

COUNTRY OF ORIGIN INFORMATION REPORT

# CHINA

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30 APRIL 2007

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## Preface

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- i This Country of Origin Information Report (COI Report) has been produced by Research, Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 31 March 2007. The 'latest news' section contains further brief information on events and reports accessed from 1 to 30 April 2007.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed throughout the text to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Bulletins are produced on lower asylum intake countries according to operational need. Home Office officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

Country of Origin Information Service

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**Website:** [http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)

## ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at [www.apci.org.uk](http://www.apci.org.uk).
- xii It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or



proposal to designate a particular country for NSA, nor of the NSA process itself.

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## Latest News

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### EVENTS IN CHINA FROM 1 TO 30 APRIL 2007

- 28 April Chinese President Hu Jintao has called for closer economic and cultural exchanges between China and Taiwan. Mr Hu was speaking at a China-Taiwan forum in Beijing, aimed at improving ties between the two rival neighbours.  
Beijing urges closer Taiwan ties, 28 April 2007  
<http://news.bbc.co.uk/1/hi/world/asia-pacific/6602299.stm>  
Date accessed 30 April 2007
- 25 April "Unhealthy" content should be purged from the net and replaced with Communist doctrine, China President Hu Jintao was reported as saying.  
China leader urges net crackdown, 25 April 2007  
<http://news.bbc.co.uk/1/hi/technology/6592003.stm>  
Date accessed 27 April 2007
- 22 April Authorities in China's southwestern region of Guangxi have forced dozens of pregnant women to undergo abortions, some as late as nine months.  
Guangxi Officials Carry Out Mass Forced Abortions, 22 April 2007  
[http://www.rfa.org/english/china/2007/04/22/china\\_abortions/](http://www.rfa.org/english/china/2007/04/22/china_abortions/)  
Date accessed 26 April 2007
- 20 April Canada has condemned the authorities in China for sentencing a Canadian Uighur rights activist to life imprisonment.  
Canada angry at Uighur sentence, 20 April 2007  
<http://news.bbc.co.uk/1/hi/world/asia-pacific/6574517.stm>  
Date accessed 24 April 2007
- 20 April A prominent critic of the Chinese government's record fighting HIV/AIDS is being harassed by the authorities weeks after receiving a major award.  
Aids activist 'harassed' in China, 20 April 2007  
<http://news.bbc.co.uk/1/hi/world/asia-pacific/6577157.stm>  
Date accessed 24 April 2007
- 7 April China issues new regulations governing human organ transplants, state media has reported. From 1 May, doctors and hospitals who violate a ban on commercial trade in organs will face fines and suspensions.  
China issues new rules on organs, 7 April 2007  
<http://news.bbc.co.uk/1/hi/world/asia-pacific/6534363.stm>  
Date accessed 16 April 2007
- 4 April China's national press regulator has banned journalists and newspapers from accepting and extorting money in return for favourable news coverage.  
China crackdown on news bribes, 4 April 2007  
<http://news.bbc.co.uk/1/hi/world/asia-pacific/6525611.stm>  
Date accessed 16 April 2007

**REPORTS ON CHINA****PUBLISHED OR ACCESSED BETWEEN 1 AND 30 APRIL 2007****Amnesty International (AI)**

The Olympics countdown – repression of activists overshadows death penalty and media reforms, 30 April 2007

<http://web.amnesty.org/library/Index/ENGASA170152007>

Date accessed 30 April 2007

**Amnesty International (AI)**

Death penalty statistics 2006, 27 April 2007

<http://web.amnesty.org/library/Index/ENGACT500122007>

Date accessed 30 April 2007

**The Independent**

The world's youngest political prisoner, 26 April 2007

<http://news.independent.co.uk/world/asia/article2486615.ece>

Date accessed 30 April 2007

**Human Rights in China (HRIC)**

China: Minority Exclusion, Marginalization and Rising Tensions, 25 April 2007

<http://hrichina.org/public/contents/article?revision%5fid=36063&item%5fid=36055>

Date accessed 27 April 2007

**Tibetan Centre for Human Rights and Democracy (TCHRD)**

Prisoners of Tibet, 23 March 2007

<http://www.tchrd.org/press/2007/pr20070323.html>

Date accessed 24 April 2007

## Background information

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### GEOGRAPHY

- 1.01 As reported by Europa World in its country profile for China, accessed 25 January 2006:

“The People’s Republic of China [PRC] covers a vast area [9.572 million sq. km.] of eastern Asia, with Mongolia and Russia to the north, Tajikistan, Kyrgyzstan and Kazakhstan to the north-west, Afghanistan and Pakistan to the west, and India, Nepal, Bhutan, Myanmar (formerly Burma), Laos and Viet Nam to the south. The country borders the Democratic People’s Republic of Korea in the north-east, and has a long coastline on the Pacific Ocean... The traditional religions and philosophies of life are Confucianism, Buddhism and Daoism. There are also Muslim and Christian minorities... The capital is Beijing (Peking).” [1a] (Location, Climate, Language, Religion, Flag, Capital) [18a]

- 1.02 As noted by the same source, “China is a unitary state. Directly under the Central Government there are 22 provinces, five autonomous regions, including Xizang (Tibet), and four municipalities (Beijing, Chongqing, Shanghai and Tianjin). The highest organ of state power is the National People’s Congress (NPC).” [1a] (Government)

- 1.03 As reported by the Economist Intelligence Unit (EIU) in its 2007 country profile for China:

“The autonomous regions are autonomous in name only. The term, however, recognises the pre-revolutionary predominance of non-Han ethnic groups in Guangxi (the Zhuang ethnic group), Tibet, Xinjiang (the Uighurs, Turkic-speaking Muslims), Inner Mongolia (the Mongols) and Ningxia (the Hui, Chinese-speaking Muslims). China also has two Special Administrative Regions (SARs), Hong Kong and Macau. These are autonomous from the rest of China, having separate governments, legal systems and quasi-constitutions (Basic Laws). The central government is, however, responsible for the foreign affairs and defence of Hong Kong and Macau.” [4a] (Constitution, institutions and administration)

- 1.04 As noted by the CIA World Fact Book on China, dated 10 January 2006, “China considers Taiwan as its 23rd province”. [30a] (p4)

(See also sections 38 and 39: [Taiwan](#), [Hong Kong](#) and [Macao](#))

## MAP



Map courtesy of CIA World Fact Book

<http://www.cia.gov/cia/publications/factbook/geos/ch.html>

(See also Annex K: References to source material – [maps](#))

## LANGUAGES

- 1.05 As reported by the US State Department in its Background Note for China, dated January 2007:

“There are seven major Chinese dialects and many subdialects. Mandarin (or Putonghua), the predominant dialect, is spoken by over 70% of the population. It is taught in all schools and is the medium of government. About two-thirds of the Han ethnic group are native speakers of Mandarin; the rest, concentrated in southwest and southeast China, speak one of the six other major Chinese dialects. Non-Chinese languages spoken widely by ethnic minorities include Mongolian, Tibetan, Uygur and other Turkic languages (in Xinjiang), and Korean (in the northeast).” [2g] (p2) [18h] (map showing Chinese Linguistic Groups)

- 1.06 As reported by the official *People's Daily* newspaper on 5 September 2006, 40 per cent of Chinese cannot speak Putonghua, the official language. [12c] As reported by the same source on 16 September 2006, 114 million Chinese are illiterate. [12v]

## Pinyin translation system

- 1.07 As reported the by Library of Congress in its country profile for China dated August 2006:

“The government has aggressively developed both shorthand Chinese and Pinyin (phonetic spelling) as ways to increase literacy and transliterate Chinese names. The Pinyin system was introduced in 1958 and was approved by the State Council in 1978 as the standard system for the romanization of Chinese personal and geographic names. In 2000 the Hanyu (Han language)

Pinyin phonetic alphabet was written into law as the unified standard for spelling and phonetic notation of the national language.” [11a] (p11)

## POPULATION

- 1.08 As reported by the official *People’s Daily* newspaper on 6 June 2005, the symbolic 1.3 billionth citizen of China was born that day in a Beijing hospital. According to this report 16 million babies are born annually in China. [12af] As reported by the *People’s Daily* on 19 September 2005, “China’s population and family planning minister said China would work to limit its mainland population to below 1.37 billion by 2010.” This report quoted Zhang Weiqing, minister in charge of family planning as saying “... China would keep its family planning policy in place to maintain a low birth rate.” [12b]

(See also section 28: [Family planning](#))

## Naming conventions

- 1.09 As noted by the Foreign and Commonwealth Office (FCO) in information supplied to the COI Service:

“Chinese generally write their names starting with their surname and then their given name. All Chinese surnames (except the extremely rare name ‘Ouyang’) are written with one character – i.e. Wang, Li, Zhang. Given names can be one or more commonly two syllables. Examples of current leaders names include Hu Jintao, Wen Jiabao, Li Changchun and Zeng Qinghong. When written in Chinese characters there are no gaps between the surname and the given name. Names almost always have no more than three characters.” [31h]

## Tibetan names

- 1.10 The FCO also noted:

“Tibetan names are generally easy to distinguish from Chinese, even when they are written in Chinese characters. Tibetans use a distinctive set of names not used by Han Chinese... Tibetan names are generally longer. They generally include two components, each usually of two syllables, but Tibetans do not use family names. Members of the same family can therefore have completely different names. Examples of individual names include: Kessang Dekyi, Dawar Tsering and Tanzen Lhundup. For administrative purposes (including on passports) Chinese characters are used to write the names, using characters with similar pronunciations to translate the names phonetically. When using Chinese characters there is usually no gap between the two components, but names written this way usually have four characters. Some Tibetan names contain components reflecting the religious status of the individual. The most common of these is Rinpoche. This is added to a monks name as an honorific title. It is common for monks and nuns to change their name when they enter a monastery or for them to have both a lay name and a name they use in the monastery.” [31h]

(See also Annex J: [Guide to Tibetan names](#))

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## ECONOMY

- 2.01 In a statement to the US-China Economic and Security Review Commission on 2 February 2006, the US State Department's Senior Advisor for East Asian and Pacific Affairs, James Keith, stated, "The statistical data underlining China's economic success are well known. The economy has grown at an average annual rate of more than 9.5% for the past 26 years. A recent national economic census revised recent growth rates upward: 10.1% for 2004, 9.9% for 2005, and more of the same for 2006, making China the world's fourth-largest economy, surpassing France and Britain, with a GDP of \$2.24 trillion." [2i]
- 2.02 In January 2007 the National Bureau of Statistics (NBS) said that China's economy had expanded by 10.7% in 2006, marking the fastest growth since 1995. [9ag] (BBC, 25 January 2007)

