United States to treating Hong Kong as a separate customs territory from the rest of China, so long as Hong Kong remains “sufficiently autonomous.” According to the act, “[s]upport for democratization” is fundamental to U.S. policy in Hong Kong and human rights “are directly relevant to United States interests in Hong Kong” and “serve as a basis for Hong Kong’s continued economic prosperity.”

Erosion of Political Autonomy in Hong Kong

During its 2019 reporting year, the Commission observed a further erosion of Hong Kong’s autonomy and fundamental freedoms under the “one country, two systems” framework. Chinese government influence over the territory, and Hong Kong officials’ willingness to comply with the interests of the Chinese government, continued an accelerated trend of decreased autonomy observed in recent years.

CHIEF EXECUTIVE ADVANCES CENTRAL GOVERNMENT POLICIES

The Chief Executive (CE) of Hong Kong pursued policies that aligned with the interests of the Chinese central government. There were no signs within the past year of electoral reform to grant universal suffrage to Hong Kong people in electing the CE. Carrie Lam Cheng Yuet-ngor was elected CE in 2017 by a 1,194-member Election Committee consisting of many members who are widely considered to be supporters of the central government. Lam’s government promoted and implemented policies consistent with the central government’s policy objectives this past year, especially greater economic integration with mainland China through the new Guangzhou-Shenzhen-Hong Kong High Speed Rail (opened in September 2018), a new Hong Kong-Zhuhai-Macau bridge (opened in October 2018), and the Greater Bay Area (GBA) project (official plan released in February 2019).
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GBA project is a central government plan to create an innovation hub for science and technology by integrating the economic activities of cities in Guangdong province, Macau, and Hong Kong—three jurisdictions with separate customs, legal, and monetary systems.20 One Hong Kong-based observer expressed concern that the GBA project may negatively impact Hong Kong’s autonomy, turning it into “just another Chinese city” that may not warrant special economic treatment by the United States.21

### National Anthem Bill

After passing the PRC National Anthem Law in mainland China in September 2017,22 the National People’s Congress Standing Committee (NPCSC) added the PRC National Anthem Law to Annex III of the Basic Law of Hong Kong and Macau in November 2017,23 requiring the Hong Kong and Macau governments to prepare local national anthem legislation in accordance with the central government’s law.24 Chinese laws do not apply to Hong Kong except for those listed in Annex III.25 In January 2019, the Hong Kong government introduced the National Anthem Bill to the Legislative Council amid concerns that the bill would stifle freedom of expression in Hong Kong.26 According to the bill, those who “misuse” or “insult” the Chinese national anthem could face a fine of up to HK$50,000 (approximately US$6,370), imprisonment for three years, or both.27 Observers said that the move by the central government to use Annex III to insert a law unrelated to defense and foreign affairs was “unprecedented”28 and warned that more laws passed by the NPCSC may become applicable to Hong Kong in the future.29 In June 2019, the Constitutional and Mainland Affairs Bureau decided not to send the National Anthem Bill to its second reading in the LegCo before the end of the legislative calendar year, which ended in July 2019.30

RESTRICTIONS ON PRO-DEMOCRACY CANDIDATES IN ELECTIONS

The Hong Kong government continued to reject the candidacy of Legislative Council (LegCo) and local election nominees based on their political beliefs and association. In October 2018, the Hong Kong government denied Lau Siu-lai, one of the six elected lawmakers who lost their seats in 2016 and 2017, from running in the November 2018 LegCo by-election for Kowloon West, the district in which she had previously won her seat.31 The election officer Franco Kwok Wai-fun cited the High Court ruling of July 2017 that disqualified Lau from LegCo, stating that she could not sincerely take her oath of office.32 Kwok also cited Lau’s past support for “self-determination” in Hong Kong as a ground for disqualification.33 Similarly, in December 2018, the Hong Kong government rejected pro-democracy lawmaker Eddie Chu Hoi-dick’s nomination to run as a candidate in the village representative election for Yuen Long district, based on his past promotion of “democratic self-determination” for Hong Kong.34 Enoch Yuen, the election officer who invalidated Chu’s nomination, said that Chu’s political stance and remarks cast doubt on whether he “acknowledged PRC’s sovereignty over [Hong Kong] and hence whether he genuinely upheld the [Basic Law].”35 The government’s rejection of certain candidates from running in elections violates
Article 21 of the Hong Kong Bill of Rights Ordinance and Article 25 of the ICCPR guaranteeing the right “to vote and to be elected at genuine periodic elections.”

### 2019 Anti-Extradition Bill and Pro-Democracy Demonstrations

**The Extradition Bill.** The Hong Kong government formally introduced an extradition bill in the Legislative Council (LegCo) on April 3, 2019. The proposed changes to the Fugitive Offenders Ordinance and the Mutual Legal Assistance in Criminal Matters Ordinance would allow case-based arrangements for the extradition of suspects to jurisdictions with which it has no extradition agreements, including mainland China. Civil society groups, businesses, lawyers, and international human rights organizations expressed concern that the amendments would compromise the rule of law in Hong Kong and subject the people of Hong Kong to the opaque criminal justice system in mainland China where they could face unfair trials, torture, and other serious human rights violations.

**Widespread Protests.** A series of large-scale anti-extradition bill and pro-democracy demonstrations took place in Hong Kong beginning in late March 2019. On June 9, an estimated 1.03 million Hong Kong people according to organizers (240,000 according to the Hong Kong police), participated in demonstrations against the extradition bill. On June 12, the scheduled date of the second reading of the bill in LegCo, tens of thousands of demonstrators surrounded government offices in the Admiralty district of Hong Kong demanding that the government withdraw the extradition bill from consideration. Police officers deployed rubber bullets, tear gas, pepper spray, and a water cannon against protesters amid clashes and Hong Kong Police Commissioner Stephen Lo declared the protest a “riot.” LegCo canceled the scheduled meeting. On June 16, a day after the government suspended the bill from consideration, an estimated two million people (338,000 according to the Hong Kong police) participated in a demonstration and made five demands of the government: 1) withdraw the extradition bill; 2) investigate police violence; 3) drop charges against all arrested protesters; 4) retract the characterization of the June 12 protests as a “riot”; and 5) compel the resignation of Chief Executive Carrie Lam. Over the following months, anti-extradition bill protesters and groups such as lawyers, civil servants, financial workers, airport staff, medical professionals, teachers, and students separately organized peaceful marches, rallies, strikes, fundraising campaigns and other forms of demonstrations in different districts in Hong Kong. Protesters expanded demands to include the establishment of an independent commission of inquiry on police conduct and democratic reforms toward universal suffrage in Hong Kong’s Chief Executive and LegCo elections.
Developments in Hong Kong and Macau

2019 Anti-Extradition Bill and Pro-Democracy Demonstrations—Continued

**Excessive Use of Force by Hong Kong Police Force.** International and Hong Kong human rights groups, journalists, and crowd-control experts noted that the Hong Kong Police Force (HKPF) used excessive force and inappropriately operated crowd-control equipment in some instances during the 2019 protests. The HKPF fired projectiles including rubber bullets, beanbag rounds, and pepper balls at close range; launched tear gas canisters into crowded and enclosed areas and from high buildings, did not give warning before firing tear gas, and struck individuals with tear gas canisters; and misused batons against protesters, causing blunt force trauma.

International and local journalist associations expressed concerns about the HKPF’s treatment of journalists during protests, including firing tear gas at reporters, physically and verbally assaulting journalists, and conducting unjustified searches. The HKPF’s use of force contravened international standards enumerated in the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms for Law Enforcement Officials, both of which require officials to avoid using force, or where necessary, use the minimum extent of force at a proportionate level. The Office of the UN High Commissioner for Human Rights “reviewed credible evidence of law enforcement officials employing less-lethal weapons in ways that are prohibited by international norms and standards,” and urged the Hong Kong government to not only “investigate these incidents immediately” but also to “act with restraint.”

**Gang Attacks and Violence.** Groups of men, some confirmed to be members of criminal syndicates with suspected links to the Chinese Communist Party, attacked Hong Kong residents and protesters on various occasions. Notably, on July 21, a mob armed with wooden poles, rattan sticks, and metal pipes indiscriminately attacked residents at the Yuen Long MTR subway station, resulting in 45 people being hospitalized. Police officers did not arrive on scene and respond until around 45 minutes after the attack, which prompted accusations from observers of police apathy and collusion with the attackers. Ten days prior to the attack, an official from the Liaison Office of the Central People’s Government in Hong Kong had urged local community leaders to “prevent protesters from causing trouble in Yuen Long.” Some anti-extradition bill protesters engaged in radical actions during demonstrations, such as vandalizing government buildings, violently clashing with HKPF officers, and assaulting two individuals identified as a public security official from mainland China and a reporter for Global Times, a Party-run news outlet.
Selective Arrests and Prosecution. By September 1, the HKPF had reportedly arrested more than 1,100 participants, activists, and pro-democracy LegCo members in connection with the protests. Charges included “rioting,” “unlawful assembly,” “assaulting a police officer,” “possessing offensive weapons,” and other offenses. Prosecutors, lawyers, and protesters expressed concern that arrests and prosecution of anti-extradition bill demonstrators were selective and politically driven. For example, in contrast to the 23 people linked to criminal syndicates arrested in connection with the July 21 Yuen Long attack who were charged with “unlawful assembly,” hundreds of arrested demonstrators were charged with “rioting,” a charge carrying a punishment of up to ten years.

Central Government Manipulation of the Media. The central government employed propaganda, disinformation, and censorship in an apparent attempt to shape reporting on the Hong Kong protests, attributing the protests to influence by “foreign forces,” and signaling threats to protesters in Hong Kong. Central government authorities reportedly issued directives to delete or promote certain content on all websites and news media platforms and detained and harassed citizens in mainland China who showed support for the Hong Kong protests on their social media accounts. The Chinese government’s restrictions on expression violate Article 19 of the International Covenant on Civil and Political Rights guaranteeing the right to freedom of expression.

Government Prosecution in Hong Kong Courts

The Hong Kong government continued to pursue prosecutions against leaders and participants of public demonstrations, including the 2014 pro-democracy protests, also known as the “Umbrella Movement,” this past year.

UMBRELLA MOVEMENT PROSECUTIONS

Since the end of the Umbrella Movement in 2014, the Hong Kong government has filed 48 legal cases against 33 pro-democracy leaders. Of these cases, 23 were brought against 16 LegCo members. From November to December 2018, nine leaders of the Umbrella Movement (“the Umbrella Nine”), Benny Tai Yiu-ting, Chu Yiu-ming, Chan Kin-man, Lee Wing-tat, Shiu Ka-chun, Tanya Chan, Raphael Wong Ho-ming, Tommy Cheung Sau-yin, and Eason Chung Yiu-wah, were tried on public nuisance-related charges under common law, which carry up to seven years in prison, a much heavier penalty compared to a maximum of three months in prison under statutory law. In April 2019, the Hong Kong District Court found all nine guilty and sentenced Tai and Chan to one year and four months’ imprisonment and Shiu and Wong to eight months’ imprisonment. On August 15, Tai was released on bail pending appeal.

International human rights organizations and observers warned that the charges and verdicts against the Umbrella Nine not only infringed on the rights of Hong Kong people to the freedom of as-
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assembly and expression, but also serve as precedent to prosecute other Umbrella Movement participants and pro-democracy protesters. Sophie Richardson, China Director at Human Rights Watch, said that prosecutions against pro-democracy leaders “raise further questions about Hong Kong authorities’ moves to politicize the courts.” The Hong Kong-based Progressive Lawyers Group assessed in a report that, “the resort to criminal proceedings to criminalize the pro-democracy movement to an unprecedented extent in Hong Kong has given rise to serious concerns of political persecution through prosecution.”

PROSECUTIONS AGAINST PARTICIPANTS IN THE NOVEMBER 2016 PROTESTS

The Hong Kong government continued prosecuting nine leaders of the November 2016 demonstrations against the central government’s National People’s Congress Standing Committee (NPCSC) interpretation of the Basic Law, which requires public officials to take their oaths “sincerely” and “solemnly.” The central government issued the interpretation while a Hong Kong court was considering the Hong Kong government’s case against legislators-elect Sixtus “Baggio” Leung and Yau Wai-ching, who altered their oaths during an oath-taking ceremony in October 2016. Nine leaders and participants in the demonstrations, including Avery Ng Man-yuen, Dickson Chau Ka Fat, Sammy Yip Chi Hin, Chan Man Wai, Lo Tak Cheong, Cheng Pui Lun, Chow Shu Wing, Derek Lam, and Ivan Lam, were tried on a variety of charges such as “inciting unlawful assembly,” “unlawful assembly,” “obstructing police,” and “assaulting police” from July to November 2018. In May 2019, a court found six out of nine guilty in connection with their roles in the protests.

Fundamental Freedoms

The Hong Kong government continued to violate fundamental freedoms enshrined in the Basic Law this past year. The central government’s interference in Hong Kong’s political affairs, and the Hong Kong government’s limitations on the freedoms of expression, association, and assembly, raised alarms among foreign governments, local groups, and international human rights organizations.

- Hong Kong Designated as “Partly Free.” Freedom House’s 2019 Freedom in the World report, citing the lack of universal suffrage in the electoral process and limitations to civil and political rights, rated Hong Kong as “partly free” with a score of 59 out of 100 in its aggregate freedom score (100 being “most free”). In the 2019 World Press Freedom Index by Reporters Without Borders, Hong Kong’s press freedom ranking fell three places to 73 out of 180 territories assessed. The Hong Kong Journalists Association’s surveys on press freedom in 2018 found that public perception of press freedom in Hong Kong was at an all-time low, while journalists perceived the central government’s interference in Hong Kong to be the major contributing factor in the erosion of press freedom.
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**Government Ban of Hong Kong National Party.** On September 24, 2018, the Hong Kong Secretary for Security officially banned the Hong Kong National Party (HKNP), a small pro-independence political party, by applying a provision in the Societies Ordinance—a British colonial-era law intended to prohibit organizations like the Chinese Communist Party and the Nationalist Party (Kuomintang)—that allows the prohibition of a group on grounds related to “national security” and “public safety.” According to U.K.-based human rights organization Hong Kong Watch, the Societies Ordinance places “excessive restrictions on freedom of expression and association” against the government’s political opposition and should be revised to better define what constitutes a “national security threat.”

**Government Denial of Victor Mallet’s Visa Renewal.** In October 2018, Hong Kong authorities denied the visa renewal request of Financial Times Asia editor Victor Mallet, sparking an international outcry regarding the increasingly restrictive press environment in Hong Kong and the negative implications for foreign journalists working in the city. Reports tied the rejection to Mallet’s role as the vice president of the Foreign Correspondent’s Club of Hong Kong (FCCHK) in hosting an event months earlier, which featured Andy Chan, pro-independence advocate, founder of the HKNP, and critic of the central government in mainland China. Human rights organizations condemned the Hong Kong government’s treatment of Mallet as retaliation for facilitating the FCCHK event.

**Increased Pressure on Artists, Writers, and Singers.** Freedom of expression in Hong Kong’s entertainment and creative arts sectors came under pressure in the past year. In November 2018, organizers Hong Kong Free Press, Amnesty International, and Reporters Without Borders canceled a show in Hong Kong featuring dissident artist Badiucao, an Australian cartoonist of Chinese descent, over “safety concerns” after authorities from the central government reportedly made threats against the artist. In the same month, the Tai Kwun Center for Heritage and Arts in Hong Kong reportedly canceled two events featuring Chinese dissident novelist Ma Jian, but later reversed the decision and hosted Ma as originally scheduled. Reports in April 2019 revealed that Apple Music’s mainland China services removed a song by pop star Jacky Cheung with references to the 1989 Tiananmen protests and songs by Hong Kong singers Denise Ho and Anthony Wong, who were supporters of the 2014 pro-democracy protests in Hong Kong.

**Macau**

Macau’s Basic Law does not provide for elections by “universal suffrage,” although its provisions ensure the applicability of the International Covenant on Civil and Political Rights (ICCPR) in Macau and guarantee Macau a “high degree of autonomy” within China. During its 2019 reporting year, the Commission did not observe progress in Macau toward universal suffrage in the
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2019 Chief Executive (CE) election. Former Macau Legislative Assembly president Ho Iat Seng—running as the only candidate—won the CE election on August 25, 2019. Ho received 392 out of 400 possible votes from the CE Election Committee, many of whose members are considered to be supporters of the central government.

This past year, the Macau government continued to “securitize” the city against pro-democracy forces that might challenge the central government’s rule. In September 2018, the government established a new National Defense Commission to “[safeguard] national security” and assess the city’s broader “social stability” out of concerns regarding pro-independence advocacy in Hong Kong. In October 2018, the Macau Legislative Assembly (AL) approved the government’s plans for a Cybersecurity Bill, which critics said would undermine freedom of expression in the city and allow the Macau government to “monitor, sensor, block and delete online speech.” In June 2019, the AL passed the Cybersecurity Bill into law, effective December 2019.

In January 2019, the AL passed an amendment to the Macau Special Administrative Region’s 1999 National Anthem Law (effective June 2019), making acts disrespectful of the Chinese national anthem punishable by up to three years in prison. Three pro-democracy legislators voted against the bill, in particular citing their opposition to the provision that some interpret as requiring local media outlets to assist the government in carrying out “promotion” (xuanchuan) campaigns for the national anthem. The Macau Journalists Association also opposed the same provision, declaring that the media is not “the propaganda machine of the regime, and it has no obligation to cooperate.”
Notes to Section VI—Developments in Hong Kong and Macau

1 Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997, preamble. See also Instrument 8 under Annex III of the Basic Law on "one country, two systems" as a guiding policy for the establishment of the Hong Kong Special Administrative Region.


4 Ibid., arts. 105–127.

5 Ibid., arts. 24–42.

6 Ibid., arts. 63–65.

7 Ibid., arts. 66–79.

8 Ibid., arts. 80–96.

9 Ibid., art. 39.


11 Ibid., sec. 5701, item 5.

12 Ibid., sec. 5701, item 6.

13 For more information on Hong Kong's "one country, two systems" policy, see National People's Congress, "Explanations on 'The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China'" [Xianggang Tebie Xingzhengqu Jiben Fa] (Beijing: China Law Press, 1990). This document is also included as Instrument 8 under Annex III of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

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to Legislature, Says Law 'Easy to Understand and Follow,' ''Hong Kong Free Press, January 23, 2019.


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EXECUTIVE SUMMARY

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

Civilian authorities maintained control of security forces.

During the year the government significantly intensified its campaign of mass detention of members of Muslim minority groups in the Xinjiang Uighur Autonomous Region (Xinjiang). Authorities were reported to have arbitrarily detained 800,000 to possibly more than two million Uighurs, ethnic Kazakhs, and other Muslims in internment camps designed to erase religious and ethnic identities. Government officials claimed the camps were needed to combat terrorism, separatism, and extremism. International media, human rights organizations, and former detainees reported security officials in the camps abused, tortured, and killed some detainees.

Human rights issues included arbitrary or unlawful killings by the government; forced disappearances by the government; torture by the government; arbitrary detention by the government; harsh and life-threatening prison and detention conditions; political prisoners; arbitrary interference with privacy; physical attacks on and criminal prosecution of journalists, lawyers, writers, bloggers, dissidents, petitioners, and others as well as their family members; censorship and site blocking; interference with the rights of peaceful assembly and freedom of association, including overly restrictive laws that apply to foreign and domestic nongovernmental organizations (NGOs); severe restrictions of religious freedom; significant restrictions on freedom of movement (for travel within the country and overseas); refoulement of asylum seekers to North Korea, where they have a well-founded fear of persecution; the inability of citizens to choose their government; corruption; a coercive birth-limitation policy that in some cases included sterilization or abortions; trafficking in persons; and severe restrictions on labor rights, including a ban on workers organizing or joining unions of their own.
choosing. Official repression of the freedoms of speech, religion, movement, association, and assembly of Tibetans in the Tibet Autonomous Region (TAR) and other Tibetan areas and of Uighurs and other ethnic and religious minorities in Xinjiang worsened and was more severe than in other areas of the country.

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

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

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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. In many instances few or no details were available.

There were reports Shanghai police shot and killed Ju Hailiang on April 13, while he was protesting a decision to demolish his home. Police reportedly also injured Ju’s sister and his nephew. Authorities charged Ju’s sister, her husband, and their son with “endangering public safety.” His sister and her husband were also charged with “disorderly behavior” for throwing bricks and rocks at the police.

In Xinjiang there were reports of custodial deaths related to detentions in the expanding internment camps. Some of these deaths occurred before 2018 and were reported only after detainees escaped to other countries.

Abdulreshit Seley Hajim, a Uighur businessperson, died in May or June while being held in an internment camp. According to those interviewed by Radio Free Asia, he died from strikes to the head with a blunt object.

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

There were multiple reports authorities detained individuals and held them at undisclosed locations for extended periods.

The government conducted mass arbitrary detention of Uighurs, ethnic Kazakhs, and other Muslims in Xinjiang. China Human Rights Defenders reported these detentions amounted to enforced disappearance, as families were not given information about the length or location of the detention.

Human rights lawyer Gao Zhisheng, who went missing in 2017, remained missing throughout 2018. In September 2017 Radio Free Asia reported Gao’s family said they were told he was in police custody at an undisclosed location, although authorities did not release any details surrounding his detention.

In November award-winning Chinese documentary photographer Lu Guang disappeared after traveling to Xinjiang to lead a photography workshop. Authorities did not respond to requests by Lu’s wife and international advocacy organizations to account for Lu’s status and whereabouts.

Lawyer Wang Quanzhang was reported alive in the Tianjin Detention Center in July after being held in incommunicado detention for more than three years. Wang had a closed court hearing on the charges against him on December 26. Authorities detained Wang in the July 2015 “709” roundup of more than 300 human rights lawyers and legal associates.

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. Many activists who were involved in the 1989 demonstrations and their family members continued to suffer official harassment.

The government made no efforts to prevent, investigate, or punish such acts.

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

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

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

Many human rights advocates expressed concern that lawyers, law associates, and activists detained in the “709” crackdown continued to suffer various forms of torture, abuse, or degrading treatment, similar to the 2017 reports of authorities’ treatment of Wu Gan, Li Chunfu, Xie Yang, and Jiang Tianyong.

In September, according to Radio Free Asia, Huang Qi, founder and director of 64 Tianwang Human Rights Center, sustained injuries from multiple interrogation sessions. Huang was detained in the city of Mianyang, Sichuan Province, in 2016 for “illegally supplying state secrets overseas.” Multiple contacts reported detention officials deprived Huang of sleep and timely access to medical treatment in an attempt to force Huang to confess. In October prosecutors brought more charges against Huang, including “leaking national secrets.” The Mianyang Intermediate People’s Court had not set a new trial date for Huang since its sudden cancellation of his scheduled trial in June. Huang’s mother, Pu Wenqing, petitioned central authorities in October to release him because she believed her son was mistreated. She had not been able to see him in two years. Pu disappeared on December 7 after plainclothes security personnel detained her at the Beijing train station.

Members of the minority Uighur ethnic group reported systematic torture and other degrading treatment by law enforcement officers and officials working within the penal system and the internment camps. Survivors stated authorities subjected individuals in custody to electrocution, waterboarding, beatings, stress positions, injection of unknown substances, and cold cells (see section 6, National/Racial/Ethnic Minorities). Practitioners of the banned Falun Gong spiritual movement and members of the Church of Almighty God also reported systematic torture in custody.

The treatment and abuse of detainees under the new liuzhi detention system, which operates outside the judicial system to investigate corruption, retained many
characteristics of the previous *shuanggui* system, such as extended solitary confinement, sleep deprivation, beatings, and forced standing or sitting in uncomfortable positions for hours and sometimes days, according to press reports and an NGO report released in August (see section 4).

The law states psychiatric treatment and hospitalization should be “on a voluntary basis,” but the law also allows authorities and family members to commit persons to psychiatric facilities against their will and fails to provide meaningful legal protections for persons sent to psychiatric facilities. The law does not provide for the right to a lawyer and restricts a person’s right to communicate with those outside the psychiatric institution.

According to the *Legal Daily* (a state-owned newspaper covering legal affairs), the Ministry of Public Security directly administered 23 high-security psychiatric hospitals for the criminally insane. While many of those committed to mental health facilities were convicted of murder and other violent crimes, there were also reports of activists, religious or spiritual adherents, and petitioners involuntarily subjected to psychiatric treatment for political reasons. Public security officials may commit individuals to psychiatric facilities and force treatment for “conditions” that have no basis in psychiatry.

In February, according to Civil Rights and Livelihood Watch, a human rights oriented website, local security officers sent Chongqing dissident Liu Gang to a psychiatric hospital for the seventh time. Since 2004 Liu often criticized the Chinese Communist Party, and authorities regularly detained him on the charge of “disturbing public order.”

Some activists and organizations continue to accuse the government of involuntarily harvesting organs from prisoners of conscience, especially members of Falun Gong. The government denied the claims, having officially ended the long-standing practice of involuntarily harvesting the organs of executed prisoners for use in transplants in 2015.

**Prison and Detention Center Conditions**

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

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

Adequate, timely medical care for prisoners remained a serious problem, despite official assurances prisoners have the right to prompt medical treatment. Prison authorities at times withheld medical treatment from political prisoners.

In May Guangdong government officials sent Xu Lin, a songwriter first detained in September 2017 for singing about the late Nobel Peace Prize Laureate and political prisoner Liu Xiaobo, to Guangzhou Armed Police Hospital with a medical emergency. Detention center authorities told Xu’s wife he was ill due to food he ate in detention. In June Xu Lin was diagnosed with “breast hyperplasia,” an enlargement of breast tissue that often occurs in the early stages of cancer. Authorities denied a request by Xu’s wife and lawyer for his release on medical bail. Xu’s wife maintained Xu Lin did not have any health problems before being detained.

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

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

In Xinjiang authorities constructed new internment camps for Uighurs, ethnic Kazakhs, and other Muslims. In some cases authorities used repurposed schools, factories, and prisons. According to Human Rights Watch, these camps focused on “military-style discipline and pervasive political indoctrination of the detainees.” Available information was limited, but some reports described the withholding of food as punishment for those who could not learn Chinese phrases and songs.

Mihrigul Tursun, a Uighur woman from Xinjiang, recounted to media in October how Chinese authorities arbitrarily detained her multiple times after she returned to
Xinjiang in 2015. Tursun reported nine deaths in her cell, an underground, windowless room that held 68 women, occurred during her detention in 2018.

**Administration:** The law states letters from a prisoner to higher authorities of the prison or to the judicial organs shall be free from examination; it was unclear to what extent the law was implemented. While authorities occasionally investigated credible allegations of inhumane conditions, their results were not documented in a publicly accessible manner. Authorities denied many prisoners and detainees reasonable access to visitors and correspondence with family members. Some family members did not know the whereabouts of their relatives in custody. Authorities also prevented many prisoners and detainees from engaging in religious practices or gaining access to religious materials.

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

d. **Arbitrary Arrest or Detention**

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

The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government generally did not observe this requirement.

**Role of the Police and Security Apparatus**

The main domestic security agencies include the Ministry of State Security, the Ministry of Public Security, and the People’s Armed Police. The People’s Armed Police is under the dual authority of the Central Committee of the Chinese Communist Party and the Central Military Commission. The People’s Liberation Army is primarily responsible for external security but also has some domestic security responsibilities. Local jurisdictions also frequently used civilian municipal security forces, known as “urban management” officials, to enforce administrative measures. Oversight of these forces was localized and ad hoc. By
law, officials can be criminally prosecuted for abuses of power, but, outside of anticorruption cases, such cases were rarely pursued.

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

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

While civilian authorities maintained effective control of the security forces, in the absence of reliable data, it was difficult to ascertain the full extent of impunity for the domestic security apparatus. Anecdotal accounts of abuse were common on social media and appeared in state media reports as well. Authorities often announced investigations following cases of reported killings by police. It remained unclear, however, whether these investigations resulted in findings of police malfeasance or disciplinary action. There were few known government actions to increase respect for human rights by the security forces.

On April 28, police in Shanwei, Guangdong, arrested a security official for administering extrajudicial punishment, illegal detention, and illegal use of police equipment. On April 24, the security official caught a teenager who tried to steal money from a nearby Taoist temple, handcuffed him to a flagpole, beat and tortured him with a police electric shock baton, filmed the process, and uploaded it to social media.

**Arrest Procedures and Treatment of Detainees**

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

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

The law stipulates detainees be allowed to meet with defense counsel before criminal charges are filed. The criminal procedure law requires a court to provide a lawyer to a defendant who has not already retained one; is blind, deaf, mute, or mentally ill; is a minor; or faces a life sentence or the death penalty. This law applies whether or not the defendant is indigent. Courts may also provide lawyers to other criminal defendants who cannot afford them, although courts often did not do so. Lawyers reported significant difficulties meeting their clients in detention centers, especially in cases considered politically sensitive.

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

The law requires notification of family members within 24 hours of detention, but authorities often held individuals without providing such notification for significantly longer periods, especially in politically sensitive cases. In some cases notification did not occur. Under a sweeping exception, officials are not required to provide notification if doing so would “hinder the investigation” of a case. The revised criminal procedure law limits this exception to cases involving state security or terrorism, but public security officials have broad discretion to interpret these provisions.

Under certain circumstances the law allows for residential surveillance in the detainee’s home, rather than detention in a formal facility. With the approval of the next-higher-level authorities, officials also may place a suspect under “residential surveillance at a designated location” (RSDL) for up to six months when they suspect crimes of endangering state security, terrorism, or serious bribery and believe surveillance at the suspect’s home would impede the investigation. Authorities may also prevent defense lawyers from meeting with suspects in these categories of cases. Human rights organizations and detainees reported the practice of RSDL left detainees at a high risk for torture since being neither at home nor in a monitored detention facility reduced opportunities for oversight of detainee treatment and mechanisms for appeal.
Authorities used administrative detention to intimidate political and religious advocates and to prevent public demonstrations. Forms of administrative detention included compulsory drug rehabilitation treatment (for drug users), “custody and training” (for minor criminal offenders), and “legal education” centers for political activists and religious adherents, particularly Falun Gong practitioners. The maximum stay in compulsory drug rehabilitation centers is two years, including commonly a six-month stay in a detoxification center.

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

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

Swedish bookseller and Hong Kong resident Gui Minhai, who went missing from Thailand in 2015 and was released by Chinese authorities in October 2017, was
detained again by Chinese authorities in late January while traveling on a train. The Chinese government issued a statement on February 12 stating Gui had violated Chinese law, and his case would be dealt with in accordance with Chinese law. The press reported Gui remained in detention, although his whereabouts were unclear.

In July authorities released Liu Xia, widow of Nobel Peace Prize Laureate Liu Xiaobo, from eight years of home confinement. Authorities had held Liu Xia without a criminal charge or a judicial proceeding against her. Liu Xia suffered deteriorating physical and emotional health, according to those who could communicate with her. Liu Xia’s brother Liu Hui remained in the country on medical parole related to his 11-year sentence for a 2013 fraud conviction. Human rights advocates argued the government was holding Liu Hui as a hostage to restrict Liu Xia from publicly criticizing authorities.

According to media reports, officials had detained Bishop “Peter” Shao Zhumin, the leader of the underground Catholic Church in Wenzhou, Zhejiang, five times since he was ordained in 2016. Shao spent more than seven months in custody from May 2017 to January 2018. Authorities sent Shao to Qinghai for “re-education” during some of his previous detentions for refusing to join the state-sponsored Chinese Catholic Patriotic Association.

**Pretrial Detention:** Pretrial detention could last longer than one year. Defendants in “sensitive cases” reported being subjected to prolonged pretrial detention. Authorities held many of the “709” detainees in pretrial detention for more than a year without access to their families or their lawyers. Statistics were not published or made publicly available, but lengthy pretrial detentions were especially common in cases of political prisoners.

On June 29, the Tiexi District Court in Shenyang sentenced human rights advocate Lin Mingjie, after two years of pretrial detention, for assembling a group of demonstrators in front of the Ministry of Public Security in Beijing to protest Shenyang Public Security Bureau Director Xu Wenyou’s abuse of power in 2016. Lin was sentenced to two years and six months in prison, including time served.

**e. Denial of Fair Public Trial**

Although the law states the courts shall exercise judicial power independently, without interference from administrative organs, social organizations, and individuals, the judiciary did not exercise judicial power independently. Judges
regularly received political guidance on pending cases, including instructions on how to rule, from both the government and the CCP, particularly in politically sensitive cases. The CCP Central Political and Legal Affairs Commission has the authority to review and direct court operations at all levels of the judiciary. All judicial and procuratorate appointments require approval by the CCP Organization Department.

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

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

Courts are not authorized to rule on the constitutionality of legislation. The law permits organizations or individuals to question the constitutionality of laws and regulations, but a constitutional challenge may be directed only to the promulgating legislative body. Lawyers had little or no opportunity to rely on constitutional claims in litigation. In March lawyers and others received central government instructions to avoid discussion of the constitutionality of the constitutional amendments that removed term limits for the president and vice president.

Media sources indicated public security authorities used televised confessions of lawyers, foreign and domestic bloggers, journalists, and business executives in an attempt to establish guilt before their criminal trial proceedings began. In some cases, these confessions were likely a precondition for release. NGOs asserted such statements were likely coerced, perhaps by torture, and some detainees who confessed recanted upon release and confirmed their confessions had been coerced. No provision in the law allows the pretrial broadcast of confessions by criminal suspects.

Jiang Tianyong remained in prison following his 2017 conviction for inciting state subversion in Changsha, Hunan. A court sentenced him to two years in prison. The case against him was based on his interviews with foreign journalists and his publishing of articles on the internet, actions that, outside the country, were widely seen as normal for someone in his profession. Authorities prevented Jiang from
selecting his own attorney to represent him at a trial that multiple analysts viewed as neither impartial nor fair.

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

**Trial Procedures**

Although the amended criminal procedure law reaffirms the presumption of innocence, the criminal justice system remained biased toward a presumption of guilt, especially in high profile or politically sensitive cases.

Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. The appeals process rarely reversed convictions, and it failed to provide sufficient avenues for review; remedies for violations of defendants’ rights were inadequate.

Regulations of the Supreme People’s Court require trials to be open to the public, with the exception of cases involving state secrets, privacy issues, minors, or, on the application of a party to the proceedings, commercial secrets. Authorities used the state secrets provision to keep politically sensitive proceedings closed to the public, sometimes even to family members, and to withhold a defendant’s access to defense counsel. Court regulations state foreigners with valid identification should be allowed to observe trials under the same criteria as citizens, but foreigners were permitted to attend court proceedings only by invitation. As in past years, authorities barred foreign diplomats and journalists from attending a number of trials. In some instances authorities reclassified trials as “state secrets” cases or otherwise closed them to the public.

The Open Trial Network (Tingshen Wang), a government-run website, broadcast trials online; the majority were civil trials.

Regulations require the release of court judgments online and stipulate court officials should release judgments, with the exception of those involving state secrets and juvenile suspects, within seven days of their adoption. Courts did not post all judgments. They had wide discretion not to post if they found posting the judgment could be considered “inappropriate.” Many political cases did not have judgments posted. The Dui Hua Foundation observed a reduction in the number of judgments posted online.
Individuals facing administrative detention do not have the right to seek legal counsel. Criminal defendants are eligible for legal assistance, although the vast majority of criminal defendants went to trial without a lawyer.

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

Despite the government’s stated efforts to improve lawyers’ access to their clients, in 2017 the head of the All China Lawyers Association told *China Youth Daily* defense attorneys had taken part in less than 30 percent of criminal cases. In particular, human rights lawyers reported authorities did not permit them to defend certain clients effectively or threatened them with punishment if they chose to do so. Some lawyers declined to represent defendants in politically sensitive cases, and such defendants frequently found it difficult to find an attorney. In some instances authorities prevented attorneys selected by defendants from taking the case and appointed an attorney to the case instead.

On January 18, the Guangdong Provincial Justice Department summoned prominent Guangzhou rights attorney Fu Ailing after visiting her client Zhan Huidong at the Xinhui Detention Center in Jiangmen municipality. Justice department officials repeatedly questioned her about who contacted her for legal assistance and who employed her as Zhan’s defense attorney. Zhan Huidong was a prodemocracy activist who attended a memorial event for Liu Xiaobo.

The government suspended or revoked the business licenses or law licenses of some lawyers who took on sensitive cases, such as defending prodemocracy dissidents, house-church activists, Falun Gong practitioners, or government critics. Authorities used the annual licensing review process administered by the All China Lawyers Association to withhold or delay the renewal of professional lawyers’ licenses. Other government tactics to intimidate or otherwise pressure human rights lawyers included unlawful detentions, vague “investigations” of legal offices, disbarment, harassment and physical intimidation, and denial of access to evidence and to clients. In February a number of Chinese lawyers wrote an open letter protesting the government’s harassment of lawyers who took on human rights cases.
In January the Guangdong Provincial Justice Department revoked the law license for high-profile human rights lawyer Sui Muqing. In April he requested administrative review of the department’s decision to revoke his license, but he had not received a response as of August.

Lawyers who take on politically sensitive cases often become targets of harassment and detention themselves. Beijing-based lawyer Li Yuhan, who defended human rights lawyers during the “709” crackdown, remained in custody in Shenyang without formal trial proceedings, other than “pretrial meetings” in July and October. Authorities initially detained Li in October 2017.

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

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

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

Zhuhai city authorities in Guangdong Province denied permission for prominent
anticensorship campaigner Zhen Jianghua to meet with his lawyer, Ren Quanniu,
on “national security” grounds. In 2017 authorities arrested Zhen, charged him
with “incitement to subvert state power,” and held him in residential surveillance at
an RSDL. Zhen, also known by his online moniker GuestsZhen, was the executive
editor of the anticensorship website Across the Great Firewall, an overseas-
registered site offering information about censorship and circumvention tools for
accessing the internet beyond China’s borders.

Under the law lawyers are assigned to convicted prisoners on death row who
cannot afford one during the review of their sentences. Official figures on
executions were classified as a state secret. According to the Dui Hua Foundation,
the number of executions stabilized after years of decline following the reform of
the capital punishment system initiated in 2007. Dui Hua believed an increase in
the number of executions for bosses of criminal gangs and individuals convicted of
“terrorism” in Xinjiang likely offset the drop in the number of other executions.

Political Prisoners and Detainees

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

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

Many political prisoners remained in prison or under other forms of detention at
year’s end, including writer Yang Maodong (pen name: Guo Feixiong); Uighur
scholars Ilham Tohti and Rahile Dawut; activist Wang Bingzhang; activist Liu
Xianbin; Taiwan pro-democracy activist Lee Ming-Che; pastor Zhang Shaojie;
Falun Gong practitioners Bian Lichao and Ma Zhenyu; Catholic Auxiliary Bishop
of Shanghai Thaddeus Ma Daqin; rights lawyers Wang Quanzhang, Xia Lin, Gao
Zhiseng, Tang Jingling, Yu Wensheng, and Jiang Tianyong; blogger Wu Gan;
Buddhist monk Xu Zhiqiang (who also went by the name Master Shengguan); and
Shanghai labor activist Jiang Cunde.

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

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

Civil Judicial Procedures and Remedies

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

Although historically citizens seldom applied for state compensation because of
the high cost of bringing lawsuits, low credibility of courts, and citizens’ general
lack of awareness of the law, there were instances of courts overturning wrongful
convictions. In July Li Jinlian in Jiangxi Province applied for state compensation
of 41.4 million yuan ($6.1 million) for his wrongful conviction and subsequent
death sentence with reprieve for the 1998 murder of two children with poisoned candy. In June the Jiangxi Provincial Higher People’s Court acquitted Li, ruling the previous conviction was based on unclear facts and insufficient evidence. In September the Jiangxi Higher People’s Court decided to award Li approximately 2.93 million yuan ($431,000) for his wrongful conviction. In October the Supreme People’s Court accepted Li’s request to reconsider the Jiangxi court decision, and on November 19, it heard Li’s claim that the amount of the original award was insufficient, and a final ruling was still pending at year’s end.

The law provides for the right of an individual to petition the government for resolution of grievances. Most petitions address grievances about land, housing, entitlements, the environment, or corruption, and most petitioners sought to present their complaints at local “letters and visits” offices. The government reported approximately six million petitions were submitted every year; however, persons petitioning the government continued to face restrictions on their rights to assemble and raise grievances.

Despite attempts at improving the petitioning system, progress was unsteady. While the central government reiterated prohibitions against blocking or restricting “normal petitioning” and against unlawfully detaining petitioners, official retaliation against petitioners continued. Regulations encourage all litigation-related petitions be handled at the local level through local or provincial courts, reinforcing a system of incentives for local officials to prevent petitioners from raising complaints to higher levels. Local officials sent security personnel to Beijing to force petitioners to return to their home provinces to prevent them from filing complaints against local officials with the central government. Such detentions often went unrecorded and often resulted in brief periods of incarceration in extralegal “black jails.”

On June 3, police in Guangzhou, Guangdong, detained Yang Suyuan, an activist who petitioned for employment severance benefits for staff dismissed from big state-owned banks. The police interrogated Yang, collected her fingerprints, took a DNA blood sample and facial record, and transferred her to a police station in her hometown in Qingyuan, Guangdong, for further questioning.

In June the Beijing Number 2 Intermediate People’s Court tried 12 suspects accused of illegally detaining, tying up, and beating a petitioner from Jiangxi Province in June 2017. The petitioner, Chen Yuxian from Shangyou, died in Beijing eight hours after the suspects took him away. The 12 suspects were reportedly from an illegal crime group under the guise of a car rental company that
had close connections to local government officials, who had demanded the petition be intercepted. The Beijing court had not issued a verdict as of year’s end.

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

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

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

According to media reports, the Ministry of Public Security used tens of millions of surveillance cameras throughout the country to monitor the general public. Human rights groups stated authorities increasingly relied on the cameras and other forms of surveillance to monitor and intimidate political dissidents, religious leaders and adherents, Tibetans, and Uighurs. These included facial recognition and “gait recognition” video surveillance, allowing police not only to monitor a situation but also to quickly identify individuals in crowds. The monitoring and disruption of telephone and internet communications were particularly widespread in Xinjiang and Tibetan areas. The government installed surveillance cameras in monasteries in the TAR and Tibetan areas outside the TAR (see Special Annex, Tibet). The law allows security agencies to cut communication networks during “major security incidents.”

According to Human Rights Watch, the Ministry of State Security partnered with information technology firms to create a “mass automated voice recognition and monitoring system,” similar to ones already in use in Xinjiang and Anhui Province, to help with solving criminal cases. According to one company involved, the system was programmed to understand Mandarin Chinese and certain minority
languages, including Tibetan and Uighur. In many cases other biometric data such as fingerprints and DNA profiles were being stored as well. This database included information obtained not just from criminals and criminal suspects but also from entire populations of migrant workers and all Uighurs applying for passports.

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

Property-related disputes between citizens and government authorities sometimes turned violent. These disputes frequently stemmed from local officials’ collusion with property developers to pay little or no compensation to displaced residents, combined with a lack of effective government oversight or media scrutiny of local officials’ involvement in property transactions, as well as a lack of legal remedies or other dispute resolution mechanisms for displaced residents. The problem persisted despite central government claims it had imposed stronger controls over illegal land seizures and taken steps to standardize compensation.

The government continued implementing a “social credit system,” which collects vast amounts of data to create scores for individuals and companies in an effort to address deficiencies in “social trust,” strengthen access to financial credit instruments, and reduce public corruption. Unlike Western financial credit-rating systems, the social credit system also collected information on academic records, traffic violations, social media presence, quality of friendships, adherence to birth control regulations, employment performance, consumption habits, and other topics. This system is intended to promote self-censorship, as netizens would be liable for their statements, relationships, and even information others shared within closed social media groups.

An individual’s “social credit score,” among other things, quantifies a person’s loyalty to the government by monitoring citizens’ online activity and relationships. There were indications the system awarded and deducted points based on the “loyalty” of sites visited, as well as the “loyalty” of other netizens with whom a person interacted. The system also created incentives for citizens to police each other. Organizers of chat groups on messaging apps were responsible for policing and reporting any posts with impermissible content, making them liable for violations.
Although the government’s goal is to create a unified government social credit system, there were several disparate social credit systems under several Chinese technology companies, and the specific implementation of the system varied by province and city. In Hangzhou the scoring system, which applies to residents 18 years or older, included information on individuals’ education, employment, compliance with laws and regulations (such as tax payments), payment of medical bills, loan repayment, honoring contracts, participating in volunteer activities, and voluntary blood donations.

There were several cases in which an individual’s credit score resulted in concrete limitations on that person’s activities. Users with low social credit scores faced an increasing series of consequences, including losing the ability to communicate on domestic social media platforms, travel, and buy property. In April state media reported the social credit system “blocked” individuals from taking 11 million flights and four million train trips.

In a separate use of social media for censorship, human rights activists reported authorities questioned them about their participation in human rights-related chat groups, including WeChat and WhatsApp. Authorities monitored the groups to identify activists, which led to users’ increased self-censorship on WeChat, as well as several separate arrests of chat group administrators.

The government instituted the “double-linked household” system in Xinjiang developed through many years of use in Tibet. This system divides towns and neighborhoods into units of 10 households each, with the households in each unit instructed to watch over each other and report on “security issues” and poverty problems to the government, thus turning average citizens into informers. In Xinjiang the government also required Uighur families to accept government “home stays,” in which officials or volunteers forcibly lived in Uighurs’ homes and monitored families for signs of “extremism.” Those who exhibited behaviors the government considered to be signs of “extremism,” such as praying, possessing religious texts, or abstaining from alcohol or tobacco, could be detained in re-education camps.

The government restricted the rights of men and women to have children (see section 6, Women).

Section 2. Respect for Civil Liberties, Including:

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

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

In July, in the midst of a national outcry over faulty children’s vaccines, police visited the homes of concerned parents to attempt to stop their online discussion of the issue. Some parents were shown a document that said police intended to charge parents who attended a planned media session with “colluding with foreign media.” The parents subsequently cancelled the press conference.

In April Cui Haoxin, a Muslim poet, was detained in a Xinjiang internment camp for one week, which he attributed to the political views he expressed in his poetry and other writings. On August 16, police in Xinjiang threatened Cui in an attempt to stop him from posting information on Twitter about these camps.

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

During the year state media reported senior authorities issued internal CCP rules detailing punishments for those who failed to hew to ideological regulations, ordering a further crackdown on illegal internet accounts and platforms, and instructing the media to engage in “journalism based on Marxism.” The rules also
planned for greater political and ideological indoctrination efforts targeting university students.

The government tightened ideological control over media and public discourse by restructuring its regulatory system. The CCP’s propaganda department has direct control of the State Administration of Press, Publication, Radio, Film, and Television (SAPPRFT). Authorities also restructured SAPPRFT in March, relocating some of its responsibilities and renaming it the State Administration for Radio and Television Agency (SARFT). The new structure greatly expands CCP control of film, news media, newspapers, books, and magazines. The Cyberspace Administration of China (CAC), which directly manages internet content, including online news media, also promotes CCP propaganda.

On November 14, the CAC issued a statement saying more than 9,800 internet accounts had been “cleaned up” as part of an ongoing campaign. On November 15, the CAC issued a notice that further restricted what opinions could be posted online and said the CAC would start to require detailed logs on users from internet and media firms as part of its new policy targeting dissenting opinion and social movements online. As of November 30, the CAC said it would require internet platforms that could be used to “socially mobilize” or that could lead to “major changes in public opinion” to submit reports on their activities.

The government took further action to build its propaganda tools. In March it consolidated China Central Television, China Radio International, and China National Radio into a new super media group known as the “Voice of China.” State media explained the restructuring was meant to “strengthen the party’s concentrated development and management of important public opinion positions.”

All books and magazines continued to require state-issued publication numbers, which were expensive and often difficult to obtain. As in the past, nearly all print and broadcast media as well as book publishers were affiliated with the CCP or the government. There were a small number of print publications with some private ownership interest but no privately owned television or radio stations. The CCP directed the domestic media to refrain from reporting on certain subjects, and traditional broadcast programming required government approval.

Journalists operated in an environment tightly controlled by the government. While the country’s increasingly internet-literate population demanded interesting stories told with the latest technologies, government authorities asserted control
over those new technologies (such as livestreaming) and clamped down on new digital outlets and social media platforms.

Because the Communist Party does not consider internet news companies “official” media, they are subject to debilitating regulations and barred from reporting on potentially “sensitive” stories. According to the most recent All China Journalist Association report from 2017 on the nation’s news media, there were 231,564 officially credentialed reporters working in the country. Only 1,406 worked for news websites, with the majority working at state-run outlets such as XinhuaNet.com and ChinaDaily.com. This did not mean online outlets did not report on important issues. Instead, many used creative means to share content, but limited their tactics and topics since they were acting outside official approval.

**Violence and Harassment:** The government frequently impeded the work of the press, including citizen journalists. Journalists reported being subjected to physical attack, harassment, monitoring, and intimidation when reporting on sensitive topics. Government officials used criminal prosecution, civil lawsuits, and other punishment, including violence, detention, and other forms of harassment, to intimidate authors and journalists and to prevent the dissemination of unsanctioned information on a wide range of topics.

Family members of journalists based overseas also faced harassment, and in some cases detention, as retaliation for the reporting of their relatives abroad. In 2017 authorities detained dozens of relatives of at least six reporters for Radio Free Asia’s Uighur Service. The reporters, members of the country’s Uighur minority group, were reporting on the Xinjiang internment camps (see section 1).

A journalist could face demotion or job loss for publishing views that challenged the government. In many cases potential sources refused to meet with journalists due to actual or feared government pressure. In particular academics—a traditional source of information—were increasingly unwilling to meet with journalists.

During the year authorities imprisoned numerous journalists working in traditional and new media.

On June 26, a Sichuan province court sentenced political cartoonist Jiang Yefei to six years and six months in prison on charges of “inciting subversion of state power” and “illegally crossing the border.” Jiang fled to Thailand in 2008 after his cartoons criticizing the 2008 Sichuan earthquakes and lampooning Chinese government officials attracted government attention. In 2015 he was forcibly
returned to China and then held incommunicado until his June 2018 trial, which was held in secret.

On August 1, authorities entered the house of retired professor Sun Wenguang in Jinan, Shandong, during an on-air telephone interview with Voice of America (VOA). Listeners heard the police stop the interview as the professor protested their incursion. The government held Sun for approximately two weeks and then released him under “strict supervision.” A pair of VOA journalists, Yibing Feng and Allen Ai, went to Sun’s home after his release on August 13, at which point the police detained them for six hours, destroyed their cell phones, and scanned their equipment.

Authorities in Xinjiang arrested four employees of state-sanctioned Xinjiang newspapers in September and accused them of publishing inappropriate content in the Uighur-language versions of their papers. A representative for the Xinjiang Daily group confirmed the arrests and said the four were accused of being “two-faced,” a euphemism for individuals who outwardly support CCP rule while secretly disagreeing with restrictions on minority culture, language, and religion.

Restrictions on foreign journalists by central and local CCP propaganda departments remained strict, especially during sensitive times and anniversaries. Foreign press outlets reported local employees of foreign news agencies were also subjected to official harassment and intimidation and this remained a major concern for foreign outlets.

Journalists who traveled to Xinjiang reported very high levels of surveillance, monitoring, harassment, and interference in their work.

Foreign ministry officials again subjected a majority of journalists to special interviews as part of their annual visa renewal process. During these interviews the officials pressured journalists to report less on human rights issues, referencing reporting “red lines” journalists should not cross, and in some cases threatened them with nonrenewal of visas. Many foreign media organizations continued to have trouble expanding or maintaining their operations in the country due to the difficulty of receiving visas. Some foreign media companies were increasingly unwilling to publicize such issues due to fear of provoking further backlash by the government.

Authorities continued to enforce tight restrictions on citizens employed by foreign news organizations. The code of conduct for citizen employees of foreign media
organizations threatens dismissal and loss of accreditation for those citizen employees who engage in independent reporting. It instructs them to provide their employers information that projects “a good image of the country.”

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

Chinese-language media outlets outside the country reported intimidation and financial threats from the government. For example, the manager of Australia’s largest independent Chinese-language newspaper, Vision China Times, spoke at a conference in February about the pressure Chinese officials put on the newspaper’s advertising clients in an attempt to silence the media outlet’s views. Some clients were “grilled” by Chinese consulate officials in Australia, while others were visited during trips to China and pressured to stop doing business with Vision China Times.

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

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

On February 8, the Guangdong Provincial Propaganda Department revoked the position and official title of Duan Gongwei, chief editor of the Southern Weekly, who oversaw two investigative financial reports about Hainan Airlines Group. The reports showed how the airline, which was reportedly linked to senior Chinese leaders, went on “acquisition sprees” despite operating with large debts.
The CCP Central Propaganda Department ordered media outlets to adhere strictly to the information provided by authoritative official departments, especially with respect to sensitive or prominent situations. Directives often warned against reporting on issues related to party and official reputation, health and safety, and foreign affairs.

Control over public depictions of President Xi increased, with censors aggressively shutting down any depiction that varied from official media storylines. Censors continued to block images of the Winnie the Pooh cartoon on social media because internet users used the symbol to represent President Xi Jinping. A June segment of John Oliver’s *Last Week Tonight* program on HBO criticizing Xi Jinping resulted in authorities temporarily blocking access to HBO’s online content.

It was extremely difficult for foreign journalists to report from the TAR, other Tibetan areas, or Xinjiang without experiencing serious interference. Foreign reporters also experienced restricted access and interference when trying to report in other sensitive areas, including the North Korean border, at places of historical significance to the founding of the Communist party, sites of recent natural disasters, and areas—including in Beijing—experiencing social unrest.

Overseas television newscasts, largely restricted to hotels and foreign residence compounds, were subject to censorship. Individual issues of foreign newspapers and magazines were occasionally banned when they contained articles deemed too sensitive. Articles on sensitive topics were removed from international magazines. Television newscasts were blacked out during segments on sensitive subjects.

Politically sensitive coverage in Chinese, and to a lesser extent in English, was censored more than coverage in other languages. The government prohibited some foreign and domestic films deemed too sensitive or selectively censored parts of films before they were released. Under government regulations, authorities must authorize each foreign film released in the country, with a restriction on the total number that keeps annual distribution below 50 films.

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

Government rules ban the sale of foreign publications without an import permit. This includes sales on online shopping platforms, which are banned from offering “overseas publications,” including books, movies, and games, that do not already have government approval. The ban also applies to services related to publications.

One year after the death in July of Nobel Peace Prize Laureate Liu Xiaobo, the government continued to censor a broad array of related words and images across public media and on social media platforms. Besides his name and image, phrases such as “rest in peace,” “grey,” quotes from his writings, images of candles, and even candle emojis were blocked online and from private messages sent on social media. Attempts to access censored search results resulted in a message saying the result could not be displayed “according to relevant laws, regulations, and policies.” Government censors also blocked online access to news regarding Liu Xiaobo’s widow, Liu Xia.

Internet Freedom

The government tightly controlled and highly censored domestic internet usage. According to an official report released in August by the China Internet Network Information Center, the country had more than 802 million internet users, accounting for 57.7 percent of its total population. According to International Telecommunication Union data, 54 percent of the population used the internet in 2017. Major media companies estimated more than 625 million persons obtained their news from social and online media sources.

Although the internet was widely available, authorities heavily censored content. The government continued to employ tens of thousands of individuals at the national, provincial, and local levels to monitor electronic communications and online content. The government reportedly paid personnel to promote official views on various websites and social media and to combat alternative views posted online. Internet companies also independently employed thousands of censors to carry out CCP and government directives on censorship. When government officials criticized or temporarily blocked online platforms due to content, the parent corporations were required to hire additional in-house censors, creating
substantial staffing demands well into the thousands and even tens of thousands per company.

In April censors temporarily shut down prominent news app Toutiao. It reopened after its owner apologized for failing to promote “core socialist values” through the app and promised to hire 4,000 new in-house censors, bringing the total number to 10,000. Authorities permanently shuttered the company’s other app, Neihan Duanzi, which was used by its 200 million users to share jokes and memes.

On March 19, Guangdong province authorities released environmental activist Lei Ping after the government-linked China Biodiversity Conservation and Green Development Foundation submitted a letter to Xinyi police, who had detained Lei after she posted online an investigative report uncovering illegal quarry operations and their effects on local water resources.

The government continued to issue an array of regulations implementing the Cybersecurity Law, which took effect in 2017. The law allows the government to “monitor, defend, and handle cybersecurity risks and threats originating from within the country or overseas sources.” Article 12 of the law criminalizes using the internet to “creat[e] or disseminat[e] false information to disrupt the economic or social order.” For example, Guangzhou anesthesiologist Tan Qindong spent three months in jail for “damaging a company’s reputation” after his criticism of a traditional Chinese medicinal tonic began circulating widely on WeChat. Chinese news reports speculated the arrest most likely occurred at the behest of the tonic manufacturer. Authorities released Tan after he wrote an apology admitting he had “not thought clearly.” The law also codifies the authority of security agencies to cut communication networks across an entire geographic region during “major security incidents,” although the government had previously implemented such measures before the law’s passage.

CAC regulations on Internet News Information Services require websites, mobile apps, forums, blogs, instant communications services, and search engines to ensure news coverage of a political, economic, diplomatic, or commentary nature conforms to official views of “facts.” These regulations extend longstanding traditional media controls to new media--including online and social media--to ensure these sources also adhere to the Communist Party directive.

According to January state media reports, authorities closed 128,000 websites in 2017. These were deemed “harmful” due to inappropriate content, which includes politically sensitive materials, as well as pornography and gambling. The pace
continued during the year, with the CAC reporting it shuttered 3,673 websites and 1.2 million social media accounts in just the second and third quarters of the year. In July the CAC reported receiving 6.72 million “valid” reports of online “illegal and harmful” information in that month alone.

The CAC also required all live-streaming platforms, video platforms, commercial websites, web portals, and apps to register with the CAC. Online content platforms by licensed central media and their affiliates were not required to register. In April state media announced content on short video sites that violated core socialist values would be removed, and the CAC announced it had “talked” to several short video sites. Shortly thereafter, the live streaming and comment section of a prominent platform, Douyin, ceased to function. Various other platforms faced shutdowns for “illicit” or “illegal” content over the last year.

Regulators required a special permit for transmission of audio and visual materials on blogging platforms such as Weibo and instant messaging platforms such as WeChat. Platform managers were made directly responsible for ensuring user-posted content complies with their permit’s scope. This includes television shows, movies, news programs, and documentaries, which many netizens consumed exclusively through social media channels. The rules prohibit the uploading of any amateur content that would fall under the definition of news programming or “sensitive” topics.

The changes in cybersecurity law put in place by the CAC in 2017 also bolstered real-name registration requirements for websites and social media platforms, with Baidu and Sina Weibo announcing accounts without real name registration would have restricted access to certain website functions (e.g., commenting on posts). Cybercafes in Xingtai and Shanghai also began using facial recognition to match users with their photographs printed on national identification documents.

The government continued efforts to limit virtual private network (VPN) service use. A new ban on “unauthorized” VPNs went into effect on March 31. While some users, including international companies, were permitted to use VPNs, smaller businesses, academics, and citizens did not have access to authorized VPNs. However, news reports indicated authorities were not strictly enforcing the ban. Authorities stepped up efforts to block VPN service providers ahead of major events such as November trade and internet shows. A software engineer in Shanghai was sentenced to three years in prison after providing illegal VPNs to hundreds of customers since 2016, reported the government-owned newspaper...
People’s Court Daily. The man, surnamed Dai, was also ordered to serve three years of probation and fined 10,000 yuan ($1,400).

Many other websites for international media outlets, such as the New York Times, the Wall Street Journal, and Bloomberg, in addition to those of human rights organizations, such as Amnesty International and Human Rights Watch, remained perpetually blocked. In August censors blocked the Australian Broadcast Corporation’s (ABC) website and phone app. ABC launched a Chinese-language site in 2017, and in 2018 ABC’s stories about Chinese influence in Australia drew strong criticism from official Chinese media.

Government censors continued to block websites or online content related to topics deemed sensitive, such as Taiwan, the Dalai Lama, Tibet, and the 1989 Tiananmen Square Massacre.

Thousands of social media and other websites remained blocked, including Facebook, Twitter, Instagram, Google, and YouTube. While countless news and social media sites remained blocked, a large percentage of censored websites were gambling or pornographic websites.

Early in the year, the government warned airlines not to list Taiwan, Hong Kong, or Macau as separate countries on their websites, and it published a list of offending airlines. Officials obligated Marriott hotels to shut down its website for a week and publicly apologize for listing Tibet, Hong Kong, and Macau as separate countries. Mercedes Benz was similarly forced to apologize to the government after a posting on its official Instagram account included this quotation, “‘Look at the situations from all angles, and you will become more open.’ -- Dalai Lama.” Officials’ response to the posting included the state-run People’s Daily calling Mercedes Benz an “enemy of the people.”

References to same-sex acts/same sex-relations and the scientifically accurate words for genitalia remained banned following SAPPRFT’s 2017 pronouncement listing same-sex acts/relations as an “abnormal sexual relation” and forbidding its depiction. In January domestic media reported a Beijing court agreed to hear a gay-rights activist’s lawsuit challenging SAPPRFT regarding homosexuality, although by December no ruling had been announced. Meanwhile, in May a nationally popular Hunan-based television broadcaster blacked out parts of Eurovision, a European music performance, that depicted gay relationships and pixelated an image of the gay-pride flag.
Censors shut down a prominent feminist Weibo account on International Women’s Day, March 8. With 180,000 followers, the account was one of the country’s most prominent online feminist advocacy platforms. Officials had similarly shut down the account in 2017 on International Women’s Day, then allowed it to reopen, but this time they shuttered the account permanently.

During the year authorities began manipulating the content of individual Twitter accounts. There were reports of authorities forcing individuals to give them access to their Twitter accounts, which authorities then used to delete their tweets. In October tens of thousands of postings from human rights advocate Wu Gan were deleted.

Authorities continued to jail numerous internet writers for their peaceful expression of political views. On June 27, authorities subjected dissident author Peng Peiyu to a two-week detention. Peng’s critical writing included an essay entitled “On Xi: A Call to Arms,” which he posted online shortly before his arrest. According to his attorney, Peng had been detained “many times before.”

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

While such censorship was effective in keeping casual users away from websites hosting sensitive content, many users circumvented online censorship by using various technologies. Information on proxy servers outside the country and software for defeating official censorship were available, although frequently limited by the Great Firewall. Encrypted communication apps such as Telegram and WhatsApp and VPN services were regularly disrupted, especially during “sensitive” times of the year.

The State Secrets Law obliges internet companies to cooperate fully with investigations of suspected leaks of state secrets, stop the transmission of such information once discovered, and report the crime to authorities. This was defined broadly and without clear limits. Furthermore, the companies must comply with authorities’ orders to delete such information from their websites; failure to do so
is punishable by relevant departments, such as police and the Ministry of Public Security.

**Academic Freedom and Cultural Events**

The government continued restrictions on academic and artistic freedom and on political and social discourse at colleges, universities, and research institutes. Restrictive Central Propaganda Department regulations and decisions constrained the flow of ideas and persons.

Many intellectuals and scholars exercised self-censorship, anticipating books or papers on political topics would be deemed too sensitive to be published. Censorship and self-censorship of artistic works was also common, particularly artworks deemed to involve politically sensitive subjects. Authorities frequently denied Western musicians permission to put on concerts, scrutinized the content of cultural events, and applied pressure to encourage self-censorship of discussions.

The government and the CCP Organization Department continued to control appointments to most leadership positions at universities, including department heads. While CCP membership was not always a requirement to obtain a tenured faculty position, scholars without CCP affiliation often had fewer chances for promotion. Academic subject areas deemed politically sensitive (e.g., civil rights, elite cronyism, civil society, etc.) continued to be off-limits. Some academics self-censored their publications, faced pressure to reach predetermined research results, or were unable to hold conferences with international participants during politically sensitive periods. Foreign academics claimed the government used visa denials, along with blocking access to archives, fieldwork, or interviews, to pressure them to self-censor their work. The use of foreign textbooks in classrooms remained restricted, and domestically produced textbooks continued to be under the editorial control of the CCP.

Undergraduate students, regardless of academic major, must complete political ideology coursework on subjects such as Marxism, Maoism, and Deng Xiaoping thought. In July the Ministry of Education announced its intention to strengthen party leadership at all levels of private education, including K-12.

Multiple media reports cited a tightening of ideological controls on university campuses, with professors dismissed for expressing views not in line with party thought. In August an economics professor at Guizhou University was expelled from his university after posting online an article critical of the party. In
September Xiamen University dismissed an assistant history professor for comments online that the university said “harmed the image of the party and the country.” Similar controls were applied to students. For example, a program in Chongqing required high school students to pass a review of their political ideology in order to take the national university entrance examination.

In June both foreign and domestic media reported a growing incidence of university professors being suspended or fired after their students reported them for comments deemed politically sensitive or inappropriate. In some cases the university assigned the students to act as informants.

In November media outlets reported crackdowns against student labor activists on Peking University and Renmin University campuses. Students and several recent graduates were detained and held incommunicado, one of whom was kidnapped from Peking University’s campus. Students on the scene were beaten, forced to the ground, and prevented from taking photographs or speaking by security forces. Renmin University officials allegedly harassed, threatened, employed surveillance against, and hindered the free movement of student activists (see section 7.a.).

In August the Financial Times reported foreign universities establishing joint venture universities in the country must establish internal CCP committees, granting greater decision-making power to CCP officials and reversing an earlier promise to guarantee academic freedom. In July the Financial Times reported a foreign academic was removed from the management board of the first joint venture university in the country for being critical of CCP-backed initiatives.

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

The CCP’s reach increasingly extended beyond the country’s physical borders. A survey of more than 500 China scholars outside the PRC found 9 percent of scholars reported having been “taken for tea” by Chinese government authorities in the past 10 years to be interviewed or warned about their research; 26 percent of
scholars who conducted archival research reported being denied access; and 5 percent reported difficulties obtaining a visa. According to the survey, 68 percent of foreign scholars said self-censorship was a problem in the field of China studies.

The CCP actively promoted censorship of Chinese students outside the country, with media reporting examples of self-censorship and the use of financial incentives to tamp down anti-Chinese speech on foreign campuses.

Academics and intellectuals in Xinjiang, along with the hundreds of thousands of other Xinjiang residents, disappeared or died, most likely in internment camps. Some officials and academics were charged with being “two-faced,” a euphemism referring to members of minority groups serving state and party occupations who harbor “separatist” or “antiofficial” tendencies, including disagreeing with official restrictions on minority culture, language, and religion. Those disappeared and believed to be held in the camps included Rahile Dawut, an internationally known folklorist; Abdikerim Rahman, literature professor; Azat Sultan, Xinjiang University professor; Gheyretjan Osman, literature professor; Arslan Abdulla, language professor; Abdulqadir Jalaleddin, poet; and Yalqun Rozi, writer. Authorities detained former director of the Xinjiang Education Supervision Bureau Satar Sawut and removed Kashgar University president Erkin Omer and vice president Muhter Abdughopur; all were disappeared at year’s end. Courts delivered suspended death sentences for “separatism” to Halmurat Ghopur, former president of Xinjiang Medical University Hospital, and Tashpolat Tiyip, former president of Xinjiang University. Religious scholars Muhammad Salih Hajim and Abdulnehed Mehsum died in the camps, according to reports from international organizations during the year.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

While the constitution provides for freedom of peaceful assembly, the government severely restricted this right. The law stipulates 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.
Citizens throughout the country continued to gather publicly to protest evictions, forced relocations, and inadequate compensation, often resulting in conflict with authorities or formal charges. Media reported thousands of protests took place during the year across the country. Although peaceful protests are legal, public security officials rarely granted permits to demonstrate. Despite restrictions, many demonstrations occurred, but authorities quickly broke up those motivated by broad political or social grievances, sometimes with excessive force.

On March 20-30, more than one thousand residents from Longyan’s Changting County in Fujian province protested outside the local government office against the government’s plan to construct a garbage incinerator one kilometer (0.6 mile) from the town’s residential areas. On March 30, local authorities called in riot police to restore order. Later that day government officials announced they were canceling the planned incinerator project.

Concerts, sports events, exercise classes, or other meetings of more than 200 persons require approval from public security authorities. Large numbers of public gatherings in Beijing and elsewhere were canceled at the last minute or denied government permits, ostensibly to ensure public safety.

**Freedom of Association**

The constitution provides for freedom of association, but the government restricted this right. CCP policy and government regulations require all professional, social, and economic organizations officially register with and receive approval from the government. These regulations prevented the formation of autonomous political, human rights, religious, spiritual, labor, and other organizations that the government believed might challenge its authority in any area. The government maintained tight controls over civil society organizations and in some cases detained or harassed NGO workers.

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

In 2016 the CCP Central Committee issued a directive mandating the establishment of CCP cells within all domestic NGOs by 2020. According to authorities, these CCP organizations operating inside domestic NGOs would “strengthen guidance” of NGOs in areas such as “decision making for important projects, important professional activities, major expenditures and funds, acceptance of large donations, and activities involving foreigners.” The directive also mandates authorities conduct annual “spot checks” to ensure compliance on “ideological political work, party building, financial and personnel management, study sessions, foreign exchange, acceptance of foreign donations and assistance, and conducting activities according to their charter.”

In January 2017 the Law on the Management of Foreign NGOs’ Activities in Mainland China (Foreign NGO Management Law) came into effect. The law requires foreign NGOs to register with the Ministry of Public Security and to find a state-sanctioned sponsor for their operations. NGOs that fail to comply face possible civil or criminal penalties. The law provides no appeal process for NGOs denied registration, and it stipulates NGOs found to have violated certain provisions could be banned from operating in the country. The law also states domestic groups cooperating with unregistered foreign NGOs will be punished and possibly banned.

Some international NGOs reported it was more difficult to work with local partners, including universities, government agencies, and other domestic NGOs, as the law codified the CCP’s perception that foreign NGOs were a “national security” threat. Finding an official sponsor was difficult for most foreign NGOs, as sponsors could be held responsible for the NGOs’ conduct and had to undertake burdensome reporting requirements. After the Ministry of Public Security published a list of sponsors, NGOs reported most government agencies still had no unit responsible for sponsoring foreign NGOs. Professional Supervisory Units reported they had little understanding of how to implement the law and what authorities would expect of them. The vague definition of an NGO, as well as of what activities constituted “political” and therefore illegal activities, left many business organizations and alumni associations uncertain whether they fell within the purview of the law. The lack of clear communication from the government, coupled with harassment by security authorities, caused some foreign NGOs to suspend or cease operations in the country. As of December 31, approximately 439 of the officially estimated 7,000 previously operational foreign NGOs had
registered under the Foreign NGO Management Law, with most focusing on trade and commerce activities.

According to the Ministry of Civil Affairs, by the end of 2017, there were more than 800,000 registered social organizations, public institutions, and foundations. Many experts believed the actual number of domestic NGOs to be much higher. Domestic NGOs reported foreign funding continued to drop, as many domestic NGOs sought to avoid such funding due to fear of being labeled as “subversive” in the face of growing restrictions imposed by new laws. NGOs existed under a variety of formal and informal guises, including national mass organizations created and funded by the CCP that are organizationally prohibited from exercising any independence, known as government-operated NGOs or GONGO.

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

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

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

**c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).
d. Freedom of Movement

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

While seriously restricting its scope of operations, the government occasionally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), which maintained an office in Beijing.

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

In some instances the government pressured other countries to return asylum seekers or UNHCR-recognized refugees forcibly. On July 13, Radio Free Asia reported a Chongqing court had secretly sentenced human rights activists Jiang Yefei and Dong Guangping in July 2017 for “inciting subversion of state power” and “illegally crossing a national border.” Jiang and Dong had fled to Thailand with their families and received refugee status from UNHCR, but Thailand then forcibly returned them from Bangkok in 2015. During their televised “confessions,” Jiang and Dong appeared to have sustained torture while in detention. The families received no notification from authorities concerning the trial. According to contacts, authorities denied Dong’s former lawyer permission to meet with his client when he visited the Chongqing Number 2 Detention Center in July 2017.

Abuse of Migrants, Refugees, and Stateless Persons: There were reports North Korean agents operated clandestinely within the country to repatriate North Korean citizens against their will. In addition, North Koreans detained by government authorities faced repatriation unless they could pay bribes to secure their release. North Korean refugees were either detained in holding facilities or placed under house arrest at undisclosed locations. Family members wanting to prevent forced returns of their North Korean relatives were required to pay fees to Chinese authorities purportedly to cover expenses incurred while in detention. While detained North Koreans were occasionally released, they were rarely given the necessary permissions for safe passage to a third country.

In-country Movement: Authorities continued to maintain tight restrictions on freedom of movement, particularly to curtail the movement of individuals deemed politically sensitive before key anniversaries, visits by foreign dignitaries, or major
political events, as well as to forestall demonstrations. Freedom of movement for Tibetans continued to be very limited in the TAR and other Tibetan areas (see Tibet Addendum). Uighurs faced new restrictions on movement within Xinjiang and outside the region, as well. Although the use of “domestic passports” that called for local official approval before traveling to another area was discontinued in 2016, identification checks remained in place when entering or leaving cities and on public roads. In Xinjiang security officials set up checkpoints managing entry into public places, including markets and mosques, that required Uighurs to scan their national identity card, undergo a facial recognition check, and put any baggage through airport-style security screening. Such restrictions were not applied to Han Chinese in these areas. On September 26, the *Urumqi Evening News* announced Xinjiang railway administrative departments would stop selling tickets on all passenger services leaving Xinjiang starting on October 22. This occurred around the time reports surfaced about authorities criminally sentencing Uighurs and other Turkic Muslims en masse of groups of 200-500 persons from the internment camps to prisons in other parts of the country, such as Heilongjiang Province.

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

The household registration system added to the difficulties faced by rural residents, even after they relocated to urban areas and found employment. According to the *Statistical Communiqué of the People’s Republic of China on 2017 National Economic and Social Development* published in February by the National Bureau of Statistics of China, 291 million persons lived outside the jurisdiction of their household registration. Migrant workers and their families faced numerous obstacles with regard to working conditions and labor rights. Many were unable to access public services, such as public education for their children or social insurance, in the cities where they lived and worked because they were not legally registered urban residents.
From April to June, non-Beijing residents could apply for a Beijing hukou under the special municipality’s new points-based system. Under the new policy, nonnatives of the city under the legal retirement age who have held a Beijing temporary residence permit with the city’s social insurance records for seven consecutive years and were without a criminal record were eligible to accumulate points for the hukou. Those with “good employment, stable homes in Beijing, strong educational background, and achievements in innovation and establishing start-ups in Beijing” were reportedly likely to obtain high scores in the point-based competition. The city was to announce the new hukou winners in the fourth quarter of the year.

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

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

Border officials and police cited threats to “national security” as the reason for refusing permission to leave the country. Authorities stopped most such persons at the airport at the time of their attempted travel.

Most citizens could obtain passports, although individuals the government deemed potential political threats, including religious leaders, political dissidents, petitioners, and ethnic minorities, routinely reported being refused passports or otherwise prevented from traveling overseas.

Uighurs, particularly those residing in Xinjiang, reported great difficulty in getting passport applications approved at the local level. They were frequently denied passports to travel abroad, particularly to Saudi Arabia for the Hajj, to other Muslim countries, or to Western countries for academic purposes. Since 2016
authorities ordered Xinjiang residents to turn in their passports or told residents no new passports were available. The passport recall, however, was not limited to Uighur areas. Foreign national family members of Uighur activists living overseas were also denied visas to enter the country. During the year the government continued its concerted efforts to compel Uighurs studying abroad to return to China, often pressuring relatives in Xinjiang to ask their overseas relatives to return. Authorities also refused to renew passports for Uighurs living abroad, leading them to either go home or pursue ways to maintain legal status in those countries. Upon return, many of these Uighurs, or persons connected with the Xinjiang residents, were detained or disappeared.

Tibetans faced significant hurdles in acquiring passports, and for Buddhist monks and nuns, it was virtually impossible. Authorities’ unwillingness to issue or even renew old passports for Tibetans created, in effect, a ban on foreign travel for the Tibetan population. Han Chinese residents of Tibetan areas did not experience the same difficulties.

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

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

Protection of Refugees

Refoulement: The government forcibly returned vulnerable asylum seekers, especially North Korean asylum seekers. The government continued to consider North Koreans as “illegal economic migrants” rather than refugees or asylum seekers and forcibly returned many of them to North Korea.

Human rights groups reported a relatively large number of North Korean asylum seekers being held in detention in Liaoning Province and Jilin Province who were in danger of imminent refoulement.
Access to Asylum: The law does not provide for the granting of refugee or asylee status. The government did not have a system for providing protection to refugees but generally recognized UNHCR-registered refugees and asylum seekers. The government did not officially recognize these individuals as refugees; they remained in the country as illegal immigrants unable to work, with no access to education, and subject to deportation at any time.

North Korean refugees and asylum seekers, particularly young women living on the margins of Chinese society, were vulnerable to trafficking and forced marriages as a result of their unrecognized status. Authorities continued to repatriate North Korean refugees and asylum seekers forcibly, including trafficking victims, generally treating them as illegal economic migrants. The government detained and deported them to North Korea, where they faced severe punishment or death, including in North Korean forced-labor camps. The government did not provide North Korean trafficking victims with legal alternatives to repatriation.

Numerous NGOs reported the government continued to deny UNHCR access to North Korean refugees and asylum seekers. Authorities sometimes detained and prosecuted citizens who assisted North Korean refugees, as well as those who facilitated illegal border crossings.

Access to Basic Services: North Korean asylum seekers in the country seeking economic opportunities generally did not have access to health care, public education, or other social services due to lack of legal status.

Durable Solutions: The government largely cooperated with UNHCR when dealing with the local settlement in China of Han Chinese or ethnic minorities from Vietnam and Laos living in the country since the Vietnam War era. The government and UNHCR continued discussions concerning the granting of citizenship to these long-term residents and their children, many of whom were born in China.

Stateless Persons: International media reported as many as 30,000 children born to North Korean women in China, most of whom were married to Chinese spouses, had not been registered because their North Korean parent was undocumented, leaving the children de facto stateless. These children were denied access to public services, including education and health care, despite provisions in the law that provide citizenship to children with at least one PRC citizen parent.

Section 3. Freedom to Participate in the Political Process
The constitution states “all power in the People’s Republic of China belongs to the people” and the organs through which citizens exercise state power are the NPC and the people’s congresses at provincial, district, and local levels. In practice the CCP dictated the legislative agenda to the NPC. While the law provides for elections of people’s congress delegates at the county level and below, citizens could not freely choose the officials who governed them. The CCP controlled all elections and continued to control appointments to positions of political power. The CCP used various intimidation tactics, including house arrest, to block independent candidates from standing for local elections.

In March the National People’s Congress removed the two-term limit for the positions of president and vice president, clearing the way for Xi Jinping to remain in office.

**Elections and Political Participation**

**Recent Elections:** On March 4, the NPC’s 2,980 delegates elected the president and vice president, the premier and vice premiers, and the chairman of the Central Military Commission. The NPC Standing Committee, which consisted of 175 members, oversaw the elections and determined the agenda and procedures for the NPC. The selection of NPC members takes place every five years, and the process is controlled by the CCP.

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

According to Ministry of Civil Affairs’ 2016 statistics, almost all of the country’s more than 600,000 villages had implemented direct elections for members of local subgovernmental organizations known as village committees. The direct election of officials by ordinary citizens remained narrow in scope and strictly confined to the lowest rungs of local governance. Corruption, vote buying, and interference by township-level and CCP officials continued to be problems. The law permits each voter to cast proxy votes for up to three other voters.

The election law governs legislative bodies at all levels, although compliance and enforcement varied across the country. Under the law citizens have the
opportunity every five years to vote for local people’s congress representatives at the county level and below, although in most cases higher-level government officials or CCP cadres controlled the nomination of candidates. At higher levels legislators selected people’s congress delegates from among their ranks. For example, provincial-level people’s congresses selected delegates to the NPC. Local CCP secretaries generally served concurrently within the leadership team of the local people’s congress, thus strengthening CCP control over legislatures.

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

No laws or regulations specifically govern the formation of political parties. The China Democracy Party (CDP) remained banned, and the government continued to monitor, detain, and imprison current and former CDP members. CDP founder Qin Yongmin, detained with his wife Zhao Suli in 2015, remained at the Wuhan Number 2 Detention Center awaiting trial for “subversion of state power.”

**Participation of Women and Minorities:** No laws limit participation of women or members of minorities in the political process, and they did participate. Women and members of minority groups held few positions of significant influence in the government or CCP structure. Among the 2,987 appointed delegates to the 13th NPC in the year, 742 (25 percent) were women. Following the 19th Party Congress, one member of the CCP Central Committee’s 25-member Politburo was a woman. There were no women in the Politburo Standing Committee.

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

A total of 438 delegates from 55 ethnic minorities were members of the 13th NPC, accounting for 16 percent of the total number of delegates. All of the country’s officially recognized minority groups were represented. The 19th Party Congress elected 15 members of ethnic minority groups as members of the 202-person
Central Committee. There was no ethnic minority member of the Politburo, and only one ethnic minority was serving as a party secretary of a provincial-level jurisdiction, although a handful of ethnic minority members were serving as leaders in provincial governments. An ethnic Mongolian woman, Bu Xiaolin, served as chair of the Inner Mongolia Autonomous Region, equivalent to a provincial governor. An ethnic Hui woman, Xian Hui, also served as chair of the Ningxia Hui Autonomous Region.

Section 4. Corruption and Lack of Transparency in Government

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

Transparency International’s analysis indicated corruption remained a significant problem in the country. There were numerous reports of government corruption—and subsequent trials and sentences—during the year.

On March 20, the NPC adopted the National Supervision Law, which codifies the joint National Supervisory Commission-Central Commission for Discipline Inspection (NSC-CCDI). The NSC-CCDI is charged with rooting out corruption. NSC-CCDI investigations can target any public official, including police, judges, and prosecutors, and can investigate and detain individuals connected to targeted public officials. The creation of the NSC essentially vested the CCDI, the CCP’s internal discipline investigation unit that sits outside of the judicial system, with powers of the state. Rules governing NSC-CCDI investigations, operations, and detentions remained unclear.

Formerly, the CCDI, a party (not state) organ, relied on an informal detention system—known as shuanggui—to hold party members suspected of party rule violations while a discipline investigation was underway. NSC-CCDI detention, known as liuzhi, faced allegations of detainee abuse and torture. Liuzhi detainees are held incommunicado and have no recourse to appeal their detention. While detainee abuse is proscribed by the National Supervision Law, the mechanism for detainees to report abuse is unclear. According to the compensation law, however,
suspects wrongly accused of corruption can receive compensation for time spent in liuzhi.

Although liuzhi operates outside the judicial system, confessions given while in liuzhi have been used as evidence in judicial proceedings. According to press reports and an NGO report released in August, liuzhi retained many characteristics of shuanggui, such as extended solitary confinement, sleep deprivation, beatings, and forced standing or sitting in uncomfortable positions for hours and sometimes days.

The first reported death inside a liuzhi detention facility occurred several weeks after the enactment of the National Supervision Law. On April 9, the Fujian provincial NSC-CCDI took Chen Yong, a former government driver in Jianyang District, into liuzhi so authorities could gather information into Lin Qiang, a vice director of the district, who was suspected of corruption. On May 5, NSC-CCDI officials notified Chen’s family he was in detention and when they arrived, they found him deceased in a morgue refrigerator. His sister told Caixin Media his face was “disfigured” and his chest was caved in with black and blue bruises on his waist. Officials stopped her from examining his lower body.

Corruption: In numerous cases, government prosecutors investigated public officials and leaders of state-owned enterprises, who generally held high CCP ranks, for corruption.

While the tightly controlled state media apparatus publicized some notable corruption investigations, as a general matter, very few details were made public regarding the process by which CCP and government officials were investigated for corruption. In September Meng Hongwei, serving as the country’s first Interpol president in Lyon, France, while retaining his position as a Chinese Ministry of Public Security vice minister, disappeared after arriving in China on a September 25 flight. Media outlets reported Meng was taken into custody by “discipline authorities” upon his arrival into China for suspected corruption. The government announced Meng was being monitored while the NSC-CCDI investigated him and his associates for allegedly taking bribes, and at year’s end the case remained unresolved.

In August anticorruption bodies punished 31 officials in Langfang, Hebei, following the high-profile suicide of Zhang Yi, president of the Langfang Chengnan Orthopedic Hospital. In his suicide note, Zhang alleged Yang Yuzhong, a former deputy at the Anci District People’s Congress, had engaged in corrupt
practices and had interfered in the hospital’s management and misappropriated hospital funds. Hebei investigative authorities revealed government and CCP officials shielded Yang Yuzhong and his criminal organization that used intentional injury, forced transactions, violent demolition, and forged seals for illegal interests. Among the officials punished were a former chairman of the Anci District Committee of the Chinese People’s Political Consultative Conference, a current police station chief, village party secretaries, and the deputy head of the district’s construction bureau. The investigation was part of a central government campaign against criminal organizations and officials who protect them. From February to year’s end, 427 persons throughout Hebei had been investigated in connection with this campaign.

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

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

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

The United Nations or Other International Bodies: The government remained reluctant to accept criticism of its human rights record by other nations or international organizations. The government sharply limited the visits of UN experts to the country and rarely provided substantive answers to queries by UN human rights bodies. A dozen requests for visits to the country by UN experts remained outstanding.

The government used its membership on the UN Economic and Social Council’s Committee on NGOs to block groups critical of China from obtaining UN accreditation and barring accredited activists from participating in UN events. The government also retaliated against human rights groups working with the United Nations, eliciting the criticism of UN Secretary-General Antonio Guterres. In May the government requested the UN NGO Committee remove the accreditation of the German NGO the Society for Threatened Peoples after it assisted Dolkun Isa, the president of the World Uyghur Congress, in attending the UN Permanent Forum on Indigenous Issues.

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

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

Women

Rape and Domestic Violence: Rape of women is illegal and carries a sentence of three years in prison to death. The law does not safeguard same-sex couples or victims of marital rape. The separate law on sexual assault includes male victims, but it has a maximum penalty of five years in prison. Of the reported cases, most allegations of rape were closed through private settlement rather than prosecution. Some persons convicted of rape were executed.
Domestic violence remained a significant problem. Some scholars said victims were encouraged to attempt to resolve domestic violence through mediation. Societal sentiment that domestic violence was a personal, private matter contributed to underreporting and inaction by authorities when women faced violence at home. The Family Violence Law defines domestic violence as a civil, rather than a criminal, offense. Web publication Sixth Tone reported 25 percent of families had experienced domestic violence.

The government supported shelters for victims of domestic violence, and some courts provided protections to victims, including through court protective orders prohibiting a perpetrator of domestic violence from coming near a victim. Nonetheless, official assistance did not always reach victims, and public security forces often ignored domestic violence. Legal aid institutions working to provide counseling and defense to victims of domestic violence were often pressured to suspend public activities and cease all forms of policy advocacy, an area that was reserved only for government-sponsored organizations.

According to women’s rights activists, a recurring problem in the prosecution of domestic violence cases was a failure by authorities to collect evidence—including photographs, hospital records, police records, or children’s testimony. Witnesses seldom testified in court.

On March 18, the Guangzhou Municipal Women’s Association, the Guangzhou Bar Association, and the Yuexiu District Court hosted a public roadshow aimed at raising awareness about domestic violence on the second anniversary of the Anti-Domestic Violence Law. Legal advisors from the Bar Association and the court provided free consultations at the event and noted keeping key evidence, such as hospital records or communication history, is crucial in legal proceedings.

Courts’ recognition of domestic violence improved, making spousal abuse a mitigating factor in crimes committed in self-defense.

Sexual Harassment: The law prohibits sexual harassment against women; however, there is no clear definition of sexual harassment under the law. Offenders are subject to a penalty of up to 15 days in detention, according to the Beijing Public Security Bureau. It remained difficult for victims to file a sexual harassment complaint and for judges to reach a ruling on such cases. Many women remained unwilling to report incidents of sexual harassment, believing the justice system was ineffectual, according to official media. Several prominent
media reports of sexual harassment went viral on social media, helping to raise awareness of the problem, particularly in the workplace.

On June 20 in Qingyang, Gansu Province, a 19-year-old woman surnamed Li jumped to her death after allegedly suffering sexual harassment by her teacher, surnamed Wu. According to Li’s father, the Qingyang People’s Court May 18 decision to dismiss her sexual harassment case against Wu triggered her suicide. On June 25, the local bureau of education announced it had administratively punished Wu by giving him 10 days of detention. Li’s father reportedly refused an offer from the school of 350,000 yuan ($53,200) in exchange for dropping the case, instead demanding a public apology from the school and for Wu to be held accountable. Wu was later terminated from his post and barred from teaching.

Although many women experienced workplace sexual harassment, very few reported it. Human Rights Watch cited one statistic showing nearly 40 percent of women said they experienced sexual harassment in the workplace. A Guangzhou journalist found among 400 journalists she polled, more than 80 percent said they had suffered workplace sexual harassment.

The Law on the Protection of Women’s Rights and Interests empowers victims to file a sexual harassment complaint with their employer, authorities, or both. Employers who failed to take effective measures to prevent sexual harassment could be fined. On July 1, Jiangsu Province enacted new legislation that details specific measures employers must take to protect employees against sexual harassment in the workplace. Under the new law, employers are required to establish internal regulations against harassment, provide training to employees to prevent harassment, create a complaint channel for employees who allege harassment, and address the complaints in a timely manner. Observers noted the law did not specify a timeline for compliance, nor did it spell out penalties for noncompliance.

Some women’s NGOs that sought to increase public awareness of sexual harassment reported harassment by public security and faced challenges executing their programs.

On July 25, a former female intern said, after she reported to police that prominent television host Zhu Jun had forcibly kissed and groped her, police forced her to withdraw the complaint. The police claimed Zhu, as host of the annual Spring Festive gala on state media, had “enormous ‘positive influence’ on society.” Zhu then demanded the woman and her friend who shared the case online apologize
online and in a national newspaper, pay compensation of 655,000 yuan ($95,260), and cover the costs of legal fees for the case. In response the former intern’s friend applied to file her own civil suit against Zhu for “infringement of personality rights.”

In August an investigation concluded Xuecheng, abbot of the well-known Longquan Temple on the outskirts of Beijing, had sexually harassed female disciples via text messages, according to a statement posted on the website of the National Religious Affairs Administration. One of the country’s best-known monks and authors, Xuecheng was an influential political adviser to the central government while heading the national Buddhist association.

Coercion in Population Control: There were reports of coerced abortions and sterilizations, although government statistics on the percentage of abortions that were coerced during the year was not available. The CCP restricts the rights of parents to choose the number of children they have and utilizes family planning units from the provincial to the village level to enforce population limits and distributions. The Population and Family Planning Law permits married couples to have two children and allows couples to apply for permission to have a third child if they meet conditions stipulated in local and provincial regulations. State media claimed the number of coerced abortions had declined in recent years in the wake of loosened regulations, including the implementation of the two-child policy. Nevertheless, citizens were subject to hefty fines for violating the law, while couples who had only one child received a certificate entitling them to collect a monthly incentive payment and other benefits that vary by province—from approximately six to 12 yuan (one to two dollars) per month up to 3,000 yuan ($450) for farmers and herders in poor areas. Couples in some provinces were required to seek approval and register before a child was conceived.

According to international press reports, an ethnic Kazakh reported the government forced her and others in Xinjiang to abort their third child. She said in December 2017 police entered her home, forced her to undergo a medical check, and determined she was six weeks’ pregnant. The next day those authorities ordered her to get an abortion. Although initially refusing, she consented when they threatened to send her brother to an internment camp, which authorities did anyway after the abortion was completed. Her husband demanded compensation for their lost child.

Under the law and in practice, there are financial and administrative penalties for births that exceed birth limits or otherwise violate regulations. The law, as
implemented, requires each woman with an unauthorized pregnancy to abort or pay the social compensation fee, which can reach 10 times a person’s annual disposable income. The exact amount of the fee varied widely from province to province. Those with financial means often paid the fee so that their children born in violation of the birth restrictions would have access to a wide array of government-provided social services and rights. Some parents avoided the fee by hiding children born in violation of the law with friends or relatives. In localities with large populations of migrant workers, officials specifically targeted migrant women to ensure they did not exceed birth limitations. Minorities in some provinces, however, were entitled to higher limits on their family size.

The law maintains “citizens have an obligation to practice birth planning in accordance with the law” and also states “couples of child-bearing age shall voluntarily choose birth planning contraceptive and birth control measures to prevent and reduce unwanted pregnancies.”

Since the national family planning law mentions only the rights of married couples, local implementation was inconsistent, and unmarried persons must pay for contraception. Although under both the Civil Law and Marriage Law the children of single women are entitled to the same rights as those born to married parents, in practice children born to single mothers or unmarried couples are considered “outside of the policy” and subject to the social compensation fee and the denial of legal documents, such as birth documents and the hukou residence permit. Single women could avoid those penalties by marrying within 60 days of the baby’s birth.

As in prior years, population control policy continued to rely on social pressure, education, propaganda, and economic penalties, as well as on measures such as mandatory pregnancy examinations and, less frequently, coerced abortions and sterilizations. Officials at all levels could receive rewards or penalties based on whether or not they met the population targets set by their administrative region. With the higher birth limit, and since most persons wanted to have no more than two children, it was easier to achieve population targets, and the pressure on local officials was considerably less than before. Those found to have a pregnancy in violation of the law or those who helped another to evade state controls could face punitive measures, such as onerous fines or job loss.

Regulations requiring women who violate the family planning policy to terminate their pregnancies still exist and were enforced in some provinces, such as Hubei, Hunan, and Liaoning. Other provinces, such as Guizhou and Yunnan, maintained
provisions that require “remedial measures,” an official euphemism for abortion, to deal with pregnancies that violate the policy.

Although many local governments encouraged couples to have a second child, families with three or more children still must pay a “social compensation fee.” In Fuzhou City, Fujian Province, one local district added the names of those who refused to pay social compensation fees to a “personal credit black list.” This listing affects one’s ability to request loans, take public transportation, purchase items, educating their children, and joining tours.

The law mandates family planning bureaus administer pregnancy tests to married women of childbearing age and provide them with basic knowledge of family planning and prenatal services. Some provinces fined women who did not undergo periodic state-mandated pregnancy tests.

Family-planning officials face criminal charges and administrative sanction if they are found to violate citizens’ human or property rights, abuse their power, accept bribes, misappropriate or embezzle family planning funds, or falsely report family planning statistics in the enforcement of birth limitation policy. Forced abortion is not specifically listed as a prohibited activity. The law also prohibits health-care providers from providing illegal surgeries, ultrasounds to determine the sex of the fetus that are not medically necessary, sex-selective abortions, fake medical identification, and fake birth certificates. By law, citizens could submit formal complaints about officials who exceed their authority in implementing birth-planning policy, and complaints are to be investigated and dealt with in a timely manner.

Discrimination: The constitution states “women enjoy equal rights with men in all spheres of life.” The law provides for equality in ownership of property, inheritance rights, access to education, and equal pay for equal work. Nonetheless, women reported discrimination, unfair dismissal, demotion, and wage discrepancies were significant problems.

On average, women earned 35 percent less than men who did similar work. This wage gap was greater in rural areas. Women also continued to be underrepresented in leadership positions, despite their high rate of participation in the labor force.

Authorities often did not enforce laws protecting the rights of women; according to legal experts, it was difficult to litigate sex discrimination suits because of vague
legal definitions. Some observers noted 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; others pointed to the active role played by the All China Women’s Federation in passing the new domestic violence legislation.

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

In October local government officials in Tangshan, Hebei Province, informed a woman that her land rights had been conferred to her ex-husband’s hukou after their divorce. Officials urged her to negotiate with her ex-husband to divide the land interests or petition the local court to divide up the former couple’s unsettled assets.

Children

**Birth Registration:** Citizenship is derived from parents. Parents must register their children in compliance with the national household registration system within one month of birth. Unregistered children could not access public services, including education.

**Education:** Although the law provides for nine years of compulsory education for children, many children did not attend school for the required period in economically disadvantaged rural areas, and some never attended. Public schools were not allowed to charge tuition, but many schools continued to charge miscellaneous fees because they received insufficient local and central government funding. Such fees and other school-related expenses made it difficult for poorer families and some migrant workers to send their children to school. The gap in education quality for rural and urban youth remained extensive, with many children of migrant workers attending unlicensed and poorly equipped schools.

**Child Abuse:** The physical abuse of children is ground for criminal prosecution. The Domestic Violence Law also protects children. Sexual abuse of minors, particularly of rural children, was a significant problem.
In October video circulated online of a father allegedly molesting his five-year-old daughter on a train in southeastern China. The video showed a man with the child on his lap, repeatedly lifting her shirt, caressing her back, and trying to kiss her several times on the mouth. Nanchang Railway Police, Jiangxi Province, concluded the father’s actions did not constitute molestation, as it was a father-daughter relationship, and thus could not be deemed illegal. The incident incited widespread public criticism on the Nanchang police station’s Weibo post of its statement.

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

**Sexual Exploitation of Children:** The minimum legal age for consensual sex is 14. Persons who forced girls younger than 14 into prostitution could be sentenced to 10 years to life in prison in addition to a fine or confiscation of property. In especially serious cases, violators could receive a life sentence or death sentence, in addition to having their property confiscated. Those who visited girls forced into prostitution younger than 14 were subject to five years or more in prison in addition to paying a fine.

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

The law provides persons broadcasting or showing obscene materials to minors younger than 18 are to be “severely punished.”

**Infanticide or Infanticide of Children with Disabilities:** The law forbids infanticide; it was unknown if the practice continued. Parents of children with disabilities frequently left infants at hospitals, primarily because of the anticipated cost of medical care. Gender-biased abortions and the abandonment and neglect of baby girls were believed to be in decline but continued to be a problem in some circumstances, due to the traditional preference for sons and the birth-limitation policy.

**Displaced Children:** The detention of an estimated 800,000 to two million or more Uighurs, ethnic Kazakhs, and other Muslims in Xinjiang left many children...
without caregivers. While many of these children had other family willing to care for them, the government began placing the children of detainees in orphanages, boarding schools, or “child welfare guidance centers,” where they were forced to shout patriotic slogans, learn Mandarin Chinese, and answer questions about their parents’ religious beliefs and practices. The total number of such children was unknown, especially as many of these facilities were also used for orphans and regular students. Government policy aims to provide such children with state-sponsored care until they reach age 18. Media reports showed new construction for orphanages in Xinjiang greatly escalated in 2017 and 2018 to house thousands of children of parents being held in internment camps. In Hotan some boarding schools were topped with barbed wire.

**Institutionalized Children:** In July authorities in Henan Province’s Xinmi City shuttered legally licensed orphanage Sino-American Nonprofit Cooperative Services (SANCS) House of Mercy under the Law on Foreign Involvement in Nongovernment Organizations on the grounds that foreigners were no longer allowed to be involved in the NGO space. The orphanage, which had been operating since 1996, was run by both foreign and Chinese staff and sponsored by the Catholic Church. At the time of closing, SANCS housed more than 50 children, only 13 of whom had been confirmed to have a new home; others previously housed at the facility once again became homeless.


**Anti-Semitism**

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

**Trafficking in Persons**

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

**Persons with Disabilities**
The law protects the rights of persons with disabilities and prohibits discrimination, but in many instances conditions for such persons lagged behind legal requirements, and the government failed to provide persons with disabilities access to programs intended to assist them.

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

The Ministry of Education reported there were more than 2,000 separate education schools for children with disabilities, but NGOs reported only 2 percent of the 20 million children with disabilities had access to education that met their needs.

Individuals with disabilities faced difficulties accessing higher education. Universities often excluded candidates with disabilities who would otherwise be qualified. A regulation mandates accommodations for students with disabilities when taking the national university entrance exam.

Unemployment among adults with disabilities, in part due to discrimination, remained a serious problem. The law requires local governments to offer incentives to enterprises that hire persons with disabilities. Regulations in some parts of the country also require employers to pay into a national fund for persons with disabilities when employees with disabilities do not make up a statutory minimum percentage of the total workforce.

Standards adopted for making roads and buildings accessible to persons with disabilities are subject to the Law on the Handicapped, which calls for their “gradual” implementation; compliance was limited.

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

Government policy called for members of recognized minorities to receive preferential treatment in birth planning, university admission, access to loans, and employment. The substance and implementation of ethnic minority policies nonetheless remained poor, and discrimination against minorities remained widespread. The government “sinicization” campaign resulted in ethnically based restrictions on movement, including curtailed ability of ethnic Uighurs to travel freely or obtain travel documents; greater surveillance and presence of armed police in Xinjiang; and legislative restrictions on cultural and religious practices.

According to a 2015 government census, the most recent, 9.5 million, or 40 percent, of the Xinjiang’s official residents were Han Chinese. Uighur, Hui, ethnic Kazakh, Kyrgyz, and other ethnic minorities constituted 14.1 million Xinjiang residents, or 60 percent of the total population. Official statistics understated the Han Chinese population because they did not count the more than 2.7 million Han residents on paramilitary compounds (bingtuan) and those who were long-term “temporary workers,” an increase of 1.2 percent over the previous year, according to a 2015 government of Xinjiang report.

The government’s policy to encourage Han Chinese migration into minority areas significantly increased the population of Han in Xinjiang. Han Chinese officials continued to hold the majority of the most powerful CCP and many government positions in minority autonomous regions, particularly Xinjiang. The rapid influx of Han Chinese into Xinjiang in recent decades has provoked Uighur resentment.

In 2017 the Xinjiang government also implemented new “Deradicalization Regulations,” codifying efforts to “contain and eradicate extremism,” according to Xinhua. The broad definition of extremism resulted in the reported detention since 2017 of 800,000 to possibly more than two million Uighurs, ethnic Kazakhs, and other Muslims in “transformation through education” centers, or internment camps, designed to instill patriotism and erase their religious and ethnic identities. This included many of those ordered to return to China from studying or working abroad. International media reported security officials in the centers abused, tortured, and killed some detainees (see sections 1.a, 1.b, 1.c, 1.d, and 2.d.).

Officials in Xinjiang intensified efforts to crack down on the government-designated “three evil forces” of religious extremism, ethnic separatism, and violent terrorism, including by continuing the concentrated re-education campaign. Xinjiang Communist Party Secretary Chen Quanguo, former Communist leader in
the TAR, replicated in Xinjiang policies similar to those credited with reducing opposition to CCP rule in Tibet, increasing the security budget by more than 300 percent and advertising more than 90,800 security-related jobs. Authorities cited the 2016 Xinjiang guidelines for the implementation of the national Counterterrorism Law and a “people’s war on terrorism” in its increased surveillance efforts and enhanced restrictions on movement and ethnic and religious practices.

Outside of the internment camps, the government implemented severe restrictions on expressions of minorities’ culture, language, and religious identity, including regulations prohibiting behaviors the government considered signs of “extremism” such as growing “abnormal” beards, wearing of veils in public places, and suddenly stopping smoking and drinking alcohol, among other behaviors. The regulations banned the use of some Islamic names when naming children and set punishments for the teaching of religion to children. Authorities conducted “household surveys” and “home stays” in which officials or volunteers forcibly lived in Uighurs’ homes and monitored families for signs of “extremism.”

In October the Xinjiang government released new implementing regulations on “de-extremification.” Article 17 of the regulations states county-level governments “may establish occupational skills education and training centers and other such education and transformation bodies and management departments to conduct education and transformation for persons influenced by extremism.” Some observers noted, despite this new regional law, the “re-education centers” were still illegal under the constitution.

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

The law states “schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever
possible, use textbooks in their own languages and use their languages as the medium of instruction.” Despite provisions to ensure cultural and linguistic rights, measures requiring full instruction in Mandarin beginning in preschool and banning the use of Uighur in all educational activities and management were implemented throughout Xinjiang, according to international media.

Some security raids, arbitrary detentions, and judicial punishments appeared to target groups or individuals peacefully seeking to express their political or religious views. Detention and punishment extended to expression on the internet and social media, including the browsing, downloading, and transmitting of banned content. Officials continued to use the threat of violence as justification for extreme security measures directed at the local population, journalists, and visiting foreigners. According to Xinhua, officials used surveillance and facial recognition software, biodata collection, and big data technology to create a database of Uighurs in Xinjiang for the purpose of conducting “social-instability forecasting, prevention, and containment.” Security forces frequently staged large-scale parades involving thousands of armed police in cities across Xinjiang, according to state media.

Uighurs and other religious minorities continued to be sentenced to long prison terms and in some cases executed without due process on charges of separatism and endangering state security. The government constructed new prisons in Xinjiang to alleviate the overcapacity of existing facilities, according to credible sources. In 2016 and 2017, the Xinjiang regional government posted advertisements to recruit nearly 100,000 security personnel, international media reported. Economist Ilham Tohti remained in prison, where he was serving a life sentence after his conviction on separatism-related charges in 2014.

The law criminalizes discussion of “separatism” on the internet and prohibits use of the internet in any way that undermines national unity. It further bans inciting ethnic separatism or “harming social stability” and requires internet service providers and network operators to set up monitoring systems to detect, report, and delete religious content or to strengthen existing systems and report violations of the law. Authorities searched cell phones at checkpoints and during random inspections of Uighur households, and persons in possession of alleged terrorist material, including pictures of general religious or cultural importance, could be arrested and charged with crimes. International media reported security officials at police checkpoints used a surveillance application to download and view content on mobile phones.
Ethnic Kazakh Chinese were also targeted, Radio Free Asia and other international media reported. In August Sayragul Sauytbay, an ethnic Kazakh Chinese citizen, testified in a Kazakhstan court that she was forced to work in a center where an estimated 2,500 ethnic Kazakhs were detained. She told the court she had to undergo “political indoctrination” at the camp. Kazakhs were also prevented from moving freely between China and neighboring Kazakhstan, and some were detained in re-education centers when returning to China.

The government pressured foreign countries to repatriate or deny visas to Uighurs who had left the country, and repatriated Uighurs faced the risk of imprisonment and mistreatment upon return. Some Uighurs who were forcibly repatriated disappeared after arriving in China. Family members of Uighurs studying overseas were also pressured to convince students to return to China, and returning students were detained or forced to attend re-education camps, according to overseas media.

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

For specific information on Tibet, see the Tibet Annex.

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

No laws criminalize private consensual same-sex activities between adults. Individuals and organizations working on lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues continued to report discrimination and harassment from authorities similar to that experienced by other organizations that accept funding from overseas.

LGBTI individuals reported incidents of violence, including domestic violence; however, they encountered difficulties in seeking legal redress, since regulations on domestic violence, including the Family Violence Law, do not include recognition of same-sex relations. Accessing redress was further limited by societal discrimination and traditional norms, resulting in most LGBTI persons refraining to publicly discuss their sexual orientation or gender identity.

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

In November domestic and international media reported the Wuhu County Court in Anhui Province sentenced a novelist, surnamed Liu, to 10 years and six months’ imprisonment for self-publishing and selling an erotic novel that described same-sex acts. Liu, who wrote under the alias Tianyi, published her novel *Occupy* in 2017 and sold 7,000 copies on the popular Taobao platform before authorities banned it. Although the production and sale of pornography is strictly prohibited, official and social media reaction contrasted this sentence with lesser sentences given to violent offenders. Liu filed an appeal of the ruling.

In May and June, authorities in the southwest interfered in several public LGBTI-related activities in honor of Pride Month. In one case police interrupted a film screening. In another case they pressured a reserved venue to cancel a panel discussion on LGBTI access to health care.

**HIV and AIDS Social Stigma**

Discrimination against persons with HIV remained a problem, impacting individuals’ employment, educational, and housing opportunities and impeding access to health care. In some instances laws protecting persons with HIV from discrimination contradict laws restricting the rights of persons with HIV. During the year state media outlets reported instances of persons with HIV/AIDS who were barred from housing, education, or employment due to their HIV status.

On January 3, a public hospital in Haikou refused to operate on a patient it determined was HIV positive and insisted on transferring him to another hospital, citing they did not have adequate sterilization equipment for such a risky surgery. Local NGO Red Ribbon helped the patient find another hospital.

According to the law, companies may not demand HIV antibody tests nor dismiss employees for having HIV. On April 28, an employee in Sichuan Province was reinstated at work and received additional compensation after he reached a legal settlement with his employer, which had previously terminated his employment after he was diagnosed HIV-positive.
The law prohibits discrimination against persons carrying infectious diseases and allows such persons to work as civil servants. Despite provisions in the law, discrimination against hepatitis B carriers (including 20 million chronic carriers) remained widespread in many areas, and local governments sometimes tried to suppress their activities. Despite a 2010 nationwide rule banning mandatory hepatitis B virus tests in job and school admissions applications, many companies continued to use hepatitis B testing as part of their pre-employment screening.

The law does not address some common types of discrimination in employment, including discrimination based on height, physical appearance, or ethnic identity.

Section 7. Workers’ Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

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

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

The law does not expressly prohibit work stoppages and does not prohibit workers from striking spontaneously. Although authorities appeared more tolerant of strikes protesting unpaid or underpaid wages, reports of police crackdowns on strikes continued throughout the year. For example, on May 27, police in Lu’an, Anhui Province, suppressed a group of teachers calling for wage parity with local civil servants, as mandated in the 1994 Teachers Law. Wage-related issues constituted 82 percent of the 6,694 strikes and collective protests recorded during 2015-17 by the Hong Kong-based labor rights NGO China Labor Bulletin.

In cases where local authorities cracked down on strikes, they sometimes charged leaders with vague criminal offenses, such as “picking quarrels and provoking trouble,” “gathering a crowd to disturb public order,” or “damaging production operations,” or detained them without any charges. The only legally specified roles for the ACFTU in strikes are to participate in investigations and to assist the Ministry of Human Resources and Social Security in resolving disputes.

Enforcement was generally insufficient to deter wide-scale violations. Labor inspectors lacked authority and resources to compel employers to correct violations. While the law outlines general procedures for resolving disputes, procedures were lengthy and subject to delays. Local authorities in some areas actively sought to limit efforts by independent civil society organizations and legal practitioners. Some areas maintained informal quotas on the number of cases
allowed to proceed beyond mediation to arbitration or the courts. Some local government authorities took steps to increase mediation or arbitration. For example, on March 6, the Maoming Municipal Intermediate Court and Maoming Municipal Trade Union jointly established the Labor Arbitration and Mediation Coordination Office to facilitate better communication and ease tensions in labor disputes. An official from the local People’s Congress noted the increasing number of arbitrations, lengthy legal proceedings, and high litigation costs were not helpful in constructing positive and harmonious labor-capital relations.

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

China Labor Bulletin reported workers throughout the country engaged in wildcat strikes, work stoppages, and other protest actions and claimed the workers’ actions were indicative of the ACFTU’s inability to prevent violations and resolve disputes. Media reported a number of protests at factories in the southern part of the country.

The government increasingly targeted labor activists, students, and others advocating for worker rights during the year. For example, beginning in July and continuing through the end of the year, the government detained multiple workers, students, NGO representatives, lawyers, and others in response to demonstrations and online posts in support of workers attempting to form a union at Jasic Technology, a manufacturer of industrial welding equipment in Shenzhen. Workers at the factory reportedly tried to establish a trade union in response to complaints of low pay and poor working conditions. Although the lead organizers of the union reportedly received some information and assistance to set up an enterprise-level union from the local ACFTU branch, company management subsequently set up an enterprise union, selected management representatives to serve as union leaders, and fired the workers who had attempted to organize a union. Following protests by the workers in July, the lead organizers were reportedly physically attacked, inciting protests in Shenzhen and elsewhere. Guangdong labor activists, the Maoist organization Wu-You-Zhi-Xiang, leftist university students, and Hong Kong trade unions supported the protests.
Shenzhen police reportedly detained approximately 30 workers and representatives from the Dagongzhe Worker’s Center for their alleged connection with the Jasic protests. Several of the worker activists were charged with “gathering a crowd to disrupt social order.” Authorities also reportedly raided the offices of “Pioneers of the Times” and a Beijing-based publisher “Red Reference,” and criminally detained a staff member of “Red Reference.” On August 24, authorities in Guangdong, Beijing, and other parts of the country detained multiple workers and students from Peking, Renmin, and Nanjing Universities who had been supporting the workers. In early November the government detained nine student organizers and factory workers in Beijing, Shanghai, and Shenzhen and three activists in Wuhan. The government also detained two local ACFTU officials in Shenzhen in November. Authorities detained and questioned additional students in December.

Despite restrictions on worker action, joint action across provinces took place in several other sectors. For example, on May 1, a strike by crane drivers in the construction industry spread nationwide as operators demanded pay raises in a number of cities, including Yulin and Chongzuo in Guangxi, and Xiamen, Fujian Province. In June protests by truck drivers over stagnant pay, high fuel costs, and arbitrary fines took place at various locations in Shandong, Sichuan, Chongqing, Anhui, Guizhou, Jiangxi, Hubei, Henan, and Zhejiang Provinces, as well as in the Shanghai Special Municipality.

Coordinated efforts by governments at the central, provincial, and local levels, including harassment, detention, and the imposition of travel restrictions on labor rights defenders and restrictions on funding sources for NGOs, disrupted labor rights advocacy. Labor activist and 1989 prodemocracy movement veteran Liu Shaoming remained in custody after the Guangzhou Intermediate People’s Court sentenced him to four and one-half years’ imprisonment in 2017 for “inciting subversion of state power.”

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor. Although domestic media rarely reported forced labor cases and the penalties imposed, the law provides a range of penalties depending on the circumstances, including imprisonment, criminal detention, and fines. It was unclear whether the penalties were sufficient to deter violations. Where there were reports forced labor of adults and children occurred in the private sector, the government reportedly enforced the law.
Although in 2013 the NPC officially abolished the re-education through labor system, an arbitrary system of administrative detention without judicial review, some media outlets and NGOs reported forced labor continued in some drug rehabilitation facilities where individuals continued to be detained without judicial process.

There were anecdotal reports some persons detained in the internment camps (see section 6) were subjected to forced labor. In December a press report stated apparel made at a forced labor camp in Xinjiang was imported by a U.S. athletic gear provider. Local authorities in Hotan prefecture, Xinjiang, also reportedly required some Uighur women and children not in the camps to perform forced labor.

There were several reports small workshops and factories subjected persons with mental disabilities to forced labor.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

The law prohibits the employment of children under the age of 16. It refers to workers between the ages of 16 and 18 as “juvenile workers” and prohibits them from engaging in certain forms of dangerous work, including in mines. The government did not effectively enforce the law.

The law specifies administrative review, fines, and revocation of business licenses of enterprises that illegally hire minors and provides underage working children be returned to their parents or other custodians in their original place of residence. The penalty is imprisonment for employing children younger than age 16 in hazardous labor or for excessively long hours, but a gap remained between legislation and implementation despite annual inspection campaigns launched by local authorities across the country. It was unclear whether the penalties were sufficient to deter violations.

In January two French NGOs filed legal cases against Samsung for the company’s alleged use of child labor and other abuses at its manufacturing plants in China. Samsung’s suppliers in Dongguan had previously been criticized for using child labor from vocational schools.
Abuse of the student-worker system continued; as in past years, there were allegations that schools and local officials improperly facilitated the supply of student laborers. On March 17, for example, parents of students at the Guilin Electronic Vocational School reported to the authorities that more than 100 student interns had been working at an air conditioning manufacturer’s production line as apprentices. The students reportedly worked 12 hours a day with no breaks, no pay, no holidays, and no sick leave. On March 30, the Guilin Municipal Education Bureau issued an administrative warning to the Guilin Electronic Vocational School, ordering the school to recall all students from the air conditioning manufacturer, located in Guangdong’s Jiangmen Municipality, and instructed the school to prevent the situation from recurring.

d. Discrimination with Respect to Employment and Occupation

The law provides some basis for legal protection against employment discrimination on the grounds of ethnicity, race, gender, religious belief, disability, age, and infectious or occupational diseases. The government did not effectively implement the laws. Enforcement clauses include the right to pursue civil damages through the courts. Courts were generally reluctant to accept discrimination cases, and authorities at all levels emphasized negotiated settlements to labor disputes. As a result there were few examples of enforcement actions that resulted in final legal decisions. Discrimination in employment was widespread, including in recruitment advertisements that discriminated based on gender, age, height, birthplace, and physical appearance and health status (see section 6).

Workplace discrimination against women was common during the year. The mandatory retirement age for women was 50 for those in blue-collar jobs and 55 for those in white-collar jobs. The retirement age for men was 60 across the board.

A 2015 All China Federation of Women survey in institutions for higher education revealed more than 80 percent of women graduates reported they had suffered discrimination in the recruitment process. Examples of discrimination included job advertisements seeking pretty women, or preferring men, or requiring higher education qualifications from women compared to men for the same job. Survey results showed women were less likely to be invited for interviews or called back for a second round of interviews. In interviews some women were asked whether they had children, how many children they had, and whether they planned to have children or more children if they had a child already.
On March 5, Yuan, a former sales manager of Mead Johnson Nutrition Corporation in Guangzhou, filed a lawsuit against her former employer alleging pregnancy discrimination. Mead Johnson fired Yuan for absenteeism after she traveled and gave birth to a baby in Houston during her maternity leave in September 2016. The company also refused to recognize the hospital’s medical records, citing employees should use maternity leave only to cover medical situations during pregnancy.

The hukou system remained the most pervasive form of employment-related discrimination, denying migrant workers access to the full range of social benefits, including health care, pensions, and disability programs, on an equal basis with local residents.

e. Acceptable Conditions of Work

There is no national minimum wage, but the law generally requires local and provincial governments to set their own minimum wage rates for both the formal and informal sectors according to standards promulgated by the Ministry of Human Resources and Social Security. By law employees are limited to working eight hours a day and 40 hours per week; work beyond this standard is considered overtime. It also prohibits overtime work in excess of three hours per day or 36 hours per month and mandates premium pay for overtime work.

During the year the government established a new Ministry of Emergency Management that incorporated parts of the former State Administration for Work Safety; the ministry sets and enforces occupational health and safety regulations. The law requires employers to provide free health checkups for employees working in hazardous conditions and to inform them of the results. The law also provides workers the right to report violations or remove themselves from workplace situations that could endanger their health without jeopardy to their employment.

Regulations state labor and social security bureaus at or above the county level are responsible for enforcement of labor laws. Companies that violate occupational, safety, and health regulations face various penalties, including suspension of business operations or rescission of business certificates and licenses.

The government did not effectively enforce the law. Penalties were not adequate to deter violations and were seldom enforced. The number of inspectors was insufficient to monitor working conditions and did not operate in the informal
sector. Although the country’s worker safety record improved over the past seven years, there were a number of workplace accidents during the year. Media and NGO reports attributed them to a lack of safety checks, weak enforcement of laws and regulations, ineffective supervision, and inadequate emergency responses.

Nonpayment of wages remained a problem in many areas. Governments at various levels continued efforts to prevent arrears and to recover payment of unpaid wages and insurance contributions.

Unpaid wages have been an acute problem in the construction sector for decades due to the prevalence of hiring subcontracted low-wage migrant workers. This informal hiring scheme made rural laborers susceptible to delayed payment or nonpayment for their work, prompting them to join in collective action. Workers occasionally took drastic measures to demand payment. In July the Ministry of Human Resources and Social Security claimed it had helped more than one million workers recover a total of 10.88 billion yuan ($1.62 billion) in unpaid wages owed in the first half of the year. According to the Guangzhou Court, for example, from 2015 to 2017 the city’s courts tried 111 criminal cases for wage arrears disputes involving 4,880 victims and 30.62 million yuan ($4.4 million) in wages. The court reported 116 persons were convicted for malintent refusal to pay their employees’ wages.

Companies continued to relocate or close on short notice, often leaving employees without adequate recourse for due compensation.

Workers in the informal sector often lacked coverage under labor contracts, and even with contracts, migrant workers in particular had less access to benefits, especially social insurance. Workers in the informal sector worked longer hours and earned less than comparable workers in the formal sector. In June truck drivers in multiple cities protested stagnant pay and poor working conditions (also see section 7.a.).

Without providing exact numbers, the Ministry of Emergency Management announced in July the number of workplace accidents fell. The ministry also reported while accident and death rates in most sectors were declining, in the construction sector these rates had steadily increased since 2016, making the sector the one with the highest number of accidents and deaths of any industrial and commercial sector for the last nine years. In January, May, and July, media reported more than 100 former construction workers affected by pneumoconiosis from Hunan made three trips to Shenzhen to petition for long overdue
compensation for the occupational illness they contracted while working in the city during the 1990s.

According to several official documents published during the year, occupational diseases were prevalent. Patients came from many industries, including coal, chemical engineering, and nonferrous metals.

Although there were fewer news reports on coal mine accidents during the year, the coal mining industry remained extremely deadly. According to the Ministry of Emergency Management, there were 219 coal mine accidents in 2017, causing 375 deaths, which represented a drop of 12 percent and 28.7 percent year-on-year, respectively. On May 9, five persons died when methane gas exploded in a coal mine in central Hunan Province. On August 6, a coal mine gas explosion in Guiyang Province killed 13 miners. In October a coal mine collapse in Shandong Province left 21 dead.

Work accidents also remained widespread in other industries. On June 5, for example, 11 persons were killed and nine injured in an iron mine blast in Liaoning Province. On August 12, a chemical plant blast in Sichuan Province killed 19 and injured 12.
EXECUTIVE SUMMARY

The United States recognizes the Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures (TAPs) and counties in Sichuan, Qinghai, Yunnan, and Gansu Provinces to be a part of the People’s Republic of China (PRC). The Chinese Communist Party’s (CCP) Central Committee oversees Tibet policies. As in other predominantly minority areas of the PRC, ethnic Chinese CCP members held the overwhelming majority of top party, government, police, and military positions in the TAR and other Tibetan areas. Ultimate authority rests with the 25-member Political Bureau (Politburo) of the CCP Central Committee and its seven-member Standing Committee in Beijing, neither of which has any Tibetan members.

Civilian authorities maintained control over the security forces.

The most significant human rights issues included: forced disappearances; torture by government authorities; arbitrary detentions; political prisoners; censorship and site blocking; substantial interference with the rights of peaceful assembly and freedom of association; severe restrictions of religious freedom; significant restrictions on freedom of movement; and restrictions on political participation.

The government strictly controlled information about, and access to, the TAR and some Tibetan areas outside the TAR. The Chinese government harassed or detained Tibetans as punishment for speaking to foreigners, attempting to provide information to persons abroad, or communicating information regarding protests or other expressions of discontent through cell phones, email, or the internet, and placed restrictions on their freedom of movement.

Disciplinary procedures were opaque, and there was no publicly available information to indicate senior officials punished security personnel or other authorities for behavior defined under PRC laws and regulations as abuses of power and authority.

Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings
There were no reports the government or its agents committed arbitrary or unlawful killings. There were no reports officials investigated or punished those responsible for such killings that had previously taken place.

Disappearance

Authorities in Tibetan areas continued to detain Tibetans arbitrarily for indefinite periods.

The whereabouts of the 11th Panchen Lama, Gedhun Choekyi Nyima, the second-most prominent figure after the Dalai Lama in Tibetan Buddhism’s Gelug school, remained unknown. Neither he nor his parents have been seen since Chinese authorities took them away in 1995, when he was six years old.

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

According to credible sources, police and prison authorities employed torture and degrading treatment in dealing with some detainees and prisoners. There were reports during the year Chinese officials severely beat some Tibetans who were incarcerated or otherwise in custody. In the past, such beatings have led to death.

On August 13, Chinese authorities released Gonpo Tseten, a Tibetan from Machu (Chinese: Maqu) county of Ganlho (Chinese: Gannan) Tibetan Autonomous Prefecture (TAP) in Gansu province who had served 10 years of a 12-year prison sentence for “inciting separatism.” On August 17, overseas website Free Tibet reported the authorities had severely tortured and subjected him to forced labor while he was in detention. According to media reports, Gonpo had spearheaded Tibetan protests against the Chinese government in 2008.

Prison and Detention Center Conditions

Prison conditions were harsh and potentially life threatening due to physical abuse and inadequate sanitary conditions and medical care.

There were reports of recently released prisoners permanently disabled or in extremely poor health because of the harsh treatment they endured in prison (see Political Prisoners and Detainees subsection below). Former prisoners reported being isolated in small cells for months at a time and deprived of sleep, sunlight, and adequate food. According to individuals who completed their prison terms during the year, prisoners rarely received medical care except in cases of serious
illness. There were many cases in which officials denied visitors access to detained and imprisoned persons.

**Arbitrary Arrest or Detention**

Arbitrary arrest and detention remained serious problems. Public security agencies are required by law to notify the relatives or employer of a detained person within 24 hours of their detention, but they often failed to do so when Tibetans and others were detained for political reasons. Public security officers may legally detain persons throughout the PRC for up to 37 days without formally arresting or charging them. Criminal detention beyond 37 days requires approval of a formal arrest by the procuratorate, but in cases pertaining to “national security, terrorism, and major bribery,” the law permits up to six months of incommunicado detention without formal arrest. After formally arresting a suspect, public security authorities are authorized to detain a suspect for up to an additional seven months while the case is investigated. After the completion of an investigation, the procuratorate can detain a suspect an additional 45 days while determining whether to file criminal charges. If charges are filed, authorities can detain a suspect for an additional 45 days before beginning judicial proceedings. Public security sometimes detained persons beyond the period allowed by law, and pretrial detention periods of a year or longer were common.

Security officials frequently violated these legal requirements. It was unclear how many Tibetan detainees the authorities held under forms of detention not subject to judicial review.

According to the Central Tibetan Administration (CTA), on January 28, authorities arrested and detained Lodo Gyatso from Nagchu (Chinese: Naqu) prefecture of the TAR after he staged a peaceful protest in front of the Potala Palace in Lhasa. Prior to the protest, Lodo Gyatso published a video announcing his plans to organize a peaceful demonstration in support of the Tibetan people’s commitment to world peace and nonviolence under the guidance of the Dalai Lama.

**Denial of Fair Public Trial**

Legal safeguards for detained or imprisoned Tibetans were inadequate in both design and implementation. Prisoners in China have the right to request a meeting with a government-appointed attorney, but many Tibetan defendants, particularly those facing politically motivated charges, did not have access to legal representation. In cases which authorities claimed involved “endangering state
security” or “separatism,” trials often were cursory and closed. Local sources noted trials were predominantly conducted in Mandarin, with government interpreters provided for Tibetan defendants who did not speak Mandarin. Court decisions, proclamations, and other judicial documents, however, generally were not published in Tibetan.

**Trial Procedures**

In its annual work report, the TAR High People’s Court stated its top political tasks as fighting separatism, criticizing “the 14th Dalai (Lama) clique,” cracking down on the clique’s followers, and maintaining social stability, including by sentencing those who they claimed instigated protests and promoted separatism. The report also stated the court prioritized “political direction,” which included absolute loyalty to the Party.

In June the TAR High People’s Court hired 16 court clerks. Among the requirements for new employees were loyalty to the CCP leadership and having immediate family members with a “good record on combatting separatism” in the Tibet region.

Security forces routinely subjected political prisoners and detainees known as “special criminal detainees” to “political re-education” sessions.

**Political Prisoners and Detainees**

An unknown number of Tibetans were detained, arrested, and sentenced because of their political or religious activity. Authorities held many prisoners in extrajudicial detention centers and never allowed them to appear in public court.

Based on information available from the Political Prisoner Database (PPD) of the Congressional-Executive Commission on China, as of November 27, there were 303 Tibetan political prisoners known to be detained or imprisoned, most of them in Tibetan areas. Of those 303 cases, 132 were reported to be monks (current and former), nuns, or reincarnate teachers. Of the 123 cases for which there was available information on sentencing, punishment ranged from three years to life imprisonment. Observers believed the actual number of Tibetan political prisoners and detainees to be much higher, but the lack of access to prisoners and prisons, as well as the dearth of reliable official statistics, made a precise determination difficult. Authorities continued to hold an unknown number of people in detention centers rather than prisons.
Tibetan Self-Immolations

There were three known cases of Tibetans self-immolating during the year. There have been 155 known immolations since 2009, more than half of which took place in 2012. Local contacts reported the decline in reported self-immolations was due to tightened security by authorities, the collective punishment of self-immolators’ relatives and associates, and the Dalai Lama’s public plea to his followers to find other ways to protest Chinese government repression. Chinese officials in some Tibetan areas withheld public benefits from the family members of self-immolators and ordered friends and monastic personnel to refrain from participating in religious burial rites or mourning activities for self-immolators. According to many contacts in Ngaba county, Sichuan province, officials place family members, relatives, and close friends of self-immolators on a security watch list to prevent them from meeting and communicating with international visitors and, in some cases, deprive them from receiving public benefits.

Self-immolators reportedly viewed their acts as protests against the government’s political and religious oppression. According to multiple contacts, the law criminalizes various activities associated with self-immolation, including “organizing, plotting, inciting, compelling, luring, instigating, or helping others to commit self-immolation,” each of which may be prosecuted as “intentional homicide.”

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

The TAR regional government punished CCP members who followed the Dalai Lama, secretly harbored religious beliefs, made pilgrimages to India, or sent their children to study with exiled Tibetans. Authorities continued to electronically and manually monitor private correspondence and search private homes and businesses for photographs of the Dalai Lama and other politically forbidden items. Police examined the cell phones of TAR residents to search for “reactionary music” from India and photographs of the Dalai Lama. Authorities also questioned and detained some individuals who disseminated writings and photographs over the internet.

The TAR CCP has also launched specialized propaganda campaigns to counter “Tibetan independence” including promoting the proliferation of party media into every household to undermine popular support for the Dalai Lama.
The “grid system” (also known as the “double-linked household system”) continued. The grid system involves grouping households and establishments and encouraging them to report problems in other households, including monetary problems and transgressions, to the government. Authorities reportedly reward individuals with money and other forms of compensation for reporting. While this allows for greater provision of social services to those who need them, it also allows authorities to more easily control those it considers “extremists” and “splittists.”

According to contacts in the TAR, Tibetans frequently received phone calls from security officials ordering them to remove from their mobile phones photos, articles, and contact information for international contacts the government deemed sensitive. Security officials visited the residences of those who did not comply with such orders.

In June news portal Phayul reported local officials arrested two Tibetans from Kardze (Chinese: Ganzi) of Sichuan province for possessing photos of the Dalai Lama after they raided the two men’s residences.

**Freedom of Expression, Including for the Press**

**Freedom of Expression:** Tibetans who spoke to foreigners or foreign reporters, attempted to provide information to persons outside the country, or communicated information regarding protests or other expressions of discontent including via mobile phones, and internet-based communications, were subject to harassment or detention under “crimes of undermining social stability and inciting separatism.” During the year authorities in the TAR and other Tibetan areas sought to strengthen control over electronic media and to punish individuals for the poorly defined crime of “creating and spreading of rumors.” Supporting the CCP, criticizing the Dalai Lama, and “not creating and spreading rumors” were some of the major requirements Tibetans had to fulfill to apply for jobs and receive access to government benefits during the year.

On May 22, the government sentenced Tibetan language rights advocate Tashi Wangchuk to five years of imprisonment on the charge of “inciting separatism” for his 2015 video-recorded interview with *The New York Times*. On August 13, the Yulshul (Chinese: Yushu) Intermediate People’s Court rejected Tashi Wangchuk’s appeal. In a September 7 statement, the Foreign Correspondents Club of China (FCCC) stated the decision “not only violates Tashi’s right to free speech as
stipulated in China’s constitution, but sends a message to sources they could be severely punished for accepting interviews with international media.”

**Press and Media Freedom:** Foreign journalists may visit the TAR only after obtaining a special travel permit from the government, and the authorities almost never granted this permission.

Authorities tightly controlled journalists who worked for the domestic press and could hire and fire them based on assessments of their political reliability. In May the TAR Press, Television, and Radio Bureau hired 26 individuals to fill positions for which one of the listed job requirements was to “resolutely implement the Party’s line, principles, policies, and political stance, fight against separatism, and safeguard the motherland’s unity and ethnic unity.” CCP propaganda authorities remained in charge of journalist accreditation in the TAR and required journalists working in the TAR to display “loyalty to the Party and motherland.” The deputy head of the TAR Propaganda Department simultaneously holds a prominent position in the TAR Journalist Association, a state-controlled professional association to which local journalists must belong.

**Violence and Harassment:** Chinese authorities arrested and sentenced many Tibetan writers, intellectuals, and singers for “inciting separatism.” Numerous prominent Tibetan political writers, including Jangtse Donkho, Kelsang Jinpa, Buddha, Tashi Rabten, Arik Dolma Kyab, Gangkye Drupa Kyab, and Shojkhang (also known as Druklo), reported security officers closely monitored them following their releases from prison between 2013 and 2018 and often ordered them to return to police stations for further interrogation. In addition, the authorities banned the writers from publishing and prohibited them from receiving services and benefits such as government jobs, bank loans, passports, and membership in formal organizations.

**Censorship or Content Restrictions:** The authorities prohibited domestic journalists from reporting on repression in Tibetan areas. Authorities promptly censored the postings of bloggers who did so, and the authors sometimes faced punishment.

The TAR Party Committee Information Office maintained tight control of a full range of social media platforms. According to multiple contacts, security officials often cancelled WeChat accounts carrying “sensitive information,” such as discussions about Tibetan language education, and interrogated the account owners. Many sources also reported it was almost impossible to register websites
promoting Tibetan culture and language in the TAR with the government, as required by law.

The Chinese government continued to disrupt radio broadcasts of Radio Free Asia’s Tibetan and Mandarin-language services in Tibetan areas, as well as those of the Voice of Tibet, an independent radio station based in Norway.

In addition to maintaining strict censorship of print and online content in Tibetan areas, Chinese authorities sought to censor the expression of views or distribution of information related to Tibet in countries and regions outside of mainland China.

**Internet Freedom**

As in the past year, authorities curtailed cell phone and internet service in the TAR and other Tibetan areas, sometimes for weeks or even months at a time, during periods of unrest and political sensitivity, such as the March anniversaries of the 1959 and 2008 protests, “Serf Emancipation Day,” and around the Dalai Lama’s birthday in July. In addition, local observers reported authorities disrupted internet service in areas where self-immolations occurred (see section Tibetan Self-Immolations). Observers also claimed authorities threatened community members with sentences of up to 15 years for those who shared images, videos, and information of the self-immolations with people outside Tibetan areas. When the authorities restored internet service, they closely monitored its usage. There were widespread reports of authorities searching cell phones they suspected of containing suspicious content. Many individuals in the TAR and other Tibetan areas reported receiving official warnings and being briefly detained and interrogated after using their cell phones to exchange what the government deemed to be sensitive information. In July, in advance of the Dalai Lama’s birthday, Radio Free Asia reported authorities warned Tibetans from using social media chat groups to organize gatherings or celebrations of the spiritual leader’s birthday. The TAR Internet and Information Office is continuing a research project known as “Countermeasures to Internet-based Reactionary Infiltration by the Dalai Lama Clique.”

In July, TAR Party Secretary Wu Yingjie urged the region to “resolutely manage the internet, maintain the correct cybersecurity view, and keep in mind Tibet serves as the frontline in the fight against separatism.”

Throughout the year authorities blocked users in China from accessing foreign-based, Tibet-related websites critical of official government policy in Tibetan
areas. Technically sophisticated hacking attempts originating from China also targeted Tibetan activists and organizations outside mainland China.

**Academic Freedom and Cultural Events**

As in recent years, authorities in many Tibetan areas required professors and students at institutions of higher education to attend regular political education sessions, particularly during politically sensitive months, in an effort to prevent “separatist” political and religious activities on campus. Authorities frequently encouraged Tibetan academics to participate in government propaganda efforts, both domestically and overseas, such as making public speeches supporting government policies. Academics who refused to cooperate with such efforts faced diminished prospects for promotion and research grants.

Academics in the PRC who publicly criticized CCP policies on Tibetan affairs faced official reprisal. The government controlled curricula, texts, and other course materials as well as the publication of historically or politically sensitive academic books. Authorities frequently denied Tibetan academics permission to travel overseas for conferences and academic or cultural exchanges the Party had not organized or approved. Authorities in Tibetan areas regularly banned the sale and distribution of music they deemed to have sensitive political content.

The state-run TAR Academy of Social Science continued to encourage scholars to maintain “a correct political and academic direction” in its annual July conference to “improve scholars’ political ideology” and “fight against separatists” under the guidance of Xi Jinping.

In May the TAR Academy of Social Sciences hired five young scholars. One of the requirements listed for these positions was “to demonstrate loyalty to the Party and to criticize the Dalai Lama in both words and deeds.”

In accordance with government guidance on ethnic assimilation, state policies continued to disrupt traditional Tibetan living patterns and customs and accelerated forced assimilation through promoting the influx of non-Tibetans to traditionally Tibetan areas, expanding the domestic tourism industry, forcibly resettling and urbanizing nomads and farmers, and weakening Tibetan-language education in public schools and religious education in monasteries.

Tibetan and Mandarin Chinese are the official languages of the TAR, and both languages appeared on some, but not all, public and commercial signs. Inside
official buildings and businesses, including banks, post offices, and hospitals, signage in Tibetan was frequently lacking, and, in many instances, forms and documents were available only in Mandarin. Mandarin was used for most official communications and was the predominant language of instruction in public schools in many Tibetan areas. To print in the Tibetan language, private printing businesses in Chengdu needed special government approval, which was often difficult to obtain.

During the year the Communist Party continued to bring Larung Gar and Yachen Gar, two prominent Tibetan Buddhist educational centers, under tighter Communist Party control, giving Communist Party cadres authority over the institutions’ management, finances, security, and admissions. This was part of an ongoing effort, started in 2016, to reduce the population of these institutes by evicting around 5,000 monks and nuns and destroying as many as 1,500 homes.

The law states, “schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever possible, use textbooks in their own languages and use their languages as the media of instruction.” Despite guarantees of cultural and linguistic rights, many primary, middle, high school, and college students had limited access to officially approved Tibetan language instruction and textbooks, particularly in the areas of “modern-day education,” which refers to nontraditional, nonreligious education, particularly computer, physical education, arts, and other “modern” subjects.

The country’s most prestigious universities provided no instruction in Tibetan or other ethnic minority languages, although classes teaching the Tibetan language were available at a small number of universities. “Nationalities” universities, established to serve ethnic minority students and ethnic Chinese students interested in ethnic minority subjects, offered Tibetan language instruction only in courses focused on the study of the Tibetan language or culture. Mandarin was used in courses for jobs that required technical skills and qualifications.

**Freedoms of Peaceful Assembly and Association**

Even in areas officially designated as “autonomous,” Tibetans generally lacked the right to organize and play a meaningful role in the protection of their cultural heritage and unique natural environment. Tibetans often faced government intimidation and arrest if they protested official policies or practices.
In February the TAR Public Security Office announced it would consider as criminals those who promote “economic, people’s livelihood, environmental, traditional, and cultural development in Tibetan areas” on behalf of the “Dalai clique” and “foreign hostile forces,” and would label these “spokespersons” as criminals.

In July local contacts reported that many monasteries and rural villages in the TAR and Tibetan areas in Sichuan and Qinghai provinces received official warnings not to organize certain gatherings, including the celebration of the Dalai Lama’s birthday. In one instance, Radio Free Asia reported authorities from Malho (Chinese: Huangnan) TAP of Qinghai province deployed large numbers of armed police to Tibetan villages and towns to discourage such celebrations. According to these contacts, many Tibetan students at various nationality universities were instructed not to organize gatherings and parties in March (Tibet Uprising Day) or July (the Dalai Lama’s birthday).

Freedom of Religion

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

Freedom of Movement

Chinese law provides for freedom of internal movement, foreign travel, emigration, and repatriation; however, the government severely restricted travel and freedom of movement for Tibetans, particularly Tibetan Buddhist monks and nuns as well as lay persons whom the government considered to have “poor political records.”

In-country Movement: The People’s Armed Police (PAP) and local public security bureaus set up roadblocks and checkpoints in Tibetan areas on major roads, in cities, and on the outskirts of cities and monasteries, particularly around sensitive dates. Tibetans traveling in monastic attire were subject to extra scrutiny by police at roadside checkpoints and at airports.

Authorities sometimes banned Tibetans, particularly monks and nuns, from going outside the TAR and from traveling to the TAR without first obtaining special permission from multiple government offices. Many Tibetans reported encountering difficulties in obtaining the required permissions. This not only made it difficult for Tibetans to make pilgrimages to sacred religious sites in the
TAR. Tibetans from outside the TAR who traveled to Lhasa also reported that authorities there required them to surrender their national identification cards and notify authorities of their plans in detail on a daily basis. These requirements were not applied to ethnic Chinese visitors to the TAR.

Even outside the TAR, many Tibetan monks and nuns reported it remained difficult to travel beyond their home monasteries for religious and traditional Tibetan education, with officials frequently denying permission for visiting monks to stay at a monastery for religious education. Implementation of this restriction was especially rigorous in the TAR, and it undermined the traditional Tibetan Buddhist practice of seeking advanced teachings from a select number of senior teachers based at major monasteries scattered across the Tibetan Plateau.

**Foreign Travel:** Many Tibetans continued to report difficulties in obtaining new or renewing existing passports. Sources reported that Tibetans and certain other ethnic minorities had to provide far more extensive documentation than other citizens when applying for a Chinese passport. For Tibetans, the passport application process sometimes required years and frequently ended in rejection. Some Tibetans reported they were able to obtain passports only after paying substantial bribes and offering written promises to conduct only apolitical or nonsensitive international travel.

Tibetans continued to encounter significant obstacles in traveling to India for religious, educational, and other purposes. Tibetans who had traveled to Nepal and planned to continue to India reported that Chinese officials visited their homes in Tibet and threatened their relatives if they did not return immediately. Sources reported that explicit punishments included placing family members on a blacklist which could lead to the loss of a government job or difficulty in finding employment; expulsion of children from the public education system; and revocation of national identification cards, thereby preventing access to other social services, such as health care and government aid.

According to local contacts, very few Tibetans from China were able to attend teaching sessions held by the Dalai Lama throughout the year in many parts of India, as local Chinese officials refused to issue passports. Many Tibetans who possessed passports were concerned the authorities would place them on the government’s blacklist, and therefore did not travel. In January the *Tibetan Journal* reported the Chinese government issued orders for the immediate return of Tibetans on pilgrimage in India and Nepal or attending the Dalai Lama’s teachings, with serious consequences for those who refused.
Tightened border controls sharply limited the number of Tibetans crossing the border into Nepal and India. Between January and July, 23 Tibetan refugees transited Nepal through the Tibetan Reception Center, run by the Office of the UN High Commissioner for Refugees in Kathmandu, en route to permanent settlement in India. This reflected a decrease for two straight years.

The government restricted the movement of Tibetans in the period before and during sensitive anniversaries and events and increased controls over border areas at these times. According to local contacts, travel agents in the cities of Chengdu, Xining, and Kunming were forbidden to sell overseas package tours to Tibetans for the months of March and July, the periods around Tibet Uprising Day (March 10) and the Dalai Lama’s birthday (July 6).

In February, shortly after the Tibetan New Year and in advance of Tibet Uprising Day and the convening of China’s national legislature, Radio Free Asia reported that immigration authorities at Chengdu international airport detained three ethnic Tibetans holding non-Chinese passports and valid Chinese visas for eight hours before denying them entry to China and requiring they depart on the next international flight. During their detention, immigration officials and police officers interrogated and searched their web chats and notebooks as well as made copies of their telephone contacts.

The government strictly regulated travel of international visitors to the TAR, a restriction not applied to any other provincial-level entity of the PRC. In accordance with a 1989 regulation, international visitors had to obtain an official confirmation letter issued by the TAR government before entering the TAR. Most foreign tourists obtained such letters by booking tours through officially registered travel agencies. In the TAR, a government-designated tour guide had to accompany international tourists at all times. It was rare for foreigners to obtain permission to enter the TAR by road. As with prior years, authorities banned many international tourists from the TAR in the period before and during the March anniversary of the 1959 Tibetan uprising as well as other periods in which the Chinese government deemed politically sensitive. International tourists sometimes also faced restrictions traveling to Tibetan areas outside the TAR during such times.

The TAR government routinely denied foreign diplomats’ requests for official travel. When foreign officials were allowed to travel to the TAR, the Foreign Affairs Office only allowed closely chaperoned trips. Authorities repeatedly
denied requests for international journalists to visit the TAR and other Tibetan areas (see Freedom of Expression section).

Although foreign officials were able to travel more freely in Tibetan areas outside of the TAR, the PAP and local public security bureaus often subjected them to multiple checkpoints.

**Freedom to Participate in the Political Process**

According to the law, Tibetans and other Chinese citizens have the right to vote in some local elections. The Chinese government, however, severely restricted its citizens’ ability to participate in any meaningful elections. Citizens could not freely choose the officials who governed them and the CCP continued to control appointments to positions of political power.

Since 2015, the TAR and many Tibetan areas have strictly implemented the Regulation for Village Committee Management, which stipulates that the primary condition for participating in any local election is the “willingness to resolutely fight against separatism;” in some cases, this condition was interpreted to require candidates to denounce the Dalai Lama. Several sources reported that newly appointed Communist Party cadres have replaced more than 90 percent of traditional village leaders in the TAR and in Tibetan areas outside the TAR over the last two years, despite the lack of village elections.

**Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corrupt acts by officials, but the government did not implement the law effectively in Tibetan areas, and high-ranking officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption in Tibetan areas during the year; some low-ranked officials were punished.

**Discrimination, Societal Abuses, and Trafficking in Persons**

**Women**

Coercion in Population Control: As in the rest of China, there were reports of coerced abortions and sterilizations, although government statistics on the percentage of abortions coerced during the year were not available. The CCP restricts the rights of parents to choose the number of children they have and
utilizes family planning units from the provincial to the village level to enforce population limits and distributions.

**Discrimination**: There were no formal restrictions on women’s participation in the political system, and women held many lower-level government positions. Nevertheless, they were underrepresented at the provincial and prefectural levels of government.

**Children**

Many rural Tibetan areas have implemented China’s nationwide “compulsory” and “centralized education” policy, which forced the closure of many village and monastic schools and the transfer of students, including elementary school students, to boarding schools in towns and cities. Reports indicated many of the boarding schools did not adequately care for and supervise their younger students. This policy also resulted in diminished acquisition of the Tibetan language and culture by removing Tibetan children from their homes and communities where the Tibetan language is used. It has also led to the removal of young monks from monasteries, forcing them instead into government-run schools.

**Trafficking in Persons**

See the Department of State’s annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

**National/Racial/Ethnic Minorities**

Although the 2010 TAR census figures showed that Tibetans made up 90.5 percent of the TAR’s permanently registered population, official figures did not include a large number of long-, medium-, and short-term ethnic Chinese migrants, such as cadres, skilled and unskilled laborers, military and paramilitary troops, and their respective dependents. Tibetans continued to make up nearly 98 percent of those registered as permanent residents in rural areas of the TAR, according to official census figures.

Migrants to the TAR and other parts of the Tibetan Plateau were overwhelmingly concentrated in urban areas. Government policies to subsidize economic development often benefited ethnic Chinese migrants more than Tibetans. In many predominantly Tibetan cities across the Tibetan Plateau, ethnic Chinese or Hui
migrants owned and managed most of the small businesses, restaurants, and retail shops.

Observers continued to express concern that major development projects and other central government policies disproportionately benefited non-Tibetans and resulted in a considerable influx of ethnic Chinese and Hui persons into the TAR and other Tibetan areas. Large state-owned enterprises based outside the TAR engineered or implemented many major infrastructure projects across the Tibetan Plateau, with ethnic Chinese professionals and low-wage temporary migrant workers from other provinces, rather than local residents, managing and staffing the projects.

Economic and social exclusion was a major source of discontent among a varied cross section of Tibetans. Some Tibetans continued to report discrimination in employment. Some Tibetans reported it was more difficult for them than ethnic Chinese to obtain permits and loans to open businesses, and the government gave many ethnic Chinese, especially retired soldiers, incentives to move to Tibet. Restrictions increased during the year on both local NGOs that received foreign funding and international NGOs that provided assistance to Tibetan communities, resulting in a decrease of NGO programs in the TAR and other Tibetan areas. Throughout the year there were no known Tibetan Plateau-based international NGOs operating in the country.

The government continued its campaign to resettle Tibetan nomads into urban areas and newly created communities in rural areas across the TAR and other Tibetan areas. Improving housing conditions, health care, and education for Tibet’s poorest persons were among the stated goals of resettlement, although there was a pattern of settling herders near townships and roads and away from monasteries, which were the traditional providers of community and social services. A requirement that herders bear a substantial part of the resettlement costs often forced resettled families into debt. The government’s campaign resulted in many resettled herders losing their livelihoods and living in impoverished conditions in urban areas.

Although a 2015 media report noted that Tibetans and other minority ethnic groups made up 70 percent of government employees in the TAR, the top CCP position of TAR party secretary continued to be held by an ethnic Chinese, and the corresponding positions in the vast majority of all TAR counties were also held by ethnic Chinese. Within the TAR, ethnic Chinese also continued to hold a disproportionate number of the top security, military, financial, economic, legal, judicial, and educational positions. The law requires Party secretaries and
governors of ethnic minority autonomous prefectures and regions to be from that ethnic minority; however, ethnic Chinese were party secretaries in eight of the nine TAPs located in Gansu, Qinghai, Sichuan, and Yunnan Provinces. One TAP in Qinghai Province had a Tibetan party secretary. Authorities strictly prohibited Tibetans holding government and CCP positions from openly worshipping at monasteries or otherwise publicly practicing their religion.

Government propaganda against alleged Tibetan “proindependence forces” contributed to Chinese societal discrimination against ordinary Tibetans. Many Tibetan monks and nuns chose to wear nonreligious clothing to avoid harassment when traveling outside their monasteries and throughout China. Some Tibetans reported that taxi drivers throughout China refused to stop for them and hotels refused to provide rooms.
EXECUTIVE SUMMARY

Hong Kong is a special administrative region (SAR) of the People’s Republic of China (PRC). The 1984 Sino-British Joint Declaration and the Basic Law of the SAR specify that the SAR enjoys a high degree of autonomy under the “one country, two systems” framework, except in matters of defense and foreign affairs. Throughout the year, however, domestic and international observers continued to express concerns about central PRC government encroachment on the SAR’s autonomy. In March 2017 the 1,194-member Chief Executive Election Committee, dominated by proestablishment electors, selected Carrie Lam to be the SAR’s chief executive. In 2016 Hong Kong residents elected the 70 representatives who compose the SAR’s Legislative Council (LegCo). Voters directly elected 40 representatives, while limited-franchise constituencies elected the remaining 30.

Civilian authorities maintained effective control over the security forces.

Human rights issues included substantial interference with the rights of peaceful assembly and freedom of association; restrictions on political participation; and trafficking in persons.

The government took steps to prosecute and punish officials who committed human rights abuses.

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

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

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

b. Disappearance

At year’s end the whereabouts of businessman Xiao Jianhua remained unknown. He was abducted in January 2017 from the SAR by individuals suspected of being central government security service officers. Swedish bookseller and Hong Kong resident Gui Minhai, who went missing from Thailand in 2015 and was released by
Chinese authorities in October 2017, was detained again in Mainland China by Chinese authorities in late January while traveling on a train (see China Human Rights Report, section 1.d. Arbitrary Arrest). Xiao’s and other abductions show the Chinese Central Government’s willingness to act contrary to the rule of law and undermine Hong Kong’s autonomy.

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

The law prohibits such practices, but there were reports of degrading treatment in prisons.

Prison and Detention Center Conditions

There were reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: There were reports of degrading treatment in prisons. In addition, according to the South China Morning Post, there were several allegations of abuse—including assault and the inappropriate use of solitary confinement—at the Castle Peak Bay Immigration Centre, a detention center managed by the Immigration Department.

Administration: The government investigated allegations of problematic conditions and documented the results in a publicly accessible manner. There was an external Office of the Ombudsman; however, activists and legislators urged the government to establish an independent prisoner complaint and monitoring mechanism for prisons and detention centers.

Independent Monitoring: The government permitted legislators to conduct prison visits. Justices of the peace visited prisons and may make suggestions and comments on matters, such as the physical environment of facilities, overcrowding, staff improvement, training and recreational programs and activities, and other matters affecting the welfare of inmates.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court. The government observed these requirements.
Role of the Police and Security Apparatus

The Hong Kong Police Force maintains internal security and reports to the SAR’s Security Bureau. The People’s Liberation Army is responsible for external security. The Immigration Department controls passage of persons into and out of the SAR, as well as the documentation of local residents. Civilian authorities maintained effective control over the police force, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Multiple sources reported suspected Chinese Central Government operatives in the SAR monitored some political activists, nongovernmental organizations (NGOs), and academics who criticized the Chinese Central Government’s policies.

Activists expressed concern that the chief executive appointed all Independent Police Complaints Council members and noted that the council’s lack of power to conduct independent investigations limited its oversight capacity.

Arrest Procedures and Treatment of Detainees

Police generally apprehended suspects openly with warrants based on sufficient evidence and issued by a duly authorized official. Police must promptly charge arrested suspects. The government respected this right and generally brought arrested persons before a judicial officer within 48 hours. Detainees were generally informed promptly of charges against them.

There was a functioning bail system, but, according to an August South China Morning Post report, foreign domestic workers accused of crimes by their employer were sometimes detained pending trial because the law requires all foreign domestic workers to live with their employer, an untenable living situation after being accused of a crime by that same employer. For example, Rahayu Septiana, an Indonesian domestic worker, spent three months in jail awaiting trial after her employer accused her of lacing the household’s drinking water with urine. Septiana was released in August, one month after prosecutors told the court determined there was insufficient evidence to convict.

Authorities allowed detainees access to a lawyer of their choice. Suspects were not detained incommunicado or held under house arrest. Interviews of suspects are
required to be videotaped. The law provides accused persons the right to a prompt judicial determination, and authorities generally respected this right.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the SAR government respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary enforced this right. Defendants are presumed innocent except in official corruption cases. Under the law a current or former government official who maintained a standard of living above that commensurate with an official income, or who controls monies or property disproportionate to an official income, is considered guilty of an offense unless the official can satisfactorily explain the discrepancy. The courts upheld this ordinance. Defendants have the right to be informed promptly and in detail of the charges against them and the right to a trial without undue delay.

Trials were by jury except at the magistrate and district court level. An attorney is provided at public expense if defendants cannot afford counsel. Defendants had adequate time and facilities to prepare a defense. The government conducted court proceedings in either Chinese or English, the SAR’s two official languages. The government provided interpretation service to those not conversant in Cantonese or English during all criminal court proceedings. Defendants could confront and question witnesses testifying against them and present witnesses to testify on their own behalf. Defendants have the right not to be compelled to testify or confess guilt, the right to be present at their trial, and the right of appeal.

The SAR’s courts are charged with interpreting 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 relate to central government responsibilities or the relationship between the central authorities and the SAR. The Court of Final Appeal may seek an interpretation of relevant provisions from the central government’s Standing Committee of the National People’s Congress (NPCSC). The Basic Law requires that courts follow the NPCSC’s interpretations where cases intersect with central government jurisdiction, although judgments previously rendered are not affected. The NPCSC has issued five
interpretations of the Basic Law since 1997. The most recent interpretation, issued in 2016, required lawmakers to correctly, completely, and solemnly swear an oath to uphold the Basic Law and recognize the Hong Kong SAR as a part of China prior to taking office. Activists and other observers expressed concerns the 2016 NPCSC decision to issue an interpretation of the Basic Law in the midst of court deliberations was an encroachment on Hong Kong’s autonomy. The NCCSC has not issued an interpretation of the Basic Law since 2016.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

The law prohibits such actions, and there were no reports the SAR government failed to respect these prohibitions. There were reports Chinese central government security services monitored prodemocracy and human rights activists in the SAR. There were also reports Chinese Central Government security services detained, questioned, and intimidated Hong Kong-based activists visiting the mainland.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and an unfettered internet combined to permit freedom of expression, including for the press, on most matters. During the year, however, some SAR and central government actions restricted or sought to restrict the right to express or report on dissenting political views, particularly support for Hong Kong independence.
Freedom of Expression: There were some legal restrictions on the ability of individuals to criticize the government publicly without reprisal. In March Koo Sze-yiu was jailed for two months after pleading guilty to desecrating the Chinese and SAR flags in protests against the Chinese Communist Party and its treatment of Nobel Laureate Liu Xiaobo and the disqualification of six Hong Kong lawmakers from taking office for improperly taking their oaths of office. A national law passed by the central government in September 2017 criminalizes any action mocking the Chinese national anthem and requires persons attending public events to stand at attention and sing the anthem in a solemn manner during its rendition. The Chinese Central Government’s National People’s Congress (NPC) voted to add the law to the Basic Law’s Annex III, which obliges the SAR government to implement the law. SAR officials stated the law would be implemented after the LegCo passes local implementing legislation.

In September the SAR government banned the pro-independence Hong Kong National Party (HKNP). In announcing the ban, Security Secretary John Lee justified the ban as necessary to protect public safety and national security. Lee stated the HKNP had encouraged its supporters to use force to achieve its goal of Hong Kong independence. The ban came after repeated SAR and Chinese Central Government warnings that advocacy for Hong Kong independence “crosses a red line.”

Requirements for electoral candidacy and for taking the oath of office also limited free speech in the political arena. Beginning in 2016, the Electoral Affairs Commission required all LegCo candidates to sign a pledge stating the SAR is an “inalienable part” of China in order to run for office. During the year the government rejected the nomination forms of four potential candidates for LegCo by-elections in March and November because it did not find the potential candidates’ pledges credible.

The NPCSC’s 2016 interpretation of the Basic Law’s Article 104 barred legislators-elect from taking office if they refused to receive the oath of office, altered the wording of the oath, or failed to demonstrate sufficient “sincerity” or “solemnity” when taking the oath. In 2017 the government used the NPCSC’s interpretation to disqualify six legislators-elect from taking office for taking their oaths in manners that did not conform to the NPCSC’s interpretation.

Press and Media Freedom: Independent media were active and expressed a wide variety of views; however, in August the Chinese central government’s Ministry of Foreign Affairs unsuccessfully attempted to pressure the Foreign Correspondents...
Club (FCC) to cancel an event at which HKNP convener and proindependence advocate Andy Chan spoke. In October SAR authorities refused to renew the work visa of Victor Mallet, Asia news editor at the Financial Times, after he hosted the FCC event with Andy Chan. In November the SAR government did not allow Mallet to enter Hong Kong as a tourist (Mallet is a UK citizen, and UK citizens generally can enter Hong Kong without a visa and stay for as long as six months).

Censorship or Content Restrictions: Reports of media self-censorship and suspected content control continued during the year. In August the Hong Kong Journalists Association warned of increasing self-censorship among local journalists. Many media outlets were owned by companies with business interests on the mainland, which led to claims they were vulnerable to self-censorship, with editors deferring to perceived concerns of publishers regarding their business interests. In May media reported the Chinese central government’s liaison office in Hong Kong indirectly owned more than half the bookstores in the city, raising concerns the bookstores would not sell politically sensitive books.

Libel/Slander Laws: In August former chief executive C. Y. Leung announced a libel suit against an academic and an online media outlet that published the academic’s article about a widely reported dinner in 2012 between Leung’s aides and persons with alleged ties to triad gangs.

Internet Freedom

The SAR government did not restrict or disrupt access to the internet or censor online content, although activists claimed Chinese Central Government authorities monitored their email and internet use. According to the International Telecommunication Union, approximately 90 percent of the population used the internet in 2017.

There were reports of suspected politically motivated cyberattacks against private persons and organizations. On August 14, hours after it hosted a speech by independence advocate Andy Chan, the FCC announced its website was inaccessible because of suspected malware, according to the Hong Kong Free Press.

Academic Freedom and Cultural Events
There were some restrictions on academic freedom and cultural events. In September the Education Bureau instructed schools to advise students not to promote Hong Kong independence. Some suggested Hong Kong-based academics and cultural figures practiced self-censorship to preserve opportunities in the mainland and in Hong Kong. In January Hong Kong Polytechnic University did not renew lawmaker Cheng Chung-tai’s teaching contract after he was convicted of flag desecration. In May Chinese President Xi Jinping announced allowing Hong Kong-based researchers to apply for more Chinese Central Government grants. Also in May, state-controlled Xinhua News Agency reported the government would support researchers who “love the country and Hong Kong,” which some interpreted as establishing a political litmus test for who would receive the grants.

The SAR government condemned students and academics who discussed Hong Kong independence. In March the SAR government issued a press statement condemning Professor Benny Tai’s remarks about a hypothetical future in which Hong Kong might consider becoming independent.

Activists continued to say that government-purchased school textbooks were biased in their presentation of Hong Kong’s history and politics. In August activists and lawmaker Au Nok-hin expressed concern that one textbook was published by a company indirectly controlled by the Chinese Central Government’s liaison office in the SAR.

In November organizers of a Hong Kong exhibition by Chinese political cartoonist Badiucao canceled the event due to threats from Chinese Central Government authorities, according to media reports. The organizers did not specify the nature of the threats.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, but government actions, including prosecutions of activists and the banning of a political party, increased the risks associated with participating in political protest.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. Police routinely issued the required “letter of no objection” for public meetings and demonstrations—including those critical of the SAR and Chinese Central Government—and most protests occurred without serious incident.
On June 4, tens of thousands of persons peacefully gathered without incident in Victoria Park to commemorate the 29th anniversary of the Tiananmen Square crackdown. The annual vigil and a smaller annual event in Macau were reportedly the only sanctioned events in China to commemorate the Tiananmen Square anniversary.

Continuing government prosecutions of protesters, however, raised the cost of protesting government policies and led to concerns the government was using the law to suppress political dissent. Following the 2014 Occupy protests, the government prosecuted dozens of protesters, including several prodemocracy movement leaders, for crimes related to public protest.

In February the Court of Final Appeal overturned prison sentences for prodemocracy activists Joshua Wong, Alex Chow, and Nathan Law, reinstating noncustodial sentences originally imposed by the trial court. At the same time, the Court of Final Appeal affirmed stricter sentencing guidelines to be used in the future.

In June a court sentenced two disqualified legislators-elect, Sixtus Leung and Yau Wai-ching, to four weeks in jail for unlawful assembly inside the legislature. The case stemmed from a 2016 incident in which the two attempted to enter a room to retake their oaths and scuffled with security guards.

In November the trial of nine alleged “inciters” of the Occupy protests began. The defendants faced charges related to incitement during the 2014 Occupy protests, including a charge of incitement of persons to incite others to create a public nuisance.

**Freedom of Association**

SAR law provides for freedom of association, and the government generally respected it; however, in September the government banned the proindependence HKNP. Under the law any person claiming to be an officer of a banned group may be sentenced to a fine of HK$100,000 ($12,800) and a maximum of three years in prison. Those providing meeting space or other aid to a banned group may also be sentenced to fines and jail time.

**c. Freedom of Religion**
See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

There continued to be reports the Immigration Department refused entry to a small number of persons traveling to the SAR for political reasons. In August Immigration Department officials denied entry to Kenichiro Wada, a Japanese politician, according to the *South China Morning Post*. Several pro-Beijing Hong Kong media outlets previously called Wada an “anti-China rightist” who supported Taiwan independence. Activists and other observers contended the refusals, usually of persons holding views critical of the Chinese Central Government, were made at the behest of mainland authorities.

Foreign Travel: Most residents easily obtained travel documents from the SAR government, although Chinese Central Government authorities in the past did not permit some human rights activists, student protesters, and prodemocracy legislators to visit the mainland. Some students who participated in the 2014 protest movement previously alleged that Chinese Central Government’s security agencies surveilled the protests and blacklisted them.

Protection of Refugees

Refoulement: Under the “one country, two systems” framework, the SAR continued to administer its own immigration and entry policies and make determinations regarding nonrefoulement claims independently. The Hong Kong government’s Unified Screening Mechanism (USM) consolidated the processing of claims based on risk of return to persecution, torture, or cruel, inhuman, or degrading treatment or punishment.

Persons wishing to file a nonrefoulement claim may not do so while they are in the SAR legally. They must instead wait until they overstay the terms of their entry
before they can file such a claim, a process that typically results in a period of detention followed by release on recognizance. Persons whose claims are pending are required to appear periodically before the Immigration Department.

Activists and refugee rights groups expressed concerns about the quality of USM adjudications and the very low rate of approved claims, less than 1 percent, suggesting the government’s threshold for approving claims was higher than other developed jurisdictions. Denied USM claimants may appeal to the Torture Claims Appeal Board. The government did not publish the board’s decisions, which the Hong Kong Bar Association noted created concerns about the consistency and transparency of decisions.

Multiple activists indicated that nonrefoulement claimants faced discrimination and were the frequent target of generalizations by some political parties and media organizations.

Access to Asylum: The law does not provide for the independent granting of asylum or refugee status, but the SAR government has established a system for providing limited protection to refugees. The SAR is not a signatory to the 1951 UN Refugee Convention or its 1967 protocol. Under the “one country, two systems” framework, these international agreements are not extended to the SAR even though the Chinese Central Government is a signatory. Persons whose nonrefoulement claims are substantiated through the USM do not obtain a status that allows them to permanently live and work in the SAR. Instead, the SAR government refers them to the UNHCR for possible recognition as refugees and resettlement to a third country. Some nonrefoulement claimants had waited in the SAR for resettlement for years.

Employment: The government defines nonrefoulement claimants as illegal immigrants or “ overstayers” in the SAR, and as such they have no legal right to work in the SAR while claims are under review.

Access to Basic Services: Persons with nonrefoulement claims under the USM were eligible to receive publicly funded legal assistance, including translation services, as well as small living subsidies. The children of nonrefoulement claimants could attend SAR public schools.

Section 3. Freedom to Participate in the Political Process
The Basic Law limits the ability of residents to change their government through free and fair elections, and Hong Kong voters do not currently enjoy universal suffrage in elections for the Chief Executive. Article 45 of the Basic Law establishes as the “ultimate aim” direct election of the chief executive through “universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.”

The chief executive is elected by an election committee of approximately 1,200 members (1,194 members for the 2017 election). The election committee consists of the 70 members of Hong Kong’s LegCo and a mix of professional, business, and trade elites.

Voters directly elect 40 of LegCo’s 70 seats by secret ballot. Thirty-five seats are designated as “geographic constituencies” (GCs) and 35 as “functional constituencies” (FCs). All 35 GCs are directly elected by all voters in a geographic area. Thirty FC seats are selected by a subset of voters from FCs representing various economic and social sectors, most of whom are supportive of the Chinese central government. In 2016 the constituencies that elected these 30 FC LegCo seats consisted of 239,724 registered individual and institutional voters, of whom approximately 172,820 voted, according to the SAR’s Election Affairs Office’s statistics. The five FC seats in the district council sector, known as “super seats,” were directly elected by the approximately five million registered voters who were not otherwise represented in another FC and therefore represented larger constituencies than any other seats in LegCo.

Under the Basic Law, only the SAR government, not the legislature, may introduce bills that affect public expenditure, the political structure, or government policy. The SAR sends 36 deputies to China’s NPC and had approximately 200 delegates in the Chinese People’s Political Consultative Conference—bodies that operate under the direction of the Chinese Communist Party and do not exercise legislative independence. The approval of the chief executive, two-thirds of the LegCo, and two-thirds of the SAR’s delegates to the NPC are required to place an amendment to the Basic Law on the agenda of the NPC, which has the sole power to amend the Basic Law.

Voters directly elected all 431 of the SAR’s district council seats in 2015 following the government’s elimination of appointed district council seats.

**Elections and Political Participation**
Recent Elections: In March 2017 the 1,194-member Chief Executive Election Committee, dominated by proestablishment electors, selected Carrie Lam to be the SAR’s chief executive.

In 2016 representatives of various commercial sectors, professions, religious organizations, and social service providers as well as political representatives elected the 1,194 electors who cast ballots in the chief executive election. Residents expressed concern these small-circle elections were open to participation by a very small number (239,724) of the SAR’s 7.5 million residents. Moreover, although the 2016 Election Committee election saw a historically high voter turnout of 46 percent and a record number of contested seats across industrial, professional, grassroots, and political sectors, local political observers noted that 300 members—approximately 25 percent—of the committee were elected without a poll or other transparent election process to represent 12 uncontested subsectors and one sub-subsector.

In 2016 SAR residents elected representatives to the 70-member LegCo. Proestablishment candidates won 40 of 70 LegCo seats, while prodemocracy candidates won 30.

In 2017 the Court of Final Appeal upheld a 2016 court ruling that disqualified Yau Wai-ching and Sixtus Leung, two opposition legislators-elect who used their oath-swearing ceremonies to make proindependence gestures, from serving as LegCo members because they improperly took their oath of office. The 2016 ruling came after the NPCSC earlier that month issued an unsolicited interpretation of the Basic Law that preempted the ability of the SAR’s independent judiciary to rule on the matter. It marked the first time the NPCSC issued such an interpretation while a SAR judge was still deliberating the case in question. In 2016 then chief executive Leung and then secretary for justice Rimsky Yuen filed a legal challenge to the legitimacy of four other opposition legislators--veteran activist “Long Hair” Leung Kwok-hung, former Occupy protest student leader Nathan Law, university lecturer Lau Siu-lai, and university professor Edward Yiu--over the manner in which they took their oaths. In July 2017 the court granted the government’s request to disqualify the four legislators.

In March and November, SAR residents voted in by-elections to fill five of the LegCo vacancies created by the disqualifications. Elections were held for four GCs and one FC. The proestablishment camp won three of the five seats, resulting in a net gain of three seats for the proestablishment camp because of the disqualifications.
Political Parties and Political Participation: In September the SAR government banned the pro-independence HKNP. The government’s ban of the HKNP was the first time it banned a political party since the establishment of the SAR government in 1997.

Since 2016 all LegCo candidates must sign a confirmation form pledging their allegiance to the SAR and intent to uphold the Basic Law, including provisions stating that Hong Kong is an inalienable part of China. Since that requirement was instituted, the government barred several potential candidates from running for office. In January and February, the SAR government barred three candidates from participating in the March by-election. The government barred Agnes Chow’s candidacy after finding that her affiliation with Demosisto, a political party that supports “democratic self-determination,” indicated that she did not truly intend to uphold the Basic Law, as she had promised to do when she signed a confirmation form. In October the government barred Lau Siu-lai from running in the November by-election because she had allegedly supported self-determination for Hong Kong.

In February the Hong Kong Bar Association publicly stated that the power of election officials to allow or deny potential candidates the right to stand for election, which a February court decision upheld, “is equivalent to the introduction of a political screening process.”

The Chinese Central Government and its business supporters reportedly provided generous financial resources to parties that supported the Chinese Central Government’s political agenda in the SAR, giving them a major advantage in controlling the levers of government and senior positions.

Participation of Women and Minorities: No law limits participation of women in the political process, and they did participate. In March 2017 Carrie Lam was elected to be the SAR’s first female chief executive.

There is no legal restriction against ethnic minorities running for electoral office, serving as electoral monitors, or participating in the civil service. There were no members of ethnic minorities in the LegCo, and members of ethnic minorities reported they considered themselves unrepresented. The government made efforts to increase the hiring of ethnic minorities by reducing the level of Chinese-language ability needed to qualify for some jobs.
Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Although the SAR continued to be viewed as relatively uncorrupt, there were isolated reports of government corruption during the year.

Corruption: In February 2017 former chief executive Donald Tsang was sentenced to 20 months in jail for misconduct while in public office in connection with a below-market lease. Tsang appealed the sentence, and in July the Court of Appeal dismissed the appeal of his conviction but reduced his sentence to 12 months in jail.

Financial Disclosure: The SAR requires the most senior civil service officials to declare their financial investments annually and senior working-level officials to do so biennially. Policy bureaus may impose additional reporting requirements for positions seen as having a greater risk of conflict of interest. The Civil Service Bureau monitors and verifies disclosures, which are available to the public. There are criminal and administrative sanctions for noncompliance.

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

A 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 somewhat cooperative and responsive to their views. Prominent human rights activists critical of the Chinese Central Government also operated in the SAR.

Government Human Rights Bodies: There is an Office of the Ombudsman and an Equal Opportunities Commission (EOC). The government recruits commissioners to represent both offices through a professional search committee, which solicits applications and vets candidates. Commissioners were independent in their operations. Both organizations operated without interference from the SAR government and published critical findings in their areas of responsibility. NGOs pointed out that the EOC had limited ability to conduct investigations.

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

Women
Rape and Domestic Violence: The law criminalizes rape only against women but includes spousal rape. Activists expressed concern that rape was underreported, especially within the ethnic minority community.

The law does not directly criminalize domestic violence, but the government regarded domestic violence against women as a serious concern and took measures to prevent and prosecute offenses. The law allows survivors to seek a three-month injunction, extendable to six months, against an abuser. Abusers may be liable for criminal charges, depending on what acts constituted the domestic violence. The government effectively enforced the law regarding domestic crimes and prosecuted violators.

The law covers abuse between married couples, heterosexual and homosexual cohabitants, former spouses or cohabitants, and immediate and extended family members. It protects victims younger than 18 years, allowing them to apply for an injunction in their own right, with the assistance of an adult guardian, against abuse by their parents, siblings, and specified immediate and extended family members. The law also empowers the court to require that the abuser attend an antiviolence program. In cases in which the abuser caused bodily harm, the court may attach an arrest warrant to an existing injunction and extend both injunctions and arrest warrants to two years.

The government maintained programs that provided intervention, counseling, and assistance to domestic violence victims and abusers.

Sexual Harassment: The law prohibits sexual harassment or discrimination based on sex, marital status, and pregnancy. The law applies to both men and women, and police generally enforced the law effectively; however, there were multiple reports of sexual harassment in housing and the workplace.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women enjoy the same legal status and rights as men. The SAR’s sexual discrimination ordinance prohibits discrimination based on sex or pregnancy status, and the law authorizes the EOC to work towards the elimination of discrimination and harassment as well as to promote equal opportunity for men and women. Although the government generally enforced these laws, women
reportedly faced some discrimination in employment, salary, welfare, inheritance, and promotion.

Children

Birth Registration: All Chinese nationals born in the SAR, on the mainland, or abroad to parents, of whom at least one is a Chinese national and Hong Kong permanent resident, acquire both Chinese citizenship and Hong Kong permanent residence, the latter allowing the right of abode in the SAR. Children born in the SAR to non-Chinese parents, at least one of whom is a Hong Kong permanent resident, acquire SAR permanent residence and qualify to apply for naturalization as Chinese citizens. Authorities routinely registered all such statuses.

Child Abuse: The law mandates protection for victims of child abuse (battery, assault, neglect, abandonment, and sexual exploitation), and the SAR government enforced the law. The law allows for the prosecution of certain sexual offenses, including against minors, committed outside the territory of the SAR. In August the Education Bureau circulated a notice to all schools listing the indicators of possible child abuse and confirmed that schools did not need to obtain parental consent before reporting suspected child abuse to the authorities, if they had reason to suspect the parents were the source of abuse.

The government provided parent-education programs through its maternal and child health centers, public education programs, clinical psychologists for its clinical psychology units, and social workers for its family and child protective services units. Police maintained a child abuse investigation unit and, in collaboration with the Social Welfare Department, operated a child witness support program. In June the government established a Children’s Commission tasked with safeguarding the rights, interests, and well-being of children.

Early and Forced Marriage: The legal minimum age of marriage is 16 years; however, parents’ written consent is required for marriage before the age of 21.

Sexual Exploitation of Children: Under the law a person having “unlawful sexual intercourse” with a victim younger than 16 years is subject to five years’ imprisonment, while having unlawful sexual intercourse with a victim younger than 13 carries a sentence of life imprisonment. The law prohibits the commercial sexual exploitation of children and the procuring of children for prostitution. The law makes it an offense to possess, produce, copy, import, or export pornography involving a child younger than 18 or to publish or cause to be published any
advertisement that conveys or is likely to be understood as conveying the message that a person has published, publishes, or intends to publish any child pornography. Authorities enforced the law. The penalty for creation, publication, or advertisement of child pornography is eight years’ imprisonment, while possession carries a penalty of five years’ imprisonment.

The legal age of consensual sex is 16 years.


**Anti-Semitism**

The Jewish community numbered 5,000 to 6,000 persons. There were no reports of anti-Semitic acts.

**Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](https://www.state.gov/j/tip/rls/tiprpt/).

**Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government generally enforced these provisions. The government took action to investigate and punish those responsible for violence or abuses against persons with disabilities. The government generally implemented laws and programs to provide persons with disabilities access to education, employment, the judicial system, and health services. The law on disabilities states that children with separate educational needs must have equal opportunity in accessing education. Some human rights groups reported the SAR’s disability law was too limited and its implementation did not promote equal opportunities. The Social Welfare Department provided training and vocational rehabilitation services to assist persons with disabilities, offered subsidized resident-care services for persons considered unable to live independently, offered places for preschool services to children with disabilities,
and provided community support services for persons with mental disabilities, their families, and other local residents.

The government generally implemented laws and programs to provide persons with disabilities access to information, communications, and buildings, although there were reports of some restrictions. The law calls for improved building access and sanctions against those who discriminate.

National/Racial/Ethnic Minorities

Although ethnic Chinese made up the vast majority of the population, the SAR is a multi-ethnic society with persons from a number of ethnic groups recognized as permanent residents with full rights under the law. The law prohibits discrimination, and the EOC oversees implementation and enforcement of the law. The EOC maintained a hotline for inquiries and complaints concerning racial discrimination. Although the SAR government took steps to reduce discrimination, there were frequent reports of discrimination against ethnic minorities. In August the UN Committee on the Elimination of Racial Discrimination expressed concern that the Race Discrimination Ordinance did not clearly cover racial discrimination occurring in the course of law enforcement activity.

The government has a policy to integrate non-Chinese students into SAR schools. Nevertheless, advocacy groups said schools were de-facto segregated. Advocates also expressed concerns that schools provided inadequate Chinese language teaching to minority students. Students who did not learn Chinese had significant difficulty entering university and the labor market, according to experts.

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

No laws criminalize consensual same-sex sexual conduct between adults. While the SAR has laws that ban discrimination on the grounds of race, sex, disability, and family status, no law prohibits companies or individuals from discriminating on grounds of sexual orientation or gender identity. There are also no laws that specifically aid in the prosecution of bias-motivated crimes against members of the LGBTI community.

Section 7. Worker Rights
a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions without previous authorization or excessive requirements and to conduct legal strikes, but it does not protect the right to collective bargaining or obligate employers to bargain. Trade unions claimed the lack of collective bargaining rights and divisions in the labor movement weakened workers’ leverage in negotiations. The law explicitly prohibits civil servants from bargaining collectively.

The law prohibits firing an employee for striking and voids any section of an employment contract that punishes a worker for striking. The commissioner of police has broad authority to control and direct public gatherings in the interest of national security or public safety. According to the law, an employer cannot fire, penalize, or discriminate against an employee who exercises his or her union rights and cannot prevent or deter the employee from exercising such rights. The government generally effectively enforced the law. Penalties for violations of antiunion laws included fines as well as legal damages paid to workers, and penalties were sufficient to deter violations. Dismissed employees, however, had difficulty proving antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

The law does not prohibit all forms of forced or compulsory labor, nor do laws specifically criminalize forced labor. Instead, the SAR uses its Employment and Theft Ordinances to prosecute labor violations and related offenses. Penalties for these offenses were not sufficient to deter violations.

NGOs expressed concerns some migrant workers, especially domestic workers in private homes, faced high levels of indebtedness assumed as part of the recruitment process, creating a risk they could fall victim to debt bondage. Domestic workers in Hong Kong were mostly female and mainly came from the Philippines, Indonesia, and other Southeast Asian countries. The SAR allows for the collection of maximum placement fees of 10 percent of the first month’s wages, but some recruitment firms required large up-front fees in the country of origin that workers struggled to repay. Some locally licensed employment agencies were suspected of colluding with agencies overseas to profit from a debt scheme, and some local agencies illegally confiscated the passports and employment contracts of domestic workers and withheld them until they repaid their debt.
There also were reports some employers illegally forbade domestic workers from leaving the residence of work for non-work-related reasons, effectively preventing them from reporting exploitation to authorities. SAR authorities stated they encouraged aggrieved workers to file complaints and make use of government conciliation services as well as actively pursued reports of any labor violations.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

c. Prohibition of Child Labor and Minimum Age for Employment

Regulations prohibit employment of children younger than 15 years in any industrial establishment. The law prohibits overtime in industrial establishments with employment in dangerous trades for persons younger than 18. Children between 13 and 14 may work in certain nonindustrial establishments, subject to conditions aimed at ensuring a minimum of nine years of education and protection of their safety, health, and welfare.

The Labor Department effectively enforced these laws and regularly inspected workplaces to enforce compliance with the regulations. Penalties for violations of child labor laws include fines and legal damages and were sufficient to deter violations.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit employment discrimination based on race or ethnicity, disability, family status (marital status and/or pregnancy), or sex. The law stipulates employers must prove that proficiency in a particular language is a justifiable job requirement if they reject a candidate on these grounds. Regulations do not prohibit employment discrimination on the grounds of color, religion, political opinion, national origin or citizenship, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status.

The government generally enforced these laws and regulations. In cases in which employment discrimination occurred, the SAR’s courts had broad powers to levy penalties on those who violated these laws and regulations.

Human rights activists and local scholars continued to raise concerns about job prospects for minority students, who were more likely to hold low-paying, low-
skilled jobs and earn below-average wages. Experts assessed that a lack of Chinese language skills was the greatest barrier to employment.

e. Acceptable Conditions of Work

The statutory minimum hourly wage was HK$34.50 ($4.41). In September the SAR increased domestic workers’ minimum monthly wage from HK$4,410 ($564) to HK$4,520 ($579) and increased their minimum monthly food allowance from HK$1,053 ($135) to HK$1,075 ($137). During the year, however, there were many press reports regarding poor conditions faced by and underpayment of wages to domestic workers.

The official poverty line was half of the median monthly household income before tax and welfare transfers, based on household size. For a one-person household, the poverty line was set at HK$4,000 ($513), for a two-person household HK$9,800 ($1,250), for a three-person household HK$15,000 ($1,920), and so on.

There is no law concerning working hours, paid weekly rest, rest breaks, or compulsory overtime for most employees.

Laws exist to provide for health and safety of workers in the workplace. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. Employers are required to report any injuries sustained by their employees in work-related accidents.

The government generally enforced the law, and the Labor Tribunal adjudicated disputes involving nonpayment or underpayment of wages and wrongful dismissal. Labor inspectors were sufficient to deter violations except in the cases of nonpayment or underpayment of wages to and working conditions of domestic workers. Penalties for violations of minimum wage or occupational safety and health violations include fines, payments of damages, and worker’s compensation payments. These penalties were sufficient to deter violations.

The Occupational Safety and Health Branch of the Labor Department is responsible for safety and health promotion, identification of unsafe conditions, enforcement of safety management legislation, and policy formulation and implementation; it enforced occupational safety and health laws effectively.
MACAU 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Macau is a Special Administrative Region (SAR) of the People’s Republic of China (PRC) and has a high degree of autonomy, except in defense and foreign affairs, according to the Basic Law. In 2017 residents directly elected 14 of the 33 representatives who comprise the SAR’s Legislative Assembly. In accordance with the law, limited franchise functional constituencies elected 12 representatives, and the chief executive nominated the remaining seven. A 400-member Election Committee re-elected Chief Executive Fernando Chui Sai-On to a five-year term in 2014.

Civilian authorities maintained effective control over the security forces.

Human rights issues included criminal libel, restrictions on political participation, and trafficking in persons.

The government took steps to prosecute and punish officials who committed human rights abuses.

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

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

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits such practices, and there were no reports government officials employed them.

Prison and Detention Center Conditions
There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

**Physical Conditions:** There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse.

**Administration:** The law allows prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of alleged deficiencies. Judges and prosecutors visited prisons at least once a month to hear prisoner complaints.

**Independent Monitoring:** The government permits monitoring by independent nongovernmental observers. According to the government, no independent human rights observers requested or made any visit to the prison in the SAR.

**d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

**Role of the Police and Security Apparatus**

Civilian authorities maintained effective control over the Public Security Police (general law enforcement) and the Judiciary Police (criminal investigations), and the government has effective mechanisms to investigate and punish official abuse and corruption. There were no reports of impunity involving the security forces.

**Arrest Procedures and Treatment of Detainees**

Authorities detained persons with warrants issued by a duly authorized official based on sufficient evidence. Detainees had access to a lawyer of their choice or, if indigent, to one provided by the government. Detainees had prompt access to family members. Police must present persons in custody to an examining judge within 48 hours of detention. Authorities informed detainees promptly of charges against them. The examining judge, who conducts a pretrial inquiry in criminal cases, has wide powers to collect evidence, order or dismiss indictments, and determine whether to release detained persons. Investigations by the prosecuting attorney should end with charges or dismissal within eight months, or six months
when the defendant is in detention. The pretrial inquiry stage must conclude within four months, or two months if the defendant is in detention. By law the maximum limits for pretrial detention range from six months to three years, depending on the charges and progress of the judicial process; there were no reported cases of lengthy pretrial detentions. There is a functioning bail system. Complaints of police mistreatment may be made to the Commission for Disciplinary Control of the Security Forces and Services of the Macao SAR, the Commission Against Corruption, or the Office of the Secretary for Security. The government has also established a website for receiving named or anonymous complaints about irregular police activity or behavior.

e. Denial of Fair Public Trial

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

The SAR’s unique civil-code judicial system derives from the judicial framework of the Portuguese legal system. The courts may rule on matters that are the responsibility of the PRC government or concern the relationship between central authorities and the SAR, but before making their final judgment, which is not subject to appeal, the courts must seek an interpretation of the relevant provisions from the National People’s Congress Standing Committee (NPCSC). The Basic Law requires that courts follow the NPCSC’s interpretations when cases intersect with central government jurisdiction, although judgments previously rendered are not affected, and when the NPCSC makes an interpretation of the provisions concerned, the courts, in applying those provisions, “shall follow the interpretation of the Standing Committee.” As the final interpreter of the Basic Law, the NPCSC also has the power to initiate interpretations of the Basic Law.

Trial Procedures

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. A case may be presided over by one judge or a group of judges, depending on the type of crime and the maximum penalty involved.

Under the law, defendants enjoy a presumption of innocence and have a right to appeal. The law provides that trials be public except when the court rules otherwise to “safeguard the dignity of persons, public morality, or to provide for the normal functioning of the court.” Defendants have the right to be informed promptly and in detail of the charges (with free interpretation), be present at their
trials, confront witnesses, have adequate time to prepare a defense, not be compelled to testify or confess guilt, and consult with an attorney in a timely manner. The government provides public attorneys for those financially incapable of engaging lawyers or paying expenses of proceedings. The law extends these rights to all residents.

**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 citizens have access to a court to bring lawsuits seeking damages for a human rights violation.

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

The law prohibits such actions, and the government generally respected these prohibitions; however, politicians reported suspected government monitoring of their communications in the past.

**Section 2. Respect for Civil Liberties, Including:**

**a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, but the government occasionally sought to restrict this right.

In August the Legislative Assembly passed an outline of legislation to amend an existing law that criminalized some actions that disrespect the Chinese national anthem.

**Press and Media Freedom:** Local media expressed a wide range of views, but the government took steps to restrict unfavorable news coverage.

**Censorship or Content Restrictions:** Media sometimes practiced self-censorship, in part because the government subsidized some media outlets. In May media reported the Central Government Liaison Office in Hong Kong indirectly owned
Plaza Cultural Macau, a local bookseller, raising concerns that central government authorities may restrict the sale of sensitive books.

**Libel/Slander Laws:** In October the Judiciary Police indicted lawmaker Au Kam-san for defamation after Au refused to apologize for alleging that the Judiciary Police wiretapped his phone in 2009, according to media reports.

**National Security:** In August the government concluded public consultations about proposed revisions to the Civil Protection Framework Law. The proposed revisions would make spreading rumors during incidents classified as emergencies punishable by a maximum of three years imprisonment.

**Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content. Activists critical of the government said the government has not fully disclosed the surveillance technologies it is using, leaving the public with little ability to confirm the law is respected by authorities.

According to the Statistics and Census Service, approximately 62 percent of the population subscribed to the internet. This did not take into account multiple internet users for one subscription, nor did it include those who accessed the internet through mobile devices.

**Academic Freedom and Cultural Events**

In March the organizers of an annual literary festival canceled the participation of three foreign writers after an official from the central government’s Liaison Office in Macau warned the government might not allow the writers to enter the SAR, according to media reports.

**b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government often respected these rights, despite some efforts to discourage participation in peaceful demonstrations.

**Freedom of Peaceful Assembly**
The law requires prior notification, but not approval, of demonstrations involving public roads, public places, or places open to the public. Police may redirect demonstration marching routes, but organizers have the right to challenge such decisions in court. In July the Legislative Assembly amended the law to require that protesters notify the police of their protest plans, a change from the previous requirement to notify the Civic and Municipal Affairs Bureau.

Critics alleged that authorities were making a concerted effort to use both intimidation and criminal proceedings against participants in peaceful demonstrations to discourage their involvement. For example, in 2017 the Legislative Assembly, in a secret ballot, voted to suspend Sulu Sou from the Legislative Assembly after prosecutors charged him with “aggravated disobedience” to police authorities because of his actions during a peaceful protest against the chief executive.

In June approximately 200 persons participated in a vigil at Senado Square to mark the 29th anniversary of the 1989 Tiananmen Square crackdown.

**Freedom of Association**

The law provides for freedom of association, and the government generally respected this right. No authorization is required to form an association, and the only restrictions on forming an organization are that it not promote racial discrimination, violence, crime, or disruption of public order, or be military or paramilitary in nature.

c. **Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

d. **Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation and the government generally respected these rights. The Immigration Department cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.
The Internal Security Law grants police authority to deport or deny entry to nonresidents whom they regard under the law as unwelcome, a threat to internal security and stability, or possibly implicated in transnational crimes. In 2017 the government banned several Hong Kong politicians and activists from entering the SAR on the grounds they posed a threat to internal security, according to media reports.

**Protection of Refugees**

*Access to Asylum:* The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Persons granted refugee status would ultimately enjoy the same rights as other SAR residents.

Pending final decisions on their asylum claims, the government registered asylum seekers and provided protection against their expulsion or return to their countries of origin. There were few applicants for refugee or asylum status and no successful applicants. Persons with pending applications were eligible to receive government support, including basic needs such as housing, medical care, and education for children, but they were not allowed to work until their refugee status was granted.

**Section 3. Freedom to Participate in the Political Process**

The law limits citizens’ ability to change their government through free and fair periodic elections, and citizens did not have universal suffrage. Only a small fraction of citizens played a role in the selection of the chief executive, who was chosen in 2014 by a 400-member Election Committee consisting of 344 members elected from four broad societal sectors (which themselves have a limited franchise) and 56 members chosen from and by the SAR’s legislators and representatives to the National People’s Congress and Chinese People’s Political Consultative Conference.

**Elections and Political Participation**

*Recent Elections:* In 2014 a 400-member selection committee re-elected Chief Executive Fernando Chui Sai-On. Chui ran unopposed and won 97 percent of the vote. The most recent general election for the 14 directly elected seats in the 33-member Legislative Assembly occurred in 2017. The election for these seats was generally free and fair.
There are limits on the types of bills 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 introduced. The Legislative Assembly also has no power to confirm executive or judicial appointments.

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

**Political Parties and Political Participation:** The SAR has no laws on political parties. Politically active groups registered as societies or limited liability companies were active in promoting their political agendas. Those critical of the government generally did not face restrictions, but persons seeking elected office must swear to uphold the Basic Law. In 2017 the Legislative Assembly, in a secret ballot, voted to suspend Sulu Sou from the Legislative Assembly after prosecutors charged him with “aggravated disobedience” to police authorities during a peaceful protest against the chief executive’s decision to donate 123 million patacas ($15.4 million) to a mainland university on whose board the chief executive sat. In July, Sou resumed his seat in the Legislative Assembly after a court found him guilty of unlawful assembly but sentenced him to a fine instead of imprisonment. Sou is a member of the New Macau Association, a political group generally critical of the government, and critics claimed his prosecution and suspension were politically motivated.

**Participation of Women and Minorities:** No laws limit participation of women and members of minorities in the political process, and they did participate.

**Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively.

**Corruption:** The government’s Commission Against Corruption (CAC) investigated the public and private sectors and had power to arrest and detain suspects. The Ombudsman Bureau within the CAC reviewed complaints of
mismanagement or abuse by the CAC. An independent committee outside the CAC--the Monitoring Committee on Discipline of CAC Personnel--accepted and reviewed complaints about CAC personnel.

**Financial Disclosure:** By law the chief executive, judges, members of the Legislative Assembly and Executive Council, and executive agency directors must disclose their financial interests upon appointment, promotion, retirement, and at five-year intervals while encumbering the same position. The information is available to the public on the website of the Macau Courts. The law states that if the information contained in the declaration is intentionally incorrect, the declarant shall be liable to a maximum imprisonment of three years or a minimum fine equal to six months’ remuneration of the position held. Furthermore, the declarant may be prohibited from appointment to public office or performing public duties for a maximum of 10 years.

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

Domestic and international groups monitoring human rights generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

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

**Women**

**Rape and Domestic Violence:** The law criminalizes rape, including spousal rape, and domestic violence, but the domestic violence law does not cover same-sex couples. The government effectively enforced these laws. The domestic violence law stipulates that a judge may order urgent coercive measures imposed upon the defendant individually or cumulatively, and the application of these measures does not preclude the possibility of prosecuting the perpetrators for criminal responsibilities as stipulated in the criminal code.

The government made referrals for victims to receive medical treatment, and social workers counseled victims and informed them of social welfare services. The government funded nongovernmental organizations to provide victim support services, including medical services, family counseling, and housing, until their complaints were resolved.
Sexual Harassment: In 2017 the Legislative Assembly passed a sex crime bill that amended the Penal Code to make sexual harassment a crime.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Equal opportunity legislation mandates that women receive equal pay for equal work. The law prohibits discrimination in hiring practices based on gender or physical ability and allows for civil suits. Penalties exist for employers who violate these guidelines and the government generally enforced the law effectively. Media reports, however, indicated that discrimination persisted and gender differences in occupation existed, with women concentrated in lower-paid sectors and lower-level jobs.

Children

Birth Registration: According to the Basic Law, children of Chinese national residents of the SAR who were born inside or outside the SAR and children born to non-Chinese national permanent residents inside the SAR are regarded as permanent residents. There is no differentiation between these categories in terms of access to registration of birth. Most births were registered immediately.

Early and Forced Marriage: The minimum legal age of marriage is age 16; however, children from ages 16 to 18 who wish to marry must obtain approval from their parents or guardians.

Sexual Exploitation of Children: The law specifically provides for criminal punishment for sexual abuse of children and students, statutory rape, and procurement involving minors. The criminal code sets 14 years as the age of sexual consent. The law forbids procurement for prostitution of a person younger than age 18. The law also prohibits child pornography. The government generally enforced these laws effectively, but there were concerns about the participation of minors in sex work.

Anti-Semitism

The Jewish population was extremely small. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government generally enforced these provisions. The law mandates access to buildings, public facilities, information, and communications for persons with disabilities. The government enforced the law effectively.

National/Racial/Ethnic Minorities

There were reports of societal discrimination against ethnic minorities. In August the UN Committee on the Elimination of Racial Discrimination noted that the SAR’s lack of a law defining and criminalizing racial discrimination was cause for concern.

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

There are no laws criminalizing sexual orientation or same-sex sexual contact and no prohibition against lesbian, gay, bisexual, transgender, or intersex persons forming organizations or associations. There were no reports of violence against persons based on their sexual orientation or gender identity. The law prohibits discrimination in employment on the grounds of sexual orientation.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining
The Basic Law provides workers the right to form and join unions, but the Legislative Assembly has not passed legislation to regulate this right. Workers may join labor associations of their choice, but employers and the government reportedly wielded considerable influence over some associations. The law does not provide that workers can collectively bargain, and, while workers have the right to strike, there is no specific protection in the law from retribution if workers exercise this right. The law prohibits antiunion discrimination, stating employees or job seekers shall not be prejudiced, deprived of any rights, or exempted from any duties based on their membership in an association. The law imposes financial penalties for antiunion discrimination, but observers noted this may not be sufficient to deter discriminatory activity. The law does not require reinstatement of workers dismissed for union activity.

The law forbids workers in certain professions, such as the security forces, to form unions, take part in protests, or to strike. Such groups had organizations that provided welfare and other services to members and could speak to the government on behalf of members. Vulnerable groups of workers, including domestic workers and migrant workers, could freely associate and form associations, as could public servants.

Workers who believed they were dismissed unlawfully could bring a case to court or lodge a complaint with the Labor Affairs Bureau (LAB) or the CAC, which also has an Ombudsman Bureau to handle complaints over administrative violations. The bureau makes recommendations to the relevant government departments after its investigation.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Penalties range from three to 12 years’ imprisonment, with the minimum and maximum sentences increased by one-third if the victim is younger than age 14. Observers previously noted these penalties generally were sufficient to deter the use of forced labor.

Children and migrants were vulnerable to sex and labor trafficking, including in construction and domestic work. The government investigated cases, but there were no convictions during the year.

Also see the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.
c. Prohibition of Child Labor and Minimum Age for Employment

A law prohibits minors younger than age 16 from working, although minors from ages 14 and 15 may work in “exceptional circumstances” if they obtain a health certificate to prove they have the “necessary robust physique to engage in a professional activity.” The law defines “exceptional circumstances” as: the minor (younger than age 16) has completed compulsory education and has the authorization of the LAB after hearing the Education and Youth Affairs Bureau’s opinions; minors between ages 14 and 16 may work for public or private entities during school summer holidays; minors of any age may be employed for cultural, artistic or advertising activities upon authorization of the LAB after hearing the Education and Youth Affairs Bureau’s opinions and when such employment does not adversely affect their school attendance. The law governing the number of working hours (eight hours a day, 40 hours a week) was equally applicable to adults and legally working minors, but the law prohibits minors from working overtime hours. According to the civil code, minors who are age 16 can acquire full legal capacity if they marry.

The law prohibits minors younger than age 16 from certain types of work, including but not limited to domestic work, employment between 9 p.m. and 7 a.m., and employment at places where admission of minors is forbidden, such as casinos. The government requires employers to assess the nature, extent, and duration of risk exposure at work before recruiting or employing a minor. These regulations serve to protect children from physically hazardous work, including exposure to dangerous chemicals, and jobs deemed inappropriate due to the child’s age.

The LAB enforced the law through periodic and targeted inspections, and prosecuted violators. Regulations stipulate LAB inspectors shall be trained to look for child labor in order to carry out their responsibilities.

d. Discrimination with Respect to Employment and Occupation

The law provides that all residents shall be equal before the law and shall be free from discrimination, irrespective of national or social origin, descent, race, color, gender, sexual orientation, age, marital status, language, religion, political or ideological beliefs, membership in associations, education, or economic background. Local law requires employers to provide equal pay for equal work, regardless of gender.
There were no reports the government failed to enforce the relevant laws, but some discrimination occurred. According to official statistics, at the end of June, nonresident workers accounted for approximately 27.5 percent of the population. They frequently complained of discrimination in the workplace in hiring and wages.

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 a minimum wage for security guards and cleaners, which was set at 30 patacas ($3.71) per hour. The SAR does not calculate an official poverty line, and its median monthly income is 16,000 patacas ($1,980). The law provides for a 48-hour workweek (many businesses operated on a 40-hour workweek), an eight-hour workday, paid overtime, annual leave, and medical and maternity care. The law provides for a 24-hour rest period each week. All workers employed in the SAR, whether under a term contract or an indefinite contract, are entitled to such benefits as specified working hours, weekly leave, statutory holidays, annual leave, and sick leave.

The law requires that employers provide a safe working environment, and the LAB sets industry-appropriate occupational safety and health standards. The law prohibits excessive overtime but permits legal overtime (a maximum of eight hours and irrespective of workers’ consent) in force majeure cases or in response to external shocks, at the discretion of the employer.

All workers, including migrants, have access to the courts in cases in which an employee is unlawfully dismissed, an employer fails to pay compensation, or a worker believes his or her legitimate interests were violated. If an employer dismisses staff “without just cause,” they must provide economic compensation indexed to an employee’s length of service.

The LAB provides assistance and legal advice to workers upon request, and cases of labor-related malpractice are referred to the LAB.

The LAB enforced occupational safety and health regulations, and failure to correct infractions could lead to prosecution. The number of labor inspectors in the SAR was adequate to enforce compliance.
The law allows workers to remove themselves from hazardous conditions without jeopardy to their employment.
EXECUTIVE SUMMARY

The People’s Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount authority. CCP members hold almost all top government and security apparatus positions. Ultimate authority rests with the CCP Central Committee’s 25-member Political Bureau (Politburo) and its seven-member Standing Committee. Xi Jinping continued to hold the three most powerful positions as CCP general secretary, state president, and chairman of the Central Military Commission. At the 19th Communist Party Congress in October, the CCP reaffirmed Xi as the leader of China and the CCP for another five years.

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

The most significant human rights issues for which the government was responsible included: arbitrary or unlawful deprivation of life and executions without due process; extralegal measures such as forced disappearances, including extraterritorial ones; torture and coerced confessions of prisoners; arbitrary detention, including strict house arrest and administrative detention, and illegal detentions at unofficial holding facilities known as “black jails”; significant restrictions on freedom of speech, press, assembly, association, religion, and movement (for travel within the country and overseas), including detention and harassment of journalists, lawyers, writers, bloggers, dissidents, petitioners, and others as well as their family members; censorship and tight control of public discourse on the internet, in print, and in other media; refoulement of asylum seekers to North Korea; the inability of citizens to choose their government; corruption; severe repression of organizations and individuals involved in human rights advocacy, as well as in public interest and ethnic minority issues; a coercive birth-limitation policy that in some cases included sterilization or abortions; trafficking in persons; and severe restrictions on labor rights, including a ban on workers organizing or joining unions of their own choosing. Official repression of the freedoms of speech, religion, movement, association, and assembly of Tibetans in the Tibet Autonomous Region (TAR) and other Tibetan areas and of Uighurs and other ethnic minorities in the Xinjiang Uighur Autonomous Region (XUAR) worsened and were more severe than in other areas of the country. In the XUAR officials imposed new regulations, increased severely repressive security measures, and subjected individuals engaged in peaceful expression of political and religious
views to arbitrary arrest, detention harassment, and expedited judicial procedures without due process in the name of combatting terrorism and extremism.

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

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

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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. In many instances few or no details were available.

On July 13, political prisoner and 2010 Nobel Peace Prize laureate Liu Xiaobo died of liver cancer while in police custody in a Shenyang hospital. At the time of his death, Liu was serving a multiyear prison sentence after a court convicted him in 2009 of “inciting subversion of state power” for his role in drafting the “Charter 08” manifesto calling for political reforms.

Government officials said doctors diagnosed Liu Xiaobo with terminal liver cancer in late May following a routine physical examination. Prison medical checks had shown Liu had liver problems as early as 2010. While the government stated it had provided Liu with regular check-ups, international human rights groups maintained that by denying Liu early treatment and delaying delivery of advanced medical care, the government bore responsibility for his death.

Liu was granted “medical parole” and transferred to a hospital in Shenyang for cancer treatment in June. Foreign governments, international NGOs, and domestic activists called on the government to allow Liu Xiaobo to go overseas for medical treatment. The government refused that request but instead granted two foreign medical experts permission to travel to Shenyang to see Liu Xiaobo in person and “consult” on the case. Upon examining him, the physicians said their institutions could provide care that could prolong his life and ease his suffering. The
government refused the offers. Liu died one week later. Liu’s widow, poet Liu Xia, remained under extralegal house arrest even after his death.

A number of violent incidents in the XUAR resulted in multiple deaths. For example, state media reported on January 8 that Hotan public security authorities shot and killed three members of an alleged terrorist group who had offered resistance, without providing details. There had been accusations in previous years of arbitrary killings that were reported as clashes with “terrorists” or “separatists,” but tightened restrictions on news media and other sources of information from Xinjiang, together with the government’s increasingly tight security posture there, made reports difficult to verify (see also the Tibet annex for incidents of abuse.)

On June 4, Akmet, an ethnic Kazakh imam from the Changji Hui Autonomous Prefecture in the XUAR, died in police custody under mysterious circumstances. There were reports police rushed his funeral and forbade clergy from being present. Afterwards, police detained more than 100 persons who posted about the case online.

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

**b. Disappearance**

There were multiple reports that authorities detained individuals and held them at undisclosed locations for extended periods.

Human rights lawyer Gao Zhisheng went missing in August. Gao was released from prison in 2014 and had been living under house arrest. In August, Gao’s family and friends reported they lost contact with him. In September, Radio Free Asia reported that Gao’s family said they were told that he was in police custody at an undisclosed location, although authorities did not release any details surrounding his detention, including a reason for his latest disappearance.

Zhao Suli, the wife of China Democracy Party founder Qin Yongmin, remained missing since authorities detained her and Qin in January 2015. Qin was charged with “subversion of state power” but had yet to be tried. Zhao, meanwhile, had not been publicly charged with any crimes, and her family filed lawsuits against the
government as a way of trying to find out what happened to her. Her family members told Radio Free Asia that they feared she had died.

Lawyer Wang Quanzhang remained missing throughout the year. Authorities detained Wang in the July 2015 “709” roundup of more than 300 human rights lawyers and legal associates. Since then, while still awaiting trial, Wang was held in an undisclosed location without access to an attorney of his choosing. As of December, Wang’s family had neither seen nor heard from him since his detention, and his friends and family said they did not know whether or not he was still alive. The crackdown primarily targeted individuals who worked as defense lawyers on prominent religious freedom and human rights cases, including the 2008 melamine scandal; the Beijing “feminist five” detentions; the Xu Chunhe case, in which police shot an unarmed man; and cases involving sexual abuse of young girls; members of unregistered churches; and Falun Gong practitioners.

Authorities put on trial a number of prominent “709” detainees, including blogger Wu Gan in Tianjin in August. Prior to the trial, authorities held Wu for more than two years at an undisclosed location, making this a de facto case of disappearance. On December 26, the court sentenced Wu to eight years in prison followed by five years’ deprivation of political rights.

Extraterritorial disappearances occurred during the year. Chinese-born billionaire Xiao Jianhua disappeared from a luxury hotel in Hong Kong in January. Multiple press reports stated he was likely abducted by state security agents from the mainland. Xiao had Canadian citizenship as well as a passport from Antigua and Barbuda.

Swedish bookseller and Hong Kong resident Gui Minhai, who went missing from Thailand in 2015, was released late in the year but was unable to leave the country.

Uighurs and members of other ethnic minorities disappeared in the XUAR. In many cases individuals were detained upon returning home after studying abroad.

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. Many activists who were involved in the 1989 demonstrations and their family members continued to suffer official harassment.

The government made no efforts to prevent, investigate, or punish such acts.
c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

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

Numerous former prisoners and detainees reported they were beaten, subjected to electric shock, forced to sit on stools for hours on end, hung by the wrists, deprived of sleep, force fed, forced to take medication against their will, and otherwise subjected to physical and psychological abuse. Although prison authorities abused ordinary prisoners, they reportedly singled out political and religious dissidents for particularly harsh treatment.

There were multiple reports that lawyers, law associates, and activists detained in the “709” crackdown suffered various forms of torture, abuse, or degrading treatment. The lawyers of detained blogger Wu Gan reported that authorities had severely tortured Wu because he refused to cooperate. When authorities released attorney Li Chunfu in January, he was suffering from a mental breakdown and diagnosed with schizophrenia, a condition he had never before experienced. Rights lawyer Xie Yang said in a series of statements he released in January that he was repeatedly tied up and beaten during his lengthy detention in Changsha. He said he “confessed” in his subsequent televised trial only after he was “brainwashed” as a result of the extensive torture he experienced.

In response to these reports, the government accused lawyer Jiang Tianyong of fabricating the torture accounts in coordination with the families of detained lawyers. Jiang’s family said his own cooperation with authorities during his trial broadcast online in August was a result of torture he himself had experienced while in custody.

In January, Swedish citizen Peter Dahlin shared with the Guardian his first-hand account of the torture he experienced during his 23-day detention in early 2016. Dahlin claimed he was blindfolded, deprived of sleep, questioned for hours, and not allowed to exercise. He also said he was connected to a lie detection machine during lengthy interrogations.
In June the government released new regulations on excluding illegally obtained evidence in criminal cases, banning confessions by torture and ending “forced self-incrimination.” The document, issued jointly by the Supreme Court, Supreme People’s Procuratorate (prosecutor’s office), Ministry of Public Security, Ministry of State Security, and Ministry of Justice, stated it is “illegal for police or prosecutors to extort confessions through torture, threats or cheating.”

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

The law states that psychiatric treatment and hospitalization should be “on a voluntary basis,” but it has loopholes that allow authorities and family members to commit persons to psychiatric facilities against their will and fails to provide meaningful legal protections for persons sent to psychiatric facilities. The law does not provide for the right to a lawyer and restricts a person’s right to communicate with those outside the psychiatric institutions.

According to the Legal Daily (a state-owned newspaper covering legal affairs), the Ministry of Public Security directly administered 23 high-security psychiatric hospitals for the criminally insane. While many of those committed to mental-health facilities had been convicted of murder and other violent crimes, there were also reports of activists and petitioners involuntarily subjected to psychiatric treatment for political reasons. Public security officials may commit individuals to psychiatric facilities and force treatment for “conditions” that have no basis in psychiatry. In April authorities reportedly sent Cai Yinglan to the Ezhou Special Care Hospital in Hubei after local officials accused her of “damaging society through petitioning.” She had been petitioning for payment of unpaid farming subsidies.

In January 2015 the government officially ended the long-standing practice of involuntarily harvesting the organs of executed prisoners for use in transplants. In February former health minister Huang Jiefu publicly announced that the government now had “zero tolerance” for the practice. According to government data, more than 13,000 voluntary transplants and organ donations occurred in 2016. While long criticized for the practice of using prisoner organs, many international medical professionals and credible news organizations, such as the Washington Post, began to note the government’s progress. Some Falun Gong-affiliated organizations continued to question the voluntary nature of the system,
the accuracy of official statistics, and official claims about the source of organs. During the year the government further expanded its system for voluntary organ donations.

**Prison and Detention Center Conditions**

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

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

Adequate, timely medical care for prisoners remained a serious problem, despite official assurances that prisoners have the right to prompt medical treatment. Prison authorities withheld medical treatment from political prisoners.

When women’s rights activist Su Changlan was released from prison in October, she was in critical condition, requiring urgent medical care, according to Amnesty International. Her health had deteriorated over the course of her prison term. According to Radio Free Asia, Su had a heart condition and hyperthyroidism. Multiple human rights groups reported that authorities repeatedly denied her medical treatment and reportedly refused her husband’s requests to seek outside medical treatment (see section 2.a.).

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

Conditions in administrative detention facilities were similar to those in prisons. Beating deaths occurred in administrative detention facilities. Detainees reported beatings, sexual assaults, lack of proper food, and limited or no access to medical care.
Authorities used alternatives to incarceration for both violent and nonviolent offenders. According to the State Council’s 2016 *White Paper on Legal Rights*, 2.7 million individuals participated in community correction, with an estimated 689,000 individuals in the program as of September 2016. The same source reported an annual increase of 51,000 individuals in community correction programs.

The law states that letters from a prisoner to higher authorities of the prison or to the judicial organs shall be free from examination; it was unclear to what extent the law was implemented. While authorities occasionally investigated credible allegations of inhuman conditions, the results were not documented in a publicly accessible manner. Many prisoners and detainees did not have reasonable access to visitors and could not engage in religious practices.

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

d. Arbitrary Arrest or Detention

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

The law provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally did not observe this requirement.

Role of the Police and Security Apparatus

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

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

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

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

**Arrest Procedures and Treatment of Detainees**

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

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

The law stipulates that detainees be allowed to meet with defense counsel before criminal charges are filed. The criminal procedure law requires a court to provide a lawyer to a defendant who has not already retained one, who has various disabilities or is a minor, or who faces a life sentence or the death penalty. This
law applies whether or not the defendant is indigent. Courts may also provide lawyers to other criminal defendants who cannot afford them, although courts often did not do so. Lawyers reported difficulties meeting their clients in detention centers, especially in cases considered politically sensitive.

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

The law requires notification of family members within 24 hours of detention, but authorities often held individuals without providing such notification for significantly longer periods, especially in politically sensitive cases. In some cases notification did not occur. Under a sweeping exception, officials are not required to provide notification if doing so would “hinder the investigation” of a case. The revised criminal procedure law limits this exception to cases involving state security or terrorism, but public security officials have broad discretion to interpret what is “state security.”

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

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

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

There were multiple reports that authorities arrested or detained lawyers, petitioners, and other rights activists for lengthy periods, only to have the charges later dismissed for lack of evidence. Many activists were subjected to extralegal house arrest, denied travel rights, or administratively detained in different types of facilities, including “black jails.” In some cases public security officials put pressure on schools not to allow the children of prominent political detainees to enroll. Conditions faced by those under house arrest varied but sometimes included isolation in their homes under guard by security agents. Security officials were frequently stationed inside the homes. Authorities placed many citizens under house arrest during sensitive times, such as during the visits of senior foreign government officials or preceding the 19th Party Congress, annual plenary sessions of the National People’s Congress (NPC), the anniversary of the Tiananmen massacre, and sensitive anniversaries in Tibetan areas and the XUAR. Security agents took some of those not placed under house arrest to remote areas on so-called forced vacations. Authorities reportedly sent Liu Xiaobo’s widow, Liu Xia, and her brother to Yunnan on a “forced vacation” after Liu Xiaobo’s funeral.

Individuals who staged events to commemorate the anniversary of the Tiananmen Square Massacre were themselves targeted. In May and June, police detained at least two dozen individuals who held various ceremonies, attended protests, or assisted others who did so. Some, such as Li Xiaoling, were charged with crimes, while others were released from detention after several weeks.

Despite being released from prison in 2011, activist Hu Jia remained under extrajudicial house arrest.

Pretrial Detention: Pretrial detention could last longer than one year. Defendants in “sensitive cases” reported being subjected to prolonged pretrial detention. Many of the “709” detainees were held in pretrial detention for more than a year without
access to their families or their lawyers. Statistics were impossible to obtain, but
lengthy pretrial detentions were especially common in cases of political prisoners.

e. Denial of Fair Public Trial

Although the law states that the courts shall exercise judicial power independently,
without interference from administrative organs, social organizations, and
individuals, the judiciary did not, in fact, exercise judicial power independently.
Judges regularly received political guidance on pending cases, including
instructions on how to rule, from both the government and the CCP, particularly in
politically sensitive cases. The CCP Central Political and Legal Affairs
Commission has the authority to review and direct court operations at all levels of
the judiciary. All judicial and procuratorate appointments require approval by the
CCP Organization Department.

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

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

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

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

Authorities tried and convicted attorney Jiang Tianyong in August for inciting state
subversion in Changsha. The case against him was based on his interviews with
foreign journalists and his publishing of articles on the internet, actions that, outside the country, were widely seen as normal for someone in his profession. Jiang was prevented from selecting his own attorney to represent him at a trial that multiple analysts viewed as neither impartial nor fair. Following the trial, Jiang remained in custody at an undisclosed location with no communication to his family. Jiang, who was known for his advocacy on behalf of family members of the “709” detainees, was sentenced on November 21 to two years in prison.

Taiwan prodemocracy activist Lee Ming-Che was convicted in September for “subverting state authority.” The case against him was largely based on the contents of text messages and chat logs with human rights activists. During the trial the court played a clip in which Lee said he had “no objection” to the charges. Lee’s wife told reports that her husband made the statement “under duress” and that the statement was the “result of the Chinese government extracting a guilty confession.” In November the court sentenced Lee to five years in prison.

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

**Trial Procedures**

Although the amended criminal procedure law reaffirms the presumption of innocence, the criminal justice system remained biased toward a presumption of guilt, especially in high-profile or politically sensitive cases. An acquittal rate of less than 1 percent has persisted for many years. In November 2016 the procurator general of the Supreme People’s Procuratorate, Cao Jianming, said the average acquittal rate since 2013 was 0.016 percent. Some experts called the number “abnormally low.”

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

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

The Open Trial Network (Tingshen Wang) broadcast trials online. According to the Dui Hua Foundation, the Open Trial Network had live-streamed at least 316,000 trials, including 775 from the SPC. The majority were civil trials. Only one trial for endangering state security was streamed on Tingshen. A Tibetan monk named Zhou Jiatai was tried for inciting subversion. The trial was held at Qinghai Haidong Intermediate People’s Court on July 6. He was sentenced to one year in prison with one year’s deprivation of political rights.

More often, in criminal trials, especially in cases deemed politically “sensitive,” courts are more likely to broadcast excerpts of trials on the government’s official Weibo account. This was done during the year in the trials of Jiang Tianyong and Xie Yang and previously for Zhou Shifeng, Zhai Yanmin, and Hu Shigen. All were tried for subversion.

In keeping with the CCP Central Committee’s Fourth Plenum decision to reform certain aspects of the judicial system, the SPC issued updated regulations requiring the release of court judgments online. The regulations, which took effect in October 2016, stipulate that court officials should release judgments, with the exception of those involving state secrets and juvenile suspects, within seven days of their adoption. The Dui Hua Foundation reported that the website, China Judgment Online, had collected more than 5,236,539 judgments for criminal cases and more than 20,952,906 judgments for civil cases. Dui Hua found 115 judgments for endangering state security, the majority of which were for espionage. Courts do not post all judgments. They have wide discretion not to post if they find posting the judgment could be considered “inappropriate.” Many important political cases do not have judgments posted, including those of Guo Feixiong, Pu Zhiqiang, and the 709 lawyers (even when the trial itself was live-streamed).
Individuals facing administrative detention do not have the right to seek legal counsel. Criminal defendants were eligible for legal assistance, although the vast majority of criminal defendants went to trial without a lawyer. According to the State Council’s 2016 *White Paper on Legal Rights*, 4.7 million cases received legal aid from 2012 to 2015.

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

Despite the government’s stated efforts to improve lawyers’ access to their clients, in March the head of the All China Lawyers Association told *China Youth Daily* that defense attorneys had taken part in less than 30 percent of criminal cases. In particular, human rights lawyers reported that authorities did not permit them to defend certain clients effectively or threatened them with punishment if they chose to do so. Some lawyers declined to represent defendants in politically sensitive cases, and such defendants frequently found it difficult to find an attorney. In some instances authorities prevented attorneys selected by defendants from taking the case and appointed a court attorney to the case instead.

The government suspended or revoked the business licenses or law licenses of those who took on sensitive cases, such as defending prodemocracy dissidents, house-church activists, Falun Gong practitioners, or government critics. Authorities used the annual licensing review process administered by the All China Lawyers Association to withhold or delay the renewal of professional lawyers’ licenses. Other government tactics to intimidate or otherwise pressure human rights lawyers included unlawful detentions, vague “investigations” of legal offices, disbarment, harassment and physical intimidation, and denial of access to evidence and to clients.

In 2015 the NPC’s Standing Committee amended legislation concerning the legal profession. The amendments criminalize attorneys’ actions that “insult, defame, or threaten judicial officers,” “do not heed the court’s admonition,” or “severely disrupt courtroom order.” The changes also criminalize disclosing client or case information to media outlets or using protests, media, or other means to influence court decisions. Violators face fines and up to three years in prison.
Regulations adopted in 2015 also state that detention center officials should either allow defense attorneys to meet suspects or defendants or explain why the meeting cannot be arranged at that time. The regulations specify that a meeting should be arranged within 48 hours. Procuratorates and courts should allow defense attorneys to access and read case files within three working days. The time and frequency of opportunities available for defense attorneys to read case files shall not be limited, according to the guidelines. In some sensitive cases, lawyers had no pretrial access to their clients, and defendants and lawyers were not allowed to communicate with one another during trials. In contravention of the revised criminal procedure law (see section 1.d.), criminal defendants frequently were not assigned an attorney until a case was brought to court. The law stipulates that the spoken and written language of criminal proceedings shall be conducted in the language common to the specific locality, with government interpreters providing language services for defendants not proficient in the local language. Sources noted trials were predominantly conducted in Mandarin Chinese even in minority areas, with interpreters provided for defendants who did not speak the language.

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

Under the law, lawyers are assigned to convicted prisoners on death row who cannot afford one during the review of their sentences. The number of capital offenses in the criminal code was reduced to 46 in 2015. Official figures on executions were classified as a state secret. According to the Dui Hua Foundation, the number of executions continued to fall. The Foundation estimated there were 2,000 executions in 2016, down from 2,400 in 2013. The high was 24,000 in 1983. The drop reflected the reform of the capital punishment system initiated in 2007. Dui Hua also reported that an increase in the number of Uighur executions likely offset the drop in the number of Han Chinese executed.

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

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

Many political prisoners remained in prison or under other forms of detention at year’s end, including writer Yang Maodong (Guo Feixiong); Uighur scholar Ilham Tohti; rights lawyer Tang Jingling; activist Wang Bingzhang; activist Liu Xianbin; pastor Zhang Shaojie; Falun Gong practitioner Bian Lichao; lawyers Wang Quanzhang, Xia Lin, and Jiang Tianyong; blogger Wu Gan; Buddhist monk Xu Zhiqiang (who also goes by the name Master Shengguan); and Shanghai labor activist Jiang Cunde.

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

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

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

Although historically, citizens seldom applied for state compensation because of the high cost of bringing lawsuits, low credibility of courts, and citizens’ general lack of awareness of the law, a white paper on judicial reform released in February stated that courts had paid out more than 699 million yuan ($100 million) from 2013 to 2016. In March the parents of Nie Shubing were awarded approximately 2.68 million yuan ($394,000) for his wrongful execution in 1995 for a murder he did not commit. In 2005 another man had confessed to the murder, and in December 2016 the Supreme People’s Court acquitted Nie, ruling that the previous conviction was based on insufficient evidence. In August the Jiangxi Higher People’s Court stated that four persons who were acquitted from wrongful convictions had each received approximately 2.27 million yuan ($330,000).

The law provides for the right of an individual to petition the government for resolution of grievances. Most petitions address grievances about land, housing, entitlements, the environment, or corruption, and most petitioners sought to present their complaints at local “letters and visits” offices. The government reported that approximately six million petitions were submitted every year; however, persons petitioning the government continued to face restrictions on their rights to assemble and raise grievances.

While the central government reiterated prohibitions against blocking or restricting “normal petitioning” and against unlawfully detaining petitioners, official retaliation against petitioners continued. Regulations encourage all litigation-related petitions to be handled at the local level through local or provincial courts, reinforcing a system of incentives for local officials to prevent petitioners from raising complaints to higher levels. Local officials sent security personnel to Beijing to return petitioners to their home provinces forcibly to prevent them from filing complaints against local officials with the central government. Such detentions often went unrecorded and often resulted in brief periods of incarceration in extralegal “black jails.”
In July, President Xi participated in a national conference devoted to improving the petitioner system, which was marred by corruption. In April the South China Morning Post reported that the former vice chair of the Beijing Bureau for Letters and Calls had accepted nearly 5.5 million yuan ($870,000) in bribes in order to make petition cases disappear. In 2015 a court sentenced him to 13 years in jail.

Despite attempts at improving the system, progress was unsteady. Many petitioners reported they were often detained in black jails when trying to seek redress from the government. In May a group of petitioners traveled to Beijing to get attention during the national One Belt One Road summit. According to human rights activists, police rounded up more than 200 petitioners as they drew close to the Beijing Civil Administration building. They were reportedly held in unmarked buildings for three days during which they said they had no food and no place to sleep. Authorities eventually forced the petitioners to take trains back to their hometowns.

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

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

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

According to media reports, the Ministry of Public Security used tens of millions of surveillance cameras throughout the country to monitor the general public. In 2015 the Beijing Municipal Public Security Bureau announced it had “covered every corner of the capital with a video surveillance system.” Human rights groups stated that authorities increasingly relied on video and other forms of
surveillance to monitor and intimidate political dissidents, Tibetans, and Uighurs. The monitoring and disruption of telephone and internet communications were particularly widespread in the XUAR and Tibetan areas. The law allows security agencies to cut communication networks during “major security incidents.”

According to Human Rights Watch, the Ministry of State Security partnered with information technology firms to create a “mass automated voice recognition and monitoring system,” similar to ones already in use in Xinjiang and Anhui, to help with solving criminal cases. According to the company making it, the system was programmed to understand Mandarin Chinese and certain minority languages, including Tibetan and Uighur. In many cases other biometric data such as fingerprints and DNA profiles were being stored as well. This database included information obtained not just from criminals and criminal suspects but also from entire populations of migrant workers and all Uighurs applying for passports.

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

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

The government instituted the “double-linked household” system in the XUAR after using it in Tibet for many years. This system divides households into groups of 10 to watch over each other and report on “security issues” to the government, thus turning average citizens into informers.

The government restricted the rights of men and women to have children (see section 6, Women).
Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

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

In January the government abruptly shut down the website and social media accounts of the Beijing-based think tank Unirule. Its members, a group of prominent economics experts known for outspoken views on government economic policy, responded with a letter protesting the “obvious aim of silencing Unirule totally” and calling for greater government tolerance of NGOs. Government censors promptly removed the letter from the internet.

On March 31, Foshan Intermediate Court sentenced Su Changlan for subversion of state power for using the internet and social media to post online messages in support of Hong Kong’s 2014 prodemocracy Occupy Central Movement. The court found her guilty of incitement to subvert state power and sentenced her to three years’ imprisonment. Su had campaigned for the land rights of local farming communities. As Su’s sentence included time served, she was released in October (see section 1.c.).

On May 26, He Weifang, a law professor at the elite Peking University and the lawyer for Nobel laureate Liu Xiaobo, announced that government pressure compelled him to close his Weibo microblog and his accounts on the private messaging system “Weixin” (aka WeChat). Over the past decade, he had
developed an online following of millions and was known for criticizing the country’s lack of freedom of speech and judicial independence.

In September, Guangzhou authorities detained Peng Heping because he helped publish a poetry anthology in honor of the late political prisoner and Nobel Peace laureate Liu Xiaobo. Peng was charged with “illegal business activity.”

In a sign of the level of sensitivity around public discourse, censors blocked several versions of the Winnie the Pooh cartoon on social media because internet users (“netizens”) used the symbol to represent President Xi Jinping. The government similarly blocked the use of a popular but offensive nickname for North Korean President Kim Jong Un. Internet searches for this name returned the message, “according to the relevant laws, regulations, and policies, the search results have not been displayed.” Authorities arrested and tried a man in Jilin for “incitement to subvert state power” for posting selfies to his social media accounts wearing a T-shirt referring to President Xi as “Xitler.” In a similar case Guangdong authorities arrested a man for reposting a negative comment about Xi Jinping on the messaging app WhatsApp.

The legislature passed a law in November criminalizing disrespect for the national anthem in public, punishable by up to three years in prison and loss of political rights. The new law mirrors existing laws that punish public desecration of the flag with imprisonment.

Press and Media Freedom: The CCP and government continued to maintain ultimate authority over all published, online, and broadcast material. Officially, only state-run media outlets have government approval to cover CCP leaders or other topics deemed “sensitive.” While it did not dictate all content to be published or broadcast, the CCP and the government had unchecked authority to mandate if, when, and how particular issues were reported or to order that they not be reported at all. In a widely reported 2016 visit to the country’s main media outlets, President Xi told reporters that they were the “publicity front” of the government and the Party and that they must “promote the Party’s will” and “protect the Party’s authority.”

The government continued to strictly monitor the press and media, including film and television, via its broadcast and press regulatory body, the State Administration of Press, Publication, Radio, Film, and Television (SAPPRFT). The Cyberspace Administration of China (CAC) also closely regulated online news media. All books and magazines continued to require state-issued
publication numbers, which were expensive and often difficult to obtain. As in the past, nearly all print and broadcast media as well as book publishers were affiliated with the CCP or government. There were a small number of print publications with some private ownership interest but no privately owned television or radio stations. The CCP directed the domestic media to refrain from reporting on certain subjects, and traditional broadcast programming required government approval.

Journalists operated in an environment tightly controlled by the government. While the country’s increasingly internet-literate population demanded interesting stories told with the latest technologies, government authorities asserted control over those new technologies (such as livestreaming) and clamped down on new digital outlets and social media platforms.

Because the Communist Party does not consider internet news companies “official” media, they are subject to debilitating regulations and barred from reporting on potentially “sensitive” stories. According to the most recent All China Journalist Association report from 2016 on the nation’s news media, there were 232,925 officially credentialed reporters working in the country. Only 1,158 worked for news websites, with the majority working at state-run outlets such as xinhuanet.com and Chinadaily.com. This did not mean that online outlets did not report on important issues--many used creative means to share content--but they limited their tactics and topics since they were acting outside official approval.

Violence and Harassment: The government frequently impeded the work of the press, including citizen journalists. Journalists reported being subjected to physical attack, harassment, monitoring, and intimidation when reporting on sensitive topics. Government officials used criminal prosecution, civil lawsuits, and other punishment, including violence, detention, and other forms of harassment, to intimidate authors and journalists and to prevent the dissemination of unsanctioned information on a wide range of topics.

Family members of journalists based overseas also faced harassment, and in some cases detention, as retaliation for the reporting of their relatives abroad. A journalist could face demotion or job loss for publishing views that challenged the government. In many cases potential sources refused to meet with journalists due to actual or feared government pressure. In particular, academics--a traditional source of information--were increasingly unwilling to meet with journalists.

Uighur webmaster Nijat Azat continued to serve a sentence for “endangering state security.” Fellow Uighur webmaster Dilshat Perhat was scheduled to be released,
but there was no information on his case at year’s end. During the year additional journalists working in traditional and new media were also imprisoned.

In June police in Sichuan Province arrested and charged citizen journalist Yang Xiuqiong with “illegally providing state secrets overseas” for her work on the banned citizen rights website 64 Tianwang. Other site contributors, including its founder, Huang Qi, were arrested in 2016 and remained in jail. On July 4, a court in Mianyang, Sichuan, rejected 64 Tianwang contributor Wang Shurong’s appeal of a six-year sentence for “picking quarrels and provoking troubles.” Lian Huanli, also a volunteer for the website, had been missing since May, according to media reports.

On August 3, a court in Dali, Yunnan, sentenced citizen journalist Lu Yuyu to four years’ imprisonment for “picking quarrels and stirring up trouble.” Authorities arrested Lu and his partner, Li Tingyu, in June 2016 after they spent several years compiling daily lists of “mass incidents”—the official term for protests, demonstrations, and riots—and disseminated their findings via social media. Public security officials reportedly beat Lu, who later went on a hunger strike to protest his treatment and lack of access to his attorney. The government tried Li in a secret trial, then released her in April without announcing a formal verdict.

A pair of Voice of America (VOA) reporters were assaulted and detained for four hours under false pretenses while trying to cover the trial of jailed dissident blogger Wu Gan in Tianjin on August 14. As they approached the courthouse, they were accosted by 10 plainclothes individuals, physically detained and had their laptops and cameras confiscated. The police took them to jail and accused them of beating one of the persons who had detained them. They were released with their personal effects four hours later—after their photographs were deleted.

Foreign journalists based in the country continued to face a challenging environment for reporting. According to information collected in December by the Foreign Correspondents’ Club of China (FCCC), the vast majority of respondents did not believe reporting conditions in the country met international standards. More than one-third of journalists believed that conditions had deteriorated compared with the previous year, an acceleration since 2016, when 25 percent of journalists believed conditions had deteriorated year over year. Similarly, the percentage of journalists reporting government officials had subjected them to interference, harassment, or violence while reporting increased from 57 percent to approximately two-thirds.
Restrictions on foreign journalists by central and local CCP propaganda departments remained strict, especially during sensitive times and anniversaries. Foreign press outlets reported that local employees of foreign news agencies were also subjected to official harassment and intimidation and that this remained a major concern for foreign outlets. Almost one-third of FCCC members who responded to FCCC inquiries reported authorities subjected their Chinese colleagues to pressure or violence. In addition FCCC members reported physical and electronic surveillance of their staff and premises.

While traveling in Hunan Province in April to report on a story of a petitioner who was attempting to travel to Beijing to lodge a protest, BBC correspondent John Sudworth and his team were physically assaulted by a group of men who refused to identify themselves; the journalists’ camera equipment was also broken. Later, in the presence of uniformed police officers and government officials, the same men forced the BBC team to sign a written confession and apology, under threat of further violence.

On August 23, plainclothes officers detained Nathan VanderKlippe, a Globe and Mail reporter, while he reported in Xinjiang and held him for several hours. The police temporarily seized his computer and examined the photographs on his camera’s memory card. After releasing him, they then followed him 120 miles to his hotel.

In November authorities in Xinjiang detained and interrogated two foreign journalists, holding them overnight and demanding the journalists turn over pictures and documents. They finally released the journalists in the morning and then followed them on the train to their next destination, where the local police and foreign affairs office again harassed them and blocked them from all hotels. Authorities spent the night keeping them awake in the lobby of a hotel, as they were “not allowed to sleep here.”

On December 14, security guards in Beijing beat two South Korean journalists attempting to cover the visit of South Korean president Moon Jae-in; one of the journalists was hospitalized.

Foreign Ministry officials once again subjected a majority of journalists to special interviews as part of their annual visa renewal process. During these interviews the officials pressured journalists to report less on human rights issues, referencing reporting “red lines” that journalists should not cross, and in some cases threatened them with nonrenewal of visas. Many foreign media organizations continued to
have trouble expanding or even maintaining their operations in the country due to the difficulty of receiving visas. Western media companies were increasingly unwilling to publicize such issues due to fear of stirring up further backlash by the government.

On October 25, authorities blocked journalists from the *New York Times*, the *Economist*, the *BBC*, and the *Guardian* from entering a press event where the Communist Party revealed its new Politburo members. Authorities allowed other foreign journalists to attend but excluded these journalists, ostensibly because of past reporting.

Authorities continued to enforce tight restrictions on citizens employed by foreign news organizations. The code of conduct for citizen employees of foreign media organizations threatens dismissal and loss of accreditation for those citizen employees who engage in independent reporting. It instructs them to provide their employers information that projects “a good image of the country.” Several FCCC members reported that security officials summoned local assistants for meetings that the assistants found extremely intimidating.

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

Chinese-language media outlets outside the country reported intimidation and financial threats from the government. For example, the owner of the *Vision China Times* in Australia said that Chinese officials repeatedly threatened Chinese companies that advertised in his newspaper. In one case Ministry of State Security officials stopped by the company every day for two weeks. Other Chinese-language outlets signed deals with the Chinese News Service, which is the second-largest state-owned news agency in China.

**Censorship or Content Restrictions:** The State Council’s Regulations on the Administration of Publishing grant broad authority to the government at all levels to restrict publications based on content, including mandating if, when, and how particular issues are reported. While the Ministry of Foreign Affairs daily press briefing was generally open, and the State Council Information Office organized some briefings by other government agencies, journalists did not have free access to other media events. The Ministry of Defense continued allowing select foreign media outlets to attend occasional press briefings.
Official guidelines for domestic journalists were often vague, subject to change at the discretion of propaganda officials, and enforced retroactively. Propaganda authorities forced newspapers and online news media providers to fire editors and journalists responsible for articles deemed inconsistent with official policy and suspended or closed publications. Self-censorship remained prevalent among journalists, authors, and editors, particularly with post facto government reviews carrying penalties of ranging severity.

The CCP Central Propaganda Department ordered media outlets to adhere strictly to the information provided by authoritative official departments when reporting on officials suspected of involvement in graft or bribery. Throughout the year the Central Propaganda Department issued similar instructions regarding various prominent events. Directives often warned against reporting on issues related to party and official reputation, health and safety, and foreign affairs. For example, after a North Korean nuclear test, the Propaganda Department directed media companies to disable the comments function on all social media platforms, ordered media outlets to downplay the news, and decreed they follow Xinhua’s lead in reporting. The orders included instructions for media outlets not to investigate or report on their own. The CAC and SAPPRFT strengthened regulations over the content that online publications are allowed to distribute, reiterating long-standing rules that only state-licensed news media may conduct original reporting.

In the first half of the year, provincial authorities inspected Hunan TV, one of the country’s most watched channels, and warned the network it focused too much on entertainment and failed to comply with the CPC’s requirement that media outlets bear the flag of the Communist Party.

In September the SAPPRFT issued more than a dozen new guidelines on television content. The general thrust of these guidelines was to prohibit negative reporting about government policies or officials. Additionally, the SAPPRFT planned to ramp up production of “a large number of television dramas that sing the praises of the party, the motherland, the people, as well as its heroes.”

The FCCC reported it was still largely impossible for foreign journalists to report from the TAR, other Tibetan areas, or Xinjiang without experiencing serious interference. Those who took part in government-sponsored trips to the TAR and other Tibetan areas expressed dissatisfaction with the access provided. Of those who tried to report from the Tibetan area, more than 75 percent reported problems in both Tibet, which is officially restricted, and Xinjiang, which ostensibly does
not have the same restrictions on reporting. Foreign reporters also experienced restricted access and interference when trying to report in other sensitive areas, including the North Korean border, at places of historical significance to the founding of the Communist party, sites of recent natural disasters, and areas--including in Beijing--experiencing social unrest.

Authorities continued to block electronic distribution of the VOA and Radio Free Asia. Despite attempts to block access, the VOA and Radio Free Asia had significant audiences, including human rights advocates, ordinary citizens, English language teachers and students, and government officials.

Overseas television newscasts, largely restricted to hotels and foreign residence compounds, were subject to censorship. Individual issues of foreign newspapers and magazines occasionally were banned when they contained articles deemed too sensitive. Articles on sensitive topics were removed from international magazines. Television newscasts were blacked out during segments on sensitive subjects.

Politically sensitive coverage in Chinese, and to a lesser extent in English, was censored more than coverage in other languages. The government prohibited some foreign and domestic films deemed too sensitive or selectively censored parts of films before they were released. Under government regulations, authorities must authorize each foreign film released in the country, with the total number of films not to exceed 38.

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

In March the government issued a ban on the sale of foreign publications without an import permit. The new rules affect the popular online shopping platform Taobao, which is banned from offering “overseas publications,” including books, movies, and games, that do not already have government approval. The ban also
applies to services related to publications. According to a statement on the company’s website, “Taobao has embargoed sales of foreign publications.”

A Zhejiang court in February convicted a pair of booksellers for selling banned books. Dai Xuelin, a Beijing-based social media editor at the Guangxi Normal University Press, and his business partner Zhang Xiaoxiong were sentenced to five years and three and one-half years, respectively, in prison for running an “illegal business operation” because they resold books published in Hong Kong that were not authorized for sale in the mainland.

Following the death in July of Nobel Peace Prize laureate Liu Xiaobo, the government censored a broad array of related words and images across public media and on social media platforms. Besides his name and image, phrases such as “rest in peace,” “grey,” quotes from his writings, images of candles, and even candle emojis were blocked online and from private messages sent on social media. Attempts to access censored search results resulted in a message saying the result could not be displayed “according to relevant laws, regulations, and policies.”

**Internet Freedom**

The government tightly controlled and highly censored domestic internet usage. According to an official report released in July by the China Internet Network Information Center, the country had 751 million internet users, accounting for 54.3 percent of its total population. The report noted 19.92 million new internet users in the first half of the year, with approximately 201 million going online from rural areas. Major media companies estimated that 625 million persons, mainly urban residents, obtained their news from social and online media sources.

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

During the year the government issued a number of new regulations to tighten its control over online speech and content. The regulations increased government oversight over internet livestreaming, bulletin board services, instant messaging
applications, group chats, and other online services. The government also finalized draft regulations that strengthened government control over internet news information services; it had not yet finalized draft regulations issued for public comment during 2016 that would further strengthen government oversight over online publishing.

The Cybersecurity Law, which took effect in June, allows the government to “monitor, defend, and handle cybersecurity risks and threats originating from within the country or overseas sources.” Article 12 of the law criminalizes using the internet to “creat[e] or disseminat[e] false information to disrupt the economic or social order.” The law also codifies the authority of security agencies to cut communication networks across an entire geographic region during “major security incidents,” although they had previously exercised this authority prior to the law’s passage.

The CAC finalized regulations on Internet News Information Services that require websites, mobile apps, forums, blogs, instant communications services, and search engines to ensure that news coverage of a political, economic, diplomatic, or commentary nature conforms to official views of “facts.” These regulations extended longstanding traditional media controls to new media—including online and social media—to ensure these sources also adhere to the Communist Party directive.

In June the Beijing Cyberspace Administration forced companies to close celebrity gossip social media accounts, citing new rules designed to create an “uplifting mainstream media environment.” Included in the closing was “China’s Number One Paparazzi” Zhou Wei, who had more than seven million followers on his Weibo microblog account. References to homosexuality and the scientifically accurate words for genitalia were also banned. Writers who cover lesbian, gay, bisexual, transgender, and intersex; gender; and youth health issues expressed concern over how to proceed without being shut down.

New CAC regulations on livestreaming came into effect on July 15. All live-streaming platforms, commercial websites, web portals, and apps were required to register with CAC. Licensed central media and affiliations are not required to register. Throughout the year the government published details of its crackdown on live-streaming content, detailing its efforts to shut down dozens of offending live-streaming accounts.
The SAPPRFT set out further limits in September on posting audio and visual material to social media. The new rules require a special permit for transmission of audiovisual materials on blogging platforms such as Weibo and instant messaging platforms such as WeChat. Platform managers were made directly responsible for ensuring user-posted content complies with their permit’s scope. This includes television shows, movies, news programs, and documentaries, which many netizens consumed exclusively through social media channels. The rules prohibit the uploading of any amateur content that would fall under the definition of news programming.

The Ministry of Industry and Information Technology issued two directives during the year restricting the use of unauthorized virtual private network (VPN) services as part of the government’s longstanding crackdown on online speech and content. The ministry’s move was targeted at individual rather than enterprise VPN users. Ministry officials acknowledged during a July 25 press conference the need for major corporations and other users to retain access to authorized VPN services. Nonetheless, many smaller businesses, academics, and others expressed concern over the integrity of communications transmitted using authorized VPN services. The directive reflected a more aggressive stance towards unauthorized VPN use.

The new rules and regulations issued during the year--combined with the massive online presence of citizens who must live under these restrictions--severely restricted internet freedom. The regulatory tightening imposed by security services and propaganda officials resulted in an internet management model that permits some internet traffic for commercial gain while severely curtailing political opinion.

GreatFire.org, a website run by activists tracking online censorship in the country, reported that thousands of domains, web links, social media searches, and internet protocol addresses that it monitored in the country remained blocked. In addition to social media websites such as Facebook, Twitter, and Instagram, the government continued to block almost all access to Google websites, including its email service, photograph program, map service, calendar application, and YouTube. Other blocked websites included Pinterest, SnapChat, Picasa, Wordpress, and Periscope, among many others. While countless news and social media sites remained blocked, a large percentage of censored websites were gambling or pornographic websites.

Government censors continued to block websites or online content related to topics deemed sensitive, such as Taiwan, the Dalai Lama, Tibet, the 1989 Tiananmen
massacre, and all content related to the Panama Papers. Many other websites for international media outlets, such as the New York Times, the Wall Street Journal, and Bloomberg, remained perennially blocked, in addition to human rights websites, such as those of Amnesty International and Human Rights Watch. In addition, in July the last two major Chinese-language news websites originating outside the country were blocked--Financial Times Chinese and Singapore’s Lianhe Zaobao. With their departure, all Chinese-language newspaper websites available on the mainland fell under the control of the Communist Party.

Authorities continued to jail numerous internet writers for their peaceful expression of political views. In August blogger and activist Wu Gan, known by his pen name “Super Vulgar Butcher,” was tried in a Tianjin court for “subversion of state power.” Wu spent two years in pretrial detention without access to the lawyers his family hired, and there was evidence he was tortured during that incarceration. His father was also detained for part of that time but later released without charge. Prior to his trial, Wu released a video statement denying any wrongdoing and calling his trial a “farce.” His trial was held in secret, and afterward the court released a statement stating that Wu “recognized that his behavior violated criminal law.” On December 26, the court sentenced Wu to eight years in prison followed by five years’ deprivation of political rights. Following the verdict, Wu released a statement restating he was tortured and identifying the perpetrators of this mistreatment. Family and friends believed his long detention and his lengthy sentence were due to his refusal to confess to any crimes and retract his accusations of torture.

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

While such censorship was effective in keeping casual users away from websites hosting sensitive content, many users circumvented online censorship by using various technologies. Information on proxy servers outside the country and software for defeating official censorship were available. In July, Apple Inc. removed VPN services from its app store in the country. Encrypted communication apps such as Telegram and WhatsApp were regularly disrupted, especially during “sensitive” times of the year, such as during the period prior to the 19th Party Congress.
Government officials were increasingly willing to prosecute individuals for using
VPN software. In Guangzhou a Dongguan court sentenced a local citizen to nine
months’ imprisonment and fined him 5,000 yuan ($758) as punishment for selling
VPN software.

The State Secrets Law obliges internet companies to cooperate fully with
investigations of suspected leaks of state secrets, stop the transmission of such
information once discovered, and report the crime to authorities. This is defined
broadly and without clear limits. Furthermore, the companies must comply with
authorities’ orders to delete such information from their websites; failure to do so
is punishable by relevant departments, such as police and the Ministry of Public
Security.

Following President Xi’s calls for establishing an alternative form of global
internet governance at CAC’s December 2015 World Internet Conference, the
government continued its international diplomatic efforts towards the
establishment of a new, government-led multilateral system to replace the existing
multistakeholder system that currently includes a variety of international
stakeholders, including representatives from business and civil society. The CAC
and the Ministry of Foreign Affairs both released major cyberpolicy strategies
during the year that called for adoption of the multilateral approach, and the
government encouraged members of both the Shanghai Cooperation Organization
and the BRICS (Brazil, Russia, India, China, and South Africa) to support its
internet governance agenda during summit events that it hosted. The government’s
2017 World Internet Conference, held December 3-5, again included calls for
countries to adopt an “internet sovereignty” model that would increase government
censorship power.

The government continued to introduce new measures implementing a “Social
Credit System,” which is intended to collect vast amounts of data to create credit
scores for individuals and companies in an effort to address deficiencies in “social
trust,” strengthen access to financial credit instruments, and reduce public
corruption. Unlike Western financial credit-rating systems, the government’s
Social Credit System is designed also to collect information on academic records,
traffic violations, social media presence, quality of friendships, adherence to birth
control regulations, employment performance, consumption habits, and other
topics. This system is also intended to result in increased self-censorship, as
netizens would be liable for their statements, relationships, and even for
information others shared on social media groups. Netizens’ credit scores decline
when they express impermissible ideas, spread banned content, or associate with anyone who does so, and a decline in score means a loss of access to information-sharing applications and websites. An individual’s “social credit score,” among other things, quantifies a person’s loyalty to the government by monitoring citizens’ online activity and relationships. Points are awarded and deducted based on the “loyalty” of sites visited, as well as the “loyalty” of other netizens a person interacts with.

In September the government announced new regulations that place responsibility on the organizers of chat groups on messaging apps for ensuring that impermissible content is not shared on the group chat. Under these new rules, the creator of a WeChat group, for example, could be held liable for failing to report impermissible content shared by anyone in the chat group. According to an announcement by the CAC, the companies that provide chat platforms are responsible for tracking and assigning “social credit ratings.” Users with low social credit scores lose the privilege of creating groups, and even the ability to use the platforms, a significant loss now that a majority of young persons use messaging platforms for not only social but also many economic interactions.

**Academic Freedom and Cultural Events**

The government continued restrictions on academic and artistic freedom and on political and social discourse at colleges, universities, and research institutes. Restrictive SAPPRFT and Central Propaganda Department regulations and decisions constrained the flow of ideas and persons.

The government and the CCP Organization Department continued to control appointments to most leadership positions at universities, including department heads. While CCP membership was not always a requirement to obtain a tenured faculty position, scholars without CCP affiliation often had fewer chances for promotion. Academic subject areas deemed politically sensitive (e.g., civil rights, elite cronyism, civil society, etc.) continued to be off-limits. Some academics self-censored their publications, faced pressure to reach predetermined research results, or were unable to hold conferences with international participants during politically sensitive periods. Foreign academics claimed the government used visa denials, along with blocking access to archives, fieldwork, or interviews, to pressure them to self-censor their work. The use of foreign textbooks in classrooms remained restricted, and domestically produced textbooks continued to be under the editorial control of the CCP.
The CCP requires undergraduate students, regardless of academic major, to complete political ideology coursework on subjects such as Marxism, Maoism, and Deng Xiaoping thought. The government declared 2017 to be the “Year of Education Quality on University Ideological and Political Lessons,” and 29 prominent universities were inspected to assess their promotion of Marxist theory and socialist core values. State media reported the government dispatched more than 200 “experts” to at least 2,500 college and university classes nationwide to inspect and attend ideological and political classes. A *Financial Times* report in June suggested these inspections focused on universities with Western ties.

The government also placed new regulations on private K-12 schools. A *Wall Street Journal* article stated such changes were motivated by the central government’s desire to have more influence in education by requiring a CCP presence in these schools. As of July international students were also required to take political theory classes.

In June, Education Minister Chen Baosheng stressed that higher education institutions needed to better promote Marxist theory and “socialist core values.” Two Chinese professors were fired for criticizing Mao Zedong in online posts in January and June.

In December 2016 Xi Jinping chaired the National Ideology and Political Work Conference for Higher Education and called for turning the academy into a “stronghold that adheres to party leadership.” Xi stressed that “China’s colleges and universities are institutions of higher learning under the Party’s leadership; they are colleges and universities with Chinese socialist characteristics.” Xi further asserted that strengthening the role of Marxism in the curriculum was needed to “guide the teachers and students to become staunch believers in the socialist value system.” Xi specifically called on professors to become “staunch supporters of the Party’s rule.”

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

Academic censorship was on the rise during the year, and the CCP’s reach increasingly extended beyond the country’s physical borders. In a case that made international headlines, in August the Cambridge University Press excluded 300 articles and book reviews from the online version of its prestigious *China Quarterly* periodical available in the country. It was responding to a demand by the General Administration of Press and Publication, which threatened to shut down the website if the articles were not removed. The articles touched on a broad set of themes, including Taiwan relations, the Cultural Revolution, the crackdown on prodemocracy demonstrators in Tiananmen Square, and government policies towards ethnic minorities. After widespread criticism, Cambridge University Press reversed its decision and reposted the articles. According to the *Financial Times*, this case led academics to fear that universities would be forced to make concessions or lose access to the country’s lucrative market.

In September a foreign researcher announced that government authorities were systematically erasing historical records as part of their process of digitization. While working through the digitization of historical documents, they deleted Chinese journal articles from the 1950s that contradict explanations of party history promoted by President Xi. These databases are a primary source for academic research by domestic and foreign academics.

The CCP actively promotes censorship of Chinese students outside the country. A *New York Times* opinion article asserted that Chinese students on Australian campuses tended to self-censor and monitor each other, threatening free and open debate on campus. A Chinese commencement speaker at the University of Maryland who criticized China and Chinese authorities was excoriated in Chinese social media, and the student later apologized for her comments. The *New York Times* stated that the 150 chapters of the Chinese Student and Scholar Associations “…have worked in tandem with Beijing to promote a pro-Chinese agenda and tamp down anti-Chinese speech on Western campuses.” A *Time* article reported Taiwan universities signed agreements with mainland Chinese counterparts promising to avoid teaching sensitive content to secure lucrative fee-paying students from China. The government stated it would no longer fund scholars going to the University of California San Diego after a commencement speech there by the Dalai Lama.
Many intellectuals and scholars exercised self-censorship, anticipating that books or papers on political topics would be deemed too sensitive to be published. Censorship and self-censorship of artistic works was also common, particularly artworks deemed to involve politically sensitive subjects. Authorities frequently denied Western musicians permission to put on concerts in China. In July the Beijing Municipal Bureau of Culture prohibited Justin Bieber from performing in order to “maintain order in the Chinese market and purify the Chinese performance environment.” The government continued to forbid public performances of Handel’s Messiah, according to an August report by the Economist. Authorities also scrutinized the content of cultural events and applied pressure to encourage self-censorship of discussions.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

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

Citizens throughout the country continued to gather publicly to protest evictions, forced relocations, and inadequate compensation, often resulting in conflict with authorities or formal charges. Media reported that thousands of protests took place during the year across the country. Although peaceful protests are legal, public security officials rarely granted permits to demonstrate. Despite restrictions, many demonstrations occurred, but authorities quickly broke up those motivated by broad political or social grievances, sometimes with excessive force.

Several significant demonstrations took place in Beijing in late 2016 and during the year. In January approximately 500 People’s Liberation Army veterans protested over unpaid benefits. The crowd, while sizable, was considerably smaller than the thousands of veterans who took to the streets in October 2016 outside the headquarters of the Central Military Commission. In June approximately 100 protesters clashed with Beijing police in the city’s Changping District. The protesters were parents who objected to the city’s plans to assign
their children to a new, less affluent school. Police detained at least three protesters. In July police in Beijing closed city streets to shut down a protest over the government’s targeting of a company called Shanxinhui. The government had shut down the company over allegations it was a thinly disguised pyramid scheme, but protesters claimed it was a social organization that served the poor.

In February more than 100 petitioners from Raoping County in Guangdong Province protested in front of the nearby Chaozhou Municipal Government headquarters. Local officials had sold villagers’ farmland to a battery disassembling and disposal mill, which resulted in severe environmental damage, including pollution of the villagers’ major drinking-water source, the nearby Huang-Gang-He River. Police violently dismissed the peaceful demonstration in the evening, detaining 12 villagers.

In March police in Henan Province used tear gas and fired pepper spray at thousands of protesters who gathered to demonstrate against forced evictions in a suburb of Henan’s Shangqiu City. Radio Free Asia reported that several persons, including some elderly residents, were severely injured in encounter.

In April police formally charged four demonstrators--Chen Ruifeng, Mai Pinglin, Mai Yingqiang, and Wang Er--on suspicion of “gathering a crowd to disrupt public order and to disrupt traffic.”

In May prominent Guangdong human rights activist Li Biyun and dozens of villagers from Rongli village took to the streets with banners and firecrackers to celebrate the arrest of former Jiangmen Municipal Party secretary and mayor Liu Weigen, who was under investigation for bribery. Li led the march, followed by villagers holding red banners that read, “Support Xi’s anticorruption campaign.” Police and security forces filmed the demonstrations but took no action.

Rights lawyers and activists who advocated for nonviolent civil disobedience were detained, arrested, and in some cases sentenced to prison terms. Lawyer Tang Jingling continued to serve his five-year sentence for “inciting subversion of state power” for promoting his ideas of nonviolent civil disobedience. Yuan Xinting, also sentenced in the same case in January 2016, remained in prison. Their associate, Wang Qingying, was released from prison in November 2016. He reported being tortured while in detention.

Concerts, sports events, exercise classes, or other meetings of more than 200 persons require approval from public security authorities. Large numbers of public
gatherings in Beijing and elsewhere were canceled at the last minute or denied government permits, ostensibly under the guise of ensuring public safety.

**Freedom of Association**

The constitution provides for freedom of association, but the government restricted this right. CCP policy and government regulations require that all professional, social, and economic organizations officially register with and receive approval from the government. These regulations prevented the formation of autonomous political, human rights, religious, spiritual, labor, and other organizations that the government believed might challenge its authority in any area. The government maintained tight controls over civil society organizations and in some cases detained or harassed NGO workers.

The regulatory system for NGOs was highly restrictive, but specific requirements varied depending on whether an organization was foreign or domestic. Domestic NGOs were governed by the Charity Law, which went into effect in September 2016, and a host of related regulations. Domestic NGOs could register in one of three categories: a social group, a social organization, or a foundation. All domestic NGOs are required to register under the Ministry of Civil Affairs and find an officially sanctioned sponsor to serve as their “professional supervisory unit.” Finding a sponsor was often challenging, since the sponsor could be held civilly or criminally responsible for the NGO’s activities. All organizations are also required to report their sources of funding, including foreign funding. Domestic NGOs continued to adjust to this new regulatory framework.

In August 2016 the CCP Central Committee issued a directive mandating the establishment of CCP cells within all domestic NGOs by 2020. According to authorities, these CCP organizations operating inside domestic NGOs would “strengthen guidance” of NGOs in areas such as “decision making for important projects, important professional activities, major expenditures and funds, acceptance of large donations, and activities involving foreigners.” The directive also mandates that authorities conduct annual “spot checks” to ensure compliance on “ideological political work, party building, financial and personnel management, study sessions, foreign exchange, acceptance of foreign donations and assistance, and conducting activities according to their charter.”

On January 1, the Law on the Management of Foreign NGOs’ Activities with Mainland China (Foreign NGO Management Law) came into effect. The law requires foreign NGOs to register with the Ministry of Public Security and to find a
NGOs that fail to comply face possible civil or criminal penalties. The law provides no appeal process for NGOs denied registration, and it stipulates that NGOs found to have violated certain provisions could be placed on a “blacklist” and barred from operating in the country.

In the first year of the Foreign NGO Management Law’s implementation, some international NGOs reported that it became more difficult to work with local partners, including universities, government agencies, and other domestic NGOs, as the law codified the CCP’s perception that foreign NGOs were a “national security” threat. Finding an official sponsor was difficult for most foreign NGOs, as sponsors could be held responsible for the NGO’s conduct and had to undertake burdensome reporting requirements. Even after the Ministry of Public Security published a list of sponsors in December 2016, NGOs reported that most government agencies had no unit responsible for sponsoring foreign NGOs. Potential Professional Supervisory Units reported they had little understanding of how to implement the law and what would be expected of them by authorities. The vague definition of an NGO, as well as of what activities constituted “political” and therefore illegal activities, also left many business organizations and alumni associations uncertain whether they fell under the purview of the law. The lack of clear communication from the government, coupled with harassment by security authorities, caused some foreign NGOs to suspend or cease operations in the country. As of September approximately 185 of the MPS-estimated 7,000 previously operational foreign NGOs had registered under the Foreign NGO Management Law, with most focusing on trade and commerce activities.

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

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

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

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

c. Freedom of Religion

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

d. Freedom of Movement

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

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

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

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

In-country Movement: Authorities continued to maintain tight restrictions on freedom of movement, particularly to curtail the movement of individuals deemed politically sensitive before key anniversaries, visits by foreign dignitaries, or major political events, as well as to forestall demonstrations. Freedom of movement for Tibetans continued to be very limited in the TAR and other Tibetan areas. Public security officers maintained checkpoints in most counties and on roads leading into many towns as well as within major cities, such as Lhasa. Restrictions were not applied to Han Chinese migrants or tourists in Tibetan areas. Uighurs in the XUAR also faced restrictions on movement within the XUAR itself. Although the use of “domestic passports” that called for local official approval before traveling to another area was discontinued in 2016, identification checks remained in place when entering cities and on public roads. Such restrictions were not applied to Han Chinese in these areas.

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

The household registration system added to the difficulties faced by rural residents, even after they relocated to urban areas and found employment. According to the *Statistical Communiqué of the People’s Republic of China on 2015 National Economic and Social Development* published by the Ministry of Human Resources and Social Security, 294 million persons lived outside the jurisdiction of their household registration. Of that number, 247 million individuals worked outside their home district. Many migrant workers and their families faced numerous obstacles with regard to working conditions and labor rights. Many were unable to access public services, such as public education for their children or social
insurance, in the cities where they lived and worked because they were not legally registered urban residents.

In 2015 the government announced that all citizens were entitled to a household registration (also known as a hukou), including children born to a single parent or children born in violation of the one-child policy. On March 24, the Ministry of Public Security announced it had issued 14 million hukous to regularize the status of undocumented women and children.

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

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

Border officials and police cited threats to “national security” as the reason for refusing permission to leave the country. Authorities stopped most such persons at the airport at the time of their attempted travel.

Most citizens could obtain passports, although individuals the government deemed potential political threats, including religious leaders, political dissidents, petitioners, and ethnic minorities, routinely reported being refused passports or otherwise prevented from traveling overseas. Wu Rongrong, a women’s rights activist who gained global prominence in 2015 after being detained for trying to pass out stickers with antisexual harassment slogans, was denied a travel permit because of “unresolved legal cases” against her, and she was told the travel ban was for 10 years. After she posted about the situation on social media, which garnered international attention, the travel ban was suddenly lifted.

Uighurs, particularly those residing in the XUAR, reported great difficulty in getting passport applications approved at the local level. They were frequently
denied passports to travel abroad, particularly to Saudi Arabia for the Haj, to other Muslim countries, or to Western countries for academic purposes. Since 2016 authorities ordered residents of the XUAR to turn in their passports or told residents no new passports were available. The passport recall, however, was not limited to Uighur areas. Family members of Uighur activists living overseas were also denied visas to enter the country. During the year the government also made a concerted effort to compel Uighurs studying abroad to return to China. Upon return, some of them were detained or disappeared.

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

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

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

**Protection of Refugees**

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

Human Rights Watch (HRW) documented the government detained 41 North Koreans in July and August alone, compared with 51 documented detentions of North Korean refugees from June 2016 to July 2017. In the same report, HRW
estimated that among these 92 North Korean refugees, family members reported that at least 46 were refouled.

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

Authorities continued to repatriate North Korean refugees forcibly, including trafficking victims, generally treating them as illegal economic migrants. The government detained and deported such refugees to North Korea, where they faced severe punishment or death, including in North Korean forced-labor camps. The government did not provide North Korean trafficking victims with legal alternatives to repatriation.

The government continued to prevent UNHCR from having access to North Korean or Burmese refugees. Authorities sometimes detained and prosecuted citizens who assisted North Korean refugees, as well as those who facilitated illegal border crossings.

In some instances the government pressured other countries to return asylum seekers or UNHCR-recognized refugees forcibly. In July, Egypt detained more than 100 Uighurs, and forcibly returned a portion to China, including some who were seeking asylum.

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

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

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

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

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

According to Ministry of Civil Affairs’ 2016 statistics, almost all of the country’s more than 600,000 villages had implemented direct elections for members of local subgovernmental organizations known as village committees. The direct election of officials by ordinary citizens remained narrow in scope and strictly confined to the lowest rungs of local governance. Corruption, vote buying, and interference by township-level and CCP officials continued to be problems. The law permits each voter to cast proxy votes for up to three other voters.
The election law governs legislative bodies at all levels, although compliance and enforcement varied across the country. Under the law citizens have the opportunity every five years to vote for local people’s congress representatives at the county level and below, although in most cases higher-level government officials or CCP cadres controlled the nomination of candidates. At higher levels legislators selected people’s congress delegates from among their ranks. For example, provincial-level people’s congresses selected delegates to the NPC. Local CCP secretaries generally served concurrently within the leadership team of the local people’s congress, thus strengthening CCP control over legislatures.

In September 2016 the NPC Standing Committee expelled 45 deputies from Liaoning Province for violations of the electoral law, including vote buying and bribery. Official media described the case as “unprecedented since the founding of the People’s Republic of China in 1949.” More than 500 of the 617 members of the Liaoning Provincial People’s Congress were implicated in the scandal and either resigned or were expelled from the body. The NPC Standing Committee also disbanded the Liaoning Provincial People’s Congress Standing Committee and established a preparatory panel to function on its behalf until convening of a new provincial people’s congress.

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

No laws or regulations specifically govern the formation of political parties. The China Democracy Party (CDP) remained banned, and the government continued to monitor, detain, and imprison current and former CDP members. CDP founder Qin Yongmin, detained with his wife Zhao Suli in 2015, remained at the Wuhan No. 2 Detention Center awaiting trial for “subversion of state power.” His wife was still missing.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate. Women and/or members of minority groups held few positions of significant
influence in the government or CCP structure. Among the 2,987 appointed delegates to the 12th NPC in 2013, 699 (23 percent) were women. Following the 19th Party Congress, one member of the CCP Central Committee’s 25-member Politburo was a woman. There were no women in the Politburo Standing Committee.

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

A total of 409 delegates from 55 ethnic minorities were members of the 12th NPC, accounting for 14 percent of the total number of delegates. All of the country’s officially recognized minority groups were represented. The 19th Party Congress elected 15 members of ethnic minority groups as members of the 202-person Central Committee. There was no ethnic minority member of the Politburo, and only one ethnic minority was serving as a party secretary of a provincial-level jurisdiction, although a handful of ethnic minority members were serving as leaders in provincial governments. An ethnic Mongolian woman, Bu Xiaolin, served as chair of the Inner Mongolia Autonomous Region, equivalent to a provincial governor. An ethnic Hui woman, Xian Hui, also served as chair of the Ningxia Hui Autonomous Region.

Section 4. Corruption and Lack of Transparency in Government

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

The Central Commission for Discipline Inspection (CCDI) internal disciplinary system used to investigate party members suspected of party rule violations--known as “shuanggui”--continued to operate outside the judicial system and with widespread allegations of torture. According to an HRW report released in December 2016, many accused officials were detained and placed in solitary confinement, repeatedly interrogated, and in some cases tortured, until a confession of wrongdoing was given. Detainees were held outside police stations or official
detention facilities, often in hotels or party training facilities. Former detainees reported abuse that included beatings, sleep deprivation, and being forced to stand or sit in uncomfortable positions for hours and sometimes days. Some were later turned over to the judicial system for criminal prosecution.

“Shuanggui” detainees are not afforded legal procedural rights as protected under international human rights law, or those afforded to criminal suspects under domestic law. According to HRW, prosecutors, responsible for investigating and prosecuting corruption in the formal criminal justice system, often participate in shuanggui interrogations. Known as “joint investigations,” prosecutors may use these interrogation-produced confessions in subsequent criminal investigations. HRW was not aware of any case in which the court acquitted a suspect or overturned a conviction due to misconduct by investigators during shuanggui. In 2016 only two cases were found by HRW in which lower-level interrogators or guards were jailed after torturing and killing shuanggui detainees.

During the 19th Party Congress in October, President Xi announced the government would abolish the “shuanggui” system, to be replaced by new supervisory system that was in development.

Although a 2012 CCDI directive reportedly outlined better protections for detainees, the document was not made public. It was also unknown how often this system was applied. Transparency International’s analysis indicated corruption remained a significant problem in the country.

**Corruption:** In numerous cases government prosecutors investigated public officials and leaders of state-owned enterprises, who generally held high CCP ranks, for corruption. In March, Procurator General Cao Jianming reported to the 12th NPC that in 2016 the government investigated 47,650 officials for corruption, including 42,882 county-level officials and 445 higher-level officials.

In July the CCDI, the investigative body of the CCP that enforces political discipline—including countering corruption—published statistics stating it had punished more than 200,000 officials for corruption in the first half of the year. According to the report, the CCDI received 1.31 million complaints and opened more than 250,000 cases during that time. This included 38 senior officials from ministries and provincial administrations and more than 1,000 at the prefecture level.
While the tightly controlled state media apparatus publicized some notable corruption investigations, as a general matter very few details were made public regarding the process by which CCP and government officials were investigated for corruption.

In July the CCDI announced it had completed its investigation into Chongqing city CCP secretary and Politburo member Sun Zhengcai. As a result of “serious discipline violations,” Sun was subsequently removed from his post in Chongqing.

In May a court sentenced former National Bureau of Statistics head Wang Bao’an to life in prison for accepting bribes.

In August state media announced former Liaoning provincial CCP secretary Wang Min had been sentenced to life in prison for “embezzlement, accepting bribes, and dereliction of duty” for his association with a bribery and vote-buying scheme involving members of the Liaoning Provincial People’s Congress and Liaoning deputies to the NPC.

In August the CCDI announced a court had convicted two former senior officials, former head of the supervisory body of the China Development Bank Yao Zhongmin and former Henan provincial CCP member Wu Tianjin. Yao was sentenced to 14 years in prison and fined 3.5 million yuan ($530,000) for accepting bribes in exchange for loans and contracts. Wu was sentenced to 11 years in prison and fined one million yuan ($150,000) for “illegally accepting another person’s property” in exchange for providing assistance to businesses.

In some cases individuals who tried to report corruption faced reprisal and retaliation. In July 2016 a real estate developer in Hunan Province, Wu Zhengge, was arrested after he hired a private investigator to find evidence of corruption by several local judges. The judges were presiding over a criminal case against Wu, who hoped to use the evidence to blackmail the judges into dismissing the case. Although the judges were placed under investigation for public corruption, Wu was later arrested and charged with disclosing personal information.

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

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

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

The United Nations or Other International Bodies: The government remained reluctant to accept criticism of its human rights record by other nations or international organizations. The government sharply limited the visits of UN experts to the country and rarely provided substantive answers to queries by UN human rights bodies.

According to a May report by the UN special rapporteur on extreme poverty and human rights, Philip Alston, the government did not fully cooperate during his August 2016 visit. Alston said the government restricted his activities and that security agents followed him throughout his visit. Many of his meeting requests were declined, and although he submitted a list of academics he wanted to meet prior to his visit, he was told that many of them had been advised they should be on vacation during his visit. Security agents detained one person en route to a meeting with Alston. Alston’s request to visit was first made in 2005, according to
the UN Office of the High Commissioner for Human Rights. A dozen other requests for visits to the country by UN experts remained outstanding.

During the year HRW reported that officials photographed and filmed human rights activists on UN premises, in clear violation of UN regulations. The government also routinely restricted travel by mainland China-based activists who wished to testify at the UN Human Rights Council in Geneva.

The government used its membership on the UN Economic and Social Council’s Committee on NGOs to block groups critical of China from obtaining UN accreditation and blacklisting accredited activists from participating in UN events. In April security officials barred Dolkun Isa, an ethnic Uighur rights activist and accredited NGO participant, from attending the 2017 session of the UN Permanent Forum on Indigenous Issues.

According to HRW, Chinese diplomats—in violation of UN norms—contacted UN staff and experts on treaty bodies and special procedures, reportedly harassing and intimidating some officials.

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

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

Women

Rape and Domestic Violence: Rape of women is illegal, and carries a sentence of three years in prison to death. The law does not safeguard same-sex couples or victims of marital rape. In 2015 a separate law on sexual assault was broadened to include male victims, but it has a maximum penalty of five years in prison. Of the reported cases, most allegations of rape were closed through private settlement rather than prosecution. Some persons convicted of rape were executed.

Domestic violence remained a significant problem. The government took a significant step to protect women from domestic abuse through the passage of the Family Violence Law, which took effect in March 2016. NGOs stated that because
of the law, more women were willing to report domestic violence incidents to police. Nevertheless, implementation and enforcement of the law remained inconsistent. In February the *Washington Post* reported that elements of the law, including those related to court protective orders, were not being implemented correctly.

Some scholars said that even under the new law, victims were still encouraged to attempt to resolve domestic violence through mediation. Societal sentiment that domestic violence was a personal, private matter contributed to underreporting and inaction by authorities when women faced violence at home. One government study of divorce records publicized during the year indicated that only 9.5 percent of victims made police reports.

The government supported shelters for victims of domestic violence, and some courts provided protections to victims, including through court protective orders prohibiting a perpetrator of domestic violence from coming near a victim. Nonetheless, official assistance did not always reach victims, and public security forces often ignored domestic violence. Legal aid institutions working to provide counseling and defense to victims of domestic violence were often pressured to suspend public activities and cease all forms of policy advocacy, an area that was reserved only for government-sponsored organizations.

According to women’s rights activists, a recurring problem in the prosecution of domestic violence cases was a failure by authorities to collect evidence—including photographs, hospital records, police records, or children’s testimony. Witnesses seldom testified in court.

Courts’ recognition of domestic violence improved, making spousal abuse a mitigating factor in crimes committed in self-defense.

**Sexual Harassment:** The law prohibits sexual harassment against women; however, there is no clear definition of sexual harassment under the law. Offenders are subject to a penalty of up to 15 days in detention, according to the Beijing Public Security Bureau. It remained difficult for victims to file a sexual harassment complaint and for judges to reach a ruling on such cases. Many women remained unwilling to report incidents of sexual harassment, believing that the justice system was ineffectual, according to official media. Several prominent media reports of sexual harassment went viral on social media, helping to raise awareness of the problem, particularly in the workplace.
The Law on the Protection of Women’s Rights and Interests empowers victims to file a sexual harassment complaint with their employer, authorities, or both. Employers who failed to take effective measures to prevent sexual harassment could be fined.

Some women’s NGOs that sought to increase public awareness of sexual harassment reported harassment by public security and faced challenges executing their programs. In May police searched the houses of feminists suspected of printing clothing with antiharassment slogans. In September 2016 women’s rights activist Shan Lihua was found guilty by the Gangzha District People’s Court in Nantong, Jiangsu Province, of “picking quarrels and stirring up trouble.” The indictment specifically cited Shan’s activism on a rape case in Hainan Province as evidence, according to media reports.

Coercion in Population Control: There were reports of coerced abortions and sterilizations, though government statistics on the percentage of abortions that were coerced during the year was not available. The CCP restricts the rights of parents to choose the number of children they have and utilizes family planning units from the provincial to the village level to enforce population limits and distributions. A two-child policy was officially implemented as of January 2016. The Population and Family Planning Law permits married couples to have two children and allows couples to apply for permission to have a third child if they meet conditions stipulated in local and provincial regulations. State media claimed the number of coerced abortions had declined in recent years in the wake of loosened regulations, including the implementation of the two-child policy. Citizens are subject to hefty fines for violating the law, while couples who have only one child receive a certificate entitling them to collect a monthly incentive payment and other benefits that vary by province—from approximately six to 12 yuan (one to two dollars) per month up to 3,000 yuan ($450) for farmers and herders in poor areas. Couples in some provinces are required to seek approval and register before a child is conceived.

Under the law and in practice, there are financial and administrative penalties for births that exceed birth limits or otherwise violate regulations. The National Health and Family Planning Commission announced it would continue to impose fines, called “social compensation fees,” for policy violations. The law, as implemented, requires each woman with an unauthorized pregnancy to abort or pay the social compensation fee, which can reach 10 times a person’s annual disposable income. The exact amount of the fee varied widely from province to province. Those with financial means often paid the fee so that their children born
in violation of the birth restrictions would have access to a wide array of government-provided social services and rights. Some parents avoided the fee by hiding children born in violation of the law with friends or relatives. In localities with large populations of migrant workers, officials specifically targeted migrant women to ensure that they did not exceed birth limitations. Minorities in some provinces, however, were entitled to higher limits on their family size.

The law maintains that “citizens have an obligation to practice birth planning in accordance with the law” and also states that “couples of child-bearing age shall voluntarily choose birth planning contraceptive and birth control measures to prevent and reduce unwanted pregnancies.” After the transition to a two-child limit, the available mix of contraceptives shifted from mainly permanent methods like tubal ligation or IUDs toward other reversible methods.

Single women are entitled to reproductive rights, and their children are entitled to the same rights as those born to married parents, according to both the Civil Law and Marriage Law. Since the national family planning law mentions only the rights of married couples, local implementation was inconsistent, and unmarried persons must pay for contraception. Children born to single mothers or unmarried couples are considered “outside of the policy” and subject to the social compensation fee and the denial of legal documents, such as birth documents and the “hukou” residence permit. Single women can avoid those penalties by marrying within 60 days of the baby’s birth.

As in prior years, population control policy continued to rely on social pressure, education, propaganda, and economic penalties, as well as on measures such as mandatory pregnancy examinations and, less frequently, coerced abortions and sterilizations. Officials at all levels could receive rewards or penalties based on whether or not they met the population targets set by their administrative region. With the higher birth limit, and since most persons wanted to have no more than two children, it was easier to achieve population targets, and the pressure on local officials was considerably less than before. Those found to have a pregnancy in violation of the law or those who helped another to evade state controls could face punitive measures, such as onerous fines or job loss.

Regulations requiring women who violate the family planning policy to terminate their pregnancies still exist and were enforced in some provinces, such as Hubei, Hunan, and Liaoning. Other provinces, such as Guizhou, Jiangxi, Qinghai, and Yunnan, maintained provisions that require “remedial measures,” an official euphemism for abortion, to deal with pregnancies that violate the policy.
The law mandates that family planning bureaus administer pregnancy tests to married women of childbearing age and provide them with basic knowledge of family planning and prenatal services. Under the law schools are required to provide adolescent and sexual health education at an appropriate level, but in practice information is quite limited. Some provinces fined women who did not undergo periodic state-mandated pregnancy tests.

Family planning officials face criminal charges and administrative sanction if they are found to violate citizens’ human or property rights, abuse their power, accept bribes, misappropriate or embezzle family planning funds, or falsely report family planning statistics in the enforcement of birth limitation policy. Forced abortion is not specifically listed as a prohibited activity. The law also prohibits health-care providers from providing illegal surgeries, ultrasounds to determine the sex of the fetus that are not medically necessary, sex-selective abortions, fake medical identification, and fake birth certificates. By law citizens may submit formal complaints about officials who exceed their authority in implementing birth-planning policy, and complaints are to be investigated and dealt with in a timely manner.


Discrimination: The constitution states “women enjoy equal rights with men in all spheres of life.” The law provides for equality in ownership of property, inheritance rights, access to education, and equal pay for equal work. However, women reported that discrimination, unfair dismissal, demotion, and wage discrepancies were significant problems.

On average, women earned 35 percent less than men who did similar work. This wage gap was greater in rural areas. Women also continued to be underrepresented in leadership positions, despite their high rate of participation in the labor force.

Authorities often did not enforce laws protecting the rights of women; according to legal experts, it was difficult to litigate sex discrimination suits because of vague legal definitions. Some observers noted that the agencies tasked with protecting women’s rights tended to focus on maternity-related benefits and wrongful termination during maternity leave rather than on sex discrimination, violence
against women, and sexual harassment; others pointed to the active role played by the All China Women’s Federation (ACWF) in passing the new domestic violence legislation.

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

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

**Children**

**Birth Registration:** Citizenship is derived from parents. Parents must register their children in compliance with the national household registration system within one month of birth. Unregistered children could not access public services, including education.

**Education:** Although the law provides for nine years of compulsory education for children, many children did not attend school for the required period in economically disadvantaged rural areas, and some never attended. Public schools were not allowed to charge tuition, but many schools continued to charge miscellaneous fees because they received insufficient local and central government funding. Such fees and other school-related expenses made it difficult for poorer families and some migrant workers to send their children to school. The gap in education quality for rural and urban youth remained extensive, with many children of migrant workers attending unlicensed and poorly equipped schools.

**Child Abuse:** The physical abuse of children is ground for criminal prosecution. The Domestic Violence Law also protected children. Sexual abuse of minors, particularly of rural children, was a significant problem. In 2016 the *Economist* reported that millions of children suffered from sexual abuse. The government increasingly encouraged state media to report on the problem and allowed NGOs to combat child sexual abuse. Pilot programs were underway in three major
provinces to develop and implement child protection laws and protocols for protection and treatment, including mandatory reporting.

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

Sexual Exploitation of Children: The minimum legal age for consensual sex is 14. Persons who forced girls under the age of 14 into prostitution could be sentenced to 10 years to life in prison in addition to a fine or confiscation of property. In especially serious cases, violators could receive a life sentence or death sentence, in addition to having their property confiscated. Those who visited girls forced into prostitution under age 14 were subject to five years or more in prison in addition to paying a fine.

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

The law provides that persons broadcasting or showing obscene materials to minors under the age of 18 are to be “severely punished.”

Infanticide or Infanticide of Children with Disabilities: The law forbids infanticide and it was unknown if the practice continued. Parents of children with disabilities frequently left infants at hospitals, primarily because of the cost of medical care. Gender-biased abortions and the abandonment and neglect of baby girls were believed to be in decline, but continued to be a problem in some circumstances due to the traditional preference for sons and the birth-limitation policy.

Displaced Children: The number of street children was unknown (estimates as high as 1.5 million), but governmental efforts to identify and provide care for these children greatly intensified. In 2013 the ACWF estimated that more than 61 million children under the age of 17 were left behind by their migrant-worker parents in rural areas. The most recent government census found approximately nine million rural children who were left behind by both parents who migrated to urban areas for work.
Institutionalized Children: The law forbids the mistreatment or abandonment of children. According to some sources, by the end of 2015, the country had 502,000 orphans, of which 92,000 were up for adoption. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages usually had disabilities or were in poor health. The government denied that children in orphanages were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems. Adopted children were counted under the birth-limitation regulations in most locations. As a result couples who adopted abandoned infant girls were sometimes barred from having additional children. The law allowed children who are rescued to be made available for adoption within one year if their family is not identified.


Anti-Semitism

The government does not recognize Judaism as an ethnicity or religion. According to information from the Jewish Virtual Library, the country’s Jewish population was 2,600 in 2016. In September 2016 the New York Times reported that members of the Kaifeng Jewish community in Henan Province came under pressure from authorities. Approximately 1,000 Kaifeng citizens claimed Jewish ancestry. Media reports stated that authorities forced the only Jewish learning center in the community to shut down, blocked the community’s ritual bath, and barred foreign tour groups from visiting.

Trafficking in Persons

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

Persons with Disabilities

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

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

The Ministry of Education reported there were more than 2,000 separate education schools for children with disabilities, but NGOs reported that only 2 percent of the 20 million children with disabilities had access to education that met their needs.

Individuals with disabilities faced difficulties accessing higher education. The law permits universities to exclude candidates with disabilities who would otherwise be qualified. A regulation mandates accommodations for students with disabilities when taking the national university entrance exam.

In May the government revised the 20-year-old law covering access to education for persons with disabilities. The revisions reaffirmed a commitment to ensure education for children with disabilities, broadened vocational education for persons with disabilities, and aimed to prevent discrimination in school admissions. The updated law encourages schools to accept more students, and places the responsibility to expand school access at the county level, calling on local governments to prioritize establishing special education resources in mainstream schools.

Some observers said the law was aspirational and vague, but still an improvement over prior regulations. Others noted that parents too often were forced to resort to bribing school officials to have their child with a disability accepted into mainstream schools.

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

Misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems. Parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education.
for their children. According to the government, many persons with disabilities lacked adequate rehabilitation services.

Unemployment among adults with disabilities, in part due to discrimination, remained a serious problem. The law requires local governments to offer incentives to enterprises that hire persons with disabilities. Regulations in some parts of the country also require employers to pay into a national fund for persons with disabilities when employees with disabilities do not make up a statutory minimum percentage of the total workforce.

Standards adopted for making roads and buildings accessible to persons with disabilities are subject to the Law on the Handicapped, which calls for their “gradual” implementation; compliance was limited.

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

**National/Racial/Ethnic Minorities**

Government policy called for members of recognized minorities to receive preferential treatment in birth planning, university admission, access to loans, and employment. A government white paper about development in Xinjiang published in June asserted that cultural and religious rights were provided for, including the use of minority languages and the protection of cultural heritage and religious practice. The substance and implementation of ethnic minority policies nonetheless remained poor, and discrimination against minorities remained widespread. Xi Jinping directed the Communist state to “sinicize” the country’s ethnic and religious minorities: ethnically based restrictions on movement curtailed the ability of ethnic Uighurs to travel freely or obtain travel documents; authorities in Xinjiang increased surveillance and the presence of armed police; and new legislation restricted cultural and religious practices.

Minority groups in border and other regions had less access to education than their Han Chinese counterparts, faced job discrimination in favor of Han Chinese migrants, and earned incomes well below those in other parts of the country. Some
claims cited the banning of minority language education, including the Uighur language in the XUAR, as signs of progress in the provision of basic education for some ethnic groups involved. Government development programs and job provisions disrupted traditional living patterns of minority groups and in some cases included the forced relocation of persons and the forced settlement of nomads. Han Chinese benefited disproportionately from government programs and economic growth in minority areas. As part of its emphasis on building a “harmonious society” and maintaining social stability, the government downplayed racism and institutional discrimination against minorities, which remained the source of deep resentment in the XUAR, the Inner Mongolia Autonomous Region, the TAR, and other Tibetan areas.

The government’s policy to encourage Han Chinese migration into minority areas significantly increased the population of Han in the XUAR. Han Chinese officials continued to hold the majority of the most powerful CCP and many government positions in minority autonomous regions, particularly the XUAR. The rapid influx of Han Chinese into the XUAR in recent decades has provoked Uighur resentment.

According to a 2015 government census, 9.5 million, or 40 percent, of the XUAR’s official residents were Han Chinese. Uighur, Hui, Kazakh, Kyrgyz, and other ethnic minorities constituted 14.1 million XUAR residents, or 60 percent of the total population. Official statistics understated the Han Chinese population because they did not count the more than 2.7 million Han residents on paramilitary compounds (bingtuan) and those who were long-term “temporary workers,” an increase of 1.2 percent over the previous year, according to a 2015 government of Xinjiang report. As the government continued to promote Han migration into the XUAR and filled local jobs with domestic migrant labor, local officials coerced young Uighur men and women to participate in a government-sponsored labor transfer program to cities outside the XUAR, according to overseas human rights organizations.

The law states that “schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever possible, use textbooks in their own languages and use their languages as the medium of instruction.” Despite provisions to ensure cultural and linguistic rights, in June state media reported that the Department of Education in Hotan, a Uighur-majority prefecture, issued a directive requiring full instruction in Mandarin beginning in preschool and banning the use of Uighur in all educational activities and management. Similar measures were implemented throughout the XUAR,
according to international media. There were reports private Uighur-language schools were shut by authorities without any transparent investigation under the pretense that they promoted radical ideologies.

Officials in the XUAR intensified efforts to crack down on the government-designated “three evil forces” of religious extremism, ethnic separatism, and violent terrorism, including a concentrated re-education campaign to combat what it deemed to be separatism. XUAR Communist Party secretary Chen Quanguo, former Communist leader in the TAR, replicated in the XUAR policies similar to those credited with reducing opposition to CCP rule in Tibet, increasing the security budget by more than 300 percent and advertising more than 90,800 security-related jobs. Authorities cited the 2016 XUAR guidelines for the implementation of the national Counterterrorism Law and a “people’s war on terrorism” in its increased surveillance efforts and enhanced restrictions on movement and ethnic and religious practices.

In April the XUAR government also implemented new “Deradicalization Regulations,” codifying efforts to “contain and eradicate extremism,” according to Xinhua. The broad definition of extremism resulted in the disappearance, jailing, or forced attendance at re-education classes of tens of thousands of Uighurs and other Muslim minorities, according to international media. This included many of those ordered to return to China from studying abroad. The regulations prohibit “abnormal” beards, the wearing of veils in public places, and the refusal to watch state television, among other behaviors. The regulations banned the use of some Islamic names when naming children and set punishments for the teaching of religion to children. Authorities also conducted daily house-to-house checks to distribute a list of banned books to local residents in Karamay City while confiscating the actual books, overseas Uighur media reported in May. In March, Radio Free Asia reported that Uighurs in Hotan were required to turn in to authorities “unsanctioned” religious publications, items with the Islamic star and crescent logo, and religious attire, such as burkas. Authorities searched Uighur homes and punished those still in possession of items on a list of “illegal items,” according to the report. Banned items include any Quran published before 2012.

Some security raids, arbitrary detentions, and judicial punishments, ostensibly directed at individuals or organizations suspected of promoting the “three evil forces,” appeared to target groups or individuals peacefully seeking to express their political or religious views. Detention and punishment extended to expression on the internet and social media, including the browsing, downloading, and transmitting of banned content. Authorities arrested a woman in May for posting
Quranic verses to a chat site; local officials confirmed it was illegal to post to the internet anything from the Quran or mentioning Allah. Officials continued to use the threat of violence as justification for extreme security measures directed at the local population, journalists, and visiting foreigners. According to Xinhua news, officials used surveillance and facial recognition software, biodata collection, and big data technology to create a database of Uighurs in Xinjiang for the purpose of conducting “social-instability forecasting, prevention, and containment.” Security forces frequently staged large-scale parades involving thousands of armed police in cities across the XUAR, according to state media.

Uighurs and other religious minorities continued to be sentenced to long prison terms and in some cases executed without due process on charges of separatism and endangering state security. The government constructed new prisons in Xinjiang in order to alleviate the overcapacity of existing facilities, according to credible sources. Hundreds of police recruits were hired to staff the new prisons, according to government reports. Economist Ilham Tohti remained in prison, where he was serving a life sentence after his conviction on separatism-related charges in 2014.

The law criminalizes discussion of “separatism” on the internet and prohibits use of the internet in any way that undermines national unity. It further bans inciting ethnic separatism or “harming social stability” and requires internet service providers and network operators to set up monitoring systems to detect, report, and delete religious content or to strengthen existing systems and report violations of the law. Authorities reportedly searched cell phones at checkpoints and during random inspections of Uighur households, and those in possession of alleged terrorist material, including digital pictures of the East Turkistan flag, could be arrested and charged with crimes.

Authorities increased surveillance and the collection of personal information as part of overall security measures in the XUAR. The government enhanced efforts to build archives of voiceprint information, facial recognition, fingerprints, blood samples, and DNA samples, according to Xinhua news and overseas media. Monitoring of social media and the internet increased, and officials described their use of “big data” to forecast, prevent, and contain social instability in Xinjiang. In July, Xinjiang residents were ordered to install on mobile phones a surveillance application to report the viewing of “terrorist information” and prevent them from accessing it, according to the Hong Kong Free Press. The application monitors “illegal religious” activity and “harmful information,” according to authorities.
Huang Shike, a Hui Muslim living in Xinjiang, was sentenced to two years in prison for discussing Islam on the social media platform Wechat.

Ethnic Kazakh Chinese were also targeted, RFA and other international media reported in August. In August, Kazakh students were arrested in Xinjiang for wearing Islamic clothing and praying at a university. Kazaks were also prevented from moving freely between China and neighboring Kazakhstan, and some were detained when returning to China.

The government pressured foreign countries to repatriate or deny visas to Uighurs who had left the country, and repatriated Uighurs faced the risk of imprisonment and mistreatment upon return. Some Uighurs who were forcibly repatriated disappeared after arrival. Family members of Uighurs studying overseas were also put under pressure to convince students to return to China, and returning students were detained or forced to attend re-education camps, according to overseas media. In July, Egyptian authorities detained scores of Chinese Uighur students to be interrogated by Chinese security personnel, and some of them were repatriated against their will, according to Uighur activists outside of China. In August state media reported that Hebibulla Tohti, a member of the Chinese Islamic Association, was arrested upon his return from studying at Egypt’s al-Azhar University. He was sentenced to 10 years in prison for unauthorized preaching, attending a conference in Saudi Arabia in 2015, giving speeches on the importance of Uighur culture, and failing to endorse the government’s policies in the Uighur region.

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

For specific information on Tibet, see the Tibet Annex.

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

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

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

A court in Henan Province in July ruled that a mental hospital in Zhumadian City owed a gay man named Wu 5000 yuan ($735) in compensation over being forced against his will in 2015 into “conversion therapy.” Hospital employees forced Wu to take medicine and injections for 19 days after diagnosing him with a “sexual preference disorder.”

NGOs working on LGBTI issues reported that although public advocacy work became more difficult for them in light of the Foreign NGO Management Law and the Domestic Charity Law, they made some progress in advocating for LGBTI rights through specific antidiscrimination cases. In July a court ruled in favor of a transgender man in his suit against his former employer for wrongful termination.

Xi’an police detained nine members of the gay advocacy group Speak Out hours before the conference it was hosting was slated to start.

HIV and AIDS Social Stigma

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

In June a Guangzhou court ruled against a food inspection laboratory for violating the contract of an employee upon learning he was HIV positive by sending him home “to rest” indefinitely. While he was still paid his full salary, he sued, asserting it was not lawful for his employer to prevent him from working. After he sued, his contract expired and was not renewed. The court ruled that the employee did not consent to this change in his contract, making it a violation of the Employment Contract Law. They also ruled that his employer had to allow him to return to work.
Other Societal Violence or Discrimination

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

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

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

Section 7. Workers’ Rights

a. Freedom of Association and the Right to Collective Bargaining

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

The law provides legal protections against antiunion discrimination and specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. The law provides for the reinstatement of workers dismissed for union activity as well as for other enterprise penalties for antiunion activities. The law does not protect workers who request or take part in collective negotiations with their employers independent of the officially recognized union. In several cases reported during the year, workers faced reprisals including forced resignation, firing, and detention.
The All China Federation of Trade Unions (ACFTU) is the only union recognized under the law. All union activity must be approved by and organized under the ACFTU, a CCP organ chaired by a member of the Politburo. The ACFTU and its provincial and local branches continued aggressively to establish new constituent unions and add new members, especially among migrant workers, in large, multinational enterprises. The law gives the ACFTU financial and administrative control over constituent unions empowered to represent employees in negotiating and signing collective contracts with enterprises and public institutions. The law does not mandate the ACFTU to represent the interests of workers in disputes.

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

The law provides for labor dispute resolution through a three-stage process: mediation between the parties, arbitration by officially designated arbitrators, and litigation. Employers are required to consult with labor unions or employee representatives on matters that have a direct bearing on the immediate interests of their workers. Three new labor-dispute arbitration rules aimed at streamlining the dispute settlement process were implemented during the year. One measure that took effect June 1 states that workers should seek assistance from the official union in the arbitration process. Civil society organizations alleged that these revisions effectively exclude independent labor nongovernmental organizations from representing workers in labor disputes.

The law does not expressly prohibit work stoppages, and it is legal for workers to strike spontaneously. Authorities appeared most tolerant of strikes protesting unpaid or underpaid wages. Unofficial records from the Hong Kong-based labor rights NGO China Labor Bulletin showed that between January and June the majority of strikes and collective protests were due to unpaid wages.
In some cases local authorities cracked down on such strikes, sometimes charging leaders with vague criminal offenses, such as “picking quarrels and provoking trouble,” “disturbing public order,” “damaging production operations,” or detaining them without any charges. The only legally specified role for the ACFTU in strikes is to participate in investigations and assist the Ministry of Human Resources and Social Security in resolving disputes.

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

Enforcement was generally insufficient to deter wide-scale violations. Labor inspectors lacked authority and resources to compel employers to correct violations. While the law outlines general procedures for resolving disputes, procedures were lengthy and subject to delays. Local authorities in some areas actively sought to limit efforts by independent civil society organizations and legal practitioners. Some areas maintained informal quotas on the number of cases allowed to proceed beyond mediation.

There continued to be reports of workers throughout the country engaging in wildcat strikes, work stoppages, and other protest actions. Bus drivers from a Guangdong municipality reportedly began a strike on June 27. They approached the local authority to protest unbearably low wages and benefits, mounting workloads, and increasing living costs. More than two-thirds of the bus services were suspended, and the drivers said they would continue to strike until they receive the government’s reply.

The number of labor disputes rose steadily in recent years, and local and provincial governments responded. For example, the Guangdong government implemented the new Guangdong Provincial Labor and Human Resources Mediation Measures on May 1 to cope with the rapid increase of labor disputes.

Coordinated efforts by governments at the central, provincial, and local levels, including harassment, detention, and the imposition of travel restrictions on labor rights defenders and restrictions on funding sources for NGOs, disrupted labor rights advocacy. The Guangzhou Intermediate People’s Court sentenced labor activist Liu Shaoming to four and one-half years’ imprisonment on July 7 after
finding him guilty of “inciting subversion of state power.” A veteran of the 1989 prodemocracy movement, Liu was initially detained in May 2015 for “picking quarrels and provoking trouble,” then formally arrested in July 2015 for the more serious charge of inciting subversion.

On September 3, authorities released Meng Han, who had been convicted in November 2016 for “gathering a crowd to disturb social order.”

**b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced and compulsory labor, and where there were reports that forced labor of adults and children occurred, the government reportedly enforced the law. Although domestic media rarely reported forced labor cases and the penalties imposed, the law provides a range of penalties depending on the circumstances, including imprisonment, criminal detention, and fines. It was unclear whether the penalties were sufficient to deter violations.

Persons with mental disabilities were subjected to forced labor in small workshops and factories. Police raided two workshops in Heilongjiang Province in the northeast in July and freed more than 30 enslaved laborers, according to media reports.

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

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

**c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the employment of children under the age of 16. It refers to workers between the ages of 16 and 18 as “juvenile workers” and prohibits them from engaging in certain forms of dangerous work, including in mines. The government did not effectively enforce the law.

The law specifies administrative review, fines, and revocation of business licenses of enterprises that illegally hire minors and provides that underage working
children be returned to their parents or other custodians in their original place of residence. The penalty is imprisonment for employing children under age 16 in hazardous labor or for excessively long hours, but a gap remained between legislation and implementation despite annual inspection campaigns launched by local authorities across the country. It was unclear whether the penalties were sufficient to deter violations.

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

d. Discrimination with Respect to Employment and Occupation

The law provides some basis for legal protection against employment discrimination on the grounds of ethnicity, race, gender, religious belief, disability, age, and infectious or occupational diseases.

The Ministry of Human Resources and Social Security and the local labor bureaus were responsible for verifying that enterprises complied with the labor laws and the employment promotion law. The government did not effectively implement the laws.

Enforcement clauses include the right to pursue civil damages through the courts. Courts were generally reluctant to accept discrimination cases, and authorities at all levels emphasized negotiated settlements to labor disputes. As a result there were few examples of enforcement actions that resulted in final legal decisions. Discrimination in employment was widespread, including in recruitment advertisements that discriminated based on gender, age, height, birthplace, and physical appearance and health status (see section 6).

Some employers lowered the effective retirement age for female workers to 50. This reduced overall pension benefits, which were generally based on the number of years worked. Many employers preferred to hire men to avoid the expense of maternity leave. In March the Xiamen Intermediate Court ordered a local high technology company to compensate a former senior female manager 134,640 yuan ($19,120) for unlawfully terminating her contract during maternity leave and accusing her of embezzling company assets, according to media.

In August an official newspaper sponsored by the Ministry of Justice called attention to the worsening discrimination against women since the government
eased its birth control policy and allowed couples to have a second child starting in January 2016.

Effective from January 2016, provisional regulations require local authorities to establish a streamlined process for migrants to register as urban residents. While the regulations would provide many of the estimated 270 million migrant workers residing in urban centers with limited social benefits, the unaltered half-century-old hukou system remained the most pervasive form of employment-related discrimination, denying migrant workers access to the full range of social benefits, including health care, pensions, and disability programs, on an equal basis with local residents.

e. Acceptable Conditions of Work

There is no national minimum wage, but the law generally requires local and provincial governments to set their own minimum wage rates for both the formal and informal sectors according to standards promulgated by the Ministry of Human Resources and Social Security. It also prohibits overtime work in excess of three hours per day or 36 hours per month and mandates premium pay for overtime work.

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

Regulations state that labor and social security bureaus at or above the county-level are responsible for enforcement of labor laws. Companies that violate occupational, safety, and health regulations face various penalties, including suspension of business operations or rescission of business certificates and licenses.

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

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

Unpaid wages have been an acute problem in the construction sector for decades due to the prevalence of hiring subcontracted low-wage migrant workers. This informal hiring scheme made rural laborers susceptible to delayed payment or nonpayment for their work, prompting them to join in collective action. Workers occasionally took drastic measures to demand payment. In January the ACFTU claimed its national network helped more than 2.2 million migrants recover a total of 22 billion yuan ($3.3 billion) in unpaid wages owed in 2016.

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

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

According to several official documents published during the year, occupational diseases were prevalent. Patients came from many industries, including coal, chemical engineering, and nonferrous metals. Data from the State Administration for Work Safety showed that occupational diseases were rampant in more than 30 industries, threatening 30 percent of the country’s enterprises, and newly reported cases, especially of pneumoconiosis, or black lung disease, were on the rise.

The number of workplace accidents and fatalities in the country decreased on a year-on-year basis. From January to November, the number of workplace
accidents dropped 26.9 percent compared with the previous year, while fatalities in those accidents dropped 20.6 percent.

The coal mining industry was extremely deadly. On May 7, a gas leak caused an explosion at the Jilinqiao colliery in Hunan Province, killing 18 miners, according to media reports. On August 11, a landslide occurred at an open-pit coalmine in the north, in Shanxi Province. Media reported local government officials visited the site twice to investigate internet reports of casualties, but the coalmine company denied all the rumored casualties. Authorities then detained the author of the online report for “fabricating information online.” The company head later turned himself in to police and confessed that 10 workers were killed in the accident.

Work accidents also remained widespread in other industries. On June 1, a fire raged for 12 hours at a paper company in the Tianjin port. Even though no casualties were reported, local residents were reminded of the chemical plant only two miles away where a series of explosions in 2015 left 165 persons dead and nearly 800 injured. On August 16, an explosion at a petrochemical company in the east, in Shandong Province, killed 10 persons.
EXECUTIVE SUMMARY

The United States recognizes the Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures (TAPs) and counties in Sichuan, Qinghai, Yunnan, and Gansu Provinces to be a part of the People’s Republic of China (PRC). The Chinese Communist Party’s (CCP) Central Committee oversees Tibet policies. As in other predominantly minority areas of the PRC, ethnic Chinese CCP members held the overwhelming majority of top party, government, police, and military positions in the TAR and other Tibetan areas. Ultimate authority rests with the 25-member Political Bureau (Politburo) of the CCP Central Committee and its seven-member Standing Committee in Beijing, neither of which has any Tibetan members.

Civilian authorities generally maintained effective control over the security forces.

The most significant human rights issues included: disappearances; torture by government authorities; arbitrary detentions, including political prisoners; and government curtailment of the freedoms of speech, religion, association, assembly, and movement.

The presence of the paramilitary People’s Armed Police (PAP) and other security forces remained at high levels in many communities on the Tibetan Plateau, particularly in the TAR and certain parts of Tibetan areas in Sichuan Province. Repression was severe throughout the year but increased in the periods before and during politically and religiously sensitive anniversaries and events. Authorities detained individuals in Tibetan areas after they reportedly protested against government or business actions or expressed their support for the Dalai Lama. The government strictly controlled information about, and access to, the TAR and some key Tibetan areas outside the TAR. The Chinese government harassed or detained Tibetans as punishment for speaking to foreigners, attempting to provide information to persons abroad, or communicating information regarding protests or other expressions of discontent through cell phones, email, or the internet, and placed restrictions on their freedom of movement.

Disciplinary procedures were opaque, and there was no publicly available information to indicate that senior officials punished security personnel or other authorities for behavior defined under PRC laws and regulations as abuses of power and authority.
Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings. There were no reports that officials investigated or punished those responsible for such killings that had previously taken place.

Disappearance

Authorities in Tibetan areas continued to detain Tibetans arbitrarily for indefinite periods.

The whereabouts of the 11th Panchen Lama, Gedhun Choekyi Nyima, the second-most prominent figure after the Dalai Lama in Tibetan Buddhism’s Gelug school, remained unknown. Neither he nor his parents have been seen since Chinese authorities took them away in 1995 when he was six years old.

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

According to credible sources, police and prison authorities employed torture and degrading treatment in dealing with some detainees and prisoners. There were reports during the year that Chinese officials severely beat some Tibetans who were incarcerated or otherwise in custody. In the past, such beatings have led to death.

On January 25, Radio Free Asia (RFA) reported that in December 2016, police detained Khedrup, a Tibetan doctor from Machu (in Chinese: Maqu) county of Gannan TAP in Gansu Province. Police suspected that he sent photos and video clips of Tibetan Tashi Rabten’s self-immolation to international media. The report noted that police interrogated, tortured, beat, and applied other forms of mistreatment to Khedrup during his detention, which lasted more than one month.

On March 22, TibetanReview.net reported that public security officials and local police severely beat and tortured approximately 10 relatives of Tibetan farmer Pema Gyaltsen (or Pegyal) of Nyagrong (Chinese: Xinlong) county, Kardze (Chinese: Ganzi) TAP, Sichuan Province after they inquired about Pegyal’s conditions following his self-immolation on March 18. After beating them, police forced these relatives to stand the entire night, resulting in acute pain in their legs.
and spinal cords. Authorities released them only when officials of their townships provided letters vouching for their future good conduct.

**Prison and Detention Center Conditions**

Prison conditions were harsh and potentially life threatening due to physical abuse and inadequate sanitary conditions and medical care.

There were reports of recently released prisoners permanently disabled or in extremely poor health because of the harsh treatment they endured in prison (see Political Prisoners and Detainees subsection below). Former prisoners reported being isolated in small cells for months at a time and deprived of sleep, sunlight, and adequate food. According to individuals who completed their prison terms during the year, prisoners rarely received medical care except in cases of serious illness. There were many cases of detained and imprisoned persons being denied visitors. According to local contacts, authorities detained Thewo Kunchok Nyima, a well-known monk scholar of Drepung Monastery, in 2008 for acting as the “ring leader” and the main instigator of protests in Lhasa. Kunchok Nyima has reportedly been serving a 20-year sentence, but the government has not granted his family permission to visit him in prison. His whereabouts remained unknown.

**Arbitrary Arrest or Detention**

Arbitrary arrest and detention was a problem. Public security agencies are required by law to notify the relatives or employer of a detained person within 24 hours of their detention, but they often failed to do so when Tibetans and others were detained for political reasons. With a detention warrant, public security officers may legally detain persons throughout the PRC for up to 37 days without formally arresting or charging them. Following the 37-day period, public security officers must either formally arrest or release the detainee. Security officials frequently violated these requirements. It was unclear how many Tibetan detainees the authorities held under forms of detention not subject to judicial review.

According to the India-based *Tibet Post International*, in January Chinese security officers in Serta County, Kardze (Chinese: Ganzi) TAP of Sichuan Province arrested Sonam Tashi, a Tibetan man in his twenties, after he publicly advocated for freedom in Tibet and called for His Holiness the Dalai Lama’s return to Tibet. Tashi’s whereabouts and health conditions remained unknown following his arrest.
On March 21, Phayul.com reported that Dukpe, a Tibetan mother of two from Ngaba’s Raru Township, was arrested for shouting slogans such as “Long live the Dalai Lama” and “Freedom in Tibet.” Her whereabouts and health conditions remained unknown.

Denial of Fair Public Trial

Legal safeguards for detained or imprisoned Tibetans were inadequate in both design and implementation. Prisoners in China have the right to request a meeting with a government-appointed attorney, but many Tibetan defendants, particularly political defendants, did not have access to legal representation. In cases that authorities claimed involved “endangering state security” or “separatism,” trials often were cursory and closed. Local sources noted that trials were predominantly conducted in Mandarin, with government interpreters providing language services for Tibetan defendants who did not speak Mandarin. Court decisions, proclamations, and other judicial documents, however, were generally not published in Tibetan.

Trial Procedures

In its annual work report, the TAR High People’s Court stated its top political tasks as firmly fighting against separatism, cracking down on the followers of “the 14th Dalai (Lama) clique,” and maintaining social stability by, among other things, sentencing those who instigated protests, promoted separatism, and supported “foreign hostile forces.” The report also stated the court prioritized “political direction,” which included absolute loyalty to the core party leadership.

In May the TAR Justice Department announced its decision to hire Chinese judicial personnel from outside the TAR. Among the requirements for new employees are loyalty to the CCP leadership and a willingness to combat separatism in the region.

Security forces routinely subjected political prisoners and detainees known as “special criminal detainees” to “political re-education” sessions.

Political Prisoners and Detainees

An unknown number of Tibetans were detained, arrested, and sentenced because of their political or religious activity. Authorities held many prisoners in extrajudicial detention centers and never allowed them to appear in public court.
Based on information available from the political prisoner database of the Congressional-Executive Commission on China, as of October 1, there were 507 Tibetan political prisoners known to be detained or imprisoned, most of them in Tibetan areas. Observers believed the actual number of Tibetan political prisoners and detainees to be much higher, but the lack of access to prisoners and prisons, as well as the dearth of reliable official statistics, made a precise determination difficult. An unknown number of persons continued to be held in detention centers rather than prisons. In the 143 cases for which there was available information on sentencing, sentences ranged from two years’ to life imprisonment. Of the 143 persons, involved in those cases, 68 were monks, nuns, or Tibetan Buddhist reincarnate teachers.

Tibetan exiles and other observers believed Chinese authorities released Tibetan political prisoners in poor health to avoid deaths in custody. On May 1, authorities released Jampal, a Tibetan man from Machu County of the Tibetan area in Gansu Province, after he served eight years of his 13-year sentence for leading a protest in front of government offices in 2008. Many speculated that authorities granted him early release due to his poor physical condition. While in prison, he was reportedly tortured and suffered head and leg injuries, which negatively affected his ability to walk.

According to several local contacts, Jigme Gyatso, a monk of Labrang Monastery in Gansu Province, was released from prison in October 2016 due to poor health. He reportedly received permission to travel freely within China to receive medical treatment for the severe torture and beatings that he endured during his imprisonment.

**Tibetan Self-Immolations**

Five Tibetans are thought to have self-immolated during the year, including one Tibetan Buddhist monk and three laypersons. There have been 145 such immolations since 2009, with the number per year decreasing from 83 reports of self-immolations in 2012, to seven in 2015, and three in 2016. Local contacts reported the decline in reported self-immolations was due to tightened security by authorities, the collective punishment of self-immolators’ relatives and associates, and the Dalai Lama’s public plea to his followers to find other ways to protest Chinese government repression. Chinese officials in some Tibetan areas withheld public benefits from the family members of self-immolators and ordered friends and monastic personnel to refrain from participating in religious burial rites or
mourning activities for self-immolators. According to an April 15 RFA report, security officials detained at least five Tibetans, three of whom were severely beaten, for possessing the mobile phone of Wangchuk Tseten, a Tibetan man who reportedly self-immolated in Nyagrong (Chinese: Xinlong) county, Kardze (Chinese: Ganzi) TAP, Sichuan Province on April 15.

Self-immolators reportedly viewed their acts as protests against the government’s political and religious oppression. The Supreme People’s Court, the Supreme People’s Procuratorate, and the Ministry of Public Security’s joint 2012 Opinion on Handling Cases of Self-immolation in Tibetan Areas According to the Law criminalized various activities associated with self-immolation, including “organizing, plotting, inciting, compelling, luring, instigating, or helping others to commit self-immolation,” each of which may be prosecuted as “intentional homicide.”

Authorities in Gannan TAP in Gansu Province imposed restrictions on the family of Chagdor Kyab, a 16-year-old student who self-immolated on May 2 in the Bora Township to protest against “Beijing’s rule in Tibetan areas.” He called for Tibetan freedom and the return of the Dalai Lama to Tibet. Authorities prevented Chogdar’s family from holding prayer services and blocked visits by relatives and friends. In June local contacts reported that authorities ordered Chogdar’s family to receive “political education training” and threatened to discontinue the family’s public benefits should they defy the orders.

**Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

Since 2015 the TAR has strengthened the punishment of Communist Party members who follow the Dalai Lama, secretly harbor religious beliefs, make pilgrimages to India, or send their children to study with Tibetans in exile. Authorities continued to monitor private correspondence and search private homes and businesses for photographs of the Dalai Lama and other politically forbidden items. Police examined the cell phones of TAR residents to search for “reactionary music” from India and photographs of the Dalai Lama. Authorities also questioned and detained some individuals who disseminated writings and photographs over the internet.

Since November 2016 the TAR CCP has strictly implemented a real-name user identification system for landline telephones, mobile phones, and the internet. It has also launched attacks and specialized campaigns to counter and ferret out
“Tibetan independence” and promote the proliferation of party media into every home to oppose those who support the Dalai Lama.

The “grid system” (also known as the “double-linked household system”) continued. The grid system involves grouping households and establishments so that they can watch each other for societal issues and report transgressions to the government. While this allows for greater provision of social services to those who need them, it also allows for easier crackdowns on “extremists” and “splittists.”

In August the Central Tibet Administration in India reported that Jampa Choegyal from Drakyab County, Chamdo Prefecture of the TAR, was arbitrarily detained, interrogated, and subjected to beatings for contact with his relative in India via his mobile phone.

According to reports, Gendun, a Tibetan man from Sershul County in the Kardze (Chinese: Ganzi) TAP of Sichuan Province was detained and severely beaten for storing photos of His Holiness the Dalai Lama and the banned Tibetan national flag in his WeChat account.

**Freedom of Expression, Including for the Press**

**Freedom of Expression:** Tibetans who spoke to foreigners or foreign reporters, attempted to provide information to persons outside the country, or communicated information regarding protests or other expressions of discontent through cell phones, email, or the internet were subject to harassment or detention under “crimes of undermining social stability and inciting separatism.” During the year authorities in the TAR and other Tibetan areas sought to strengthen control over electronic media and to punish individuals for the ill-defined crime of “creating and spreading of rumors.”

Tashi Wangchuk continued to be held without trial after being charged in 2016 with “inciting separatism.” If found guilty, he faces up to 15 years in prison.

**Press and Media Freedom:** Foreign journalists may visit the TAR only after obtaining a special travel permit from the government, and this permission was rarely granted. The Foreign Correspondents Club of China’s annual report stated reporting from “Tibet proper remains off-limits to foreign journalists.” This same report noted many foreign journalists were also told that reporting in Tibetan areas outside the TAR was “restricted or prohibited.”
Authorities tightly controlled journalists who worked for the domestic press and could hire and fire them based on assessments of their political reliability. In May the TAR Press, Television, and Radio Bureau announced job vacancies with one of the listed job requirements to “resolutely implement the Party’s line, principles, policies, and political stance, fight against separatism, and safeguard the motherland’s unity and ethnic unity.” CCP propaganda authorities remained in charge of local journalist accreditation in the TAR and required journalists working in the TAR to display “loyalty to the Party and motherland.” The deputy head of the TAR Propaganda Department simultaneously holds a prominent position in the TAR Journalist Association, a state-controlled professional association to which local journalists must belong.

**Violence and Harassment:** Chinese authorities arrested and sentenced many Tibetan writers, intellectuals, and singers for “inciting separatism.” Numerous prominent Tibetan political writers, namely Jangtse Dokho, Kelsang Jinpa, Buddha, Tashi Rabten, Arik Dolma Kyab, and Gangkye Drupa Kyab, reported that security officers closely monitored them following their release from prison between 2013 and 2016. In addition, they were banned from publishing and were no longer able to receive public services and benefits such as public-service jobs, bank loans, passports, and membership in formal organizations.

**Censorship or Content Restrictions:** Domestic journalists were not allowed to report on repression in Tibetan areas. Authorities promptly censored the postings of bloggers who did so, and the authors sometimes faced punishment.

Since the establishment of the CCP’s Central Leading Small Group for Internet Security and Informatization in 2014, the TAR Party Committee Information Office has further tightened the control of a full range of social media platforms. According to multiple contacts, security officials often cancelled WeChat accounts carrying “sensitive information,” such as discussions about Tibetan language education, and interrogated the account owners. Many sources also reported it was almost impossible to register websites promoting Tibetan culture and language in the TAR.

The Chinese government continued to jam radio broadcasts of Voice of America and RFA’s Tibetan and Chinese-language services in some Tibetan areas as well as the Voice of Tibet, an independent radio station based in Norway.
According to multiple sources, authorities in Qinghai and Sichuan provinces confiscated or destroyed “illegal” satellite dishes in many Tibetan areas. In addition to maintaining strict censorship of print and online content in Tibetan areas, Chinese authorities sought to censor the expression of views or distribution of information related to Tibet in countries and regions outside of mainland China. In March Tashi Norbu, a Tibetan painter based in the Netherlands and whose work featured the Dalai Lama and previously was shown in an exhibit in Dharamsala, India, was forced to cancel a scheduled live-painting performance in Macau after authorities in Beijing threatened to arrest and deport him if he tried to enter a Chinese-administered region. According to Norbu, a gallery official told him a high-level Chinese military official stated that Norbu was blacklisted and forbidden entry into Macau. Norbu was advised to leave Hong Kong for his own safety.

Internet Freedom

As in the past year, authorities curtailed cell phone and internet service in the TAR and other Tibetan areas, sometimes for weeks or even months at a time, during periods of unrest and political sensitivity, such as the March anniversaries of the 1959 and 2008 protests, “Serf Emancipation Day,” and around the Dalai Lama’s birthday in July. In addition, local observers reported authorities disrupted internet service in areas where self-immolations occurred. They also claimed authorities threatened community members with sentences of up to 15 years for those who shared images, videos, and information of the self-immolations outside Tibetan areas. When internet service was restored, authorities closely monitored its usage. There were widespread reports of authorities searching cell phones they suspected of containing suspicious content. Many individuals in the TAR and other Tibetan areas reported receiving official warnings and being briefly detained and interrogated after using their cell phones to exchange what the government deemed to be sensitive information. In July the TAR Internet and Information Office received approval from the Chinese National Social Science Foundation to complete a key research project known as “Countermeasures to Internet-based Reactionary Infiltration by the Dalai Lama Clique.”

In 2016 the National People’s Congress Standing Committee passed a cybersecurity law that further strengthened the legal mechanisms available to security agencies to surveil and control content online. Some observers noted that provisions of the law, such as Article 12, disproportionally affected Tibetans and other ethnic minorities. Article 12 criminalizes using the internet to commit a wide range of ill-defined crimes of a political nature, such as “harming national
security,” “damaging national unity,” “propagating extremism,” “inciting ethnic hatred,” “disturbing social order,” and “harming the public interest.” The law also codifies the practice of large-scale internet network shutdowns in response to “major [public] security incidents,” which public security authorities in Tibetan areas have done for years without a clear basis in law. On March 8, the TAR reported that the newly established TAR branch of China’s National Cyberspace Administration has been actively engaging in a “Tibet-related cyberspace battle” both inside and outside of China.

Throughout the year authorities blocked users in China from accessing foreign-based, Tibet-related websites critical of official government policy in Tibetan areas. Well-organized computer hacking attacks originating from China harassed Tibet activists and organizations outside China.

**Academic Freedom and Cultural Events**

As in recent years, authorities in many Tibetan areas required professors and students at institutions of higher education to attend regular political education sessions, particularly during politically sensitive months, in an effort to prevent “separatist” political and religious activities on campus. Authorities frequently encouraged Tibetan academics to participate in government propaganda efforts, such as making public speeches supporting government policies. Academics who refused to cooperate with such efforts faced diminished prospects for promotion and research grants.

Academics in the PRC who publicly criticized CCP policies on Tibetan affairs faced official reprisal. The government controlled curricula, texts, and other course materials as well as the publication of historically or politically sensitive academic books. Authorities frequently denied Tibetan academics permission to travel overseas for conferences and academic or cultural exchanges. Authorities in Tibetan areas regularly banned the sale and distribution of music they deemed to have sensitive political content.

In May senior officials of the state-run TAR Academy of Social Science encouraged scholars to maintain “a correct political and academic direction” and held a conference to “improve scholars’ political ideology” and “fight against separatists” under the guidance of Xi Jinping.

Policies promoting planned urban economic growth, rapid infrastructure development, the influx of non-Tibetans to traditionally Tibetan areas, expansion
of the domestic tourism industry, forced resettlement and the urbanization of
nomads and farmers, and the weakening of Tibetan-language education in public
schools and religious education in monasteries continued to disrupt traditional
living patterns and customs and accelerate forced assimilation.

Tibetan and Mandarin Chinese are official languages in the TAR, and both
languages appeared on some, but not all, public and commercial signs. Inside
official buildings and businesses, including banks, post offices, and hospitals,
signage in Tibetan was frequently lacking, and in many instances forms and
documents were available only in Mandarin. Mandarin was used for most official
communications and was the predominant language of instruction in public schools
in many Tibetan areas. Private printing businesses in Chengdu needed special
government approval to print in the Tibetan language, but it was often difficult to
obtain approval.

A small number of public primary schools in the TAR continued to teach
mathematics in the Tibetan language, but since June 2016, observers reported that
TAR officials have replaced Tibetan language mathematics textbooks in all middle
and high schools with Mandarin versions. Observers also reported that WeChat
users in the TAR discussing the issue were subsequently visited by public security
officers and punished for spreading rumors.

According to sources, there were previously 20 Tibetan language schools or
workshops for local children operated by Tibetan Buddhist monasteries in Sichuan
Province’s Kardze TAP. After the 2015 release of the Kardze TAP Relocation
Regulation for Minors in Monasteries, authorities forced 16 of these schools to
close and relocated their students to government-run schools.

The Kardze TAP has the highest illiteracy rate (above 30 percent) in Sichuan
Province, compared with a national rate of 4 to 5 percent. Despite the illiteracy
problem, in 2016 the central government ordered the destruction of much of
Larung Gar, the largest Tibetan Buddhist education center and a focal point for
promoting both Tibetan and Chinese literacy. The central government reportedly
also ordered the destruction of Yachen Gar, another Tibetan Buddhist education
center in Kardze (Chinese: Ganzi) Prefecture, where both Tibetan and Chinese are
taught.

China’s Regional Ethnic Autonomy Law states, “schools (classes and grades) and
other institutions of education where most of the students come from minority
nationalities shall, whenever possible, use textbooks in their own languages and
use their languages as the media of instruction.” Despite guarantees of cultural and linguistic rights, many primary, middle, high school, and college students had limited access to officially approved Tibetan language instruction and textbooks, particularly in the areas of modern education.

China’s most prestigious universities provided no instruction in Tibetan or other ethnic minority languages, although classes teaching the Tibetan language were available at a small number of universities. “Nationalities” universities, established to serve ethnic minority students and ethnic Chinese students interested in ethnic minority subjects, offered Tibetan language instruction only in courses focused on the study of the Tibetan language or culture. Mandarin was used in courses for jobs that required technical skills and qualifications.

** Freedoms of Peaceful Assembly and Association **

Even in areas officially designated as “autonomous,” Tibetans generally lacked the right to organize and play a meaningful role in the protection of their cultural heritage and unique natural environment. Tibetans often faced intimidation and arrest if they protested policies or practices they found objectionable. In 2015 authorities in Rebkong County in the Tibetan Region of Amdo, now administered under Qinghai Province, circulated a list of unlawful activities. The list included “illegal associations formed in the name of the Tibetan language, the environment, and education.” As was the case in the previous year, sources in the area reported this list remained in force and that no new associations had been formed since the list was published.

In July local contacts reported that many monasteries and rural villages in Tibetan areas in Sichuan and Qinghai Provinces received official warnings not to organize gatherings, including the celebration of His Holiness the Dalai Lama’s birthday. According to these contacts, many Tibetan students at various nationality universities were instructed not to organize gatherings and parties in March (Tibet Uprising Day) and July (His Holiness the Dalai Lama’s birthday).

At the Sixth Tibet Work Forum in 2015, the CCP ordered a large-scale campaign to expel students and demolish living quarters at Larung Gar, the world’s largest center for the study of Tibetan Buddhism. The expulsion and demolition campaign commenced in 2016. According to local contacts, authorities reduced the resident population to 5,000 and demolished more than 3,000 residences by August. Before the campaign began, the population at Larung Gar was estimated to be as large as 30,000. Since July 2016, authorities have banned foreign tourists from visiting the
area. In August the government appointed a prefecture police chief to serve as president of Larung Gar.

**Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

**Freedom of Movement**

Chinese law provides for freedom of internal movement, foreign travel, emigration, and repatriation; however, the government severely restricted travel and freedom of movement for Tibetans, particularly Tibetan Buddhist monks and nuns.

**In-country Movement:** Freedom of movement for all Tibetans, but particularly for monks and nuns, remained severely restricted throughout the TAR as well as in other Tibetan areas. The PAP and local public security bureaus set up roadblocks and checkpoints on major roads, in cities, and on the outskirts of cities and monasteries, particularly around sensitive dates. Tibetans traveling in monastic attire were subject to extra scrutiny by police at roadside checkpoints and at airports.

Authorities sometimes banned Tibetans, particularly monks and nuns, from going outside the TAR and from traveling to the TAR without first obtaining special permission from multiple government offices. Many Tibetans reported encountering difficulties in obtaining the required permissions. This not only made it difficult for Tibetans to make pilgrimages to sacred religious sites in the TAR, but it also obstructed land-based travel to India through Nepal. Tibetans from outside the TAR who traveled to Lhasa also reported that authorities there required them to surrender their national identification cards and notify authorities of their plans in detail on a daily basis. These requirements were not applied to ethnic Chinese visitors to the TAR.

Even outside the TAR, many Tibetan monks and nuns reported it remained difficult to travel beyond their home monasteries for religious and traditional Tibetan education, with officials frequently denying permission for visiting monks to stay at a monastery for religious education. Implementation of this restriction was especially rigorous in the TAR, and it undermined the traditional Tibetan
Buddhist practice of seeking advanced teachings from a select number of senior teachers based at major monasteries scattered across the Tibetan Plateau.

Foreign Travel: Many Tibetans continued to report difficulties in obtaining new or renewing existing passports. Sources reported that Tibetans and other minorities had to provide far more extensive documentation than other Chinese citizens when applying for a Chinese passport. For Tibetans, the passport application process could take years and frequently ended in rejection. Some Tibetans reported they were able to obtain passports only after paying substantial bribes. Tibetans continued to encounter significant obstacles in traveling to India for religious, educational, and other purposes.

In 2016 Chinese officials in the Tibetan Regions of Kham and Amdo under the administration of Qinghai, Sichuan, and Gansu Provinces visited the homes of Tibetan passport holders and confiscated their documents. Officials claimed they collected the passports in order to affix new seals on them, but Tibetans suspected the timing was intended to make it impossible for them to attend an important religious ceremony known as the Kalachakra, which the Dalai Lama conducted in India in January. Additional reports in 2016 indicated that travel agencies in China were told by local authorities to cancel trips to India and Nepal during this same period. The apparent travel ban also reportedly extended to ethnic Chinese travelers. Tibetans who had traveled to Nepal and planned to continue to India reported that Chinese officials visited their homes in Tibet and threatened their relatives if they did not return immediately. Sources reported that explicit punishments included placing family members on a blacklist, which could lead to the loss of a government job or difficulty in finding employment; expulsion of children from the public education system; and revocation of national identification cards, thereby preventing access to other social services, such as health care and government aid. As a result of these measures, approximately 7,000 Tibetans who were already in India legally for the 2017 Kalachakra missed the event as they had to return to the PRC or face severe repercussions. In September news reports speculated that in preparation for the 19th Party Congress meeting the government barred foreigners from entering Tibet borders between October 18 and October 28, and foreigners already travelling in the area were required to leave during those dates.

Tight border controls sharply limited the number of persons crossing the border into Nepal and India. From January to October, 41 Tibetan refugees transited Nepal through the Tibetan Reception Center, run by the Office of the UN High Commissioner for Refugees in Kathmandu, en route to permanent settlement in
India. This was fewer than in previous years, with 120 refugees able to register at the center in 2016, 89 in 2015, and 80 in 2014.

The government restricted the movement of Tibetans in the period before and during sensitive anniversaries and events and increased controls over border areas at these times. In January there were reports that travel agents in Chengdu, Xining, and Kunming were forbidden to sell package overseas tours to Tibetans for the months of March and July, the periods around Tibet Uprising Day (March 10) and the Dalai Lama’s birthday (July 6).

The government regulated travel by foreigners to the TAR, a restriction not applied to any other provincial-level entity in the PRC. In accordance with a 1989 regulation, foreign visitors had to obtain an official confirmation letter issued by the TAR government before entering the TAR. Most tourists obtained such letters by booking tours through officially registered travel agencies. In the TAR, a government-designated tour guide had to accompany foreign tourists at all times. It was rare for foreigners to obtain permission to enter the TAR by road. In what has become an annual practice, authorities banned many foreign tourists from the TAR in the period before and during the March anniversary of the 1959 Tibetan uprising. Foreign tourists sometimes also faced restrictions traveling to Tibetan areas outside the TAR.

Foreign officials were able to travel to the TAR only with the permission of the TAR Foreign Affairs Office and only on closely chaperoned trips arranged by that office. With the exception of a few highly controlled trips, authorities repeatedly denied requests for international journalists to visit the TAR and other Tibetan areas (see section on Freedom of Expression).

**Freedom to Participate in the Political Process**

According to the law, Tibetans and other Chinese citizens have the right to vote in some local elections. The Chinese government, however, severely restricted its citizens’ ability to participate in any meaningful elections.

Since 2015 the TAR and many Tibetan areas have reinforced implementation of the Regulation for Village Committee Management, which stipulates that the primary condition for participating in any local election is the “willingness to resolutely fight against separatism;” in some cases, this condition is interpreted to require candidates to denounce the Dalai Lama. Several sources reported that newly appointed Communist Party cadres have replaced more than 90 percent of
traditional village leaders in the TAR and in Tibetan areas outside the TAR over the last two years, despite the lack of village elections.

**Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corrupt acts by officials, but the government did not implement the law effectively in Tibetan areas, and officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption in Tibetan areas during the year, and some low-ranked officials were punished.

**Discrimination, Societal Abuses, and Trafficking in Persons**

**Women**

*Rape and Domestic Violence*: There was no confirmed information on the incidence of rape or domestic violence.


*Discrimination*: There were no formal restrictions on women’s participation in the political system, and women held many lower-level government positions. Nevertheless they were underrepresented at the provincial and prefectural levels of government.

**Children**

Many rural Tibetan areas have implemented China’s nationwide “centralized education” policy, which forced the closure of many village and monastic schools and the transfer of students, including elementary school students, to boarding schools in towns and cities. Reports indicated many of the boarding schools did not adequately care for and supervise their younger students. This policy also resulted in diminished acquisition of the Tibetan language and culture by removing Tibetan children from their homes and communities where the Tibetan language is used.
According to observers, by November the government had replaced the European founders and assumed management control of the Lhasa-based Braille without Borders preparatory school for blind students and its associated vocational farm. Observers speculated the change was part of China’s wider effort to crackdown on foreign nongovernmental organizations (NGOs).

**Trafficking in Persons**

See the Department of State’s annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

**National/Racial/Ethnic Minorities**

Although the 2010 TAR census figures showed that Tibetans made up 90.5 percent of the TAR’s permanently registered population, official figures did not include a large number of long-, medium-, and short-term ethnic Chinese migrants, such as cadres, skilled and unskilled laborers, military and paramilitary troops, and their respective dependents. Tibetans continued to make up nearly 98 percent of those registered as permanent residents in rural areas, according to official census figures.

Migrants to the TAR and other parts of the Tibetan Plateau were overwhelmingly concentrated in urban areas. Government policies to subsidize economic development often benefited ethnic Chinese migrants more than Tibetans. In many predominantly Tibetan cities across the Tibetan Plateau, ethnic Chinese or Hui migrants owned and managed most of the small businesses, restaurants, and retail shops.

Observers continued to express concern that development projects and other central government policies disproportionately benefited non-Tibetans and resulted in a considerable influx of Han Chinese and Hui persons into the TAR and other Tibetan areas. Many major infrastructure projects across the Tibetan Plateau were engineered and implemented by large state-owned enterprises based in other provinces, and they were managed and staffed by professionals and low-wage temporary migrant workers from other provinces rather than by local residents.

Economic and social exclusion was a major source of discontent among a varied cross section of Tibetans. Some Tibetans continued to report discrimination in employment. Some Tibetans reported it was more difficult for Tibetans than ethnic Chinese to obtain permits and loans to open businesses, and that many...
Chinese, especially retired soldiers, were given incentives to move to Tibet. Restrictions on both local NGOs that received foreign funding and international NGOs that provided assistance to Tibetan communities increased during the year, resulting in a decrease of beneficial NGO programs in the TAR and other Tibetan areas.

The government continued its campaign to resettle Tibetan nomads into urban areas and newly created communities in rural areas across the TAR and other Tibetan areas. Improving housing conditions, health care, and education for Tibet’s poorest persons were among the stated goals of resettlement, although there was a pattern of settling herders near townships and roads and away from monasteries, which were the traditional providers of community and social services. A requirement that herders bear a substantial part of the resettlement costs often forced resettled families into debt.

Although a 2015 media report noted that Tibetans and other minority ethnic groups made up 70 percent of government employees in the TAR, the top CCP position of TAR party secretary continued to be held by a Han Chinese, and the corresponding positions in the vast majority of all TAR counties were also held by Han Chinese. Within the TAR, Han Chinese also continued to hold a disproportionate number of the top security, military, financial, economic, legal, judicial, and educational positions. Han Chinese were party secretaries in eight of the nine TAPs, which are located in Gansu, Qinghai, Sichuan, and Yunnan Provinces. One TAP in Qinghai Province had a Tibetan party secretary. Authorities strictly prohibited Tibetans holding government and CCP positions from openly worshipping at monasteries or otherwise publicly practicing their religion.

Government propaganda against alleged Tibetan “pro-independence forces” contributed to Chinese societal discrimination against ordinary Tibetans. Many Tibetan monks and nuns chose to wear nonreligious clothing to avoid harassment when traveling outside their monasteries and throughout China. Some Tibetans reported that taxi drivers throughout China refused to stop for them and hotels refused to provide rooms.
EXECUTIVE SUMMARY

Macau is a Special Administrative Region (SAR) of the People’s Republic of China (PRC) and has a high degree of autonomy, except in defense and foreign affairs, under the SAR’s constitution (the Basic Law). In September residents directly elected 14 of the 33 representatives who comprise the SAR’s Legislative Assembly. In accordance with the Basic Law, limited franchise functional constituencies elected 12 representatives, and the chief executive nominated the remaining seven. A 400-member Election Committee re-elected Chief Executive Fernando Chui Sai-On to a five-year term in 2014.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues reported during the year included: constraints on press and academic freedom; limits on citizens’ ability to change their government; and trafficking in persons.

The government took steps to prosecute and punish officials who committed abuses.

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

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

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits such practices, and there were no reports government officials employed them.
Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: There were no major concerns in prisons and detention centers regarding physical conditions.

Administration: The law allows prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of alleged deficiencies, and judges and prosecutors made monthly visits to prisons to hear prisoner complaints.

Independent Monitoring: According to the government, no independent human rights observers requested or made any visit to the prison in the SAR.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements. Activists expressed concern that the SAR government abused prosecutorial procedures to target political dissidents, while police said they charged those they arrested with violations of the law.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the Public Security Police (general law enforcement) and the Judiciary Police (criminal investigations), and the government had effective mechanisms to investigate and punish official abuse and corruption. There were no reports of impunity involving the security forces.

Arrest Procedures and Treatment of Detainees

Authorities detained persons with warrants issued by a duly authorized official based on sufficient evidence. Detainees had access to a lawyer of their choice or, if indigent, to one provided by the government. Detainees had prompt access to family members. Police must present persons in custody to an examining judge within 48 hours of detention. Authorities informed detainees promptly of charges against them. The examining judge, who conducts a pretrial inquiry in criminal
cases, has wide powers to collect evidence, order or dismiss indictments, and determine whether to release detained persons. Investigations by the prosecuting attorney should end with charges or dismissal within eight months, or six months when the defendant is in detention. The pretrial inquiry stage must conclude within four months, or two months if the defendant is detained. By law the maximum limits for pretrial detention range from six months to three years, depending on the charges and progress of the judicial process; there were no reported cases of lengthy pretrial detentions. There is a functioning bail system; however, judges have often refused bail in cases where sentences could exceed three years. Complaints of police mistreatment may be made to the Commission for Disciplinary Control of the Security Forces and Services of the Macao SAR, the Commission Against Corruption, or the Office of the Secretary for Security. The government has also established a website for receiving named or anonymous complaints about irregular police activity or behavior. There were no reports of deaths in police custody.

e. Denial of Fair Public Trial

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

The SAR’s unique, civil-code judicial system is derived from the judicial framework of the Portuguese legal system. The courts may rule on matters that are the responsibility of the PRC government or concern the relationship between central authorities and the SAR, but before making their final judgment, which is not subject to appeal, the courts must seek an interpretation of the relevant provisions from the National People’s Congress Standing Committee (NPCSC). The Basic Law requires that courts follow the NPCSC’s interpretations when cases intersect with central government jurisdiction, although judgments previously rendered are not affected, and when the NPCSC makes an interpretation of the provisions concerned, the courts, in applying those provisions, “shall follow the interpretation of the Standing Committee.” As the final interpreter of the Basic Law, the NPCSC also has the power to initiate interpretations of the Basic Law.

Trial Procedures

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. A case may be presided over by one judge or a group of judges, depending on the type of crime and the maximum penalty involved.
Under the law, defendants enjoy a presumption of innocence and have a right to appeal. The law provides that trials be public except when the court rules otherwise to “safeguard the dignity of persons, public morality, or to provide for the normal functioning of the court.” Defendants have the right to be informed promptly and in detail of the charges (with free interpretation), be present at their trials, confront witnesses, have adequate time to prepare a defense, not be compelled to testify or confess guilt, and consult with an attorney in a timely manner. The government provides public attorneys for those financially incapable of engaging lawyers or paying expenses of proceedings. The law extends these rights to all residents.

**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 citizens have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

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

The law prohibits such actions, and the government generally respected these prohibitions, but activists critical of the government reported the government monitored their telephone conversations and internet usage.

**Section 2. Respect for Civil Liberties, Including:**

**a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, but the government occasionally sought to restrict these rights.

In August police arrested two persons for allegedly spreading false information about the government’s response to a typhoon. In December the government said it had begun drafting legislation to implement a national law passed in September that criminalizes any action mocking the Chinese national anthem and requires
persons attending public events to stand at attention and sing the anthem in a solemn manner when the anthem is played.

The SAR Penal Code states that anyone who initiates or organizes, or develops propaganda that incites or encourages, discrimination, hatred, or racial violence, is liable to imprisonment for one to eight years. The law also states that anyone who, in a public meeting or in writing intended for dissemination by any means or media, causes acts of violence against a person, or group of persons on the grounds of their race, color, or ethnic origin, or defames, or insults a person, or group of persons on those grounds with the intention of inciting or encouraging racial discrimination, is liable to imprisonment for between six months and five years.

Press and Media Freedom: Local media expressed a wide range of views but the government took steps to restrict unfavorable news coverage.

Censorship or Content Restrictions: The media practiced self-censorship, in part because the government heavily subsidized major newspapers that tended to follow closely the PRC government’s policy on sensitive political issues. On August 29, the Macau Journalists Association stated at least five editors of local media outlets received messages from their senior executives instructing them to report more on positive news after a typhoon, and less on the government’s accountability for problems, especially the accountability of the highest officials. On August 28, the Macau Portuguese and English Press Association released a statement protesting the Macau Electoral Affairs Commission’s order to a local newspaper to remove an interview with a Legislative Assembly candidate from its website.

National Security: On August 26, SAR police denied entry to four journalists from Hong Kong who traveled to the SAR to report from the city after a typhoon. Immigration authorities asked the four journalists to sign a notice stating they “posed a risk to the stability of internal security,” according to a media report. In September the International Federation of Journalists condemned the SAR’s decision to deny entry to 15 Hong Kong-based journalists, some of whom intended to report on the SAR’s Legislative Assembly election.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. Activists critical of the government reported the government monitored their telephone conversations and internet usage.
According to the Statistics and Census Service, approximately 59 percent of the population subscribed to the internet. This did not take into account multiple internet users for one subscription, nor did it include those who accessed the internet through mobile devices.

The law criminalizes a range of cybercrimes and empowers police, with a court warrant, to order internet service providers to retain and provide authorities with a range of data. Police may seize electronic evidence without a warrant under exigent circumstances, but the police must obtain judicial validation of their actions within 72 hours or destroy the evidence.

Activists previously reported the government installed enterprise-grade software capable of censoring, decrypting, and scanning secured transmissions on its free Wi-Fi service without notifying users.

**Academic Freedom and Cultural Events**

Academics reported self-censorship and also reported they were deterred from studying or speaking on controversial topics concerning China. Scholars also previously reported they were warned not to speak at politically sensitive events or on behalf of certain political organizations. University professors reported the SAR’s universities lacked a tenure system, which left professors vulnerable to dismissal for political reasons.

In February an art gallery cancelled a scheduled performance by an ethnically Tibetan artist after it received pressure to do so from government officials, according to media reports.

**b. Freedoms of Peaceful Assembly and Association**

The law provides for freedom of peaceful assembly and association, and the government often respected these rights, despite some efforts to discourage participation in peaceful demonstrations.

**Freedom of Peaceful Assembly**

The law requires prior notification, but not approval, of demonstrations involving public roads, public places, or places open to the public. Police may redirect demonstration marching routes, but organizers have the right to challenge such decisions in court.
Activists alleged authorities were making a concerted effort to use both intimidation and criminal proceedings against participants in peaceful demonstrations to discourage their involvement. For example, the Legislative Assembly, in a secret ballot, voted to suspend Sulu Sou from the Legislative Assembly after prosecutors charged him with “aggravated disobedience” to police authorities during a peaceful protest against the Chief Executive. Activists reported police routinely attempted to intimidate demonstrators by ostentatiously taking videos of them and advising bystanders not to participate in protests.

In June approximately 200 persons participated in a vigil at Senado Square to mark the 28th anniversary of the 1989 Tiananmen Square crackdown.

**Freedom of Association**

The law provides for freedom of association, and the government generally respected this right. No authorization is required to form an association, and the only restrictions on forming an organization are that it not promote racial discrimination, violence, crime, or disruption of public order, or be military or paramilitary in nature.

c. **Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

d. **Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The Immigration Department cooperated with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The Internal Security Law grants police authority to deport or deny entry to nonresidents whom they regard under the law as unwelcome, a threat to internal security and stability, or possibly implicated in transnational crimes. During the year the government banned several Hong Kong politicians and activists from
entering the SAR on the grounds they posed a threat to internal security, according
to media reports.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status
and the government has established a system for providing protection to refugees. Persons granted refugee status ultimately enjoy the same rights as other SAR residents.

Pending final decisions on their asylum claims, the government registered asylum seekers and provided protection against their expulsion or return to their countries of origin. Persons with pending applications were eligible to receive government support, including basic needs such as housing, medical care, and education for children, but were not allowed to work until their refugee status was recognized.

Section 3. Freedom to Participate in the Political Process

The law limits citizens’ ability to change their government through free and fair periodic elections, and citizens did not have universal suffrage. Only a small fraction of citizens played a role in the selection of the chief executive, who was chosen in 2014 by a 400-member Election Committee consisting of 344 members elected from four broad societal sectors (which themselves have a limited franchise) and 56 members chosen from and by the SAR’s legislators and representatives to the National People’s Congress and Chinese People’s Political Consultative Conference.

Elections and Political Participation

Recent Elections: In 2014 a 400-member selection committee re-elected Chief Executive Fernando Chui Sai-On. Chui ran unopposed and won 97 percent of the vote. The most recent general election for the 14 directly elected seats in the 33-member Legislative Assembly occurred in September. A total of 186 candidates on 24 electoral lists competed for the seats. The election for these seats was generally free and fair, although strict campaign laws limited the ability of political newcomers to compete in the election.

There are limits on the types of bills 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 introduced. The Legislative Assembly also has no power of confirmation over executive or judicial appointments.

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 appoint members of the Executive Council from among the principal officials of the executive authorities, members of the legislature, and public figures.

Political Parties and Political Participation: The SAR has no laws on political parties. Politically active groups registered as societies or limited liability companies were active in promoting their political agendas. Those critical of the government generally did not face restrictions, but persons seeking elected office were required to swear to uphold the Basic Law. The Legislative Assembly, in a secret ballot, voted to suspend Sulu Sou from the Legislative Assembly after prosecutors charged him with “aggravated disobedience” to police authorities during a peaceful protest against the chief executive’s decision to donate 123 million patacas ($15.4 million) to a mainland university on whose board the chief executive sits. Sou is a member of the New Macau Association, a political group generally critical of the government, and critics claimed his prosecution and suspension were politically motivated.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and there were few reported cases of officials engaging in corrupt acts.

Corruption: The government’s Commission Against Corruption (CAC) investigated the public and private sectors and had power to arrest and detain suspects. The Ombudsman Bureau within the CAC reviewed complaints of mismanagement or abuse by the CAC. An independent committee outside the CAC--the Monitoring Committee on Discipline of CAC Personnel--accepted and reviewed complaints about CAC personnel. In July the SAR’s former top prosecutor, Ho Chio-meng, was sentenced to 21 years in prison after he was convicted of multiple crimes, including illegally awarding contracts to local
businessmen in exchange for improper personal benefits worth at least 44 million patacas ($5.5 million).

**Financial Disclosure:** By law the chief executive, cabinet, judges, members of the Legislative Assembly and Executive Council, and executive agency directors must disclose their financial interests upon appointment, promotion, retirement, and at five-year intervals while encumbering the same position. The information is available to the public on the website of the Macau Courts. The law states that if the information contained in the declaration is intentionally incorrect, the declarant shall be liable to a maximum imprisonment of three years or a minimum fine of six months’ remuneration of the position held. Furthermore, the declarant may be prohibited from appointment to public office or performing public duties for a maximum of 10 years.

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

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

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

**Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and domestic violence, but same-sex couples were not covered by the domestic violence law. The government effectively enforced these laws. The domestic violence law stipulates that a judge may order urgent coercive measures imposed upon the defendant individually or cumulatively, and the application of these measures does not preclude the possibility of prosecuting the perpetrators for criminal responsibilities as stipulated in the criminal code.

The government made referrals for victims to receive medical treatment, and medical social workers counseled victims and informed them of social welfare services. The government funded NGOs to provide victim support services, including medical services, family counseling, and housing, until their complaints were resolved. The government also supported two 24-hour hotlines, one for counseling and the other for reporting domestic violence.
**Sexual Harassment:** In June the Legislative Assembly passed a sex crime bill that amended the Penal Code to make sexual harassment a crime. Under the new law, police may take action against a suspect if the victim files a criminal complaint and a convicted offender may be sentenced to a maximum of one year in prison.

**Coercion in Population Control:** There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

**Discrimination:** Equal opportunity legislation mandates that women receive equal pay for equal work. The law prohibits discrimination in hiring practices based on gender or physical ability and allows for civil suits. Penalties exist for employers who violate these guidelines. Gender differences in occupation existed, with women concentrated in lower-paid sectors and lower-level jobs. However, per government statistics, between 2011 and 2016, the wage gap between men and women dropped from 2,500 patacas ($312) in 2011 to 1,700 patacas ($212) in 2016.

**Children**

**Birth Registration:** According to the Basic Law, children of Chinese national residents of the SAR who were born inside or outside the SAR and children born to non-Chinese national permanent residents inside the SAR are regarded as permanent residents. There is no differentiation between these categories in terms of access to registration of birth. Most births were registered immediately.

**Early and Forced Marriage:** The minimum legal age of marriage is 16 years; however, children between 16 and 18 years who wish to marry must obtain approval from their parents or guardians.

**Sexual Exploitation of Children:** The law specifically provides for criminal punishment for sexual abuse of children and students, statutory rape, and procurement involving minors. The criminal code sets 14 years as the age of sexual consent. In June the Legislative Assembly outlawed procurement for prostitution of a person younger than 18 years. The law also prohibits child pornography.

Anti-Semitism

The Jewish population was extremely small. There were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government generally enforced these provisions. The law mandates access to buildings, public facilities, information, and communications for persons with disabilities. The government enforced the law effectively and has a plan running through 2025 to improve services and access for persons with disabilities. The Social Welfare Bureau was primarily responsible for coordinating and funding public assistance programs to persons with disabilities. There was a governmental commission to rehabilitate persons with disabilities, with part of the commission’s scope of work addressing employment.

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

There are no laws criminalizing sexual orientation or same-sex sexual contact and no prohibition against lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons forming organizations or associations. There were no reports of violence against persons based on their sexual orientation or gender identity. The law prohibits discrimination in employment on the grounds of sexual orientation.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining
The Basic Law provides workers the right to form and join unions, but the Legislative Assembly had not passed legislation to regulate this right. Workers may join labor associations of their choice, but PRC authorities wield considerable influence over some of the most powerful associations. The law does not provide that workers can collectively bargain, and, while workers have the right to strike, there is no specific protection in the law from retribution if workers exercise this right. The law prohibits antiunion discrimination, stating employees or job seekers shall not be prejudiced, deprived of any rights, or exempted from any duties based on their membership in an association. The law does not require reinstatement of workers dismissed for union activity.

Workers in certain professions, such as the security forces, are forbidden to form unions, take part in protests, or to strike. Such groups had organizations that provided welfare and other services to members and could speak to the government on behalf of members. Vulnerable groups of workers, including domestic workers and migrant workers, could freely associate and form associations, as could public servants.

In order to register as an association, the government requires an organization to provide the names and personal information of its leadership structure.

The government generally enforced the relevant legislation. The law imposes financial penalties for antiunion discrimination. Observers have previously noted this may not be sufficient to deter discriminatory activity.

Workers who believed they were dismissed unlawfully could bring a case to court or lodge a complaint with the Labor Affairs Bureau (LAB) or the CAC, which also has an Ombudsman Bureau to handle complaints over administrative violations. The bureau makes recommendations to the relevant government departments after its investigation.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. Penalties range from three to 12 years’ imprisonment, with the minimum and maximum sentences increased by one-third if the victim is younger than 14 years of age. Observers have previously noted these penalties generally were considered sufficient to deter the use of forced labor. The government has a special, interagency unit to fight human trafficking, the Human Trafficking Deterrent Measures Concern Committee. In addition to
holding seminars to raise awareness about human trafficking, the committee operates two 24-hour telephone hotlines, one for reporting trafficking and another to assist trafficking victims.

Children and migrants were vulnerable to forced prostitution and labor including in construction and domestic work. The government investigated cases, but there were no convictions during the year.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

c. Prohibition of Child Labor and Minimum Age for Employment

A law prohibits minors younger than 16 years of age from working, although minors between 14 and 16 years of age may work in “exceptional circumstances” if they obtain a health certificate to prove they have the “necessary robust physique to engage in a professional activity.” Under the law, “exceptional circumstances” are defined as: the minor (younger than 16 years old) has completed compulsory education and has the authorization of the LAB after hearing the Education and Youth Affairs Bureau’s opinions; minors between 14 and 16 years of age may work for public or private entities during school summer holidays; minors of any age may be employed for cultural, artistic or advertising activities upon authorization of the LAB after hearing the Education and Youth Affairs Bureau’s opinions and when such employment does not adversely affect their school attendance. Local laws do not establish specific regulations governing the number of hours children younger than 16 years old can work. The law governing the number of working hours (eight hours a day, 40 hours a week) was equally applicable to adults and legal working minors, but the law prohibits minors from working overtime hours. According to the civil code, minors who are 16 years old can acquire full legal capacity if they marry.

The law prohibits minors younger than 16 years of age from certain types of work, including but not limited to domestic work, employment between 9 p.m. and 7 a.m., and employment at places where admission of minors is forbidden, such as casinos. The government requires employers to assess the nature, extent, and duration of risk exposure at work before recruiting or employing a minor. These regulations are intended to protect children from physically hazardous work, including exposure to dangerous chemicals, and jobs deemed inappropriate due to the child’s age.
The LAB enforced the law through periodic and targeted inspections, and prosecuted violators. Regulations stipulate LAB inspectors shall be trained to look for child labor in order to carry out their responsibilities. Employers are obligated to provide professional training and working conditions appropriate to a minor’s age to prevent situations that undermine his/her education and could endanger health, safety, and physical and mental development.

From July 2016 to June, LAB inspectors found two violations of child labor laws resulting in fines of 40,000 patacas ($5,000).

d. Discrimination with Respect to Employment and Occupation

The law provides that all residents shall be equal before the law and shall be free from discrimination, irrespective of national or social origin, descent, race, color, gender, sexual orientation, age, marital status, language, religion, political or ideological beliefs, membership in associations, education, or economic background. Local law requires employers to provide equal pay for equal work, regardless of gender.

There were no reports the government failed to enforce the relevant laws but some discrimination occurred. According to official statistics, at the end of July, nonresident workers accounted for approximately 28 percent of the population. They frequently complained of discrimination in the workplace in hiring and wages, and some classes of migrants were not provided equal employment benefits. Most worked in the restaurant and hotel industry, but others were employed as domestic servants, or in construction and retail trade.

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 a minimum wage for security guards and cleaners, which was set at was 30 patacas ($3.75) per hour. The SAR does not calculate an official poverty line, and its median monthly income is 15,000 patacas ($1,875). The law provides for a 48-hour workweek (many businesses operated on a 40-hour workweek), an eight-hour workday, paid overtime, annual leave, and medical and maternity care. The law provides for a 24-hour rest period each week. The law does not define “temporary contract” or “short-term contract.” It states only that a labor contract may be either for a defined term or of indefinite duration. All workers employed in the SAR, whether under a term contract or an indefinite contract, are entitled to
such benefits as specified working hours, weekly leave, statutory holidays, annual leave, and sick leave.

The law includes a requirement that employers provide a safe working environment, and the LAB sets industry-appropriate occupational safety and health standards. The law prohibits excessive overtime but permits legal overtime (up to eight hours, and irrespective of workers’ consent) in force majeure cases or in response to external shocks, at the discretion of the employer.

All workers, including migrants, have access to the courts in cases in which an employee is unlawfully dismissed, an employer fails to pay compensation, or a worker believes his/her legitimate interests were violated. If an employer dismisses staff “without just cause,” they must provide economic compensation indexed to an employee’s length of service.

The LAB provides assistance and legal advice to workers upon request, and cases of labor-related malpractices are referred to the LAB.

The LAB enforced occupational safety and health regulations, and failure to correct infractions could lead to prosecution. The number of labor inspectors in the country was adequate to enforce compliance. Health Bureau guidelines protect pregnant workers and those with heart and lung diseases from exposure to secondhand smoke by exempting them from work in smoking areas, such as casinos. In August and September, hundreds of Galaxy Entertainment employees complained to the LAB of working conditions at the time Typhoon Hato struck the SAR, with staff complaining of unpaid overtime and insufficient rest time, according to media reports.

The law allows workers to remove themselves from hazardous conditions without jeopardy to their employment.

From July 2016 to June, authorities recorded 24 workplace fatalities, and workplace injuries permanently incapacitated 31 persons.
EXECUTIVE SUMMARY

Hong Kong is a special administrative region (SAR) of the People’s Republic of China (PRC). The 1984 Sino-British Joint Declaration on the Question of Hong Kong and the SAR’s charter, the Basic Law of the SAR (also known as the Basic Law), specify that the SAR enjoys a high degree of autonomy under the “one country, two systems” framework except in matters of defense and foreign affairs. In March the 1,194-member Chief Executive Election Committee, dominated by proestablishment electors, selected Carrie Lam to be the SAR’s chief executive. In September 2016 Hong Kong residents elected the 70 representatives who comprise the SAR’s Legislative Council (LegCo). Voters directly elected 40 representatives, while limited-franchise constituencies that generally supported the government in Beijing elected the remaining 30.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included: the central PRC government’s encroachment on the SAR’s autonomy, and government actions that had a chilling effect on political protest and the exercise of free speech (e.g., prosecutions against protesters, lawsuits to disqualify opposition lawmakers, and statements by central and SAR government officials); and trafficking in persons.

The government took steps to prosecute and punish officials who committed abuses.

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

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

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

b. Disappearance

On January 27, individuals suspected of being central Chinese government security service officers escorted businessman Xiao Jianhua, one of the country’s richest persons, out of a hotel in the SAR and then transported him to the mainland,
according to media reports. Xiao’s family reported him missing on January 28 but withdrew the report the next day. Xiao’s company published a front-page advertisement in a local newspaper stating he had not been abducted but rather was “recuperating abroad.” As of June central government authorities had not responded to the SAR government’s request for information about the case, according to the *South China Morning Post*. Xiao’s abduction renewed fears that mainland security services did not respect the SAR’s high degree of autonomy specified under the “one country, two systems” framework.

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

The law prohibits such practices, but there were isolated reports of degrading treatment in prisons. There were also some reports police used excessive force.

There were no reports of death in custody due to excessive police force.

In February a court sentenced seven police officers to two years in prison for assaulting Ken Tsang, a prodemocracy activist, in 2014. The officers were suspended from duty. All were later released on bail, pending their appeals. Video footage taken during 2014 protests showed plainclothes police officers abusing Tsang. Prosecutors separately charged Tsang with assaulting and obstructing police officers, and in May 2016 Tsang was found guilty of assaulting a police officer and resisting arrest and was sentenced to five weeks in prison.