## POVERTY

- 2.03 In a statement to the US-China Economic and Security Review Commission on 2 February 2006, the US State Department's Senior Advisor for East Asian and Pacific Affairs, James Keith, stated:
- "China remains a poor country – with a population of 1.3 billion people, per capita income is about \$1,700... Rapid change has exposed – indeed, sometimes created – serious inequities and structural weaknesses. China may be a richer society, but those riches are not evenly distributed, especially with more than 200 million people living below the poverty line, defined by the World Bank as a dollar a day. The incomes of urban dwellers are four times those of people in the countryside, where 800 million of China's 1.3 billion people live. Residents in the rural areas of China's vast interior are keenly aware that they are considerably poorer than those in the cities, and have worse health care, worse education, and inadequate social welfare services and infrastructure. They suffer in particular from land degradation, falling water quality, polluted and scarce water resources, severe air pollution, and deforestation." [2i]
- 2.04 On 20 July 2004, the official news agency Xinhua reported the first official rise in poverty for 25 years. This report stated, "The number of indigent Chinese with less than 637 yuan (77 US dollars) of annual net income rose by 800,000 in 2003. This is the first time the number increased since China began opening-up in the late 1970s, said a senior Chinese official." [13k]

## CURRENCY

- 2.05 As noted by the Library of Congress in its country profile for China dated August 2006, "China's currency is the renminbi (RMB, people's currency) or yuan. The interbank exchange rate on August 1, 2006, was US\$1=RMB7.98. The RMB is made up of 100 fen or 10 jiao. Coins are issued in denominations of one, two, and five fen; one and five jiao, and one RMB. Banknotes are issued in denominations of one, two, and five jiao; and one, two, five, 10, 50, and 100 RMB." [11a] (p22)

## OPENING A BANK ACCOUNT IN CHINA

2.06 The United Kingdom Embassy in Beijing stated in a letter dated 4 October 2005 that, "To open a bank account in China, a private citizen need only present an ID or passport to the bank upon application. To open a company bank account, the following documents need to be presented to the bank:

- The original business licence
- A certificate of company structure
- Tax registration certificate
- A certificate of legal status
- ID of the individual opening the account
- The qualification certificate of the company's accountant
- If the individual opening the bank account is a non-legal entity, a letter of authorisation from the relevant legal entity is required
- Certificate of office location

The individual ID required to open a bank account will probably contain the same information as recorded on hukou registration documents, so bank officials would have access to hukou information." [31]

## CONSEQUENCES OF NON-REPAYMENT OF A LOAN

2.07 On the question of penalties for defaulting on a loan the Embassy stated, "On a personal loan, the bank will charge punitive interest and, when the loan is long overdue, the bank can take the client to court and seek repayment of the loan through disposal of the client's property. The defaulter will be registered on an inter-bank personal credit network and deprived of any chance to obtain loans from banks in the future. On corporate loans, similar procedures apply, with the legal person bearing liabilities." [31]

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## HISTORY

### 1949-1976: THE MAO ZEDONG ERA

3.01 As reported by Europa World in its country profile for China, accessed 25 January 2006:

"The People's Republic of China was proclaimed on 1 October 1949, following the victory of Communist forces over the Kuomintang (KMT) Government, which fled to the island province of Taiwan. The new Communist regime received widespread international recognition, but it was not until 1971 that the People's Republic was admitted to the United Nations, in place of the KMT regime, as the representative of China. Most countries now recognize the People's Republic. With the establishment of the People's Republic, the leading political figure was Mao Zedong, who was Chairman of the Chinese Communist Party (CCP) from 1935 until his death in 1976." [1a] (Recent History)

3.02 As reported by the Economist Intelligence Unit (EIU) in its 2007 country profile for China, "In the Great Leap Forward of 1958 the government attempted to turn China into an industrial economy overnight. The policy failed in



spectacular fashion, resulting in the world's worst ever man-made famine, in which an estimated 30m people died. In a further bout of hysteria, during the Cultural Revolution of 1966-69, Mao attempted to rouse the student 'red guards' against 'capitalist roaders' within the party bureaucracy." [4a] (Political background)

### 1978-1989: DENG XIAOPING AS PARAMOUNT LEADER

3.03 As reported by the EIU:

"Pragmatists within the ruling party, led by Deng Xiaoping, re-emerged in the wake of Mao's death and, taking control of the government, embarked on a course of economic reform... However, this second-generation leadership, although prepared to reform the economy, was ultimately not willing to countenance the party's own fall from power. The party's general secretary, Hu Yaobang, then Deng's heir-apparent, was dismissed in 1987 after his policies were blamed for student demonstrations in 1986." [4a] (Political background)

### TIANANMEN SQUARE PROTESTS (1989)

3.04 As reported by Europa World:

"The death of Hu Yaobang in April 1989 led to the most serious student demonstrations ever seen in the People's Republic. The students criticized the alleged prevalence of corruption and nepotism within the Government, and sought a limited degree of Soviet-style glasnost [openness] in public life. When negotiations between government officials and the students' leaders had failed to satisfy the protesters' demands, workers from various professions joined the demonstrations in Tiananmen Square, Beijing, which had now become the focal point of the protests. At one stage more than 1m. people congregated in the Square, as demonstrations spread to more than 20 other Chinese cities." [1a] (Recent History)

3.05 As reported by the EIU, "The ruling elite initially appeared unsure how to respond to these massive protests, but on May 24th Hu Yaobang's pro-reform successor, Zhao Ziyang, was removed from power, and on the night of June 3rd-4th the military moved to retake Tiananmen Square, which had formed the focus for the protests in the capital, killing several hundred unarmed civilians along the way." [4a] (Political background) As noted by Europa World, "Television evidence and eye-witness accounts estimated the total dead at between 1,000 and 5,000. The Government immediately rejected these figures and claimed, furthermore, that the larger part of the casualties had been soldiers and that a counter-revolutionary rebellion had been taking place." [1a] (Recent History)

### POST-TIANANMEN SQUARE

3.06 As reported by the EIU, "The massacre was followed by widespread arrests and executions, leadership changes – the low-profile mayor of Shanghai, Jiang Zemin, was promoted as Deng's latest designated heir – and a period of economic and political retrenchment." [4a] (Political background) As noted by Europa World, "Arrests and executions ensued, although some student leaders eluded capture and fled to Hong Kong. In January 1990 martial law was lifted in Beijing, and it was announced that a total of 573 prisoners,

detained following the pro-democracy demonstrations, had been freed. Further groups of detainees were released subsequently. In March Deng Xiaoping resigned from his last official post, that of Chairman of the State Central Military Commission, and was succeeded by Jiang Zemin.” [1b] (**Recent History**)

(See also section 14: [Tiananmen Square activists](#))

### JIANG ZEMIN AS CORE LEADER

- 3.07 As reported by the EIU, “Since Deng stepped down from his official positions in the early 1990s China has been ruled by technocrats, with backgrounds in engineering and the natural sciences. Mr Jiang became the most senior leader of his generation, but never enjoyed the authority commanded by Deng, let alone Mao.” [4a] (**Political background**)

### HU JINTAO: CHAIRMAN OF THE BOARD

- 3.08 As reported by EIU (2007), “Mr Jiang retired as CCP general secretary at the party’s 16th five-yearly National Congress in November 2002, and as state president at the annual meeting of the full NPC in March 2003. He was replaced in both positions by Hu Jintao, who thus became the head of the fourth generation of Chinese leaders (the previous generations were led by Mao, Deng and Mr Jiang).” [4a] (**Recent political developments**)

(See also section 6: [The leadership](#))

### RECENT DEVELOPMENTS

- 4.01 The authorities jailed a number of prominent activists in August 2006. [9e] (**BBC, 31 August 2006**) [9f] (**BBC, 25 August 2006**) This appears to be part of a growing campaign to stifle dissident. [9u] (**BBC, 25 August 2006**) [6g] (**AI, 2006 Report**)

(See also section 16: [Human rights institutions, organisations and activists](#))

- 4.02 On 25 September 2006, Chen Liangyu, Shanghai Party Secretary was dismissed from his post. He was accused of using his position to shield officials and businessmen implicated in illicit dealings involving the city’s pension fund. Chen is the first member of the Politburo to be dismissed for corruption since Chen Xitong (no relation) in the mid-1990s. [12x] (**People’s Daily, 26 September 2006**)

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### CONSTITUTION

- 5.01 As reported by Europa World in its country profile for China, accessed 25 January 2006, “A new Constitution was adopted on 4 December 1982 by the Fifth Session of the Fifth National People’s Congress.” It was amended in 1993, 1999 and 2004. Article 1 states that, “The People’s Republic of China is a socialist state under the people’s democratic dictatorship led by the working class and based on the alliance of workers and peasants. The socialist system is the basic system of the People’s Republic of China. Sabotage of the

socialist system by any organization or individual is prohibited.” [1a] (**The Constitution**)

- 5.02 As noted by the same source, Articles 1 to 32 set out the general principles of the Constitution and Articles 33 to 56 lay down a citizen’s fundamental rights and duties. [1a] (**The Constitution**) [5a] (**Text of the Constitution**)

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## POLITICAL SYSTEM

- 6.01 As noted by Freedom House in a report entitled, *The Worst of the Worst: The World’s Most Repressive Societies 2005*, published on 6 September 2006, “Chinese citizens cannot change their government democratically or express their opposition to its policies. The CCP holds all political power, and party members hold almost all top national and local governmental, police, and military posts... The parliament – the National People’s Congress (NPC) – elects the top officials, but the NPC itself is controlled by the CCP.” [26a] (p2)
- 6.02 As noted by the CIA World Fact Book on China, dated 10 January 2006, “...no substantial political opposition groups exist, although the government has identified the Falungong spiritual movement and the China Democracy Party as subversive groups.” [30a] As reported by *Asia Times* on 22 July 2006, “... in China, the masses always look to a strong central government to protect them from abuse of power at the local level.” [64h] (p4)

(See also section 14: [Opposition groups and political activists](#))