Prison and Detention Center Conditions

There were some isolated reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: There were no major concerns in prisons and detention centers regarding physical conditions.

Administration: The government investigated allegations of problematic conditions and documented the results in a publicly accessible manner. There was an external Office of the Ombudsman. Several activists and former inmates claimed prisoners suffered abuses. For example, prodemocracy activist Joshua Wong publicly claimed that prisoners were forced to squat naked while answering questions and that five prison staff members pressured him to retract complaints while he was in juvenile detention. Activists urged the government to establish an
independent prisoner complaint mechanism in order to protect inmates from retaliation for complaints.

**Independent Monitoring:** The government permitted media outlets, legislators, and human rights groups to conduct prison visits. Justices of the peace visited prisons and may make suggestions and comments on matters, such as the physical environment of facilities, overcrowding, staff improvement, training and recreational programs and activities, and other matters affecting the welfare of inmates.

**Improvements:** In January the partial redevelopment of Tai Lam Center for Women added space for 128 women inmates, alleviating the overcrowding problem for women in high-security prisons.

d. **Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements.

**Role of the Police and Security Apparatus**

The Hong Kong Police Force maintains internal security and reports to the SAR’s Security Bureau. The People’s Liberation Army is responsible for external security. The Immigration Department controls the entry of persons into and out of the SAR as well as the documentation of local residents. Civilian authorities maintained effective control over the police force, and the government had effective mechanisms to investigate and punish abuse and corruption.

Multiple sources reported that mainland operatives in the SAR monitored some prodemocracy movement figures, political activists, lawyers, nongovernmental organizations (NGOs), and academics who expressed criticism of the central government’s policies. Media also reported that police intimidated, arrested, and assaulted activists and protesters during President Xi Jinping’s July visit to the SAR. During the visit, some activists said they were assaulted by pro-Beijing groups. There were no reports of impunity involving the security forces during the year.

Members of focus groups expressed concern that the chief executive appointed all Independent Police Complaints Committee members, according to a *South China*
Morning Post report. Activists previously noted the committee’s lack of power to conduct independent investigations limited its oversight capacity.

**Arrest Procedures and Treatment of Detainees**

Police generally apprehended suspects openly with warrants based on sufficient evidence and issued by a duly authorized official. Arrested persons must be charged within 48 hours or released, and the government respected this right. Interviews of suspects are required to be videotaped. The law provides accused persons with the right to a prompt judicial determination, and authorities effectively respected this right.

Detainees were generally informed promptly of charges against them. There was a functioning bail system, and authorities allowed detainees access to a lawyer of their choice. Suspects were not detained incommunicado or held under house arrest.

**e. Denial of Fair Public Trial**

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

**Trial Procedures**

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Trials were by jury except at the magistrate and district court level. An attorney is provided at public expense if defendants cannot afford counsel. Defendants had adequate time and facilities to prepare a defense. Defendants have the right to be informed promptly and in detail of the charges against them and the right to a trial without undue delay, and defendants could confront and question witnesses testifying against them and present witnesses to testify on their own behalf. Defendants have the right of appeal, the right not to be compelled to testify or confess guilt, and the right to be present at their trial.

Defendants enjoy a presumption of innocence except in official corruption cases. Under the law a current or former government official who maintained a standard of living above that commensurate with his or her official income, or who controls monies or property disproportionate to his official income, is considered guilty of an offense unless he can satisfactorily explain the discrepancy. The courts upheld
this ordinance. The government conducted court proceedings in either Chinese or English, the SAR’s two official languages. The government provided interpretation service to those not conversant in Cantonese or English during all criminal court proceedings.

The SAR’s courts are charged with interpreting 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 relate to central government responsibilities or on the relationship between the central authorities and the SAR. Before making its final judgments on these matters, which are not subject to appeal, the Court of Final Appeal may seek an interpretation of the relevant provisions from the central government’s Standing Committee of the National People’s Congress (NPCSC). The Basic Law requires that courts follow the NPCSC’s interpretations where cases intersect with central government jurisdiction, although judgments previously rendered are not affected. On five occasions in the past, the NPCSC issued interpretations of the Basic Law. The most recent interpretation was issued without any request for interpretation from a SAR court. Activists and other observers expressed concerns that the central government had encroached on the judiciary’s independence through the NPCSC’s interpretations of the Basic Law.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

The law prohibits such actions, and there were no reports the SAR government failed to respect these prohibitions. There were reports mainland security services monitored prodemocracy and human rights activists.

Section 2. Respect for Civil Liberties, Including:
a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and an unfettered internet combined to permit freedom of expression, including for the press, on most matters. During the year, however, SAR and central government actions and statements raised the perceived risks associated with expressing dissenting political views.

Freedom of Expression: There were some legal restrictions on the ability of individuals to criticize the government publicly without reprisal. A new national law passed by the central government in September criminalizes any action mocking the Chinese national anthem and requires persons attending public events to stand at attention and sing the anthem in a solemn manner when it is played. The central government’s National People’s Congress voted to add the law to the Basic Law’s Annex III, which obliges the SAR government to adopt local legislation. SAR officials said the law would be implemented after the LegCo passes local implementing legislation. In September a court found LegCo member Cheng Chung Tai guilty of desecrating both the national and Hong Kong SAR flags after he turned several Chinese and Hong Kong SAR flags upside down on the desks of other LegCo members. The court ordered Cheng to pay a fine of 5,000 Hong Kong dollars (HK$) ($640).

The SAR and central government called for restrictions on discussion of Hong Kong independence. Before Chinese president Xi Jinping’s July visit to the SAR, police told the proindependence Hong Kong National Party it would not be permitted to hold any public event, according to a Hong Kong Free Press article. In September students at several universities in the SAR hung banners in support of Hong Kong independence. In response Mathew Cheung, the SAR’s chief secretary for administration (the second-most senior executive official), stated “there is no room for discussion” of Hong Kong independence. A mainland government-controlled media outlet called on SAR authorities to take legal action to forbid persons from advocating for independence. On September 19, at a rally calling for the dismissal of Benny Tai, a coorganizer of the large-scale 2014 “Occupy” protests from Hong Kong University, LegCo member Junius Ho supported another protester’s call to “kill” independence advocates by saying “with no mercy” into his microphone.
Observers feared that requirements for electoral candidacy and for taking the oath of office limited free speech in the political arena. In July 2016 the Electoral Affairs Commission instituted a new requirement that all LegCo candidates sign a pledge stating that the SAR is an “inalienable part” of China in order to run for office.

The NPCSC’s November 2016 interpretation of Basic Law Article 104 barred legislators-elect from taking office if they refused to take the oath, altered the wording of the oath, or failed to demonstrate sufficient “sincerity” or “solemnity” when taking the oath. As of year’s end, the government had used the NPCSC’s interpretation to disqualify six legislators for making oaths that did not conform to the NPCSC’s interpretation. On August 25, the Court of Final Appeal dismissed the appeal bids of two of the six lawmakers. Two additional lawmakers appealed their cases on September 11; their appeals were pending at year’s end. The final two lawmakers declined to appeal their disqualification.

Press and Media Freedom: Independent media were active and expressed a wide variety of views; however, some journalists expressed concerns about increasing self-censorship.

Violence and Harassment: In February the home of a senior staff member at Sing Pao Daily News was splashed with red paint after staff members spotted suspicious persons following the newspaper’s managers, according to the Hong Kong Journalists Association’s annual report.

Censorship or Content Restrictions: Reports of media self-censorship continued during the year. Many media outlets were owned by companies with business interests on the mainland, which led to claims they were vulnerable to self-censorship, with editors deferring to perceived concerns of publishers regarding their business interests. Mainland interests reportedly owned most bookstores in the SAR and restricted the sale of politically sensitive books.

Libel/Slander Laws: In March then chief executive C. Y. Leung sued LegCo member Kenneth Leung for defamation over remarks Kenneth Leung made about a HK$50 million ($6.4 million) payment the former chief executive received from an Australian engineering firm.

Actions to Expand Freedom of Expression, Including for the Media: In September the SAR lifted its ban on online-only media attending government press conferences.
Internet Freedom

The SAR government did not restrict or disrupt access to the internet or censor online content, although activists claimed central government authorities closely monitored their email and internet use. The internet was widely available and used extensively.

There were reports of politically motivated cyberattacks against private persons and organizations. In September hackers replaced the regular content on the prodemocracy political party Demosisto’s website with promainland government messages and images mocking Demosisto’s secretary general, Joshua Wong.

Academic Freedom and Cultural Events

Some suggested Hong Kong-based academics and cultural figures practiced self-censorship to preserve opportunities in the mainland.

In 2016 Hong Kong’s Tiananmen Museum closed after two years of operation. The museum had been the only museum in the country commemorating the 1989 Tiananmen Square massacre. According to CNN and Time, the Hong Kong Alliance, a prodemocracy group that operated the museum, stated the closure was due to pressure from the owners’ committee of the building, which made it difficult for the museum to operate by restricting visitor numbers, filing a lawsuit disputing the usage of the space as a museum, and forcing visitors to provide their names and personal information—a requirement that discouraged visitors from the mainland. The museum operators also cited high rent and other fundraising challenges but kept the museum’s exhibits and said they hoped to move to a new and bigger location in the future. They temporarily reopened the museum from April to June but still did not have a new permanent location.

Hong Kong-based international NGOs expressed concern about pro-Beijing media outlets’ sustained criticism of their activities, which the newspapers characterized as interference by “foreign forces.” NGO staff members reported that these efforts to discredit their work in the SAR made it difficult for the groups to continue their existing partnerships with academic institutions and their public outreach. NGOs also expressed concern about the mainland’s Foreign NGO Management Law, which went into effect on January 1, noting the law imposed onerous restrictions on their ability to operate and implement social services delivery, advocacy work,
and aid services in the mainland. The law specifically defines Hong Kong-based organizations as covered by the law’s requirements.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, but government actions, including prosecutions of activists, increased the perceived risks associated with participating in political protest.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. Police routinely issued the required “letter of no objection” for public meetings and demonstrations—including those critical of the SAR and central governments—and most protests occurred without serious incident.

On June 4, tens of thousands of persons peacefully gathered without incident in Victoria Park to commemorate the 28th anniversary of the Tiananmen Square crackdown. The annual vigil and a smaller annual event in Macau were reportedly the only sanctioned events in China to commemorate the Tiananmen Square anniversary. Figures varied for participation in the annual July 1 prodemocracy demonstration, held on the anniversary of the 1997 transfer of sovereignty over Hong Kong to China. Police estimated 14,500 protesters; an independent polling organization estimated 27,000, and organizers claimed 60,000. Police did not interfere with the legally permitted rally.

Several government prosecutions of protesters and attempts to seek harsher penalties against protesters raised the perceived cost of protesting government policies, which could have a chilling effect on political protest in the SAR. For example, in 2016 authorities found prodemocracy activists Joshua Wong and Alex Chow guilty of participating in an illegal assembly. The charge arose after they led a group of persons over a fence into a closed SAR government complex where protests had traditionally been held at the start of the 2014 Occupy protests. In connection with the same event, prodemocracy activist Nathan Law was found guilty of inciting others to participate in an illegal assembly. Wong and Law were originally sentenced to perform 80 and 120 hours of community service, respectively, while Chow was given a suspended sentence of three weeks’ imprisonment. The government filed a timely appeal of the sentences, and Wong and Law completed their community service sentences while the appeal was pending.
On August 17, the Court of Appeal overturned the lower court’s sentences and ordered Wong, Law, and Chow to serve six, eight, and seven months in prison, respectively. The Court of Appeal argued the lower court’s sentences were inadequate and stiffer sentences were required to deter such acts in the future, which the court characterized as violent. Wong and Law were imprisoned from August through October, when they were released on bail, pending the outcome of their appeal. Chow was imprisoned in August and released on bail in November, also pending the outcome of his appeal. On August 20, tens of thousands of persons protested the prison sentences, which would bar the three from running in local elections for five years, according to SAR law. Some commentators claimed the SAR government sought stiffer penalties against the trio in order to stifle dissent and prevent the three defendants from running for office. Two UN special rapporteurs and prominent international lawyers expressed public concern the prison sentences were inconsistent with freedoms of expression and assembly. The SAR government denied any political motivation for seeking stiffer penalties against the trio and argued the cases were handled in accordance with the law. Wong, Law, and Chow appealed their sentences.

**Freedom of Association**

SAR law provides for freedom of association, and the government generally respected it. Nonetheless, officials did not approve prodemocracy political party Demosisto’s application to register as a legal entity, even though the application had been pending for more than one year. The mainland Foreign NGO Management Law, which came into effect on January 1 and also applies to NGOs based in the SAR, imposes onerous restrictions on NGOs’ ability to operate in the mainland.

c. **Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

d. **Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, with some prominent exceptions.
The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

There continued to be claims the Immigration Department refused entry to a small number of persons traveling to the SAR for political reasons. In June, shortly before Chinese president Xi Jinping’s visit to the SAR, two Macau-based prodemocracy activists reported they were denied entry. In October Benedict Rogers, deputy chairman of the British Conservative Party’s Human Rights Commission, was refused entry to the SAR. The Immigration Department, as a matter of policy, declined to comment on individual cases. Activists and other observers contended that the refusals, usually of persons holding views critical of the central government, were made at the behest of mainland authorities.

**Foreign Travel:** Most residents easily obtained travel documents from the SAR government, although central government authorities in the past have not permitted some human rights activists, student protesters, and prodemocracy legislators to visit the mainland. Some students who participated in the 2014 protest movement previously alleged the central government’s security agencies surveilled the protests and blacklisted them.

**Protection of Refugees**

**Refoulement:** Under the “one country, two systems” framework, the SAR continued to administer its own immigration and entry policies and make determinations regarding “nonrefoulement” claims independently. The government’s Unified Screening Mechanism (USM) consolidated the processing of claims based on risk of return to persecution, torture, or cruel, inhuman, or degrading treatment or punishment. From 2009 to the end of December, 110 of the more than 15,000 nonrefoulement claims adjudicated were substantiated, according to government statistics. Also according to government statistics, at year’s end there were 5,899 nonrefoulement claims pending adjudication.

Persons wishing to file a nonrefoulement claim cannot do so while they have legally entered the SAR and must instead wait until they overstay the terms of their entry before they can file such a claim, which typically results in a period of detention followed by release on recognizance. Persons whose claims are pending are required to appear periodically before the Immigration Department.
Applicants and activists continued to complain about the slow processing of claims, which can take several years, a shortage of government-provided interpretation services, and limited government subsidies available to applicants. Activists and refugee rights groups also expressed concerns about the very low rate of approved claims, suggesting the government’s threshold for approving claims was far higher than other developed jurisdictions.

**Access to Asylum:** The SAR is not a signatory to the 1951 UN Refugee Convention or its 1967 protocol. Under the “one country, two systems” framework, these international agreements are not extended to Hong Kong even though the central government is a signatory. Persons whose nonrefoulement claims are substantiated through the USM do not obtain a status that allows them to permanently live and work in the SAR. Instead, they are referred to UNHCR for possible recognition as refugees and resettlement to a third country. Some nonrefoulement claimants had waited in the SAR for resettlement for years.

**Employment:** The government defines nonrefoulement claimants as illegal immigrants or “overstayers” in the SAR, and as such they have no legal right to work in the SAR while claims are under review.

**Access to Basic Services:** Persons with nonrefoulement claims under the USM were eligible to receive publicly funded legal assistance, including translation services, as well as small living subsidies. The children of nonrefoulement claimants could usually attend SAR public schools.

**Section 3. Freedom to Participate in the Political Process**

The Basic Law limits the ability of residents to change their government through free and fair elections. Article 45 of the Basic Law establishes as the “ultimate aim” direct election of the chief executive through “universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.” The residents of Hong Kong, the SAR government, and the PRC central government have vigorously debated the nature, scope, and pace of democratic and electoral reforms.

Voters directly elect 40 of LegCo’s 70 seats by secret ballot. Thirty-five seats are designated as “geographic constituencies” (GCs) and 35 as “functional constituencies” (FCs). All 35 GCs are directly elected, while only five of the FCs are directly elected. The remaining 30 FC seats are selected by a subset of voters from FCs representing various economic and social sectors, most of whom are
supportive of the central government. Under this structure a limited number of
individuals and institutions were able to control multiple votes for LegCo
members. In 2016 the constituencies that elected these 30 FC LegCo seats
consisted of 232,498 registered individual and institutional voters, of whom
approximately 172,820 voted, according to the SAR’s election affairs office’s
statistics. The five FC seats in the district council sector, known as “super seats,”
were directly elected by the approximately five million registered voters who were
not otherwise represented in another FC and therefore represented larger
constituencies than any other seats in LegCo. The government has previously
acknowledged the method of selecting FC legislators did not conform to the
principle of universal suffrage, but it took no steps to eliminate the FCs during the
year.

Under the Basic Law, LegCo members may not introduce bills that affect public
expenditure, the political structure, or government policy; only the government
may introduce these types of bills. The SAR sends 36 deputies to the mainland’s
National People’s Congress (NPC) and had approximately 250 delegates in the
Chinese People’s Political Consultative Conference--bodies that operate under the
direction of the Chinese Communist Party and do not exercise legislative
independence. The approval of the chief executive, two-thirds of the LegCo, and
two-thirds of the SAR’s delegates to the NPC are required to place an amendment
to the Basic Law on the agenda of the NPC, which has the sole power to amend the
Basic Law.

Voters directly elected all 431 of the SAR’s district council seats in 2015 following
the government’s elimination of appointed district council seats. Previously the
chief executive used his authority to appoint 68 of the 534 members of the district
councils, the SAR’s most grassroots-level elected bodies.

**Elections and Political Participation**

**Recent Elections:** In March the 1,194-member Chief Executive Election
Committee, dominated by proestablishment electors, selected Carrie Lam to be the
SAR’s chief executive. Lam received 777 of 1,163 valid votes. The central
government’s State Council formally appointed her, and on July 1, President Xi
Jinping administered Lam’s oath of office.

In December 2016 representatives of various commercial sectors, professions,
religious organizations, and social service providers as well as political
representatives elected the 1,194 electors who cast ballots in the chief executive
Residents expressed concern these small-circle elections were open to participation by a very small number (230,000) of the SAR’s 7.5 million residents. Moreover, although the 2016 Election Committee election saw an historically high voter turnout of 46 percent and a record number of contested seats across industrial, professional, grassroots, and political sectors, local political observers noted that 300 members--approximately 25 percent--of the committee were elected without a poll or other transparent election process to represent 12 uncontested subsectors and one sub-subsector.

In September 2016 SAR residents elected representatives to the 70-member LegCo. The election, which saw a record high turnout of 2.2 million voters, was considered generally free and fair according to the standards established in the Basic Law. The government acknowledged that election observers and other residents filed approximately 1,200 petitions concerning election misconduct with the Elections Affairs Committee following the conclusion of the LegCo election. Promainland and proestablishment candidates won 40 of 70 LegCo seats, while prodemocracy candidates won 30, an increase over the 27 the opposition camp held from 2012 to 2016.

Political Parties and Political Participation: In July 2016 the government announced for the first time that all LegCo candidates must sign a confirmation form pledging their allegiance to the SAR and their intent to uphold the Basic Law, including three provisions stating that Hong Kong is an inalienable part of the PRC. Legal scholars and prodemocracy activists criticized the government’s use of the confirmation form, noting the LegCo had not approved changes to election procedures or the qualifications needed to run for legislative office. In August 2016 the government disqualified proindependence LegCo candidate Edward Leung, of the Hong Kong Indigenous party, from running in the election in the New Territories East District. An elections officer refused Leung’s candidacy even though Leung had signed the confirmation form and said he would drop his proindependence stance. Leung and another candidate filed judicial review applications charging that the use of the confirmation form was not in accordance with the SAR’s laws. Leung also filed an election petition in September 2016 alleging his disqualification from the race was unlawful.

In August the Court of Final Appeal upheld a November 2016 court ruling that disqualified Yau Wai-ching and Sixtus Leung, two opposition legislators-elect who used their oath-sweetening ceremonies to make proindependence gestures, from serving as LegCo members because they improperly took their oath of office. The November 2016 ruling came after
the NPCSC earlier that month issued an unsolicited interpretation of the Basic Law that preempted the ability of the SAR’s independent judiciary to rule on the matter. It marked the first time that the NPCSC issued such an interpretation while a SAR judge was still deliberating the case in question and the second time it had done so in the absence of a request from SAR authorities.

In December 2016 then chief executive Leung and then secretary for justice Yuen filed a legal challenge to the legitimacy of four other opposition legislators--veteran activist “Long Hair” Leung Kwok-hung, former Occupy protest student leader Nathan Law, university lecturer Lau Siu-lai, and university professor Edward Yiu--over the manner in which they took their oaths. In July the court granted the government’s request to disqualify the four legislators. Two of them filed appeals against their disqualification.

Asymmetric systemic obstacles make it harder for pandemocratic parties to secure a majority of seats in the LegCo or have one of their members become chief executive. Of the LegCo’s 70 members, 30 were elected by functional constituencies, most of which were supportive of the central government; representatives from 12 of these constituencies ran unopposed. Moreover, the central government and its business supporters provided generous financial resources to parties that supported the central government’s political agenda in the SAR, ensuring that these organizations would control the levers of government and senior positions. According to local press reports, several political groups expressed concern that the Central Government Liaison Office (CGLO) interfered with legislative campaigns, lobbying for pro-Beijing candidates and threatening or harassing others. In August 2016 Liberal Party candidate Ken Chow suspended his campaign for a LegCo seat, alleging CGLO affiliates had harassed him and threatened the safety of his family. The Independent Commission Against Corruption, the Liberal Party, and the SAR government undertook investigations into Chow’s allegations.

Participation of Women and Minorities: No laws limit participation of women in the political process, and they did participate. In March, Carrie Lam was elected to be the SAR’s first female chief executive.

There is no legal restriction against ethnic minorities running for electoral office, serving as electoral monitors, or participating in the civil service. Most elected or senior appointed positions require that the officeholder have a legal right of abode only in the SAR. There were no members of ethnic minorities in the LegCo, and
members of ethnic minorities reported they considered themselves unrepresented. The government made efforts to increase the hiring of ethnic minorities by reducing the level of Chinese-language ability needed to qualify for some jobs.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Although the SAR continued to be viewed as relatively uncorrupt, there were isolated reports of government corruption during the year.

**Corruption**: In February former chief executive Donald Tsang was sentenced to 20 months in jail for misconduct while in public office in connection with a below-market lease. Tsang appealed the sentence.

**Financial Disclosure**: The SAR requires the 27 most senior civil service officials to declare their financial investments annually and the approximately 3,100 senior working-level officials to do so biennially. Policy bureaus may impose additional reporting requirements for positions seen as having a greater risk of conflict of interest. The Civil Service Bureau monitors and verifies disclosures, which are available to the public. There are criminal and administrative sanctions for noncompliance.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Prominent human rights activists critical of the central government also operated freely and maintained permanent resident status in the SAR. Nonetheless, in October the SAR refused entry to a British human rights activist who had criticized the SAR’s human rights record.

**Government Human Rights Bodies**: There is an Office of the Ombudsman and an Equal Opportunities Commission (EOC). The government recruits commissioners to represent both offices through a professional search committee, which solicits applications and vets candidates. Commissioners were independent in their operations. Both organizations operated without interference from the government and published critical findings in their areas of responsibility. In March the EOC
urged the government to enact legislation against discrimination on the grounds of sexual orientation, gender identity, and intersex status.

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

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape. Activists expressed concerns that rape was underreported, especially within the ethnic minority community, and that conviction rates were low, according to a South China Morning Post report.

The law does not directly criminalize domestic violence, but the government regarded domestic violence against women as a serious concern and took measures to prevent and prosecute offenses. The law allows survivors to seek a three-month injunction, extendable to six months, against an abuser. Abusers may be liable for criminal charges, depending on what acts constituted the domestic violence. The government effectively enforced the law regarding domestic crimes and prosecuted violators.

The law covers abuse between married couples, heterosexual and homosexual cohabitants, former spouses or cohabitants, and immediate and extended family members. It protects victims younger than 18, allowing them to apply for an injunction in their own right, with the assistance of an adult guardian, against abuse by their parents, siblings, and specified immediate and extended family members. The law also empowers the court to require that the abuser attend an antiviolence program. In cases in which the abuser caused bodily harm, the court may attach an arrest warrant to an existing injunction and extend both injunctions and arrest warrants to two years.

The government maintained programs that provided intervention, counseling, and assistance to domestic violence victims and abusers.

Sexual Harassment: The law prohibits sexual harassment or discrimination on the basis of sex, marital status, and pregnancy. The law applies to both men and women, and police generally enforced the law effectively, though the EOC reported it saw signs that sexual harassment was underreported in the social services sector.
Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Women enjoy the same legal status and rights as men. The SAR’s sexual discrimination ordinance prohibits discrimination on the grounds of sex or pregnancy status, and the law authorizes the EOC to work towards the elimination of discrimination and harassment as well as to promote equal opportunity for men and women. While the government generally enforced these laws, women faced discrimination in employment, salary, welfare, inheritance, and promotion.

Children

Birth Registration: All Chinese nationals born in the SAR, on the mainland, or abroad to parents, of whom at least one is a PRC national and Hong Kong permanent resident, acquire both PRC citizenship and Hong Kong permanent residence, the latter allowing the right of abode in the SAR. Children born in the SAR to non-Chinese parents, at least one of whom is a Hong Kong permanent resident, acquire SAR permanent residence and qualify to apply for naturalization as PRC citizens. Registration of all such statuses was routine.

Child Abuse: The law mandates protection for victims of child abuse (battery, assault, neglect, abandonment, and sexual exploitation), and the government enforced the law. The law allows for the prosecution of certain sexual offenses, including against minors, committed outside the territory of the SAR.

The government provided parent-education programs through its maternal and child health centers, public education programs, clinical psychologists for its clinical psychology units, and social workers for its family and child protective services units. Police maintained a child abuse investigation unit and, in collaboration with the Social Welfare Department, ran a child witness support program.

Early and Forced Marriage: The legal minimum age of marriage is 16; parents’ written consent is required for marriage before the age of 21.

Sexual Exploitation of Children: There were reports girls younger than 18 from some countries in Asia were subjected to sex trafficking in the SAR.
The legal age of consensual sex is 16. Under the law, a person having “unlawful sexual intercourse” with a victim younger than 16 is subject to five years’ imprisonment, while having unlawful sexual intercourse with a victim younger than 13 carries a sentence of life imprisonment.

The law makes it an offense to possess, produce, copy, import, or export pornography involving a child younger than 18 or to publish or cause to be published any advertisement that conveys or is likely to be understood as conveying the message that a person has published, publishes, or intends to publish any child pornography. Authorities generally enforced the law. The penalty for creation, publication, or advertisement of child pornography is eight years’ imprisonment, while possession carries a penalty of five years’ imprisonment.


Anti-Semitism

The Jewish community numbered 5,000 to 6,000 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities and the government generally enforced these provisions. The government generally implemented laws and programs to provide persons with disabilities access to buildings, information, and communications, although there were reports of some restrictions.

The law on disabilities states that children with separate educational needs must have equal opportunity in accessing education. Some human rights groups reported that the SAR’s disability law was too limited and its implementation did
not promote equal opportunities. Activists said that ethnic minority students with disabilities had a particularly high dropout rate. There were occasional media reports about alleged abuses in educational, correctional, and mental health facilities.

The Social Welfare Department provided training and vocational rehabilitation services to assist persons with disabilities, offered subsidized resident-care services for persons considered unable to live independently, offered places for preschool services to children with disabilities, and provided community support services for persons with mental disabilities, their families, and other local residents.

The law calls for improved building access and sanctions against those who discriminate. Access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities.

National/Racial/Ethnic Minorities

Although ethnic Chinese made up 94 percent of the population, the SAR is a multi-ethnic society with persons from a number of ethnic groups recognized as permanent residents with full rights under the law. The law prohibits discrimination, and the EOC oversees implementation and enforcement of the law. The EOC maintained a hotline for inquiries and complaints concerning racial discrimination. Although the government took steps to reduce discrimination, there were frequent reports of discrimination against ethnic minorities.

The government has a policy to integrate non-Chinese students into SAR schools. Nonetheless, the EOC reported it continued to receive complaints from ethnic minority parents who found it difficult to enroll their children in kindergarten because school information and admissions interviews at some schools were provided only in Cantonese. Students who did not learn Chinese had significant difficulty entering university and the labor market, according to government and NGO reports.

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

No laws criminalize consensual same-sex sexual conduct between adults. While the SAR has laws that ban discrimination on the grounds of race, sex, disability, and family status, no law prohibits companies or individuals from discriminating on grounds of sexual orientation or gender identity. There are also no laws that
specifically aid in the prosecution of bias-motivated crimes against members of the LGBTI community.

In April a court ruled that a gay civil servant’s husband, whom he had married in a foreign country, was entitled to the same benefits as a heterosexual spouse. In May the government appealed that decision, and the appeal was pending.

LGBTI professionals are permitted to bring foreign partners to the SAR only on a “prolonged visitor visa.” Successful applicants, however, cannot work, obtain an identification card, or qualify for permanent residency.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions without previous authorization or excessive requirements and to conduct legal strikes, but it does not protect the right to collective bargaining or obligate employers to bargain. Trade unions claimed the lack of collective bargaining rights allows employers simply to refuse to bargain. The law explicitly prohibits civil servants from bargaining collectively.

Trade unions must register with the government’s Registry of Trade Unions and must have a minimum membership of seven persons for registration. Workers were not prevented from unionizing; however, the law restricts members and officers of unions to those who are “ordinarily resident” in the SAR and have been employed or engaged with an industry or occupation related to the union.

The law provides for the right to strike, although there are some restrictions on this right for civil servants. The law prohibits firing an employee for striking and voids any section of an employment contract that would punish a worker for striking. The commissioner of police has broad authority to control and direct public gatherings in the interest of national security or public safety. According to the law, an employer cannot fire, penalize, or discriminate against an employee who exercises his or her union rights and cannot prevent or deter the employee from exercising such rights.

The government effectively enforced the law. Penalties for violations of antiunion laws included fines as well as legal damages paid to workers, and penalties were sufficient to deter violations. An employee who is unreasonably and unlawfully
dismissed (including on the grounds of the employee exercising trade union rights) is entitled to reinstatement or re-engagement, subject to mutual consent of the employer and the employee, or monetary compensation for unreasonable and unlawful dismissal.

b. Prohibition of Forced or Compulsory Labor

The law does not prohibit all forms of forced or compulsory labor, nor do laws specifically criminalize forced labor. Instead, the SAR uses its Employment and Theft Ordinances to prosecute labor violations and related offenses. Penalties for these offenses were not sufficient to deter violations.

NGOs expressed concerns some migrant workers faced high levels of indebtedness assumed as part of the recruitment process, creating a risk they could fall victim to debt bondage. The SAR allows for the collection of placement fees of up to 10 percent of the first month’s wages, but some recruitment firms required large up-front fees in the country of origin that workers struggled to repay. Some locally licensed employment agencies were suspected of colluding with agencies in the Philippines and Indonesia to profit from a debt scheme, and some local agencies illegally confiscated the passports, employment contracts, and automatic teller machine cards of domestic workers and withheld them until their debt was repaid.

There also were reports some employers illegally forbade domestic workers from leaving the residence of work for non-work-related reasons, effectively preventing them from reporting exploitation to authorities. SAR authorities said they encouraged aggrieved workers to file complaints and make use of government conciliation services as well as actively pursued reports of any labor violations.

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

c. Prohibition of Child Labor and Minimum Age for Employment

Regulations prohibit employment of children younger than 15 in any industrial establishment. The law prohibits overtime in industrial establishments with employment in dangerous trades for persons younger than 18. Children 13-14 years of age may work in certain nonindustrial establishments, subject to conditions aimed at ensuring a minimum of nine years of education and protection of their safety, health, and welfare.
The Labor Department effectively enforced these laws and regularly inspected workplaces to enforce compliance with the regulations. Penalties for violations of child labor laws include fines and legal damages and were sufficient to deter violations.

There were reports that girls from some countries in Asia were subjected to commercial sexual exploitation (see section 6, Children).

d. Discrimination with respect to Employment and Occupation

The law and regulations prohibit employment discrimination on the grounds of race or ethnicity, disability, family status (marital status and/or pregnancy), or sex. The law stipulates employers must prove that proficiency in a particular language is a justifiable job requirement if they reject a candidate on these grounds. Regulations do not prohibit employment discrimination on the grounds of color, religion, political opinion, national origin or citizenship, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status.

The government generally enforced these laws and regulations. In cases in which employment discrimination occurred, the SAR’s courts had broad powers to levy penalties on those who violated these laws and regulations.

Human rights activists and local scholars continued to raise concerns about job prospects for minority students, who were more likely to hold low-paying, low-skilled jobs and earn below-average wages. Academics assessed that a lack of Chinese language skills was the greatest barrier to employment. Minority group leaders and activists reported that government Chinese-language requirements for many job applicants excluded nonnative Chinese speakers from civil service and law enforcement positions.

e. Acceptable Conditions of Work

On May 1, the statutory minimum hourly wage was readjusted to HK$34.50 ($4.41). In September the SAR increased domestic workers’ minimum monthly wage from HK$4,310 ($552) to HK$4,410 ($564) and increased their minimum monthly food allowance from HK$1,037 ($133) to HK$1,053 ($135). The government requires employers to provide foreign domestic workers with housing, worker’s compensation insurance, and a travel allowance. In its explanation of why live-in domestic workers (both local and foreign) would not be covered by the
statutory minimum wage, the government explained “the distinctive working pattern--round-the-clock presence, provision of service-on-demand, and the multifarious domestic duties expected of live-in domestic workers--made it impossible to ascertain the actual hours worked so as to determine the wages to be paid.”

The official poverty line was half of the median monthly household income before tax and welfare transfers, based on household size. For a one-person household, the poverty line was set at HK$3,800 ($486), for a two-person household HK$8,800 ($1,126), for a three-person household HK$14,000 ($1,791), and so on.

There is no law concerning working hours, paid weekly rest, rest breaks, or compulsory overtime for most employees. In the absence of such legislation, labor rights groups previously reported most SAR residents worked approximately 56 hours per week. An online survey of foreign domestic workers showed that 76 percent worked more than 12 hours per day and 17 percent worked more than 16 hours per day.

Laws exist to provide for health and safety of workers in the workplace. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. No laws restrict work during typhoon or rainstorm warnings. The Labor Department issued a “code of practice” on work arrangements in times of severe weather, which includes a recommendation that employers require only essential staff to come to work during certain categories of typhoon or rainstorm warnings. Many businesses closed during extreme weather. Employers are required to report any injuries sustained by their employees in work-related accidents.

The government generally enforced the law, and the Labor Tribunal adjudicated disputes involving nonpayment or underpayment of wages and wrongful dismissal. Penalties for violations of minimum wage or occupational safety and health violations include fines, payments of damages, and worker’s compensation payments. These penalties were sufficient to deter violations.

The Occupational Safety and Health Branch of the Labor Department is responsible for safety and health promotion, identification of unsafe conditions, enforcement of safety management legislation, and policy formulation and implementation; it enforced occupational safety and health laws effectively.
In December 2016 a High Court judge ruled the government failed to protect adequately the human rights and safety of a Pakistani man trafficked to the SAR and forced into unpaid labor for several years. The government’s appeal of the case was pending at year’s end.

In 2016 the Labor Department recorded 35,768 occupational injuries and 203 workplace fatalities. In March the chief executive of the Association for the Rights of Industrial Accident Victims claimed the Highways Department had disregarded worker safety on the Hong Kong-Zhuhai-Macau bridge construction project. According to the organization, as of March, 10 workers had died and more than 600 were injured while working on the bridge since 2010.
As noted in previous reports by the Special Rapporteur and other special procedures, new surveillance technologies and their rapid expansion by states and private actors call for more effective analysis and policy responses that address the shifting national, regional, and global human rights issues. China, an authoritarian state ruled by the Communist Party of China (CPC) whose priorities are often at odds with international human rights standards, presents a particularly challenging case. The Chinese state, tasked with advancing CPC interests, plays a significant role in the development and domestic deployment of surveillance technologies. As China accelerates its drive to lead the world in artificial intelligence “theories, technologies, and applications” by 2030, Chinese companies in the surveillance technologies industry will increasingly face the conflict between domestic imperatives and the responsibilities of global industrial leaders in compliance with international standards.

Chinese companies that develop, market, export, deploy, and facilitate surveillance technologies include: manufacturers of cameras, drones, and other hardware; database owners and operators, including cloud servers; manufacturers and developers of biometrics identification systems; artificial intelligence developers, including facial recognition and gait recognition; and urban transport management systems. Chinese companies engaged in the surveillance industry are also some of the major actors marketing and exporting these technologies around the world. The size, scope, and reach of the companies—whether they are private, state-owned enterprises (SOEs), or companies with state investment—underscore domestic and global human rights challenges.

This submission highlights the key role of the party-state in China, outlines relevant provisions of the domestic regulatory framework, and describes some company examples to illustrate specific human rights concerns presented by this regulatory framework in conjunction with the close ties between the state and companies in China. The submission concludes with some suggestions for further monitoring and study.

1. China’s legal framework, including laws and regulations relevant to the development and deployment of surveillance technologies by private and state-owned or state-invested companies, is subservient to the ideological and political imperatives of the party-state.
The overall regulatory framework in China is shaped by and subordinate to the interests of the Communist Party of China (CPC or Party). The authorities have not only placed the CPC above the law, but have created a fundamental conflict in the state’s responsibility to create an enabling environment for the exercise of rights guaranteed by international law and the state’s international obligations. The recently issued Regulation on the Communist Party of China’s Political-Legal Work (effective January 13, 2019) highlights the policy that all political and legal work done by the government must heed the guidance of the CPC. Article 3 states: “Political and legal units are the specialized forces that carry out political and legal work under the leadership of the Party, chiefly, including judicial organs, procuratorial organs, public security organs, national security organs, judicial and administrative organs, etc.”

Within an international human rights framework that treats states and companies as distinct actors with different responsibilities, the multiple roles of China’s party-state as regulator, investor, and owner of companies in the surveillance sector also create tensions for all types of companies operating in China.

HRIC advises caution in classifying Chinese companies as “private,” a label that may obscure the extensive links that exist between nominally private companies and the party-state. Government and CPC control is made possible, informally, through opaque shareholding structures, more formally through state protection and support of these companies, and through Party committees that must be established within private firms and SOEs. The Party committee requirement extends to private and foreign companies operating in China. According to official government data, over 91% of publicly-owned companies and over 73% of private companies in China have established these Party organizations. According to media reports, these Party committees have put “political pressure” on joint ventures to allow the CPC final authority in major decisions.

CPC influence and enforcing the surveillance requirements of PRC law are a given for state-owned enterprises. One example is Hikvision Digital Technology, a Hangzhou-based SOE that manufactures security cameras and other video surveillance products. It began as a Chinese government research institute, and then was transformed into an SOE. Hikvision has global partners including branch R&D offices in the United Kingdom and Canada. For the past five years, Hikvision is the world’s largest supplier of video surveillance equipment, used in at least 150 countries in both public and private sectors. Its products are equipped with AI technology and are linked with cloud data-sharing. According to media reports, Hikvision technology is alleged to include deliberate security flaws that allow the PRC government access to data without user permission and is involved in the grid-style surveillance systems used in Xinjiang, and also possibly used in surveillance in the Xinjiang arbitrary detention camps. Hikvision provides an example of a publicly-listed SOE that designs and manufactures equipment specifically for surveillance purposes by governments. The company has aggressively expanded
its services over time to provide not only the hardware, but also the entire surveillance package, including AI algorithms and analytics systems.

For comparison, SenseTime is a private, Hong Kong based, startup AI developer and algorithm provider that focuses on facial recognition software and machinery. It was begun by professors and researchers, and is now entrusted by the PRC’s Ministry of Science and Technology to establish China’s National Open Innovation Platform of Next-Generation Artificial Intelligence on Intelligent Vision. It has partners around the world, including branch offices in Beijing, Shenzhen, Kyoto, Tokyo, and Singapore. According to media reports, PRC government contracts make up 40% of SenseTime’s revenue, and its co-founder attended a Politburo study session on leading global AI development, calling for closer ties between SOEs and private companies. China Mobile, one of China’s top three telecommunications SOEs, has contracted with SenseTime to develop its facial recognition applications; a high-security prison in Inner Mongolia uses its facial recognition technology; and the security bureaus of Guangzhou, Shenzhen, and Yunnan use SenseTime technology, supplying their data back to SenseTime to train its algorithms. SenseTime is an example of a private company that has increased its PRC ties dramatically and worked in cooperation with the PRC government for market share. In addition, the AI algorithms that SenseTime provides are not inherently surveillance technology, but are developed and applied expressly for that purpose.

2. **China’s domestic regulatory framework requires companies to act as surveillance agents of the state, instead of ensuring an enabling environment to protect the exercise of rights.**

China’s legal regulatory framework applicable to surveillance technologies is premised on an overbroad concept of national security that provides the rationale for a comprehensive scope for surveillance regulation. The Chinese government has promulgated a series of laws under an overarching policy framework of comprehensive securitization, including the National Security Law (effective July 1, 2015), the Counterterrorism Law (effective January 1, 2016), the Cybersecurity Law (effective June 1, 2017), and the National Intelligence Law (effective June 28, 2017). These overarching laws lay out general requirements for private companies to cooperate with and provide necessary technological and law enforcement support for the state in the name of national security. For example:

- The National Security Law states: “enterprises and public institutions should, according to the demands of national security work, cooperate with relevant departments in adopting relevant security measures” (Art. 79).
- The Cybersecurity Law states that “network operators” must “provide technical support and assistance to public security organs’ and state security organs’ lawful activities preserving national security and investigating crimes” (Art. 28).
Under the *Counterterrorism Law*, “telecommunications operators and Internet service providers shall provide technical interfaces, decryption, and other technical support assistance to public security organs and state security organs conducting prevention and investigation of terrorist activities in accordance with law” (Art. 18).

The *National Intelligence Law* authorizes national intelligence work institutions lawfully carrying out intelligence efforts to “request that relevant organs, organizations, and citizens provide necessary support, assistance, and cooperation” (Art. 14).

(Emphasis added)

In performing their roles, companies must develop and deploy a range of surveillance technologies including hardware, software, and code expertise such as algorithmic engineering and other AI applications. Specifically, companies must comply with various provisions related to collecting, storing and analyzing data; real name registration for users; monitoring and removing user-generated content deemed illegal; and specific technological requirements.

**Collection of Content Data & Metadata**

Under the Cyberspace Administration of China’s (CAC) *Regulations for Internet Content Management Administration Law Enforcement Procedures*, effective June 1, 2017, China’s Internet regulators are authorized to gather certain “digital evidence” from relevant “units,” which includes electronic data, audio-visual materials, documentary evidence, etc. Electronic data includes, but is not limited to, web pages, blogs, microblogs, instant messaging tools, forums, stickers, webs, E-mail, network background, and other means of carrying electronic information or documents (Art. 20). Units are required to assist and cooperate with any investigation, including by providing information published by ISPs and users, and daily logs (Art. 18). Private companies are also required to keep a record of metadata and to store the data for specified periods of time. The purpose of these regulations is to *ensure that backend data is accessible to the government*.

**Monitoring Individuals and Groups**

The PRC government has devoted substantial resources to establishing a comprehensive and systematic monitoring system for individuals and groups that track their communications and activities online and offline. Companies in the information ecosystem play a key role in these efforts through the following requirements.

- **Real name registration**

  The *Cybersecurity Law* requires network operators to implement real name registration and request identity information from users before they provide network access, domain name
registration, landline and mobile phone network access, instant messaging and communication services (Art. 24). According to the National People’s Congress Standing Committee Cybersecurity Law 2017 enforcement report, over 300 million users who had not been registered previously were registered within the preceding five years to fulfill the legal requirement of real name registration. In addition, services for over 10 million users who refused to register were suspended.

Other service providers of news, online forums, microblogs, are also subject to regulations that impose on them the responsibility to implement real name registration. In the increasingly restrictive political environment in which absolute loyalty to the CPC and to Xi Jinping Thought is required, these real name requirements undermine anonymity and privacy and contribute to the chilling of expression and opinion.

- **Credit systems**

Certain Internet service providers are obligated to establish a credit system for their users based on their online behavior. Users are divided into categories based on their credit scores and are then provided with different levels of access to services and functionalities according to their scores. For example, providers of Internet services with post and comment functionalities are required to “carry out credit assessments of users’ conduct,” blacklist “seriously untrustworthy” users, and prohibit them from re-registration to access the services again (Internet Post and Comments Service Management Regulations, Art. 9). Similarly, providers of public account information services are obligated to “establish a credit level management system for Internet user public account information service users, and provide services corresponding to credit levels (Internet User Public Account Information Service Management Regulations, Art.6).”

In addition to these credit systems, China has announced the construction of a national social credit system, reportedly on track for deployment on the country’s 1.4 billion citizens by 2020. The system, often described by Western media as “big brother,” “aims to centralize data platforms into a big data-enabled surveillance infrastructure to manage, monitor, and predict the trustworthiness of citizens, firms, organizations, and governments in China.”

- **Tiered management system**

Internet service providers are tasked with monitoring Internet groups through a “tiered management system.” Companies are obligated to implement “hierarchical and categorical management” of Internet groups based on their nature, type, membership scale, and activity level (Internet Group Information Service Management Regulations, Art. 7). Each group must have a unique identification code. For groups that reach a certain scale, the provisions
require an information page listing the group’s name, number of members, and its type (Art. 8).

Internet Filtering and Censorship

Internet service providers are tasked with closely monitoring content on their platforms, often by implementing a “real-time inspection” system. For example, the Internet Post and Comments Service Management Regulations require service providers to establish such a system for posts and comments, and implement “a screen-before-publishing system” for posts and comments of Internet news information (Art. 5). The Internet User Public Account Information Service Management Regulations require service providers to “conduct real-time management of user public accounts’ messages, posts, comments, and other interactive elements” (Art. 12). The Internet Forum Community Service Regulations also set the requirement for inspection systems including “real-time public information patrol” (Art. 5).

In addition to monitoring, regulatory provisions place primary responsibility on the Internet service providers to control the dissemination of “illegal content.” Service providers are responsible for keeping a record of censored content and reporting it to relevant departments. The process often follows a procedure in which service providers delete information, stop its transmission, create a record, and report it to relevant departments. Network operators who discover prohibited information must “immediately stop transmission of that information, adopt handling measures such as deleting it to prevent the information from spreading, keep relevant records, and report to the relevant competent departments” (Cybersecurity Law, Art. 47).

Recommendations

The subordination of law to CPC leadership, the global reach of Chinese surveillance industry companies, and the advanced surveillance technologies deployed and marketed present steep challenges to ensuring rights protections—in particular on freedom of opinion and expression, and the right to privacy—not only for the 1.4 billion people in China, but also for the entire global information ecosystem.

In that light, HRIC respectfully advances the following recommendations:

- Further research, conceptual work and analysis should be conducted on the conflicts and tensions presented by surveillance industry regulatory frameworks in authoritarian restrictive states, including developing a typology of the different forms of companies, including ownership structures and effective control elements.

- States should review and amend all relevant laws and regulations that impact on development and deployment of surveillance technologies to implement relevant treaty
body and special procedure recommendations to ensure conformity with international standards on the freedom of opinion and expression and privacy rights.

- States should set clear guidelines for all judicial and law enforcement agencies on the primacy of adhering to international standards on the protection of freedom of expression and privacy rights in relation to surveillance, including safeguards to prevent political interference in the judicial and criminal justice processes. Progress supported by specific benchmarks and indicators and challenges encountered should be described in state party treaty body reports and in the next UPR cycle.

- Companies, including private, state-owned, or companies with significant state investment should formulate company policies and operational guidelines to include human rights impact assessments during development and deployment of any surveillance technologies to ensure safeguarding individuals’ right to opinion, expression and privacy in accordance with international standards. These policies, guidelines and results of HRIAs should be publicly available.

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1 “[B]y 2030, China’s AI theories, technologies, and applications should achieve world-leading levels, making China the world’s primary AI innovation center, achieving visible results in intelligent economy and intelligent society applications, and laying an important foundation for becoming a leading innovation-style nation and an economic power.” From “State Council Notice on the Issuance of the Next Generation Artificial Intelligence Development Plan,” State Council of the People's Republic of China (July 8, 2017) released July 20, 2017 (English translation by China Copyright and Media, [https://chinacopyrightandmedia.wordpress.com/2017/07/20/a-next-generation-artificial-intelligence-development-plan/](https://chinacopyrightandmedia.wordpress.com/2017/07/20/a-next-generation-artificial-intelligence-development-plan/)).


3 For example, Dahua Technology is a publicly listed company on the Shenzhen Stock Exchange based in Zhejiang, with more than 16,000 employees, over 50% of which are engaged in R&D. Dahua Technology has more than 200 provincial offices as well as 54 overseas subsidiaries and representative offices covering the Asia Pacific, North America, Europe, Africa and other regions, with its products and services applied in over 180 countries and regions. Dahua, “About Us,” [https://www.dahuasecurity.com/aboutUs/introduction/0](https://www.dahuasecurity.com/aboutUs/introduction/0), last visited Feb. 11, 2019.


5 Article 3 in the original is as follows: “政法单位是党领导下从事政法工作的专门力量，主要包括审判机关、侦察机关、公安机关、国家安全机关、司法行政机关等单位。” Id.


7 Id.

23 “Unit” in Chinese is “单位,” which includes private enterprises.

24 Despite legal requirements to ensure data security, the recent incident of an online exposure of a facial recognition database maintained by SenseTime, highlights the actual risks in maintaining these massive databases without rigorous attention to ensuring privacy protection for individuals tracked. The company had reportedly left more than 2.5 million records containing personal information and locations logged (more than 6.8 million in a 24 hour period) without any password protection. Alfred Ng, “Chinese Facial Recognition Company Left Database of People’s Locations Exposed,” CNet, Feb. 13, 2019, https://www.cnet.com/news/chinese-facial-recognition-company-left-database-of-peoples-location-exposed/.

25 For example, Article 21 of the Cybersecurity Law requires network operators to “adopt technological measures for monitoring and recording network operational statuses and cybersecurity incidents, and follow relevant provisions to store network logs for at least six months.” Under the Regulation on Security Assessment of Internet Information Services of Public Opinion Nature or with Social Mobilization Capacity (effective November 30, 2018), Internet information service providers with “public opinion nature and social mobilization capacity” must keep “log information for user accounts, operation times, operation types, network source and destination addresses, network source ports, client terminal hardware specifications, and so forth, as well as measures for retaining records of user-published information” (Art.5).


BEING LGBT IN ASIA: CHINA COUNTRY REPORT

A Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Civil Society
Proposed citation:

This report was technically reviewed by UNDP and USAID as part of the 'Being LGBT in Asia' initiative. It is based on the observations by the author(s) of report on the China National LGBT Community Dialogue held in Beijing in August 2013, a follow-up China-Asia Transgender Roundtable held in Beijing in November 2013, conversations with participants, and a desk review of published literature. The views and opinions in this report do not necessarily reflect official policy positions of the United Nations Development Programme or the United States Agency for International Development.

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Design: Safr Soeparna/Ian Mungall/UNDP.
BEING LGBT IN ASIA:
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A Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Civil Society
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This report documents the presentations and discussions from the three-day China National Lesbian, Gay, Bisexual and Transgender (LGBT) Community Dialogue, held 16–18 August 2013 with Day 1 in the United Nations (UN) compound in Beijing and Days 2 and 3 at a local hotel, as well from the November 2013 China-Asia Transgender Community Roundtable also held in Beijing. Additional information was collected from interviews with a variety of community participants and a desk review of published literature. Please note that due to constant and rapid changes in LGBT community development in China, there may have been recent developments that have not have been included in this report at the time of publication.

The participants in the China LGBT community dialogue served as the primary source for key parts of the report; however, the completion of this report was made possible by the support and contributions of many people and organizations. We would like to thank them for providing their input, technical support and precious advice.

UNDP would like to gratefully acknowledge the participants in the China National LGBT Community Dialogue who came from all regions of China, including Shanghai, Beijing, Guangzhou, Tibet, Dalian, Chengdu, Jiangxi, Qinghai, Shandong, Xinjiang, and Yunnan for their participation and for providing valuable input for this report. We would like to thank Vu Anh Lieu, former LGBT Human Rights Officer from the UNDP Viet Nam Office, for being part of the Dialogue and providing the perspective of the LGBT movement in his country.

Special thanks to the following people for providing key reference materials and guidance during the development of the Dialogue and the report: Li Zhen, Executive Director of Evening Primrose Care Center; Bin Xu, Executive Director of Common Language and a ‘Being LGBT in Asia’Technical Advisor; Beichuan Zhang, Retired Medical Doctor of Qingdao Medical School; Xiaopei He, Executive Director of Pink Space; Ge Tong, Former Director of Men’s Health Forum; Zhijun Hu, Director of PFLAG-China; Jiangang Wei, Director of Beijing Gender Health Institute; Lin Meng, Coordinator of the China Alliance of People Living with HIV/AIDS; Wenhui Liang from the LGBT Straight Alliance; Ying Xin and Stephen Leonelli, Current and former directors of the Beijing LGBT Center; Xiaofei Guo, Law Professor from China University of Political Science and Law; Dian Dian, Dana Zhang and Ana Huang from the Chinese Lala Alliance; Hui Jiang, Director of AiBai Culture and Education Center in Beijing; Xiaodong Wang, Director of Chengdu Tongle Health Consulting Center; Popo Fan, Independent Filmmaker; Joanna Cheung, Director of Pink Alliance (Hong Kong); Wei Wei, Sociology Professor from East China Normal University; Tiecheng Ma, Director of Shenyang Health Consulting Services Center; Gaizi from Yunnan Parallel; Fox from Sunflower LGBT-Hangzhou; Xiangqi from the lesbian group Shanghai Nvai); Anke, Director of Beijing Lala Saloon; Sammy Wu, a transgender activist from Shanghai; and Feiyan Zhao, a transgender activist in mainland China. In addition, special credit goes to the Beijing Gender Health Education Institute, who we had the privilege of working with in organizing the national LGBT dialogue.

The following people invested a great deal of time and effort in creating this report: Fan Ding, as the original report writer; Wenxu Xu, former LGBT Human Rights Officer in UNDP China; Karen Liao, LGBT Human Rights Officer in UNDP China; Andrea Pastorelli, Policy Specialist - Poverty, Equity and Governance in UNDP China; Saurav Jung Thapa, Technical Officer - LGBT and Human Rights at the UNDP Asia-Pacific Regional Centre; our interns at UNDP China (Siddarth De Souza, Mitchell Luo and Lee Ying Hui), as well as Andy Quan for editing the report and the translators.
Valuable comments and input on drafts of the report were provided by Thomas White, Deputy Director, Governance and Vulnerable Populations Office, USAID Regional Development Mission Asia (RDMA); Vy Lam American Association for the Advancement of Science Fellow, USAID; Maria Rendon-Labadan, Senior Development Counselor, Daniel Delk, Human Rights Officer, and Jason Park, Second Secretary, from the US Embassy in Beijing; as well as Edmund Settle, Policy Advisor, Human Rights and Governance in UNDP APRC.

The Dialogue partners would like to recognize the outstanding contribution of Qing Gu, Team leader, Poverty, Equity and Governance Team, UNDP China; Yuan Xiao, Programme Associate, Poverty, Equity and Governance Team, UNDP China; and Li Zhou, former LGBT and Human Rights Technical Officer, UNDP Asia-Pacific Regional Centre in Bangkok for ensuring the Dialogue was a success. Our thanks and gratitude also to Li Zhen who facilitated the meeting. A final thanks to the steering committee members who provided technical support throughout the process: Bin Xu, Li Zhen, GeTong, Xiaopei He, Jiangang Wei, and Beichuan Zhang. Our thanks and gratitude to One Plus One (Beijing) Disabled Person's Culture Development Center for providing the meeting rapporteurs.
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EXECUTIVE SUMMARY

BACKGROUND

This report documents the presentations and discussions from the China National Lesbian, Gay, Bisexual and Transgender (LGBT) Community Dialogue (16–18 August 2013, Beijing), the Asia-China Transgender Community Roundtable (11 November 2013, Beijing), as well as additional desk research.

The China LGBT Community Dialogue brought together participants from all over Mainland China (not including Hong Kong, Macau or Taiwan). Approximately 60 people participated in Day 1 of the Dialogue from 40 institutions and organizations, representing the full range of China’s LGBT community alongside representatives of the central government, the court system, universities, legal experts and legal-aid organizations and a broad range of civil society organizations. Over 140 participants took part in the next two days of Dialogue from a larger number of NGOs and CBOs from all over China. Ten transgender participants from across China and five transgender community experts from Hong Kong SAR, India, Nepal, the Philippines and Thailand too part in the China-Asia Transgender Community Roundtable. The Dialogue and Roundtable were jointly convened by the United Nations Development Programme (UNDP) and the United States Agency for International Development (USAID).

The Dialogue generated a comprehensive overview of the social, cultural and legal environment where Chinese LGBT people live and LGBT NGOs operate and included in-depth discussions on LGBT rights in China in the areas of: health, education, family, media, community development, employment and the law.
This report is a product of a broader initiative entitled 'Being LGBT in Asia: A Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Civil Society.' Launched on International Human Rights Day, 10 December 2012, 'Being LGBT in Asia' is a first-of-its-kind Asia-wide learning effort undertaken with Asian grassroots LGBT organizations and community leaders alongside UNDP and USAID. With a focus on eight participating countries – Cambodia, China, Indonesia, Mongolia, Nepal, the Philippines, Thailand and Viet Nam – the effort examines LGBT lived experiences from a development and rights perspective.

'Being LGBT in Asia' has a number of objectives. It encourages networking between LGBT people across the region, building a knowledge baseline and developing an understanding of the capacity of LGBT organizations to engage in policy dialogue and community mobilization. Through this work, 'Being LGBT in Asia' promotes understanding of the inherent human rights of LGBT people and the stigma and discrimination they face. It also outlines practical steps toward LGBT-inclusive development work for UNDP and the UN system, USAID and the US Government and other development partners through this report and other social and multimedia products. Finally, this initiative documents and highlights the views generated by LGBT participants at national community dialogues, linking stakeholders who are working to enhance LGBT human rights across Asia.

FINDINGS

This report provides an overview of LGBT rights in China as broadly related to law, policy, social and cultural attitudes, and more specifically to employment, education, health, family, media and technology, and community development. It identifies regional differences in LGBT acceptance and community development as well as important organizations working for the protection of LGBT rights.

Laws:

In the history of China homosexuality was never directly criminalized. From 1979 to 1997, an anti-hooliganism law criminalized male homosexuality in relation to sexual assault (forced anal sex with a minor). This law was often used to persecute or intimidate gay men in Mainland China. The law was finally abolished in 1997. It is worth noting that the anti-hooliganism law was never applied to female homosexuality. This is partly due to the fact that in China's traditional patriarchal society, sex without a male partner was not considered an actual sexual act (phallocentrism). Thus while lesbianism was never actively criminalized in China, this led to the almost complete invisibility of lesbians and bisexual women. Existing anti-discrimination laws are focused on a narrow definition of gender that includes women but excludes LBT people (e.g. lesbians, bisexual women, and transwomen). Same-sex marriage is not legally recognized in China. LGBT individuals have been victims of violence, extortion, and rape. But they are often afraid or ashamed to report such crimes to law enforcement officials due to the fear of ridicule and discrimination. Same-sex rape is not an offense punishable by law. The civil rights of LGBT people are not protected in a variety of areas, including adoption by same-sex couples, inheritance, joint property rights, cohabitation, and compensation in the case of divorce. Censorship laws explicitly ban homosexual content in any form in movies and television. This prevents a broader public discourse on LGBT people as well as sexual and gender identity.

Policies:

While there is no specific policy on LGBT people there have been a handful of positive policy changes related to sexual orientation and gender identity, mostly with regards to public health. In 2001, the Chinese Society of Psychiatry commissioned a working group to study the psychology of gays and lesbians, and research findings ultimately led to the removal of homosexuality and bisexuality from the official list of mental disorders in the
Chinese Classification of Medical Disorders 3rd Edition (CCMD-3). In 2012, the National Health and Family Planning Commission (former Ministry of Health) changed the national blood donation policy from banning all “homosexual” donors to only “men who have sex with men.” Due to the AIDS epidemic, over the last 15 years the Chinese Centre for Disease Control (CDC) and the National AIDS Programme (NCAIDS) have successfully lobbied for public health policies focused on men who have sex with men; however, broader sexual and reproductive health policies for LBT people remain weak, especially for transgender people. The National Health and Family Planning Commission’s Sex Change Operation Technical Management Standard requires transgender individuals to be diagnosed as mentally ill by medical workers, prove the desire for a sex change for more than five years, and get consent from their family members before sex reassignment surgery is allowed. Finally, although it is possible to change their gender on identity documents after they have completed sex reassignment surgery, transgender people encounter difficulties in retroactively changing their gender on previously obtained educational certificates. Finally, legal registration of LGBT civil society organizations remains extremely difficult, especially at the Provincial level. This is the primary bottleneck for the development of the LGBT community.

**Employment:**

Workplace discrimination based on sexual orientation and gender identity is common and is not prohibited by any law or national regulation. As such, LGBT individuals, particularly transgender people, suffer discrimination in the workplace or find challenges securing a job. Many choose not to be open about their sexual orientation or gender identity. A survey of 2161 LGB Chinese people conducted in 2013 showed that 47.62 percent chose to remain completely secretive about their sexual orientation in the workplace. A number of organizations have begun working with the private sector on LGBT-friendly employment and human resources (HR) policies but this type of work is still in its infancy in China.

**Education:**

Bullying of LGBT students and discrimination in educational settings is an issue of serious concern in China, especially in rural and less developed areas. According to a survey conducted by Aibai Culture and Education Center in 2012, 77 percent respondents have encountered bullying on basis of sexual orientation or gender identity with a further 59 percent reporting negative consequences on their school performance as a result of bullying. The Chinese educational curriculum lacks information on sexual orientation and gender identity, because overall sexuality is considered a sensitive issue. Where sex education is available, the teachings always focus on standard hetero-normative frameworks, or often promote sexual abstinence, sometimes teaching the pathologization of homosexuality.

**Health:**

Health is a particular area of concern for LGBT people in China. A growing AIDS epidemic disproportionately affects gay men, other men who have sex with men (MSM), and transgender people. Gay men and transgender people living with or affected by HIV experience double stigma and discrimination for both their sexual plane.

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5. Including Community Business, Am Cham Shanghai, Pink Dot and the Beijing LGBT Centre.
orientation/gender identity and their HIV status. They experience discrimination within the health care system, the civil service (which still forbids people living with HIV to work for the State Civil Service System), and within the LGBT community itself. Other important health concerns include a rapid growth in sexually transmitted infections, and weak access to sexual and reproductive health as well as mental health services. The report highlights how the health issues of lesbian and bisexual women are often overlooked and require more focused attention. Health services targeted at transgender people are particularly weak, with safe hormone replacement therapy and sex reassignment surgery remaining costly and difficult to access within the official health care system. Access to psychological and mental health is a major issue, considering the immense pressures of discrimination, stigma, social ostracism and internalized homophobia still present in China. With depression and suicidal tendencies not uncommon in the LGBT community, research and attention to the mental health of LGBT people is necessary.

This is heightened in those LGBT people who are living with HIV and who face double stigma. Finally, ten years after homosexuality was taken off the list of mental diseases in the 3rd Edition of the CCMD, many mental health workers, policy makers and educators are still unaware or unwilling to comply with this decision. These two factors contribute to a situation where many mental health practitioners, often pushed by the families of LGBT people, recommend or impose ‘corrective treatment’ on LGBT people, sometimes involving involuntary committal to psychiatric hospital wards.

**Family:**

As the central component of social life, the family unit is extremely important in China. Traditional family structures involve heterosexual marriage, childbearing, and a dominant parental role with little independence for children even after they have reached their adult age. However, rapid changes in society are affecting traditional family structures. Younger generations are gaining more room and say in their personal lives, even though this hasn’t necessarily led to more self-determination in the area of sexual orientation and gender identity. Traditional Confucian notions, such as filial piety\(^7\), are still prevalent. Transgender individuals face the greatest challenges in their relationship with families, more so than gays and lesbians, because it is harder for one to hide gender expression than it is to hide sexual orientation, and Chinese culture puts more emphasis on gender norms than it does on sexual relationships. As same-sex marriage is not legal, many gay and lesbian individuals decide to enter “cooperation marriages” (known as Xing Shi Hun Yin in Chinese, or “marriage under cover”) with each other. The lack of rights protection for same-sex couples, including adoption of children or custody of children in cases of termination of previous heterosexual marriages, remains an issue to be addressed. Judicial sensitization is especially needed to prevent unfair court rulings. Partly due to the One Child Policy, implemented since 1979, the younger generations face an increased pressure to bear children and to continue the family line. Under this policy, most families in urban areas of China are allowed to have only one child, who then is more likely to become the focus of parents’ investment, discipline and expectation compared to children growing up with siblings. Combined with elements in traditional Chinese culture that exceptionally value family honour, offspring rearing and filial piety, this policy often brings to the only child in the family tremendous pressure in all aspects of social life. This kind of pressure may typically include: excellence in school, success in career, entering into a traditional heterosexual marriage, and the continuation of the family line. This pressure is especially burdensome for gay men as the male heirs of their families. Because of this, many still choose to hide their sexual orientation and enter into a heterosexual marriage, resulting in the suffering of their wives (known in Chinese as Tong Qi, “wife of a gay man”).

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\(^7\) In Confucian philosophy, “filial piety” is the virtue of respect for one’s parents and ancestors. The term can also be applied to “general obedience” and means to be good to one’s parents, to take care of one’s parents and to bring a good name to one’s family and ancestors.
Social and cultural attitudes:

Social and cultural attitudes towards homosexuality are changing gradually from traditional Confucian teachings and patriarchal restrictions to more tolerant ones. Historically, Chinese society and culture did not show strong objections against homosexuality. Chinese written history contains evidence of male same-sex desire and relationships dating back to as early as 650 BC. While there are few records of women's same-sex desire, historian Ying Shao recorded relationships between women that resembled husband and wife in the 2nd century AD.8 Buddhism and Daoism, the two most influential religions in Chinese history do not explicitly condemn homosexuality but generally do not encourage desire in any form. Overall, Chinese society and culture put more emphasis on sexual roles rather than on sexual orientation.9 Still, public opinion regarding non-traditional sexual orientation and gender identity remains predominantly negative today. A 2012 opinion poll of 1502 residents in Beijing, Shanghai, and Guangzhou showed that only 31 percent of participants accept gays and lesbians, and only 27 percent of survey participants indicated that there should be legal protections for sexual minorities.10 Given the relatively higher quality of education in these three cities as well as their metropolitan nature, numbers in support of LGBT rights are likely to be even lower in other regions of China. In 2013, a survey of 3491 Chinese people from cities throughout the country displayed similar results, with 68.5 percent of participants indicating that they could not accept homosexuality.11 Discrimination towards and disapproval from family, relatives and acquaintances of LGBT people remain common as the latter are deemed to have deviated from traditional heteronormative family values.

Regional differences:

Without protective national laws or a national political discourse on LGBT issues, there exist stark regional differences in China in the development of LGBT communities, as well as in the levels of social acceptance towards LGBT people. Large cities and regional urban hubs show the greatest development of LGBT communities and organizations, as well as more tolerant social environments. This acceptance diminishes with the size of the city, leading to higher degrees of isolation of LGBT individuals in more remote rural areas. Data on LGBT organizations and communities in rural areas and in the western parts of China (such as in the provinces or autonomous regions of Tibet, Qinghai, Gansu, Xinjiang) is lacking. In addition to being considerably less developed than the eastern parts of the country, most of these provinces or autonomous regions are home to the majority of China's ethnic and religious minorities. It is clear that challenges faced by LGBT people of ethnic or religious minorities may be different and in some cases greater compared to LGBT people in the rest of the country. That said, certain parts of Buddhist and Islamic teaching can be interpreted to favour sexual and gender non-conforming people. LGBT community development in these regions is almost nonexistent, with only a few websites and online groups and only two grassroots organizations focusing on HIV and sexual health for gay men. In general, the challenges faced by LGBT people in Tibet, Xinjiang, and other western provinces or autonomous regions are compounded by the complexities of religion, ethnic minority relations, poverty, rural cultural attitudes, and broader socio-economic disparities.

Governmental engagement:

To date national and local governments have been largely silent on sexual orientation and gender identity related issues, taking a “not encouraging, not discouraging, not promoting” attitude. Currently no government department or specific Ministry sees itself responsible for LGBT issues and this prevents a broader conversation.
within state organs. However, various government departments have shown interest in learning more about LGBT issues. In the near future, a number of state organs could potentially be engaged in LGBT issues at the national level, including the National People’s Congress (NPC) Standing Committee, the Chinese People’s Political Consultative Conference (CPPCC), the Central Political and Legal Affairs Commission of the Communist Party of China, the Legislative Affairs Commission of the National People’s Congress, the Supreme People’s Court, the Legislative Affairs Office of the State Council, the Ministry of Civil Affairs, the Ministry of Education, the Ministry of Public Security, the Ministry of Justice, the Ministry of Human Resources and Social Security as well as the National Health and Family Planning Commission. Branches of the above state organs are also recommended to be engaged at the provincial level, along with government-sponsored organizations such as the All China Women’s Federation, the All China Federation of Trade Unions and the Communist Youth League.

**Media and technology:**

Media and technology, especially social media, is playing an important role in allowing the LGBT community to network, advocate and promote the work of many non-governmental organizations (NGOs) and community-based organizations (CBOs). The Internet, particularly micro-blogs, is used to raise issues in the public sphere. However, there is a need for further training for LGBT organizations and individuals to become more media and technology savvy in advocating for LGBT equal rights. Broader public discourse of LGBT people and identities, as represented in mainstream media coverage, is still inadequate, often stigmatizing and based on common stereotypes. This is made worse by the fact that censorship laws ban homosexual content in any form in movies and television. This often has a negative impact on art and art exhibitions involving homosexual content as well as the publishing of books on LGBT topics. This leads to LGBT films, publications, and even websites facing unpredictable censorship and/or server disruptions. There is a lack of clarity from the government about censorship of LGBT content and crackdowns happen at unexpected times. However, in the last few years a number of LGBT-related publications have been produced, some as academic studies on the LGBT community and others as civil society publications focused on raising awareness around a number of issues (such as discrimination and how to do outreach on university campuses). There are also a growing number of LGBT NGOs that are dedicated to the development of educational materials aiming at the general public, which are widely distributed through networks of local LGBT groups across the country.

**Community development:**

There is little documentation or evidence about organized gay and lesbian life in the 1980s or before. In the mid-to late 1990s, organized social gatherings explicitly for lesbian and gay people began at both private residences and in commercial venues. Police raids and harassment were common for venues that attracted too much attention. With the development and expansion of the Internet in the early 2000s, gays, lesbians, and to a lesser extent bisexual and transgender people, began to form online forums to discuss experiences and connect with each other. As international HIV-related funding began to enter China in the early 2000s, MSM-focused funding led to groups starting to come to existence throughout the country. The majority of these groups did not involve programming for women or transgender people; because of this, the lesbian and transgender movements developed somewhat independently and more recently. Only in the early 2000s did Beijing see the development of lesbian women’s groups. By 2010, the number of civil society organizations (CSOs) had increased dramatically, and many began positioning themselves “outward” to work with educators, psychologists, journalists, and non-LGBT community members, e.g. the general public. More recently, the International Day Against Homophobia and Transphobia has become an annual call to action for groups throughout the country to educate about LGBT anti-discrimination. Some groups also began engaging parents of gays and lesbians, straight allies, and building coalitions with other social movements, for instance, the women’s movement. Over the last few years some diplomatic missions in China, foreign foundations, and other sources have begun funding some CSO
initiatives, and the work of these groups has expanded in scale. However, these groups are often disconnected and work in isolation, without strong partnerships with other CSOs and/or academic institutions, government agencies, or private sector companies. Overall, lesbian and gay community organizations are generally much more developed. Transgender and bisexual organizing has been much less visible, although it is becoming more active at least online. Unfortunately, tensions and conflicts are common within the LGBT community due to lack of communication, mutual discrimination as well as the unbalanced distribution of resources.

RECOMMENDATIONS FOR FURTHER ACTION

The main purpose of these recommendations is to facilitate a dialogue between the LGBT community and the Chinese government, the private sector, academia and health providers to enable the community to better participate in the economic, social and cultural development of China.

The first set of recommendations is meant specifically for the Chinese government. This is followed by recommendations for LGBT community organizations. The five areas are: community development, education, health, family and employment, and media and technology.

1. Recommendations for the Government
   
   1.1. **Create a more enabling environment for LGBT CSOs**: Facilitate easier legal registration of LGBT community groups and the registration of social organizations on HIV prevention by enhancing the coordination between the Ministries of Civil Affairs, the Ministry of Finance, and the National Health and Family Planning Commission. International organizations could provide examples from other countries and technical support as needed.

   1.2. **Improve gender-sensitive legislation**: Amend current laws or adopt new laws and regulations in an LGBT inclusive manner and pay more attention to issues related to sexual orientation and gender identity (SOGI). Establish connections between the LGBT community and legal experts, deputies and
representatives from key offices such as the Legislative Affairs Commission of the National People's Congress and the Legislative Affairs Office of the State Council.

1.3. **Raise awareness:** Educate civil servants and judges to improve their knowledge of SOGI and LGBT issues at both local and central levels, including the Central Party School, the China Academy of Governance and other leading national administrative training centers with a focus on anti-discrimination.

1.4. **Inclusive development of LGBT culture and expression:** Lift the blanket censorship of films, literature and arts with same-sex plots or subjects. Stop the online filtering and monitoring of words like "homosexuality". Encourage objective and less discriminatory or stigmatizing media coverage.

1.5. **Protect LGBT rights through legislation and policy in a variety of areas:**

   1.5.1. Introduce or revise existing anti-discrimination and anti-domestic violence legislations, making them LGBT-inclusive.

   1.5.2. Establish regulations to protect partner rights such as joint property, hospital visits, adoption, and inheritance for same-sex couples, making them equal to married heterosexual couples.

   1.5.3. Allow gender to be changed on education certificates when a transgender person's gender change is already recognized by other identity documents.

   1.5.4. Reform the “Civil Service Recruitment Examination Standard” to allow HIV positive LGBT people to work in the civil service and public enterprises.

1.6. **Cooperate with LGBT community organizations, for example:**

   1.6.1. Completely fill the financial gap created by the departure of the Global Fund to Fight AIDS, Tuberculosis and Malaria to support the prevention of HIV among gay men and other key populations.

   1.6.2. Use the experience of HIV training to provide anti-discrimination and SOGI trainings to government workers and national officials through Party schools, administration academies and other training centers.

   1.6.3. Reduce restrictions on sex and gender education, and include LGBT experts and community groups in the development of new sexual and gender diversity curricula.

   1.6.4. Identify specific government departments or state actors to be made responsible for outreach and sensitization around LGBT issues. Use the experience from the national response to HIV to set-up an intergovernmental coordination mechanism on LGBT issues.

2. **Recommendations for the LGBT Community**

2.1. **Community Development**

   2.1.1 **Community Cooperation:** More influential and established organizations are encouraged to reach out to those more underprivileged and marginalized groups as equal partners and peer mentors, in order to:

   - Establish community networks and mechanisms for regular dialogues
   - Share resources
   - Provide technical support
   - Promote cross-disciplinary work
Include the experience and needs of the latter in national strategy formation and organizational decision-making of the former

2.1.2 Strengthen Research: Establish a coordination mechanism for academic institutions to do research on LGBT issues. The mechanism will:

- Examine issues such as sexual violence, HIV, transnational advocacy, societal change and social movements and the sexual rights of citizens
- Carry out community-based research, especially on requests from the community and in community-approved frameworks, to generate new data on a variety of issues such as violence, discrimination and cultural attitudes.
- Support the production of high-quality academic reports using both quantitative and qualitative methods to lay the foundation for community actions as well as policymaking and law reform
- Publish results through channels such as mainstream media, mail groups, journals, and academic conferences

2.1.3 Support underdeveloped groups: The Dialogue encouraged the establishment of more community organizations working with:

- College students to establish LGBT student bodies
- Transgender and bisexual people
- LGBT people from smaller cities, rural areas and western parts of China to form support groups

2.1.4 Enhance training and technical capacity: The Dialogue recommended training for LGBT groups including:

- In areas of SOGI, anti-discrimination, gender equality, organizational management, grassroots advocacy and policy advocacy
- Build professionalism in legal, health and media professions
- Understand and leverage international human rights processes related to sexual and gender minorities
- Establish mechanisms to attract high quality personnel and avoid loss of talent

2.2 Education

2.2.1 Identify existing textbooks and teaching materials containing erroneous information on SOGI issues and propose corrections to the relevant authorities

2.2.2 Integrate perspectives of sexual and gender diversity into new educational materials

2.2.3 Encourage and support student bodies, either LGBT or general ones, to carry out LGBT-inclusive sexual and gender education

2.2.4 Facilitate dialogue with the Ministry of Education to address concerns of transgender people, such as the gender change on education certificates and gender neutral facilities in educational settings

2.2.5 Work with teachers, educational institutions and educational authorities to stop school bullying on grounds of SOGI and create support groups for the victims of bullying

2.3 Health

2.3.1 Facilitate dialogue and collaboration with the related government departments to establish mechanisms for improving the broader health of LGBT persons. For now, it is suggested to
strengthen existing mechanisms that enable NGOs to discuss HIV issues, replenish the financial gap left by the departure of the Global Fund and engage in dialogue on other health issues

2.3.2 Support LGBT health-related policy and advocacy work at both local and national levels

2.3.3 Encourage LGBT individuals to have regular health checks, including receiving treatment for sexually transmitted infections

2.3.4 Survey and document the health needs of transgender people and lesbians, and develop recommendations and advocacy work accordingly

2.3.5 Examine and research existing mental health policies relating to the psychological well-being of LGBT people and document and advocate against practices such as conversion therapy

2.4 Family and Employment

2.4.1 Continue to change public opinion towards sexual and gender minorities through grassroots advocacy to foster an LGBT-friendly social environment

2.4.2 Establish connections among families and friends, such as through organizations like the Gay-Straight Alliance and Parents, Families and Friends of Lesbians and Gays (PFLAG) to strengthen social support for LGBT people

2.4.3 Continue to advocate for policymaking and law reform that protects partnerships and partner rights regardless of the gender of the individuals in the partnership

2.4.4 Develop a directory of LGBT-friendly companies in China, and host roundtables to explore ways of promoting equal employment opportunities for LGBT people and LGBT friendly HR policies

2.4.5 Examine existing employment policies relating to LGBT people in China and conduct comparative studies in other relevant regional or national contexts (i.e. the Global South)

2.4.6 Document workplace discrimination faced by LGBT employees and establish a corresponding action plan and engage the private sector in this work

2.5 Media and Technology

2.5.1 Raise awareness of professionals in the media industry on SOGI issues in order to reduce discrimination and stereotype of the community and train journalists to report more fairly on LGBT issues

2.5.2 Develop advocacy tools, cultural products and strategies applicable to new media platforms, such as micro-blogging, with the aim of promoting networking, disseminating information and tackling discrimination

2.5.3 Conduct research on the existing censorship polices on LGBT themed audiovisual products and propose changes to these policies

2.5.4 Work with mainstream publishers to release more publications related to sexual and gender minorities
Lesbian, gay, bisexual and transgender (LGBT) people all over the world continue to face challenges. Examples include a lack of employment opportunities, and prejudice when accessing health care, housing and education. In other instances, “corrective rapes” are committed against lesbians, while the killing of members of the LGBT community continues in different countries despite increasing calls for equality and freedom from all forms of discriminations and oppression. Transgender Europe reported in 2012 that 1083 transgender people became victims of homicide from 2008 to 2012.

In 2011, the UN Human Rights Council (HRC) adopted resolution 17/19, which paved the way for the United Nations Office of the High Commissioner for Human Rights (OHCHR) to issue the first UN report on human rights and sexual orientation and gender identity (SOGI). In the report, evidence of the discrimination faced by people because of their sexual orientation or gender identity was presented including inequities in employment, access to health treatment, care, and support (TCS) and education, as well as criminalization, physical violence and murder (OHCHR, 2011). High Commissioner Navi Pillay challenged UN member states to help write a new chapter in UN history by ending the discrimination faced by LGBT people.

This call was echoed in a speech delivered in December 2011 by former US Secretary of State Hillary Clinton on LGBT rights on International Human Rights Day. As Clinton emphasized, LGBT people are an “invisible minority” who are arrested, beaten, terrorized and even executed. Many “are treated with contempt and violence by their fellow citizens while authorities empowered to protect them look the other way or, too often, even join in the abuse”. In 2009, for instance, a bill was introduced in Uganda that called for life in prison for homosexual offences. After much delay, sadly, in December 2013 the Uganda Anti-Homosexuality Act 2014 was passed by parliament and signed into law by the President in February 2014. Same-sex relations and marriage can be penalized by life imprisonment; even the ‘promotion’ of homosexuality is punishable by jail.
Meanwhile, in June 2013, a law was passed in Russia with a clause banning “the propagandizing of non-traditional sexual relations among minors”, with prescribed fines for providing information about homosexuality to people under 18 ranging from 4000 rubles (US$121) for an individual to 1 million for organizations (BBC, 2013). To date, 83 countries and territories still criminalize LGBT behaviour; seven countries have a death penalty for same-sex relations; fewer than 50 countries punish anti-gay discrimination in full or in part; and only 19 countries ban discrimination based on gender identity.

On 6 December 2011, US President Barack Obama issued a Memorandum on International Initiatives to Advance the Human Rights of LGBT Persons. This memorandum directed all agencies engaged abroad to ensure that US diplomacy and foreign assistance promote and protect the human rights of LGBT persons.

On 7 March 2012, UN Secretary-General Ban Ki-moon delivered a message during a Human Rights Council meeting on violence and discrimination based on SOGI. He noted the pattern of violence and discrimination directed at people just because they are LGBT. He said, “This is a monumental tragedy for those affected – and a stain on our collective conscience. It is also a violation of international law.” More importantly, the Secretary-General stressed that “the time has come” to take action.

LGBT HISTORY AND ADVOCACY IN CHINA

Chinese written history contains evidence of male same-sex desire and relationships dating back to as early as 650 BC. In China’s traditional paternalistic society, sex without a male partner was not considered an actual sexual act; hence, there are few records of women’s same-sex desire, though historian Ying Shao recorded relationships between women that resembled husband and wife in the 2nd century AD. Despite these references, sexuality in China was marked by the obligation and responsibility to reproduce. During the Imperial Ages, castration was considered a punishment and was required for working as a civil servant in the Imperial court. The rationale was that castrated civil servants would not pose a threat to the emperor or try to seize power, because eunuchs were incapable of having children. Some of the earliest teachings of Chinese philosophers degraded those who, regardless of sexual orientation, chose not to have children and pass on the family name. In this way, sexuality in China has been intimately tied with reproduction and family responsibility for thousands of years.

Homosexual behaviour in pre-1949 Chinese society was not demonized per se, so long as family responsibilities were being met. Buddhism, Daoism, and other indigenous religions are largely silent in regard to same-sex desires, even if both religions bolster traditional concepts of family structure and responsibility as well as freedom from any desires, including sexual desires. However, with the establishment of the People’s Republic of China, homosexuality became politicized, leading to tougher political and legal crackdowns. These became increasingly brutal during the Cultural Revolution from 1966 until 1976. After economic reform and opening up of the Chinese economy and society in the 1980s, the concept of “homosexuality” in its modern form became known to the Chinese public, but in this historical context many misunderstood homosexuality as an import from the West, denying the long histories of same-sex desire, cross-dressing and gender diversity native to China.

Prior to the 1990s, the political risks were too large to organize public gatherings for gays and lesbians; because of this, there is little evidence about organized gay and lesbian life in the 1980s or before. In the mid- to late 1990s, organized social gatherings explicitly for lesbian and gay people began at both private residences and in commercial venues. Police raids and harassment were common for venues that attracted too much attention. With the development and expansion of the Internet in the early 2000s, gays, lesbians, and to a lesser extent bisexual and transgender communities, began to form online forums to discuss experiences and connect with each other. As global health and HIV-related funding began to enter China in the early 2000s, MSM-focused funding led to groups starting to come to existence throughout the country. The majority of these groups did not involve programming for women or transgender men; because of this, the lesbian and transgender movements developed somewhat independently and more recently then many of the gay men’s and MSM organizations.

In the mid 2000s Beijing saw the development of lesbian women’s groups that were focused on cultural promotion, social and mental wellbeing, and education for sexual minority women. In the following three to four years, more LGB groups developed in Guangzhou, Shanghai, and other major metropolitan cities; these groups were concerned with producing media, news, and culture that reflected the lived experiences of gays and lesbians. At the same time, some organizations, such as Chinese Lala Alliance, Aibai, and others, began to take on a capacity building and mentoring role for new groups throughout the country, fostering the development of new initiatives in less resourced regions. By 2010, the number of civil society organizations (CSOs) had increased dramatically, and many began positioning themselves “outward” to work with educators, psychologists, journalists, and non-LGBT community members. More recently, the International Day Against Homophobia and Transphobia has become an annual call to action for groups throughout the country to educate about LGBT anti-discrimination. Some groups also began engaging parents of gays and lesbians, straight allies, and building coalitions with other social movements. Diplomatic missions in China, foreign foundations, and other sources began funding some CSO initiatives, and the work of these groups expanded in scale drastically.

Nowadays in just about every major city there is some semblance of an organized group, often volunteer-led, that promotes the rights of LGBT people through community education and/or peer health support. However, these groups are often disconnected and work in isolation, without strong partnerships with other CSOs and/or academic institutions, government agencies, or private sector companies. Overall, lesbian and gay community organizations are generally much more developed. Transgender and bisexual organizing has been much less visible, although it is becoming more active. The bisexual community is mainly found online while offline activities are sporadic. Bisexuals face prejudice, sometimes being suspected of adultery from heterosexual people (as related to homophobia) and from homosexual people (who may not trust them as reliable same-sex partners). To date there is not one formally established transgender organization in Mainland China. While some group have started working with transgender sex workers from an HIV or sexual health perspective, the transgender community remains mainly online in chat groups and forums and requires more support in creating structured and organized community-based organizations.
THE CHINA NATIONAL LGBT COMMUNITY DIALOGUE AND REPORT

The China LGBT Community Dialogue was hosted by UNDP on 16–18 August 2013 in Beijing. The Dialogue brought together participants from 40 institutions and organizations representing the full range of Mainland China’s LGBT community alongside representatives of the central government, the court system, universities, legal experts and legal-aid organizations and a broad range of civil society organizations. The China LGBT Community Dialogue involved participants from all over Mainland China and included in-depth discussions on LGBT rights in China in the areas of: health, education, family, media, community development, employment and the law.

The three-day consultation was organized by UNDP in partnership with the Beijing Gender and Health Institute and divided into two parts. The meeting on 16 August took place in the UN compound and was attended by approximately 60 people, including government representatives from the Supreme People’s Court and the Family Planning Association, key leaders of LGBT non-governmental organizations from across the country, representatives of marginalized groups, UN agencies, lawyers, academic researchers and media workers, and agencies that work on the intersecting areas of LGBT and women/disability rights. A focused effort was made to include a considerable number of representatives from distant, rural and often under-represented provinces or autonomous regions such as Tibet, as well as people living with HIV, ethnic minorities, and people with disabilities. The dialogue generated a comprehensive overview of the social, cultural and legal environment where Chinese LGBT people live and LGBT NGOs operate.

The dialogue continued into the weekend (17–18 Aug) at a local hotel where the focus was on dialogue within the LGBT community and including a much larger number of LGBT organizations. These two days of community dialogue included a larger number of NGOs and CBOs from all over China, with over 140 participants taking part. The focus of the discussions ranged from discrimination within the LGBT community, to supporting voices of transgender and bisexual groups, the different needs of LGBT people living with HIV, and how to understand and leverage international human rights processes for the LGBT community. The Community Dialogue helped to generate the Recommendations for Further Actions in this report. Please refer to the Executive Summary above for these recommendations in detail.

Transgender people were underrepresented at the China National Dialogue. To remedy this, UNDP China hosted the first China-Asia Transgender Community Roundtable in Beijing on 10 November 2013, bringing together 10 transgender participants from across China and five transgender community experts from Hong Kong SAR, India, Nepal, the Philippines and Thailand. During the roundtable transgender participants discussed the impact of Chinese law on transgender people and the stigma and discrimination faced by the community. Most importantly, they were able to exchange successful regional experiences on community mobilization, advocacy and law reform and identify priorities for the transgender community in China.

This report encompasses the findings of the two consultations held in Beijing in 2013. A brief history of LGBT community and advocacy in China is followed by a more specific analysis of LGBT

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13 While national law allows transgender people to change their gender on ID cards and household registrations, the procedures are difficult and only accessible to those who have gone through full sex reassignment surgery. In addition, gender change is not allowed on many official documents, such as university degrees and other education certificates. This creates obstacles for transgender people in accessing employment and pursuing higher education.
human rights as related to laws, policies, social and cultural attitudes, regional differences and finally a list of important stake holders to engage in the protection of LGBT rights in China. The report then looks at the protection of LGBT rights within the categories of employment, education, health, family, media and technology, and community development. Specific case studies that illustrate the issues are included. The final section examines the capacity of Chinese LGBT organizations. It is important to note that while the concept of LGBT covers the majority of sexual and gender minorities, it still does not cover the full range of sexual and gender non-conforming people. However, in line with common terminology, this report uses the term LGBT to represent all sexual and gender minorities.

BEING LGBT IN ASIA

‘Being LGBT in Asia: A Participatory Review and Analysis of the Legal and Social Environment for LGBT Persons and Civil Society’, a collaboration between UNDP and USAID’s regional office in Bangkok, seeks to understand, map and analyse the situation of LGBT rights in communities and countries by producing an analysis and review of the situation of the LGBT community and their human rights in specific countries in Asia. The initiative comes in the midst of human rights challenges faced by LGBT people worldwide, but increasing international engagement with the UN Secretary-General, UNDP Administrator, UN High Commissioner for Human Rights, as well as a number of international heads of State expressing concerns about protecting the rights of LGBT people.

By developing important new knowledge and connections, ‘Being LGBT in Asia’ seeks to improve the networking of LGBT organizations in South, East, and Southeast Asia and to inform policy and programming in the development context through a participatory process that emphasizes innovative approaches, including the use of videos, the internet, and social media platforms. The initiative aims to achieve two-way learning, establish a baseline vis-à-vis legal and human rights issues, and empower LGBT participants. It will also help to create multimedia and social media tools and resources, encourage youth leaders to engage and support LGBT civil society, and to improve the capacity of the US Government and the UN family to work with LGBT civil society organizations across Asia.

An important objective of ‘Being LGBT in Asia’ is bringing together emerging communities of practice among individuals and organizations working on LGBT issues throughout the region, in the eight focus countries in particular, including development partners, governments, LGBT civil society organizations, and faith-based organizations. By investing in and developing a network of creative interactions among agencies and grassroots development partners, stakeholders will be better positioned in the future to realize LGBT-inclusive development approaches and programming. In each country, the national community dialogue is the first key activity of the initiative.
This section provides an overview of LGBT rights issues in China as related to laws, policies, social and cultural attitudes and regional differences. It also includes a summary of important national stakeholders that should be engaged in the protection of LGBT rights.

**INTERNATIONAL NORMS AND NATIONAL LAWS**

As a member of the United Nations, China is signatory to various international covenants promoting human rights. These include the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (UNCRC), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention
Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and the Convention on the Rights of Persons with Disabilities.\(^\text{14}\) China is signatory to the International Covenant on Civil and Political Rights (ICCPR) but has not ratified it. The respect and preservation of the human rights of all persons is also stated in the 1982 Chinese Constitution (Article 8 section 33).\(^\text{15}\) However, policies and regulations that are established to protect rights of vulnerable groups, do not include or mention LGBT people, and do not necessarily translate into practical protection against discrimination on the basis of sexual orientation and gender identity (SOGI).

Historically, there have been three major goals in the push for LGBT legal rights: decriminalization, anti-discrimination legislation, and legal recognition and protection for same-sex partnerships.\(^\text{16}\) In 1997, the National People’s Congress revised a criminal law and removed “hooliganism,” an ambiguous crime that was often used to harass gay men and transgender women. It should be noted that the abolishment of the anti-hooliganism law is often deemed as a milestone for the LGBT movement in China, and interpreted as significant as the ruling that made the anti-sodomy law unconstitutional (Lawrence v. Texas) and the position it occupies in the history of the LGBT movement in the USA.\(^\text{17}\) However, homosexuality as such has never been illegal in the People’s Republic of China. The anti-hooligan law (article 160, chapter 6) was meant to punish specific same-sex behavior (forced anal-sex with minors). Therefore, the abolishment of this law should not be necessarily considered as a victory of LGBT movement.\(^\text{18}\)

Anti-discrimination regulations exist in a variety of forms, including in the Constitution, laws on the protection of women, laws on the protection of the disabled, laws on the protection of minors and of seniors, and laws on employment, etc., but none of them explicitly defines sexual orientation and gender identity as a specific basis of discrimination.\(^\text{19}\) There is still a long way to go in terms of legal recognition and protection of same-sex partnerships, as the Chinese Marriage Law defines marriage to be the union only between a man and a woman. Some scholars’ repeated appeals, such as those by Professor Yinhe Li, a researcher of the Chinese Academy of Social Sciences, for legalizing same-sex marriage have yet to receive a formal response from the National People’s Congress. According to Wei Liu, China’s leading public interest lawyer, criminal and civil affairs laws that commonly affect LGBT people include:

1. **Criminal affairs related to LGBT people**

   1.1 Lack of proper legal protections leads to the majority of discrimination cases to go unreported and unnoticed. This relates especially to cases of extortion and violence towards members of the LGBT community (especially transgender sex workers) and between intimate sexual partners, as well as from public authorities, such as the security department. Victims of violence and extortion often do not report these cases to the police for fear of being further victimized.

\(^\text{14}\) United Nations Treaty Collection. See https://treaties.un.org


\(^\text{16}\) Participant (Xiaofei Guo, from the China University of Political Science and Law) shared his viewpoint during the National Dialogue.

\(^\text{17}\) Hildebrandt, Timothy, Development and Division: the effect of transnational linkages and local politics on LGBT activism in China, Journal of Contemporary China, 2012


\(^\text{19}\) See Anti-Discrimination Laws Resource website http://www.fanqishi.com/china.asp
1.2 Same-sex rape is also a problem because the law clearly defines rape as an act committed against a woman. Rape of a man does not constitute a crime, unless it has caused considerable physical injury to the victim, in which case it could be sued as crime of wilful and malicious injury.

2 Civil rights related to LGBT people

2.1 Rights regarding property and inheritance are not protected during or after cohabitation. Same-sex couples have no legal status under the law. As a result, several rights such as those to share property between partners, inheritance rights and the right to raise children jointly, as well as obligations towards each other, are not protected or enacted by law.

2.2 Existing laws do not allow for joint adoption of children by same-sex couples. The probability of adoption through legal channels is very remote, as adoption can only be pursued as a single parent.

2.3 Monetary compensation does not cover LGBT individuals who have entered heterosexual marriage. Even when there is evidence of homosexual cohabitation, the law and judicial decisions in these cases usually rule in favour of heterosexual partners in the marriage. The Beijing Intermediate Court published recommendations that in such marriages where gay men or lesbians hide their sexual orientation and remain married to their straight partners, this should be considered grounds for divorce. This unfairly penalizes gay men and lesbians who may have been forced to enter heterosexual marriages due to family pressure.

The law and transgender people:

While national law allows transgender people to change their gender on ID cards and household registrations, the procedures are difficult and only accessible to those who have gone through full sex-reassignment surgery (SRS). In addition, gender change is not allowed on many official documents, such as university degrees and other education certificates. This creates obstacles for transgender people in accessing employment and pursuing higher education.

POLICIES

The government’s stance on LGBT people in general is ambivalent. Both central and provincial governments have thus far been largely silent on sexual orientation and gender identity related social issues, taking a “not encouraging, not discouraging, not promoting” attitude. Additionally,
the Chinese legal framework has different levels, which gives different legal authorities to laws (first level), administrative regulations (second level), the decrees of government departments (third level), and opinions/suggestions by government departments (fourth/fifth levels). Although government policies are lower than the law in terms of legal authority, they are sometimes legally binding and need to be observed, especially when the relevant government department oversees the implementation of a policy. Broadly, however, a gender perspective is often absent in state decision-making processes, and when occasionally policy-making is gender-sensitive, it is restricted to the binary and hetero-normative gender structure consisting of only male and female, which does not address concerns of sexual and gender minorities.

LGBT-related policies are largely limited to public health matters. However, the public health sector does not recognize gay populations based on their sexual orientation; instead, it categorizes them as men who have sex with men (MSM) on the basis of sexual behaviour. While all sexually active gay men are MSM, not all MSM identify as gay. Gay men and other men who have sex with men are disproportionately affected by the HIV epidemic. In China, public health policy is focused on HIV (and MSM are considered by the National Health and Family Planning Commission as a key population affected by HIV), and concerns with sexual minorities are also mainly focused on MSM. While transgender people are considered a key population in many Asian countries, there has not been much attention on them in China.

In some ways, however, the HIV epidemic has brought sexual minorities, in particular gay men, to the attention of public policymakers and HIV organizations have provided a safe space for gay men to organize and mobilize. With the help of the government and international assistance (such as though the Global Fund to Fight AIDS, Tuberculosis and Malaria), the participation from MSM communities in making policies on HIV related regulations, monitoring decision-making process, and implementing HIV prevention strategies has drastically increased. For instance, many grassroots organizations have played an important role in using resources meant for the LGBT community from the Country Coordinating Mechanism (CCM) of the Global Fund to reach their intended beneficiaries. Unfortunately, other key populations such as lesbian, bisexuals and transgender people have not been brought to the attention of policy makers in China, and the visibility of MSM and gay men overshadows other sexual and gender minorities.

At the same time, discrimination related to HIV will have an affect on those gay men and MSM who are HIV positive. Some businesses follow the "Civil Service Recruitment Examination Standard" which requires employees to get tested for HIV and leads to the dismissal of those found to be HIV positive.

As for policies specifically involving transgender people, in 2008, the Bureau of Public Security issued approval for household registration (known as Hu Kou in Chinese) after sex-reassignment surgery.23 Hu Kou registration refers to a household registration record that officially identifies a person and the person’s residence in the area. This move meant that transgender individuals could re-register with a different gender after SRS, signifying the official recognition of transgender people (although to re-register, they have to go back to the place where they were born and

23  Hukou Registration refers to “a record in the system of household registration required by law in the People’s Republic of China (mainland China). The system itself is more properly called ‘huji’, and has origins in ancient China. A household registration record officially identifies a person as a resident of an area and includes identifying information such as name, parents, spouse, and date of birth. A hukou can also refer to a family register in many contexts since the household registration record is issued per family, and usually includes the births, deaths, marriages, divorces, and moves, of all members in the family.” See http://en.wikipedia.org/wiki/Hukou_system
where their name in the household was originally registered). In 2009, the NHFPC released the Specifications for the Management of Sex-change Technology (Trial). However, it only specified technological requirements with regard to SRS and not specific guidelines about the protection of transgender rights. No specific responsibility has been assigned to a government sector to support transgender individuals who have gone through SRS to change their gender on important documents relating to school, health or occupation. This still leaves most transgender people facing problems related to education and employment. For example, their degrees and diplomas are often obtained before transition and are not recognized in job applications after SRS.

Participants in the Transgender Roundtable expressed the need to train health professionals on transgender issues, in particular relating to medical procedures and post-surgery care. However, improving their knowledge on SOGi issues would play a crucial role in dispelling myths and challenging stereotypes among health care providers. Addressing the discrimination that transgender persons experience in health facilities is as important as developing proper medical procedures. Right now, medical professionals are often not willing to help transgender people access needed health care/medical resources, and in cases that they do agree to help, they usually require very strict conditions as stated in the MoH policy regarding SRS. This typical pathology-based model should be replaced by a trans-health model highlighting spectrum of bodies and genders, harm reduction and advocacy, informed consent, peer expertise, self-determination and non-disordered gender complexity.

Most importantly, legal registration of LGBT organizations remains extremely difficult, and this is the primary bottleneck for the development of the LGBT community. In early 2014, an activist from Changsha, the provincial capital of Hunan, attempted to register an LGBT non-profit organization.
with the local Civil Affairs Bureau. The government bureau responded that homosexuality is at odds with traditional Chinese culture and denied the application. This activist and a network of other activists are currently applying for official information disclosure as to the specific legal rationale for the application denial.27

CULTURAL AND SOCIAL ATTITUDES

Homosexuality and same-sex relationships often come into conflict with Chinese cultural traditions and so face disapproval from society. Confucianism does not explicitly express negativity towards homosexuality, but instead condemns the inability of same-sex couples to procreate. According to Confucianism, there are three forms of unfilial conduct, of which the worst is to have no descendants (known in Chinese as “Bu Xiao You San, Wu Hou Wei Da”). As described before, Buddhism, Daoism, and other indigenous religions are largely silent in regard to same-sex desires.

While LGBT people in China face stigma and discrimination in China, this does not tend to lead to hate-based violence. In China, stigma and discrimination are expressed in seemingly mild but pervasive ways, such as in close surveillance of activities or behaviour, and the rigorous disapproval of non-conforming sexual or gender practices from one’s parents, relatives, friends, colleagues and acquaintances.

Homosexuality in China has traditionally been considered a sexual hobby or addiction that is not associated with one's inherent identity. Tolerance was shown towards people who were not explicitly open about their sexual orientation, so long as they acted according to the generally accepted gender norms of society and accomplished their duties of heterosexual marriage and procreation. In specific periods of history (such as the Ming and Qing dynasty), it was even fashionable for higher social classes to have homosexual relationships.28 However, those who were openly homosexual faced the danger of ostracism and even persecution. Chinese society’s mild reactions to homosexual behaviour could partially be attributed to the lack of a strong religious belief in the majority of population. China’s indigenous schools of thoughts such as Buddhism and Taoism do not condemn homosexuality in principle and impose no penalties on homosexual behaviour. However, Christianity has spread in China in recent years, particularly through missionary work aimed at university students and other young people by foreign Christian conservative churches; with this, viewing homosexuality as a sin is on the rise.

Overall, public opinion regarding sexual orientation and gender identity remains predominantly negative today. A 2012 opinion poll of 1502 residents in Beijing, Shanghai, and Guangzhou showed that only 31 percent of participants accept gays and lesbians, and only 27 percent of survey participants indicated that there should be legal protections for sexual minorities.29 Given the relatively higher quality of education in these three cities as well as their metropolitan nature, numbers in support of LGBT rights may be even lower in other regions of China. In 2013 a survey of 3491 Chinese people from cities throughout the country displayed similar results, with 68.5 percent of participants indicating that they could not accept homosexuality.30

30 Shanghai University of Communications Survey Indicates Traditional Ethics and Values Remain Common. Available in Chinese at
In addition to these public opinion polls, LGBT CSOs and some Universities have conducted preliminary surveys that expose serious concerns about pervasive institutional and structural discrimination. In 2009, Common Language conducted a survey of 900 lesbian and bisexual women about family violence, and 48.2 percent of survey participants reported violence and abuse from parents and relatives including involuntary committal to psychiatric wards, while 42.2 percent reported intimate partner violence with same-sex partners. The report indicates that 32.8 percent of men experienced abuse, and among these, 83.9 percent of men never told anyone about the incidents. Both studies also highlight how many LGB victims of violence or discrimination cannot have access to justice and social services, such as legal aid or counselling. In May 2012 Aibai and Associated Gay/Les Campus released a survey showing that among 421 LGBT student survey participants, 77 percent had experienced at least one form of bullying. The Rainbow Media Awards media-monitoring project found that among 931 media reports about the LGBT community in 2012, 50 percent portrayed the LGBT community negatively. Among these negative reports, 17 percent associated homosexuality with crime and/or with spreading HIV. Finally, in early 2013 Aibai conducted a survey of 2161 LGB Chinese people showed that 47.62 percent chose to remain completely secretive about their sexual orientation in the workplace. While these studies are not completely representative of the entire Chinese LGBT community, they touch upon some of the major issues faced by LGBT people in China.

To date, transgender people face the greatest challenges. Transgender people in China, especially members of the male-to-female (MtF) subgroup, are more likely to take up jobs as sex workers, entertainers and performers due to the socioeconomic challenges and discrimination they face. However, following the public appearance of some famous transsexual artists, particularly on mainstream television, the social understanding of transsexual experiences has increased in China. The female-to-male (FtM) community is less visible compared to its MtF counterpart. In fact, FtM transgender people are less likely to be involved in show business and are under increased pressure to stay in the closet even after transition. Partly due to the invisibility of the FtM community in China, some female-bodied gender nonconforming people struggle and have inadequate access to transgender-specific psychological and medical resources. For the moment, they identify as masculine lesbian women but actually live with considerable gender dysphoria and find themselves struggling to fit in the prevalent lesbian gender roles of butch/femme (“T/P” or “tomboy/tomboy’s wife” as put precisely in Chinese),

Finally, intersex people remain the most misunderstood and marginalized sexual and gender minority in China. Information and research on intersexuality is even less available than it is for other LGBT groups. However, while the visibility of intersex people is improving, their public image
OVERVIEW OF LGBT RIGHTS IN CHINA

remains negative. Reports about intersex infants and children in the media are still commonly linked to family shame and the need to perform gender normative surgeries. These reports often use a sensational tone, while they reflecting on the gender normative ideology that ultimately causes their suffering. Moreover, as the parents retain ultimate rights on the determination of their children sex, the voice of intersex children is rarely heard. In the very rare cases in which intersex individuals were not forced into surgery (usually in remote and poor areas where health care resources are scarce and family economic conditions are inadequate), they require specific health care and psychological services that are difficult to access while dealing with heightened discrimination from family, medical workers and broader society.

REGIONAL DIFFERENCES WITHIN CHINA

In China, like in elsewhere of the world, the LGBT community is characterized by diversity. While the respective experiences of lesbian, gay, bisexual and transgender subgroups may be distinct from each other, the connotations of being LGBT in different regions of the country also vary to a great extent. Although generally the prevalence of hetero-normativity explains much of the discrimination and injustice suffered by sexual and gender minority people in China, the stark imbalance in socio-economic development, cultural and custom difference, as well as the inconsistency between national laws and policies with local laws and policies, (taking account of the vast regional/provincial difference of the nation), contribute to large regional differences in LGBT issues. Age, educational background, occupational status and income, as well as residency in a larger or smaller city, or in the west or east of China are all factors that impact the favorable public acceptance of homosexuality.

The development of the LGBT community and organizations is relatively mature in major cities, especially regional hubs, such as Beijing, Shanghai, Guangzhou and Chengdu. In these locations, there are more opportunities for LGBT individuals to have active social interaction, engage in a variety of activities, and have easier ways of contacting each other. Such locations also witness a more tolerant social environment, more organizational resources and less risk involved in public advocacy.

Nowadays, a few LGBT organizations exist also in second and third-tier cities but they are of a smaller scale. However, the fewer number of openly LGBT organizations and a lack of social tolerance in these cities, still mean that the exposure of one's sexual orientation could bring about severe consequences including discrimination, ostracism and persecution from one's families and social networks. As a result, in such places LGBT activities are primarily limited to the Internet, where anonymity is ensured.

There is still no systematic data on LGBT organizations and communities in rural areas and in the western parts of China (such as in the provinces or autonomous regions of Tibet, Qinghai, Gansu, Xinjiang). In addition to being considerably less developed than the eastern parts of the country, most of these provinces are home to the majority of China’s ethnic and religious minorities. While more data and research is needed on these areas, it is clear that challenges faced by LGBT

people of ethnic or religious minorities may be different and in some cases greater compared to LGBT people in the rest of the country. It is also clear that LGBT community development in these regions is almost nonexistent, with only a few websites and online groups and only two grassroots organizations, all focusing on HIV and sexual health for gay men. To date, however, lesbian, bisexual and transgender people have had almost no or very limited visibility in these regions.

Basic information is available on the autonomous regions of Tibet and Xinjiang and the national dialogue included participants from both provinces. Mahayana Buddhism and Sunni Islam are the primary religions respectively in Tibet and Xinjiang. Both provinces are the only areas in China with a majority of the population being part of an ethnic or religious minority and these places are known to have a higher rate of the population who are religious compared to other provinces. In this context, religion plays a role in social attitudes towards homosexuality.

Participants at the national dialogue stated that LGBT organizing in Xinjiang can be harder than in other parts of the country because homosexuality is also seen as going against religious and ancient traditions. Generally speaking, in China both religions condemn sexual behaviour between two persons of the same sex (oftentimes referring to two males) in either their scriptures or in statements by religious leaders. As a result, non-heterosexual people living within religious communities face extra challenges as their religion disapproves or even punishes their sexual practices and identity.

However, one should also note that it is not accurate to say that religious teachings only present a hindrance to local LGBT people, nor is it accurate to say that religion is the main factor to blame when looking at the discrimination and violence faced by LGBT people in these regions of China. In fact, certain parts of Buddhist and Islamic teaching can be interpreted to favour sexual and gender non-conforming people (e.g. some gods/goddesses in Buddhism are gender bending or gender fluid; senior Buddhist leaders in Tibet have spoken in favour of LGBT rights and recognition; and the concept in Islamic law known as “ijtihad” encourages Muslims to think independently and address new problems in accordance with basic Islamic principles and spirit). Overall, however, challenges faced by LGBT people in Tibet and Xinjiang, as well as other western provinces or autonomous regions, are also compounded by the complexities of ethnic minority relations, poverty, rural cultural attitudes and broader socio-economic inequalities. More research on the issues faced by LGBT people in the autonomous regions of Tibet, Xinjiang, Ningxia, Guangxi and Inner Mongolia is needed and would help to paint a more complete picture of LGBT issues in mainland China.

With the process of urbanization and the increase of population mobility, the visibility of LGBT people among rural-to-urban migrant workers has begun to rise. However, there is hardly any research on the sexuality of these migrant workers. It is generally understood that migrating to cities is economically more rewarding than staying in the countryside, and it also provides migrants with a more tolerant environment compared to rural society which is characterized by the homogeneity of population, the lack of anonymity and the dominance of traditional ethics. On the other hand, it is also notable that in comparison with native city dwellers, most migrant workers are in poorer in terms of income and have less access to housing and public services such as health care. Their mobility from rural to urban areas does not necessarily set them free from their existing social ties to families, relatives and fellow villagers who in China are the main source of rigorous disapproval of one’s non-conforming sexual or gender practices. In light of this, discrimination, violence and rights violations suffered by LGBT migrant workers are worthy of concern and need further research.
IMPORTANT STATE ORGANS FOR THE PROTECTION OF LGBT RIGHTS

To date only a very limited number of government agencies have been involved in work to support the LGBT community. These include the research departments of the Supreme People’s Court, the Sociology Department at the Central Party School, and some governmental agencies from the National Health and Family Planning Commission at the provincial level. Under the current Chinese political structure, a few governmental departments should be involved in LGBT issues in the future. In terms of the legal system at the national level, important organizations include the Central Political Committee, the National People’s Congress (NPC) Standing Committee, the Legislative Affairs Commission of the National People’s Congress, the Legislative Affairs Office of the State Council, the Supreme People’s Court, the Ministry of Public Security, the Ministry of Justice and other legislation, law enforcement and judicial organs.37 Specific government-sponsored civil society organizations could also be involved in specific areas of LGBT rights protection. For example, the All China Women’s Federation and the Communist Youth League could play a role in sexual and gender minority women and youth, while the All China Disabled Persons’ Federation could empower disabled LGBT persons. The All China Federation of Trade Unions, along with the Ministry of Human Resources and Social Security could tackle the discrimination issues for LGBT people in work place.

37 There are a variety of initiatives these above-mentioned governmental departments could potentially take. For instance, NPC Standing Committee is suggested to consider accepting proposals submitted from LGBT community, e.g. the proposal of legalize gay marriage. The ministry of Public security is suggested to work closely with transgender community to create easier access to gender change on personal documents. The State Supreme People’s Court is suggested to provide training to judges on LGBT related issues.
PROTECTION OF LGBT RIGHTS IN CHINA

The following section provides an overview of the protection of the rights of LGBT people in six areas: employment; education; health; family; media and technology; and community development.

EMPLOYMENT

China's Labor Law and Employment Law lack anti-discrimination regulations pertaining to sexual orientation and gender identity (SOGI). Article 12 of the Labor Law only specifies that there should not be discrimination in business entities based on the factors of ethnicity, gender (applicable only...
to the male-female binary in this context) and religion. Therefore, discrimination on the grounds of sexual orientation or gender identity is not prohibited by law.

Currently, there is a lack of clarity on laws regarding homosexuality and treatment of homosexuals varies in different legal entities, government and business organizations (such as trade unions, companies and corporations). Some departments, units and organizations take no action if they find out their employees are LGBT; some apply penalties such as salary reductions, disadvantageous reallocation and prolonged probation; while others terminate employment and even expel LGBT members from Communist Party membership.\(^{38}\) For many LGBT people, however, discrimination starts before they are employed. It is easier for gender-conforming LGBT individuals to find employment than gender non-conforming counterparts. This is especially true for transgender people.

As most sex reassignment surgeries are conducted after transgender people have left school, their education and degree certificates often document a gender different from what they now identify (as described in the ‘education’ section below). This may lead to the disclosure of their sex change in the workplace, resulting in discrimination or even dismissal. Partly because of the difficulty in finding other employment options, a considerable number of MTF transgender people in China are involved in sex work. A majority of them at some point end up in police custody and are often charged with prostitution.\(^{39}\) They are some of the most marginalized population in contemporary Chinese society, living with the double stigma of being both sex worker and transgender. The harsh criminalization of prostitution in China leaves transgender sex workers especially vulnerable to many other types of discrimination, violence and also to HIV transmission. In fact, for fear of arrest or being discriminated against, they are often unwilling or unable to access HIV prevention and treatment services. Finally, with the HIV epidemic in China mostly concentrated in sexual and gender minorities, many gay and transgender people living with HIV still face institutional discrimination. In fact, some businesses follow the “Civil Service Recruitment Examination Standard” which requires employees to be tested for HIV and leads to the dismissal of those found to be HIV positive.

In 2010, multinational companies such as Google, Cisco, Apple, Credit Suisse, Deutsche Bank, and Facebook began to give employment benefits to LGBT employees; however, indigenous companies have not adopted similar measures. In 2013, Aibai initiated the Chinese Enterprise LGBT Employee Internet survey. The survey provides some baseline knowledge about LGBT workplace issues and found that in Chinese owned enterprises most LGBT employees do not disclose their identities. 47.62 percent of the respondents choose to remain completely secretive about their sexual orientation or gender identity in the workplace. 45.63 percent choose to be open but only to close friends and some of their colleagues. Those who choose to be completely open only accounted for 6.29 percent and only 0.46 percent decided to be open with their superiors. This suggests that a diverse corporate culture that includes sexual and gender diversity needs to be encouraged with senior managers to be made aware of how individual differences can contribute to economic and business success. A corporate culture encouraging and promoting diversity could encourage and motivate LGBT employees. This in turn would increase productivity and be good for the bottom line of companies.\(^{40}\)

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\(^{40}\) Online Survey Report on the Work Environment for China’s LGBT Community. Aibai Culture and Education Center, May 2013.
THE JOURNEY OF A TRANSGENDER SEX WORKER

After graduating from secondary school, Xiaoyun went to work in a business. Because he could not wear his preferred women's clothes, he wore gender-neutral clothes. The manager in the company talked to him several times about his clothing and asked him to dress "normally." But he did not make any changes to his attire. Finally, he was dismissed in 2005. After leaving the enterprise, he became a sex worker. Later, he grew his hair long, met some other transgender people, and continued to provide sexual services.

In 2008, he was considering undergoing breast augmentation surgery. This required a written documentation to show his consent, which also required his family's signature. Despite these cumbersome procedures, he completed them with the help of his colleagues and sisters. By the end of 2011, Xiaoyun had decided to undergo surgery and remove his male genitalia. In mainland China, such surgery requires numerous approvals: the consent of the family; a certificate of mental health issued by a professional mental health agency to ensure the individual has wanted sex change for more than 5 years; and related certificates issued by the Public Security Bureau, such as proof of no criminal records.

Ultimately, her surgery was very successful. Her parents strongly disagreed with acknowledging her sex change in her household registration and identification documents. Xiaoyun also considered changing jobs, but when she tried to find a new job, she found it difficult as her new colleagues always looked down upon her with surprise or sympathy and stigmatized her. She still works as a sex worker even though she prefers other forms of employment. Her problems with legal documents and gender identification remain as a result of her parents' disapproval.

EDUCATION

This section analyses LGBT issues in education by focusing on the general lack of education about sex and gender, the stigma towards LGBT people in sex education, and the current status of LGBT community in schools and universities.

Outdated and Inadequate Sex and Gender Education

Sex education in China is still weak and often is not part of the mainstream Chinese educational curriculum. When carried out, sex education lacks information about sexual minorities, not only because of the government’s policy of “not encouraging, not discouraging, not promoting”, but also because sexuality is still a sensitive issue. Where it exists, sex education places an emphasis on abstinence and premartial chastity and rarely on sexual diversity or even sexual health. However, sex education is indispensable for many reasons: better physical, emotional, mental and social wellbeing in relation to sexuality, as well as the prevention of HIV and other sexually transmitted infections (STIs) as well as better protection of the minor and the youth against sex crimes.

This past year, some education and public health institutes as well as family planning divisions are beginning to implement sex education among teenagers and college students in some pilot areas. For example, the project “Outline of Sexual Health Education in Primary and Middle Schools in Beijing City” began carrying out pilots in 30 middle schools and 18 primary schools from 2011.
In the same year, the Sichuan Province Education Bureau conducted in Chengdu the “Regional Promotion of Children and Adolescents’ Health Education”. This was a series of activities integrating adolescent sexual health education into the school curriculum of the fifth and sixth grades of primary school and middle school. A number of donor organizations have provided long-term support for the Renmin University Sociology Research Institute and other research organizations, and NGOs such as Marie Stopes International have promoted research and the implementation of sex education across China.

In 2008, the Ministry of Education provided an “Outline of Health Education in Primary and Secondary Schools” for the planning of personal health and sex education curriculum. It is a biology-based education approach, supplemented by some mental health advice. Perspectives such as gender diversity and gender equality are absent. Sometime the literature is hostile to sexual and gender diversity. For instance, the textbook on sex education for parents (titled “Adolescence: A must-read”), jointly released by the Education Department of Zhejiang Province and the Hangzhou Education and Scientific Research Institute, defines homosexuality as a form of deviance. Overall, however, the lack of general sex and gender education is not conducive to increasing knowledge around LGBT issues and therefore reducing discrimination against sexual and gender minority people. In the long run, it is also harmful for general sexual and reproductive health and rights. Scholar Fang Gang calls for sex education to be in line with international standards and gender education integrated into sex education.42 He believes that sex education should not be based on gender binary and gender stereotypes; it should rather be based on gender diversity and gender equality with emphasis put on sexual and gender minorities.

Bullying of LGBT Students

Within educational institutions, it is important to challenge the widespread discrimination and inequality that hinder the personal development of LGBT students. Aibai Cultural Education Centre found in its 2012 survey43 that a large number of students suffered various forms of bullying from teachers and classmates as a result of their sexual orientation and gender identity. These incidents have a negative impact on the victims in terms of academic performance, school attendance and even lead to depression or other mental health issues, such as self-mutilation, substance abuse and suicidal tendencies. However, bullying on the basis of sexual orientation and gender identity is often not reported by mainstream media and is not of high concern to school authorities. The lack of support and care for these victims necessitates immediate action.

LGBT Research and Organizing

Academic attention and research on LGBT issues in domestic universities has gradually increased, and some academics have made an effort in popularizing LGBT topics among university students, such as the Fudan University’s 2004–2005 courses on homosexuality, which were well received by students. However, due to lack of funds and particularly due to administrative pressures, it is often nearly impossible to organize classes related to sexual and gender minorities. In many domestic universities, however, students have begun to organize LGBT-themed or LGBT-inclusive groups and events. Most of these groups and events remain underground or semi-underground,

mostly because school authorities are highly alert about student organizing in general and often object to LGBT related organizations in particular. A few LGBT CSOs have been working to support LGBT friendly professors and LGBT student groups in order to bring SOGI education and LGBT advocacy to college campuses. In many cases these activities are carried out under the banner of HIV prevention or promotion of mental health. However, the activities described above are only possible in universities and colleges. Attempts to bring SOGI education and LGBT advocacy to domestic middle schools have also been made by some CSOs such as Common Language, but they were met with much stronger resistance from school authorities at this level.

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**THE CAMPAIGN “REVEAL THE HOMOPHOBIC TEXTBOOK AROUND YOU”**

Since September 2012, the Danlan network has carried out the public campaign, “Reveal the homophobic textbook around you.” Over seven months, individuals did online research to identify, reveal and take pictures of recently published or issued textbooks that contain homophobic or inaccurate information about homosexuality. A total of 13 homophobic materials were collected.

Based on the materials discovered, the Danlan charity, Parents, Families and Friends of Lesbians and Gays (PFLAG-China), the Beijing Gender Health Education Institute, the Beijing LGBT Center and more than a dozen other agencies jointly signed “An open letter to the educational publishing houses, universities and educators”, citing repeated statements of the UN Secretary-General and the relevant provisions of international conventions that make it clear that homosexuality is neither a mental illness nor sexual perversion and homophobic thinking and teaching should be abandoned. Thus, materials containing homophobic content should be removed or revised to prevent the spread of discrimination and incorrect information. Psychologist Li Li, one of the editors of Psychology of Adolescence, recognized that her book is outdated and stated that from the perspective of psychology, homosexuality should not be deemed as abnormal.

— From Danlan network, Danlan 5.17 series of activities: “Reveal the homophobic textbook around you”

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**HEALTH**

The right to health is the foundation of life. Physical and mental health is the prerequisite to lead a productive and fulfilling life. The Chinese LGBT community is faced with a variety of health issues, especially the higher prevalence of HIV for gay men and transgender people. The rapid rise of HIV infections among men who have sex with men and transgender people has seriously affected the physical and mental health of these populations and is one of the most serious challenges for China’s HIV prevention and control efforts. In addition to HIV, issues that are gaining more attention from public health policymakers and the community are the spread of sexually transmitted infections, Hepatitis B and C, and other infectious diseases; reproductive health issues of lesbians; and hormone replacement therapy options for transgender people. There is also increasing attention to the mental health of LGBT people. The pressure of social discrimination and the failure to accept one’s sexual orientation as a result of internalized homophobia are two common causes of depression and mental illness in the Chinese LGBT community.

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44 Including Life Education published by the People’s Education Publishing House, Mental Health Education published by the Guangdong Higher Education Press, College Reproductive and Health Education published by the Nanjing Forestry University Press, Counselors published by the Ethnic Publishing House, and other materials or science books.
HIV

The “2011 Estimates for the HIV/AIDS Epidemic in China” issued by the MoH in conjunction with the Joint United National Programme on HIV/AIDS (UNAIDS) and the World Health Organization (WHO) estimates that by the end of 2011 there were 780,000 people living with HIV in China. At the time the estimates stated that of the 780,000 people living with HIV in 2011, 17.4 percent had been infected through homosexual transmission. However, new data released at the end of 2012 showed a rapid increase in the percentage of new infections arising from homosexual transmission, from 2.5 percent in 2006 to 29.4 percent at the end of 2012, clearly overtaking injecting drug use as the main source of new infections in China. This shows a disturbing increase in infections among MSM. According to 2011 National Sentinel Surveillance (NSS) data, HIV prevalence among MSM was 6.3 percent, which is significantly higher than in the general population. An academic cross-sectional study of over 47,000 MSM in large cities (a much larger sample than in the NSS) between 2008 and 2009 found a slightly lower prevalence of 4.9 percent; however, Chongqing, Kunming, Chengdu and Guiyang had prevalence rates of more than 10 per cent with up to a 20 per cent infection rate in some other cities. This indicates a severe epidemic. Unprotected sex without a condom remains the most common means of HIV infection in male-to-male sexual transmission.

Worryingly, the 2011 NSS reports that within the past year only half of MSM had received an HIV test and knew their results. A study conducted 2010–11 in Yunnan, which has the third-highest HIV prevalence among MSM, found that 44.1 percent of the respondents had been tested in the past 12 months and had received their results (51.4% had gotten tested). The fact that half of the population is not accessing testing services is particularly worrying considering the high prevalence of HIV within this group. In fact, as an already stigmatized population, MSM face the risk of double stigma and social ostracism if found HIV positive. This may act as a strong psychological deterrent to getting tested. Additionally, due to the stigma on MSM and the social pressures to fulfil filial duties also through traditional marriage and family life, it is very common for Chinese MSM to be married, or otherwise be ‘female partnering’. This increases the potential for HIV to spread from the MSM subgroup to the general population. A recent study found that 68 percent of MSM who knew they were HIV positive continued to have unprotected sex with women. In Yunnan in 2010–11, 62 percent of MSM always used a condom in sex with other men, but only 36 percent did so in heterosexual sex.

Gay men infected with HIV suffer double discrimination. Within the community of people living with HIV (PLHIV), MSM are often marginalized by those who believe that people infected through mother-to-child transmission or by blood transfusions are worthy of more sympathy and compassion. At the same time, gay men with HIV face widespread stigma and discrimination from the general public and even from within the LGBT community and from the State. Article 18 of the “Civil Service Recruitment Examination Standard (CSRES, Trial)” still allows the civil service to decline employment on the basis of someone’s HIV status.

49 He et al 2012 as cited in Ibid.
HIV-related stigma and discrimination in the health care and education sectors remain very high. Medical professionals and personnel even in specialized hospitals have in some instances shown bias against PLHIV when it has been assumed or discovered that they were infected through same-sex activity. In 2013, the *Chengdu Fellow’s Love PLHIV Group* worked together with local AIDS clinics to conduct anti-discrimination training for medical staff. Medical facilities now work closely with LGBT communities to understand their needs, and after receiving anti-discrimination training, medical staff now treats LGBT patients in a respectful manner.50

Stigma and discrimination against PLHIV is also prevalent within the Chinese LGBT community. Many within the community believe that “infectors” (the term used for people living with HIV) must proactively request the use of condoms, and that “infectors have an obligation to inform sexual partners of their HIV status”. Most worryingly, many in the community believe that the attention paid to HIV over the years has increased the social stigma against LGBT and that MSM or gay men living with HIV are responsible for this.

**CASE STUDY #3**

**HIV-RELATED STIGMA WITHIN THE LGBT COMMUNITY**

In November 2012, Li Hu, an official from Tianjin, posted on Weibo (the popular Chinese micro blog similar to Twitter), that an HIV-positive person was forced to modify his medical records after being refused treatment at the Tianjin Cancer Hospital. This was done in order to avoid pre-operative blood tests and therefore be accepted for lung cancer surgery. The person involved, Xiaofeng (a pseudonym), was an HIV-positive gay man in Tianjin.

The outbreak of public discussions triggered by this blog lead to reports in the mainstream media, such as CCTV, as well as an expression of concern from Premier Li Keqiang. As public opinion fomented, Xiaofeng met almost universal condemnation by the mainstream media and the general public for his actions.

Some PLHIV and organizations in China tried to support Xiaofeng and highlight the structural stigma and discrimination that led him to his actions. However, the majority of LGBT people and LGBT organizations chose to keep silent, with some even joining in the general condemnation. LGBT people and organizations could have used the case as an opportunity to raise awareness of the problems and lack of human rights faced by LGBT people in the medical sphere, as well as the discrimination faced by PLHIV. Gay people living with HIV are still gay men. The difficulty encountered by Xiaofeng is likely to be encountered by others in the gay community. The challenges that HIV-positive gay men face in health care settings reflect similar challenges faced by LGBT people in any aspects of their lives.

**Other LGBT Health Needs**

Gay men and other MSM are also at higher risk of sexually transmitted infections such as syphilis, genital warts, and Hepatitis B and C. Just like with PLHIV, people with STIs in China suffer from stigma and are fearful of being labelled as immoral. Many are unwilling to disclose their conditions because of discrimination or fears for their privacy; this often leads them to consult traditional healers or even “quacks” and thus delay treatment and waste their money.

The response to HIV has dominated discussions around LGBT health issues for decades. Lesbians’ health issues have long been neglected because they are not a “most-at-risk population” for HIV. However, in recent years more attention has led to some small victories in the area of lesbian...
health. In 2012, the MoH lifted the ban on blood donation for lesbians. Additionally, domestic organizations have started to pay more attention to sexual and reproductive health problems of lesbian populations. In April 2013, the Beijing Lesbian Center (formerly known as Beijing Lala Salon; “lala” is the Chinese word for a woman who loves women) with the support of Beijing Disease Control and Prevention Center launched the “Beijing Area Lesbian Health Project” which supported the gynaecological examination of 300 lesbian women to better understand the group health situation from an epidemiological point of view.

An issue specific to transgender people is hormone replacement therapy (HRT). Transgender people in Mainland China who choose to use HRT have little access to safe and reliable hormone medicines. Many of them purchase hormones from unqualified black market vendors and take the medicine with neither physical check-ups in advance nor professional medical oversight on medicine type and dosage. Hence, they often suffer considerable side effects from the wrong use of hormones. More attention should be paid to the safety and availability of hormone replacement therapy, both by the larger LGBT community and by health care professionals.

**Mental Health**

A survey of 1000 gay men and lesbians in China by mental health experts in the 1990s found that 40.5 per cent had attempted suicide; another small sample survey in 2002 found that 33 per cent of gay and lesbians unsuccessfully attempted suicide. A large sample survey conducted annually from 1998 to 2001 on gay men in China found that nearly 60 per cent of them felt hurt because of their sexual orientation, and this seriously affected their life and work. About 60 per cent felt very lonely, the same percentage felt very depressed, 30–35 per cent strongly considered suicide, and another 9–13 per cent have experienced suicidal thoughts. The leading cause of their psychological health problems included: the inability to understand and accept themselves, broken romantic same-sex relationships, the pressure to be married with people of the opposite sex or to maintain a heterosexual marriage, and the pressure of social discrimination. A more general mental health

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52 The Beijing Lesbian Center is still waiting for the release of the report and its findings.
survey of 200 gay men found that among them, 45.5 per cent had anxiety symptoms and 57.5 per cent had symptoms of depression.\(^{53}\)

While continuing to pathologize transsexualism, the “Chinese Classification of Mental Disorders (CCMD), Third Edition”, published in 2001, confirmed that homosexuality and bisexuality should no longer be considered mental disorders. However, this edition of CCMD still retained the Chinese Society of Psychiatry’s concept of “self- incongruous homosexuality” as a treatable mental disorder. This refers to gay and lesbian individuals who do not accept their sexual orientation and have internal conflicts between their sexual orientation and social norms. However, ten years after homosexuality was taken off the list of mental diseases in the 3rd Edition of the CCMD, many mental health workers, policy makers and educators are still unaware or unwilling to comply with this decision. These two factors contribute to a situation where many mental health practitioners, often pushed by the families of LGBT people, recommend or impose ‘corrective treatment’ on LGBT people, sometimes involving involuntary committal to psychiatric hospital wards.

According to a recent survey\(^{54}\) of more than 800 LGBT people conducted by Beijing LGBT Center, 52 percent of respondents had heard about sexual orientation corrective treatment, and 9 percent of the respondents had considered receiving such treatment due to family or social pressure, relationship failure and internalized homophobia. Among the 18 respondents who had received corrective treatment, 5 reported no change in their sexual orientation, 4 reported a strengthened homosexual orientation, 3 reported a disturbed self-acceptance, 2 reported an aggravated self-loathing, 2 reported experience of agony and 1 reported increased depression. 75.37 percent of the respondents had been exposed to corrective treatment via the Internet. In fact, many psychological clinics use the Internet to advertise corrective treatment and reach out to potential clients. Recently there a gay man sued the famous Chinese search engine www.baidu.com for posting an advertisement for a psychological consulting centre promoting corrective treatment.\(^{55}\)

Finally, not enough attention is being paid to the mental health of transgender people, bisexuals, and other sexual and gender minorities and there is a complete lack of data on the mental health of these populations. In particular, the level of psychological changes and pressures experienced by transgender people who have gone through SRS, including changes in their social networks and social support system, are of great concern.

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53 Zhang, Beichuan etc. Sexual Health Education, 2008.
54 Chinese LGBT Mental Health Survey Report, Beijing LGBT Center, May 2014
lawyers decided to submit Ann to a forensic psychiatric assessment to counter the claims of psychological counseling and her parents. However, the day before her forensic test, the police received a report from Ann's parents, which said Ann had a mental illness, and as her guardians, they required the police to bring her home. The police decided to oblige. Since then, Ann has not been allowed to leave her parents' house or have any contact with the outside world. Some local organizations have tried to contact Ann's parents but failed.

— From the Caixin network

FAMILY AFFAIRS

Aspects of ancient Confucian theory together with the old feudal patriarchal system are evident in the Chinese family structure of today. Confucian ideas of Filial Piety focused mostly on the respect for one's parents and ancestors. Over the centuries, this has been applied to 'general obedience' and to the need of being good to one's parents, taking care of one's parents and to bring a good name to one's family. On the other hand, characteristics of the old patriarchal system included control of finances by the patriarch, the system of forced or arranged marriages, a strictly hierarchical system within the family structure and a strict set of rules for the younger generations. Most Chinese young people would say that children have no independence and very little say in family life.

To this day, the family is the most important component of the social support system in China. However, with contemporary China undergoing rapid economic and social transformation, the traditional family structure is also experiencing profound changes. With the implementation of strong family planning policies and increasing openness to the outside world, traditional family functions of support and nurturing are gradually being borne by broader society. A great influx of Western ideas has exposed the general public to Western concepts of family, especially the concept of self-independence, with more and more young people beginning to abandon dependence on family and parents, both psychologically and monetarily. Transformations in areas such as education, employment, urbanization, housing, transportation and communication are also contributing to huge changes in the traditional family structure.

With the emergence of more personal independence for the younger generations, parents are faced with the question of whether to respect their children's personal life choices, including the decision of coming out as LGBT. Coming out to parents has long been the main topic of discussion among LGBT community members in China, which manifests the crucial role family and parental acceptance plays in the lived experience of Chinese LGBT people. In 2008, China's first homosexual friends and relatives association, Parents, Families and Friends of Lesbians and Gays (PFLAG-China), was set up in Guangzhou on the initiative of a gay man's mother, Wu Youjian. Since its establishment, the association has made great effort to improve the social environment for LGBT people and their families. The organization has now expanded to 12 cities in China and has become one of the most active and well-resourced LGBT NGOs.

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56 Family Planning Policies refers to the 'One Child Policy' but also to more recently published ‘policies that advocate delayed marriage and delayed child bearing, fewer and healthier births; and advocating one child for one couple. Some rural couples with agriculture labour demands are allowed to give birth to a second child a few years after the birth of the first child.’ From http://www.china-un.ch/eng/bjzl/t176938.htm

57 Hu, Liang. From traditional to the modern: Analysis of the characteristics and causes of changes in China’s family structure, 2003.
While the changes noted above are expanding the ways LGBT people live, traditional notions are still prevalent. General filial piety, the importance of having children as an act of filial piety, the superiority of men over women, and the emphasis on the continuation of “family line” are still the main reasons for family and societal pressures on LGBT people, especially in rural areas. These are the main reasons that drive many LGBT people to ultimately enter into a heterosexual or a ‘fake’ marriage while continuing their homosexual life underground. This pressure is especially burdensome for gay men as the male heirs of their families. Because of this, many still choose to hide their sexual orientation and enter into a heterosexual marriage, resulting in the suffering of their wives (known in Chinese as Tong Qi, ‘wife of a gay man’ – described more in Case Study 6).

In the short term, unfortunately, it is difficult to completely dispel traditional, restrictive, patriarchal family structures that interfere with the personal development of LGBT people, even when they include violence.

DOMESTIC VIOLENCE EXPERIENCED BY LESBIANS

Domestic violence suffered by lesbians is an issue of concern. From 2007 to 2009, Tongyu (Common Language) carried out the first research on domestic violence experienced by lesbians and bisexual women in China. The study found that about half of the lesbians surveyed suffered violence from their parents, relatives or same-sex partners. Nearly half of those surveyed (42.2%) suffered violence from their same-sex partners while 48.2 percent suffered violence on account of their parents and relatives. Most worryingly, about 70 percent of respondents experienced some form of mental abuse. Out of the limited samples of lesbians that also have or used to have heterosexual partners, the rate of exposure to violence was 25 percent higher than their heterosexual counterparts.

Additionally, only 55 percent of lesbian and bisexual women who experienced domestic violence seek help. This is in contrast with the heterosexual female victims of domestic violence, where 84 percent of them sought help. The main people that lesbians seek help from when confronted by domestic violence are personal friends and the lesbian community; they prefer not to appeal to official institutions such as the Women’s Federations or the police due to the fear of exposing their identity and the lack of sexual orientation and gender identity (SOGI) training of these departments.

— From Legal Daily, China’s first survey on lesbian domestic violence

Right to Marriage

Currently there is no legal recognition or protection of same-sex partnerships in China. Li Yinhe, a senior professor at the Chinese Academy of Social Sciences has repeatedly submitted detailed proposals for the legalization of same-sex marriage to the China People’s Political Consultative Conference (CPPCC) National Committee in 2003, 2005, and 2006. In February 2013, hundreds of parents of LGBT people sent a letter to the National People’s Congress (NPC), urging for the revision of the Marriage Law to guarantee marriage rights for same-sex couples. The absence of any law recognizing same-sex couples means that there is no protection for basic partner rights such as joint property, inheritance, tax and mortgage benefits, or joint adoption (more in the section below).

In order to satisfy families and avoid social pressure, many LGBT people choose to form “cooperation marriages” where a gay man and a lesbian woman marry each other in order to appear properly married while maintaining separate same-sex relationships on the side. As these
relationships often lack affection or emotional connection, they are often treated as business transactions. This leads to financial disputes being common among gay men and lesbians who form “cooperation marriages”. While many such marriages include a wedding banquet and social celebrations but often are not officially registered with the Department of Civil Affairs, when these disputes arise there are no legal ways to address them.

**CASE STUDY #6**

**WOMEN MARRIED TO GAY MEN: STORIES FROM CHINA**

Meng Jun graduated from Guizhou Normal University. In 2008, she became acquainted with Cao Kai (pseudonym) who worked in Guiyang. She fell in love at first sight and they got married three months later. During their relationship Cao Kai was always a perfect gentleman. He treated Meng Jun with kindness but never displayed any sexual interests. While originally thinking this was based on his respect for her, Meng Jun did not expect this lack of interest to continue after marriage. After repeated questioning, Cao Kai finally came out with the truth that he was gay.

Meng Jun could not accept this fact. She did not know how to explain this to her friends and family in the event of a divorce. After two years she finally told her mother. For her future happiness, her mother urged her to divorce. However, she still suffered emotionally and couldn’t disassociate herself from the past and was then diagnosed with a mental disorder. In July 2010, Meng Jun jumped from the seventh floor of her sister’s home on Ningbo road, ending her life. She was 29 years old.

- From Guizhou City Daily: Discovered after marriage, the husband is actually gay (edited version)

“When we tried to reflect on what was happening, what else could we do but to merely accept and sigh? Tong Qi (the gay man’s wife) is only an identity label given along with a marriage. In marriage, it means forbearance and suffering day after day. However, the gay husbands are also a vulnerable group. Tong Qi is only the victim of gay men escaping from their families and social pressure. As someone said, “In order to free Tong Qi, we must first free the gay man’s body and mind.” To free the gay man’s body and mind, everyone needs to be involved. For homosexuality, perhaps we should neither be surprised [that it exists] nor should it be a taboo, let alone stigmatized and discriminated against. Of course, this does not mean one has to support, encourage or even emulate it. It just means respect for others’ civil liberties and ethics, for a different kind of life. It is just to reduce one pair of hands that suffocate the Tong Qi”.

- Excerpt from the afterword of Yahoo Family Talk: The pathos of Tong Qi and who is to blame?

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**Adoption and Custody Rights**

As stated above, China’s Marriage Law only recognizes heterosexual marriages and families, and does not accept the legitimacy of same-sex families. LGBT people in an acknowledged same-sex relationship are not permitted to adopt children by law.58 LGBT people can only adopt children as single parents on the condition that they do not disclose their sexual orientation.

However, adoption in practice is difficult. According to the principle of the Chinese national law on adoption, adopting parents shall not violate social morality. This provision enforces the idea that LGBT people can’t be qualified parents and stigmatizes the LGBT community, often depriving even LGBT single parents of adoption rights. Because of this law, foreign same-sex couples are also forbidden from adopting children in China.

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Another related issue is the custody of children in case of divorce where one of the partners has come out as gay. Divorce on the grounds of homosexuality and rights of the homosexual partner regarding custody of children are often contentious and sensitive. According to Liu Wei, a well-known public interest lawyer, legal training for the LGBT community is necessary to raise awareness of their rights in single parent adoptions and to help them navigate the complex and long process that adoption often entails.

**MEDIA AND TECHNOLOGY**

In the last few decades media and technology in China has undergone a profound transformation. Besides the incredible expansion of newspapers, radios and TVs, new forms of media such as social networking have sprung up extremely rapidly. These new technologies will inevitably have an influence on many social movements, including the Chinese LGBT community.

**Censorship**

In March 2008, the State Administration of Radio, Film and Television (SARFT, now called the National Press and Publication Administration) issued a notice on “SARFT reiterated film censorship standards”. Article 3 states that “obscene pornography and the vulgar inclusion of content or a plot that shows licentious behaviour, rape, prostitution, sexual behaviour, sexual perversion, homosexuality, masturbation, sex organs; and the inclusion of dirty and vulgar words, songs, background music, sound effects and other” should be cut or modified. However, in 2010, the SARFT promulgated the decision “On Abolishing Some Radio and Television Department Regulations and Regulatory Documents”, including the abolition of the 2008-released film censorship standards, and stated, “There are new regulations”. So far, however, new standards regarding the review of LGBT or homosexuality-themed movies and media products have not been released. The SARFT ban means that currently, all homosexual films that are independently produced without official permission (and are not officially censored) cannot be aired in cinemas. More and more voices, including the famous filmmaker Cui Zien from the Beijing Film Academy, have begun to call for the abolition of media censorship in this area.

In the rare occasions when homosexuality is discussed in the mainstream media, stigmatization and negative language and connotations remain the norm. The Rainbow Media Awards media-monitoring project found that among 931 media reports about the LGBT community in 2012, 50 percent portrayed the LGBT community negatively. Among these negative reports, 17 percent associated homosexuality with crime and/or the spread of HIV. The official mainstream media such as China Central Television (CCTV), however, has an enormous reach and audience in China. The possibility of promoting anti-discrimination messages in the official mainstream media would make a great difference in the education of the general population.

**Increasing LGBT Exposure in the Media**

Over the last two decades the HIV epidemic among the gay community has received substantial coverage in the mainstream media. Partly because of HIV-related advocacy and prevention

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59 The Media, Democratic Transition and Social Movement: An interview with Professor Zhao Dingxin of the University of Chicago, 2012
60 Property Theft after Meeting with Online Gay Friends. See http://news.china.com.cn/2013-03/01/content_28097346.htm
61 Homosexual Prostitution Advertisement and Photo on Websites. See http://news.163.com/09/0319/05/S4OBACJL00011229.html
campaigns, gay men tend to be the most visible and are often seen as representative of sexual minorities. While some argue this has created a space to discuss some LGBT-related issues, this has come to the expense of other sexual and gender minorities, which are very rarely covered in the mainstream media.

However, LGBT-friendly media, mostly magazines and radios, are becoming more common. In particular, the popularity of the Internet and the use of new social media have helped the LGBT community attract public attention and influence public opinion like never before. New media platforms such as SINA Weibo (A “micro blog”, the Chinese version of Twitter) and Baidu (the Chinese version of Google) have become an important tool for raising public awareness regarding SOGI and LGBT people, for promoting the work of LGBT organizations and for creating a safe space for LGBT to meet, discuss and communicate with each other. However, it is important to note that even online the operation of LGBT community websites and social networks is often unstable as a result of official censorship, which often lead to server disruptions or shut down of certain websites.

Additionally, a number of LGBT organizations have started to produce LGBT-related research and publications. Most are awareness raising materials aimed at the general public, as an alternative or additional source of information to the very a few officially published academic books. In order to be allowed official publication, LGBT related works usually have to be associated with public health matters such as the prevention of HIV. Unfortunately, written works looking at sexual and gender minorities from a political or cultural perspective are repeatedly declined by official publishers. Still, LGBT-related academic publications have increased dramatically since the 1990s. Scholars such as Pan Suiming from Renmin University and Li Yinhe from the Chinese Academy of Social Sciences made important contributions to this new wave of research on sexual minorities.

**The Need for Media Training**

Developing a common public relations strategy with clear messages for the media should be a central focus of the LGBT movement moving forward. Support in formulating, implementing and evaluating effective media strategies along with developing general communication skills would help Chinese LGBT organizations and the broader community in the promotion and protection of LGBT rights.

In fact, many organizations are unaware of how to use media resources better. Most importantly, there is a lack of understanding and experience in how to use the media for anti-discrimination advocacy and public relations work. Finally, there is a lack of understanding among LGBT advocates on how to use and monitor the media to identify problems and how to address them strategically, building allies in the media. More recently, Chinese LGBT organizations have tried to improve this situation. For instance, the Rainbow Media Awards, organized by the Beijing Gender Health Education Institute, provides media training for LGBT organizations as well as annual selection and praise for LGBT-friendly media reports.

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**CHINESE FILM INDUSTRY REQUESTS THE DISCLOSURE OF CENSORSHIP PROVISIONS**

On 17 May 2013, the International Day Against Homophobia and Transphobia, independent filmmaker Fan Popo, wearing a T-shirt emblazoned with the slogan “We want to watch gay movies”, went to the National Press and Publication Administration (NPPA) with the hope of understanding existing film censorship, especially the relevant regulations on gay
themed movies. He asked for a disclosure of the new movie censorship standards. He said that film censorship restricts the freedom of expression on one hand, and hinders the film culture from developing on the other hand.

Because of the current censorship standards, LGBT-themed movies usually cannot be publicly released through official channels. They can only be released through independent cultural movie and video platforms, such as in the bars, on the Internet and in universities. The box office performance of such films is basically guaranteed to be poor because of their limited release. This leaves most independent film directors and producers facing serious financial difficulties. Some directors are forced to run small businesses and websites to raise funds for their films. Independent films, as a platform through which the public can understand the LGBT community, are very important. The purpose of Fan Popo's action was to advocate for more transparency of the censorship system and make a call for the cancellation of censorship.

– Source: Voice of America, Lu Yang [Edited]

Follow-up: On 28 May 2013, Fan Popo received a phone call from NPPA staff, and was told that the requested information has been publicly released on the Internet. According to the information provided by the staff, Fan Popo found “The notice of State Administration of Radio, Film and Television (SARFT, now called the National Press and Publication Administration) on the improvement and perfection of the record of film scripts (outline) and the censorship of films” issued in February 2010 on the SARFT website. However, this notice only regulates the procedure of the recording of film scripts and the censorship of films. It does not mention the relevant provisions on the censorship of content of the film.

– Provided by Fan Popo

COMMUNITY DEVELOPMENT

There is little evidence about organized gay and lesbian life in China in the 1980s or before. In the mid- to late 1990s, organized social gatherings explicitly for lesbian and gay people began at both private residences and in commercial venues. Police raids and harassment were common for venues that attracted too much attention. With the development and expansion of the Internet in the early 2000s, gays, lesbians, and to a lesser extent bisexual and transgender people, began to form online forums to discuss experiences and connect with each other.

As international HIV-related funding began to enter China in the early 2000s, MSM-focused funding led to groups starting to come to existence throughout the country. The majority of these groups, however, did not involve programming for women or transgender people; because of this, the lesbian and transgender movements developed somewhat independently and only more recently. Only in the early 2000s did Beijing see the development of lesbian women’s groups. By 2010, the number of civil society organizations (CSOs) had increased dramatically, and many began positioning themselves “outward” to work with educators, psychologists, journalists, and non-LGBT community members.

More recently, the International Day Against Homophobia and Transphobia has become an annual call to action for groups throughout the country to educate about LGBT anti-discrimination. Some groups also began engaging parents of gays and lesbians, straight allies, and building coalitions with other social movements. Over the last few years some diplomatic missions in China, foreign foundations, and other sources have begun funding some CSO initiatives, and the work of these

63 Mostly thanks to funding from international donors such as the Global Fund on AIDS, TB and Malaria, USAID, USAID and USCDC, DFID, CIDA and AusAID.
groups has expanded in scale. However, these groups are often disconnected and work in isolation, without strong partnerships with other CSOs and/or academic institutions, government agencies, or private sector companies. Overall, lesbian and gay community organizations are generally much more developed. Transgender and bisexual organizing has been much less visible, although it is becoming more active at least online. Unfortunately, tensions and conflicts are common within the LGBT community due to lack of communication, mutual discrimination and the unbalanced distribution of resources.

**How LGBT Individuals Socialize**

Most large and medium-sized cities in China have organized groups for activities for gay men ("gay") and lesbian ("lala"). Campus activities organized by LGBT university students are becoming more common. Gay men often meet each other through sexual encounters in public venues such as public toilets, parks and gay bathhouses, and other times through the sex trade. In recent years, large and medium-sized cities have opened high-end gay bathhouses targeting older gay men with a higher income and social class. In 2011, the Chengdu Tongle Health Counselling Service Center surveyed how gay men meet each other in the capital of Sichuan Province, Chengdu: about 55 percent met through groups or networks, interpersonal relationships made up 20 percent and 25 percent met in various locations, including bathhouses (40%), bars (35%), outdoors (15%), money boys (male sex workers who serve male clients) and in clubs (10%).

However, the growth of Internet websites and LGBT-friendly social media has become an increasingly important way of communication and socialization for the LGBT community.

Compared to gay men, lesbians are less likely to meet their partners through sexual encounters. Instead, many of them prefer to seek relationships in their social network, at bars and in matchmaking events organized by community groups. Transgender individuals often meet through their occupations as actors, performing in gay or lesbian bars, and in mainstream venues for entertainment. There are also online forums and QQ groups (QQ is an online chat software popular in China) for transgender people to exchange information on HRT and SRS as well as to discuss topics of common interest such as how to dress in order to pass as the gender they identify with in their daily lives.

**Community Diversity**

The Chinese LGBT community is extremely diverse and made up of people from all socio-economic, cultural, religious and ethnic backgrounds. Generally, the development of lesbian and gay communities is relatively mature, though lesbian organizing remains weaker when compared to its gay counterpart. Self-organized transgender groups have started to become more vocal and engaged in activism, though their scale and influence is much smaller. Bisexual organizing happens mostly online.

Unfortunately, discrimination exists within different subgroups of the LGBT community and remains persistent. This is primarily demonstrated in forms of avoiding each other, verbal abuse and humiliation. Discriminations can be on basis of gender identity or gender expression; on basis of sexual preference and sexual interests or behavior; on basis of regional origins, economic and social status, educational background, marital status, and more. Because in the development of

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64 A Report from Chengdu City on MSM subgroups and sexual health needs & behavior assessment (internal document). Chengdu Tongle Health Counseling Service Center, 2011.
Chinese LGBT movement some subgroups have obtained more resources and attention than others (e.g. gay men more than lesbians), this has created inequality within the community that if not properly addressed will adversely affect the long-term development of Chinese LGBT movement.

Community Needs

Ideally, LGBT community organizations should be focused on meeting the diverse needs of the community. However, as part of the negative legacy of the HIV epidemic, many LGBT groups in China, particularly those of gay men, have often been set up to obtain HIV-related international and domestic funding. This has resulted in the neglect of other urgent needs of LGBT community, such as self-empowerment of community members, awareness-raising among the general public, LGBT culture development and broader advocacy. In the early 2000s, with the spread of HIV in China and the flow of international funds into China, gay groups began to apply for HIV-related resources. This led to the creation of many of the current LGBT community organizations in China. The focus then was on the health care and health rights of gay men, while gay culture and non-health related rights received little attention. With an increased concern for LGBT political and social rights and with the drying up of international HIV prevention funds in China, some organizations began to change their priorities to non-health rights advocacy (even though the challenge of HIV to gay men’s health did not decrease).

To a larger extent, community needs must be met through community services. A comprehensive understanding of the community and its needs is required for the sustainable development of LGBT groups. Another key would be to persuade the government to purchase services offered by LGBT NGOs. At present, LGBT NGOs cannot raise funds for their work publicly in China as it is not allowed by the law. Fundraising has become the primary bottleneck for LGBT community development. Funding sources for LGBT CSOs vary according to its source: government which mostly provides HIV funding, international funding which focuses on areas such as women, gender equality and civil society development, and community which raises funds from personal donation and community fundraising events such as parties. Government funding mostly goes to gay men’s organizations but does not address rights issues and now is gradually diminishing. International funding is acquired by organizations that are more established, capable and with a global vision and network; but also creates challenges since it makes the organization more suspicious in the eyes of the government and sometimes generates criticism from within the community. Community fundraising should play a bigger role for LGBT organizing and mobilization.

A GAY CULTURAL FESTIVAL IN NORTHEASTERN CHINA

Shenyang Consultation Center for AIDS and Health Services is an organization dedicated to AIDS prevention in the LGBT community. Since June 2011, it has been both concerned with LGBT health and with building an LGBT cultural platform and brand. Through cooperation with 16 gay grassroots organizations in Northeast China, it has organized the Northeast Gay Culture Festival three times. The Festival was one of China’s first LGBT activities that were planned and initiated independently by grassroots organizations and with a wide range of cooperation and influence, both across provinces and reaching down to villages. The cultural festival focused mainly on rights and advocacy for gay men, transgender people, sex workers and PLHIV, and provided these vulnerable groups with lots of support and help to cultivate an LGBT-affirmative environment. In 2013, the Third Northeast Gay Culture Festival Organizing Committee cooperated with other organizations from Shanghai, Guangzhou, and Beijing to hold more than 30 activities. Some of the activities included: Dalian Gay Pride Hiking, a cross-dressing beauty contest, the Northeast Gay Relatives Talkfest, lesbians’ rainbow wedding, a rainbow flag passing across the Northeast China, and gay rainbow cycling.
There are LGBT community groups in most provinces of China. According to participants of the National Dialogue, at least one community organization could be found in most of the provincial capital cities. However, there is no comprehensive data on the number, size, type and location of community groups in China.

**LEGAL STATUS**

Chinese LGBT community groups face the same legal registration constraints common to other NGOs in China; however, these are heightened by the stigma and ignorance surrounding LGBT issues. At present, grassroots organizations have two registration modes: civil registration and business registration. Meeting the requirement for civil registration is very difficult. In early 2014, an activist from Changsha, provincial capital of Hunan in central China, attempted to register an LGBT non-profit organization with the local Civil Affairs Bureau. The government bureau responded that homosexuality is at odds with traditional Chinese culture and denied the application. This activist and a network of other activists are currently applying for official information disclosure as to the specific legal rationale for the application denial.65

Most registered LGBT NGOs apply for business registration (i.e. they register as a private company), which entails higher costs and full taxation. However, due to various restrictions, registered community groups are the minority and the majority continue to operate in a legal grey area. This is due to the fact that NGOs in China need a governmental agency to provide supervision and

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However, the majority of government agencies are not able or willing to take upon extra work and responsibilities. In 2012, Chinese Premier Li Keqiang called for the improvement of tax policies for corporations and organizations working in the field of HIV prevention, which hopefully will make registration easier, at least for groups working in the area of HIV.

**HUMAN RESOURCES**

Organizations such as NGOs and other types of civil society organizations (CSOs) are a relatively new concept in China. A lack of human resources both in terms of talent and knowledge is a common problem, especially for LGBT community groups. LGBT groups often recruit volunteers in the absence of professionals and sufficient funding to pay employees, which potentially weakens the sustainability of their work. Fortunately, domestic colleges and universities have undergraduate and postgraduate students majoring in programmes such as social work, sociology, anthropology, psychology, medicine, history, international relations and foreign languages that are starting to provide new and better trained human resources for LGBT organizations. The main challenge remains the ability of LGBT NGOs to attract high-level professional candidates when offering very low wages with uncertain career paths, and the possible stigma and discrimination that often comes with taking up these types of jobs.

While many volunteer training programmes exist, on the whole these training modules are insufficient to match the need of many professional LGBT organizations and there is a lack of systematic, scientific, sustainable and high-quality training programmes in Chinese LGBT civil society.

**LALA CAMPS**

In 2007, the first conference on Chinese LBT (or “lala” in Chinese) activists’ leadership development, the historic “Lala Camp” took place in Zhuhai, China. Held by six organizations from Beijing, Hong Kong, Taiwan and the US, the three-day intensive workshop gathered about 100 Chinese LBT individuals from various cities throughout China and around the world. Over half of the participants had never heard of the LGBT movement before the event. The oldest participant was over 50 years old, while the youngest was only 16.

Lala Camp aims to empower Chinese LBT community builders through leadership development and skills sharing, while building bridges between LBT communities from different Chinese-speaking regions. In 2008, Lala Camp took the form of five regional camps hosted by local organizations in the cities of Beijing, Anshan, Chengdu, Kunming and Shanghai. A total of 150 people from 35 cities participated. After the regional camps, representatives of local LBT organizations held a summit in Shanghai and founded the Chinese Lala Alliance (CLA), an umbrella organization for lesbian, bisexual women and transgender organizations and individuals across Mainland China, Hong Kong, Taiwan and beyond.

Since then, CLA has held 13 Lala Camps in 12 different cities. While some of the camps focus on community development, others emphasize youth empowerment, violence against LBT people, and public advocacy. In addition to the concerns of the LBT community, other social issues such as the development of civil society, feminism, labour rights and class issues have become an integral part of the discussions at Lala Camps.

In order to cater to the drastic differences in organizational capacity and cultural context among LBT groups, CLA has separated Lala camps into two types: sub-regional camps and cross-regional camps. The smaller sub-regional camps serve to inspire the birth of new organizations and to explore local concerns; the larger cross-regional camps, on the other hand, are the site for strategic planning and vision building. To date, over 500 LBT community leaders from Chinese-speaking
regions have participated in Lala camps, and over 20 new LBT organizations have been established in Mainland China, as a direct result of Lala camps. Today, the Chinese Lala alliance continues to support and sustain the individuals and groups that are a part of the network. It has fostered a series of advocacy projects and collaborations through the years.

COMMUNICATION AND COORDINATION

Communication skills are an essential element in the capacity-building of community organizations and a missing link in the development of the Chinese LGBT community. Seldom does the LGBT community work together with CSOs dedicated to other social issues, and collaborations with academia, media, and government entities are very rare. Internal competition for resources, misunderstanding and dispute, and power imbalances are abundant. Thus, communication and coordination mechanisms such as the Chinese Lala Alliance, which was established in 2008 to provide a platform for groups of lesbians and bisexual women across mainland China with those from Hong Kong, Macau and overseas, should be encouraged. International exchanges such as participation in conferences of regional or global LGBT organizations (e.g. International Lesbian, Gay, Bisexual, Trans and Intersex Association, ILGA) and participation in the China Emerging Leadership Program coordinated by the Los Angeles Gay and Lesbian Center and Aibai Culture and Education Center should also be enhanced. Finally, as many international stakeholders such as foreign foundations, diplomatic missions, international non-government organizations (INGOs) and the UN are starting to support LGBT work in China, there is a need for better coordination of these efforts to avoid duplication and highlight the key gaps in supporting the LGBT community.

HOW CAP+ FACILITATES COOPERATION BETWEEN CBOS AND THE GOVERNMENT

In November 2006, the China Alliance of People Living with HIV (CAP+) was established. From the initial 24 member organizations, it had evolved by 2010 into a 109-member umbrella organization. CAP+ operates with a Secretariat and a network coordination mechanism to provide information and technical support to members, responding to demands of members and carrying out specific activities to service target populations. In addition, the Secretariat initiates and promotes advocacy activities that members can select to voluntarily support and participate in. Since the end of 2011, the establishment of new networks including a regional network, a youth network and a female liaison group has led to a new stage of development for the organization.

Members of CAP+ (Meng Lin and Li Hu) have been elected to the China Global Fund CCM as representatives of the government and affected communities. As a result, advances include allocating funds to CBOS, community participation and increased discussion and advocacy on issues such as operations for PLHIV, anti-discrimination in employment, and access to HIV/AIDS treatment. Their success has attracted widespread positive attention at home and abroad.

FUNDRAISING CHALLENGES

Over the last ten years the Global Fund, the Gates Foundation and other international and bilateral donor agencies played a pivotal role in China’s HIV prevention and treatment, spending hundreds of millions of dollars on HIV programmes, including civil society led interventions. In so doing, they indirectly played a positive role in the development of gay and MSM community groups. However, as China’s economy grew and its international reputation as an upper middle income country was established, international donors and funding mechanisms have withdrawn from China.
in the last 18 to 24 months. These groups are now facing enormous challenges in maintaining daily operations. Nowadays in terms of domestic funding, the main source of funding for social organizations is the government. However, LGBT community groups are restricted by their lack of legal status, as well as the government’s belief that LGBT NGOs are illegitimate or “sensitive” groups and general unwillingness to allow their registration. Most government officials handling LGBT NGO registration have no knowledge about LGBT or (SOGI). One way to address these challenges is to create opportunities of raising awareness among government officials and civil servants. The government has started to purchase public services from NGOs, which is good news for civil society development, but it may also increase the difficulty for advocacy groups to obtain economic support (as they do not provide services). The lack of domestic funding resources has led to other fundraising strategies by LGBT NGOs in China, including seeking international funding for areas other than HIV and raising funds from within the community, the merits and drawbacks of which have already been discussed in the section of “Community Development”.

Positively, however, a number of international stakeholders, including foreign foundations, embassies, INGOs and some UN Agencies in China have started to support the LGBT community and some organizations. However, as most donor agencies left China, these funds are relatively small and unpredictable and definitely not enough to sustain the growth of the LGBT community across China. Better coordination and communication amongst these new donors as well as between the recipient organizations is essential. In the long run, the rapid growth in domestic philanthropy in China may provide some answers for certain organizations in the LGBT community. As awareness of LGBT issues increases, private philanthropists may be more inclined to support LGBT advocacy and service delivery organizations. To pave the way, however, more progress needs to be made in LGBT organizations’ legalization and professionalization.

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(New York) – Hong Kong authorities’ arrest of a pro-democracy figure for “seditious intent” heightens concerns of a renewed crackdown on the 2019 protest movement, Human Rights Watch said today. On March 26, 2020, police arrested district councilor Cheng Lai-king, 60, at her home two days after she reposted a message on Facebook that revealed a police officer’s identity.

“Arresting a pro-democracy politician for seeking police accountability is political persecution, not legitimate policing,” said Sophie Richardson, China director. “Hong Kong authorities should immediately drop the case against councilor Cheng Lai-king.”

The case concerns an incident involving Veby Mega Indah, a journalist for Indonesian-language Suara Hong Kong News, who was shot and blinded in one eye by a riot police officer while covering a protest in Wanchai in September.
Indah has been trying to pursue a private prosecution against the officer but has been unable to do so because he was masked and not displaying his police unique identification (UI) number at the time. The police have not released the officer's information despite Indah's requests and a lawsuit she filed in December pressing for such information.

Upon learning that Indah might soon miss the deadline for the private prosecution, netizens mobilized and on March 24 posted the alleged officer's information on a Telegram group. On March 24, Cheng reposted some of that information, which included pictures of the officer taken while he was on duty in a public place, the officer's name, and his UI number. Cheng's post called on the officer to, “Please turn himself in! An eye for an eye!”

Following Cheng's arrest, a Hong Kong police spokesperson said that Cheng had “illegally shared personal information,” including the officer’s address and phone number, on social media, and that she is suspected of “inciting violence and hatred.” The spokesperson said that she may also have violated an October court injunction banning “doxing” of police officers – the disclosure of personal data on the internet – and the Privacy Ordinance. Cheng was released on bail the day of her arrest.

“Seditious intent” is a crime that has not been invoked since 1952, when the British colonial government used it against the pro-Beijing newspaper Ta Kung Pao.

During the 2019 protests, both police and protesters wore masks to prevent identification. In October, the Hong Kong government imposed an anti-mask law, which makes it unlawful to wear masks during public gatherings. The ban exempts those who need to wear masks for “employment” and other reasons, and police officers continued to wear masks. Many officers did not display UI numbers on their uniform.

Over the course of the protests, numerous police officers, protesters, and journalists complained about unauthorized release of their personal information, but the police have not arrested anyone for doxing protesters or journalists. After two officers placed the Hong Kong Identification Cards of journalists – whom the police consider to be pro-protesters – in front of live TV cameras, the Hong Kong police commissioner said the officers had been “reprimanded.”

Hong Kong authorities and pro-Beijing figures have stepped up actions against the pro-democracy movement and other critical voices since December. In mid-December police froze HK$70 million (US$10 million) from Spark Alliance, a major donation fund to help pro-democracy protesters, and arrested its four members for alleged money laundering. On February 28, police arrested pro-democracy media tycoon Jimmy Lai and political activists Yeung Sum and Lee Cheuk-yan for taking part in an alleged unlawful assembly in August. Since June, the authorities have arrested over 7,500 demonstrators for their participation in the protests.
On March 20, lawyers for a pro-Beijing television station, TVB, sent a letter to pro-democracy district councilor Ho Kai-ming, accusing him of defamation after he criticized the station for “participating in political persecution.” TVB had applied to terminate its airing of programs produced by Radio Television Hong Kong (RTHK), a Hong Kong public broadcaster, which released a satirical episode about the Hong Kong police in late February. The Hong Kong Communications Authority granted TVB’s request on March 4. The police have repeatedly complained about the RTHK episode, while pro-Beijing figures are pressuring the broadcaster’s chief to drop political programs.

“Hong Kong police and other authorities don’t help their credibility by cracking down on peaceful criticism,” Richardson said. “Instead of pursuing dubious prosecutions, they should allow an independent investigation of their own conduct during the protest movement.”

Your tax deductible gift can help stop human rights violations and save lives around the world.
(New York) – Chinese authorities should immediately and unconditionally release a well-known anti-corruption activist who had eluded arrest after a new government crackdown on rights activists, Human Rights Watch said today. On February 15, 2020, authorities in Guangzhou apprehended Xu Zhiyong at a friend's home where he had gone after authorities in December detained participants of a gathering on human rights in Fujian province.

Xu, 46, is one of China's most prominent activists and human rights advocates. He was a co-founder of the now-banned legal aid center Open Constitution Initiative and the New Citizens' Movement, a nongovernmental group advocating for civil rights.

“President Xi Jinping claims the government is ‘open’ and ‘transparent,’ but the authorities have without basis detained one of the country’s best-known anti-corruption advocates,” said Yaqiu Wang, China researcher at Human Rights Watch. “Instead of arbitrarily detaining
Xu Zhiyong and other human rights activists, the Chinese government should listen to what they have to say.”

In late December 2019, police across the country began to detain participants of a December 7 and 8 gathering in Xiamen, Fujian province, where they discussed human rights and China’s political future. On December 26, in what has become known as the 12.26 crackdown, authorities detained prominent human rights lawyer Ding Jiaxi, scholar Zhang Zhongshun, and activists Dai Zhenya and Li Yingjun. Since then, Xu had been traveling to different cities, updating his Twitter account, and criticizing the government’s authoritarian rule and its mishandling of the coronavirus outbreak.

It is unclear what charges authorities might bring against Xu. Police had accused the four men detained in December of “inciting subversion” – a crime that carries up to 15 years in prison – and placed them under “residential surveillance in a designated location,” a form of enforced disappearance in which police can hold individuals in undisclosed locations for up to six months. This places them outside the formal detention system, denying them access to legal counsel and family members, and increasing the risk of torture and ill-treatment.

Hours after the police took Xu away, his girlfriend, Li Qiaochu, a Beijing-based women’s rights and labor rights activist, also went missing. In January 2020, Beijing police searched Xu’s home, detained Li for 24 hours, and denied her adequate medicine in the detention center.

A former lecturer at the Beijing University of Post and Telecommunications, Xu has long advocated for legal reform and equal rights. In 2003, he achieved national attention when his joint petition to the National People’s Congress led to the abolition of the administrative detention system called “custody and repatriation.” That year, he was named by the state broadcaster CCTV as one of the “top 10 rule of law figures” in China.

In 2009, Xu was forced to disband the Open Constitution Initiative, the legal aid center he helped set up, after police detained him and a co-worker in a trumped-up case of tax evasion. From 2014 to 2018, Xu served four years in prison for “gathering a crowd to disrupt public order” after a series of small-scale protests by members of the nongovernmental New Citizens’ Movement, an initiative he cofounded in 2012 to develop civil society in China within the confines of the one-party political system.

“Once again, Xu Zhiyong has been detained despite breaking no laws, simply for advocating rights-respecting policies,” Wang said. “Governments are increasingly recognizing that they pay a price for Beijing's hostility toward peaceful criticism, and should press China to release Xu immediately.”

Your tax deductible gift can help stop human rights violations and save lives around the world.
(New York) – The Chinese government’s heightened repression faced unprecedented resistance from Hong Kong people and growing criticisms from concerned governments, as the Chinese Communist Party marked the 70th anniversary of its rule, Human Rights Watch said today in its World Report 2020.

This backlash was evident in months of demonstrations opposing Beijing’s encroachment on Hong Kong’s freedoms and public statements by countries critical of the oppression of Turkic Muslims in Xinjiang.

“President Xi Jinping’s policies have been challenged by massive protests in Hong Kong and joint statements at the United Nations,” said Sophie Richardson, China director at Human Rights Watch. “Governments and international institutions should stand with those defending human rights in China and push back against Beijing’s repressive policies.”

In the 652-page World Report 2020, its 30th edition, Human Rights Watch reviews human rights practices in nearly 100 countries. In his introductory essay, Executive Director Kenneth Roth says that the Chinese government, which depends on repression to stay in
power, is carrying out the most intense attack on the global human rights system in decades. He finds that Beijing's actions both encourage and gain support from autocratic populists around the globe, while Chinese authorities use their economic clout to deter criticism from other governments. It is urgent to resist this assault, which threatens decades of progress on human rights and our future.

The Chinese government continued to subject Uyghurs and other Turkic Muslims in the northwestern Xinjiang region to severe repression. An estimated one million Muslims are being indefinitely held in “political education” camps, where they are forced to disavow their identity and swear loyalty to the Communist Party. Authorities also forcibly separated some of the children whose parents are detained or in exile from their families, and are holding them in state-run “child welfare” institutions and boarding schools. They are also imposing mass surveillance systems – equipped with latest technologies – on the region's residents, scrutinizing them and restricting their movement.

In Hong Kong in April, a court sentenced Benny Tai and Chan Kin-man, scholars who led the 2014 pro-democracy “Umbrella Movement,” to 16-month prison terms on public nuisance charges. In June, anger over proposed revisions to laws that would allow extradition of criminal suspects to mainland China prompted a million people to protest. The Hong Kong government's initial refusal to withdraw the bill and the police's excessive use of force led to escalating protests. Hong Kong authorities repeatedly rejected calls for an independent investigation of allegations of police abuse. Since June, authorities have arrested nearly 7,000 people and denied at least 17 applications for protests.

In Tibet, authorities continue to severely restrict freedoms of speech, assembly, and religion. From May to July 2019, thousands of monks and nuns were reportedly expelled from a monastery in Sichuan and their dwellings demolished. In November, Yonten, a former Buddhist monk, became the 156th Tibetan to die of self-immolation since March 2009.

In 2019, authorities continued to crack down on human rights activists, journalists, and lawyers. In July, two months after being released from prison, activist Ji Sizun died from unidentified illnesses, continuing a pattern in recent years in which prominent human rights defenders died in custody or soon after release. Courts in Hubei and Sichuan sentenced activists Liu Feiyue and Huang Qi to 5 and 12 years in prison respectively. Authorities across the country also detained activists and netizens for supporting the Hong Kong protests, including journalist Huang Xueqin.

Authorities deepened their assault on freedom of expression. Police nationwide detained or summoned hundreds of Twitter users, forcing them to delete tweets criticizing the government or to close their accounts. The government launched a disinformation campaign that framed Hong Kong's protesters as violent and extreme, prompting Twitter and Facebook to suspend hundreds of accounts originating in China suspected of being part of the campaign.
Beijing continued to muzzle criticism abroad by monitoring Chinese students on university campuses, harassing critics’ family members based in China, censoring Chinese social media platforms which are popular among the diaspora, and leveraging China’s economic clout. In October, after a National Basketball Association (NBA) team manager tweeted his support for the Hong Kong protests, Chinese authorities canceled the broadcasts of NBA games in China and demanded the manager’s firing. The NBA did not fire him.

A number of governments increasingly called out China’s repression, particularly through interventions regarding Xinjiang at the United Nations. In response, China organized a coalition of notorious rights-violating states to rebut the allegations. The United States government sanctioned 28 Chinese entities over Xinjiang abuses. Few other governments moved beyond rhetorical condemnations of Beijing’s egregious human rights violations to take concrete actions.

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Human Rights Watch began in 1978 with the founding of its Europe and Central Asia division (then known as Helsinki Watch). Today it also includes divisions covering Africa, the Americas, Asia, Europe and Central Asia, the Middle East and North Africa, and the United States. There are thematic divisions or programs on arms; business and human rights; children’s rights; crisis and conflict; disability rights; the environment and human rights; international justice; lesbian, gay, bisexual, and transgender rights; refugee rights; and women’s rights.


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Foreword

World Report 2020 is Human Rights Watch’s 30th annual review of human rights practices around the globe. It summarizes key human rights issues in more than 100 countries and territories worldwide, drawing on events from late 2018 through November 2019.

In his keynote essay, Human Rights Watch Executive Director Kenneth Roth examines the increasingly dire threat to the global system for protecting human rights posed by the Chinese government under President Xi Jinping. Deepening and increasingly sophisticated domestic repression show that China’s leaders view human rights at home as an existential threat. That, in turn, has led Beijing to see international laws and institutions for the defense of human rights as an existential threat.

As a result, Chinese authorities seek to censor criticism of China overseas, mute attention to human rights in its global engagements, and weaken global rights mechanisms. At stake is a system of governance built on the belief that every person’s dignity deserves respect—that regardless of official interests, limits exist on what states can do to people.

Noting that global institutions are built in part “on the belief that every person’s dignity deserves respect, that regardless of the official interests at stake, there are limits to what states can do to people,” Roth concludes that China is not simply a new and emerging power finding its place, but a country that poses an existential threat to the international human rights system.

The rest of the volume consists of individual country entries, each of which identifies significant human rights abuses, examines the freedom of local human rights defenders to conduct their work, and surveys the response of key international actors, such as the United Nations, European Union, African Union, United States, China, and various regional and international organizations and institutions.

The book reflects extensive investigative work that Human Rights Watch staff undertook in 2019, usually in close partnership with human rights activists and groups in the country in question. It also reflects the work of our advocacy team, which monitors policy developments and strives to persuade governments and international institutions to curb abuses and promote human rights. Human Rights Watch publications, issued throughout the year, contain more detailed accounts of many of the issues addressed in the brief summaries in this volume. They can be found on the Human Rights Watch website, www.hrw.org.

As in past years, this report does not include a chapter on every country where Human Rights Watch works, nor does it discuss every issue of importance. The absence of a country or issue often simply reflects staffing or resource limitations and should not be taken as commentary on the significance of the problem. There are many serious human rights violations that Human Rights Watch simply lacks the capacity to address.

The factors we considered in determining the focus of our work in 2019 (and hence the content of this volume) include the number of people affected and the severity of abuse, access to the country and the availability of information about it, the susceptibility of abusive forces to influence, and the importance of addressing certain thematic concerns and of reinforcing the work of local rights organizations.

The World Report does not have separate chapters addressing our thematic work but instead incorporates such material directly into the country entries. Please consult the Human Rights Watch website for more detailed treatment of our work on children’s rights; women’s rights; arms and military issues; business and human rights; health and human rights; disability rights; the environment and human rights; international justice; terrorism and counterterrorism; refugees and displaced people; and lesbian, gay, bisexual, and transgender people’s rights; and for information about our international film festivals.

The book was edited by Danielle Haas, senior editor at Human Rights Watch, with assistance from Naimah Hakim, Program associate. Grace Cho, director of publications and information design, oversaw production of visual elements and layout.
China’s Global Threat to Human Rights

By Kenneth Roth, Executive Director, Human Rights Watch

It doesn’t matter where I am, or what passport I hold. [Chinese authorities] will terrorize me anywhere, and I have no way to fight that.
—Uyghur Muslim with European citizenship, Washington, September 2019

China’s government sees human rights as an existential threat. Its reaction could pose an existential threat to the rights of people worldwide.

At home, the Chinese Communist Party, worried that permitting political freedom would jeopardize its grasp on power, has constructed an Orwellian high-tech surveillance state and a sophisticated internet censorship system to monitor and suppress public criticism. Abroad, it uses its growing economic clout to silence critics and to carry out the most intense attack on the global system for enforcing human rights since that system began to emerge in the mid-20th century.

Beijing was long focused on building a “Great Firewall” to prevent the people of China from being exposed to any criticism of the government from abroad. Now the government is increasingly attacking the critics themselves, whether they represent a foreign government, are part of an overseas company or university, or join real or virtual avenues of public protest.