## THE LEADERSHIP (FOURTH GENERATION)

- 6.03 As noted by the FCO in its country profile for China, dated on 13 March 2007:
- “Jiang retired as President in March 2003. Hu Jintao was named President and Wen Jiabao became Premier. Wu Bangguo replaced Li Peng as NPC Chairman. The leadership transition was completed in September 2004 with Jiang retiring from the Chairmanship of the Central Military Commission (CMC). Hu assumed the post of CMC Chairman to add to his roles as State President and Party General Secretary. Hu’s first term has been spent consolidating his position and proceeding with economic reform. But he has recognised the potential for instability caused by the unfettered capitalism his predecessor allowed to flourish... Under the slogan of a ‘harmonious society’, he is therefore promoting a range of policies in the health, education, environment and other fields which will address social inequality. But these policies will not be allowed to compromise economic growth and reform.” [31a] (p2-3)

## CHINESE COMMUNIST PARTY (CCP)

- 6.04 According to official sources the CCP has 70.8 million members and the Communist Youth League has 68.5 million members. [12f] (*People’s Daily*, 19 June 2006) (*Europa*) [1a] (**Chinese Communist Youth League**) Article 9 of the Party’s Constitutions states, “Party members are free to withdraw from the Party. When a Party member asks to withdraw, the Party branch concerned shall, after discussion by its general membership meeting, remove his name from

the Party rolls, make the removal public and report it to the next higher Party organization for the record.” [5t] (Chapter 1)

(See also sections 14 and 17: [“Nine Commentaries”](#) and [Breaches of party discipline](#))

## ELECTIONS

6.05 As noted by the FCO in its country profile for China, dated 13 March 2007:

“Key laws are passed by the National People's Congress (NPC) and its Standing Committee. The NPC has around two thousand members, and only meets in full session for a fortnight every March. Outside that time, a Standing Committee of around three hundred members carries out business. The Chairman is Wu Bangguo. Members are ‘elected’ from Provincial and Municipal People's Congresses, who are in turn ‘elected’ from People's Congresses below them. Only at the lowest level are members ‘elected’ by the public, but from a very narrow slate of approved candidates. A handful of independents manage to get elected. The NPC also votes the executive into office. They are due to elect a new executive at their spring 2008 session... Villages are now officially regarded as theoretically self-governing (and therefore not part of the formal government hierarchy). There are direct popular elections to village committees. They are responsible for providing some public services, and receive a budget from higher authorities to do so. They have no revenue-raising powers of their own. The quality of the elections varies, but they are more or less free and fair.” [31a] (p3-4)

6.06 As reported by the US State Department (USSD) Report 2006, published on 6 March 2007:

“Foreign observers who monitored local village committee elections judged those they observed to have been generally fair. However, the government estimated that one-third of all elections had serious procedural flaws. Corruption, vote buying, and interference by township-level and party officials continued to be problems. The law permitted each voter to cast proxy votes for up to three other voters. Many rural voters cast the maximum number of proxy votes, especially in areas with significant out-migration.” [2e] (Section 3)

(See also section 14: [Opposition groups and political activists](#))

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## Human Rights

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### INTRODUCTION

- 7.01 As recorded by the US State Department (USSD) Report 2006, published on 6 March 2007:

“Although the constitution asserts that ‘the state respects and preserves human rights,’ the government’s human rights record remained poor, and in certain areas deteriorated. There were an increased number of high-profile cases involving the monitoring, harassment, detention, arrest, and imprisonment of journalists, writers, activists, and defense lawyers, many of whom were seeking to exercise their rights under law. The government tightened restrictions on freedom of speech and the press, including stricter control and censorship of the Internet. Nongovernmental organizations (NGOs), both local and international, continued to face increased scrutiny and restrictions. As in previous years, citizens did not have the right to change their government. Other serious human rights abuses included instances of extrajudicial killings; torture and coerced confessions of prisoners; and the use of forced labor, including prison labor. Legal reforms continued to stall, as the party and state exercised strict political control of courts and judges, and maintained closed trials and administrative detention. Executions often took place on the day of conviction or immediately after the denial of an appeal. A lack of due process and new restrictions on lawyers further limited progress toward rule of law. Individuals and groups, especially those considered politically sensitive, continued to face tight restrictions on their freedom to assemble; their freedom to practice religion, including strengthened enforcement of religious affairs regulations implemented in 2005; and their freedom to travel. The government continued its coercive birth limitation policy, in some cases resulting in forced abortion and sterilization.” [2e]

- 7.02 As reported by the United Nations High Commissioner for Refugees (UNHCR) on 31 August 2005:

“United Nations High Commissioner for Human Rights Louise Arbour and Chinese Assistant Foreign Minister Shen Guofang today signed an agreement aimed at helping China implement recommendations on economic, social and cultural rights and at facilitating the country’s ratification of the International Covenant on Civil and Political Rights. The signing of the agreement, or Memorandum of Understanding, comes halfway through the High Commissioner’s visit to China, which is scheduled to last through Friday, 2 September... According to the agreement, the programme of cooperation between the Office of the High Commissioner (OHCHR) and China will include projects to assist China find alternative penalty measures to imprisonment; help the country revise its Criminal Procedure Law, its lawyers Law, and any other related laws and regulations, and facilitate capacity building of civil society. It should also assist the incorporation of human rights education into the curricula of primary, secondary schools, universities and the education for public servants, and help authorities as they study the establishment of a national human rights institution.” [32g]

- 7.03 As reported by Amnesty International (AI) in its 2006 Report on China, published in May 2006:

“Limited legal and judicial reforms did little to improve human rights protection. Tens of thousands of people continued to be detained in violation of their human rights and were at risk of torture or ill-treatment. Thousands of people were sentenced to death or executed. The authorities frequently resorted to the use of force against growing social unrest. There was a renewed crackdown on the media and Internet controls were tightened. The Uighur community in the Xinjiang Uighur Autonomous Region (XUAR) continued to face severe repression as part of the authorities’ ‘war on terror’. Freedom of expression and religion continued to be severely restricted in Tibet and other Tibetan areas. China’s arms sales to Sudan raised concerns that its actions were contributing to human rights violations in other countries. China continued a limited dialogue with selected members of the international community on human rights issues. However, human rights defenders at home continued to be arbitrarily detained and some were sentenced to prison terms.” [6g] (p1)

- 7.04 Human Rights Watch (HRW) in its World Report 2007, published in January 2007, stated:

“Human rights conditions in China deteriorated significantly in 2006. Authorities greeted rising social unrest - marked at times by violent confrontation between protesters and police - with stricter controls on the press, internet, academics, lawyers, and nongovernmental organizations (NGOs)... The Chinese government continues to use a vast police and state security apparatus to enforce multiple layers of controls on critics, protesters, and civil society activists. Such controls make actual arrests - which draw unwanted international attention - less necessary in silencing critics. The system includes administrative and professional pressures, restrictions on domestic and foreign movements, covert or overt tapping and surveillance of phone and internet communications, visits and summons by the police, close surveillance by plainclothes agents, unofficial house-arrests, incommunicado confinement in distant police-run guest houses, and custody in police stations. Many are charged with vaguely defined crimes such as ‘disrupting social order,’ ‘leaking state secrets,’ or ‘inciting subversion.’ Some 100 activists, lawyers, writers, academics, HIV/AIDS campaigners, and human rights defenders were subject to such treatment in 2006, indicating a new crackdown.” [7i]

- 7.05 In its Human Rights Annual Report 2006, published on 12 October 2006, the Foreign and Commonwealth Office (FCO) stated:

“The UK continues to have serious concerns about basic human rights in China, including extensive use of the death penalty; torture; shortcomings in judicial practices and widespread administrative detention, particularly re-education through labour; harassment of human rights defenders and activists (NGOs, political activists, journalists and lawyers); harassment of religious practitioners and adherents of Falun Gong; the situation in Tibet and Xinjiang; and severe restrictions on basic freedoms of speech and association.” [31i] (p 42)

- 7.06 In April 2005, the Chinese government published a White Paper entitled China’s Progress in Human Rights in 2004, which stated, “Realization of full human rights is a common pursuit of all countries in the world. It is also an



important target of China's all-round construction of a well-off, harmonious socialist society. Together with the international community, China will, as always, make persistent efforts in promoting continuous progress of human rights in China and healthy development of international human rights." [5q] (Section VII)

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## SECURITY FORCES

8.01 As reported by the USSD Report 2006:

"The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army (PLA), and the state judicial, procuratorial, and penal systems... Corruption at the local level was widespread. Police officers reportedly coerced victims, took individuals into custody without just cause, arbitrarily collected fees from individuals charged with crimes, and mentally and physically abused victims and perpetrators." [2e] (Section 1d)

## POLICE

8.02 As reported by the Canadian Immigration and Refugee Board (IRB) in a report dated 26 January 2004, China's police force can be broken down as follows:

- Public Security Bureau (PSB) – the main police force in China (86%), accountable to the Ministry of Public Security (MPS);
- Prisons Police – guard prisons and labour camps, accountable to the Ministry of Justice;
- Judicial Police – maintain security at courts and escort suspects to and from court. Also administer the death penalty, not directly attached to any Ministry;
- Armed Police – patrol border, guard VIPs, foreign embassies and important government buildings, accountable to MPS and Central Military Commission (CMC);
- Patrol Police – community police whose main job is to deter crime and safeguard major events, accountable to the MPS. [3a]

8.03 As reported by the Canadian IRB on 27 April 2006, there is no definitive answer as to whether the PSB has setup a nationwide computer database. [3d]

8.04 As noted by the Federation on American Scientists on their website:

"The Chinese People's Armed Police Force was set up in April 1983 and is made up of PLA forces on domestic defense duty and the armed, frontier defense and fire-fighting police, which carry out a military service system. It is an armed defense force for social security, which undertakes police duties. The armed police force follows the rules and regulations of the PLA and enjoys equal treatment with PLA troops. The armed police force headquarters

falls under the direct jurisdiction of the Ministry of Public Security. It also has headquarters in various provinces, autonomous regions and municipalities, under which there are detachments, groups and squadrons... The CCP's Central Military Committee has made public that in case there is any domestic upheaval, the People's Armed Police will be first mobilized. In other words, the Armed Police is PRC's main force in charge of the domestic security and social stability." [52a]

(See also section 14: [Opposition groups and political activists](#))

### Private security firms

- 8.05 As reported by Michael Dutton, writing in *Crime, Punishment and Policing in China* (2005):

"Chinese private security companies differ from those in the West, however, in that they are all wholly owned subsidiaries of the local branches of the Ministry of Public Security, and it is their bureaus that directly own and operate these businesses. Not only do the public security forces have a monopoly over this industry, but they also have complete control over staffing. Hence the police force has allocated all senior staffing positions within these companies to formerly high-ranking officials within either the provincial Public Security Bureau or from the Ministry of Public Security itself. It is estimated that these companies now cover about one-third of all police work in the cities, and it is from guarding banks, restaurants, and other such establishments that they derive most of their profits." [50b] (p215-216)