No other government is simultaneously detaining a million members of an ethnic minority for forced indoctrination and attacking anyone who dares to challenge its repression. And while other governments commit serious human rights violations, no other government flexes its political muscles with such vigor and determination to undermine the international human rights standards and institutions that could hold it to account.

If not challenged, Beijing’s actions portend a dystopian future in which no one is beyond the reach of Chinese censors, and an international human rights system so weakened that it no longer serves as a check on government repression.

To be sure, the Chinese government and Communist Party are not today’s only threats to human rights, as the Human Rights Watch World Report shows. In
many armed conflicts, such as in Syria and Yemen, warring parties blatantly disregard the international rules designed to spare civilians the hazards of war, from the ban on chemical weapons to the prohibition against bombing hospitals.

Elsewhere, autocratic populists gain office by demonizing minorities, and then retain power by attacking the checks and balances on their rule, such as independent journalists, judges, and activists. Some leaders, such as US President Donald Trump, Indian Prime Minister Narendra Modi, and Brazilian President Jair Bolsonaro, bridle at the same body of international human rights law that China undermines, galvanizing their publics by shadow boxing with the “globalists” who dare suggest that governments everywhere should be bound by the same standards.

Several governments that in their foreign policies once could be depended upon to defend human rights at least some of the time have largely abandoned the cause. Others, faced with their own domestic challenges, mount a haphazard defense.

Yet even against this disturbing backdrop, the Chinese government stands out for the reach and influence of its anti-rights efforts. The result for the human rights cause is a “perfect storm”—a powerful centralized state, a coterie of like-minded rulers, a void of leadership among countries that might have stood for human rights, and a disappointing collection of democracies willing to sell the rope that is strangling the system of rights that they purport to uphold.

Beijing’s Rationale

The motivation for Beijing’s attack on rights stems from the fragility of rule by repression rather than popular consent. Despite decades of impressive economic growth in China, driven by hundreds of millions of people finally emancipated to lift themselves out of poverty, the Chinese Communist Party is running scared of its own people.

Outwardly confident about its success in representing people across the country, the Chinese Communist Party is worried about the consequences of unfettered popular debate and political organization, and thus afraid to subject itself to popular scrutiny.

As a result, Beijing faces the uneasy task of managing a huge and complex economy without the public input and debate that political freedom allows. Knowing that in the absence of elections, the party’s legitimacy depends largely on a growing economy, Chinese leaders worry that slowing economic growth will increase demands from the public for more say in how it is governed. The government’s nationalist campaigns to promote the “China dream,” and its trumpeting of debatable anti-corruption efforts, do not change this underlying reality.

The consequence under President Xi Jinping is China’s most pervasive and brutal oppression in decades. What modest opening had existed briefly in recent years for people to express themselves on matters of public concern has been decisively closed. Civic groups have been shut down. Independent journalism is no more. Online conversation has been curtailed and replaced with orchestrated sycophancy. Ethnic and religious minorities face severe persecution. Small steps toward the rule of law have been replaced by the Communist Party’s traditional rule by law. Hong Kong’s limited freedoms, under “one country, two systems,” are being severely challenged.

Xi has emerged as the most powerful leader of China since Mao Zedong, building a shameless cult of personality, removing presidential term limits, promoting “Xi Jinping thought,” and advancing grandiose visions for a powerful, yet autocratic, nation. To ensure that it can continue to prioritize its own power over the needs and desires of the people of China, the Communist Party has mounted a determined assault on the political freedoms that might show the public to be anything but acquiescent to its rule.

The Unconstrained Surveillance State

More than any other government, Beijing has made technology central to its repression. A nightmarish system has already been built in Xinjiang, the northwestern region that is home both to some 13 million Muslims—Uyghurs, Kazakhs, and other Turkic minorities—and to the most intrusive public monitoring system the world has ever known. The Chinese Communist Party has long sought to monitor people for any sign of dissent, but the combination of growing economic means and technical capacity has led to an unprecedented regime of mass surveillance.
The ostensible purpose is to avoid recurrence of a handful of violent incidents several years ago by alleged separatists, but the venture far surpasses any perceptible security threat. One million officials and party cadre have been mobilized as uninvited “guests” to regularly “visit” and stay in the homes of some of these Muslim families to monitor them. Their job is to scrutinize and report “problems” such as people who pray or show other signs of active adherence to the Islamic faith, who contact family members abroad, or who display anything less than absolute fealty to the Communist Party.

This in-person surveillance is just the tip of the iceberg, the analog prelude to the digital show. Without regard to the internationally recognized right to privacy, the Chinese government has deployed video cameras throughout the region, combined them with facial-recognition technology, deployed mobile-phone apps to input data from officials’ observations as well as electronic checkpoints, and processed the resulting information through big-data analysis.

Data it collects are used to determine who is detained for “re-education.” In the largest case of arbitrary detention in decades, one million or more Turkic Muslims have been deprived of their freedom, placed in an indefinite detention of forced Indoctrination. The detentions have created countless “orphans”—children whose parents are in custody—who are now held in schools and state-run orphanages where they, too, are subjected to indoctrination. Children in regular Xinjiang schools may face similar ideological training.

The apparent aim is to strip Muslims of any adherence to their faith, ethnicity, or independent political views. Detainees’ ability to recapture their freedom depends on persuading their jailers that they are Mandarin-speaking, Islam-free worshipers of Xi and the Communist Party. This brazen endeavor reflects a totalitarian impulse to reengineer people’s thinking until they accept the supremacy of party rule.

The Chinese government is building similar systems of surveillance and behavior engineering throughout the country. Most notable is the “social credit system,” which the government vows will punish bad behavior, such as jaywalking and failure to pay court fees, and reward good conduct. People’s “trustworthiness”—as assessed by the government—determines their access to desirable social goods, such as the right to live in an attractive city, send one’s children to a private school, or travel by plane or high-speed train. For the time being, political criteria are not included in this system, but it would take little to add them.

Ominously, the surveillance state is exportable. Few governments have the capacity to deploy the human resources that China has devoted to Xinjiang, but the technology is becoming off-the-shelf, attractive to governments with weak privacy protections such as Kyrgyzstan, the Philippines, and Zimbabwe. Chinese companies are not the only ones selling these abusive systems—others include companies from Germany, Israel, and the United Kingdom—but China’s affordable packages make them attractive to governments that want to emulate its surveillance model.

**China’s Template for Prosperous Dictatorship**

Many autocrats look with envy at China’s seductive mix of successful economic development, rapid modernization, and a seemingly firm grip on political power. Far from being spurned as a global pariah, the Chinese government is courted the world over, its unelected president receiving red-carpet treatment wherever he goes, and the country hosting prestigious events, such as the 2022 Winter Olympics. The aim is to portray China as open, welcoming, and powerful, even as it descends into ever more ruthless autocratic rule.

The conventional wisdom once held that as China grew economically, it would build a middle class that would demand its rights. That led to the convenient fiction that there was no need to press Beijing about its repression; it was sufficient to trade with it.

Few today believe that self-serving rationale, but most governments have found new ways to justify the status quo. They continue to prioritize economic opportunities in China but without the pretense of a strategy for improving respect for the rights of the people there.

In fact, the Chinese Communist Party has shown that economic growth can reinforce a dictatorship by giving it the means to enforce its rule—to spend what it takes to maintain power, from the legions of security officials it employs to the censorship regime it maintains and the pervasive surveillance state it constructs. Those vast resources buttressing autocratic rule negate the ability of people across China to have any say in how they are governed.
These developments are music to the ears of the world’s dictators. Their rule, they would have us believe with China in mind, can also lead to prosperity without the nettlesome intervention of free debate or contested elections. Never mind that the history of unaccountable governments is littered with economic devastation.

For every Lee Kwan Yew, the late Singaporean leader who is often mentioned by proponents of autocratic rule, there are many more—Robert Mugabe of Zimbabwe, Nicolas Maduro of Venezuela, Abdel Fattah al-Sisi of Egypt, Omar al-Bashir of Sudan, or Teodoro Obiang Nguema Mbasogo of Equatorial Guinea—who led their country to ruin. Unaccountable governments tend to put their own interests above their people’s. They prioritize their power, their families, and their cronies. The frequent result is neglect, stagnation, and persistent poverty, if not hyperinflation, public health crises, and economic debacle.

Even in China, an unaccountable system of government allows no voice to those left out of China’s growing economy. Officials boast of the country’s economic progress, but they censor information about its widening income inequality, discriminatory access to public benefits, selective corruption prosecutions, and the one in five children left behind in rural areas as their parents seek work in other parts of the country. They hide the forced demolitions and displacements, the injuries and deaths that accompany some of the country’s massive infrastructure projects, and the permanent disabilities resulting from unsafe and unregulated food and drugs. They even deliberately underestimate the number of people with disabilities.

Moreover, one need not go back far in China’s history to encounter the enormous human toll of unaccountable government. The same Chinese Communist Party that today proclaims a Chinese miracle only recently imposed the devastation of the Cultural Revolution and the Great Leap Forward, with deaths numbering in the tens of millions.

**China’s Campaign Against Global Norms**

To avoid global backlash for crushing human rights at home, the Chinese government is trying to undermine the international institutions that are designed to protect them. Chinese authorities have long pushed back against foreign concern for human rights as an infringement on its sovereignty, but these efforts were comparatively modest. Now China intimidates other governments, insisting that they applaud it in international forums and join its attacks on the international human rights system.

Beijing seems to be methodically building a network of cheerleader states that depend on its aid or business. Those who cross it risk retaliation, such as the threats to Sweden after an independent Swedish group gave an award to a Hong Kong-based publisher (and Swedish citizen) whom the Chinese government had arrested and forcibly disappeared after he printed books critical of the Chinese government.

Beijing’s approach puts it at odds with the very purpose of international human rights. Where others see people facing persecution whose rights need defending, China’s rulers see a potential precedent of rights enforcement that could return to haunt them. Using its voice, its influence, and sometimes its Security Council veto, the Chinese government seeks to block United Nations measures to protect some of the world’s most persecuted people, turning its back on the Syrian civilians facing indiscriminate airstrikes by Russian and Syrian planes; the Rohingya Muslims ethnically cleansed from their homes by the Myanmar army’s murder, rape and arson; Yemeni civilians under bombardment and blockade by the Saudi-led coalition; and the Venezuelan people suffering economic devastation due to the corrupt mismanagement of Nicolas Maduro. In all of these cases, Beijing would rather leave the victims to their fate than generate a model of defending rights that might boomerang on its own repressive rule.

Beijing’s methods often have a certain subtlety. The Chinese government adopts international human rights treaties but then tries to reinterpret them or to undermine their enforcement. It has become skilled at appearing to cooperate with UN reviews of its rights record while sparing no effort to thwart honest discussion. It prevents domestic critics from traveling abroad, denies key international experts access to the country, organizes its allies—many of them notoriously repressive themselves—to sing its praises, and often presents blatantly dishonest information.

Even when it comes to economic rights, Beijing wants no independent assessment of its progress because that would require examining not its preferred indicator—the growth in gross domestic product—but measures such as how the least favored in China are faring, including persecuted minorities and those left...
tries to challenge China frontally. This fear underpins the impunity that China has come to enjoy in international circles despite the sweeping nature of its abuses. Other governments were all too happy to embrace Beijing. In response to these two instances of collective criticism, the Chinese government organized its own joint statements of support, which shamelessly applauded its “counter-terrorism and de-radicalization measures in Xinjiang” that have led to a “stronger sense of happiness, fulfillment, and security.” Up to 54 governments signed on, including such notorious human rights violators as Russia, Syria, North Korea, Myanmar, Belarus, Venezuela, and Saudi Arabia. This gallery of repressive governments may have little credibility, yet their sheer numbers illustrate the uphill battle faced by the few countries willing to confront China on human rights.

One would have hoped that the Organization of Islamic Cooperation (OIC)—the group of 57 mostly Muslim-majority nations—would come to the defense of the persecuted Muslims of Xinjiang, as they did for the Rohingya Muslims ethnically cleansed by the Myanmar military. Instead, the OIC issued a fawning panegyric, commending China for “providing care to its Muslim citizens.” Pakistan—despite its role as OIC coordinator and its corresponding responsibility to speak out against abuses faced by Muslims—has championed such efforts. Notably, however, OIC members Turkey and Albania have supported the call for an independent UN assessment in Xinjiang, while Qatar withdrew from China’s counterstatement. In total, about half of the OIC member states declined to sign on to China’s attempts to whitewash its record in Xinjiang—an important first step, but hardly sufficient in the face of such massive abuses.

OIC members and other states disinclined to challenge Beijing also participated in the propaganda tours of Xinjiang that the Chinese government organized to address criticism of its detention of Muslims. Mounting a Great Wall of Disinformation, Chinese authorities absurdly claimed that this mass deprivation of liberty was an exercise in “vocational training.” They then arranged for delegations of diplomats and journalists to visit some of those in “training.” What little opportunity there was to speak freely with the Muslim inmates quickly punctured the cover story. The staged exhibition was often so preposterous as to be self-refuting, as when a group of inmates was forced to sing, in English, the children’s song “If you’re happy and you know it, clap your hands!”

The Enablers

Although China is the driving force behind this global assault on human rights, it has willing accomplices. They include a collection of dictators, autocrats, and monarchs who themselves have an abiding interest in undermining the human rights system that might hold them to account. They also include governments, as well as companies and even academic institutions, that are ostensibly committed to human rights but prioritize access to China’s wealth.

To make matters worse, several countries that once often could have been counted on to defend human rights have been missing in action. US President Trump has been more interested in embracing friendly autocrats than defending the human rights standards that they flout. The European Union, diverted by Brexit, obstructed by nationalist member states, and divided over migration, has found it difficult to adopt a strong common voice on human rights. Even as people have taken to the streets for human rights, democracy, and the rule of law in Algeria, Sudan, Lebanon, Iraq, Bolivia, Russia, and Hong Kong in an impressive wave of global protests, democratic governments have often responded with lukewarm and selective support. This inconsistency makes it easier for China to claim that concerns expressed about its human rights record are a matter of politics rather than principle.

There have been rare exceptions to this acquiescence to China’s oppression. In July, at the UN Human Rights Council, 25 governments joined together for the first time in such numbers to express concern about the extraordinary crackdown in Xinjiang. Remarkably, fearing the wrath of the Chinese government, none was willing to read the statement aloud to the council, as is customary. Instead, finding safety in numbers, the group simply submitted the joint statement in writing. That changed in October at the UN General Assembly when the United Kingdom read aloud a parallel statement from a similar coalition of governments, but the initial hesitation shows the great reluctance of even the most committed coun-

behind in rural areas. And it certainly wants no independent evaluation of civil and political rights, because respect for them would create a system of accountability—to civic activists, independent journalists, political parties, independent judges, and free and fair elections—that it is determined to avoid.

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tries to challenge China frontally. This fear underpins the impunity that China has come to enjoy in international circles despite the sweeping nature of its abuses. Other governments were all too happy to embrace Beijing. In response to these two instances of collective criticism, the Chinese government organized its own joint statements of support, which shamelessly applauded its “counter-terrorism and de-radicalization measures in Xinjiang” that have led to a “stronger sense of happiness, fulfillment, and security.” Up to 54 governments signed on, including such notorious human rights violators as Russia, Syria, North Korea, Myanmar, Belarus, Venezuela, and Saudi Arabia. This gallery of repressive governments may have little credibility, yet their sheer numbers illustrate the uphill battle faced by the few countries willing to confront China on human rights.

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The point of these show tours was not to be convincing; it was to give governments an excuse not to criticize Beijing. They were a fig leaf to hide behind, an alibi for indifference.

World leaders who visited China, including those who see themselves as human rights champions, have not performed significantly better. For example, French President Emanuel Macron visited China in November 2019 but made no public mention of human rights. Visiting leaders have typically excused such public silence by insisting that they raise human rights with Chinese officials in private discussions. But little if any evidence exists that this behind-the-scenes approach does any good.

Quiet diplomacy alone does nothing to shame a government that seeks acceptance as a legitimate and respected member of the international community. Instead, the photo-ops of smiling officials combined with the public silence on human rights signal to the world—and, most important, the people of China, who are the ultimate agents of change—that the VIP visitor is indifferent to Beijing’s repression.

The Elements of China’s Power

Chinese authorities orchestrate their attacks on human rights criticism in part through the centralized deployment of their economic clout. No Chinese business can afford to ignore the dictates of the Communist Party, so when word comes down to punish a country for its criticism of Beijing—for example, by not purchasing its goods—the company has no choice but to comply. The result is that any non-Chinese government or company seeking to do business with China, if it publicly opposes Beijing’s repression, faces not a series of individual Chinese companies’ decisions about how to respond but a single central command, with access to the entire Chinese market—16 percent of the world economy—at stake. For example, after the Houston Rockets general manager irked the Chinese government by tweeting his support for Hong Kong’s pro-democracy protesters, all of the National Basketball Association’s 11 official Chinese business partners—including a travel website, a milk producer, and a fast-food chain—suspended ties with the league.

The Trump administration is one government that has been willing to stand up to China, best evidenced by its October 2019 imposition of sanctions on the Xinjiang Public Security Bureau and eight Chinese technology companies for their complicity in human rights violations. But strong rhetoric from US officials condemning human rights violations in China is often undercut by Trump’s praise of Xi Jinping and other friendly autocrats, such as Russia’s Vladimir Putin, Turkey’s Recep Tayyip Erdoğan, Egypt’s Abdel Fattah al-Sisi, and Saudi Arabia’s Muhammad bin Salman, not to mention the Trump administration’s own rights-violating domestic policies such as its cruel and illegal forced separation of children from their parents at the US-Mexican border.

This inconsistency makes it easier for Beijing to discount Washington’s human rights criticisms. Moreover, the Trump administration’s misguided withdrawal from the UN Human Rights Council because of concerns for Israel has paved the way for the Chinese government to exert greater influence over this central institution for the defense of rights.

An important instrument of China’s influence has been Xi’s “Belt and Road Initiative” (BRI)—a trillion-dollar infrastructure and investment program that facilitates Chinese access to markets and natural resources across 70 countries. Aided by the frequent absence of alternative investors, the BRI has secured the Chinese government considerable good will among developing countries, even though Beijing has been able to foist many of the costs onto the countries that it purports to help.

China’s methods of operation often have the effect of bolstering authoritarianism in “beneficiary” countries. BRI projects—known for their “no strings” loans—largely ignore human rights and environmental standards. They allow little if any input from people who might be harmed. Some are negotiated in backroom deals that are prone to corruption. At times they benefit and entrench ruling elites while burying the people of the country under mountains of debt.

Some BRI projects are notorious: Sri Lanka’s Hambantota port, which China repossessed for 99 years when debt repayment became impossible, or the loan to build Kenya’s Mombasa-Nairobi railroad, which the government is trying to repay by forcing cargo transporters to use it despite cheaper alternatives. Some governments—including those of Bangladesh, Malaysia, Myanmar, Pakistan, and Sierra Leone—have begun backing away from BRI projects because they do not look economically sensible. In most cases, the struggling debtor is eager to stay in Beijing’s good graces.
unwilling to publicly demand an end to China’s mass detention of Turkic Muslims, while heaping praise on Beijing’s economic prowess and the BRI.

At the UN Human Rights Council, China routinely opposes virtually every human rights initiative that criticizes a particular country unless it is watered down enough to secure that government’s consent. In recent years, China has opposed resolutions condemning human rights violations in Myanmar, Syria, Iran, the Philippines, Burundi, Venezuela, Nicaragua, Yemen, Eritrea, and Belarus. China also seeks to distort the international rights framework by suggesting that economic progress should precede the need to respect rights and by urging “win-win cooperation” (subsequently renamed “mutually beneficial cooperation”), which frames rights as a question of voluntary cooperation rather than legal obligation.

When China’s human rights record came up for a routine review in 2018 and 2019 at the Human Rights Council, Chinese officials threatened critical delegations while encouraging allies to heap praise. Beijing also flooded the speakers list reserved for civil society organizations with government-sponsored groups tasked with lauding its record. Meanwhile, its diplomats gave blatantly false information to the reviewing body, threatened delegations with consequences if they attended a panel discussion of abuses in Xinjiang, and sought to prevent an independent group focused on Xinjiang from speaking at the council. To top it off, Chinese authorities mounted a large photo display outside UN meeting rooms depicting Uyghurs as happy and grateful to them.

At UN headquarters in New York, a major Chinese government priority has been to avoid discussion of its conduct in Xinjiang. Often working in tandem with Russia, China also has taken an increasingly regressive approach to any action on human rights in the Security Council, where it has veto power. For example, Beijing has been clear that it will not tolerate pressure on Myanmar, despite a UN fact-finding mission’s conclusion that Myanmar’s top military leaders should be investigated and prosecuted for genocide. Along with Russia, China opposed—though unsuccessfully—the Security Council even discussing Venezuela’s humanitarian crisis. In September, as 3 million civilians faced indiscriminate bombing by Russian and Syrian jets, China joined Russia to veto a Security Council demand for a truce.

Subversion of the United Nations

We thought this institution could protect our rights when the government violates them. But it is no different.

—A Chinese human rights defender about the UN, Geneva, June 2016

The Chinese government, allergic to foreign pressure about its domestic human rights problems, does not think twice about twisting arms to protect its image in international forums. Because a central purpose of the United Nations is to promote universal human rights, the UN has been a key target. The pressure has been felt all the way to the top. UN Secretary-General Antonio Guterres has been
Global Censorship

We self-police ourselves.... Everybody [who participates in the student salon] is scared. Just this fear, I think creating the fear, it actually works.
—University student, Vancouver, June 2018

In addition to longstanding practices such as censoring access to foreign media, limiting funding from overseas sources to domestic civil society groups, and denying visas to scholars and others, Beijing has taken full advantage of the corporate quest for profit to extend its censorship to critics abroad. In recent years, a disturbing parade of companies have given in to Beijing for their perceived offenses or for criticism of China by their employees.

Hong Kong-based Cathay Pacific airlines threatened to fire employees in Hong Kong who supported or participated in the 2019 pro-democracy protests there. Volkswagen’s chief executive, Herbert Diess, told the BBC he was "not aware" of reports about detention camps holding thousands of Muslims in Xinjiang, even though Volkswagen has had a plant there since 2012. Marriott fired a social media manager for "liking" a tweet praising the company for calling Tibet a country, and vowed "to ensure errors like this don't happen again." The accounting giant PwC disowned a statement published in a Hong Kong newspaper supporting the pro-democracy protests said to have been placed by employees of the Big Four accounting firms. Hollywood is increasingly censoring its films for Beijing’s sensibilities, such as the digital removal of a Taiwan flag from Tom Cruise’s bomber jacket in the recent sequel to the 1986 movie “Top Gun.”

This list is telling. First, it demonstrates how small and insignificant the perceived slights are that incur the wrath of various voices in China. Even though the Great Firewall prevents most people in China from learning of criticism abroad, and even though the Chinese Communist Party devotes enormous resources to censoring social media at home and spreading its propaganda there, powerful actors in China still bristle at foreign criticism. With that sensitivity in mind, companies seeking to do business with China often silence themselves and their employees even without an edict from Beijing.

Second, it shows that Chinese censorship is becoming a global threat. It is bad enough for companies to abide by censorship restrictions when operating inside China. It is much worse to impose that censorship on their employees and customers around the world. One can no longer pretend that China’s suppression of independent voices stops at its borders.

Free-speech problems are also cropping up at universities worldwide. The goal of maintaining the flow of students from China, who often pay full tuition, can easily become an excuse for universities to avoid uncomfortable subjects. In Australia, Canada, the United Kingdom, and the United States, some pro-Beijing students have sought to shut down campus discussions about human rights abuses in Hong Kong, Xinjiang, or Tibet. In other cases, students from China who want to join campus debates on ideas that would be taboo at home feel they cannot for fear of being reported to Chinese authorities. Universities have done little publicly in such cases to assert the rights of free speech.

That tendency is only compounded by Beijing’s deliberate effort to enlist Chinese citizens abroad to propagote its views and to monitor each other and report any criticism of Xi Jinping’s rule. For example, staff at the Chinese embassy in Washington met with and praised a group of students for censuring a Chinese student at the University of Maryland for criticizing the Chinese government in a commencement speech.

Chinese authorities also routinely threaten relatives in China of dissidents abroad to silence their criticisms. A technology consultant in Vancouver said: “If I criticize the [Chinese Communist Party] publicly, my parents’ retirement benefits, their health insurance benefits could all be taken away.” A Toronto-based journalist for a Chinese-language newspaper whose parents in China were harassed for her work said, “I don’t feel there is free speech here. I can’t report freely.”

Censorship is also a threat as Chinese technology extends overseas. WeChat, a social-media platform combined with a messaging app widely used by Chinese people at home and abroad, censors political messages and suspends users’ accounts on political grounds even if they are based outside China.
**Rising to the Challenge**

An extraordinary threat requires a commensurate response—and much still can be done to defend human rights worldwide from Beijing’s frontal attack. Despite the Chinese government’s power and hostility to human rights, its ascent as a global threat to rights is not unstoppable. Rising to this challenge demands a radical break from the dominant complacency and business-as-usual approach. It calls for an unprecedented response from those who still believe in a world order in which human rights matter.

Governments, companies, universities, international institutions, and others should stand with those in and from China who are struggling to secure their rights. As a first principle, no one should equate the Chinese government with the people of China. That blames an entire people for the abuses of a government that they had no say in choosing. Instead, governments should support critical voices in China and publicly insist that, in the absence of genuine elections, Beijing does not represent the people there.

Just as governments have stopped promoting the convenient fiction that trade alone promotes human rights in China, so they should abandon the reassuring—but-false view that quiet diplomacy suffices. The question to ask of dignitaries visiting Beijing who claim to discuss China’s human rights record is whether the people of China—the main engine of change—can hear them. Do those people feel emboldened or disillusioned by the visit? Do they hear a voice of sympathy and concern or see only a photo-op at the signing of more commercial contracts? By regularly and publicly calling out Beijing for its repression, governments should raise the cost of that abuse while emboldening the victims.

The Chinese model of repressive economic growth can be refuted by highlighting the risks of unaccountable rule, from the millions left behind in China to the devastation caused by the likes of Mugabe of Zimbabwe or Maduro of Venezuela. Calling attention to how dictators around the world claim to serve their people while in fact serving themselves accomplishes much the same purpose.

Governments and international financial institutions should offer compelling, rights-respecting alternatives to China’s “no strings” loans and development aid. They should leverage their membership in such organizations as the Asian Infrastructure Investment Bank to push for the highest human rights standards in development rather than to enable a global race to the bottom.

Governments committed to human rights should be sensitive to the double standards of “China exceptionalism” that can creep into their conduct and enable Beijing to get away with abuses for which poorer and less powerful governments would be challenged. If they seek to hold Myanmar officials accountable for their abusive treatment of Muslims, why not Chinese officials? If they are attentive to Saudi or Russian efforts to buy legitimacy, why not similar Chinese efforts? If they encourage debates about human rights violations by Israel, Egypt, Saudi Arabia, or Venezuela, why not by China? They rightly challenged the Trump administration’s appalling separation of children from their parents on the US-Mexico border, so why not also challenge the Chinese government’s separation of children from their parents in Xinjiang?

Governments should deliberately counter China’s divide-and-conquer strategy for securing silence about its oppression. If every government alone faces a choice between seeking Chinese economic opportunities and speaking out against Chinese repression, many will opt for silence. But if governments band together to address China’s flouting of human rights, the power balance shifts. For example, if the Organization of Islamic Cooperation were to protest against the Chinese government’s repression of Turkic Muslims in Xinjiang, Beijing would need to retaliate against 57 countries. The Chinese economy cannot take on the whole world.

By the same token, companies and universities should draft and promote codes of conduct for dealing with China. Strong common standards would make it more difficult for Beijing to ostracize those who stand up for basic rights and freedoms. These standards would also make matters of principle a more important element of the institutions’ public images. Consumers would be better placed to insist that these institutions not succumb to Chinese censorship as the price to obtain Chinese business, and that they should never benefit from or contribute to Chinese abuses. Governments should tightly regulate the technology that empowers China’s mass surveillance and repression—and bolster privacy protections to check the spread of such surveillance systems.

Universities in particular should provide a space where students and scholars from China can learn about and criticize the Chinese government without fear of
Unless we want to return to an era in which people are pawns to be manipulated or discarded according to the whims of their overlords, the Chinese government’s attack on the international human rights system must be resisted. Now is the time to take a stand. Decades of progress on human rights are at stake.

Being monitored or reported. And they should never tolerate Beijing curtailing the academic freedom of any of their students or scholars.

Beyond issuing statements, governments that are committed to human rights should redouble cross-regional outreach efforts with a view to presenting a resolution at the UN Human Rights Council establishing a fact-finding mission, so the world can know what is happening in Xinjiang. These states should also force a discussion of Xinjiang at the UN Security Council so Chinese officials understand that they will have to answer for their actions.

More fundamentally, UN member states and senior officials should defend the United Nations as an independent voice on human rights. For example, until a UN fact-finding mission is created, reporting by the UN high commissioner for human rights as well as the Human Rights Council’s experts is crucial. If China succeeds in leaving the UN toothless on human rights, all will suffer.

Governments committed to human rights should also stop treating China as a respectable partner. The red-carpet treatment for Chinese officials should be conditioned on real progress on human rights. A state visit should come with a public demand to give UN investigators independent access to Xinjiang. Chinese officials should be made to feel that they will never gain the respectability they crave so long as they persecute their people.

At a more targeted level, Chinese officials directly involved in the mass detention of Uighurs should become persona non grata. Their foreign bank accounts should be frozen. They should fear prosecution for their crimes. And the Chinese companies that build and help run the detention camps in Xinjiang, and any company that exploits the labor of prisoners or provides the surveillance infrastructure and big data processing, should be exposed and pressured to stop.

Finally, the world should recognize that Xi Jinping’s lofty rhetoric about establishing a “community of shared future for mankind” is really a threat—a vision of rights worldwide as defined and tolerated by Beijing. It is time to acknowledge that the Chinese government seeks to repudiate and reshape an international human rights system built on the belief that every person’s dignity deserves respect—that regardless of the official interests at stake, limits exist on what states can do to people.
AFGHANISTAN:
LITTLE HELP FOR
CONFLICT-LINKED TRAUMA
Government, Donors Should Expand Mental Health Programs
Algeria

Algeria in 2019 experienced the largest and most sustained anti-government demonstrations since gaining independence in 1962. Beginning February 22, Algerians flooded the streets every Friday in the capital Algiers and elsewhere, first to protest the re-election bid of their four-term president, Abdelaziz Bouteflika, who has appeared publicly only rarely since suffering a debilitating stroke in 2013; then, after his resignation on April 2, to demand a transition to more democratic governance.

After Bouteflika’s resignation, Senate President Abdelkader Bensalah became acting president while Gen. Ahmed Gaid Salah, the army chief of staff and deputy defense minister, wielded effective power. Gaid Salah set a new presidential election for July 4, later postponed until December 12.

In response to continuing protests, authorities dispersed peaceful demonstrations, arbitrarily detained protesters, blocked meetings organized by political and human rights groups, and imprisoned critics.

Freedom of Assembly

While large anti-government street protests occurred weekly, police forces deployed massively in the capital’s downtown streets and squares and at checkpoints, effectively limiting the number of people who could reach the marches, and then tightly controlling those who did. Authorities arrested hundreds of peaceful protesters, releasing most without charge after a few hours but prosecuting and imprisoning dozens.

Authorities arrested and charged 86 persons between June and October according to the National Committee of the Release of Detainees. All were accused of “harming the integrity of the national territory,” including for carrying the flag symbolizing the country’s Kabyle, or Berber, population. This charge can result in a sentence of up to 10 years in prison, under penal code Article 79. As of October, six had been tried and acquitted, one was freed pending trial, and 79 remained in prison awaiting trial.

Freedom of Speech

On February 7, human rights activist Hadj Ghermoul, 37, was sentenced to six months in prison for “offending a state institution” after he posted a picture of himself carrying a sign near the northwestern city of Mascara expressing opposition to a fifth mandate for President Bouteflika. Local authorities said he was arrested while drunk and insulting police forces.

On July 9, a first instance court near Algiers sentenced Mouaffak Serdouk, a 40-year-old supporter of Algeria’s football team, to a year in prison for “publicly displaying a paper that can harm the national interest.” He had stood near a stadium in Cairo where the Algerian team was playing, carrying a sign demanding the departure of those who hold power in Algeria, before being deported to Algeria, where he was prosecuted and sentenced.

On June 30, police arrested 87-year-old Lakhdar Bouregaa, a prominent veteran of Algeria’s independence war, at his home in Algiers. The arrest came four days after he said at a public meeting, later broadcast on YouTube, that Algeria’s army is a collection of “militias.” An investigative judge opened an investigation for “weakening the morale of the army,” a charge that could lead to a prison sentence of up to 10 years.

On September 11, authorities arrested Karim Tabbou, spokesperson of the Democratic and Social Union (UDS) opposition party, in front of his house in Douira, and charged him with “participating in undermining the morale of the army” after he publicly criticized Gaid Salah. Authorities released Tabbou on September 25, then rearrested him the next morning. On October 2, an investigating judge in Algiers opened an investigation based on him “inciting violence” and “harming national unity by publishing statements and videos on social media.” If convicted, he faces prison and a deprivation of his civil rights, including the right to run for office.

On September 25, a military court in Blida sentenced Louisa Hanoune, leader of the Labour Party, to 15 years in prison for “harming the authority of the army” and “conspiracy against the authority of the state.” She was prosecuted alongside Said Bouteflika, the ex-president’s brother, and Gen. Mohamed “Tewfik” Mediene, former head of Algeria’s most powerful intelligence service. International human rights standard prohibits the trial of civilians before military courts.
Algerian authorities reportedly expelled almost 5,000 people during the first half of 2019, most of them Nigerian.

**Women’s Rights and Sexual Orientation**

While Algeria’s 2015 law on domestic violence criminalized some forms of domestic violence, it contained loopholes that allow convictions to be dropped or sentences reduced if victims pardoned their perpetrators. The law also did not set out any further measures to prevent abuse or protect survivors. Article 326 of the penal code allows a person who abducts a minor to escape prosecution if he marries his victim.

Algeria’s Family Code allows men to have a unilateral divorce without explanation but requires women to apply to courts for a divorce on specified grounds. Same-sex relations are punishable under article 338 of the penal code by up to two years in prison.

**Measures against International Human Rights Organizations and Media**

Authorities deported a Human Rights Watch official, Ahmed Benchemsi, on August 19. They held Benchemsi’s passports for 10 days after arresting him on August 9 near a demonstration in Algiers and holding him for 10 hours. They confiscated his cellphone and laptop computer, which they returned when deporting him. Benchemsi was visiting Algeria to observe human rights conditions.

Authorities expelled several international journalists covering protests. Tarek Amara, a Reuters journalist and Tunisian national, was expelled on March 31, after being detained for reporting on a March 29 protest against Bouteflika. Aymeric Vincenot, AFP bureau chief, was forced to leave the country on April 9, after authorities declined to renew his accreditation.

**Polisario-Run Sahrawi Refugee Camps**

The Polisario Front government-in-exile that administers the camps in Algeria’s southern desert for refugees from Western Sahara detained three critics on suspicion of treason, acts of aggression against the Sahrawi State, and incitement...
Angola

In 2019, Angola made some progress in respecting the rights to freedom of expression and peaceful assembly, allowing several protests and marches to take place across the country. But the crackdown on peaceful protesters and activists in the oil-rich enclave of Cabinda and the diamond-rich Lunda Norte continued.

In January, parliament approved a new law that limits the right to freedom of religion, leading to the closure of thousands of places of worship. Same-sex conduct was decriminalized in January, following the approval, by parliament, of the new penal code.

Crackdown on Cabinda Activists

Crackdown on peaceful protesters and activists in the Cabinda enclave continued in 2019. Between January 28 and February 1, 2019, police arrested 63 Cabinda pro-independence activists ahead of an announced protest to celebrate the anniversary of the signing of the 1885 treaty that gave Cabinda the status of a protectorate of former colonial power Portugal. Many of the activists were members of the Movimento Independista de Cabinda (Independence Movement of Cabinda), a peaceful separatist group that wants independence or autonomy from Angola.

In March, police arrested 10 more activists who had gathered in a square in Cabinda city, to demand the release of fellow activists. Also in March, after visiting the province, members of the main opposition party, the National Union for the Total Independence of Angola (UNITA), accused Cabinda authorities of intimidating and repressing residents of the province.

Human Rights Abuses in Lunda Norte

Authorities violated the rights of residents and artisanal miners in Lunda Norte province. In April, police fired live bullets killing a boy and injuring three people, during a protest that took place after an artisanal miner was shot dead by an alleged private security agent in one of the diamond mines in Calonda. In March, Angola’s leading human rights group, Associacao Justica, Paz e Democracia (AJPD) and community leaders accused authorities of arbitrarily limiting the movements of people in areas near the diamond fields, forcing local residents to
abandon their farms for lack of access to their land. In some cases, according to community leaders, private security forces guarding the diamond mines beat and ill-treated residents who were caught trespassing in the diamond fields. In February, police killed a community leader, when a group of Capenda Camulenda residents were protesting against the concession of farming land to a diamond company.

**Right to Peaceful Assembly**

Despite some progress in respecting the rights to freedom of expression and peaceful assembly, the Angolan police intimidated and arbitrarily arrested activists for planning protests. In September, police arrested 23 people in Luena city during a peaceful protest against the administration of the governor of the Moxico province, ahead of a visit of President Joao Lourenco.

In May, police jailed activist Hitler “Samussuku” Tshikonde for 72 hours without charge or access to a lawyer. He was informed that that he was under investigation for allegedly “insulting the president” in a video that he had posted on social media.

In July, police detained seven people who were peacefully protesting against lack of water supply in Benguela province.

In August, police used tear gas and dogs to disperse a group that had gathered without authorization in front of the Parliament building to demand that next year’s municipal elections take place in every Angolan city.

**Housing Rights**

Hundreds of families who were forcibly evicted from their houses without the necessary procedural guarantees, or the provision of alternative housing or adequate compensation, continued to await resettlement. In August, some residents of an informal settlement of “Areia Branca” in Luanda, told Human Rights Watch that they were living in dangerous conditions and subject to infectious diseases after they were illegally evicted in 2013 by a company contracted by the office of Luanda’s governor to modernize the city. Over 400 families were set to be relocated to another neighborhood following the demolitions. Human Rights Watch confirmed that new houses were allocated to only 18 families, but without title deed or any other documents giving them ownership of the properties.

**Sexual Orientation and Gender Identity**

In January, Angola decriminalized same-sex conduct, after repealing the “vices against nature” provision in its law, widely interpreted to be a ban on homosexual conduct. The government also prohibited discrimination against people based on sexual orientation. Anyone refusing to employ or provide services to individuals based on their sexual orientation may face up to two years’ imprisonment.

The changes came as Angola’s parliament adopted its first new penal code since gaining independence from Portugal in 1975. While there have been no known prosecutions under the old penal code, such provisions curtail the rights and freedoms of lesbian, gay, bisexual, and transgender (LGBT) people, subjecting their intimate lives to unwarranted scrutiny.

**Landmine Accidents**

Almost 17 years after the end of Angola’s civil war, landmines and other explosive remnants of war continued to kill and maim people, especially children. In June, five children were seriously injured by a landmine while hunting near Balombo, Benguela province. A month earlier, nine children aged 3 to 11 were injured after they detonated a landmine as they lighted a fire to warm themselves in the compound of their home in Cuito, Bie province.

In September, Britain’s Prince Harry visited the country as part of a tour of southern Africa. In Angola, he witnessed the work of the HALO Trust demining project in Huambo province, where his late mother Princess Diana was photographed in 1997 walking into a minefield as part of her efforts to generate concern to clear landmines from Angola. According to the government, at least 1,220 areas of Angola are still contaminated by landmines, against 2,700 in 2007. The most affected provinces are Cuando Cubango, Moxico, Cuanza Sul and Bie.

**Freedom of Religion**

A new law that limits the right to freedom of religion was approved by parliament in January. The Law on Freedom of Religion, Belief and Worship stipulates that religious groups must have at least 100,000 members to be officially recognized. In May, the government announced that as part of Rescue Operation, which
Argentina

Longstanding human rights problems in Argentina include police abuse, poor prison conditions, and endemic violence against women. Restrictions on abortion and difficulty accessing reproductive services remain serious concerns, as are impunity for the 1994 bombing of the AMIA Jewish center in Buenos Aires and delays in appointing permanent judges.

Argentina continues to make significant progress protecting lesbian, gay, bisexual, and transgender (LGBT) rights and prosecuting officials for abuses committed during the country’s last military dictatorship (1976-1983), although trials have been delayed.

In October, Alberto Fernández was elected president of Argentina. He took office in December.

Confronting Past Abuses

Pardons and amnesty laws shielding former officials implicated in the dictatorship’s crimes were annulled by the Supreme Court and federal judges in the early 2000s. As of March 2019, the Attorney General’s Office reported 3,161 people charged, 901 convicted, and 142 acquitted. Of 611 cases alleging crimes against humanity, judges had issued rulings in 221.

As of September 2019, 130 people illegally taken from their parents as children during the dictatorship had been identified and many were reunited with their families.

Also in August, United States Secretary of State Michael Pompeo welcomed the reforms President João Lourenço has implemented since taking office in 2017. In March, the US deputy assistant secretary in the Bureau of Democracy, Human Rights and Labor, Scott Busby, pledged to support the government to enhance mechanisms of accountability for human rights abuses.

In October, the European Union welcomed Angola’s ratification of three international human rights treaties: the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of All Forms of Racial Discrimination.

Key International Actors

In 2009, Angola took over the leadership of two important defense roles in regional bodies, the Southern African Development Community (SADC) Defense Inspection and the African Union Peace and Security Council. Both bodies are tasked with promoting security, peace and stability. Their mandate also includes conflict prevention and undertaking peace-building missions in member states.

In August 2019, Angola mediated a summit that culminated with the leaders of Uganda and Rwanda agreeing to reopen the border between the two countries, ending months of tensions that raised fears of armed hostilities.

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taken “disobedient” detainees to isolation cells without following established sanction procedures. Security forces have detained children and subjected them to abuse.

The National Penitentiary Office, tasked with supervising federal prisons and protecting detainees’ rights, reported 558 alleged cases of torture or ill-treatment in federal prisons in 2018 and 232 cases from January through June 2019. Official statistics show that more than half of the 14,400 detainees in federal prisons have not been convicted of a crime but are awaiting trial.

Security forces occasionally employ excessive force. In December 2018, the Argentine Security Ministry approved a resolution regarding the use of firearms by members of federal security forces that grants federal agents overly broad discretion to use firearms.

**Freedom of Expression**

In June, a federal court in Buenos Aires summoned Daniel Santoro, an investigative journalist from Clarin newspaper, to appear before the court regarding his alleged participation in a scheme to extort people by threatening them with negative news coverage. The court had requested and obtained “details of all calls received or made” on Santoro’s phone from January 2016 to April 2019, undermining his right to protect sources. In September, a judge ordered the destruction of the document containing Santoro’s phone records, alleging it violated his privacy, according to Clarin. The case remained pending at time of writing.

In April 2017, the Argentine government committed to reforming the criminal code to narrow the definition of “sedition,” but had yet to present a new definition at time of writing.

What is known is that upon taking office, former President Mauricio Macri adopted a “temporary” set of decrees to “regulate” media and create a “temporary” agency to implement new rules. The agency reports to the Modernization Ministry, compromising its ability to act independently from government interests. In 2016, the government said it was drafting a communications law that it claimed would respect free speech. As of November 2019, though, no comprehensive media law had been adopted by Congress, and the “temporary” agency had issued rulings regulating media.

A 2016 law created a national agency to ensure public access to government information. The agency is also charged with protecting personal data. As of July, individuals had filed 6,785 information requests. Authorities responded to most requests within a month, but as of November, citizens had filed 524 appeals before the agency, in most cases after authorities failed to respond to the original requests.

Some provinces and municipalities still lack freedom of information laws, undermining transparency at those levels of government.

**Judicial Independence**

In March, the government asked the Judiciary Council to investigate Judge Alejo Ramos Padilla, arguing he had carried out an investigation in a “political and journalistic way” and had “failed to comply with his duties regarding impartiality and secrecy.” The judge had testified before a Congressional commission about an investigation into allegations that intelligence agents had carried out illegal operations. The bulk of the information cited by the judge had already been disclosed online through the official website of the judicial branch.

The delayed appointment of permanent judges by the Judiciary Council has led to temporary appointments of judges who lack security of tenure, which the Supreme Court ruled in 2015 undermines judicial independence. As of October, 460 judgeships remained vacant.

**Impunity for the AMIA Bombing**

Twenty-four years after the 1994 bombing of the Argentine Israelite Mutual Association (AMIA) in Buenos Aires that killed 85 people and injured more than 300, allegedly at the hands of Iranian suspects, no one has been convicted of the crime. In March 2018, an appeals court upheld a decision ordering the pretrial detention of former President Cristina Fernández de Kirchner for allegedly participating in a conspiracy with Iranian officials to undermine investigation of the bombing. It has not been implemented because she had parliamentary immunity as a senator, and is currently Argentina’s vice president.
Despite a 2009 law setting forth comprehensive measures to prevent and punish violence against women, the unpunished killing of women remains a serious concern. The National Registry of Femicides, administered by the Supreme Court, reported 278 femicides—the murder of women based on their gender—but only 7 convictions, in 2018.

Sexual Orientation and Gender Identity
In 2010, Argentina became the first Latin American country to legalize same-sex marriage. The Civil Marriage Law allows same-sex couples to enter civil marriages and affords them the same legal marital protections as different-sex couples. Since 2010 more than 20,000 same-sex couples have married nationwide.

Key International Actors and Foreign Policy
In April, Argentina, along with Brazil, Colombia, and Paraguay, signed a declaration proposed by Chile that called on the Inter-American human rights system bodies to take into consideration the “political, economic, and social realities” of each country in its decisions, which would undermine the agencies’ work.

In March, after an in-country visit, the UN Working Group of Experts on People of African Descent expressed concern regarding the “invisibility” of and “structural discrimination” against Afro-Argentines. The working group reported it had received information on cases of arbitrary arrest and abuse against street sellers of African origin.

During the Macri administration, Argentina was an active member of the Lima Group, a coalition of governments that monitors and speaks out about Venezuela’s poor human rights record and has called for the release of its political prisoners. In June, Argentina prohibited the entry to the country of more than 400 Venezuelan officials implicated in human rights abuses and corruption. The number of Venezuelans moving legally to Argentina has steadily increased since 2014, reaching more than 170,000 as of November.

During the 2019 presidential campaign, Fernández took a softer approach towards Venezuela, and suggested Argentina would withdraw from the Lima Group.

Indigenous Rights
Indigenous people in Argentina generally face obstacles in accessing justice, land, education, health care, and basic services. Argentina continues to fail at implementing existing laws to protect indigenous peoples’ right to free, prior, and informed consent to government decisions that may affect their rights—a right provided for in international law.

In November 2017, Congress approved a law extending the deadline for completing a survey of indigenous lands to 2021. The survey is being conducted, but slowly.

Women and Girls’ Rights
Abortion is illegal in Argentina, except in cases of rape or when the life or health of the woman is at risk. But even in such cases, women and girls are sometimes subject to criminal prosecution for seeking abortions and have trouble accessing reproductive services, such as contraception and voluntary sterilization.

In May, a coalition of legislators, activists, and organizations under the umbrella “National Campaign for Legal and Free Abortion” presented to Congress their proposed bill to decriminalize abortion completely during the first 14 weeks of pregnancy and, after that period, to allow women and girls to end pregnancies when they are the result of rape, when the life or health of the woman or girl is at risk, or when the fetus suffers from severe conditions not compatible with life outside the womb. Congress had approved a similar bill in 2018, but the Senate rejected it.

Alberto Nisman, a prosecutor in charge of investigating the bombing, was found dead in his home in January 2015 with a single gunshot wound to the head and a pistol matching the wound beside him. In June 2018, an appeals court held Nisman’s death appeared to be a murder.

In February, a court acquitted former President Carlos Menem of alleged interference in the initial investigation into the bombing, but convicted a former head of intelligence and a judge of interfering. An appeal of the acquittal was pending in September 2019.

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Violence against Women

Domestic violence persisted as a serious problem. According to official data, during the first half of 2019, authorities investigated 331 criminal domestic violence cases, including 176 that were newly initiated. They brought charges in 209 cases and sent 45 cases to courts.

But in most cases, authorities do not protect women and child survivors of domestic violence, jeopardizing their lives and well-being. The 2017 family violence law requires police to urgently intervene “when there is a reasonable assumption of an immediate threat of repetition or the continuation of violence” in the family. But in practice, law enforcement bodies lack awareness and training on protection mechanisms envisaged by the law, such as protection orders, and do not adequately use them. Armenia has only one shelter for domestic violence survivors, run by a nongovernmental organization (NGO). While there are plans to open another shelter, with an overall capacity of 10 to 13 people, Armenia falls far short of the Council of Europe recommendation of one shelter space per 10,000 people.

The Coalition to Stop Violence Against Women reported that 10 women had been killed by their intimate partners in the first half of 2019. One victim, Mariam Asatryan, 30, was beaten to death by her partner in May in Ararat province. Asatryan had sought the coalition’s assistance several times in 2017 and 2018, when she suffered serious injuries, including broken arms, as a result of domestic violence. According to the coalition, Asatryan had filed a complaint, but law enforcement failed to take adequate measures to protect her.

Domestic violence is neither a stand-alone felony nor an aggravating criminal circumstance in the criminal code. In October, authorities introduced amendments to domestic violence legislation, removing references to “restoring harmony in family” and reconciliation as the law’s principle concepts, widening its applicability to “former and current partners,” and including controlling behavior as a form of domestic violence. The amendments had not been adopted at time of writing. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) had not been sent to parliament for ratification.

Armenia’s Prime Minister Nikol Pashinyan swept to office in 2018 after popular protests, further consolidated his power following the December 2018 snap parliamentary elections, which international observers found genuinely competitive and in line with international standards. Having secured a parliamentary majority, the government embarked on an ambitious reform agenda, including tackling corruption and reforming the economic and justice sectors. However, investigations into past violence and excessive use of force by law enforcement remained limited. Violence and discrimination based on sexual orientation and gender identity, discrimination against and segregation of people with disabilities, and domestic violence persisted.

Accountability for Law Enforcement Abuse

Armenia’s police have a long record of impunity for using excessive force to break up largely peaceful protests. Authorities revived an investigation into the 2008 deadly clashes between protesters and security forces, and in June 2019, charged a high-ranking official with murdering a protester while security forces were breaking up a demonstration.

However, investigations into two episodes of excessive police force against largely peaceful demonstrators and journalists in 2016 and 2015 remained suspended. Authorities claimed they were unable to identify the alleged perpetrators.

Environment and Human Rights

In August, environmental protests against plans to restart construction on the Amulsar gold mine turned into confrontations between police and protesters after security officials barred them from demonstrating in a public park surrounding parliament. Police briefly detained six protesters on misdemeanor disobedience charges.

Related protests continued near the town of Jermuk, where local residents and environmental activists blocked the roads to the mine, opposing its construction on environmental and economic grounds.
In February, Max Varzhapetyan, 24, a gay activist, was assaulted and beaten on a Yerevan street. Three men chased him, shouting profanities and homophobic slurs. The men broke his tooth and injured his mouth and nose. Police launched an investigation but had pressed no charges at time of writing.

In April, during a parliamentary hearing on human rights, a transgender activist, Lilit Martirosyan, took the floor to highlight the discrimination and violence transgender people face. A backlash followed her address, including hate speech and death threats directed at Martirosyan. Law enforcement refused to launch an investigation, citing lack of criminal intent.

Openly gay men fear for their physical security in the military, and some seek exemption from obligatory military service. An exemption, however, requires a medical conclusion finding them “psychologically or mentally unfit” to serve. The process may be accompanied by derogatory treatment by officials. For example, in January, officers at a military draft board subjected Artak Arakelyan, a 19-year-old queer activist, to abuse and discrimination, using homophobic slurs to describe him, mocking him, and threatening to out him to his parent. Officials rejected Arakelyan’s request for an investigation.

The government-proposed bill on equality, intended as comprehensive anti-discrimination legislation, does not include sexual orientation and gender identity as grounds for protection from discrimination. In a September report, the Organization for Security and Co-operation recommended the government include sexual orientation and gender identity as additional protected categories. It also recommended that the government ensure that groups that have legitimate interests could bring cases on behalf of an alleged discrimination victim.

### Key International Actors

In May, the United Nations special rapporteur on the rights to freedom of peaceful assembly and of association published a report on his country visit, welcoming Armenia’s democratic transition and calling on the authorities to undertake profound reforms “to strengthen the judiciary, the independent investigative bodies and police.”

In May, the European Union published the EU-Armenia partnership implementation report, welcoming steps to implement economic, justice sector, and politi-
Australia

Australia is a vibrant multicultural democracy with robust institutions. Yet 2019 saw freedom of expression come under unprecedented pressure, with police raids on journalists and a government official, and the prosecution of a whistleblower and his lawyer for violating secrecy laws. Overly broad national security laws are open to misuse.

Six years after it introduced offshore processing of refugees and asylum seekers, the government maintains its stance that no one who arrives by boat will be resettled in Australia. In 2019, following a new law, more than 135 refugees and asylum seekers were transferred to Australia for urgent medical care.

Asylum Seekers and Refugees

At time of writing, about 600 refugees and asylum seekers remained in Papua New Guinea (PNG) and Nauru, with more than 600 resettled to the US under an Australia-US resettlement deal. Of those remaining offshore, all are adults and most have been there since 2013.

At least 12 refugees and asylum seekers have died in Australia’s offshore processing system since 2013, six of them suicides. Self-harm and suicide attempts surged in PNG following the Australian election in May 2019, with media reporting dozens of attempts, and local authorities struggling to respond to the crisis.

Medical facilities in PNG and Nauru are unable to cope with the complex medical needs of asylum seekers and refugees, particularly their mental health needs. In February, Australia’s parliament passed a law to facilitate transfers of refugees and asylum seekers requiring medical treatment from offshore locations to Australia. So far, 135 people have been transferred for treatment. Prior to the law, lawyers repeatedly had to take the government to court to obtain appropriate medical care for clients. In December, the government repealed the law. Those transferred to Australia remain in limbo, with no permanent visas and little support.

Australia has repeatedly rejected offers by New Zealand to take some of the refugees, with the government arguing that accepting the offer would encourage more boat arrivals as New Zealand is a “backdoor route” to Australia.
Indigenous Rights

Indigenous Australians are significantly over-represented in the criminal justice system, often for minor offenses like unpaid fines. Aboriginal and Torres Strait Islander people comprise 28 percent of Australia’s adult prison population, but just 3 percent of the national population.

In 2017, Aboriginal woman Tanya Day died when she sustained a head injury in a police cell, after police detained her for public drunkenness. In August 2019, the Victorian state government announced it would abolish public drunkenness as a crime, and replace it with an Aboriginal-led, public health response. In November, a police officer was charged with murder in relation to the shooting of a 19-year-old indigenous man in Yuendumu, Northern Territory. In September, police shot dead a 29-year-old indigenous woman in Geraldton, Western Australia.

Aboriginal and Torres Strait Islanders issued the “Uluru Statement from the Heart” in May 2017, but their recommendations to establish a First Nations voice in the constitution and a truth and justice commission have not been implemented. In July, the minister for Indigenous Australians, Ken Wyatt, announced plans to hold a referendum in the next three years on whether to enshrine constitutional recognition of Australia’s indigenous people.

Children’s Rights

Incarceration disproportionately affects indigenous children: they are 26 times more likely to be detained than non-indigenous children. Across Australia, around 600 children under the age of 14 are imprisoned each year, according to the Human Rights Law Centre. Australia states and territories set the age of criminal responsibility at 10.

The Northern Territory introduced legislation to “clarify” use of force, restraints and separation of children in detention centers, contradicting recommendations of a 2017 royal commission into abuses in the juvenile justice system that said restraints should only be used in emergency situations.

In August, the ABC reported that Queensland police were detaining children as young as 10 in police cells for weeks because of overcrowding in child detention centers. In May, an indigenous boy with a cognitive disability was pinned down, stripped naked, and locked in a police holding cell for three days.
In September, the Victorian ombudsman urged an end to solitary confinement after finding an alarming number of instances of the practice in jails, including of children and young people.

**Freedom of Expression**

 Broadly drafted national security laws have been used against lawyers, journalists, and whistleblowers. In June, police raided the home of a journalist in relation to her story on a leaked plan to expand government surveillance. The next day, police raided the ABC’s Sydney headquarters over a series of stories in 2017 alleging abuses by Australian special forces in Afghanistan. The warrant authorized the police to “add, copy, delete or alter other data … found in the course of a search.”

In August, former spy “Witness K” indicated he would plead guilty while his lawyer Bernard Collaery continues to fight charges of breaching secrecy laws for exposing wrongdoing by the Australian government to obtain an advantage in trade negotiations with Timor-Leste. The hearings have been held in secret.

In July and August, tensions flared between students on university campuses when students supporting democracy in Hong Kong were confronted by aggressive counter protesters. Academics have told Human Rights Watch that students from mainland China face surveillance on Australian campuses. In August, Education Minister Dan Tehan announced the creation of a national foreign interference taskforce, following concerns about Chinese government interference on Australian university campuses.

In October, police arrested a former federal senator and dozens of activists at a climate change protest for not complying with police direction regarding a road closure. The bail conditions for arrested protesters restricted them from going to the Sydney CBD and banned them from associating with other protesters. These conditions were overturned following a legal challenge.

In response to increased environmental protests and activism, in November Prime Minister Morrison called for new laws to ban revenue damaging secondary boycotts, such as urging banks to withdraw funds from mining projects.

**Cybersecurity and Surveillance**

In December 2018, the Australian parliament rushed through legislation undermining encryption and cybersecurity, allowing law enforcement and security agencies to order technology companies, and even individuals, to facilitate access to encrypted data and devices. At a parliamentary review into the new legislation, concerns were raised that the new laws were being used to bypass journalist protections.

**Disability Rights**

In April, Prime Minister Morrison announced a royal commission into violence, abuse, neglect, and exploitation of people with disabilities which held its first hearing in November.

Over half the prison population has a physical, sensory, psychosocial (mental health) or cognitive disability. People with disabilities struggle to cope in often overcrowded prisons without adequate access to support services and are particularly at risk of neglect and abuse. In February, in Hakea prison in Perth, prisoners beat to death an Aboriginal man with a mental health condition. At least two Aboriginal men with mental health conditions committed suicide in Western Australia prisons in 2019. The May 2019 coroner’s inquest into the 2015 suicide of an Aboriginal man, Mr. Jackamarra, whose full name is not used for cultural reasons, recommended that mental health staff should assess prisoners with mental health issues or past self-harm attempts when they arrive at prison.

**Rights of Older People**

Australia’s legal and regulatory framework is inadequate to protect older people in aged care facilities from chemical restraint. Many facilities in Australia routinely give older people with dementia dangerous drugs to control their behavior.

In July, a new regulation came into effect purporting to minimize the use of physical and chemical restraints, but may in fact simply normalize the practice. A parliamentary committee investigated the regulation’s compliance with Australia’s human rights obligations and recommended some changes including the right to informed consent.
The Royal Commission of Inquiry into Aged Care Quality and Safety released its interim report in October, finding Australia’s aged care system to be a “shocking tale of neglect.” It urged the government to take immediate action in three areas, including chemical restraint.

**Women’s Rights**

In April, the High Court upheld the constitutional validity of “safe access zones” to prohibit harassment outside abortion clinics, and in September, the New South Wales government passed legislation to decriminalize abortion. Abortion laws vary state by state, but now only the states of South Australia and Western Australia still have laws in place that restrict women’s access to abortion.

**Terrorism and Counterterrorism**

In June, the Australian government repatriated from al-Hol camp in northeast Syria eight Australian children of parents suspected of involvement in the armed group Islamic State (ISIS). Days after the children’s evacuation, the government banned alleged foreign fighters as young as 14 from returning to Australia for two years. At time of writing, approximately 66 Australian nationals, 44 of them children, remain trapped in harsh conditions in camps in northeast Syria.

**Foreign Policy**

While the Australian government has tended towards a foreign policy that favors a “quiet diplomacy” approach to human rights, in 2019 it was more vocal on some key human rights issues. Foreign Minister Payne said in October, that Australia should lead by speaking honestly and consistently about human rights, and that “speaking our minds does not constitute interference in another country.”

However, Prime Minister Morrison has responded to questions on human rights in countries such as China and Vietnam by referring to state sovereignty, in the same way that Association of Southeast Asian Nations (ASEAN) countries and the Chinese government seek to deflect criticism of their rights records.

After initially taking a low-key approach to its membership in the UN Human Rights Council, Australia stepped up in its second year to ensure the council renewed the mandate of the special rapporteur on human rights in Eritrea, and joined a statement urging China to end arbitrary detention of about 1 million Muslims in Xinjiang. At the Council’s September session, Australia led a joint statement bringing attention to human rights violations by Saudi Arabia.

Australia exports military equipment to Saudi Arabia and the United Arab Emirates, despite concerns about alleged war crimes by the Saudi-led coalition in Yemen. There is little transparency about the types or quantities of equipment sold or the end-user.

The Australian government opposes a ban on fully autonomous weapons also known as “killer robots.” Australia has not signed the Safe Schools Declaration, an intergovernmental pledge by countries to protect education in times of conflict.

**Key International Actors**

In March, the UN High Commissioner for Human Rights critiqued Australia’s treatment of refugees and asylum seekers held offshore, saying “people have been suffering for more than six years; more humane policies could, and should, be implemented.” The High Commissioner also spoke at a forum hosted by the Australian Human Rights Commission in October, raising a number of issues, including barriers faced by women, indigenous persons, persons with disabilities, and migrants and refugees.

In June 2019, United Nations’ experts on migrant rights, torture, health and mercenaries urged the Australian government to immediately provide healthcare to refugees on Manus Island and Nauru, and transfer those requiring urgent care to Australia.
Azerbaijan's authorities continued to maintain rigid control, severely curtailing freedoms of association, expression, and assembly. The government released over 50 human rights defenders, journalists, opposition activists, religious believers and other perceived critics imprisoned on politically motivated charges. But at least 30 others remained wrongfully imprisoned, while authorities regularly targeted its critics and other dissenting voices.

Other human rights problems persisted, including torture and ill-treatment in custody, violations of freedom of assembly, undue interference in the work of lawyers, and restrictions on media freedoms.

**Prosecuting Government Critics**

In March, President Ilham Aliyev pardoned over 50 imprisoned perceived critics, including journalists, bloggers, opposition political parties' activists, and others. Their convictions remained in force, and some faced travel restrictions, while others left the country fearing further politically motivated persecution.

Among those released was Bayram Mammadov, a youth opposition movement activist. But two weeks later, police arrested him following a media interview in which he said he would continue his political activism. A court sentenced him to 30 days in jail on spurious disobedience charges. Police summoned several other pardoned activists for conversations, warning them not to engage in activities critical of the government, such as demonstrations and online criticism.

In March, prominent anti-corruption blogger Mehman Huseynov was freed after fully serving a two-year prison sentence on groundless libel charges. In December 2018, two months before his term was to end, the authorities brought new, false charges, claiming Huseynov physically assaulted a guard. Authorities dropped the charges in January 2019, following local and international outcry.

In February, Mammad Ibrahim, an advisor to the opposition Azerbaijan Popular Front Party (APFP), was released. Arrested in 2016, Ibrahim fully served both his sentence on bogus hooliganism charges and an additional five-month sentence, based on a new charge that authorities pressed two days before his originally scheduled release. Three leading APFP members, Orkhan Bakhishli, Fuad Ahmadli, and Asif Yusili, remained in prison on bogus drugs, private data misuse, and forgery charges, respectively. In June, a court reduced Bakhishli’s term from six to three years.

In October, ahead of an unsanctioned rally, APFP member Pasha Umudov was arrested and sent to pretrial detention on bogus drug charges. Authorities pressed bogus misdemeanor hooliganism, public swearing, and other charges against dozens of opposition activists and other critics. In August alone, courts sentenced at least six active APFP members to fines or jail terms ranging from 10 to 60 days.

Authorities lifted travel bans against several activists and journalists, but restrictions remained in place for others due to their verdicts or, in several cases, to their status as witnesses in investigations dating to 2014. APFP chairman Ali Karimli has been banned from foreign travel since 2006, when his passport expired. Authorities have since refused to reissue it, citing bogus pretexts.

At least 17 members of Muslim Unity, an unregistered, conservative Shiite movement, remained in prison on extremism and other charges, following a 2017 verdict flawed by credible torture allegations. In July, authorities released another member, Abulfaz Bunyadov on medical grounds due to injuries he sustained during his 2015 arrest.

**Freedom of Assembly**

Azerbaijan effectively imposes a blanket ban on protests in the central areas of Baku and instead offers demonstrators a remote location on the outskirts of the city for rallies. In 2019, the number of people handed administrative fines or brief jail terms for supposedly violating the country’s restrictive regulations on public gatherings was several times higher than throughout 2018.

In January, about 40 people received jail terms of 10 to 30 days for demanding the release of the blogger Mehman Huseynov through sanctioned peaceful protests and social media activism.

In October, police violently broke up three unsanctioned, peaceful protests in central Baku, and arrested and beat protesters who demanded freedom for political prisoners and an end to economic injustice and violence against women. Courts sentenced dozens of protesters in pro forma hearings to fines and deten-
In June, Polad Aslanov, editor of independent news websites Xeberman and Press-az, was jailed on treason charges, which he claimed were in retaliation for his criticism of public officials and his ongoing investigation into alleged corruption in the Ministry of National Security. Aslanov’s lawyer said Aslanov faced government harassment in previous years in retaliation for his reporting.

In February and March, respectively, a court handed Mustafa Hajibeyli and Anar Mammadov, two journalists with small, independent news websites, five-and-a-half-year suspended sentences for their coverage of the 2018 assassination attempt on the Ganja mayor and subsequent nationwide electricity blackout. Hajibeyli edited the pro-opposition Bastainfo.com news website, which remained blocked since July 2018. Mammadov is editor-in-chief of Criminal.az.

Both journalists’ articles criticized the mayor’s brutal rule and faulted the authorities for failing to prevent the ensuing violence.

Both were convicted on trumped-up sedition, forgery, and abuse of office charges. They remained at liberty but under foreign travel bans.

Other journalists including Afgan Mukhtarli, Ziya Asadli, Araz Guliyev, and Elchin Ismayilli, who publicly criticized the authorities, remained behind bars on bogus charges.

Harassing Critics Abroad

Authorities tried to silence exiled activists by intimidating their relatives in Azerbaijan. Security officials repeatedly interrogated relatives of activists based in Germany and France to pressure them to denounce their relatives and threatened to jail them if their relatives continued their activism.

In April, REAL TV, a private news station closely tied to the government, launched an intimidation campaign against Sevinj Osmangizi, who lives in exile and runs a popular YouTube news channel about Azerbaijan. In a series of broadcasts, REAL TV tried to blackmail her, including through illegally obtained photos and fabricated emails, into ceasing her broadcasts. It also broadcasted an illegally recorded conversation between Osmangizi and another independent journalist.

Intimidation of Lawyers

In 2019, the Azerbaijani Bar Association, which is seen as closely tied to the government, restored the licenses of three lawyers who work on cases involving political persecution. Their licenses had been suspended for one year following complaints filed by the prosecutor’s office. But pressure continued on several other lawyers.

In February, a court approved the disbarment of Yalchin Imanov, whom the Bar Association expelled in 2017 after he publicly reported about his client’s torture in prison.

Also in February, the Bar Association reprimanded Elchin Sadigov for advising his client, Yunis Safarov, about filing a torture allegation. Safarov is in custody and charged with the 2018 murder of the Ganja mayor. The reprimand followed a prosecutor’s office complaint denying the torture and alleging Sadigov unlawfully tried to persuade Safarov to make an allegation. The complaint referred to a statement Safarov signed in custody about alleged pressure by Sadigov and to a confidential conversation between the two.

Freedom of Expression

All mainstream media remained under tight government control. Defamation is a criminal offense.

Journalist Seymur Hazi was released from prison in August after serving out his five-year sentence on a politically motivated hooliganism conviction.

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Key International Actors

The March pardon prompted statements from the US administration and the European Union urging Baku to release others in prison on politically motivated charges.

The EU continued to negotiate a new partnership agreement with Azerbaijan to enhance political and economic ties. In April, following meetings with top Azerbaijani officials, then-EU High Representative Federica Mogherini said that she had raised concerns regarding “the limited space for civil society and human rights defenders in Azerbaijan.” The statement also said that the EU intends to make human rights an essential element of its cooperation with Azerbaijan.

Following his July trip to Baku and meeting with President Aliyev, then-European Council President Donald Tusk underlined the “essential importance” the EU “attaches to the respect for the rule of law, human rights and fundamental freedoms” in cooperation with Azerbaijan. Tusk also met with civil society activists to hear their concerns.

In January, the European Parliament adopted a resolution on the case of Mehman Huseynov and called for the immediate and unconditional release of all political prisoners.

In September, the rapporteur for the Parliamentary Assembly of the Council of Europe on political prisoners in Azerbaijan went to Baku. She met four prisoners, civil society representatives, and others. Her report was expected by the end of 2019.

In July, Council of Europe Human Rights Commissioner Dunja Mijatovic visited Baku, where she raised concerns about arbitrary arrest and misuse of criminal law against critics and highlighted the need to release “all persons who are in detention because of the views they expressed.” She also called on authorities to create better livelihood opportunities for internally displaced people.

The EU and the human rights commissioner of the Council of Europe (CoE), as well as the rapporteurs on Azerbaijan of the CoE’s parliamentary assembly all issued statements expressing concern about violent dispersals of the October protests and urging effective investigations and release of all detainees.

Sexual Orientation and Gender Identity (SOGI)

On April 1, police detained around 14 people, gay men, and transgender women, claiming they engaged in illegal sex work. According to Nefes LGBT Azerbaijan Alliance, an independent group, in some cases the men were detained after being lured for dates through mobile apps. Police took at least some for unlawful, forced testing for HIV and other sexually transmitted diseases. Courts fined two for “hooliganism” and handed jail sentences of up to 15 days to another three for resisting police, then fined and released them upon appeal. No confirmed information is available regarding sanctions against the other nine.

Torture and Ill-Treatment

Authorities typically dismiss complaints of torture and other ill-treatment in custody, and the practice continued with impunity.

In February, a court sentenced three senior APFP members, Saleh Rustamov, Agil Maharramov, and Babek Hasanov, to seven, four, and three years, respectively, on illegal entrepreneurship, drug, and other charges. The charges stem from allegations that Rustamov illegally used his company’s funds to support imprisoned party activists and party activities. Police arrested the men in May 2018. Authorities held Rustamov incommunicado for 17 days and denied him access to his lawyer for a month. During trial, the men testified they were tortured and pressured to confess. No effective investigations followed the allegations.

In March, law enforcement personnel repeatedly slapped and kicked Bayram Mammadov (see above), and held him for nearly 24 hours, handcuffed, legs tied, and lying on the floor. His lawyer said he had bruises. Authorities failed to conduct an effective investigation.

Also in March, 14 defendants convicted on mass rioting and other charges for the July 2018 unrest in Ganja testified in court that police had beat them repeatedly to elicit confessions and testimony. The authorities conducted a superficial investigation into the allegations before closing it. According to the defendants’ lawyers, authorities claimed that the wounds and injuries that staff at the pre-trial facility documented had been sustained when the men were resisting arrest.
Bahrain

The human rights situation in Bahrain remained dire in 2019. Authorities have banned all independent media from operating in the country, dissolved all opposition groups, and cracked down on critical online posts. The government executed three people in July, including two prisoners who were convicted in a mass trial marred by serious due process violations and allegations of torture.

Authorities continue to arrest, convict, and harass prominent human rights defenders, journalists, and opposition leaders. The Court of Cassation upheld unjust sentences against prominent human rights defender Nabeel Rajab and opposition leader Shaikh Ali Salman. Authorities have failed to hold officials accountable for torture and ill-treatment, and oversight mechanisms are not independent of the government.

King Hamad al-Khalifa and the courts have reinstated the citizenship of 698 individuals who had their nationality revoked on apparently trumped-up terrorism or national security charges. However, almost 300 individuals remain stripped of their Bahraini nationality.

Bahrain continued to deny access to the United Nations special procedures, including the special rapporteur on torture.

Freedom of Expression, Association, and Peaceful Assembly

On December 31, 2018, the Court of Cassation upheld a five-year sentence for Nabeel Rajab, head of the Bahrain Center for Human Rights, arising from his 2015 tweets alleging torture in Jaw Prison and criticizing Bahrain's participation in the Saudi-led military campaign in Yemen. Rajab, who has already served two years on other charges related to peaceful expression, is set to remain behind bars until 2023. He appears to have at times been subjected to treatment that may amount to arbitrary punishment, and his health has deteriorated significantly. On August 2018, the UN Working Group on Arbitrary Detention called for Nabeel Rajab’s immediate release, saying his detention was not only arbitrary but also constituted “discrimination based on political or other opinion, as well as on his status as a human rights defender.”

Death Penalty

On January 28, the Court of Cassation also upheld the life sentence against Shaikh Ali Salman, leader of Al-Wifaq, Bahrain’s largest but now-dissolved opposition political society. The government in November 2017 filed trumped up charges against Salman for allegedly spying for Qatar. A lower court acquitted him of these charges, but on November 4, 2018, an appeals court overturned that decision and sentenced him to life in prison.

Thirteen prominent dissidents have been serving lengthy prison terms since their arrest in 2011. They include human rights advocates Abdulhadi al-Khawaja and Abduljalil al-Singace, and Hassan Mushaima, leader of the unrecognized opposition group Al Haq, all three serving life terms.

In 2019 Bahrain widened its suppression of online and social media activity. On May 30, 2019, the Bahraini Interior Ministry declared that it will prosecute people who follow “inciting accounts” or share their posts on Twitter. The online platform in a June 6 post agreed with activists that such statements “post a significant risk to free expression and journalism.”

No independent media operate in Bahrain. In 2017, the Information Affairs Ministry suspended Al Wasat, the country’s only independent newspaper. Independent and foreign journalists rarely have access to Bahrain, and Human Rights Watch and other rights groups are routinely denied access. International wire services, when they cover Bahrain, do so from Dubai or elsewhere outside the country.

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**Security Forces and Prisons**

Authorities in 2019, as in years past, failed to credibly investigate and prosecute officials and police officers who allegedly committed violations, including torture. Despite numerous complaints by detainees and their family members, the Interior Ministry’s Ombudsman Office and Special Investigations Unit failed to display independence from the government and did not hold prison guards and officers to account.

On August 15, prisoners in the Jaw Prison and Dry Dock Detention Center began a hunger strike to protest conditions in detention, including placement in “isolation” cells where prisoners are held with individuals with whom they do not share a common language, culture, or religion. Prisoners also demanded an end to anti-Shia religious persecution and abuse by prison guards, as well as removal of glass barriers during family visits.

The Interior Ministry’s Ombudsman on August 23 claimed that the demands of the prisoners do not fall within the issues that the ombudsman is competent to consider.

On September 17, a Bahraini court rejected a motion filed by Nabeel Rajab’s legal team asking that he be granted a non-custodial sentence instead of the jail term he is currently serving, invoking a 2017 law that allows courts to convert jail terms into alternative sanctions. Rajab is currently detained with nine other prisoners convicted of prostitution offenses. Hajar Mansoor and Medina Ali, two female activists at the Isa Town Prison, also applied for non-custodial sentences, but authorities rejected their motions.

On the occasion of Eid al-Adha, on August 10, King Hamad issued a royal pardon for 105 detainees, including activist Najah Yusuf. Yusuf was imprisoned and subjected to physical abuse and sexual assault after she criticized the Formula One races in Bahrain on social media in April 2017.

**Arbitrary Citizenship Revocations**

Courts stripped 180 persons of their citizenship for alleged offenses that include “terrorism,” “national security,” and “offending the country,” between January and April, according to the London-based Bahrain Institute for Rights and Democracy (BIRD).

On April 20, the king reinstated the citizenship of 551 individuals who had their citizenship stripped through a court order. In July, the courts restored the nationality of another 147 individuals. However, almost 300 persons whose citizenship had been stripped in recent years remain without Bahraini nationality and in most cases stateless.

On June 27, Bahrain amended its citizenship revocation laws, restricting the power to strip nationality to the cabinet. Under the amendments, the king and the judiciary no longer have the power to unilaterally strip Bahrainis of their citizenship for national security or terrorism crimes. All known citizenship revocations since 2012 have been handed down by the courts, or by royal decree, or by order of the Interior Ministry.

**Human Rights Defenders**

The Court of Cassation upheld the three-year prison sentences against three relatives of prominent exiled activist Sayed Ahmed al-Wadaei on February 25. They were arrested in March 2017 and convicted in October 2017 on dubious terrorism charges that appear to have been filed as a reprisal for al-Wadaei’s human rights work. The judicial process was marred by due process violations and allegations of ill-treatment and coerced confessions.

**Women’s Rights, Gender Identity, and Sexual Orientation**

Bahraini family laws discriminate against women in the right to divorce, inherit, and transmit Bahraini nationality to their children on an equal basis to men, and deprive their children of the right to obtain citizenship on an equal basis with children of Bahraini men. Article 353 of the penal code exempts perpetrators of rape from prosecution and punishment if they marry their victims. Bahrain’s parliament proposed a full repeal of that article in 2016, but the cabinet rejected the proposal. Article 334 of the penal code reduces the penalties for perpetrators of so-called honor crimes.

In December 2018, Bahrain amended its labor law to ban discrimination on the basis of sex, origin, language or creed, and sexual harassment in the workplace.
Adultery and sexual relations outside marriage are criminalized. There is no law to prohibit general discrimination on the grounds of gender identity or sexual orientation.

While domestic workers are included in the labor law, they are excluded from most of its protections, including those related to weekly rest days, a minimum wage, and limits on working hours. In 2017, Bahrain introduced a unified standard contract for domestic workers, which requires detailing the nature of the job, work and rest hours, and weekly days off. While this contract is important, it lacks the legal protection and enforcement mechanisms to ensure domestic workers have their rights respected.

**Key International Actors**

Bahrain continued to participate in Yemen military operations as part of the Saudi Arabia-led coalition, which is responsible for serious laws of war violations. The coalition has failed to credibly investigate potential war crimes, and coalition members, including Bahrain, have provided insufficient or no information about their role in alleged unlawful attacks.

The US maintains a major naval base in Bahrain. During a meeting with King Hamad on January 11, US Secretary of State Mike Pompeo thanked Bahrain for its strategic partnership with the United States, including counterterrorism. There were no indications that Bahrain’s human rights record was part of their conversation.

On May 3, the State Department approved two major weapons sales to Bahrain for Patriot Missile Systems worth $2.5 billion and weapons to support F-16 fighter jets worth $750 million.

King Hamad met with French President Emmanuel Macron in Paris on April 30, during which Macron urged Bahrain to establish “political dialogue that includes all components of Bahraini society,” according to the president’s office. Bahrain’s foreign minister denied that Macron had raised this issue during the meeting.

On July 27, the European Union expressed concerns about the executions of Ali al-Arab and Ahmad al-Malali and urged Bahrain to introduce a moratorium on executions as a step towards abolition. It also criticized the Cassation Court’s life sentence against Shaikh Ali Salman, calling the verdict “a further step against dissenting voices.”

Bahrain has not responded to requests from UN human rights experts to visit. The government effectively cancelled the visit of the special rapporteur on torture in 2013, which it had earlier approved.
Bangladesh

Bangladesh’s ruling Awami League government ignored calls during the year for an independent investigation into serious allegations of electoral fraud after the December 2018 national elections.

Impunity for abuses by security forces, including enforced disappearances and extrajudicial killings, remained pervasive. The government continued to violate international standards on freedom of speech in its crackdown on government critics.

Host to nearly 1 million Rohingya refugees from neighboring Myanmar, Bangladesh has kept its commitment under international law not to force returns. Conditions in the camps worsened, however, as the government resisted infrastructure improvements, repeatedly threatened to relocate refugees to a potentially uninhabitable island, and took steps to restrict freedom of movement and access to the internet in the camps.

In March, following strikes in which workers demanded wage hikes, at least 7,500 garment workers were dismissed from their jobs in the largest crackdown on workers in Bangladesh in years.

More women entered the workforce and the country made another step towards gender equality when the High Court removed the requirement that Muslim women in Bangladesh declare whether they are virgins on their marriage certificate.

National Election Aftermath

The national election on December 30, 2018, was characterized by abuses including attacks on opposition members, arbitrary arrests, and voter intimidation. The ruling Awami League won 96 percent of the contested parliamentary seats and Prime Minister Sheikh Hasina returned for a third consecutive term. The Election Commission rushed to call the election free and fair. Instead of investigating irregularities, Bangladesh authorities arrested journalists for their reporting.

The government ignored calls for an independent investigation into allegations of election fraud from the European Union, United Nations, United States, and United Kingdom.

Khaleda Zia, leader of the opposition Bangladesh National Party (BNP), has remained in prison for nearly two years at time of writing over longstanding corruption cases.

Freedom of Expression and Association

The silencing of critics, journalists, students, and activists did not subside even after the Awami League claimed the 2018 election. Instead, the landslide victory seemed only to embolden authorities in their crackdown.

Journalists faced pressure to self-censor or risk arrest. The Digital Security Act, passed in October 2018 to replace the often-misused Information and Communication Technology Act, included harsher provisions that have been used to penalize criticism of the government. The Bangladesh’s Editors’ Council, an association of newspaper editors, said that it effectively prohibits investigative journalism. But the government refused to budge despite repeated calls to bring the law in line with Bangladesh’s international commitments to protect freedom of expression.

Authorities increased internet censorship. The government blocked nearly 20,000 websites in February in what was described as an “anti-pornography” sweep, but which included a number of popular blogging sites. In March, the National Telecommunication Monitoring Centre blocked access to Al Jazeera’s English news website after the news agency published a report citing allegations against Prime Minister Sheikh Hasina’s security advisor.

Lack of Accountability

The government continued to deny enforced disappearances, extrajudicial killings, torture and other violations by security forces including by the Rapid Action Battalion, Directorate General of Forces Intelligence (DGFI), or the police, particularly its Detective Branch. Security forces persisted with a long-standing pattern of covering up unlawful killings by claiming deaths occurred during a gunfight or in crossfire. Hundreds were killed in alleged “crossfire” exchanges including during a drive against recreational drugs.
**Refugees**

Bangladesh continued to host and contribute humanitarian services to Rohingya refugees who fled ethnic cleansing by the Myanmar military since August 2017. However, conditions in the camps deteriorated as the government increased pressure on refugees to return to Myanmar. According to the United Nations High Commissioner for Refugees, many refugees require psychosocial support due to the psychological impact of conflict and difficult conditions in the camps, but mental health services are not sufficient.

In August, Bangladesh attempted for a second time to begin repatriations. Refugees refused, fearing that they would face the same violence and oppression in Myanmar that they fled.

Insisting that the camps are temporary, the Bangladesh government obstructed certain infrastructure improvements, particularly in shelter and education. The majority of the camps’ population are children, yet the Bangladesh government barred agencies from providing any formal, accredited schooling. When Rohingya children, desperate for an education, acquired falsified documents to enroll in Bangladesh schools, the government cracked down, expelling the students.

In September, the government announced that work had begun on building fences around the refugee camps in Cox’s Bazar, a measure neither necessary nor proportional to maintain camp security and therefore in violation of international human rights law.

**Labor Rights**

In early 2019, over 50,000 garment workers participated in wildcat strikes protesting changes to the minimum wage. Police used excessive force to disperse the protesters, killing one worker and injuring over 50. At least 7,500 garment workers were dismissed from their jobs. Many of these workers were blacklisted from work at other factories.

The Bangladesh Accord on Fire and Building Safety, a legally binding agreement between unions and brands established in the wake of the Rana Plaza disaster to ensure factory safety, transitioned to the Readymade Sustainability Council, a national monitoring mechanism.

**Indigenous Rights**

Activists continued to call for the full implementation of the Peace Accord in the Chittagong Hill Tracts. Over 20 years after the peace agreement, the region remains under military occupation and indigenous rights activists face threats of arrest, enforced disappearance, and violence.

On April 9, Michael Chakma, an indigenous rights activist, disappeared on his way to Dhaka. On May 21 the High Court asked the Home Ministry to submit a report on the progress of investigation within five weeks. There had been no response at time of writing.

**Women’s and Girls’ Rights**

Protests broke out nationwide calling on the government to reform and enforce Bangladeshi laws and practices concerning sexual assault after Nusrat Jahan Rafi, 19, was burned to death after she filed a complaint of attempted rape against her madrassa teacher. Authorities failed to properly enforce laws to protect women and girls and have yet to pass legislation on sexual harassment.

Bangladesh continues to have one of the highest rates of child marriage in the world. Prime Minister Sheikh Hasina committed to end marriage for girls under 15 by 2021, but there was little meaningful progress during the year. Instead, a special provision remained in effect that allows for child marriage in “special cases,” with permission of their parents and a court.

**Sexual Orientation and Gender Identity**

Sexual and gender minorities remained under pressure and threat following the killing of two activists in 2016. The government failed to properly enforce policies protecting rights of hijras.
Belarus

In 2019, Belarus continued to harass and pressure civil society activists and independent media. Authorities denied access to journalists at government events, arbitrarily prosecuted dozens of journalists, and arrested peaceful environmental protesters.

Belarus remains the only European country to use the death penalty. Those condemned to death are executed by a shot to the head. Authorities do not inform families of the execution date or the burial place.

Death Penalty

In November 2018, authorities executed Ihar Hershankou and Siamion Berazh- nou, sentenced on murder charges. In June, they executed Aliaksandr Zhylnikau. The fate of his codefendant on murder charges, Viacheslau Suharka, is unknown. According to Viasna, a leading local rights group, inmates sentenced on the same case are usually executed simultaneously.

Aliaksandr Asipovich and Viktar Paulau were sentenced to death on murder charges in January and July 2019 respectively. In October, Viktar Syargel was also sentenced to death on murder charges.

In August, Belarusian authorities and the Council of Europe (CoE) announced plans to develop a roadmap to a moratorium on capital punishment.

Key International Actors

The Bangladesh government ignored or dismissed key recommendations, particularly with regards to credible reports of electoral fraud, crackdown on free speech, torture practices by its security forces, and increasing cases of enforced disappearances and killings.

Bangladesh participated in a review of its practices by the United Nations Committee against Torture for the first time since ratifying the Convention against Torture over 20 years ago. When the United Nations Committee against Torture pressed Bangladesh to put an end to the increasing cases of enforced disappearances by law enforcement officials and asked about torture allegations consistently documented by human rights groups, the government vehemently denied the allegations.

In March, Bangladesh welcomed the Office of the Prosecutor of the International Criminal Court (ICC) on its first mission to Bangladesh as part of a preliminary examination into alleged crimes against humanity against ethnic Rohingya from Myanmar.

After a visit to Bangladesh, European Union Special Representative for Human Rights Eamon Gilmore emphasized the importance of labor rights to bilateral EU-Bangladesh relations and in the trade relations under the "Everything but Arms" trade scheme. In September, the European Parliament commended Bangladesh’s efforts hosting Rohingya refugees, and called on authorities to guarantee full and discrimination-free access to quality education for Rohingya children; lift restrictions on internet access, online communications, and freedom of movement; and ensure the security forces operating in the camps uphold all standards to protect refugees’ personal security.

India failed to speak up against human rights violations in Bangladesh, including against the political opposition.

China resisted international efforts to hold the Myanmar military accountable for abuses against the Rohingya, and instead pushed for repatriation. Bangladesh accused Myanmar of failing to create conditions that would enable the safe and voluntary return of Rohingya refugees.

Freedom of Expression and Attacks on Journalists

Belarusian media law requires journalists working for media outlets registered outside Belarus to obtain accreditation from the Foreign Ministry and have an official labor contract with the accredited foreign media outlet. Freelancers find it virtually impossible to become accredited. Authorities often arbitrarily denied accreditation to journalists working for foreign media.

In May, the Foreign Ministry refused accreditation to Viktar Parfionenka and Yauhen Skrabs of Poland-based Radio Racyja. The response to Skrabs indicated his accreditation was denied because Radio Racyja had published work by non-accredited journalists.
near Brest. In April, he was convicted of criminal slander and libel for a series of videos he had uploaded to YouTube alleging police abuses.

**Freedom of Information**

In December 2018, amendments to the media law entered into effect requiring that all online media outlets keep records of and disclose to the authorities the names of people who submit comments. The amendments also provide for holding owners of registered online media criminally liable for any content on their website.

In May, President Lukashenko signed a decree blocking websites that called for “unauthorized protests” during the European Games, a large multi-sport event organized by the European Olympic Committees in Minsk in June.

In July, amendments to the criminal code articles on libel and defamation limited the definition of criminal slander and insult to speech uttered in a public space, such as in the media, a public speech, or on the internet.

**Freedom of Assembly**

In January, amendments to the law on mass events came into effect introducing a notification procedure for organizing public assemblies. However, in practice, sign-off is often denied, and organizers and participants are fined.

During Freedom Day on March 25, treated by many as an unofficial holiday and an alternative Belarus Independence Day, police detained 15 persons at an unauthorized opposition rally in Minsk. At least two were held in jail overnight.

Since 2018, of over 90 requests made to authorities to hold protests in Brest against the battery plant construction, only one was permitted. In April, police arrested 18 activists and fined three for their involvement in the peaceful protests. Also in April, police searched the car of activist Maisey Mazko, allegedly found cartridges and a briquette of an unknown substance, and opened a criminal case into alleged possession of ammunition. Another activist present during the search said the evidence was fabricated. Between May and August, authorities arrested and charged with administrative offenses at least 15 other activists involved in the peaceful protests in Brest.

As of January, only five media websites have been granted official registration, according to the Belarusian Association of Journalists (BAJ). Unregistered websites cannot file requests for accreditation with government institutions.

Authorities routinely blocked media access to official events. In April, journalists from TUT.by, BelaPAN agency, newspaper Belarusy i Rynok, and European Radio of Belarus (ERB) were denied accreditation to cover President Aleksandr Lukashenko’s address to the National Assembly, despite both BelaPAN and ERB holding permanent accreditation to cover parliament. In May, authorities blocked journalists from attending a session in the Pershamaika district administration on the redevelopment of a part of Minsk. In June, officials denied a Brestskaya Gazeta journalist entry to a court building due to “lack of accreditation.” Some independent media and bloggers were denied access to a news conference with the administration of the Brest battery factory project, and to a meeting between the head of Brest regional government Anatol Lis and environmental protesters.

According to the Belarusian Association of Journalists, in the first nine months of 2019, authorities brought 39 cases against 18 journalists for “illegal production and distribution of mass media products.” They were fined a total of approximately US$36,600.

In January, border guards at the Minsk airport denied entry to Olga Vallee, Fojo Media Institute program coordinator and a Swedish national, who traveled to Belarus at the invitation of BAJ.

BAJ reported that in mid-March 2019, police in Minsk detained two Russian journalists, Pavel Nikulin and Jan Potarsky, before their lecture at the Belarusian Press Club. Both were released three hours later without charge, but police seized their presentation materials.

In April, a court convicted an independent media editor of criminal negligence on allegations that some of her staff had been accessing the website of BelTA, the state news agency, without paying a subscription fee.

Also in April, authorities searched the offices of Belsat TV and seized computers and data storage devices following a libel complaint from a public official.

Siarhei Piatrukhin, a popular critical blogger, was repeatedly detained and fined throughout 2019 for coverage of protests against the battery plant construction near Brest. In April, he was convicted of criminal slander and libel for a series of videos he had uploaded to YouTube alleging police abuses.
**Freedom of Association**

Laws and regulations governing public associations remain restrictive, preventing rights groups or political opposition movements from operating freely. Authorities continued to deny registration to independent groups and opposition parties on arbitrary pretexts.

In July, new legislation entered into force eliminating criminal liability for participation in the activities of unregistered organizations and replacing it with an administrative fine of up to 1,225 Belarusian rubles (US$600).

**Discrimination against Roma**

In May 2019, approximately 100 Roma in Mahilioŭ were detained for supposed disorderly conduct during the investigation of a policeman’s alleged murder. Viasna reported that the detentions were ethnicity-based and involved violence, threats, and intimidation. Police held over 50 men in custody for three days, allegedly humiliating and beating them. They released the men without charge, threatening them with re-arrest if they spoke to media.

Later, the investigation found that the policeman in question had committed suicide. The head of the president’s office apologized to the Roma community; however, the interior minister refused to apologize and dismissed allegations of xenophobia. In June, a working group convened by the prosecutor general to investigate reports of police brutality found “no illegal actions or abuse of power.”

**People with Disabilities**

In 2018, an interdepartmental working group drafted a law “On the rights of persons with disabilities and their social integration.” A vote in parliament was expected before the end of the year.

**Key International Actors**

Belarus continued to refuse to cooperate with the United Nations special rapporteur on Belarus, Anaïs Marin, appointed in 2018. In her first report to the UN Human Rights Council (UNHRC) in May, Marin noted the “cyclical” and “systemic” nature of human rights violations. In July, UNHRC renewed her mandate for another year.

In February, the European Union prolonged its embargo on arms and on equipment that could be used for internal repression, as well as the asset freeze and travel ban against four people designated in connection with the unresolved disappearances of two opposition politicians, one businessman and one journalist in 1999 and in 2000. The EU and the CoE’s Committee of Ministers and Parliamentary Assembly issued statements condemning the death sentences of Asipovich and Paulau, and the execution of Zhylnikau, calling for a moratorium on executions as a step towards abolition.

The CoE also organized a round table on capital punishment in Belarus as part of the World Congress Against the Death Penalty in Brussels. The UN Human Rights Committee also condemned the execution of Zhylnikau and called for a moratorium on capital punishment. In June, the EU and Belarus held the sixth round of their bilateral Human Rights Dialogue, at which the EU called attention to the restrictions on freedom of assembly, the lack of anti-discrimination legislation, and the use of the death penalty.

In March, the Organization for Security and Co-operation in Europe (OSCE) representative on freedom of the media made an official visit to Minsk and called on the government to protect freedom of speech and de-monopolize state-owned media. In April, he denounced the search of the offices of Belsat.

In June, the German Bundestag Committee on Human Rights and Humanitarian Aid issued a statement on human rights and the death penalty in Belarus to coincide with the European Games in Minsk.
**Bolivia**

Bolivian President Evo Morales resigned on November 10 following massive social protests, an Organization of American States (OAS) report detailing “clear manipulation” of the voting system during the October presidential election, and a request from the Armed Forces chief that he step down.

On November 13, Jeanine Áñez, vice president of the Senate and a political opponent of Morales, took office as interim president in a highly controversial move that the Constitutional Court endorsed.

The Morales administration created a hostile environment for human rights defenders and promoted judicial changes that pose a serious threat to the rule of law in the country. After taking office, President Áñez announced and adopted alarming measures that run counter to fundamental human rights standards, including a decree that will shield military personnel from accountability for abuses during crowd-control operations.

Violence against women, due process rights of detainees, child labor, and impunity for human rights violations are also major concerns.

**Elections**

In October, President Evo Morales ran for a fourth term. A majority of the Bolivian people had backed term limits in a 2016 national referendum, but Morales was allowed to run by the Constitutional Court in a 2017 ruling.

Massive protests broke after the election, which many Bolivians saw as unfair and fraudulent.

On October 25, the Supreme Electoral Tribunal (TSE) indicated that Morales won the presidency. But on November 10, the OAS presented a report detailing a “clear manipulation” of the voting system.

After the OAS report, Morales said the country would hold new elections and replace all TSE members. Later that day, the national military chief, Gen. Williams Kalima, asked Morales to resign. Morales resigned that day, saying he was being ousted in a coup. He traveled to Mexico the following day, after the Mexican government granted him asylum.

**Protest-Related Violence and Abuses**

As of November 17, 23 people had died and over 700 had been injured in the context of protests since the October 20 elections, according to the Inter-American Commission on Human Rights (IACHR).

On November 15, 9 people died and 122 were wounded during a demonstration in Chapare province. The United Nations High Commissioner for Human Rights said that the deaths “appear to be the result of unnecessary or disproportionate use of force by the police and army.” Protesters, including Morales supporters, have also engaged in serious acts of violence.

On November 15, Áñez adopted a presidential decree deploying the military in “defense of society and public order.” The decree exempts members of the armed forces from criminal responsibility when they act “in legitimate defense or state of necessity” and respect the “principles of legality, absolute necessity and proportionality” as defined under specific provisions of Bolivian law. The decree is inconsistent with international human rights standards and sends the dangerous message to soldiers in the streets that they will not be held accountable for abuses.

**Judicial Independence**

The Morales administration sought to reform the Bolivian justice system, which has been plagued, for years, by corruption, delays, and political interference. But some initiatives pose a serious risk to judicial independence.

In 2017, the Magistrate’s Council ruled that all judges appointed before enactment of the 2009 constitution were to be considered transitory and could be summarily removed. The council has since summarily dismissed roughly 100 judges, without providing reasons for the dismissals nor opportunity to challenge them.

In December 2017, by popular election, voters elected high court judges and members of the Magistrate’s Council from closed lists created by the Plurinational Assembly, where the party of President Morales, Movement towards Socialism (MAS), holds a majority.
In 2018, the Magistrate’s Council adopted a resolution granting itself broad powers to transfer judges to other cities or court circuits.

In August 2019, an opposition congresswoman released audio recordings strongly suggesting that high-level judges and members of the Magistrate’s Council had exercised improper influence in the appointment of low-level judges.

**Impunity for Abuses**

Bolivia has prosecuted only a few of the officials responsible for human rights violations committed under authoritarian governments from 1964 through 1982, partly because the armed forces have at times refused to share information with judicial authorities about the fate of people killed or forcibly disappeared.

A “Truth Commission” that the government established in August 2017 to conduct non-judicial investigations of grave human rights abuses during that period is intended to provide information to prosecutors and judges to convict those responsible. The findings had yet to be published at time of writing. The Armed Forces have made limited progress in declassifying military files and releasing information about victims of enforced disappearance.

**Due Process and Prison Conditions**

Around 66 percent of all Bolivians in detention have not been convicted of a crime. Extended pretrial detention and trial delays overcrowd prisons and lead to poor and inhumane conditions. By mid-2019, more than 19,000 inmates were packed into prisons built to hold a maximum of around 5,000.

In July 2018, the UN Subcommittee on Prevention of Torture said that prison officials’ “delegation of authority” to inmates, a “system of inmate self-government,” and “corruption” had heightened the vulnerability of inmates to “systemic forms” of exploitation, torture, and other ill-treatment. In March 2019, eight police officers were charged with the rape, earlier in the year, of a 21-year-old Brazilian inmate at the Rurrenabaque prison in the Department of Beni, northeast of La Paz.

In May 2019, the Legislative Assembly passed a law restricting pretrial detention of men and women responsible for the care of children. At time of writing, an implementation plan and special budget to implement the law had yet to be approved.

The Attorney General’s Office has repeatedly used a 2010 anti-corruption law to charge suspects with crimes alleged to have been committed before the law was enacted, violating the well-established international principle of non-retroactive application of criminal law.

In 2018, the Legislative Assembly approved a government-sponsored amnesty law for former presidents Jorge Quiroga and Carlos Mesa. They had been charged with “anti-economic conduct”—a crime included in the 2010 law anti-corruption law—for acts committed in the early 2000s. The amnesty law requires that Quiroga and Mesa “request” the application of the amnesty. At time of writing they had not requested it, arguing that they are not guilty, and the cases against them remained pending.

On November 13, the newly appointed minister of government under Añez, Arturo Murillo, warned that the government will “go after” and incarcerate people who commit “sedition”—a vaguely defined crime that carries up to three years in prison under Bolivian law. Murillo said that the government would also “hunt down” Juan Ramón Quintana, minister of government under former President Morales, whom he described as “an animal.”

**Human Rights Defenders**

A law and decree that President Morales signed in 2013 grants the government broad powers to dissolve civil society organizations. Under the decree, any government office may ask the Ministry of Autonomy to revoke the permit of a non-governmental organization (NGO) if it performs activities other than those listed in its bylaws, or if its legal representative is convicted for crimes that “undermine security or public order.”

The decree also allows the Legislative Assembly to request revocation of an NGO’s permit in cases of “necessity or public interest.” These measures give the government broad powers to shut down independent civil society groups.

Morales administration officials accused human rights groups of engaging in an international conspiracy against the government, without presenting evidence to support their claims.
Gender-Based Violence and Reproductive Rights

Women and girls in Bolivia remain at high risk of gender-based violence, despite a 2013 law that sets forth comprehensive measures to prevent and prosecute violence against women. The law created the crime of “femicide” (the killing of a woman in certain circumstances, including domestic violence) and called for the establishment of shelters for women, as well as special prosecutors and courts for gender-based crimes.

The Attorney General’s Office reported 136 victims of femicide in 2018, and 82 between January and September 2019.

Under Bolivian law, abortion is not a crime when the pregnancy is due to rape or if the procedure is necessary to protect the life or health of a pregnant woman or girl. In 2017, the Plurinational Assembly passed a government-sponsored criminal reform that would have fully decriminalized abortion for girls and allowed a woman to end a pregnancy in a range of circumstances, including if her life or health is at risk; if the pregnancy is a result of rape; and if the fetus suffers from severe conditions not compatible with life outside the womb. But in response to protests, the assembly abrogated the bill in January 2018, before it took force.

Child Labor

In 2018, the Constitutional Court abrogated a provision of a 2014 law that had allowed children as young as 10 to work in activities deemed not “dangerous” or “unhealthy.” Later that year, the legislature passed a law raising the working age for children and adolescents to 14 years. According to the Ministry of Labor, approximately 390,000 children work in Bolivia, often in hazardous industries, such as construction, the sugar-cane harvest, and mining.

Sexual Orientation and Gender Identity

In 2016, the Plurinational Assembly passed a bill that allows people to revise the gender listed on their identification documents without prior judicial approval. However, in 2017, the Constitutional Court ruled that such a revision of gender did not grant the right to marry a person of the same biological sex. Same-sex couples are not allowed to marry or engage in civil unions. Bolivia’s 2009 constitution defines marriage as the union of a man and a woman.
In July, President Morales signed a decree abrogating a discriminatory rule that forbade homosexuals and bisexuals from becoming blood donors.

**Key International Actors**

On November 14, UN Secretary-General Antonio Guterres appointed Jean Arnault as his personal envoy to “offer United Nations support in efforts to find a peaceful resolution to the crisis” in Bolivia.

On November 18, the IACHR requested the government’s authorization to carry out a mission to Bolivia to observe the human rights situation. The same day, the Office of the UN High Commissioner for Human Rights (OHCHR) said it would deploy a mission to the document the situation in the country.

In November, Bolivia was subject to its third UN Universal Periodic Review at the Human Rights Council.

The OHCHR mandate in Bolivia ended in December 2017, after the government did not renew the agreement for it to work in the country.

Bolivia has consistently opposed resolutions at the Organization of American States (OAS) spotlighting serious human rights abuses in Venezuela and Nicaragua.

**Bosnia and Herzegovina**

In 2019, Bosnia and Herzegovina (BiH) saw little improvement in protecting people’s rights. The holding of its first LGBT Pride was a welcome development, even though lesbian, gay, bisexual, and transgender people continue to face discrimination and violence. The state fails in practice to protect women from gender-based violence or hold most of those responsible for it to account. A decade after provisions in the constitution were ruled discriminatory by a human rights court, they have yet to be changed. Media freedom remains compromised and the pace of war crimes prosecutions slow.

**Discrimination and Intolerance**

December 2019 marked 10 years since the *Sejdić-Finci* ruling by the European Court of Human Rights (ECtHR), which found that the Bosnian constitution discriminates against ethnic and religious minorities by not allowing them to run for the presidency. In the decade that followed, the ECtHR has found similar constitutional violations in three further cases, but the constitution still has not been amended.

In October, the ECtHR ruled that Bosnian authorities had discriminated against a resident of the city of Mostar on the grounds of her place of residence, by failing to hold municipal elections for 11 years because of a disagreement among its main parties about the voting system. The court ordered Bosnia to hold elections in Mostar within six months.

The 2019 World Bank study examining Roma inclusion in the Western Balkans between 2011 and 2017 found only limited progress in improving access to education, employment, health, housing, and documentation for Roma in the country. In July 2019, Bosnia joined other governments in adopting a Declaration on Roma Integration within the EU Enlargement Process, committing to improve access to services for Roma and involve them in policy formation.

The Organization for Security and Co-operation in Europe (OSCE) between January and September 2019 registered 109 incidents of hate crimes—66.67 percent involving religion or ethnicity. The failure of Bosnian authorities to record statistics on types of hate crime impedes comprehensive assessment of the problem and effective response to it.
In March 2019, a Bosniak post-war returnee from Prijedor was physically and verbally attacked by someone who identified themselves as a Bosnian Serb and posted a video of the incident on social media. At time of writing, a criminal investigation was ongoing.

**Asylum Seekers and Internally Displaced People**

The numbers of asylum seekers and migrants coming to Bosnia increased. Between January and August 2019, the state Service for Foreigners' Affairs registered 18,071 new asylum seekers, 5,000 more than the same period last year. The most common country of origin was Pakistan, followed by Afghanistan, Bangladesh, Iraq and Syria.

In the first half of 2019, 17,165 people indicated an intention to seek asylum. Only 426 people actually applied during the same period. According to the UN Refugee Agency, UNHCR, short application deadlines and limited state capacity to process claims hinder access to asylum procedures.

At time of writing, there was one state-managed asylum center and six temporary accommodation centers with total capacity of around 4,000 people, an improvement on 2018, but still leaving thousands unable to access shelter and basic services.

At time of writing, a program aimed at building houses for 96,421 Bosnians who remain displaced by the war in the 1990s had built 1,000 homes. Authorities said this should allow residents to relocate from 8 out of the 121 collective centers for the internally displaced that are still open. Fifty-eight percent of refugees who fled the Bosnia war in the 1990s have not returned to the country.

**Accountability for War Crimes**

A revised National War Crimes Processing Strategy to improve the process of allocating cases across courts has awaited approval by the Council of Ministers since February 2018, made no progress in 2019, slowing down the rate at which war crimes cases are prosecuted.

According to information provided by the OSCE, in August 2019 there were 250 war crimes cases against 52 defendants in the post-indictment phase pending before all courts in BiH.

Between January and June 2019, BiH courts rendered first instance judgments in 26 cases: 15 in the State Court, 9 in the Federation BiH (FBiH) court and 2 in the Republika Srpska (RS) court. In total, 23 of the 38 defendants were convicted. During the same period, Bosnian courts reached final judgments in 21 cases: 10 in the State Court, 9 in the FBiH court, 1 in RS court, and 1 in the Brčko court. In total, 29 of 42 defendants were convicted.

In cases involving conflict-related sexual violence, courts reached first instance judgments in 8 cases in the first half of 2019, with 8 of the total 10 defendants convicted, and final judgments in 4 cases, with 9 defendants convicted and 1 acquitted.

In March 2019, the United Nations Mechanism for International Criminal Tribunal (MICT) ruled against the appeal of Radovan Karadzic, former Bosnian Serb wartime president, confirming his 2016 conviction for genocide and other crimes and extending his initial 40-year sentence to life in prison.

In a positive move, in July 2019 BiH signed agreements with Serbia and Croatia to facilitate better cooperation in the search for missing persons from the 1990s wars.

There was less progress in coming to terms with the past. In April, the Serb member of the Bosnian Presidency Milorad Dodik called the Srebrenica genocide a myth.

**Women’s Rights**

BiH has an established legislative framework for tackling gender-based violence and human trafficking and institutional gender equality mechanisms, including in politics. Implementation remained patchy or non-existent in 2019, according to women’s rights organization Kvinna Till Kvinna, leaving women vulnerable to domestic violence and employment discrimination, and underrepresented in political life.

The state response to gender-based violence remained inadequate, despite the ratification of the Istanbul Convention on violence against women. According to Kvinna Till Kvinna, police officers do not always inform women of their rights and available support, and perpetrators are just given a warning.
A September study from the United Nations Development Program's found that women's representation in Bosnian political institutions is only half of the 40 percent legally mandated proportion.

There is currently no systematic data collection on gender-based violence across the entities. In April 2019, the Council of Europe recommended Bosnia institutions increase the quality of such data. According to an OSCE regional survey in 2019, of 2,321 women interviewed in Bosnia, 42 percent do not know what to do if they experience violence, and 37 percent are not aware of any support organizations.

According to BiH Ombudsman Office, violence against women is still under-reported and some of the reasons are fear of the perpetrator, long court proceedings, low penalties for the perpetrator, distrust in the institutions, and social stigma.

**Freedom of Media**

Journalists continued to face interference with their work. As of August 2019, the BiH journalists' association BH Novinari recorded 41 violations of journalists' rights, including three verbal threats, eight instances of political pressure, six physical assaults, and five death threats. Most of the cases were reported to police and at time of writing 15 were with the relevant prosecutor's office. Although the number of solved cases has not significantly increased, BH Novinari reported police were more engaged and proactive with cases than in the past, and that other relevant state institutions communicated better regarding attacks on journalists.

In January, the owner of the portal Visoko.co.ba received threats after publishing articles about nepotism. Photojournalist Adi Kebo was attacked and his camera was damaged in March by a politician. At time of writing, both cases were with the relevant prosecutor's office.

By August 2019, there were four court convictions for attacks on journalists, including a four-year sentence for Marko Ćolić for the attempted murder of journalist Vladimir Kovačević in 2018.

**Sexual Orientation and Gender Identity**

Between January and September 2019, organization Sarajevo Open Center (SOC), an LGBTI and women’s rights group, recorded 12 hate incidents against LGBTI people, three of which were physical attacks. The organization registered eight attacks in public places.

According to Foundation CURE, a feminist activist organization, the first Pride Parade, held on September 8, was a success and an important victory for LGBT rights in Bosnia. The event was well secured by police and there were no registered incidents of violence.

In a December 2018 ruling concerning the violent attack on Merlinka queer festival five years ago, the Constitutional Court of BiH found Sarajevo Canton and the Federation of Bosnia and Herzegovina guilty for failing to secure the event and properly investigate the attack.

Civil society groups identified the most pressing issues as the lack of legal family rights of same-sex couples, lack of available medical procedures for gender reassignment, and the inability to freely express their sexual orientation and gender identity without fear of violence.

**Key International Actors**

In January, Council of Europe Human Rights Commissioner Dunja Mijatović expressed concern over glorification of war crimes and war criminals in Bosnia.

In February, the European Parliament adopted a resolution calling on BiH to address a number of human rights concerns, including introducing a property restitution law and compensating for historically-seized property.

In a May progress report, the European Union Commission urged Bosnia to improve its legal framework to allow holding municipal elections in Mostar and to implement Sejdić Finci ruling.

In June report, the OSCE expressed concern over a sharp decline in the number of first-instance convictions for war crimes by Bosnian State Court since 2016, calling into question the quality of investigations and indictments of the Prosecutor’s Office.
Brazil

During his first year in office, President Jair Bolsonaro has embraced an anti-rights agenda, pursuing policies that would put vulnerable populations at greater risk. The courts and Congress blocked some of those policies.

The Bolsonaro administration has put forward a bill that would allow police officers convicted of unlawful killings to avoid prison. Its environmental policies have effectively given a green light to criminal networks that engage in illegal logging in the Amazon and use intimidation and violence against Indigenous people, local residents, and environmental enforcement agents who try to defend the rainforest.

Public Security and Police Conduct

Violent deaths fell 11 percent in 2018, but high crime levels remain a problem around the country. Police abuses make fighting crime harder by discouraging communities from reporting crimes or cooperating with investigations. Those abuses contribute to a cycle of violence that undermines public security and endangers the lives of civilians and police officers alike. In 2018, 343 police officers were killed, two-thirds of them off duty.

Killings by police jumped 20 percent in 2018, reaching 6,220, state data compiled by the nonprofit Brazilian Forum on Public Security show. While some police killings are in self-defense, many others are the result of unlawful use of force. In São Paulo, killings by on-duty officers went up by 8 percent from January through September 2019. In Rio de Janeiro, police killed 1,402 people from January through September, the highest number on record for that period.

President Bolsonaro has encouraged police to kill suspects. Criminals should “die like cockroaches,” he said in August. His administration sent a bill to Congress, which he said was intended for police officers, to allow judges to suspend sentences of people convicted of homicide if they acted out of “excusable fear, surprise, or intense emotion.” President Bolsonaro also announced he would pardon police officers convicted of crimes if he deemed the conviction to be “unfair.”

In August, the UN Committee Against Torture (CAT) recommended the state to pay 15,000 euros in compensation to a woman raped in the war after the perpetrator, who was initially ordered by Bosnian court to pay the victim, did not have the funds, and to establish a state fund to compensate other victims of war. The CAT also rejected the government’s statute of limitations on prosecution of wartime sexual violence.
In 2018, several Supreme Court rulings and a new law mandated house arrest instead of pretrial detention for pregnant women, mothers of people with disabilities, and mothers of children under 12, except for those accused of violent crimes or of crimes against their dependents. Yet official data showed that in July 2019 more than 5,100 women entitled to house arrest, 310 of them pregnant, awaited trial behind bars.

The National Council of Justice ordered that by May 2016 all detainees should have, within 24 hours of arrest, a hearing to determine if they should be detained or set free pending trial. By September 2019, at least seven states were still not holding such “custody hearings” everywhere in their territory, according to the National Council of Justice. Without such hearings, detainees often wait months in jail to see a judge.

A 2019 study by the Institute for the Defense of the Right to Defense reported that a quarter of detainees said at their hearings that police had mistreated them.

In Pará, federal prosecutors said in September they had received evidence that a federal task force deployed by the Bolsonaro government to prisons in that state was mistreating and torturing detainees. A federal judge ordered the removal of the chief of the force.

The Bolsonaro administration initially blocked a prison visit in Ceará state by the National Mechanism to Prevent and Combat Torture, a body of experts established by law to detect torture. When the mechanism was finally able to visit, it found “evidence of widespread torture.” In June, President Bolsonaro fired the experts by decree and eliminated payment for future members of the mechanism. The attorney general stated the decree violated fundamental rights and asked the Supreme Court to revoke it. In August, a federal judge suspended it temporarily.

In June, President Bolsonaro signed a bill that allows for the compulsory internment of drug users in treatment facilities without judicial authorization.

In Rio de Janeiro, the governor has encouraged police to kill armed suspects. Three days after 8-year-old Ágatha Félix was killed during a police operation in September, the governor changed a bonus scheme that had been credited with helping reduce police violence. Under the new rules, officers will no longer be rewarded when police killings drop.

In São Paulo, prosecutors sued the state government to force it to reduce killings by and of police officers, and install cameras and other technology to help investigate police misconduct.

A 2017 law moved trials of members of the armed forces accused of unlawful killings of civilians from civilian to military courts, in contravention of international norms. Less than a month after the law was enacted, eight civilians were killed during a joint civil police and army operation in Rio de Janeiro. Military prosecutors closed the case in May 2019 without having interviewed key civilian witnesses or having conducted forensic analysis of the area from where the shots were fired.

In April, army soldiers opened fire on a family travelling in a car in Rio de Janeiro, killing one man and injuring another. The military command initially said the soldiers responded to shots from criminals, but later admitted “inconsistencies” in the soldiers’ statements. Police found no weapons in the car. The military itself is investigating the case.

Prison Conditions and Torture

As of October 1, more than 830,000 adults were incarcerated in Brazil, more than 40 percent of them awaiting trial, according to the National Council of Justice. The number of detainees exceeded the maximum capacity of facilities by 70 percent in June 2017, according to the latest data.

Overcrowding and understaffing make it impossible for prison authorities to maintain control within many prisons, leaving detainees vulnerable to violence and recruitment into gangs. Inmates killed 117 fellow inmates in five prisons in Amazonas and Pará in less than three months in 2019.

In August, media reported that nobody had been tried for the killings of almost 300 inmates in the past three years.
In January, Jean Wyllys, an advocate of LGBT rights who had received death threats, resigned his seat in Congress, fearing for his life. He was replaced by David Miranda, who, like Wyllys, is openly gay and has also reported receiving death threats.

**Women’s and Girls’ Rights**

Brazil made important progress in fighting domestic violence with the adoption of the 2001 “Maria da Penha” law, but implementation is lagging. Only 8 percent of municipalities had police stations specializing in violence against women and about 2 percent operated women’s shelters in 2018. One million cases of domestic violence were pending before the courts in 2018, including 4,400 femicides, defined under Brazilian law as the killing of a woman “on account of being persons of the female sex.”

Abortion is legal in Brazil only in cases of rape, to save a woman’s life, or when the fetus suffers from anencephaly, a fatal congenital brain disorder. Article 19, an NGO, contacted the hospitals the government lists as performing legal abortions in 2019, and found the majority did not, in fact, perform them.

Women and girls who have clandestine abortions not only risk injury and death but face up to three years in prison, while people convicted of performing illegal abortions face up to four years.

An outbreak of the Zika virus in 2015-2016 caused particular harm to women and girls. When a pregnant woman is infected, Zika can cause complications in fetal development, including of the brain. In September, the government established a lifelong monthly payment to low-income children affected with Zika whose families agree not to file Zika-related suits against the government.

In July, the Federal Council of Medicine published a resolution giving doctors the power to conduct procedures on pregnant women without their consent, even if no imminent risk of death exists. Federal prosecutors argued that the rule may lead to unnecessary cesarean deliveries, and to procedures not recommended by the World Health Organization when performed on a routine basis, such as episiotomy.

**Children’s Rights**

Overcrowding, mistreatment, and lack of access to educational and health services remain chronic problems in detention facilities for children in conflict with the law.

In Espírito Santo state in November 2018, the National Mechanism to Prevent and Combat Torture found as many as 10 children held in juvenile-detention rooms built for one. In May 2019, the Supreme Court found severe overcrowding in four states and ordered it reduced. In June, the Piauí state committee to combat torture reported children in detention had suffered beatings and other abuses.

By June 2019, Brazil’s juvenile detention facilities housed more than 21,000 children and young adults.

President Bolsonaro has tried to prevent children from accessing comprehensive sexuality education. He ordered the Health Ministry to remove from circulation a health booklet for adolescents about pregnancy and sexually-transmitted diseases because he objected to its images.

He also ordered the Ministry of Education to draft a law banning what he calls “gender ideology” in schools. The governor of São Paulo ordered the removal from public schools of 330,000 booklets that explain sexual orientation and gender identity because they promoted “gender ideology.” In September, a judge determined that the booklets be returned to schools.

**Sexual Orientation and Gender Identity**

President Bolsonaro has made homophobic statements and sought to restrict the rights of lesbian, gay, bisexual, and transgender (LGBT) people.

President Bolsonaro said in April that Brazil must not become a “gay tourism paradise” and said in August that families are only those made of a man and a woman. In September, Brazil’s Supreme Court reaffirmed that same-sex unions are families.

The Bolsonaro administration suspended public funding for four films addressing LGBT issues and the mayor of Rio de Janeiro banned a comic showing two men kissing. The Supreme Court ruled the mayor’s actions illegal.
**Freedom of Expression and Association**

President Bolsonaro has repeatedly lashed out at Brazil's vibrant civil society and independent media.

In January, his administration restricted public access to government information, but Congress revoked the decree.

President Bolsonaro has verbally attacked media outlets and reporters whose coverage he did not like. Those reporters have often suffered online harassment after being singled out. In September, the Bolsonaro administration urged prosecutors to open a criminal investigation of a news site for publishing a story that laid out the World Health Organization's recommendations for safe abortion.

The Bolsonaro administration is openly hostile toward nongovernmental organizations (NGOs), particularly those defending the environment and Indigenous peoples' rights. In January, the government granted itself the power to “supervise, coordinate, monitor, and track” NGOs, but Congress revoked that power.

The Bolsonaro administration eliminated most federal councils, committees, and working groups, many of which had representatives of civil society, and reduced NGO representation in committees that were not eliminated.

**Disability Rights**

Thousands of people with disabilities, including children and infants, are needlessly confined in institutions, where they may face neglect and abuse, sometimes for life. At the request of a relative or an institution’s director, courts can strip people with disabilities of their right to make decisions for themselves. People stripped of this right can leave institutions only with the consent of their guardians, a requirement that violates the Convention on the Rights of People with Disabilities.

**Migrants, Refugees, and Asylum Seekers**

Thousands of Venezuelans have crossed the border into Brazil fleeing hunger, lack of basic health care, or persecution. Government figures show that in September, more than 224,000 Venezuelans lived in Brazil, more than half of whom had requested asylum.

In June, Brazil's federal refugee agency declared “serious and widespread violation of human rights” exists in Venezuela, a legal declaration that speeds up the granting of asylum.

In July, the Bolsonaro administration issued a regulation that allows authorities to bar entry into the country or summarily deport anyone deemed “dangerous” or to have violated “the principles and objectives of the Constitution.” After public criticism, in October the administration modified some of the provisions but maintained the authority to deport foreigners when it has “serious reasons” to believe they are “dangerous.”

**Environment and Human Rights**

Criminal networks that are largely driving illegal logging in the Amazon continued to threaten and even kill Indigenous people, local residents, and public officials who defended the forest.

The Bolsonaro administration has effectively given a green light to those networks by slashing funding for and undermining the power of environmental agencies. Preliminary data show that from January through October, deforestation in the Amazon increased by more than 80 percent, compared to the same period in 2018.

The Indigenist Missionary Council (CIMI), a non-profit organization, reported 160 cases of illegal logging, land grabbing, and other infringement upon Indigenous territories from January through September. In November, Paulo Paulino Guajajara, an Indigenous forest defender, was killed, allegedly by loggers.

From January to October 3, the Bolsonaro administration approved 382 new pesticides, many of them restricted or banned as toxic in the United States and Europe. In July, the government established risk of death as the only criterion for classifying a pesticide as “extremely toxic.” Human Rights Watch research shows the government does not adequately monitor pesticide exposure and pesticide residues in drinking water and food.

**Military-Era Abuses**

The perpetrators of human rights abuses during the 1964 to 1985 dictatorship are shielded from justice by a 1979 amnesty law that the Supreme Court upheld
in 2010, a decision that the Inter-American Court of Human Rights ruled was a violation of Brazil’s obligations under international law.

Since 2010, federal prosecutors have charged about 60 former agents of the dictatorship with killings, kidnappings, and other serious crimes. Lower courts dismissed most of the cases, citing the amnesty law or the statute of limitations. A few such cases are pending before the Supreme Court. In August, a federal court for the first time approved charges of rape against an agent of the military regime.

President Bolsonaro has praised the dictatorships in Brazil and other South American countries. Bolsonaro called a convicted torturer “a national hero.” He denied that journalist Miriam Leitão was tortured by the military and that Fernando Santa Cruz, father of the president of Brazil’s Bar Association, was killed by the regime, but offered no evidence.

The Bolsonaro administration packed with allies, some of whom had publicly defended the dictatorship, two commissions that examine requests of compensation for victims of the dictatorship and seek to locate the bodies of the disappeared. From January through September, the amnesty commission denied 92 percent of compensation requests.

Key International Actors

The United Nations High Commissioner for Human Rights (OHCHR), Michelle Bachelet, reportedly warned in September that “public discourse legitimizing summary executions” by police in Brazil can “entrench impunity and reinforce the message that state agents are above the law.” She also criticized “a shrinking of civic and democratic space.” President Bolsonaro responded to Bachelet praising the “courage” of Chile’s dictatorship to fight “communists, among them her father.” Alberto Bachelet was tortured and died in detention.

The UN rapporteur on extreme poverty and human rights in June labeled President Bolsonaro’s promises to end demarcation of Indigenous territories and weaken environmental protections “short-sighted steps in the wrong direction.” The UN Subcommittee on Prevention of Torture called on President Bolsonaro to revoke the decree that “severely weakened” the national anti-torture mecha-
Burundi

Members of Burundi’s ruling party’s youth league, the Imbonerakure, often working with local officials, the national intelligence service (Service national de renseignement, SNR), and police carried out widespread human rights abuses throughout 2019, including extrajudicial executions, disappearances, arbitrary arrests, sexual violence, beatings, and intimidation of suspected political opponents. They often targeted real or perceived political opponents or those who refused to join the ruling party.

The humanitarian situation remained dire and by November, over 2,800 of the 7 million people who had contracted malaria died from the disease. Over 1.7 million people were food insecure, in part due to high population density and the influx of returning and new refugees.

The country’s once vibrant civil society and media bore the brunt of the government’s ire. In June, the government suspended one of the last remaining rights organizations, PARCEM. In October, four Iwacu journalists and their driver were arrested while travelling to Bubanza province to report on an outbreak of fighting between rebels and security forces. They were later charged with complicity in “threatening the security of the state.”

A United Nations Human Rights Council-mandated Commission of Inquiry (COI) reported in September that serious violations, including crimes against humanity, continued in 2018 and 2019, mainly perpetrated by state agents and the Imbonerakure and affecting mostly rural dwellers.

Abuses by Security Forces and Ruling Party Youth

Although President Pierre Nkurunziza said he would not contest the presidential election in 2020, tensions continued to rise. Authorities lifted the suspension of some opposition parties and registered new parties, but many Burundians suspected of being political opposition supporters were killed, disappeared, arbitrarily arrested, and beaten. People who refused to join the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie, CNDD-FDD) and its youth league, donate money to it, participate in the
construction of its offices, or attend its rallies also reported facing beatings, fines, and arrest.

Authorities have particularly targeted members of the opposition National Congress for Freedom (Congrès national pour la liberté, CNL) party. In 2019, members of the Imbonerakure and local authorities killed, disappeared, arbitrarily arrested, and beat dozens of CNL supporters across the country. According to local media reports, several local CNDD-FDD and CNL party offices were attacked or destroyed across the country.

People were forced to contribute money to the elections scheduled for May 2020 and to the ruling party. Imbonerakure members and local authorities mainly responsible for collecting the contributions largely did so by using force and threats, often at informal roadblocks set up to verify proof of payment. Those who could not provide receipts or refused to contribute faced violent retribution and intimidation. In some cases, people reported being denied access to public services if they were unable to prove they had contributed. In some provinces, CNDD-FDD and Imbonerakure members forced people to join the construction of local CNDD-FDD offices, and threatened, beat, or detained those who refused to comply, which constitutes forced labor.

**Humanitarian Situation**

The humanitarian situation in Burundi, one of the world’s poorest countries, was dire, with around 1.7 million people facing food insecurity, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA).

Despite this, there were reports that the Imbonerakure were asking Burundians to “donate” food to them and were preventing people from accessing humanitarian food distributions. The COI report documented violations of the rights to food, health, and work.

**Refugees**

In November, there were approximately 326,000 Burundian refugees in Tanzania, Rwanda, Uganda, and the Democratic Republic of Congo. Between September 2017 and October 31, 2019, around 80,000 refugees returned to Burundi under the United Nations refugee agency-backed assisted voluntary repatriation
On March 29, the National Communication Council (CNC) announced it would extend the suspension order on the Voice of America’s (VOA) and withdraw the British Broadcasting Corporation’s (BBC) operating license. The CNC also forbade any journalist in Burundi from “providing information directly or indirectly that could be broadcast” by either the BBC or VOA.

Freedom of Religion

Burundian authorities increasingly sought to control churches in the country, warning religious leaders against making critical or “political” statements. On May 21, the Seventh Day Adventist Church leader, Pastor Lamec Barishinga, and his deputy were arrested and accused of “rebellion.”

Sexual Orientation and Gender Identity

Burundi punishes consensual same-sex sexual relations between adults with up to two years in prison under Article 567 of the penal code. Article 29 of the Constitution of Burundi explicitly bans same-sex marriage.

Right to Education

In March, some of the seven schoolchildren arrested in Kirundo province were charged with “insulting the head of state” for allegedly scribbling on the president’s photo in their schoolbooks. The incident triggered a global social media campaign that eventually led to their release, although five of the seven were expelled indefinitely.

Several students reported being prevented from attending school for failing to make a contribution toward the 2020 elections. According to the COI report, some students affiliated with the opposition were harassed and threatened by students and teachers who are members of the ruling party.

Key International Actors

In February, the facilitator of the Inter-Burundi dialogue, Benjamin Mkapa, presented his final report to the Summit of Heads of State of the East African Community. At a June UN Security Council Meeting, Smaïl Chergui, African Union
Cambodia

Respect for human rights in Cambodia deteriorated in 2019, following national elections the previous year in which Prime Minister Hun Sen and the ruling Cambodian People’s Party (CPP) secured all 125 National Assembly seats after the CPP-controlled Supreme Court dissolved the main opposition party, effectively creating one-party rule. The number of political prisoners also increased, with key opposition figures either in detention or having fled the country to avoid arrest. Authorities criminalize involvement with the main opposition party, the Cambodia National Rescue Party (CNRP); 107 out of 118 senior CNRP politicians remained banned from engaging in politics for five years.

In mid-November 2019, the government held around 90 people in pretrial detention or prison on politically motivated convictions. While Hun Sen sought royal pardons for 16 political prisoners after the 2018 elections to deflect international criticism, targeting of peaceful dissent continued in 2019, and other human rights defenders and political opposition activists were tried and imprisoned in 2019.

The European Union (EU) launched a review procedure for suspension of the “Everything But Arms” (EBA) trade preferences granted to Cambodia based on the latter’s non-compliance with international human rights treaties and core International Labour Organization conventions. At risk is Cambodia’s tariff-free access into the European Union market of certain exported goods, such as garments. The EU’s decision should be final by February 2020.

Attacks on Human Rights Defenders

A series of new repressive laws or amendments to existing laws—including amendments to the Law on Political Parties, the Law on Non-Governmental Organizations, the Law on Trade Unions and a lese majeste clause in the penal code—severely restrict rights to freedom of expression, peaceful assembly, and association.

In December 2018, a court convicted six prominent union leaders on baseless charges of initiating intentional violence and causing damage, handing them suspended prison sentences of between eight months and four-and-a-half years.
and a collective 35 million Cambodian riels (US$8,600) compensation payment to civil parties. An appeals court overturned the convictions in May 2019, just ahead of the arrival of an EU fact-finding mission related to the EBA review.

In December 2018, Thai authorities forcibly returned Cambodian dissident Rath Rott Mony to Cambodia. Authorities then prosecuted him for his role in a Russia Times documentary “My Mother Sold Me,” which describes Cambodian girls forced by their mothers into sexual exploitation. In July, the court convicted Mony of “incitement to discriminate” and sentenced him to two years in prison.

Since the introduction of a lese majeste crime in 2018, three people have been convicted and imprisoned under the law; a fourth person was being held in pre-trial detention at time of writing. All the cases involved people expressing critical opinions of the government and the king on Facebook, or sharing other people’s Facebook posts.

In July 2019, authorities detained two youth activists, Kong Raya and Soung Neakpoan, for participating in a commemoration ceremony on the third anniversary of the murder of prominent political commentator Kem Ley in Phnom Penh. In November, the Supreme Court denied Raya bail. Authorities charged both with “incitement to commit a felony.” They arrested seven people for commemorating the anniversary; and disrupted or canceled commemorations around the country.

On January 20, 2019, soldiers arrested land activist Sum Moeun in Preah Vihear and detained him at the Kulen Promtep Wildlife Sanctuary Headquarters. Authorities could not account for his whereabouts the next morning. Two months later, he reappeared out of hiding after having escaped the Sanctuary, waiting to receive assurances that he will not be re-arrested. Fourteen other villagers, including his son, were arrested and charged with illegal clearing of state forest land; the charges against four were dropped and the ten others were released on bail between June and July, their charges are pending. While Moeun had not been re-arrested, a trial against him started in October based on same charges as the fourteen.
On January 16, 2019, police arrested Kong Meas, a banned CNRP member, after he posted on Facebook that the EU was planning to impose a tariff on Cambodian rice. On October 18, the Phnom Penh court convicted him of incitement to commit a felony and sentenced him to 18 months in prison.

On April 18, 2019, Tith Rorn, a CNRP activist and the son of a former CNRP commune council member in Kampong Cham province, died in police custody. His body had visible bruises, suggesting he was beaten. Police had arrested him on April 15 in connection with a 13-year-old assault charge, even though the statute of limitations for the offense had expired. Cambodian authorities claim Tith Rorn fell in the bathroom of his jail cell, but failed to seriously investigate.

Freedom of Media

The Cambodian government continued in 2019 to significantly curtail media freedom. While Voice of Democracy and Voice of America have conducted independent English and Khmer online reporting in 2019, previously existing local independent newspapers and radio outlets remained shut or sold to owners with ties to the government. Social media networks also continued to face surveillance and intervention by the government, reinforced by the adoption of a decree titled “Publication Controls of Website and Social Media Processing via Internet” in 2018, which allows for interference with online media and government censorship.

Cambodian authorities proceeded in 2019 with the politically motivated prosecution of two Radio Free Asia (RFA) journalists, Yeang Sothearin and Uon Chhin. The journalists were arrested on November 14, 2017, on fabricated espionage charges for reporting for RFA after the government forcibly shuttered RFA’s Cambodia office. Upon determining that sufficient evidence was lacking for a conviction, the judge of the Phnom Penh court decided on October 3 to send the case back to the investigating judge for re-investigation.

On January 11, 2019, Hun Sen announced the resubmission to the National Assembly of a cybersecurity bill and a “fake news” law, raising concerns about additional restrictions on free expression and expanded surveillance against civil society groups, the political opposition, and independent media. While such laws have not been adopted yet, intimidating threats by the Cambodian authori-
Cameroon

Armed groups and government forces committed widespread human rights abuses across Cameroon throughout 2019. Freedoms of expression, association, and assembly continued to be curtailed after President Paul Biya, 86, won his seventh term in October 2018, in elections marred by low voter turnout and allegations of fraud. The government denied a Human Rights Watch researcher entry to the country in April.

The Islamist armed group Boko Haram carried out over 100 attacks in the Far North region since January 2019 killing more than 100 civilians. The conflict between government forces and Boko Haram has killed thousands of Cameroonians and displaced over 270,000 since 2014, leading to the rise of self-defense vigilante groups.

In Anglophone regions, violence intensified as government forces conducted large-scale security operations and armed separatists carried out increasingly sophisticated attacks. Over 3,000 civilians and hundreds of security forces personnel have been killed in the Anglophone regions since 2016, when the crisis started. The unrest in these regions led to the displacement of over half-a-million people. In August, 10 leaders of a separatist group, the Ambazonia Interim Government, were sentenced to life by a military court, following a trial that raised concerns of due process and violations of fair trial rights.

Government forces and armed separatists have killed, violently assaulted, or kidnapped people with disabilities as they struggled to flee attacks, or because they were left behind.

Cameroonian authorities cracked down on the political opposition, violently broke up peaceful protests, and arrested hundreds of opposition party leaders, members, and supporters.

The Anglophone Crisis

Cameroon’s Anglophone regions have been engulfed in crisis since late 2016, when English-speaking lawyers, students, and teachers began protesting what they saw as their under-representation in, and cultural marginalization by, the central government.
The response of government security forces has included killing civilians, torching villages, and using torture and incommunicado detention. Armed separatists have also killed, tortured, and kidnapped dozens of civilians, including teachers, students, and government officials.

On September 10, amid increasing violence and following sustained international pressure, President Biya called for a “national dialogue,” a series of nationwide discussions aimed at addressing the Anglophone crisis. The dialogue ended with the adoption of a special status for the two Anglophone regions and the release of hundreds of political prisoners, including Maurice Kamto, leader of the opposition Cameroon Renaissance Movement (MRC), and other people arrested in connection with the unrest in the North-West and South-West regions.

**Killings, Destruction of Property, Torture by Government Forces**

Responding to increasing attacks by armed separatist groups, security forces killed scores of people, burned hundreds of homes and other property in villages and cities across the North-West and South-West regions, and tortured suspected separatists in detention.

On February 6, security forces, including soldiers of the Rapid Intervention Battalion (BIR), stormed the market in Bole Bakundu village, South-West region, killing up to 10 men.

On April 4, Cameroonian soldiers, gendarmes, and BIR members carried out a deadly attack on the North-West region village of Meluf, killing five civilian males, including one with a mental disability, and wounding one woman. The forces also forcibly entered at least 80 homes in Meluf, looted some, and burned down seven.

On May 15, Air Force and BIR soldiers attacked Mankon, Bamenda, North-West region, burning over 70 homes and killing a man. On July 10, Air Force soldiers went back to Mankon and killed two men.

On September 24, BIR soldiers attacked a UNESCO World Heritage site, the Royal Palace in Bafut, shot and wounded one man, and looted the palace museum, taking several precious artifacts.

During the year, there was widespread use of incommunicado detention and torture of people suspected of ties to armed separatist groups at the State Defense Secretariat (Secrétariat d’Etat à la défense, SED) prison in Yaoundé. Gendarmes and other security personnel at the SED used torture, including severe beatings and near-drowning, as well as other ill-treatment to force suspects to confess to crimes, or to humiliate and punish them.

While the government maintained it did not tolerate crimes committed by security forces, it failed to demonstrate progress in investigating and punishing them.

**Kidnapings, Torture, Occupation of Schools by Armed Separatists**

Armed separatist groups have killed, tortured, assaulted, and kidnapped dozens of people, including students, teachers, clergy, and administrative and traditional authorities.

On February 16, a group of armed separatists abducted 170 students, mostly girls under 18, a teacher, and two guards from a boarding school in Kumbo, North-West region. They were all released the following day amid rumors of ransoms being paid. The school remained closed at time of writing.

On June 18, separatists kidnapped at least 40 people, including women and children, beat and robbed them in Bafut, North-West region. They were released the following day.

On June 28, armed separatists beat and kidnapped John Fru Ndi, a well-known Cameroonian politician, from his home in Bamenda, North-West region. Three days before, armed separatists abducted and released another high-profile figure, Cornelius Fontem Esua, the archbishop of Bamenda.
Crackdown on Political Opposition

Since elections in October 2018, the government has increased its crackdown on political opposition. Cameroon security forces have used excessive and indiscriminate force to stop demonstrations organized by the members and supporters of the MRC, Cameroon’s main opposition party.

In January, MRC leader Maurice Kamto and some of his closest allies were arrested with another 200 MRC members and supporters after they held country-wide protests. A trial started in August, as they remained in detention on politically motivated charges.

On April 5, the Ministry of the Territorial Administration issued a press release banning a week of demonstrations planned by the MRC, accusing the party of destabilizing the country.

Between June 1 and 2, at least 350 MRC members and supporters, including its vice president, were arrested across the country after they tried to hold demonstrations.

On September 25, gendarmes arrested Abdul Karim Ali, an outspoken Anglophone activist and political analyst, in Yaoundé. Abdul Karim was detained at SED and denied access to a lawyer for five days. He was released on November 1.

In November, authorities banned three MRC meetings in the cities of Ebolowa, Yaoundé, and Douala. Defying the meeting ban, hundreds of MRC supporters gathered in the capital, Yaoundé, on November 2 before anti-riot police violently dispersed them. Police severely beat and injured at least 10 demonstrators. Thirty-three MRC members and supporters were arrested but released the same day.

Sexual Orientation and Gender Identity

Cameroon’s penal code punishes “sexual relations between persons of the same sex” with up to five years in prison, and its cybercrimes law punishes “whoever uses electronic communication devices to make sexual advances toward a person of the same sex” with up to two years in prison. Police and gendarmes continued to arrest and harass people they believe to be lesbian, gay, bisexual, or transgender (LGBT). Humanity First Cameroun and Alternatives-WORLD REPORT 2020

Justice and Accountability

In a March letter to Human Rights Watch, government officials said that about 30 cases were pending before the Military Courts in Bamenda and Buea for crimes committed by security forces, including torture, destruction of property, violation of orders, and theft. Officials added that, while investigations were conducted, information about them are confidential. However, the visible lack of accountability appears to have fueled abuses, including killings, destruction of property, and torture.

The trial of seven soldiers allegedly caught on video carrying out the 2015 execution of two women and two children in the Far North region started in August, however hearings have been delayed several times, including following a request by defense lawyers to hold the trial behind closed doors.

In May, authorities announced an investigation into the burning of at least 70 homes allegedly carried out by security forces in Mankon, Bamenda on May 15, as well as the establishment of a commission of inquiry to evaluate the material damage and property destroyed. The commission was due to submit its report by May 24, but authorities have made no information about the findings public.

On April 12 in what appears to be an attempt to curb reports of abuse by its security forces, the government denied a Human Rights Watch researcher access to the country. Despite several attempts to obtain explanations, Human Rights Watch had yet to receive any clarification from the government as to the basis for its decision to block access.

Key International Actors

France, the United States, the United Kingdom, and Germany are Cameroon’s principal partners, primarily in the context of operations to counter Boko Haram in the country’s Far North region. Both France and the US provide Cameroon with significant military and security assistance and training.
In February, the US announced the scaling back of its security assistance to Cameroon following credible allegations that the Cameroonian military carried out human rights violations. In July, Germany also announced the end of its military cooperation with Cameroon. In October, the US announced to cut Cameroon trade privileges enshrined in the African Growth and Opportunity Act (AGOA) over rights abuses.

The international community has become increasingly aware of the serious crimes in the Anglophone regions, despite Cameroonian government efforts to prevent coverage and documentation of violations. The United National high commissioner for human rights visited Cameroon in May, expressed concerns over allegations of serious human rights violations and urged the government to conduct transparent investigations. A fact-finding mission by her office took place in September.

The US, UK, and France publicly raised concerns on the situation in the Anglophone regions and the restrictions on basic rights and freedoms. In March, the UK, on behalf of 38 members of the Human Rights Council, expressed its deep concern about the deteriorating human rights situation in Anglophone regions, and called on Cameroon to engage fully with the UN Office of the High Commissioner for Human Rights. On April 4, the European Union Parliament passed a resolution expressing concerns over abuses committed in the North-West and South-West regions of the country, and called on President Biya to release opposition party leader Kamto and all other detainees held on politically motivated charges.

In May, the UN Security Council convened an informal meeting on the humanitarian situation in Cameroon, amid resistance from the Cameroonian government and the council’s three African members.

Canada

Canada is a diverse, multi-cultural democracy that enjoys a global reputation as a defender of human rights and a strong record on core civil and political rights protections guaranteed by the Canadian Charter of Rights and Freedoms. The government of Prime Minister Justin Trudeau has made notable efforts to advance human rights in Canada. The Trudeau government has been a vocal advocate for a pluralistic society that respects the rights of immigrants, people with disabilities, lesbian, gay, bisexual, and transgender (LGBT) people, and other minorities.

Despite these efforts, Canada continues to struggle to address longstanding human rights challenges, including wide-ranging abuses against Indigenous peoples, the continued confinement of immigration detainees in jails, and a prison law that does not rule out prolonged solitary confinement. Canada also grapples with serious human rights issues relating to the overseas operations of Canadian extractive companies, and persistent exports of military equipment to countries with a record of human rights violations.

Indigenous Rights

There remain considerable challenges to undoing decades of structural and systemic discrimination against Indigenous people in Canada. While Canada officially removed its objector status to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2016 and vowed to implement UNDRIP in accordance with the Canadian Constitution, a private member’s bill to ensure that Canadian laws are in harmony with UNDRIP failed to pass in the Senate in June.

Inadequate access to clean, safe drinking water continues to pose a major public health concern in many Indigenous communities—and continues to impede efforts to advance Indigenous rights in Canada, one of the world’s most water-rich countries. The government has committed to end all drinking water advisories on First Nations reserves by 2021. As of September, 56 First Nations communities across Canada remained subject to such long-term water advisories, which alert communities when their water is not safe to drink.
In September, the Canadian Human Rights Tribunal found that the federal government willfully and recklessly discriminated against Indigenous children living on reserves by failing to provide funding for child and family services. The Trudeau government filed an application seeking a judicial review of the ruling in October.

In January 2019, the United Nations Human Rights Committee found that Canada, through the long-controversial Indian Act, was still discriminating against First Nations women and their descendants. In August, the Trudeau government announced that First Nations women would be treated equally under the Indian Act, enabling them to retain their Indigenous status if they marry non-Indigenous men.

**Violence against Indigenous Women**

In June, the National Inquiry into Missing and Murdered Indigenous Women and Girls—launched by the government in 2016 to address endemic levels of violence against Indigenous women and girls—released its final report. The inquiry made 231 recommendations and concluded that acts of violence against Indigenous women and girls amount to “genocide.” Prime Minister Trudeau vowed that the government will develop a national action plan to “turn the inquiry’s calls to justice into real, meaningful, Indigenous-led action.”

**Immigration Detention**

Canada’s federal government and the Canada Border Services Agency (CBSA) has shown willingness to reform the immigration detention system. However, despite guidelines requiring that children be held in immigration detention only in “extremely limited circumstances” or as a “last resort” under Canada’s immigration law, children are still detained in immigration detention in Canada. In 2018-19, 118 children were detained or housed in a detention center. While fewer children were held overall compared to 2017-18, the average time they spent in detention facilities rose.

Despite the introduction of a National Immigration Detention Framework that aims to reduce the use of jails and improve detention conditions, Canada continues to confine many immigration detainees in jails. According to the CBSA, 7,212
immigration detainees were detained in holding centers in 2018-19, up from 6,609 the previous year.

**Solitary Confinement**

In June, the British Columbia Court of Appeal confirmed that the practice of prolonged solitary confinement is unconstitutional and a violation of prisoners’ rights. The federal government is currently appealing a similar decision in Ontario, which also struck down Canada’s previous solitary confinement laws as unconstitutional. While the federal government has updated its prison law, it has been criticized for failing to eliminate the possibility of prolonged solitary confinement.

**Corporate Accountability**

Canada is home to two-thirds of the world’s mining companies and its dominant position creates an opportunity to take the lead in addressing human rights challenges in the extractives sector. However, no Canadian law provides a mechanism to allow authorities to exercise meaningful scrutiny and oversight of the human rights impact of Canadian extractive companies operating overseas.

In January, the Supreme Court of Canada heard a civil suit against Canadian firm Nevsun Resources, involving alleged gross human rights abuses, including slavery, torture, and forced labor, at an Eritrean mine. It is expected to be a precedent-setting decision on whether Canadian courts can hold Canadian corporations accountable for human rights violations committed abroad.

Since 2011, Human Rights Watch has urged the Canadian government to establish an ombudsperson’s office with a mandate to independently investigate and publicly report on human rights abuses involving Canadian extractive companies and hold responsible parties accountable. The Trudeau government has backpedaled on its previous commitment to create such an office.

Instead, in April, the government announced the establishment of the Canadian Ombudsperson for Responsible Enterprise (CORE), an advisory post, with few investigative powers and limited capacity to hold corporations accountable. This position is not independent, but rather reports as an advisor to the minister of international trade diversification.

The Canadian Parliament is exploring options for a modern slavery law. Following a private member’s bill and ongoing government consultation, an all-party parliamentary group announced in April a draft Transparency in Supply Chains Act (TSCA), which seeks to impose obligations, including a legal duty of care, on Canadian businesses to actively take steps to prevent the use of modern slavery in their overseas supply chains.

**Religious Freedom**

In June 2019, the Canadian province of Quebec passed Bill 21 banning certain categories of public employee from wearing religious symbols at work. Teachers, judges, police officers, among other civil servants, are prohibited from wearing symbols of their faith (including hijabs, kippahs, and turbans) in the workplace. The controversial law also prohibits anyone with religious face coverings from receiving government services, including healthcare and public transit. In enacting the ban, Quebec preemptively invoked the exceptional “notwithstanding” clause, which allows provincial or federal authorities to temporarily override some of the guarantees of the Charter of Rights and Freedoms, making it difficult to overturn the law in the courts.

In May, three United Nations special rapporteurs warned that the law is “likely to undermine the freedom of conscience, religion and equality of citizens.”

**Disability Rights**

After years of activism by disability rights advocates, Canada passed the Accessible Canada Act in June 2019. The act, which seeks to make Canada barrier-free by 2040, requires federally regulated sectors—including banking and telecommunications—to comply with forthcoming accessibility regulations in employment, programs and service delivery, buildings and public spaces, and transportation that operate across provincial or federal borders. The act does not apply to provincially regulated sectors, although Ontario, Manitoba, and Nova Scotia have implemented accessibility legislation. British Columbia has committed to implement accessibility legislation.
Key International Actors

In May, the UN special rapporteur on hazardous substances, Baskut Tuncak, visited Canada to evaluate the federal government’s progress on managing toxic materials and their effect on human rights. The rapporteur found that Indigenous people are disproportionately affected by toxic waste and expressed disappointment at the failure of both the province of Ontario and the federal government to address the health consequences of mercury contamination in the First Nation community of Grassy Narrows.

Foreign Policy

Canada, as a member of the Lima Group—together with states from Latin America—has consistently pressed Venezuelan authorities to address the ongoing political, humanitarian, human rights, and economic crisis in the country. In response to human rights violations by the government of Nicolás Maduro, Canada imposed several rounds of targeted sanctions and temporarily suspended its diplomatic operations in Caracas. In April, Canada imposed sanctions on 43 more individuals, bringing the total to 113 Venezuelan officials subject to Canadian sanctions.

In June, Canada announced sanctions against Nicaragua for its systematic human rights violations. The measures include asset freezes and travel bans on nine Nicaraguan government officials. Then-Foreign Minister Chrystia Freeland said that the Nicaraguan government must be “held accountable” and must end the current crisis through “real dialogue with opposition groups.”

In September, the Canadian government acceded to the international Arms Trade Treaty and faced increasing pressure from a coalition of civil society organizations to end its $15-billion arms contract with Saudi Arabia and release the findings of its 2018 review of military export permits to the kingdom. Canada has yet to suspend existing arms sales to the Saudi-led coalition despite policy guidelines urging close control over exports of military equipment to countries with a record of human rights violations.

In June, 34 senators and more than 100 human-rights organizations and advocates sent a joint letter to then Foreign Minister Freeland urging Canada to take more international action to hold Myanmar accountable for the genocide of the Rohingya people by initiating proceedings before the International Court of Justice (ICJ) for breaching the UN convention against genocide.

At the June session of the UN Human Rights Council, Canada joined 24 other governments in urging China to end its mass arbitrary detentions and other violations against Muslims in Xinjiang region. The joint statement also called on China to cooperate with the UN high commissioner for human rights and UN experts to allow unfettered access to the region.

In 2019, Canada also co-presented with other states resolutions on Venezuela, Nicaragua, Yemen, and Sri Lanka at the UN Human Rights Council.
Central African Republic

A Political Agreement for Peace and Reconciliation was signed between the government of the Central African Republic and 14 armed groups in Bangui in February. As part of the agreement, a new government was formed, with several members of armed groups appointed to senior positions, including rebel leaders against whom there is credible evidence of responsibility for atrocities in recent years. The deal was the sixth signed since the crisis started in late 2012 and represents the greatest effort by both international and national actors to include all relevant parties to date.

Despite the peace deal, armed groups committed serious human rights abuses against civilians country-wide in 2019, with more than 70 percent of the country remaining under their control. Fighting between predominantly Muslim Seleka rebels, anti-balaka militias, and other armed groups forced thousands to flee their homes as fighters killed civilians and looted and burned properties. The most serious incident occurred on May 21, when fighters of rebel group Return, Reclamation, Rehabilitation, or 3R, killed 46 civilians in coordinated attacks in Ouham-Pendé province.

Tensions escalated in Bangui when representatives of a political platform known as E Zingo Biani), comprising of leaders from civil society organizations and opposition parties, criticized the government for appointing leaders of armed groups to key official positions. Between April and June, the platform made several calls for demonstrations, which authorities prohibited. During one demonstration, which had been banned, members of the Central Office for the Repression of Banditry violently assaulted and arrested two French journalists and a Central African political opponent.

In August and September, two rebel leaders, Mahamat al-Khatim, head of the Patriotic Movement for the Central African Republic (MPC), and 3R commander, Sidiki Abass, resigned from their government positions.

Some local courts rendered convictions of armed group leaders implicated in serious crimes, and seven investigations were pending before the Special Criminal Court (SCC), a new war crimes court based in Bangui staffed by national and international judges and prosecutors and operating with substantial UN assistance. The SCC remained underfunded.
Violence erupted in the capital Bangui in July, when clashes between traders and self-defense groups in PK5 neighborhood killed at least 11 civilians.

**Attacks on Humanitarian Workers**

Following the signing of the peace deal, humanitarian actors were able to operate more freely and safely across the country, as well as to deliver assistance to previously inaccessible areas. However, the operating environment for humanitarians remained challenging and the Central African Republic continues to be one of the most dangerous countries in the world for humanitarian actors. According to the United Nations, there were 244 incidents directly affecting humanitarian personnel or property from January to October, leading to at least 3 deaths.

In June, former Seleka fighters and 3R combatants attacked a local nongovernmental organization (NGO) vehicle transporting eight staff in Pougol village, Ouham-Pendé province. The assailants threatened and beat the humanitarian workers, looted their belongings, and stole the vehicle.

**Refugees and Internally Displaced Persons**

In some areas, there were reports of spontaneous voluntary returns of internally displaced persons; however, fighting and attacks by armed groups continued to force tens of thousands of people to flee their homes throughout 2019. Fighting between the Popular Front for the Renaissance of the Central African Republic (FPRC) and the Movement of Central African Liberators for Justice (MLCJ) in Birao in September caused the displacement of around 14,000 civilians.

The total number of internally displaced persons in the country, based on UN figures, reached over 600,000, and the total number of refugees was 600,000. Conditions for internally displaced people and refugees, most of whom stay in camps, remained harsh, with little to no access to humanitarian assistance.

About 2.6 million people, out of a population of 4.6 million, needed humanitarian assistance, but the humanitarian response plan remained underfunded, with a budget gap of around US$206 million in September.
As of July 10, the court had a funding gap of approximately US$1 million for 2019 operations, and no funds pledged for future years, anticipated to cost approximately $12.4 million annually.

The Office of the Prosecutor at the ICC continued its second investigation into the situation in the Central African Republic, into alleged war crimes and crimes against humanity committed in the country since 2012. The ICC combined proceedings against Alfred Yékatom, known as “Rambhot,” and Patrice-Edouard Ngaissona began in September. Central African Republic authorities surrendered Yékatom, an anti-balaka leader, to ICC custody in November 2018. Ngaissona, also an anti-balaka leader, was transferred to ICC custody in January, after he was arrested in France in December 2018. A decision on whether to confirm the charges against Ngaissona and Yékatom was expected by the ICC judges in early 2020.

Regional and International Forces

The UN peacekeeping mission, MINUSCA, deployed 10,833 military peacekeepers and 2,050 police across many parts of the country.

Under Chapter VII of the UN Charter, the mission is authorized to take all necessary means to protect the civilian population from threat of physical violence and to “implement a mission-wide protection strategy.”

In September, the UN Security Council adopted a resolution easing the UN arms embargo and extending a modified sanctions regime against the Central African Republic through January 2020. The resolution outlined details on the types of weapons and lethal equipment permitted pursuant to previous resolutions. In addition, it decided that the supplying member state is primarily responsible for notifying the Central African Republic Sanctions Committee responsible for overseeing sanctions imposed by the UN Security Council at least 20 days in advance of delivery of any supplies. Russia continued training and re-arming the national army.

In September, the UN Human Rights Council decided to continue the mandate of the Independent Expert on the Central African Republic for another year.

Justice for War Crimes and Crimes Against Humanity

Rendering justice for serious crimes continued to be a key challenge in 2019.

After a slow start since the SCC was established in 2015, the court’s special prosecutor opened four investigations from 22 priority cases he identified, and the judges conducted investigations into three cases, which were transferred from the ordinary courts. The special prosecutor also examined 27 complaints that individuals submitted to the SCC.

The level of court staff overseeing investigations is limited, and additional prosecutors and judges are needed. The court needs programs that do not yet exist in the country’s domestic system, including witness and victim protection and support, legal assistance for accused and victims, and outreach to affected communities. Ensuring adequate security for court premises, staff, and witnesses and victims remained one of the most significant challenges during the year, as much of the country remained under the control of armed groups.
Chile

Chile’s national police (Carabineros) used excessive force in responding to massive demonstrations, some of them violent, that started in October and continued at time of writing. Thousands of people were injured, including more than 220 with serious eye injuries after police shot them with anti-riot shotguns. Many of those arrested reported serious abuses in detention, including brutal beatings and sexual abuse. While the government took some positive steps, including adopting a protocol on the use of force and deploying 250 specialists to instruct crowd control units on compliance with human rights standards, at time of writing it had yet to undertake other reforms to help prevent police misconduct and strengthen oversight.

Chile faces other important human rights challenges. Women encounter significant barriers to abortion in situations where abortion is allowed by law. Proposals to recognize same-sex marriage remain at an impasse. Tightened visa regulations on Venezuelans could in practice make it impossible for many to enter Chile. And overcrowding and inhumane conditions persist in many prisons.

Chile made human rights progress in some areas in 2019. Congress passed a gender identity law that allows individuals to change their name and gender in the civil registry, and a law outlawing public sexual harassment. Chile also took steps to hold accountable former police and military officers for abuses during Augusto Pinochet’s dictatorship.

Abuses by Security Forces during Protests

Massive protests over public services and inequality broke out across Chile in October. While most demonstrators were peaceful, some groups attacked police with rocks, looted, and burned public and private property. Almost 2,000 officers were injured from October 18 to November 20.

Police responded using excessive force against demonstrators and bystanders, whether they were engaged in violence or not. Medical services treated more than 11,000 people injured from October 18 to November 22, including more than 220 who suffered eye injuries, most hit by pellets police fired from anti-riot shotguns. At time of writing, police had suspended the use of those shotguns while experts analyzed the pellets’ composition.

The police also detained more than 15,000 people from October 18 to November 21 and ill-treated some of them. The National Human Rights Institute filed 442 complaints concerning inhumane treatment, torture, sexual abuse, and other crimes. Human Rights Watch collected credible testimony that police forced detainees, especially women and girls, to undress and squat fully naked, a practice banned by police protocols. We also documented brutal beatings and rape in detention. Prosecutors are investigating at least five killings supposedly caused by security forces in the context of demonstrations.

Confronting Past Abuses

Chilean courts continue to prosecute former police and military officers responsible for human rights abuses during Augusto Pinochet’s dictatorship from 1973 to 1990.

In December 2018, a Chilean judge convicted 53 former agents of the Chilean secret police (DINA) for the kidnapping, torture, and enforced disappearance of seven communist leaders in 1976, and the murder of former Communist Party leader, Victor Diaz, in 1977.

In January 2019, a Chilean judge convicted six men, including one security agent, four doctors, and a driver, for poisoning to death the former president of Chile, Eduardo Frei Montalva, in 1982.

In March, a Chilean judge convicted 11 ex-military officers for burning alive 19-year-old photographer Rodrigo Rojas in 1986.

Chile maintains a 50-year veil of secrecy over testimony by victims before the National Commission on Political Prison and Torture from November 2003 to May 2004. The testimony revealed places of detention and torture methods used by the dictatorship and identified former political prisoners and torture victims. The Bachelet administration (2014-2018) submitted a bill to lift the secrecy order in 2017, which generated heated debate between those who believe revealing the testimony would violate victims’ rights to privacy, and those who believe revealing it is necessary to fully punish the guilty and bring justice to victims.
In December 2018, a commission of the House of Representatives approved a bill that would punish anyone who “justifies,” “approves” of, or “denies” human rights violations committed during the dictatorship with up to 3 years in prison. The bill, which violates freedom of speech provisions of international human rights law, remained pending at time of writing.

**Women’s Rights**

Chile’s 28-year total ban on abortion came to an end in 2017 when the Constitutional Court upheld a new law decriminalizing abortion in three circumstances: when the pregnancy is the result of rape, the life of the pregnant woman is at risk, or the fetus is unviable. Although passage of the law signaled progress for reproductive rights in Chile, significant barriers to access remain even for legally permissible abortions.

The law in its current form allows doctors and private institutions to refuse to provide abortions on moral grounds. Of 1,148 specialist medical doctors working in public hospitals, over 50 percent object to providing abortions after rape, 28.5 percent when the fetus is unviable, and 20.5 percent when the life of the pregnant woman is at risk, according to a report issued by the Chilean Ministry of Health in June.

In April, Chile outlawed public sexual harassment, making acts including verbal assaults, groping, stalking, and obscene public indecency punishable by fines and even jail time.

**Indigenous Rights**

Chilean courts continue to prosecute Mapuche land-rights activists under the country’s counterterrorism law for violence and destruction of property during protests. The law has faced criticism for its overly broad definition of terrorism and insufficient due process guarantees. Both the Bachelet and Piñera administrations proposed modifications to update the law and clarify its scope. A bill amending the counterterrorism law remained pending in the Senate at time of writing.

In November 2018, Camilo Catrillanca, a 24-year-old Mapuche activist, was shot dead by police. The killing sparked widespread outrage and became a symbol of police brutality. Police said Catrillanca was killed in a shootout and that the incident had not been recorded. But in December 2018, videos surfaced that showed Catrillanca was unarmed when he was shot in the back. President Piñera removed the head of the police force, Gen. Hermes Soto. At time of writing, eight individuals, including seven ex-police and one lawyer accused of helping to conceal evidence, were on trial for their role in the killing.

**Sexual Orientation and Gender Identity**

In August, Chile’s gender identity law, promulgated by President Piñera in November 2018, passed its final stage of approval and is due to go into full effect by early 2020. The law allows transgender individuals over 14 years of age to legally change their name and gender in the civil registry, with no requirement for surgery or change in physical appearance. The passage of the law marks an important step forward for the trans community in Chile, but work remains to be done to guarantee the rights of married couples, who under the current law are required to divorce before accessing their right to a legal gender change.

The Bachelet administration’s bill to legalize same-sex marriage and allow same-sex couples to adopt children and pursue other reproductive options, submitted in August 2017, remains pending in the Senate. In September, the Chilean government removed language promoting equal marriage from its Human Rights Plan.

**Refugees and Migrants’ Rights**

In August, Chile’s Senate agreed unanimously to consider an immigration reform bill to further regulate and systematize the immigration process to address the growing migrant population. Immigration laws have not been updated since 1975.

In August, the United Nations Refugee Agency estimated that around 400,000 Venezuelan migrants had entered Chile since 2016, making it the third highest recipient of Venezuelan refugees and migrants after Colombia and Peru. While Chile has made efforts to welcome Venezuelans, rules for obtaining visas, in practice, make it hard for some Venezuelans to take refuge. In June, Chile changed its rules to require Venezuelans entering on tourism grounds to obtain a visa before they arrive at the border. The tourist visa, valid for 90 days, is avail-
able at all Chilean consulates, but to obtain it, Venezuelans must present a passport issued after 2013 and pay US$50.

Chile also made available at all consulates a one-year “democratic responsibility visa”; the visa previously had been available only in Caracas. While increased access to the democratic responsibility visa may help some Venezuelans, it still carries a cost of US$30 and requires some form of valid documentation. Obtaining either visa may prove an insurmountable obstacle for the thousands fleeing without money or proper identification documents.

**Children’s Rights**

The Piñera administration has taken several concrete steps to overhaul the historically flawed National Service for Minors (SENAME), including passing a law to double government subsidies for 200 residences that house and care for foster children, establishing the first specialized residence to care for children with psychosocial disabilities, and taking steps to move children out of traditional SENAME centers and into residences with increased personalized care and resources. SENAME had been the subject of scrutiny for several years due to reports of abuse, ill-treatment, and death in its centers.

In July, the Piñera administration passed a law that removes the statute of limitations from sex crimes against children, following an increase in allegations of abuse by members of the Catholic Church. At time of writing, Chilean prosecutors were investigating more than 200 such cases.

**Prison Conditions**

A report released in April by the National Human Rights Institute (INDH) showed that 19 of the 40 state-run prisons in Chile were above capacity in 2016 and 2017, 24 lacked sufficient access to bathrooms and drinking water, and many had problems with sanitation, mold, pests, air circulation, and heating. Furthermore, 50 percent of men and 35 percent of women did not have access to individual beds. The INDH has filed dozens of lawsuits on behalf of inmates living in undignified and unhealthy conditions.

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**Key International Actors**

As a member of the United Nations Human Rights Council (HRC), Chile supported UN efforts in 2019 to scrutinize human rights violations in Nicaragua, Syria, Sri Lanka, Myanmar, North Korea, South Sudan, Belarus, Eritrea, Iran, Ukraine, and the Occupied Palestinian Territory. Yet in July it abstained in a resolution putting a spotlight on abuses in Philippines.

Chile has served since 2018 as the co-chair of the Organization of American States (OAS) Permanent Council Working Group on Nicaragua. In August, Chile supported a resolution to appoint a commission to monitor Nicaragua’s ongoing human rights crisis and compliance with the Inter-American Democratic Charter.

Chile has also supported resolutions before both the UN and the OAS condemning abuses in Venezuela.
China

The Chinese Communist Party (CCP) in 2019 marked the 70th anniversary of its rule by deepening repression. Under President Xi Jinping’s leadership, the one-party Chinese government tightened its grip over sectors of society it found threatening, such as the internet, activists, and nongovernmental organizations. It strengthened ideological control, particularly in higher education, among religious and ethnic minorities, and within the bureaucracy. It devoted massive resources to new technologies for social control, adding artificial intelligence, biometrics, and big data to its arsenal to monitor and shape the minds and behaviors of 1.4 billion people. Government censorship now extends far beyond its borders; its mix of typically financial incentives and intimidation are manipulating discourse about China around the world.

Thirteen million Uyghur and other Turkic Muslims in Xinjiang are suffering particularly harsh repression. The government’s “Strike Hard Campaign against Violent Extremism” has entailed mass arbitrary detention, surveillance, indoctrination, and the destruction of the region’s cultural and religious heritage. Credible estimates indicate that about 1 million Turkic Muslims are being indefinitely held in “political education” camps, where they are forced to disavow their identity and become loyal government subjects. Others have been prosecuted and sent to prison, and some have received lengthy and even death sentences for crimes that violate fundamental rights, “splitism” or “subversion.”

In a year in which the CCP was especially keen to maintain a veneer of stability, Hong Kong, a special administrative region of China that enjoys limited—but eroding—freedoms, exploded with open defiance. Beginning in June, at least 2 million people in a city of 7 million filled the streets to demand greater freedoms. The protests, sparked by the Hong Kong government’s introduction of legal amendments that would have allowed extraditions to China, have evolved into a city-wide resistance movement against CCP rule.

A number of governments and international institutions issued public condemnations of China’s most egregious human rights violations, but few took concrete actions, such as imposing sanctions or export controls.

Xinjiang

The extraordinarily repressive Strike Hard Campaign, launched in 2014, continued unabated against the Turkic Muslim population. To counter mounting international concern about the crackdown, Chinese authorities organized multiple, highly controlled trips for selected journalists and diplomats—including from the United Nations—to Xinjiang. In March, Xinjiang authorities announced that they had arrested nearly 13,000 “terrorists” in the region since 2014, and on July 30, publicly stated that “most” held in Xinjiang’s “political education” camps had “returned to society”; neither claim was substantiated with credible evidence.

Several media reports in 2019 revealed that some people who had been “released” were assigned to factories against their will, where they were given wages far below the legal minimum and prohibited from leaving.

Xinjiang authorities also continued to remove children whose parents were detained or in exile and hold them in state-run “child welfare” institutions and boarding schools without parental consent or access.

The Chinese government continues to deny independent observers—including UN human rights experts—unfettered access to the region, which makes verifying information, particularly concerning detainees, very difficult.

Authorities’ use of technologies for mass surveillance and social control has been unprecedented, especially in a region where people cannot challenge such intrusions. The Integrated Joint Operations Platform, a computer program central to Xinjiang’s mass surveillance systems, keeps tabs on many facets of people’s lives, including their movements and electricity use, and alerts authorities when it detects irregularities. Even tourists to the region—including non-Chinese citizens—are required to download a phone app that secretly monitors them.

International scrutiny of foreign academics and companies operating in the region has increased. One company, the US-based Thermo Fisher Scientific, which supplied DNA sequencers to Xinjiang police when authorities were indiscriminately collecting DNA from residents, announced in February that it would “cease all sales and servicing of our human identification technology” in Xinjiang.
**Hong Kong**

On January 23, the Hong Kong government introduced a bill that would criminalize “insults” to the Chinese national anthem. On February 12, the Hong Kong Security Bureau proposed changes to two laws that would enable criminal suspects in the city to be extradited to the Chinese authorities—which have a track record of torturing suspects and subjecting them to unfair trials—while removing public oversight over the process.

In April, a Hong Kong district court convicted nine leaders of the 2014 nonviolent pro-democracy “Umbrella Movement” on public nuisance charges. Legal scholar Benny Tai and retired professor Chan Kin-man were each handed 16-month prison terms.

On June 9, anger over the proposed extradition amendments and deteriorating freedoms prompted 1 million people to protest, according to organizers. On June 12, tens of thousands gathered around Hong Kong’s legislature, the Legislative Council (LegCo), to press the government to drop the amendments. In response, Hong Kong police moved to disperse the protesters, firing teargas, beanbag rounds, and rubber bullets. Hong Kong’s Chief Executive Carrie Lam condemned the protest, calling it “a riot.” Although Lam later suspended the amendments, her long refusal to formally withdraw them or condemn police brutality, and her designation of the June 12 protest as “riot” led to a record-breaking march with an estimated 2 million demonstrators on June 16. On July 1, some broke into LegCo, painting slogans on some chamber walls. Protests spread across the city, and continued at time of writing.

Although most protesters acted peacefully, Hong Kong police dispersed them with excessive force, including by beating those subdued on the ground. Suspected gang, or “triad,” members also repeatedly attacked protesters and pro-democracy lawmakers, leading to public accusations that police responded inadequately to violence against protesters. Some protesters used violence, throwing Molotov cocktails at police, setting roadblocks on fire; and in a number of cases attacked people they accused of being pro-Beijing infiltrators, including setting one person on fire.

Police increasingly restricted freedom of assembly by denying applications for protests.

On September 4, Lam formally withdrew the amendments, and on September 26 she staged a “dialogue” with some members of the public. But the unrest continued as the government would not meet most of the protesters’ central demands, including implementing genuine universal suffrage—a right promised in Hong Kong’s functional constitution—and launching an independent investigation into police abuses.

**Tibet**

Authorities in Tibetan areas continue to severely restrict religious freedom, speech, movement, and assembly, and fail to redress popular concerns about mining and land grabs by local officials, which often involve intimidation and unlawful use of force by security forces. In 2019, officials further intensified surveillance of online and phone communication.

Authorities in Tibetan areas have also stepped up use of a nationwide anti-crime campaign to encourage people to denounce members of their communities on the slightest suspicion of sympathy for the exiled Dalai Lama or opposition to the government. Two cases publicized by the Qinghai authorities in 2019, involving local opposition to land acquisition by the government, demonstrate that Tibetans are being prosecuted under the campaign for defense of their economic and cultural rights.

From May to July 2019, the authorities expelled thousands of Buddhist monks and nuns from the Yachen Gar monastery in Sichuan, and their dwellings demolished. Those without residence status in Sichuan were deported to their home provinces, where they were reportedly detained for reeducation. Meanwhile, Tibetan Autonomous Region leaders called for an intensification of “Sinicization” policies to “strengthen the management of monasteries,” subjecting monastic populations to “legal” exams to test their competence in political reeducation, and requiring senior religious figures to endorse state policies on the selection of the next Dalai Lama.

In the Ngawa Tibetan region of Sichuan, two more young men set themselves on fire in protest against the Chinese government, in November and December 2018. Since March 2009, 155 Tibetans have self-immolated.
Guangzhou authorities detained Sophia Huang Xueqin, a journalist who has written extensively about China’s #MeToo movement and about the protests in Hong Kong.

Aside from detentions and enforced disappearances, authorities continue to subject human rights activists and lawyers and their families to house arrest, harassment, surveillance, and travel bans. In April, Beijing authorities blocked lawyer Chen Jiangang from leaving China to take part in a fellowship program in the United States. Sichuan police harassed the octogenarian mother of imprisoned activist Huang Qi, in an apparent attempt to prevent her from speaking out. Police forcibly disappeared her mother by placing her under incommunicado house arrest for days, and sending government agents to live in her home. Beijing authorities pressured schools in the city to expel or deny admission to the 6-year-old son of imprisoned lawyer Wang Quanzhang.

Freedom of Expression

Authorities continued a national crackdown on users of Twitter—already blocked in China—that started in November 2018. Authorities detained or summoned hundreds of Twitter users, forcing them to delete “sensitive” tweets or close their accounts. Meanwhile, the government launched a disinformation campaign on Twitter and Facebook that frames Hong Kong’s protesters as violent and extreme, prompting the platforms to suspend hundreds of accounts originating in China.

Authorities further restricted the internet in China. In March, censors removed social media accounts of Ma Liang, a clickbait blogger who commanded an audience of more than 16 million. Ma was accused by state media of circulating false information. In June, China’s internet regulator shut down the financial news aggregator wallstreetcn.com, and ordered Q Daily, a news site known for its stories on social issues, to stop updating content for at least three months.

The government also tightened its ideological grip over universities and schools. In a March speech, President Xi called for educators to fend off “false ideas and thoughts” when teaching ideologies and politics courses. In March, Tsinghua University suspended prominent law professor Xu Zhangrun and placed him under investigation after he published a series of essays that warned of deepening repression under President Xi.
The effect of Chinese government censorship continues to reach beyond the Chinese borders. WeChat, China’s popular messaging platform used by more than a billion Chinese-speakers at home and abroad, is subject to the usual Chinese censorship applied to all domestic social media. Dissent artist Ai Weiwei’s involvement with the Hollywood film “Berlin, I Love You” was cut after investors, distributors, and other partners raised concerns about the artist’s political sensitivity in China. In an episode of “The Good Fight,” American broadcaster CBS censored an animated short that depicted a host of references to topics that have been censored on the Chinese internet. CBS said it was concerned with risks of its shows and movies being blocked in China and the safety of its employees in China.

**Mass Surveillance**

The government’s use of mass surveillance technologies is on the rise. Police, security agencies, and public and private entities targeted their use at vulnerable communities. In 2019, media reports revealed that a Hangzhou school had installed cameras to monitor students’ facial expressions and attentiveness, while a Nanjing company had required sanitation workers to wear GPS watches to monitor their efficiency.

Chinese technology companies, particularly Huawei but also artificial intelligence companies such as Cloudwalk, were under intense scrutiny for their ties to the Chinese government and their cooperation with foreign technology counterparts. As they expand worldwide, offering affordable equipment and services to governments and companies, there are concerns that they are enabling the proliferation of mass surveillance. In July, a media report found that US technology companies had collaborated with a Chinese company, Semptian, in developing microprocessors that enable computers to analyze vast amounts of data more efficiently, and that Semptian had used them to enhance mass surveillance and censorship for Chinese security agencies.

China does not have a unified privacy or data protection law. Although the government shows growing interest in regulating private companies’ collection of consumer data, such regulations are limited to the commercial sphere.
Freedom of Religion

The government restricts religious practice to five officially recognized religions in officially approved premises. Authorities retain control over religious bodies’ personnel appointments, publications, finances, and seminary applications. The government classifies many religious groups outside its control as “evil cults,” and subjects members to police harassment, torture, arbitrary detention, and imprisonment.

In December 2018, police detained the pastor and scores of members of Early Rain Covenant Church, an independent Protestant church in the southwestern city of Chengdu. Most were released days or months later. Pastor Wang Yi, a prominent member of China’s Christian community and a former legal scholar, remains in police custody and has been charged with “inciting subversion.”

In a speech in March, Xu Xiaohong, the official who oversees state-sanctioned Christian churches, called on churches to purge Western influence and to further “Sinicize” the religion. In September, a state-sanctioned church in Henan province was ordered to replace the Ten Commandments with quotes by President Xi.

In its continuing campaign to crack down on Islamic traditions, authorities in Gansu, Ningxia, and other Hui Muslim areas demolished domes on mosques and banned the public use of Arabic script.

A CCP notice banning retired Tibetan government employees from performing kora, the practice of circumambulating a sacred site, appears to have been issued in early August 2019.

Women’s and Girls’ Rights

As the country’s sex ratio imbalance has made it difficult for many men to find wives, “bride” trafficking from neighboring countries to China appears to have increased from Cambodia, Laos, Myanmar, North Korea, and Pakistan. Many women and girls are deceived through false promises of employment into traveling to China, only to be sold to Chinese families as brides and held in sexual slavery, often for years. In April, a Pakistani television station gained entry to what it said was a “matchmaking center” in Lahore where six women and girls, two only 13 years old, were held awaiting transit to China as brides.

In July, Wang Zhenhua, a prominent businessman and philanthropist, was detained by the police as they investigated a child molestation incident that injured a 9-year-old girl. Government censors initially blocked online discussions and media reporting of the case, leading to an online uproar. Also in July, a court in Chengdu ruled in a case of alleged sexual harassment in favor of the plaintiff, marking the first ruling since the #MeToo movement gathered momentum in China.

Sexual Orientation and Gender Identity

China decriminalized homosexuality in 1997, but it still lacks laws protecting people from discrimination on the basis of sexual orientation or gender identity, and same-sex partnership is not legal. In March, during the UN Human Rights Council’s Universal Periodic Review, China accepted recommendations to adopt legislation prohibiting discrimination based on sexual orientation and gender identity in education and employment. However, a National People’s Congress spokesperson said in August that the government would not consider marriage equality.

In January, the Guangzhou government banned two lesbian, gay, bisexual, and transgender rights organizations, including a student-led group at the University of Guangzhou. In March, government censors cut scenes depicting homosexuality from the Oscar-winning movie “Bohemian Rhapsody.”