### Torture

- 8.06 In an article dated 20 November 2006, the BBC reported that a senior Chinese official had admitted that at least 30 wrong verdicts a year were handed down due to the continuing use of torture. [9ad] In a preliminary report on his mission dated 2 December 2005, the Special Rapporteur on torture (Manfred Nowak) stated, "Although he cannot make a detailed determination as to the current scale of these abuses, the Special Rapporteur believes that the practice of torture, though on the decline – particularly in urban areas – remains widespread in China." [32a]

- 8.07 On 10 March 2006, the Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment was published. In this report the Special Rapporteur, Manfred Nowak, stated:

"The Special Rapporteur recalls that over the last several years his predecessors have received a number of serious allegations related to torture and other forms of ill-treatment in China, which have been submitted to the Government for its comments. He cautions that such information does not necessarily illustrate the state of torture and ill-treatment in a given country, but rather reflects the state of information brought to the attention of the Special Rapporteur. Nevertheless, over a period of time, the number and consistency of the allegations received may be informative. Since 2000, the Special Rapporteur and his predecessors have reported 314 cases of alleged torture to the Government of China. These cases represent well over 1,160 individuals. Over the past five years, the Special Rapporteur has received 52



responses from the Government of China relating to a total of 90 cases.”  
[32b] (p12-13)

- 8.08 According to this report, two thirds of alleged torture victims were Falun Gong practitioners and almost half of alleged perpetrators were police and other public security officials. [32b] (p13)

(See also section 21: [Falun Gong](#))

- 8.09 Commenting on the circumstances of his visit, the Special Rapporteur, Manfred Nowak, stated:

“The Special Rapporteur feels compelled to point out that some Government authorities, particularly the Ministries of State Security and Public Security, attempted at various times throughout the visit to obstruct or restrict his attempts at fact-finding. The Special Rapporteur and his team were frequently under surveillance by intelligence personnel, both in their Beijing hotel as well as in its vicinity. Furthermore, during the visit a number of alleged victims and family members were intimidated by security personnel, placed under police surveillance, instructed not to meet the Special Rapporteur, or were physically prevented from meeting with him.” [32b] (p6)

- 8.10 The same report also stated:

“The Deputy Procurator-General informed the Special Rapporteur that only 33 law enforcement officials had been prosecuted for torture throughout the country during the first nine months of 2005... According to the 2005 SPP’s report to the NPC presented on 9 March 2005 (covering the year 2004), 1595 civil servants had been investigated for suspected criminal activity in cases involving ‘illegal detention, coercion of confessions, using violence to obtain evidence, abuse of detainees, sabotaging elections, and serious dereliction of duty resulting in serious loss of life or property.’ The report goes on to note that this is a 13.3 percent increase over the previous year’s totals and that the SPP personally investigated 82 of the most serious cases. No information is provided, however, on the number of convictions. When compared with other national statistics, the figures for 2005 as well as the earlier statistics are certainly the tip of the iceberg in a country the size of China.” [32b] (p38)

- 8.11 On 26 July 2006, the Supreme People’s Procuratorate (SPP) issued regulations outlining the criteria for determining whether an official could be prosecuted for abusing their power. The official *People’s Daily* newspaper reported this announcement on 27 July 2006. It stated, “The new regulations detail eight criteria for the crime of torture, including beating, binding, freezing, starving, exposing suspects to severe weather, severely injuring suspects, and directly or indirectly ordering others to use torture.” [12u]

### Extra-judicial killings

- 8.12 The USSD Report 2006 stated, “During the year politically motivated and other arbitrary and unlawful killings occurred, although no official statistics on deaths in custody were available.” [2e] (Section 1a)

- 8.13 As reported by the official *China Daily* newspaper on 12 April 2006:

“According to China’s regulation on police gun use issued in 1996, officers are allowed to use guns in 15 different circumstances; such as riots, prison breaks, kidnapping, resisting arrest with weapons, and other situations that seriously threaten the lives of common people. Police officers are required to give warnings to criminals before firing, unless there is no time for a warning, or if the warning may cause more serious life loss. The regulation also stipulates that the police are not allowed to shoot pregnant women or children, unless they are committing violent crimes with guns, explosives or virulent drugs. Nor can police officers use guns in areas where large crowds are gathered or near stored explosives or radioactive materials.” [14k]

### Protection of witnesses

- 8.14 Article 49 of the Criminal Procedures Law and Articles 306 to 308 of the Criminal Law provide for the protection of witnesses. [5h] [5i] However, as noted by the Canadian IRB on 26 January 2004, these provisions are rarely enforced in practice. [3a] According to a report by *Asia Times* dated 21 October 2005, “Triad-like groups may be strong and have solid connections with some officials and police officers, but their reach does not go beyond their own province, and often their own city.” [64g] As reported by *The Independent* on 15 July 2006, “Legal experts believe there could be as many as one million mobsters in China, but despite collusion with officials, most are local gangsters and none is yet led by a Mafia-type godfather in the style of the secret societies of yore.” [17f]
- 8.15 As reported by the Canadian IRB on 5 May 2006, “According to a 2005 article in the *The Economist*, the ability of Chinese authorities to control ‘village-level thuggery’ is ‘clearly limited’ (13 Oct. 2005). However, several sources consulted by the Research Directorate report various efforts being made by the Chinese government to tackle organized crime.” [3k] As reported by the official *People’s Daily* newspaper on 16 October 2006, police in Beijing broke up a 34-member crime ring based in the capital. Its ringleader was given a sentence of 20 year’s imprisonment. Three police officers also received unspecified sentences. [12aa]

### AVENUES OF COMPLAINT

- 8.16 As reported by the Canadian IRB on 26 March 2004:
- “No specific information on whether a Chinese citizen would have recourse against personal vendettas by law enforcement officials from outside his or her home province could be found among the sources consulted by the Research Directorate. However, in a statement made in the Hong Kong-based International Anti-Corruption Newsletter, Wang Jianming, Deputy Director-General of the Anti-Corruption Bureau of China’s Supreme People’s Procuratorate stated that [a]nti-corruption units are now established at all 4 levels of procuratorates throughout the country. For the Supreme People’s Procuratorate, an anti-corruption general office is established. And anti-corruption offices are set up under the provincial people’s procuratorates, municipal people’s procuratorates and county people’s procuratorates. At present, there are about 40,000 cadres and procurators from various procuratorates throughout the country taking part in the fight against corruption (2003).” [3x]

- 8.17 As reported by the BBC on 27 July 2004, over nine million petitions and appeals were lodged with central government bodies in 2003, many of them in person. As noted here, “Even the head of the State Bureau for Petitions and Appeals, Zhou Zhanshan, has admitted that 80% of the complaints are reasonable. Yet the overburdened system gives few petitioners a sympathetic hearing. And even if they get sympathy, the offices have no legal powers to enforce their decisions.” [9m]
- 8.18 On 11 November 2004 *Asia Times* reported, “The success rate of China’s petitioners is infinitesimal. Last year [2003], the government’s China Petition Office received more than 10 million petitions, but just two out of every 1,000 cases were resolved, according to a new survey published in the Guangzhou-based *Southern Weekend*.” [64b]
- 8.19 On 9 March 2005, the official *People’s Daily* newspaper reported a 23.6 per cent increase in the number of petition cases referred to the SPC in 2004. This report also noted that the regulations governing petitions were strengthened in January 2005 to stipulate that no organisation or individual is allowed to retaliate against a petitioner, and those that do will be held accountable for their actions. These new rules are effective from 1 May 2005. [12h]
- 8.20 As reported by the official *People’s Daily* newspaper on 11 June 2005:
- “A senior Chinese public security official Friday asked the heads of China’s public security organs to meet petitioners in person and concretely address their complaints... By June 9, public security organs across the country had received 71,000 petitioners, of whom 15,000 said they would stop making petitions. The petitions range from solving long-delayed cases, requesting the redress of previous wrongs, to demanding that the rude behavior of a policemen be rectified.” [12ag]
- 8.21 In December 2005, HRW published a report entitled, “We Could Disappear At Any Time”: Retaliation and Abuses Against Chinese Petitioners, which stated, “The May 1 [2005] regulations have not made the petitioning system fair, impartial, and effective. It is unclear if the weaknesses in the regulations represent a technical failure that can be addressed through expert advice or if ambiguity was deliberately written into the new regulations.” [7b] (**Executive Summary**)
- 8.22 This report also stated:
- “Petitioners told Human Rights Watch that provincial and local authorities send ‘retrievers’ [jiefang renyuan] to Beijing to either discourage people from their province from petitioning, or to detain them and bring them back. In many cases, arrests are conducted with the assistance of Beijing police. These arrests are often carried out with violence. After they are taken back to the home province, many petitioners are arbitrarily detained without trial in facilities where they face the risk of torture and the certainty of lengthy sentences of forced labor. Most petitioners who spoke to Human Rights Watch said that while a few retrievers who detained them wore police uniforms, the majority wore street clothes and did not identify themselves, perhaps in order to avoid jurisdictional conflicts with Beijing police or to prevent petitioners filing complaints about police abuse. Many Chinese police bureaus hire untrained civilians to assist in police work. Activists familiar with the issue, however, said

that most retrievers were probably police officers in plain clothes.” [7b] (V Abuses against Petitioners in Beijing, The “Retrievers”)

8.23 As reported by the CECC Report 2006:

“Chinese law also permits citizens to petition government officials directly to redress their grievances through the xinfang (‘letters and visits’) system. Official news media report that Chinese citizens presented 12.7 million petitions to county-level and higher xinfang bureaus during 2005, in contrast to the 8 million total court cases handled by the Chinese judiciary during the same period. Local officials are disciplined more severely for high incidences of petitioning. Absent alternative political or legal channels to check the power of local officials and obtain redress, this punishment structure provides an incentive for Chinese citizens to take their grievances to the streets in order to force local officials to act. But this punishment structure also gives local authorities an interest in suppressing mass petitions and preventing petitioners from approaching higher authorities.” [28a] (VII. c)

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## MILITARY SERVICE

9.01 As noted by Europa World:

“All armed services are grouped in the People’s Liberation Army (PLA). In August 2004, according to Western estimates, the regular forces totalled 2,255,000, of whom approximately 1,000,000 were believed to be conscripts, and of whom some 136,000 were women: the army numbered 1,600,000, the navy 255,000 (including a naval air force of 26,000), and the air force 400,000 (including 210,000 air defence personnel). Reserves numbered some 800,000, and the People’s Armed Police comprised an estimated 1.5m. Military service is by selective conscription, and lasts for two years in all services.” [1a] (Defence)

9.02 As reported by the Government White Paper, China’s National Defense in 2004 (Chapter V), “The Military Service Law of the PRC stipulates that male citizens who reach the age of 18 by December 31 each year are eligible for enlistment for active service. Those who are not enlisted that year remain eligible for enlistment until the age of 22. Female citizens may also be enlisted, if necessary. Male citizens reaching the age of 18 before December 31 should register for military service before September 30 of the same year.” [5v]

9.03 As reported by the BBC on 17 November 2005, members of the Xinjiang Production and Construction Corps or Bingtuan undertake 40 days military training each year. The Bingtuan operates in Xinjiang and comprises 2.5 million Han settlers. [9t]

(See also section 27: Children – [Child soldiers](#))

## PROVISIONS FOR CONSCIENTIOUS OBJECTION

9.04 As reported by the NGO War Resisters International (WRI) in its China Report (1998), “The right to conscientious objection is not legally recognized and

there are no provisions for substitute service.” [37a] (p1) However, as stated in the Government White Paper, China’s National Defense in 2004 (Chapter V), “If a citizen qualified for enlistment is the only supporter of his or her family or is a student in a full-time school, his or her enlistment may be postponed.” [5v] Article 2 of the Military Law of the People’s Republic of China states, “Exemptions from military service shall be granted to persons unfit for it due to serious physical defects or serious deformities. Persons deprived of political rights by law may not perform military service.” The penalties for draft evasion are not specified in the Military Service Law. [5m]

## DESERTION

- 9.05 The Military Service Law does not specifically address the issue of desertion. Instead it refers to Article 2 of the Interim Regulations of the People’s Republic of China on Punishment of Servicemen Who Commit Crimes Contrary to Their Duties, effective from 1 January 1982. [5m] This states:

“Any person who deserts from the armed forces in violation of the military service law, if the circumstances are serious, shall be sentenced to imprisonment of not more than three years or criminal detention. Any person who commits the crime in the preceding paragraph during wartime shall be sentenced to imprisonment of not less than three years and not more than seven years.” [5s]

- 9.06 Article 2 of the same regulations states, “... if the circumstances are clearly minor and the harm is not great, the act shall not be considered a crime and shall be dealt with in accordance with military discipline.” [5s]
- 9.07 Both the Interim Regulations (1982) and the Criminal Law (1997) stipulate that soldiers who endanger national security through desertion or who flee the battlefield may be sentenced to death. However, both make a distinction between crimes committed in peacetime and those committed in wartime. [5s] [5i]
- 9.08 Article 451 of the Criminal Law states, “The word ‘wartime’ as used in this Law means the time when the State declares the state of war, the armed forces receive tasks of operations or when the enemy launches a surprise attack. The time when the armed forces execute martial-law tasks or cope with emergencies of violence shall be regarded as wartime.” [5i]

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## JUDICIARY

### ORGANISATION

- 10.01 As reported by Europa World, the Supreme People’s Court (SPC) is the highest judicial organ of the State. Below the SPC there are Local People’s Courts (higher, intermediate and basic) and Special People’s Courts, which include military tribunals and maritime and railway transport courts. The general principles of the legal system are set out in Articles 123 to 135 of the Constitution. [1a] (The Judicial System) [5a] (Text of the Constitution)

## INDEPENDENCE

- 10.02 As reported by the official *People's Daily* newspaper on 21 June 2006, "Party officials have been found abusing their power to illegally meddle in or hinder the execution of court rulings, seeking to protect vested personal or departmental interests." In response to this the SPC in conjunction with the CCP Central Commission for Discipline and the Ministry of Supervision issued a joint notice instructing judicial officials to put in place a reporting system so that cadres attempting to interfere in court proceedings could be reported to their Party committee, or if necessary a higher court. [12t] However, judges are also banned from talking to the press. [63e] (*Reporters Without Borders*, 14 September 2006)
- 10.03 As reported by the CECC Report 2006, "External government and Communist Party controls continue to limit the independence of the Chinese judiciary. Party officials control the selection of top judicial personnel in all courts, including the Supreme People's Court, China's highest judicial authority." [28a] (VII. c)
- 10.04 As reported by the Government White Paper, China's Progress in Human Rights in 2004 (III Judicial Guarantees for Human Rights), published in April 2005:
- "In 2004, the procuratorates throughout the country handled and concluded 20,306 cases of appeal according to law, the people's courts at all levels handled 4.22 million petitions and visits of complaint, and corrected the judgments in 16,967 cases that were proved to be wrongly judged according to law, which accounted for 0.34 percent of the annual total of court decisions in effect... Statistics show that up to June 2004 there were 114,500 lawyers in practice and 11,691 law firms in China." [5q] (Section III)

## FAIR TRIAL

- 10.05 The USSD Report 2006 put the conviction rate at over 99 per cent and noted that "The criminal justice system was biased toward a presumption of guilt, especially in high-profile or politically sensitive cases... Nationwide, appeals resulted in changed verdicts in only 0.36 percent of all cases, including capital cases." [2e] (Section 1e)
- 10.06 As reported by the USSD Report 2006:
- "Trials took place before a judge, who often was accompanied by 'people's assessors,' lay persons hired by the court to assist in decision making. According to statistics published during the year, there were 48,211 people's assessors. According to law, people's assessors had authority similar to judges, but in practice they deferred to judges and did not exercise an independent jury-like function... The mechanism that allows defendants to confront their accusers was inadequate; according to one expert, only 1 to 5 percent of trials involved witnesses. In most criminal trials prosecutors read witness statements, which neither the defendant nor his lawyer have an opportunity to question. Approximately 95 percent of witnesses in criminal cases did not appear in court to testify, in part due to hardship or fear of reprisals. Although criminal procedure law says pretrial witness statements cannot serve as the sole basis for conviction, officials relied heavily on such



statements to support their cases. Defense attorneys had no authority to compel witnesses to testify or to mandate discovery, although they could apply for access to government-held evidence relevant to their case. In practice, pretrial access to information was minimal, and the defense often lacked adequate opportunity to prepare for trial... There was no adversary system, no presumption of innocence, and judges and prosecutors typically used an inquisitorial style to question the defendant, who was often the only witness. The law affords no right to remain silent, no protection against double jeopardy, and no rules governing the type of evidence that may be introduced.” [2e] (Section 1e)

- 10.07 On 10 March 2005, Human Rights Watch (HRW) called on the UN Commission on Human Rights to adopt a resolution condemning China and calling on it to reform its judicial system. This report stated, “China’s flawed court system continues to compromise the rights of defendants through limits on lawyers’ access to detainees and to evidence, the use of coerced confessions, and political interference with judicial decisions. In violation of international law, local police chiefs or Reeducation through Labor Management Committees may impose lengthy administrative sentences.” [40a]

### RESTRICTIONS ON LAWYERS

- 10.08 As reported by the CECC Report 2006, “Since 2005, the government has restricted the efforts of private lawyers and human rights defenders who challenge government abuses. The All China Lawyers Association issued a guiding opinion that restricts the ability of lawyers to handle cases involving large groups of people. Local Chinese authorities have imposed additional restrictions on lawyer advocacy efforts.” [28a] (VII. c)

- 10.09 As reported by the USSD Report 2006:

“Officials deployed a wide range of tactics to obstruct the work of lawyers representing sensitive clients, including unlawful detentions, disbarment, intimidation, refusal to allow a case to be tried before a court and physical abuse. According to the law, defense attorneys can be held responsible if their client commits perjury, and prosecutors and judges have wide discretion to decide what constitutes perjury. According to the All-China Lawyers Association, since 1997 more than 500 defense attorneys have been detained. More than 80 percent were acquitted, but the prosecutions nevertheless had a chilling effect on attorneys’ willingness to handle controversial defense cases. In 1990 Beijing attorneys handled an annual average of 2.64 criminal cases; by 2000 the figure had dropped to 0.78. Nationwide, attorneys handled an average of only 0.72 criminal cases in 2004.” [2e] (Section 1d)

- 10.10 On 19 October 2005, the *Epoch Times* (a publication sympathetic to Falun Gong) published an article drawing on the experiences of “renowned human rights lawyer” Mo Shaoping. This article pinpointed eight obstacles to being a criminal lawyer in China. They were, difficulty in meeting the litigant, obtaining documents, investigating and obtaining evidence, bringing witnesses to court, obtaining immunity, remaining silent, completing cases on time and balancing the power of certain non-judicial organisations. [40a]

## CRIMINAL PROCEDURE LAW (1997)

- 10.11 As reported by the US State Department (USSD) Report 2004, published on 28 February 2005, "The Criminal Procedure Law falls short of international standards in many respects... Anecdotal evidence indicated that implementation of the Criminal Procedure Law remained uneven and far from complete, particularly in politically sensitive cases." [2j] (Section 1a) [5h] (Text of the Criminal Procedure Law)

## STATE SECURITY LAW (1993)

- 10.12 According to Article 4 of the State Security Law of the PRC the following acts are considered as endangering state security and shall be prosecuted according to the law:
- 1 "... plotting to subvert the government, dismember the State or overthrow the socialist system;
  - 2 joining an espionage organization or accepting a mission assigned by an espionage organization or by its agent;
  - 3 stealing, secretly gathering, buying, or unlawfully providing State secrets;
  - 4 instigating, luring or bribing a State functionary to turn traitor; or
  - 5 committing any other act of sabotage endangering State security." [5g] (p2)
- 10.13 Articles 102 to 113 of the Criminal Law cover the crime of endangering national security. Penalties range from three to ten years' imprisonment, as well as criminal detention, public surveillance or deprivation of political rights. If the crime is particularly serious the person may be sentenced to death (see Article 113). [5i] (p18-20) On 9 August 2006, an official was executed after being convicted of spying for Taiwan. [10a] (CNN, 9 August 2006)

## DOUBLE JEOPARDY

- 10.14 Articles 8 to 12 of the Criminal Law cover the circumstances in which an individual who commits crimes outside the PRC can be retried upon return to China.