Refugees and Asylum Seekers

China continued to detain and forcibly return hundreds, and perhaps thousands, of North Korean refugees, thus violating its obligations as a party to the 1951 Refugee Convention. The government refused to consider fleeing North Koreans as refugees, even though those returned have long been persecuted. Human Rights Watch considers North Koreans in China as refugees sur place, meaning their arrival in China put them at risk if returned.

Key International Actors

A number of governments and parliaments have publicly expressed grave concerns about the situation in Xinjiang and other serious human rights violations.
by the Chinese government, and continue to seek to monitor trials and assist human rights defenders. The US Congress and European Parliament issued resolutions and considered legislation on issues including Hong Kong, Tibet, and Xinjiang, yet few governments were willing to impose tougher responses, such as sanctions or export controls, to press Beijing to change its policies.

In June, Germany granted refugee status to two activists from Hong Kong.

In March, the European Commission announced a review of its relations with China, defining the country also as a “systemic rival promoting alternative models of governance.” The European Union regularly raised human rights concerns in its Human Rights Council statements, in the EU-China human rights dialogue, and in occasional statements throughout the year. However, no human rights concerns were publicly raised by EU leaders during the 21st EU-China Summit, held in Brussels in April.

The US repeatedly rhetorically condemned China’s human rights violations, yet these comments were weakened by President Trump’s complimentary commentary of President Xi. In October, the US placed the Xinjiang Public Security Bureau and its subsidiary agencies, the quasi-military entity in Xinjiang known as the bingtuan, and eight Chinese technology firms on the Department of Commerce’s “entities list,” effectively blocking them from doing business with US companies, in response to their role in repression in Xinjiang. At around the same time, the US State Department announced it would withhold visas from Chinese government officials found to be culpable in Xinjiang abuses.

In July, 25 governments signed a letter to the UN Human Rights Council president, echoing the high commissioner’s call for an independent investigation in the Xinjiang region. China promptly organized a competing letter, signed by 50 governments, praising China’s regional approach to “counter-terrorism,” and noting that people in Xinjiang “enjoy a stronger sense of happiness.” Yet throughout the year the Organization of Islamic Cooperation (OIC) did not condemn abuses against Turkic Muslims in Xinjiang—while sharply criticizing abuses against Muslims elsewhere—and instead praised China’s treatment of Muslims.

**Foreign Policy**

In April, China hosted the second Belt and Road Forum in Beijing. The “Belt and Road Initiative” (BRI), announced in 2013, is China’s trillion-dollar infrastructure and investment program stretching across some 70 countries. During the forum, President Xi pledged to work with other countries to foster environment-friendly development, yet some of the BRI projects have been criticized for lack of transparency, disregard of community concerns, and threats of environmental degradation.

In February, thousands of people in Kachin State in Myanmar marched to protest a proposed China-financed mega-dam project. In March, the state-owned Bank of China said it would evaluate the funding commitment to a hydropower plant in Indonesia.

In late 2018, Chinese authorities detained two Canadians, Michael Kovrig and Michael Spavor, in what is widely viewed as an act of retaliation against Canada for the arrest of Meng Wanzhou, an executive at the Chinese tech giant Huawei.

In August, Beijing formally arrested writer and China-born Australian citizen Yang Hengjun on espionage charges, seven months after he was detained in southern China.

Chinese authorities continued to try to restrict academic freedom abroad. In February, the Chinese consulate in Toronto told students at McMaster University to notify the consulate of the academics present at an event on repression in Xinjiang. At a number of universities in Australia in August, pro-Beijing students attempted to forcibly silence other students demonstrating peacefully in support of Hong Kong’s democracy movement; similar incidents have been reported across Europe, New Zealand, and the United States. Few universities have responded with robust defenses of all students’ and scholars’ right to academic freedom.
The 52-year armed conflict between the Revolutionary Armed Forces of Colombia (FARC) and the government officially ended with a peace accord in 2016. Despite an initial overall decline, conflict-related violence has taken new forms and serious abuses continue.

In 2019, civilians in affected parts of the country suffered serious abuses at the hands of National Liberation Army (ELN) guerrillas, FARC dissidents, and paramilitary successor groups. Human rights defenders, journalists, indigenous and Afro-Colombian leaders, and other community activists have faced death threats and violence. The government has taken insufficient steps to protect them. Violence associated with the conflicts has forcibly displaced more than 8.1 million Colombians since 1985.

In 2017, the Colombian government initiated formal peace talks with the ELN. But in January 2019, shortly after the ELN exploded a car bomb at a police academy in Bogotá, the government of President Iván Duque ended the peace talks. Impunity for past abuses, barriers to land restitution for displaced people, limits on reproductive rights, and extreme poverty and isolation faced by indigenous communities remain important human rights concerns in Colombia.

Guerrillas and FARC Dissidents

In June 2017, the United Nations political mission in Colombia verified that FARC guerrillas who accepted the peace agreement with the government had handed over their weapons to the mission. The demobilized guerrilla group later announced it was forming a political party, the Revolutionary Alternative Force of the Common People.

But a minority of dissident guerrilla fighters rejected the terms of the peace agreement, refused to disarm, and continue to commit abuses. Other FARC fighters disarmed initially but then joined or created new groups, partly in reaction to inadequate reintegration programs. As of May, the military estimated that FARC dissident groups had more than 2,300 members.

In the eastern province of Arauca, on the border with Venezuela, a FARC dissident group has committed violations of the laws of war and other serious human
Implementation of the Justice and Peace Law of 2005, which offers reduced sentences to demobilized paramilitary members who confess their crimes, has been slow. Of more than 30,000 paramilitary troops who demobilized, 4,000 have sought to exchange a confession for a lighter sentence. As of March 2018, 215 had been sentenced.

Santiago Uribe, brother of former President Alvaro Uribe, was on trial, at time of writing, on charges of murder and conspiracy for his alleged role in the paramilitary group “The 12 Apostles” in the 1990s.

The Supreme Court summoned former President Uribe to appear in court in October to answer allegations that he tampered with witnesses who implicated him in paramilitary atrocities in the 1990s.

Violations by Public Security Forces

From 2002 through 2008, army brigades across Colombia routinely executed civilians in what are known as “false positive” killings. Under pressure from superiors to show “positive” results and boost body counts in their war against guerrillas, soldiers and officers abducted victims or lured them to remote locations under false pretenses—such as promises of work—shot them dead, placed weapons on their bodies, and reported them as enemy combatants killed in action. The number of allegations of unlawful killings by security forces has fallen sharply since 2009, though credible reports of some new cases continue to emerge.

As of September 2019, the Attorney General’s Office had opened over 2,000 investigations on alleged unlawful killings by army personnel from 2002 through 2008, and had achieved over 900 convictions in cases against more than 1,600 mid- and low-level soldiers, including convictions against the same individual in various cases. As of February 2019, 55 members of the Armed Forces had testified about their roles in false positives before the Special Jurisdiction for Peace, a transitional justice mechanism created by the peace agreement with the FARC. Authorities have largely failed, however, to prosecute senior army officers involved in the killings and instead have promoted many of them through the military ranks. As of September 2019, cases against 29 army generals under investigation for false-positive killings had seen scant progress.

Rights abuses against civilians including those who defy the group’s “rules.” Abuses include murder, sexual violence, child recruitment, kidnappings, and forced labor. In some cases, fighters from this group have taken victims across the border to Venezuela.

In September, Karina García Sierra, who was running to be mayor of Suárez, Cauca, was attacked and killed. Authorities blamed a FARC dissident group.

The ELN continued in 2019 to commit war crimes and other serious abuses against civilians, including killings, forced displacement, and child recruitment. Its fighting with the Popular Army of Liberation (EPL)—a hold-out from a rival guerrilla group that demobilized in the 1990s—forced over 3,500 people to leave their houses in Catatumbo, a region in the northeast, between January and the end of July 2019.

In the Chocó province, on the country’s west coast, fighting between the ELN and the Gaitanist Self-Defense Forces of Colombia (AGC)—a group that emerged from the paramilitaries. Fears of landmines, threats by armed groups, and getting caught in the crossfire have limited the ability of nearly 2,800 people in Chocó to leave their communities, a situation known as “confinement.” In already poor communities, confinement often undermines access to food.

In January, a car bomb detonated at a police academy in Bogotá, killing 22 cadets and injuring over 60 others. Days later, the ELN claimed responsibility, saying they had acted “within the laws of war.”

Paramilitaries and Successors

Between 2003 and 2006, right-wing paramilitary organizations with close ties to security forces and politicians underwent a deeply flawed government demobilization process in which many members remained active and reorganized into new groups. These successor groups continue to commit violations of the laws of war and serious human rights abuses, including killings, disappearances, and rape.

Fighting between the AGC and a FARC dissident group caused 2,200 people to flee their homes in the Córdoba province, in northern Colombia, between March and April 2019.
In December 2018, President Duque named Gen. Nicacio de Jesús Martínez Espinol as head of the army, despite credible evidence linking him to false positives.

The army apologized for the April 29 killing by one of its soldiers of Dimar Torres, a former FARC fighter, in Catatumbo, in northeast Colombia. A sergeant was charged with the murder, while a colonel was accused of cover up.

In 2019, the New York Times, Semana magazine, and Human Rights Watch published documents showing that in 2019 the army reinstated military policies resembling those that led to the “false positives.” The bulk of the new policies remained in force at time of writing.

In November, Defense Minister Guillermo Botero resigned as he was facing an impeachment process in Congress.

**Violence Against Community Activists**

Indigenous, Afro-Colombian, and other community activists continue to be targeted with threats and attacks. The Office of the UN High Commissioner for Human Rights (OHCHR) documented the killings of 41 human rights defenders between January and late July 2019.

In March, a group of young men broke into the home of Argemiro López, a community activist who promoted the substitution of coca for food crops in La Guayacana, in the southwestern municipality of Tumaco. They shot and killed López and injured his wife.

Most such killings have occurred in areas where illegal economic activities, such as drug production and trafficking, are common. These include Cauca and Nariño provinces in the south; Catatumbo, in the northeast, on the border with Venezuela; and the Bajo Cauca and southern Córdoba regions in the northwest.

In August, the Attorney General’s Office said it had issued arrest warrants against at least one alleged perpetrator in 58 percent of the cases reported by the OHCHR since January 2016 in which human rights defenders have been murdered. The office said it had obtained convictions against 62 perpetrators. Authorities have made much less progress in prosecuting people who ordered murders against community leaders.

The National Protection Unit—a national body charged with protecting people at risk—has granted individual protection measures to hundreds of human rights defenders, providing cellphones, bulletproof vests, and bodyguards. Such measures are provided in response to threats, but many community leaders killed had not reported threats or requested protection.

In April 2018, the government signed a decree creating collective protection programs for communities and rights groups at risk. It had not been implemented at time of writing.

An action plan introduced in November 2018 to protect community leaders has not led to any evident results.

**Peace Negotiations and Accountability**

The peace agreement between the Colombian government and the FARC provided for the creation of a “Special Jurisdiction for Peace” to try those responsible for gross human rights violations and violations of international humanitarian law committed during the conflict. FARC guerrillas and members of the armed forces responsible for crimes against humanity and serious war crimes who fully cooperate with the new jurisdiction and confess their crimes are subject to as many as eight years of “effective restrictions on freedoms and rights,” but no prison time.

At time of writing, Special Jurisdiction magistrates had prioritized seven situations for analysis: kidnappings committed by the FARC; false-positive killings; army and FARC abuses against Afro-Colombian and indigenous people in three municipalities in Nariño province, in the south; FARC and army abuses committed in the Urabá region, in the north; FARC and army abuses committed in the northern part of Cauca province; government abuses against members of the Patriotic Union, a political party created by the FARC in the 1980s; and recruitment and use of children by the FARC.

During 2019, the Special Jurisdiction opened investigations to determine whether four former FARC commanders had failed to fulfill their responsibilities under the peace accord, including reincorporating former guerrilla fighters into society and testifying before the Special Jurisdiction. In April, the Special Juris-
As of July, nearly 600,000 Venezuelans had obtained the permit. Many still remain with irregular status. In August, the Colombian government passed a regulation allowing more than 24,000 Venezuelan children born to undocumented Venezuelan immigrants to claim Colombian nationality.

Women’s and Girls’ Rights

Gender-based violence, including by armed groups, is widespread in Colombia. Lack of training and poor implementation of treatment protocols impede timely access to medical services and create obstacles for women and girls seeking post-violence care and justice. Perpetrators of violent, gender-based crimes are rarely held accountable.

In the southwestern municipality of Tumaco, where sexual violence, including by armed groups, is pervasive, women face an array of obstacles in ensuring protection and accountability.

Abortion in Colombia is legal only when the life or health of the woman or girl is at risk, the pregnancy is the result of rape, or the fetus suffers conditions incompatible with life outside the womb.

Sexual Orientation and Gender Identity

In recent years, authorities have taken several steps to recognize the rights of lesbian, gay, bisexual, and transgender (LGBT) people. In 2015, the Justice Ministry issued a decree allowing people to revise the gender noted on their identification documents without prior judicial approval. Also that year, the Constitutional Court ruled that Colombians cannot be barred from adopting a child because of their sexual orientation. In 2016, the court upheld the right of same-sex couples to marry.

Indigenous Rights

Indigenous people in Colombia suffer disproportionate levels of poverty that greatly impede their ability to exercise their social and economic rights. From January through mid-August 2019, at least 21 children under age five—the majority of them belonging to Wayuu indigenous communities—died in the province of La Guajira of causes associated with malnutrition and limited access to drinking
Côte d'Ivoire continued strong economic growth in 2019 led to some improvements in social and economic rights. The government, however, failed to tackle the root causes of past political violence, notably entrenched impunity, a politicized judiciary, and longstanding political and ethnic tensions.

The International Criminal Court (ICC)'s January 2019 acquittal of former President Laurent Gbagbo and his youth minister and militia leader Charles Blé Goudé, and the halting of domestic prosecutions, further entrenched impunity for crimes committed after the 2010-11 elections, which left thousands dead.

Divisive political rhetoric, residual tensions from the 2018 local elections, and recurring disputes over access to land led to an increase in intercommunal tensions. At least 14 people died and dozens were injured during clashes between communities in Béoumi, in northern Côte d'Ivoire, on May 15 and 16.

A flurry of law reforms led to some improvements in the legal protection of human rights. The government passed laws that defined torture as a stand-alone crime and introduced measures that could reduce reliance on pretrial detention and improve marriage equality. Some provisions of the new laws, however, could be used to restrict freedom of assembly and expression. The arrest of several opposition or civil society figures for organizing anti-government protests raised concerns of a closing of civic space ahead of the 2020 presidential elections.

Accountability for Past Crimes

An ICC trial chamber on January 15 acquitted Gbagbo and Blé Goudé of crimes against humanity after an almost three-year trial, ending the case before the defense was even required to present evidence. In its written decision on July 16, the two-judge majority strongly criticized the weakness of the prosecution evidence.

The ICC prosecutor appealed the acquittals on September 16, asking judges to declare a mistrial. At time of writing, Gbagbo and Blé Goudé were on conditional release, in Belgium and the Netherlands respectively.

The ICC continued its investigations into crimes committed by pro-Ouattara forces during the post-election crisis, but has yet to issue arrest warrants. Presi-
On December 21, 2018, the National Assembly adopted a new Code of Criminal Procedure that replaced the Cour d'Assises, a criminal court that sat only periodically, with permanent criminal courts able to try the most serious offenses. Magistrates said that, with adequate staffing, this could reduce the backlog of criminal cases awaiting trial. The new law could also introduce time limits on pretrial detention and, if properly implemented, would offer sentencing alternatives to prison, such as probation or community service.

Security Force Abuses and Security Sector Reform

Much needed efforts continued to professionalize the army and improve discipline in the security forces, both through training and the reform of army leadership.

Several former “comzones,” powerful military commanders implicated in serious human rights abuses from 2002 to 2011, were demoted in March. However, some of them remain in positions of authority within the armed forces.

On April 4, three human rights groups, two Ivorian and one international, filed a Supreme Court complaint contesting President Ouattara’s authority to issue the amnesty, arguing that it violated Côte d’Ivoire international human rights treaty obligations. At time of writing, the case had not yet been decided.

Judiciary and Detention Conditions

The justice system lacks independence and judges regularly experience pressure from the executive. Judges report that the risk of interference is greatest in political cases, but can occur in any civil or criminal trial.

Prison conditions and overcrowding remained a problem. For example, Abidjan’s central prison in October housed 7,100 in a facility designed for 1,500, with 2,500 in pretrial detention. Despite some efforts to rehabilitate prisons, detainees still lack adequate access to medical care and inmates suffer extortion by prison guards and fellow inmates.

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Security forces opened fire on protesters demonstrating against the arrest of an opposition politician in Bouaké on October 3, killing one person and injuring several others.

Members of the security forces continued to engage in racketeering and extortion, particularly at checkpoints on secondary roads. Online activist Soro Tangboho was arrested in November 2018 for live streaming police officers whom, he claimed, were extorting money from motorists. He was convicted on June 7 for public order offenses; his initial one-year sentence was increased to two after a July 31 appeal. Members of the army, police, or gendarmerie were rarely punished for corruption and other more serious offenses.

Election Framework

The National Assembly and Senate in July and August enacted reforms to modify the composition of the election commission, as required by a 2016 judgment by the African Court on Human and Peoples’ Rights. Opposition and some civil society organizations strongly criticized the reforms, arguing that the government’s role in nominating members of the commission means it will still be subject to
executive influence. Two of the largest opposition parties in September refused to nominate members of the commission.

**Freedom of Assembly and Expression**

The government in several instances prohibited opposition rallies, and on multiple occasions police or gendarmes arrested and briefly detained opposition politicians and civil society activists who organized anti-government demonstrations.

On June 26, President Ouattara promulgated a new criminal code that makes the organization of an “undeclared or prohibited” demonstration punishable by one to three years’ imprisonment and a financial penalty. International human rights standards require that protest organizers should not be sanctioned for merely failing to notify authorities in advance.

The new criminal code also creates vague offenses, punishable by imprisonment, which threaten freedom of speech, including offenses for “sharing false news where that results or could result in” disturbance to public order and “causing offense to the president or vice-president.”

Opposition parliamentarian Alain Lobognon was sentenced to a year’s imprisonment on January 29, reduced to a six-month suspended sentence on appeal, for disclosing “fake news” after alleging on social media that police were planning to imprison an opposition mayor whom the government had accused of corruption.

**Land Reform and Instability in the West**

A rural land agency, established in 2016 finally began to implement programs to speed up implementation of a 1998 land law designed to reduce conflicts over land by registering customary land rights and issuing legal titles. The vast majority of rural land, however, remained unregistered.

Côte d’Ivoire in July 2019 adopted a new forestry code that signals a renewed effort to protect and rehabilitate the country’s protected forests, which have been devastated by cocoa farming. Past government-led forestry reclamation efforts left thousands of evicted farmers’ families without access to adequate food, water, or shelter.

**Women and Girl’s Rights**

The legislature in July passed new laws on marriage and inheritance that establish co-ownership of marital property. The laws also give a widow the right to one-quarter of the husband’s estate, with the remaining three-quarters going to the children. Under the old law, widows often received nothing. The law confirmed the age of consent for marriage as 18, but child marriage is still common.

The new criminal code creates a presumption of consent to sex between married couples, which could prevent victims of marital rape from pursuing successful prosecutions. It also criminalizes abortion except where necessary to protect the life of the mother or for victims of rape.

**Sexual Orientation and Gender Identity**

Consensual sexual relations between consenting individuals of the same sex are not criminalized in Côte d’Ivoire. The new criminal code removed references to acts between members of the same sex as an aggravating factor in cases of public indecency. However, the new marriage law defines marriage as between a man and a woman, and incidents of discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons—including physical assaults—are common.

**Key International Actors**

France, the US, and the EU remained major donors, including in the justice and security sector, although Côte d’Ivoire has increasingly strong economic ties with China.

Cuba

The Cuban government continues to repress and punish dissent and public criticism. The number of short-term arbitrary arrests of human rights defenders, independent journalists, and others was lower in 2019 than in 2018, but remained high, with more than 1,800 arbitrary detentions reported through August. The government continues to use other repressive tactics against critics, including beatings, public shaming, travel restrictions, and termination of employment.

In February, a new Constitution of the Republic of Cuba was approved in a referendum, which entered into force in April. Prior to the referendum, authorities repressed activists opposing its adoption, including through raids and short detentions, and blocked several news sites seen as critical of the regime.

On October 10, Miguel Díaz-Canel was confirmed as president of Cuba with 96.76 percent of votes of National Assembly members.

Arbitrary Detention and Short-Term Imprisonment

The Cuban government continues to employ arbitrary detention to harass and intimidate critics, independent activists, political opponents, and others. The number of arbitrary short-term detentions, which increased dramatically between 2010 and 2016—from a monthly average of 172 incidents to 827—started to drop in 2017, according to the Cuban Commission for Human Rights and National Reconciliation, an independent human rights group that the government considers illegal. The number of reports of arbitrary detentions continued to drop in 2019, with 1,818 from January through August, a decrease of 10 percent compared to the 2,024 reports during the same period in 2018.

Security officers rarely present arrest orders to justify detaining critics. In some cases, detainees are released after receiving official warnings, which prosecutors can use in subsequent criminal trials to show a pattern of “delinquent” behavior.

Detention is often used to prevent people from participating in peaceful marches or meetings to discuss politics. Detainees are often beaten, threatened, and held incommunicado for hours or days. Police or state security agents routinely harass, rough up, and detain members of the Ladies in White (Damas de Blanco)—a group founded by the wives, mothers, and daughters of political prisoners—before or after they attend Sunday mass.

In September, in an effort to prevent a demonstration organized by the Cuban Patriotic Union, authorities detained over 90 activists and protestors and raided the union’s headquarters, media reported. The protest supported the Ladies in White and other persecuted groups, and rejected the 2017 Political Dialogue and Cooperation Agreement between the Cuban government and the European Union. It coincided with a high level European delegation visit to Cuba.

Freedom of Expression

The government controls virtually all media outlets in Cuba and restricts access to outside information. According to the Committee to Protect Journalists (CPJ), an independent organization that promotes press freedom worldwide, Cuba has the “most restricted climate for the press in the Americas.”

A small number of independent journalists and bloggers manage to write articles for websites or blogs, or publish tweets. The government routinely blocks access within Cuba to these websites. In February, before the referendum on the new constitution, it blocked several news sites seen as critical of the regime, including 14ymedio, Tremenda Nota, Cibercuba, Diario de Cuba and Cubanet. Since then, it has continued to block other websites.

Only a fraction of Cubans can read independent websites and blogs because of the high cost of, and limited access to, the internet. In 2017, Cuba announced it would gradually extend home internet services. In July 2019, the government issued new regulations allowing for the creation of private wired and Wi-Fi internet networks in homes and businesses and to import routers and other equipment.

Independent journalists who publish information considered critical of the government are routinely subject to harassment, violence, smear campaigns, travel restrictions, raids on their homes and offices, confiscation of their working materials, and arbitrary arrests. The journalists are held incommunicado, as are artists and academics who demand greater freedoms.

In April, police agents detained Roberto de Jesús Quiñones, an independent journalist who publishes on the news site CubaNet, outside the Guantánamo Municipal Tribunal when he was covering a trial. They beat him while transport-
fair and public hearings by a competent and impartial tribunal. In practice, courts are subordinate to the executive and legislative branches.

In December 2018, activist Hugo Damián Prieto Blanco, of the Orlando Zapata Civic Action Front, was sentenced to a year in prison for the crime of “pre-delinquent social dangerousness.” Under the Penal Code, a person can be considered in a “dangerous state” when found to have a “special proclivity” to commit crimes—even before any have been committed—at least “due to conduct in clear contradiction to the norms of the socialist morals.” Zapata had been arrested in November 2018 when participating in a protest. In April, his sentence was suspended and he was released.

In May, after more than two years in prison, Dr. Eduardo Cardet Concepción, leader of the Christian Liberation Movement, was released with limits on his movement and activities. Cardet, a supporter of the “One Cuban, One Vote” campaign, had been sentenced to three years in prison in March 2017. During his imprisonment, he was held in solitary confinement and denied visits and contact with family members, even by phone. Authorities argued that family visits were not “contributing to his re-education.”

In October, José Daniel Ferrer, opposition leader and founder of the Patriotic Union of Cuba (UNPACU), the largest and most active pro-democracy group in Cuba, was detained at his home by police forces. He has not been informed of any charges against him and has not been brought before a judge. He remained in detention at time of writing.

That same month, Armando Sosa Fortuny, the oldest political prisoner in Cuba, died from health complications at a hospital in Camague, where he was transferred from prison last August. Sosa had served 26 of a 30-year sentence issued in 1993 for illegal entry to Cuba and “other acts against the security of the state.” Sosa, a well-known dissenter, spent 43 of his 76 years imprisoned in Cuba.

Political Prisoners

According to the Cuban Commission for Human Rights and National Reconciliation, as of October, Cuba was holding 109 political prisoners. The government denies independent human rights groups access to its prisons. The groups believe that additional political prisoners, whose cases they have been unable to document, remain locked up.

Cubans who criticize the government continue to face the threat of criminal prosecution. They do not benefit from due process guarantees, such as the right to

Travel Restrictions

Since reforms in 2003, many people who had previously been denied permission to travel have been able to do so, including human rights defenders and independent bloggers. The travel reforms, however, gave the government broad discretionary power to restrict the right to travel on grounds of “defense and na-
Human Rights Defenders

The Cuban government still refuses to recognize human rights monitoring as a legitimate activity and denies legal status to local human rights groups. Government authorities have harassed, assaulted, and imprisoned human rights defenders who attempt to document abuses. In July, Ricardo Fernández Izaguirre, a rights defender and journalist, was detained after leaving the Ladies in White headquarters in Havana, where he had been documenting violations of freedom of religion. He was released after nine days in prison.

Sexual Orientation and Gender Identity

Following public protest, the Cuban government decided to remove language from the draft of the new constitution approved in February 2018 that would have redefined marriage to include same-sex couples. However, transitory disposition No. 11 of the constitution mandates that within two years after approval, a new Family Code will be submitted to popular referendum “in which the manner in which to construct marriage must be included.”

In May, security forces cracked down on a protest in Havana promoting lesbian, gay, bisexual, and transgender (LGBT) rights and detained several activists, media reported. The protest, which was not authorized, was organized after the government announced that it had canceled Cuba’s 2019 Gay Pride parade.

Key International Actors

In November 2017, the US government reinstated restrictions on Americans’ right to travel to Cuba and to do business with any entity tied to the Cuban military, or to Cuban security or intelligence services. In March 2019, the Trump administration opened up a month-long window in which US citizens could sue dozens of Cuban companies blacklisted by the US administration.

In June, the US administration imposed new restrictions on US citizens traveling to Cuba, banning cruise ship stops and group educational trips. The US Treasury Secretary said the restrictions are a result of Cuba continuing to “play a destabilizing role in the Western Hemisphere, providing a communist foothold in the region and propping up US adversaries in places like Venezuela and Nicaragua by

Prison Conditions

Prisons are overcrowded. Prisoners are forced to work 12-hour days and are punished if they do not meet production quotas, according to former political prisoners. Inmates have no effective complaint mechanism to seek redress for abuses. Those who criticize the government or engage in hunger strikes and other forms of protest often endure extended solitary confinement, beatings, restriction of family visits, and denial of medical care.

While the government allowed select members of the foreign press to conduct controlled visits to a handful of prisons in 2013, it continues to deny international human rights groups and independent Cuban organizations access to its prisons.

Labor Rights

Despite updating its Labor Code in 2014, Cuba continues to violate conventions of the International Labour Organization that it ratified, regarding freedom of association and collective bargaining. While Cuban law technically allows the formation of independent unions, in practice Cuba only permits one confederation of state-controlled unions, the Workers’ Central Union of Cuba.
Democratic Republic of Congo

Felix Tshisekedi was sworn in as president on January 24, 2019, following long-delayed and disputed national elections, marred by widespread irregularities, voter suppression, violence, and interference from armed groups. More than a million Congolese were unable to vote in the presidential election because voting in three areas was postponed to March 2019, officially because of security and concerns over an Ebola outbreak in the east.

At his swearing in, Tshisekedi said his administration would “guarantee to each citizen the respect of the exercise of their fundamental rights” and to end all forms of discrimination, promising that his government would prioritize “an effective and determined fight against corruption … impunity, bad governance, and tribalism.” His administration released most political prisoners and activists detained during the country’s protracted political crisis, and those living in exile were allowed to return home. In March, Tshisekedi removed Kalev Mutondo as director of the National Intelligence Agency, where he was a principal architect of former President Joseph Kabila’s administration’s drive to repress dissent.

Many other senior security force officers, with long histories of involvement in serious human rights abuses, remained in their posts. Members of Kabila’s political coalition maintained a majority in parliament, as well as about two-thirds of the posts in the new government.

Some of the most acute violence in the country in recent years took place in Yumbi, western Congo, in mid-December 2018 when at least 535 people were killed. Most of the victims were ethnic Banunu, killed by ethnic Batende. In eastern Congo, numerous armed groups, and in some cases government security forces, attacked civilians, killing and wounding many. The humanitarian situation remained alarming, with 4.5 million people internally displaced, and more than 890,000 people from Congo were registered as refugees and asylum seekers.

Presidential Elections

Tshisekedi’s victory over opposition candidate Martin Fayulu in the December 30, 2018 elections was disputed by an independent observation mission from...
the Catholic Church. Leaked data from the state-controlled electoral commission (Commission électorale nationale indépendante, CENI) and data gathered by the church showed that Fayulu won about 60 percent of the vote.

Fayulu’s supporters from an array of opposition political parties protested in many cities across Congo. Security forces often responded to protests, some violent, with excessive, including unnecessary, lethal force. Security forces killed at least 10 people and injured dozens during protests after provisional results were announced on January 10. At least 28 people suffered gunshot wounds in Kikwit, Kananga, Goma, and Kisangani when security forces dispersed demonstrators.

On the day after the elections, the government shut down internet and text messaging throughout the country, restricting independent reporting and information-sharing. The internet was restored on January 19.

Freedom of Expression and Peaceful Assembly

There has been a significant decline in political repression since Tshisekedi came to power. Many political prisoners and activists detained in previous years were freed, while activists and politicians in exile were allowed to return. However, some peaceful demonstrators continued to be arbitrarily detained or beaten by security forces.

On June 30, Congo’s independence day, police fired live ammunition, killing one person, during opposition protests in Goma against corruption and election fraud.

In July, security forces evicted thousands of illegal miners from a copper and cobalt mine in Kolwezi, Lualaba province, sparking protests outside the governor’s office and looting of shops.

Attacks on Civilians by Armed Groups and Government Forces

More than 130 armed groups were active in eastern Congo’s North Kivu and South Kivu provinces, attacking civilians. The groups included the largely Rwandan Democratic Forces for the Liberation of Rwanda (FDLR) and allied Congolese Nyatura groups, the largely Ugandan Allied Democratic Forces (ADF), the Nduma Defense of Congo-Renové (NDC-R), the Mazembe and Yakatumba Mai Mai groups, and several Burundian armed groups. Many of their commanders have
been implicated in war crimes, including ethnic massacres, rape, forced recruitment of children, and pillage.

According to the Kivu Security Tracker, which documents violence in eastern Congo, assailants, including state security forces, killed at least 720 civilians and abducted or kidnapped for ransom more than 1,275 others in North Kivu and South Kivu in 2019. Beni territory, North Kivu province, remained an epicenter of violence, with about 253 civilians killed in more than 100 attacks by various armed groups, including the ADF. At least 257 civilians were kidnapped in Rutshuru territory, North Kivu province, often by armed groups.

The Fizi and Uvira highlands in South Kivu saw fighting between the mainly ethnic Banyamulenge Ngumino armed group and allied self-defense groups, and Mai Mai groups, comprising fighters from the Bafutiro, Banyindu, and Babembe communities, with civilians often caught in the middle. Clashes between armed groups in the South Kivu highlands surged in February, displacing an estimated 200,000 people over the following months.

In early June, violence resurfaced in parts of northeastern Congo’s Ituri province, where armed assailants launched deadly attacks on villages, killing over 200 civilians and displacing an estimated 300,000 people. At least 28 displaced people were killed in Ituri in September.

**Justice and Accountability**

In July, a three-judge panel at the International Criminal Court (ICC) unanimously found the rebel leader and former army general Bosco Ntaganda guilty of 13 counts of war crimes and 5 counts of crimes against humanity committed in Ituri in 2002 and 2003. The charges included murder and attempted murder, rape, sexual slavery, attacking civilians, pillaging, displacement of civilians, attacking protected objects, and recruiting and using child soldiers. The judges found that Ntaganda and others agreed on a common plan to attack and drive the ethnic Lendu population out of Ituri through the commission of crimes. In November, the ICC sentenced him to 30 years in prison.

Troops under Ntaganda’s command also committed ethnic massacres, killings, rape, torture, and recruitment of child soldiers in the Kivus, including when Ntaganda commanded troops in the Rwandan-backed National Congress for the Defense of the People (CNDP) and M23 armed groups, and while he served as a general in the Congolese army. His trial at the ICC only dealt with crimes related to the Ituri conflict.

The Congolese army announced on September 18 that its forces killed Sylvestre Mudacumura, the FDLR’s military commander, and some of his lieutenants. Mudacumura had been wanted by the ICC since 2012 for nine counts of war crimes.

The Congolese trial, which started in June 2017, into the murders of United Nations investigators Michael Sharp and Zaida Catalán and the disappearance of the four Congolese who accompanied them in March 2017 in the central Kasai region was ongoing at time of writing.

In February, a military court in Goma found Marcel Habarugira, a former Congolese army soldier turned warlord, guilty of the war crimes of rape and use of child soldiers committed while leading a faction of an armed group known as Nyatura (“hit hard” in Kinyarwanda). Habarugira received a 15-year prison sentence. His group, which received arms and training from Congolese army officers, carried out many atrocities in 2012.

A trial against Congolese security force members arrested for allegedly using excessive force to quash a protest in Kamanyola, eastern Congo, in September 2017, during which 38 Burundian asylum seekers were killed, and more than 100 others wounded, started on June 28 and was ongoing at time of writing. Six members of the security forces faced charges of murder and attempted murder before a military court in Bukavu, South Kivu province.

The trial of Nduma Defense of Congo (NDC) militia leader Ntabo Ntaberi Sheka, who surrendered to the UN peacekeeping mission in Congo (MONUSCO), began on November 27, 2018 and was ongoing at time of writing. Sheka was implicated in numerous atrocities in eastern Congo, and he had been sought on a Congolese arrest warrant since 2011 for alleged crimes against humanity, including mass rape.

On June 7, Congolese authorities issued an arrest warrant against warlord Guidon Shimary Mwissa, Sheka’s former deputy and the leader of Nduma Defense of Congo-Rénové (NDC-R) armed group, which has been responsible for widespread attacks on civilians in North Kivu. He is wanted for “participation in an insurrectional movement,” “war crimes by child recruitment,” and “crimes
against humanity by rape.” Despite these allegations, NDC-R continued to collaborate with the Congolese army in the area the group controls, which is larger than that of any other armed group in Congo. Human Rights Watch was unaware of any attempt by Congolese authorities or UN peacekeepers to arrest Guidon. He was sanctioned in 2018 by the UN Security Council and the United States. Congo’s military justice officials investigated the December 2018 Yumbi killings—in which at least 535 people were killed—and arrested dozens of suspected assailants and instigators. A trial was yet to start at time of writing.

**Key International Actors**

In February, the US State Department imposed visa restrictions on three electoral commission senior officials, the then-president of the national assembly, and the president of the Constitutional Court, accusing them of corruption and obstructing the presidential election. In March, the US Department of the Treasury’s Office of Foreign Assets Control (OFAC) imposed financial sanctions on the same three electoral commission officials.

In May, justice ministers attending the International Conference on the Great Lakes Region meeting in Kenya said that greater efforts were needed to “uphold human rights, promote justice, and eradicate impunity.” To achieve these goals, they approved a series of specific recommendations.

In March, the Security Council unanimously adopted a resolution extending the mandate of MONUSCO for nine months and called for an independent strategic review of the mission.

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**Ecuador**

President Lenín Moreno has implemented policy changes aimed at repairing damage suffered by democratic institutions during former President Rafael Correa’s decade in power. The changes have fostered a climate of open debate, but structural changes are still needed.

On October 3, 2019, protests erupted after President Moreno signed a decree establishing austerity measures that eliminated fuel subsidies. Taxi and bus drivers, student groups, and thousands of indigenous people took to the streets in response, resulting in days of unrest. Some demonstrators engaged in serious acts of violence. In response, the government declared a national state of emergency, suspending the rights to freedom of assembly and association and later restricting the right to freedom of movement throughout the country. Some security forces allegedly used excessive force. The state of emergency was lifted by President Moreno on October 13. According to the Ombudsman’s Office, 10 people died in the context of the protests.

Ecuador faces chronic human rights challenges, including weak institutions, poor prison conditions, laws that give authorities broad powers to limit judicial independence, violence against women, far-reaching restrictions on women’s and girls’ access to reproductive health care, and disregard for indigenous rights.

Massive Venezuelan immigration is posing urgent challenges. President Moreno has responded with measures that effectively restrict Venezuelans’ ability to seek legal permits to stay.

**Freedom of Expression**

President Moreno has taken steps to restore freedom of expression, which was severely damaged under former President Correa. With President Moreno’s support, the National Assembly in 2018 amended a 2013 communications law that had given the government broad powers to limit free speech. Legislators eliminated the Superintendency of Information and Communication (SUPERCOM), a regulatory body that had been used to harass and sanction independent media outlets. But the amended law includes problematic provisions such as one treat-
ing “communications” as a “public service” and one giving anyone who can show that media published inaccurate or damaging content about them an unrestricted right to a published correction and an opportunity to respond.

In 2018, three Ecuadoreans investigating violence along the Ecuador-Colombia border for El Comercio newspaper were abducted by Colombian guerrillas, their bodies subsequently found in Colombia. In 2018, an Inter-American Commission on Human Rights (IACHR) investigative support team reported “no satisfactory progress” on the case by Ecuador’s Attorney General’s Office. In November, the IACHR president announced that the final IACHR report on the case would be presented by the end of the year.

Judicial Independence

Corruption, inefficiency, and political interference have plagued Ecuador’s judiciary for years. During the Correa administration, high-level officials and Judiciary Council members interfered in cases that touched on government interests, and in the appointment and removal of judges.

Under President Moreno, a transition Council of Citizen Participation (CCP), appointed after a popular referendum in 2017, removed Judiciary Council members they determined to have created a system favoring government interests. The transition CCP was tasked with evaluating the performance of key state institutions and authorities and was empowered to replace them.

During its review of the Constitutional Court, the transition CCP removed all of the existing justices and left their positions vacant for several months. In early 2019, following a rigorous selection process provided for in Ecuadorean law, a permanent Constitutional Court was appointed.

In May, the permanent CCP, elected by popular vote, announced that it would review the performance and appointment of the new Constitutional Court justices. In response, the National Assembly removed four permanent CCP members from office, accusing them of exceeding their powers. In July, the CCP reversed its decision.

In January, the transition CCP appointed permanent Judiciary Council members. The permanent Judiciary Council then announced it would review the performance of National Court justices. The justices objected, but the review continued at time of writing.

The legal framework that allowed for political interference in the judiciary under President Correa remains in place. Ecuador’s Organic Code on Judicial Function allows the Judiciary Council to suspend or remove justice officials, including judges, for acting with “criminal intent, evident negligence or inexcusable error.” This broad rule, used to suspend or remove 145 judges between January 2013 and August 2017, exposes judges to political pressure and undermines judicial independence. From January through August 2019, 19 judges were removed for “inexcusable errors,” after a higher court ruled they had made serious mistakes.

At time of writing, the Constitutional Court was evaluating the rule’s constitutionality.

Rights of Indigenous Peoples

Constitutionally, indigenous peoples have a collective right to “free prior informed consultation” regarding development of nonrenewable resources located on their lands and that could affect them environmentally or culturally. This constitutional requirement differs from the international standard calling for indigenous peoples’ free, prior, and informed consent to all measures affecting them, including projects affecting their ancestral lands. For years, indigenous peoples have been saying they are not being duly consulted regarding exploitation of their ancestral lands.

In April, a Pastaza court invalidated the Ecuadorean government’s 2012 consultation with the Waorani people before the auctioning of lands to oil companies. The court halted operations after finding that Ecuador had not complied with the constitutional duty to obtain free, prior and informed consultation from the Waorani.

In September, an appeals court in Pastaza Province ruled in favor of the Kichwa people’s complaint that authorities had disregarded their constitutional right to prior consultation on a hydroelectric project in the Ecuadorean Amazon.
Prison Conditions

Overcrowding, poor conditions, and violence inside prisons are longstanding problems. In May, President Moreno declared a state of emergency to “protect the rights of people deprived of liberty.” The decree suspended certain prisoners’ rights, including freedom of association and information, and provided for the police and armed forces to coordinate efforts and assign personnel to prisons.

A gunfight among inmates of the Litoral prison in Guayaquil, in May, resulted in six prisoners’ deaths. The ombudsman blamed “overcrowding and the inexistence of a government security policy.”

Accountability for Past Abuses

A truth commission created by the Correa administration to investigate government abuses from 1984 to 2008 documented gross human rights violations against 456 victims, including 68 extrajudicial executions and 17 disappearances. A special prosecutorial unit created in 2010 has initiated judicial procedures in fewer than 15 cases. Final rulings have been rendered in only two. The remaining cases appear stalled.

Women’s and Girls’ Rights

The right to seek an abortion is limited to instances in which a woman’s health or life is at risk, or the pregnancy results from rape of someone with a psychosocial disability. For illegal abortions, prison sentences range up to two years. Fear of prosecution drives some women and girls to have illegal, unsafe abortions and impedes access to services for survivors of sexual violence. In September, the National Assembly rejected a proposal to decriminalize abortion in cases of rape.

A 2012 government survey revealed high rates of gender-based violence, with an estimated 1 in 4 women facing sexual violence in the course of a lifetime. A high rate of rape of adolescent girls is of particular concern. Approximately 2,000 girls under 14 give birth in Ecuador each year. All are considered pregnancies from rape, because 14 is the age of sexual consent.

From January 2014 through August 2019, the government recorded 343 femicides, with 141 convictions; 32 were committed in 2019. Ecuador’s criminal code defines femicide as the exercise of power relations resulting in the death of a woman for “being a woman.”

Sexual Violence against Children

From January 2014 until June 2018, Ecuador’s Ministry of Education received 4,111 complaints of sexual violence against students; 1,837 were school-related. It also re-opened 734 complaints that the ministry had archived or the State Prosecutor’s Office had suspended.

Since 2017, the government has taken important steps toward tackling school-related gender-based violence, launching public information campaigns, training programs, and a database to document all cases of sexual violence in schools.

In a February 2018 referendum, voters overwhelmingly supported a proposal to remove a constitutional statute of limitations for sexual offenses against children under 12 and adolescents aged 12 to 18. At time of writing, the government had not presented legislation to enact the change.

Sexual Orientation and Gender Identity

The constitution defines marriage as “between a man and a woman,” but the Constitutional Court ruled in June in favor of same-sex marriage, citing international law and constitutional provisions protecting against discrimination. In July, the Civil Registry registered the first same-sex wedding.

Labor Rights

In February, the Ministry of Labor shut down Furukawa Plantaciones, which had produced manila hemp, whose fiber is used for a variety of paper products. The ombudsman had documented labor exploitation and grave human rights violations against mostly Afro-Ecuadorean (“afrodescendientes”) families who lived on site and had worked for the company for decades. In April, the ombudsman issued a follow-up report emphasizing omissions by state institutions, including failure to investigate and sanction possible criminal conduct.
move still face specific challenges in realizing their right to health, and stated that “violence against women and girls is endemic in Ecuador.”

The Moreno administration has continued to raise concerns about ongoing human rights abuses in Venezuela. In April, President Moreno urged a “speedy transition in Venezuela that will lead to general elections as soon as possible, and guarantee the human rights of all.”

By invitation of the Ecuadorean government, delegations from the IACHR and the Office of the UN High Commissioner for Human Rights visited the country in late October to look into allegations of human rights violations in the government response to the October protests. Their final reports were pending at time of writing.

**Refugees**

Ecuador has been receiving a huge influx of Venezuelan exiles, many passing through to other countries. The United Nations High Commissioner for Refugees reported that, as of November, 385,042 Venezuelan migrants and refugees were living in Ecuador.

In January, in response to a Venezuelan man’s murder of a young pregnant woman in the northern city of Ibarra, Ecuador announced new requirements for Venezuelans to enter. These included certified background checks for criminal records and official Venezuelan ID cards. A series of xenophobic violent attacks and harassment against Venezuelans followed.

Although the Constitutional Court temporarily suspended the entry requirements while it evaluated them, the government in August announced a two-year humanitarian temporary residence visa for Venezuelans that includes requirements that in practice make it difficult for Venezuelans to apply.

**Key International Actors**

President Moreno continues to rebuild relations with the Inter-American human rights system. In November, the IACHR held public and private sessions in Quito.

In April, Ecuador terminated the asylum it had granted to Wikileaks founder Julian Assange in 2012 and invited British police to apprehend him at its embassy in London. Assange’s asylum was predicated on the risk of being extradited to the US for publishing classified documents leaked by Chelsea Manning; the US asked the UK to extradite Assange shortly after he was in British custody. Following Assange’s arrest, Ecuador allowed the US to search the embassy apartment and confiscate documents, digital files, and devices they found. Spain’s National Court is investigating the private security firm retained by Ecuador for hiding microphones and cameras throughout the apartment, including the toilet where Assange tried to hold private conversations with his attorneys. Ecuador gave as reasons for withdrawing asylum his deportment in the embassy and his publication of politically embarrassing materials.

In September, the UN special rapporteur on the right to health visited Ecuador. The special rapporteur noted that women and girls, children and adolescents, members of LGBTI communities, people living with HIV/AIDS, and people on the
Egypt

The Egyptian government in 2019 passed constitutional amendments that were approved in an unfair referendum in April. The amendments consolidate authoritarian rule, undermine the judiciary’s dwindling independence, and expand the military’s power to intervene in political life. Security forces led by the military continue to brutalize civilians in North Sinai in its conflict with Sinai Province, an armed group affiliated with the extremist group Islamic State (ISIS). The army and pro-government militias carried out serious abuses, including demolishing homes and arbitrarily arresting, torturing, and extrajudicially executing residents. ISIS militants also committed horrific violations, including kidnappings, torture, and killings of residents and detained security force members.

Under the guise of fighting terrorism, Egyptian authorities showed utter disregard for the rule of law. Since April 2017, President Abdel Fattah al-Sisi has maintained a nation-wide state of emergency that gives security forces unchecked powers. Security forces used torture and enforced disappearances systematically against dissidents from all backgrounds. Egypt’s use of mass trials and the death penalty has mounted since 2013, including death sentences against children and death sentences issued in military trials.

In August, President al-Sisi approved a new law that maintains most of the drastic restrictions imposed on nongovernmental organizations (NGOs). Despite several government promises to lift restrictions, the law merely removes prison penalties but maintains severe restrictions that make it impossible for NGOs to work freely and independently.

The government failed to follow through on promises it had made to protect women and religious minorities. A law criminalizing domestic violence did not gain traction in parliament, and Christians still face discrimination and obstacles when it comes to building new churches.

Security Forces Abuses

The police and National Security Agency routinely carry out systematic enforced disappearances and torture with impunity. Torture practices have also affected well-known activists such as Alaa Abdel Fattah and Israa Abdel Fattah. Authori-
ties keep thousands of prisoners in abysmal conditions, where overcrowding and insufficient medical care have been systematic and may have contributed to the deteriorating health and deaths of scores of detainees. Former President Mohamed Morsy, whom the army forcibly removed in 2013, died on June 17 in a Cairo court room following six years of lack of medical care and near-absolute isolation in prison. In November, two United Nations experts said that such conditions “may have directly led” to his death and “may be placing the health and lives of thousands more prisoners at severe risk.” Authorities did not conduct any independent investigation into his death.

Sinai Conflict

Egyptian security forces, mainly the army, as well as ISIS-affiliated militants, committed serious and widespread abuses in North Sinai, some of which amount to war crimes, since the conflict escalated in late 2013. Human Rights Watch documented several indiscriminate and possibly unlawful air and ground attacks by security forces. Human Rights Watch also documented 50 cases of arbitrary arrests, of whom 39 were likely forcibly disappeared; at least 14 have been missing for three or four years. Both sides carried out extrajudicial killings. Since 2014, Human Rights Watch has documented 20 extrajudicial killings of residents by government forces.

The army has arrested and forcibly disappeared children as young as 12. An army spokesman acknowledged some child detentions, justifying them as part of the army’s counterterrorism operations.

Those detained and disappeared are usually held in one of three main army bases in North Sinai: Camp al-Zohor in Sheikh Zuwayed, Battalion 101 Base in al-Arish, and al-Galaa Military Base in the neighboring Ismailiya governorate. These are unofficial detention sites lacking judicial oversight. Detainees often face ill-treatment, abuse, and sometimes torture.

Between January 2014 and June 2018, 3,076 alleged militants and 1,266 military and police members were killed in Sinai hostilities. Egyptian authorities have not released statistics on civilian casualties, and often included civilians in militant death counts, making it difficult to ascertain what proportion of civilians make up these figures.

The Washington-based Tahrir Institute for Middle East Policy estimated that authorities arrested at least 12,000 Sinai residents between July 2013 and December 2018, though the government has only acknowledged about 7,300 in its official statements.

Egypt’s military has forcibly evicted roughly 100,000 North Sinai residents, or one-fifth of North Sinai’s population, and destroyed thousands of homes since 2014. Human Rights Watch documented demolitions of at least 3,600 homes and commercial buildings by the army between January and May 2018 alone. These demolitions are carried out without any judicial oversight or independent recourse mechanism.

With a state of emergency and long curfew hours imposed uninterruptedly in Sinai since late 2014, restrictions on movement, also justified under the rhetoric of counterterrorism, led to severe shortages of food and other essential items for months during 2018.

Sinai Province militants have kidnapped, tortured, and extrajudicially executed civilians, routinely targeting those they perceive to be pro-government. Sinai Province runs detention sites where civilians are held and interrogated.

Fair Trials, Due Process, and the Death Penalty

Constitutional amendments approved in an unfair referendum in April 2019 extended al-Sisi’s current term from four to six years, allow him to run for one additional term, and name him the head of the Supreme Council for Judicial Bodies and Authorities. This council will supervise and be able to intervene in the judiciary’s affairs, including appointments and promotions. The amendments also give the president the power to appoint the chief justice of the Supreme Constitutional Court, the head and members of the Commissioners’ Authority, and Egypt’s public prosecutor, among other positions.

Civilian and military courts sentenced hundreds of individuals to death in 2019, often in mass trials in cases that stem from alleged political violence or planned violence. According to the Egyptian Front for Human Rights, as of June authorities executed at least 15 prisoners in three cases on political grounds. Military and civilian courts of appeal upheld at least 32 death sentences, raising the number on death row to 74, the majority of whom were charged with political vio-
In December 2018, an Egyptian criminal court acquitted all 43 defendants in the retrial of the 2011 foreign organizations case in which they had been sentenced to between 1 and 5 years in prison. The court said that the charges “contradict democratic values and the country’s obligations under international law.” The case involved staffers from four American organizations and one German. Despite the ruling, authorities continued to impose travel bans and asset freezes of at least 31 leading Egyptian human rights activists in the protracted investigations in Case 173 of 2011, known as the “foreign funding” case. One of these activists, lawyer Gamal Eid, was physically attacked in October by armed men in circumstances that indicated government involvement.

In June, the International Labour Organization placed Egypt on its list of countries that abuse workers and do not respect their right to organize and unionize. Egypt was on this list 5 times in the last 15 years and was removed only briefly in 2018.

Freedom of Expression

Egyptian authorities severely punish peaceful criticism against the government and routinely silence journalists, bloggers, and social media users. Since 2017, authorities have blocked an estimated 600 news and political and human rights websites, as well as social media sites and secure communications apps, without judicial authorization. More news and political websites were blocked before the constitutional referendum in April.

The Supreme Council for Media Regulation, a government entity established pursuant to the abusive new 2018 media law to monitor and control media, issued in March and September two sets of by-laws that impose drastic restrictions and disproportionate penalties without judicial oversight for any media outlet, including websites and social media pages, that do not abide by the council’s rules. Under these rules, which among other things prohibit “insulting state institutions,” “generalization,” and “harming state interests,” the council has censored newspapers, websites and tv shows.

Egypt was among the top three worst jailers of journalists in the world, with roughly 30 journalists behind bars, many charged with “spreading false news.”
Freedom of Belief and Religion

Christians, the largest religious minority in Egypt, continued to face systematic discrimination on societal and institutional levels. The government recognizes only Islam, Christianity and Judaism as official religions. Minorities such as Baha’is and nonbelievers face discriminatory obstacles in obtaining IDs and vital documents, such as marriage and death certificates.

Discriminatory laws continue to impede building and renovating non-Sunni Muslim houses of worship. Egypt’s 2016 discriminatory church-building law has achieved little in removing obstacles and sectarian violence around building churches. According to pro-government newspapers, of about 6,000 churches and service buildings that lack legal recognition, only 1,027 were given conditional permits as of July, three years after passage of the law.

Terrorist attacks against Christians continued. In January, two days before Christmas celebrations, a bomb outside a Coptic church in Nasr City killed a policeman.

Violence against Women, Girls, and LGBT People

Egypt continued to stall on a law that would tackle domestic violence. UN Women group, which works for women’s empowerment, estimated that almost a third of Egyptian women experienced intimate partner physical or sexual violence in their lifetime. Despite the 2016 penal code amendments criminalizing female genital mutilation (FGM), prosecutions of perpetrators remained rare and FGM remains widely practiced throughout the country, with an estimated four out of five genital mutilations performed by doctors in professional medical environments.

Authorities prosecuted and banned from leaving the country leading women’s rights activists, including Mozn Hassan, head of Nazra for Feminist Studies and Azza Soliman, head of the Centre for Egyptian Women’s Legal Assistance. Egypt continued to repress lesbian, gay, bisexual, and transgender (LGBT) rights, in recent years prosecuting dozens of people based on their sexual orientation or gender identity.

Authorities continued to subject people accused of homosexual conduct to forced anal examinations, which are cruel and degrading and can rise to the level of torture. In March, Malak al-Kashef, a transgender woman, was arrested from her home and accused of “joining a terrorist group.” She spent four months in pretrial detention in a male prison where she was sexually harassed and abused before being provisionally released in July. Hossam Ahmed, a transgender man, was also arrested in March and ordered detained on terrorism accusations.

In January, a TV anchor was sentenced to one year in prison for interviewing a gay man on television. Egypt censored gay-themed scenes from the film Bohemian Rhapsody, starring Egyptian-American actor Rami Malek.

Key International Actors

US President Donald Trump met with al-Sisi on three separate occasions in 2019: in the White House in April, on the sidelines of the G7 summit in August in France, and at the UN General Assembly in September. Trump did not at any point publicly raise human rights concerns, instead praising al-Sisi’s “fantastic job” in Egypt.

In a September meeting with al-Sisi, UK Prime Minister Boris Johnson chose to highlight economic ties but made no mention of the mass arrests that preceded the meeting.

In January, French President Emmanuel Macron criticized human rights abuses in a Cairo press conference after meeting al-Sisi. However, France remained one of the main suppliers of weapons and surveillance technology to Egypt. In late 2018, Italian authorities named several Egyptian police and National Security Agency officers as involved in the kidnapping and murder of Italian PhD student Giulio Regeni in 2016, but Egypt failed to investigate or prosecute anyone.

In April and May, Egypt hosted the 64th Ordinary Session of the African Commission on Human and Peoples’ Rights (ACHPR), the African Union’s top rights body, in an oppressive atmosphere. About 70 participants did not manage to get visas on time. Two female participants were sexually assaulted by registration officials in Sharm al-Sheikh, and others reported physical surveillance.

In October, the European Parliament adopted a strong resolution condemning abuses in Egypt and North Sinai, the third such resolution in less than two years, but the European Union failed to adopt concrete measures in response.
El Salvador

El Salvador has among the world’s highest homicide rates. Gangs exercise territorial control over specific neighborhoods and extort residents throughout the country. They forcibly recruit children and subject women, girls, and lesbian, gay, bisexual, and transgender (LGBT) individuals to sexual abuse. Gangs kill, disappear, rape, or displace those who resist. These conditions have resulted in internal and cross-border displacement.

Security forces remain largely ineffective in protecting the population from such violence. They also have been implicated in serious human rights violations, including extrajudicial executions, sexual assaults, other acts of torture and other ill-treatment, and enforced disappearances. Impunity for such violations remains the norm.

Girls and women accused of having abortions have been imprisoned for homicide and aggravated homicide. LGBT individuals face discrimination and violence with no effective state protection.

Accountability and Justice

The trial continued against former military commanders accused in the 1981 El Mozote massacre, where soldiers committed mass rapes and killed 978 civilians, including 553 children.

Investigations reached hearings in only 14 of 48 cases involving 116 extrajudicial killings committed from 2014 to 2018 that the Salvadoran Ombudsperson for the Defense of Human Rights (PDDH) examined. Two resulted in convictions.

While in office, former Presidents Antonio Saca (2004-2009) and Mauricio Funes (2009-2014) used a “secret item” fund as one of several sources to embezzle hundreds of millions. In January 2019 the Attorney General’s Office (FGR) added a corruption charge to its case against Funes. Outgoing President Sanchez Cerén (2014-2019) and President Nayib Bukele, who took office in June 2019, have also spent money from this fund, but no evidence linking these actions to corruption had emerged as of September.

UN High Commissioner for Human Rights Michelle Bachelet and several UN experts have repeatedly condemned abuses in Egypt. In November, during the Universal Periodic Review at the UN Human Rights Council in Geneva, Egypt received strong criticism and scores of recommendations from countries from every region. However, the states at the council have failed to introduce a collective statement of concern despite the worsening crisis in Egypt since March 2014.
Abuses by Security Forces

President Bukele continued the military’s role in public security operations, despite a 1992 peace accord stipulation against it. Media outlets widely reported that President Bukele’s choice for national police director has been investigated for threats and links to drug trafficking and groups that have engaged in assassinations.

The Central American University Human Rights Institute received seven reports of elite police units burning victims. In March, in a sugarcane field, agents of the National Civil Police’s Tactical Operation Section allegedly beat and strangled a blindfolded, handcuffed youth whom they suspected of gang membership or hiding weapons or drugs, and set fire to the field where they left him unconscious. Victims or witnesses of eight arbitrary arrests in two incidents in 2019 and late 2018 told Human Rights Watch of beatings at police barracks and threatened criminal charges for “illicit association,” a vaguely defined offense used to prosecute those suspected of gang membership.

In August, the Lethal Force Monitor, a collaborative investigation by researchers in five Latin American countries, reported that Salvadoran police and soldiers killed 1,626 people from 2010 through 2017. Authorities claimed that more than 90 percent of the victims were gang members and that nearly all were killed in “confrontations” or “shootouts.”

Also in August, the PDDH reported that it had examined killings of 28 boys, 7 women, and 81 men and found few resulted from confrontations. In 70 percent of cases, witnesses said victims were unarmed. In 37 percent, witnesses said they saw police move the body or place or hide evidence. In 30 percent, the body showed signs of torture, including sexual assault.

Prison and Police Barracks

As of October 2019, the country’s jails, juvenile and youth facilities, and adult prisons held 45,439 people in custody, more than twice the official capacity, according to the online database World Prison Brief.

In June, President Bukele extended to all prisons a “state of emergency” that the previous government had instituted in seven prisons in August 2018. He ordered 24-hour block confinement and, for the first time since 2004, mixed gang populations across prisons. Until then, each gang had been separated from others to avoid clashes. In September, he declared an end to the state of emergency, but it is unclear whether the policy was lifted in all prisons.

The Legal Medicine Institute registered 14 murders in police barracks and prisons in 2018. Several officials and inmates told Human Rights Watch of additional deaths in custody, which they attributed to extreme heat and tuberculosis. Two inmates told Human Rights Watch that officials provided inadequate food, hygiene products, and medicine, and beat them and used pepper spray during searches.

Gangs

Approximately 60,000 gang members operate in at least 247 of the country’s 262 municipalities, according to media sources. They enforce their territories’ borders and extort and gather intelligence on residents and those transiting, particularly around public transport, schools, and markets.

Numerous security and elected officials have collaborated with gangs in criminal operations, media report, and all political parties have negotiated with them on daily operations, campaigns, and voting. A truce lasted from 2012-14 between the national government, 11 municipal governments, and the two largest gangs.

In 2016, the Legislative Assembly modified a counterterrorism statute to classify gangs as terrorist organizations. The law imposes prison sentences of up to 15 years on anyone who “solicits, demands, offers, promotes, formulates, negotiates, convenes or enters into a non-persecution agreement” with gangs.

Disappearances, Abductions, and Missing Persons

In 2018, the FGR registered 3,664 victims of disappearance, abductions, and unexplained missing person cases, including 1,218 women and at least 24 boys and 29 girls. The 2018 figures included suspected abductions by criminal gangs and other cases in which people have gone missing in unexplained circumstances. Since 2010, the police have registered over 10,800 such cases. Because very few cases are investigated, knowledge of perpetrators is limited.
**Women’s Sexual and Reproductive Rights**

Since 1998, abortion has been illegal under all circumstances. Providers and those who assist face prison sentences of six months to 12 years. Dozens of girls and women, mostly from high-poverty areas, were prosecuted in the past two decades for what lawyers and activists say were obstetric emergencies. In some cases, the courts accepted as evidence a questionable autopsy procedure known as the floating lung test to forensically support the claim that a fetus was delivered alive.

As of September, at least 16 women suspected of having abortions remained imprisoned on charges of manslaughter, homicide, or aggravated homicide. In March, a court commuted three women’s sentences as “disproportionate and immoral,” given that their families need them economically.

In August, the FGR tried Evelyn Hernandez a second time, in violation of due process, for aggravated homicide for a stillbirth in 2016 following her rape at age 17. The court found insufficient evidence to convict. In September, the FGR announced it would appeal the ruling. In the last decade, 40 other women have been freed after having sentences commuted or being found non-guilty.

**Sexual Orientation and Gender Identity**

LGBT individuals remain targets of homophobic and transphobic violence by police, gangs, and others.

In January, Camila Díaz Cordova, a transgender woman deported from the United States, was beaten to death. In July, the FGR charged three policemen with her kidnapping and aggravated homicide.

Although El Salvador introduced hate crimes into its penal code in September 2015, Honduran authorities told Human Rights Watch that to date, only two cases have been prosecuted as hate crimes. Human Rights Watch is not aware of any bias-related murders of known LGBT individuals that have resulted in conviction.

In January 2019, a judge in Zacatecoluca ruled in favor of a transgender woman seeking to change her name and gender marker on her identity document.

**Attacks on Journalists**

Journalists reporting on abuses of power or living in gang-controlled neighborhoods remain targets of death threats. Fake stories have circulated under the bylines of journalists who were not the authors, the Association of Journalists of El Salvador reported.

Throughout his election campaign, President Bukele accused media, including El Faro and Revista Factum, which have received journalism’s highest prizes in El Salvador, of lacking objectivity. The presidential press office barred their reporters from a September press conference.

In 2019, police prevented press from covering a veteran’s protest, from visiting homicide scenes, and from the presidential election and inauguration. Police threatened journalists who resisted orders to turn over equipment or to erase photos. Four journalists told Human Rights Watch that, since June, police have required presidential press office approval before discussing details of homicides.

**Displacement**

Large numbers of people in El Salvador are internally displaced by criminal violence, extortion, and other threats. One study estimated the number of displaced in 2017 to be nearly 300,000.

In 2018, Salvadorans had 101,000 pending asylum applications in the US, the most of any nationality. Approximately 129,500 had applications pending in other countries.

Salvadoran press reported at least 11 people murdered after deportation back to El Salvador in 2019.

**Key International Actors**

In fiscal year 2019, the US disbursed over $62 million in bilateral aid to El Salvador.

In July, the FGR began collaborating with Canada and the United Nations Office on Drugs and Crime to improve its response to disappearances by creating a special FGR unit, working with police to consolidate collection of statistics, and
Equatorial Guinea

The world’s longest serving leader, President Teodoro ObiangNguema Mbasogo of Equatorial Guinea marked his 40th year in power in August. As in previous years, corruption and repression of civil and political rights continued unabated. The vast majority of Equatorial Guinea citizens continued to be denied their economic and social rights, including access to health care and primary education, despite the country’s vast oil revenues, which benefit the political elite. In September, the government began negotiations for a $700 million loan request from the International Monetary Fund (IMF) despite boasting Africa’s third highest per capita income.

In June, against the backdrop of repression of civil society, the government reaffirmed its desire to join the Extractive Industries Transparency Initiative (EITI), a requirement of the IMF as a precondition for a loan. EITI requires transparency around oil, gas, and mining revenue and activities and respect for civil society. In July, authorities ordered the dissolution of the Center for Development Studies and Initiatives (CEID), the country’s leading civic group and a former civil society representative in the EITI steering committee. CEID’s vice president continued to face harassment.

In May, a court convicted 112 people for participating in a December 2017 coup attempt. Representatives of the American Bar Association who observed the trial reported serious due process violations, including confessions obtained through torture and severe restrictions on defense lawyers.

Several countries pursued several corruption allegations against powerful government officials. In December 2019, Equatorial Guinea’s two-year term as a member of the United Nations Security Council ended.

In 2019, Equatorial Guinea endorsed the Safe Schools Declaration, an international commitment to protect education during armed conflict.

Economic and Social Rights

With approximately 1 million people, Equatorial Guinea, is among the region’s top oil producers. Yet it has failed to provide crucial public services to large segments of its population, lagging behind regional averages in health and educa-
that the police were looking to arrest him. Police returned him to his home and stationed a guard outside to prevent him from leaving for several days. This incident was the latest government effort to silence him. In October 2018, four assailants, apparently undercover security officers, brutally beat him; a year earlier, in April 2017, authorities arbitrarily detained him for two weeks.

In July, authorities formally ordered the dissolution of CEID. The government previously ordered it to suspend its activities in 2016 following comments made at a youth group it organized that were critical of the government.

**Political Repression**

The ruling Democratic Party (PDGE) has a virtual monopoly over political life. It holds all but one seat in the 170-member bicameral parliament, and the courts regularly intervene to ban or harass political opposition groups and their members. Under the constitution, the president is the first magistrate and has absolute power to appoint and dismiss judges.

On March 22, the Bata Provincial Court began a mass trial of approximately 130 people accused of participating in a December 2017 coup attempt. Many of the defendants had been held for more than a year without access to lawyers or relatives. The American Bar Association’s Center for Human Rights monitored and observed the trial. Juan Mendez, the former United Nations special rapporteur on torture, prepared a preliminary report documenting a litany of abuses. The prosecution offered little or no evidence to support its case against most of the defendants, all of whom were charged with identical offenses; in some cases, it presented confessions that defendants testified in court were obtained under torture. The court, which included two military judges appointed mid-trial by President Obiang, placed severe restrictions on the defense, including prohibiting them from presenting evidence of torture and curtailing lawyers’ access to clients.

On May 31, the eight-judge panel convicted 112 defendants, handing down sentences ranging from 3 to 97 years, with 25 defendants receiving sentences of more than 70 years.

**Freedom of Expression and Due Process**

The few private media outlets in the country are largely owned by people close to Obiang. Freedoms of association and of assembly are severely curtailed, and the government imposes restrictive conditions on the registration and operation of nongovernmental organizations (NGOs). Some of the few local activists who work on human rights-related issues faced intimidation, harassment, and reprisals.

On February 25, police arrested Joaquin Elo Ayeto, a member of a political opposition party and founder of a youth organization. A judge ordered him held in preventative detention, where he remained at time of writing. Ayeto told his lawyer that during the interrogation, police phoned someone who recounted hearing him making remarks critical of government spending, which appears to be the basis of his detention. He also showed his lawyers marks on his body from alleged police torture.

On March 15, police prevented Alfredo Okenve, a prominent human rights activist and vice president of CEID, from boarding a plane and seized his passport and phone. Okenve was supposed to receive a Franco-German human rights award at the French embassy that day, but tried to leave the country after learning that the police were looking to arrest him. Police returned him to his home and stationed a guard outside to prevent him from leaving for several days. This incident was the latest government effort to silence him. In October 2018, four assailants, apparently undercover security officers, brutally beat him; a year earlier, in April 2017, authorities arbitrarily detained him for two weeks.

In July, authorities formally ordered the dissolution of CEID. The government previously ordered it to suspend its activities in 2016 following comments made at a youth group it organized that were critical of the government.
**Key International Actors**

The international community, including the African Union, largely remained silent regarding these abuses. Several countries, including Switzerland, took legal measures to pursue corruption investigations into the country’s leaders or began the process of repatriating stolen assets.

On February 7, Swiss prosecutors closed an investigation into Teodorin Nguema, the vice president who is also the president’s eldest son, for corruption after he agreed to forfeit 25 cars worth approximately $25 million and pay $1.5 million to cover the cost of the investigation. In exchange, Swiss government relinquished a yacht worth $120 million it had seized. Swiss authorities had attempted to seize a second yacht, worth $130 million, but it was removed from its jurisdiction before authorities were able to do so.

The Swiss investigation was one of many into Nguema for corruption, money-laundering, and embezzlement. In October 2017, a French court convicted him in absentia of laundering tens of millions of dollars in France and seized his assets. He has appealed the case. In May, the French senate debated a bill that would require the government to repatriate corrupt assets it seizes as a first step to ensuring these funds are returned to the people of Equatorial Guinea.

In 2014, the United States Department of Justice settled a separate corruption case against Nguema after he agreed to forfeit $30 million to US authorities that would be repatriated for the benefit of Equatoguineans. The US is expected to determine which charities will receive the funds.

The corruption case before a Spanish court implicating several senior Equatoguinean government officials is expected to get to trial in 2020. The complaint alleged that the officials purchased homes in Spain through a private company that a US senate investigation revealed had received $26.5 million in government funds at around the time of the purchases.

**Eritrea**

For two decades, President Isaias Afewerki of Eritrea used the absence of peace with Ethiopia to justify authoritarianism. The July 2018 peace agreement between the two countries, which ended Eritrea’s diplomatic isolation, have not, as hoped, ushered in an era of respect for human rights in one of the world’s most repressive nations.

The government continued to conscript Eritreans indefinitely into the military or civil service for low pay, with no say in their profession or work location, and often under abusive conditions. The government continued to detain scores of Eritreans without trial, in extremely punitive conditions, and often incommunicado. There is no evidence that the habeas corpus provisions of the new penal code have been implemented.

There was no opening up of civil society space during the year. Independent media outlets inside Eritrea have been shut down since 2001. The government has not scheduled elections or implemented the 1997 constitution guaranteeing civil rights and including limits on executive power. The government nationalized religious schools and closed Catholic health facilities.

Eritrea’s election as a member of the United Nations Human Rights Council (HRC) beginning in January has not led to greater respect of international standards or engagement with the HRC’s procedures. Instead, Eritrea continues to deny access to the special rapporteur for Eritrea and all other human rights monitors. Despite strenuous opposition by Eritrea, the special rapporteur’s mandate was renewed in July.

Eritrea’s abuses, especially indefinite national service, continue to drive thousands of Eritreans into exile, many of them children. By the end of 2018, 507,300 Eritreans had fled, according to the United Nations High Commissioner for Refugees (UNHCR), about 10 percent of the population.

**Indefinite Military Service and Forced Labor**

Most men and unmarried women are forced into open-ended service for the government despite a government decree limiting service to 18 months. After military training, some conscripts are assigned to military duties, but according to
the government, over 80 percent are assigned jobs in the civil service or at government agricultural or construction projects. Some conscripts have been forced to work on projects developing infrastructure for foreign mining companies.

Conscripts are subject to inhuman and degrading punishment, including torture, without recourse. Although the government has increased gross pay for certain national service conscripts since 2015, deductions and currency controls make conscript salaries inadequate to meet living costs, much less support a family. Conscientious objection is not recognized and punished. The procedures resulting in discharge from national service are incoherent and opaque.

Legally, conscription begins at 18, but children are among those caught during roundups (“giffas”) in urban areas and sent directly into military service.

**Right to Education**

Secondary school students, some aged 16 or 17, are forced to undergo their final school-year, Grade 12, in an abusive military camp, Sawa, where they undergo mandatory military training, are under military command, and take their final school examinations before being assigned to civilian or military duties. Despite calls for reform, in August the government again conscripted the latest batch of students into national service.

At Sawa, military officials subject students to inhumane and degrading punishment. Girls and women students risk sexual harassment and exploitation. On weekends, students are assigned to forced labor at a nearby government farm.

Despite government commitments to reforming the education sector, the government relies on national service conscripts to teach in schools across the country. Conscripts have little to no choice in their assignment and no end to their deployment in sight. Absenteeism is rampant and the education system suffers.

**Freedom of Religion**

The government continued to “recognize” only four religious denominations as legitimate: Sunni Islam, Eritrean Orthodox, Roman Catholic, and Evangelical (Lutheran) churches.
Eritreans affiliated with “unrecognized” faiths risk raids on their homes, imprisonment, and torture; release requires written renunciation of religious affiliation. In 2019, as in previous years, there were reports of raids in Keren and Asmara.

Jehovah’s Witnesses have been especially victimized since 1991 when they refused to participate in the referendum on independence. Fifty-two reportedly remain in prolonged detention at the Mai Serwa prison, including three arrested in 1994 because of their conscientious objections to military service.

The government further restricted activities of the four religions it recognized. In September, it seized control of seven religion-affiliated schools—Catholic, Islamic, and Lutheran. In June, the government confiscated all Catholic health clinics, and expelled patients receiving treatment and resident nuns. The UN special rapporteur on Eritrea expressed concern that their seizure “will negatively impact the right to health of the affected populations, in particular, those in remote rural areas.” The crackdown came after the country’s Catholic bishops released a pastoral letter obliquely calling for justice and reform from the government, and raising alarm about the ongoing exodus from the country.

The government has run the Eritrean Orthodox Church, the nation’s largest religious institution, since it deposed its patriarch, Abune Antonios, in 2007 and placed him under house arrest. In July, media reported that five of the church’s six bishops voted to expel the Abune from the church, accusing him of heresy after he released a video complaining that the church was being led by a government-appointed layman. The expulsion letter threatens punishment for mentioning his name. Five priests were reportedly arrested in June for supporting Antonios.

Unlawful, Abusive Detentions

Eritreans are subject to arrest and incarceration for long periods, without trial or opportunity to appeal. Imprisonment is frequent in vastly overcrowded cells or in shipping containers. Ill-treatment is common, including torture.

The former finance minister and critic of the president, Berhane Abrehe, remains in incommunicado detention since September 2018. His wife, Almaz Habtemariam, arrested earlier in 2018, was released in August.

Many detainees, including government officials and journalists arrested in 2001 after they questioned Isaias’s leadership, are held incommunicado in places unknown to family members. Ciham Ali Abdu, daughter of a former information minister, has been held in incommunicado detention for six years since her arrest at age 15.

Some families only hear of the fate of their imprisoned relatives when the prisoners’ bodies are returned to them. The body of an executive committee member of the Al Diaa school, whose proposed government takeover sparked protests, was returned shortly after his death in January.

The judicial system, partly staffed by national service conscripts subject to military service, has no independence. No public defense lawyers exist.

Freedom of Speech, Expression, and Association

Independent press has not been tolerated inside Eritrea since 2001. The Committee to Protect Journalists found that Eritrea was the world’s most censored country and the sub-Saharan African country with the highest number of journalists behind bars. Internet cafes are monitored and, in May, media reported that the government briefly shut down the internet altogether.

No opposition political parties are allowed. Labor unions are also banned, except those controlled by the government, as are gatherings of more than three people. There are no independent nongovernmental organizations. Same-sex relations are prohibited.

Leaving the country without permission is illegal and individuals trying to flee risk being shot, killed, or arrested. For a time after the border to Ethiopia opened in 2018, the government did not restrict departures. At the end of 2018 and again in April 2019, however, the government unilaterally closed several border crossings and reinstated the exit permit requirements. After the Eritrea-Ethiopia border opened, the number of fleeing Eritreans, especially unaccompanied children and women, increased. Hundreds were reported to flee daily in early 2019. Among those fleeing in 2019 were five members of Eritrea’s youth soccer team participating in a regional tournament in Uganda.
**Key International Actors**

Despite the 2018 rapprochement between Eritrea and Ethiopia, the disputed border has not been demarcated and Ethiopia has not withdrawn from Badme, the village that triggered the 1998 war.

Tensions with Djibouti remain unresolved because Djibouti claims that Eritrea has not accounted for prisoners of war captured in a 2008 border dispute. In 2019, Djibouti requested binding international arbitration; the request remained pending at time of writing.

The International Monetary Fund said Eritrea’s macro-economic conditions remained “dire.” Eritrea was identified in a 2019 survey as one of only three countries that place “extreme constraints” on humanitarian assistance to citizens from international organizations.

Except for a massive 50 percent Australian company-owned potash development project scheduled to begin operations in two to three years, Chinese firms have acquired all mineral mining rights. All mining firms must use government construction firms, staffed largely with conscript labor.

The European Union initiated what it dubbed a dual track approach to Eritrea, with its development arm focusing on job creation activities, and its political arm reportedly raising human rights issues. In February, under its Trust Fund for Africa aimed at stemming migration, the EU provided EUR€20 million (US$22 million) to support the procurement of equipment on a road building project on which it acknowledges national service labor, i.e., forced labor, may be used. In April, a Dutch NGO filed a summons calling on the EU to halt the project or risk further legal challenges.

The EU held two rounds of political dialogue with Eritrea under article 8 of the “Cotonou Agreement,” one in November, the other in March.

**Eswatini (formerly Swaziland)**

In 2019, Eswatini remained an absolute monarchy ruled by King Mswati III, who has led the country since 1986, with a 1973 decree banning opposition political parties. Despite the adoption of the 2005 constitution which guarantees basic rights, and the country’s international human rights commitments, the government has not reviewed the decree or changed the law to allow the formation, registration, and participation of political parties in elections.

In a move significant for women’s rights, the Eswatini High Court ruled on August 30 that the common law doctrine of marital power (giving a husband the ultimate decision-making power over his wife and the matrimonial property) is unconstitutional as it discriminates against women and denies their constitutional right to equality. The progressive ruling builds on Eswatini’s ongoing law reform process, aimed at promoting and protecting women’s and girls’ rights that included the passing of the Sexual Offences and Domestic Violence Act of 2018, which provides a framework to curb sexual and gender-based violence in the country.

**Freedom of Association and Assembly**

The various legislative improvements on freedom of association and assembly contained in the new Public Order Act of 2017, which imposes restrictions on the government’s power to limit freedoms of assembly and association, were not fully tested in practice in 2019 as restrictions on freedom of association and assembly continued.

In August, Eswatini public servants who are part of the Swaziland National Association of Teachers (SNAT), the Swaziland National Association of Government Accounting Personnel (SNAGAP), and the National Public Services and Allied Workers Union (NAPSAWU) began mobilizing for a nationwide strike to demand an increase in wages. The police did not disrupt the nationwide mobilization campaigns, but fired tear gas and water cannons to disperse thousands of protesting government workers on September 23. The new Police Service Act of 2018 limits police powers to prevent gatherings as it requires only a “notice of gathering” to be submitted to the relevant local authority, unlike the previous 1963 law that required the police to issue a license to permit public gatherings.
Although Eswatini signed the African Charter on Democracy, Elections and Governance in January 2018, the government did not take steps to ratify or implement the Charter.

**Rule of Law and Freedom of Media**

King Mswati holds supreme executive power over the parliament and judiciary by virtue of a 1973 State of Emergency decree. The country’s courts have upheld the legality of the decree, contrary to the 2005 constitution, which provides for three separate organs of government—the executive, legislature, and judiciary. The prime minister theoretically holds executive authority, but in reality, King Mswati exercises supreme executive power and also controls the judiciary. The 2005 constitution provides for equality before the law but also elevates the king above the law.

In 2019, Reporters Without Borders ranked Eswatini as 147 out of 180 countries on media freedom. Eswatini’s low ranking in media freedom is partly because journalists are constrained from working freely in the absolute monarchy and courts are not permitted to prosecute representatives of the monarchy.

**Women and Girls’ Rights**

The Eswatini High Court ruling in August 2019 that the common-law doctrine of marital power is unconstitutional added to existing reforms to end discrimination against women and uphold their constitutional rights to equality. The court also struck down sections of the Marriage Act that subjected African women to customary marital power, perpetuating the violation of their rights contrary to constitutional provisions.

Progressive legislative reforms initiated in 2018 to further the promotion and protection of women and girls’ rights included amendments to the 1964 Marriage Act, prohibiting child marriage, and the passing of the Sexual Offences and Domestic Violence Act of 2018, which provides the framework to curb sexual and gender-based violence in the country.

The under-representation of women in leadership and decision-making positions in both public and private sectors continued during 2019 despite the existence of the 2018 Election of Women Act, designed to fulfill the constitutional requirement for quotas for the representation of women and marginalized groups in parliament.

Eswatini has committed itself to a number of regional and international instruments to promote gender equality, including the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), which Eswatini ratified without reservation, and the Southern African Development Community (SADC) Declaration on Gender and Development. Article 20 of the Eswatini Constitution provides for equality before the law and non-discrimination, but does not prevent discrimination on the grounds of sex, language, sexual orientation and gender identity. Eswatini’s dual legal system where both Roman Dutch common law and Eswatini customary law operate side by side has resulted in conflicts leading to numerous violations of women and girl’s rights over the years.

Under Eswatini law, mothers are not permitted to confer their citizenship to their children under the same conditions as fathers. Eswatini’s Constitution stipulates that any child born inside or outside Eswatini prior to 2005 to at least one Eswatini parent acquires Eswatini citizenship by descent. However, children born after 2005 only acquire Eswatini citizenship from their fathers, unless the child was born out of wedlock and has not been claimed by the father in accordance with customary law.

According to a 2018 national study, 48 percent of girls and women between the ages of 13 to 24 reported having experienced some form of sexual violence, with 1 in 3 girls experiencing some form of sexual violence before the age of 18. In a country with the highest HIV/AIDS prevalence in the world, sexual and gender-based violence is one of the key contributors of new HIV infections.

**Sexual Orientation and Gender Identity**

A colonial-era law criminalizes “sodomy,” with an unspecified sentence. In spite of this law, lesbian, gay, bisexual, and transgender (LGBT) activists successfully held the second ever “Eswatini Pride” event in June 2019, with hundreds marching in the streets of Mbabane in support of LGBT equality.
Ethiopia

Human rights reforms implemented by Prime Minister Abiy Ahmed during his first year in office were threatened in 2019 by communal, including ethnic, conflict and breakdowns in law and order.

The June 22 assassinations of several high-level government officials, which the government linked to an alleged coup attempt in the Amhara region—as well as political unrest and communal violence in the capital, Addis Ababa, and Oromia following an incident with a popular Oromo activist and media owner, Jawar Mohammed—highlighted increasing tensions ahead of Ethiopia’s scheduled 2020 national elections.

In June, the parliament voted to postpone an already overdue but highly contentious national census, despite the importance of the exercise ahead of the 2020 elections.

Institutional reforms, notably around judicial independence and concrete measures to ensure truth, reconciliation, and accountability—all of which are key to dealing with heightened political and ethnic tensions—were limited.

Freedom of Expression and Association

The Sidama ethnic group submitted a request on July 18, 2018, to the federal government to hold a referendum to secede from the Southern Nations, Nationalities and Peoples’ Region (SNNPR). The Sidama are the largest and the first among a number of ethnic groups in SNNPR to make such a request.

The federal government failed to organize a vote within the constitutionally stipulated one-year limit. Violence on July 18 in Awassa, capital of SNNPR, between protesters demanding a vote and security forces, followed by reported violence against non-Sidama residents of the region, resulted in the deaths of 53 people according to a zonal police official, the displacement of hundreds, and significant property damage. The SNNPR region was then placed under federal security control. In August, the National Electoral Board of Ethiopia (NEBE) said it would organize a referendum on November 13, which was later delayed to November 20.

Key International Actors

Eswatini’s new prime minister, Mandvulo Dlamini, attended the SADC annual summit in Tanzania on August 17 and 18. SADC leaders congratulated Eswatini on holding peaceful and successful elections in September 2018. They did not raise concerns about the human rights conditions in Eswatini or press authorities to allow opposition political parties to operate in the country.

In June, representatives of local rights groups met in Geneva with Dubravka Šimonovic, the United Nations special rapporteur on violence against women, its causes and consequences. The representatives called on the special rapporteur to monitor Eswatini’s implementation of the Sexual Offences and Domestic Violence Act, and to monitor and encourage the enactment of laws which strengthen women’s access to land and marital property and reduce their risk of gender-based violence.
The government responded to growing hate speech on social media, especially Facebook, by producing a hate speech bill in April. Shortly after the communal violence in late October, the Council of Ministers approved a draft. Earlier drafts included vague definitions of hate speech, which, if not more narrowly defined to specifically address incitement to violence, discrimination, or illegality, may end up stifling legitimate expressions of dissent.

The government continued the practice of shutting down the internet. Following the alleged June 22 coup attempt, the prime minister sought to justify a country-wide internet shutdown, which was only completely restored on July 2, by telling media that the internet was “neither air nor water.” Earlier in June, the government shut down the internet for a week without explanation.

Arbitrary Detention, Impunity for Past Abuses

In September, Maekelawi, the police station in the heart of Addis Ababa that for years had been infamous for abuse and repression, was opened for the first time to the public after its closure last year.

While there have been fewer reports of arbitrary arrests overall, there have been ongoing reports of abusive arrests of alleged Oromo Liberation Front (OLF) members and their alleged sympathizers in areas of Oromia where there has been fighting between suspected members of the previously banned OLF and the military.

Beyond the arrests of some high-level officials in November 2018, there has been little progress on accountability for past abuses. A national reconciliation commission was set up in December 2018 but it has an unclear mandate. In Ethiopia’s Somali region, some of those who ran the region’s notorious Jail Ogaden, where torture, rape and death were common, have been sentenced for abuses committed under their command; public information on these trials was lacking.

Conflict-Related Internal Displacement

Longstanding grievances over access to land and complex questions of identity and demarcation of internal borders on occasion led to abuses, including open conflict between ethnic groups, killings, and large-scale internal displacement.
In October 2019, the European Union dispersed €7 million (US$7.8 million) of a €10 million (US$10 million) electoral support package. At time of writing, no plans for international election monitoring were in place.

In its 2019 Universal Periodic Review, Ethiopia committed to reviewing outstanding requests from special procedures on an individual basis and has since responded favorably to several, marking the first authorized visits of mandate holders since 2006. The UN special rapporteur on freedom of expression was due to visit Ethiopia in December. A request by the special rapporteur on torture was pending.

Over 100,000 Ethiopians have been deported from Saudi Arabia, many with no belongings and no money for food, transportation, or shelter. Neither the government nor the international community have earmarked adequate assistance to provide deportees medical care to help them deal with injuries or psychological trauma resulting from abuses faced in Yemen and in Saudi Arabia, shelter them, or aid them to return and reintegrate in their home villages.

The number of people internally displaced by conflict remained high; according to the International Organization for Migration, 1.6 million people were internally displaced as of July, 66.4 percent due to conflict. The Internal Displacement Monitoring Center reported that ethnic clashes in Oromia, Amhara, Somali, and SNNPR regions led to 522,000 new displacements in the first half of 2019.

Between March and May, the government returned approximately 1.5 million internally displaced people to their home areas, many still unsafe, including by restricting delivery of humanitarian assistance and demolishing camps in areas of displacement. Those that returned often faced secondary displacement due to ongoing insecurity and a lack of humanitarian assistance in areas of return.

The International Committee of the Red Cross, invited back to the Somali region for the first time in 11 years, distributed emergency relief assistance in conjunction with the Ethiopian Red Cross to people affected by communal violence.

Complex and politically charged issues surrounding the management of the ongoing expansion of Addis Ababa, and clarification of constitutional provisions around Oromia’s “special interest” remain unanswered and a growing source of tension. These tensions increased in February when the Oromia regional government announced its plans to demolish 12,000 homes “built illegally” on the outskirts of Addis.

**Key International Actors**

Ethiopia continued to enjoy strong support from foreign donors and most of its regional neighbors, due to its role as host of the African Union, its contributions to United Nations peacekeeping and regional negotiations, regional counterterrorism efforts, and migration partnerships with Western countries.

In October, Prime Minister Abiy was awarded the Nobel Peace Prize for his efforts to achieve “peace and international cooperation,” as a result of the peace agreement signed with Eritrea; yet many of the trickier issues around the agreement remain unsettled, including the border demarcation between the two countries.

Following the ouster of Sudan’s President Omar al-Bashir in April and a breakdown in talks between military and civilian parties, the prime minister led efforts to mediate an agreement for a transitional government together with the African Union. However, tensions with Egypt over use of the Nile flared.
**European Union**

The European Union acted in defense of human rights values in response to efforts by some EU governments to undermine democratic institutions inside their countries. Despite mixed fortunes at the polls, radical right populists continued to shape much of the debate around migration, as EU institutions and governments pursued migration policies that too often exposed people to violence and abuse and denied them access to asylum, especially by keeping them outside EU borders.

**Migration and Asylum**

Just under 101,000 people had arrived at EU borders in 2019 by mid-November, the majority by sea. EU governments remained focused on sealing borders including through reported unlawful pushbacks from EU borders including Croatia, Greece, Hungary, Romania, Poland, and Spain.

Sharp declines in boat arrivals from Morocco and Libya appeared linked to intensified migration cooperation by EU institutions and member states, despite concerns about treatment of migrants and asylum seekers in both countries.

An increase in boats reaching Greek islands underscored the lack of a functioning system for fair sharing of responsibility among EU members, and the ongoing failure of Greece to protect the rights of asylum seekers on its territory, including through pushbacks. The increase also drew attention to the 2016 EU migration control deal with Turkey, with Turkey's president again seeking to use the threat of a greater number of arrivals in the EU as a form of political leverage.

There were numerous stand-offs at sea, as Italy and Malta refused to allow non-governmental organization (NGO) and merchant ships to disembark people rescued in the Mediterranean. Despite a change in government in Italy and several high-level EU summits, no progress was made towards the adoption of a predictable disembarkation agreement and relocation mechanism.

In March the EU’s anti-smuggling mission Operation Sophia halted naval patrols in the Mediterranean that had rescued thousands, relying instead on aerial surveillance, with concerns that EU planes privileged providing information to the Libyan Coast Guard to enable interceptions and returns to Libya rather than broadcasting information about boats in distress, including to nearby rescue NGO ships. In October, the European Parliament narrowly rejected a resolution to improve search and rescue in the Mediterranean. The United Nations refugee agency UNHCR estimated that 1,098 people had died or gone missing in the Mediterranean by mid-November.

By mid-November, 12,680 people had reached Italy and Malta by sea, and 8,155 had been intercepted by the Libyan Coast Guard and taken back to automatic arbitrary detention amid worsening conditions as hostilities rage in and around Tripoli (see Libya chapter for more information).

As EU governments prioritized border control and outsourcing of responsibility for migrants and asylum seekers to other countries, they made limited progress on expanding safe and legal channels for migrants to enter the EU. The European Commission announced in September that EU countries had fulfilled 64 percent of the pledge to resettle 50,000 refugees in 2018-2019, a fraction of global needs.

Proposed reforms to EU asylum laws were not finalized before the May European elections.

At this writing, it remained unclear how the new European Parliament and Commission would take forward the package of reforms, including the most controversial issues relating to sharing of responsibility for processing asylum claims.

The charges in Italy and public vilification of Carola Rackete, captain of a Sea Watch rescue ship, exemplified the worrying trend of criminalizing humanitarian assistance to migrants and asylum seekers. Individuals faced charges related to assistance they provided to migrants and asylum seekers in several EU countries in 2019, including Belgium, France, Germany, Greece, as well as Italy.

**Discrimination and Intolerance**

In May’s European Parliament elections, populist and Eurosceptic parties increased their vote share—securing about 25 percent of Parliament’s seats compared to roughly 20 percent in the last election—but fell short of predictions in pre-election polls. Many mainstream parties that aligned with the anti-Muslim and anti-refugee agenda of the extreme right lost ground in the elections.
Racist intolerance, xenophobic, Islamophobic, and anti-Semitic sentiment and violence were still prevalent across the EU. Muslims, including women who wear the veil, continue to experience widespread hostility and intolerance in EU countries.

Anti-Semitism appeared to be on the rise. In a July report the EU’s Fundamental Rights Agency (FRA) found that 44 percent of young Jewish Europeans experienced anti-Semitic harassment. Eighty percent of young victims did not report harassment to the police or any other authority, while 45 percent chose not to wear, carry or display distinguishable Jewish items in public because of concerns about their safety.


At time of writing, seven member states and the EU had yet to ratify the Istanbul Convention, a Council of Europe (CoE) treaty on combatting and preventing violence against women.

The majority of EU member states still require transgender people to obtain a “mental health” diagnosis to change their legal gender—a stigmatizing and discriminatory requirement. In February, the European Parliament passed a resolution calling on EU member states to ban medically unnecessary “normalizing” surgeries on intersex children—a discriminatory practice that Malta has banned and Portugal has taken some steps to regulate.

Roma continue to be one of the most marginalized communities in Europe with Roma girls and women being particularly vulnerable to exclusion and discrimination, according to the EU Fundamental Rights Agency.

**Rule of Law**

EU institutions maintained scrutiny of the conduct by EU governments that threaten the rule of law and human rights, including through enforcement action in the EU Court of Justice, and discussed new mechanisms to hold EU governments to account for such breaches.

There was modest progress in proceedings against Poland and Hungary under article 7, the political sanctions mechanism of the EU treaty for addressing such threats, triggered in December 2017 on Poland and in September 2018 on Hungary.

The European Commission used its legal enforcement powers against Hungary and Poland during the year. It launched a new procedure against Poland in April over its moves to discipline judges and referred to the EU court of Justice in October. It July, it brought proceedings against Hungary for denying food to asylum seekers trapped at the border and referred Hungary to the EU Court of Justice for a 2018 law criminalizing the provision of aid to asylum seekers.

In June, the EU Court of Justice ruled that a 2018 law in Poland forcing judges out of the Supreme Court violated EU law. In November, the EU Court ruled that Poland’s law on ordinary courts is contrary to EU law and affects judicial independence.

Three cases before the EU Court of Justice against Hungary were pending at time of writing. They concern three 2017 laws: forcing the Central European University out of Budapest; requiring civil society organizations that receive foreign funding to register as such or face sanctions; and an asylum law that allows for automatic detention of asylum seekers in transit zones and their summary removal to the Serbian border.

EU ministers held several debates on the laws undermining Poland’s judiciary in February, April and September. In September, EU ministers held their first hearing with the government of Hungary, one year after the European Parliament activated article 7.

In April, the European Parliament adopted a resolution on the rule of law and fight against corruption in the EU, flagging specifically the constitutional debates and the lack of protection for journalists in Slovakia and in Malta. In April, the European Parliament also held a debate on the rule of law in Romania.

In July, the European Commission released its proposals to strengthen protections for the rule of law inside the EU. Proposals included an annual report on rule of law in EU countries to assist early detection of problems, a new peer review mechanism for EU governments, and a more strategic use of existing enforcement mechanisms, such as the EU Court of Justice.

Discussions continued on a proposal to tie access to EU funds in the next EU budget cycle to respect for the rule of law. In July, the then President-elect of the
European Commission, Ursula von der Leyen said, that she “stand[s] by the proposal to make the rule of law an integral part” of the next EU budget.

At time of writing, several people were charged over the murders of Daphne Caruana Galizia in Malta in 2017 and of Jáň Kuciak in Slovakia in 2018, but the two cases remain unresolved. In September, Malta announced the establishment of an independent inquiry into the murder of Caruana Galizia. In April, Lyra McKee, shot during riots in Londonderry in Northern Ireland, became the fourth journalist killed in the EU in less than two years; to date, no one had been charged for her killing.

**Counterterrorism**

The mistreatment and fate of an estimated 1,200 Western European citizens held in Northeast Syria and Iraq as Islamic State (ISIS) suspects or their family members, most without charge, remained a major concern during the year.

European countries faced calls from the Office of the UN High Commissioner for Human Rights (OHCHR), Human Rights Watch and civil society groups to ensure the repatriation of ISIS suspects and their family members, and to take steps to avoid their exposure to the death penalty, torture, and unfair trials in Iraq.

During the year, countries including France, Sweden, Denmark, the Netherlands, and Germany brought home a small number of children each from Syria or Iraq. Italy repatriated one suspected fighter.

Following an October offensive into northeast Syria by Turkish armed forces, concerns for ISIS suspects and family members in the custody of Kurdish-led forces increased.

Some governments such as Denmark, the UK, and the Netherlands stripped citizenship from nationals believed to be in Iraq or Syria whom they suspected of having joined ISIS or other extremist armed groups. In March, the German government also announced plans to strip citizenship from dual nationals suspected of joining terrorist groups. The French government drew criticism for failing to protect 11 citizens sentenced to death by Iraqi courts following rushed proceedings in which there allegations of confessions obtained through torture in some cases.

Concerns remained about the impact on freedom of expression of EU legislative efforts to take down online content deemed to be of a “terrorist” nature. The Fundamental Rights Agency found in February that the definitions of proscribed content in a 2018 EU directive was too wide; the definition was subsequently narrowed by the European Parliament. The law had yet to be adopted at time of writing.

There was no discernable progress in 2019 towards accountability for involvement by EU governments in the CIA’s post-September 11, 2001, torture and secret detention program.

**Croatia**

According to Croatian Ministry of Interior, in the first eight months of 2019, 11,813 new migrants and asylum seekers were recorded, mainly from Afghanistan, Pakistan, and Turkey, an increase of more than 8,600 compared to the same period in 2018. In the same period 974 people claimed asylum and authorities approved 71 asylum requests, including 13 from 2018.

Croatia reported that it blocked entry to 9,487 people at its borders in the first 8 months of the year. Despite credible reports during the year about illegal and violent pushbacks of migrants by Croatian police into Bosnia and Serbia, in breach of EU refugee and human rights law, Croatia faced no consequences from EU institutions. Croatia’s president acknowledged in December 2018 on Swiss television that force is sometimes used, but later retracted her comments.

Despite the consistent recommendations to Croatia from international bodies to facilitate community-based support for all people with disabilities currently in institutions, Croatia persisted with plans to place adults with disabilities in foster care, publishing a draft law in December 2018. In January 2019, the Ministry of Social Policy indicated that 4,216 adults were placed in 1,481 foster care families.

In July 2019, Croatia ratified the Safe Schools Declaration pledging to refrain from the military use of schools in wars. According to the Ombudswoman for Children, Roma children were most deprived group in 2019, with limited access to services.
In January, a Europe-wide universities-led Holocaust Remembrance project found historical revisionism in Croatia among the highest in the European Union. During a year that saw several violent attacks on Croatian Serbs, Croatia’s ombudswoman and civil society groups expressed concern about the climate of intolerance against minorities. Between January and September 2019, Documenta, an NGO, registered 39 war crime cases against 59 defendants before courts in Croatia. In the same period, 15 people were convicted for war-related crimes, including one for sexual violence.

**France**

French police crowd control and anti-riot tactics, used during weekly demonstrations, injured thousands of people since the end of 2018. Those injured include peaceful demonstrators, high-school students, and journalists. There has been widespread criticism of police action, including by the United Nations and the French ombudsperson.

French authorities opened scores of investigations into excessive force allegations, but as of November, only eighteen had been passed to a judge. In November, the Paris prosecutor announced that two police officers will be prosecuted for violence, the first such cases. At time of writing no officers had been held to account.

France adopted a protest law in April that risks undermining the right to freedom of peaceful assembly. UN experts in February expressed concern about the law and already disproportionate restrictions on the right to protest in France.

French border police in the Alps summarily returned unaccompanied migrant children to Italy during the year, and some child protection authorities used flawed age assessment procedures on unaccompanied migrant children, depriving some of the protection and care to which they are entitled. These findings were confirmed by the ombudsman in an annual report on children’s rights published in November.

The European Court of Human Rights ruled in February that France had subjected an unaccompanied child living in a makeshift camp in Calais to “degrading treat-
Germany

Arrivals of asylum-seekers and migrants fell for a fourth year running. In the first 10 months of 2019, 122,225 asylum-seekers had been registered. By the end of June, 56,628 applications were pending.

Germany continued to play a leadership role in refugee resettlement in the EU. By October 30, Germany had accepted 229 refugees who had been rescued at sea. At time of writing, 13 municipalities had signed the “Safe Haven Cities” declaration, launched in April, indicating to the federal government that they were willing to accept resettled refugees rescued at sea.

A package of federal immigration and asylum law changes in June 2019, negatively impacted rights. NGOs criticized reductions in social benefits and the grounds for detaining migrants pending deportation, along with the continued use of prisons for immigration detention. Separate amendments to deportation law, which entered force in August, limited the ability of rejected asylum seekers who cannot be removed to work or study.

Attacks on refugees, asylum seekers and those providing them with assistance, remained a matter of concern. In the first half of 2019, police recorded 609 attacks on refugees and asylum seekers, 60 attacks on refugee shelters, and 42 attacks against relief organizations and volunteers. Police authorities attributed the overwhelming majority of these attacks to perpetrators with a “right wing motivation.”

The government disclosed in October that 12,500 “politically-motivated” criminal offences (a category that includes hate crimes) had been committed by members of far-right groups in the first eight months of the year.

Constitutional challenges were pending against laws in Bavaria that allow police to hold people in preventive custody for up to three months, in some instances without access to a lawyer, on the basis they could pose a danger to national security rather than for having committed a crime. During the year, legislators in at least four other German states proposed or passed similar worrying provisions.

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Greece

Greece continued to host large numbers of asylum seekers while failing adequately to protect their rights.

In August, the UN Committee against Torture criticized the Greek government policy—linked to the EU-Turkey deal—of blocking asylum seekers who arrive on the Aegean islands from moving to the mainland.

Beginning in August, there was a sharp increase in the number of arrivals on the islands, leading to severe overcrowding and inhuman and degrading conditions in island camps.

At time of writing, 37,000 asylum seekers, the majority women and children, were on the islands, including more than 33,400 in camps designed to host a around 6,200.

Although authorities allowed more transfers during the year, the policy continued to trap thousands in overcrowded and abysmal conditions on the islands. This includes severe overcrowding, unsanitary, unhygienic conditions, and lack of basic services such as water and food. Medical care, trauma counseling, and psychosocial support remained inadequate with deteriorating mental health among asylum seekers, exacerbated by conditions of detention and uncertainty about the disposition of their cases.

Lack of adequate and secure facilities made physical and gender-based violence common in asylum camps. In its August report, the UN Torture Committee called on Greece to take effective measures to ensure that violence against refugee, asylum seeking, and migrant women is investigated, perpetrators are prosecuted, and victims are compensated.

In October, a new asylum law made it easier to detain asylum seekers for longer periods. It also reduced safeguards for asylum seekers, including by scrapping protections for vulnerable people.

The European Court of Human Rights ruled twice, in February and June, that Greece is in violation of its human rights obligations by detaining unaccompanied children in so-called protective custody in police station cells and detention centers. Despite the rulings, at time of writing 234 children were still detained in such premises, while hundreds more were in camps with adults or homeless due to authorities' failure to provide adequate shelter or foster care. The October asylum law failed to repeal the “protective custody” regime.

In March, a prosecutor launched an inquiry into allegations of pushbacks at the Greek-Turkish land border. Such pushbacks, including of Turkish asylum seekers, continued throughout the year. A 2018 similar investigation by the Greek ombudsman had yet to yield results.

In June, the government amended the criminal code to define rape as sex without consent, following widespread criticism of a draft bill that had failed to do so.

In a July report the ombudsman found that people with disabilities have limited access to public spaces, state services and transportation, face discrimination in the workplace, and have difficulties in accessing education. In a September review, the UN Committee on the Rights of Persons with Disabilities, criticized Greece’s treatment of asylum seekers and refugees with disabilities. The Council of Europe Committee for the Prevention of Torture issued a report in February expressing concerns about inhuman and degrading treatment in psychiatric establishments and migrant detention centers.

Hungary

Hungary’s government continued its dismantling of democratic institutions and the rule of law.

In November, the government proposed changes to the administrative courts that would allow state institutions to appeal unfavourable administrative court decisions to the Constitutional Court, where a majority of the judges are close to the ruling party. This could affect issues like corruption, elections, and police conduct. The measures were before parliament at time of writing and expected to be adopted in December.

The move follows an unsuccessful attempt by the government to establish a new administrative court system overseen by the Ministry of Justice, adopted by the Hungarian parliament in December 2018, but scrapped in May 2019 after criticism from EU and Council of Europe’s Venice Commission about the lack of checks and balances.
In June, the government renewed its attacks on academic freedom by introducing a law, approved by parliament, that increases state control over the Academy of Sciences, Hungary’s largest and oldest academic institution. The law gives the government greater influence over scientific research and funding.

Hungarian authorities continued to limit the number of asylum seekers permitted to enter at border crossings to one or two asylum-seeking families per week, leaving thousands stranded in poor conditions in Serbia. According to UNHCR estimates, by early September, more than 300 people were detained in the two transit zones, including about 170 children. Pushbacks to Serbia remain a concern.

In February, the government resumed its policy of denying food to rejected asylum seekers in the transit zones on Hungary’s border with Serbia. By August, the Hungarian Helsinki Committee, a civil society organization, had submitted emergency interventions on behalf of 27 food deprived asylum seekers to the European Court of Human Rights (ECtHR), which in all cases ordered the government to resume food distribution. The government complied with the orders in each case.

In July, the European Commission launched legal action against Hungary over the practice and referred to the EU Court of Justice the 2018 law criminalizing support to asylum seekers by non-governmental organizations. The Commission escalated the case in October. In October, the European Court of Human Rights ruled that the government’s decision in 2015 to deny a journalist access to a refugee reception center violated media freedom.

In March, Fidesz was suspended from the European People’s Party (EPP), the main centre-right European political family, for breaching the group’s values concerning rule of law and fundamental rights but was allowed to remain part of the EPP group in the European Parliament. An internal investigation was ongoing at time of writing.

Media pluralism continued to decrease with more and more outlets espousing a pro-govemment line, either as a result of ownership by people close to the government or direct government influnce. December 2018 saw the merger of nearly 500 media outlets into one conglomerate loyal to the government, seriously impeding media pluralism in the country. Pro-government media continued to smear critical journalists and media outlets.

The government has yet to ratify the Istanbul Convention, with a minister describing it in July as “political hysteria.” There are no reliable statistics about domestic violence in the country.

Roma continued to face discrimination in housing, education, and public health care, according to the EU Fundamental Rights Agency.

**Italy**

There were at least 15 stand-offs at sea as Italian authorities denied permission to NGO ships to disembark people rescued at sea. In June, then-Interior Minister Matteo Salvini pushed through a government decree, converted to law by parliament in August, allowing Italy to deny NGOs authorization to enter territorial waters, ships to be seized and their owners fined. A new government, in place since September, indicated it would reform the decree.

By mid-November, 9,942 people reach Italy by sea, according to UNHCR, a 55 percent decrease compared to 2018.

Government decrees instituted in August an accelerated asylum procedure at the border and in October a list of 13 so-called safe countries of origin whose nationals now face a legal presumption they do not need protection.

Official statistics showed that asylum applications fell by over 50 percent compared to the previous year. In the first six months of the year, rejection rates hovered around 80 percent, significantly more than the 58 percent rejection rate in 2017. This is largely due to the abolition, in late 2018, of humanitarian protection permits.

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A law to combat gender-based violence, came into force in August. The law increases prison sentences for sexual crimes and domestic violence, criminalizes forced marriage, and requires prosecutors to meet within three days anyone who reports domestic or gender-based violence to police.

Netherlands

A controversial new law banning full-face coverings, including the niqab and burka worn by some Muslim women, on public transport, in hospitals, town halls, and educational institutions, entered force in August. There were complaints from public sector organizations that the law was unclear and from non-governmental groups that it would have a discriminatory impact on Muslim women. Some local police forces and transport authorities said they would not prioritize enforcing the ban.

During the year the UN Human Rights Committee, the European Commission against Racism and Intolerance and the UN special rapporteur on freedom of religion and belief raised concerns about the discriminatory impact of legislation and public rhetoric on religious minorities, and Muslims in particular.

In May, the government proposed changes to the law on rape and sexual assault to introduce a requirement for consent, and to criminalize sexual harassment, to bring Dutch law into line with the Istanbul Convention. At time of writing no legislation had been introduced.

Dutch authorities continued to use their powers to remove Dutch citizenship from dual nationals suspected of traveling abroad to participate in terrorism. In April, however, the Council of State, the highest administrative court, annulled the decision to deprive two Dutch foreign fighters of citizenship, because the decision had been taken before the group they were believed to be affiliated with was proscribed. In November, a district court in the Hague ruled that the Dutch government should ensure the return of Dutch children, under the age of 12, of ISIS suspects, who remained in custody in northern Syria. The government announced that it would appeal the decision.

In April, the government told parliament it intended to simplify the process by which transgender adults could change their legal gender on their birth certificate, and to allow children aged 16 or under to apply to courts to have their gender registration changed, which is not currently permitted. No legislation had been introduced at time of writing.

In February, the government ended a policy in effect since 2012 allowing applications for permanent residency from children in asylum seeking families and unaccompanied undocumented children who had lived in the country for more than five years. It did, however, agree to consider applications of the 600-700 children in the Netherlands and eligible under the policy.

Poland

Government attacks on the country’s judiciary continued in 2019.

Judges and prosecutors were subject to arbitrary disciplinary proceedings for standing up for the rule of law and speaking up against problematic judicial reforms, an interference with judicial independence. The Disciplinary Office, established in September 2018, brought disciplinary proceedings against judges and prosecutors. The European Commission in April initiated legal action against Poland for its disciplinary proceedings against judges.

In May, police arrested rights activist Elzbieta Podlesna over a picture of a religious icon with a rainbow halo on the grounds of offending religious feelings and confiscated her mobile phone, laptop, and memory cards. The investigation was ongoing at time of writing.

In June, Council of Europe Human Rights Commissioner, Dunja Mijatovic, raised concerns about dismissals, replacements, and demotions of judges and prosecutors, and called on Polish authorities to “ensure that disciplinary proceedings are not instrumentalised.”

Judges and prosecutors were regularly discredited and smeared during the year by government officials and government aligned media.

In June, the EU Court of Justice ruled a 2018 Polish law that lowered the retirement age for the country’s Supreme Court judges that would have forced out some of the judges, breached EU law. The government had already suspended the law in December 2018 pending the EU court ruling.

In November, the EU Court of Justice ruled in a case referred by the Polish courts that the new Disciplinary Chamber of the Polish Supreme Court can only be com-
petent to rule on judges’ retirement cases if its independence and impartiality is guaranteed.

An amendment to the penal code, approved by parliament would criminalize “promotion” or “approval” or sexual activity by minors, putting teachers and sex educators at risk of imprisonment and limiting children’s right to health information and care.

NGOs working on issues related to asylum and migration, women’s rights, or lesbian, gay, bisexual, and transgender (LGBT) rights were often denied public funding.

During the year, LGBT people became the focus of government and ruling party homophobic attacks. In July, at least 30 cities and provinces in Poland declared “LGBT-free-zones,” and Gazeta Polska, a pro-government newspaper, distributed “LGBT free zone” stickers in its publications. A Warsaw district court in July ordered the newspaper to immediately halt distribution of the stickers, pending the outcome of legal challenge by a rights activist.

Poland’s Commissioner for Human Rights Adam Bodnar was the target of a smear campaign by pro-government media and public officials for defending the human rights of a murder suspect.

Pushbacks of asylum seekers, most from the Russian republic of Chechnya and Central Asia, to Belarus continued, with inconsistent application of a 2018 Polish court ruling to halt the practice.

In August, the United Nations Committee Against Racial Discrimination called on Poland to prevent hate speech in the media, and to take action against websites promoting racial hatred.

The UN Torture Committee in August called on Polish authorities to provide adequate protection for victims of domestic violence and to consider decriminalizing abortion.

Spain

National elections in April and again in November failed to give any party enough votes to form a government.
According to UNHCR, by mid-November 22,400 people had reached Spain by sea, a 62 percent decrease over the same period the previous year, the apparent result of intensified cooperation with Morocco. Land arrivals to Ceuta and Melilla, Spanish enclaves on the north African coast, were down by 23 percent over 2018.

In a March report, the International Organization for Migration (IOM) said almost half of 1,300 migrants and refugees in Spain interviewed in 2018 had experienced exploitation and abuse on their migration journey, the majority in Morocco.

In February, the UN Committee on the Rights of the Child said Spain’s 2014 summary return of an unaccompanied Malian boy from Melilla to Morocco had violated his rights. Such summary returns continue and remain authorized by a controversial 2015 Spanish law. In October, a Ceuta judge closed on a technicality the case against 16 Guardia Civil agents in connection to the February 2014 deaths of 14 people at the border, little over a month after ordering their prosecution.

In June, the Supreme Court convicted five men for the gang rape of a woman in Pamplona in 2016, overruling a lower court’s 2018 conviction of the men on lesser charges, and sentenced them to 15 years’ imprisonment. In November, a Barcelona court convicted a different group of five men on lesser charges of abuse, rather than rape, because no violence or intimidation had been used because the 14-year-old victim was unconscious. The cases sparked protests and government pledges to examine possible changes to the criminal code. To date, no legal changes have been made.

In October, the Supreme Court convicted 9 pro-independence Catalan politicians and activists of sedition and sentenced them to between 9 and 13 years for non-violent acts in connection with the 2017 referendum on independence, previously deemed illegal by Spanish courts. Four were convicted of misusing public funds. All were acquitted of rebellion. Three other politicians were convicted of and fined for public order offences. In June, the UN working group on arbitrary detention said the detention of three of the defendants during the trial violated their rights.
In May, the UN Committee on the Rights of Persons with disabilities expressed concern about institutionalization of people with disabilities; the use of restraints and risk of violence in institutions; forced sterilization and abortions imposed on women and girls with disabilities; and the failure to guarantee full legal capacity to all people with disabilities.

In May, the UN Human Rights Committee found Spanish authorities responsible for the 2007 torture of a Basque separatist and urged Spain for the fourth time since 2009 to abolish incommunicado detention to prevent torture and cruel treatment.

**United Kingdom**

The UK’s planned exit from the EU (Brexit) strained democratic institutions and put human rights and the rule of law at risk.

In September, the government was forced by parliament to publish a key planning document outlining potential impacts of the UK leaving the EU without an agreement (known as “no-deal” Brexit). Its publication raised serious rights concerns including those related to access to adequate food and medicine, fuel shortages, interruptions to social care for older people and people with disabilities, possible public disorder, and the risk of increased dissident activity in Northern Ireland. The government accepted that a “no deal Brexit” would have the greatest impact on economically vulnerable and marginalized groups.

In September, the Supreme Court ruled unlawful the government’s five-week suspension of parliament earlier the same month, leading to parliament’s recall. The government was forced by law adopted by parliament in September to seek an extension to the UK’s membership of the EU aimed at avoiding a no-deal Brexit. Government sources criticized the Supreme Court ruling and threatened to ignore the binding law requiring an extension request.

The extension was granted by the EU27, and the Brexit date at time of writing was the end of January 2020. Parliament was dissolved in November after opposition parties agreed to a December 2019 general election (which had yet to take place at time of writing).

In May, the UN special rapporteur on extreme poverty published a report on the disproportionate negative impact of austerity-motivated spending cuts, com-
bined with social security restructuring, on the rights of women, children, older people, and people with disabilities living on low incomes.

Reliance on emergency food assistance grew. The country’s largest food bank charity network, the Trussell Trust, reported distributing 1.6 million parcels containing a three-day emergency supply of food across the country. The Independent Food Aid Network reported that, at time of writing, at least 819 independent centers were also distributing food aid.

The UK continued to detain asylum seeking and migrant children.

In October legislation passed by the UK Parliament to decriminalize abortion and provide for marriage equality in Northern Ireland in 2020 came into force when the region’s devolved government failed to reconvene having been suspended since January 2017.

More than two years after the deadly Grenfell Tower fire in London that killed 71, there has been little accountability for the deaths or the fire. In October, the findings of the first phase of the public inquiry into the fire were published, focusing on the day of the fire. A criminal investigation was ongoing at time of writing.

In February, a new counterterrorism law entered into force, including measures that criminalize viewing online content, overseas travel and support to terrorism and could result in human rights violations. UK authorities continued to exercise powers to strip citizenship from UK nationals suspected of terrorism-related activity.

In July, the government refused to establish a judicial inquiry into UK complicity in the CIA-led torture and secret detention. At time of writing, no one in the UK had been charged with a crime in connection with the abuses. In November, a media investigation found evidence of a cover up by UK authorities of alleged war crimes by UK forces in Iraq and Afghanistan.

**EU Foreign Policy**

During a year where international law, bodies and mechanisms came under increasing attack by powerful countries including the United States, Russia and China, the European Union remained a staunch defender of multilateralism and a rules-based global order, despite internal divisions and resistance from indi-
ern Sahara, and voting down a resolution which would have called on EU member states to resume search and rescue operations in the Mediterranean.

The externalization of migration remained one of the most concerning aspects of the EU’s foreign policy, largely operated through an unaccountable trust fund mainly aimed at strengthening border control in countries across the Sahel, the Horn of Africa and in Northern Africa. The EU’s handling of the migration file was increasingly used to rebut the EU’s arguments during human rights dialogues with third countries, and placed authoritarian leaders such as Turkey’s President Recep Tayyip Erdoğan and Egypt’s President Abdel Fattah al-Sisi in positions to pressure EU institutions.

Human rights conditionality attached to trade preferences and customs free access to the EU’s internal marked remained important tools for leverage. In February, the European Commission launched a procedure to suspend, in part or in full, Cambodia’s trade preferences, following Hun Sen’s reluctance to revert his crackdown the country’s political opposition and basic human rights as laid down in international law.

Countries such as Myanmar, Bangladesh, and Sri Lanka remain under tight scrutiny and risk similar consequences. Meanwhile, the European Commission and Council speeded up the conclusion of a free trade agreement with Vietnam despite the intensification of Hanoi’s serious human rights violations.

Responding to continued serious violations in among others Burundi, Venezuela, Syria, Myanmar, Iran, and eastern Ukraine, the EU maintained targeted punitive sanctions such as travel bans and asset freezes against individuals and entities deemed responsible. The EU also maintained embargoes on arms and/or equipment that can be used for internal repression in a number of countries including China, Myanmar, and Sudan.

In October, EU member states established their latest legal framework for targeted sanctions against individuals and entities responsible for abuses in Nicaragua, but at time of writing no one had been listed. EU member states continued their deliberations on the adoption of a “global EU human rights sanctions regime” that would allow the EU to target individuals and entities responsible for serious violations of international human rights and humanitarian law, without adopting country-specific sanction regimes.
Georgia

Political tensions and sustained protests over electoral reforms marked 2019 in Georgia. The government used excessive force to disperse a largely nonviolent protest in June, detaining and injuring scores, and pursuing largely one-sided accountability for it. To avoid further political crisis, the chairman of the parliament resigned and the Georgian Dream majority initially conceded to holding the 2020 parliamentary vote by a fully proportional election system, but later voted down the initiative, sparking further protests. Protesters demanded snap elections and changes to the existing mixed electoral system that disproportionately favors the ruling party.

Other areas of concern included lax labor regulations resulting in labor practices that undermine workers’ safety, threats to media pluralism, unjustifiably harsh drug laws, and discrimination against lesbian, gay, bisexual, and transgender (LGBT) people.

Lack of Accountability for Law Enforcement Abuses

Impunity for abuse by law enforcement officials remained a persistent problem. Authorities twice postponed the launching of the State Inspector’s Office, created in 2018 to investigate abuses committed by law enforcement and other public officials, citing lack of financing. It became operational on November 1.

By September, the Ombudsman’s Office received 54 complaints of ill-treatment by prison staff or police and petitioned the prosecutor’s office to launch investigations in 52 cases. None resulted in criminal prosecution.

On the night of June 20, riot police fired rubber bullets and used tear gas against thousands of protesters outside the parliament building in Tbilisi. The protest was sparked by the presence of a delegation from the Russian Duma in the parliament’s plenary chamber, as part of the Inter-Parliamentary Assembly of Orthodoxy.

Some protesters repeatedly tried to break through the police cordon, grabbing and damaging some riot gear. Otherwise the crowd was largely nonviolent. While riot police showed restraint initially, around midnight, without prior warning, they opened fire on the crowd with tear gas and rubber bullets, chasing and arresting people who tried to gather.

Some 240 people, including 80 police officers and 32 journalists, sustained injuries and sought medical attention. Many civilians sustained rubber bullet injuries to the head, legs, and back; two people each lost an eye.

Police arrested hundreds, and courts sentenced 121 protesters to up to 15 days in jail on misdemeanor violations. Authorities pursued largely one-sided accountability. They launched a mass rioting investigation, charging at least 19 protesters, 15 of whom remained in pre-trial custody at time of writing. Opposition parliamentarian Nika Melia was released under house arrest. The prosecutor’s office designated 67 police officers and only four civilians as victims, depriving many of the injured protesters the opportunity to review investigation files. Following civil society criticism, three more people received victim status in November.

Meanwhile, the prosecutor’s office charged three police officers with exceeding their powers and assaulting a detained protester; courts released all three on bail. The Interior Ministry reprimanded 11 law enforcement officers for misconduct and sent two cases to the prosecutor’s office. The prosecutor’s office authorized the public defender to monitor the ongoing investigation into police conduct.

Labor Rights

According to the Georgian Trade Union Confederation, 36 workers died and 107 were injured in work-related accidents through October. Georgian labor law does not sufficiently regulate working hours, rest time, weekly breaks, and night work, and does not provide for government oversight of all labor conditions. Lax regulations and resulting labor practices that often prioritize production targets undermine workers’ safety. For example, workers in some manganese mines work 12-hour shifts underground, including at night, for 15 straight days, resulting in exhaustion and increasing the likelihood of workplace accidents and injuries. In May, some 2,500 miners from some of these mines went on strike for 12 days, demanding better working conditions and a pay rise.
Authorities drafted legislative amendments to address some of the gaps in the law regarding overtime, time off, and other issues, and to strengthen the labor inspectorate. The changes had not been introduced for parliamentary debate at time of writing.

**Freedom of Media**

The European Court of Human Rights’ July decision finding no breach of fair trial guarantees in the ownership dispute over Rustavi 2—Georgia’s most-watched television station—shook Georgia’s media landscape. As a result, ownership reverted to a former owner, Kibar Khalvashi, who claimed that he had been forced to sell the station in 2006 below market value. Rustavi 2’s general director, Nika Gvaramia, alleged the lawsuit was orchestrated by the government to take over the station because it was seen as aligned with the opposition.

Khalvashi appointed a new director general, Paata Salia, who pledged not to interfere with the station’s editorial policy. However, Salia soon dismissed the newsroom head and producers and hosts of political and entertainment talk shows, claiming they had conflicts of interest because of their public statements against the new owner. The move prompted almost the entire newsroom to quit, resulting in temporary suspension of news broadcasts.

In August, the prosecutor’s office brought “abuse of power” charges against Gvaramia, claiming he had struck a sham deal in 2015 on commercial ad placement on the station, allegedly resulting in the loss of 7.2 million GEL (approximately US$ 2.5 million). A court ordered Gvaramia to post 40,000 GEL (approximately US$ 13,500) bail. Some civil society organizations saw the “accelerated manner of the investigation” as politically motivated, likely “aimed at persecuting opponents and critical media.”

In September, Gvaramia founded a new pro-opposition broadcaster “Mtavari Arkhi” (Main Channel) and hired many of former Rustavi 2 anchors and journalists.

Authorities also brought charges against Avtandil Tsereteli, father of the founder of TV Pirveli, another independent and critical broadcaster. The prosecutor’s office alleged that Tsereteli assisted former TBC Bank Board Chair Mamuka Khazaradze and his deputy in “legalization of illicit income” of US$ 17 million in
Key International Actors

In March, the European Union and Georgia met to assess progress in implementing the Association Agreement. The sides welcomed “structural reforms and underlined the importance of ongoing reforms.” The EU also highlighted the importance of an inclusive political environment, free and independent media and respect for rule of law and judicial independence.

In April, following its visit to Georgia, the United Nations Working Group on Business and Human Rights expressed concern about the adequacy of the regulatory framework for labor inspections.

In a May joint statement, the UN, EU, United States, and Council of Europe (CoE) representations in Tbilisi called for an end to violence and discrimination against LGBTQI+ persons in Georgia.

CoE Human Rights Commissioner Dunja Mijatovic also urged authorities to take decisive measures to ensure safety of people organizing and participating in the Pride March and respect people’s right to be protected from violence and hate speech.

The June joint statement to mark the 10-year anniversary of the US-Georgia strategic partnership highlighted “a resilient and pluralistic democracy, free and fair elections, an independent media, respect for human rights … transparent and accountable governance, and vibrant civil society” as essential elements of Georgia’s development.

In a June statement, the US embassy expressed concerns about “the context and timing” of criminal charges pressed against the TBC Bank founders. The EU embassy also called for the case to be handled “in a transparent manner.”

In June, the Organization for Security and Co-operation in Europe’s representative on freedom of the media, Harlem Désir, deplored violence against media workers during demonstrations in Tbilisi. He called on authorities to ensure the safety of journalists at all times, and promptly and effectively investigate all incidents.

In a November joint statement, the EU and US embassies in Georgia noted the “deep disappointment of a wide segment of Georgian society” over failed elec-
Guatemala's progress in prosecuting corruption and abuse in recent years is at risk after the government decided not to extend the mandate of the United Nations-backed International Commission against Impunity in Guatemala (CICIG). CICIG ceased operation in September 2019. At time of writing, the attorney general had not taken steps to safeguard the prosecution of more than 60 ongoing corruption cases, including those against more than a dozen current and former Congress members, former ministers, former President Otto Pérez Molina, and former Vice-President Roxana Baldetti.

In July, the Guatemalan and US governments signed an agreement that would establish Guatemala as a “safe third country.” At time of writing, it was unclear how the agreement would be implemented.

Public Security, Corruption, and Criminal Justice

Violence and extortion by powerful criminal organizations remain serious problems in Guatemala. Gang-related violence is an important factor prompting people, including unaccompanied children and young adults, to leave the country.

In recent years, investigations by CICIG and the Attorney General’s Office have exposed more than 60 corruption schemes, implicating officials in all three branches of government, and prompting the resignation and arrest of the country’s then-president and vice-president in 2015.

However, Guatemala suffers from high levels of impunity, partly because criminal proceedings against powerful actors often suffer unreasonably long delays due to excessive use of motions by criminal defendants. Those delays are compounded by courts often failing to respect legally mandated timeframes and sometimes taking months to reschedule suspended hearings. Intimidation against judges and prosecutors and corruption within the justice system continue to be problems. As a result, trials have not yet started for most major corruption cases brought since 2015.
Aceituno was killed, and in March 2015, journalists Danilo López and Federico Salazar were assassinated. In January 2017, investigations by CICIG and the Attorney General’s Office implicated Congressman Julio Juárez from former government party FCN-Nación in the latter crime. In June, a pretrial judge ordered Juárez to stand trial. At time of writing, a trial date had not been set.

Children’s Rights

In March 2017, 41 adolescent girls were killed in a fire in the Hogar Seguro government-run shelter. Fifty-six girls had been locked up for the night in a space that could safely hold only 11, without access to water or a restroom, following a protest against the poor living conditions and treatment received in the shelter—including reports of sexual violence stretching back years. After at least six hours in those conditions, one of the girls set a mattress on fire so police officers on guard would let them out—but the police waited nine minutes before opening the door. Three public officials were due to stand trial in February 2019 for involuntary manslaughter and breach of duty, among other charges, but because of delays, the trial had not yet started at time of writing.

Sexual and Reproductive Health

In August 2018 Guatemalan Congress approved a preliminary version of the “Life and Family Protection” bill. This bill would expand the criminalization of abortion, currently legal only when the life of a pregnant woman or girl is in danger, and could subject women who have miscarriages to prosecution. It would also raise the maximum sentence for abortion from 3 to 10 years and would make it a crime to engage in “the promotion of abortion,” which could mean that the provision of sexual and reproductive information, counseling, or referrals might result in sentences of up to 10 years.

The bill also contains provisions that discriminate against lesbian, gay, bisexual, and transgender (LGBT) people. It defines marriage as a union between people who were a man and a woman according to their sex assigned at birth, thus excluding many transgender people in addition to prohibiting same-sex unions. The bill defines “sexual diversity” as “incompatible with the biological and genetic aspects of human beings.” It also establishes that “freedom of conscience
and expression” protect people from being “obliged to accept non-heterosexual conduct or practices as normal.”

This provision could be interpreted to mean that people can be denied services on the basis of sexual orientation or gender identity, in violation of international human rights law. Guatemala does not have legislation specifically protecting the rights of LGBT people.

Incoming President Giammatei stated during the election campaign that he supported the bill. At time of writing, the bill still needed further legislative approvals before the president could sign it into law.

**Key International Actors**

Since its start in 2007, the UN-backed CICIG played a key role in assisting Guatemala’s justice system in prosecuting violent crime. CICIG worked with the Attorney General’s Office, the police, and other government agencies to investigate, prosecute, and dismantle criminal organizations operating in the country. It identified more than 60 criminal structures, presented more than 110 cases—in which over 680 people were involved—and presented 34 proposals for legal reforms to Guatemala’s Congress. According to an April opinion poll, more than 70 percent of the population supported CICIG.

However, after CICIG and the attorney general presented a renewed request in August 2018 to strip President Jimmy Morales of his presidential immunity in order to investigate his role in illicit campaign financing, Morales announced, flanked by military and police officers, that he would not renew CICIG’s mandate. As a result, CICIG ceased operation in September 2019.

At time of writing, Guatemala’s Attorney General had not agreed to a plan to guarantee the permanence of the prosecutor’s office in charge of the prosecution of CICIG’s cases.

In July, after the Trump administration had threatened to apply tariffs on Guatemalan products and fees on remittances from migrants, Guatemalan and U.S. officials signed an agreement that would establish Guatemala as a “safe third country,” requiring citizens of other countries who passed through Guatemala before filing a claim for asylum in the U.S., to apply for asylum in Guatemala instead. At time of writing, it was unclear how the agreement would be implemented.

The US Congress approved US$615 million in assistance for 2018 for the Plan of the Alliance for Prosperity in the Northern Triangle, a five-year initiative announced in 2014 aimed at reducing incentives for people to migrate from Guatemala, El Salvador, and Honduras by curbing violence, strengthening governance, and increasing economic opportunity in those countries. However, in March, President Donald Trump announced that aid to Northern Triangle countries would be cut. This would significantly reduce, or end, programs on local economic development, violence prevention, and anti-corruption efforts.

In 2019, Guatemala endorsed the Safe Schools Declaration, an international commitment to protect education during armed conflict.
Guinea

As opposition and civil society in Guinea raised concerns over a proposed constitutional revision that could permit President Alpha Conde to run for a third term run in 2020, the government cracked down on freedoms of assembly and speech.

The government banned all but a handful of street demonstrators, and security forces arrested dozens of protesters and broke up demonstrations using tear gas and, at times, live ammunition. At least 17 people were allegedly killed by security forces during protests in October and November, and protesters killed at least one gendarme. Six civil society activists leading opposition to a new constitution were also arrested and imprisoned in October. Several journalists were arrested on defamation charges and briefly detained for coverage critical of the government.

The government made little progress in investigating dozens of alleged unlawful killings that have occurred during protests in the last decade, with the February 2019 conviction of a police captain the first time a security forces’ member has been held accountable for the death of a demonstrator since Condé came to power in 2010. In November, the justice minister said the long-delayed trial of those responsible for the 2009 stadium massacre would be held not later than June 2020.

Freedom of Assembly

The government largely continued to enforce a July 2018 ban on street protests, citing threats to public security. Opponents to a new constitution were particularly targeted by protest bans, including three protesters arrested in Coyah in March, a dozen members of the Bloc Liberal party on April 5, seven protesters in Kindia—initially sentenced to three months but released on appeal—and 40 people arrested on June 13 in N’Zérékoré after an effort by security forces to break up an opposition protest led to intercommunal clashes. Those arrested in N’Zérékoré were detained until a June 20 trial, when 22 were convicted of public order offences.

The crackdown on protests intensified in October as the government banned and then violently dispersed three days of anti-constitution protests on October 14-16. Nine civil society leaders were arrested on October 12 and six convicted on October 22 for organizing the protests and sentenced to between 6 and 12 months’ imprisonment. Dozens of demonstrators were also arrested, detained for several days, and then released or fined.

The government finally authorized several anti-constitution protests beginning October 24, although disagreement over the route of a November 14 protest led to clashes between protesters and security forces. Five anti-constitution activists also detained in Kindia on November 14. Pro-government supporters organized a rival protest on October 31.

Security Force Abuses

At least 11 demonstrators were allegedly shot dead by the security forces during protests from October 14-16. Protesters killed a gendarme on October 14. Security forces allegedly shot dead 3 people during a November 4 funeral procession to commemorate October’s protest deaths. Security forces allegedly shot dead 3 more protesters on November 7. A student protester was also reportedly killed by the security forces in Labé on May 31.

Demonstrators arrested during protests in May, June, October, and November accused the police and gendarmerie of stealing money, telephones, and other possessions.

In July, the National Assembly adopted a law on the use of force by the gendarmerie that could shield law enforcement from prosecution in cases of unlawful killing. The law requires that force only be exercised where necessary and proportionate but does not explicitly limit the use of firearms to imminent threats of death or serious injury.

Also in July, the National Assembly adopted an anti-terrorism law with several provisions that could threaten human rights, including prolonged detention in police custody and vague offenses for “apologizing for terrorism.”
**Justice for the 2009 Stadium Massacre**

Ten years after security forces massacred over 150 peaceful opposition supporters, and raped dozens of women, at a stadium on September 28, 2009, those responsible have not been tried. Guinean judges have indicted 14 people over the massacre, including Moussa Dadis Camara, then-leader of the military junta that ruled Guinea in September 2009, and individuals who remain in positions of power such as Moussa Tiegboro Camara, who is in charge of fighting drug trafficking and organized crime. In August 2019, a steering committee, established in August 2018 to organize the trial, confirmed Conakry’s Court of Appeal as the site for the trial. Justice Minister Mohammed Lamine Fofana stated in November that the trial would take place no later than June 2020.

**Accountability for Past Crimes**

With the exception of a handful of cases, impunity largely continued for past human rights abuses. There have been no trials for at least a dozen alleged killings of demonstrators by the security forces during protests in 2018, as well as for demonstrators killed in protests in 2019. There have similarly be no trials for the killing of protesters prior to and following the 2015 presidential elections and the 2013 parliamentary elections; for the 2012 killing of six men in the southeastern mining village of Zoghot; or the 2007 killing by security forces of some 130 unarmed demonstrators.

On February 4, 2019, a court convicted police captain Kaly Diallo for shooting dead a protester in August 2016. However, the case was marred by charges by rights groups of inadequate evidence. Despite dozens of alleged unlawful killings during demonstrations by the security forces since 2010, the case was the first conviction of a security force member for killing a protester.

In February 2019, a court sentenced a captain in an elite police unit to six years’ imprisonment for the 2016 torture of a detainee that had been filmed on a cellphone and widely shared.

The trial of the former governor of Conakry, Sékou Resco Camara, and the former head of the army, Nouhou Thiam, for the 2010 torture of several opposition detainees, which began in April 2018, was repeatedly delayed.

**Freedom of Expression**

Threats to media freedoms, which have increased in the last several years, continued in 2019 with several journalists arrested and then released for coverage critical of the government.

Journalist Lansana Camara was arrested March 26 on defamation charges for accusing a government minister of corruption. He was released on bail on April 2. Mohammed Bangoura, head of an online news site, was arrested July 1 on defamation charges after his site published an op-ed by an opposition politician. Two executives from The Lynx media group were arrested April 19 and later released on bail for broadcasting an interview with a ruling party dissident.

An opposition politician, Faya Millimouno, was detained August 2 on defamation charges for accusing a government minister of participation in a 2000 rebellion. He was released on bail August 9.

**Judiciary and Detention Conditions**

The judiciary continued to face various shortcomings, including lack of adequate court rooms and other physical infrastructure, as well as insufficient personnel and resources to investigate and prosecute human rights violations and other crimes.

Guinean prisons and detention centers operate far below international standards, with severe overcrowding due to over-reliance on pretrial detention, weak case management, and the failure of the courts to sit regularly. The country’s largest detention facility in Conakry remained overcrowded with poor sanitary conditions. In July 2019, a facility built for 300 housed 1492 detainees.

**Forced Evictions**

Between February and May 2019, the Guinean government forcibly evicted more than 20,000 people from neighborhoods in Conakry to provide land for government ministries, foreign embassies, businesses, and other public works. The government did not provide adequate notice to most of those evicted, or any alternative housing for demolished homes.


**Natural Resources**

Guinea’s natural resources, notably bauxite and gold, were a major driver of economic growth. The bauxite sector continued to expand rapidly in the Boké and Boffa regions, leading to thousands of farmers losing their land to mining, often for inadequate compensation, and damaging vital water sources in the area.

The government began the displacement of approximately 16,000 people to make way for the Souapiti hydroelectric dam. Although the dam will potentially increase access to electricity in Guinea, villages displaced so far have received inadequate compensation for their land, and inadequate assistance obtaining alternative livelihoods.

**Key International Actors**

Following the October repression of protests against a new constitution, the United Nations, the Economic Community of West African States (ECOWAS), the European Union and the United States, along with several European states, issued statements reiterating the importance of freedom of assembly and expression.

The Office of the United Nations High Commissioner for Human Rights on October 25 condemned the use of excessive use of force by security forces and the arrest of protest organizers. The ambassador of Russia, which has significant financial investments in the bauxite sector, spoke openly in favor of a Condé third term in January, spurring criticism from Guinean civil society.

The office of the UN special representative on sexual violence in conflict and the Team of Experts on the Rule of Law/Sexual Violence in Conflict continued to support accountability for rapes and crimes committed during the 2009 stadium massacre. The International Criminal Court (ICC) also continued to play a positive role in promoting the September 28, 2009 investigation through its engagement with Guinean authorities.

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**Haiti**

Political instability in 2019 continued to hinder the Haitian government’s ability to meet the basic needs of its people, resolve long-standing human rights problems, and address humanitarian crises.

In July 2018, the government’s announcement that it would eliminate subsidies, allowing fuel prices to increase by up to 50 percent, led to widespread protests and the worst civil unrest the country has seen in years. In February 2019, demonstrations escalated after the government declared a state of economic emergency, with opposition groups demanding President Jovenel Moïse’s resignation amid allegations that he had mismanaged government funds designated for social programs. In September, anti-government protests grew in size and police responded in several cases with excessive force. At time of writing, Haiti was entering its 10th week of demonstrations and political clashes.

Corruption, vulnerability to natural disasters, resurgent gang violence, and disproportionate use of force by police against protesters remain major human rights concerns in Haiti.

**Displacement**

Haitians remain susceptible to displacement by natural disasters, including tropical storms and hurricanes. Over 140,000 households still need decent shelter more than three years after Hurricane Matthew caused, by various estimates, between 540 and 1,000 deaths. Nearly 9,000 more people were displaced in 2018, the majority due to housing destroyed by an earthquake in October.

As of January 2019, nearly 35,000 people, more than half of them women and children, lived in displacement camps formed after a 2010 earthquake. Authorities have not provided assistance to resettle them or return them to their places of origin.

**Rights to Health, Water, and Food**

The country’s most vulnerable communities continue to face environmental risks, such as widespread deforestation, pollution from industry, and limited access to safe water and sanitation. Some 2.6 million Haitians—approximately a
quarter of the country’s population—live with food insecurity. Low rainfall chronically affects much of the country.

Since its introduction by UN peacekeepers in 2010, cholera has infected more than 820,000 people and claimed nearly 10,000 lives. However, intensified control efforts—including an ambitious vaccination campaign—have resulted in a significant decline in cases, from more than 41,000 suspected cases and 440 deaths in 2016 to just over 300 suspected cases and three deaths from January through April 2019.

**Criminal Justice System**

Haiti’s prison system remains severely overcrowded, with many inmates living in inhumane conditions. Over 115 people died in Haitian prisons in 2018 and 19 died between March 1 and May 15, 2019. According to the former UN independent expert on Haiti, overcrowding is largely attributable to high numbers of arbitrary arrests and the country’s large number of pretrial detainees. As of May 2019, Haitian prisons housed just over 11,000 detainees, 73 percent of whom were awaiting trial.

**Illiteracy and Barriers to Education**

Illiteracy is a major problem in Haiti. According to the UN Development Programme (UNDP), approximately one-half of all Haitians age 15 and older are illiterate. The quality of education is generally low, and 85 percent of schools are run by private entities that charge school fees that can be prohibitively expensive for low income families. Nearly 180,000 children and youth remain out of primary and secondary school throughout the country.

**Abuses by Security Forces**

According to an investigation by the UN Mission for Justice Support in Haiti (MINUJUSTH), during October 2018 demonstrations police officers were responsible for three summary executions and 47 cases of excessive force that injured 44 protesters and killed another three. The MINUJUSTH report also notes that, during November 2018 protests, 21 casualties, including 6 deaths, allegedly resulted from police use of excessive force. In February 2019, as police sought to remove barricades and control massive anti-government demonstrations, clashes broke out and at least 34 people were killed and over 100 injured. Twenty-three police officers were also injured.

Between September 16 and October 17, the National Human Rights Defense Network (RNDH) reported that at least eight journalists were injured during protests. Among those injured was an Associated Press photojournalist shot in the jaw by a Haitian senator who opened fire near the Senate building, and a cameraman for Radio Sans Fin shot in the wrist as police fired into a crowd. In October a radio journalist covering the protests was found shot dead in his car.

In November, the UN High Commissioner on Human Rights released a statement on the unrest, attributing at least 19 of the 42 deaths in protests since mid-September to government security forces.

RNDH reported that at least 71 people were killed during a November 2018 massacre in the neighborhood of La Saline. Reports by the UN and the Haitian police in June indicated the involvement of two former Haitian National Police officers and two senior government officials. In September, as protests intensified, both government officials were removed from their posts.

**Accountability for Past Abuses**

Accountability for past human rights abuses continues to be a challenge in Haiti. As of November, a re-opened investigation into crimes committed by former President Jean-Claude Duvalier’s collaborators remained pending. Duvalier died in 2014, six months after the Port-of-Prince Court of Appeal ruled that the statute of limitations could not be applied to crimes against humanity and ordered that investigations against him should continue for crimes committed during his presidency (1971-1986). Allegations of violations include arbitrary detentions, torture, disappearances, summary executions, and forced exile.

**Women’s and Girls’ Rights**

Gender-based violence is a widespread problem. Haiti does not have specific legislation against domestic violence, sexual harassment, or other forms of violence targeted at women and girls. Rape was only explicitly criminalized in 2005, by ministerial decree.
There has been little progress toward passage of a criminal code reform submitted to parliament in April 2017 that would address some of these gaps in protection. The draft criminal code would also partially decriminalize abortion, which is currently prohibited in all circumstances, including in cases of sexual violence.

Among the survivors of the November 2018 La Saline massacre are 11 women and girls who were gang-raped and received no medical support or counselling.

**Sexual Orientation and Gender Identity**

Lesbian, gay, bisexual, and transgender (LGBT) people continue to suffer high levels of discrimination. In 2017, the Haitian Senate passed two anti-LGBT bills, which were under consideration by the Chamber of Deputies at time of writing.

One bill would regulate conditions for the issuance of the Certificat de Bonne Vie et Mœurs, a certificate of good standing required by many employers and universities as proof that a person has not committed a felony. The bill lists homosexuality, alongside child pornography, incest, and commercial sexual exploitation of children, as a reason to deny a citizen a certificate.

The other bill calls for a ban on same-sex marriage, as well as any public support or advocacy for LGBT rights. Should the ban become law, “the parties, co-parties and accomplices” of a same-sex marriage could be punished by three years in prison and a fine of about US$8,000.

**Deportation and Statelessness for Dominicans of Haitian Descent**

The precarious status of many Dominicans of Haitian descent and Haitian migrants working in the Dominican Republic remained a serious concern in 2019. At least 250,000 such individuals re-entered Haiti between 2015 and 2018 after Dominican officials began deportations pursuant to a controversial 2015 Plan for the Regularization of Foreigners in the Dominican Republic. Many deportations did not meet international standards and many people were swept up in arbitrary, summary deportations. Many others left the Dominican Republic under pressure or threat.

As of mid-2018, more than 200,000 Haitians in the Dominican Republic reportedly were living without valid paperwork, at risk of deportation. During the first six months of 2019 alone, an average of more than 10,000 Haitians were returned to their country each month.

**Mining and Access to Information**

In the past decade, foreign investors have pursued the development of Haiti’s nascent mining sector. In 2017, the Haitian government presented a draft mining law to parliament. According to the Global Justice Clinic of New York University School of Law, the draft law is silent on the rights of individuals displaced by mining activities and grants insufficient time for adequate environmental review, restricting the government’s ability to study the documentation thoroughly and limiting opportunity for public participation or comment.

In addition, it contains provisions that could render all company documents, including those about environmental and social impacts, confidential for 10 years, preventing affected communities from engaging in meaningful consultation about mining projects. The draft law was awaiting consideration by parliament at time of writing.

**Key International Actors**

MINUJUSTH, intended to help promote rule of law, police development, and human rights, was extended in April for a final six-month period. In October, the UN Security Council transitioned to a non-peacekeeping special political mission, the United Nations Integrated Office in Haiti (BINUH).

In 2016, the UN secretary-general apologized for the UN’s role in the cholera outbreak and announced intensifying efforts to treat and eliminate cholera and the establishment of a trust fund to raise $400 million to provide “material assistance” to those most affected by the epidemic. As of November 2019, only $27.7 million had been pledged to the effort.

In October, victims of the cholera outbreak petitioned the US Supreme Court to review the case of LaVenture et al v. United Nations in an effort to challenge the UN’s immunity in cholera lawsuits. The court decided not to hear the case.

In response to the UN’s La Saline massacre report, UN Secretary-General António Guterres commented in July that “[t]he allegations of complicity by at least two
Honduras

Violent crime is rampant in Honduras. Despite a recent downward trend, the murder rate remains among the highest in the world. Poverty, violence, and insecurity cause significant outflows of migrants and asylum-seekers. Human rights groups reported unjustified lethal force and other excessive use of force by security forces during a police and military crackdown on public protests between March and July. The crackdown left several people dead and many more injured. It was not clear how many of those killed or injured were victims of excessive force by authorities.

Journalists, environmental activists, and lesbian, gay, bisexual, and transgender (LGBT) individuals are vulnerable to violence. Efforts to reform public-security institutions have stalled. Marred by corruption and abuse, the judiciary and police remain largely ineffective. Impunity for crimes and human rights abuses is the norm.

The Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), established in 2016 through an agreement between the government and the Organization of American States (OAS), has investigated a small number of cases involving corruption of senior officials. As of September, officials were debating whether to extend MACCIH’s mandate, which was set to expire at the end of 2019. In November, the Honduran government and the Secretary General of the Organization of American States (OAS), installed an evaluation board to review the performance of MACCIH, prior to examining whether or not to extend its mandate.

Police Abuse and Corruption

In December 2018, the legislature approved a resolution to extend the mandate of a Special Commission for Police Reform Restructuring, charged with removing active members of the National Police who do not comply with their duties, through January 2022. As of June 2019, almost half of more than 13,500 police officers evaluated by the commission had been removed for acts committed during their tenure as officers. However, the commission has been criticized for its opacity and several of the almost 6,000 dismissed officers have been arrested by police for alleged criminal acts committed after their dismissal. This
prompted the government in July to establish an elite police force tasked with monitoring the activities of dismissed police officers after they are purged from the institution.

In February, the National Anti-Corruption Council, an independent civil-society group, accused, before the Special Prosecution Unit Against Impunity for Corruption, former president Porfirio Lobo of misappropriating government funds during his presidency. In May, MACCIH announced that it was investigating Lobo for allegedly laundering drug money for his electoral campaign. Lobo denies the allegations.

In August, media reported that a court sentenced former First Lady Rosa Elena Bonilla, wife of ex-President Lobo, to 58 years in prison on corruption charges. It was the first conviction achieved by MACCIH.

In August, media reported that United States federal prosecutors had released documents implicating Honduran President Juan Orlando Hernández in a drug trafficking and money laundering conspiracy with his brother Juan Antonio Hernández. After a two-week trial in the US, in October, Hernández was convicted of drug conspiracy. He is set to be sentenced in January 2020. President Hernández, who has not been charged, has “categorically denied” the accusations.

**Judicial Independence**

Judges face interference from the executive branch and others, including private actors with connections to government. In August, the United Nations special rapporteur on the independence of judges and lawyers reported that four justices of the Constitutional Chamber of the Supreme Court were removed by Congress for political reasons and noted the lack of transparency in judicial appointments and lack of public scrutiny in the appointment of high officials.

**Crackdown on Protests**

Nationwide protests and strikes erupted in April over the approval of regulations to restructure the health and education systems. The regulations were repealed in April, but protests continued. More demonstrations followed over corruption allegations implicating President Hernández.

Local human rights organizations reported that the crackdown between March and July killed at least six people, wounded 80, and included 48 arbitrary detentions. The Office of the High Commissioner for Human Rights in Honduras (OACNUDH) and the Inter-American Commission on Human Rights (IACHR) expressed concern over reports that security forces fired live ammunition into demonstrations.

**Freedom of Expression, Association, and Assembly**

International press freedom organizations report that journalists continue to be targets of threats and violence, both by individuals and state agents.

The Honduran human rights ombudsman, CONADEH, reported that as of September 2019, 79 journalists had been killed since October 2001, and that 91 percent of those killings remained unpunished.

In March, gunmen in Nacaome killed Valle TV reporter Leonardo Gabriel Hernández in retaliation, police said, for Hernández’s work exposing organized criminal groups. Three other journalists had been killed in 2019 as of November.

In May, a new penal code was adopted that maintained the crimes of defamation, libel, and slander, all of which have been used to prosecute journalists for “crimes against honor.” In August, Congress announced that it would decriminalize those offenses, allowing only civil suits. As of November, Radio Globo director David Romero remained in prison, serving a 10-year sentence for defamation, according to the Honduran press freedom organization C-Libre. He was originally convicted in 2016, and the Supreme Court upheld the conviction in January.

Because of their vague and broad wording, other provisions of the new penal code could criminalize the lawful exercise of the rights to protest and assembly. This includes the crime of “public disturbances,” vaguely defined to include “violation or serious intimidation [that] frightens a population or part of it.” The code also uses overly broad language in defining the crimes of “illicit assembly,” “demonstrations,” and “terrorism.” In July 2019, the IACHR and OHCHR expressed concern over these provisions and called for their review. In November, the legislature postponed the entry into force of the penal code, which was planned for November 2019, to May 2020.
**Attacks on Lawyers, Human Rights Defenders, and Environmental Activists**

The UN special rapporteur on the situation of human rights defenders calls Honduras one of the most dangerous countries in Latin America for human rights defenders.

In February, Salomón Matute and his son Juan Samael Matute, both Tolupan indigenous persons who belonged to the San Francisco Locomapa tribe and the Broad Movement for Dignity and Justice (MADI), died of gunshot wounds despite “precautionary measures” granted by the IACHR in 2013 to ensure the government protected them.

In October, María Digna Montero, a member of the Honduran Black Fraternal Organization (OFRANEH) and a defender of the indigenous Garifuna land and culture, was shot and killed in her home in Colón by unknown individuals.

In November 2018, a court found seven men guilty of the 2016 murder of environmental and indigenous-rights activist Berta Cáceres. Those convicted included a former chief of security for Desarrollos Energéticos SA (DESA), the company building the Agua Zarca dam, against which Cáceres had been campaigning at the time of her assassination.

Local activists have criticized the official Mechanism for the Protection of Journalists, Human Rights Defenders and Operators of Justice, created in 2015, for lacking uniform criteria in awarding protection measures and for being ineffective.

**Sexual Orientation and Gender Identity**

Violence based on gender identity or sexual orientation is widespread in Honduras. Several United Nations agencies working in Honduras have noted that violence against LGBT individuals forces them into “internal displacement” or to flee in search of international protection. The Honduras government keeps no data on killings based on sexual orientation or gender identity, but the Lesbian Network Cattrachas reported that between January and August 2019, at least 26 LGBT people had been killed. In one case documented by Human Rights Watch in June 2019, a transgender woman was killed and mutilated near San Pedro Sula in an apparent hate crime.
In March, a new adoption law that prohibits same-sex couples from adopting children went into effect.

**Women’s Sexual and Reproductive Rights**

Abortion is illegal in Honduras in all circumstances, including rape and incest, when a woman’s life is in danger, and when the fetus will not survive outside the womb. Under the new criminal code, women and girls who terminate pregnancies can face prison sentences of up to six years. The law also sanctions abortion providers.

The government also bans emergency contraception, or the “morning after pill,” which can prevent pregnancy after rape, unprotected sex, or a concepitive failure.

**Children’s Rights**

In 2017, the Honduran Congress unanimously passed a bill making all child marriage of those below the age of 18 illegal. The new bill replaces legislation that previously allowed girls to marry at 16 with permission from family. UNICEF reports that a third of all Honduran girls marry before 18.

CONADEH’s Internal Displacement Unit reports that the forced recruitment of children by gangs or criminal groups is the fifth most frequent reason that Hondurans became internally displaced in the first semester of 2019. UNICEF has reported that no reliable statistics exist concerning how many children have been recruited into these groups.

**Prison Conditions**

Inhumane conditions, including overcrowding, inadequate nutrition, and poor sanitation are endemic in Honduran prisons. A December 2018 study by the National Committee on the Prevention of Torture, Cruel, Inhuman or Degrading Treatment, an official body, reported that the country’s prisons held 21,004 inmates, a figure double that of a decade earlier.

**Migrants and Refugees**

In January, a new migrant caravan started forming in San Pedro Sula, heading toward Mexico and the United States. Media reported that Honduran authorities obstructed and in some cases barred Hondurans from leaving the country by demanding identity documents, establishing checkpoints and blockades, and even teargassing the caravan. The IACHR expressed concern over the use of violence and other measures to prevent people from leaving the country, and urged Honduras to guarantee the migrants’ rights, including the right to leave any country.

In September, Honduras and the US signed an “asylum cooperation agreement” that requires Honduras to receive asylum-seekers who are referred by the US. Under the agreement, Honduras cannot return or remove the migrants until their asylum cases are resolved by the US federal authorities.

**Key International Actors**

In March, the US State Department confirmed that it was halting aid to Guatemala, Honduras, and El Salvador, after President Donald Trump criticized Northern Triangle countries for their alleged lack of action in stopping the north-bound caravans. In June, the US announced it was restoring some aid, but would halt new funding if countries failed to reduce migration to the United States. In October, the US announced the partial restoration of previously frozen foreign aid to Honduras, as well as to El Salvador and Guatemala, after all three countries entered into asylum cooperation agreements with the US.

In April, the IACHR brought a case against Honduras before the Inter-American Court of Human Rights concerning the extrajudicial execution of a transsexual woman and human rights defender in 2009, while a curfew was in force. The IACHR determined that the killing was prompted by prejudice toward her gender identity and expression. The court took into consideration the context of violence and discrimination against LGBT people in Honduras.

In May, the IACHR visited Honduras, as a follow up to its 2018 visit.

The UN special rapporteur on the independence of judges and lawyers visited Honduras in August 2019 and reported that “Honduras needs urgent Government action to strengthen national capacities to fight corruption and reinforce the independence of its judicial system.”
In August, the UN Working Group on Business and Human Rights visited Honduras to assess how the government and the business sector discharge their responsibility to prevent, mitigate, and remedy human rights abuses and negative impacts linked to business activity. The preliminary report documents that access to, use, and control over land by businesses is a recurring issue at the roots of many social conflicts.

In October, the IACHR published its report on the human rights situation in Honduras following a visit to the country in 2018. The report identifies institutional and human rights deficiencies, and highlights how lack of access to justice “has led to a structural impunity that perpetuates serious human rights violations.”

In August, the Bharatiya Janata Party (BJP) won the May 2019 elections with a majority to return Prime Minister Narendra Modi for a second term. The Modi government continued its widespread practice of harassing and sometimes prosecuting outspoken human rights defenders, and journalists for criticizing government officials and policies.

In August, the government revoked the special constitutional status of Jammu and Kashmir and split the province into two separate federally governed territories. Before the announcement, the government deployed additional troops to the province, shut down the internet and phones, and placed thousands of people in preventive detention, prompting international condemnation.

The government failed to properly enforce Supreme Court directives to prevent and investigate mob attacks, often led by BJP supporters, on religious minorities and other vulnerable communities.

In the northeast state of Assam, a citizenship verification project excluded nearly two million people, mostly of Bengali ethnicity, many of them Muslim, putting them at risk of statelessness.

**Jammu and Kashmir**

On February 14, a suicide attack on a security forces convoy in Pulwama district killed over 40 Indian troops. The Pakistan-based militant group Jaish-e-Mohammad claimed responsibility. It led to military escalation between India and Pakistan. Following the attack, Kashmiri students and businessmen in other parts of India were harassed, beaten, and even forcibly evicted from rented housing and dorms by BJP supporters.

On August 5, before revoking the state’s special autonomous status, the government imposed a security lockdown and deployed additional troops. Thousands of Kashmiris were detained without charge, including former chief ministers, political leaders, opposition activists, lawyers, and journalists. The internet and phones were shut down. The government said it was to prevent loss of life, but there were credible, serious allegations of beatings and torture by security forces.
By November, even though some restrictions were lifted, hundreds remained in detention and mobile phone services and internet access was still limited. The government blocked opposition politicians, foreign diplomats, and international journalists from independent visits to Kashmir.

Violent protesters at times threatened those that failed to join shutdowns to counter government claims that the situation was normal. At least eight people were killed in attacks by militant groups.

Earlier, in July, the Office of the UN High Commissioner for Human Rights released an update on its 2018 report raising serious concerns about abuses by state security forces and armed groups in both Indian and Pakistani parts of Kashmir and said neither country had taken concrete steps to address concerns that the earlier report raised. The Indian government dismissed the report as a “false and motivated narrative” that ignored “the core issue of cross-border terrorism.”

**Impunity for Security Forces**

Despite numerous independent recommendations, including by United Nations experts, the government did not review or repeal the Armed Forces (Special Powers) Act, which gives soldiers effective immunity from prosecution for serious human rights abuses. The law is in force in Kashmir and in several states in northeast India.

In Uttar Pradesh state, police continued to commit extrajudicial killings with impunity. As of June, at least 77 people had been killed and over 1,100 injured since the BJP state government took office in March 2017. In January, four UN rights experts raised concerns over the killings, and over police threats against those pressing for justice in these cases. A petition seeking a court-monitored independent investigation was pending in the Supreme Court at time of writing. The killings highlighted continued lack of accountability for police abuses and the failure to enforce police reforms.

**Dalits, Tribal Groups, and Religious Minorities**

Mob violence against minorities, especially Muslims, by extremist Hindu groups affiliated with the ruling BJP continued throughout the year, amid rumors that...
they traded or killed cows for beef. Since May 2015, 50 people have been killed and over 250 people injured in such attacks. Muslims were also beaten and forced to chant Hindu slogans. Police failed to properly investigate the crimes, stalled investigations, ignored procedures, and filed criminal cases against witnesses to harass and intimidate them.

Dalits, formerly “Untouchables,” faced violent attacks and discrimination. In September, the Supreme Court issued notices to authorities to examine caste-based exclusion at universities across India following a petition filed by mothers of two students—one Dalit and one from a tribal community—who committed suicide allegedly due to discrimination.

Nearly 2 million people from tribal communities and forest-dwellers remained at risk of forced displacement and loss of livelihoods after a February Supreme Court ruling to evict all those whose claims under the Forest Rights Act were rejected. Amid concerns over flaws in the claim process, the court stayed the eviction temporarily. In July, three UN human rights experts urged the government to conduct a transparent and independent review of the rejected claims, and evict only after it exhausted all options, ensuring redress and compensation.

**Freedom of Expression and Privacy**

Authorities used sedition and criminal defamation laws to stifle peaceful dissent. In October, police in Bihar state filed a case of sedition against 49 people, including well-known movie personalities, for writing an open letter to Prime Minister Narendra Modi expressing concerns over hate crimes and mob violence targeting minority communities. Following widespread condemnation, authorities closed the case within days.

Journalists were harassed, even detained, for their reporting or critical comments on social media, and faced increasing pressure to self-censor. In September, police in Uttar Pradesh filed a criminal case against a journalist for exposing mismanagement of the government’s free meal scheme in government schools. In June, police arrested three journalists, accusing them of defaming the Uttar Pradesh state chief minister.

India continued to lead with the largest number of internet shutdowns globally as authorities resorted to blanket shutdowns either to prevent social unrest or to respond to an ongoing law and order problem. By November, there were 85 shutdowns, out of which 55 were in Jammu and Kashmir, according to Software Freedom Law Centre.

In July, the parliament passed amendments to the biometric identification project, Aadhaar Act, paving the way for its use by private parties. The amendments raised concerns over privacy and data protection and were made in the face of a September 2018 Supreme Court ruling restricting the use of Aadhaar for purposes other than to access government benefits and to file taxes.

In December 2018, the government proposed new Information Technology (Intermediary Guidelines) Rules that would greatly undermine rights to freedom of expression and privacy of users.

In October, the social media company WhatsApp, owned by Facebook, confirmed that 121 users in India were targeted by surveillance software owned by NSO, an Israeli firm, out of which at least 22 were human rights activists, journalists, academics, and civil rights lawyers. The government denied purchasing the software.

**Civil Society and Freedom of Association**

 Authorities used the Foreign Contribution (Regulation) Act (FCRA) to harass outspoken rights groups and restrict their ability to obtain foreign funding. In June, authorities filed a criminal case against Lawyers Collective—a group that provides legal aid, advocates for the rights of marginalized groups, and campaigns to end discrimination against lesbian, gay, bisexual, transsexual, and queer (LGBTQ) people. In November, authorities sought the court’s permission to arrest the organization’s founders for custodial interrogation despite their cooperation in the investigation.

Nine prominent human rights activists, imprisoned in 2018 under a key counterterrorism law, the Unlawful Activities (Prevention) Act (UAPA), remained in jail, accused of being members of a banned Maoist organization and of inciting violent protests. In the same case, in September, authorities conducted a raid on the home of a Delhi University professor who has been vocal on the rights of persons with disabilities and against caste discrimination.
In August, the federal government passed amendments to the UAPA allowing individuals to be designated as terrorists despite concerns by rights groups over how the law already infringes on due process rights and has been misused to target religious minorities, critics of the government, and social activists. The amendments have been challenged in the Supreme Court as unconstitutional and the case was pending at time of writing.

**Refugee and Citizenship Rights**

In August, the government in Assam published the National Register of Citizens, aimed at identifying Indian citizens and lawful residents following repeated protests and violence over irregular migration of ethnic Bengalis from Bangladesh. The list excluded nearly two million people, many of them Muslims, including many who have lived in India for years, in some cases their entire lives. There are serious allegations that the verification process was arbitrary and discriminatory, although those excluded from the list have the right to judicial appeal.

The Assam state government said it will build ten detention centers for those denied citizenship after appeal. In September, India's home minister declared that the National Register of Citizens will be implemented across the country and that the government will amend the citizenship laws to include all irregular migrants from neighboring countries apart from Muslims.

In 2019, the government deported eight Rohingya Muslims to Myanmar, a family of five members in January and a father and his two children in March, after deporting seven people in October 2018. In April, five UN human rights experts condemned the deportations saying they violated international law. They also raised concerns over indefinite detention of some Rohingya in India.

**Women's Rights**

High profile rape cases during the year, including against a BJP leader, highlighted how women seeking justice face significant barriers, including police refusal to register cases, victim blaming, intimidation and violence, and lack of witness protection. The accused leader was arrested in September after widespread condemnation, including on social media.

In April, a sexual harassment complaint against the sitting chief justice of the Supreme Court illustrated similar challenges. Other women who complained against powerful men also became vulnerable to criminal defamation cases.

**Children’s Rights**

In August, the parliament amended the Protection of Children from Sexual Offences Act 2012, introducing the capital punishment for aggravated penetrative sexual assault of anyone under 18 years, and increased the penalty for other sexual offenses. This was despite concerns raised by child rights groups that it could lead to a decrease in police complaints because in nearly 95 percent of reported cases, the perpetrator is known to the victim, in positions of authority, or family members.

In November, following a petition by child rights activists, the Supreme Court sought a detailed report from the juvenile justice committee of the Jammu and Kashmir High Court on the alleged detention of children and other abuses during the lockdown imposed since August. The committee earlier submitted a police list of 144 detained children, the youngest being 9. Most, police said, were released, after warnings against participating in violent protests.

**Disability Rights**

Girls and women with disabilities continue to be at a heightened risk of abuse and face serious barriers in the justice system, despite legal provisions to safeguard their rights.

Thousands of people with psychosocial or intellectual disabilities languish in residential institutions, where they face overcrowding, lack of hygiene, and physical, verbal, and even sexual violence. Some people with psychosocial disabilities are even shackled—chained or locked up in small confined spaces—due to stigma associated with mental health conditions and lack of appropriate community-based support services.

**Sexual Orientation and Gender Identity**

The parliament passed the Transgender Persons (Protection of Rights) Bill. Rights groups criticized the law for failing to provide full protection and recogni-
tion to transgender people. The law is unclear on a transgender person’s right to self-identify, which India’s Supreme Court recognized in a landmark judgment in 2014. Its provisions are also contrary to international standards for legal gender recognition.

**Key International Actors**

The US Congress held two hearings that largely focused on Kashmir. Several lawmakers criticized India’s actions in Kashmir, including political detentions and communications blockade, and raised concerns over other abuses including the citizenship verification process in Assam.

In August, the UN Security Council held a closed meeting on Jammu and Kashmir for the first time in decades. China, which called the meeting at Pakistan’s behest, said members were concerned about human rights, and increasing India-Pakistan tensions. US President Donald Trump offered to mediate and resolve the dispute.

In September, the European Union raised the situation in Jammu and Kashmir at the UN Human Rights Council, encouraging India to lift remaining restrictions and to maintain the rights and fundamental freedoms of the affected population. The European Parliament also held a special debate on Kashmir, urging both India and Pakistan to respect their international human rights obligations.

Throughout the year, the UN special procedures issued several statements raising concerns over a slew of issues in India including extrajudicial killings, potential statelessness of millions in Assam, possible eviction of tribal communities and forest-dwellers, and communications blackout in Kashmir. In September, the UN Human Rights High Commissioner Michelle Bachelet expressed concerns over rights violations in Jammu and Kashmir.

**Foreign Policy**

Relations with Pakistan continued to deteriorate over the year. A militant attack in February targeting a security forces convoy in Kashmir led to retaliatory air strikes. In August, after India’s decision to revoke special status for Jammu and Kashmir, Pakistan downgraded its diplomatic relations and expelled the Indian high commissioner. Pakistan, backed by China and several members of the Organization of Islamic Cooperation, also delivered a statement on rights violations in Kashmir at the UN Human Rights Council session in September. Despite a downward spiral in relations, in November, the two countries opened a visa-free border crossing for Indian pilgrims to visit a Sikh shrine in Pakistan.

India did not raise rights protections publicly during bilateral engagement with other neighbors including Bangladesh, Nepal, Sri Lanka, and Afghanistan. In August, India’s foreign minister, during his visit to Bangladesh, expressed willingness to provide more assistance to displaced Rohingya in Bangladesh and toward development in Rakhine state in Myanmar. In response to concerns regarding the deportation of nearly 2 million people excluded from the citizenship verification project in Assam, the foreign minister told Bangladesh that it was India’s internal matter.

In a sign of growing ties with the United Arab Emirates, Prime Minister Modi was awarded the country’s highest civilian honor by the crown prince during his visit in August. India faced questions from a UN body and international rights groups for its alleged role in March 2018 for intercepting and deporting the 32-year-old daughter of the Dubai ruler who was trying to flee what she said were restrictions imposed by her family.

In July, India maintained its past position and abstained from voting at the UN Human Rights Council including on the renewal of the mandate for an independent expert on protecting LGBT people from violence and discrimination.
Indonesia

Indonesian President Joko “Jokowi” Widodo won re-election in April, securing 53 percent of the vote over his rival, Prabowo Subianto. In August, Jokowi announced that Indonesia will build a new national capital in East Kalimantan.

During his first term, Jokowi took only small and tentative steps to advance human rights. Religious and gender minorities continue to face harassment. Authorities arrest and prosecute people under the blasphemy law, and all cases that went to trials resulted in prison terms. Jokowi also did not press for investigation of gross human rights abuses in Indonesia’s past.

In August, a racist attack against West Papuan students in Surabaya triggered an uprising in Papua and West Papua provinces. It prompted the Jokowi administration to send more than 6,000 troops to the two provinces. At least 53 people, both Papuans and migrants from other parts of Indonesia, were killed in the ensuing clashes. Indonesian authorities also shut down the internet there.

On September 17, the outgoing parliament passed a bill weakening Indonesia’s Corruption Eradication Commission. It also planned to pass a new criminal code, which had provisions that would violate the rights of women, religious minorities, and lesbian, gay, bisexual, and transgender (LGBT) people, as well as freedom of speech and association. The Papua uprising and these rushed legislative amendments triggered the biggest nationwide protests in 20 years against Jokowi’s ruling coalition, prompting Jokowi to have parliament delay voting on the draft criminal code and three other bills until 2020.

Freedom of Religion

In 2019, Indonesian authorities put three women on trial for alleged violations of the country’s blasphemy law. In March, a Serang court sentenced Aisyah Tusalamah, who has a psychosocial disability, to five months’ imprisonment for posting an allegedly blasphemous video. Police detained Suzethe Margareta, who has paranoid schizophrenia, for bringing her dog to a mosque in Bogor in June. In November, a court in South Sulawesi sentenced Eka Trisusanti Toding, an English teacher, to five months jail over her allegedly blasphemous comments on Facebook about Islam. In April, the Supreme Court rejected a Buddhist woman’s appeal of a blasphemy verdict in Medan, North Sumatra. Meliana had complained about the decibel level of the call to prayer at a mosque in 2016 and was sentenced to one-and-a-half years in prison.

Ahmad Moshaddeq, 75, the founder of Millah Abraham—a new religion with a back-to-the-land movement—died inside a Jakarta prison in February while serving a five-year prison term for “blasphemy against Islam.” More than 7,000 members of his community were forcibly evicted from their farm houses on Kalimantan island in 2016.

The draft criminal code seeks to expand Indonesia’s blasphemy law from one to six articles to include offenses such as “persuading someone to be a non-believer.”

Freedom of Expression and Association

In May, six people died and more than 200 were injured in Jakarta after supporters of Prabowo Subianto, who lost the presidential election, clashed with security forces and set fire to a police dormitory and vehicles. Prabowo initially refused to accept the April election result, filing a petition at the Constitutional Court, but he lost the lawsuit in May.

In September, Surabaya police issued an arrest warrant for Veronica Koman, an Indonesian human rights lawyer, alleging she was “spreading fake news and provoking unrest.” Koman has shared videos on her Twitter account of the recent unrest in Papua.

In September, thousands of Indonesian students protested nationwide against the new law weakening the Corruption Eradication Commission and changes included in the draft criminal code. Their seven-point petition also demanded the government prosecute corporations involved in forest fires, stop militarization in West Papua, investigate past gross human rights abuses, and stop criminalizing activists. Two students were killed in Kendari, South East Sulawesi, and hundreds were injured.

In September 27, police arrested documentary filmmaker Dandhy Laksono after he posted a tweet about violence in Jayapura and Wamena, Papua. He was charged with violating the online hate speech law.
Protesters also torched the business area, killing at least 24 settlers from other parts of Indonesia who dominate the economy there.

Sexual Orientation and Gender Identity

Indonesian authorities continued their assault on the basic rights of LGBT people. HIV rates among men who have sex with men (MSM) have increased fivefold since 2007 from 5 to 25 percent, and arbitrary and unlawful police raids on private LGBT gatherings in recent years, often assisted by militant Islamists, have effectively derailed public health outreach efforts to vulnerable populations.

Among the most controversial provisions of the draft criminal code is a provision that would punish extramarital sex by up to one year in jail. While the provision does not specifically mention same-sex conduct, same-sex relationships are not legally recognized in Indonesia and if passed it would effectively criminalize all same-sex conduct.

In March, a gay former policeman filed a lawsuit against the Central Java Police after he was dismissed in December 2018 for allegedly failing to protect the image of police as a force upholding “religious norms, codes of decency, and local values.” Two courts rejected his legal challenge.

In November, Medan court in North Sumatra rejected a lawsuit from college students Widiya Hastuti and Yael Sinaga, the editor and publisher of Suara USU, a student newspaper, against North Sumatra University after the administration closed down the publication and dismissed the 17-person newsroom staff following the publication of a lesbian love story in March. Administrators claimed that the story was “promoting homosexuality.”

Disability Rights

Despite a 1977 government ban on the practice, people with psychosocial disabilities continue to be shackled by family members, traditional healers, and staff in state institutions, in some cases for years. Due to prevalent stigma and inadequate support services, including mental health care, more than 57,000 Indonesians with psychosocial disabilities (mental health conditions) have been chained or locked in a confined space at least once in their lives.
In 2018-2019, the Indonesian government took important steps to uphold the rights of people with psychosocial disabilities. Several agencies—including the National Human Rights Commission, National Commission for Violence Against Women, National Commission for Child Protection, the Ombudsman, and the Witness and Victims Protection Agency—signed an agreement to monitor places where people with psychosocial disabilities have been shackled or detained. These include traditional faith healing centers, social care institutions, and mental health facilities.

**Environmental Rights**

In July, forest fires began to ravage Sumatra and Kalimantan islands, many of the fires deliberately lit to clear land for vast oil palm or paper pulp plantations. In late August, the fires burned many areas in 13 provinces; the provinces of Riau, Central Kalimantan, and West Kalimantan suffered the worst levels of air pollution. The Air Quality Index in some of those 13 provinces reached the maximum 500 level, affecting millions of people with respiratory problems (levels above 300 are so hazardous that everyone can experience effects). The police has charged five corporations and 218 individuals involved in the fires.

Consortium for Agrarian Reform, an Indonesian nongovernmental organization, documented more than 650 land-related conflicts affecting over 650,000 households in 2017, and about 410 conflicts affecting 87,568 households in 2018.

**Indigenous People Rights**

A patchwork of weak laws, poor government oversight, and failure of oil palm plantation and paper pulp companies to fulfill their human rights responsibilities have also affected Indigenous peoples’ rights to their forests, livelihood, food, water, and culture, including in two cases documented in detail by Human Rights Watch in 2019.

In 2004, West Kalimantan, Iban villagers were pushed off their land by an oil palm company, PT Ledo Lestari, when bulldozers and other equipment rolled in to raze their land. A decade later, PT Ledo Lestari signed agreements with some families to relocate their homes a few kilometers into the plantation but did not provide any compensation for the loss of their indigenous forest and livelihoods.
In August, Australia and Indonesia signed a free trade agreement. Prime Minister Scott Morrison witnessed the signing along with President Jokowi in Jakarta. Both countries are among the world’s top 20 economies but not among each other’s top 10 trading partners.

On June 23, leaders of the Association of Southeast Asian Nations (ASEAN), including Jokowi, met in Bangkok, but did not call on Myanmar to provide a path to citizenship for Rohingya Muslims, including some 730,000 who fled Rakhine State to escape an ethnic cleansing campaign organized by Myanmar’s military in 2017 and who now live in Bangladesh or are seeking refuge in other ASEAN countries.

The European Union-Indonesia human rights dialogue took place in November in Brussels; the European Union raised concerns on some provisions in the draft criminal code, including the death penalty.

Key International Actors

In January, Indonesia began its two-year term on the United Nations Security Council, choosing peacekeeping as the theme of its May presidency but mostly abstaining on sensitive issues, including the ongoing humanitarian and human rights crisis in Venezuela.

At the UN Human Rights Council in Geneva, and in the UN General Assembly’s Third Committee in New York, Indonesia was among the Muslim-majority countries that did not sign a statement supporting China’s policies in Xinjiang that ignored widespread repression of the region’s Muslims. The Xinjiang issue has been a key test of whether members of the Organization of Islamic Conference (OIC), including Indonesia, will press an increasingly powerful China to end its systemic abuses against Muslims. The 57-country OIC has largely remained silent.

At time of writing, the Indonesian government had not set dates for a visit to Papua and West Papua by the UN high commissioner for human rights, despite President Jokowi’s 2018 invitation to the commissioner. In August, the Pacific Islands Forum, a regional group, “strongly encouraged” Indonesia to finalize terms of the visit. In September, the high commissioner, Michelle Bachelet, noted she was “disturbed by escalating violence in the past two weeks in the Indonesian provinces of Papua and West Papua, and especially the deaths of some protesters and security forces personnel.”
Iran

In 2019, Iran’s judiciary dramatically increased the cost of peaceful dissent, sentencing dozens of human rights defenders to decades-long prison sentences. Repressive domestic security agencies, in particular the Islamic Revolutionary Guard Corps’ (IRGC) Intelligence Organization, continue to suppress civil society activists, such as detained environmentalists, including through reported abuse and torture in detention. As broad United States sanctions impact the country’s economy and Iranians’ access to essential medicines, authorities maintain a tight grip over peaceful assembly, particularly labor-related protests.

Right to Peaceful Assembly and Free Expression

Iranian authorities brutally repressed nationwide protests that erupted after the increase of fuel prices on November 25. Video footage and eyewitness accounts that emerged after a near total government shutdown of the internet in the country show security forces directly targeting protesters who posed no threat to life. According to Amnesty International, as of December 4, at least 208 people had reportedly been killed in the protests, and a member of the parliament estimated that security forces had arrested about 7,000 people. As of December 4, the government has refused to announce the total number of deaths, and detainees remained at great risk of mistreatment.

Iran’s judiciary and security agencies continue to use vaguely defined provisions in the penal code to arrest and prosecute activists for peaceful assembly and free expression.

On January 20, authorities arrested Ismael Bakhshi, a prominent labor activist, and Sepideh Gholian, a journalist and labor activist, after they alleged that they had been tortured when they were detained in the aftermath of sugarcane factory labor protests in November 2018. On September 7, rights groups reported that branch 26 of Tehran’s revolutionary court had sentenced Bakhshi and Gholian to 14 years and 19 years and 6 months respectively for their peaceful activism. The court also sentenced Amir Amirgholi, Sanaz Allahyari, Asal Mohammadi, and Amir Hossein Mohammadiar, members of the editorial board of a labor-related online forum called Gam, who have also been detained since January, to 18 years each in prison on similar charges. If the verdicts are upheld, each of the six labor rights defenders will have to serve at least seven years of their prison sentence. In October, authorities temporarily released the labor activists until the court of appeal issues a verdict in their case.

On May 1, plainclothes police arrested at least 35 activists who had gathered in front of the Iranian parliament in a peaceful demonstration organized by independent labor organizations. Most were released on bail, but in August branch 28 of Tehran’s revolutionary court sentenced Atefeh Rangriz, an activist, and Marizeh Amiri, a journalist, both of whom have been detained since May, to 11 years and 6 months in prison with 74 lashes and 10 years and 6 months in prison with 148 lashes, respectively. If the sentences are upheld, Rangiz and Amiri must serve at least seven-and-a-half and six years of their sentences in prison, respectively. In October, authorities released Rangiz and Amir temporarily until the court of appeal issues a verdict in their case.

On August 24, a lawyer reported that branch 15 of Tehran’s revolutionary court had sentenced Kioomars Marzban, a 26-year-old satirist, to 23 years in prison on charges including “cooperating with an enemy state.” Marzan has also been convicted of insulting authorities and sacred beliefs. If his sentence is upheld, he will serve 11 years.

In August, authorities also arrested at least 16 activists in Tehran and Mashhad who had called for resignation of Ayatollah Khamenei, Iran’s supreme leader, in an open letter.

Death Penalty and Inhumane Punishment

According to rights groups, Iran had executed at least 227 people as of November 1, compared to 253 in 2017. The decrease in the total number of executions over the past two years is largely due to a 2017 amendment to Iran’s drug law that increased the requirements for imposing the death penalty for drug-related charges.

The judiciary also executed one person below the age 18 and at least 2 individuals who were sentenced to death for crimes they allegedly committed as children. Under Iran’s current penal code, judges can use their discretion not to sentence to death individuals who committed their alleged crime as children.
Due Process Rights and Fair Trial Standards

On March 7, Iranian leader Ayatollah Ali Khamenei appointed Ebrahim Raeesi, who served on a four-person committee that ordered the execution of several thousand political prisoners in 1988, to lead Iran’s judicial branch. Iranian courts, and particularly the revolutionary courts, regularly fall far short of providing fair trials and use confessions likely obtained under torture as evidence in court. Authorities routinely restrict detainees’ access to legal counsel, particularly during the investigation period.

Several individuals charged with national security crimes, as well as human rights defenders Arash Sadeghi and Saeed Shirzad, suffered from a lack of adequate access to medical care in detention.

Human Rights Defenders and Civil Society Activists

Scores of human rights advocates, including Narges Mohammadi and Atena Daemi, remain behind bars for their peaceful activism.

On March 11, authorities sentenced Nasrin Sotoudeh, a prominent human rights lawyer, to 33 years in prison and 148 lashes for her peaceful activism, including defending women who protested compulsory hijab laws. On April 23, the court of appeal upheld the sentence. Sotoudeh, who has been detained since June 2018, will have to serve at least 12 years in prison.

Since January 2018, authorities have detained environmentalists Houman Jokar, Sam Rajabi, Tahir Ghadirian, Morad Tahbaz, Amirhossein Khaleghi, Sepideh Kashani, Niloufar Bayani and Abdolreza Kouhpayeh, all members of a local biodiversity conservation group, on accusations of espionage. Another environmentalist arrested at the time, Kavous Seyed Emami, a Canadian-Iranian professor and environmentalist, died in detention in February 2018.

While Iranian authorities claimed that he committed suicide, they have not conducted an impartial investigation into his death and placed a travel ban on his wife, Maryam Mombeini, until October. During a trial session in February 2019, Niloufar Bayani stated in the courtroom that the detained environmentalists faced psychological torture and were coerced into making false confessions. Authorities have not publicly provided any evidence concerning any of the detained environmentalists’ alleged crimes, while several senior Iranian government officials have said that they did not find any evidence to suggest that the detained activists are spies.

Women’s Rights, Sexual Orientation, and Gender Identity

Iranian women face discrimination in personal status matters related to marriage, divorce, inheritance, and child custody. A married woman may not obtain a passport or travel outside the country without the written permission of her husband. Under the civil code, a husband is accorded the right to choose the place of living and can prevent his wife from having certain occupations if he deems them against “family values.”

Iranian women, unlike men, cannot pass on their nationality to their foreign-born spouses or their children. However, after more than a decade of women’s rights activism, on October 2, the Guardian Council, a body of 12 Islamic jurists, finally approved an amended law that the Iranian parliament had passed on March 13, that now allows Iranian women married to men with foreign nationality to request Iranian citizenship for their children under age 18. A child who has already turned 18 could directly request Iranian citizenship. The law, however, required the Intelligence Ministry and the Intelligence Organization of the Islamic Revolutionary Guard Corps (IRGC) to certify that there is no “security problem” before approving citizenship.
On June 26, the Supreme Court issued a unanimous opinion that obliged the state compensation fund to pay the difference in Diya, a compensation paid to a victim’s family, between men and women in cases of death and bodily injuries.

Over the past two years, Iranian courts have handed down harsh sentences to dozens of women who protested compulsory hijab laws in Iran, as well as well-known human rights defenders, including Farhad Meysami and Reza Khandan, Sotoudeh’s husband, who supported their efforts.

On July 31, branch 31 of Tehran’s revolutionary court sentenced Yasman Ariani, her mother Monireh Arabshahi, and Mojgan Keshavarz, who were all arrested for protesting compulsory hijab laws, to 5 years for “assembly and collusion to act against national security,” one year for “propaganda against the state,” and 10 years for “encouraging and providing for [moral] corruption and prostitution.” The court sentenced Keshavarz to an additional seven-and-a-half years for “insulting the sacred.” If these sentences are upheld on appeal, each woman will serve at least 10 years of their sentence.

On August 27, the court sentenced Saba Kordafshari, a 22-year-old woman who was also arrested for protesting compulsory hijab, to 15 years in prison for “encouraging and providing for [moral] corruption and prostitution,” seven-and-a-half years for “assembly and collusion to act against national security,” and one-and-a-half years for “propaganda against the state.” If the sentences are upheld, she will have to serve at least 15 years.

On September 2, Sahar Khodayari, a 29-year-old woman who was arrested in March when she tried to enter a stadium to watch a football game, set herself on fire in front of the court after she was threatened with a six-month imprisonment. Khodayari was reportedly charged with “wearing improper hijab” and “confrontation with the police.” Her death sparked domestic and international outcry with activists as well as football players calling on the International Football Federation (FIFA) to pressure Iran to overturn the ban against women attending stadiums. On October 10, Iranian authorities allowed a limited number of seats for women—around 3,000 out of 85,000 in the stadium—for an international football match. Despite this important advance, the general ban on women attending Iran’s national league games remains.
Iranian law allows girls to marry at 13 and boys at age 15, as well as at younger ages if authorized by a judge. Efforts by a number of parliamentarians to increase the minimum age of marriage have been blocked by the judicial parliamentary commission.

Iranian law vaguely defines what constitutes acts against morality, and authorities have long prosecuted hundreds of people for such acts, as well as for consensual extramarital sex.

Under Iranian law, same-sex conduct is punishable by flogging and, for men, the death penalty. Although Iran permits and subsidizes sex reassignment surgery for transgender people, no law prohibits discrimination against them.

**Treatment of Minorities**

Iranian law denies freedom of religion to Baha’is and discriminates against them. Authorities continue to arrest and prosecute members of the Baha’i faith on vague national security charges, and close down or suspend licenses for businesses owned by them. Iranian authorities also systematically refuse to allow Baha’is to register at public universities because of their faith.

The government also discriminates against other religious minorities, including Sunni Muslims, and restricts cultural and political activities among the country’s Azeri, Kurdish, Arab, and Baluch ethnic minorities.

**Disability Rights**

People with disabilities face stigma, discrimination, and lack of accessibility when accessing social services, healthcare, and public transportation and may receive medical treatment, including electroshock therapy, without their informed consent. Local and national authorities have taken insufficient steps to address the situation.

During the 2018-2019 school year, only 150,000 out of an estimated 1.5 million children with disabilities of school age were enrolled in school, based on government figures, and more than half of them in special schools that segregated them from other students. Estimates put the total number of school-age children with disabilities in Iran at 1.5 million. One serious problem is a mandatory government medical test that deems some children with disabilities “uneducable”
Iraq

Security forces met protests in Baghdad and cities in southern Iraq in October and November with excessive force, killing hundreds. Other violations of freedom of assembly and expression and women’s rights persisted, along with the right to water, health, and a healthy environment, and the government continued to use the death penalty extensively.

In response to the protests, Prime Minister Adil Abd Al-Mahdi resigned from office on November 29.

Excessive Force Against Protesters

Clashes with security forces left at least 350 protesters dead in protests in Baghdad and Iraq’s southern cities from early October to December. In addition to live ammunition, in Baghdad security forces fired teargas cartridges, in some cases directly at protesters, killing at least 16. Security forces also used live ammunition in other cities.

Authorities arbitrarily detained protesters and released them later without charge, and others went missing. Security forces arrested some Iraqis simply for expressing support for the movement with Facebook messages.

Security forces threatened and fired at medics treating protesters.

The government repeatedly throttled the internet to prevent people from uploading and sharing photos and videos of the protests, and blocked messaging apps.

Justice for Worst ISIS Abuses

During 2019, the extremist group ISIS continued to carried out attacks, mostly killings of community leaders and targeting security forces. Some of the crimes perpetrated by ISIS since 2014 amounted to war crimes and may have amounted to crimes against humanity and genocide. Iraq failed to make war crimes and crimes against humanity specific offenses under Iraqi law.

A 2017 UN Security Council resolution created a UN investigative team to document serious crimes committed by ISIS in Iraq. In 2019, UNITAD assisted Iraqi au-
Authorities in exhuming at least 14 mass grave sites left by ISIS in Sinjar, as a first step towards gathering evidence and building cases against ISIS suspects.

An Iraqi law from 2009 created commissions to compensate Iraqis affected by terrorism, military operations, and military errors. Compensation commissions in areas that fell under ISIS control have received thousands of compensation requests but have not paid out many claims since 2014.

German judicial authorities continued efforts to investigate ISIS crimes in Syria and Iraq under the international law principle of universal jurisdiction.

Member states of the Global Coalition to Defeat ISIS continued discussions on accountability options for ISIS crimes, including the possibility of establishing a criminal tribunal in the region.

**Arbitrary Detention, Due Process, and Fair Trial Violations**

Iraqi forces arbitrarily detained ISIS suspects, many for months. According to witnesses and family members, security forces regularly detained suspects without any court order or arrest warrant, and often did not provide a reason for the arrest.

Authorities systematically violated the due process rights of ISIS suspects and other detainees, such as guarantees in Iraqi law that detainees see a judge within 24 hours, have access to a lawyer throughout interrogations, and have their families notified and able to communicate with them.

The counterterrorism court in Nineveh represents an exception, where Human Rights Watch observed improvements to trial proceedings in 2019. Judges at the court required a higher evidentiary standard to detain and prosecute suspects, minimizing the court’s reliance on confessions alone, erroneous wanted lists, and unsubstantiated allegations.

Authorities prosecuted child suspects as young as 9 with ISIS affiliation in Baghdad-controlled areas and 11 in the Kurdistan region, younger than the minimum age of criminal responsibility under international law, and in violation of international standards that recognize children recruited by armed groups primarily as victims who should be rehabilitated and reintegrated into society.
Iraqi judges prosecuted ISIS suspects with the charge of ISIS affiliation, on the overbroad charge of Iraqi counterterrorism legislation. Trials were generally rushed, based on a defendant’s confession, and did not involve victim participation. The Iraqi government and Kurdistan Regional Government (KRG) conducted thousands of trials of ISIS suspects without a strategy to prioritize the worst abuses.

Despite requests, the government failed to disclose which security and military structures have a legal mandate to detain people, and in which facilities.

**Torture and Other Forms of Ill-Treatment**

Throughout 2019 Human Rights Watch received reports of widespread use of torture, including of children, by Iraqi and KRG forces to extract confessions. One man had to have his arm amputated because of arterial damage caused by torture in custody.

A Human Rights Watch study of appeals court decisions in terrorism-related cases showed that in close to two dozen cases in 2018 and 2019 judges appeared to ignore torture allegations or to rely on uncorroborated confessions. Some of the torture allegations had been substantiated by forensic medical exams, and some of the confessions were apparently extracted by force. In each of these cases, the trial courts took the torture allegations seriously, found them credible, assessed the evidence, and acquitted the defendants. Despite this, on appeal, the Federal Court of Cassation appeared to ignore torture allegations or to rely on uncorroborated confessions and ordered a retrial.

Despite extensive evidence of torture in detention in Iraq, in 2019 the Syrian Democratic Forces (SDF) in northeast Syria transferred at least 900 Iraqi detainees with alleged links to ISIS to Iraq. In addition, US-led coalition and SDF forces transferred at least 47 non-Iraqi foreign males suspected of ISIS affiliation to Iraq for investigation in 2018 and early 2019, including at least 11 French nationals who have been sentenced to death. In at least 30 of the cases, US forces facilitated the transfer from SDF to Iraqi custody according to court documents, testimony from defendants, and other sources.

Two of the French citizens transferred from northeast Syria to Iraq and prosecuted in Baghdad for ISIS affiliation told the judge that Iraqi security forces tortured or coerced them into making a confession.

Authorities detained criminal suspects in overcrowded and in some cases inhumane conditions. A source within the penitentiary system shared with Human Rights Watch photos of overcrowded prison cells in Nineveh holding women and children on charges of ISIS affiliation in conditions so degrading that they amounted to ill-treatment.

Despite commitments by then-Prime Minister Haidar Abadi in September 2017 to investigate allegations of torture and extrajudicial killings, authorities apparently took no steps in 2019 to investigate these abuses.

**Collective Punishment**

Iraqi families perceived to have ISIS affiliation, usually because of family name, tribal affiliation, or area of origin, were often denied security clearances required to obtain identity cards and all other civil documentation. This restricted their freedom of movement, right to education, and right to work, as well as access to welfare benefits and birth and death certificates needed to inherit property or remarry. Denial of security clearances also blocked such families from making claims to the commissions established in 2009 to compensate Iraqis affected by terrorism, military operations, and military errors, and from bringing court cases or challenging seizure of property by security forces or local families.

Some families were able to obtain security clearance if they were willing to first appear before a judge to open a criminal complaint against their relative who was suspected of having joined ISIS in a process known as *tabriya*. After individuals opened the criminal complaint, the court issued them a document to present to security forces in order to obtain their security clearance. This mechanism was particularly effective in Anbar governorate, where most families with relatives suspected of ISIS affiliation that Human Rights Watch interviewed in 2019 had been able to obtain security clearance by through *tabriya*.

Forced returns and blocked returns of displaced persons persisted throughout 2019. In early July security forces launched screenings across camps for displaced people in Nineveh to determine their origins and possible links to ISIS.
Over the next two months, authorities in Nineveh and Salah al-Din evicted hundreds of displaced people in camps outside of their governorate of origin, in some cases transporting them to their home communities despite families’ serious security concerns.

At least 30,000 Iraqis who fled Iraq between 2014 and 2017, including some who followed ISIS as it retreated from Iraqi territory, were housed in and around al-Hol camp in northeast Syria. In 2019 the Iraqi government prepared to bring its nationals back and confine them in de facto detention camps because of perceived links to ISIS. The government discussed broader plans to detain families with perceived ISIS affiliation in a mass internment scheme but has yet to agree on such a plan.

In 2019, thousands of children without civil documentation because a relative was thought to have joined ISIS were prevented from enrolling in state schools, including schools inside camps for displaced people.

Lawyers and aid workers providing assistance to families with perceived ISIS affiliation reported that security forces threatened and in some instances detained them for providing these services.

**Access to Water**

For almost the past 30 years, authorities failed to provide people in southern Iraq, and particularly in Basra, with safe drinking water. Multiple government failures since the 1980s, including poor management of upstream sources, inadequate regulation of pollution and sewage, and chronic neglect and mismanagement of water infrastructure caused the quality of waterways to deteriorate. The shortages led to farmers’ irrigation of land with polluted and saline water, degrading the soil and killing crops and livestock.

The degradation of Basra’s water sources became a full-blown crisis in the summer of 2018, when at least 118,000 people were hospitalized due to symptoms doctors identified as related to water quality. Because of high rainfall and snowmelt in late 2018/early 2019, the health crisis did not recur in 2019, but authorities took no significant steps to address the causes of the health crisis. Authorities failed to make public any investigation into its specific causes or any
Death Penalty

Iraq has long had one of the highest rates of executions in the world, alongside China, Iran, and Saudi Arabia. The judiciary continued to hand down death sentences to many of those convicted of ISIS affiliation under counterterrorism legislation and carried out executions without disclosing official numbers. In August 2019, authorities released Ministry of Justice data that showed 8022 detainees were on death row and the state had executed over 100 between January and August 2019.

In the Kurdistan Region of Iraq, the KRG implemented a de facto moratorium on the death penalty in 2008, banning it “except in very few cases which were considered essential,” according to a KRG spokesperson.

The Iraqi criminal code prohibits the use of the death penalty against children.

Key International Actors

The US-led coalition against ISIS, including Australia, Belgium, Canada, Denmark, France, the Netherlands, and the United Kingdom, as well as Iranian and Turkish forces, continued to support Iraqi and KRG troops in military operations against ISIS. The coalition countries rarely made public the parameters or the exact recipients of their assistance in 2019.

Turkey increased its operations in northern Iraq against the armed Kurdistan Workers’ Party (PKK). The PKK, an armed group outlawed but active in Turkey, has long maintained a presence in northern Iraq near the Turkish, Iranian, and Syrian borders. After unknown gunmen killed a Turkish diplomat in Erbil in July 2019, Turkey carried out airstrikes. As a result of the killing, the KRG imposed severe movement restrictions on Turkish residents of a camp in its territory who are seen as broadly sympathetic to the PKK.
Meanwhile, Israeli authorities destroyed 504 Palestinian homes and other structures in 2019 as November 11, the majority for lacking construction permits. Israel makes it nearly impossible for Palestinians to obtain such permits in East Jerusalem or in the 60 percent of the West Bank under its exclusive control (Area C). The demolitions displaced 642 people as of September 16, more than the total number of people displaced in 2018 (472), according to the UN Office of the Coordination of Humanitarian Affairs (OCHA). The Israeli rights group B’Tselem recorded more demolitions of Palestinian homes in East Jerusalem in 2019 than in any other year since at least 2004.

Both the Fatah-dominated Palestinian Authority (PA) in the West Bank and Hamas authorities in Gaza arrested opposition supporters and other critics and tortured some in their custody.

**GAZA STRIP**

**Closure**

Israel imposes sweeping restrictions on the movement of people and goods into and out of the Gaza Strip. A general travel ban excludes only what Israel calls “exceptional humanitarian cases,” meaning mostly medical patients and their companions, as well as prominent businesspersons who can obtain permits. In the first nine months of 2019, the army denied or failed to respond in a timely manner to 34 percent of permit applications from Palestinians with scheduled medical appointments outside Gaza, according to the World Health Organization (WHO). The rejection or delay rate for applications for those injured in demonstrations along the fences separating Israel and Gaza is 82 percent.

During the first nine months of 2019, an average of about 462 Palestinians exited the Erez crossing into Israel each day, an increase from previous years, but a fraction of the daily average of more than 24,000 in September 2000, according to the Israeli rights group Gisha. Outgoing goods in the same period, mostly destined for the West Bank and Israel, averaged 252 truckloads per month, compared to the monthly average of 1,064 truckloads prior to the June 2007 tightening of the closure.

Families in Gaza on average received 12 hours of electricity a day in the first 10 months of 2019 according to OCHA, nearly doubling the 2018 average, thanks
Hamas and Palestinian Armed Groups’ Actions in Gaza

Palestinian armed groups in Gaza fired 1,378 rockets towards Israel, as of November 19, according to the Meir Amit Intelligence and Terrorism Information Center.

Attacks by armed groups in Gaza have killed four Israeli civilians and injured more than 123 Israelis. Rockets that fell short killed a pregnant Palestinian mother of nine and a toddler in Gaza.

Hamas authorities continue to provide no information about two Israeli civilians with psychosocial disabilities, Avera Mangistu and Hisham al-Sayed, whom they have apparently held for more than four years after they entered Gaza, in violation of international humanitarian law.

Hamas authorities held 1,885 Palestinians in detention as of April 23, according to figures it provided Human Rights Watch. Between January 2018 and March 2019, it detained 4,235 people, including 66 for social media posts or for allegedly violating broadly worded offenses such as “harming revolutionary unity” and “misuse of technology” used to punish peaceful dissent or opposition. According to the Palestinian statutory watchdog Independent Commission for Human Rights (ICHR), Hamas authorities detained more than 1,000 Palestinians during March 2019 demonstrations against the high cost of living.

Hamas authorities also said they received 47 complaints of arbitrary arrest and torture during this period, none of which resulted in criminal convictions for the alleged wrongdoer. The ICHR received 138 complaints of arbitrary arrest and 155 complaints of torture and ill-treatment against Hamas security forces, as of September 30.

Hamas authorities have carried out 25 executions since they took control in Gaza in June 2007 following trials that lacked appropriate due-process protections. Courts in Gaza have sentenced 128 people to death since June 2007, according to the nongovernmental Palestinian Center for Human Rights. There were no executions in 2019.

Laws in Gaza punish “unnatural intercourse” of a sexual nature, understood to include same-sex relationships, with up to 10 years in prison.

Israeli restrictions on the delivery of construction materials to Gaza, ostensibly to prevent their use for military purposes such as building tunnels, and a lack of funding have impeded reconstruction of homes damaged or destroyed during Israeli military operations. Over 12,000 Palestinians who lost their homes during the 2014 fighting between Israel and armed Palestinian groups remain displaced as of April, according to OCHA.

Egypt also restricts the movement of people and goods at its border with Gaza at Rafah. In the first eight months of 2019, an average of 12,026 Palestinians crossed monthly in both directions, a significant increase from previous years, but less than the average of 40,000 in the months before the military coup in Egypt in 2013.
WEST BANK

Israeli Actions in the West Bank

In the West Bank, including East Jerusalem, Israeli security forces killed 23 Palestinians and wounded at least 3,221, including those suspected of attacking Israelis, but also passersby and demonstrators, as of November 11. In many cases, video footage and witness accounts strongly suggest that Israeli forces used excessive force. As of November 11, attacks by Israeli settlers killed two Palestinians, injured 84, and damaged property in 234 incidents, according to OCHA.

Palestinians killed five Israelis and wounded at least 46 in the West Bank, as of September 17, according to OCHA.

Israelis largely failed to hold accountable security forces who used excessive force against Palestinians or settlers who attacked Palestinians and destroyed or damaged their homes and other property.

Settlements, Discriminatory Policies, Home Demolitions

Israel continued to provide security, infrastructure administrative services, housing, education, and medical care for more than 642,867 settlers residing in unlawful settlements in the West Bank, including East Jerusalem.

The difficulty in obtaining Israeli-issued building permits in East Jerusalem and Area C has driven Palestinians to construct housing and business structures that are at constant risk of demolition or confiscation by Israel on the grounds of being unauthorized. The UN considers 46 Palestinian communities at “high risk of forcible transfer.” International law prohibits an occupying power from destroying property unless “absolutely necessary” for “military operations.” On July 22, Israeli authorities demolished nine “unlicensed” residential buildings and one other structure, containing about 70 apartments, in the Jerusalem neighborhood of Sur Baher, on the stated grounds that they were too close to the separation barrier that Israel constructed, displacing 24 people. At time of writing, Israel had yet to demolish the Palestinian village of Khan al-Ahmar east of Jerusalem, despite a 2018 Supreme Court decision empowering it to do so.

Israeli authorities also continued their practice of demolishing the homes of families in retaliation for attacks on Israelis allegedly carried out by a family
member, a violation of the international law prohibition on collective punishment.

**Freedom of Movement**

Israel maintained onerous restrictions on the movement of Palestinians in the West Bank. OCHA documented 705 permanent obstacles such as checkpoints across the West Bank in July. Israeli-imposed restrictions designed to keep Palestinians far from settlements forced them to take time-consuming detours and restricted their access to their own agricultural land.

The separation barrier, which Israel said it built for security reasons but 85 percent of which falls within the West Bank rather than along the Green Line separating Israeli from Palestinian territory, cuts off many Palestinians from their agricultural lands and isolates 11,000 Palestinians who live on the western side of the barrier but are not allowed to travel to Israel and must cross the barrier to access their own property and other services.

**Arbitrary Detention and Detention of Children**

As of October 31, according to Prison Services figures, Israeli authorities held 4,731 Palestinians in custody for “security” offenses, including 2,840 convicted prisoners, 1,061 pretrial detainees, and 460 in administrative detention based on secret evidence without charge or trial. Excluding Jerusalem residents, West Bank Palestinians were tried in military courts, including those charged with nonviolent speech or protest activity. Those courts have a near-100 percent conviction rate. Israel incarcerates many West Bank and Gaza Palestinian detainees and prisoners inside Israel, complicating family visits and violating the provisions of international humanitarian law that prohibit their transfer outside the occupied territory.

As of August 31, Israel was detaining 185 Palestinian children, many suspected of criminal offenses under military law, usually stone-throwing. Israel denied Palestinian children arrested and detained in the West Bank legal protections granted to Israeli children, including settlers, such as protections against nighttime arrests and interrogations without a guardian present. Israeli forces frequently used unnecessary force against children during arrest and physically abused them in custody.

**Palestinian Authority’s Actions in the West Bank**

The PA held 1,134 people in detention as of April 21, according to figures it provided Human Rights Watch. Between January 2018 and March 2019, it detained 1,609 persons for insulting “higher authorities” and creating “sectarian strife,” charges that in effect criminalize peaceful dissent, and 752 for social media posts. The PA also said it received 346 complaints of arbitrary arrest and mistreatment during this period, of which authorities found wrongdoing in 48 cases. Of these, 28 resulted in warnings or administrative sanctions and 20 were referred for prosecution, with only one conviction: an intelligence officer who received a 10-day sentence for assaulting demonstrators.

The ICHR received 213 complaints of arbitrary arrest, 140 complaints of people held without trial or charge pursuant to orders from a regional governor, and 138 complaints of torture and ill-treatment at the hands of PA security forces, as of September 30. In a meeting with Human Rights Watch in July, PA Prime Minister Mohammad Shtayyeh vowed that “no citizen would be detained for exercising their freedom of expression.”

In August, the PA police spokesperson announced a ban on activities by the Palestinian lesbian, gay, bisexual, and transgender (LGBT) group Al-Qaws for Sexual & Gender Diversity in Palestinian society and vowed to prosecute its members. Police subsequently told rights groups that they disavowed the statement but have yet to publicly repudiate it.

The personal status law continues to discriminate against women, including in relation to marriage, divorce, custody, and guardianship of children and inheritance. Palestine has no comprehensive domestic violence law to prevent abuse and protect survivors. In September, authorities charged three family relatives in connection with the killing of 21-year-old Beit Sahour resident- Israa Ghrayeb in August, an apparent act of domestic violence.
**ISRAEL**

Israel held parliamentary elections in April 2019, but the Knesset dissolved itself in May after parties failed to form a majority-led government. Elections were held again in September, but at time of writing, parties had again not formed a government.

The Israeli Supreme Court is examining constitutional challenges to the Nation State Law adopted in 2018. The law, which has constitutional status, makes it a national priority to build homes for Jews but not others, and revokes the status of Arabic as an official language of Israel.

In November, Israel expelled a Human Rights Watch official, a decision that the Supreme Court upheld, on the asserted ground that the organization’s call on businesses to stop operating in West Bank settlements constituted a boycott call and were thereby grounds for deportation under Israeli law. In October, Israeli authorities prevented a Palestinian staff member of Amnesty International from traveling out of the Occupied West Bank for undisclosed “security reasons.” In August, Israeli authorities denied entry to US Congresswomen Ilhan Omar and Rashida Tlaib because of their support for boycotts of Israel.

The Israeli government continued the policy described by the Interior Minister at the time of making “miserable” the lives of the roughly 32,000 Eritrean and Sudanese asylum seekers present in the country who refused to depart. The government did so through restrictions on movement, work permits, and access to health care, and confiscation of a portion of their salaries.

Israeli law prohibits discrimination on the basis of sexual orientation and gender identity. However, same-sex marriage is not legal. In July, 23 Israeli couples held a mass wedding to campaign for marriage equality in the country.

**Key International Actors**

In March, the US recognized Israel’s annexation of the Golan Heights, denying the reality of Israeli occupation and protections due the Syrian population there under international humanitarian law. The US has maintained and expanded aid cuts to the West Bank and Gaza, including to USAID projects. In November, the State Department announced that it no longer considers Israeli settlements to violate international humanitarian law “per se”, putting the United States outside the international consensus on the issue.

The European Union criticized the demolitions in Sur Baher in Jerusalem in July and Netanyahu’s promise in September to annex the Jordan Valley.

In April, the global tourism company Airbnb reversed its November 2018 pledge to remove listings from Israeli settlements in the West Bank from its website, pursuant to a settlement reached to lawsuits in Israel challenging its decision and following actions by several US states to penalize it under anti-boycott laws.

The prosecutor for the International Criminal Court continued her preliminary examination into the situation in Palestine to determine whether the criteria have been met to merit pursuing a formal investigation.

In July, the UN secretary-general reported that Israeli forces had killed 56 Palestinian children and injured 2,733 in 2018, but as in previous years, did not include Israel in his annual “list of shame” for grave violations against children in armed conflict.

The Office of UN High Commissioner for Human Rights had yet to fulfill its mandate, at time of writing, to transmit to the UN Human Rights Council a database of businesses that have enabled or profited from settlements more than two-and-a-half years after its initial scheduled release.
Japan

Japan is a prosperous liberal democracy with the third largest economy and a vibrant civil society. In July, the ruling Liberal Democratic Party (LDP) won a solid majority in an upper house election. However, the LDP and its allies failed to maintain a two-thirds majority needed to pursue Prime Minister Shinzo Abe’s grand political goal of amending Japan’s post-war pacifist constitution. In November, Abe became the longest-serving Japanese prime minister.

Japan’s long overlooked “hostage” justice system, in which criminal suspects are held for long periods in harsh conditions to coerce a confession, received renewed attention after the high-profile arrest of former Renault and Nissan head Carlos Ghosn in November 2018 for alleged financial misconduct.

Japan has no law prohibiting racial, ethnic, or religious discrimination, or discrimination based on sexual orientation or gender identity. It accepts an extremely small number of refugees each year, mostly from Asia. Japan has no national human rights institutions.

Death Penalty

In December 2018, Japan executed two men on death row for crimes including murder and robbery. In August 2019, two more men were also executed for crimes involving murder and robbery. Anti-death penalty advocates have long raised concerns about death row inmates having inadequate access to legal counsel, being notified of their execution only on the day it takes place, and some being executed after their lawyers filed a request for retrial.

Disability Rights

In April, the Japanese parliament enacted legislation to compensate people forcibly sterilized under the Eugenic Protection Act between 1948 and 1996. Under the law, approximately 25,000 people were sterilized. In May, a district court in Sendai ruled that the plaintiff’s constitutional right to pursue happiness, including reproductive rights, had been violated under the now-defunct act. The court, however, rejected compensation sought by the plaintiff, citing the 20-year statute of limitations.
In July, Prime Minister Abe offered the government’s first official apology to families who had members who lived with leprosy and had suffered under the government’s segregation policy between 1907 and 1996, after the government decided it would not appeal a district court ruling that ordered the state to pay compensation. In November, Japan’s House of Councilors (Upper House) approved a law that will enable compensation for affected families.

**Women’s Rights**

Protests erupted across Japan this year after a string of rape cases resulted in acquittals. Japan’s rape law requires that prosecutors prove that violence or intimidation was involved, or that the victim was “incapable of resistance.” In one case, a court acquitted a father accused of raping his 19-year-old daughter, although the court recognized that the sex was non-consensual and that he had been physically and sexually abusing the victim since she was younger.

**Sexual Orientation and Gender Identity**

In January, the Supreme Court ruled that the 2004 Gender Identity Disorder Special Cases Act—which requires that transgender people be sterilized to obtain documents reflecting their gender identity—as constitutional. The court stated that there is a “need to avoid abrupt changes in a society where the distinction of men and women have long been based on biological gender.” However, the court also said that the law was constitutional only “at this time,” and two justices of the four-judge bench recognized the need to reform Japan’s law in their concurring opinion.

In February, various same-sex couples in different cities filed lawsuits against the government over the constitutionality of not recognizing same-sex marriage in the first legal challenge of its kind in Japan. In May, supplementary resolutions approved by parliament made it a requirement for the government to include the prevention of Sexual Orientation Gender Identity (SOGI) harassment and outing—exposing someone’s LGBT identity without permission—into the upcoming guidelines for corporations dealing with harassment by superiors in the workplace. The draft guidelines the government revealed in October, however, failed to specify SOGI harassment as required by the Diet supplementary resolutions. The guidelines were still under discussion at time of writing.

**Children’s Rights**

In June, Japan’s parliament, the Diet, revised laws to ban corporal punishment against children by parents and other guardians. The law also started the review process to create mechanisms to protect children’s rights following several fatal cases of abuse in the name of discipline.

**Indigenous Rights**

In April, the Diet passed a bill which for the first time recognized the Ainu as the indigenous people of Japan, as well as banning discrimination against them.

**Refugees**

Japan’s asylum and refugee determination system remains strongly oriented against granting refugee status. In 2018, the Justice Ministry received 10,493 applications for refugee status, largely by people from Nepal, Sri Lanka, and Cambodia. The ministry recognized 42 people as refugees, while another 40 asylum seekers were classified as needing humanitarian assistance, allowing them to stay in Japan. In October, a group of lawyers submitted a claim to the UN Working Group on Arbitrary Detention against the government immigration detention practices, which do not require the necessity of detention and can stretch for years.

**Migrant Workers**

As Japan continues to experience a serious labor shortage, in April a revised immigration law went into effect, which allows more than 300,000 foreigners to receive work visas in sectors including farming, fishery, and nursing. Previously, Japan only accepted highly skilled foreign workers; blue-collar foreign workers were typically required to apply for visas as either interns or students. Separately, the government continued the “Foreign Technical Intern Training Program,” which binds workers to their sponsoring employers without the option of changing them, to recruit more foreign workers, many from Southeast Asia. The program has drawn criticism for human rights violations, including payment of sub-minimum wages, illegal overtime, forced return of whistleblowers to their home countries, and dangerous or unhygienic working conditions. In March, the
Justice Ministry said 171 “trainees” died between 2012 and 2017, 17 of them by suicide.

**Labor Rights**

In June, Japan voted in favor of the International Labour Organization’s groundbreaking Convention on Violence and Harassment after parliament enacted legislation in May that requires corporations to implement measures to prevent power harassment as early as April 2020 for large businesses and April 2022 for medium-to-small businesses.

**Freedom of Media and Expression**

In August, after receiving a flood of complaints and death threats, organizers of a Japanese art exhibition in Aichi prefecture were forced to withdraw an art installation called the “Statue of a Girl of Peace,” which symbolizes “comfort women” or women who were forced to work in Japan’s World War II-era brothels. Many of the women were Korean. The issue has remained a flashpoint in Japan-Korean bilateral relations. The exhibition re-opened briefly for a few days before it officially ended in October.

**Criminal Justice**

Japan’s long overlooked “hostage” justice system, in which criminal suspects are held for long periods in harsh conditions to coerce a confession, received renewed attention after the high-profile arrest of former Renault and Nissan head Carlos Ghosn in November 2018. While Ghosn was detained for 108 days and then another 21 days for financial misconduct allegations, he was granted bail quickly compared to other equivalent cases, apparently due to the international criticism.

In June, a 2016 law came into force that requires video and audio recording of interrogations to a small segment of criminal cases, such as serious cases to be tried by the lay judge system. However, Japanese criminal procedure law continues to allow suspects to be detained for up to 23 days prior to prosecution without the possibility of release on bail and prohibits lawyers from being present during interrogations.

**Foreign Policy**

Japan’s official policy is to “contribute to the improvement of the world’s human rights environment” through methods including the “UN’s primary human rights forums and bilateral talks.” In March, Japan contradicted this policy by suddenly dropping its long-standing leadership on the annual United Nations Human Rights Council resolution on North Korea.

In recent years, Japan has abstained from almost all Myanmar-related resolutions at UN forums, including those related to atrocities against the Rohingya. Japan also did not address the collapse of democratic institutions and the sharply deteriorating human rights environment in Cambodia, where Prime Minister Hun Sen cracked down on opposition politicians, independent media, and political activists. Japan took the lead in drafting a weak resolution on Cambodia at the UN Human Rights Council in September.
Jordan

In 2019, protests against the Jordanian government’s economic austerity policies increased, including a mass public teachers’ protest and one-month strike beginning in September. The teachers demanded a 50 percent pay raise they said the government promised in 2014, but eventually agreed to a 35 to 75 percent raise depending on a teacher’s rank. As protests grew, authorities stepped up arrests of political and anti-corruption activists.

In early May, Jordan reshuffled the heads of major security agencies, appointing Maj. Gen. Ahmed Hosni to lead the General Intelligence Department (GID), Jordan’s main intelligence agency, and Salameh Hammad as Interior minister.

Jordan hosted over 657,000 Syrian refugees and over 90,000 refugees of other nationalities in 2019, but authorities have not allowed Syrians to enter Jordan to seek asylum since mid-2016 and took steps to prevent others from seeking asylum in 2019. In 2019, Jordanian authorities did not allow aid deliveries from Jordan to tens of thousands of Syrians at a remote camp along the border.

Freedom of Expression

Jordanian law criminalizes speech deemed critical of the king, foreign countries, government officials and institutions, Islam and Christianity, as well as defamatory speech.

Authorities detained over 30 political and anti-corruption activists in 2019 and filed charges against some that violated the right to free expression. Most of those detained were linked to a loose coalition of political activists across the country known as the *hirak* (movement). The charges filed against activists ranged from insulting the king (“lengthening the tongue against the king”) to the vague charge of “undermining the political regime” and online slander.

Among the activists detained in 2019 was Sabri al-Masha’leh, a 31-year-old teacher from the town of Dhiban. Authorities arrested him in response to four Facebook posts he wrote in February, only one of which referred to the king by name. Prosecutors charged him with insulting the king, and in April Amman’s Court of First Instance sentenced him to two years in prison. The court later reduced the sentence to one year, which al-Masha’leh is serving in Sawaqa Prison, south of Amman.

Authorities detained Ahmed Tabanja, 33, a human rights activist from the northern town of Irbid, on March 17, while he used his phone to broadcast over Facebook Live a protest by unemployed Jordanians in front of the royal court complex in Amman.

In late December 2018, authorities proposed amendments to Jordan’s 2015 Electronic Crimes Law that would overly restrict freedom of expression by stipulating criminal penalties for posting “rumors” or “fake news” with “bad intentions” or engaging in “hate speech” online. The amendments maintain criminal penalties for online defamation but, in a positive move, would eliminate pretrial detention for this offense. Jordan’s lower house of parliament rejected the draft amendments in February, and as of September they were under consideration in the upper house.

Freedom of Association and Assembly

In 2019, Prime Minister Omar al-Razzaz convened an inter-ministerial committee to overhaul the country’s pre-approval process for local and international non-governmental organizations (NGOs) operating in Jordan to receive funding from foreign sources. Local NGO leaders have long complained that the pre-approval process instituted in 2015 lacks transparency and can take months. In June, Jordan’s central bank suddenly mandated that all money transfers from an international NGO’s headquarters to its branch in Jordan require government pre-approval, but the government ordered the bank to reverse the decision on July 11.

Under the Public Gatherings Law amended in March 2011, Jordanians did not require government permission to hold public meetings or demonstrations, but organizations and venues continued to seek permission from the Interior Ministry or General Intelligence Department to host public meetings and events. In some cases in 2019, security authorities cancelled public events without explanation.
Refugees and Migrants

By late 2018, over 657,000 people from Syria had sought refuge in Jordan, according to the UN High Commissioner for Refugees (UNHCR). Over 85 percent of Syrians lived outside refugee camps. In 2019, Jordan did not permit Syrians to enter the country to seek asylum.

According to UNHCR, Jordan also hosted asylum seekers and refugees from other countries in 2019, including 67,500 Iraqis, 14,600 Yemenis, 6,100 Sudanese, and 1,700 from other countries. Beginning in January, Jordanian authorities prevented UNHCR from registering as asylum seekers individuals who officially entered the country for the purposes of medical treatment, study, tourism, or work, effectively barring non-Syrians from being recognized as refugees and leaving many without UNHCR documentation or access to services.

In 2019, authorities continued to implement the Jordan Compact, which aimed to improve the livelihoods of Syrian refugees by granting new legal work opportunities and improving the education sector. By August 2019, labor authorities had issued or renewed at least 153,535 work permits for Syrians since 2016. Most professions, however, remained closed to non-Jordanians, and many Syrians continued to work in the informal sector without labor protections.

In August, the Jordan office of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) announced a budget shortfall of $151 million following the cancellation of all US funding to the agency in 2018. UNRWA warned that the funding gap would disrupt vital education, relief, and health services to the over 2 million Palestine refugees living in Jordan.

In 2019, Jordanian authorities did not allow aid deliveries from Jordan to tens of thousands of Syrians at Rukban, an unorganized camp along Jordan’s border with Syria. Camp residents have been besieged by Syrian government-aligned forces since 2018 and face limited access to food, water, and medical assistance. In late August, a UN official said that the UN would help facilitate voluntary evacuations of camp residents to other parts of Syria, and that only 12,700 people remained in the camp.

Jordan hosted around 70,000 migrant domestic workers in 2019, mostly from the Philippines, Sri Lanka, and Indonesia. NGOs repeatedly referred domestic workers who had suffered multiple abuses to labor ministry investigators. Abuses included non-payment of wages, unsafe working conditions, long hours, document confiscation, and physical, verbal and sexual abuse.

Women’s and Girls’ Rights

Jordan’s personal status code remains discriminatory, despite a 2010 amendment that widened women’s access to divorce and child custody. Marriages between Muslim women and non-Muslim men are not recognized. In 2019, lawmakers rejected a proposed amendment to the personal status law that would have increased the minimum marriage age from 15 to 16, albeit without the exception that children between ages 16 and 18 could marry with court approval.

Article 9 of Jordan’s nationality law does not allow Jordanian women married to non-Jordanian spouses to pass on their nationality to their spouse and children.

In 2014, authorities issued a cabinet decision purporting to ease restrictions on non-citizen children of Jordanian women access to key economic and social rights, but the easing fell short of expectations. In 2019, as part of an overhaul of the country’s labor law, authorities exempted non-citizen children of Jordanian women from work permit requirements, but many professions in Jordan remained closed to non-Jordanians.

Article 98 of Jordan’s penal code, amended in 2017, states that the “fit of fury” defense does not apply to perpetrators of crimes “against women” who cannot receive mitigated sentences, but judges continued to impose mitigated sentences under article 99 if family members of victims did not support prosecutions of their male family members. Local media reported in July that 12 women in had been killed by family members in Jordan since the beginning of 2019.

Criminal Justice System

As of November, authorities had not carried out any executions in 2019, but Jordan’s National Center for Human Rights (NCHR) reported that there were 151 people on death row by the end of 2018.

In July, security officials expelled over 200 members of the extended al-Shahin family from their home governorate of Madaba on the basis of a local practice known as jalwa, under which security authorities can temporary displace family
members of accused murderers to deter potential revenge attacks. The abusive practice is a clear violation of Jordan’s constitution, and in recent years the Interior Ministry sought to reintroduce the concept into law.

Local governors continued to use provisions of the Crime Prevention Law of 1954 to place individuals in administrative detention for up to one year, in circumvention of the Criminal Procedure Law. The NCHR reported that 37,683 persons were administratively detained in 2018, some for longer than one year, marking an increase of over 2,700 from the number of administrative detainees in 2017.

**Key International Actors**

Under the terms of a Memorandum of Understanding between the United States and Jordan signed in 2018, the US provided $1.275 billion in aid to Jordan in 2019. The US did not publicly criticize human rights violations in Jordan in 2019, except in annual reports.

The International Criminal Court (ICC) Appeals Chamber ruled on May 6, 2019 that Jordan had failed to meet its international legal obligations to arrest then-President Omar al-Bashir of Sudan, who is sought by the ICC for alleged crimes committed in Darfur, Sudan, during a 2017 visit. But the judges decided not to refer to Jordan’s lack of cooperation to the court’s assembly of members or the UN Security Council.

Jordan is a member of the Saudi/Emirati-led coalition fighting the Houthi forces in Yemen.

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Kazakhstan

A leadership change in Kazakhstan in 2019 did not significantly improve respect for human rights. On March 19, Kazakh President Nursultan Nazarbaev resigned after 30 years in power, naming Senate speaker Kassym-Jomart Tokaev as interim president. In snap elections in June, Tokaev ran as the ruling party candidate and won in a vote marred by irregularities. The authorities responded to widespread peaceful protests around the elections with mass detentions. Kazakhstan continued to unfairly jail rights activist Max Bokaev, and intensified harassment of perceived or actual opposition members. Independent trade unions remained stymied by the government’s ongoing failure to reform the 2014 Trade Union Law.

**Elections**

In snap presidential elections on June 9, Tokaev won with 70 percent of the vote. The Organization for Security and Co-operation in Europe (OSCE) said the vote was marred by “significant irregularities,” including ballot stuffing. Thousands took to the street to contest the outcome.

**Freedom of Assembly**

There was a significant increase in protest activity in Kazakhstan in 2019. In the build-up to elections in June, authorities denied permits for peaceful protests, regularly broke up demonstrations, and detained participants of single-person pickets. One man was detained just for holding up a blank poster.

Between election day on June 9 and June 13, 4,000 people were detained nationwide for protesting the vote. Ryszard Komenda, regional representative on Central Asia for the Office of the United Nations High Commissioner for Human Rights (OHCHR), called the government’s actions “extremely regrettable,” and urged it to respect freedom of assembly.

After the elections, President Tokaev signaled that he would relax constraints on freedom of assembly, specifically by reforming the country’s restrictive protest law, although no legal changes have so far taken place. While some protests were allowed to go ahead without arrests or other interventions, protests against
growing Chinese investment resulted in dozens of arrests, and more than 100 people were detained at demonstrations called for by banned opposition movement Democratic Choice of Kazakhstan in September. Kazakhstan’s parliament passed a law in October creating additional legal penalties for parents accused of “involving” their children in protests.

**Civil Society**

A new youth movement called Wake Up, Kazakhstan was formed to advocate for constitutional reform. Members of the group and other youth activists complained of pressure from the authorities such as threats, limits on foreign travel, and increased surveillance, particularly on protest days. Despite this, the group was able to hold rallies in August and November without intervention.

Serikzhan Bilash, whose activism drew attention to the crackdown in China’s Xinjiang region, pleaded guilty to spurious criminal charges of incitement in August. Bilash was banned from civic activism as a condition of his release. In February Bilash was fined $670 for leading a rights group called Atajurt that the authorities had refused to register.

Maks Bokaev, imprisoned for peacefully protesting proposed land code amendments in 2016, continued to serve a wrongful five-year sentence. In September, he was denied a request to be transferred to a prison closer to his home.

Mukhtar Dzhakishev, former head of the atomic energy agency Kazatomprom, was denied parole in September despite international calls for his release. He has been serving a 14-year sentence since 2010.

**Freedom of Expression**

According to Adilsoz, a local media watchdog, there were 54 detentions, arrests, convictions, or limits on the freedom of journalists between January and September. There were eight attacks, including during a press conference in July hosted by a human rights group in which five journalists had equipment damaged or stolen. Radio Azattyq, the Kazakh-language service of Radio Free Europe/Radio Liberty, complained of repeated interference in its work, including attacks with pepper spray.

Telecoms providers stopped requiring users to download a technology that experts worried might allow authorities to sidestep encryption mechanisms and monitor conversations, after President Tokaev abandoned the measure in August.

In August, journalist Yaroslav Golyshkin, who was serving an eight-year sentence since 2015 on charges of “blackmail,” was pardoned by President Tokaev and released.

**Arrest and Harassment of Perceived Opposition Members**

Authorities increased harassment of perceived or actual Democratic Choice of Kazakhstan (DVK) supporters after the group was banned in 2018. As of March, at least nine people were convicted of involvement with DVK, several merely for reposting or sharing DVK materials online.

In Almaty, three women who were put into pretrial detention in July after participating in a rally DVK called for in May were convicted in November, but were sentenced to one year of “limited freedom,” rather than prison.

**Freedom of Religion**

In the first half of 2019, authorities brought 106 administrative cases against individuals or religious communities, leading to fines or short-term bans on worship—an increase from the same period last year, according to the religious freedom watchdog Forum18.

In January, parliament recalled amendments to the country’s religion law that would have significantly increased restrictions and sanctions on religious teaching, proselytizing, and publications.

**Labor Rights**

Authorities took no effective steps to restore freedom of association rights for independent trade unions in 2019. At a meeting in June, the International Labour Organization (ILO) criticized Kazakhstan for ongoing restrictions on union activities. The government said amendments to trade union legislation were submitted to parliament in July, but was not publicly available at time of writing.
Three activists—Nurbek Kushakbaev, Amin Eleusinov, and Larisa Kharkova—remained banned from leading trade unions. The Congress of Independent Trade Unions of Kazakhstan (now Congress of Free Trade Unions of Kazakhstan) continued to be denied registration. In July, a court sentenced trade union leader Erlan Baltabay to prison for seven years on charges of misappropriating union funds. Though he was released in August due to a presidential pardon, in October he was sentenced to five more months in prison for failing to pay a required fine.

Counterterrorism and Extremism
Kazakhstan repatriated 524 citizens—mostly women and children—who were detained in northern Syria as Islamic State (ISIS) suspects or relatives. Following a visit to Kazakhstan in May, the UN special rapporteur on human rights and counterterrorism praised the repatriations while emphasizing that deradicalization and reintegration programs for returnees, as well as trials for those accused of crimes, must comply with human rights. The special rapporteur also said Kazakhstan should amend overbroad laws on terrorism and extremism that target civil society or religious groups.

In August, a court sentenced eight men who participated in an online religious discussion group to five to eight years in prison for “propaganda of terrorism” and “inciting hatred,” despite a reported lack of evidence that any of them promoted or had links to violent extremism.

Domestic Violence
Kazakhstan has no criminal statute against domestic violence, which remains widespread and under-reported. Services for survivors are inadequate and do not meet international standards. Police routinely fail to register complaints, adequately respond to domestic violence cases, and inform survivors of their rights to protection orders. In its fifth periodic review of Kazakhstan in October, the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concerns about decriminalization of domestic violence and urged Kazakhstan to “restore full criminal responsibility” for these crimes.
**Sexual Orientation and Gender Identity**

In March, the UN Committee on Economic, Social and Cultural Rights expressed concern that Kazakhstan’s constitution and laws do not explicitly prohibit discrimination on the basis of gender identity or sexual orientation, and called on Kazakhstan to adopt anti-discrimination legislation.

In May, a court backed the Almaty city Justice Ministry in its repeated decisions to deny registration to Feminita, a group that focuses on the rights of lesbian, bisexual, and queer women. That decision was upheld by an appeals court in September.

In a positive move, Kazakhstan’s Supreme Court ruled in July that a man who filmed a lesbian couple kissing and distributed that video online had violated their privacy.

**Disability Rights**

Despite government promises, progress on inclusive education remained slow, with very low rates of enrollment of children with disabilities in mainstream public schools. Schools often deny children enrollment based on the results of a problematic mandatory medical-educational exam. Many schools fail to provide reasonable accommodations and support to children with disabilities who do attend. Many children with disabilities are isolated in segregated special schools or education at home. Over 2,000 children with disabilities live in closed state institutions, where they may face violence, neglect, physical restraint, and over-medication. Kazakhstan has no time-bound plan to close these institutions.

**Torture**

In several cases, police officers and prison officials were convicted and sentenced to prison on charges of torture. However, of 119 reports of torture registered by law enforcement agencies in the first half of 2019, only 13 had been sent to court. In August, seven prison officials were arrested after videos leaked showing officers torturing inmates in the prison of Zarechnoe. President Tokaev ordered the general prosecutor to conduct a “detailed investigation,” but human rights activists expressed concern in October after more than half of the plaintiffs withdrew their accusations against prison officers.

**Asylum Seekers and Refugees**

In October, two ethnic Kazakh citizens of China were detained after crossing the border between the two countries in eastern Kazakhstan. They said they were fleeing repressive measures—including arbitrary detentions and torture—by the Chinese authorities in Xinjiang. They are being held in pretrial detention in a remote city in eastern Kazakhstan, according to their lawyer.

**Key International Actors**

In March, the European Parliament adopted a resolution calling on Kazakhstan to end its broad violations of human rights, including the rights to freedom of expression, assembly, and religion. It also called for the freeing of unjustly imprisoned activists, including Max Bokaev. European Council President Donald Tusk said in a visit in May that he had spoken with Tokaev about reforms, including the improvement of rule of law and fundamental rights.

Following election irregularities reported by the OSCE monitoring mission, the United States called on Kazakhstan to respect citizens’ human rights and “immediately release all those detained for taking part in peaceful protests regarding the election.” The European Union similarly called on Kazakhstan’s new government to address shortcomings observed during the vote. The EU separately criticized Kazakhstan for its failure to adopt amendments to the Trade Union Law, noting that its enhanced Partnership and Cooperation Agreement “includes commitments to effectively implement the ILO fundamental Conventions.”

During the EU-Kazakhstan Human Rights Dialogue in November, the EU raised concerns about the ability of article 174 of Kazakhstan’s Criminal Code—which outlaws national, interethnic, or religious incitement—to stifle freedom of expression. It also encouraged Kazakhstan’s government to foster peaceful assembly and review existing legislation on trade unions.
Kenya

Lack of accountability for serious human rights violations by security forces, including extrajudicial killings and enforced disappearances, remain a major concern in Kenya, despite promises by President Uhuru Kenyatta to address key issues, including those that have in the past undermined Kenya’s ability to hold peaceful elections. Kenyan authorities failed to investigate security forces abuses, including extrajudicial killings and enforced disappearances, and hold those responsible to account.

While senior government officials, including President Kenyatta, publicly promised to respect freedom of expression and media, the working environment for bloggers, journalists, and activists remains hostile as police threatened journalists and bloggers, and arrested and detained journalists and activists.

In Lamu, Kenyan security forces harassed and detained activists expressing rights concerns relating to the government’s massive infrastructure development projects, accusing some as terrorists. Kenyan authorities also continued abusive evictions of people from the Maasai Mau forest.

In January, armed gunmen attacked DusitD2, a hotel west of downtown Nairobi, killing at least 24 people. Al-Shabab, the Islamist armed group based in neighboring Somalia, claimed responsibility for the attack.

Lack of Accountability for Serious Crimes

Despite documentation and investigations into the violence during the 2017/2018 elections, in which more than 100 were killed, the government has yet to bring charges against any security officers. A government inquest into the killings of nine-month-old baby Samantha Pendo in Kisumu and nine-year-old Stephanie Moraa in Nairobi found at least five senior police commanders and other government officials responsible for the abuses, but authorities had yet to hold anyone to account for the killings and other violations in the election period.

There was also no progress in investigating or holding anyone to account for the violence around the 2007/2008 elections in which 1,100 people were killed.

In 2015, President Kenyatta announced plans to establish a restorative Ksh10 billion fund (approximately US$100 million) for victims of rights abuses, including of the 2007/2008 post-election violence, but did not set up the fund until April and had yet to make any payouts at time of writing.

Kenya has yet to surrender three persons wanted by the International Criminal Court (ICC) on allegations of witness tampering in cases relating to the 2007/2008 election violence. Other ICC cases against Kenyatta, Deputy President William Ruto, and a former broadcaster Joshua arap Sang, collapsed amid witness tampering allegations and state non-cooperation.

Authorities have not investigated most of the reported extrajudicial killings in Nairobi’s informal settlements. In 2018, the Independent Policing Oversight Authority (IPOA), a civilian police accountability institution, told media it was investigating 243 killings by police, but the institution appears overwhelmed by the sheer volume of the cases and undermined by the lack of cooperation police. The institution secured convictions against just three officers since it started working in 2012, media reported.

Abuses by Security Forces

In July 2019, Human Rights Watch found that police in Kenya killed no fewer than 21 men and boys in Nairobi’s informal settlements, apparently with no justification, claiming they were criminals. Rights activists in those neighborhoods believe that, based on the cases they know about and those reported in the media, police have unlawfully killed many more in the past year. In October 2018, the Daily Nation reported that police killed at least 101 people in Nairobi and more than 180 people across Kenya in a nine-month period.

In February, Kenyan activist, Caroline Mwatha Ochieng, who worked alongside others in Nairobi to document police killings in informal settlements, died under unclear circumstances that police say are not linked to her work, as claimed by activists.

In November, a video circulated on social media showing police beating a student protester on a Nairobi university campus, prompting wide public condemnation of excessive use of force by police.
In December 2018, Human Rights Watch issued a report documenting a pattern of harassment, intimidation and other abuses of at least 35 environmental activists in Lamu over the past five years. Security forces in Lamu have broken up protests, restricted public meetings and threatened, arrested and prosecuted activists on various charges, including terrorism.

The activists were protesting potential environmental and health concerns related to projects associated with the Lamu Port-South Sudan-Ethiopia Transport corridor (LAPSSET) project. LAPSSET the largest infrastructure project planned in East Africa includes a port in Lamu, three international airports, a road and railway network, resort cities and a coal-fired power plant.

Abuses During Land Evictions

Authorities have carried out serious abuses while evicting communities from the Maasai Mau forest, who authorities say encroached forest land. Ongoing since 2014, the evictions were especially abusive in July and December 2018, when security officials beat people, torched homes and destroyed crops, leaving thousands stranded in the cold. Human Rights Watch found at least nine people, including two babies, died during the eviction and at least four people are still missing.

Authorities have not investigated these abuses, and in August announced plans to commence a second round of evictions of another group of people still living in the forest. Kenyan and international guidelines on evictions require authorities to issue adequate eviction notice, and compensate or resettle the evictees. Evictees and communities still residing in the Mau forest have challenged the legality of the 2018 evictions and seek to stop the second round of evictions.

Freedom of Expression and Media

The Media Council of Kenya reported that between May 2017 and April 2018, there were at least 94 incidents of abuses against journalists and bloggers in Kenya, the highest in a decade. In a number of those cases, police and, in some cases individuals linked to politicians, threatened and attacked activists and journalists on duty. Authorities failed to investigate or hold anyone to account for physical attacks, harassment, and intimidation against journalists.

Police disrupted and banned protests, arresting and detaining activists, contrary to constitutional guarantees to the right to protest or picket. On July 19, police tear-gassed and detained at least three activists who were protesting in Nairobi for peace in South Sudan. The three were later released without charge. On July 21, police arrested 12 human rights activists for holding a public meeting to discuss issues affecting a community school in Nairobi’s Mathare neighborhood. They were later released without charge.

In March, government published a new bill, the Public Order (Amendment) Bill, 2019, seeking to amend an existing law to make organizers of public meetings or protests responsible for loss of property or life and to provide compensation to those affected by the protests. If adopted, the new law would restrict free assembly and expression, contrary to the constitution, which guarantees these rights.

Authorities tried to introduce administrative measures that restrict freedom expression and media. In May, Kenya Film Classification Board, a state regulatory agency, published new strict regulations and harsher sanctions relating to both filming and exhibition of films. The regulations were however withdrawn following a public outcry.

Sexual Orientation and Gender Identity

In May, the High Court upheld sections of the penal code that punish consensual same-sex relations with up to 14 years in prison. Three Kenya lesbian, gay, bisexual, and transgender (LGBT) activist groups have appealed the decision.

The Court of Appeal upheld two rulings that affirmed the rights of LGBT people, one pertaining to the right to freedom of association, and another allowing a transgender woman to change her name and remove the gender marker from her school-leaving certificate.

LGBT refugees and asylum seekers from neighboring countries faced attacks both in Kakuma refugee camp and in Nairobi neighborhoods. In June, police forcibly returned a group of LGBT asylum seekers from Nairobi to Kakuma, despite admissions from UNHCR that it could not ensure their safety in the camp. In response to advocacy from intersex activists, Kenya in August became the first country in Africa to include an intersex category in its census.
**Kosovo**

The European Union-sponsored normalization dialogue between Pristina and Belgrade stalled in November 2018 after Serbia blocked Kosovo from joining Interpol. In response, Kosovo imposed 100 percent import duties on all goods from Serbia and Bosnia and Herzegovina.

Progress towards accountability for serious war crimes committed during the 1998-1999 Kosovo war was slow. Prime Minister Ramush Haradinaj, who served as a commander in the Kosovo Liberation Army during the war, resigned in July following a summons for questioning by the special war crimes prosecutor in The Hague; Vetevendosje, the previous opposition party, won snap elections in October. Journalists faced threats and intimidation, and prosecutions of crimes against journalists are slow. Tensions between Serbs and Kosovo Albanians continued, particularly in the north. Roma, Ashkali, and Balkan Egyptian communities continued to face discrimination.

**Accountability for War Crimes**

The Hague-based Specialist Chambers and Prosecutor’s Office trying serious war crimes committed during the 1998-1999 summoned three suspects during the year for questioning but had issued no indictments at time of writing. In July, the Hague Prosecutor’s Office summoned Kosovo Prime Minister Ramush Haradinaj for questioning, prompting his resignation. Former senior Kosovo Liberation Army (KLA) fighters are expected to be indicted and stand trial.

In July, the Basic Court in Pristina remanded Goran Stanisic, a former member of the Yugoslav reserve forces, into custody for his alleged participation in forced displacement, robbery, intimidation, and involvement in the killing of dozens of civilian Albanians in Slovinje village in central Kosovo during an attack by Serbian forces in April 1999.

Also in July, the court in Prizren convicted former KLA unit commander Remzi Shala to 14 years in prison for the 1998 kidnapping of an ethnic Albanian who was later found dead.

In April, the Court of Appeals in Pristina upheld the six-and-a-half years prison sentence of former policeman Zoran Vukotic for torturing ethnic Albanian prison-
ers in the Mitrovica area, in northern Kosovo in May 1999. The court ordered his retrial for attacking fleeing civilians during the same time period.

In June, Kosovo’s Special Prosecution Office charged Zoran Djokic, member of an organized criminal group of Serbs wearing military, paramilitary and police uniforms, with the killing of 33 Kosovo Albanians in Peja village in April 1999. The Human Rights Review Panel, an independent body set up in 2009 to review allegations of human rights violations by staff of the now-concluded European Rule of Law Mission (EULEX), ruled in 13 cases between January and September. Twenty-four cases were pending before the panel at time of writing. Since its existence, the panel has registered 200 cases.

**Accountability of International Institutions**

The United Nations failed during the year to apologize and pay individual compensation to lead poison victims forced to live in camps run by the UN Interim Administration Mission in Kosovo (UNMIK) in northern Kosovo after the 1998-1999 war, as recommended by the Human Rights Advisory Panel (HRAP), an independent body set up in 2006 to examine complaints of abuses by UNMIK. Victims are displaced members of the Roma, Ashkali and Balkan Egyptian communities. By time of writing, one state had made a modest contribution to a voluntary trust fund established by UN Secretary-General Antonio Guterres in 2017 to benefit these communities (not specifically those affected by lead poisoning).

**Treatment of Minorities**

Roma, Ashkali, and Balkan Egyptians continued to have difficulties acquiring personal documents, affecting their ability to access health care, social assistance and education. No concrete progress was reported towards integration of the Roma, Ashkali, and Balkan Egyptian communities.

Inter-ethnic tensions continued during 2019 particularly in Kosovo’s divided north. In July, Kosovo’s Prosecutor’s Office indicted former minister of local government administration Ivan Todosijevic of inciting and spreading hate, division and intolerance between nations, racial and ethnic communities. The indictment followed a statement three months earlier by Todosijevic in which he, in his position as minister, said that Kosovo Albanians fabricated claims of crimes against them during the 1998-1999 war while committing crimes against Serbs. He was subsequently fired by then-Prime Minister Haradinaj. The police investigation into the January 2018 murder of Kosovo-Serb politician Oliver Ivanovic was broadened in May to include two new, unnamed suspects. In October, police arrested two suspects, including an ethnic Serb police officer. Two other suspects have been in custody since November 2018. Ivanovic was shot dead by unknown assailants outside his office in Mitrovica, northern Kosovo.

Kosovo police registered seven cases of incitement of religious, ethnic and racial hatred between January and August without providing more disaggregated data or information on other bias crimes.

**Women’s Rights**

Despite some positive developments, domestic violence remained a problem in Kosovo with inadequate police response, few prosecutions and continued failure by judges to issue restraining orders against abusive partners.

In April, authorities launched a national unified database enabling monitoring and prosecution of domestic violence cases to ensure accountability by requiring relevant institutions to update the database with necessary information from central and local levels. The Constitutional Court ruled in February that the Kosovo Assembly could amend the Constitution to recognize the Council of Europe Convention on Preventing and Combating Violence and Domestic Violence (also known as the Istanbul Convention).

The 2018 application process for wartime survivors of sexual violence to be granted legal status as war victims and to seek financial compensation from authorities had limited reach. By June, around 800 survivors of sexual violence had applied, of which 145 had been approved and 102 rejected, and the remaining pending at time of writing. Approved victims receive 230 euros per month and may be eligible for health benefits for illnesses linked to violence suffered during the war. Women survivors are not automatically entitled to free primary or secondary health care, or free psychosocial assistance, unlike other civilian war victims.
Asylum Seekers and Displaced Persons

During the first ten months of the year, the United National High Commissioner for Refugees registered 115 voluntary returns of members of ethnic minorities to Kosovo, down from 153 during the same period in 2018.

The Kosovo Ministry of Internal Affairs registered 800 forced returns, mostly from Germany, to Kosovo between January and August. The Ministry of Internal Affairs reported that ethnic data was missing. Among those forcibly returned to Kosovo 189 were children. Returnees were provided limited assistance upon return.

Sexual Orientation and Gender Identity

Online hate speech against lesbian, gay, bisexual, and transgender (LGBT) rights activists remained a problem. Cel Kosovo, an LGBTI organization, registered 18 cases of threats and discrimination against members of the LGBT community, of which six were investigated by police at time of writing. Cel stated that LGBT activists had received more than 150 online death threats during the year. All were reported to police, but no cases were prosecuted. In April, a new criminal code entered into force, strengthening the protection for members of the LGBT community by adding to the definition of a “hate act” a crime committed against a person, group of persons, property or affinity with persons on grounds including sexual orientation and gender identity.

Freedom of Media

Threats and attacks against journalists continued while investigations and prosecutions were slow. Threats on social media platforms remained a widespread problem. Between January and September, the Association of Journalists of Kosovo registered 11 cases of threats and violence against journalists and media outlets, including four physical attacks and seven threats. Police were investigating four of the reported cases at time of writing.

In August, the ruling PDK (Democratic Party of Kosovo) issued a statement calling an online news outlet, Gazeta Express, “fake news,” encouraging citizens to be doubtful of its reporting. The Association of Journalists of Kosovo had reported in May that PDK head Kadri Velesi put pressure on the editor-in-chief of Gazeta Express. Police were investigating at time of writing.

TV BESA reporter Gramos Zurnaxhio was attacked and received death threats in July while he was covering the demolition of a building complex in Prizren. The assailants were reportedly company workers and police were investigating at time of writing.

Key International Actors

European Council President Donald Tusk in April urged Kosovo authorities to improve relations with Serbia to ensure progress towards future EU membership but failed to stress human rights concerns with authorities.

In March, the UN special rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes reiterated his call on the UN to pay compensation to Roma families affected by lead poisoning in the UNMIK-run camp.

In June 2019, the special rapporteur addressed letters to the leaders of several organizations in the United Nations system, reiterating the need for the UN system as a whole to contribute to mobilizing the necessary resources to provide the victims their right to an effective remedy.

In May, the European Commission called for strengthening of rule of law institutions, noting that the judiciary remains vulnerable to political influence. The commission also noted that more financial resources and better coordination is needed to implement human rights frameworks. In November 2018, the European Parliament adopted a resolution calling on the UN “to swiftly deliver the necessary support to the victims."
Kuwait

Kuwaiti authorities continue to use provisions in the constitution, the national security law, and other legislation to restrict free speech, prosecute dissidents, and stifle political dissent.

Despite recent reforms, migrant workers do not have adequate legal protections, and remain vulnerable to abuse, forced labor, and deportation for minor infractions.

The Bidun, a community of stateless people who claim Kuwaiti nationality, continue to remain in legal limbo while the government addresses this longstanding issue largely through abuse and coercion.

Kuwait continues to allow Human Rights Watch access to the country, unlike many of its Gulf neighbors, and engaged in dialogue with the organization on a range of human rights issues during a 2019 visit by Human Rights Watch.

Migrant Workers

Two-thirds of Kuwait’s population is comprised of migrant workers, who remain vulnerable to abuse despite recent reforms. In January 2018, the Philippines Department of Labor and Employment (DOLE) issued a temporary ban on Filipinos seeking to migrate to Kuwait for work, pending an investigation into the deaths of seven domestic workers in the country. In May 2018, both countries agreed on additional legal protections for Filipino workers in Kuwait, including the right for workers to retain their passport. Since then, local media reported at least one case, in May 2019, where an employer allegedly sexually assaulted and beat a Filipina domestic migrant worker to death.

In 2015, the National Assembly passed a law granting domestic workers the right to one day off per week, 30 days paid leave per year, a maximum 12-hour working day with rest, and an end-of-service benefit of one month’s wage for every year worked at the end of the contract, among other rights. In 2016 and 2017, the Interior Ministry passed implementing regulations for the law, and mandated that employers must pay overtime compensation and established a minimum wage of KD60 (approximately US$197) for domestic workers. However, protections for domestic workers are still weaker than those in Kuwait’s labor law. The domestic worker law fails to set out enforcement mechanisms and lacks mechanisms to sanction employers who confiscate passports or fail to provide adequate housing, food, and medical expenses, work breaks, or weekly rest days.

Human Rights Watch found that migrant domestic workers are still subject to abuse and exploitation including excessively long working hours without rest or days off, forced confinement to the house, delayed or unpaid salaries, and physical and sexual abuse. Many domestic workers have not been able to claim their rights under the new law, in part because of the kafala system under which they cannot leave or change employers without their employer’s consent. If they flee their employer, they can be arrested for “absconding.”

Freedom of Expression

Kuwaiti authorities have invoked several provisions in the constitution, penal code, Printing and Publication Law, Misuse of Telephone Communications and Bugging Devices Law, Public Gatherings Law, and National Unity Law to prosecute journalists, politicians, and activists for criticizing the emir, the government, religion, and rulers of neighboring countries in blogs or on Twitter, Facebook, or other social media platforms.

In July 2018, Kuwait’s Court of Cassation convicted 16 people and sentenced them to two to three-and-a-half years in prison with labor over storming parliament and calling for the country’s prime minister to resign during a 2011 protest. On October 23, authorities arrested one of the convicts, Fahad Al Khannah, a former lawmaker, after he returned to Kuwait from Turkey. On November 5, he was released from detention with an Amiri pardon.

The Cybercrime Law, which went into effect in 2016, includes far-reaching restrictions on internet-based speech and activism, such as prison sentences, and fines for insulting religion, religious figures, and the emir. Human rights defenders, such as Abdulhakim Al-Fadhli, Hamed Jameel, Khalifa Al-Anezi, Karima Karam, Anwar Al-Roqi, and Aisha Al-Rasheed have been targeted with this law for their peaceful activities on the internet, especially those supporting Bidun rights.
In May 2018, Kuwaiti authorities arrested and extrajudicially deported to Saudi Arabia dual Qatari-Saudi national Nawaf al-Rasheed, a poet and university student who lives in Qatar, on unclear grounds, ostensibly “under bilateral mutual security arrangements.”

**Women’s Rights, Sexual Orientation, and Gender Identity**

Kuwaiti personal status law, which applies to Sunni Muslims who make up the majority of Kuwaitis, discriminates against women. For example, some women require a male guardian to conclude their marriage contracts; women must apply to the courts for a divorce on limited grounds, unlike men who can unilaterally divorce their wives; and women can lose custody of their children if they remarry someone outside the former husband’s family. Men can marry up to four wives, without the permission or knowledge of the other wife or wives. A man can prohibit his wife from working if it is deemed to negatively affect the family interests. The rules that apply to Shia Muslims also discriminate against women.

Kuwait has no laws on domestic violence and does not explicitly criminalize marital rape. A 2015 law creating family courts in each governorate set up a national center to “combat domestic violence,” but requires the center to prioritize reconciliation over protection for domestic violence survivors. A draft domestic violence bill remained pending in parliament.

Article 12 of the 1979 Public Gatherings Law bars non-Kuwaitis from participating in public gatherings. In July, Kuwait’s State Security agency arrested at least 14 activists from the Bidun community after they organized a peaceful sit-in at Al-Hurriya Square in al-Jahra town, near Kuwait City, in response to the death of Ayed Hamad Moudath. Moudath, 20, died by suicide on July 7 after the government reportedly denied him civil documentation. More than a dozen jailed activists began a hunger strike on August 22 to protest violations against themselves and the Bidun community.

**Terrorism and Security**

In July, Kuwaiti authorities unlawfully returned eight Egyptian dissidents despite the serious risk of torture and persecution they face in Egypt, claiming Egyptian authorities sought them for crimes they allegedly committed in Egypt as members of the Muslim Brotherhood.
to arbitrary arrests, degrading treatment, and torture while in police custody. Even cisgender people have been arrested under the law as the law fails to define what “imitating” the opposite sex means.

**Key International Actors**

Kuwait joined the Saudi-led coalition that began attacking Houthi forces in Yemen on March 26, 2015, with media reporting that Kuwait had deployed 15 aircraft. Kuwait has not responded to Human Rights Watch inquiries regarding what role, if any, it has played in unlawful attacks in Yemen.

**Kyrgyzstan**

Long-term human rights concerns persisted in Kyrgyzstan in 2019. A court upheld a life sentence for rights defender Azimjon Askarov in July, despite international calls for his release and changes to Kyrgyzstan’s criminal code. While freedom of assembly was largely respected, use of overly broad and vague definitions of criminal acts such as “incitement” or “extremism” remained the norm.

A political standoff between President Sooronbai Jeenbekov and former President Almazbek Atambaev heated up in August when a raid to arrest Atambaev turned violent, killing one person and injuring 45, including journalists. In the wake of these events, the government seized Atambaev’s assets, including office space and equipment belonging to the television station Aprel.

Despite the criminalization of domestic violence in January, measures to protect women remained inadequate and inconsistent. On March 14, President Jeenbekov signed a bill ratifying the Convention on the Rights of Persons with Disabilities (CRPD).

**Access to Justice**

Despite international calls for the release of rights defender Azimjon Askarov, a regional court upheld his life sentence in July. Askarov’s lawyers have appealed his case, which they brought in light of changes to Kyrgyzstan’s criminal code, to the Supreme Court. Members of civil society who have visited the 68-year-old Askarov say he has several health problems and no access to a doctor outside the prison where he’s being held. In October, Askarov wrote an open letter complaining about prison conditions, including arbitrary use of solitary confinement and limitations of family visits. In a separate case, Askarov was named in a lawsuit for failing to pay “moral compensation” to the victims of his alleged crimes.

Victims continue to wait for justice nine years after June 2010 interethnic violence, which left hundreds killed and thousands of homes destroyed. Ethnic Uzbeks were disproportionately affected.
Civil Society

Civil society groups faced some ongoing pressure. In May, a meeting of the Coalition Against Torture—an alliance of 17 organizations—was broken up by men with cameras who identified themselves as a patriotic youth movement. In March, the Deputy Minister of the State Committee for National Security (GKNB) urged parliament to draft a law imposing greater restrictions on civil society, suggesting that Kyrgyzstan should have more control over international financing of nongovernmental organizations (NGOs). The GKNB later backed away from these comments. Chris Rickleton, an Agence-France Presse journalist, and Mihrar Rittman, Human Rights Watch Central Asia Senior Researcher, remain banned from working in Kyrgyzstan.

In 2018, two reports by human rights organizations—including one about the 2010 interethnic violence—were included on a list of “extremist” material and banned by court order. The court also prohibited ADC Memorial, a Brussels-based organization and co-author of one of the reports, from operating in Kyrgyzstan. After the Supreme Court reversed that decision, a lower court returned the case to the prosecutor’s office in January 2019. The reports are no longer banned in Kyrgyzstan.

Freedom of Expression

On August 7, special forces attempted to detain former President Almazbek Atambaev, who had resisted multiple prior summons by police, at his home outside Bishkek. Government forces engaged in a lengthy standoff with armed supporters of Atambaev, and only succeeded in arresting him on August 8. One commander was killed in the violence and at least 45 people were injured, including several journalists. Harlem Desir, the Organization for Security and Cooperation in Europe’s (OSCE) representative for freedom of the media, expressed concerns about injured journalists, stating that “the safety of journalists who cover political events must be respected by all actors.”

Aprel—a television station controlled by Atambaev—was taken off the air during the raid on August 7. When Atambaev was arrested and charged with inciting unrest, conspiracy to murder, and kidnapping among other crimes, the court ruled to freeze his assets, including Aprel’s office space and equipment. On August 9, special forces forced employees to exit the Aprel office, leaving their equipment behind. In September, Aprel announced that it would continue broadcasting on social media platforms using donated equipment. OSCE Representative Desir, speaking of Aprel, said “media diversity should preserved even in difficult situations.”

Kyrgyzstan media experts said defamation lawsuits continue to be a tool for politicians seeking to silence media outlets. Reporters without Borders noted little progress on reforming defamation legislation, leaving the door open to future lawsuits.

Statutes containing overly broad definitions of acts such as “incitement” continued to be used selectively against those who peacefully protested or expressed their political opinions. In March, a couple who held up posters condemning Russian President Vladimir Putin outside the Russian Embassy in Bishkek were detained and accused of “inciting national enmity,” though charges were dropped in July. Similarly, a teacher was charged with “inciting interethnic discord” for anti-Russian comments on Facebook, but was acquitted in May.

Labor Rights

In October, Kyrgyzstan’s parliament approved in a second reading amendments to a trade union law that would severely restrict independent union organizing. The amendments would grant the Federation of Trade Unions a monopoly over all federal-level union activity, and would force smaller unions to affiliate with the Federation, giving it a veto over their charters and other activities. The International Labour Organization and IndustriALL Global Union criticized the proposed law, which they said would restrict freedom of association and the right to organize. A third and final reading had not been scheduled at time of writing.

Terrorism and Counterterrorism

In January 2019, amendments to the criminal code made it no longer a crime to possess materials such as videos and pamphlets that the authorities classified as “extremist,” unless they were for a purpose such as dissemination. Suspects who were previously convicted solely for possessing extremist materials were able to seek judicial review of their cases. Government officials told Human
ganizing a March 8th parade for women’s rights and equality said officials threatened to suspend the march if LGBT groups took part. Ultimately the march went forward, but organizers were threatened by the nationalist group Kyrk Choro (40 Warriors), who held a counter-protest. The event also provoked anti-LGBT rhetoric in parliament, where one member said LGBT people should be “not just cursed, but beaten.” Other events hosted by LGBT groups have been targeted by nationalist groups who threaten and film participants without consent.

**Key International Actors**

In July, the European Union and Kyrgyzstan finalized the negotiations of an Enhanced Partnership and Cooperation Agreement that would foresee greater collaboration on political, security, and trade issues. EU High Representative Frederica Mogherini said she discussed the case of Azimjon Askarov, as well as broader judicial independence, with Kyrgyz leaders. In January, the European Parliament adopted a resolution to “express dissatisfaction” with Askarov’s ongoing sentence and “request his immediate release,” and pressed Kyrgyzstan to foster “a favorable environment for... the independent media” and to thoroughly investigate the 2010 interethnic violence. In their human rights dialogue with Kyrgyz representatives in May, EU officials stressed positive developments in media freedom but articulated concerns with regards to officials’ comments about limiting NGO funding.

In response to the events surrounding the arrest of former President Atambaev, the head of the OSCE’s parliamentary assembly urged Kyrgyz authorities to “exercise restraint” and to “continue strengthening democratic institutions and the rule of law” ahead of parliamentary elections in 2020.

A UN Working Group on Enforced or Involuntary Disappearances delegation praised Kyrgyzstan for making enforced disappearances a crime, as well as new mechanisms to notify relatives of those disappeared. The group also noted that issues remained, particularly with regards to investigating 17 cases of disappearances from the June 2010 interethnic violence.

**Violence Against Women and Girls**

Kyrgyzstan adopted a strengthened Family Violence Law in 2017 and criminalized domestic violence in January 2019. However, authorities are not consistently enforcing protective measures for women and girls, including both the Family Violence Law and a 2016 law to curb child and forced marriage. Crucially, the government has not yet appointed a body overseeing implementation of domestic violence prevention measures, as required by law.

In December 2018, a man was sentenced to 20 years in prison for kidnapping Burulai Turdaaly Kyzy and stabbing her to death in a police station, a case that sparked national outrage. In April, three police officers charged were sentenced on charges of negligence and fined in connection to the case.

**Torture**

Torture by law enforcement officials continues, impunity for which is the norm. According to government statistics sent to the anti-torture group Voice of Freedom, 171 allegations of torture were registered in the first half of 2019, though only one case had so far been sent to court. According to international and local groups, changes to Kyrgyzstan’s criminal code in 2019 helped to strengthen protection against torture and increase punishments for perpetrators.

**Sexual Orientation and Gender Identity**

Lesbian, gay, bisexual, and transgender (LGBT) people continue to face ill-treatment, extortion, and discrimination by state and non-state actors. Activists or-
Lebanon

The rights situation in Lebanon deteriorated in 2019, culminating in widespread anti-government protests that began on October 17. Security forces at times used excessive and unnecessary force against protesters and on several occasions failed to stop attacks on demonstrators.

Lebanese authorities have prosecuted individuals for peaceful speech, and security agencies interrogating these individuals have in some cases subjected them to abuse and detained them pretrial. Accountability for torture remains elusive, despite the passage of an anti-torture law.

Women still face discrimination under 15 separate religion-based personal status laws and both child marriage and marital rape remain legal. Unlike men, women cannot pass their citizenship to their children and foreign spouses.

Although Lebanon passed a law banning the open burning of waste, the practice is still widespread, endangering the health of residents.

There are approximately 1.5 million Syrian refugees in Lebanon; 73 percent lack legal status. Authorities forcibly deported over 2,500 refugees.

**Freedom of Assembly and Freedom of Expression**

Anti-government protests began on October 17 prompted by the announcement of new taxes. The protests quickly devolved into anger against the entire political establishment, whom protesters blame for corruption and the country’s dire economic situation. Prime Minister Said Hariri resigned on October 29 in response to the mass protests.

On October 18, security forces fired tear gas and rubber bullets at thousands of largely peaceful protesters in downtown Beirut. Security forces on several occasions failed to stop attacks on peaceful demonstrators and occasionally used excessive force to disperse protesters and clear roadblocks by beating protesters with batons and rifle butts.

In 2019, authorities continued to detain and charge individuals for speech critical of government officials, especially in relation to corruption allegations, and religious institutions. Lawyers also used defamation laws to file complaints...
against individuals and publications expressing concern about the country’s economic situation.

Security agencies, including the Internal Security Forces’ cybercrimes bureau, have summoned activists for interrogation over peaceful speech, in some cases subjecting them to abuse, violating their privacy, detaining them pretrial, and compelling them to sign commitments to cease their criticisms.

Defaming or criticizing the Lebanese president or army is a criminal offense carrying penalties of up to two and three years in prison, respectively. The Lebanese penal code criminalizes libel and defamation, authorizing imprisonment of up to three months, and up to one year in the case of public officials.

**Ill-Treatment and Torture**

Despite parliament passing an anti-torture law in 2017, torture by security forces persists, judicial authorities continue to ignore the law’s provisions, and accountability for torture remains elusive.

Judicial authorities failed to investigate torture allegations by Hassan al-Dika, arrested on drug-related charges, against members of the Internal Security Forces (ISF) prior to his death in custody on May 11.

Ziad Itani, a prominent actor falsely accused of spying for Israel, alleged that State Security officers tortured him in 2017. Despite his filing a lawsuit against his alleged torturers in November 2018, the judiciary has taken no substantive action on his case.

On March 7, Lebanon’s Council of Ministers appointed the five members of the national preventative mechanism to monitor and investigate the use of torture, but it has still not allocated funding for the mechanism.

**Military Courts**

Lebanon continues to try civilians, including children, in military courts, in violation of their due process rights and international law.

On March 7, military courts sentenced two journalists to three months’ imprisonment in absentia for allegedly insulting a security agency on Facebook. On appeal in April, the military court declared a lack of jurisdiction and referred the case back to the military prosecutor.

**Women’s Rights**

Women, who have played a leading role in the protests that began on October 17, continue to face discrimination under 15 distinct religion-based personal status laws. Discrimination includes inequality in access to divorce, child custody, and inheritance and property rights. Unlike men, Lebanese women also cannot pass on their nationality to foreign husbands and children.

Lebanon has no minimum age for marriage, and some religious courts allow girls younger than 15 to marry. Parliament failed to take up draft bills that would set the age of marriage at 18.

In 2017, Lebanon’s parliament repealed article 522, which had allowed rapists to escape prosecution by marrying the victim, but left a loophole with regard to offences relating to sex with children aged 15-17 and sex with virgin girls with promises of marriage.

A 2014 Law on the Protection of Women and Family from Domestic Violence established important protection measures and introduced policing and court reforms but failed to criminalize all forms of domestic violence, including marital rape.

**Sexual Orientation and Gender Identity**

Article 534 of the penal code punishes “any sexual intercourse contrary to the order of nature” with up to one year in prison. In March, the top military prosecutor acquitted four military personnel accused of sodomy and ruled that homosexuality is not a crime. This follows a district court of appeals’ similar groundbreaking ruling in July 2018, and four judgments from lower courts declining to convict gay and transgender people under article 534 since 2007.

General Security banned entry to at least six individuals after they participated in a gender and sexuality conference in September 2018, which it attempted to shut down.
Transgender women in Lebanon face systemic violence and discrimination in accessing basic services, including employment, health care, and housing.

**Migrant Workers**

An estimated 250,000 migrant domestic workers, primarily from Sri Lanka, Ethiopia, the Philippines, Nepal, and Bangladesh, are excluded from labor law protections.

The *kafala* (sponsorship) system subjects them to restrictive immigration rules under which they cannot leave or change employers without permission of their employer, placing them at risk of exploitation and abuse.

Civil society organizations documented frequent complaints of non-payment or delayed payment of wages, forced confinement, refusal to provide time off, and verbal and physical abuse. Migrant domestic workers seeking accountability for abuse face legal obstacles and inadequate investigations.

On May 5, migrant domestic workers organized a protest in Beirut demanding better working conditions and the abolishment of the *kafala* system.

A former minister of labor created a committee to reform Lebanon’s labor law and “break” the *kafala* system, but no reforms have been announced yet.

**Refugees**

Nearly 1 million Syrian refugees are registered with the United Nations High Commissioner for Refugees (UNHCR) in Lebanon. The government estimates the true number of Syrians in the country to be 1.5 million.

Lebanon’s residency policy makes it difficult for Syrians to maintain legal status, heightening risks of exploitation and abuse and restricting refugees’ access to work, education, and healthcare. Seventy-three percent of Syrians in Lebanon now lack legal residency and risk detention for unlawful presence in the country.

The Higher Defense Council took several decisions that increased pressure on Syrian refugees in Lebanon, including the deportation of Syrians who enter Lebanon illegally, the demolition of refugee shelters, and a crackdown on Syrians working without authorization. On August 26, General Security said it deported 2,731 Syrians since May 21, placing them at risk of arbitrary detention and...
torture. These coercive measures come amid xenophobic rhetoric from leading politicians calling for the return of Syrian refugees.

General Security estimates that over 170,000 Syrians returned to their country from Lebanon between December 2017 and March 2019. Syrians said they are returning because of harsh policies and deteriorating conditions in Lebanon, not because they think Syria is safe.

According to the Lebanese Palestinian Dialogue Committee, there are approximately 174,000 Palestinian refugees living in Lebanon, where they continue to face restrictions, including on their right to work and own property. In addition, approximately 30,000 Palestinians from Syria have sought refuge in Lebanon.

**Education**

More than 300,000 school-age Syrian children were out of school during the 2017-2018 school year, largely due to parents’ inability to pay for transport, child labor, school directors imposing arbitrary enrollment requirements, and lack of language support. As of mid-October 2019, Syrian students had not begun afternoon shifts at public schools. The Education Ministry blamed a shortfall in donor funding.

Children with disabilities are often denied admission to schools and for those who manage to enroll, most schools do not take reasonable steps to provide them with a quality education.

Although Lebanon has banned corporal punishment in schools, the ban is often disregarded, largely due to a lack of accountability for abusers.

**Environment and Health**

Despite the passage of a solid waste management law in 2018 banning the open burning of waste, municipalities still engage in the practice, posing health risks to residents, especially children and older persons. Open burning is more common in poor areas of the country.

On August 27, the cabinet endorsed the Environment Ministry’s roadmap to create 25 sanitary landfills and three waste incinerators. However, the cabinet did
not agree on how to tackle Beirut’s looming trash crisis as both major landfills reach capacity.

**Legacy of Past Conflicts and Wars**
An estimated 17,000 Lebanese were kidnapped or “disappeared” during the 1975-1990 civil war. On November 12, 2018, parliament passed a landmark law creating an independent national commission to investigate the fate of the disappeared.
On August 29, the Justice Ministry nominated 10 individuals to serve on the committee. Their nominations must be approved by Cabinet.

**Key International Actors**
Syria, Iran, and Saudi Arabia maintain a strong influence on Lebanese politics through local allies.
Tensions between Hezbollah and Israel increased following the crash of two Israeli drones in Beirut’s southern suburbs on August 25.
The international community has given Lebanon extensive, albeit insufficient, support to help it cope with the Syrian refugee crisis and to bolster security amid spillover violence.
Lebanese armed forces and police receive assistance from a range of international donors, including the United States, European Union, United Kingdom, France, and Saudi Arabia.

**Libya**
Governance in Libya remained divided between two feuding entities: the internationally recognized and Tripoli-based Government of National Accord (GNA); and their rivals in eastern Libya, the Interim Government, which is supported by the Libyan House of Representatives (HOR) and by the armed group known as the Libyan National Army (LNA).
Intermittent armed conflicts in most parts of the country since the end of the 2011 revolution that ousted Moammar Gaddafi have displaced more than 300,000 civilians.
Armed groups based in the west of the country and linked with the GNA fought off attempts by Gen. Khalifa Hiftar, the LNA commander, and his allies in the west, to capture the capital Tripoli, beginning in April and continuing at time of writing. The violence, which included attacks on civilian homes and infrastructure, killed more than 200 civilians as of early November.
Armed groups, some of them affiliated with the GNA or the Interim Government, carried out extrajudicial executions and abducted, tortured, and disappeared people.
Migrants and asylum seekers continued to go to Libya, including many hoping to reach Europe. While in Libya, they faced arbitrary and abusive detention by the GNA Interior Ministry and abusive conditions in facilities controlled by smuggler and traffickers.

**Political Transition and Constitution**
Clashes among armed groups in western Libya in January, Hiftar’s assault on Tripoli in April, and intermittent fighting in the south deepened the political impasse and derailed the United Nations-brokered political process. Talks between the main conflict parties, Khalifa Hiftar, and Fayez Serraj, GNA prime minister, collapsed when Hiftar launched his offensive on Tripoli on April 4.
The High National Elections Commission was unable to organize a referendum on the draft constitution planned for January 2019 due to the prevailing insecurity, failure by the GNA to allocate funds to hold it, and the need for the House of
Representatives to modify the referendum law. At time of writing, no new date had been agreed on.

**Armed Conflict and War Crimes**

The UN Security Council established in Resolution 1970 (2011) individual targeted sanctions and an open-ended arms embargo on the supply of arms and military equipment to and from Libya. As of September, the UN said it had begun investigating over 40 cases of violations of the arms embargo. Ghassan Salame, head of the UN mission in Libya, said on September 25 that the country has become “possibly the largest drone war theatre in the world,” with drones being deployed a total of 900 times by various parties to the conflict.

General Hiftar launched his attack to conquer Tripoli on April 4, supported by LNA units and armed groups, including the al-Kani militia from Tarhouna, his main ally in the west, against the GNA and affiliated armed groups from western Libya. As of November, the fighting, which is concentrated in the southern suburbs of Tripoli, had killed over 200 civilians, injured over 300, and displaced over 120,000. According to the United Nations Children’s Fund, as of June, 21 schools were being used as shelters for displaced persons in and around Tripoli. The violence had led to the suspension of school for 122,088 children.

In July, an airstrike by the LNA on Tajoura Migrant Detention Centre east of Tripoli, resulted in the deaths of at least 44 migrants and more than 130 injured after two missiles landed in a hangar filled with detainees. The LNA initially claimed it had been targeting a weapons depot belonging to a Tripoli-based militia within the same compound as the migrant prison, but later denied involvement. Since the start of the fighting, the GNA failed to evacuate detention centers under its authority that are in proximity to the front lines and allegedly in proximity to where weapons were stocked, including Tajoura.

In August, the Red Crescent Society of Tarhouna transferred to Tripoli and Misrata the bodies of 12 detainees, including civilians and fighters, who had been held by the LNA-affiliated Kani militia from Tarhouna for an undisclosed period of time. According to the GNA Health Ministry, the bodies bore signs of torture and possible execution, and as of September, not all had been identified.

The LNA, or forces that support them, conducted air strikes in October that resulted in civilian casualties that appeared to be unlawful. On October 6, the LNA struck an equestrian club in Tripoli, injuring six children and killing several horses. The UN’s investigation found there were no military assets or military infrastructure at the site. On October 14, an LNA airstrike apparently targeting a military compound killed three girls and wounded their mother and another sister in their home. According to the United Nations Children Fund (UNICEF), the fighting killed seven children within a span of two weeks in October.

As of July, the World Health Organization reported a total of 37 attacks on medical facilities during the Tripoli clashes, which killed 11 health workers and injured 33 health workers and patients.

The LNA struck Mitiga airport, currently the only functioning airport in Tripoli, on multiple occasions since the beginning of the war, claiming the airport was being used by the GNA-linked groups to import weapons. On September 1, an LNA aerial attack on Mitiga resulted in the injury of two crew members of a commercial airline. As of November, Mitiga was still closed and all flights were diverted to Misrata airport, 200 kilometers to the east.

In eastern Libya, the LNA in February took control of Derna, a city it had besieged for three years purportedly to drive out militants who were controlling the city. Residents reported that LNA-linked groups arbitrary detained and ill-treated residents and deliberately damaged homes, including by arson. According to local authorities who fled Derna after the LNA takeover, hundreds of Derna residents remained displaced, fearing reprisals if they returned.

On July 17, a member of the House of Representatives, Seham Sergewa, was abducted from her home in the eastern city of Benghazi and disappeared. Relatives and Benghazi residents with knowledge of the incident blamed an armed group with links to the LNA. Her husband was shot and injured during the incident and the family home looted and torched, according to relatives. Sergewa had publicly opposed the military assault by the LNA on the capital. At time of writing, there was no information on her whereabouts.

Three UN staff members were killed and two more injured on August 10, after a car exploded next to their convoy in Benghazi. As of November, the perpetrators remained unidentified.
In the south, clashes between LNA and a GNA-affiliated armed group known as the South Protection Force centered in Murzuq escalated in August, killing more than 100 people. On August 4 alone, more than 40 people were killed, including civilians, and more than 50 injured after the LNA reportedly conducted several airstrikes on a residential area in Murzuq. The LNA is trying to expel GNA-affiliates to expand its control in the south.

While the extremist group Islamic State (ISIS) no longer controls territory in Libya, its fighters carried out attacks in the eastern city of Derna and the southern city of Sebha, mostly against LNA fighters.

In September, the United States military said it conducted airstrikes on four different days within 10 days against ISIS targets in southern Libya, killing a total of 43 alleged militants. These strikes, the first conducted by the US military in 2019, were carried out by drones. The US said no civilians were killed in the strikes; this information could not be independently verified.

**Judicial System and Detainees**

Civilian and military courts operated at reduced capacity or not at all in some parts of the country due to the insecurity and attacks by armed groups against judges, prosecutors, and lawyers. Prison authorities, often only nominally under the authority of one or the other of the rival governments, continued to hold thousands of detainees in long-term arbitrary detention without charges. Prisons in Libya are marked by overcrowding, bad living conditions, ill-treatment and lack of specialized services for women detained with their children.

Dozens of women and children, most of them foreign, remained held without charge in two prisons in Tripoli and Misrata and a facility for orphaned children run by the Red Crescent in Misrata. Authorities are holding them because they were family members of ISIS suspects. Thirty-seven Tunisian children, including six orphans, were among those held since December 2016. Prospects for their release remained dim because of the reluctance of their governments to repatriate them.

In June and July respectively, the GNA Justice Ministry released on health grounds two former Gaddafi prime ministers who a Tripoli criminal court had sentenced to death in 2015 in a flawed trial, Abuzeid Dorda and al-Baghdadi al-Mahmoudi.

**International Criminal Court**

Saif al-Islam Gaddafi, a son of Muammar Gaddafi, who was sentenced to death in absentia by a Libyan court in 2015, continued to be subject to an ICC arrest warrant for his alleged role in attacks on civilians, including peaceful demonstrators, during the country’s 2011 uprising. At time of writing, his whereabouts remained unknown.

Two other Libyans continued to be subject to ICC arrest warrants: Al-Tuhamy Khaled, former head of the Internal Security Agency under Moammar Gaddafi, for war crimes and crimes against humanity committed in Libya between February and August 2011, and LNA commander Mahmoud El-Werfalli for the war crime of murder related to several incidents in and around Benghazi between June 2016 and January 2018.

**Death Penalty**

The death penalty is stipulated in over 30 articles in Libya’s penal code, including for acts of speech and association. No death sentences have been carried out since 2010, although both military and civilian courts continued to pronounce them.

**Internally Displaced Persons**

The International Organization for Migration (IOM) estimated that 301,407 people were internally displaced in Libya as of July, almost all due to the security breakdown. The largest groups of IDPs were from Tripoli and the southern city of Sebha, and from Benghazi, where General Hiftar started a military campaign in 2014 purportedly to root out terrorism.

The displaced include most of the 48,000 former residents of the Libyan town of Tawergha, who in 2011 fled armed groups predominantly from Misrata who accused them of having committed serious crimes in a bid to support Gaddafi against those seeking his ouster. Tawerghans have not been able to return home despite reconciliation agreements with Misrata forces. Massive and deliberate
inhumane conditions including beatings, sexual violence, extortion, forced labor, and inadequate medical treatment, food and water. The Department for Combating Illegal Migration (DCIM), under the GNA Interior Ministry, manages the formal migrant detention centers, while smugglers and traffickers run informal ones.

According to the IOM, there were 655,144 migrants in Libya, including 85,891 in urban areas in Tripoli, as of October 31. That month, the IOM estimated that the 26 official detention centers in Libya were holding a total of 4,754 people.

The European Union has continued to provide training, equipment, and funds to Libyan coast guard forces to intercept boats both in Libyan coastal waters and international waters, and to return migrants and asylum seekers to Libyan territory where they are detained in inhuman and degrading conditions. The EU’s aiding and abetting of Libyan coast guard forces appears motivated, in part, to reduce arrivals in Europe and to avoid triggering EU nonrefoulement obligations by outsourcing interdiction to Libyan coast guard forces.

**Key International Actors**

The United Arab Emirates, Egypt, Russia, and France played key roles in supporting the LNA and Turkey in supporting the GNA. Turkey reportedly supplied the GNA with armed drones that it used to strike LNA positions and armored vehicles. Egypt reportedly supplied the LNA with military equipment, and the United Arab Emirates (UAE) reportedly supported the LNA with armed drones that were used to strike positions of GNA-allied groups in Tripoli and Misrata. France gave political support to General Hiftar, and according to news reports Russia increased its support of Hiftar by providing hundreds of fighters, including snipers, through a Kremlin-linked private group.

The UN Security Council in June renewed the arms embargo on Libya. According to a confidential report of the UN Panel of Experts on Libya delivered to Security Council members on October 29 and leaked to the press, in 2019, the United Arab Emirates, Jordan, and Turkey “routinely and sometimes blatantly supplied weapons with little effort to disguise the source.” According to news reports, Jordan provided training to LNA fighters; the UAE allegedly used attack aircraft on behalf of the LNA; and Turkey allegedly supplied the GNA forces with military ma-
Malaysia continued to make slow progress in 2019 in some areas of the governing Pakatan Harapan’s reform agenda, such as lowering the voting age, strengthening parliamentary independence, and abolishing restrictions on protest marches. However, the government backed away from other commitments, including by withdrawing from the Rome Statute of the International Criminal Court (ICC) in April 2019, barely a month after filing its accession; retreating from a commitment to completely abolish the death penalty; and failing to carry out commitments to abolish or reform a range of abusive laws.

Freedom of Expression

The government has yet to fulfill its promise to abolish the much-abused sedition act. The law continues to be used, particularly against those voicing criticism of Malaysia’s royalty. Some of those speaking critically about race and religion have also faced criminal investigations, including member of parliament Charles Santiago, who was one of five individuals called in for questioning in September after controversial Islamic preacher Zakir Naik filed a criminal defamation complaint against them. Santiago was questioned for criticizing Naik’s claim that Malaysian Indians were more loyal to India's prime minister than to that of Malaysia. In March, Allister Cogia was sentenced to more than 10 years in prison for social media comments deemed insulting to Islam.

In October 2019, the lower house of parliament once again voted to repeal the Anti-Fake News Law passed during the waning months of the prior administration. Malaysia’s Senate stymied efforts to repeal the law in 2018. Government promises to amend the Communications and Multimedia Act and the Official Secrets Act remain unfulfilled.

Criminal Justice System

In October 2018, the government announced its intention to abolish the death penalty and impose a moratorium on executions. In March, however, it announced that it would maintain the death penalty but would merely end the mandatory application of the punishment. Malaysia currently permits the death penalty for various crimes and makes the sentence mandatory for 11 offenses.
The government has yet to introduce legislation to abolish even the mandatory death penalty.

Malaysia continues to detain individuals without trial under restrictive laws. Twelve people, including two Democratic Action Party lawmakers, were detained under the Security Offenses (Special Measures) Act in October on allegations of supporting the now-defunct Liberation Tigers of Tamil Eelam (LTTE).

SOSMA allows for preventive detention of up to 28 days with no judicial review for a broadly defined range of “security offenses.” Both the 1959 Prevention of Crime Act and the 2015 Prevention of Terrorism Act give government-appointed boards the authority to impose detention without trial for up to two years, renewable indefinitely, to order electronic monitoring, and to impose other significant restrictions on freedom of movement and association. No judicial review is permitted for these measures. The new government has committed to “abolish draconian provisions” in these laws, but has yet to do so.

Pakatan Harapan had also pledged to repeal the 2016 National Security Council Act, which gives broad emergency-like powers to a federal agency under the Prime Minister’s Department. Instead of repealing it, the government introduced amendments via a bill that was submitted for first reading in April 2019, some of which increased the council’s powers instead of curtailing them. The amendments had yet to pass at time of writing.

**Police Abuse and Impunity**

Police abuse of suspects in custody continues to be a serious problem, as does a lack of accountability for such offenses. The standard of care for those indent Police Complaints of Misconduct Commission. While tabling the bill is a positive step forward towards police accountability, some of the bill’s provisions raise concern about the independence and authority of the proposed commission.

**Refugees, Asylum Seekers, and Trafficking Victims**

Malaysia has not yet fulfilled its commitment to ratify the 1951 Refugee Convention. Over 150,000 refugees and asylum seekers, most of whom come from Myanmar, are registered with the United Nations High Commission for Refugees (UNHCR) in Malaysia. Asylum seekers arrested by authorities are treated as “illegals” and locked up in overcrowded and unsanitary immigration detention centers. The new government committed to improve the situation for refugees and asylum seekers, but they have no legal status and remain unable to work, travel, or enrol in government schools.

Malaysia deported asylum seekers from Egypt, Thailand, and Turkey in 2019, violating customary international law.

In January, the government announced the formation of a Royal Commission of Inquiry (RCI) to investigate mass graves found in remote jungle camps on the Thai-Malaysian border in 2015. The RCI held hearings in May and June, but had not issued a public report at time of writing. To date, no Malaysians have been held responsible for their role in the deaths of over 100 ethnic Rohingya trafficking victims whose bodies were found in the camps. The 12 police officers initially charged in the case were released in March 2017.

**Freedom of Assembly and Association**

In March, the police called in for questioning at least nine organizers and speakers of the Women’s March held in observance of International Women’s Day after a public backlash against the visible presence of lesbian, gay, bisexual, and transgender (LGBT) activists and their allies in the march. The organizers were investigated for sedition and violation of the Public Peaceful Assembly Act, but ultimately no charges were filed against them.

In July, parliament passed amendments to the Peaceful Assembly Act, reducing the notice period from 10 to 7 days and removing the restriction on protests in which participants march from one place to another. However, the law still permits criminal prosecution of those organizing or participating in peaceful assemblies. While the amended law authorizes the police to impose a non-criminal financial penalty rather than formally prosecuting a violator, exercise of that option would require the public prosecutor’s written consent.

**Freedom of Religion**

Malaysia restricts the rights of followers of any branches of Islam other than Sunni, with those following Shia or other branches subject to arrest for deviancy. In September, the Selangor Islamic Religious Department (JAIS) instructed
mosques in the state to deliver a sermon describing Shia Muslim beliefs and practices as “deviant,” “heinous,” “nonsense,” and “nauseating.” On September 6, JAIS arrested 23 Shia, including children, for practicing their religion, while another eight Shia were arrested at a private event in Johor on September 9. In August, the High Court dismissed a challenge by Sisters in Islam, a civil society group working to promote the rights of Muslim women, to a fatwa issued against it in 2014. The broadly worded fatwa declares that Sisters in Islam and “any individuals, organizations and institutions holding on to liberalism and religious pluralism” are deviant from Islamic teachings.

**Sexual Orientation and Gender Identity**

Discrimination against LGBT people remains pervasive in Malaysia. Federal law punishes “carnal knowledge against the order of nature” with up to 20 years in prison and mandatory whipping. Numerous state Sharia laws prohibit both same-sex relations and non-normative gender expression, resulting in frequent arrests of transgender people. Government officials, including Prime Minister Mahathir Mohamad, have made statements expressing lack of support for the LGBT community. In June 2019, Mahathir said that the discussion of LGBT rights was being promoted by “Western countries” and was “unsuitable” for Malaysia. Three transgender women were killed between November 2018 and January 2019. No one has been convicted in any of the killings. Eight men have been charged in the brutal beating of a transgender woman in Negeri Sembilan in August 2018. The victim suffered broken ribs, a ruptured spleen, and head injuries. The case remained pending at time of writing.

In March 2019, the minister for religious affairs, Mujahid Yusof Rawa, called the participation of LGBT people at a march for International Women’s Day an “abuse of democratic space.” The backlash against participants was vocal and severe, with some reporting harassment on social media, including threats of violence.

In August 2019, Malaysian authorities censored gay scenes from the Elton John biopic, “Rocketman,” sparking condemnation by art critics.

**Child Marriage**

Malaysia permits child marriage under both civil and Islamic law. Girls age 16 and older can marry with permission of their state’s chief minister. For Muslims, most state Islamic laws set a minimum age of 16 for girls and 18 for boys, but permit marriages below those ages, with no apparent minimum, with the permission of a Sharia court. While the government announced in August that it has put in place stricter guidelines for the granting of permission for children to marry, it has not ended the practice.

**Key International Actors**

The Malaysian government has continued to speak out strongly about Myanmar’s mistreatment of the Rohingya Muslims. The government has been unwilling, however, to openly criticize China’s treatment of Uighurs and other Turkic Muslims in Xinjiang, with Prime Minister Mahathir saying that doing so “would not achieve anything.” China is Malaysia’s largest trading partner, and Mahathir has said he is committed to strengthening ties between the two countries. Malaysia showed it is willing to buck Association of Southeast Asian Nations (ASEAN) norms in November when it permitted Sam Rainsy, exiled Cambodian opposition leader, to visit Kuala Lumpur despite strenuous objections from Phnom Penh.
Maldives

Although the Maldives took some steps in 2019 to address longstanding human rights concerns, in November the government shut down the most prominent human rights organization in the country in response to complaints from religious leaders that it had insulted Islam. Extremist groups continued to pose a threat to human rights defenders and activists whom they accused of being “too secular,” and to exert influence over the police courts, and other government institutions.

In its 2018 electoral victory, the Maldives Democratic Party (MDP) ousted the abusive authoritarian government of President Abdulla Yameen. Ibrahim Mohamed Solih took office as president and vowed to implement an ambitious reform agenda that included strengthening judicial independence, restoring fundamental rights, and investigating abuses that had taken place under the Yameen administration. His party won a majority in April 2019 parliamentary elections, enhancing the government’s capacity to undertake human rights reforms.

Attacks on Human Rights Defenders

The Maldivian Democracy Network (MDN), a leading human rights organization, and its staff faced threats for a 2015 report on radicalization, published during the previous Yameen government, which Islamist groups claimed included language insulting Islam. Although MDN issued an apology for causing unintended offense and removed the report from its website, Islamist groups issued threats on social media against MDN staff and other rights groups and activists. The government detained two men for making death threats against the MDN founder, Shahindha Ismail. On November 5, the government yielded to pressure from Islamist groups and political opposition figures, including former president Yameen, and ordered the dissolution of MDN.

Accountability for Past Abuses

In November 2018, the Solih government established the Commission on Deaths and Disappearances to investigate past attacks on activists and journalists. Cases included the 2014 abduction of Ahmed Rilwan, who had criticized Islamist gangs and exposed government corruption, and Yameen Rasheed, a blogger and activist who was stabbed to death in April 2017. In January, the commission chair, former Attorney General Husnu Al Suood, stated that extremist Islamist gangs had influence over police and criminal courts, and colluded to protect perpetrators and “fix” the outcome of trials.

On September 1, the commission issued a draft report accusing a local extremist group with ties to Al-Qaeda of Rilwan’s murder. On November 17, the commission reported that local extremists had also murdered a former MP, Dr. Afrasheem Ali, in 2012. In both cases, the commission implicated police and politicians in shielding the perpetrators from prosecution. The trial of six suspects accused of killing Yameen Rasheed was delayed repeatedly.

In a separate case, the commission recommended charges against prison officials over the death of a prisoner who had not received needed medical care in November 2016.

Torture, Mistreatment, and Prison Conditions

In April, a government-established prison audit commission issued a report detailing corruption, systemic abuse and mistreatment throughout detention facilities in the Maldives. The commissioner of prisons, Abdulla Munaz, declared a Malé prison annex used for older and sick inmates “unfit for humans” after an inspection, and closed it. The home minister established a committee to oversee prison reform, reduce overcrowding, and implement the audit commission’s recommendations.

In June, prison guards beat and pepper-sprayed inmates at Maafushi Prison after a prisoner attacked an off-duty guard. Prisoners alleged that wounded inmates were left without medical care for extended periods. Home Minister Imran Abdulla acknowledged that guards had used what he termed “excessive force” and vowed to end torture in prisons.

A video showing police officers beating an unarmed man went viral on social media in July, prompting the police commissioner to suspend the officers involved and promise an investigation, saying the “culture of police brutality needs to go.” The Human Rights Commission of the Maldives (HRCM) also launched an investigation.
Freedom of Expression and Human Rights Defenders

Gangs that endorse a violent Islamist ideology, including some linked to prominent politicians, continued to threaten human rights defenders, journalists, and civil society groups. The targets included individuals who promoted freedom of expression and religion, published material deemed offensive to Islam, or backed the rights of lesbian, gay, bisexual, and transgender (LGBT) people. Human rights activists reported that they were targeted by online outlets Vaguthu Online, Siru Arts, and Murtad Watch (“Apostate Watch”), and threatened with violence.

On January 23, unidentified assailants vandalized Mandhu College after its chairman, Ibrahim Ismail, criticized clerics who had voiced support for a magistrate who had sentenced a woman to stoning. Islamist groups also accused Ismail of blasphemy and threatened him on social media.

On September 11, police arrested a man who had received death threats online and charged him with insulting Islam. The Maldives penal code criminalizes “criticism of Islam in a public medium.” Police investigated the threats but made no arrests.

After the September 2018 elections, parliament repealed the Anti-Defamation and Freedom of Expression Act, which the previous government had used to levy heavy fines against media that published content critical of the president.

Women’s Rights

In a historic vote on September 3, the parliament confirmed former judges Dr. Azimiralda Zahir and Aisha Shujune Mohamed as the first female justices of the Maldives Supreme Court. Some clerics had opposed the appointments. Women are severely underrepresented in the Maldives’ judiciary, parliament, and local governing bodies. The Judicial Service Commission launched an investigation into sexual harassment in courts after a string of recent complaints against members of the judiciary.

On January 7, 2019, a magistrate in Nalifuri, an island in northern Maldives, sentenced a 25-year-old woman to death by stoning on charges of adultery. The Maldives Supreme Court overturned the verdict the following day, prompting extremists to denounce the ruling and threaten human rights activists who had criticized the stoning verdict.

Gender-based violence is endemic in the Maldives. Maldivian women routinely face harassment in public, most of which goes unreported. On March 8, International Women’s Day, activists organized an “Occupy Reyandu” (“Occupy the Night”) gathering in Male and two southern cities to highlight the need for safe public spaces. Another protest, “Occupy SaiHotaa,” focused on women’s harassment-free access to restaurants.

Sexual Orientation and Gender Identity

The Maldivian penal code criminalizes adult, consensual same-sex sexual conduct; punishment can include imprisonment of up to eight years and 100 lashes, although this is not often applied. Extremist groups in the Maldives have used social media to harass and threaten those who promote the rights of LGBT people.

Key International Actors

During a visit in June, the United Nations special rapporteur for cultural rights, Karima Bennoune, urged the government to “grab the chance offered by a moment of reform” to combat extremism and ensure the rights of all to take part in cultural life without discrimination. UN Special Rapporteur on Torture Nils Melzer conducted his first official visit to the Maldives in November.

The Maldives’ major donors and allies welcomed President Solih’s pledges to implement democratic reforms and restore fundamental rights. The European Union, which had threatened sanctions against members of the Yameen administration in 2018, congratulated the Maldives on its return to “the path of democracy.” The European Union also provided assistance to the Maldives to strengthen judicial reform and address climate change.

Indian Prime Minister Narendra Modi made a state visit to the Maldives in June, during which he and President Solih signed a range of trade and development agreements, including a memorandum on information-sharing between the Indian navy and the Maldives.
Mali

Mali’s human rights situation deteriorated in 2019 as hundreds of civilians were killed in numerous incidents by ethnic self-defense groups, most for their perceived support of Islamist groups, and attacks by armed Islamists intensified in northern and central parts of the country. These groups, allied to Al-Qaeda and the Islamic State, targeted Malian security services, peacekeepers, international forces, and increasingly, civilians. Malian security forces subjected numerous suspects to severe mistreatment and several died in custody or were forcibly disappeared.

The worsening security situation in the country provoked a political crisis and led to delays in the constitutional review process and parliamentary elections. The peace process envisioned to end the 2012-2013 crisis in the north made scant progress, including on disarmament and the restoration of state authority.

Over 85,000 civilians fled their homes as a result of violence in 2019. Humanitarian agencies were attacked, largely by bandits, undermining their ability to deliver aid. Rampant banditry continued to undermine livelihoods, and protests against the government over corruption continued.

Little progress was made toward providing justice for victims of abuses, and rule-of-law institutions remained weak. A new justice minister improved detention conditions and pledged to prioritize the fight against impunity. The military justice system made some progress in investigating dozens of past extrajudicial killings by their forces.

Atrocities against civilians and the deteriorating security situation in the Sahel, garnered significant attention from Mali’s international partners, notably the United Nations, France, Germany, the European Union, and the United States. These actors regularly denounced atrocities through public statements but were inconsistent in their calls for accountability.

Communal Violence

During 2019, at least 400 civilians were killed in incidents of communal violence in central and northern Mali. The violence pitted ethnically aligned self-defense
groups against mainly ethnic Peuhl or Fulani communities accused of supporting Islamist armed groups.

The most lethal attacks in central Mali were perpetrated by Dogon militiamen including the worst single atrocity in Mali’s recent history as at least 150 civilians were massacred on March 23 in Ogossagou village; a January 1 attack on Koulogon village killed 37 civilians, and June attacks in Bologo and Saran villages left over 20 dead. After the Ogossagou massacre, the government pledged but failed to disarm and dissolve the implicated militia. Peuhl militiamen were implicated in the June 9 massacre of 35 Dogon civilians in Sobane-da village.

Scores of farmers, herders and traders were killed by different ethnic militias in reprisal killings as they tended their fields or animals and went to market, provoking widespread displacement and a hunger crisis.

**Abuses by Islamist Armed Groups**

Attacks by armed Islamists allied to Al-Qaeda, and to a lesser extent the Islamist State affiliate in the Sahel, killed over 150 civilians, as well as scores of government forces and at least 16 United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) peacekeepers, including the January 20 attack on the Aguelhok UN base that killed 11 Chadian peacekeepers.

Armed Islamists massacred numerous civilians, including in Menaka region and at least 38 in Yoro and Gangafani II villages near the Burkina Faso border. In several instances, they removed men from public transportation vehicles and killed them, including around the towns of Sévaré and Bandiagara.

Over 50 civilians were killed by improvised explosive devices planted on roadways, especially in central Mali. On September 3, an explosion killed 14 bus passengers near Dallah, and a June attack near Yoro killed 11. Armed Islamists planted explosives in the bodies of security force members, and in February a civilian’s body, which exploded during his burial, killing 17.

Armed Islamists continued to threaten, and sometimes kill local leaders deemed government collaborators and beat those engaged in cultural practices they had forbidden. They also imposed their version of Sharia (Islamic law) via courts that did not adhere to fair trial standards.

**Abuses by State Security Forces**

Since late 2018, numerous men detained by the security forces during counterrorism operations were subjected to enforced disappearance, five were allegedly executed or died in custody, and dozens more were subjected to severe mistreatment in detention. Numerous men accused of terrorism-related offenses were detained by the national intelligence agency in unauthorized detention facilities and without respect for due process.

Military investigations into the alleged extrajudicial killing of almost 50 suspects in Diooura, Boulikessi and Nantaka in 2018 progressed but at time of writing no soldier had been prosecuted.

Progress in the professionalization of the security forces was evident in the increased presence of military police responsible for ensuring discipline during military operations and increased patrols to protect civilians.

**Children’s Rights**

Over 150 children were killed during communal violence, by explosive devices or in crossfire. The UN Children’s Fund (UNICEF) reported 99 cases of recruitment and use of children by armed groups in the first six months of 2019, more than double those reported the previous year. Over 900 schools remained closed and 270,000 children were denied the right to education because of insecurity and displacement.

**Judicial and Human Rights Legal Framework**

The Malian judiciary remained plagued by neglect and mismanagement, and many posts in northern and central Mali were abandoned due to insecurity. Hundreds of detainees were held in extended pretrial detention due to the courts’ inability to adequately process cases.

Justice Minister Malick Coulibaly, appointed in May, took concrete steps to improve prison conditions and vowed to improve access to justice and make progress on atrocity cases.
In July, the parliament passed a law of “national understanding,” which civil society groups contended could lead to impunity for some serious human rights violations.

The mandate of the Specialized Judicial Unit against Terrorism and Transnational Organized Crime (Specialized Judicial Unit), created by law in 2013, was in July expanded to include international human rights crimes.

In October, the government extended for one year the state of emergency, first declared in 2015. The state of emergency gives security services additional authority and restricts public gatherings.

**Accountability for Abuses**

There was scant progress on delivering justice for atrocities committed since 2012-2013, however several investigations were opened by local courts and the Specialized Judicial Unit, including into the Ogossagou massacre. Local groups said the government was reluctant to question or charge militia leaders credibly implicated in massacres, favoring short-term reconciliation efforts envisioned to mitigate communal tension.

In contrast, the Specialized Unit was actively investigating over 200 terrorism-related cases and in 2018, completed 10 trials.

**Human Rights and Truth and Reconciliation Mechanisms**

The National Commission for Human Rights (CNDH) investigated some abuses, issued several communiques, visited detention centers, and set up a program to provide legal support to the indigent.

The Truth, Justice and Reconciliation Commission, established in 2014 to investigate crimes and root causes of violence since 1960, has taken over 14,000 victim and witness statements, but its credibility was weakened by the inclusion of armed group members and exclusion of victims’ representatives. Public hearings were scheduled to begin in December.

**Key International Actors**

France and the US led on military matters, the EU on training and security sector reform, and the UN on rule of law and political stability.

The G5 Sahel multinational counterterrorism military force, created in 2017, comprising forces from Mali, Mauritania, Burkina Faso, Niger, and Chad, did not become fully operational as a result of insufficient financial support and equipment.

In September, the Economic Community of West African States (ECOWAS), pledged US$1 billion to help support G5 Sahel and national militaries in countering terrorism from 2020-2024.

Operation Barkhane, the 4,500-member French regional counterterrorism force, conducted numerous operations in Mali. The EU Training Mission in Mali (EUTM) and EU Capacity Building Mission (EUCAP), continued to train and advise Mali’s security forces.

In August, the UN Security Council renewed for one year the mandate of the Mali Sanctions Committee Panel of Experts and imposed an asset freeze and travel ban against those individuals and entities who obstruct the 2015 peace accord and commit human rights abuses. In July, the Council put five men—two businessmen, two armed Islamists, and a parliamentarian—on the sanction list.

MINUSMA meaningfully supported the government, including in atrocity investigations, and community reconciliation efforts, and increased patrolling. However, its robust civilian protection mandate was challenged due to persistent attacks against peacekeepers and lack of equipment.

The International Commission of Inquiry, established in 2018 by the UN secretary-general as provided by the 2015 peace accord, investigated serious violations of international human rights and humanitarian law between 2012 and January 2018.

In June, the UN Security Council renewed and strengthened MINUSMA’s mandate by including the deteriorating security situation in Mali’s center as a second strategic priority.

The 13,000-strong force was also tasked with increasing efforts to protect civilians and support efforts to bring perpetrators to justice.
Former Defense Minister Mohamed Ould Ghazouani won presidential elections in June, succeeding two-term incumbent Mohamed Ould Abdel Aziz. Abdel Aziz, who came to power in 2008 following a coup, did not run in 2019. In an effort to crush protests over the first-round victory by Ghazouani, whom Abdel Aziz backed, authorities detained without charge pro-opposition leaders and arrested dozens of opposition activists, releasing most but sentencing others to prison terms. Authorities also suspended mobile and fixed-line internet service the day after the elections for 10 days.

Authorities used laws on criminal defamation, the spread of “false information,” and blasphemy to prosecute and jail human rights defenders, activists, bloggers, and political dissidents.

Slavery has not been eliminated despite multiple laws banning it and specialized courts to prosecute those who subject people to slavery.

Freedom of Expression

Prosecutors use repressive legislation that includes criminal defamation and broad definitions of terrorism and “inciting racial hatred” to censor and prosecute critics for nonviolent speech. An anti-discrimination law adopted in 2017 states in Article 10, “Whoever encourages an incendiary discourse against the official rite of the Islamic Republic of Mauritania shall be punished by one to five years in prison.”

On February 1, authorities dropped charges and released activist Abdallahi Salem Ould Yali, jailed in January 2018 on charges of incitement to violence and racial hatred under the penal code, counterterrorism law, and cybercrime law. Yali was arrested for WhatsApp messages in which he called on Haratines, the ethnic group to which he belongs, to resist discrimination and demand their rights.

Authorities on March 22 arrested two bloggers, Abderrahmane Weddady and Cheikh Ould Jiddou, for Facebook posts criticizing corruption and accused them of knowingly spreading false information about Mauritanian funds allegedly frozen in the United Arab Emirates. The two are known to criticize Mauritania’s
Malta

Freedom of Movement

Mauritanian authorities in October granted a passport to Mohamedou Ould Slahi, three years after he returned to his native Mauritania, after he spent more than 14 years in arbitrary detention in Jordan, Afghanistan, and the US-run Guantanamo detention center. Mohamedou says he requires medical care related to his long detention that is unavailable in Mauritania.

Political Opposition

In the aftermath of the June 22, 2019 presidential election and ensuing protests, some of which resulted in clashes with security forces, Mauritanian authorities temporarily detained pro-opposition public figures and dozens of opposition activists who denounced the official results as fraudulent.

The Interior Ministry announced on June 25 that security forces had arrested 100 protesters. Authorities have released some of them but others remain held on charges such as taking part in unauthorized demonstrations, damaging public property, and disturbing the peace. Courts sentenced at least 13 of the protesters to six months in prison. In November, authorities released all remaining people held in conjunction with election protests.

Authorities arrested Samba Thiam, an opposition political activist working with an opposition candidate and founder of the unrecognized political party Progressive Forces for Change, on June 25, three days after the presidential election. They released him without charge on July 3. Thiam said authorities required him to sign a pledge to cease activities and speech “promoting violence and extreme views,” both of which he denied doing.
Authorities on June 26 also arrested journalist Seidi Moussa Camara, who writes critically of authorities, but released him without charge on July 3. Camara is an ally of the anti-slavery group Initiative for the Resurgence of the Abolitionist Movement (IRA), whose leader, Biram Dah Abeid, came in second in the election.

On July 3, security agents arrested journalist Ahmedou Ould Wedia from Mauritania’s Al-Mourabitoun television channel. He was questioned by a prosecutor and released without charge on July 15. Wedia is reportedly close to the opposition party Tawassoul, whose candidate came in third in the elections.

**Slavery**

Mauritania abolished slavery in 1981, the world’s last country to do so, and criminalized it in 2007. The Global Slavery Index, which measures forced labour and forced marriage, estimates that there are 90,000 living in “modern slavery” in Mauritania, or 2.4 percent of the population. Three special courts that prosecute slavery-related crimes have tried a handful of cases since their creation under a 2015 law. According to the 2019 US State Department Trafficking in Persons Report, Mauritania investigated four cases, prosecuted one alleged trafficker, but did not convict any. Nine appeals cases remained pending at the anti-slavery court.

**Death Penalty**

Mauritania’s laws impose the death penalty for a range of offenses, including, under certain conditions, blasphemy, adultery, and homosexuality. A de facto moratorium remains in effect on capital punishment and on corporal punishments that are inspired by Islamic Sharia law and found in the penal code.

**Women’s Rights**

The 2017 law on reproductive health recognizes it as a right, even as Mauritania maintained its ban on abortion. The country’s general code on children’s protection criminalizes female genital mutilation (FGM); however, according to the United Nations it is still prevalent, particularly in rural communities.

Mauritanian law does not adequately define the crime of rape and other forms of sexual assault, although a draft law on gender-based violence, which contains more specific definitions, was pending before parliament. The criminalization of consensual adult sexual relations outside marriage likely deters girls and women from reporting assaults, because they can find themselves charged if the judiciary views the sexual act in question as consensual.

Mauritania’s laws on divorce, child custody, and inheritance discriminate against women.

**Sexual Orientation**

Article 308 prohibits homosexual conduct between Muslim adults and punishes it with death for males. There were no publicly known cases of persons in detention for homosexuality and no one was sentenced to death in 2019 for homosexual conduct.

**Key International Actors**

Mauritania is a member of the G5 Sahel, an alliance of five countries headquartered in Nouakchott that cooperate on security, including counterterrorism. As of January 1, 2019, Mauritania lost trade preference benefits from the US under the African Growth and Opportunity Act (AGOA) as “Mauritania has made insufficient progress toward combating forced labor, in particular the scourge of hereditary slavery... [and] continues to restrict the ability of civil society to work freely to address anti-slavery issues.”

On October 17, 2019, the UN General Assembly confirmed Mauritania’s bid to join as a member the UN Human Rights Council for 2020-2022.
Mexico

Human rights violations committed by security forces—including torture, enforced disappearances, and abuses against migrants—have continued under the administration of President Andrés Manuel López Obrador, who took office in December 2018. Impunity remains the norm. President López Obrador created the National Guard, made up largely of military personnel, and ordered its deployment to control irregular immigration. Laws enacted in 2017 could help address the problems of torture and disappearances, but implementation lags.

In February, a well-respected human rights defender was appointed to head the National Search Commission (CNDH) and charged with coordinating the nationwide search for disappeared persons.

Abuses against migrants, attacks on independent journalists and human rights defenders, and limitations to accessing sexual and reproductive rights remain serious concerns.

Criminal Justice System

The criminal justice system routinely fails to provide justice to victims of violent crimes and human rights violations, despite a 2013 law intended to ensure them justice, protection, and reparations. In a 2018 report, the special rapporteur on human rights defenders declared that about 98 percent of crimes committed in Mexico remained unsolved. Causes of failure include corruption, inadequate training and resources, and complicity of prosecutors and public defenders with criminals and abusive officials. In November 2019, the United Nations Human Rights Committee expressed its concern for “recurrent” impunity in relation to grave human rights violations, and highlighted the “grave” shortcomings in investigations and prosecutions for these cases.

Military Abuses and Impunity

Mexico has relied heavily on the military to fight drug-related violence and organized crime, leading to widespread human rights violations by military personnel. Between December 2012 and January 2018, the National Human Rights Commission (CNDH) received more than 4,600 complaints regarding alleged military abuses. From January to July 2019, it received 241 such complaints.

In 2014, Congress reformed the Code of Military Justice to require that abuses committed by members of the military against civilians be prosecuted in civilian, not military, courts. However, the pursuit of justice for these violations remains elusive. In November 2019, the UN Human Rights Committee highlighted its concern about the 2016 reforms to the Military Code of Criminal Procedures and the Code of Military Justice that provided military prosecutors and judges with ample faculties to search dwellings and intervene in private communications without a warrant.

In November 2018, the Supreme Court struck down the Interior Security Law because it “[normalized] the use of the armed forces in public security issues,” which the court ruled was unconstitutional and violated Mexico’s international obligations.

However, that same month, President López Obrador announced the creation of the National Guard to replace the federal police in public security operations and “temporarily” collaborate in public security tasks in states and municipalities. Inaugurated in June, it is comprised largely of military troops and led by an army general who retired from active duty in August. The law regulating the National Guard allows its members to take part in criminal investigations and undertake intelligence activities with “preventive” purposes.

Torture

Torture is widely practiced in Mexico to obtain confessions and extract information. It is most frequently applied between when victims are detained, often arbitrarily, and when they are handed to civilian prosecutors—a time when they are often held incommunicado at military bases or illegal detention sites. Confessions obtained through torture are used as evidence at criminal trials.

In 2016, Mexico’s national statistics office (INEGI) surveyed more than 64,000 people incarcerated in 338 Mexican prisons countrywide. Almost two out of three (64 percent) reported some type of physical violence at the time of arrest, including electric shocks, choking, and smothering. Between 2013 and 2018, 2,751
Prosecutors and police routinely neglect to take basic investigative steps to identify those responsible for enforced disappearances, often telling the missing people’s families to investigate on their own. By January 2019, the Attorney General’s Office had opened 975 investigations into allegations of enforced disappearances and had pressed charges in only 12 cases. By September 2019, the office’s specialized unit on kidnappings reported having only one open investigation into disappearances committed by non-state agents. In November, the UN Human Rights Committee highlighted its concern for “alarming” impunity in cases of disappearances, including those where organized crime and authorities were allegedly colluded.

The 2017 law on disappearances established a single nationwide definition for the crime and mandated the creation of entities to facilitate the investigation and prosecution of disappearances. These include the CNB created to coordinate search efforts in the field, and the National Search System (SNB), established to coordinate state institutions involved in the search for the disappeared.

In August, Karla Quintana, the National Search Commissioner, head of the CNB, stated that the whereabouts of 40,000 people who had gone missing remained unknown. In November, the commissioner announced the creation of a new national registry for disappeared persons. Authorities noted that the official number of missing persons will likely increase after the establishment of the new registry. According to official numbers, by August, 4,874 bodies had been found in 3,024 clandestine graves nationwide between 2006 and 2019.

As of September, the SNB was not yet fully operational. A Standardized Protocol for the Search of Disappeared and Missing Persons, which the law mandated be in place by April 2018, had likewise failed to materialize. By September, seven out of 32 had failed to establish local search commissions or offices as the law directs. In May, the National Search Commissioner announced the beginning of the process towards a regional search plan in Northeast Mexico, and the federal government established a subsidy to provide funds to local search commissions.

Victims’ families have repeatedly denounced serious shortcomings regarding the identification and storage of bodies. Government officials conceded that more than 26,000 bodies remain unidentified. In August, the National Search Commissioner reported the creation of a national forensic assessment to ad-
dress obstacles to identifying and storing bodies. The same month, following demands by families, the government announced the creation of an Extraordinary Mechanism of Forensic Identification to identify bodies.

**Extrajudicial Killings**

In November 2019, the UN Human Rights Committee expressed its concern for reports of extrajudicial killings in Mexico, and the frequent impunity in these cases.

In September 2019, eight civilians were allegedly victims of extrajudicial executions by state police in Tamaulipas in Northern Mexico. At time of writing, authorities had issued arrest warrants against seven state police officers for the crimes of murder, abuse of authority, breaking and entry, and giving false reports to authorities. By October, authorities were still investigating.

There is no reliable information about the number of extrajudicial executions. Most homicides are never prosecuted. Government authorities only register the number of homicides, not their context. Although the Defense Ministry has said it stopped registering the numbers of civilians it killed as of 2014, civil society organizations said in 2019 that declarations made by the minister indicated that the information exists, but that the ministry has refused to release it and has not provided a substantiated explanation.

**Attacks on Journalists and Human Rights Defenders**

Journalists, particularly those who report on crime or criticize officials, often face harassment and attacks by both government authorities and criminal groups. Following a country visit in April, the UN high commissioner for human rights described the situation of human rights defenders and journalists as “alarming.” The CNDH reported 148 journalists killed between 2000 and 2018, and 21 disappeared between 2005 and 2018. From January to July 2019, seven journalists were killed.

Authorities routinely fail to investigate crimes against journalists adequately, often preemptively ruling out their profession as a motive. Since its creation in 2010, the federal Special Prosecutor’s Office to investigate crimes against journalists has opened more than 1,000 investigations. Between 2010 and December 2018, the Special Prosecutor’s Office brought 186 charges for crimes against journalists, only 16.3 percent of those received out of all received complaints. During the same period, it obtained 10 convictions. In the face of such uninvestigated violence, many journalists self-censor.

Human rights defenders in Mexico are often subjected to intimidation, criminalization, and violence. Between January and July, at least 13 human rights defenders had been killed, an increase from past years, according to OHCHR. As with journalists, violence against human rights defenders is rarely investigated or prosecuted.

In 2012, the federal government established the National Protection Mechanism to issue and coordinate implementing protective measures for journalists and human rights defenders under threat. Between October 2012 and March 2019, 800 journalists and defenders requested protection measures; 678 such requests were granted. In July, OHCHR expressed concern for the mechanism’s lack of sufficient resources, lack of clear procedures and problems in effectively coordinating protective measures.

**Women’s and Girls’ Rights**

In 2018, the UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) expressed concern for persistent patterns of “generalized” violence against women, including sexual violence. Despite this, Mexican laws do not adequately protect women and girls against domestic and sexual violence. Some provisions, including those that make the severity of punishments for some sexual offenses contingent upon the “chastity” of the victim, contradict international standards.

In August, the Supreme Court ruled that rape victims need not file a criminal complaint to access abortion services, and that health providers did not have to verify that a crime was committed to perform the abortion.

In October 2019, the decriminalization of abortion in the southern state of Oaxaca entered into force. In September, local lawmakers legalized abortion regardless of the cause until week 12 of pregnancy, making it the second state in the country to adopt such legislation, together with Mexico City.
Women and girls continue to face alarming rates of gender-based violence. According to official data, during January through July 2019 nationwide, there were 540 femicides—defined by Mexican law as depriving a woman of her life based on her gender. By April 2018, an official registry had recorded 9,522 women and girls as missing.

**Migrants and Asylum Seekers**

Migrants traveling through Mexico are frequently endure abuses and human rights violations. In some cases, government authorities have been alleged to have been involved. From January to September 2019, the CNDH received 599 complaints of abuses against migrants, most of which were made against members of the federal police.

In January 2019, the Trump administration began returning asylum seekers to Mexico while their claims are pending under the Migrant Protection Protocols. At time of writing, over 40,000 asylum seekers had been returned, many to dangerous and unlivable conditions in Mexico, with significant barriers to obtaining legal representation and a fair hearing. They included asylum seekers with disabilities or other chronic health conditions, despite initial guidance that no one with “known physical/mental health issues” would be in the program.

In June, the United States government threatened to impose tariffs on Mexican products unless Mexico accepted a significant increase in returns of asylum seekers to Mexico to wait for the court proceedings in the US and stopped migrants en route to the US border. In response, the López Obrador administration announced it would deploy 6,000 members of the new National Guard to control irregular migration, a decision that effectively militarized Mexico’s borders.

In June, the CNDH issued protective measures for a shelter in the northern Mexican states of Sonora and Coahuila, after National Guard members attempted to enter, in violation of Mexican law, to examine migrants’ immigration status.

As of September, government-run migrant holding centers were overcrowded, with detained migrants experiencing inhumane leading to inhumane conditions, including extreme heat, bug infestations, lack of access to basic hygiene, limited medical services, and poor quality food.

With the support of the UN High Commissioner for Refugees, Mexico’s refugee agency granted refugee status to nearly 5,000 individuals from Venezuela, Honduras, El Salvador, and Guatemala in 2018, an increase of 75 percent compared with 2017. The agency extended complementary protection, a status offering safeguard against deportation for vulnerable individuals who do not qualify for recognition as refugees, to an additional 2,200 persons in 2018, compared with 1,265 in 2017. In the first eight months of 2019, Mexico’s refugee agency said it had recognized 3,173 refugees and granted complementary protection to an additional 702 people from these four countries.

**Sexual Orientation and Gender Identity**

Mexico City and 18 additional Mexican states have legalized same-sex marriage. In other states, same-sex couples must file a constitutional challenge (amparo) to be allowed to marry. A 2015 Supreme Court decision holding that the sole legal definition of marriage is between a man and a woman violates the constitution. In May, the Supreme Court ruled that a same-sex couple from Aguascalientes should be allowed to register their child, protecting the best interest of the child, and upholding the principles of equality and non-discrimination.

In July, in response to a case filed by five transgender people in Querétaro, a federal judge ruled that trans people should be able to change their names and gender markers on birth certificates through a simple administrative process before the state Civil Registry. It found that legislation requiring trans people to seek individual court rulings to change their birth certificates was discriminatory and overly burdensome. The ruling makes Querétaro the eighth of Mexico’s 32 jurisdictions to establish an administrative path to legal gender recognition for trans people.

**Disability Rights**

In its 2014 concluding observations on Mexico, the UN Committee on the Rights of Persons with Disabilities found that despite new laws and programs protecting the rights of people with disabilities, serious gaps remained, including in access to justice, legal standing, and the right to vote; access to buildings, transportation, and public spaces; violence against women; and education. As of November, President Lopez Obrador had not appointed a chair of the National
of their activities. The CERD claimed Mexico’s migration policies at times failed to protect migrants and asylum seekers, including children.

In August, the government announced it would accept the jurisdiction of the UN Committee on Enforced Disappearance to process individual complaints, and invite the committee to carry out a country visit in 2020.

In November, the UN Human Rights Committee reported that Mexico faced high rates of violence motivated by gender identity or orientation, including killings. The committee emphasized its concern for high rates of unsafe abortions and obstacles in accessing abortions in rape cases, in violation of Mexican law. It called on the state to avoid a militarized approach to law enforcement and form the National Guard as a civilian institution.

Since 2007, the United States has allocated nearly US$2.9 billion in aid via the Mérida Initiative to help Mexico combat organized crime. President López Obrador declared in May that his government would reject the initiative and seek reorientation of cooperation to contribute to development in Mexico’s Southeast and Central American countries.

Key International Actors

In March, the UN Human Rights Council adopted a report on Mexico, as part of its Universal Periodic Review (UPR) mechanism. Mexico accepted 262 of the 264 recommendations it received, including one to establish an independent mechanism against impunity to investigate "atrocity crimes" and human rights violations. Other recommendations accepted by Mexico include creating an independent and autonomous Attorney General’s Office, and combating impunity and corruption.

In April, UN High Commissioner for Human Rights Michelle Bachelet visited Mexico and signed two agreements: one to provide “technical assistance” to the controversial National Guard, and another to collaborate with a presidential commission working on the Ayotzinapa disappearances. She noted the need to create a new civil police force capable of combatting organized crime and drug trafficking while respecting human rights. She also addressed the “crosscutting” nature of impunity, her concern for sexual torture of women deprived of liberty, and violence against journalists and human rights defenders.

In May, the UN Committee against Torture concluded its seventh periodic review of Mexico. It expressed concern regarding the lack of adoption of the National Program on Torture and the use of the army in public security operations, given reports of soldiers committing grave human rights.

The UN Committee on the Elimination of Racial Discrimination (CERD) indicated in August that Mexico had failed to adopt sufficient measures to counter historic and structural discrimination against indigenous peoples and Afro-Mexicans. It highlighted that indigenous and Afro-Mexican human rights defenders are subjected to violence, threats, and attacks on their lives, as well as criminalization

Council on People with Disabilities (CONADIS), the high-level body coordinating efforts to implement disability rights at the federal level and with state authorities.

In March, the Supreme Court ruled that limiting the legal capacity of a complainant, a man with an intellectual disability, was discriminatory. However, this judgment only protects the rights of the complainant—and not other people with disabilities—to, for example, decide to marry or sign contracts.
Morocco/Western Sahara

While there remained some space to criticize the government in Morocco—provided that any harsh criticism avoided the monarchy and other “red lines”—authorities continued to selectively target, prosecute, jail, and harass critics, and enforce various repressive laws, notably pertaining to individual liberties.

Freedom of Assembly, Police Violence, and the Criminal Justice System

On April 6, an appeals court in Casablanca confirmed the first-instance verdicts against Hirak protest leaders in the Rif region of Morocco, who were sentenced on June 2018 to up to 20 years in prison, largely based on statements that they said were made under police torture.

The Hirak, a protest movement in the Rif region that started in 2016, staged several largely peaceful mass protests for better socioeconomic conditions until a police crackdown in May 2017 led to the arrest of more than 450 activists, including about 50 leaders who underwent a mass trial in Casablanca that lasted more than a year.

Since the confirmation of the verdicts, the Hirak leaders have been held in various prisons in Morocco. Several staged hunger strikes in protest of what they called political trials.

The Code of Penal Procedure gives a defendant the right to contact a lawyer after 24 hours in police custody, extendable to 36 hours. But detainees do not have the right to have a lawyer present when police interrogate or present them with their statements for signature.

Freedom of Association

On April 16, an appeals court in Casablanca confirmed the dissolution of Racines, a cultural association, four months after a court of first instance ordered it. The decision was taken after the governor of Casablanca petitioned a tribunal to act against the group for “organizing an activity including interviews interspersed with clear offenses towards institutions.” The basis for this complaint was that in August 2018 Racines offered its Casablanca office as a venue for recording a YouTube-based talk show in which guests criticized King Mohammed VI’s speeches and policies.

Authorities frequently impeded events organized by local chapters of the Moroccan Association for Human Rights (AMDH) by denying access to planned venues. On at least five occasions in 2019, including in Azrou, Tiznit, and Benslimane, authorities blocked the entrance of community centers and other meeting rooms where AMDH events were programmed.

According to AMDH, as of September 2019, authorities had refused to process the administrative formalities of 62 of its 99 local branches, impeding their ability to carry out functions like opening new bank accounts or renting space.

Freedom of Expression

The Press and Publications Code, adopted by parliament in July 2016, eliminates prison sentences for speech-related offenses. Meanwhile, the penal code maintains prison as a punishment for a variety of nonviolent speech offenses, including for “causing harm” to Islam, the monarchy, and “inciting against” Morocco’s “territorial integrity,” a reference to its claim to Western Sahara.

On September 30, a court in Rabat convicted and sentenced Hajar Raissouni, a 28-year-old journalist, to one year in prison for having an abortion and sex outside marriage after police arrested her on August 31. A prosecutor publicly disclosed deeply personal details about her sexual and reproductive life, and a judge refused to provisionally release her pending trial.

The court sentenced Raissouni’s fiancé, Rifaat al-Amin, to one year in prison. The doctor accused of performing Raissouni’s abortion received a two-year prison sentence, while a medical assistant and an office assistant both received suspended sentences for taking part in the procedure. All the individuals denied the charges. Raissouni, Al-Amin, and the doctor were freed on October 16 after receiving a royal pardon. The case was possibly motivated by Raissouni being a journalist at Akhbar Al Yaoum, a daily newspaper that authorities have targeted repeatedly for its independent reporting and commentary, and her being a relative of high-profile dissidents.
On April 6, an appeals court upheld the three-year prison sentence pronounced against journalist Hamid El Mahdaoui for failing to report a security threat. The verdict was based on a phone call El Mahdaoui received in May 2017 from a man who said he intended to create armed strife in Morocco. The court did not accept the journalist’s defense that he had concluded the declarations of the caller, whom he did not know, were idle chatter that did not warrant alerting the authorities. Authorities have a long history of targeting El Mahdaoui, a government critic.

On February 11, an appeals court in Tetouan sentenced Soufian al-Nguad, 29, to one year in prison for “incitement to insurrection,” after he posted comments on Facebook encouraging people to march in protest against the death of Hayat Belkacem. In September 2018, coastguards killed the 20-year old Moroccan woman while firing on a boat that was apparently crossing the strait of Gibraltar to bring migrants clandestinely to Europe. A first-instance court sentenced al-Nguad to two years in prison. Though authorities pledged to investigate Belkacem’s killing, their findings had not been publicly disclosed at time of writing.

**Western Sahara**

The United Nations-sponsored process of negotiations between Morocco and the Polisario Front on self-determination for the Western Sahara, most of which is under de facto Moroccan control, remained stalled, after the resignation in May of Horst Kohler, the envoy of the UN secretary-general. Kohler had not been replaced at time of writing. Morocco proposes a measure of autonomy under its rule but rejects a referendum on independence.

Moroccan authorities systematically prevent gatherings in the Western Sahara supporting Sahrawi self-determination, obstruct the work of some local human rights nongovernmental organizations (NGOs), including by blocking their legal registration, and on occasion beat activists and journalists in their custody and on the streets.

In 2019, 23 Sahrawi men remained in prison after they were convicted in unfair trials in 2013 and 2017 for the killing of 11 security force members, during clashes that erupted after authorities forcibly dismantled a large protest encampment in Gdeim Izik, Western Sahara, in 2010. Both courts relied almost entirely on their confessions to police to convict them, without seriously investigating claims that the defendants had signed their confessions under torture without being permitted to read them.

Authorities allowed Claude Mangin, an activist for Sahrawi rights and the French wife of prisoner Naama Asfari, a member of the “Gdeim Izik” group, to enter Morocco in February for the first time in 30 months to visit him. However, they prevented her from re-entering Morocco in July.

On July 8, a court in El Ayoun, Western Sahara, sentenced Nezha Khalidi, a member of Equipe Media, a collective of media activists who favor self-determination for Western Sahara, to a fine for exercising journalism without official credentials. Police arrested her while she was live-streaming a street scene and denouncing Moroccan “oppression.”

**Refugees**

The government has yet to approve a draft of Morocco’s first law on the right to asylum. As of June 2019, the ministry of foreign affairs had granted, or started the administrative process for granting refugee cards, along with special residency permits and work authorizations to 803 persons, most of them sub-Saharan Africans, whom the UN High Commissioner for Refugees (UNHCR) had recognized. All of the 6,244 refugees recognized by the UNHCR since 2007 have access to public education and health services and most of them have regular residency permits and work authorizations, according to the UNHCR representation in Morocco.

**Women’s and Girls’ Rights**

The Family Code discriminates against women with regard to inheritance and procedures to obtain divorce. The code sets 18 as a minimum age of marriage but allows judges to grant “exemptions” to marry minor girls aged 15 to 18, at the request of their family. In 2018, 40,000 such exemptions were granted, amounting to almost 20 percent of marriages recorded during the year, in what Justice Minister Mohamed Aujjar called “an alarming increase.”

A law on violence against women criminalizes some forms of domestic violence and establishes preventive measures, but does not set out duties of police,
parliament conducted consultations with some elements of the population of Western Sahara. The Polisario Front refused to take part in the consultations. In January and in February, claiming to have taken “all reasonable and feasible measures” in order to ascertain the concerned people’s consent, the EU Council and the European Parliament approved trade agreements with Morocco, which allow for the exploitation of Western Sahara’s agricultural and fisheries resources. In April, the Polisario announced legal actions against these decisions before the European Court of Justice.

prosecutors, and investigative judges in domestic violence cases, or fund women’s shelters.

Morocco criminalizes abortion, thus endangering women’s human rights including to life, health, freedom from cruel, inhuman, and degrading treatment, and privacy. According to the Moroccan Association to Combat Clandestine Abortions, between 600 and 800 abortions a day take place on average in Morocco, with about two-thirds of them by licensed doctors.

**Domestic Workers**

A law that took effect in 2018 provides domestic workers with labor protections, including mandatory labor contracts, mandatory days off, minimum age, minimum wage, and maximum working hours guarantees. It imposes fines on employers who violate the law, and prison sentences for some repeat offenders. However, the government did not engage in any noticeable communication efforts to make sure the general public, including domestic workers and employers are aware of the existence of the law.

**Right to Private Life, Sexual Orientation, and Gender Identity**

In a report released in June, the office of the General Prosecutor stated that 7,721 adults were prosecuted for having non-transactional sexual relations outside of marriage in 2018. The number includes 3,048 who were charged with adultery, 170 with same-sex relations, and all of the rest for sex between unmarried persons.

In Morocco, consensual sex between adults who are not married to one another is punishable by up to one year in prison. Article 489 of the penal code stipulates prison terms of six months to three years for “lewd or unnatural acts with an individual of the same sex.”

**Key International Actors**

In an attempt to comply with European Court of Justice rulings stating that trade agreements between European Union countries and Morocco can only apply to Western Sahara with “the consent of its people,” the European Commission and
Violations and Attacks in the North

Attacks by a suspected Islamist armed group, locally known as both Al-Sunna wa Jama’a and Al-Shabab, continued in the northern province of Cabo Delgado, with armed groups changing their tactics. In addition to beheading people and burning houses, the group became implicated in kidnapping of women, as well as attacks on public transport and killing of military personnel. The extremist group Islamic State (ISIS) claimed responsibility for at least two of the attacks; however, the extent of ISIS involvement, if any, is unclear. The attacks began in October 2017 on police stations in Mocimboa da Praia district, then spread to other districts in the northern part of Cabo Delgado, notably in Macomia, Palma and Nangade. The violence also affected the electoral process, with government imposing restrictions to campaign parades in northern Cabo Delgado.

Impunity for Past Crimes

Impunity for serious abuses by state security forces and Renamo persisted, and parliament in July approved a broad amnesty law that exempted Renamo members from prosecution for crimes committed between 2014 and 2016. During this time, both government security and defense force and Renamo armed men were involved in sporadic fighting that led to serious human rights abuses, including enforced disappearances, torture, killings, and destruction of private property, documented in Human Rights Watch’s 2018 report “The Next One to Die.”

Freedom of Expression and Assembly

During 2019, crackdown on rights to freedom of expression and peaceful assembly continued. In January, the police surrounded the Maputo office of the Centre for Public Integrity (CIP), an independent civil society organization, after the organization launched a campaign against the repayment of illegal loans amounting to about US$2.2 billion. Police also ordered people to remove campaign t-shirts and stop distributing them. In March, authorities disrupted a march organized by a local primary school to mark the city’s annual carnival. Days later, the mayor of Maputo rejected plans for Mozambique’s leading women’s rights group, Forum Mulher, to march against domestic violence on International Women’s Day.
Freedom of Media

State security forces intimidated, detained, and prosecuted journalists covering the fight against an Islamist armed group in the northern province of Cabo Delgado. The government barred media organizations and journalists from visiting the province, while the army and police detained journalists who managed to get there. In January, police from Macomia district arrested, without a warrant, journalists Amade Abubacar and Germano Daniel Adriano while they were interviewing villagers who had fled their homes due to intensified attacks. Abubacar was held in pretrial detention for nearly 100 days, including 12 days in incommunicado military detention. A month earlier, soldiers detained an academic, a journalist, and a driver in Mocimboa da Praia district after they interviewed residents of Chitolo village.

Women’s and Girls’ Rights

In March, tropical cyclone Idai hit near the coastal city of Beira, bringing heavy rains that left entire villages in Manica, Sofala, and Zambezia provinces submerged as floodwaters rose. Tens of thousands of people were displaced and, according to the United Nations, over 1.85 million people, most of them women and children, needed urgent assistance. Victims, residents, and aid workers told Human Rights Watch that local community leaders coerced women into engaging in sex in exchange for aid.

There has been some significant progress in the rights of Mozambican women and girls. In December 2018, the Mozambican Ministry of Education revoked a 2003 decree banning pregnant girls and adolescent mothers from attending day classes and ordered them to only attend night classes. In July, Mozambique’s national assembly took an important step toward ending the country’s high rate of child marriage by unanimously adopting a law that prohibits marriage of children younger than 18 years old, without exception.

Disability Rights

Although the reports of attacks and abductions of people with albinism have declined since 2015, many families of children with albinism still live in fear, some keeping their children out of school. In 2019, Human Rights Watch also found that children living with albinism in Tete province face discrimination, stigma,
and rejection at school, in the community, and at times by their own families. They struggle to overcome barriers such as threats of attacks, bullying, and lack of reasonable adjustments in the classroom, which violate their right to education.

**Sexual Orientation and Gender Identity**

Four years since the decriminalization of homosexuality in Mozambique, and despite a November 2017 court decision that declared unconstitutional a law with vague “morality” provisions that had been used to justify denying registration to lesbian, gay, bisexual, and transgender (LGBT) groups, the government has still not registered the country’s largest LGBT group, Lambda.

The UN Human Rights Council has appealed on several occasions to the government to register nongovernmental organizations that work on issues of sexual orientation and gender identity. Despite authorities showing some tolerance for same-sex relations and gender nonconformity, LGBT people continue to experience discrimination at work and mistreatment by family members.

**Key International Actors**

Switzerland was instrumental in brokering the August 2019 Mozambique peace agreement, with Swiss diplomats playing a major role as mediators. In August, the chairperson of the African Union Commission hailed the amnesty signed that month as a vital milestone in ending the Mozambican conflict. In June, Mozambique hosted for the first time the US-Africa Business Summit. While the meeting was important for promoting investment in the country, its agenda did not include discussions about the links between business, insecurity, and human rights in the areas being considered by investors.

Pope Francis visited Mozambique in September. He met with youth from different religions, as well as political and civic leaders, encouraging them to consolidate the peace accord. In September, the European Union, which deployed 32 long-term election observers for the general elections, expressed concern over the violence and political harassment during campaign. After the elections, the EU said its observers mission identified some irregularities and malpractices on election day and during the results management process, including ballot-box stuffing, multiple voting, intentional invalidation of votes for the opposition, and altering of polling station results with fraudulent addition of extra votes.

**Myanmar**

The government of Myanmar in 2019 continued to defy international calls to seriously investigate human rights violations against ethnic minorities in Shan, Kachin, Karen, and Rakhine States. A United Nations-mandated Fact-Finding Mission (FFM) found sufficient evidence to call for the investigation of senior military officials for crimes against humanity and genocide against ethnic Rohingya Muslims. The government has been unwilling to address the root causes of the crises, including systematic persecution and violence, statelessness, and continued military impunity.

In August 2019, the FFM called on Myanmar’s security forces to stop using sexual and gender-based violence, including rape and gang rape, against women, children and transgender people, to terrorize and punish ethnic minorities. The military has used sexual violence to devastate communities and deter women and girls from returning to their homes.

De facto leader Aung San Suu Kyi and her civilian government have repeatedly refused to cooperate meaningfully with UN rights investigators’ pursuit of accountability for rights violations. The government has not granted visas for independent UN investigators including Special Rapporteur Yanghee Lee and the members of the UN FFM, and limited access to the country by staff of the Office of the UN High Commissioner for Human Rights.

**Rohingya Under Threat**

More than two years after the Myanmar military’s campaign of ethnic cleansing in northern Rakhine State, over 900,000 Rohingya refugees remain in overcrowded camps in Cox’s Bazar in Bangladesh, now the largest concentration of encamped refugees in the world.

The FFM’s final report in September 2019 found that the 600,000 Rohingya remaining in Rakhine State were still the target of a government campaign to eradicate their identity, and were living under “threat of genocide.” The report found the laws, policies, and practices that underpin the government’s persecution of the Rohingya—and which serve as causal factors for the killings, rapes and gang
rapes, torture, and forced displacement by the military and other government authorities—remain in place.

In July 2019, a delegation of senior Myanmar officials arrived in Cox’s Bazar to promote refugee repatriation. The delegation pressured refugees to enter a digitized National Verification Card (NVC) process but would not guarantee they would be granted citizenship. The government has made no efforts to amend the discriminatory 1982 Citizenship Law that effectively stripped Rohingya of their citizenship rights. Refugees who want to return are required to sign up for the NVC, which identifies them as foreigners in Myanmar, making them vulnerable to discrimination and restrictions on their rights.

On August 22, Bangladesh and Myanmar made a second attempt to return refugees to Myanmar. Unlike the first attempt to return refugees in November 2018, Bangladesh this time agreed to consult with the UN refugee agency, asking UNHCR to assess the intentions of the 3,450 refugees Myanmar said were eligible to return, selected from a list of 22,000 names shared by Bangladesh. Once again, Bangladeshi officials, UN staff, and journalists waited for refugees to appear for voluntary return to Myanmar, but none did.

UNHCR has stated that conditions in Myanmar are not currently conducive for voluntary returns of refugees in dignity and safety. Facilities that resemble detention camps, surrounded by barbed-wire perimeter fences and security outposts, have been built to receive and house returning refugees from Bangladesh. Satellite images of the Hla Poe Khaung Transit Centre show it was built on top of razed Rohingya villages.

The approximately 128,000 Rohingya and Kaman Muslims confined to closed internally displaced people (IDP) camps in central Rakhine State have little freedom of movement and limited access to important health, education, and other humanitarian services. In addition, there are security concerns for refugees returning to Rakhine State due to hostilities between the Myanmar military and the insurgent Arakan Army.

**Ethnic Conflicts and Forced Displacement**

Fighting between the Myanmar military and ethnic armed groups intensified in 2019. The government regularly barred rights monitors and journalists from con-
Trafficking of women and girls remains a serious problem in Kachin and northern Shan States as revealed in Human Rights Watch’s report “‘Give Us a Baby and We’ll Let You Go’: Trafficking of Kachin ‘Brides’ from Myanmar to China.” IDPs face economic desperation from displacement by conflict, inability to pursue viable livelihoods by farming, and little access to other forms of employment. Women are often breadwinners, and the eldest daughters face cultural expectations that they will help provide for their families. Young women and girls are being lured into China from IDP camps and villages near the porous border, on false promises of gainful employment and then sold to Chinese families for forced marriage. Neither the Myanmar nor the Chinese governments have taken necessary steps to prevent trafficking, recover victims, bring perpetrators to justice, and assist survivors.

Freedom of Expression and Repressive Laws


In May, Reuters journalists Wa Lone and Kyaw Soe Oo were released from prison on a presidential amnesty after serving eight months of a seven-year prison sentence under the colonial-era Official Secrets Act. The pair had reported on a military massacre of Rohingya in Rakhine State’s Inn Din village and police arrested them in December 2017. The politically motivated nature of the trial became clear when the court convicted them, despite a police officer testifying on the stand that arresting officers had been ordered to entrap the two journalists.

Prosecutions for criminal defamation continued under article 66(d) of the 2013 Telecommunications Act, frequently used as a tool to restrict freedom of expression online and curtail criticism of members of parliament, the government and military. Athan, a local group, reported that about 45 percent of all charges against media or journalists were filed under article 66(d). More than 250 people have faced criminal law suits in 2019 under various laws restricting freedom of expression. Authorities also used the Unlawful Associations Act and criminal defamation provisions under section 500 of the Myanmar Penal Code against journalists and critics.
At time of writing, 11 lawsuits encompassing 50 persons had been filed in 2019 under penal code articles 505(a), barring criticism of the military, and 505(b), prompting “fear or alarm to the public ... whereby any person may be induced to commit an offence against the state or against the public tranquility.”

On August 29, the prominent filmmaker, Min Htin Ko Ko Gyi, was sentenced to one year in prison with hard labor under article 505(a) of the penal code for criticizing the military on Facebook. Despite suffering from liver cancer and being visibly unwell during his trial, Min Htin Ko Ko Gyi was repeatedly denied bail to seek medical care outside prison.

In April and May, seven members of a traditional theater group were arrested for their satirical performance deemed critical of the military. On October 30, five members were sentenced under article 505(a) of the penal code to one year each. On November 18, Kay Khine Tun, Zayar Lwin, Paing Ye Thu, Paing Phyo Min, and Zaw Lin Htut received an added one-year sentence by a different court, also under 505(a) charges. Su Yadanar Myint will serve one year while Nyein Chan Soe was acquitted. All seven defendants face additional charges under section 66(d) for “defaming” the military, which brings a maximum prison sentence of two years.

Article 8(f) of the Law Protecting the Privacy and Security of Citizens also contributed to the rise in defamation charges against ordinary citizens. There were 78 cases against individuals at time of writing, which aimed to limit online speech and criticism of the government. The law also enables third-party complaints to be filed against an individual.

Protesters were often targeted under the Peaceful Assembly and Peaceful Procession Law, which requires organizers to seek approval from authorities 48 hours prior to holding an event. Two Kachin activists, Paulu and Seng Nu Pan, were sentenced in September to 15 days in jail, for a street performance marking the eight-year anniversary of the end of a 17-year ceasefire in Kachin State. Paulu received an additional three months in jail for contempt of court, after presenting the presiding judge with a set of broken scales symbolizing the broken justice system.

Farmers across the country also faced difficulties with repressive laws. In March, the Vacant, Fallow and Virgin Lands Management Law came into effect, requiring anyone occupying land classified as “vacant, fallow, or virgin” to apply for per-
Kachin, Shan, and Karen ethnic minorities to the newly operational Independent Investigative Mechanism for Myanmar (IIMM).

The UN Human Rights Council mandated the IIMM to follow up from the FFM, and collect and preserve evidence of serious crimes to facilitate and expedite fair and independent criminal proceedings.

Released on August 5, the FFM investigative report on military-owned businesses in the Myanmar Economic Corporation and Union of Myanmar Economic Holdings holding companies, found at least 14 foreign firms have partnerships with military enterprises, and at least 44 have other commercial ties. The report found these military businesses generate revenue strengthened the military and provided financial support for its operations that violated international human rights and humanitarian law.

The Independent Commission of Enquiry (ICOE), established by the Myanmar government in July 2018, operates without transparency, lending further weight to concerns about its credibility to investigate allegations of grave abuses against the Rohingya. Governments such as those of the United Kingdom and Japan continue to support the ICOE despite profound concerns about its independence, impartiality, and working methods.

The European Parliament passed a resolution on September 19 calling for the imposition of a comprehensive arms embargo on Myanmar and referral of the situation of Myanmar to the ICC. The resolution called on EU members to support efforts aimed at holding Myanmar to account for violations of the UN Genocide Convention before the International Court of Justice.

Despite strong findings pointing to Myanmar’s security forces’ responsibility for atrocities against the Rohingya, the UN Security Council remains paralyzed, making impossible the referral of Myanmar to the ICC and the imposition of sanctions on military and government officials implicated in grave abuses against the Rohingya.

In May, the report of an independent inquiry into UN involvement in Myanmar was published, finding “systemic and structural failures,” which undermined the UN response to the crisis.
Nepal

After taking office in 2018, the government of Prime Minister K.P. Oli signaled its intention to amend its laws to ensure accountability for the serious crimes committed by individuals on all sides during the 10-year Maoist insurgency, which ended in 2006. However, after consultations with various groups, the process again became deadlocked, as authorities continued to favor impunity for perpetrators—both security forces and members of the ruling Nepal Communist Party—over justice for victims.

Despite a two-thirds’ parliamentary majority, the Oli government made little progress in implementing the federal structure created under the 2015 constitution, including devolving some powers over justice and policing.

In 2019, the government proposed new laws curtailing free expression and limiting the powers of the National Human Rights Commission.

The government has outlawed several practices harmful to women and girls in recent years. However, weak enforcement along with remaining gaps in laws on sexual violence and gender discrimination continue to leave women, particularly ethnic minorities, at high risk of abuse.

Transitional Justice

The Oli government proposed amendments in the law relating to transitional justice, but they did not meet international standards that could ensure those most responsible for the worst crimes committed during the conflict come to trial. Instead, the current government, like its predecessors, continued to resist amending the transitional justice legislation to abide by a landmark 2015 Supreme Court ruling, which struck down key components of the current law, such as provisions that would allow amnesties even for perpetrators of war crimes and crimes against humanity.

A commitment to transitional justice was included in the 2006 Comprehensive Peace Agreement, but it was not until 2015 that a Truth and Reconciliation Commission (TRC) and a Commission of Investigation on Enforced Disappeared Persons (CIEDP) were finally established. Despite being previously extended, the terms of members of both commissions expired in spring 2019. The TRC had registered 58,052 complaints of abuses, including allegations against senior figures, while the CIEDP had registered over 3,200 cases of people who remain “disappeared” over 10 years since the conflict ended. However, neither commission had completed a single investigation before the commissioners’ mandates expired.

Victims’ groups objected to the stalled system for appointing new commissioners, which appeared designed to ensure that selected candidates are acceptable to political leaders and the army. Victims’ groups also demanded that the transitional justice law be amended before the commissions resume work, and that they be consulted on strengthening the process, demands which the government has so far resisted.

Freedom of Expression

Attacks increased against journalists and against the freedom of expression of ordinary citizens online. Critical voices were subjected to intimidation by ruling party supporters. Police used the Electronic Transactions Act, which is supposedly designed to address online fraud, to arrest journalists and bloggers, including those reporting on corruption, and even a comedian who upset a movie director with a negative review.

The government presented three pieces of new legislation that further seriously erode freedom of expression. The Media Council Bill establishes a new, government-controlled media council, with the power to impose sanctions, including fines and loss of accreditation, on journalists, editors, and publishers if, for example, they are deemed to have harmed the “image or prestige” of an individual. The new Information Technology Bill is even more draconian than the Electronic Transactions Act it replaces, creating new offences so broadly defined they could plausibly be interpreted to included much online expression, and imposing custodial penalties for those who are convicted. Finally, the Mass Communications Bill duplicated similar provisions, with further penalties, for loosely defined acts of expression.
Human Rights Defenders

The government proposed a new law that undermined the independence of the National Human Rights Commission by giving the attorney general powers to decide which cases it brings before the courts, and by removing its right to maintain regional offices.

The Home Ministry prepared draft legislation that will give the government powers to monitor and control the activity of all domestic and international organizations in Nepal. Human rights defenders feared that these powers will be used to harass activists, and to deny access to external funding for human rights work.

Women’s and Girls’ Rights

The government has outlawed a number of harmful practices including chhaupadi (menstrual seclusion), dowry, witchcraft allegations, and child marriage. However, enforcement remains weak, and these deeply entrenched practices continue.

Legal gaps and lack of political will continue to mar accountability for sexual violence, especially for victims from minority communities. A statute of limitations of one year on rape and sexual violence allegations prevents many cases from being brought to justice.

Despite numerous protests, the government failed to adopt policies to protect and provide justice for women and girls, especially those from minority communities, who faced rape and sexual violence. Instead, numerous cases are mishandled by authorities, including that of a 15-year-old Dalit girl from Mahottari, in southeast Nepal, whose rape and murder at the end on 2018 the police refused to register during 2019.

There is no comprehensive legislation banning gender discrimination. Article 11 of the 2015 Constitution of Nepal confers a fundamentally inferior legal status on women, by preventing them from passing citizenship to their children according to the same terms as Nepali men.

In November 2018, the United Nations Committee on the Elimination of Discrimination Against Women recommended that Nepal endorse the Safe Schools Declaration, an international commitment to protect education during armed conflict. At time of writing, it had yet to do so.

Treatment of Minorities

Caste and ethnic minorities remained more vulnerable than others to abuses, including excessive use of force by police, and torture in police custody. Crimes, such as sexual violence, against members of minority communities often go unreported and uninvestigated. In a case brought to the United Nations Human Rights Committee by a member of an indigenous group who had suffered forced labor and torture, the Committee found that Nepal must remove obstacles to victims seeking justice.

Survivors of natural disasters, such as seasonal flooding, who disproportionately belong to minority communities, were often not provided with adequate relief, such as basic shelter. Four years after the 2015 earthquake, which destroyed nearly 1 million homes, many survivors still live in temporary shelter.

The government’s Public Service Commission sought to undermine constitutional guarantees of quotas for minority communities in civil service jobs, by defying hiring procedures.

The government also failed during the year to publish the report of the Lal Commission, which investigated deadly violence between members of minority communities and the police in 2015.

Disability Rights

Despite progress in law and policy, tens of thousands of children with disabilities remain out of school, or are segregated at school in different classrooms from other students.

Key International Actors

In 2015, India was widely seen as backing a blockade of trade goods across Nepal’s southern border. Since then, Nepal has attempted to reset its relations with India with discussions that include existing treaties, trade and transit, and border management. Despite its role in brokering the 2006 peace agreement, India failed to call for proper transitional justice.
Since taking office in 2007, the government of Nicaraguan President Daniel Ortega has dismantled nearly all institutional checks on presidential power. Stacked with his supporters, the Electoral Council has barred opposition political parties and removed opposition lawmakers. The Supreme Court of Justice has upheld Electoral Council decisions undermining political rights and allowing Ortega to circumvent a constitutional prohibition on re-election and run for a second term.

Ortega's Sandinista Party secured a 79 percent majority in Congress in 2016, enabling it to fast-track institutional reforms that gave the president direct personal control over the police and army, allowed him to legislate by decree, and run for re-election indefinitely.

A brutal crackdown by National Police, the sole government law enforcement body in Nicaragua, and armed pro-government groups in 2018 left 300 dead, over 2,000 injured, and hundreds arbitrarily arrested and prosecuted. Since dissipation of the protests, the Ortega government has brought hundreds of criminal cases against protesters and critics, but as of September had only opened four investigations into allegations of misconduct by the National Police.

Other persistent problems in Nicaragua include severe restrictions on freedom of expression and association, political discrimination against state workers who support the opposition, and stringent abortion laws that leave no options for rape victims.

Crackdown on Dissent

In April 2018, massive anti-government protests broke out countrywide. The National Police, in coordination with armed pro-government groups, brutally repressed protesters, resulting in 328 deaths and more than 2,000 people injured. As the crackdown intensified, some individuals responded violently and official figures show that 22 police officers died in the context of the demonstrations between April and September 2018.

Hundreds of protesters were arbitrarily arrested and detained, many for several months. As of February 2019, the Inter-American Commission on Human Rights
time of writing. President Ortega has promoted top officials implicated in abuses.

Human Rights Defenders

Human rights defenders and other critics of the government’s human rights record have continued to be the targets of death threats, intimidation, online defamation campaigns, harassment, surveillance, and assault. In some cases, human rights defenders were arrested and detained through processes marred by due process violations.

In November and December 2018, Congress stripped nine nongovernmental organizations (NGOs) of their legal registration, effectively forcing them to close. The IACHR has noted an increase in harassment, attacks, and threats against human rights defenders since protests broke out in 2018. In August 2019, a pro-government mob attacked and robbed Aura Alarcón, an attorney who defended protesters, at a bus station in Managua. Alarcón said policemen watched without intervening. Also in August, prominent human rights defender and leader of Nicaragua’s workers party, Freddy Navas, was detained and questioned by police upon his return to Nicaragua from Costa Rica. He was accused of financing a march in Costa Rica and had his personal belongings confiscated.

In September, the commander in chief of the Nicaraguan Army, Julio César Avilés Castillo, accused NGOs of being coup-plotters who have violated the laws of the republic.

Freedom of Expression

The Ortega regime restricts freedom of expression for journalists and media outlets through threats, insults, physical attacks, detentions, arbitrary searches of documents, and forced closures.

In December 2018, the National Police raided the offices of news outlet Confidencial, confiscated materials, and occupied the headquarters. Also in December, police raided the studio of news channel 100% Noticias and detained, on terrorism charges, Miguel Mora, the channel’s owner, and Lucía Pineda, its chief press officer. The two were held without due process, in conditions that included
Key International Actors

The continuing human rights abuses in Nicaragua have been met with strong regional and international condemnation.

In March, the UN Human Rights Council adopted its first resolution on Nicaragua with cross-regional support, condemning abuses and urging Ortega’s government to resume cooperation with international human rights bodies and negotiations with the opposition. In May, Nicaragua underwent its Universal Periodic Review (UPR) at the council, during which 90 delegations submitted recommendations for improving human rights standards in Nicaragua.

In June, the Organization of American States (OAS) General Assembly passed a resolution proposed by the OAS Permanent Council Working Group on Nicaragua that opens the door to evaluation of Nicaragua’s compliance with the 2001 Inter-American Democratic Charter. The resolution urges the Nicaraguan government to take a series of steps to resume negotiations with the opposition and restore access for international rights-monitoring mechanisms. It instructed the Permanent Council to appoint a commission to undertake diplomatic efforts toward solving the crisis and to produce a report within 75 days. However, in September, the Ortega government barred the appointed commission from entering the country. Last year, the regime expelled IACHR Special Monitoring Mechanism for Nicaragua (MESENI) and the IACHR-appointed Interdisciplinary Group of Independent Experts (GIEI).

In September, UN High Commissioner for Human Rights Michelle Bachelet released a comprehensive report on the human rights record of Nicaragua from August 2018 to July 2019. The report recommended that Nicaragua guarantee freedoms for civil society, reinstate NGOs and media outlets, pursue investigations, prosecute individuals accused of human rights abuses in the context of the protests, and end arbitrary arrests, among other measures.

Since protests began, the US Treasury Department has imposed targeted sanctions against nine Nicaraguan officials responsible for abuses or corruption. Five were sanctioned in 2018 pursuant to Executive Order 13851 and the Global Magnitsky Act of 2016, which allows for sanctions against violators of human rights. Four were sanctioned in June pursuant to the Nicaraguan Human Rights and Cor-

sot confinement, for five months. They were freed under the amnesty law in June 2019.

Nongovernmental organizations (NGOs) estimate that over 100 journalists have fled Nicaragua since April 2018.

Since the outlawing of anti-government demonstrations in September 2018, the National Police have denied eight requests for protest permits.

Political Discrimination

During the crackdown, Nicaraguan Health Ministry authorities fired at least 400 doctors, nurses, and other health workers from several public hospitals in apparent retaliation for participation in protests or expression of disagreement with government policy. Forty professors from the National University of Nicaragua accused of supporting or taking part in anti-government demonstrations were also fired in August 2018. The IACHR found that authorities threatened public officials with dismissal if they did not participate in pro-government demonstrations.

Nicaraguan Asylum Seekers

More than 88,000 Nicaraguans have fled their country since the crackdown began, the IACHR reports. In April, the United Nations High Commissioner for Refugees (UNHCR) reported that the number of Nicaraguans applying for asylum in neighboring Costa Rica had about doubled, to 29,500, from 15,584 in October 2018. Another 26,000 were waiting to have their claims processed.

While most fleeing Nicaraguans have gone to Costa Rica, thousands more have gone to Mexico, Panama, and the United States.

Women and Girls’ Sexual and Reproductive Rights

Nicaragua has, since 2006, prohibited abortion in all circumstances, even if a pregnancy is life-threatening or the result of rape or incest. Women and girls who have abortions face prison terms as long as two years. Medical professionals who perform abortions face sentences of one to six years. The abortion ban forces women and girls facing unwanted pregnancies to have clandestine abortions, risking their health and lives.
Despite claims by federal authorities of increased security measures, an atmosphere of insecurity persisted across Nigeria in 2019. In May, President Muhammadu Buhari began his second four year term following general elections marred by political violence which killed at least 11 people.