### Article 8

"This law may be applicable to foreigners, who outside PRC territory, commit crimes against the PRC state or against its citizens, provided that this law stipulates a minimum sentence of not less than a three-year fixed term of imprisonment for such crimes; but an exception is to be made if a crime is not punishable according [to] the law of the place where it was committed." [5i] (p3)

### Article 9

"This law is applicable to the crimes specified in international treaties to which the PRC is a signatory state or with which it is a member and the PRC exercises criminal jurisdiction over such crimes within its treaty obligations." [5i] (p3)

### Article 10



“Any person who commits a crime outside PRC territory and according to this law bear criminal responsibility may still be dealt with according to this law even if he has been tried in a foreign country; however, a person who has already received criminal punishment in a foreign country may be exempted from punishment or given a mitigated punishment.” [5i] (p3)

#### **Article 11**

“The problem of criminal responsibility of foreigners who enjoy diplomatic privileges and immunity is to be resolved through diplomatic channels.” [5i] (p3)

#### **Article 12**

“If an act committed after the founding of the PRC and before the implementation of this law was not deemed a crime under the laws at that time, the laws at that time are to be applicable. If the act was deemed a crime under the laws at that time, and if under the provisions of Chapter IV, Section 8 of the general provisions of this law it should be prosecuted, criminal responsibility is to be investigated according to the laws at that time. However, if this law does not deem it a crime or imposes a lesser punishment, this law is to be applicable.

The effective judgments that were made according to the laws at that time before the implementation of this law will continue to be in force.” [5i] (p3)

- 10.15 As reported by the Canadian Immigration and Refugee Board (IRB) in a report dated 9 March 2001, “A Professor of Law at the University of Washington who specializes in Chinese criminal law was unaware of any cases in which the government of China has retried individuals for crimes committed outside China and for which sentences had already been served (8 Mar. 2001). Additional and/or corroborating information could not be found among the sources consulted by the Research Directorate.” [3v]

- 10.16 In a letter dated 15 July 2005, the FCO stated the following:

“The circumstances under which an individual would be punished in China for a crime committed in a foreign country for which he had already been punished in that country are unstipulated. The Chinese authorities are most likely to take this action if the crime had received a lot of publicity in China, if the victims were well-connected in China, if there were a political angle to the original crime or if the crimes were of a particular type that the authorities wanted to make an example of. Our Embassy in Beijing is unaware of such instances. The specific inclusion in the Criminal Law of ‘exemptions’ from second punishment in China for crimes committed abroad suggests that the authorities would not take further action against ordinary criminal offences.” [31g]

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## **ARREST AND DETENTION – LEGAL RIGHTS**

- 11.01 Article 42 of the Criminal Law states, “The term of criminal detention is not less than a month and not more than six months.” [5i] (p8) Article 58 of the Criminal Procedures Law states, “The maximum period for release upon bail pending trial is by the people’s court procuratorate and public security organ

may not exceed 12 months, and the maximum period for residential surveillance may not exceed six months.” [5h] (Chapter VI)

- 11.02 As reported by the Government White Paper, China’s Progress in Human Rights in 2004 (III Judicial Guarantees for Human Rights), published in April 2005:

“The judicial organs have adopted vigorous measures to prevent and contain extended detention. In 2004, the Chinese procuratorial organs had no extended detention, and urged other law-enforcing organs to correct the extended detention of 7,132 people. The Chinese courts cleared up 873 old and new cases of extended detention involving 2,432 people, settling all the cases save a handful due to technical legal problems. By the end of 2004, the Chinese public security organs had no extended detention.” [5q]

- 11.03 The USSD Report 2006 stated:

“According to the law, in routine criminal cases police can unilaterally detain persons for up to 37 days before releasing them or formally placing them under arrest. After a suspect is arrested, the law allows police and prosecutors to detain a person for up to seven months while public security organs further investigate the case. Another one and one-half months of detention are allowed where public security organs refer a case to the procuratorate to decide whether to file charges. If charges are filed, authorities can detain a suspect for an additional one and one-half month period between filing and trial. However, in practice the police detained persons beyond the time limits stipulated by law. In some cases, investigating security agents or prosecutors sought repeated extensions, resulting in pretrial detention of a year or longer. It was uncertain how many other prisoners were similarly detained.” [2e] (Section 1d)

- 11.04 The same source stated that:

“The government used incommunicado detention. The law requires notification of family members within 24 hours of detention, but individuals were often held without notification for significantly longer periods, especially in politically sensitive cases. Under a sweeping exception, officials were not required to provide notification if doing so would ‘hinder the investigation’ of a case. In some cases police treated those with no immediate family more severely.” [2e] (Section 1d)

- 11.05 The USSD Report 2006 also recorded that:

“Administrative detention was frequently used to intimidate political activists and prevent public demonstrations. The government was reforming its administrative punishment system, but reforms seek to codify rather than abolish it. In March [2006] the new public order administrative punishment law went into effect. The law provides for administrative review of detention decisions, bans administrative detention of minors, the elderly, pregnant women, and nursing mothers, places limits on interrogation, and limits the maximum period for public order detentions to 20 days. However, the law also establishes more severe punishments and creates 165 new offences subject to administrative punishment, including illegal demonstrations, disturbing social order in the name of religion, invasion of privacy, and publication that

incites ethnic or national hostility or discrimination. Police continued to hold individuals without granting access to family members or lawyers, and some trials continued to be conducted in secret. Detained criminal suspects, defendants, their legal representatives, and close relatives were entitled to apply for bail; however, in practice few suspects were released on bail pending trial.” [2e] (Section 1d)

(See also section 12: [Administrative detention](#))

11.06 As reported by AI in its 2005 Report on China, covering events from January to December 2004, “People accused of both political and criminal offences continued to be denied due process. Detainees’ access to lawyers and family members continued to be severely restricted. Political trials fell far short of international fair trial standards. Those charged with offences related to ‘state secrets’ or ‘terrorism’ had their legal rights restricted and were tried in camera.” [6i] (p3) As noted by AI on 12 May 2006, the new Public Order Administration Punishment Act (POAPL), effective from 1 March 2006, is designed to provide greater legal protection for people deprived of their liberty. However, AI “...remains concerned that the POAPL fails to meet international fair trial standards.” [6o] (p1)

11.07 This report also stated:

“Amnesty International has long-standing concerns that many offences in Chinese legislation are either defined vaguely or worded in such a way as to allow for the detention of individuals for the peaceful exercise of their fundamental human rights, including freedom of expression, assembly and association... Many of the public order offences detailed in the POAPL are not clearly defined, potentially giving the police free rein to detain individuals in violation of their rights to freedom of expression, assembly and association. Such ‘offences’ include: ‘spreading rumours’ (Article 25), ‘provoking quarrels’ (Article 26) and ‘instigating or plotting illegal gatherings, marches or demonstrations’ (Article 55). Such provisions have regularly been used in the past to arbitrarily detain numerous individuals for the peaceful exercise of basic human rights, including petitioners and human rights defenders.” [6o] (p3)

## ARREST WARRANTS

11.08 Article 123 of the Criminal Procedures Law states:

“If a criminal suspect who should be arrested is a fugitive, a public security organ may issue a wanted order and take effective measures to pursue him for arrest and bring him to justice. Public security organs at any level may directly issue wanted orders within the areas under their jurisdiction; they shall request a higher- level organ with the proper authority to issue such orders for areas beyond their jurisdiction.” [5h] (Section 8)

11.09 As reported by the Canadian IRB on 1 June 2004:

“...it is very common in China for the police authorities to leave a summons or subpoena with family members (or possibly close friends, though that is probably less common), instructing them to pass it along to the person named on the summons. The person accepting the summons would be expected to sign an acknowledgement of receipt. This is not actually the proper procedure,

but it happens all the time, especially in cases when the person on the summons is not easily locatable. ... [S]ome police officers themselves are not well versed in the proper procedures, and probably think that this is a perfectly acceptable practice (while others may simply be too idle to chase the person down, and rely on the public's sense of intimidation to do their work for them) (23 Apr. 2004)." [3r] **(Based on information provided by Human Rights in China – HRIC)**

## WANTED POSTERS

11.10 As reported by the official *China Daily* newspaper on 16 November 2005, police in Henan have begun issuing US-style playing cards featuring the details of people wanted by the police. [14c]

11.11 In reply to a series of questions submitted by the COI Service, the Overseas Liaison Officer of the Serious Organised Crime Agency (SOCA), based at the British Embassy in Beijing, advised the following on 10 April 2006:

- 1) Do the Ministry of Public Security (MPS) use wanted posters?  
A) "Yes as do the Provincial Police Forces (Public Security Bureau – PSB)
- 2) If so how widespread is their use?  
A) Quite widespread. They 'post' them on official websites, in newspapers, public places (airports, railway / bus stations, public buildings etc.) They also circulate them internally within MPS and other PSBs. However in one way because of the size of the population they do not include 'all wanted suspects,' but tend to select the more important [sic] 'wanted people.'
- 3) In your opinion how easy are these documents to forge?  
A) In fairness, as with all official documentation within China, I am of the opinion that any document can be forged quite easily.
- 4) In your opinion could a "genuine" document be obtained from a corrupt police officer?  
(A) Yes
- 5) Does the format vary between provinces or is it standard?  
A) Most of the Provinces follow a nation standardised version [sic] of a wanted poster, which generally includes a photograph [when available], personal details of the suspect and brief details of the offence and who/where to contact." [31k]

11.12 As reported by the Canadian IRB on 26 March 2004:

"When the [PSB] of one province wants to make an arrest in another province, the [PSB] must prepare the necessary 'Ju Liu Zheng' ('Detention Warrant') or 'Dibu Zheng' ('Arrest Warrant' before making arrests in other provinces or districts. The arresting [PSB] officer of the initiating province will then be escorted and supported by [PSB] officers of the executing province (Section 314 of 'Police Procedures') (19 Mar. 2004)." [3x] **(Based on information provided by a professor of criminal justice and president of the Asian Association of Police Studies)**

## RESISTING ARREST / HITTING AN OFFICIAL

- 11.13 Article 277 of the Criminal Law covers the penalty for hitting an official. It states, "Whoever uses violence or threat to obstruct state personnel from discharging their duties is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; or a sentence of a fine." [5i] (p58)
- 11.14 As reported by the official *People's Daily* newspaper on 8 October 2005, assaults on policemen are increasingly common in China. Statistics from the MPS showed that in the first half of 2005, 23 policemen were killed and 1,803 were injured while performing their duties. [12p]

## PUNISHMENT OF MINOR OFFENCES

- 11.15 As recorded by Xinzhou Zhang in an essay entitled, A Restorative Justice Audit of the Chinese Criminal Justice System, published in the October 2005 edition of Restorative Justice:

"It appears to be taken for granted internationally that Chinese criminal justice is punitive and retributive. It is true that few offenders avoid criminal penalties, but not all deviances in China are criminal offenses. Wrongdoing is divided into two main categories: infringement of law (wei fa) and crime (fan zui). Criminal law deals with the most serious offenders. Those who are not serious offenders are subject to the Security Administration Punishment Regulations (SAPR) or re-education through labor (RTL). Punishments under the SARP are: warning, a fine up to 200 RMB and detention for 15 days. Servitude for the RTL is generally from one to three years, with a maximum of four years under special circumstances. SARP and RTL punishments are administrative orders decided by the police without trial. The RTL is controversial because it can be even more severe than some criminal sentences although it is considered an administrative sanction." [78a] (p20)

(See also section 12: [Administrative detention](#))

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## PRISON CONDITIONS

- 12.01 As noted by the Laogai Research Foundation (an NGO) in its Summer Report 2004 (Vol. 12, No. 2):
- "In 2001, China's State Council authorized the construction of 120 large-scale modern prisons divided into three categories: minimum security, which can house 3,000 prisoners; moderate security, which can house 5,000 prisoners; and maximum security, which has a capacity of 10,000 prisoners. These prisons were set to be completed by the year 2005, but as of mid-2004, construction on only 30 of these prisons had been finished. In many localities, construction machinery has piled up in construction areas as funds have been diverted." [35b]
- 12.02 The same source continued, "According to the most recent data from China's public security and judicial authorities, 1.12 million people are currently serving

time in China's prisons, and the total number of prisoners exceeds jail capacity by 18 percent. Many prisoners are able to negotiate a reduction in their prison time by bribing the authorities. Also, a large number of criminal cases are backed up, due to both a shortage of judicial manpower and a lack of funding." [35b]

- 12.03 The Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, published on 10 March 2006, stated:

"The Special Rapporteur visited a total of 10 detention facilities... In general, the Special Rapporteur found that although the specific conditions of the facilities varied, in terms of basic conditions, such as food, medicine and hygiene, they were generally satisfactory. However, the Special Rapporteur noticed a palpable level of fear when talking to detainees. He also was struck by the strict level of discipline exerted on detainees in different facilities. Time and again, he entered cells and found all detainees sitting cross legged on a mattress or in similar forced positions reading the CL [criminal law] or prison rules. According to information provided by detainees, such forced re education, in particular in pretrial detention centres, goes on for most of the day... Even when serving long prison sentences, persons convicted of political offences usually have no right to work and very little time for recreation. They are not allowed to practise their religion (e.g. Buddhism in Tibet, Islam in Xinjiang)." [32b] (p19)

- 12.04 As noted by the USSD Report 2006:

"Conditions in penal institutions for both political prisoners and common criminals generally were harsh and degrading. Prisoners and detainees often were kept in overcrowded conditions with poor sanitation. Prison capacity was an increasing problem in some areas. Food often was inadequate and of poor quality, and many detainees relied on supplemental food and medicines provided by relatives; some prominent dissidents were not allowed to receive such goods... Political prisoners were segregated from each other and placed with common criminals, who sometimes beat political prisoners at the instigation of guards. Newly arrived prisoners or those who refused to acknowledge committing crimes were particularly vulnerable to beatings." [2e] (Section 1c)

- 12.05 As noted by the same source, "Acknowledging guilt was a precondition for receiving certain prison privileges, including the ability to purchase outside food, make telephone calls, and receive family visits. Prison officials often denied privileges to those, including political prisoners, who refused to acknowledge guilt." The report stated further that "The law requires juveniles to be held separately from adults, unless facilities are insufficient. In practice, children sometimes were held with adult prisoners and required to work." Also noted was that "Sexual and physical abuse and extortion were reported in some detention centers." [2e] (Section 1c)

- 12.06 As reported by Amnesty International (AI) in its 2005 Report on China, covering events from January to December 2004:

"Torture and ill-treatment continued to be reported in a wide variety of state institutions despite the introduction of several new regulations aimed at curbing the practice. Common methods included kicking, beating, electric



shocks, suspension by the arms, shackling in painful positions, and sleep and food deprivation. Political interference in the rule of law, restricted access to the outside world for detainees, and a failure to establish effective mechanisms for complaint and investigation continued to be key factors allowing the practice to flourish.” [6i]

### PSYCHIATRIC CUSTODY (ANKANG SYSTEM)

- 12.07 As noted by Human Rights Watch (HRW) in its report entitled, *China: Political Prisoner Exposes Brutality in Police-Run Mental Hospital, Eyewitness Testimonies from Notorious Ankang Asylum*, published 1 November 2005:

“Wang Wanxing [detained in June 1992] is the first known released inmate of China’s notorious Ankang system, out of an estimated 3,000 or more political detainees held in police-run psychiatric custody since the early 1980s, to have left China and be in a position to speak out about his experiences. However, according to Wang, the last thing one of the Beijing Ankang officials said to him before he boarded his flight to Germany was, ‘If you ever speak out about your experiences at our hospital, we’ll come and bring you back here again.’ ... Wang told Human Rights Watch about the general conditions of his confinement at the Beijing Ankang asylum, and about how he and the other inmates were treated there... According to Wang, the extent of patient-on-patient violence in this ward was terrifying. He frequently had to force himself to stay awake all night to avoid sudden and unprovoked inmate attacks.” [7d] (p1)

- 12.08 This report continued, “Since his initial detention in June 1992, Chinese authorities have consistently maintained that Wang suffered from either ‘paranoid psychosis’ or ‘political monomania’ – the later condition is not found in any internationally recognized list of psychiatric illnesses.” [7d] (p2)

- 12.09 The same report also noted:

“All staff at the Beijing Ankang, including medical and nursing personnel, are full-time officers in the Public Security Bureau, and all inmates are persons who have been detained for criminal offenses committed while allegedly under the influence of severe psychiatric illness. There are currently around 25 Ankang institutes for the criminally insane in China; the government’s eventual plan is to build one Ankang for every city with a population of one million or higher. There are more than 70 cities of this size around the country... Only a handful of foreigner observers have ever been allowed inside these high-security psychiatric facilities. In 1987, for example, a WHO-led delegation briefly visited the Tianjin Ankang. But the great majority of such facilities are strictly off-limits to outsiders of any kind, including Chinese. The Public Security Bureau acts as sole judge and jury over who is compulsorily admitted to Ankang custody, and inmates have no right of appeal or even of periodic medical review of their cases. According to Chinese authorities, the average length of stay in Ankang custody is five years. Many inmates are held for 20 years or more. According to Wang Wanxing, several of his fellow inmates at the Beijing Ankang had been there for 30 or 40 years.” [7d] (p3-4)

- 12.10 As reported by HRW on 17 March 2006, psychiatric experts examined Wang on 3 and 4 of January 2006 and concluded there were no medical grounds for his incarceration. [7e]

## PRISONS IN FUJIAN

- 12.11 As noted by the Dui Hua Foundation in the Fall 2003 edition of its newsletter *Dialogue*:

“On September 15, 2003, The Dui Hua Foundation’s executive director John Kamm was given a comprehensive tour of Xiamen Prison in Fujian Province, accompanied by representatives of the Ministry of Justice and the Fujian Province Prison Administration Bureau. This was the first full tour of a prison by a foreigner. Kamm viewed all sections, including the rarely visited solitary confinement cells since the government declared the official end to the SARS crisis. The visit also marked the first time a foreigner was granted access to Xiamen Prison. Established in 1998, Xiamen Prison is a provincial-level ‘Civilized and Modern Prison,’ meaning that it is considered among the best in the province. It occupies a 16-acre site in the Dongan District of Xiamen Municipality. Its 2,000 inmates are housed in three cell blocks and are watched over by approximately 200 prison staff. Sixteen prisoners occupy each cell. There are 10 cells per section and six sections per cell block. Xiamen Prison only houses prisoners sentenced to fixed terms... Medical care in the prison’s clinic is provided free of charge. There is a 20,000-volume library and a prison newspaper to which prisoners can contribute articles. Each cell has a TV that is turned on for one hour each evening.” [36a] (p1-2)

## DRAPCHI PRISON (TIBET)

- 12.12 As recorded in a report by AI (Issue 121) from September/October 2003:

“Located on the northeast outskirts of Lhasa city, Drapchi is Tibet’s largest and most notorious prison. Several of its inmates have died from torture, extreme ill-treatment or denial of medical care. The prison is home to a garrison of the People’s Armed Police troops, who supervise debilitating sessions of military-style drills. These are life-threatening for prisoners already weakened by ill-treatment and inadequate food. Female political prisoners are held in Rukhag 3 which is divided into ‘old’ and ‘new’ units with the longest serving prisoners held mainly in the latter. The name Drapchi is derived from the nearby Drapchi Monastery. Many of Drapchi’s prisoners are monks and nuns imprisoned for peacefully expressing their political beliefs.” [6f]

- 12.13 As reported by the Tibetan Information Network (TIN) on 16 August 2002:

“Approximately 30 prisoners are reportedly held in Detention Area Nine [punishment block] at any one time. While some are new arrivals to the prison, the majority, including criminal prisoners, are reportedly undergoing the strict regime in Detention Area Nine as punishment. Prisoners in Detention Area Nine are reportedly not allowed to do any work. A tiny walled courtyard adjoins each cell in the block. Prisoners under the most severely restricted regime are not given access to that space or allowed any activity or exercise outside their cells.” [42b]

- 12.14 The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, visited Drapchi prison on 27 November 2005. In his 10 March 2006 report on China he stated:



“The prison, sometimes referred to as Drapchi Prison, has a mixed population of approximately 900 inmates of which 7 to 8% are women... There are 10 isolation cells, the tenth cell is padded and designed especially for detainees with suicidal tendencies. All have a window in the roof with direct sunlight and also a surveillance camera. The Special Rapporteur was also provided with a list of 15 names of detainees who had died in custody – one related to suicide and the other 14 due to illness. While no detainee interviewed in TAR prison claimed to have been tortured or ill treated during detention there, the Special Rapporteur received reports from former TAR prisoners held in other facilities, who reported being bound and beaten with a sand filled plastic stick, as well as reports of being beaten with electroshock batons.” [32b] (p46)