The northeast Boko Haram conflict entered its tenth year, with renewed fighting between security forces and Boko Haram factions killing an estimated 640 civilians in 2019 alone. An estimated 27,000 people, including 37 aid workers, have been killed since the onset of the conflict in 2009, according to the United Nations Office for Coordination of Humanitarian Affairs (UNOCHA), 37 aid workers.

The military’s decision in August to gather troops from countryside outposts into ‘super camps’ in the northeast impeded humanitarian access and left communities vulnerable to attacks. In the northeast, at least 223,000 people are without security while 100,000 have been cut off from humanitarian access as a result of the military’s departure. Humanitarian actors have no access to an estimated 823,000 people, according to UNOCHA.

Elsewhere in the country, there were widespread kidnapping, banditry and recurring cycles of deadly violence between herdsmen and farmers.

The clampdown on peaceful protests, arrest and detention of activists, and media repression signified a renewed intolerance of free speech and dissent by Nigerian authorities.

China joined the rank of key international actors including the United Nations, United States and the United Kingdom providing support for the Nigerian government’s northeast counter insurgency measures.

**Abuses by Boko Haram**

Boko Haram killed at least 405 children and abducted at least 105 during 2018 and the group continued lethal attacks on civilians including suicide bombings and abductions. In January, at least 60 people were killed when Boko Haram fighters overran Rann, Borno state.
In February, just days before national elections, eight people were killed in a suicide bomb attack by suspected insurgents in Borno capital city, Maiduguri. Kashim Shettim, then-governor of the state survived an attack that killed at least three people while on a campaign tour to Gamboru Ngala, near the Cameroon border. A similar attack in September on the new state governor, Babagana Umara Zulum, killed four in Konduga, near Maiduguri. In June, triple suicide bombings in the same town killed some 30 and injured another 40. In July, at least 65 people were killed after Boko Haram fighters opened fire on a group of men attending a funeral in Nganzai, Borno state.

In July, Boko Haram fighters killed one and abducted six staff of the international aid group, Action Against Hunger. One of the abducted workers remained missing at time of writing.

Boko Haram maintained control of some villages near Lake Chad, northern Borno State. The splinter faction of the group known as the Islamic West Africa Province (ISWAP) overran dozens of army bases, killing dozens of soldiers since January.

Authorities continued to detain thousands of alleged Boko Haram members without trial in overcrowded military barracks in the northeast. In October, the authorities released 25 children held as Boko Haram suspects from Giwa barracks in Borno state after Human Rights Watch reported that children are being held in degrading and inhuman conditions in Giwa barracks. Nigerian authorities detained at least 418 children in 2018 for their or their parents’ alleged association with Boko Haram.

**Conduct of Security Forces**

There was little progress on accountability for security forces abuses. Neither the report of the Presidential Judicial Panel set up in August 2017 to investigate the military’s compliance with human rights obligations, allegations of war crimes, and other abuses nor that of a Presidential Panel of Inquiry set up in 2018 to investigate abuses by the Police Special Anti-Robbery Squad (SARS) have been made public.

In March, the spokesperson for the Independent National Electoral Commission (INEC), Festus Okoye, accused soldiers of intimidation and unlawful arrest of
election officials in Rivers State governorship elections. The Nigerian Army immediately announced the creation of a committee to investigate those allegations within two weeks, but was yet to publish a report at time of writing.

Security forces continued the crackdown on members of the Shia Islamic Movement of Nigeria (IMN) protesting the detention of their leader Sheikh Ibrahim El Zakzaky and his wife Ibraheema since December 2015, despite court orders for their release. In July, Nigerian police fired at the group’s procession in Abuja, Nigeria’s federal capital, killing 11. A journalist and a police officer were also killed in the violence, while dozens of IMN members were wounded or arrested.

In April, about 65 women were arrested in Abuja by a task force comprising officers from the city’s environment and social development agency and local police during raids on night clubs. Women’s rights groups took to the streets to protest the raids and the allegations by some arrested women that policemen sexually abused, exploited and extorted them in custody. Twenty-nine women pleaded guilty to prostitution charges and were ordered to pay a fine of three thousand naira (about US$8.50) each.

**Intercommunal Violence**

Clashes between herders and farming communities continued in the Middle Belt, while other parts of the country faced general insecurity, including banditry and kidnappings for ransom. In February, clashes and reprisal attacks between the Fulani and Adara communities in Kajuru, Kaduna state killed more than 130 people.

In July, the federal government buckled under the weight of heavy widespread criticism and suspended the Ruga Settlements program under which special grazing zones and settlements were established for herdsmen across the country. Critics cited, among other flaws, lack of consultation with communities in proposed grazing zones.

In Zamfara state, incessant banditry attacks and kidnappings persisted despite the deployment of military troops in 2018 to tackle insecurity in the state. According to credible media reports, over 200 people were killed in the state by suspected bandits in the first 100 days of 2019.
The Abuja-Kaduna highway, a major route out of Abuja to the northwest of the country became notorious for bandit attacks and kidnappings. The inspector general of police, Mohammed Adamu said in April that 1,071 people were killed in criminal attacks and 685 kidnapped across the country in the first quarter of 2019 alone.

Public Sector Corruption

The Economic and Financial Crimes Commission (EFCC) recorded some progress in the trial of corruption cases.

The supreme court affirmed in March, forfeiture orders granted by federal high courts in Lagos under the Advanced Fee Fraud Act and other Fraud related offences Act, of US$8.4 million and 2.4 billion naira [$66.6 million] allegedly traced by EFCC to Patience Jonathan, wife of former President Goodluck Jonathan.

In June, a jiga state high court sentenced Auwal Jibrin, a deputy director with INEC, to six years imprisonment, for unlawful enrichment and gratification, while another INEC official in the state Garba Ismaila received a seven-year jail term on the same charges.

A federal high court in July ordered the interim forfeiture to the government, of jewelry valued at an estimated $40 million recovered by the EFCC from the Abuja home of former petroleum minister Decani Alison-Madueke. The agency had in April secured a similar interim forfeiture order against the former minister’s alleged property in Port Harcourt. The court found that the property was “reasonably suspected to be proceeds of unlawful activity.”

Sexual Orientation and Gender Identity

Nigerian laws, policies and political discourse continued to reinforce intolerance same-sex relations and gender nonconformity throughout 2019. Nigerian law criminalizes same-sex conduct as well as public show of same-sex amorous relationships, same-sex marriages, and the registration of gay clubs, societies, and organizations. In January, Lagos state police spokesperson Dolapo Badmos, through her private Instagram account warned gay people to leave Nigeria or risk prosecution under the Same Sex Marriage Prohibition Act.

A Sharia (Islamic law) court in Kano in January fined 11 women charged under the state’s Immoral Acts law for allegedly planning a same-sex wedding. The victims were arrested in December, 2018 by local religious police, known as Hisbah.

Freedom of Expression, Media, and Association

Armed soldiers raided offices of Daily Trust newspapers in January, temporarily detaining staff for allegedly publishing classified military information.

In June, the Nigerian Broadcasting Commission (NBC) suspended the licenses of the African Independent Television (AIT) and Raypower Radio station for allegedly airing inflammatory and inciting programs against the government and broadcasting uncensored and unedited social media content. Shortly afterwards, the Department of State Security Services (DSS) declared a crackdown on social media users for posting materials described as threatening to the country’s peace and stability.

On August 3, DSS operatives arrested Omoyele Sowore, a 2019 presidential candidate and publisher of New York-based Nigerian news website, Sahara Reporters, accusing him of planning an insurrection aimed at a forceful takeover of government through his calls for nationwide protests tagged ‘Revolution Now.’ A federal high court in Abuja approved Sowore’s detention under the anti-terrorism law, for a renewable 45-day period, on August 8. Sowore was charged with treason, cybercrime, and money laundering offenses in September and was granted bail pending trial in October, under stringent terms.

The terms were later changed by the court, which issued an order for his release on November 6 after his lawyers satisfied the conditions. The DSS did not comply with the order for his release despite civil society protests. He remained in detention at time of writing.

Police clamped down on the “Revolution Now” protests across the country and the government said Amnesty International’s Nigeria office was on its security watch for allegedly tweeting a message by the protest organizers.

Following police violence during IMN protests in Abuja, the Nigerian government proscribed the Muslim Shia group, after a court ruled on July 26, that group’s activities amounted to “acts of terrorism and illegality.”
Key International Actors

Forty UN agencies and international humanitarian organizations, including United Nations High Commissioner for Refugees and United Nations Development Programme launched in January, the 2019 Nigeria Regional Refugee Response Plan (RRRP) with an appeal for $135 million to provide aid to civilians displaced by the Boko Haram insurgency in the Lake Chad Basin region.

In January, the Chinese government pledged 50 million Yuan ($5.5 million) for the purchase of military equipment to support the Nigerian government’s counterinsurgency plans.

In August, UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, Agnes Callamard visited Nigeria to examine violations of the right to life by state and non-state actors. She highlighted in a statement, growing insecurity and widespread failure by authorities to hold perpetrators accountable.

International actors, notably the UN, US, and UK continued to support the Nigerian government’s effort to tackle security challenges and provide humanitarian aid to vulnerable communities but failed to publicly condemn government security forces abuses. UK Foreign Secretary Jeremy Hunt visited northeast Nigeria in May, to reaffirm UK’s commitment to supporting Nigeria and its neighbors in the fight against Boko Haram. The UK provided over £200 million (approx. $259 million) in aid to Nigeria, of which about £100m was allocated to the north-east for security and humanitarian support, including training and capacity building for government forces deployed in the northeast.

The UK and US raised concerns during Nigeria’s 2018 Universal Peer Review about lack of progress on accountability for rights violations by security forces.

Foreign Policy

Nigeria was appointed to the Working Group on Communications for the UN Commission on the Status of Women, in March. On June 4, Tijjani Muhammad-Bande, Nigeria’s permanent representative to the UN was elected to a one-year term as president of the UN General Assembly’s 74th session starting September 2019.
In June, Nigeria, a member of the UN Human Rights Council since 2017, voted against a resolution to extend the mandate of the Independent Expert on Sexual Orientation and Gender Identity, and abstained from the resolution to extend the mandate of the Special Rapporteur on Eritrea.

President Buhari reiterated his support to the International Criminal Court (ICC), urging developed countries to “take the ICC more seriously in order to strengthen democracy and the rule of law” during the visit of Judge Chile Eboe-Osuji, president of the ICC, to Nigeria in June. The Office of the Prosecutor of the ICC continued its preliminary examination relating to the situation in Nigeria in 2019.

North Korea remains one of the most repressive countries in the world. Kim Jong Un, the third leader of the Kim dynasty, continues to serve as head of government and the ruling Workers’ Party of Korea, using threats of execution, arbitrary punishment of crimes, and detention and forced labor to maintain fearful obedience. Kim also continues to tightly restrict travel out of the country and communication with the outside world.

The government does not tolerate any dissent. It bans independent media, civil society, and trade unions, and systematically denies basic rights, including freedom of expression, assembly, association, and religion. It systematically extracts forced, unpaid labor from its citizens to build infrastructure and public implement projects. The government also fails to protect or promote the rights of numerous at-risk groups, including women, children, and people with disabilities.

In 2019, Kim Jong Un continued the diplomatic engagement efforts he started in 2018, and met with Chinese President Xi Jinping, South Korean President Moon Jae-in, US President Donald Trump, Vietnamese President Nguyen Phu Trong, and Russian President Vladimir Putin.

Flouting the International Human Rights System

North Korea has ratified many important international human rights treaties, yet is known for ignoring their requirements. While it topically engaged with some international human rights mechanisms, there was little evidence of real progress on the ground.

A 2014 United Nations Commission of Inquiry (COI) report on human rights in the Democratic People’s Republic of Korea (DPRK, North Korea) concluded the government committed crimes against humanity, including extermination, murder, enslavement, torture, imprisonment, rape, and other forms of sexual violence, and forced abortion. It recommended the UN Security Council refer the situation to the International Criminal Court. The North Korean government continues to deny its findings and refuses to cooperate with the Office of the High Commis-
The Ministry of People’s Security considers defection to be a crime of “treachery against the nation.” North Koreans forcibly returned by China face abuses that the UN Commission of Inquiry has condemned as crimes against humanity. Depending on the authorities’ assessments of what returnees did while in China, those returned can be sent to short-term detention facilities (rodong danryeon-dae), long term ordinary prisons (kyohwaso), or to North Korea’s horrific political prison camp system (kwanliso).

Since it is near certainty that such punishments await those who are returned, North Koreans fleeing into China should be protected under international law as refugees sur place. But the government of China continues to fail to meet its obligations to protect refugees as a state party to the 1951 Refugee Convention and its 1967 protocol. The government continues to send back North Koreans and deny permission to UN refugee agency officials to travel to border areas where North Koreans are present. On November 7, the South Korean government deported two North Korean fishermen to face murder charges in North Korea.

**Forced Labor**

The North Korean government systematically requires forced, uncompensated labor from most of its population—including workers at state-owned enterprises or deployed overseas, women, children, and prisoners—to control its people and sustain its economy. A significant majority of North Koreans must perform unpaid labor, often called “portrayals of loyalty” at some point in their lives. Ordinary North Korean workers are not free to choose their own job. The government assigns jobs to both men and unmarried women from cities and rural areas. In theory, they are entitled to a salary, but in many cases, these enterprises do not compensate them, forcing them to find other jobs to survive while paying bribes not to go to their officially assigned workplace. Failing to show up for work without permission is a crime punishable by three to six months in labor training camps (rodong dallyeondae).

The government also compels many North Koreans to join paramilitary labor brigades (dolgyeokdae), that the ruling party controls and operates, and work primarily on buildings and infrastructure projects. Prisoners in political prisons (kwanliso), ordinary prison camps (kyohwaso), and short-term detention facili-
ties also face back-breaking forced labor in dangerous conditions, sometimes in winter weather without proper clothing.

North Korea is one of the only seven UN members states that has not joined the International Labour Organization (ILO) and during the UPR review, the government did not accept recommendations that it should join.

At-Risk Groups

North Korea uses songbun, a socio-political classification system created at the country’s founding, that groups people into varying classes including “loyal,” “wavering,” or “hostile,” discriminating against lower classed persons in areas including employment, residence, and schooling. Pervasive corruption allows some maneuvering around the strictures of the songbun system, with government officials accepting bribes to allow exceptions to songbun rules, expedite or provide permissions, provide access to certain market activities, or avoid possible punishments.

Women in North Korea suffer widespread gender-based abuses in addition to the abuses suffered by the population in general. In detention facilities, security personnel have subjected women to rape and other sexual violence. Human traffickers and brokers, often linked to government actors, subject women to sexual exploitation and sexual slavery in China, including through forced marriage. Women face high levels of discrimination and sexual harassment and assault in the workplace, and constant exposure to government-endorsed stereotyped gender roles. State authorities engage in abuses against women and systematically fail to offer protection or justice to women and girls experiencing abuses.

Key International Actors

China is the most influential international actor in North Korea. Most of North Korea’s energy supplies come from China and it is the country’s largest trading partner. China’s President Xi Jinping met twice with Kim, in January and June.

South Korea’s current Moon administration has not adopted a clear policy on North Korean human rights issues. The North Korean Human Rights Act, which came into effect in September 2016, specifically requires the government to implement the recommendations of the COI report, assist North Koreans who es-

Moon met with Kim and President Trump in an impromptu summit on June 30, 2019 but did not publicly raise human rights issues during the session. On November 14, in the UN General Assembly’s Third Committee, the South Korean government withdrew its name from a list of more than 40 co-sponsors of a resolution condemning human rights abuses in North Korea, which they had co-sponsored annually since 2008.

Japan continues to demand the return of 12 Japanese citizens whom North Korea abducted in the 1970s and 1980s. Some Japanese civil society groups insist the number of abductees is much higher.

The United States government continues to impose human rights-related sanctions on North Korea, including targeted sanctions on government entities, as well as on Kim Jong Un and on several other top officials. On December 10, 2018, the Treasury Department added three senior North Korean officials to its sanctions list, and the State Department released a report on serious human rights abuses and censorship in North Korea. President Trump met twice with Kim in 2019, in February and June, but discussions were reportedly entirely limited to weapons proliferation issues.

From 2014 to 2017, the US government led efforts at the UN Security Council every December to put North Korea’s egregious human rights violations on its formal agenda as a threat to international peace and security. But in December 2018, the Security Council failed to hold such discussion because of lack of support among council members and the Trump administration’s focus on nuclear talks with Pyongyang. A 2019 Security Council session on North Korea’s human rights situation was scheduled for December 10.

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Although Prime Minister Imran Khan pledged to make social justice a priority after taking office in July 2018, his administration has increased restrictions on media, the political opposition, and nongovernmental organizations (NGOs). Scores of civilians were killed in attacks by the Pakistani Taliban, Al Qaeda, and other armed groups. Members of extremist groups, government officials, and politicians threatened the media and carried out violent attacks on journalists. Women, religious minorities, and transgender people continued to face violence, discrimination, and persecution, with authorities often failing to provide adequate protection or hold perpetrators accountable.

The government cracked down on members and supporters of political parties. Several opposition leaders, including former heads of state and cabinet ministers, were arrested over corruption allegations. Members of the Pashtun Tahafuz Movement (PTM) held protests demanding accountability for extrajudicial killings and enforced disappearances.

In May, Aasia Bibi, a Christian woman who had spent eight years on death row for blasphemy, was released and allowed to rejoin her family in Canada. The Pakistan Supreme Court had acquitted Aasia in October 2018, but she had remained in custody due to nationwide protests by religious groups.

Freedom of Expression and Attacks on Civil Society

Pakistan’s media operated in a climate of fear that impeded coverage of abuses by both government security forces and extremist armed groups. On June 16, Muhammad Bilal Khan, a freelance journalist who ran a popular YouTube channel covering politics, was stabbed to death in Islamabad. In response to such threats and attacks, journalists increasingly practice self-censorship.

Media outlets came under pressure from authorities against criticizing the government. In some cases, regulatory agencies blocked cable operators from broadcasting networks that aired critical programs. GEO TV, a private television channel, was forced off the air or had its audience’s access restricted as punishment for editorials criticizing the government.
On July 9, the Pakistan Electronic Media Regulatory Authority (PEMRA) blocked three television news channels—Capital TV, 24 News HD and Abbtakk News Network—after they broadcast speeches of opposition leaders. The Pakistan Broadcasters Association, a private industry association, claimed that the channels were taken off air without giving them a reason or a hearing. On July 1, PEMRA terminated a live interview with former President Asif Ali Zardari on GEO TV shortly after it began.

On February 9, the Federal Investigating Agency arrested Rizwan-ur-Rehman Razi, a journalist and television host in Lahore, for social media posts that allegedly “defamed state institutions” in violation of Pakistan’s cybercrimes law. Razi was subsequently released. In May, the authorities arrested a journalist, Gohar Wazir, for reporting on protests by minority Pashtuns.

Human Rights Watch received several credible reports of intimidation, harassment, and surveillance of various NGOs by government authorities. The government used the “Regulation of INGOs in Pakistan” policy to impede the registration and functioning of international humanitarian and human rights groups.

In May, authorities registered a criminal case for inciting violence and defaming state institutions against Gulalai Ismail, a women’s rights activist and Pashtun leader, following protests against the rape and murder of a 10-year-old girl in Islamabad. After months in hiding, Ismail fled to the US, where she sought asylum.

Freedom of Religion and Belief

The Pakistani government did not amend or repeal blasphemy law provisions that provide a pretext for violence against religious minorities, as well as arbitrary arrests and prosecution. Hundreds have been arrested over blasphemy allegations, most of them members of religious minorities. The death penalty is mandatory for blasphemy, and 40 people remained on death row at time of writing.

In April, a tailor in Taxila, Punjab, was arrested after local traders and religious leaders accused him of blasphemy. In May, riots erupted in Mirpurkhas, Sindh, after a Hindu veterinary doctor was accused of blasphemy for allegedly providing medicines wrapped in paper printed with Islamic verses.

The provisions of Pakistan’s penal code, which perpetuate discrimination against the Ahmadis, a religious minority, remain unchanged. In August, the district administration in Lahore sealed an Ahmadiyya prayer center after the local clerics objected to Ahmadis being allowed to pray openly.

Women’s and Children’s Rights

While numerous cases of violence against women and girls highlighted the difficulty survivors face getting justice, authorities succeeded in enforcing some key reforms.

In August, in an important enforcement of laws to prosecute so-called “honor killings,” the parents of Qandeel Baloch, a Pakistani social media celebrity who was murdered by her brothers in July 2016, were denied their request to “pardon” the perpetrators. After Qandeel’s murder, the parliament passed a law closing the pardon loophole used by families to protect perpetrators. However, very few cases of honor killings were prosecuted.

In July, the Supreme Court of Pakistan held that in cases of acid attacks, a mercy petition filed by the victim forgiving the perpetrator cannot be allowed because it constitutes “extreme cruelty.”

The Sindh provincial cabinet approved a new law in August providing the right of women agricultural workers to have a written contract, minimum wage, welfare benefits, and gender parity in wages. The law marked the first time that Pakistan recognized the right of women agricultural workers to unionize.

In August, the national assembly’s standing committee on law and justice rejected a bill proposing to fix the minimum age of marriage of girls at 18. Early marriage remains a serious problem, with 21 percent of girls in Pakistan marrying before the age of 18, according to UNICEF. A number of women and girls were trafficked to China and sold as “brides.”

Over 5 million primary-school-age children are out of school, most of them girls, for reasons including lack of schools in their areas, child marriage, and gender discrimination.

Child sexual abuse remains common. According to the organization Sahil, more than 10 cases of child sexual abuse are reported daily across Pakistan.
Death Penalty

Pakistan has more than 4,600 prisoners on death row, one of the world’s largest populations facing execution. At least 511 individuals have been executed since Pakistan lifted the moratorium on death penalty in December 2014. Those on death row are often from the most marginalized sections of society.

In June 2019, Pakistan’s Supreme Court halted the execution of Ghulam Abbas, a prisoner with a psychosocial disability who had spent more than 13 years on death row.

Sexual Orientation and Gender Identity

According to local groups, at least 65 transgender women have been killed in Khyber Pakhtunkhwa province since 2015. In January, a transgender woman was killed in Karak, Khyber Pakhtunkhwa after being attacked on her way back from a music concert. In July, police in Sahiwal district, Punjab, found the bodies of two transgender women who had been tortured to death. In August, Honey, a transgender woman, was shot and killed in Manshera district, Khyber Pakhtunkhwa. Activists allege that authorities had not brought perpetrators to account.

Parliament passed a comprehensive transgender rights bill in 2018. However, Pakistan’s penal code criminalizes same-sex sexual conduct, placing men who have sex with men and transgender women at risk of police abuse, and other violence and discrimination.

Attacks on Health Workers

The TTP and other Islamist militant groups carried out violent attacks on health-care workers involved in providing grassroots services and polio immunization. A spate of attacks in April resulted in the government temporarily suspending the polio immunization campaign throughout the country. On April 23 and April 24, police officers protecting polio workers were gunned down in Khyber Pakhtunkhwa. On April 30, two unidentified assailants killed a female polio worker in Chaman, Balochistan. The vaccination campaign resumed after the government launched an awareness campaign and asked social media platforms to remove anti-vaccine content.
Papua New Guinea

In 2019, lack of accountability for police violence persisted in Papua New Guinea (PNG), and weak enforcement of laws criminalizing corruption and violence against women and children continued to foster a culture of impunity and lawlessness. Although a resource-rich country, almost 40 percent of its population lives in poverty, which, together with poor health care, barriers to education, corruption, and economic mismanagement, stunts PNG's progress.

PNG imposes the death penalty for serious crimes such as murder, treason and rape amongst others, although authorities have not carried out any executions since 1954.

Peter O’Neill resigned as prime minister in May, amid weeks of political instability fueled by key party defections over his handling of the PNG LNG gas project and dissatisfaction over failure to protect the interests of landowners. PNG’s new prime minister, James Marape, has committed to fixing a myriad of problems in the country, although progress remains slow.

Women’s and Girls’ Rights

Domestic violence affects more than two-thirds of women in Papua New Guinea. In March 2019, more than 200 domestic violence and sexual violence cases were reported in Lae and Port Moresby, where over 23 murders alone were attributed to domestic violence.

In July, six people were killed in an ambush in Menima village and in retaliation for their deaths, days later gunmen killed eight women and five children in a brutal massacre in the Hela Province. Newly appointed Prime Minister James Marape condemned the killings, calling for the death penalty against perpetrators, although no one had been arrested at time of writing.

Sorcery-related violence continued to endanger the lives of women and girls, although there were no new reported incidents during 2019 at time of writing. In June, six men in New Ireland were sentenced to eight years in jail for torturing three women in 2015, claiming they had practiced sorcery. This followed a 2018 sentence, where eight men were sentenced to death and 88 were imprisoned for life for sorcery-related killings.
Children’s Rights

According to a report by international nongovernmental organizations (NGOs) released in July, 75 percent of children surveyed across 30 communities in Bougainville, an autonomous island region, and Morobe province had experienced violence at home.

PNG has an underfunded health system and children are particularly vulnerable to disease. An estimated one in thirteen children die each year from preventable diseases, and large numbers of children experienced malnutrition resulting in stunted growth.

School attendance rates for children have improved, however the United Nations Children’s Fund, UNICEF, estimates that a quarter of primary and secondary school-aged children do not attend school, especially girls. Only 50 percent of girls enrolled in primary school make the transition to secondary school.

Police Abuse

Despite the establishment of a police task force in 2018 to investigate unlawful conduct by police officers in Port Moresby, police violence continues, especially targeting those suspected of crimes. In November, a video emerged on social media of police viciously beating three men in Port Moresby. Two police officers were charged and suspended following the release of the video.

Media reports state that between September 2018 and January 2019, 133 police have been investigated and 42 arrested, yet convictions remain rare outside Port Moresby. In the same time period, PNG courts convicted and imprisoned 15 police officers in the country’s capital for a range of offences including brutality, aiding prison escapees, and domestic violence.

At time of writing, no police officers had been prosecuted for killing 17 prison escapees in 2017 and four prison escapees from Buimo prison in Lae in 2018. Police officers who killed eight student protesters in Port Moresby in 2016 have also not been held accountable.

In March, the Australian Broadcasting Corporation (ABC) reported 50 complaints by the community of Alotau in the Milne Bay Province against police for brutality.

In July, the National Court in Kimbe sentenced three officers to 20 years in prison for killing a person while they were drunk on duty.

Corruption

Corruption is widespread. In June, Prime Minister Marape announced a commission of inquiry into a A$1.2 billion (US$823.4 million) loan entered into by the former government from the Australian branch of Swiss bank UBS. In December 2018, an ombudsman report into the scandal named nine individuals, including the current prime minister, as failing to comply with proper processes and procedures including findings of potential breaches of multiple acts of parliament and the PNG constitution. In October, police filed an arrest warrant for former prime minister, Peter O’Neill, but it was later withdrawn during a legal battle regarding the validity of the warrant.

In July, PNG police charged a former forestry minister with misappropriating A$944,331 (US$648,000) which was set aside for health workers’ houses.

Asylum Seekers and Refugees

At time of writing, about 262 refugees and asylum seekers remain in Papua New Guinea, transferred there by the Australian government since 2013. In 2019, the government shut down refugee and asylum seeker facilities on Manus Island and transferred refugees to other facilities in Port Moresby. About 50 “failed” asylum seekers, mostly from Iran, are detained in the Bomana Immigration Centre, held virtually incommunicado and denied access to lawyers and their families. Refugee advocates reported that detainees at the Bomana Immigration Centre have no access to phones or the internet, unless they have agreed to assisted “voluntary” return.

Medical facilities on Papua New Guinea have been unable to cope with the complex medical needs of asylum seekers and refugees. Since the re-election of the Australian Coalition government in May, there have been dozens of suicide attempts and acts of self-harm by refugees and asylum seekers.

In June, the UN High Commissioner for Refugees concluded that the mental health crisis cannot be appropriately addressed in PNG and that those with mental health conditions should be transferred back to Australia as a matter of ur-
sometimes used as a pretext by officials and employers to harass or extort money from gay and lesbian people in PNG, including gay refugees.

**Key International Actors**

Australia is the biggest provider of aid and investment to PNG, but China is increasingly playing a larger role, especially in infrastructure projects such as roads and schools. However, there are plans to invest in other projects, such as building a A$400 million (US$270 million) Chinatown in Port Moresby. At the end of 2018, PNG owed almost 24 percent of the country’s total external debt of approximately A$588 million (US$402 million) to China.

PNG is currently seeking international assistance to refinance A$12 billion (US$8.2 billion) in national debt. In August, the Marape government requested that A$607.5 million (US$416.9 million) of Australia’s aid budget to the country be redirected to its treasury department, which Australia refused. Prime Minister Marape also suggested that China open a free trade agreement with PNG, and that it assist in refinancing PNG’s debt.

In November, at time of writing, a referendum was called to decide whether Bougainville will remain a part of Papua New Guinea, or whether it will become a separate country. The result of the referendum is non-binding and there are risks of violence if the population votes for independence and the PNG government refuses to accept the outcome of that referendum.

**Land Rights**

PNG is rich in natural resources, but the unequal distribution of revenue from mining causes friction as landholders reap little benefit and bear the brunt of environmental degradation, exploitation and economic harm from extractive activities. The Marape government has warned foreign companies, especially mining companies, that they must pay appropriate taxes and royalties to landowners. In multiple cases, landowners have reported being mistreated by foreign companies.

The lease for the Porgera mine by Barrick Gold, a Canadian gold mining company, and Zijin, a Chinese gold mining company, was set to expire in August 2019. That same month, Barrick’s CEO met with local landowners, who raised concerns about the social, economic, and environmental impacts of the mine. The mine will continue to operate while negotiations are underway.

**Disability Rights**

Despite the existence of a national disability policy, people with disabilities are often unable to participate in community life, attend school, or work because of lack of accessibility, stigma, and other barriers. Access to mental health services is limited, and many people with psychosocial disabilities and their families often consider traditional healers to be their only option.

In 2018, the National Executive Committee directed various government bodies to draft a Disability Bill to address barriers that people with a disability face and to protect their rights. The bill is currently undergoing consultation with key stakeholders.

**Sexual Orientation and Gender Identity**

Same-sex relations are punishable by up to 14 years’ imprisonment in PNG’s criminal code. While there is little information on actual convictions, the law is
Judicial investigations into grave human rights abuses committed during the 20-year armed conflict that ended in 2000 remain slow and limited. Violence against women, abuses by security forces, and threats to freedom of expression are also major concerns.

Former President Alberto Fujimori returned to prison in January 2019, after a Supreme Court judge annulled a “humanitarian pardon” that had allowed for his release in December 2017. Fujimori was sentenced in 2009 to 25 years in prison for killings, enforced disappearances, and kidnappings.

Since 2018, Peru has been rocked by a series of corruption scandals involving all living former presidents since 2001, as well as members of the judiciary and the National Magistrate Council.

In response to the crisis, President Martín Vizcarra has, since July 2018, sought a series of political, justice, and anti-corruption reforms. A referendum in December 2018 approved a single-term limit for congressmen, new financing rules for political parties, and changes to the Magistrate’s Council. Other reforms, including gender parity for congressional elections, have also been approved.

**Confronting Past Abuses**

Efforts to prosecute grave human rights abuses committed during the armed conflict have had mixed results.

Peru’s Truth and Reconciliation Commission estimated that almost 70,000 people died or were subject to enforced disappearance during the country’s armed conflict between 1980 and 2000. Many were victims of atrocities by the Shining Path and other insurgent groups; some were victims of human rights violations by state agents.

Authorities have made slow progress in prosecuting abuses committed by government forces during the armed conflict. As of September 2019, courts had issued rulings in 86 cases related to abuses committed during the armed conflict, Peruvian human rights groups reported, including 44 convictions.

In December 2017, then-President Pedro Pablo Kuczynski granted former President Fujimori a “humanitarian pardon,” based on claims of illness, but in October 2018, a Supreme Court judge overturned the pardon. Fujimori returned to prison in January 2019. In February, the Special Criminal Chamber of the Supreme Court upheld the decision.

In November 2018, Fujimori was charged for his alleged role in forced sterilizations of mostly poor and indigenous women during his presidency. The case was pending at time of writing. More than 5,000 victims of forced sterilizations committed between 1995 and 2001 had registered in a government registry, at time of writing.

Also at time of writing, Former President Ollanta Humala continued to face criminal investigations for his alleged role in atrocities and cover-up of egregious human rights violations committed at the Madre Mía military base, in the Alto Huallaga region, during Peru’s armed conflict.

Courts have made very little progress in addressing abuses, including extrajudicial killings, enforced disappearances, and torture, committed during the earlier administrations of Fernando Belaúnde (1980-1985) and Alan García (1985-1990).

In October 2018, the National Criminal Chamber declared Gen. Daniel Urresti not guilty of the 1988 murder of journalist Hugo Bustillos. But in April 2019, the Supreme Court annulled the decision and ordered a new trial, arguing that the chamber failed to evaluate properly the evidence. In August 2019, 13 soldiers were indicted in connection with rapes of nine women committed between 1984 and 1995 in the districts of Manta and Vilca.

In 2018, President Vizcarra passed a decree establishing a genetic profile bank to help in the search for the disappeared.

**Police Abuse**

Security forces have used excessive force when responding to occasional violent protests over mining and other large-scale development projects, according to the Ombudsman’s Office and local rights groups. According to the Ombudsman’s Office, 57 civilians have died in the context of protests since 2013. Such killings have significantly declined since 2016.

In 2015, then-President Humala issued Decree 1186 that limited the use of force by police. However, Law 30151, passed in 2014, grants legal immunity to police
In 2019, a judge in Lima overturned a 2009 Constitutional Court ruling that had banned the free distribution of emergency contraception pills in the country.

In August, President Vizcarra signed a law establishing gender parity in congressional elections. The law requires that 40 percent of congressional candidates be female by 2021, 45 percent by 2026, and 50 percent by 2031.

Sexual Orientation and Gender Identity

Same-sex couples in Peru are not allowed to marry or engage in civil unions. In August, a judge ordered the civil registry to recognize the marriage of a same-sex Peruvian couple who had wed in the United States. An appeal was pending at time of writing.

In November 2018 and January 2019, lawmakers introduced bills aimed at eliminating so-called “gender ideology” from public policy. The bills would exclude use of the concept of gender (which proponents of the bill consider ideologized) from domestic legislation, including sexual education in school.

Human Rights Defenders and Community Leaders

Human rights defenders, and environmental activists, as well as other community leaders, have been killed, and threatened in recent years in Peru.

In January 2019, Wilbelder Vegas Torres, an indigenous leader and environmental defender, was assassinated in a district in the northern region of Piura. Villagers told reporters that Vegas had received threats linked to his opposition to illegal mining operations in the San Sebastián de Suyo communal lands.

In April, authorities found the burned body of British environmental activist Paul McAuley in Belén, a district in the Amazonian region of Loreto.

Also in April, the Ministry of Justice approved a protocol establishing measures to protect at-risk human rights defenders and their relatives.

Refugees, Asylum Seekers, and Migrants

More than 280,000 Venezuelans are seeking asylum in Peru, the largest number of registered Venezuelan asylum seekers in any country.
Philippines

Three years after President Rodrigo Duterte took office in June 2016, his “war on drugs” has killed thousands of people largely from impoverished urban areas. Extrajudicial killings by police and their agents have continued on a regular basis, spreading from the capital region, Metro Manila, into other cities and provinces. The impact of the “drug war” includes not only loss of life but damage to the livelihoods, education, and the mental health of surviving family members.

In July 2019, the United Nations Human Rights Council adopted a resolution asking the Office of the High Commissioner for Human Rights to submit a report in June 2020 on the human rights situation in the Philippines, bringing to bear international pressure for accountability. The Duterte administration responded by ordering the suspension of all negotiations for financial assistance from the 18 countries that endorsed the resolution.

State security forces and government-backed paramilitaries continue to harass, threaten, arbitrarily arrest, and in some instances attack and kill political activists, environmentalists, community leaders, and journalists.

General elections in May 2019 solidified Duterte’s power base as more politicians allied themselves with his ruling party. Duterte’s former aide, Christopher Go, and his former police chief, Ronaldo dela Rosa, who initially spearheaded the “drug war,” were among those elected to the Senate. Dela Rosa was named to head the Senate committee charged with investigating police matters and the “drug war.”

“War Against Drugs”

The government’s “drug war” continued in 2019, with new cases appearing in the media daily. The modus operandi for the killings involved police raiding homes to apprehend alleged drug dealers or users, who instead of being taken into custody would be reported dead, with the police claiming self-defense. Human Rights Watch has documented the police planting weapons near suspects bodies to justify their lethal use of force.

More than 800,000 Venezuelans live in Peru. In January 2018, President Kuczynski authorized a year-long temporary residency permit for those who arrived before December 31, 2018, and who requested it before June 30, 2019. But in August 2018, the government restricted the permit to those who arrived before October 31, 2018, and requested it by December 31, 2018. Those who hold the permit—more than 486,000 at time of writing—are allowed to work, enroll their children in school, and access health care.

In October 2018, a judge annulled a passport requirement for entry, instated that August. The requirement would have effectively closed the door to many Venezuelan exiles, as obtaining a passport in Venezuela is extremely difficult. In June 2019, however, the government passed a resolution requiring all Venezuelan migrants to apply for a humanitarian visa at a Peruvian consulate before entering. A lawsuit filed against the resolution by a coalition of nongovernmental organizations was pending at time of writing.

Key International Actors

In July, the Inter-American Commission on Human Rights (IACHR) and the Organization of American States’ special rapporteur on economic, social, cultural and environmental rights expressed concern over repeated instances of oil spills in the Peruvian Amazon, which, they said, harmed the rights of indigenous populations.

In 2017, Peru hosted a meeting at which foreign affairs ministers of 12 nations signed the Lima Declaration—a statement that condemns the rupture of democratic order and the systematic violation of human rights in Venezuela. This coalition of governments—called the “Lima Group”—since then—has led efforts to address the human rights crisis in Venezuela.

In September 2018, Peru and five other countries referred the situation in Venezuela to the International Criminal Court prosecutor. In January 2019, Peru recognized Juan Guaidó, president of the National Assembly, as interim president of Venezuela.

As a member of the UN Human Rights Council, Peru has supported resolutions to spotlight human rights abuses, including in the Philippines, Syria, Myanmar, Iran, and Venezuela.
Similar killings occurred in other parts of the country. On July 2, unidentified gunmen shot labor organizer and political activist Dennis Sequeña at a workers’ meeting in Cavite. On July 7, a church activist, a provincial politician, and a businessman were killed in separate attacks by unidentified gunmen on motorcycles. The previous month, four—Neptali Morada, Nonoy Palma, Ryan Hubilla, and Nelly Bagasala—were killed in different attacks in less than 48 hours. In September, Global Witness reported that the murder of environmentalists had increased under the Duterte administration, and that the Philippines in 2018 became the most dangerous country in the world for land and environmental activists. Human Rights Watch and other rights groups have linked many of these killings to members of the military, police, or security force-backed militias. Few of the killings of activists over the years have been seriously investigated, and few have resulted in convictions.

Attacks on Civil Society

The Duterte administration has not relented in its campaign against members of civil society. On July 18, for example, police filed sedition complaints against Vice President Leni Robredo and 35 other people, including priests and bishops, political opposition members, and human rights lawyers and activists whom it claimed had participated in a plot to oust Duterte. The respondents all denied the charge.

Also in July, Duterte’s national security adviser, Hermogenes Esperon, filed perjury charges against religious and activist groups for allegedly lying in their petition seeking judicial protection from state security forces. The petitioners alleged that they were being targeted by the military. They also asserted that Esperon’s complaint constituted retaliation to silence them. Senator Leila de Lima, a main critic of Duterte who initiated an investigation into the “drug war” killings in 2016, has been held in police detention since February 2017, facing fabricated drug charges.

Meanwhile, the government has continued its campaign of “red tagging” activists by accusing them of being members or sympathizers of the communist New People’s Army. Over the years such allegations have often been followed by lethal attacks.
Freedom of Media
Political attacks against journalists intensified in 2019, beginning with the arrest on two occasions of Maria Ressa, executive editor of Rappler, a news website, which has published extensively on the “drug war.” Ressa faced baseless cases of tax evasion and libel, while Rappler received official scrutiny for alleged funding by foreigners.

One journalist had been killed as of November: news anchor Eduardo Dizon of Kidapawan City in Mindanao, who was shot dead on July 10. At least one other, Brandon Lee, suffered serious injuries from an attack by a gunman in August in the northern Philippines.

Other members of the press were subjected to red-baiting and threats, notably Cong Corrales, associate editor of the Mindanao Gold Star Daily, and Froilan Gallardo, a senior correspondent for MindaNews. The country’s intelligence service in September “red-tagged” journalist Sonia Soto, manager of a radio station in Pampanga province, accusing her being having links to communist groups.

Children’s Rights
The government’s brutal “drug war” has devastated the lives of countless children and their families. Human Rights Watch research in the past year shows that the killing of breadwinners has resulted in psycho-social trauma and economic hardships for affected families, with many children having to stop going to school and begin working. Some of these children are bullied in schools and in their communities; many are driven to extreme poverty that forces them live in the streets. The government has done little to address these consequences of its “drug war.”

Apart from being direct victims of the “drug war” itself – several children have been killed by stray bullets during anti-drug raids. An initiative started in February in Congress to lower the age of criminal responsibility from the current 15 to 12, with some even proposing it be lowered to 9, could result in more and younger children being locked up in ill-maintained detention facilities.

In a positive move, Congress in February approved a new law protecting children during armed conflict. It appears to be the world’s first law explicitly criminalizing the military occupation of schools. However, at time of writing the Duterte administration had not yet endorsed the Safe Schools Declaration, an international commitment to protect education during conflict.

Sexual Orientation and Gender Identity
The Philippine Congress failed in 2019 to pass pending legislation prohibiting discrimination based on sexual orientation and gender identity in employment, education, health care, housing, and other domains. It also has not passed legislation recognizing same-sex partnerships and extending benefits to same-sex couples.

Death Penalty
Allies of President Duterte in both houses of Congress pushed for the reimposition of the death penalty, especially for drug crimes. In September, Congress conducted hearings on numerous bills that seek to amend existing laws to include capital punishment. In the Senate, where previous death penalty bills have founndered, Senator Manny Pacquiao led the campaign to resuscitate the measure, with the help of newly elected senators who ran under Duterte’s party banner.

Key International Actors
The United States remains the key economic and security ally of the Philippines, although there have been growing concerns in Washington about the Duterte administration’s increasingly cozy relationship with China.

On July 11, 2019, the UN Human Rights Council adopted a resolution sponsored by Iceland, despite efforts by the Philippines to block the resolution, including through an extensive misinformation campaign and wide-reaching diplomatic pressure. The resolution requested the Office of the High Commissioner for Human Rights (OHCHR) to present a report on the human rights situation in the Philippines. The passage of this ground-breaking resolution marked the first time the Philippines was the subject of such a measure from the Human Rights Council. In September, the OHCHR began soliciting inputs from member states, civil society, and the UN system for the report, due in June 2020.
Qatar

In November, Qatar entered the third and last year of its technical cooperation program with the International Labour Organization (ILO) aimed at extensively reforming migrant workers’ conditions including by replacing the kafala (sponsorship) system, which gives employers extensive powers over migrant workers, with a new contractual system.

However, the kafala system remains in place and continues to facilitate the abuse and exploitation of the country’s migrant workforce. Families from the Ghufran clan remain stateless and deprived of key human rights 20 years after the government stripped them of their citizenship.

Qatari laws continue to discriminate against women and lesbian, gay, bisexual, and transgender (LGBT) individuals. Throughout 2019, the diplomatic crisis persisted between Qatar on one side and Saudi Arabia, Bahrain, Egypt, and the United Arab Emirates (UAE) on the other, over Qatar’s alleged support of terrorism and ties with Iran, impacting the rights of Qatari and other Gulf and Egyptian nationals too.

**Migrant Workers**

Qatar has a migrant labor force of over 2 million people, who comprise approximately 95 percent of its total labor force. Approximately 1 million workers are employed in construction while another 100,000 are domestic workers. The kafala system governing the employment of migrant workers gives employers excessive control over them, including the power to prevent them from changing jobs, escaping abusive labor situations, and, for some workers, leaving the country.

In October 2017, the International Trade Union Confederation announced Qatar’s agreement with the International Labour Organization (ILO) to substantially reform the current kafala system, institute a nondiscriminatory minimum wage, improve payment of wages, and end document confiscation and the need for an exit permit for most workers wanting to leave the country. The agreement called for stepped-up efforts to prevent forced labor, enhance labor inspections and occupational safety and health protocols—including by developing a heat mitiga-
On October 16, 2019, the ILO announced that Qatar’s Council of Ministers endorsed new legislation that would allow workers to change employers without employer consent, and a new law to establish a non-discriminatory minimum wage. The legislation, which still requires approval by Qatar’s Shura (Advisory) Council and sign-off by the Emir, is expected to come into force by January 2020. According to the statement, a ministerial decree by the minister of interior was also signed, removing exit permit requirements for all workers, except military personnel.

Women’s Rights
Qatar allows men to pass citizenship to their spouses and children, whereas children of Qatari women and non-citizen men can only apply for citizenship under narrow conditions, which discriminates against Qatari women married to foreigners, and their children and spouses.

In September 2018, Qatar passed a permanent residency law that for the first time provides that children of Qatari women married to non-Qatari men, among others, can apply for permanent residency allowing them to receive government health and educational services, to invest in the economy, and own real estate. However, the law falls short of granting women equal rights to men in conferring nationality to their children and spouses.

The concept of male guardianship is incorporated into Qatari law and regulations and undermines women’s right to make autonomous decisions about marriage and travel. Qatar’s personal status law also discriminates against women in marriage, divorce, child custody, and inheritance. The law provides that women can only marry if a male guardian approves; men have a unilateral right to divorce while women must apply to the courts for divorce on limited grounds; and a wife is responsible for looking after the household and obeying her husband. Under inheritance provisions, female siblings receive half the amount their brothers get. Single women under 25 years of age must obtain their guardian’s permission to travel outside Qatar. While married women at any age can travel abroad without permission, men can petition a court to prohibit their wives’ travel. A wife can be deemed disobedient, and thus lose her husband’s financial support, if she travels despite his objection.
Qatar has no law on domestic violence and only has an article in the family law forbidding husbands from hurting their wives physically or morally, and general provisions on assault.

Refugee Rights

In September 2018, Qatar’s Emir signed into law the Gulf region’s first asylum law. The law demonstrates Qatar’s intention to refugee rights but falls short of its international obligations, particularly with regard to its restrictions on freedom of movement and expression. Qatar is not a signatory to the 1951 Refugee Convention and its 1967 Protocol.

In April 2019, Qatar introduced two ministerial decrees determining the categories of individuals who have the right to obtain asylum and laying out the benefits and rights afforded to asylees. However, the committee authorized to determine asylum claims is yet to be established, meaning the law is not yet in operation. Throughout 2019, the Interior Ministry’s search and follow up department repeatedly threatened two individuals with deportation without cause and despite both individuals’ stated desire to seek asylum under the new law.

Statelessness

Qatar’s decision to arbitrarily strip families from the Ghufran clan of their citizenship starting in 1996 has left some members still stateless 20 years later and deprived them of key human rights. In 2019, Qatar made no commitments to rectify their status.

Stateless members of the Ghufran clan are deprived of their rights to work, access to health care, education, marriage and starting a family, owning property, and freedom of movement. Without valid identity documents, they face restrictions accessing basic services, including opening bank accounts and acquiring drivers’ licenses, and are at risk of arbitrary detention. Those living in Qatar are also denied a range of government benefits afforded to Qatari citizens, including state jobs, food and energy subsidies, and free health care.

Qatar is not party to the 1954 or the 1961 UN Statelessness Conventions. Its laws on nationality say nothing about revoking citizenship when that would leave the person stateless.

Sexual Orientation and Morality Laws

Qatar’s penal code criminalizes sodomy, punishing same-sex relations with imprisonment for one to three years. Individuals convicted of zina (sex outside of marriage) can be sentenced to prison. In addition to imprisonment, Muslims can be sentenced to flogging (if unmarried) or the death penalty (if married). Women are disproportionately impacted as pregnancy serves as evidence of extramarital sex and women who report rape can find themselves prosecuted for consensual sex instead.

Under Article 296 of the penal code, “[l]eading, instigating or seducing a male anyhow for sodomy or dissipation” and “[i]nducing or seducing a male or a female anyhow to commit illegal or immoral actions” is punishable by up to three years. The law does not penalize the person who is “instigated” or “enticed.” It is unclear whether this law is intended to prohibit all same-sex acts between men, and whether only one partner is considered legally liable.

Section 47 of the 1979 Press and Publications Law bans publication of “any printed matter that is deemed contrary to the ethics, violates the morals or harms the dignity of the people or their personal freedoms.” Throughout 2018, private publishing partners in Qatar, including the partner of the New York Times, censored numerous articles that touched on LGBT topics, in line with the country’s anti-LGBT laws.

Key International Actors

In June 2019, the crisis pitting Saudi Arabia, Bahrain, United Arab Emirates, and Egypt against Qatar entered its third year. Travel between these countries and Qatar remains restricted, and the land border with Saudi Arabia remains closed. Qatari can only visit relatives in Saudi Arabia, Bahrain, and the UAE if they obtain those governments’ permission explaining the “humanitarian” reason for their trip. In UAE and Bahrain, speech critical of their governments’ isolation of Qatar or expressing sympathy for Qatar is prosecuted as a crime.

Qatar and the United States signed a number of bilateral agreements, including on civil aviation, counterterrorism, and cybersecurity. In January 2019, US Secretary of State Mike Pompeo signed a memorandum of understanding with Qatar regarding the expansion and renovation of al-Udeid Air Base, the largest US military base in the region.
Election Protests

In mid-July, disqualification of viable opposition candidates—many of them allies of opposition politician Alexei Navalny—from the September Moscow City Council elections sparked sustained, unauthorized, but peaceful protests. Police used excessive force against peaceful protesters, dozens of whom sustained injuries, and arrested record numbers of demonstrators and random bystanders. Apparently aiming to discourage further protests, authorities opened several major criminal investigations. By November, 23 people were arrested on unfounded charges of “mass rioting” and/or assaulting police. Five were sentenced, for assault, to two-to-three-and-a-half years in prison, one of whom was released in September, following a vigorous public campaign.

An appeals court issued him a one-year suspended sentence. Seven were released and their cases closed. Eleven remained in jail or under house arrest, including Yegor Zhukov, whose charges were changed to “inciting extremism online.” Aidar Gubaidulin was put on an international wanted list after he fled Russia, fearing imprisonment. One activist, Konstantin Kotov, received a four-year prison sentence merely for repeated participation in unsanctioned demonstrations. Courts issued warnings to two couples who brought their children to the protests, after the prosecutor’s office sought to have them stripped of their parental rights. One man received five years’ imprisonment for a tweet that was interpreted as threatening law enforcement officers’ children.

Authorities opened a criminal investigation into election interference targeting opposition figures excluded from the ballot, and unregistered independent candidates served consecutive temporary arrest sentences. Civil lawsuits seek to hold protest leaders responsible for alleged damages, for millions of rubles, related to unsanctioned protests. A money-laundering investigation opened in August targeted the Anti-Corruption Fund (FBK)—an organization led by Navalny. Nationwide raids of the organization’s premises and freezing of its activists’ bank accounts followed the September vote.

Police in Ulan-Ude used excessive force and carried out arbitrary detentions to break up peaceful, election-related protests triggered by, among other things, the victory of the ruling party’s mayoral candidate. Approximately 20 were detained; two were fined, two received short jail sentences, and the rest were re-
Freedom of Expression

In December 2018, President Vladimir Putin signed into law amendments de-criminalizing first-time incitement to hatred offenses. Russian authorities often misuse incitement to hatred offenses to stifle legitimate protected speech.

Russian authorities continued to use repressive legislation to stifle critical and independent voices online and offline.

In an emerging trend, authorities restricted artistic freedom by canceling numerous rap and pop music performances under the pretext of protecting children from the promotion of drugs, suicide, and homosexuality.

The government continued to curtail internet freedom. Google’s transparency report showed that the total volume of content that the Russian government has requested it to block on YouTube and its other platforms spiked in 2018.

In May, Putin signed a law enabling Russian authorities to partially or fully block access to the internet in Russia, without judicial oversight, in the event of as yet undefined security threats. The law, which partially came into force in November, and at time of writing was due fully in force in January 2020, envisages the creation of a national domain system, providing the government with centralized control of the country’s internet traffic that would enhance its capacity to conduct fine-grain censorship of internet traffic.

Courts issued crippling fines to NGOs and independent media. A massive fine in late 2018 against *The New Times* magazine, known for its critical coverage of government policies, was for alleged failure to report foreign funding. In October 2018, a court ordered Transparency International Russia to pay a million rubles (US$15,200) in libel damages to the co-manager of Putin’s 2018 electoral campaign. The same month, an NGO working on drug policy was fined for promoting drug use over an article on how certain drug users can reduce health risks. All three avoided closure by raising money for fines through crowdfunding.

Cases against at least 45 people were opened and courts already issued 23 fines for insulting the authorities, under a March 2019 law that bans dissemination of “fake news” or expressing “blatant disrespect” for the state.

In February, authorities opened a criminal terrorism propaganda investigation against a journalist, Svetlana Prokopyeva, for remarking in a broadcast about a...
Human Rights Defenders

In March, a court in Chechnya sentenced Oyub Titiev, Grozny director of Human Rights Centre Memorial, to four years on bogus drug charges. In June, Titiev was paroled, after 17 months behind bars.

Several human rights lawyers and activists were targeted in Krasnodar region. Human rights lawyer Mikhail Benyash was sentenced to a fine for assaulting a police officer. The charges against Benyash were brought after he was arrested in 2018, held in incommunicado detention, and beaten. In November 2018, unknown perpetrators torched the car of Benyash’s lawyer, Lyudmila Aleksandrovna, who also represents victims in cases against law enforcement agencies. In September, police in Sochi raided the home of human rights defender Semyon Simonov, breaking his door, and confiscating his and his wife’s electronics and documentation pertaining to his work.

In August, police and security services raided and searched the Moscow and Nazran offices of Russian Justice Initiative, an NGO that has won several hundred cases against Russia at the European Court of Human Rights. In Moscow, authorities did not show a search warrant. Authorities in Nazran said the search stemmed from an investigation into alleged foreign funding of unsanctioned protests.

2019 marked 10 years since the murder of Natalia Estemirova, a human rights defender in Chechnya. Russian authorities have not carried out an effective investigation.

Environmental Defenders

Throughout the year, people across Russia protested, trying to prevent the construction or expansion of landfills, waste incineration plants, and waste processing plants that they believed would jeopardize their rights to health and a healthy environment.

In Arkhangelsk region, private security guards used violence against protesters who seek to block the illegal construction, in swampland woodlands, of what would be the largest landfill in Europe. In March, police criminally charged three activists with vigilantism for trying to stop the actions of a private subcontractor who was using an excavator to threaten activists, injuring one. But authorities

suicide bombing that some government policies might be radicalizing youth. The news outlets that published her comment were also fined.

In May, two veteran reporters with Kommersant, a highly respected news outlet, were pressured into resigning in retaliation for a news story, prompting the entire politics desk to quit. Ivan Golunov, a journalist with the independent outlet Meduza was arrested on bogus drug charges because of his investigative work on high-level corruption. After massive local and international campaigns, authorities released Golunov, dropped the charges, and sacked two high-level police officials. An investigation is ongoing into the attempt to fabricate the case against Golunov.

In November, the Russian parliament passed a new bill enabling authorities to expand the status of “foreign agents” to private persons, including bloggers and independent journalists.

Freedom of Religion

Russian authorities continued to persecute minority religious groups groundlessly designated as “extremist” under Russia’s overly broad counter-extremism law despite no evidence that they espoused or committed violence.

In February, a court in Oryol sentenced Dennis Christensen, a Jehovah’s Witness and a Danish citizen, to six years’ imprisonment on extremism charges. In November, a court in Tomsk handed down the same sentence to another Jehovah’s Witness, Sergei Klimov. At least 285 Jehovah’s Witnesses have been convicted or were facing trial or under investigation in Russia in 2019. Forty-six are in pretrial custody.

Authorities prosecuted on extremism charges members of certain Islamic groups that have no history of incitement or violence. In October 2019, at least two followers of the late Turkish theologian Said Nursi, branded extremist and banned in 2008, continued to serve three-to-eight-year sentences. Four were released in 2019; one of them, Yevgeniy Kim, was stripped of his Russian citizenship after serving almost four years and remained in detention pending deportation since April 2019. Trials on extremism charges were pending against two others.
Thirty-three people, including the protest’s leaders, were arrested on charges of violence against police. In July, police arrested a former editor of Fortanga, an online media outlet, who had reported on the protests, on drug possession charges. The journalist alleged that security officials planted the drugs and tortured him to force a confession.

In June, authorities in Dagestan arrested Abdulmumin Gadzhiev on bogus terrorism charges in apparent retaliation for his journalism work for the independent newspaper Chernovik. If convicted, Gadzhiev could face up to 20 years’ imprisonment.

Sexual Orientation and Gender Identity

In December 2018 and January 2019, police in Chechnya carried out a new round of unlawful detentions, beatings, and humiliation of men they presumed to be gay or bisexual. No one was held accountable for this or for Chechnya’s 2017 anti-gay purge. Russian LGBT Network, an NGO, estimated that 20 men were held. All were believed to have been released. In May 2019, unknown individuals broke into the St. Petersburg apartment of a volunteer with the Russian LGBT Network and threatened her and the organization’s emergency program coordinator.

In June, a same-sex Russian couple with two adopted children had to flee the country after being targeted by authorities. Russian law bans adoptions for same-sex couples. Authorities charged the case workers assigned to the family with inadequate performance of duties, a criminal offense.

In November, authorities opened a criminal case into alleged sexual assault of children over a YouTube video of children talking to a gay man about his life.

Gender-Based Violence

Domestic violence remained pervasive but under-reported, and services for survivors inadequate. In July, Russia’s ombudsperson publicly reiterated her support for a law on domestic violence. In October, parliament held its first preliminary debate on the bill.

In July, the European Court of Human Rights (ECtHR) issued its first ruling on a domestic violence case in Russia. The court ordered the authorities to pay the
applicant 20,000 euros in damages and recognized the Russian authorities’ “re-

luctance to acknowledge” the gravity of domestic violence.

Racial Discrimination and Minority Rights

Police continued racially profiling people of non-Slavic appearance, often sub-
jecting them to arbitrary detention, and extortion.

National censuses showed a continuing fall, in some cases drastic, in the num-
ber of speakers of minority languages. Council of Europe (CoE) experts on na-
tional minorities found that policies continue to reinforce dominance of Russian
without effective support for minority languages.

In November, authorities ordered the closure of the Center for Assistance to Na-
tive Peoples of the North on a bureaucratic pretext.

Russia and Ukraine (see also Ukraine chapter)

The Russian government continued to provide political and material support to
armed groups in eastern Ukraine but took no measures to rein in their abuses,
including arbitrary detention and ill-treatment of detainees. De facto authorities
in Crimea continued to harass Crimean Tatars. Since 2015, Russian authorities
have prosecuted at least 63 Crimean Tatars on trumped-up terrorism charges and
handed down up to 17-year sentences.

In September, Russia released 35 people, including Crimean filmmaker Oleg
Sentsov, who was serving 20 years on bogus terrorism charges, as part of a pris-
oner exchange with Ukraine.

Russia and Syria (see also Syria chapter)

Russia continued to play a key military role alongside the Syrian government in
offensives on anti-government-held areas, participating in indiscriminate at-
tacks hitting schools, hospitals, and civilian infrastructure.

Starting in April, the Syrian-Russian offensive to regain control of Idlib province,
which included the use of internationally prohibited weapons, killed over one
thousand civilians and displaced more than 600 thousand. Russia remains the
biggest weapons supplier to the Syrian government.

Russia continued to use its diplomatic power at the UN Security Council and
elsewhere to block accountability for Syrian crimes. Russian officials urged coun-
tries to launch reconstruction efforts in order to facilitate the return of refugees
but failed to address key obstacles to return.

On September 19, Russia cast its 13th veto on Syria since the start of the conflict
to block a Security Council resolution demanding a truce in the northwest be-
cause it did not include an exemption for military offensives against groups Rus-
sia and the Damascus government consider to be terrorist organizations.

Key International Actors

In January and February, the Council of Europe commissioner for human rights
and the EU diplomatic service (EEAS) called on Russian authorities to investigate
the persecution of LGBT people in Chechnya.

In June, the CoE Parliamentary Assembly (PACE) ratified the credentials of the
Russian delegation, which fully resumed its work at PACE after losing its voting
rights in 2014 over the occupation of Crimea. In return, PACE called on Russia to
cooperate with the investigation into the downing of Malaysia Airlines flight
MH17 in Ukraine and ending LGBT rights violations.

In July, the ECtHR found that Russia had to pay 42,500 euros in damages to three
LGBT rights groups for refusing their registration.

In August, the ECtHR ruled against Russia over the 2009 death of Sergei Magnit-
sky in remand prison, finding, among other things, that Russia violated his right
to life.

In July, the European Parliament adopted a resolution on Russia condemning
persecution against environmental activists and the situation of Ukrainian politi-
cal prisoners. The EEAS criticized Russia for the detention of protesters in
Moscow, the detention of Ukrainian citizens, and abuses against Crimean Tatars.

At the March session of the UN Human Rights Council, the UK delivered a joint
statement on behalf of more than 30 countries, condemning “renewed persecu-
tion of LGBTI persons in Chechnya.”

At his press conference with Putin before their August meeting, French President
Emmanuel Macron said police use of force at the Moscow protests was not in
line with international standards.
Rwanda

The ruling Rwandan Patriotic Front (RPF) continued to exert total control over political space in Rwanda in 2019. President Paul Kagame and other senior government officials, regularly threatened those who criticize the government or the RPF. Several opposition members and one journalist disappeared or were found dead in mysterious circumstances. Although the Rwandan Investigation Bureau (RIB) said they launched investigations into the cases, they rarely shared their findings. In October, security forces reportedly killed 19 people alleged to have been involved in an attack in Musanze District.

Arbitrary detention, ill-treatment, and torture in official and unofficial detention facilities continued, according to credible sources. Human Rights Watch continued to document the illegal detention and ill-treatment of street children in Kigali.

**Political Repression**

After years of threats, intimidation, mysterious deaths, and high profile, politically motivated trials, few opposition parties remain active or make public comments on government policies.

In 2019, three members of the unregistered Forces Démocratiques Unifiées (FDU)-Inkingi opposition party were reported missing or found dead. In September, Syldio Dusabumuremyi, the party’s national coordinator was stabbed to death. At the time, the RIB announced it had two men in custody. Eugène Ndereyimana, also a member of FDU-Inkingi, was reported missing on July 15, after he failed to arrive for a meeting in Nyagatare, in Rwanda’s Eastern Province.

Anselme Mutuyimana, an assistant to FDU-Inkingi’s then-leader, Victoire Ingabire, was found dead in March with signs of strangulation. The RIB said it had launched investigations into the cases.

Boniface Twagirimana, the party’s deputy leader, who “disappeared” from his prison cell in Mpanga, southern Rwanda, in October 2018 was missing at time of writing.

In November, Victoire Ingabire announced the creation of a new party, Development and Liberty for All (Développement et Liberté pour tous or Dalfa Umurinzi), and told media the party would campaign to open political space and would focus on development.

**Freedom of Expression**

State interference and intimidation have forced many civil society actors and journalists to stop working on sensitive political or human rights issues. Most print and broadcast media continued to be heavily dominated by pro-government views. Independent civil society organizations are very weak, and few document and expose human rights violations by state agents.

Constantin Tuyishimire, a journalist with TV1 Rwanda who covers northern Rwanda, was reported missing in July while he was supposed to be on a reporting trip to Gicumbi District. Authorities said they believed he had probably fled to Uganda due to unpaid debts, although people close to him could not confirm this.

The BBC Kinyarwanda service remained suspended, as it has been since 2014.

**Sexual Orientation and Gender Identity**

Rwanda is one of the only countries in East Africa that does not criminalize consensual same-sex relations. When gospel singer Albert Nabonibo came out as gay in August 2019, the then-foreign affairs minister publicly expressed support for him.

**Repression Abroad**

In September, South Africa’s National Prosecution Authority issued arrest warrants for two Rwandans accused of murdering Rwandan critic Col. Patrick Karegeya, who was found dead in his hotel room in Johannesburg on January 1, 2014. During an inquest into Karegeya’s murder, which began on January 16 in Johannesburg, a head magistrate asked why no arrests had been made even though the names and passport numbers of four suspects were known to police. South Africa’s special investigative unit said in written testimony that Karegeya’s murder and attacks on Rwanda’s former army chief of staff Gen. Kayumba Nyamwasa “were directly linked to the involvement of the Rwandan government.”
In October, a Financial Times investigation revealed that Rwandan authorities had used Israeli software developed by the NSO Group to spy on political dissidents and critics living abroad. The spyware targeted individuals through WhatsApp calls and allowed hackers to access personal data on the phone, such as messages and location.

**Arbitrary Detention, Ill-Treatment, and Torture**

Although lack of access to the country and detention centers to conduct research posed challenges to documenting violations, reports continued that prison guards used threats, beatings, and intimidation against detainees, including to extract confessions.

**Illegal Detention in Gikondo Transit Center**

The detention continued of street vendors, sex workers, street children, and other poor people at Gikondo transit center, an unofficial detention center where individuals exhibiting “deviant behaviours” are sent as part of a rehabilitation process.

Detention at Gikondo is arbitrary and conditions are harsh and inhumane. Police or others, acting on the orders or with police assent, often ill-treat and beat detainees. Children are detained in deplorable and degrading conditions. Authorities often do not provide basic necessities, such as a regular supply and reasonable quantities of food and clean water for detainees, who are often held in cramped conditions. Detainees sometimes sleep on the bare floor.

The Rwandan Parliament adopted a law on rehabilitation services in March 2017. An April 2018 ministerial order on transit centers established that a person who “exhibits deviant behaviors” can be admitted, and defines these as behavior such as prostitution, drug use, begging, vagrancy, informal street vending, or any other deviant behavior that is harmful to the public.

**Rights of Refugees**

In February, the National Commission for Human Rights published the findings of its investigation into the February 2018 killing of at least 12 people, when police fired live ammunition on refugees from the Democratic Republic of Congo.

They were protesting outside the United Nations High Commissioner for Refugees (UNHCR) office in Karongi District, Western Province.

The report concluded that the police “had used all peaceful and less harmful means to contain the situation” and that eventually “live ammunition was used as the last resort after [a] violent and organized attack was launched by a group of demonstrators against police.” The commission’s report contradicted independent accounts, including by Human Rights Watch, that Rwandan police used excessive force.

Rwandan police arrested over 60 refugees between February and May 2018 and charged them with participating in illegal demonstrations, violence against public authorities, rebellion, and disobeying law enforcement. Some were also charged with “spreading false information with intent to create a hostile international opinion against the Rwandan state.” Human Rights Watch learned that between October 2018 and September 2019, 35 refugees were sentenced to between 3 months to 15 years; 22 were released, and at least 4 others were still on trial at time of writing.

Most of the refugees, ethnic Banyamulenge from neighboring Democratic Republic of Congo, have been in Rwanda since 1996.

The Government of Rwanda, UNHCR, and the African Union signed an agreement in September to set up a transit mechanism to evacuate refugees out of Libya. Rwanda has agreed to receive and provide protection to refugees and asylum-seekers who are currently being held in detention centers in Libya, where they face abuses and insecurity. Under the agreement, they will be transferred to Rwanda on a voluntary basis. In September and October, 189 people, predominantly from the Horn of Africa, were evacuated to Rwanda. UNHCR has committed to pursuing solutions for the evacuees.

**Justice for the Genocide**

Twenty-five years after the 1994 genocide, a significant number of people responsible for the genocide, including former high-level government officials and other key figures, have been brought to justice.

In recent years, the Rwandan government has requested extradition treaties with dozens of countries in an attempt to try remaining genocide suspects in Rwanda.
In 2018, it ratified treaties with Ethiopia, Malawi, and Zambia. And on January 28, genocide-suspect Vincent Murekezi was extradited to Rwanda from Malawi “courtesy of a prisoner exchange agreement” where he had been convicted of fraud-related offenses.

In March 2019, Dutch police arrested a Rwandan man suspected of being involved in the genocide, after a request for extradition by Rwandan authorities. According to a local media report published in August 2019, Rwandan judicial authorities have sent out over 1,000 extradition requests for genocide suspects.

In November, the trial began in a Belgian court of genocide-suspect Fabien Neretse, charged with 13 counts of murder and accused of causing an “incalculable” number of additional deaths.

**Key International Actors**

The European Union’s 2018 human rights report, published in May 2019, concluded that there were “continued reports of serious violations of civil and political rights.” In a France 24 interview in June, President Kagame dismissed the report as “ridiculous,” brushing aside questions about critics being killed, physically attacked, jailed, silenced, or forced into exile ahead of the 2017 presidential election.

Rwanda remains a prominent player on the international stage. Former Foreign Affairs Minister Louise Mushikiwabo is the current secretary general of the International Organization of La Francophonie, an international institution which promotes the spread of French language and values. In February, Kagame was elected president of the East African Community, a six-nation intergovernmental organization in the Great Lakes region. Rwanda is set to host the Commonwealth Heads of Government Meeting in June 2020.

**Saudi Arabia**

Saudi Arabia faced unprecedented international criticism in 2019 for its human rights record, including the failure to provide full accountability for the murder of Saudi journalist Jamal Khashoggi by Saudi agents in October 2018, as well as the country’s dismal treatment of Saudi dissidents and human rights activists.

Amid the criticism, Saudi authorities announced landmark reforms for Saudi women that, if fully implemented, represent a significant step forward including allowing Saudi women to obtain passports and travel abroad without the approval of a male relative for the first time. However, discrimination remains in other areas, and women’s rights activists remain detained, on trial, or silenced for their activism.

Through 2019, the Saudi-led coalition continued a military campaign against the Houthi rebel group in Yemen that has included scores of unlawful airstrikes that have killed and wounded thousands of civilians.

**Yemen Airstrikes and Blockade**

As the leader of the coalition that began military operations against Houthi forces in Yemen on March 26, 2015, Saudi Arabia has committed numerous violations of international humanitarian law. As of June, at least 7,292 civilians had been killed and 11,630 wounded, according to the Office of the United Nations High Commissioner for Human Rights (OHCHR), although the actual civilian casualty count is likely much higher. The majority of these casualties were a result of coalition airstrikes.

Since March 2015, Human Rights Watch has documented numerous unlawful attacks by the coalition that have hit homes, markets, hospitals, schools, and mosques. Some of these attacks may amount to war crimes. Saudi commanders face possible criminal liability for war crimes as a matter of command responsibility. Human Rights Watch documented five deadly attacks carried out by coalition naval forces on Yemeni fishing boats since 2018 that killed at least 47 Yemeni fishermen, including seven children, as well as the coalition’s detention of more than 100 others, some of whom say they were tortured in custody in Saudi Arabia.
The conflict exacerbated an existing humanitarian crisis. The Saudi-led coalition has imposed an aerial and naval blockade since March 2015 and restricted the flow of life-saving goods and the ability for Yemenis to travel into and out of the country to varying degrees throughout the war. (See also Yemen chapter).

**Freedom of Expression, Association, and Belief**

Saudi authorities in 2019 continued to repress dissidents, human rights activists, and independent clerics.

In March, Saudi Arabia opened individual trials of prominent Saudi women before the Riyadh Criminal Court and dismissed all allegations that the women faced torture or ill-treatment in detention. Most of the women faced charges that were solely related to peaceful human rights work, including promoting women’s rights and calling for an end to Saudi Arabia’s discriminatory male guardianship system.

Prosecutors also accused the women of sharing information about women’s rights in Saudi Arabia with journalists based in Saudi Arabia, diplomats, and international human rights organizations, including Human Rights Watch and Amnesty International, deeming such contacts a criminal offense. On June 27, Saudi authorities opened a separate trial of prominent human rights activists Nassima al-Sadah and Samar Badawi before the Specialized Criminal Court in Riyadh, but by November the charges against them were not public. Authorities allowed for the “temporary release” of most of the women activists in March and May pending the outcome of their trials, but as of November the trials appeared to be on hold and four—Loujain al-Hathloul, Samar Badawi, Nassima al-Sadah, and Nouf Abdulaziz—remained in detention.

Saudi prosecutors in 2019 continued to seek the death penalty against detainees on charges that related to nothing more than peaceful activism and dissent. By November, those on trial facing the death penalty included prominent cleric Salman al-Awda, whose charges were connected to his alleged ties with the Muslim Brotherhood and public support for imprisoned dissidents, as well as Hassan Farhan al-Maliki on vague charges relating to the expression of his peaceful religious ideas.
Over a dozen prominent activists convicted on charges arising from their peaceful activities were serving long prison sentences. Prominent activist Waleed Abu al-Khair continued to serve a 15-year sentence that the Specialized Criminal Court imposed on him after convicting al-Khair in 2014 on charges stemming solely from his peaceful criticism in media interviews and on social media of human rights abuses.

With few exceptions Saudi Arabia does not tolerate public worship by adherents of religions other than Islam and systematically discriminates against Muslim religious minorities, notably Twelver Shia and Ismailis, including in public education, the justice system, religious freedom, and employment. Government-affiliated religious authorities continued to disparage Shia and Sufi interpretations, versions, and understandings of Islam in public statements, documents, and school textbooks.

Saudi Arabia has no written laws concerning sexual orientation or gender identity, but judges use principles of uncodified Islamic law to sanction people suspected of committing sexual relations outside marriage, including adultery, extramarital, and homosexual sex. If individuals are engaging in such relationships online, judges and prosecutors utilize vague provisions of the country’s anti-cybercrime law that criminalize online activity impinging on “public order, religious values, public morals, and privacy.”

**Criminal Justice**

Saudi Arabia applies Sharia (Islamic law) as its national law. There is no formal penal code, but the government has passed some laws and regulations that subject certain broadly defined offenses to criminal penalties. In the absence of a written penal code or narrowly-worded regulations, however, judges and prosecutors can convict people on a wide range of offenses under broad, catch-all charges such as “breaking allegiance with the ruler” or “trying to distort the reputation of the kingdom.” Detainees, including children, commonly face systematic violations of due process and fair trial rights, including arbitrary arrest.

On April 23, 2019, Saudi Arabia carried out a mass execution of 37 men in various parts of the country. At least 33 were from the country’s minority Shia community who had been convicted following unfair trials for various alleged crimes, including protest-related offenses, espionage, and terrorism.

Judges routinely sentence defendants to floggings of hundreds of lashes. Children can be tried for capital crimes and sentenced as adults if they show physical signs of puberty.

One of those executed on April 23, Abdulkareem al-Hawaj, committed his offenses and was arrested when he was a child. As of September 2019, Ali al-Nimr, Dawoud al-Marhoun, Abdullah al-Zaher, and others remained on death row for allegedly committing protest-related crimes while they were children. Saudi judges based the capital convictions primarily on confessions that the defendants retracted in court and said had been coerced under torture, allegations the courts did not investigate.

According to Interior Ministry statements, Saudi Arabia executed 179 persons between January and mid-November, mostly for murder and drug crimes. Eighty-one of those executed were convicted for non-violent drug crimes. Executions are carried out by firing squad or beheading, sometimes in public.

**Women’s and Girls’ Rights**

In late July, Saudi Arabia’s Council of Ministers promulgated landmark amendments to the three laws that will begin to dismantle the country’s discriminatory male guardianship system. The changes to the Travel Documents Law permit “anyone holding Saudi nationality” to obtain a Saudi passport, allowing women over 21 to obtain their own passports without their male guardian’s permission for the first time. In mid-August, Saudi authorities announced further changes to regulations allowing women over 21 to travel abroad freely without permission from their male guardian.

The reforms also included important advances for women on civil status issues, whereby a woman can now register her children’s births with the civil status office, which was previously restricted to fathers or paternal relatives, as well as inform the office of a death, marriage, or divorce. The changes allow women, along with their husbands, to be considered a “head of household” with respect to their children, which should improve Saudi women’s ability to conduct government business on their children’s behalf.

Over a dozen prominent activists convicted on charges arising from their peaceful activities were serving long prison sentences. Prominent activist Waleed Abu al-Khair continued to serve a 15-year sentence that the Specialized Criminal Court imposed on him after convicting al-Khair in 2014 on charges stemming solely from his peaceful criticism in media interviews and on social media of human rights abuses.
Finally, changes to the Labor Law clarified that a “worker” can be female as well as male and introduced a new protection against discrimination in employment on the basis of sex, disability, or age. This major advance should make it illegal for private employers to demand that potential female employees obtain approval of their male guardian to work.

Despite the changes, Saudi women still must obtain a male guardian’s approval to get married, leave prison, or obtain certain healthcare. Women also continue to face discrimination in relation to marriage, family, divorce, and decisions relating to children (e.g. child custody). Men can still file cases against daughters, wives, or female relatives under their guardianship for “disobedience,” which can lead to forcible return to their male guardian’s home or imprisonment. Women’s rights activists who fought for these important changes remain in jail or on trial for their peaceful advocacy.

Migrant Workers

Millions of migrant workers fill mostly manual, clerical, and service jobs in Saudi Arabia, though government efforts to nationalize the workforce in addition to the imposition of a monthly tax on foreign workers’ dependents in mid-2017 and increasing exclusions of migrants from certain employment sectors led to an exodus of at least 1.1 million migrant workers between January 2017 and September 2018.

Some migrant workers suffer abuses and exploitation, sometimes amounting to conditions of forced labor. The kafala (visa sponsorship) system ties migrant workers’ residency permits to “sponsoring” employers, whose written consent is required for workers to change employers or leave the country under normal circumstances. Some employers confiscate passports, withhold wages, and force migrants to work against their will. Saudi Arabia also imposes an exit visa requirement, forcing migrant workers to obtain permission from their employer to leave the country. Workers who leave their employer without their consent can be charged with “absconding” and face imprisonment and deportation.

In November 2017, Saudi Arabia launched a campaign to detain foreigners found in violation of existing labor, residency, or border security laws, including those without valid residency or work permits, or those found working for an employer other than their legal sponsor. On September 21, 2019, authorities announced that the campaign had netted over 3.8 million arrests, including for over 3 million residency law violations and over 595,000 labor law violations.

The campaign had referred over 962,000 individuals for deportation. The International Organization for Migration (IOM) estimates as many as 500,000 Ethiopians were in Saudi Arabia when the deportation campaign began. About 260,000 Ethiopians, an average of 10,000 per month, were deported from Saudi Arabia to Ethiopia between May 2017 and March 2019, according to the IOM, and deportations have continued.

Saudi Arabia is not party to the 1951 Refugee Convention and does not have an asylum system under which people fearing persecution in their home country can seek protection, leading to a real risk of deporting them to harm. Migrant domestic workers, predominantly women, faced a range of abuses including overwork, forced confinement, non-payment of wages, food deprivation, and psychological, physical, and sexual abuse for which there was little redress.

Key International Actors

As a party to the armed conflict in Yemen, the US provided logistical and intelligence support to Saudi-led coalition forces. In July, the US Congress voted to block an $8.1 billion sale of precision-guided bombs and related components to Saudi Arabia but failed to override President Donald Trump’s veto.

On June 20, a UK appeals court ruled that the UK government’s refusal to consider Saudi Arabia’s laws-of-war violations in Yemen before licensing arms sales was unlawful. The UK government appealed but agreed to suspend new arms sales to Saudi Arabia until the UK government makes a new lawful decision on arms licenses or obtains a new court order. Three months after the court ruling, the UK apologized for a couple of arms sales to Saudi Arabia despite a court ruling that led the UK to stop issuing licenses.

In February, the European Parliament adopted a resolution calling on Saudi Arabia to immediately and unconditionally release women’s rights defenders and other dissidents. The resolution also called for an EU-wide ban on export of surveillance systems, reiterated that arms sales to Saudi Arabia contravene the EU’s common position on arms exports, and called for “restricted measures against Saudi Arabia in response to breaches of human rights, including asset freezes.
There was little improvement in human rights protection in Serbia in 2019. War crimes prosecutions in domestic courts were slow and lacked necessary political support. The asylum system remained flawed, with low recognition rates. The situation for journalists remained precarious, with attacks and threats for reporting on sensitive issues. The European Union-mediated Belgrade-Pristina dialogue stalemate continued.

Migrants, including Asylum Seekers, and Long-Term Displaced Persons

Between January and the end of August, Serbia registered 6,156 persons who submitted their intent to seek asylum, compared to 4,715 during the same period in 2018. Pakistanis comprised the largest national group in 2019, followed by Afghans and Bangladeshis. Only 161 people actually filed for asylum during the same period.

By the end of August, the United Nation refugee agency UNHCR estimated that there were approximately 5,420 asylum seekers and migrants in Serbia. Many left Serbia for Bosnia and Herzegovina, aiming to reach an EU Schengen country via Croatia. Most asylum seekers and migrants are housed in 16 government-run reception centers across Serbia.

The asylum system remained flawed with low recognition rates compared to EU averages and long delays before decisions are made. Between January and August, Serbia granted refugee status to only 14 asylum seekers and subsidiary protection to 15. Over the past decade, Serbia has only granted refugee status to a total of 69 people and subsidiary protection to 89.

By end of July, 437 unaccompanied children were registered with Serbian authorities, the majority from Afghanistan, compared to 257 during the same period in 2018. Serbia still lacks formal age assessment procedures for unaccompanied children, putting older children at risk of being treated as adults instead of receiving special protection. Only three institutions exist for unaccompanied children, with a total of 40 places. Two government approved institutions managed by nongovernmental organizations have capacity to host an additional 30. Re-
the former owner of the newspaper Dnevni Telegraf and weekly magazine Exropljanin. The murders of Dada Vujasinovic, in 1994, and Milan Pantic, in 2001, remained unsolved.

Accountability for War Crimes

Progress on war crimes prosecutions was slow and lacked political will, adequate resources and strong witnesses support mechanisms. The low numbers of high ranking officials prosecuted and convicted by courts remained a problem.

By August, the Belgrade Appeals Court had convicted five lower ranking officials of war crimes, while the first instance court had rendered two convictions and three acquittals. At time of writing, 56 individuals were under investigation for war crimes, and 20 cases were pending before Serbian courts. Since the establishment of the War Crimes Prosecutor Office in 2003, 133 judgments have been issued, of which 83 were convictions and 50 acquittals.

In September, the Belgrade High Court sentenced a former member of the Special Operations Unit, an elite Serbian unit, to eight years’ imprisonment for the June 1992 war-time rape of a Bosnian woman in Brcko.

In June, the Belgrade High Court convicted eight former members of the Serbian police, the Yugoslav People’s Army, and paramilitary units of killing 28 civilians in the Croatian village Lovas in 1991 and sentenced them to a total of 47 years in prison.

The Belgrade High Court in April sentenced an ex-soldier in the Bosnian Serb Army to four years in prison for the 1992 killing of a Bosniak civilian and for the attempted murder of two other civilians the same year.

A commission established to investigate the murders of three prominent journalists made some progress. In April, the High Court in Belgrade sentenced former state security officials Radomir Markovic and Milan Radonjic to 30 years in prison, and Ratko Romic and Miroslav Kurak to 20 years in prison for organizing and participating in the lethal shooting in 1999 in Belgrade of Slavko Curuvija, the former owner of the newspaper Dnevni Telegraf and weekly magazine Exropljanin. The murders of Dada Vujasinovic, in 1994, and Milan Pantic, in 2001, remained unsolved.

Freedom of Media

Serbian journalists continued to face attacks and threats. Pro-government media outlets frequently smear independent outlets and journalists, describing them as “traitors” and “foreign mercenaries.” Media plurality was compromised by majority of media being aligned with the ruling party.

Between January and late July, the Independent Journalists’ Association of Serbia (NUNS) registered 27 incidents of violence, threats, or intimidation against journalists, including eight physical attacks and 19 threats. Serbia dropped from 76th to 90th place on the Reporters Without Borders’ World Press Freedom Index list out of 180 countries.

In July, Zana Cimili, a Kosovo journalist working at TV N1 received anonymous death threats on social media, saying that the person had “a life-long desire to kill an Albanian, even an Albanian child.” A person was arrested the following day and the investigation was ongoing at time of writing.

Slobodan Georgiev, Serbia editor for the Balkan Investigative Reporting Network’s (BIRN), received threats in April after a video that labels him and other independent journalists and outlets traitors circulated on Twitter, allegedly by a government official. Organization for Security and Co-operation in Europe representative for media freedom, Harlem Desir, condemned the video, stating that portraying journalists as traitors can endanger their safety.

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Chief Prosecutor Serge Brammertz at the Mechanism for International Criminal Tribunals (MICT) expressed concern in July to the UN Security Council that in Serbia, and other former Yugoslav countries, convicted war criminals are considered heroes and glorified by politicians, with widespread denial by public officials of war crimes. He called on Serbia and neighboring countries to support the regional cooperation process to hold war criminals to account.

Members of the US Congress in February urged President Aleksandar Vucic to take action to resolve the 1999 murders of three Albanian-American Bytqi brothers after they were detained by Serbian police. In May, Vucic told the Serbian parliament that there is no evidence of who committed the murders. In July, Congress’s House of Foreign Affairs Committee passed a resolution urging Serbia to hold responsible people to account for the three killings.

**Sexual Orientation and Gender Identity**

Attacks and threats of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people and activists remained a concern. Serbian LGBTI rights organization DA SE ZNA!, between January and mid-August, recorded 24 incidents against LGBTI people, including 17 physical attacks, and five threats. Investigations are often slow and prosecutions rare.

The September Pride parade in Belgrade took place under heavy policy protection and without major incidents.

**Disability Rights**

Serbia did not adopt a comprehensive plan to move people with disabilities out of institutions and into community based living. Children with disabilities do not have access to inclusive education.

**Key International Actors**

In August, the US, UK, France, Germany, and Italy called on Belgrade and Pristina to stop thwarting the European Union-mediated dialogue, stalled since 2018.

In its May 2019 report on Serbia’s accession negotiations, the European Commission stressed that the lack of progress in the area of freedom of expression and media freedom was a serious concern and called on authorities to step up efforts to investigate attacks and threats against journalists. The Commission also called on Serbia to increase measures to protect the rights of LGBTI persons, persons with disabilities, persons with HIV/AIDS and other vulnerable individuals.

The US government in October appointed Richard Grenell, the US ambassador to Germany, as special envoy for the ongoing Serbia-Kosovo negotiations. A separate US special representative for the Balkans was appointed in August.

The UN special rapporteur on torture and other cruel and inhuman or degrading treatment or punishment in his January 2019 report expressed grave concerns about arbitrary detention and the use of torture and ill-treatment during police interrogations and called on Serbia to adopt the regulations, instructions and training to ensure a modernized forensic, non-coercive investigation methodology. He also called on authorities to introduce independent and effective complaints and investigation mechanisms.

The UN Committee on the Elimination of Discrimination Against Women (CEDAW) in its February 2019 Concluding Observations raised concerns about the lack of effective investigations of cases of gender-based violence against women, the discrepancy between the number of criminal charges and convictions, and that the majority of those convicted receive suspended sentences. CEDAW urged Serbia to ensure that cases of violence against women are properly investigated and perpetrators prosecuted.

In May, Council of Europe Human Rights Commissioner Dunja Mijatovic called on Serbian lawmakers not to pass the law that enables life sentence without parole, and reminded Serbia about its obligations under the European Convention of Human Rights.
Singapore

Singapore's restrictions on speech tightened in 2019 with the passage of the overly broad Protection Against Online Falsehoods and Manipulation Act. Authorities continued to use existing laws to penalize peaceful expression and protest, with activists, lawyers, and online media facing prosecution, civil defamation suits, and threats of contempt of court charges.

Freedom of Expression and Peaceful Assembly

Freedom of speech in Singapore is restricted through the use of broadly worded criminal laws and the use of civil lawsuits and regulatory restrictions. In April 2019, activist Jolovan Wham and opposition politician John Tan were sentenced to pay fines of $5,000 (approximately US$3,620) each for “scandalizing the judiciary” on social media. Wham was convicted for posting on Facebook that “Malaysia’s judges are more independent than Singapore’s for cases with political implications.” Tan’s conviction was for commenting on his Facebook page that Wham’s prosecution “only confirms that what [Wham] said is true.”

Terry Xu, editor of The Online Citizen, one of the few alternative news sites in Singapore, is facing both criminal and civil defamation charges for material published on the platform. In December 2018, he was charged with criminal defamation for publishing a letter criticizing a Facebook post by a lawmaker and alleging corruption in the upper echelons of the Singapore government. Although The Online Citizen took down the letter two weeks later after an order from the government Info-communications Media Development Authority (IMDA), both Xu and the author of the letter were charged with criminal defamation. If convicted, they face up to two years in prison.

In September 2019, Prime Minister Lee Hsien Loong sued Xu for civil defamation after The Online Citizen published claims made against Lee by his siblings about the disposition of the home of Lee Kwan Yew. While at time of writing Lee had not sued those who made the statements cited in the article, he was seeking to recover damages and costs from Xu.

In May, the Singapore Parliament passed the Protection of Online Falsehoods and Manipulation Act, a sweeping piece of legislation that permits a single government minister to declare that information posted online is “false,” and order the “correction” or removal of such content where, in their view, doing so is in the public interest. The law applies to digital content that is accessible in Singapore regardless of where the content was posted and to platforms such as WhatsApp and Signal. It includes criminal penalties for failure to comply with such orders.

The government maintains strict restrictions on the right to peaceful assembly through the Public Order Act, requiring a police permit for any “cause-related” assembly if it is held in a public place, or in a private venue if members of the general public are invited.

The definition of what is treated as an assembly is extremely broad and those who fail to obtain the required permits face criminal charges. Jolovan Wham was convicted in January 2019 of violating the Public Order Act by permitting Joshua Wong, a citizen of Hong Kong, to participate in an indoor conference via Skype without first obtaining a police permit. He was sentenced to 16 days in jail or a fine of $3,200 (approximately US$2,357). In January 2019, three United Nations experts issued a statement raising concern about the conviction and calling for amendment of the Public Order Act. In October 2019, the High Court dismissed Wham’s appeal of his conviction.

Wham was also facing charges for organizing a peaceful protest on a train and a candlelight vigil for a condemned prisoner, and was being investigated for violating the Public Order Act by taking a photograph of himself outside a courthouse while holding a sign calling for the criminal defamation charges against Terry Xu to be dropped.

Criminal Justice System

Singapore retains the death penalty, which is mandated for many drug offenses and certain other crimes. However, under provisions introduced in 2012, judges have some discretion to bypass the mandatory penalty and sentence low-level offenders to life in prison and caning. There is little transparency on the timing of executions, which often take place with short notice. While the number of those executed in 2019 is uncertain, a Malaysian man was executed in March despite pending petitions for clemency and 10 individuals were notified in July that their petitions for clemency had been rejected.
Those speaking out against the death penalty in Singapore have faced repercussions. In July, the Singapore Attorney-General’s Chambers sent a letter to the court accusing a Malaysian lawyer seeking clemency for a Malaysian man on death row of making “scandalous allegations against Singapore and its legal system.” In August, the Attorney General’s Chambers filed a complaint with the Law Society accusing lawyer M. Ravi of conduct unbecoming of a lawyer and asking the Law Society to take action against him for statements made in connection with his defense of an inmate on death row.

Corporal punishment is common in Singapore. For medically fit males ages 16 to 50, caning is mandatory as an additional punishment for a range of crimes, including drug trafficking, violent crimes (such as armed robbery), and even immigration offenses such as overstaying a visa by more than 90 days.

**Sexual Orientation and Gender Identity**

The rights of lesbian, gay, bisexual, and transgender (LGBT) people in Singapore are severely restricted. Sexual relations between two male persons remains a criminal offense under criminal code section 377A and there are no legal protections against discrimination based on sexual orientation or gender identity. Three court challenges to the constitutionality of section 377A were pending before the Singapore courts at time of writing.

The Media Development Authority effectively prohibits all positive depictions of LGBT lives on television or radio. In July 2019, Singapore Polytechnic withdrew an invitation to a local DJ, Joshua Simon, to give a TED talk after he refused to delete references to his sexuality from the presentation.

**Migrant Workers and Labor Exploitation**

Foreign migrant workers are subject to labor rights abuses and exploitation through debts owed to recruitment agents, non-payment of wages, restrictions on movement, confiscation of passports, and sometimes physical and sexual abuse. Foreign women employed as domestic workers are particularly vulnerable to abuse.

Work permits of migrant workers in Singapore are tied to a particular employer, leaving them vulnerable to exploitation. Foreign domestic workers, who are covered by the Employment of Foreign Manpower Act rather than the Employment Act, are effectively excluded from many key labor protections, such as limits on daily work hours and mandatory days off. Labor laws also discriminate against foreign workers by barring them from organizing and registering a union or serving as union leaders without explicit government permission.

In June, Singapore was one of only six countries to abstain from a new International Labour Organization convention protecting against violence and discrimination in the workplace.

**Key International Actors**

Singapore is a regional hub for international business and maintains good political and economic relations with both China and the United States, which considers it a key security ally.

While the European Parliament passed a resolution in February raising concerns about the country’s treatment of its LGBT population and ongoing restrictions on freedom of expression and assembly, few countries publicly criticized Singapore’s poor human rights record, focusing their priorities instead on trade and business.
Abuses by Government and Allied Forces

Somali government forces responded to a handful of largely peaceful demonstrations with lethal force. In May, security forces killed at least one child as students peacefully protested in Beletweyn, following a government decision to postpone exams.

In December 2018, during the run-up to regional presidential elections in Baidoa, Ethiopian forces arrested Mukhtar Robow, a former Al-Shabab leader who ran for the regional presidency, sparking protests. Security forces, notably police forces, responded with lethal force, killing at least 15 protesters and injuring many others between December 13 and 15, according to the UN. Amnesty International documented the killing of a member of parliament and a child on December 14. Dozens were arbitrarily arrested, reportedly including children.

Dozens of government and security officials as well as former electoral delegates and clan elders who had been involved in the 2016 electoral process, were assassinated; Al-Shabab claimed responsibility for some of the killings.

Military courts continue to try defendants in a broad range of cases, including for terrorism-related offenses, in proceedings that violate fair trial standards. According to media reports and the UN, between December 31, 2018, and early November, 2019, the government had carried out at least 16 executions, all for alleged terrorism-related offenses.

Al-Shabab Abuses

Al-Shabab executed after unfair trials individuals it accused of working or spying for the government and foreign forces, with media reporting an uptick in executions mid-year; and extorted “taxes” through threats.

Al-Shabab conducted targeted and indiscriminate attacks against civilians and civilian infrastructure using improvised explosive devices (IEDs), suicide bombings, and shelling, as well as assassinations, particularly in Mogadishu and Lower Shabelle, which resulted in over 750 civilian deaths and injuries, according to the UN.
**Abuses against Children**

All Somali parties to the conflict committed serious abuses against children, including killings, maiming, and the recruitment and use of child soldiers.

In 2018, the UN documented more cases of children recruited and used as soldiers in Somalia than in any other country in the world. This trend continued in 2019 as Al-Shabab pursued an aggressive child recruitment campaign with retaliation against communities refusing to hand over children.

Somali federal and regional authorities unlawfully detained children simply for alleged ties to Al-Shabab and at times prosecuted in military courts, children for terrorism-related offenses. The government failed to put in place juvenile justice measures, notably for children accused of Al-Shabab-related crimes.

**Sexual Violence**

Internally displaced women and girls remain at particular risk of sexual and gender-based violence by armed men and civilians.

The UN documented over 100 incidents of sexual violence against girls. The cases of two girls who were gang raped by civilians and died received significant public attention. Aisha Ilyas Adan, 12, went missing on February 24, and her body was discovered the next day near her home in North Galkayo, Puntland. According to multiple media reports, Aisha was raped, mutilated, and strangled to death. Three men were sentenced to death under Puntland’s 2016 Sexual Offences Act, which includes death penalty sentences for “aggravated” cases of rape. Human Rights Watch opposes the death penalty in all cases.

The Somali penal code, currently being revised, classifies sexual violence as an “offence against modesty and sexual honor” rather than as a violation of bodily integrity; it also punishes same-sex intercourse. The federal Sexual Offences Bill has been submitted before parliament, but had yet to be debated at time of writing.

**Freedom of Expression and Association**

The federal government, regional authorities, notably in Puntland and Jubaland, and Al-Shabab continued to intimidate, harass and attack journalists. While Somalian authorities seldom investigate cases of killings or attacks on journalists, a Somali media organization reported that the military court in Mogadishu in absentia sentenced to five years a police officer for the July 2018 killing of cameraman Abdirizak Kasim Iman.

Two journalists, Mohamed Sahal Omar and Somali-Canadian Hodan Nalayeh, were killed in a July 12 Al-Shabab attack on a hotel in the southern port city of Kismayo.

In September and October, authorities in Puntland repeatedly harassed journalists at Daljir Radio after the station reported on alleged arbitrary arrests and mistreatment of detainees, including the alleged death in custody of one detainee as a result of mistreatment, by Puntland security forces.

In late May, the police detained for three days Ali Adan Munim, reporter at the private Goobjoog media outlet, citing Facebook posts in which Ali criticized National Intelligence and Security Agency (NISA) treatment of detainees and had said he had obtained copies of national exams. He was accused of insulting public officials, disrupting government work, and spreading propaganda.

**Displacement and Access to Humanitarian Assistance**

The humanitarian crisis in the country continued due to the ongoing conflict, violence, and increasingly frequent drought. The UN explicitly linked the humanitarian situation to climate change, among other factors. It declared that 2.1 million Somalis face acute food insecurity, as of late September, many of them children and internally displaced.

The UN and Norwegian Refugee Council also reported that over 300,000 people had been newly displaced as of September. These individuals faced serious abuses, including sexual violence, forced evictions, and limited access to basic needs such as food and water. According to humanitarian agencies, over 173,255 people had been evicted, most forcibly, by August 2019, primarily in Mogadishu.

Humanitarian agencies face serious access challenges due to insecurity, targeted attacks on aid workers, generalized violence, and restrictions imposed by parties to the conflict. Al-Shabab continues to prohibit many nongovernmental organizations and all UN agencies from working in areas under its control, blockading some government-controlled towns.
In August, six UN Security Council member states blocked a bid by Kenya to impose additional counterterrorism sanctions on Al-Shabab that could have jeopardized the delivery of humanitarian aid.

International donors supported the establishment of a new civilian court and prison complex in Mogadishu. At time of writing, the court’s mandate remained unclear, and no juvenile facilities set up.

The competition between UAE and Qatar over political and economic dominance in Somalia continued to exacerbate intra-Somalia tensions, both between Mogadishu and federal states, and with Somaliland.

Somaliland

The Somaliland government severely restricted reporting and free expression on issues deemed controversial or overly critical of the authorities.

There was a significant number of arbitrary arrests of journalists and temporary closure of media outlets. On February 10, the regional court in Hargeisa suspended the Foore newspaper for one year and fined the editor, Abdirashid Abdiwahab Ibrahim, 3 million Somaliland shillings (US$300). The newspaper was accused of spreading misinformation after it reported on the building of a new presidential palace in Hargeisa. The ban on Foore was lifted in August.

The government also arbitrarily arrested perceived government critics. On January 12, poet Abdirahman Ibrahim Adan (known as “Abdirahman Abees”) was arbitrarily arrested and charged with “insulting the police” after he highlighted various due process abuses in Somaliland. He was acquitted and released on February 25.

**Key International Actors**

International support and attention focused on building Somalia’s security sector, improving relations between federal and state authorities, and regional electoral processes. Attention to ensuring accountability for abuses remained minimal.

Following the December 2018 police violence in Baidoa, key international partners—the European Union, the United Kingdom and Germany—temporarily suspended support to police in the South West State.

After the Somali government expelled special representative of the secretary-general Haysom, the UN suspended its monthly reporting on human rights issues.

The US military increasingly conducted airstrikes in Somalia and joint military operations against Al-Shabab. Media and NGOs documented several civilian casualties. In April, AFRICOM acknowledged two civilian casualties in an April 2018 strike, citing internal reporting errors.
South Africa

On May 8, Matamela Cyril Ramaphosa was elected to a five-year term as president after serving briefly in the same role following the resignation of Jacob Zuma in February 2018. The election saw the lowest voter turnout in history, as many South Africans expressed frustration over growing inequality, high unemployment, and corruption.

Economic insecurity, among other factors, led to xenophobic violence against African foreign nationals and their businesses in March 2019, when hundreds of foreign nationals in Durban sought shelter at police stations or other places, as their homes, trucks, and other belongings were looted or destroyed. The same day the attacks began, on March 25, the South African government launched a National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Former President Jacob Zuma appeared before the Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State in July. The commission, led by Deputy Chief Justice Raymond Zondo, was established by Ramaphosa in August 2018 in response to allegations that the former president had entered into an agreement in which companies owned by the Gupta family were awarded lucrative government contracts and influence in exchange for employing Zuma’s family members and financial compensation. At time of writing, Zuma had not been charged or convicted for these crimes.

Xenophobic Attacks on Foreign Nationals

From March 25 to April 2, 2019, violence by South Africans against foreign nationals erupted in the eastern eThekwini municipality, one of South Africa’s most heavily populated areas, which includes the city of Durban and surrounding towns. Police did not make any arrest following the looting and destruction of foreign-owned homes and businesses, during which some foreign nationals were killed and several others seriously injured.

More than 200 people—mostly foreign truck drivers—have been killed in South Africa since March 2018, based on research by the Road Freight Association, which represents road freight service providers. Groups of people claiming to be South African truck drivers have thrown gasoline bombs at trucks and shot at, stoned, stabbed, and harassed foreign truck drivers to force them out of the trucking industry. Many foreign truck drivers have lost their jobs, despite having valid work permits, or have been unable to return to work due to injuries or damage to their trucks. Some of the attackers claimed affiliation to the All Truck Drivers Foundation (ATDF), an association of local truck drivers.

Police Minister Bheki Cele said in June the police had arrested 91 alleged attackers; however, they were only charged with minor traffic offenses, and the minister did not describe any clear steps police would take to stop the violence and protect truck drivers and cargo.

In September, sporadic violence targeting African foreign nationals and their businesses broke out in parts of Durban, Pretoria, Johannesburg City and surrounding areas of Germiston, Thokoza, Katlehong, Alberton, Alexandra, and Malvern. The attacks left 12 people dead, thousands displaced, and businesses wantonly looted. More than 600 people were arrested on various charges related to public violence and looting, malicious damage to property, and grievous bodily harm. The arrests took place amid concerns that, as with previous waves of xenophobic violence, prosecutions will fail if police investigations are not thorough. On September 3, President Ramaphosa posted a video message on Twitter in which he condemned the violence in the strongest terms and called for the attacks to stop immediately.

On March 25, the government launched a National Action Plan to combat xenophobia, racism, and discrimination, marking an important step toward addressing the widespread human rights abuses arising from xenophobic and gender-based violence and discrimination that continue to plague South Africa. The five-year plan, developed in consultation with civil society, aims to raise public awareness about anti-racism and equality measures, improve access to justice and better protection for victims, and increase anti-discrimination efforts to help achieve greater equality and justice.

But the Action Plan fails to address a key challenge fueling the problem: the lack of accountability for xenophobic crimes. Virtually no one has been convicted for past outbreaks of xenophobic violence, including the attacks in 2019, the Dur-
ban violence of April 2015 that displaced thousands of foreign nationals, and the 2008 attacks on foreigners, which resulted in the deaths of more than 60 people across the country.

**Disability Rights**

In February, Ramaphosa acknowledged that South Africa has “not achieved nearly enough” regarding the rights of people with disabilities. The ruling African National Congress’s (ANC) 2019 election manifesto stated the party’s commitment to including “the needs of people with disability in all government programmes.” It acknowledged that the education, training, and health systems need “radical improvements.”

South Africa continues to expand its parallel, special education system for people with disabilities and those deemed to have ongoing learning barriers, preventing them from learning in an inclusive general school system. Human Rights Watch and expert groups’ research shows that social workers and education officials refer children to special schools in many cases after a long and tedious process of referrals and assessments. Such referrals often prevent children’s entry into inclusive, mainstream education. This limits their access to a full cycle of basic education, to which they are entitled by law. Many children are in special schools that segregate them and do not support their holistic development or cognitive skills.

The lack of reliable enrollment data specifically about children with disabilities significantly affects South Africa’s ability to ensure that it can guarantee high-quality, inclusive primary and secondary education for people with disabilities. South Africa’s laws do not automatically guarantee the right to free education, but most children who attend public schools do not pay school fees. By contrast, most children who attend public special schools are charged fees, and many children with disabilities attending mainstream schools are also charged additional fees.

**Women’s Rights**

In March 2019, Ramaphosa said his government was looking into decriminalizing sex work, which has been illegal in South Africa since at least the early
1900s. South African laws also prohibit other aspects of sex work, including running or owning a brothel, living off the earnings of “prostitution,” and enticing a woman into “prostitution.”

Criminalization has undermined sex workers’ access to justice for crimes committed against them and exposed them to unchecked abuse and exploitation by law enforcement officials, including police officers. And although the Department of Health’s National Strategic Plan on HIV for Sex Workers is grounded in respect for the human rights of sex workers, criminalization hinders sex workers’ efforts to access health care, including HIV prevention, treatment, care, and support.

Nationwide protests took place in September following the killings of multiple women and many instances of gender-based violence. The violence spurred an #AmINext movement where women on social media called out their alleged abusers. Protesters called for a national emergency and expressed anger over the government’s failure to better protect women. According to the Women’s Minister, Maite Nkoana-Mashabane, more than 30 women were killed by their spouses in August alone.

In response to the protests, the ANC vowed to amend the Sexual Offences Act and Domestic Violence Act in order to ensure harsher punishments for offenders, as well as other reforms, including making the National Register for Sex Offenders (NRSO) public.

In September, the Equality Court ruled that a trans woman detained in a male prison, Jade September, had the right to express her gender identity while in prison. This meant that, as a woman transgender inmate, she could express her gender identity while incarcerated in an all-male prison, including the right to wear her hair long; wear make-up; wear female clothing and be addressed by officials using female pronouns.

**Environmental Defenders**

During 2019 there was no progress in identifying or arresting those responsible for the murder of Sikhosiphi Rhadebe, a Xolobeni community activist killed in 2016. His family said the investigation into his murder had stalled. Community
activism against the harmful impact of mining, like Rhadebe’s, has often been met with harassment, intimidation, and violence.

Community and environmental rights activists have faced harassment for demanding their rights to health and a healthy environment. South Africa is one of the world’s biggest coal producers, and a leading producer of a wide range of metals. The serious environmental, health, and social impacts of mining, coupled with a lack of transparency, accountability, and consultation, have increased public opposition to mining projects.

**Foreign Policy**

South Africa, as a non-permanent member of the United Nations Security Council for 2019-2020, played a leading role in addressing the situation in Sudan, advocating for the UN to adhere to the decisions made by the African Union Peace and Security Council in an effort to stem abuses against civilians. Sweeping political changes in Sudan also led South Africa to push for a responsible and flexible drawdown of the UN peacekeeping force in Darfur, UNAMID, in opposition to China and Russia’s position to keep UNAMID’s exit on schedule. In May, an informal Security Council discussion on Cameroon’s humanitarian situation was met with strong opposition from South Africa, as well as the other two African members of the council. South Africa also opposed a Security Council discussion on Venezuela in January.

Following the outbreak of xenophobic violence in September, South Africa’s diplomatic relations with other African nations, notably Nigeria, became strained. Nigeria repatriated over 600 of its citizens living in South Africa following the attacks. Following reprisal attacks in Nigeria, the South African government on September 5 temporarily shut down its embassy in Abuja, Nigeria.

South Africa held the World Economic Forum on Africa in Cape Town in September but Malawi, Rwanda, and the Democratic Republic of Congo did not attend due to the xenophobic attacks against their citizens in South Africa.

On October 29, 2019, the South Africa Parliament revived the International Crimes Bill whose purpose is to withdraw the country from the International Criminal Court.

**Women’s Rights**

Discrimination against women is widespread in South Korea. Gender-based stereotypes concerning the role of women in the family and society are common—including widespread social stigma and discrimination against unmarried mothers—and are often unchallenged or even encouraged by the government. A relatively small proportion of women occupy decision-making positions in the business, political, and public sectors, and there is a 35 percent wage gap between men and women. The Economist magazine’s “Glass Ceiling Index,” which evaluates women’s higher education, women in managerial positions, and number of female members in parliament, gives South Korea the lowest rank among countries that belong to the Organization for Economic Co-operation and Development (OECD).

In positive developments, however, on April 11, South Korea’s Constitutional Court overturned the country’s strict abortion laws, which criminalized the procedure in most cases, and ordered the National Assembly to rewrite laws governing the procedure by the end of 2020.

The #MeToo movement also continued to gain ground in 2019, reaching political elites and entertainment stars. On January 23, Ahn Tae-gun, a former senior prosecutor, was sentenced for two years for sexually harassing Seo Ji-hyun, a junior colleague who publicly accused him in 2018 and helped fuel the nascent #MeToo movement in the country. On February 1, the Seoul High Court sentenced Ahn Hee-jung, a prominent politician in South Chungcheong province who had
been considered a possible presidential candidate, to three-and-a-half years in prison for raping his former secretary, Kim Ji-eun.

The government is struggling with a growing problem with digital sex crimes—non-consensual online sharing of intimate images, including secretly filming using hidden cameras (known as molka). On March 18, Jung Joon-young, a K-pop star, was arrested after admitting to secretly filming himself having sex with at least 10 women and sharing the videos with friends on a group chat. On March 23, two men were arrested for streaming the “intimate private activities” of at least 1,600 motel guests across the country from hidden cameras in 30 motels in 10 cities. Government data released in 2019 showed that victims reported about 6,800 molka cases to police in 2018 but only a third were referred for trial, and fewer than one in ten trials led to prison sentences.

**Sexual Orientation and Gender Identity**

The growing LGBT movement in South Korea continues to trigger increased resistance by conservative Christian anti-LGBT groups. In June, Seoul’s 20th Pride Parade saw record participation with around 70,000 people, but mushrooming LGBT events outside the capital still face local resistance. In August, the 3rd Busan Queer Culture Festival was forced to cancel its rally because the local district office denied them permission for road use. In August, at the 2nd Incheon Queer Cultural Festival, police recruited around 3,000 officers to protect a few hundred people from the LGBTQ community, nongovernmental organizations, and embassies, who were surrounded by thousands of mostly Christian anti-LGBT protesters.

The Constitutional Court is currently reviewing the 1962 Military Criminal Act (Article 92-6), which punishes sexual acts between soldiers with up to two years in prison under a “disgraceful conduct” clause, regardless of consent and whether they have sex in or outside of military facilities.

**Refugees**

South Korea is one of the few countries in Asia to be a party to the 1951 UN Refugee Convention and its 1967 Protocol. However, it continues to reject almost all non-North Korean asylum seekers entering the country. (North Koreans are granted automatic citizenship and are not processed as ordinary asylum seekers).

Of the 16,173 people who sought asylum in 2018 and who were not from North Korea, the government finished reviewing 3,879 cases, and granted only 144 refugee status. In some cases, the government issued humanitarian visas to allow continued stay in the country, but in most instances, applicants were rejected outright.

Of over 500 Yemeni refugees who arrived at the South Korean island of Jeju in 2018, only two were granted asylum, in December 2018, while 412 others received temporary humanitarian status and 56 were ordered to leave.

**Policy on North Korean Human Rights**

President Moon Jae-in’s administration has still not clearly enunciated its policy on North Korean human rights issues in the context of its new diplomatic opening with Pyongyang.

South Korea has yet to fully implement the North Korean Human Rights Law that came into effect in September 2016, which requires Seoul to implement the recommendations of the COI report, assist North Koreans who escaped their country and South Korean nationals detained in North Korea, and research and publish status reports on human rights conditions in North Korea.

It failed to establish the North Korea Human Rights Foundation, designed to support research on North Korea’s rights situation and fund groups working on North Korean rights issues. The foundation is also supposed to help the government develop a strategy to promote rights in the North. The government also failed to appoint an ambassador at large on North Korean human rights, vacant since September 2017.

On November 7, the South Korean government deported two North Korean fishermen to face murder charges in North Korea. On November 14, in the UN General Assembly’s third committee, the South Korean government decided to withdraw its name from a list of more than co-sponsorship from a resolution condemning human rights abuses in North Korea, which they had been supporting since 2008.
**Freedom of Expression**

Although South Korea has a free press and a lively civil society, successive South Korean governments and large corporations have at various times used draconian criminal defamation laws, the national security law, and restrictive interpretations of other laws, which are still in place, to create a chilling effect that limits critical scrutiny of the government and corporations.

Criminal defamation law allows for up to seven years’ imprisonment and a fine. The law focuses solely on whether what was said or written was in the public interest and does not allow for truth as a complete defense. The National Security Law criminalizes any dissemination of anything that the government classifies as North Korean “propaganda.” (The two Koreas are technically still at war, as the Korean War ended with only a ceasefire in 1953). The law imposes significant restrictions on the freedom of South Koreans to create and join political associations by imposing severe criminal penalties on anyone who joins, praises or induces others to join an “anti-government organization,” a term not clearly defined in law.

**Worker’s Rights**

South Korea joined the International Labour Organization (ILO) in 1991 but has not ratified 4 of the ILO’s 8 core conventions. In September, the South Korean Cabinet approved a motion for parliamentary approval to ratify the ILO conventions on freedom of association (Convention 87), the right to organize and collectively bargain (Convention 98), and the prohibition of forced labor (Conventon 29). It also proposed three bills reforming labor union laws, including one allowing the creation unions for public servants and teachers.

South Korean companies have an absence of legal obligations to conduct due diligence into human rights abuses in the entities they control, including those in their supply chains (subcontractors, suppliers, franchisees, etc.).

**Key International Actors**

South Korea has a mutual defense treaty and close bilateral relations with the United States, yet the country’s continued economic growth remains highly dependent on close trading relationships with many other countries around the world, including Japan and China—which together account for approximately one-quarter of South Korea’s exports.

On June 30, President Moon and US President Donald Trump met with North Korean leader Kim Jong Un in an impromptu summit in which neither publicly raised human rights; and the resumption of working level nuclear talks was announced. In October, North Korea’s government said that current non-proliferation talks with the US had collapsed.

The relationship between South Korea and Japan has been important in mobilizing strong international attention to North Korea’s human rights record. However, it worsened in 2019, mainly because South Korea’s Supreme Court, in October and November 2018, ordered two Japanese companies to compensate 14 victims of forced labor during the Second World War. Japan believes the matter was settled under a 1965 treaty.

In August, in direct response to the case, Japan moved to restrict exports of important high-tech material to South Korea. In response, South Korea abruptly broke off its intelligence sharing arrangement with Japan, leading to criticism from the United States and complicating ongoing cooperation between the three countries, including on addressing human rights issues in North Korea.
South Sudan

In 2019, fighting between the two main warring parties declined following the signing of the “revitalized” peace agreement in September 2018. However, amid delays implementing the peace deal, sporadic fighting continued between the army and rebel groups that were not part of the agreement.

Armed actors committed serious abuses including indiscriminate attacks against civilians including aid workers, unlawful killings, beatings, arbitrary detentions, torture, sexual violence, looting and destruction of property. Some of the abuses may constitute war crimes or crimes against humanity. All sides restricted access to United Nations, ceasefire monitors, and aid workers.

Since the conflict started in December 2013, more than 4 million people have fled their homes, with 2.1 million taking refuge in neighboring countries. Close to 200,000 people are living in six UN “protection of civilians” sites across the country. Seven million people require humanitarian assistance, most of whom faced acute food shortages.

Parties extended the formation of a transitional government of national unity twice—first in May by 6 months, then in November by 100 days—due to delays in implementation of key tasks including security arrangements and determination of states and their boundaries. The government would be led by President Salva Kiir with Riek Machar as first vice president and four additional vice presidents and would govern for a 36-month transitional period.

The government continued to restrict media and civil society and arbitrarily detain journalists, perceived critics and opponents including rights activists.

There was no progress in establishing a hybrid court, comprising South Sudanese and other African judges and prosecutors, envisioned in the 2015 and 2018 peace agreements to try grave crimes committed since December 2013.

Attacks on Civilians

Sporadic fighting continued in parts of central and eastern Equatoria between the government’s army, the rebel Sudan People’s Liberation Movement/Army-in-Opposition (SPLM/A-Io) under Dr. Machar and non-signatories to the September 2018 peace agreement, notably the National Salvation Front, NAS.

During counter-insurgency operations in Yei River state in December and January 2019, government forces attacked villages, killed, raped, and destroyed and looted property. NAS soldiers were also responsible for unlawful attacks on aid workers and civilians and restricted the movement of the general populace.

The UN peacekeeping mission (UNMISS) documented at least 104 civilian killings, 187 abductions, and 35 others wounded in the 30 attacks between September 2018 and April in Central Equatoria by various armed groups.

People with disabilities and older people were at heightened risk during attacks and faced challenges accessing humanitarian assistance. The 2019 Security Council, in a resolution renewing UNMISS’ mandate, expressed for the first time “serious concern about the dire situation of persons with disabilities in South Sudan,” including abandonment, violence, and lack of access to basic services.

Arbitrary Detentions and Enforced Disappearances

The National Security Service (NSS) harassed, arrested, and detained activists, journalists, and perceived dissidents, and imposed restrictions on nongovernmental organizations (NGOs). Detainees are held in squalid conditions and largely denied access to family, lawyers, and medical care.

In May, a high court sentenced six men to prison terms of between 2 and 13 years on charges of terrorism, sabotage, and treason stemming from the October 7 uprising at the NSS main detention facility in Juba. The men had been detained by the NSS in 2017 and 2018 without charge for close to a year. Among them was prominent economist and activist, Peter Biar Ajak, detained without charge since July 2018. Ajak was sentenced to a 2-year jail term on trumped up charges of disturbing the peace for speaking to foreign press.

Between June and November, military intelligence detained at least four youth from Lakes without charge or trial in the Giyada military barracks for criticizing the director of MI.

South Sudanese and Kenyan officials denied knowledge of the whereabouts of the two forcibly disappeared men, lawyer Dong Samuel Luak and opposition member Aggrey Ezbon Idri, who were abducted in Nairobi in January 2017 and last seen at the NSS headquarters in Juba. In April, the UN Panel of Experts concluded that it is “highly probable” that the two men were executed at the NSS
training facility in Luri on the outskirts of Juba on January 30, 2017. In July, two human rights groups filed a petition at the East African court of Justice suing Kenya and South Sudan for the enforced disappearance of the two men.

**Freedom of Expression, Association**

In March, the South Sudan Media Authority, an oversight mechanism, suspended UN’s Radio Miraya, citing its failure to comply with media regulations. The UN, stating its agreement with South Sudanese authorities to operate in the country, has continued to broadcast without license. The ministry of information continued to block access to online media websites Radio Tamazuj and Sudan Tribune and blogs Nyamilepedia and Paanluel Wel since 2017.

In May, the minister for information, Michael Makuei Lueth, warned against protests, in response to calls by the Red Card Movement, a diaspora youth group, for public anti-government demonstrations. Government security forces closed public spaces and protests did not take place. The government, with support from Kenyan authorities, conducted a campaign of cross-border harassment, intimidation, and threats against movement members.

Authorities harassed, arrested, and detained at least 16 journalists between January and September. On July 17, newspaper editor, Michael Christopher was detained in connection to an opinion article he wrote in support of protests in Sudan in January. He was released on August 26 without charge.

On October 31, authorities revoked press credentials and expelled Sam Mednick, a freelance journalist for the Associated Press, in response to an article she wrote. A French journalist Bastein Renouill, on assignment with France24 was arrested and deported on November 4.

South Sudan’s laws criminalize consensual same-sex relations, and make it an offence for “any male person who dresses or is attired in the fashion of a woman in a public place”.

**Legislative Developments**

In April, the National Constitutional Amendment Committee (NCAC) presented draft amendments to the minister of justice and constitutional affairs draft, to reform the country’s security organs—including the army—as required by the peace agreement. The National Security Service amendment bill, finalized in July, was also pending at time of writing. However, the bill retains NSS powers of detention and arrest without warrant, in violation of international norms.

In November, the minister presented to the national legislative assembly a bill incorporating the 2018 “revitalized” agreement into the existing transitional constitution—the agreement has supremacy over the constitution.

**Children and Armed Conflict**

Government forces and rebel groups continued to forcibly recruit children. The UN secretary-general’s 2019 report on children in armed conflict documented how 25 children in 2018 were forced into armed groups, with 7 killed or maimed and 7 raped. Meanwhile authorities released over 950 children from an armed group in Yambio between February 2018 and August 2018. In February 2019, 119 children were released from an armed group.

**Justice and Accountability**

South Sudan did not make progress in establishing the African Union-South Sudanese hybrid court envisioned in the peace agreement. It has yet to sign the memorandum of understanding with the AU or promulgate legislation to establish the court.

In April, the government hired Gainful Solutions Inc., a US-based lobby group to “reverse current sanctions and further block potential sanctions” and “delay and ultimately block establishment of the hybrid court...” Following public criticism, the terms of the contract were later revised to exclude blocking of the hybrid court.

The US in December 2018 sanctioned Gregory Vasily, Israel Ziv, Obaw William Olawo, and three firms they control for their role in fueling the conflict.

Appeals stalled in the case of the Terrain hotel attack on the outskirts of Juba, in which soldiers raped and sexually assaulted at least five aid workers and murdered a journalist in July 2016. A court sentenced 10 soldiers to prison terms of 7 years to life imprisonment for the crimes in 2018. As the court case file disappeared, the court could not hear appeals by both victims and those convicted.
In September, a special court to address non-conflict related sexual and gender-based violence crimes was launched and operationalized.

**Key International Actors**

In March, the UN Security Council renewed the mandate of UNMISS for another year, and the UN Human Rights Council renewed the mandate of the Commission on Human Rights in South Sudan for another year. The commission presented its report documenting continuing human rights violations, including rape and sexual violence, finding they may amount to war crimes.

The UN Panel of Experts on South Sudan in an April report found that neighboring states likely violated the terms of the UN arms embargo imposed on South Sudan in 2018, including by not providing inspection reports as required, making it impossible for the panel to ascertain whether any new weapons were imported. In July, the UN Security Council voted to renew the UN arms embargo by a year, and extended an asset freeze and global travel ban for eight South Sudanese nationals for their role in the conflict.

In October, the US sanctioned businessmen Ashraf Seed Ahmed Al-Cardinal and Kur Ajing Ater and five companies controlled by Al-Cardinal for their involvement in bribery, kickbacks, and procurement fraud with senior government officials.

The Intergovernmental Authority on Development (IGAD) and the African Union continued to play a key role in mediating the conflict.

In November, president Museveni of Uganda, president of Sudan’s Transitional Sovereign Council, Abdal-Fatah Al-Burhan, and Kenya’s special envoy on South Sudan, Kalonzo Musyoka, facilitated talks between South Sudanese parties in Kampala, Uganda, where they agreed to the extension of the pre-transitional period by 100 days.

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**Sri Lanka**

On April 21, Easter Sunday, Islamist suicide bombers attacked churches and hotels in Colombo and two other cities, killing over 250 women, men, and children and injuring hundreds more. For the following four months, the government imposed a state of emergency. Hundreds were detained without charge under the Prevention of Terrorism Act. Anti-Muslim mobs, sometimes linked to nationalist politicians, and incited by extremist Buddhist monks, attacked Muslim property. Mainstream and social media vilified Sri Lankan Muslims and asylum-seekers, putting them at risk of assault.

In November, Gotabaya Rajapaksa was elected president. As defence secretary in the administration of his brother, Mahinda Rajapaksa from 2005-2015, he was accused of numerous crimes, including attacks on journalists and activists, and implicated in alleged war crimes and crimes against humanity.

In May, ethnic Tamil victims’ groups marked 10 years since the end of the war between the government and the Liberation Tigers of Tamil Eelam, with protests and vigils against the government’s failure to address conflict-related violations and provide redress.

In August, President Maithripala Sirisena appointed Maj. Gen. Shavendra Silva as army chief, a move described by United Nations experts as an “affront to victims.” During the last months of fighting in 2009, he led a military division implicated in numerous war crimes.

President Sirisena announced in June he would end a 43-year unofficial moratorium on the death penalty and resume executions.

Despite agreeing to protect lesbian, gay, bisexual, and transgender (LGBT) people from discrimination, the government did not revoke sections 365 and 365A of the penal code, which criminalize same-sex conduct.

**Transitional Justice and Security Sector Reform**

In March, Sri Lanka supported a consensus resolution of the UN Human Rights Council, requesting that the government “implement fully” the measures set out in a previous resolution of 2015, and encouraging “the adoption of a time-bound implementation strategy.” This included a number of commitments to justice.
and accountability for violations committed during the 26-year civil war, through an office of missing persons, an office for reparations, and by setting up an independent accountability mechanism including international investigators, prosecutors, and judges.

Despite important initial developments after the 2015 resolution— including lifting severe restrictions on freedom of speech and association, holding consultations, releasing some civilian land held by the military, and re-establishing an independent government human rights commission—progress has slowed considerably.

Commissioners were appointed to the Office for Reparations in April. The Office on Missing Persons (OMP) began work in 2018, recording over 14,000 cases, but made little progress in discovering their whereabouts. Relatives of the forcibly disappeared protested against the OMP, questioning its authority and independence.

In July, a court acquitted, due to “lack of evidence,” all 13 policemen accused in the 2006 shooting of five Tamil students in Trincomalee in a case known as “Trinco Five.” The execution-style killing of 17 aid workers in 2006 in Muttur, and the murder of journalist Lasantha Wickrematunge in Colombo in 2009, both of which implicated government security forces, have not resulted in any arrests.

Police identified 14 suspects in the abduction and murder of at least 11 young Tamil men between 2008 and 2009. All of the suspects were naval officers, including the former navy commander, Adm. Wasantha Karannagoda.

Other commitments not met by the government include security sector reform and repealing the draconian Prevention of Terrorism Act (PTA). A Counter Terrorism Act (CTA) to replace the PTA was drafted, but it also contains provisions that would facilitate abuse.

**Treatment of Minorities**

In the aftermath of the Easter Sunday bombings, anti-Muslim mobs killed one person and caused extensive damage to homes and businesses. About 1,100 Muslim refugees and asylum seekers, including members of the persecuted Ahmadiyya religious community from Pakistan, were subjected to harassment and threats, forcing them to take shelter in crowded and unsanitary temporary refuges.

Despite previous targeting of Muslims, such as in Kandy district in 2018, the government did not adequately protect vulnerable communities, prosecute attackers, or confront virulent anti-Muslim hate speech.

In May, President Sirisena pardoned Gnanasara Thero, a prominent monk and leader of a militant anti-Muslim organization, who was serving a jail sentence for contempt of court.

Tamils, particularly in the Northern Province, continued to face harassment and intrusive surveillance.

**Human Rights Defenders**

Activists and civil society members, particularly in the north and east of the country, were increasingly subjected to surveillance and harassment. The UN special rapporteur on freedom of peaceful assembly and association, Clément Nyaletsossi Voulé, reported undue rights constraints.

Some families of people forcibly disappeared during the war reported intimidation by soldiers. The army also disrupted Tamil memorial events. In May, families of the disappeared from Ampara were at a remembrance ceremony when soldiers arrived and destroyed or removed banners and decorations, and threatened to arrest the participants.

Voulé reported concerns that, particularly in the north and the east, associations proposing to work on subjects including LGBTI rights, disappearances, land rights, and post-conflict reconciliation, were denied registration, and were subject to surveillance and intimidation. Activists said that these problems increased after the Easter Sunday attacks.

**Women’s and Girls’ Rights**

The government agreed to revise the 1951 Muslim Marriage and Divorce Act. Activists said the amended law should make 18 the minimum age of marriage, without exception, and that women should not have to obtain a guardian’s permission to get married. They also called for a removal of the exemption of penalties for rape of married Muslim girls above the age of 12, and demanded reform in the operation of Qazi courts, which currently have no female judges.
Sudan

Following months of protests, Sudan’s president for 30 years, Omar al-Bashir, was ousted in April and replaced by a military council. Following negotiations between the military leaders and opposition groups, a transitional government led by a “sovereign council” composed of military and civilian members replaced the military council in August.

The periods of protests both before and after al-Bashir’s ouster was marked by serious human rights violations against protesters, starting December 2018. Government security forces routinely used live ammunition against unarmed protesters, detained activists and political opponents, censored media and blocked access to the internet. After April 11, Rapid Support Forces (RSF)—the paramilitary force known for attacks on civilians in Darfur since 2013—continued the crackdowns. The bloodiest was their attack on the protesters’ sit-in in Khartoum on June 3.

Conflicts in Darfur, Southern Kordofan, and Blue Nile continued at low levels, and restrictions on humanitarian aid access persisted. In Darfur, government forces attacked villages in Jebel Mara. The African Union/United Nations mission in Darfur (UNAMID) temporarily halted withdrawal plans in June, in view of national political changes and news that the RSF occupied bases the mission handed over to the government. In May, the ruling military council issued a decree stating that all UNAMID bases be handed over to the RSF, in contravention of United Nations rules and procedures.

The agreement to form the transitional government included setting up a national independent investigation into events of June 3. The agreement also called for accountability for all past abuses under the al-Bashir government. Although women played an important role in the protests, women’s rights groups expressed disappointment that few women were included in a transitional government. The government has yet to cooperate with the International Criminal Court (ICC) in respect of cases against al-Bashir and four other men on charges of genocide, crimes against humanity and war crimes committed in Darfur.

Death Penalty

President Sirisena’s decision to resume executions of persons sentenced to death was a major setback. The Supreme Court stayed the execution of four prisoners convicted of drug offenses.

Key International Actors

The UN High Commissioner for Human Rights strongly criticized the government’s failure to implement its human rights commitments, and warned that “continuing impunity risks fueling communal or inter-ethnic violence, and instability.” Following the appointment of Gen. Silva as army chief, the UN suspended the use of non-essential Sri Lankan troops as peacekeepers.

The core group presenting the UN Human Rights Council resolution (Canada, Germany, North Macedonia, Montenegro, and the United Kingdom) called on the Sri Lanka government to set a clear timeline to meet its commitments, which it said were essential for “national healing, stability and prosperity.” Sri Lanka has military and security cooperation with the United States, India, and European governments, although the US warned this would be curtailed following Gen. Silva’s appointment. Sri Lankan trade with the EU under the GSP+ scheme, links better market access to human rights and labor standards. However, the EU, like other foreign partners, has been muted in its response to Sri Lankan rights abuses.

Sri Lanka is a participant in China’s “Belt and Road” Initiative, although there are concerns about the debt burden this is creating, for instance in relation to southern Hambantota Port, control of which has been granted to China for 99 years.

Death Penalty

Following the Easter Sunday bombings, the government issued orders forbidding face coverings, especially the veils worn by some Muslim women. Following this order, Muslim women including those wearing other forms of dress, such as headscarves and abayas, faced harassment at work and in public places, and some were denied access to public services such as schools, hospitals, and universities.

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Crackdowns on Protesters

Sudanese took to the streets in towns across the country in December to protest price hikes and demanded President Omar al-Bashir step down. Government security forces responded with lethal violence, shooting live ammunition at unarmed protesters, beating and arresting hundreds and killing scores of people between December and April. Security forces chased protesters into hospitals and shot tear gas into operating rooms, impeding the provision of medical care to wounded protesters. At least one doctor was killed and several others arrested for providing medical services.

President al-Bashir declared a state of emergency on February 22, banning protests and authorizing “emergency courts” to try violators in speedy trials. Many protesters were detained, tried summarily, and imprisoned or fined, without due process protections.

On April 11, defense minister and first vice president, Awad Ibn Ouf, announced the arrest of al-Bashir. On April 12, Lt. Gen. Abdel Fatah al-Burhan, former commander of the army’s ground forces, took over and formed the Transitional Military Council (TMC), appointing Lt. Gen. Mohamed Hamdan Dagalo “Hemedti,” RSF commander, as his deputy.

Despite the TMC’s promises to protect the protesters’ camp near military headquarters, security forces continued to use live ammunition against unarmed protesters calling for transition to civilian rule.

On June 3, government forces led by the RSF shot live bullets at protesters, beat them with sticks and batons, rounded up hundreds and subjected them to various forms of humiliation, including beating, rape and sexual assaults. They also attacked hospitals and clinics and prevented wounded protesters from receiving needed medical help. An estimated 120 were killed and hundreds wounded; some bodies were dumped into the river Nile and an unknown number of people were reported missing.

The TMC spokesperson denied government forces attacked protesters and claimed their operation was limited to criminal activity in an area near the sit-in. He later said the dispersal was planned, but that mistakes were made. The attorney-general launched an investigation into the violence and recommended charges be brought against eight soldiers including for crimes against humanity.
On June 30, the anniversary of al-Bashir’s assumption of power, RSF soldiers opened fire on protesters calling for justice for June 3 victims, as they crossed a bridge linking Khartoum and Omdurman, killing eight. Another three bodies were found the next day in Omdurman covered with banners used in protests, with blood stains on their bodies and a megaphone near where the bodies were found. The father of one victim said he believed his son died from torture.

On July 29, RSF soldiers shot at high school students in al-Obeid, North Kordofan protesting price hikes and poor transportation services killing five of them, according to media reports. On August 1, RSF soldiers reportedly killed four more protesters in Omdurman. TMC immediately denounced the violence, admitting that nine RSF soldiers were involved in the shootings in Omdurman and el-Obeid and that those responsible had been dismissed from service and referred for prosecution.

**Arbitrary Detentions, Torture**

In response to the protests starting in December, National Intelligence and Security Service (NISS) officials arrested and rounded up protesters, opposition members, and activists. Security agents subjected detainees to abuses while in detention including beatings, inhumane conditions in a facility known as “the refrigerator,” and insults and beatings during interrogations. Many detainees were not allowed family visitation or access to lawyers. Women released from detention told Human Rights Watch they were beaten and sexually harassed and threatened with rape.

Dozens of students from Darfur arrested in mid-December were rounded up in their dormitories, severely beaten and forced to make televised “confessions” of having links to the Sudan Liberation Movement/Army, a Darfur rebel group led by Abdelwahid al-Nur. They were later released without charges.

On February 3, Ahmed al-Khair, a teacher in East Sudan, died while in NISS custody. Witnesses and his family found signs of torture on his body, according to media. Authorities later charged 40 NISS agents in connection with the killing.

Sudan has failed to investigate other allegations of torture by national security officials and has yet to ratify the Convention Against Torture, which it signed in 1986. In violation of international human rights law, it retains the death penalty and corporal punishment for numerous crimes, including consensual same-sex conduct.

**Freedom of Media**

Since protests started in December 2018, authorities imposed even more restrictions on media, seized and confiscated newspapers, arrested journalists covering protests, shut down their offices, and blocked access to the internet.

Nine journalists were briefly arrested on December 26 by the NISS while gathered outside the headquarters of the independent Sudanese newspaper Al-Tayar in protest against harassment of the media. Many other journalists were arrested while covering protests or during journalists strikes. In late December, authorities restricted access to social media for several days.

On December 25, authorities blocked London-based al-Araby TV journalists from covering the protests and deported them. On January 22, authorities revoked permits of reporters working with Al Jazeera, al-Arabiya and Anadolu news agency.

On February 22, NISS officials arrested the editor-in-chief of Al-Tayar, after he appeared on TV criticizing al-Bashir’s emergency declaration. He was released on March 30 without charge.

After al-Bashir’s ouster, authorities allowed media coverage of protests for several weeks, but on May 31, they shut down Al Jazeera offices. Authorities sought to suppress information about the June 3 violence by restricting media access to the country, by cutting off completely cutting internet access on June 10 for over a month.

**Conflict and Abuses in Darfur, Southern Kordofan, and Blue Nile**

In January, Sudan declared an open-ended unilateral ceasefire in Darfur and the other conflict zones. However, government forces, including the RSF, reportedly continued to attack sites in the Jebel Mara, destroying dozens of villages between July 2018 and February 2019, according to reports.
UNAMID halted plans to further downsize and exit Sudan by 2020, in view of the formation of transitional government after al-Bashir ousting and the occupation and use of the mission’s bases by RSF soldiers. Authorities continued to limit peacekeepers and aid groups’ access to displaced people and conflict-affected areas.

Eight years into the armed conflict in Southern Kordofan and Blue Nile, the government and armed opposition failed to agree on modalities for supplying life-saving aid to civilians in need. However, negotiations between the government and all armed groups resumed in Juba in September leading to new agreement on access.

Refugees and Migrants
Sudan hosts about 1.1 million refugees and migrants from the region, mostly South Sudanese (more than 858,000 as of September). Authorities also reported an increase of Eritrean refugees, estimating that half of these new arrivals migrate to other countries, making them vulnerable to human trafficking and smuggling. Hundreds of thousands of Sudanese refugees from Darfur, Southern Kordofan and Blue Nile live in camps in Chad, South Sudan and Ethiopia.

Key International Actors
Hours after the June 3 crackdown, the African Union condemned the violence and called for an “immediate and transparent investigation” into the events, to hold those responsible to account. On June 6, the AU suspended Sudan’s membership, but lifted the suspension in September.

The US, United Kingdom, and Norway, troika members, condemned the attacks on protesters and blamed the TMC for ordering it. The US, which lifted economic sanctions on Sudan in 2017, has promised to revise its Sudan policy with a view to supporting the transitional government.

The EU also condemned the June 3 violence against protests and in late July suspended projects related to migration and border control, which are part of the EU-Horn of Africa Migration Route Initiative, known as “Khartoum Process.” The program had prompted fears that EU was supporting the RSF to carry out migration control.

The UN secretary-general, following the establishment of the transitional government in August, called for the lifting of all economic and financial sanctions imposed on Sudan, as well as the country’s removal from the US list of state sponsors of terrorism.

In September, the UN Human Rights Council adopted a resolution to continue the work of the Independent Expert on human rights in Sudan for another year. The resolution also supported the establishment of a country office of the Office of the High Commissioner for Human Rights in Khartoum, Sudan’s capital.

In October, the UN Security Council adopted a resolution extending UNAMID’s mandate for one year and tasking UN secretary-general along with AU chairperson to submit options for a post-UNAMID follow up presence based on needs and views of Sudan government after March. The mission will maintain its protection of civilians and human rights-monitoring functions through the end of its mandate.

The TMC declined to hand al-Bashir over to the ICC but try him in Sudan in on corruption and money laundering charges. The UN Security Council failed to press Sudan to cooperate with the ICC for the surrender of the al-Bashir and four other fugitives sought on alleged Darfur crimes, despite having referred the situation to the ICC in 2005. The ICC first announced charges in 2007.
Syria

Events in Syria of 2019 reinforced the conclusion that the atrocities and rights violations that have characterized the conflict continued to be the rule, not the exception.

The Syrian-Russian military alliance in April re-launched military operations against Idlib, the last anti-government foothold, with indiscriminate attacks and prohibited weapons. Areas recaptured by the government saw property confiscations, widespread demolitions of homes, and arbitrary detentions. Those who “reconciled” with the government continue to suffer abuses at the hands for government forces.

The UN Office for the Coordination of Humanitarian Affairs (OCHA) projected that 11.7 million people in Syria would require humanitarian and protection assistance in 2019. Instead of securing funding to address the population’s vital needs, the Syrian government developed a legal and policy framework to co-opt humanitarian and reconstruction funding to advance its own interests. Aid groups, United Nations agencies, and donors participating in abusive reconstruction efforts, or allowing aid diversion without due diligence, risked complicity with the government’s human rights violations.

Non-state armed groups opposing the government also committed serious abuses, leading arbitrary arrest campaigns in areas they control and launching indiscriminate ground attacks on populated residential areas in government-held territory.

In northeast Syria, the number of civilians killed and the degree of destruction as a result of the US-led coalition and its local ally, the Syrian Democratic Forces, suggested a degree of destruction and loss of life in areas held by the extremist group Islamic State (ISIS) that indicate a failure to take all necessary precautions to protect civilians.

The fate of thousands kidnapped by ISIS remained unknown, with no steps taken by Kurdish authorities, the US-led coalition, or the Syrian government to determine their fate. Despite the international focus on those detained and disappeared by the Syrian government, including by the special envoy and the Security Council, little progress was made.
Violations by the Syrian-Russian Military Alliance

The Syrian-Russian military alliance launched hundreds of daily attacks since late April 2019 to re-take areas in northwest Syria from anti-government groups. Using tactics reminiscent of the alliance’s takeover of Aleppo and Ghouta, Syrian and Russian forces used internationally banned cluster munitions, incendiary weapons, and explosive weapons with wide-area effect including improvised “barrel bombs” against schools, homes, and hospitals, destroying key towns in the area and killing over 1000 civilians, including more than 300 children. In mid-August, the Syrian-Russian military alliance killed 20 civilians in a strike on a displacement compound located in the town of Hass, Idlib. The attack was unlawful and amounted to a war crime.

Those forces destroyed or rendered inoperable over 50 health facilities. Russia and Syria targeted hospitals using coordinates these facilities had shared with Russia through a United Nations deconfliction mechanism, according to Physicians for Human Rights and other humanitarian groups. On August 1, the United Nations announced that UN Secretary-General Antonio Guterres would launch an investigation into hospital attacks in Syria.

According to the United Nations, northwest Syria is home to 3 million civilians, at least half of whom have been displaced at least once. Civilians in these areas effectively had nowhere to go, lacking resources to relocate, unable to cross into Turkey, and fearing persecution if they relocated to government-held areas.

Abuses by Non-State Armed Groups

Hay’tahrir al-Sham (HTS), Jaysh al-Izza (JAI), and affiliated groups launched indiscriminate attacks on civilian areas under government control. These attacks have led to scores of civilian casualties and may have amounted to war crimes, according to the Independent International Commission of Inquiry on Syria (COI). Despite its territorial retreat, ISIS led several insurgencies throughout Deir Ezzor, and prevented civilians from fleeing the violence, including by punishing them and placing landmines to deter them from escaping.

Security conditions in areas surrounding Afrin, which has been controlled by the Syrian National Army, a coalition of Turkey-backed Free Syrian Army (FSA) factions, deteriorated considerably. Those factions have committed war crimes, according to the COI, targeting civilians, taking hostages, planting car bombs, conducting arbitrary arrests, extortion, torture, and enforcing a rigid dress code for women and girls.

Arbitrary Detention and Enforced Disappearances

In areas retaken from the anti-government groups, including Eastern Ghouta, Daraa and southern Damascus, Syrian security forces arrested hundreds of activists, former opposition leaders and their family members, although they had all signed reconciliation agreements with authorities guaranteeing that they would not be arrested.

Tens of thousands of persons have been detained or disappeared since 2011, the vast majority by government forces. Thousands died in Syrian government custody from torture and horrific detention conditions. In 2019, the government updated the records of hundreds thought to be disappeared or dead, but none...
of their families have received their loved ones' remains or additional information from authorities.

Hay'et Tahrir al-Sham (HTS), an al-Qaeda affiliate predominantly active in Idlib, arbitrarily arrested numerous residents in areas under its control. In January 2019, Human Rights Watch documented 11 arrests; in six of the cases, individuals were apparently tortured. Local rights groups have gathered files or evidence on hundreds of other cases.

ISIS seized thousands of individuals, including activists, humanitarian workers, and journalists, whose fate remained unknown, according to local human rights monitors and families of those kidnapped. Neither the Kurdish-led Syrian Democratic Forces (SDF), the Syrian government nor the US-led international coalition have created mechanisms to handle families’ queries.

In May 2019, Human Rights Watch was among eight Syrian civil society and international human rights organizations that called on UN Security Council member states to urgently address the widespread arbitrary detentions, kidnapping, torture and other-ill treatment, and enforced disappearances of tens of thousands of Syrians at the hands of the Syrian government, armed anti-government groups, and ISIS.

**Violations by Turkey and Turkish-Backed Forces**

On October 9, following an announcement by the United States administration of the withdrawal of its forces from Syria, Turkey invaded northeast Syria. Non-state actors backed by Turkey, including the Syrian National Army, mobilized in support of the offensive, dubbed “Operation Peace Spring.” Kurdish authorities, in response, struck a deal with Damascus, allowing Syrian forces to deploy and retake control of multiple towns across the Syrian-Turkish border.

Reports have surfaced of Turkish-backed factions committing a host of violations, including summary killings of Kurdish forces, political activists, and emergency responders, and looting and confiscation of property.

On October 26, the Turkish foreign minister announced that Turkey “will not tolerate even the least violation of human rights violations.” Reports from local and international monitoring groups, however, have documented several indiscriminate attacks by Turkey on civilians and civilian objects in northeast Syria.

**Violations by US-Backed Forces and the US-Led Coalition**

The Battle of Baghuz in February 2019 brought about the territorial demise of ISIS. The battle was marked by intense US-led coalition air attacks and ground artillery shelling by the SDF. Human Rights Watch identified more than 630 major damage sites and widespread destruction of buildings throughout the town as the last battle commenced, when a large number of civilians were present in those areas. The UK-based monitoring group Airwars estimated that at least 416 civilians died in US-led coalition airstrikes between January and June 2019.

The coalition did not thoroughly investigate the attacks that killed civilians. It made one condolence payment to a family in January 2019, but it did not create a program for compensation or other assistance to civilians harmed by coalition operations. The US Defense Department attributed the lack of payments to “practical limitations” and “limited US presence, which reduces the situational awareness required to make ex gratia payments.”

Witnesses who managed to flee the last remaining enclaves controlled by ISIS—in part by paying smugglers hefty sums—described harrowing humanitarian conditions and relentless attacks in areas where they lived. ISIS punished those who had even considered leaving and deployed mines along escape routes to deter attempts.

While the Turkish invasion of northeast Syria has reduced the areas under the control of Kurdish-led authorities, at time of writing the Kurdish-led Autonomous Administration for Northeast Syria remained in control of most of the 110,000 ISIS suspects and family members. They included 62,000 Syrians and Iraqis, and more than 11,000 non-Iraqi foreign women and children related to ISIS suspects, who were being held in al-Hol desert camp in appalling and sometimes deadly conditions. Insufficient resources and restrictions on humanitarian access have contributed to deteriorating camp conditions.

Most countries have refused to repatriate their citizens, including women or children, or have only brought home small numbers of orphans. Countries including France, the United Kingdom, and the Netherlands cited logistical and security challenges to repatriating citizens. However, Kazakhstan, Uzbekistan, and Tajikistan together repatriated more than 756 nationals with links to ISIS, most of them women and children. Foreign ISIS suspects arrested in Syria, notably
French ones, were transferred to Iraq despite torture, flawed trials and death penalty. The UN special rapporteur on extrajudicial executions rebuked France for its alleged involvement in the transfers of its nationals sentenced to death in Iraq.

**Displacement Crisis**

Military operations have displaced more than 600,000 individuals in Idlib and Hama and at least 180,000 individuals in northeast Syria, according to UN OCHA.

The Turkish-Syrian border remained sealed and Turkish border guards routinely pushed back asylum seekers, including with live ammunition, killing dozens since January 2019, according to the Syrian Observatory of Human Rights.

Around 18,000 individuals left al-Rukban camp near the Syrian-Jordanian border for government-held areas. Humanitarian aid restrictions imposed by the government and Jordan’s refusal to allow Rukban residents to seek asylum in Jordan or provide cross-border aid meant that camp residents faced serious risk of starvation and disease, as well as threat of attack. Those who returned to government-held areas ended up in displacement centers. While the UN and Syrian Arab Red Crescent provided services at these displacement camps and at the crossing points, reports surfaced of detentions and ill-treatment of evacuees who returned to government-held areas.

Syrian refugees in neighboring countries faced pressure from host countries to return to Syria, despite serious safety concerns and lack of transparency around conditions in areas held by the government. UNHCR records indicate that more than 40,000 refugees had returned as of June 2019.

In Turkey, more than 3.6 million Syrian refugees, including half-a-million in Istanbul alone, received temporary protection. In 2019, however, Turkish authorities detained and forcibly returned many Syrians after making them sign “voluntary return” forms. Many ended up in Idlib and areas under the control of Hay’et Tahrir al-Sham, where they were either arrested by that group or caught in the Syrian-Russian military offensive.

Turkey also proposed the creation of a buffer zone in northeast Syria, where it intends to move at least 1 million Syrians currently in Turkey. If such a zone is created, it would not necessarily guarantee the protection of civilians, and would include a number of human rights concerns.

Lebanon, which hosts around 1.5 million Syrian refugees, relentlessly promoted returns and took active steps to curb the inflow of refugees starting in April. General Security, the agency responsible for the country’s border control, said it deported 2,731 Syrians between May 21 and August 28, 2019, following its May 13 decision to deport all Syrians who entered Lebanon irregularly after April 24, and directly handed them to the Syrian authorities. At least three of those deported were detained by Syrian authorities upon their return.

**UN Security Council and General Assembly**

In response to attacks by the Syrian-Russian military alliance on health and other humanitarian facilities in Idlib and northern Hama, and pressure from UN member states and human rights groups, UN Secretary-General Antonio Guterres launched an investigation into hospital attacks in Syria. At time of writing, he had not committed to making the findings public.

On August 7, the United Nations Security Council held its first briefing on the issue of those detained and missing in Syria.

On September 19, Russia cast its 13th veto to block a Security Council resolution demanding a truce in northwest Syria because it did not include exemption for military offensives against groups Russia and Syria consider to be terrorist organizations.

The International Impartial and Independent Mechanism (IIIM), an evidence-gathering body established by the UN General Assembly in December 2016, continued to gather and preserve evidence for future criminal prosecutions.

**Key International Actors**

Despite the appointment of a new UN special envoy to Syria, Geir Pederson, UN-led political negotiations remained at a virtual standstill.

Russia, Turkey, and Iran continue to wield influence in Syria, with Russia spearheading efforts to politically legitimize the Syrian government, and encourage the return of refugees and the provision of funding for reconstruction. April saw
the collapse Russian-Turkish agreement that had established a ceasefire in Idlib in September 2018.

The United States conducted airstrikes against ISIS in northeast Syria, as part of the US-led coalition, and provided financial and logistical support to the Syrian Democratic Forces. On October 6, US President Donald Trump abruptly announced the withdrawal of US troops from northern Syria, paving the way for Turkey’s military push against Kurdish-led forces.

The US-led coalition struck in August what it claimed was an al-Qaeda entity in Idlib. On October 27, a US military operation in Idlib resulted in the death of Abu Bakr al-Baghdadi, ISIS’ leader. Israel also reportedly conducted several air strikes on government-held areas in January and August.

The European Union hosted its third Brussels conference on Syria in March, focusing on the return of refugees and reconstruction. In September 2019, there were reports that Hungary planned to upgrade its diplomatic ties with Syria, breaking European consensus. Both the EU and the US renewed and expanded sanctions on the Syrian government.

Following years of preparation, the Syrian Constitutional Committee met on October 30 under the auspices of the United Nations in Geneva, Switzerland. The committee consists of 150 delegates tasked with reforming the country’s constitution.

**Tajikistan**

Tajikistan’s dire human rights situation worsened further in 2019. Authorities continued a crackdown on government critics, jailing opposition activists, journalists, and even social media users perceived to be disloyal for lengthy prison terms. Freedom of expression and religion are severely restricted, nongovernmental organizations (NGOs) are subjected to intimidation, and the internet is heavily censored. Authorities harassed relatives of peaceful dissidents abroad and used politically motivated extradition requests made via INTERPOL, the international police organization, to forcibly return political opponents from abroad.

**Prison Conditions and Torture**

Prison conditions are abysmal, with regular reports of torture. In November 2018 and May, two prison riots in Khujand and Vahdat, respectively, resulted in the deaths of at least 50 prisoners and five prison guards in circumstances which remain unclear. Authorities announced that it was necessary to use lethal force to put down apparently violent uprisings within the prisons. In both cases, dozens of prisoners were killed, which raised legitimate concerns about use of disproportionate or excessive force and unjustified resort to lethal force.

Another 14 prisoners died of poisoning on July 7, allegedly as the result of eating tainted bread while being transported on a truck from prisons in Khujand and Istaravshan to prisons in Dushanbe, Norak, and Yovon.

During a prison visit on March 9, imprisoned political activist and deputy head of the banned Islamic Renaissance Party of Tajikistan (IRPT) Mahmadali Hayit showed his wife, Savrinisso Jurabekova, injuries on his forehead and stomach that he said were caused by beatings from prison officials to punish him for refusing to record videos denouncing Tajik opposition figures abroad. Jurabekova said that her husband said he was not getting adequate medical care, and fears he may die in prison as a result of constant beatings.
Harassment of Dissidents Abroad

In December 2018, IRPT activist Naimjon Samiev was forcibly disappeared in Grozny, Chechnya, and was returned to Tajikistan, where he was sentenced to 15 years in prison on politically motivated charges.

In February 2019, Tajik and Russian officials arbitrarily detained and forcibly returned to Tajikistan Sharofiddin Gadoev, 33, a peaceful opposition activist who was visiting Moscow from his home in the Netherlands. Russian and Tajik authorities used physical force to detain him in Moscow and forced him onto a plane, beating him in Moscow and on the flight to Tajikistan. While he was held in Tajikistan, the government published choreographed videos designed to show that he “voluntarily” returned to Tajikistan. Gadoev and his relatives said the statements were made under duress. The activist was returned in March 2019 to the Netherlands following an international campaign.

In May 2019, Russian authorities arrested IRPT member Amrullo Magzumov at Vnukovo airport in Moscow at the request of the Tajik authorities. Two days later, he was forcibly returned to Tajikistan without trial.

In September 2019, Belarusian border guards detained IRPT member and independent journalist Farhod Odinaev, 42, under a Tajik extradition request after he attempted to cross the Belarus-Lithuania border on his way to attend a human rights conference in Warsaw, Poland. In November, Belarus authorities rejected Tajikistan’s request for Odinaev’s extradition.

Dissidents’ Families

Authorities regularly harass the Tajikistan-based relatives of peaceful dissidents who live abroad. Activists based in France, Germany, and Poland told Human Rights Watch that their relatives are regularly visited by security services who pressured them to denounce them and provide information on their whereabouts or activities and threatened them with imprisonment if their relatives continue their peaceful opposition work.

In June, Europe-based journalist Humayra Bakhtiyar, 33, told Human Rights Watch that authorities were harassing her family in Dushanbe in order to pressure her to return to Tajikistan. She said police had recently called her 57-year-old father, Bakhtiyar Muminov, to come for a talk on June 12, her birthday, despite her father having suffered a heart attack that required surgery in April. Police told Muminov to convince his daughter to return to Tajikistan or he would lose his job as a schoolteacher, as he had “no moral right to teach children if he was unable to raise his own daughter properly.” Police placed a call to Bakhtiyar and had her father repeat their questions into the phone. They later threatened to arrest Muminov.

Freedom of Expression

Authorities regularly block access to a wide spectrum of internet news and social media sites, including YouTube, Facebook, and Radio Ozodi, the Tajik service of Radio Free Europe/Radio Liberty. They also cut access to mobile and messaging services when critical statements about the president, his family, or the government appear online. Over 25 journalists have been forced in recent years to leave the country and to live in exile.

Journalists are frequently the subject of attacks. According to the National Association of Independent Media of Tajikistan, it receives at least 10 reports each month from journalists regarding threats and restrictions on access to information while conducting their work.

Radio Ozodi came under intense pressure in October after the Tajik foreign ministry refused to extend the accreditation of 18 reporters and staff. Following a meeting in November between the president of Radio Free Europe Jamie Fly and Tajik president Emomali Rahmon, the Tajik president’s office said rumors of the closure of Radio Ozodi were “false.”

In July, Russian officials blocked the website of Asia-Plus, Tajikistan’s leading independent news agency. Later, in August, the agency’s web addresses based in Tajikistan were taken offline globally when unknown persons changed technical settings in the systems of the internet service provider. Asia-Plus, whose journalists in the past have been harassed by security services and whose website has been subjected to politically motivated blocking, moved its website to a domain hosted outside of Tajikistan. Authorities have also repeatedly denied them and other independent channels, such as the Penjiken-based Orionnur, a license to broadcast television programming.
Freedom of Religion or Belief

In January, Radio Ozodi reported that officials in Dushanbe denied passports to over a dozen men unless they shaved their beards. President Rahmon has repeatedly urged Tajiks to not wear beards or hijab, and in recent years police and security services have fingerprinted and forced as many as 13,000 Tajik men to shave their beards.

In February, police arrested Shamil Khakimov, a Jehovah’s Witness based in Khoujand, and seized a number of books, including copies of the Bible, which the authorities have classified as extremist literature. In August, Khakimov was placed on trial on charges of “inciting religious hatred.” Tajikistan banned Jehovah’s Witnesses in 2007.

Domestic Violence

The government has made important efforts to combat domestic violence but survivors, lawyers, and service providers reported that the 2013 domestic violence law remains largely unimplemented. Domestic violence and marital rape are not specifically criminalized. Police often refuse to register complaints of domestic violence, fail to investigate complaints, or issue and enforce protection orders. A lack of services for survivors, including immediate and longer-term shelters, leave women without clear pathways to escape abuse.

In November 2018, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern that domestic violence is “widespread but underreported,” and that there is “systemic impunity for perpetrators ... as illustrated by the low number of prosecutions and convictions” and no systematic monitoring of gender-based violence.

Key International Actors

In July, the UN Human Rights Committee (HRC) issued Concluding Observations on Tajikistan’s rights record, voicing concern over a wide spectrum of abuses, including politically-motivated imprisonment, torture, restrictions on lawyers, pressure on NGOs, domestic violence, and reports that suspected lesbian, gay, bisexual, and transgender (LGBT) people were being identified and their names placed on a state registry.
Tanzania

Tanzania’s human rights record continued to deteriorate under President John Magufuli, who was elected into office in 2015. The government lifted some restrictions on the publication of independent statistics, but continued to restrict media and critics of the government, deregister civil society groups, arrest journalists, restrict civic space, and undermine the rights of women and of children.

Freedom of Expression and Media

The Tanzanian government cracked down on media and civil society groups and individuals critical of the government. In February, the Ministry of Information, Culture, Arts and Sports suspended *The Citizen* newspaper for seven days for violating the Media Services Act, accusing the newspaper of publishing two biased articles. One was about United States lawmaker Bob Menendez raising concerns about “the gradual downward spiral of respect for civil liberties in Tanzania,” and another reported that the Tanzania shilling was falling against the US dollar.

On April 25, authorities at the Julius Nyerere International Airport in Dar es Salaam detained and eventually deported Wairagala Wakabi, director of the Ugandan-based Collaboration on International ICT Policy in East and Southern Africa (CIPESA), as he was on his way to receive a human rights award.

On July 29, 2019, six plainclothes policemen arrested high-profile investigative journalist Erick Kabendera at his home in Dar es Salaam. He was later charged with non-bailable offenses related to money laundering, tax evasion, and leading organized crime. Kabendera had written for several international publications critiquing Tanzanian politics, including *The East African, The Guardian* and *The Times of London*.


In 2018, parliament passed the Electronic and Postal Communications (Online Content Regulations) giving the Tanzania Communications Regulatory Authority (TCRA) wide discretionary powers to license blogs, websites, and other online
content. In January, the High Court in Mtwara quashed an application by the civil society organizations Legal and Human Rights Centre (LHRC), trustees of the Media Council of Tanzania, and the Tanzania Human Rights Defenders Coalition, challenging the regulations.

At the close of 2018, Bob Chacha Wangwe appealed his 2017 conviction for publication of false information under the Cybercrimes Act for critiquing on Facebook the conduct of elections in Zanzibar in 2015. A Dar es Salaam court sentenced him to 18 months’ imprisonment or a fine of 5 million Tanzania shillings (US$2,175). In March, the High Court of Tanzania in Dar es Salaam upheld Bob Chacha Wangwe’s appeal against his conviction, citing lack of evidence.

**Legislative Reforms**

In June, parliament amended the Statistics Act of 2015, which previously made it a crime to publish statistics not approved by the National Bureau of Statistics (NBS). The amended law removed the criminal offense of publishing independent statistical information and provided that every person has a right to collect and disseminate such information, including those different from the NBS’s.

In March, the East African Court of Justice held that the Media Services Act of 2016 violated protocols of the EAC treaty and called on the Tanzanian government to amend it to be in line with the treaty. Following this, the government expressed willingness to have a dialogue with media sector stakeholders on media laws but had not amended the law.

**Government Opponents and Other Critics**

The government has continued to restrict the political opposition. In January, Parliament passed amendments to the 2002 Political Parties Act, which granted broad powers to the Registrar of Political Parties to demand information from political parties, to suspend individual members of political parties, and required institutions or individuals to get approval from the Registrar to conduct civic education, or face criminal sanctions including imprisonment or fines.

Nine leaders of the main opposition party, Chama Cha Demokrasia na Maendeleo (Chadema), are currently facing charges for sedition, incitement to vio-
force them to reveal the identity of the men or boys who had impregnated them while schools have subjected girls to forced pregnancy tests. In June, Tanzanian civil society organizations filed a complaint before the African Committee of Experts on the Rights and Welfare of the Child, seeking to have this policy annulled. Following discussions between the government and the World Bank on a loan for secondary education, the government committed to finding ways for pregnant girls to return to school.

In August, Tanzania’s government banned teachers in the lower grades of primary school from entering classrooms with canes.

In October, Tanzania’s Court of Appeal upheld a 2016 High Court ruling directing the government to raise the legal age of marriage to 18 years for both girls and boys. Tanzania’s Marriage Act of 1971 had set the minimum marriage age for girls at 15 with parental consent, and 18 for boys, and permitted the marriage of 14-year-old children when a court is satisfied that there is the existence of special, but unspecified, circumstances.

Women’s Rights

In September 2018, President Magufuli denounced family planning, asking women to give up using contraception. Two weeks later, the government suspended radio, and television spots encouraging family planning. In March, the Ministry of Health, Community Development, Gender, Elderly and Children wrote to all heads of 18 institutions responsible for family planning in Tanzania, directing them to resume radio and television advertisements.

Sexual Orientation and Gender Identity

Tanzania’s Sexual Offenses Special Provisions Act of 1998 makes consensual adult same-sex conduct punishable by up to life imprisonment. The government has shut down drop-in centers serving lesbian, gay, bisexual, and transgender (LGBT) people and other key populations and has banned distribution of water-based lubricant, an HIV prevention tool.

Although President Magufuli pledged in a November 17 meeting with senior World Bank officials that Tanzania would not “pursue any discriminatory actions related to harassment and/or arrest of individuals, based on their sexual orientation,” arrests on the grounds of alleged sexual orientation continued to take place.

Disability Rights

In response to ritual killings and amputations of people with albinism, especially children, the Tanzanian government established “temporary holding shelters,” or boarding schools for children with albinism. While the shelters may have contributed to a decline in the number of physical attacks, they have serious negative impacts on children with albinism. They isolate them from their families and communities and exclude them from inclusive education in mainstream schools.
Refugees

Between September 2017 and October 31, 2019, 78,380 Burundian refugees returned home from Tanzania under a voluntary repatriation agreement involving Tanzania, Burundi, and the United Nations High Commissioner for Refugees (UNHCR). In March 2018, Tanzania and Burundi set a goal of voluntarily repatriating 2,000 Burundians a week under the agreement.

In August 2019, Tanzanian and Burundian authorities announced a plan to send all 183,000 Burundian refugees living in three camps in Kigoma, northwestern Tanzania, back to Burundi by the end of 2019. Between August and October, Tanzanian officials also made threatening public statements, closed down a refugee camp market, and repeatedly changed administrative requirements for aid organizations operating in the camps.

On October 15, Tanzanian authorities unlawfully coerced more than 200 unregistered asylum seekers into returning to Burundi by threatening to withhold their legal status in Tanzania.

Key International Actors

The East African Court of Justice remains an instrumental institution on human rights in Tanzania, making key legal decisions on the treatment of individuals as well as the running of institutions.

In November 2018, the World Bank withheld $300 million (£232 million) of a $500 million loan to Tanzania, citing the ban on pregnant schoolgirls. In September, the World Bank approved a $450 million loan for food consumption and livelihoods, education, and health care in Tanzania, acknowledging the amendment of the Statistics Act and the government’s commitment to facilitate all girls to complete their education.

In August, the US Embassy in Dar es Salaam and the British High Commission expressed concern about due process and lengthy pretrial detention following the arrest of journalist Erick Kabendera.

Thailand

The general election on March 24, 2019, was held under severe restrictions on civil and political rights. Prime Minister Gen. Prayut Chan-ocha started his second term in July showing the same disregard for human rights that characterized the previous five years of military rule. Impunity for human rights violations continued unabated.

Legacy of Military Rule and Impunity for Human Rights Violations

As the chief of the National Council for Peace and Order (NCPO) junta, Prayut wielded power from 2014 to 2019 that was unhindered by oversight or accountability. While the NCPO disbanded after the new government took office in July, the constitution protects junta members and anyone acting on the junta’s orders from ever being held accountable for human rights violations committed during military rule. No redress is available for victims of those rights violations. The government still has not repealed all of the rights-violating NCPO orders.

Censorship and Restrictions on Free Expression

Outspoken media outlets and reporters faced intimidation and punishment for commentaries critical of the junta. In September, political commentator Chalermchai Yodmalai was fired from the radio program “101 News Angle” on FM101 Radio for alleging corruption at the National Defense College and criticizing military procurement. In March, prominent news anchor Orawan Choodee was removed from the political debate program “Election War 19” on the state-controlled MCOT Channel 9 after she asked questions critical of Prayut and the NCPO junta.

In February, the National Broadcasting and Telecommunications Commission forced Voice TV off the air for 15 days, accusing the station of providing airtime to opposition politicians to criticize the junta. Before the general election on March 24, stories about Thailand on major international news networks including CNN, Al Jazeera, and the BBC were cut off for many days on the main cable television service provider, TrueVisions.
On October 3, Belgian journalist Kris Janssens was detained for about five hours by Thai immigration officers and told not to pursue his investigative story about the string of violent attacks against pro-democracy activists in Thailand. Even though the junta’s ban on a public assembly was lifted in December 2018, at least 130 pro-democracy activists in Bangkok and other provinces faced illegal assembly charges during the year 2019 under the Public Assembly Act, and in some cases sedition, for peacefully holding rallies and posting Facebook commentaries calling on the junta to fulfill its promise to promptly hold the general election and immediately lift restrictions on freedom of speech, assembly, and association. In July, Bangkok’s Dusit District Court convicted Phayao Akkahad of illegal assembly related to a street performance she staged in December 2018 to demand justice for the death of her daughter during the 2010 political confrontations.

The junta used the Computer-Related Crime Act to make criticism a criminal offense. In April, pro-democracy activist Anurak Jeantawanich was charged with cybercrime for his Facebook commentaries accusing the NCPO of manipulating the general election to allow Prayut to hold onto power. In February, authorities charged Thanathorn Juangroongruangkit and other two leaders of the Future Forward Party with cybercrimes over their Facebook commentaries alleging the junta bribed opposition politicians to join Prayut’s side in the general election. In October, the military brought a sedition complaint against opposition leaders, academics, and human rights activists, accusing that their seminar about the restive southern border provinces contained distorted information that could lead to chaos, public disobedience, or even unrest in the country. If found guilty, they face up to seven years in prison.

In three instances in June, Thai officials pressured activists, including a foreign satirist, a well-known comedian, and high school students to retract or apologize for videos or photos on social media deemed to ridicule military rule. In July, famous singer and prominent pro-democracy activist Tanat Thanawatcharanont was released from prison by royal pardon after having served more than five years on lese majeste (insulting the monarchy) charges. At time of writing, there were at least 25 people in detention after being convicted of lese majeste or still awaiting trial. While Thai authorities avoided using the draconian article
Boonphawal, and Kraidet Lueler were abducted and murdered in Laos. In May, authorities in Vietnam repatriated Chucheep Chivasut, Siam Theerawut, and Kritsana Thapthai to Thailand and the three men have since disappeared.

Thailand signed the International Convention for the Protection of All Persons from Enforced Disappearance in January 2012 but never ratified the treaty. The penal code still does not recognize enforced disappearance as a criminal offense.

Thai authorities engage in practices that facilitate enforced disappearances, such as the use of secret detention by anti-narcotics units, and secret military detention of national security suspects and suspected insurgents in the southern border provinces.

**Lack of Accountability for 2010 Violence**

Despite evidence showing that soldiers were responsible for most casualties during the 2010 political confrontations with the United Front for Democracy Against Dictatorship (the “Red Shirts”) that left at least 90 dead and more than 2,000 injured, no military personnel or officials from the government of former Prime Minister Abhisit Vejjajiva have been charged for killing or wounding demonstrators or bystanders.

**Human Rights Defenders**

The government has not met its obligation to ensure human rights defenders can carry out their work in a safe and enabling environment. Against the backdrop of a string of brutal attacks in 2019 targeting prominent pro-democracy activists Sirawith Seritiwat, Anurak Jeantawanich, and Ekachai Hongkangwan, the government has done little to better protect them. The government has not seriously investigated these attacks and instead told activists and dissidents to give up political activity if they wanted state protection.

On August 5, prominent environmentalist Eakachai Itsaratha was abducted in Phatthalung province by assailants affiliated with local politicians, who threatened him to stop opposing a rock quarry project planned for the province.

On November 11, the Central Criminal Court for Corruption Cases approved arrest warrants for Chaiwat Limlikit-aksorn and three other forestry officials in connec-
Refugees, Asylum Seekers, and Migrant Workers

Thailand is not a party to the 1951 Refugee Convention or its 1967 protocol. Thai authorities continued to treat asylum seekers, including those recognized as refugees by the UN High Commissioner for Refugees, as illegal migrants subject to arrest and deportation.

Under immense domestic and international pressure, Thai authorities released Saudi teenager Rahaf Mohammed al-Qunun and Bahraini football player Hakeem Al-Araibi in January and February respectively after attempting to return them to face likely persecution in their home countries.

In January, outspoken Vietnamese dissident Truong Duy Nhat was abducted by Vietnamese officials with Thai assistance in Pathum Thani after he applied for refugee status with the UNHCR. Thai authorities have failed to investigate the apparent enforced disappearance of Od Sayavong, a refugee from Laos and prominent critic of the Lao government, who was last seen at his house in Bangkok on August 26.

The government refused to let the UNHCR conduct refugee status determinations for Lao Hmong, ethnic Rohingya and Uighurs, and other people from Myanmar and North Korea held in indefinite immigration detention.

Migrant workers from Myanmar, Cambodia, Laos, and Vietnam who report abuses face retaliation by recruitment agents, traffickers, employers, and corrupt police and other officials. Thammakaset Company Limited continued to pursue retaliatory prosecution of migrant workers, human rights activists, and journalists involved in reporting on abusive labor conditions at its chicken farm in Lopburi province.

Despite government-instituted reforms in the fishing industry, many migrant workers still face forced labor, remain in debt bondage to recruiters, cannot change employers, and receive sub-minimum wages that paid months late.

In October, the United States government suspended US$1.3 billion in trade preferences for Thailand because of its failure to adequately provide internationally recognized worker rights, such as protection for freedom of association and collective bargaining. This suspension will take effect in April 2020.

Violence and Abuses in the Southern Border Provinces

Since January 2004, Barisan Revolusi Nasional (BRN) insurgents have committed numerous laws-of-war violations. Around 90 percent of the more than 7,000 people killed in the armed conflict in Thailand’s southern border provinces have been civilians. Insurgents expanded their operations by carrying out multiple arson and bomb attacks in Bangkok and Nonthaburi province on August 1 and 2. During the Muslim holiday of Ramadan, insurgents committed at least 21 attacks on civilians in Songkhla, Pattani, Yala, and Narathiwat provinces.

The government has not prosecuted members of its security forces responsible for torture and unlawful killings of ethnic Malay Muslims. In many cases, authorities provided financial compensation to the victims or their families in exchange for their agreement not to speak out or file criminal cases against officials.
**Tunisia**

In 2019, Tunisia witnessed its second legislative and presidential elections since adopting a new constitution in 2014. During the campaign, candidates focused on debating reforms to the economy and government social programs and devoted less attention to individual liberties and addressing past human rights violations.

First-time candidates shook up the electoral races, and legislative and judicial measures that seemed designed to undermine the most prominent among them cast a shadow over the integrity of the process.

The death in office in July of President Beji Caid-Essebsi highlighted the dangers of the continuous absence of the constitutional court, since that constitutionally-mandated institution could have addressed conflicts that arose in interpretations of the constitution over situations when a president is unable to fulfill his functions. The constitutional court’s absence also undermined rights protections, because it was not there to rule on the constitutionality of repressive laws.

A state of emergency remained in effect throughout the year, renewed by President Essebsi and then by interim President Mohamed Ennaceur.

**Implementation of the Constitution**

Parliament failed again in electing its allotted quota of Constitutional Court members, impeding the election and nomination of the rest of the members by the Supreme Magistrate Council and the president of the republic, respectively.

The absence of the court translated into the continuing application of repressive legislation, such as laws criminalizing speech, without the chance of appealing their constitutionality. Parliament amended the electoral law a few months prior to elections in a way that seemed designed to exclude specific presidential and legislative candidates through measures applied retroactively. A constitutional court, if it existed, would likely have subjected the electoral law amendments to constitutional scrutiny. In any event, the law did not take effect because the president of the republic did not sign it.
Transitional Justice

Tunisia adopted legislation in 2013 to address crimes of the past, which included the creation of a Truth and Dignity Commission. The commission was mandated to investigate all serious human rights violations from 1955 to 2013 and is designed to provide accountability for torture, forced disappearances, and other abuses of the past. During the years it operated, from 2013 to 2018, the commission received more than 62,000 complaints and held confidential hearings for more than 50,000 of these.

On March 26, the commission published its five-volume report analyzing and exposing the senior officials and state institutions responsible for systematic human rights abuses over five decades. The commission outlined the role of former presidents Habib Bourguiba and Zine el-Abidine Ben Ali and others in torture, arbitrary detention, and numerous other abuses. The commission documented abuses not only against political opponents but against their families, including sexual assaults of the wives and daughters of opposition members. The commission named President Caid Essebsi, who died later in 2019, as complicit in torture when serving as the interior minister for Bourguiba, from 1965 and 1969.

The law also tasked the commission with referring cases of torture, forced disappearance, and other serious abuses to 13 specialized chambers created within ordinary courts to try those responsible for grave human rights violations committed since 1955. By the end of the commission’s mandate, it had transferred to the specialized courts 173 cases of human rights violations, including cases of torture, enforced disappearances, and arbitrary detentions.

The specialized courts opened 38 trials around the country, involving 541 victims and 687 accused. In at least 13 trials, the defendants did not attend; in 16 others, only their lawyers appeared. The first case before a specialized court involved the forced disappearance of Kamel Matmati, an Islamist activist whom the police arrested in 1991. It opened in Gabes on March 29, 2018, and was continuing at time of writing.
**Women’s Rights**

In 2018, the presidentially appointed Commission on Individual Freedoms and Equality recommended, among other things, equality between men and women in inheritance.

In November 2018, the presidency of the republic submitted a bill to parliament that would provide equality in inheritance. The bill did not advance in 2019.

**Sexual Orientation and Gender Identity**

Despite accepting a recommendation during its Universal Periodic Review at the UN Human Rights Council in May 2017 to end the discredited police practice of administering anal testing to “prove” homosexuality, the government has not yet taken steps to carry out this pledge. Authorities have continued to prosecute and imprison presumed gay men under article 230 of the penal code, which provides up to three years in prison for “sodomy.”

The government has also continued to harass Shams, an NGO supporting sexual and gender minorities. On February 20, the government appealed a 2016 court decision affirming Shams’s status as a legally registered NGO. The government argued that Shams’ objective, as stated in its bylaws, to defend sexual minorities, contravenes “Tunisian society’s Islamic values, which reject homosexuality and prohibit such alien behavior.” It further argued that Tunisian law, which criminalizes homosexual acts in article 230 of the penal code, prohibits the establishment and activities of an association that purports to defend such practices. On May 20, the government lost the appeal.

In July, Tunisia voted at the UN Human Rights Council in favor of renewing the mandate of the independent expert on protection against violence and discrimination based on sexual orientation and gender identity.

**Key International Actors**

The United Nations special rapporteur on freedom of religion or belief presented the report of his 2018 visit to Tunisia to the Human Rights Council on March 1. The report included recommendations related calling to ensure the Baha’i community’s ability to “to secure legal personality to enable them to manifest their faith,” and decriminalizing consensual same-sex relations.
Turkey

Turkey has been experiencing a deepening human rights crisis over the past four years with a dramatic erosion of its rule of law and democracy framework. While the consolidation of President Recep Tayyip Erdoğan’s unchecked power continued, local elections on March 31, 2019, saw his Justice and Development Party allied with the far right lose in major cities including Istanbul and Ankara, despite winning 51 percent of votes nationwide. Opposition candidate Ekrem İmamoğlu massively increased his narrow win in Istanbul in a June 23 rerun of the election controversially authorized by the Higher Election Board without legitimate grounds.

Executive control and political influence over the judiciary in Turkey has led to courts systematically accepting bogus indictments, detaining and convicting without compelling evidence of criminal activity individuals and groups the Erdoğan government regards as political opponents. Among these are journalists, opposition politicians, and activists and human rights defenders. The largest group was people alleged to have links with the movement run by US-based Sunni cleric Fethullah Gülen, whom the government accuses of masterminding the July 2016 coup attempt.

On October 9, after the US withdrawal of troops from the region, Turkey invaded territory in northeast Syria, assisted by Syrian non-state actors. Turkey cited its main aim as removing the Kurdish forces and administration that controlled the area on the grounds of their close link to the armed Kurdistan Workers’ Party (PKK) with which Turkey had been engaged in a decades’ long conflict (see Syria chapter).

After the State of Emergency

Restrictive powers and practices ending in July 2018 have set back Turkey’s human rights record.

Terrorism charges continued to be widely misused in the third year after the coup attempt. As of July 2019, Ministry of Justice figures stated that 69,259 people were on trial and 155,560 people still under criminal investigation on terrorism charges in cases linked to the Gülen movement, which Turkey’s government
terms the Fethullahist Terrorist Organization (FETÖ) and deems a terrorist organization. Of those, 29,487 were held in prison either on remand or following conviction. An estimated 8,500 people—including elected politicians and journalists—are held in prison on remand or following conviction for alleged links with the outlawed Kurdistan Workers’ Party (PKK/KCK) and many more on trial but at liberty, although official figures could not be obtained.

Severe restrictions on the right to assembly in Turkey have followed provincial governors being granted extra powers in July 2018 to restrict movement and assemblies in their provinces citing vague public order and security concerns. This has disproportionally affected demonstrations in or concerning the mainly Kurdish southeast and assemblies by lesbian, gay, bisexual or transgender (LGBT) groups throughout the country.

As of October 25, 2019, the commission, established in 2017 to review the mass dismissals of public officials under the state of emergency, had issued decisions in 92,000 cases (with 8,100 reinstated in their jobs or similar measures of redress) and with another 34,200 cases to review. Appeals proceed slowly through two Ankara administrative courts.

Trials continued of military personnel and others for involvement in the July 2016 coup attempt in which 250 people died. As of July, 3,611 defendants were convicted and 2,608 acquitted, according to Ministry of Justice figures. The Court of Cassation began to uphold verdicts in some cases and many appeals are pending.

The Erdoğan presidency’s judicial reform amendment package adopted by parliament in October amended various laws, but was too generalized and vague to offer hopes of genuine measures to address the deep and pervasive deficiencies of Turkey’s justice system.

**Freedom of Expression, Association, and Assembly**

An estimated 119 journalists and media workers at time of writing are in pretrial detention or serving sentences for offenses such as “spreading terrorist propaganda” and “membership of a terrorist organization.” Hundreds more are on trial though not in prison. Most media, including television, conforms to the Erdogan presidency’s political line.
Despite a top Court of Cassation ruling to quash the convictions of 13 journalists and executives from the daily Cumhuriyet newspaper, at their November retrial the Istanbul lower court defied the top court by once again convicting them of “aiding and abetting terrorist organizations.” The Istanbul court meted out the same prison sentences it gave at their first trial ranging from nearly four years to over eight years, but this time acquitted journalist Kadri Gürsel. All men are at liberty after spending prolonged periods in prison. They are appealing against the convictions.

After being convicted and sentenced to ten years and six months prison for “aiding and abetting a terrorist organization,” at his retrial in November the writer Ahmet Altan was first released from over three years of pretrial detention and then one week later rearrested after an Istanbul court reversed the decision. The entire process against Altan has been arbitrary and demonstrates heavy political interference by the executive.

Journalists working for Kurdish media in Turkey continue to be disproportionately targeted and there are severe restrictions on critical reporting from the southeast of the country.

An August regulation binds regular internet broadcasting to Turkey’s official media regulation authority, the Radio and Television Supreme Board (RTÜK), and means that news broadcasts via YouTube, platforms such as Netflix, social media broadcasting via Periscope and other platforms, will all be subjected to the inspection and RTÜK sanctions such as suspension of content if deemed to violate Turkey’s laws. Internet broadcasters must obtain licenses to broadcast in Turkey even if operating from abroad and violation of laws may result in their suspension. Rights groups have concerns that the new regulation may result in further censorship of online news and other content.

Authorities continue to block websites and order the removal of online content while thousands of people in Turkey face criminal investigations, prosecutions, and convictions for their social media posts. There has been a dramatic rise in the number of prosecutions and convictions on charges of “insulting the president” since Erdoğan’s first election as president in 2014. Wikipedia remains blocked in Turkey since April 2017.

In July, the Constitutional Court ruled that the rights of academics who signed a January 2016 petition had been violated. Cases opened against 822 academics had resulted in hundreds of convictions for “spreading terrorist propaganda” for criticizing the government’s military operations in the southeast and calling for a peace process. The Constitutional Court ruling has led to the acquittal of the academics.

An Istanbul court convicted the Istanbul chair of the Republican People's Party (CHP), Canan Kaftancıoğlu, on charges including insulting the president, to a nine-year eight-month prison sentence for social media posts dating from 2012-17. The conviction was under appeal at time of writing but if upheld could result in her being barred from political activity and jailed. The case against Kaftancıoğlu is part of a pattern of harassment of opposition politicians.

**Human Rights Defenders**

The targeting of human rights defenders increased with the June opening of a trial against businessman and civic leader Osman Kavala. Kavala has been held in pretrial detention since November 2017. Along with 15 others engaged in peaceful activism and the arts, he is charged with organizing and financing the 2013 Gezi Park mass protests in Istanbul. Presenting no evidence of criminal activity, the indictment against the 16 also smears US-based philanthropist George Soros and states that he masterminded the Gezi protests. Rights defender Yiğit Aksakoğlu, detained since November 2018, was released at the June hearing. The trial was continuing at time of writing.

The trial of nine prominent rights defenders from Turkey and two foreign nationals continued. All were detained and charged in 2017 with terrorism offenses. Among them are Amnesty International Turkey honorary chair Taner Kılıç, who spent over a year in detention, and former director İdil Eser.

Prosecutions and convictions of lawyers, including some focused on human rights, stood out as exemplifying the abusive use of terrorism charges. In March an Istanbul court convicted Ankara lawyer Selçuk Kozağaçlı, chair of the shuttered Contemporary Lawyers Association, on charges of membership of an armed organization to a prison sentence of over 11 years, along with 11 other lawyers. Their cases were under appeal at time of writing.
Kurdish Conflict and Crackdown on Opposition

Sporadic armed clashes between the military and the armed Kurdistan Workers’ Party (PKK) in the southeast continued through 2019, mainly in rural areas. Once again Erdoğan’s government has refused to draw a distinction between the PKK and the democratically elected Peoples’ Democratic Party (HDP) which won 11.9 percent of the national vote in the most recent parliamentary elections.

In August, the Interior Ministry removed from office the HDP mayors of Diyarbakır, Van and Mardin greater municipalities, newly elected by the majority of votes in the March 31 local elections, accusing them of links with terrorism on the basis of ongoing criminal investigations and prosecutions. In place of the voters’ chosen mayors, the Interior Ministry appointed provincial governors as “trustees” to run the municipalities and dissolved the local council, thus suspending local democracy in each city. In the following months, the removal of other elected HDP mayors in districts in the region continued with 24 removed at the time of writing and 14, including Diyarbakır Mayor Adnan Selçuk Mızraklı, jailed pending investigation and trial.

Cases against HDP politicians provide the starkest evidence that authorities bring criminal prosecution and use detention in bad faith and for political purposes. Turkey failed to comply with a 2018 ECtHR ruling ordering the release of former HDP co-chair Selahattin Demirtaş and appealed to the Court’s Grand Chamber. Three days after the September Grand Chamber hearing, President Erdoğan stated that he would not let Demirtaş or his co-chair Figen Yüksekdağ out of prison. The ECtHR is expected to give its ruling in the first half of 2020.

Refugees and Migrants

Turkey hosts the world’s largest number of refugees, around 3.7 million from Syria. Turkey also hosts asylum seekers from Afghanistan, Iraq and other countries. The Istanbul governor announced in July that Syrians and others not registered in Istanbul would be transferred to other provinces. The Turkish authorities unlawfully deported some Syrians from Istanbul and other provinces to Syria, including after coercing some of them through violence, verbal threats and the threat of indefinite detention into signing voluntary return forms. The border with Syria remains closed to new asylum seekers. President Erdoğan has repeatedly

There has been no effective investigation to date into the fatal shooting on November 28, 2015 of human rights lawyer Tahir Elçi.

In April, an Ankara court lifted the Ankara governor’s blanket ban in effect since November 2017 on public events by lesbian, gay, bisexual and transgender (LGBT) rights groups. However, bans on events in the city and in other cities around Turkey continue on a systematic basis demonstrating a repressive approach on LGBT rights. The Istanbul annual Pride march was banned for the fifth year, and other pride marches in cities such as Antalya and Izmir were also banned.

Police used teargas to disperse women’s rights activists attending the Istanbul International Women’s Day demonstration on March 8 to protest the endemic problem of violence against women in Turkey.

Torture and Ill-Treatment in Custody, Abductions

A rise in allegations of torture, ill-treatment and cruel and inhuman or degrading treatment in police custody and prison over the past four years has set back Turkey’s earlier progress in this area. Those targeted include Kurds, leftists, and alleged followers of Fethullah Gülen. Prosecutors do not conduct meaningful investigations into such allegations and there is a pervasive culture of impunity for members of the security forces and public officials implicated.

The European Committee for the Prevention of Torture (CPT) has conducted two visits to detention places in Turkey since the coup attempt, one in May 2019, though the Turkish government has not given permission for reports from either visit to be published.

There were abductions of six men in February and one in August in circumstances that amount to possible enforced disappearances by state agents, with six surfacing in police custody months later and then remanded to pretrial detention but restricted from seeing lawyers sent by the families.

Turkish authorities continued to seek the extradition of alleged Gülen supporters, many of them teachers, from countries around the world. Countries that complied with Turkey’s requests bypassed legal procedures and judicial review. Those illegally extradited in this way were detained and prosecuted on return to Turkey.
stated that Syrians in Turkey should be resettled in a safe zone in
northeast Syria.

**Key International Actors**

Turkey’s political relationship with the European Union and EU member states
remains limited though it maintains its stated aim is to accede to the EU. The EU
recognized the negative climate in Turkey in various statements, and in its May
progress report. It condemned Turkey’s military incursion into northeast Syria,
while prioritizing its focus on its migration deal with Turkey. In June, the EU
Council noted that “Turkey has been moving further away from the European
Union.”

US-Turkish relations have declined further over Turkey’s acquisition in 2019 of
Russian S-400 missiles, an unprecedented development for a NATO member
state. Tensions remain over other aspects such Turkey’s October military incursion
into northeast Syria; Turkey’s abusive prosecution of three US consular staff
who are Turkish nationals, one of whom remained detained; and the presence
on US soil of Fethullah Gülen.

The ECtHR ruled in April that former member of the constitutional court Alpaslan
Altan had been wrongfully deprived of his liberty because there was a lack of
reasonable suspicion to justify his initial arrest after the July 2016 coup attempt.
In a September decision relevant to many prisoners held far from their families,
the European Court found that transfer to distant prisons constituted a violation
of the right to respect for private and family life.

**Turkmenistan**

The Turkmen government’s dire human rights record saw no improvements in
2019. Turkmenistan remains an isolated and repressive country under the au-
thoritarian rule of President Gurbanguly Berdymukhamedov and his associates.

Turkmenistan’s economic crisis continued in 2019. The government abandoned
subsidies on water, gas, and electricity. Emigration from the regions most af-
lected by the crisis continued, but authorities attempt to bar people from traveling
abroad to seek work.

The government brutally punishes all unauthorized forms of religious and politi-
cal expression. Access to information is tightly controlled by the state. No inde-
pendent human rights monitoring groups are allowed. Dozens of forcibly
disappeared are presumably held in Turkmen prisons.

**Freedom of Media and Information**

There is a total absence of media freedom in Turkmenistan. The state controls all
print and electronic media. Foreign media outlets have almost no access to the
country. The government retaliates against local stringers for foreign outlets.

The state continues to limit and tightly control internet access. In January, Radio
Free Europe/Radio Liberty (RFE/RL) reported that the government allegedly uses
imported, privately developed surveillance equipment to track and block web-
ites, identify people which use services to bypass blocks, intercept phone calls,
and block mobile messengers.

RFE/RL and the Turkmen Initiative for Human Rights (TIHR), an exile group, re-
ported that in January the government started blocking all Virtual Private Net-
works (VPN) services. According to an exile-run news website, Turkmen.news, by
the end of July most VPN servers were not accessible.

In March, the border control authorities, without explanation, barred Soltan
Achilova, an independent journalist, from boarding a flight to attend a confer-
ence abroad. On August 20, the Security Ministry informed her that she may
travel abroad.

On March 23, Saparmamed Nepeskuliev, a freelance contributor to
Turkmen.news and RFE/RL left Turkmenistan. Prior to his departure, he wrote on
Memorial, an independent Russian human rights group, reported that since 2018, Turkmen authorities have been banning a dual Russian-Turkmen citizen, Stanislav Chubchik (Osipov), from leaving the country. Chubchik left Turkmenistan in 2014, and returned to visit family on March 5, 2018. The next day the migration service barred him from leaving the country for five years on bogus grounds. Police and unidentified people repeatedly harassed and intimidated Chubchik in Ashgabad in 2018 and 2019.

**Civil Society**

Independent groups cannot openly carry out human rights work inside Turkmenistan. Operating a nongovernmental organization without registration is punishable by a fine, short-term detention, and confiscation of property. Registration requirements remain burdensome. Civil society activists are constantly threatened by authorities.

On September 6, labor rights activist Gaspar Matalaev was released from prison, after fully serving a three-year prison sentence on unfounded fraud charges in retaliation for monitoring state-sponsored forced labor in the cotton harvest.

An activist for Baloch minority rights, Mansur Mingelov, convicted in 2012 on bogus narcotics and other charges continued to serve his 22-year sentence.

In June, Turkmenistan’s ombudsperson, Yazdursun Gurbannazarova, published the second annual report on the institution’s work. She received 985 complaints, the majority of them on housing issues and disagreement with a wide range of court decisions. Sixteen were resolved. Gurbannazarova also reported that she received 150 complaints of civil and political rights violations, three of which were resolved.

**Freedom of Movement**

People whom the government considers disloyal, including the families of dissidents and prisoners, are arbitrarily banned from foreign travel by the authorities. In April, the United Nations Human Rights Committee communicated a complaint to the Turkmen government regarding the case of the Ruzimatov family, relatives of a former official in exile. Authorities have banned Rashid Ruzimatov and his wife, Irina Kabaeva, from traveling abroad since 2003, and his son Rakhim since 2014.

Authorities continued to bar citizens from the most economically distressed regions from leaving Turkmenistan and to pressure people to persuade their relatives living abroad to return.

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**Housing and Property Rights**

In March, TIHR reported that Ashgabat authorities announced plans to expropriate and demolish 75 private homes. According to RFE/RL, in July, homeowners of dozens of private houses near Ashabat International Airport also received demolition notifications. Authorities informed homeowners that they would provide apartments as compensation if they have relevant documents, but provided no information about the terms of compensation.

For more than two years, owners of homes demolished in 2015 and 2016 and who made down payments to the state on new homes, continued to rent interim dwellings while construction of their new houses remained unfinished. The government provided low-interest mortgages but no compensation for the demolished homes or the temporary accommodation because homeowners supposedly lacked resident permits or other ownership documents for their demolished homes.

**Freedom of Religion**

Turkmenistan forbids unregistered congregations and religious groups. Religious literature is censored by authorities. The state harshly punishes unauthorized religious activity.

Turkmenistan offers no alternative military service and objectors face persecution. An independent religious freedom group Forum 18 reported that at least six objectors were jailed, three others remain in prison. All seven are Jehovah’s Witnesses.

On February 13, a 55-year-old Jehovah’s Witness adherent Bahram Hemdemov, was released after serving four years in Seydi Labor Camp on charges of “incitement of religious hatred” for hosting a worship meeting.
**Political Prisoners, Enforced Disappearances, and Torture**

Torture and ill-treatment remain integral to Turkmenistan’s prison system. It is impossible to determine the exact number of political prisoners as the justice system of Turkmenistan completely lacks transparency. The government does not disclose information, in sensitive cases trials are closed, and independent monitoring is not possible as it puts monitors at risk of reprisals.

In March, Turkmen authorities released dissident Gulgeldy Annaniyazov after 11 years in prison but sent him for a five-year term to “a designated place of living,” or forced internal exile, which they claimed was part of his initial sentence. His family visited him there in March.

Dozens of prisoners remained forcibly disappeared or held incommunicado, in complete isolation from family, lawyers, and the rest of the world, some for almost 17 years. Families do not have official information about their fate and whereabouts. According to an international campaign dedicated to ending enforced disappearances in Turkmenistan, Prove They Are Alive, about 121 people remain forcibly disappeared. Many of them are believed to be held in Ovadandepe prison, known for torture, long-term incommunicado detentions, inhumane conditions, and holding political prisoners.

In June, Turkmen.news reported that security officials repeatedly summoned and threatened a sister of Begench Beknazarov after she attempted to visit or send him a parcel. Bekhazarov was sentenced in 2005 presumably, for alleged involvement in the 2002 alleged coup attempt. His fate and whereabouts remain unknown.

 Authorities released Seyran Mamedov after he had served 12 years in prison and three in forced internal exile for allegedly helping the suspected 2002 coup plotters leave Turkmenistan.

In July, Eziz Khudaiberdiev died in a prison hospital. He was one of 10 men serving a 23-year sentence, following a closed 2017 trial, on multiple trumped-up charges, including inciting religious hatred, and for being affiliated with the Fethullah Gülen movement. In 2019, information became available that one of his co-defendants, Akmyrat Soyunov, died in October 2018. He was also serving a 23-year prison term.

**Sexual Orientation and Gender Identity**

Under Turkmen law same-sex conduct between men is criminalized and punishable by a maximum two-year prison sentence.

**Key International Actors**

The United States State Department continued to classify Turkmenistan as a “country of particular concern” under the International Religious Freedom Act of 1998. Citing “important national interest,” it also announced a waiver of any sanctions that could accompany the designation. The State Department gave Turkmenistan the lowest possible ranking in the 2019 US Trafficking in Person (TIP) report as the country failed to meet minimum standards to address human trafficking for the fourth year in a row. On May 22, five US senators in a letter to President Berdymukhamedov called for Annaniyazov’s release.

On March 29, the UN Human Rights Committee found the detention of three Jehovah’s Witnesses conscientious objectors to have violated their rights under the International Covenant on Civil and Political Rights.

During its annual human rights dialogue with Turkmenistan in May, the European Union raised a range of concerns. It urged Turkmenistan to grant the International Committee of the Red Cross full and unhindered access to places of detention. The EU noted that the government had not extended visit invitations to the UN special rapporteur on torture, to the UN Working Group on Arbitrary Detention, or to the UN Working Group on Enforced Disappearances. In July, the EU announced an agreement to open a delegation in Ashgabat. In September, an EU statement at the Organization for Security and Co-Operation in Europe expressed concern about enforced disappearances in Turkmenistan’s prisons and urged the Turkmen government to address it.

On February 7, the European Bank for Reconstruction and Development cancelled a loan for offshore oil development. According to Crude Accountability, an independent environmental and human rights organization, the projected loan lacked a comprehensive social and environmental impact assessment.
As of November 2019, UAE authorities continued to hold two Emiratis, Khalifa al-Rabea and Ahmed al Mulla, who completed their sentences on state security charges between one and three years ago. They had been convicted on the basis of their ties to al-Islah, a legally registered Islamist political movement that the UAE banned in 2014 as “terrorist.” Authorities arbitrarily kept them behind bars for “counselling,” according to Emirati activists. On August 5, 2019, the UAE president pardoned three other activists also held beyond the completion of their sentences, saying they had “returned to the correct path.” Emirati news organizations shared a video of Osama al-Najjar, Badr al-Buhairi, and Othman al-Shehhi publicly denouncing al-Islah.

**Detainee Abuse and Fair Trial Violations**

Especially in cases related to state security, individuals were at serious risk of arbitrary and incommunicado detention, torture, and ill-treatment, prolonged solitary confinement, and denial of access to legal assistance. Forced confessions were used as evidence in trial proceedings, and prisoners complained of dismal conditions and inadequate medical care.

In 2017, a UAE court convicted Alia Abdel Nour of terrorism in a 2017 case marred by allegations of torture and serious due process violations. Suffering from cancer, she was denied regular family visits, and after her transfer to a hospital in November 2016, authorities shackled her hands and feet to her hospital bed for extended periods. Despite her failing health, authorities ignored repeated calls by international rights groups, European parliamentarians, United Nations experts, and family members to release her on humanitarian grounds. Abdel Nour died in detention on May 4, 2019.

On February 13, 2019, eight Lebanese nationals detained for more than a year without charge first appeared in court in a terrorism trial on charges of links to Hezbollah in Lebanon. Their trial was marred with allegations of ill-treatment and forced confessions. Family members said they were held in prolonged solitary confinement and denied access to their families and legal counsel, and were unable to review the evidence against them. On May 15, 2019, a UAE court sentenced one to life in prison, two to 10-year sentences, and acquitted five.

Throughout 2019, UAE prison authorities denied non-national detainees living with HIV regular and uninterrupted access to life-saving antiretroviral treatment.
Women’s Rights

Discrimination on the basis of sex and gender is not included in the definition of discrimination in the UAE’s 2015 anti-discrimination law. Some provisions of Federal Law No. 28 of 2005 regulating personal status matters discriminate against women. For a woman to marry, her male guardian must conclude her marriage contract; men can unilaterally divorce their wives, whereas a woman must apply for a court order to obtain a divorce; a woman can lose her right to maintenance if, for example, she refuses to have sexual relations with her husband without a lawful excuse; and the law obliges women to “obey” their husbands. A woman may be considered disobedient if she decides to work without her husband’s consent.

Following amendments in 2016, the UAE’s penal code no longer explicitly permits domestic violence. However, there is no law criminalizing domestic violence. Marital rape is also not a crime.

Sexual Orientation and Gender Identity

Article 356 of the federal penal code criminalizes (but does not define) “indecent assault” and provides for a minimum sentence of one year in prison. UAE courts use this article to convict and sentence people for same-sex relations as well as consensual heterosexual relations outside marriage. Women are disproportionately impacted as pregnancy serves as evidence of extramarital sex and women who report rape can find themselves prosecuted for consensual sex instead. The UAE’s penal code punishes “any male disguised in a female apparel and enters in this disguise a place reserved for women or where entry is forbidden, at that time, for other than women” with one year’s imprisonment, a fine of up to 10,000 dirhams (US$2,723), or both. In practice, transgender women have been arrested under this law even in mixed-gender spaces.

Different emirates in the UAE have laws that criminalize same-sex sexual relations. In Abu Dhabi, “unnatural sex with another person” can be punished with up to 14 years in prison. Article 177 of Dubai’s penal code punishes consensual sodomy by imprisonment of up to 10 years.
Uganda

Violations of freedom of association, assembly, and expression continued in 2019 as authorities introduced new regulations restricting online activities and stifling independent media. The government arrested its political opponents and blocked political and student rallies. These restrictions on expression and assembly, arbitrary detentions and prosecutions of outspoken critics, and the government’s failure to ensure accountability for past abuses, do not bode well for the 2021 general elections.

Freedom of Expression

The Ugandan government continued to undermine freedom of expression by imposing new regulations on bloggers and website owners. In 2019, the government introduced new regulations requiring online operators to apply for authorization to host blogs and websites or risk being shut down. The government also censored media outlets, and arbitrarily detained outspoken critics of the president.

In April, the UCC directed 13 radio and television stations to suspend their staff, accusing them of airing programs that were “unbalanced, sensational and often give undue prominence to specific individuals,” after they aired news reports covering opposition politician Robert Kyagulanyi, also known as Bobi Wine. In the same month, police switched off three radio stations in Kabale, Jinja, and Mubende as they hosted prominent opposition leader Kizza Besigye.

In July, media reported that operatives in civilian clothes bundled Joseph Kabuleta, a pastor and government critic, into a police vehicle without registration plates in Kampala. Police said Kabuleta was arrested because of his Facebook posts describing President Yoweri Museveni as a “a Gambler, Thief and Liar.” After his release, Kabuleta said police ill-treated him by throwing water on him while filming him.

In August, a court convicted and sentenced academic and activist, Stella Nyanzi, to 18 months’ imprisonment for “cyber harassment” under the Computer Misuse Act for a poem she published on Facebook in 2018 criticizing President Musev-
Electoral Reforms

Several reforms have been proposed to the laws governing elections and political parties in the build-up to elections in 2021. In July, the attorney-general tabled several proposals including barring candidates from running as independents after participating in party primaries and preventing independent presidential candidates from forming alliances with political parties. Opposition lawmakers said the reforms targeted Kyagulanyi, who said he would run for president in 2021 as an independent candidate.

In April, the Supreme Court upheld the Constitutional Court’s ruling supporting parliament’s 2017 approval of the removal of a 75 year age limit for presidential candidates from the Ugandan constitution. The ruling National Resistance Movement party announced in March that President Museveni, 74, would be its candidate for “2021 and beyond.”

Lack of Accountability for Torture, Killings

In 2018, the director for public prosecutions ordered the police to investigate allegations that security operatives tortured Kyagulanyi and 33 others in Arua in August 2018. To date, police have made no public announcements regarding the progress or conclusion of the investigations and have made no arrests in connection with the allegations.

In August, the speaker of parliament, Rebecca Kadaga, directed parliament’s Human Rights Committee to investigate claims of the existence of safe houses kept by the Internal Security Organisation (ISO) to illegally detain and torture people. This comes after police redesignated Nalufenya detention facility in Jinja, Eastern Uganda, as a standard police station in 2018. Nalufenya had been a notorious place of torture and long-term detention without trial.

In September, the Treasury’s Office of Foreign Assets Control in the United States designated former police chief Kale Kayihura for gross human rights violations and corruption through his role as former inspector general of police. While head of police, Kayihura oversaw the Flying Squad Unit and the Nalufenya Special Investigations Center.

Freedom of Assembly

In April, security officers arrested Kyagulanyi while on the way to address a press conference on issues of “police brutality, injustice and abuse of authority.” A week later, he was charged with disobedience of statutory duty for leading a protest in July 2018 against a tax on social media use that the government imposed.

In August, Kyagulanyi faced additional charges for inciting violence and with intent to “alarm, annoy or ridicule” the president, stemming from 2018 when Kyagulanyi and 33 other people were arrested and charged with treason on allegations that they threw stones at the president’s car during an election campaign rally in Arua in Northern Uganda. Kyagulanyi and the others alleged that security forces tortured them in detention.

On May 30, the Constitutional Court declared unconstitutional Section 36 of the Police Act, which allowed police to use unlimited force when dispersing crowds and gatherings with no liability for deaths or injuries. The decision signals the need for reform of other laws that allow police and other security forces to arrest and disperse crowds without limits on the use of force or firearms.

The police used the 2013 Public Order Management Act (POMA) to block, restrict, and disperse peaceful assemblies and demonstrations by opposition groups, often with excessive force. In April, police blocked rallies in support of Kizza Besigye, a leader in the opposition Forum for Democratic Change (FDC), in the Northern Ugandan town of Lira and in Kaseno, in the west. In September, police blocked a rally in Mable, in the east, and arrested arrested FDC President Patrick Oboi Amuriat and three others. On November 4, police blocked FDC from holding a press conference in Kampala, and arrested Beisguye before releasing him on bond later that day.

In October, police and military forces cracked down on student protests at Makerere University in Kampala, firing teargas into student residences, raiding dormitories, beating and arresting students, detaining dozens for days without charge.

The court ruled that the poem violated prohibitions on “obscene, lewd, lascivious or indecent” content.
Migrants and Refugees

In March, the minister of disaster preparedness and refugees, Hilary Onek, told refugees from Rwanda and Burundi to consider returning home because their countries were politically stable, despite reports by the United Nations High Commissioner for Refugees that conditions were not yet favourable for their return.

Children’s Rights

In July, government officials and police violently and arbitrarily rounded up over 600 children and young adults in Kampala as part of an exercise by local authorities to remove and resettle homeless street children. Witnesses said police used sticks and batons to beat these children as they forced them into vehicles. Ugandan authorities have carried out similarly operations in the past.

Sexual Orientation and Gender Identity

Crackdowns on lesbian, gay, bisexual, transgender, and intersex activists continued and same-sex relations remained illegal in Uganda. In May, police shut down celebrations marking the International Day Against Homophobia, Biphobia, Intersexism, and Transphobia event in Kampala, accusing the nongovernmental organization Sexual Minorities Uganda of planning an illegal gathering, forcing the organization to move the event to a private residence.

In October, Brian Wasswa, a young gay man who worked as a paralegal with the Human Rights Awareness and Promotion Forum and as an HIV peer educator with TASO, an HIV/AIDS NGO, was beaten to death with a hoe at his home in Jinja. The following week, Ethics and Integrity Minister Simon Lokodo announced government plans to reintroduce an anti-homosexuality bill in parliament, under which people convicted for consensual same-sex acts would face the death penalty. The government later announced that it had no plans to reintroduce the law.

Prosecutions for Serious Crimes

In 2019, the case of Dominic Ongwen, alleged former Lord’s Resistance Army (LRA) commander charged with 70 counts of war crimes and crimes against humanity, continued at the International Criminal Court (ICC). In October, the court announced that closing statements in this case would commence on March 10, 2020. Two ICC warrants remain outstanding for the arrest of LRA leader Joseph Kony LRA leader and Vincent Otti, who is presumed dead.

The International Crimes Division (ICD) of Uganda’s High Court continued the trial of alleged former LRA commander Thomas Kwoyelo—in custody since his capture in the Democratic Republic of Congo in 2009—on charges of war crimes and crimes against humanity. The trial has had numerous delays. In September, the ICD confirmed charges of terrorism, murder, attempted murder, aggravated robbery against Jamil Mukulu, alleged leader of the rebel Allied Democratic Forces (ADF), and 37 others.

Key International Actors

In August, Japan, the United Kingdom, and Germany suspended direct funding of Uganda’s refugee programme because the government failed to punish government and aid officials who colluded in the fraudulent inflation of the refugee population according to the UN’s 2018 audit report, which revealed gross mismanagement of funds meant for refugees.

In May, the European Union Delegation, the Heads of Mission of Austria, Belgium, Denmark, France, Germany, Ireland, Italy, the Netherlands, Sweden and UK and the Heads of Mission of Iceland, Japan, Norway, Republic of Korea and United States issued a joint statement regarding freedom of expression and assembly in Uganda, citing in particular the UCC’s April 30 decision to suspend senior staff of 13 radio and television stations on allegations of breaching minimum broadcasting standards. They also expressed concerns over the excessive use of force by police against peaceful protesters and political opposition.
Ukraine

Hostilities in eastern Ukraine entered their sixth year and continued to put civilians’ lives and well-being at risk, even as absolute numbers of civilian casualties dropped. Former comedian Volodymyr Zelensky won the presidential election in May. Snap parliamentary elections in July delivered his party, Servant of the People, a single-party parliamentary majority, for the first time since Ukraine’s independence. After taking office, Zelensky demonstrated commitment to carrying out anti-corruption reform and ending the armed conflict with Russia.

In 2019, environment for media in Ukraine remained unsafe. Violence by far-right groups continued.

In September, Russia and Ukraine exchanged a total of 70 prisoners. Eleven prisoners held by Russia on politically motivated charges, including Oleg Sentsov, Edem Bekirov, Pavlo Hryb, Oleksandr Kolchenko, Roman Sushenko, and 24 Ukrainian sailors Russia captured in the Kerch strait in 2018, were part of the swap.

In November, Ukraine became the 100th country to endorse the Safe Schools Declaration, an international political commitment to make schools safe during times of war.

Armed Conflict

2019 saw a significant decrease in civilian casualties. The leading causes were shelling by artillery and mortars, fire from light weapons, landmines, and exploitive remnants of war.

Between January and May 2019, attacks on schools on both sides of the contact line tripled compared with the same period in 2018. Throughout six years of conflict, 147 children were killed.

The government continued discriminatory policies requiring people living in Russian proxy-held areas to register as internally displaced and regularly travel to, and maintain residence in, governmental areas in order to access social benefits. This continued to create hardship for many older people in accessing their pensions; those unable to regularly cross due to health or mobility issues could not access their pensions at all. In December 2018, the Supreme Court found residency verifications for pensioners to be unconstitutional. In May 2019, it found that requiring pensioners to register as displaced put additional burden on access to pensions.

Limited access to basic facilities and emergency medical help remained a problem at some crossing points. Between January and April 2019, at least 19 people, mostly older persons, died from health complications while crossing the line of contact.

In positive developments, in March authorities annulled expiration dates for electronic passes required to travel across the contact line. In August, authorities provided an electric cart to drive older people and people with disabilities crossing the pedestrian-only Stanytsia Luhanska checkpoint. In November, they completed much-needed repairs to the destroyed bridge at this crossing point, which will reduce some of the hazards of crossing.

Russia-backed armed groups continued to hold pro-Ukraine bloggers and journalists Stanyslav Aseev and Oleh Halaziuk on dubious charges. In August, separatists in Luhansk region sentenced student Sergei Rusinov to six years in jail for “terrorism” for his pro-Ukraine social media posts.

Rule of Law, Judicial Reform

Justice for crimes committed during the 2014 Maidan protests and violence in Odesa remained largely unaddressed. In August, the Prosecutor General’s Office ordered the dissolution of units within its Special Investigative Department tasked with investigating Maidan-related abuses and, in November, transferred all ongoing cases to another investigative body, the State Bureau of Investigations. The move was done without a clear handover procedure, resulting in the effective suspension of all ongoing investigations. Activists and lawyers raised alarm about the possible collapse of all Maidan-related investigations and the loss of work that has already been done on those cases.

In June, Andrii Kozlov was dismissed from the High Qualification Commission of Judges, after he publicly criticized his colleagues’ attempts to falsify the voting procedure to protect from dismissal a judge who was involved in persecuting Euromaidan activists.
In July, President Zelensky proposed expanding the lustration law to cover people who served in public office between February 23, 2014 and his inauguration. The current lustration law bans broad categories of people who worked in official positions under pre-2014 governments from holding certain government positions.

Two September developments marked significant progress towards fulfilling Zelensky’s election promise to combat corruption: parliament voted to cancel immunity for lawmakers, and Ukraine’s High Anti-Corruption Court finally became operational. In November, Zelensky signed a law on whistleblowers, providing protection and offering financial remuneration to those willing to report on corruption.

**Freedom of Religion**

In January, the head of the global Orthodox Church granted independence to the newly formed Orthodox Church of Ukraine, separating it completely from the Russian Orthodox Church. A number of congregations transitioned to the new church, sometimes accompanied by violence involving supporters of both churches and, in some cases, local authorities. In several reported cases involving intimidation and threats against members and clergy of the Ukrainian Orthodox Church, the police did not respond and in some cases, contributed to it. The Ukrainian Security Service (SBU) carried out dozens of raids at priests’ residences and churches aligned with the Russian Orthodox Church.

In “separatist”-controlled areas, reported incidents of violence and intimidation against the Orthodox Church of Ukraine included searches of churches’ premises and priests’ homes and confiscation of property.

**Freedom of Expression, Attacks on Journalists**

Independent media remained under pressure. The Institute of Mass Information, a media watchdog, documented at least 11 cases of journalists beaten or injured and one killed, between January and July 2019. It also reported dozens of cases of journalists receiving threats and facing obstruction, in some cases by authorities, including damaged equipment and restricted access to officials and events.

In June, investigative journalist Vadym Komarov died from severe head injuries he sustained in a May attack by an unidentified assailant. In previous years he had been threatened and attacked. Investigators linked the attack to his journalism. The investigation was ongoing at time of writing.

In June, a court sentenced to prison five men who planned and carried out the 2018 acid attack on anti-corruption activist Kateryna Handziuk, who died from the wounds she sustained.

In August, a court released Russian journalist Kyrill Vyshinskiy, editor of a Russian state wire service, held since May 2018 on dubious treason charges, from pretrial custody. In September, Vishinsky went to Russia as part of the prisoner swap.

In August, a court upheld a defamation claim by Ukrainian far-right nationalist group, C14, against the independent internet television station Hromadske.TV after the outlet referred to C14 as a “neo-Nazi” group. At time of writing the decision was under appeal.

In April, the Ukrainian parliament adopted a law requiring that Ukrainian language be used in most aspects of public life. The law raised concerns about sufficient guarantees for the protection and use of minority languages.

**Crimea**

Throughout the year, Russian authorities in occupied Crimea continued to harass Crimean Tatars, prosecuting dozens on trumped-up terrorism charges.

In March alone, Russian authorities arrested 24 men, most of whom were active in Crimean Solidarity, a legal and social support group for families of those arrested for political reasons. All were charged with association with Hizb ut-Tahrir, a pan-Islamist movement that is proscribed in Russia as a “terrorist” organization but is legal in Ukraine. None were accused in relation to any act of violence. Russian security agents tortured or ill-treated at least four. In June, authorities arrested eight men in Crimea on similar charges.

In June, the European Court of Human Rights ordered Russian authorities to immediately hospitalize Edem Bekirov, a gravely ill Crimean Tatar activist in pretrial detention since December 2018. Russia defied the request and released Bekirov only in August. In September, Bekirov returned to Kyiv as part of the prisoner exchange.
In December 2018, Russia’s Justice Ministry requested that the Crimean Bar Association expel human rights lawyer Emil Kurbedinov because of his alleged involvement in “extremist activities.” Earlier in December, Kurbedinov was sentenced to five days in jail for a 2013 social media post about a Hizb ut-Tahrir meeting in Crimea.

**Hate Crimes**

Members of groups advocating hate and discrimination continued putting ethnic minorities, lesbian, gay, bisexual, and transgender (LGBT) people and rights activists at risk. In some cases, law enforcement’s efforts in countering such violence improved as compared to previous years and helped to prevent far-right attacks, including during public events. In others, police responses were largely ineffective.

Police successfully prevented violent attacks against participants in women’s rights rallies held on March 8 in seven Ukrainian cities.

The Equality March, held in Kyiv in June, was Ukraine’s largest-ever pride event, drawing 8,000 participants. It was mostly peaceful and well-protected by police.

In April, far-right activists in Kyiv disrupted the European Lesbian Conference by trying to break through security cordons and spraying tear gas.

In April, police in Dnipro raided a gay club, forcing customers to lay on the floor for hours, using homophobic slurs, and filming. Two people were injured.

**Key International Actors**

The Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe’s Parliamentary Assembly (PACE) found the presidential election competitive and featuring a high turnout. Its observation mission noted that the campaign for July parliamentary elections respected fundamental freedoms but was marred by “widespread malpractice and the misuse of political finance.”

At its annual Human Rights Dialogue, held in Kyiv in March, Ukraine and the European Union discussed ways to protect the rights of internally displaced persons (IDPs), including de-linking of pension payments from IDP status. Other topics included the rights of LGBT persons and ethnic, linguistic, religious, and national minorities, the need to investigate attacks against civil society and the media, as well as the need to take into account the Venice Commission opinion on the draft law on the use of state language.

At the EU-Ukraine summit in July, the EU condemned Russian measures entitling Ukrainian citizens of the areas under control of Russia-proxies to apply for Russian citizenship in a simplified manner. The EU leaders also agreed on the importance of accelerating Ukraine’s reform efforts to combat corruption.

A resolution on Ukraine adopted at the 41st session of the United Nations Human Rights Council (HRC) recognized the need for ongoing reporting on human rights issues and invited the High Commissioner for Human Rights to continue to update the HRC. In its September report, the UN Office of the High Commissioner for Human Rights welcomed the decline in civilian casualties and called attention to the impact of the conflict on people living along both sides of the contact line and the lack of protection for media and civil society. The UN called on Ukraine to “reduce the impact on civilians” and to “prevent, stop and condemn all acts of violence” against media professionals and activists.

Following an April-May visit to Ukraine, the UN independent expert on protection against violence and discrimination based on sexual orientation and gender identity expressed concern over the use of violence and promotion of hatred against LGBT people by far-right groups.

The OSCE media freedom representative made several statements expressing concern about freedom of expression, condemning the killing of journalist Vadim Komarov and criticizing the court ruling fining Hromadske TV.

In June, the Joint Investigative Team, which has been carrying out the criminal inquiry into the downing of flight MH17 in July 2014, announced that the Public Prosecution Service of the Netherlands will prosecute four suspects for downing the plane. The trial will take place in the district court of the Hague in 2020.

In 2016, Ukraine’s parliament amended article 124 of the constitution, removing a constitutional barrier to ratification of the Rome Statute as of June 2019.

Although Ukraine is not a member of the International Criminal Court (ICC), it accepted the court’s jurisdiction over alleged crimes committed on its territory since November 2013. The ICC prosecutor’s preliminary examination as to whether it should open an investigation into abuses committed during the armed conflict is merited remained ongoing.
counts for only about 10 percent of the total number of people incarcerated in the United States.

Stark racial disparities still exist in the prison population. While the overall imprisonment rate was down, among black women it was nearly twice as high as among white women and the imprisonment rate for black men was almost six times the rate for white men. For younger black men, the disparity was even larger.

The death penalty is allowed in 29 states. According to the Death Penalty Information Center, 20 people in seven states had been executed in 2019 by the middle of November—all in the south and mid-west of the country. There were eight executions in Texas; three in Alabama and Georgia; two in Florida and Tennessee; and one each in Missouri and South Dakota. The Trump administration announced a resumption of federal executions in July after 16 years without them, but a federal court blocked the resumption in November. In California, which has over 730 prisoners on death row, the governor imposed a moratorium on executions, and in New Hampshire, the legislature repealed its death penalty statute.

Poor people accused of crimes continue to be jailed because courts require money bail as a condition of release, forcing people not convicted of any crime to stay behind bars for long periods of time awaiting trial and resulting in coerced guilty pleas. A movement to eliminate money bail is growing but many states are replacing it with risk assessment tools that could entrench discrimination while failing to lower pretrial rates of incarceration. New York enacted pretrial reform measures in April that are expected to dramatically reduce the number of people who can be detained pretrial using money bail and improve due process for the remainder. The measures, which take effect in January 2020, do not mandate the use of risk assessment tools.

Laws banning individuals with criminal convictions from voting continue to exist throughout the US. In 2018 voters in Florida approved a measure restoring the right to vote to 1.4 million residents with felony convictions, but in July the state enacted a law requiring those affected to pay all financial obligations, including excessive fines and fees, before this right is restored.
Children in the Criminal and Juvenile Justice Systems

On any given day, approximately 50,000 children are held in confinement. In the juvenile justice system, 2,200 youth are imprisoned for “status” offenses—non-criminal acts that are considered violations of the law only because the individuals in question are under 18 years old.

Additionally, all 50 states continue to prosecute children in adult criminal courts. According to the Citizens Committee for Children, roughly 32,000 children under 18 are admitted annually to adult jails. The Sentencing Project reports there are approximately 1,300 people serving life without parole sentences (LWOP) for crimes committed below age 18. Oregon passed a law eliminating the use of juvenile LWOP. In all, 22 states and the District of Columbia now prohibit juvenile life without parole.

Racial disparities persist at every stage of a person’s contact with the law, leaving children of color disproportionately represented in juvenile justice systems across the country; in 37 states, rates of incarceration were higher for black children than for white, according to The Sentencing Project.

Racial Justice and Policing

Stark inequalities in wealth exist throughout the United States, and poverty intersects with crime, which is used to justify more aggressive policing in poor, often minority, communities. Rather than address problems of poverty—including homelessness, mental health, and gang involvement—with services, support, and economic development, many US jurisdictions simply add more police and effectively “criminalize” poor communities, a vicious circle that fuels high rates of incarceration.

Government tracking of police violence continues to be incomplete. According to the Washington Post, police reportedly shot and killed 783 people in the US in 2019 as of mid-November, a reduction from the previous year. Of those killed whose race is known, 20 percent were black even though blacks make up 13 percent of the population. Racial disparities in police use of force, arrests, citations, and traffic stops continue to exist.
Human Rights Watch documented substantial racial disparities in policing in a case study of the city of Tulsa, Oklahoma. Black residents consistently reported experiences of abusive policing.

Recognition grew in 2019 that current racial disparities in policing, criminal justice, and other aspects of American life cannot be understood without reference to slavery and its continuing impact on society. Congress held an historic hearing on Juneteenth, a day honoring the abolition of slavery in the US, to discuss possible ways to account for these harms, including reparations and more investment in black communities to address continued inequality and discrimination.

**Poverty and Inequality**

In September, the Census Bureau released a study showing that income inequality in the US had hit the highest level in five decades. About 40 million people live in poverty, many of them members of households with at least one wage earner making at or near the federal minimum wage of $7.25 per hour.

The Trump administration continued to take actions to restrict access to health care, targeting changes to the Medicaid program, private insurance subsidies, and other key elements of the Affordable Care Act that will result in greater inequities in access to care and health outcomes. Many states with federal support have imposed work requirements, drug testing, and other barriers to Medicaid eligibility for low-income individuals.

Court-mandated fines and fees disproportionately impact the poor and communities of color. When a person cannot afford them, they can face arrest warrants, extended sentences, and incarceration, often putting them further in debt. Many local jurisdictions fund themselves by imposing such fees, even for minor violations such as jaywalking—a practice that incentivizes over-policing and aggressive prosecution.

The Trump administration continued to undermine consumer protections against predatory lenders and abusive debt collectors, whose unregulated services can trap families in poverty. The Consumer Financial Protection Bureau, delayed implementation of a rule regulating payday and other small lenders that often carry exorbitant interest rates. Another proposed rule threatens to weaken protections from false, deceptive, and misleading practices by debt collectors.

**Rights of Non-Citizens**

The US government in 2019 continued to disregard its obligations to asylum seekers under international law, leaving many refugees without effective protection. In January, the administration began returning asylum seekers to Mexico while their claims are pending under the Migrant Protection Protocols, known as the “Remain in Mexico” program.

At time of writing, over 55,000 asylum seekers had been returned to often dangerous and unlivable conditions in Mexico, with significant barriers to obtaining legal representation and a fair hearing. This included asylum seekers with disabilities or other chronic health conditions despite initial guidance that no one with “known physical/mental health issues” would be placed in the program. In the city of Ciudad Juárez, Human Rights Watch documented the cases of six such individuals, four of them children.

In July, the administration announced an interim rule to bar asylum eligibility for individuals who travel through a third country and attempt to enter the US without having applied for protection in that country. This would essentially bar all but Mexicans from applying for asylum at the US southern border.

The US continued to limit the number of asylum seekers accepted at southern ports of entry, leading some to risk their lives attempting to cross illegally.

In July, the administration also announced a new rule making people anywhere in the country who cannot prove at least two-years’ presence in the US subject to fast-track deportations, which have returned asylum seekers and refugees to harm.

Migrant children coming to the US-Mexico border were held in inhumane conditions in jail-like Border Patrol facilities without contact with family members, regular access to showers, clean clothes, toothbrushes, proper beds, or medical care, for weeks at a time. Children as young as two or three were held in these facilities without adult caregivers. Families and adults were also held in dangerously overcrowded facilities for longer than the 72-hour legal limit.
US officials continued to regularly separate migrant children from adult relatives, including from parents in some cases. A government watchdog agency found children separated from parents have experienced severe trauma. Despite this, the Trump administration announced a new regulation that would allow children and their families to be detained indefinitely and thereby risk severe trauma.

Three migrant children died in 2019 shortly after entering the US, following the deaths of three children in 2018, the first deaths of children in US immigration custody in a decade. At least seven adults died in the custody of US Customs and Border Protection (CBP); six adults died in the custody of US Immigration and Customs Enforcement (ICE). Deaths in detention have previously been linked to poor medical care in US detention facilities.

The number of immigrants in ICE custody reached a record high of 55,000 people per day, even as new governmental reports revealed egregious violations of governmental detention standards. Several detainees on hunger strike were force-fed using a process that is inherently cruel, inhuman, and degrading.

In August, the administration released a rule that could allow the federal government to deny permanent residency (“green cards”) to immigrants who use Medicaid, food stamps, housing vouchers, or other forms of public assistance, generating fear among non-citizens in need of these services from accessing them.

The Trump administration repeatedly threatened mass raids, stoking fear in immigrant communities. In August, US immigration authorities arrested 680 people in raids on food processing plants in Mississippi, the largest workplace raid in the US in over a decade. Immigrant workers in the meat and poultry industry experience serious workplace abuses but fear of deportation prevents many from speaking out. The US continued to deport long-term residents without appropriate consideration of their family and community ties, or their fears of harm if returned to their home countries.

Despite these ongoing abuses, Congress continued to authorize the administration’s requests for additional funding for immigration agencies with insufficient requirements for standards, oversight, and transparency.
**Environmental Rights**

The Trump administration has continued to weaken or repeal dozens of rules that protect the environment and public health. In July, the Environmental Protection Agency (EPA) decided not to ban chlorpyrifos, a neurotoxic pesticide that, according to studies funded by the agency, has been linked to developmental delay in children.

Also in July, the EPA proposed significantly rolling back regulations governing coal ash, a highly toxic byproduct of coal combustion that constitutes the second largest waste stream in the US. The rule change increases the risk of air and water pollution and poses a serious health risk.

In September, the Trump administration repealed a major clean water regulation that had placed limits on polluting chemicals that could be used near streams, wetlands, and other bodies of water.

Also in September, the Trump administration announced it would revoke California’s authority to set auto emissions rules that are stricter than federal standards, prompting California and nearly two dozen other states to sue.

These moves were part of a wide-ranging attack on efforts to fight climate change and reduce regulation of industries, increasing health and safety risks.

**Older People’s Rights**

Nursing homes across the US routinely give antipsychotic drugs to residents with dementia to control their behavior, often without adequate consent. This abusive practice remains widespread and can amount to cruel, inhuman, or degrading treatment yet the Centers for Medicare and Medicaid Services (CMS) has proposed further deregulation of such institutions.

**Women’s and Girls’ Rights**

The current patchwork of healthcare coverage across states leaves many women and girls uninsured and creates an environment in which women die at higher rates than they do in comparably wealthy countries from preventable maternal and gynecological cancer-related deaths.
Human Rights Watch has documented how Alabama’s failure to expand Medicaid eligibility, along with a mix of other policies and practices, has led to a high rate of preventable cervical cancer deaths that disproportionately impacts black women in the state. Alabama, along with Texas, has the lowest Medicaid eligibility levels in the nation and is seeking a waiver to make eligibility even more difficult.

A Trump administration “gag” rule went into effect in August barring doctors receiving federal family planning (Title X) funds from giving women information on the full range of pregnancy options available to them. The rule led Planned Parenthood, which provides pregnancy and women’s health services to more than 1.5 million low-income women each year, to withdraw from the Title X program. This rule compounds the harm of another Trump administration rule that permits employers to opt out of providing contraceptive coverage in their employee health insurance plans by claiming religious or moral objections to Affordable Care Act requirements. A federal judge in November blocked another proposed rule that would dramatically expand the ability of healthcare providers to turn away patients based on religious or moral objections, including women seeking reproductive health services.

A few states took steps to proactively protect or expand protections for women’s health, but the trend in most states was towards increasingly extreme abortion bans. Alabama passed a draconian law criminalizing abortion and attempted abortion with no exception for victims of sexual violence. In October, a lower court issued a preliminary injunction to prevent the law from taking effect.

Delaware and New Jersey banned all marriage before age 18, and several states were considering bans, but child marriage remained legal in some form in 48 states.

**Sexual Orientation and Gender Identity**

In January, the Supreme Court permitted a Trump administration ban on transgender service in the military to take effect as litigation proceeds. The Department of Health and Human Services in May proposed a rule that would narrow how it defines sex discrimination, permitting insurers and health care providers to discriminate against transgender patients. At time of writing, at least 22 transgender people had been killed in the US in 2019.

The House of Representatives voted to reauthorize the Violence Against Women Act, which includes provisions for LGBT survivors of violence. The House also passed the Equality Act, which would expressly prohibit discrimination based on sexual orientation and gender identity under various federal civil rights laws. The Senate did not vote on either bill.

Protections for LGBT individuals at the state level are uneven. At time of writing, only 20 states had laws expressly banning discrimination based on both sexual orientation and gender identity in employment, housing, and public accommodations.

**Surveillance and Data Protection**

The US lacks comprehensive national data protection laws, including laws that prevent law enforcement from obtaining unnecessary and disproportionate access to personal data. Through the unacknowledged practice of “parallel construction,” the subject of a 2018 Human Rights Watch report, the government has been able to use data from secret surveillance programs in criminal investigations, and then reconstruct that evidence through other means, without disclosing the secret monitoring to judges or defendants. This deprives litigants of the chance to challenge potentially unlawful surveillance, and makes surveillance especially difficult for courts to review in the US.

In August, the Trump administration asked Congress to renew section 215 of the USA Patriot Act, which has enabled the National Security Agency (NSA) to gather, store, and search hundreds of millions of US telephone records in violation of human rights. The then-director of national intelligence (DNI) admitted in a letter to Congress that the NSA had suspended this program due to longstanding legal and technical difficulties and had deleted the data it had previously stored. Nevertheless, the DNI argued that Congress should keep this massive surveillance provision on the books for future use. The law was due to expire in December 2019 in the absence of congressional action.
**Freedom of Expression**

President Trump continued to attack news media outlets throughout 2019, characterizing them as, among other things, “the enemy of the people” and “degenerate[s].” These attacks not only erode public trust in the media, but also increase the threat of violence against journalists and other media workers.

The public release of a criminal indictment of Julian Assange, creator of WikiLeaks, for alleged violations of the Espionage Act prompted widespread concern among journalists that the government could begin prosecuting media outlets that publish classified information—even if release of the information is in the public interest. Such prosecutions would hinder media freedom and impede the public’s right to receive information.

A leaked government document showed that CBP had made a list of journalists, activists, and others addressing immigration issues near the country’s southern border; some of these individuals said they were subjected to extra questioning by officials when crossing the border, potentially discouraging activities protected by the right to free expression.

**National Security**

Men espousing white supremacist, anti-Semitic, and misogynist views continued to carry out mass shootings in 2019. In El Paso, Texas, a man allegedly killed 22 people and injured 27 others after posting a racist text online. In California, a man allegedly killed a woman and wounded three other congregants at a synagogue. In Dayton, Ohio, a man who reportedly had a history of threatening behavior toward women killed nine people and injured 27 more.

The ability of the shooters to obtain military-style weapons to carry out these killings fueled growing public support for stronger federal laws restricting some access to guns.

Despite a rise in white supremacist attacks over the past decade, particularly since 2016, and evidence that some perpetrators are part of a growing transnational white supremacist movement, US law enforcement agencies have devoted far fewer resources to preventing such attacks than to the threat of attacks inspired by extreme interpretations of Islam. In September, the Department of Homeland Security added white supremacist violence to its list of priority threats for the first time since the list was formed after the attacks of September 11, 2001.

The US continues to indefinitely detain 31 men without charge at Guantanamo Bay, all of whom have been imprisoned for well over a decade, some since 2002. The prosecutions continue of seven men on terrorism-related charges, including five on charges connected to the September 11, 2001 attacks, before Guantanamo’s military commissions, which do not meet international fair trial standards and have been plagued by procedural problems and years of delays. Two men convicted before the commissions are also at Guantanamo, one serving a life sentence and the other awaiting sentencing.

**Foreign Policy**

In 2019, President Trump continued to praise authoritarian leaders and refrain from raising human rights concerns publicly in bilateral meetings. He met with North Korean leader Kim Jong Un in February, and again in June along with South Korean President Moon Jae-in. He hosted Egyptian President Abdel Fattah al-Sisi at the White House in April and met with him again on the sidelines of the Group of 7 (G7) summit in August, reportedly referring to him as his “favorite dictator.” In May, Trump described Hungarian Prime Minister Viktor Orban, then visiting the White House, as doing a “tremendous job.” In September, Trump met with Indian Prime Minister Narendra Modi in Houston, and in November hosted Turkish President Recep Tayyip Erdogan, focusing his public comments on praise of their policies rather than these governments’ worsening human rights records.

The Trump administration repeatedly condemned certain Chinese government abuses, particularly violations of religious freedom and the rights of ethnic minorities, and in October added the Xinjiang Public Security Bureau, other government agencies, and eight Chinese technology firms, including iFlytek and Hikvision, to a sanctions list. But these steps were undermined by Trump’s many positive remarks about President Xi Jinping’s leadership.

In April, the ICC prosecutor confirmed that the United States had revoked her visa in connection with her inquiry into possible war crimes by US forces in Afghanistan.
The State Department’s annual human rights country reports, released in March, once again excluded analysis of women’s reproductive rights, including information on preventable maternal mortality and access to contraception.

In March, President Trump signed a proclamation recognizing the Israeli-occupied Golan Heights as part of the state of Israel, disregarding the protections due to the residents of the Golan Heights under international humanitarian law. In November, the State Department announced that it no longer considers Israeli settlements to violate international humanitarian law "per se", putting the United States outside the international consensus on the issue.

In April, the US threatened to veto a UN Security Council resolution on sexual violence in armed conflict because it mentioned women’s reproductive health services. Because the US refused to accept any language that recognized that victims of rape in war should have access to sexual and reproductive health services, the resolution was ultimately adopted without it.

In June, the Trump administration leveraged the threat of tariffs against Mexican goods to pressure Mexico to commit to an unprecedented increase in immigration enforcement and to accept non-Mexican asylum seekers back from the United States under an abusive returns program. The Trump administration also reached agreements to send asylum seekers to Honduras, El Salvador, and Guatemala, despite these countries’ precarious security conditions and inadequate protection systems. In September, the US government announced it would cap the annual number of refugees admitted at 18,000—by far its lowest ceiling in four decades.

In a rebuke to the Trump administration’s inaction on Saudi Arabia’s human rights abuses, the Senate in June voted to block the administration’s use of emergency authority to complete several arms sales, worth more than $8 billion, to Saudi Arabia, the United Arab Emirates, and other countries. However, Trump vetoed the resolution and the arms sales were allowed to move forward.

The United States has continued to impose visa restrictions and asset freezes on perpetrators of grave human rights violations and corruption. In July, the State Department imposed visa bans on several senior foreign military commanders for their involvement in gross human rights abuses, in particular Myanmar’s ethnic cleansing campaign against Rohingya Muslims.

Also in July, Secretary of State Mike Pompeo announced the formation of a Commission on Unalienable Rights to provide “an informed review of the role of human rights in American foreign policy.” Many of the commissioners have public records opposing key internationally recognized human rights, including on reproductive freedom and LGBT rights.

Following the 2018 US cancellation of the Joint Comprehensive Plan of Action, as the nuclear deal with Iran was known, the US reimposed broad sanctions on Iran and penalties for companies transacting with Iran. In April the US designated Iran’s Islamic Revolutionary Guard Corps (IRGC) as a Foreign Terrorist Organization, and in September the US sanctioned the Central Bank of Iran for supporting IRGC, among others. In October, Human Rights Watch documented the severe harm these sanctions are causing to Iranians needing health care and medicine.

The State Department failed to release a long-promised second review of Trump administration’s Mexico City Policy, or “global gag rule,” which blocks federal funding for nongovernmental organizations operating outside the US that provide abortion counseling or referrals, or advocate to decriminalize abortion or expand services. In March, Pompeo announced that the rule would be interpreted more strictly against what are mostly small, grassroots foreign organizations.

The US continued targeted killings of terrorist suspects in countries including Yemen and Somalia, many with armed drones. It also carried out large-scale military operations against non-state armed groups including the Taliban in Afghanistan and the Islamic State (ISIS) in Iraq and Syria. In May, the Department of Defense reported that in 2018, 120 civilians were killed and approximately 65 civilians injured during US military operations in Iraq, Syria, Afghanistan, and Somalia, and no civilian casualties from US operations in Yemen or Libya. Independent tracking organizations published civilian casualty estimates related to US operations in Afghanistan, Iraq, Syria, Somalia, Yemen, and Libya that far exceed those of the Defense Department. The US did not publicly report on any casualties from lethal operations by the Central Intelligence Agency.

Throughout the year, the US engaged in negotiations with Taliban leaders on the terms for a US troop withdrawal based on Taliban pledges not to allow any
armed group to carry out attacks on the US from Afghanistan. However, Trump called off US negotiations on September 7, leaving further talks in limbo.

US airstrikes in Afghanistan reached record levels, with over 8,000 bombs and missiles dropped on Afghanistan between January and September, killing and injuring over 800 civilians, at least 250 of them children. An estimated 14,000 US troops remained in Afghanistan, including US special forces involved in combat operations. CIA-backed Afghan paramilitary units outside the regular chain of command have committed extrajudicial executions and enforced disappearances.

Three years since Uzbekistan’s President Shavkat Mirziyoyev assumed the presidency, he has taken some concrete steps to improve the country’s human rights record. In August, ordering the closure of the notorious Jaslyk prison, long a symbol of torture and imprisonment of government critics, Mirziyoyev fulfilled a key demand of United Nations human rights bodies. In May, breaking with decades of censorship of the internet, authorities lifted a ban on several critical websites.

At the same time, the government remains authoritarian. Thousands of people, mainly peaceful religious believers, remain in prison on false charges. The security services retain vast powers to detain perceived critics, and there is no genuine political pluralism.

Political Prisoners and Lack of Rehabilitation

Since September 2016, authorities have released more than 50 people imprisoned on politically motivated charges, including rights activists, journalists, and opposition activists.

Prison authorities have also reportedly released hundreds of independent Muslims, who practice Islam outside strict state controls, but this is impossible to verify. Since late 2017, authorities claim to have removed over 20,000 citizens from security services’ “blacklists,” which allowed authorities to regularly summon for questioning those suspected of extremism and restrict their movements.

While the releases raised hopes for reform, authorities have not provided former prisoners with avenues for legal redress, including overturning unjust convictions, or access to adequate medical treatment, even though many remain in terrible health due to their ordeal.

Some released activists, such as opposition figure Samandar Kukanov and rights defender Chuyan Mamatkulov, have challenged their unjust convictions in court. While Mamatkulov has succeeded in obtaining a new trial, in July the Supreme Court rejected Kukanov’s effort to quash the conviction, ruling that “all charges in the case ... had been proven.”
to YouTube and Facebook, which had been periodically blocked. In May, the government unblocked at least 11 websites that had been inaccessible for over a decade, including Eurasianet, Fergana News, Human Rights Watch, and the BBC’s Uzbek service. In the past two years, Eurasianet, Voice of America, and the BBC’s correspondents have all received accreditation. However, Ozodlik, the Uzbek service of Radio Free Europe/Radio Liberty (RFE/RL), remains inaccessible and unable to operate.

The OSCE’s special representative on media freedom, Harlem Desir, welcomed the move to unblock and provide accreditation to some news outlets, but said authorities should unblock Ozodlik and all other inaccessible sites.

In 2018 and 2019, the Justice Ministry announced new regulations on non-governmental organizations (NGOs), ostensibly designed to relax registration procedures and control over these groups’ activities. One positive move eliminated the rule that NGOs could keep funds in only two state-approved banks. But the government has yet to overturn a restrictive 2015 law requiring NGOs to receive advanced permission to conduct virtually any activity. NGOs said this provision has a chilling effect on their work and infringes on freedom of expression and association.

The ministry has yet to register any new human rights organizations and on three occasions rejected the application by released rights defenders, Azam Farmonov, Agzam Turgunov, and Dilmurod Saidov, to register an NGO called Restoration of Justice. The group would focus on criminal justice reform and legal rehabilitation for people who have been wrongfully imprisoned.

Barriers to NGO registration also affect international organizations. While Human Rights Watch has been able to freely visit the country and conduct research since August 2017, it remains unable to register due to a 2011 Supreme Court decision.

**Sexual Orientation and Gender Identity**

Alongside Turkmenistan, Uzbekistan is one of only two post-Soviet states where consensual sexual relations between men are still criminalized, carrying a prison sentence of one to three years (article 120).

Hate crimes against lesbian, gay, bisexual, and transgender (LGBT) people, especially beatings and torture of men perceived to be gay, occur with regularity and are often recorded and posted online. In August, an Istanbul-based LGBT ac-
tivist, Shohruh Salimov, along with others, sent a public appeal to President Mirziyoyev asking him to scrap article 120 and protect the lives of LGBT people. Instead of investigating the attacks, police visited his relatives’ home and threatened to arrest him. LGBT activists told Human Rights Watch they constantly fear arrest and being disowned by family and friends.

**Property Rights**

In 2019, there was rising public anger over hastily conducted mass demolitions across the country, which have been carried out as a campaign of urban renewal and beautification. International human rights law requires that any process of expropriation or government acquiring of an individual’s property be subject to due process and appropriate and adequate compensation. Expropriation should never be arbitrary nor place an undue burden upon individuals. The government’s campaign led some residents to take desperate measures.

On July 20, following several other isolated incidents of self-immolation by disaffected residents faced with forced eviction, the owner of a workshop set for demolition in the village of Yakhabog in Uzbekistan’s southeastern Qashqadaryo province doused the deputy district head, Mansur Tuymaev, with gasoline, setting him on fire when he arrived to supervise the demolition of the building. Ozodlik reported that anger against Tuymaev and demolitions conducted with little to no compensation or notice had been seething for months in the community.

In July, more than 1,000 people demanding compensation for their demolished homes blocked a road in northwestern Khorezm province to fend off attempts by police and soldiers to disperse them. Uzbekistan’s constitution and other laws guarantee the right to private property, protect against arbitrary interference with this right, and even guarantee government support in obtaining housing. International human rights law protects against arbitrary interference with the home and property, and also protects the right to housing.

**Forced Labor**

Forced labor in the cotton sector remained widespread, despite efforts by authorities to enforce an earlier public decree prohibiting forced mobilization of public sector workers.

Civil society groups such as the Uzbek-German Forum for Human Rights documented many examples of forced labor during the autumn 2019 harvest. In November, it reported that public sector employees from across the country, with the exception of those in larger cities, had complained of having to pick cotton or pay for someone to do it in their place.

**Key International Actors**

In September, the UN special rapporteur on the independence of judges and lawyers, Diego García-Sayán, visited Uzbekistan. During his visit, while he noted and welcomed steps to improve judicial independence and rule of law, he concluded “substantial threats against judicial independence and the rule of law remain,” including broad powers that prosecutors retain in criminal proceedings, which limit the independence of judges to decide cases autonomously and in accordance with his or her conscience.

In July, the US State Department’s trafficking-in-persons report kept Uzbekistan in its place on the “Tier II watch list,” citing the government’s efforts to combat forced and child labor in the country’s cotton sector.

The US State Department upgraded Uzbekistan’s ranking in its annual International Religious Freedom report, removing it from the list of “countries of particular concern”— states which commit serial violations of religious freedom—and placed it on a watchlist. The State Department made this designation despite the views of the Commission on International Religious Freedom, a US congressional advisory body, that recommended Uzbekistan stay on the list.

In a March report, the European Parliament called on the European Union to closely monitor Uzbekistan’s political reforms and urged Tashkent to create a “genuinely independent parliament resulting from a genuinely competitive election” and to take steps aimed at “protecting human rights, gender equality and freedom of the media.” The report came after Brussels open talks with Tashkent on a Comprehensive Enhanced Partnership and Cooperation Agreement (EPCA) with Uzbekistan, which would upgrade existing trade arrangements and other areas of cooperation.
In early January 2019, Juan Guaidó, the National Assembly president, asked Venezuelans to mobilize in support of restoring constitutional order in the country. On January 23, hundreds of thousands poured into the streets. During the protest, Guaidó claimed that he was taking power as interim president of Venezuela and said that he would call for free and fair elections. More than 50 countries have since expressed support for Guaidó. The country remained at a political impasse at time of writing.

No independent government institutions remain today in Venezuela to act as a check on executive power. A series of measures by the Maduro and Chávez administrations stacked the courts with judges who make no pretense of independence. The government has been repressing dissent through often-violent crackdowns on street protests, jailing opponents, and prosecuting civilians in military courts. It has also stripped power from the opposition-led legislature. In September, the UN Human Rights Council adopted a resolution creating the first international investigative mechanism into atrocities committed in Venezuela.

Severe shortages of medicines, medical supplies, and food leave many Venezuelans unable to feed their families adequately or access essential healthcare. The massive exodus of Venezuelans fleeing repression and shortages is the largest migration crisis in recent Latin American history.

Other persistent concerns include brutal policing practices, poor prison conditions, impunity for human rights violations, and harassment by government officials of human rights defenders and independent media outlets.

Refugee Crisis

The United Nations High Commissioner for Refugees reported that, as of November, approximately 4.5 million of an estimated 32 million Venezuelans had fled their country since 2014. Many more not reported by authorities have also left.

The causes of the exodus include simultaneous political, economic, human rights, and humanitarian crises. In addition to those qualifying for refugee status based on fear of being persecuted, many are unable or unwilling to return be-
cause of the humanitarian emergency they face at home, which includes difficulty accessing food, medicines, and medical treatment.

Many Venezuelans in other countries remain in an irregular situation, which severely undermines their ability to obtain work permits, send their children to school, and access health care. This makes them vulnerable to exploitation and abuse and means they need humanitarian assistance.

**Persecution of Political Opponents**

The Venezuelan government has jailed political opponents and disqualified them from running for office. In November, Venezuelan prisons and intelligence headquarters held nearly 400 political prisoners, according to the Penal Forum, a Venezuelan network of pro-bono criminal defense lawyers.

In April, opposition leader Leopoldo López, who was serving a 13-year sentence under house arrest on unsubstantiated charges of inciting violence during a demonstration in Caracas in 2014, was released by his guards so he could participate in an attempted military uprising. After the uprising failed, he sought refuge at the Spanish embassy in Caracas, where he remained at time of writing.

In May, intelligence agents detained Edgar Zambrano, the National Assembly vice president, for his alleged participation in the April military uprising. His lawyers were not allowed to be present when he was brought before a judge, and he remained without contact with his family for over a month. He was accused of treason but was conditionally released in September. A total of 13 opposition legislators fled the country, and four were living in foreign embassies in Caracas at time of writing.

Venezuelan intelligence and security forces have detained and tortured military personnel accused of plotting against the government. Authorities have also detained and tortured the family members of some suspects to determine their whereabouts. Some detainees were tortured to force them to provide information about alleged conspiracies.

**Crackdown on Protest Activity**

In two crackdowns in 2014 and 2017, Venezuelan security forces and armed pro-government groups called “colectivos” attacked demonstrations—some at- tended by tens of thousands of protesters. Security force personnel shot demonstrators at point-blank range with riot-control munitions, brutally beat people who offered no resistance, and staged violent raids on apartment buildings. Security forces have committed serious abuses against detainees that in some cases amount to torture—including severe beatings, electric shocks, asphyxiation, and sexual abuse.

In 2019, security forces responded with violence to protests in support of Guaidó, firing pellets or live ammunition at close range against demonstrators. Hundreds were detained and dozens killed in several incidents in January and May.

The Penal Forum counts more than 15,000 people arrested since 2014 in connection with protests, including demonstrators, bystanders, and people taken from their homes without warrants. Around 8,900 had been conditionally released as of November, but they remained subject to criminal prosecution. More than 840 civilians have been prosecuted by military courts, in violation of international law.

Many others arrested in connection with the protests or political activism remain under house arrest or in detention, awaiting trial. Others have been forced into exile.

**Alleged Extrajudicial Killings**

Police and security forces have killed nearly 18,000 people in Venezuela in instances of alleged “resistance to authority” since 2016. Interior Minister Néstor Reverol reported in December 2017 that there were 5,995 such cases in 2016 and 4,998 in 2017. Venezuelan security forces killed nearly 7,000 people in incidents they claimed were cases of “resistance to authority” in 2018 and the first five months of 2019, according to official figures cited by the UN Office of the High Commissioner for Human Rights (OHCHR).

Nobody has yet compiled detailed information as to how many of these killings by security forces have been extrajudicial executions, but OHCHR concluded that “many” may constitute extrajudicial killings. Human Rights Watch documented several such killings in 2019.
Judicial Independence

Since former President Hugo Chávez and his supporters in the National Assembly conducted a political takeover of the Supreme Court in 2004, the judiciary stopped functioning as an independent branch of government. Members of the Supreme Court have openly rejected the principle of separation of powers and have consistently upheld abusive policies and practices.

In July, the Supreme Court ruled in favor of Judge María Lourdes Afiuni but did not lift all conditions for her release. Afiuni spent a year in jail and several under house arrest, after she was arbitrarily prosecuted starting in 2009 when she released a government critic on conditional liberty, following a recommendation by the UN Working Group on Arbitrary Detention. A lower court had granted her conditional liberty in 2013.

Humanitarian Emergency

Venezuelans are facing severe shortages of medicine, medical supplies, and food, seriously undermining their rights to health and food. In 2017, the Venezuelan health minister released official data indicating that during 2016 maternal mortality had increased 65 percent, and infant mortality 30 percent. Days later, the health minister was fired. The government has not since published epidemiological bulletins.

Venezuela’s health system is in utter collapse, with the re-emergence and spread of vaccine-preventable diseases previously declared eliminated, such as measles and diphtheria, and increases in outbreaks of infectious diseases such as malaria and tuberculosis. Research by Venezuelan organizations and universities documents high levels of food insecurity and child malnutrition among Venezuelans.

Constituent Assembly

In 2017, President Maduro convened a “Constituent Assembly” by presidential decree, despite a constitutional requirement that a public referendum be held before any effort to rewrite the Constitution. The assembly is made up exclusively of government supporters chosen through an election that Smartmatic, a British company hired by the government to verify the results, said had produced...
results whose accuracy it could not guarantee. The Constituent Assembly has, in practice, replaced the opposition-led National Assembly as the country’s legislative branch. In 2019, it lifted the parliamentary immunity of several opposition legislators and extended its mandate until December 2020.

**Freedom of Expression**

For more than a decade, the government has expanded and abused its power to regulate media and reduce the number of dissenting media outlets. The government can suspend or revoke licenses to private media if “convenient for the interests of the nation,” arbitrarily suspend websites for the vaguely defined offense of “incitement,” and criminalize expression of “disrespect” for high government officials. While a few newspapers, websites, and radio stations criticize the government, fear of reprisals has made self-censorship a serious problem.

During the attempted military uprising in April, Venezuelan authorities took CNN and BBC off cable TV and shut down Radio Caracas Radio. Leading Venezuelan media freedom groups reported death threats and attacks on journalists covering demonstrations, including beatings and pellets fired at them at close range.

In November 2017, the Constituent Assembly adopted a Law Against Hatred that includes vague language undermining free speech. It forbids political parties that “promote fascism, hatred, and intolerance,” and imposes prison sentences of up to 20 years on those who publish “messages of intolerance and hatred” in media or social media. In 2018, prosecutors charged several people with these crimes, including Jesús Medina, the only Venezuelan journalist held in a Venezuelan prison at time of writing. Medina was detained by intelligence agents when he was working on an investigative project at a Caracas hospital.

**Human Rights Defenders**

Government measures to restrict international funding of nongovernmental organizations—combined with unsubstantiated accusations by government officials and supporters that human rights defenders seek to undermine Venezuelan democracy—create a hostile environment that limits the ability of civil society groups to promote human rights.

In 2010, the Supreme Court ruled that individuals or organizations receiving foreign funding can be prosecuted for treason. That year, the National Assembly enacted legislation blocking organizations that “defend political rights” or “monitor the performance of public bodies” from receiving international assistance.

In September, Diosdado Cabello, the head of the Constituent Assembly, said the assembly would adopt and implement a law to “severely sanction NGOs and people who are receiving money from the Imperialism to conspire against our country.”

**Political Discrimination**

People who supported referenda on Chávez’s and Maduro’s presidencies have been fired from government jobs. A government program that distributes food and basic goods at government-capped prices has been credibly accused by Venezuelan citizens and nongovernmental groups of discriminating against government critics.

**Prison Conditions**

Corruption, weak security, deteriorating infrastructure, overcrowding, insufficient staffing, and poorly trained guards allow armed gangs to exercise effective control over inmate populations. Excessive use of pretrial detention contributes to overcrowding.

**Key International Actors**

In June, Michelle Bachelet, the UN high commissioner for human rights, visited Caracas. After her two-day visit, a small team from her office remained in Caracas to monitor the human rights situation. In July, her office released a scathing report concluding that Venezuelan authorities had failed to hold accountable perpetrators of egregious violations, including killings, excessive use of force, arbitrary arrests, and torture. The report also highlights the impact that food and medicine shortages have had on Venezuelans’ rights to food and health.

In 2018, International Criminal Court (ICC) Prosecutor Fatou Bensouda announced a preliminary examination to analyze whether, since at least 2017, crimes occurring within the court’s jurisdiction have taken place, including allegations of use of excessive force against demonstrators and detention of thousands of individuals, a number of whom are alleged to have suffered serious
ment also called for additional sanctions against state authorities responsible for human rights violations and repression. Argentina, Brazil, and Peru have also prohibited more than 300 Venezuelan officials from entering their countries. Since 2017, the United States has imposed financial sanctions, including a ban on dealings in new stocks and bonds issued by the Venezuelan government and its state oil company. Despite language excluding transactions to purchase food and medicines, these sanctions could exacerbate the already dire humanitarian situation in Venezuela due to the risk of over-compliance.

In April 2019, the UN Security Council held a formal session on Venezuela’s humanitarian emergency. During the session, Human Rights Watch and Johns Hopkins Bloomberg School of Public Health presented a report concluding that severe medicine and food shortages within Venezuela, together with the spread of disease across the country’s borders, has created a complex humanitarian emergency that requires a full-scale response by the United Nations. Immediately following the meeting, after months of quiet diplomacy, UN Secretary-General António Guterres tweeted that 7 million Venezuelans were in need of humanitarian assistance. UN agencies operating in Venezuela assembled a humanitarian needs overview calling for US$233 million in assistance over six months. As of November, it had not been fully funded or implemented.

An effort by Norway to mediate between Venezuelan authorities and the opposition, which consisted of several meetings in Norway and Barbados during 2019, had not led to concrete results at the time of writing. A Contact Group composed of Costa Rica, Mexico, Uruguay, and several European governments met with Venezuelan authorities on several occasions in 2019 to push for free and fair elections in Venezuela.

As a member of the UN Human Rights Council, Venezuela has regularly voted to prevent scrutiny of human rights violations, opposing resolutions spotlighting abuses in countries including Syria, Belarus, Burundi, and Iran. In October, Venezuela was narrowly elected by the UN General Assembly to serve on the Human Rights Council for the 2020-2022 term, notwithstanding its declared intention to refuse to cooperate with the council’s fact-finding mission, in violation of its membership obligations.
Vietnam did little to improve its abysmal human rights record in 2019. The government continues to restrict all basic civil and political rights, including freedom of expression, association, assembly, and the rights to freely practice beliefs and religion. It prohibits the formation and operation of any organization or group deemed threatening to the Communist Party’s monopoly of power. Authorities block accesses to websites and request that social media and/or telecommunications companies remove contents deemed to be politically sensitive. Those who criticize the one party regime face police intimidation, harassment, restricted movement, physical assault, detention, and arrest and imprisonment. Police detain political detainees for months without access to legal counsel and subject them to abusive interrogations. Party-controlled courts sentence bloggers and activists on bogus national security charges. In 2019, authorities convicted at least 25 people in politically motivated cases.

In January, Vietnam presented an inaccurate picture of its human rights record during its Universal Periodic Review (UPR) at the United Nations Human Rights Council in Geneva. The government implausibly claimed that it had fully implemented 159, and partially implemented a further 16, of the 182 recommendations accepted at its previous Universal Periodic Review (UPR) in 2014.

In October, Vietnam endorsed the Safe Schools Declaration, an international political commitment to protect education during armed conflict.

**Freedom of Expression, Opinion, and Speech**

Vietnamese rights bloggers face regular harassment and intimidation. Officials often arrest political critics for their posts on the internet. In 2019, Vietnam put on trial at least 14 people and sentenced them to between five and nine years in prison for “making, storing, disseminating or propagandizing information, materials and products that aim to oppose the State of the Socialist Republic of Vietnam.”

Activists and bloggers face frequent physical assaults by officials or thugs who appear to work in coordination with authorities and enjoy impunity. In January, unidentified men abducted and hooded an anti-corruption campaigner, Ha Van...
Nam, drove him around in a van while beating him, and then left him outside a hospital with two broken ribs. In June, rights activist Truong Minh Huong was attacked by four men in civilian clothes after meeting with families of several political prisoners. He suffered a broken rib.

In July, a group of rights activists was attacked in Nghe An province while traveling to a local prison to show support for political prisoners there on hunger strike protesting mistreatment. As the activists approached the prison, a large group of plainclothes men attacked them with sticks and helmets, broke their phones, and robbed them. Many were injured, including prominent blogger Huynh Ngoc Chenh and his wife, human rights activist Nguyen Thuy Hanh.

Police routinely place activists under house arrest or briefly detain them to prevent them from participating in meetings and protests or attending the trials of fellow activists. In March 2019, security agents prevented several writers and poets from leaving their houses to attend an award event organized by Van Viet, a literary group operating without government approval. In May, police blocked and prevented friends and colleagues trying to visit blogger Nguyen Huu Vinh, who just completed his five-year prison term. In May, security agents stopped former political prisoners Le Cong Dinh and Pham Ba Hai, and Cao Dai religious activist Hua Phi, from leaving their houses to meet with US diplomats prior to the 2019 US-Vietnam Human Rights Dialogue. In May, 44 activists and bloggers signed a public letter denouncing violations of their right to freedom of movement.

Police have also prevented rights campaigners from traveling abroad, sometimes citing vague national security reasons. In March, police barred political prisoner Nguyen Bac Truyen’s wife, Bui Kim Phuong, from leaving Vietnam for Singapore. In June, pro-environment activist Cao Vinh Thinh was prohibited from leaving Vietnam for Thailand.

**Freedom of Media and Access to Information**

The Vietnamese government continues to prohibit independent or privately owned media outlets from operating. It exerts strict control over radio and television stations and printed publications. Criminal penalties apply to those who disseminate materials deemed to oppose the government, threaten national security, or promote “reactionary” ideas. Authorities block access to websites, frequently shut blogs, and require internet service providers to remove content or social media accounts deemed politically unacceptable.

Vietnam’s problematic cybersecurity law went into effect in January 2019. The overly broad and vague law gives authorities wide discretion to censor free expression and requires service providers to take down content that authorities consider offensive within 24 hours of receiving the request.

In August, Minister of Information and Communications Nguyen Manh Hung claimed that Facebook had complied with “70 to 75 percent” of the government’s requests to restrict content, up from “about 30 percent” previously. Among the materials Facebook removed, according to the ministry, were “more than 200 links to articles with content opposing the Party and the State.” The minister also claimed that Google complies with “80 to 85 percent” of its requests to restrict content on YouTube and other Google services, up from “60 percent” previously. The ministry did not disclose the sources of these figures or legal bases for these requests. The ministry said it has asked Facebook to limit some live-streaming capabilities and to “pre-censor” online content and remove ads “that spread fake news related to political issues upon request from the government.”

Facebook told Human Rights Watch that its standards relating to takedowns and geographic blocking of content “are global.” The process for taking down or blocking content, Facebook said in a written communication, is the “same in Vietnam as it is around the world.” The process for taking down or blocking content, Facebook said in a written communication, is the “same in Vietnam as it is around the world.” The process for taking down or blocking content, Facebook said in a written communication, is the “same in Vietnam as it is around the world.” The process for taking down or blocking content, Facebook said in a written communication, is the “same in Vietnam as it is around the world.” The process for taking down or blocking content, Facebook said in a written communication, is the “same in Vietnam as it is around the world.”

In May, a court in Dong Nai sentenced two Facebook users, Vu Thi Dung and Nguyen Thi Ngoc Suong, to six years and five years’ imprisonment respectively, for reading and listening to materials on Facebook and distributing leaflets calling on people to protest against China and state oppression. They were charged with possessing materials “that aim to oppose the State of the Socialist Republic of Vietnam” under penal code article 117. Authorities convicted and sentenced
rights activists Nguyen Ngoc Anh to six years in prison in June and Nguyen Nang Tinh to 11 years in prison in November, both for their posts on Facebook.

**Freedom of Association and Assembly**

Vietnam continues to prohibit independent labor unions, human rights organizations, and political parties. Organizers trying to establish unions or workers’ groups face harassment, intimidation, and retaliation. In February, labor activist Nguyen Hoang Quoc Hung completed his nine-year prison term for helping to organize a strike in Tra Vinh province in 2010. Police immediately placed him under intrusive surveillance.

Under domestic and international pressure, the National Assembly passed a resolution in June to ratify International Labor Convention 98 on collective bargaining and the right to organize.

Authorities require approval for public gatherings, and systematically refuse permission for meetings, marches, or public gatherings they deem to be politically unacceptable.

**Freedom of Religion**

The government restricts religious practice through legislation, registration requirements, and surveillance. Religious groups are required to get approval from and register with the government, and operate under government-controlled management boards.

While authorities allow many government-affiliated churches and pagodas to hold worship services, they ban religious activities that they arbitrarily deem to be contrary to the “national interest,” “public order,” or “national unity,” including many ordinary types of religious functions. Police monitor, harass, and sometimes violently crack down on religious groups operating outside government-controlled institutions. Unrecognized religious groups, including Cao Dai, Hoa Hao, Christian, and Buddhist groups, face constant surveillance, harassment, and intimidation. Followers of independent religious group are subject to public criticism, forced renunciation of faith, detention, interrogation, torture, and imprisonment.

In March, a court in Gia Lai province put Ksor Ruk on trial for following an unrecognized Dega Protestant sect and sentenced him to 10 years in prison. Ksor Ruk served a six-year prison sentence between 2005-2011 for the same violation. In August, Rah Lan Hip was convicted by the same court to seven years in prison, also for being involved with Dega Protestantism. In April 2019, police in Dien Bien province reported that they had successfully convinced “163 households including 1,006 people to have renounced an evil religion called ‘Gie Sua.’” In May 2019, the United States Commission on International Religious Freedom published its report in which Vietnam is listed as a “Country of Particular Concern.”

**Key International Actors**

China remains the most influential power on Vietnam. Maritime disputes continue to complicate the bilateral relationship of these Communist Party governments with similar repressive approaches to human rights. In July and August, China’s survey ship Haiyang Dizhi 8 entered waters near Vanguard Bank, which caused protests in Hanoi. Vietnam appeared to benefit from the trade war between the United States and China. During the first eight months of 2019, China rose to become the largest direct investor in Vietnam.

Vietnam’s relationship with the European Union improved significantly. In June, the EU and Vietnam signed the European-Vietnam Free Trade Agreement which will significantly boost trade between the two once ratified by both sides. Over the year, the EU raised concerns over convictions and imprisonment of several rights activists. In June, several members of the European Parliament wrote a letter urging the EU to press the Vietnamese government to improve its rights record.

The United States continues to expand ties with Vietnam. US Navy ships made several ports of call, and Vietnamese officers took part in US-led training, including in the United States. In February, President Donald Trump chose Vietnam as location for a summit with North Korean leader Kim Jong-un. In August, two senior US Air Force generals made a formal visit to the country, among other visits by US military officers as part of bilateral or regional events.

Australia’s bilateral relationship with Vietnam continued to grow. In August 2019, Prime Minister Scott Morrison visited Hanoi, but failed to address human rights concerns publicly during his visit. Australia’s concerns about Hanoi’s
Yemen

The armed conflict in Yemen has resulted in the largest humanitarian crisis in the world; parties to the conflict have killed and injured thousands of Yemeni civilians. According to the Yemen Data Project, more than 17,500 civilians were killed and injured since 2015, and a quarter of all civilians killed in air raids were women and children. More than 20 million people in Yemen are experiencing food insecurity; 10 million of them are at risk of famine.

Since March 2015, Saudi Arabia and the United Arab Emirates (UAE) have led a coalition of states in Yemen against Houthi forces that, in alliance with former Yemeni President Ali Abdullah Saleh, took over Yemen’s capital, Sanaa, in September 2014.

Over the past year, these alliances have fractured. Houthi forces, which still control much of northern and central Yemen, killed Saleh after clashes in December 2017. In southern Yemen, Saudi Arabia and the UAE have backed rival Yemeni groups—the Saudi-supported Yemeni government led by President Abdu Rabbu Mansour Hadi and the UAE-backed Southern Transitional Council (STC).

In August 2019, clashes occurred between Yemeni government and STC forces, with the UAE carrying out airstrikes in support of the STC. Across the country, civilians suffer from a lack of basic services, a spiraling economic crisis, abusive local security forces, and broken governance, health, education, and judicial systems.

Yemen’s economy, already fragile prior to the conflict, has been gravely affected. Hundreds of thousands of families no longer have a steady source of income, and many public servants have not received a regular salary in several years. The country’s broken economy has worsened the humanitarian crisis.

Coalition and Houthi forces have harassed, threatened, and attacked Yemeni activists and journalists. Houthi forces, government-affiliated forces, and the UAE and UAE-backed Yemeni forces have arbitrarily detained and forcibly disappeared scores of people. Houthi forces have taken hostages.

Since March 2015, the coalition has conducted numerous indiscriminate and disproportionate airstrikes killing thousands of civilians and hitting civilian structures in violation of the laws of war, using munitions sold by the United...
In July, the UN secretary-general released his annual "list of shame" for violations against children in armed conflict during 2018. The list detailed that 729 children were killed or injured by Saudi-led coalition, 398 children were killed or injured by the Houthis, and the Yemeni government’s forces were responsible for 58 child casualties.

Although the secretary-general listed the Saudi Arabia-led coalition in Yemen, he once again included the coalition in a category of parties taking steps to improve, despite overwhelming evidence that coalition forces killed and harmed children on a large scale in 2018.

**Landmines**

Houthi forces have used banned antipersonnel landmines, recruited children, and fired artillery indiscriminately into cities such as Taizz, killing and wounding civilians, and launched indiscriminate ballistic missiles into Saudi Arabia.

**Unlawful Airstrikes**

Human Rights Watch has documented at least 90 apparently unlawful Saudi-led coalition airstrikes, including deadly attacks on Yemeni fishing boats that have killed dozens and appeared to be deliberate attacks on civilians and civilian objects in violation of the laws of war. At time of writing, according to the Yemen Data Project, the Saudi-led coalition has conducted more than 20,100 airstrikes on Yemen since the war began, an average of 12 attacks a day. The coalition has bombed hospitals, school buses, markets, mosques, farms, bridges, factories, and detention centers.

In August 2019, the Saudi-led coalition carried out multiple airstrikes on a Houthi detention center, killing and wounding at least 200 people. The attack was the single deadliest attack since the war began in 2015. Human Rights Watch has documented at least five deadly attacks by Saudi-led coalition naval forces on Yemeni fishing boats since 2018, killing at least 47 Yemeni fishermen, including seven children.

**Indiscriminate Artillery Attacks**

Houthi forces have repeatedly fired artillery indiscriminately into Yemeni cities such as Taizz and Hodeida, as well as launched indiscriminate ballistic missiles into Saudi Arabia, including Riyadh’s international airport. Some of these attacks may amount to war crimes.

**Children and Armed Conflict**

Since September 2014, all parties to the conflict have used child soldiers under 18, including some under the age of 15, according to a 2019 UN Group of Eminent International and Regional Experts on Yemen report in 2019. According to the secretary general, out of 3,034 children recruited throughout the war in Yemen, 1,940—64 percent—were recruited by the Houthis.

In July, the UN secretary-general released his annual "list of shame" for violations against children in armed conflict during 2018. The list detailed that 729 children were killed or injured by Saudi-led coalition, 398 children were killed or injured by the Houthis, and the Yemeni government’s forces were responsible for 58 child casualties.
tention facilities they controlled. The detainees subjected to abuse included suspected members of the Islamic State and Al-Qaeda in the Arabian Peninsula, according to investigative media and Human Rights campaigners’ reports.

Since late 2014, Human Rights Watch has documented dozens of cases of the Houthis carrying out arbitrary and abusive detention, as well as enforced disappearances. Houthi officials have also used torture and other ill-treatment. Former detainees described Houthi officers beating them with iron rods and rifles and being hung from walls with their arms shackled behind them.

Mothers, sisters, and daughters of abducted men have demonstrated in front of prisons across major Yemeni cities, searching for their kidnapped sons, fathers, brothers, and other male relatives, organized under a group named “Mothers of Abductees Association.” The association reported that there are 3,478 disappearance cases, at least 128 of those kidnapped have been killed.

**Attacks on Civil Society**

Houthis continue to harass and prosecute without legal basis academics, students, politicians, journalists and minority groups, including members of the Bahá’í faith.

**Blocking and Impeding Humanitarian Access**

The Saudi-led coalition’s restrictions on imports have worsened the dire humanitarian situation. The coalition has delayed and diverted fuel tankers, closed critical ports, and stopped goods from entering Houthi-controlled seaports. Fuel needed to power generators to hospitals and pump water to homes has also been blocked. Since May 2017, journalists and international human rights organizations, including Human Rights Watch have been facing restrictions by the Saudi-led coalition in using UN flights to areas of Yemen under Houthi control. The coalition has kept Sanaa International Airport closed since August 2016.

The Houthis have continued to impose severe movement restrictions, including the flow of aid, into Yemen’s third largest city, Taizz, which has had a devastating impact on the local residents. Since 2015, the fight for control of Taizz between the Houthis and other armed groups has led to indiscriminate shelling and attacks against civilian areas.

The UN has accused the Houthis of stealing UN food aid in some areas controlled by the Houthi-authorities, and it promised to investigate corruption in its own agencies in the Yemen aid effort.

**Violence against Women**

Prior to the conflict, women in Yemen faced severe discrimination in law and practice. Warring parties’ actions have exacerbated discrimination and violence against women and girls. Parties to the conflict have accused women of prostitution, promiscuity, and immorality using derogatory terms as part of their public threats and harassment against opponents. This increases risks of domestic violence, dissuades women and girls from movement outside the home, and seriously inhibits their participation in the economic and political spheres.

There is no minimum age of marriage and child marriage, which was prevalent in Yemen before the conflict. The practice has increased according to UNICEF.

Women, like men, have also faced torture and sexual violence during detention, according to the September report by the UN Group of Eminent International and Regional Experts, which verified 12 cases of sexual violence on five women, six men and a 17-year-old boy. Victims of sexual violence in Yemen are highly stigmatized, meaning vast underreporting is likely. Violence against women has increased 63 percent since the conflict escalated, according to the United Nations Population Fund.

**Abuse of Migrants**

Due to its position between the Gulf of Aden and the Red Sea, Yemen has been a key transit location for African migrants seeking employment opportunities in Saudi Arabia. In August, Human Rights Watch documented a network of smugglers, traffickers, and authorities in Yemen that kidnap, detain and beat Ethiopian migrants and extort them or their families for money upon their arrival.

Migrants who manage to elude capture and detention by Yemeni smugglers find their lives at increased risk as they travel through areas of active fighting in Yemen. Migrants’ journeys are often delayed due to clashes between Houthi forces and groups aligned with the coalition. The Houthis and forces aligned with the Yemeni government have also detained, abused, and deported migrants.
A positive step was the extension of the mandate of war crimes investigators in Yemen by the UN Human Rights Council in September after the group found evidence of grave violations by all sides in the conflict.

Key International Actors

The UN-brokered peace talks between the Houthis and the Yemeni government in Sweden in December 2018 achieved a cessation of hostilities in the coastal towns of Hodeida, Salif, and Ras ‘Issa. The Stockholm Agreement did not cover other ground fighting and the new military fronts. The US, the UK and other states that support Saudi Arabia and the United Arab Emirate militarily have also consistently been supporting the UN talks.

To date, the UN Security Council has used its sanctions regime against just one side, the Houthis, despite the fact that the Saudi-led coalition has committed numerous war crimes, according to research by the UN Group of Eminent Experts and groups like Human Rights Watch.

The murder of Saudi journalist Jamal Khashoggi in October 2018 galvanized international scrutiny of Saudi Arabia’s international law violations in Yemen and other states’ potential complicity in abuses through arms sales. Norway, Finland, the Netherlands and Germany reviewed or suspended their arms sales to members of the Saudi-led coalition. Other countries, notably the US, Canada, France and Australia are still supplying weapons or military equipment.

Accountability

Arms sales to the warring parties continue from Western countries such as the US, France, Canada, and others who risk complicity in war crimes and the humanitarian crisis in Yemen. In September, a UN Group of Eminent Experts on Yemen stated that “The parties to the conflict in Yemen are responsible for an array of human rights violations and violations of international humanitarian law. Some of these violations are likely to amount to war crimes.”

The UN Group of Eminent Experts in September stated that several world powers, including the US, the UK, and France, may be complicit in war crimes in Yemen through arms sales and intelligence support given to the Saudi-led coalition.

The parties have failed to acknowledge any responsibility for violations and refuse to take any meaningful steps to remedy the situations in which they occur. This has resulted in a pervasive lack of accountability, which heightens disregard for the protection of the Yemeni population and foments a climate of impunity.

Despite mounting evidence of violations of international law by the parties to the conflict, efforts toward accountability have been inadequate. However, on June 20, 2019, the UK government agreed to suspend arms sales to Saudi Arabia after the UK Court of Appeal in London ruled that the government’s refusal to consider Saudi Arabia’s laws-of-war violations in Yemen before licensing arms sales was unlawful. The ruling requires the UK government to reconsider its decision on arms sales to Saudi Arabia. The UK is appealing the court decision.

Despite multiple congressional efforts in the US to end US arms sales to Saudi Arabia that could be used unlawfully in Yemen, President Donald Trump used his veto power to block such efforts and continued his support to Saudi Arabia, America’s largest weapons buyer. France is under pressure to stop its arms sales to members of the Saudi-led coalition after a surge in its sales to Saudi Arabia.

About 260,000 Ethiopians, an average of 10,000 per month, were deported from Saudi Arabia to Ethiopia between May 2017 and March 2019, according to the IOM, and deportations have continued.

Of the estimated 500,000 Ethiopian migrants who were in Saudi Arabia when deportation campaigns began in 2017, it is likely that most of them passed through Yemen and faced the hardships documented by Human Rights Watch.
Zimbabwe

Despite President Emerson Mnangagwa repeatedly voicing his commitments to human rights reforms, Zimbabwe remained highly intolerant of basic rights, peaceful dissent, and free expression in 2019. During nationwide protests in mid-January, following the president’s sudden announcement of a fuel price increase, security forces responded with lethal force, killing at least 17 people, raping at least 17 women, shooting and injuring 81 people, and arresting over 1,000 suspected protesters during door-to-door raids. In the months that followed, several civil society activists, political opposition leaders, and other critics of the government were arbitrarily arrested, abducted, beaten, or tortured. Little to no efforts were made to bring those responsible for the abuses to justice.

On September 6, Zimbabwe’s long-time former ruler, Robert Mugabe, died in Singapore. Despite his 37 years in power having been marked by widespread human rights violations and the ruination of the country’s economy, Mugabe was never held to account for his corrupt and abusive rule.

Freedom of Expression and Assembly

During nationwide protests against worsening economic conditions, security forces killed 14 men and 3 women between January 14 and February 5. Fourteen of the victims died from gunfire, while three died from injuries sustained following severe beatings. Most of those killed were from Epworth, Chitungwiza, and the Mbare and Warren Park suburbs of Harare, the capital. Security forces appeared to take advantage of the general unrest during the protests and crackdown to commit rape and other serious abuses. On January 15, the government instructed internet service providers to shut down access to social media and the internet. Access was restored on January 21.

Following the protests, security forces rounded up and detained hundreds of people, many of whom were brought before courts on charges of public violence and criminal nuisance.

The Zimbabwe Human Rights Commission investigated the protests and their aftermath and concluded in a report published in September that armed and uni-
due to shortages of imported water treatment chemicals and low water levels at Lake Chivero. This exposed millions of Harare residents to the risk of waterborne diseases like cholera, which have ravaged the city in the past. The conditions that contributed to the spread of cholera during the latest outbreak in September 2018, and another outbreak a decade earlier, continued in 2019, namely: little access to potable water, inadequate sanitation services, and limited information on water quality.

Key International Actors

On March 4, US President Donald Trump extended sanctions against the Mnangagwa administration by one year, arguing that the new government’s policies continued to pose an “unusual and extraordinary” threat to US foreign policy.

Zimbabwe’s immediate neighbors in the Southern African Development Community (SADC), including South Africa, supported the Mnangagwa administration and appeared to believe that the Zimbabwe economy is not performing well because of sanctions.

At the 39th SADC Summit held from August 17 to 18 in Tanzania, the summit elected President Mnangagwa as chairperson of the Organ on Politics, Defence and Security Cooperation. The SADC summit “noted the adverse impact on the economy of Zimbabwe and the region at large, of prolonged economic sanctions imposed on Zimbabwe, and expressed solidarity with Zimbabwe, and called for the immediate lifting of the sanctions to facilitate socio-economic recovery in the country.”

Following a decision at the SADC summit, SADC member states on October 25 undertook various activities, including protests, to collectively voice their disapproval of the sanctions until the sanctions against Zimbabwe are lifted. The so-called sanctions are targeted sanctions on individual Zimbabweans, most of whom are government officials, and not economic sanctions that could affect the broader population, as the government has often suggested. The SADC leaders, however, failed to publicly address Zimbabwe’s failure to respect human rights, good governance, and the rule of law, key pillars essential for the country’s sustainable socio-economic recovery.

The United Nations special rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, visited Zimbabwe in Sep-

Women’s and Girls’ Rights, Sexual Orientation, and Gender Identity

During 2019, Zimbabwe’s Parliament debated a marriage bill, first introduced in January 2017, which is seen as a long-awaited chance for parliament to reconcile the country’s marriage laws with its constitution. The proposed marriage law, which parliament has yet to finalize at time of writing, seeks to outlaw child marriage, but it does not adequately protect women’s property at divorce. Without legal protection, many women could be left homeless or without a means of income after their marriage ends or if their husband dies.

Current laws on marriage and divorce do not conform to the country’s constitution, which provides that spouses have equal rights and responsibilities.

The Matrimonial Causes Act technically allows for equitable distribution of property between spouses at divorce, considering direct and indirect contributions, such as raising children and caring for the family and household. But in practice, provisions of this law have not been fully applied and many women lose their property when a marriage ends or the husband dies, while men and their families keep everything.

Three years after Zimbabwe’s Constitutional Court declared child marriage unconstitutional and set 18 as the minimum marriage age, the government has not put structures in place to implement the court’s decision and ensure that girls under 18 are not forced into marriage. Zimbabwe’s 2013 Constitution states that “no person may be compelled to enter marriage against their will” and requires authorities to ensure that children are not pledged into marriage, but the government has yet to amend or repeal all other existing marriage laws that still allow child marriage.

Section 73 of the Criminal Law (Codification and Reform) Act, 2004 punishes consensual same-sex conduct between men with up to one year in prison or a fine or both. This restrictive legislation contributes to stigma and discrimination against lesbian, gay, bisexual, and transgender (LGBT) people.

Right to Health

In September 2019, the Harare deputy mayor announced that the Harare City Council had shut down its main water treatment plant, known as Morton Jaffray,
tember and outlined a slew of “extremely disturbing” abuses by Zimbabwe’s se-
curity forces in his preliminary findings, describing “reports of excessive, dispro-
portionate and lethal use of force against protestors, through the use of tear gas,
batons and live ammunition.” Voule urged the government to thoroughly investi-
gate the incidents and prosecute those responsible.

On October 1, the US Customs and Border Protection issued a ban on artisanal
rough-cut diamonds from Zimbabwe’s Marange diamond fields due to evidence
of forced labor. US law prohibits importation of goods made with forced labor.
This 30th annual World Report summarizes human rights conditions in 90 countries and territories worldwide in 2019. It reflects extensive investigative work that Human Rights Watch staff conducted during the year, often in close partnership with domestic human rights activists.
Note

The numerical ratings and status listed above do not reflect conditions in Hong Kong or Tibet, which are examined in separate reports.

Overview

China's authoritarian regime has become increasingly repressive in recent years. The ruling Chinese Communist Party (CCP) is tightening its control over the state bureaucracy, the media, online speech, religious groups, universities, businesses, and civil society associations, and it has undermined its own already modest rule-of-law reforms. The CCP leader and state president, Xi Jinping, has consolidated personal power to a degree not seen in China for decades, but his actions have also triggered rising discontent among elites within and outside the party. The country's budding human rights movements continue to seek avenues for protecting basic rights despite a multiyear crackdown.

Key Developments in 2019

- The fourth plenary meeting of the CCP's current Central Committee in late October featured a strong show of support for Xi Jinping despite the country's slowing economy, a political crisis in Hong Kong, and earlier speculation that the plenum's delayed timing reflected internal challenges to Xi's leadership.
- Internet censorship and surveillance reached new extremes during the year, driven in part by the CCP's determination to suppress discussion of the 30th anniversary of the June 1989 military crackdown on prodemocracy protesters in Beijing's Tiananmen Square. Restrictions were placed on apolitical social media platforms, and more ordinary users faced account closures and criminal prosecutions for political, social, religious, and humorous speech. Advancements in artificial intelligence and facial recognition technologies were incorporated into the regime's apparatus for information control and public surveillance.
The government’s persecution of predominantly Muslim ethnic minorities in Xinjiang remained severe, with an estimated one million or more individuals subjected to extralegal detention in “political reeducation” centers and tens of thousands sentenced to prison terms by the courts. Credible reports of abuse and deaths in custody emerged during the year, even as authorities shifted some focus from mass detention to forced labor. Leaked documents shed light on the role of Xi and regional leaders in driving the campaign, and on the inner workings of Xinjiang’s advanced surveillance systems.

The authorities continued a years-long crackdown on independent civil society, with new arrests and criminal prosecutions of website editors, labor rights activists, and human rights lawyers, as well as greater scrutiny of foreign NGOs. Authorities also increased restrictions on religious practice by Chinese Buddhists, Christians, and Muslims throughout China under 2018 regulations on religious affairs, and persecution of the banned spiritual movement Falun Gong continued unabated two decades after its launch.

The space for independent academic discussion and research reached new lows, with professors and students facing reprisals—in the form of censored writings, travel restrictions, demotions, arrests, or imprisonment—for expressing views that were deemed critical of CCP governance.

Political Rights

A Electoral Process

Was the current head of government or other chief national authority elected through free and fair elections?

There are no direct or competitive elections for national executive leaders. The National People's Congress (NPC) formally elects the state president for five-year terms and confirms the premier after he is nominated by the president, but both positions are decided in advance by the top party leadership and announced at the relevant CCP congress. The CCP’s seven-member Politburo Standing Committee (PSC), headed by Xi Jinping in his role as the party’s general secretary, sets government and party policy in practice. Xi also holds the position of state president and serves as chairman of the state and party military commissions.

Xi was awarded a second five-year term as general secretary at the 19th Party Congress in October 2017, and at the NPC session in March 2018 he was confirmed for a second five-year term as state president. Also at that session, the NPC approved amendments to China's constitution that abolished the two-term limit for the state presidency and vice presidency.
Combined with the absence of a designated successor for Xi on the new PSC, the move reinforced predictions that he planned to break with precedent and remain China's paramount leader for at least three terms.

Were the current national legislative representatives elected through free and fair elections?

The 3,000 NPC members are formally elected for five-year terms by subnational congresses, but in practice all candidates are vetted by the CCP. Only the NPC's standing committee meets regularly, with the full congress convening for just two weeks a year to approve proposed legislation; party organs and the State Council, or cabinet, effectively control lawmaker decisions. The current NPC was seated in March 2018.

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

Political positions are directly elected only at the lowest levels. Independent candidates who obtain the signatures of 10 supporters are by law allowed to run for seats in the county-level people's congresses, and elections for village committees are also supposed to give residents the chance to choose their representatives. In practice, however, independent candidates for these posts are often kept off the ballot or out of office through intimidation, harassment, fraud, and in some cases detention. Only a very small number of independent candidates have gained office in elections, though some attempt to do so in each election cycle.

Elections are not administered by an independent body. The indirect elections that populate people's congresses at various levels are conducted by those congresses' standing committees, while village-level elections are conducted by a village electoral committee that answers to the local party committee.

B Political Pluralism and Participation

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

The CCP seeks to monopolize all forms of political organization and does not permit any meaningful political competition. Eight small noncommunist parties are allowed to play a minor role in China's political system, and are represented on the Chinese People’s Political Consultative Conference (CPPCC), an official advisory body. However, their activities are tightly circumscribed, and they must accept the CCP's leadership as a condition for their
Citizens who seek to establish genuinely independent political parties or otherwise advocate for democracy are harshly punished. In September 2019, activist Wang Meiyu died in custody in Hunan Province, and family members reported signs of abuse on his body; Wang had been detained in July after holding a placard in public that called for Xi Jinping's resignation and free elections. In late December, authorities carried out a wave of detentions, rounding up at least a dozen activists and lawyers who had met earlier that month in Fujian Province and reportedly discussed the prospects for a democratic transition in China.

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

China's one-party system rigorously suppresses the development of any organized political opposition, and the CCP has ruled without interruption since winning a civil war against the Nationalist Party (Kuomintang) in 1949. Even within the CCP, Xi Jinping has steadily increased his own power and authority since 2012, pursuing a selective anticorruption campaign that has eliminated potential rivals. He personally heads an unusually large number of “leading groups” that give him direct supervision over a variety of policy areas. Xi’s official contributions to party ideology were formally added to the CCP and national constitutions in October 2017 and March 2018, respectively, elevating his status above that of his immediate predecessors. The CCP Central Committee's plenary meeting in October 2019 reaffirmed the primacy of “Xi Jinping Thought” and stressed the need to consolidate CCP power and extend its control over all levels of Chinese society.

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapoltical means?

The authoritarian CCP is not accountable to voters and denies the public any meaningful influence or participation in political affairs.

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

Societal groups such as women, ethnic and religious minorities, and LGBT+ people have no opportunity to gain meaningful political representation and are barred from advancing their interests outside the formal structures of the CCP. Nominal representatives of ethnic minority groups—such as Tibetans, Uighurs, and Mongolians—participate in party and state bodies like the NPC, but their role is largely symbolic. Women are severely
underrepresented in top CCP and government positions, and the situation has grown slightly worse in recent years. Just one woman was named to the 25-member Politburo at the 19th Party Congress in 2017, down from the previous two. No woman has ever sat on the PSC.

C Functioning of Government

Do the freely elected head of government and national legislative representatives determine the policies of the government?  

None of China’s national leaders are freely elected, and the legislature plays a minimal role in policymaking and the development of new laws. The continuing concentration of power in Xi Jinping’s hands, an emerging cult of personality, and Xi’s calls for greater ideological conformity and party supremacy have further reduced the limited space for policy debate even within the CCP.

Are safeguards against official corruption strong and effective?  

Since becoming CCP leader in 2012, Xi has pursued an extensive anticorruption campaign. Well over a million officials have been investigated and punished, according to official figures, including senior state and party officials from the security apparatus, the military, the Foreign Ministry, state-owned enterprises, and state media. The campaign continued to ensnare high-profile targets during 2019. In March, for example, Lu Wei, the former head of China’s powerful internet regulator, was sentenced to 14 years in prison on charges of bribery. The previous month, Fang Fenghui, a top general and former chief of the joint staff on the Central Military Commission, was sentenced to life in prison by a military court on charges of bribery. The anticorruption effort has generated a chilling effect among officials and reduced ostentatious displays of wealth, but corruption is believed to remain extensive at all levels of government. Moreover, the initiative has been heavily politicized, as many of the elites targeted were seen as Xi’s former or potential rivals, and a 2017 change to party regulations shifted the focus of disciplinary inspections to enforcing party ideology and loyalty.

The authorities have failed to adopt basic reforms that would address corruption more comprehensively, such as requiring officials to publicly disclose their assets, creating genuinely independent oversight bodies, and allowing independent media, courts, and civic activists to function as watchdogs. Instead, in 2018 the NPC established the National Supervisory Commission (NSC), a powerful new agency that merges the anticorruption functions of various state and party entities, has an expanded jurisdiction covering a broader swath of public-sector employees, and is meant to enforce political and ideological discipline in addition to compliance with the law. The new commission is headed by a
Politburo member and shares personnel and a website with the CCP’s internal disciplinary agency, further blurring the lines between party rules and institutions and the state legal system.

In one of the NSC's most high-profile cases, Meng Hongwei, formerly the president of Interpol and China's vice minister of public security, confessed during a trial in Tianjin in June 2019 that he had accepted bribes worth more than $2 million. Meng had disappeared into custody during a 2018 visit to China from his Interpol posting in France and was placed under investigation by the NSC for “alleged violations of laws.”

Does the government operate with openness and transparency?

The Chinese government and the CCP are notoriously opaque. Since open-government regulations took effect in 2008, more official documents and information have been made available to the public and posted on official websites. However, resistance on the part of government organs to providing specific information requested by citizens has dampened initial optimism, and budgetary information available to the public is minimal.

The scope for public input and consultation on laws and policies has narrowed further in recent years as policy advocacy NGOs and intellectuals came under intensified pressure, including those working in areas that were previously not considered sensitive, such as the environment, public health, women’s rights, and the economy. In August 2019, the Unirule Institute of Economics, a respected Beijing-based think tank founded in 1993, announced its closure under orders from the municipal government after years of official harassment.

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group?

The government has aggressively pursued policies—including large-scale resettlement, work-transfer programs, and mass internment—that are altering the demography of ethnic minority regions, especially Xinjiang, Tibet, and Inner Mongolia, by contributing to a steady increase of Han Chinese as a proportion of the regions’ populations. Leaked official documents and speeches published by the New York Times in November 2019 illustrated the role of Xi Jinping and other senior leaders in directing these policies. New initiatives and incentives to promote interethnic marriages, such as an advantage on the university entrance exam for children from such marriages, were reported during 2019.

Conditions in Xinjiang had deteriorated sharply since 2017, when human rights groups estimated that more than one million ethnic Uighurs, Kazakhs, and Hui were detained in an expanded network of “reeducation” centers to undergo political and religious indoctrination.
The number and size of orphanages and boarding schools have also been expanded to absorb minority children who have been sent away for immersive Chinese-language education or whose parents are being detained indefinitely. Han Chinese officials throughout the region have reportedly stayed in the homes of Uighur families to monitor and indoctrinate them, and it is evidently common for male officials to reside in close quarters with women and children whose adult male family members are in detention. Cases of torture, forced abortions, sexual abuse, and deaths in custody at the reeducation camps and other detention facilities were reported during 2019. Evidence also emerged that more than 230,000 Xinjiang residents—most of them believed to be Uighurs and Kazakhs—had been sentenced to prison since 2017, with many transferred to facilities in other provinces. [Note: Tibet is examined in a separate report.]

Civil Liberties

D Freedom of Expression and Belief

Are there free and independent media? 0 4

China is home to one of the world’s most restrictive media environments and its most sophisticated system of censorship, particularly online. The CCP maintains control over news reporting via direct ownership, accreditation of journalists, harsh penalties for public criticism, and daily directives to media outlets and websites that guide coverage of breaking news stories. State management of the telecommunications infrastructure enables the blocking of websites, removal of smartphone applications from the domestic market, and mass deletion of microblog posts, instant messages, and user accounts that touch on banned political, social, economic, and religious topics. Thousands of websites have been blocked, many for years, including major news and social media hubs like the New York Times, YouTube, Twitter, and Facebook.

The already limited space for media freedom shrank further during 2019. Online controls were particularly evident in the run-up to the 30th anniversary of the military’s crackdown on protesters in Beijing in June 1989 and as prodemocracy protests in Hong Kong stretched from summer into the fall. Within the first week of June, the websites of 12 major international news outlets from five different countries were blocked, including Cable News Network (CNN), the Washington Post, the Guardian, and the Toronto Star, with many remaining blocked weeks later. Increased controls extended to apolitical spaces such as online music stores and platforms for live streaming, dating, celebrity gossip, and blockchain technology, with authorities suspending or tightening scrutiny of features that
enable real-time communication. Economic news remained more heavily censored than in the past amid an escalating trade war with the United States and a slowing domestic economy.

Continued implementation of the 2017 Cybersecurity Law, along with other regulations and increased pressure on private technology companies, has also resulted in greater and more sophisticated internet censorship. The multipurpose social media tool WeChat increasingly employed artificial intelligence to scan and delete images that were deemed to include banned content. Throughout 2019, large-scale deletions of posts and accounts occurred on both WeChat and the Sina Weibo microblogging platform.

According to the Committee to Protect Journalists (CPJ), 48 journalists were jailed in China as of December 2019, although the actual number of people held for uncovering or sharing newsworthy information is much greater. Several moderators of human rights websites and smaller social media groups were jailed for their online activities. In July 2019, Huang Qi, founder of the human rights website 64 Tianwang, was sentenced to 12 years in prison for “intentionally leaking state secrets.” The previous month, Liu Pengfei, the moderator of a popular WeChat account that posted news from outside China, was sentenced to two years in prison. State media had warned that WeChat group administrators could be held responsible for the content in their group under regulations in effect since 2017. Chinese users of Twitter also faced an increase in reprisals for their activities on the blocked platform, including detention, interrogation, job dismissal, and forced deletion of messages. Foreign journalists continued to encounter various forms of harassment during the year, including physical abuse, short-term detention to prevent meetings with certain individuals, intimidation of Chinese sources and staff, the withholding of or threats to withhold visas, and surveillance.

Despite heavy restrictions on media freedom, Chinese journalists, grassroots activists, and internet users continue to seek out and exploit new ways to expose official misconduct, access uncensored information, and share incisive political commentary, although they risk reprisals when doing so. Tens of millions of people use circumvention tools like virtual private networks (VPNs) to reach the uncensored global internet or accessed blocked overseas broadcasts via satellite, but a number of activists have been sentenced to prison in recent years for selling VPN services. In January 2019, a man in Guangdong Province was fined 1,000 yuan ($145) simply for using a VPN to reach the international internet.

Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 4

The CCP regime has established a multifaceted apparatus to control all aspects of religious activity, including by vetting religious leaders for political reliability, placing limits on the number of new monastics or priests, and manipulating religious doctrine according to party
priorities. The ability of believers to practice their faith varies dramatically based on religious affiliation, location, and registration status. Many do not necessarily feel constrained, particularly if they are Chinese Buddhists or Taoists. However, a 2017 Freedom House report found that at least 100 million believers belong to groups facing high or very high levels of religious persecution, namely Protestant Christians, Tibetan Buddhists, Uighur Muslims, and Falun Gong practitioners.

During 2019, the government increased restrictions on a range of religious communities, including Chinese Buddhists, state-sanctioned Christian congregations, and Hui Muslims. New regulations on religious affairs that took effect in 2018 strengthened controls on places of worship, travel for religious purposes, placement of religious statues, and children's religious education. In 2019, the online magazine *Bitter Winter* reported several cases of outdoor Buddhist statues being destroyed or covered up in Liaoning, Hubei, Hebei, and other provinces. Minarets at mosques throughout Hui Muslim majority areas such as Ningxia have been removed or renovated, and some mosques have been shuttered, as part of a broader CCP effort to forcibly “sinicize” Islam and other religions.

The Vatican and the Chinese government reached an agreement in 2018 on the appointment of Catholic bishops that would reportedly allow the government to nominate bishops and the Vatican to exercise a veto. The Vatican also recognized seven government-approved bishops who had previously been excommunicated; the status of dozens of existing bishops recognized by the Vatican but not by the government remained unclear. In 2019, clergy who lacked state recognition complained of intimidation and pressure to sign registration forms; at least three priests were detained, and one bishop went into hiding. Nevertheless, in August the Vatican announced that it had approved a bishop for Jining in Inner Mongolia, the first such ordination under the new agreement. Persecution of unofficial Protestant groups continued during the year. Wang Yi, the pastor of the prominent Early Rain Covenant Church in Chengdu, Sichuan Province, was sentenced in December 2019 to nine years in prison on charges of “inciting subversion of state power.” Wang and dozens of congregants had been detained a year earlier when authorities shut down the unregistered church. His wife and other church members were eventually released, though they remained under police scrutiny.

The especially intense and intrusive curbs on the practice of Islam in Xinjiang, which are apparently aimed at breaking down the religious identity of Muslims in the region, have affected the wearing of religious attire, attendance at mosques, fasting during Ramadan, choice of baby names, and other basic forms of religious expression. In 2019, the authorities continued to punish peaceful religious practices under charges of “religious extremism,” resulting in detention and indoctrination for many Uighur, Kazakh, and Hui Muslims. A series of leaked official documents published by the International Consortium of
Investigative Journalists in November revealed a points-based system for measuring the effectiveness of ideological “reeducation” efforts and determining detainees’ eligibility for release.

The regime’s 20-year campaign to eradicate the Falun Gong spiritual group continued in 2019. Hundreds of Falun Gong practitioners have received long prison terms in recent years, and many others are arbitrarily detained in various “legal education” facilities. Detainees typically face torture aimed at forcing them to abandon their beliefs, sometimes resulting in deaths in custody.

Is there academic freedom, and is the educational system free from extensive political indoctrination?

Academic freedom is heavily restricted, and the space for academic discussion and research that departs from CCP guidelines reached new lows in 2019, even regarding what were previously less sensitive topics, such as labor rights, constitutional law, or economics. Efforts to police classroom discussions have increased at all levels of education, including via installation of surveillance cameras in some classrooms, large-scale recruitment of student informants, and the creation of special departments to supervise the political thinking of teaching staff. The CCP controls the appointment of top university officials, and many scholars practice self-censorship to protect their careers and personal safety.

Political indoctrination—including the study of “Xi Jinping Thought”—is a required component of the curriculum at all levels of education. Increased government funding to support research promoting party ideology has spurred the establishment of dozens of centers dedicated to “Xi Jinping Thought.” Official speeches and new training plans for teachers that were announced in 2019 increased pressure on educators to toe the party line.

Professors and students from a range of academic disciplines faced reprisals during the year—ranging from censored writings, travel restrictions, and demotions to arrest and imprisonment—for expressing views that were deemed critical of the CCP’s governance and of Xi Jinping’s slogans, whether in class, in academic writings, online, or in interviews with overseas media. In March, law professor Xu Zhangrun of Tsinghua University in Beijing was stripped of his teaching duties, placed under investigation, and had his wages reduced in apparent retribution for an article criticizing Xi’s authoritarian policies. In April, retired economics professor Zi Su was sentenced to four years in prison after he published a letter online that referred to Xi’s rule as a “dictatorship.” Mongolian historian Lhamjab A. Borjgin was sentenced in July to one year in prison with a two-year reprieve in connection with his book on the Cultural Revolution. Ethnic Uighur scholars faced particularly harsh penalties: a March 2019 report by a US-based human rights project documented 386 intellectuals who had been confirmed detained or disappeared since 2017. Two foreign scholars—Yang...
Hengjun from Australia and an unnamed professor from Japan—were arrested while visiting China in 2019 on dubious charges of spying. Cases of student detentions also emerged during the year, including ethnic Kyrgyz in Xinjiang and labor rights supporters from Beijing universities.

Score Change: The score declined from 1 to 0 due to a multiyear pattern of growing restrictions on academic freedom, including greater indoctrination in schools and universities, mass detention of Uighur scholars, punishments for outspoken professors and student activists, and surveillance in classrooms.

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

The government’s ability to monitor citizens’ lives and communications has increased dramatically in recent years, inhibiting online and offline conversations. Social media applications like WeChat are known to closely monitor user discussions so as to conform with government content restrictions and surveillance requests. Surveillance cameras, increasingly augmented with facial recognition software, cover many urban areas and public transportation, and are expanding into rural regions. Pilot programs for a Social Credit System—expected to become mandatory and nationally operational in 2020—rate citizens’ trustworthiness based not only on financial responsibility or debt records, but also on purchasing behavior, video gaming habits, social acquaintances, and adherence to rules in public spaces. Devices used by police to quickly extract and scan data from smartphones, initially deployed in Xinjiang, have spread nationwide. Databases with the personal details of certain categories of individuals—including users of drugs, petitioners, members of ethnic minorities, religious believers, foreigners, and migrant workers—have been purchased by police throughout the country. The 2017 Cybersecurity Law requires companies to store Chinese users’ data in China and submit to potentially intrusive security reviews. As of December 2019, telecommunications companies were required to obtain facial scans of new internet or mobile phone users as part of the real-name registration process.

Electronic surveillance is supplemented with offline monitoring by neighborhood party committees, “public security volunteers” who are visible during large events, and an especially heavy police presence in places like Xinjiang.

Court verdicts have cited private social media communications, public surveillance video, and personal meetings as evidence in cases where citizens were punished for expressing their views on political or religious topics. In addition to legal penalties, a growing number of internet users have faced account closures, job dismissals, and police interrogation because of politically sensitive or even humorous comments made on social media platforms.

E Associational and Organizational Rights
Is there freedom of assembly? 14

China’s constitution protects the right of citizens to demonstrate, but in practice protesters rarely obtain approval and risk punishment for assembling without permission. Spontaneous demonstrations have thus become a common form of protest. Some are met with police violence, and organizers often face reprisals, even in cases where local officials ultimately concede to protesters’ demands. Armed police have been accused of opening fire during past protests in Xinjiang.

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 04

The ability of civil society organizations to engage in work related to human rights and governance is extremely constrained and has decreased under a 2017 law on foreign NGOs and 2016 legislation governing philanthropy, which significantly reduced civic groups’ access to funding from foreign sources and increased supervision and funding from the government. The space for organizations to operate without formal registration, a previously common practice, has also shrunk, although some continue to do so. Several prominent NGOs that focused on policy advocacy, including in less politically sensitive areas like public health or women’s rights, have been shuttered in recent years under government pressure. In July 2019, state security agents in Hunan Province detained three staff members of Changsha Funeng, an NGO that advocates for people with stigmatized diseases, on charges of “subverting state power.” Hundreds of thousands of NGOs are formally registered, but many operate more as government-sponsored entities and focus on service delivery.

The foreign NGO law that took effect in 2017 restricts the operations of foreign NGOs in China, requires them to find a Chinese sponsor entity and register with the Ministry of Public Security, and gives police the authority to search NGOs’ premises without a warrant, seize property, detain personnel, and initiate criminal procedures. Hundreds of foreign NGOs have registered offices or temporary activities, though the vast majority are trade and agricultural associations, or groups involved in issues such as cultural exchange, public health, education, or the rights of people with disabilities. A list of sponsoring Chinese entities documented by the ChinaFile NGO Project indicated a heavy presence of state and CCP-affiliated organizations. During 2019, at least 11 foreign NGOs chose to deregister, an increase over two that had done the same in 2018. In November 2019, Chinese officials announced that US-based public health NGO Asia Catalyst had been formally investigated for violating the law and would face penalties, though the facts behind the accusation were in dispute.
Is there freedom for trade unions and similar professional or labor organizations?

The only legal labor union organization is the government-controlled All-China Federation of Trade Unions (ACFTU), which has long been criticized for failing to properly defend workers’ rights, but has reportedly become even less of an ally to workers in recent years. The authorities intensified a multiyear crackdown on labor activists and NGOs during 2019. Expanding on a 2018 campaign of reprisals against workers at Shenzhen Jasic Technology in Guangdong Province who had tried to establish a union and elect their own leaders, by July 2019 security forces had detained and harassed at least 130 factory workers, labor rights activists, NGO staff, and social workers throughout the province and in Beijing, according to a list compiled by the China Labor Crackdown Concern Group. Three editors of iLabour, an online workers’ rights advocacy platform, were also detained by police in early 2019; they were later charged with “picking quarrels and provoking trouble” after providing legal advice to workers and publicizing cases of abuse; their trial was pending at year’s end.

Despite the constraints on union activity, strikes and labor protests continued to be reported across the country, particularly over wage arrears. Nearly 1,400 such incidents were documented by the China Labour Bulletin during 2019.

F Rule of Law

Is there an independent judiciary?

The CCP dominates the judicial system, with courts at all levels supervised by party political-legal committees that have influence over the appointment of judges, court operations, and verdicts and sentences. CCP oversight is especially evident in politically sensitive cases, and most judges are CCP members. In March 2019, the annual work report of Supreme People’s Court president Zhou Qiang emphasized that judges should conform to CCP ideology and uphold the party’s “absolute leadership” of the courts.

Incremental reforms aimed at improving judicial performance, while maintaining party supremacy, have been introduced since 2014. The changes focused on increasing transparency, professionalism, and autonomy from local authorities. Many judges complain about local officials interfering in cases to protect powerful litigants, support important industries, or avoid their own potential liability.

Does due process prevail in civil and criminal matters?

Broader judicial reforms introduced in recent decades have sought to guarantee better
access to lawyers, allow witnesses to be cross-examined, and establish other safeguards to prevent wrongful convictions and miscarriages of justice. However, limitations on due process—including excessive use of pretrial and incommunicado detention—remain rampant, and a multiyear crackdown on human rights lawyers has weakened defendants’ access to independent legal counsel. Rights attorney Wang Quanzhang was sentenced in January 2019 to four and a half years in prison on charges of “subversion” due to his defense of activists and persecuted religious believers.

Criminal trials are frequently closed to the public, and the conviction rate is estimated at 98 percent or more. While adjudication of minor civil and administrative disputes is considered more fair, cases that touch on politically sensitive issues or the interests of powerful groups are subject to decisive “guidance” from political-legal committees.

In recent years, dozens of human rights lawyers, activists, and other high-profile detainees have been presented in the media giving what are widely assessed as forced confessions, undermining their right to due process. In November 2019, Chinese state media published a “confession” video of Simon Cheng, a Hong Kong resident employed by the British consulate and detained on the mainland in August. Authorities said he was given 15 days of administrative detention for soliciting prostitutes, but Cheng alleged that he was tortured in custody and interrogated about the prodemocracy protests in Hong Kong.

Despite the abolition of “reeducation through labor” camps at the end of 2013, large numbers of people—particularly petitioners, grassroots rights activists, Falun Gong adherents, and Uighur Muslims—are still held in other forms of arbitrary detention. A new form of extrajudicial detention for targets of anticorruption and official misconduct investigations, known as liuzhi, was introduced in 2018, in tandem with the establishment of the NSC. Individuals can be held in liuzhi for up to six months without access to legal counsel.

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

Conditions in places of detention are harsh, with reports of inadequate food, regular beatings, and deprivation of medical care. The law encourages judges to exclude evidence obtained through torture, but in practice, torture and other forms of coercion are widely used to extract confessions or force political and religious dissidents to recant their beliefs. Security agents routinely flout legal protections, and impunity is the norm for police brutality and suspicious deaths in custody. An unusually high number of well-documented cases of political and religious prisoners dying in custody or shortly after release due to denial of proper medical attention emerged in 2019, with examples from across China. Citizens who seek redress for abuse in custody or suspicious deaths of family members often meet with reprisals and even imprisonment.
The government has gradually reduced the number of crimes that carry the death penalty, which totaled 46 as of 2019, but it is estimated that thousands of inmates are executed each year; the true figure is considered a state secret. The government claims it has ended the transplantation of organs from executed prisoners. However, the scale of the transplantation industry and the speed with which some organs are procured far exceed what is feasible via the country’s nascent voluntary donation system. Evidence of data falsification related to that system emerged in 2019. Rights activists, journalists, medical professionals, and an independent tribunal of experts sitting in London reiterated concerns during the year regarding unethical and illicit organ sourcing from prisoners, including religious and ethnic minorities such as Falun Gong adherents and Uighurs.

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

Chinese laws formally prohibit discrimination based on nationality, ethnicity, race, gender, religion, or health condition, but these protections are often violated in practice. Several laws bar gender discrimination in the workplace, and gender equality has reportedly improved over the past decade. Nevertheless, bias remains widespread, including in job recruitment and college admissions. The #MeToo movement against sexual harassment and assault, which began in the United States and has spread to China, helped to raise awareness of the problem during 2019. New reports of sexual harassment or assault and efforts by victims to seek legal redress were widely discussed online during the year, even as the hashtag itself and a prominent feminist Weibo account were censored and victims were harassed online for coming forward.

Ethnic and religious minorities, LGBT+ people, people with disabilities, and people with illnesses such as HIV/AIDS and hepatitis B also face widespread discrimination in employment and access to education. Religious and ethnic minorities are disproportionately targeted and abused by security forces and the criminal justice system. Official figures published during 2019 showed that courts in Xinjiang, where Muslim minorities make up a majority of the population, sentenced more than 230,000 people to prison or other criminal punishments in 2017 and 2018, a higher per capita rate than other parts of China; a much larger percentage of convicts were sentenced to terms of more than five years in Xinjiang than elsewhere.

Despite China’s international obligation to protect the rights of asylum seekers and refugees, Chinese law enforcement agencies continue to repatriate North Korean defectors, who face imprisonment or execution upon return. During 2019, observers noted an increase in the number of North Koreans being detained in China and subjected to repatriation, possibly due to bilateral security agreements and enhanced facial recognition technologies.
G Personal Autonomy and Individual Rights

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

China’s *hukou* (household registration) system prevents roughly 290 million internal migrants from enjoying full legal status as residents in cities where they work. The government has announced plans to gradually reform the system, expanding the benefits of urban residency to 100 million migrants based on their education, employment record, and housing status, with the most stringent requirements in major cities like Shanghai and Beijing and much looser standards applied in smaller municipalities. The plan would still leave a large majority of migrants without equal rights or full access to social services such as education for their children in local schools. In April 2019, the National Development and Reform Commission introduced the next stage of these reforms, requiring cities with one to three million residents to abolish all restrictions for migrants wishing to obtain a local *hukou*, and for cities with three to five million residents to ease restrictions for certain categories of migrants, especially those with higher education levels.

Many other Chinese citizens also face obstacles to freedom of movement within the country. Police checkpoints throughout Xinjiang limit residents’ ability to travel or even leave their hometowns. Elsewhere in China, as initial stages of a Social Credit System were introduced during 2019, millions of citizens reportedly encountered restrictions on air and train travel due to their low scores. While China’s constitution gives individuals the right to petition the government concerning a grievance or injustice, in practice petitioners are routinely intercepted in their efforts to reach Beijing, forcefully returned to their hometowns, or extralegally detained in “black jails,” psychiatric institutions, and other sites.

Millions of people are affected by government restrictions on their access to foreign travel and passports, many of them Uighurs and Tibetans. Overseas Chinese nationals who engage in politically sensitive activities are at risk of being prevented from returning to China, or choose not to return for fear of being arrested.

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

The authorities dominate the economy through state-owned enterprises in key sectors such as banking and energy, and through state ownership of land. Chinese citizens are legally permitted to establish and operate private businesses. However, those without strong informal ties to powerful officials often find themselves at a disadvantage in legal disputes with competitors, in dealings with regulators, or in the context of politicized anticorruption campaigns. Foreign companies and executives can face arbitrary regulatory obstacles,
debilitating censorship, demands for bribes, travel restrictions, or negative media campaigns. Many private companies in China have internal party organizations or committees.

Property rights protection remains weak. Urban land is owned by the state, with only the buildings themselves in private hands. Rural land is collectively owned by villages. Farmers enjoy long-term lease rights to the land they work, but they have been restricted in their ability to transfer, sell, or develop it. Low compensation and weak legal protections have facilitated land seizures by local officials, who often evict residents and transfer the land rights to developers. Corruption is endemic in such projects, and local governments rely on land development as a crucial source of revenue.

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

A legal amendment allowing all families to have two children—effectively abolishing the one-child policy that had long applied to most citizens—took effect in 2016. While the authorities continue to regulate reproduction, the change means that fewer families are likely to encounter the punitive aspects of the system, such as high fines, job dismissal, reduced government benefits, and occasionally detention. Abuses such as forced abortions and sterilizations are less common than in the past but continue to occur. Ethnic minorities are still permitted to have up to three children.

Muslims in Xinjiang face restrictions and penalties related to aspects of their appearance with religious connotations, such as headscarves on women or beards on men. Forced abortions and sterilization have been reported by Muslim women who escaped detention camps.

The country's first law designed to combat domestic violence came into effect in 2016, but domestic violence continues to be a serious problem, affecting one-quarter of Chinese women, according to official figures. Activists have complained that the new law fails to provide support for victims and does not criminalize spousal rape, and that it remains extremely difficult for victims to win court cases or even obtain protection orders against their abusers.

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

While workers in China are afforded important protections under existing laws, violations of labor and employment regulations are widespread. Local CCP officials have long been incentivized to focus on economic growth rather than the enforcement of labor laws.
Exploitative employment practices such as wage theft, excessive overtime, student labor, and unsafe working conditions are pervasive in many industries. Forced labor and trafficking are also common, frequently affecting rural migrants, and Chinese nationals are similarly trafficked abroad. Forced labor is the norm in prisons and other facilities for criminal, political, and religious detainees. Since 2018, according to research by scholar Adrian Zenz, authorities in Xinjiang have begun to place minority populations in different forms of forced or low-paid labor, including workshops linked to internment camps and large industrial parks or village-based factories for those not detained.
Hong Kong: Prominent Activist Barred from Elections

hrw.org/news/2019/10/30/hong-kong-prominent-activist-barred-elections

October 30, 2019

Hong Kong democratic activist Joshua Wong speaks to the media in Hong Kong on Saturday, Sept. 28, 2019. Wong announced plans to contest local elections and warns that any attempt to disqualify him will only spur more support for months-long pro-democracy protests.

© 2019 AP Photo/Kin Cheung

(New York) – The Hong Kong Electoral Affairs Commission (EAC) should immediately reverse its decision to disqualify the candidacy of Joshua Wong, a prominent pro-democracy activist, for upcoming district council elections, Human Rights Watch said today. On October 29, 2019, the EAC notified Wong that his candidacy for the November 24 elections was invalid. Barring a candidate from running for elected office on the basis of their peaceful political views violates fundamental rights to freedom of expression and to take part in genuine elections as guaranteed by the International Covenant on Civil and Political Rights (ICCPR). The ICCPR is incorporated into Hong Kong’s legal framework via the Basic Law, the territory’s functional constitution.

“Disqualifying Joshua Wong from running for office is just the latest example of the Hong Kong government’s increasingly anti-democratic tactics,” said Sophie Richardson, China director. “The government’s rigging of the electoral process reinforces for many people that the only way to be heard is by protesting on the streets.”
Wong, 23, who was running in the Southern District, was the only District Council candidate that the EAC disqualified. A Hong Kong government news release issued after the electoral commission’s decision stated that Wong “cannot possibly comply with the requirements of the relevant electoral laws, since advocating or promoting ‘self-determination’ is contrary to the content of the declaration that the law requires a candidate to make to uphold the Basic Law and pledge allegiance” to the Hong Kong Special Administrative Region.

Hong Kong has two elected bodies: the Legislative Council (LegCo) and the District Council. The LegCo, with 70 members, has some lawmaking authority. The District Council, which has 452 members, is a consultative body that advises the government on local issues. Unlike for the LegCo, all 452 seats on the District Council are elected by one person, one vote. In recent years many of these seats have been held by pro-Beijing figures who ran unchallenged, but the recent months of pro-democracy demonstrations have prompted more people to run, such that all 452 seats for the upcoming election are competitive.

Since 2016, the Hong Kong government has increasingly disqualified pro-democracy figures from running for seats in the LegCo or unseated them after they had been elected. But the rejection of Wong’s application was the first time a candidate for District Council elections has been disqualified for their peacefully expressed political views.

In 2016, the electoral commission added a requirement that all candidates wishing to run for the LegCo must fill out a “confirmation form,” in which candidates affirm that Hong Kong is an inalienable part of China, a requirement that infringes on the right to peaceful expression. The commission then disqualified two pro-democracy candidates – Edward Leung of Hong Kong Indigenous and Andy Chan of the Hong Kong National Party – because their pro-independence stances were deemed “incompatible with the Basic Law.”

China’s government intervened following the 2016 LegCo elections, when several outspoken pro-democracy candidates won seats. It issued an “interpretation” of the Basic Law that compelled the Hong Kong courts to disqualify two legislators, Yau Wai-ching and Baggio Leung, who explicitly advocated independence for Hong Kong. That court decision led to the disqualification of four more pro-democracy legislators in July 2017.

When some of those vacated LegCo seats became available, the electoral commission disqualified a Demosisto Party candidate, Agnes Chow, stating that her promotion of “self-determination” for Hong Kong is “inconsistent” with the Basic Law. In September 2019, a Hong Kong court overturned Chow’s disqualification because the EAC failed to give Chow an opportunity to respond to the decision.

The central and Hong Kong governments, in a series of decisions made since 1997, have backtracked and foreclosed on the obligation, guaranteed under the ICCPR and Basic Law, to institute universal and equal suffrage, and further encroached on other human rights in
Hong Kong. They have prosecuted dozens of Hong Kong pro-democracy leaders. A bookseller and a tycoon – both holding foreign passports – were abducted from Hong Kong to the mainland under murky circumstances.

The Chinese and Hong Kong authorities tried to impose draconian legislation that would force people to “respect” the Chinese national anthem, and another law that would allow the extradition of suspects to China’s highly abusive criminal-justice system. They banned a political party that peacefully promotes Hong Kong independence – a relatively recent call though such moves have grown more frequent as Beijing has tightened its control.

“The Chinese government should recognize that denying Joshua Wong’s candidacy for office merely validates the claims of Hong Kong protesters,” Richardson said. “The government needs to respect Hong Kong people’s promised rights to universal suffrage, not further restrict them.”

Your tax deductible gift can help stop human rights violations and save lives around the world.
OVERVIEW

The official policy towards LGBTQI people in China can be described as “don’t encourage, don’t discourage, don’t promote.” Over the past decade, the Chinese government has increasingly clamped down on its citizens’ human rights, particularly freedom of expression, assembly, and the press. As a result, LGBTQI organizations and activists face intimidation and violence by security services. China’s Cybersecurity Law, which bans the dissemination of information disruptive to the “social order,” criminalizes the distribution of information for and about the LGBTQI community. Due to this shrinking civic space and censorship, it has been challenging for LGBTQI groups to organize.

Since China stopped prosecuting gay men under hooliganism laws in the 1990’s, government officials have largely stayed silent on the issue of the human rights of LGBTQI people - even as LGBTQI activists push for recognition and equality. Traditional cultural values and family units are emphasized in China, which contributes to the social ostracization of and discrimination against LGBTQI people. So-called “conversion clinics” offering “conversion therapy” for sexual orientation and gender identity reorientation operate fairly freely in the country, and there is strong family pressure for LGBTQI people to undergo these harmful “treatments.”

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PRIVACY POLICY
(OUTRIGHT-PRIVACY-POLICY)
Third Anniversary of the lawyers crackdown in China: Where are the human rights lawyers?

It's already been three years since China launched a crackdown on human rights lawyers and activists across the country. Starting on 9 July 2015, nearly 250 targeted individuals were questioned or detained by state security agents.

Overall, nine were convicted of “subverting state power”, “inciting subversion of state power” or “picking quarrels and provoking trouble”. Three people were given suspended sentences and one “exempted from criminal punishment” while remaining under surveillance. To date, four remain imprisoned.

Wang Yu

Lawyer Wang Yu

Wang Yu was the first lawyer taken away in the lawyers crackdown. She recently told Amnesty International:

“It’s been exactly three years since the 709 crackdown. The crackdown has revealed the arrogant and arbitrary way that power is exercised and lifted the veil on the [authorities’] false claims to ‘govern the state in accordance with the law’. It has shown people the true nature of their authoritarian rule. This is just the kind of arbitrary and unreasonable behaviour you get in a system where there are no limits on power and the authorities can simply do whatever they please, no matter how stupid or arrogant. Law is merely a tool they use to control and dominate people and is of no use in safeguarding social justice."

“In these three years, lawyer Wang Quanzhang has gone missing for more than 1,070 days with no news whatsoever. And lawyers who tried to provide defence and support for others during the 709 crackdown – like Jiang Tianyong, Yu Wensheng and Li Yuhan – have all ended up behind bars. Other lawyers, like Sui Muqing, Xie Yanyi, Li Heping or my own defence lawyer, Wen Donghai, have all had their licences revoked or suspended."

"China’s lawyers have paid a heavy price for the rule of law! But I believe that China will inevitably move toward democracy and rule of law, no matter how bumpy the road ahead may be! I send blessings to the suffering lawyers of China and the nation as a whole!"
The 709 crackdown has revealed the arrogant and arbitrary way that power is exercised. China’s lawyers have paid a heavy price for the rule of law! But I believe that China will inevitably move toward democracy and rule of law, no matter how bumpy the road ahead may be!

**Wang Quanzhang**

Among all the lawyers and activists involved in the crackdown, **Wang Quanzhang**’s situation is the most worrying. He has worked on issues considered sensitive by the Chinese government, such as defending practitioners of Falun Gong and members of the New Citizens’ Movement. Since being taken away in August 2015, Wang has been denied any access to his family and family-hired lawyers. His physical and mental conditions remain unknown. His wife, Li Wenzu, has been monitored and harassed by the national security agents. She’s desperate to find out her husband’s fate.

It will soon be three years since we lost all contact with Wang Quanzhang. There’s still no news whatsoever and they aren’t allowing his lawyers to meet with him. We can’t even meet with the officials who are handling the case. We’re extremely worried about what might have happened to him!

**Jiang Tianyong**

Human rights lawyer **Jiang Tianyong** was found guilty of “inciting subversion of state power” by the Changsha City Intermediate People’s Court on 21 November 2017 and sentenced to two years’ imprisonment and deprivation of political rights for three years. From the beginning of Jiang’s detention in November 2016, the Changsha City Public Security Bureau rejected all meeting requests made by the family-hired lawyers on the grounds of “obstructing the investigation” and “endangering national security”. Although Jiang Tianyong has been able to meet with his family since his sentencing, his wife, Jin Bianling, remains concerned that he is at risk of torture and other ill-treatment.

Jiang Tianyong was force-fed unknown medication and his memory is deteriorating. He doesn’t even remember how old his kid is.

**Li Yuhan**
Lawyer Li Yuhan

**Li Yuhan** was one of two lawyers who represented Wang Yu, the first lawyer detained during the 709 crackdown. Li was formally arrested for “picking quarrels and provoking trouble” in November 2017. She has suffered physical abuse while in detention and is at risk of further torture and other ill-treatment. She reported to her lawyer that she was left unconscious and unattended for hours after detention officers poured cold water on her during a bath in freezing weather.

Yu Wensheng

Beijing human rights lawyer **Yu Wensheng** was formally arrested by the Xuzhou City Public Security Bureau on 19 April 2018 on suspicion of “inciting subversion of state power” and “obstructing the duties of public officers”. Later on, the police officers provided a statement, allegedly written by Yu, dismissing the services of his family-appointed lawyers and asking his wife not to hire any other lawyers. However, in a video recorded prior to his detention, Yu Wensheng stated that he would never give up the right to choose his own lawyer unless he was subjected to torture or other ill-treatment. This video contradicted the alleged dismissal of Yu Wensheng’s family-appointed lawyers and has raised grave fears about his wellbeing.

Some of the 709 lawyers still haven’t returned home, three years later. Some of the defence lawyers have also lost their freedom. I pray that all of the lawyers striving for rule of law and their family members will soon be free of the difficulties they’ve been facing. May they soon be reunited and allowed to work in peace and live happy lives!

Li Heping, Sui Muqing, Wen Donghai and Xie Yanyi

On the other side, those human rights lawyers who were released later on in the 709 crackdown are facing other difficulties. **Li Heping, Sui Muqing, Wen Donghai** and **Xie Yanyi** have all been disbarred. They are no longer able to use their legal expertise to seek justice for victims of human rights abuse. But that doesn't mean these human rights lawyers in China have lost their hope.

Lawyer Xie Yanyi told Amnesty International:

“Many thanks to all of those who have shown support and kindness to the victims of the 709 crackdown and to those friends who have been closely following China's human rights and rule of law for so many years!”
“The 709 crackdown was essentially a debate over two different commitments – the commitment to peace, democracy, freedom and citizenship, on the one hand, and the commitment to violence, dictatorship, enslavement and privilege on the other. The 709 crackdown and the popular resistance to it have led to a further awakening among all.”

Even though the stability system has intensified over the three years since the crackdown began and there is more widespread human suffering, we remain full of confidence in the future of our country and believe that peace, democracy, justice and human reason will prevail!

Three years after the lawyers crackdown, Amnesty International continues to call on the Chinese government to:

- Immediately and unconditionally release Wang Quanzhang, Jiang Tianyong and other human rights lawyers and activists who are detained or imprisoned solely for peacefully exercising their human rights to freedom of expression or peaceful assembly;
- Ensure that, while in custody, Wang Quanzhang, Jiang Tianyong and other human rights lawyers and activists are not subjected to torture or other ill-treatment, and that they are allowed prompt, regular and effective access to their family, lawyers of their choice and medical care as necessary or requested;
- Stop its persecution, intimidation and harassment of human rights lawyers, activists and their families;
- Create an enabling environment for lawyers to help victims of human rights abuses seek justice.
A popular service used by many of China’s 730 million internet users to get around government censorship has shut down in the wake of a ban on virtual private networks, or VPNs, by the ruling Chinese Communist Party.

Popular service provider GreenVPN sent out a notice to customer saying its services would be closing from July 1, while the Apple and Android stores have blocked downloads of GreenVPN apps to their customers since that date.

The company took the action after "receiving a notice from regulatory departments," it said in a recent statement.

A Beijing internet user surnamed Xiang confirmed to RFA that her GreenVPN app is showing "no internet connection."
"Basically, that means that the VPN has been shut down," Xiang said.

"The authorities aren't allowing the VPN service providers to enable people to bypass the Great Firewall any more."

"I can't get past the Great Firewall on my Chinese-made iPhone, but a friend of mine who has an i-Phone made in South Korea can," she said.

"We are both using the same circumvention app, but the one made in China can't get around the Great Firewall any more."

**Patchy connections**

Guangzhou-based internet user Huang Yongxiang said he has been having similar problems.

"It has been pretty difficult to get online in the past few days," Huang said. "It used to be a smooth experience, without many dropped connections, but recently the connection keeps getting cut off, sometimes every 10 minutes or half an hour."

The move comes after new rules banning the use of circumvention tools to get around internet censorship were apparently piloted in the southwestern megacity of Chongqing earlier this year.

Chongqing only recently made public the new regulations, which came into effect last July and ban the city's 50 million residents from "scaling the Great Firewall."

Individuals and companies that use tools like VPNs to circumvent the complex array of blocks, filters and human censorship were ordered to disconnect, while anyone profiting from such activity will be fined, according to the Chongqing regulations.

This could include anyone seeking to read news that the government regards as unflattering, businesses wanting to use blocked social media sites like Facebook, Twitter and Google to communicate, and academics seeking access to overseas research.
But China’s Ministry of Industry and Information Technology said it would implement a raft of new controls of online content in January, including restricting VPNs.

Meanwhile, Chinese censors have sparked a storm of international criticism after they issued a set of rules banning the depiction of “abnormal sexual acts ... such as homosexuality” from online video content.

**Obscene sexual content**

The China Netcasting Services Association (CNSA), which is tasked by the ruling Chinese Communist Party to monitor and control online video, audio and streaming services, issued the guidelines for online multimedia content on June 30.

"Content in vulgar taste and with obscene sexual content ... that depicts abnormal sexual relations such as incest, homosexuality, perversion, sexual abuse, sadism or sexual violence," was listed as banned in the regulations posted to the association’s official website.

Content that “shows and promotes unhealthy love and marital situations, like extramarital affairs, one night stands, sexual freedom or wife-swapping and so on” is also banned.

Prolonged shots of any sexual activity that provide "sensory stimulation" are also to be avoided, the order says.

Any organization posting broadcast content online must review it beforehand, checking for its compliance with the new rules, including overall plot-lines, shots, lines, sound effects, characterisation and subtitles, it says.

"Political orientation, values, and aesthetic orientation" must also be taken into account.

"China’s decision to implement a new ban on homosexual content on the internet is irresponsible and dangerous," the U.K.'s Gay Times said in a recent article on its website.

And the Chinese LGBT magazine Gay Voice said: "The false information in these regulations has already caused harm to the Chinese LGBT community – who are already subjected to prejudice and discrimination."
The rules are the latest in a string of draconian regulations issued by Beijing in a bid to exert complete control over what its citizens can see, or post, online.

Last November, Beijing issued a raft of new measures require any websites operating in China to register with a Chinese domain name, which will be subject to state control and can be used to shut down entire websites within the country-level .cn top-level domain.

Reported by Wong Lok-to for RFA’s Cantonese Service. Translated and edited by Luisetta Mudie.
China keeps turning screw on civil liberties and free speech, says US-backed campaign group Freedom House

China / Diplomacy

- Report calls Beijing's internment of Muslim Uygurs in Xinjiang ‘one of the world’s most extreme programmes of ethnic and religious persecution’
- India and United States are democracies where overall freedoms have declined in the past 14 years, group says
Freedom House says police and “pro-government thugs” in Hong Kong are to blame for repression of pro-democracy demonstrators. Photo: Reuters

Beijing’s pressure on civil liberties intensified over the past year, when censorship and surveillance reached “new extremes”, independence in academia hit “new lows”, and repression of religious and ethnic minorities did not relent, according to a new report from a democracy watchdog organisation.

Freedom House, a US government grant-funded, Washington-based non-profit, said that 2019 was the 14th consecutive year of deteriorating political rights and freedoms – notably in China – despite the rise of mass protest movements worldwide, including anti-government demonstrations in Hong Kong that called for greater political autonomy from China.

“The authorities continued a years-long crackdown on independent civil society, with new arrests and criminal prosecutions of website editors, labour rights activists, and human rights lawyers, as well as greater scrutiny of foreign NGOs [non-governmental organisations],” the report said.
Coronavirus: Hong Kong anti-government protests and violent clashes return amid Covid-19 epidemic

“The space for independent academic discussion and research reached new lows, with professors and students facing reprisals – in the form of censored writings, travel restrictions, demotions, arrests, or imprisonment – for expressing views that were deemed critical of CCP governance.”
Sarah Zheng

Sarah Zheng joined the Post as a reporter in 2016. She graduated from Tufts University with a degree in international relations and film and media studies. She reports on China's foreign policy.

Human rights in China
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South Korean scientists map coronavirus genome, paving way for vaccine and better tests

- A team led by V. Narry Kim, one of the country’s most prominent researchers, has shed more light on the virus that causes Covid-19
- She says the breakthrough will help scientists understand how it replicates and escapes the human defence system

Park Chan-kyong
Published: 7:31pm, 10 Apr, 2020
Updated: 11:11pm, 10 Apr, 2020

Why you can trust SCMP
9k
The research team at the Centre for RNA Research in Seoul’s Institute for Basic Science led by V. Narry Kim (centre). Photo: Handout
Park Chan-kyong

Park Chan-kyong is a South Korean journalist who has worked for the Agence France-Presse Seoul bureau for 35 years. He is now working for the South China Morning Post. He studied political science at Korea University and economics at the Yonsei University Graduate School.

Coronavirus outbreak
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China / Politics

Missing Chinese citizen journalist Li Zehua back online after ‘quarantine’ in coronavirus epicentre

- Li posts video of moment police entered a flat where he was staying in Wuhan
- But fate of two other video bloggers, Chen Qiushi and Fang Bin, still not known

Matt Ho
Published: 8:25pm, 23 Apr, 2020

Updated: 8:32pm, 23 Apr, 2020
Chinese citizen journalist Li Zehua has re-emerged after being missing for almost two months. Photo: Li Zehua YouTube channel
Matt Ho has covered the dynamics of China’s changes for the Post since 2010. Before joining the Post, he was deputy Beijing bureau chief for Hong Kong Commercial Radio and a Hong Kong government international trade specialist.

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China / Society

Coronavirus: what next for China’s wildlife trade ban?

- The government has prohibited the sale of wild animals for food to try to stop the emergence of pandemic diseases like Covid-19
- Much of those efforts are in response to a number of early cases linked to a wet market in Wuhan that sold exotic species
A man walks by a poster promoting the protection of wildlife animals in Beijing on March 11, 2020. Authorities have cracked down on the sale of wild animals for food. Photo: AP
Simone McCarthy

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China imprisoned more journalists than any other country in 2019: CPJ

Reuters.com/article/us-global-rights-journalists-graphic/china-imprisoned-more-journalists-than-any-other-country-in-2019-cpj-idUSKBN1YF0KA

(Reuters) - China imprisoned at least 48 journalists in 2019, more than any other country, displacing Turkey as the most oppressive place for the profession, a report by the Committee to Protect Journalists report said on Wednesday.

At least 250 journalists were imprisoned worldwide this year, according to the report, which the committee compiles annually. The total last year was 255, said the report by the New York-based CPJ.

China’s total rose by one since last year. The report noted that “the number has steadily increased since President Xi Jinping consolidated political control of the country.”

“A crackdown in Xinjiang province - where a million members of Muslim ethnic groups have been sent to internment camps - has led to the arrests of dozens of journalists, including some apparently jailed for journalistic activity years earlier,” the report said.

Asked about the report by at a regular briefing in Beijing on Wednesday, foreign ministry spokeswoman Hua Chunying said U.S.-based institutions had no credibility.

When asked about the number of journalists jailed in China, Hua said she could not confirm the figure, adding that China was a country where the rule of law prevailed and no one was above the law.

“You should feel lucky that you work in Beijing and not in Washington,” she told reporters.

Turkey imprisoned 47 journalists in 2019, down from 68 last year. Saudi Arabia and Egypt, both with 26; Eritrea with 16; Vietnam, with 12; and Iran with 11 were the next-most oppressive countries for journalists, the report said.

It noted that “authoritarianism, instability, and protests” this year had led to an increase in the number of journalists imprisoned in the Middle East.
About 8% of those imprisoned globally are women, down from 13% last year, the report said. Politics, human rights and corruption were the subjects most likely to land journalists in jail, it said.

The report is a snapshot of the journalists imprisoned on Dec. 1 each year, the committee said. It does not include those who have been released earlier or journalists taken by non-state entities such as militant groups.

GRAPHIC: Journalists detained around the world - [here](#)
Our Standards: The Thomson Reuters Trust Principles.
TAB 18
China, Turkey, Saudi Arabia, Egypt are world's worst jailers of journalists

cpj.org/reports/2019/12/journalists-jailed-china-turkey-saudi-arabia-egypt.php

For the fourth consecutive year, at least 250 journalists are imprisoned globally as authoritarians like Xi Jinping, Recep Tayyip Erdoğan, Mohammed bin Salman, and Abdel Fattah el-Sisi show no signs of letting up on the critical media. A CPJ special report by Elana Beiser
Watch Video At: https://youtu.be/22augWPS6SM

More in This Report

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NEW YORK

The number of journalists imprisoned globally for their work in 2019 remained near record highs, as China tightened its iron grip on the press and Turkey, having stamped out virtually all independent reporting, released journalists awaiting trial or appeal. Authoritarianism, instability, and protests in the Middle East led to a rise in the number of journalists locked up in the region -- particularly in Saudi Arabia, which is now on par with Egypt as the third worst jailer worldwide.

In its annual global survey, the Committee to Protect Journalists found at least 250 journalists in jail in relation to their work, compared with an adjusted 255 a year earlier. The highest number of journalists imprisoned in any year since CPJ began keeping track is 273 in 2016. After China, Turkey, Saudi Arabia, and Egypt, the worst jailers are Eritrea, Vietnam, and Iran.

While the majority of journalists imprisoned worldwide face anti-state charges, in line with recent years, the number charged with “false news” rose to 30 compared with 28 last year. Use of the charge, which the government of Egyptian President Abdel Fattah el-Sisi applies most prolifically, has climbed steeply since 2012, when CPJ found only one journalist worldwide facing the allegation. In the past year, repressive countries including Russia and Singapore have enacted laws criminalizing the publication of “fake news.”

This year’s census marks the first time in four years that Turkey has not been the world’s worst jailer, but the reduced number of prisoners does not signal an improved situation for the Turkish media. Rather, the fall to 47 journalists in jail from 68 last year reflects the successful efforts by the government of President Recep Tayyip Erdoğan to stamp out independent reporting and criticism by closing down more than 100 news outlets and lodging terror-related charges against many of their staff. With the industry gutted by government shutdowns and takeovers, and scores of journalists in exile, jobless, or cowed into self-censorship, authorities on October 24 enacted a legislative package that granted new appeals on convictions for certain offenses -- including “propaganda for a terrorist organization,” a favorite charge of prosecutors -- and shortened some pretrial detention periods.

Dozens of journalists not currently jailed in Turkey are still facing trial or appeal and could yet be sentenced to prison, while others have been sentenced in absentia and face arrest if they return to the country. So many people in Turkey -- tens of thousands of military personnel, police, legislators, judges, and prosecutors as well as journalists, according to
news reports - have been charged with crimes since a failed coup attempt in 2016 that what is left of law enforcement and the judiciary seem barely able to keep up. One journalist, Semiha Şahin, described to CPJ how she was released to house arrest pending trial but, because she was never fitted with an electronic monitoring device, she is effectively free but lives in fear of being caught and returned immediately to prison.

Journalist Nazli Ilicak is embraced after her release from prison in Istanbul in November 2019, after a court ordered her free on time served at a retrial. Two of her colleagues remain in prison on terrorism related charges, among the 47 journalists jailed in Turkey.

(Reuters/Huseyin Aldemir)

Since CPJ began keeping track of journalists in prison in the early 1990s, Turkey has frequently vied with China for the ignominious title of the world's worst jailer. In 2019, CPJ found at least 48 journalists jailed in China, one more than in 2018; the number has steadily increased as President Xi Jinping consolidated political control of the country and instituted ever tighter controls on the media. In one recent Chinese case, Sophia Huang Xueqin, a freelancer who formerly worked as an investigative reporter at Chinese outlets, was arrested in October shortly after describing on her blog what it was like to march with the pro-democracy protesters in Hong Kong. She faces charges of “picking quarrels and provoking trouble,” a common anti-state allegation levied against critics whom the ruling Chinese Communist Party view as a threat.
A crackdown in Xinjiang province -- where a million members of Muslim ethnic groups have been sent to internment camps -- has led to the arrests of dozens of journalists, including some apparently jailed for journalistic activity years earlier. Of the four affiliated with the state-owned Kashgar Publishing House, which issued books and periodicals on topics including politics and legal and demographic developments, two editors had retired at least a decade earlier.

Authorities in Saudi Arabia -- where the number of journalists jailed has risen steadily since 2011 -- also targeted several journalists who had apparently ceased working. In 2019, the Gulf kingdom was holding at least 26 journalists behind bars, making it the third worst jailer alongside Egypt. Saudi authorities barely make any pretense of due process; no charges have been disclosed in 18 of the cases, and those who have been tried have been sentenced in a secretive and often rushed manner. There are widespread reports of torture; medical reports leaked to The Guardian in the spring detailed evidence of authorities beating, burning, and starving political prisoners, including four journalists. The arrests and documented abuse show how Crown Prince Mohammed bin Salman, who U.S. intelligence services and an independent inquiry by a U.N. rapporteur say is responsible for the 2018 murder of Washington Post columnist Jamal Khashoggi, continues his brutal crackdown on dissent.
Saudi participants at the Future Investment Initiative stand for the national anthem in front of a screen displaying images of Saudi King Salman, right, and Crown Prince Mohammed bin Salman, on October 28, 2019, in Riyadh. Saudi Arabia had at least 26 journalists in prison at the end of 2019. (AP Photo/Amr Nabil)

Violent abuse also characterized at least one recent arrest in Egypt. On October 12, plainclothes security officers in unmarked vehicles forced a car carrying reporter and columnist Esraa Abdelfattah off the road in greater Cairo, dragged her from the car and beat her, according to her friend and fellow journalist Mohamed Salah, with whom she was traveling. In custody, Abdelfattah alleges she was beaten a second time for refusing to unlock her phone, and then shackled for hours. Salah said the officers at the initial encounter blindfolded and beat him, then took him to a deserted highway, questioned him for an hour, took his phone's SIM card, and left him there. Authorities arrested Salah six weeks later and he remains jailed.

In total, the number of journalists in Egyptian jails rose only slightly from last year to 26, as several were released during the year. But in another cruel manifestation of Egypt's fear of critical journalists, authorities ordered some released prisoners, notably award-winning photographer Mahmoud Abou Zeid, known as Shawkan, and prominent blogger Alaa Abdelfattah to check in at a police station every evening. While it is up to the discretion of officers on duty whether they must stay or merely check in and leave, Shawkan has spent every night at a police station since his release from Tora prison March 4, according to a relative, leading CPJ to maintain his listing as imprisoned. Abdelfattah also spent every night in jail for six months, his sister said, until he was re-arrested on September 29.

Several of the fresh arrests in Egypt came ahead of protests against army corruption on September 19, which included calls for President el-Sisi to resign. Most of the journalists jailed in Egypt are grouped in mass trials and charged with both terror offenses and false news.

Iran, which also saw significant protests in 2019, increased the number of journalists in jail to 11. Prominent economic reporter Mohammad Mosaed was arrested after tweeting during an internet shutdown intended to suppress news of protests against high gas prices, “Hello Free World!” and that he was using “42 different proxies” to get online. At least three journalists were also jailed in Algeria amid pro-democracy protests.

Russia had seven journalists in custody, four of them because of their work in occupied Crimea documenting the Crimean Tatar minority population and Russian attacks on them.

Of 39 journalists jailed in sub-Saharan Africa, the bulk remain in Eritrea, where most have not been heard from for nearly two decades; Cameroon was second worst. While the number of journalists in prison in that region is broadly steady with last year, CPJ finds that freedom of expression is backsliding in two of the most populous countries, Ethiopia and Nigeria, which does not bode well for journalists.
Vietnam remained Asia’s second-worst jailer after China, with 12 behind bars. In all of the Americas, three journalists were jailed.

Other findings from CPJ’s annual census include:

- Ninety-eight percent of journalists jailed worldwide are locals covering their own country. Three of the four journalists with foreign citizenship are imprisoned in Saudi Arabia, and the fourth in China.
- Twenty of the jailed journalists, or 8%, are female, compared with 13% last year.
- Politics was the beat most likely to land journalists in jail, followed by human rights and corruption.
- More than half of those imprisoned were reporters publishing online.

CPJ this year converted decades worth of research on imprisoned journalists into a database and revised the historical numbers to eliminate duplication; count people from the date of their arrest rather than the date CPJ learned of their case; and retroactively apply the methodology as consistently as possible. Going forward, each year’s census is likely to result in minor adjustments to the previous years’ numbers as CPJ learns of arrests, releases, or deaths in prison. In 2019, news emerged of the death of one journalist CPJ had listed in Syrian prisons, Ali Mahmoud Othman. Also this year, CPJ found six new prisoners who had been jailed before 2019 and discovered that one previous Chinese prisoner was jailed for her poetry. Accordingly, CPJ adjusted the number of journalists imprisoned last year to 255 from 251 reported in December 2018.

Methodology

The prison census accounts only for journalists in government custody and does not include those who have disappeared or are held captive by non-state actors. (These cases—including several journalists held by Houthi rebels in Yemen and Ukrainian journalist Stanyslav Aseyev held by pro-Russian separatists in Ukraine’s east—are classified as “missing” or “abducted.”)

CPJ defines journalists as people who cover the news or comment on public affairs in any media, including print, photographs, radio, television, and online. In its annual prison census, CPJ includes only those journalists who it has confirmed have been imprisoned in relation to their work.

CPJ believes that journalists should not be imprisoned for doing their jobs. In the past year, CPJ advocacy helped lead to the early release of at least 80 imprisoned journalists worldwide.

CPJ’s list is a snapshot of those incarcerated at 12:01 a.m. on December 1, 2019. It does not include the many journalists imprisoned and released throughout the year; accounts of those cases can be found at https://cpj.org. Journalists remain on CPJ's list until the
organization determines with reasonable certainty that they have been released or have died in custody.

*Elana Beiser is editorial director of the Committee to Protect Journalists. She previously worked as an editor for Dow Jones Newswires and The Wall Street Journal in New York, London, Brussels, Singapore, and Hong Kong.*
Can you be gay online in China? Social media companies aren’t sure

April 17, 2019


'James Griffiths is a Senior Producer for CNN International and author of "The Great Firewall of China: How to Build and Control an Alternative Version of the Internet."'

Hong Kong (CNN Business) Weibo can't seem to get it right.

After apparently censoring a popular hashtag related to LGBT issues, the Chinese social network restored access Tuesday following a major backlash from users. That backlash saw Weibo filled with rainbow flags, while related hashtags attracted millions of views and posts. In many ways, it was a repeat of what happened last year, when Weibo launched a campaign to "clean up" the platform, including the removal of all gay-themed cartoons and videos — along with pornographic and violent material — to comply with Chinese laws and regulations.

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The Twitter-like service, which boasts nearly 400 million active users, had to backtrack too after an uproar from activists and ordinary users. Both incidents show just how difficult it can be for even some of China's largest internet companies to toe the government's ever-moving line on what is permitted on the internet. A spokesman for Weibo did not respond to CNN's request for comment for this article.

After Weibo banned the “super topic” (similar with tag) of “lesbian” with 480 million hits and WeChat forbiddened using rainbow emoji in usernames, online protest is raising again this weekend. pic.twitter.com/KyIthaCqQI
— Lü Pin (@pinerpiner) April 15, 2019

Great Firewall

While there are some hard and fast rules for what content is banned in China — pornography, separatism, terrorism, for example — for the most part companies are expected to regulate themselves. There is no comprehensive blacklist of sensitive topics, so companies, and their legions of censors, must second-guess whether individual posts or discussions are to be allowed, based on their interpretation of public pronouncements and campaigns. "Due to the lack of transparency in censorship decisions by the Chinese government and Chinese social media companies, we won't be able to really know who was behind the censorship and then the reversal," Yaqiu Wang, a researcher at Human Rights Watch and expert on Chinese media, told CNN. She said that a vague clause in the recently passed Cybersecurity Law, on respecting "social morality," may "have driven Weibo to censor LGBT content."

Woes of China censorship reporting: multiple mechanisms, lots of layers, lots of actors, opaque motives and topics move in and out of censors’ attention... I’m still seeing lots of concern out there about renewed efforts targeting LGBT content.
— Christian 马思潭 (@cdcshepherd) April 16, 2019

The general lack of certainty about what they're supposed to police often leads companies to err on the side of caution, fearing potentially ruinous punishments for failing to censor something they should have. Last year, Quora-style question and answer service Zhiyu was removed from app stores for a week "due to lax supervision and the spread of illegal information," according to a leaked censorship directive. Other companies have faced major fines and suspensions in the past. But taking the initiative on censorship can also get companies in trouble, as Weibo has learned twice now. While the Chinese government has stepped up restrictions on the country's LGBT community in recent months, there has been no official directive — yet —
that anything to do with gay or lesbian issues should be censored. This appears to have left Weibo stuck between its young, more liberal users, and the old, conservative men who run the Communist Party, unsure of who to please and running the risk of angering both.

Crackdown?

Weibo's brief censorship of LGBT content is not the first sign that official attitudes may be hardening. Homosexuality is not illegal in China and the authorities removed it from the official list of mental disorders in 2001. But in recent years, the Communist government under President Xi Jinping has taken an increasingly hardline stance on LGBT rights, banning portrayal of same-sex relationships on television and online.

China's LGBT community excited by Pete Buttigieg’s presidential run

In March, most mentions of homosexuality were removed from "Bohemian Rhapsody," the award-winning biopic of British rock band Queen’s frontman Freddie Mercury, prior to its release in China. Among the clips that were removed were scenes of men kissing and the word "gay" for the Chinese audience.

According to the South China Morning Post, several LGBT organizations, including the Guangzhou Gender and Sexuality Education Centre, have been shut down in recent months. Speaking to the Financial Times before the Weibo ban was rolled back, a spokesman for the Beijing LGBT Centre predicted that "China's censorship of LGBT content will be ever more strict this year compared to last year."

Wang, the HRW researcher, saw two reasons for the government's apparent hostility to LGBT issues. "The Communist Party wants to assert itself as the only moral authority in Chinese society and dictate ... what is not for the public to consume, often in the name of national security and social stability," she said.

The Chinese government considers independent civil society groups and organized protests as threats to its rule, Wang added. "It certainly does not want to see China's LGBT community becoming more empowered through online organizing."
In an assault on freedom of expression, a court in China sentenced a successful novelist, Ms. Liu, to 10 years in prison on October 31 for including explicit homoerotic content in her work. The charge against her was making and selling “obscene material” for profit. Information about the case has just recently been circulated online, generating a widespread outcry on social media against censorship as well as the disproportionate and excessive severity of her sentence.

The writer, who uses the pen name Tianyi, was arrested in 2017, after the publication of her novel “Occupy.” Pornography is illegal in China. The 1997 penal code forbids depicting sexual acts except for medical or artistic purposes. According to police in Anhui Province, in eastern China, the book described “obscene behavior between males,” including “violence, abuse, and humiliation.”
“BoysLove” (BL) a genre of homoerotic fiction aimed primarily at women - is popular in China, leading to a proliferation of self-published online books. "Guardian," a sci-fi story in the “BoysLove” genre, was adapted and released as a web-based series. It garnered 1.8 billion views before being pulled from the video streaming platform Youku even though the gay relationship between the male protagonists had been downplayed and disguised.

While “BoysLove” is a burgeoning phenomenon, depictions of same-sex desire have a long history in Chinese literature. “Passion of the cut sleeve,” a common euphemism for homosexuality in China, originates with the famous story of Emperor Ai, who awoke to find his male lover, Dong Xian, asleep beside him and cut his own sleeve rather than disturb him. And a pillar in the canon of Chinese literature, the 18th century novel "Dream of the Red Chamber," makes extensive reference to same-sex desire.

Despite the fact that homosexuality is neither a crime nor regarded as an illness in China, lesbian, gay, bisexual and transgender (LGBT) people face widespread discrimination. "Ji jian" (anal sex between men) was removed from the penal code as early as 1907, but decades later, in 1984, a National Supreme People's Court case expressly included ji jian under the rubric of “other hooligan activities,” until that too was removed from a revised criminal code in 1997.

In 2001, the Chinese Society of Psychiatry removed homosexuality from the Chinese Classification of Mental Disorders. Even so, the government closely monitors public expression of LGBT identities. And contrary to Chinese law that requires a diagnosis prior to treatment, “conversion therapies,” in some cases including electroshock treatment, are offered in private and public clinics, indicating intense family pressure on LGBT people to change.

LGBT content is specifically subject to censorship in Chinese media. In 2016, the government ordered the removal from the internet of China's first online gay-themed TV series. And in June 2017, under the government's direction, the China Netcasting Service Association issued new guidelines that require removing all videos featuring same-sex relationship content from the internet - a vital forum for networking and communication for LGBT people.

The guidelines include a category of “abnormal sexual relationships and sexual behaviors” that lists homosexuality alongside sexual assault, abuse and violence, hence characterizing homosexuality as abnormal and abusive.

The social media network Weibo announced in April 2018 that it would remove all gay content from the service — a decision that was reversed after a massive response on social media. In July, the State Administration of Press, Publication, Radio, Film and Television
issued a further directive, instructing relevant authorities to “strictly control programs [and] monitor and clean up harmful and vulgar content that might infringe on the physical and mental health of young people.”

The conflation of homosexuality with obscenity by public broadcast authorities and the disproportionate sentence handed down to Ms. Liu is rightly being condemned — this is a case of censorship, but censorship with a twist of homophobic prejudice. Chinese authorities should stop using pornography laws to further curtail freedom of expression.

*Graeme Reid is the LGBT rights director at Human Rights Watch.*
Chinese Activists Warned Off Protests on World AIDS Day

2017-12-01

Workers in India prepare signs for World AIDS Day in an undated photo. Reuters

Chinese rights activists say they have been warned off any form of public activism or protest on World AIDS Day, in a crackdown on civil society in the country that began around two years ago.

Henan-based AIDS activist Sun Ya, a long-time activist with the Beijing-based Aizhixing health rights group, said he would like to take part in public events on Friday in support of the rights of people living with HIV and AIDS, but doesn’t dare.

"They have urged us [not to do this]," Sun said. "On top of that, there is also the fact that they are monitoring our communications, listening in."

"There are controls on our activities now, including buying tickets for bus or train with a real-name system, which means they can send someone to follow you," he said.

"People are routinely getting detained, and all of the lawyers who used to stand up for
us are being taken off [such cases] for a variety of reasons," Sun said.

Sun said his 21-year-old son, who lives with HIV, is discriminated against in employment, like many others with HIV/AIDS.

He said employers still discriminate against people with HIV, in spite of greater awareness of how the virus is transmitted.

"With this kind of discrimination, employers want to avoid extra hassle. They are worried that if they hire people [with HIV] and you get sick, they will have to pay your medical expenses," Sun said.

Many people with HIV/AIDS are given a handout of just 200 yuan a month to cover their living expenses, making it impossible to get by.

**Little government interest**

Beijing-based rights activist Hu Jia, who has long campaigned against discrimination on health grounds, said the government has little interest in standing up for people with HIV/AIDS.

"In the regions where there is a high incidence of HIV/AIDS, such as Henan and Anhui, but mostly Henan, in all the years of advocacy work since 2001, I have yet to hear of a single victorious lawsuit in the area of HIV/AIDS and government compensation," Hu said.

He said many people in China have contracted the virus through tainted blood-transfusions, spurred on by the practice of blood-selling in poverty-stricken rural areas.

He said people infected by such schemes should receive compensation, as they were infected by unsafe blood-handling practices out of their control, as well as psychological counseling.

HIV/AIDS advocacy work has been hampered in China by a wide-ranging clampdown on the activities of civil society and nongovernment groups, especially those receiving foreign funding.

"Rights organizations aren't allowed to get involved in the Henan AIDS epidemic, so it's very hard to get transparent information about the health status of those infected," Hu told RFA.

"People only really remember their existence on World AIDS Day, and the message from
the [state-run] media is always about how the government is taking care of them,” he said.

**Blood-selling at fault**

Official figures show that more than 654,000 people are living with HIV/AIDS in China, while more than 201,000 people died of the disease in 2017.

Officials at Beijing’s National Health and Family Planning Commission say that sexual transmission is the main source of infection in the country.

But U.S.-based dissident doctors such as Wan Yanhai and Gao Yaojie say the majority of new HIV infections come from a network of thousands of blood-selling and transfusion clinics which are still operating in poorer regions of the country.

Both Wan and Gao fled to the U.S. after official reprisals for their whistle blowing on the blood-selling scandal, and for their insistence that it continues in poorer regions of the country to this day.

*Reported by Wong Lok-to for RFA’s Cantonese Service, and by Gao Shan for the Mandarin Service. Translated and edited by Luissettu Mudie.*