### QUSHUI PRISON (TIBET)

12.15 As reported by the same source:

“Qushui prison is a new prison which was opened in April 2005. It has a male prison population of over 300. It is to this prison that a large number of former TAR [Drapchi] prison detainees were transferred as part of its reorganization. The Special Rapporteur was informed that Qushui prison is for very serious crimes (i.e. sentences of over 15 years), and holds the principal criminal actors while accessories are held in Drapchi. The Special Rapporteur was particularly concerned by reports that Tibetan monks held in this prison are not allowed to pray and that in some cases are only allowed outside of their cells for 20 minutes per day. Concern was also expressed by reports that prisoners cannot work nor exercise and that they have nothing to read. Prisoners complained about the food, the extreme temperatures experienced in the cells during the summer and winter months and a general feeling of weakness due to lack of exercise. Prisoners transferred from Drapchi stated that basic conditions were better in Drapchi. In particular, that the prison lacks proper work and recreation facilities for long term prisoners.” [32b] (p46)

### OTHER KNOWN DETENTION FACILITIES IN TIBET

12.16 In its Annual Report 2006 on the Human Rights Situation in Tibet the Tibetan Centre for Human Rights and Democracy (TCHRD) listed 19 prisons and detention centres in Tibet. The TCHRD regards the whole of the Tibetan Plateau as part of ‘Tibet’ and the list therefore includes prisons/labour camps outside the Tibet Autonomous Region (TAR). These institutions are listed below:

- Tibet Autonomous Region Prison (Drapchi Prison)
- “TAR” PSB Detention Centre (Sangyip Prison)
- Lhasa City PSB Detention Centre (Gutsa Prison)
- “TAR” “re-education through labour centre” (Trisam Prison)
- Powo Tramo (formerly known as “TAR” No. 2 Prison)
- Lhasa Prison (formerly known as Outridu)
- Tibetan Military Detention Centre (military prison)

- Zethang “Reform through labour facility”
- Maowan Prison (located in Sichuan province)
- Chamdo Detention Centre or Prison
- Shigatse Nyari Detention Centre
- Chushul Prison (Qushui prison)
- Prefecture Detention Centres (PDC): seven in total, one for each region and one in the capital, Lhasa. [45a] (**Appendix 4: Known Prisons and Detention Centres in Tibet**)

(See also section 23: [Political prisoners held in Tibet](#))

## ADMINISTRATIVE DETENTION / LABOUR CAMPS

### Re-education through labour (RTL)

- 12.17 The Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, published on 10 March 2006, stated:

“Re-education through Labour (RTL) is one type of administrative detention. There is no law underpinning the system of RTL; rather, the regulatory framework is comprised of a patchwork of administrative regulations contrary to the 2000 Legislation Law, which states that only the National People’s Congress, and in some cases its Standing Committee, can pass legislation on matters relating to the deprivation of liberty of Chinese citizens. According to article 10 of the 1982 Regulations, six categories of petty offenders are identified as not deserving criminal sanctions: counter-revolutionaries or elements who oppose the Communist Party or socialism; those who commit minor offences relating to group crimes of murder, robbery, rape or arson; those who commit minor offences such as hooliganism, prostitution, theft, or fraud; those who gather together to fight, disturb social order, or instigate turmoil; those who have a job but repeatedly refuse to work, and disrupt labour discipline, complain endlessly, as well as disrupt the production order, work order, school and research institute order and people’s normal life; and those who instigate others to commit crimes. Terms for RTL are fixed at between one and three years with the possibility of an extension of one year. Decisions on RTL are supposed to be taken by an Administrative Committee comprised of officials from the bureaux of civil affairs, public security and labour. In practice, however, public security officials dominate the decision-making process.” [32b] (p11)

- 12.18 As reported by the *New York Times* in an article dated 5 September 2005 and accessed via the China Scope website:

“Labor re-education camps opened in 1957. The system has become a quick, easy way for the police to imprison people in infractions that violate the social order. Critics say the system gives the police so much latitude that they can arbitrarily choose whether to file criminal charges against someone or simply place that person in labor re-education... Conditions and treatment in the

more than 300 prisons in the system are said to vary. All inmates are expected to do some type of factory work or manual labor. Some imprisoned intellectuals have described fairly mild conditions, while other people have reported much harsher treatment. Outside China, Falun Gong is waging an aggressive campaign to publicize its allegations of mistreatment, which the Chinese government has denied. It is impossible to prove or disprove all of its specific allegations – a catalog of torture, which Falun Gong portrays in graphic posters and fliers.” [85a]

12.19 This report also noted:

“Specialists say political prisoners constitute 5 percent to 10 percent of the total labor re-education inmate population, while as much as 40 percent of inmates are drug offenders. Drug users are expected to kick their habits while in the camps... The expense of creating those programs, and the question of what would be done with the 300,000 people in the camp system, are issues slowing efforts for change. Another is the absence of any broad public outcry or anger about the system.” [85a]

12.20 As reported by the USSD Report 2006:

“The law permits nonjudicial panels, called labor reeducation panels, to sentence persons without trial to three years in reeducation-through-labor camps or other administrative detention programs. The labor reeducation committee is authorized to extend a sentence up to one year. Defendants could challenge reeducation-through-labor sentences under the administrative litigation law and appeal for a reduction in, or suspension of, their sentences. However, appeals rarely succeeded.” [2e] (Section 1d)

12.21 As noted by the same source, “Conditions in administrative detention facilities, such as reeducation-through-labor camps, were similar to those in prisons.” [2e] (Section 1d)

12.22 Article 8 of the Law on Administrative Penalty states:

“Types of administrative penalty shall include:

- 1 disciplinary warning;
- 2 fine;
- 3 confiscation of illegal gains or confiscation of unlawful property or things of value;
- 4 ordering for suspension of production or business;
- 5 temporary suspension or rescission of permit or temporary suspension or rescission of license;
- 6 administrative detention; and
- 7 others as prescribed by laws and administrative rules and regulations.” [5p] (p2)

12.23 Article 9 states, “Different types of administrative penalty may be created by law. Administrative penalty involving restriction of freedom of person shall only be created by law.” [5p] (p2)

### Other forms of administrative detention

12.24 As reported by the Dui Hua Foundation in the Fall 2004 edition of its newsletter *Dialogue*, the following forms of administrative detention are also used in China:

- Custody and Education – intended to treat prostitutes and their clients, periods of detention range from six months to two years;
- Coercive Drug Rehabilitation – used to treat drug addicts;
- Legal Education – used to incarcerate people who have failed drug rehabilitation as well as “seriously poisoned” Falun Gong practitioners who have already gone through RTL;
- Custody and Repatriation – was used to hold migrant workers without papers until it was abolished in the summer of 2003. [36c]

12.25 As recorded by Ian Johnson in his book *Wild Grass* (2004), Falun Gong practitioners are sometimes held in makeshift prisons run by neighbourhood committees. These can be a single room in the committee’s offices and therefore not as secure as regular detention facilities. [50f] (p196, 218-219)

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### DEATH PENALTY

13.01 Article 48 of the Criminal Law states:

“The death penalty is only to be applied to criminal elements who commit the most heinous crimes. In the case of a criminal element who should be sentenced to death, if immediate execution is not essential, a two-year suspension of execution may be announced at the same time the sentence of death is imposed. Except for judgments made by the Supreme People’s Court according to law, all sentences of death shall be submitted to the Supreme People’s Court for approval. Sentences of death with suspension of execution may be decided or approved by a high people’s court.” [5i] (p8)

13.02 As reported by the CECC Report 2006:

“Chinese criminal law includes 68 capital offenses, over half of which are non-violent crimes such as tax evasion, bribery, and embezzlement. The Chinese government reportedly has adopted an ‘execute fewer, execute cautiously’ policy, but the government publishes no official statistics on the number of executions and considers this figure a state secret. Some Chinese sources have estimated that the annual number of executions in China is in the thousands.” [28d] (v. b)

13.03 According to Roger Hood, writing in the summer 2005 edition of the journal *China Review*:

“The 1997 criminal law changed the article regarding the application of the death penalty from ‘only use for the most vicious criminal elements’, to ‘only use for the most serious criminal elements’, but no definition of ‘most serious’

was given... The 1997 law lists 68 different capital crimes, as follows: 7 crimes of endangering national security, 14 crimes of endangering public security, 16 crimes of undermining the socialist market economy, 5 crimes of infringing upon the persons and the democratic rights of citizens, 2 crimes of encroaching on property, 8 crimes of disrupting the order of social administration, 2 crimes of endangering national defence interests, 2 crimes of corruption and bribery, and 12 crimes of violation of duty by military personnel... But since the promulgation of the 1979 criminal law separate legislations added regulations for many other crimes to warrant the death penalty, the new criminal law actually somewhat reduced the number of crimes attracting the death penalty by imposing restrictions on the application of the death penalty for theft and intentional injury.” [77a]

- 13.04 The report continued, “According to one statistics from an intermediate people’s court, in 1991, 41.4% of those executed had been sentenced on theft charges, in 1992 the number of death penalty charges for theft was 22.73%, and by 1998 10.71%. From 1998 onwards no one had been sentenced to death on theft charges. Another judicial statistic from a higher people’s court shows that in the year following the new criminal law, only one person received the death sentence for theft.” [77a]
- 13.05 It is unclear exactly how many offences carry the death penalty in China. The CECC Report 2006 puts the figure at approximately 68. [28d] (V. b) However, in a report dated 14 March 2005 the official *China Daily* newspaper stated, “More than 70 offences carry the death penalty under Chinese law, including many non-violent crimes such as smuggling and corruption.” [14d]
- 13.06 The most common method of execution remains a bullet to the back of the head although the use of lethal injection is increasing. [90b] (*The Times*, 27 October 2005) As reported by *Asia Times* on 21 July 2006, mobile execution vans are being introduced as a more cost effective and discrete way of executing prisoners. Yunnan province has 18 such vans while Zhejiang is considering adopting them. [64i]

## SUSPENDED DEATH SENTENCES

- 13.07 As recorded by Roger Hood, writing in the summer 2005 edition of the journal *China Review*:

“Suspended death penalty is unique to China, and its application is far from ideal. Originally, suspended death penalty was supposed to be applied if immediate execution was not deemed necessary. However, for certain crimes, courts can only apply it if there are legal grounds for leniency. During ‘strike hard’ campaigns, cases are judged on the principle of ‘the facts being basically clear and the evidence basically sufficient’, so if there are doubts in a case as to the facts or the evidence, a suspended death penalty is often given to avoid a miscarriage of justice. But this procedure runs counter to the principle of presumption of innocence.” [77a]

## NUMBER OF EXECUTIONS

- 13.08 As reported by AI in its 2006 Report on China, “The death penalty continued to be used extensively and arbitrarily, at times as a result of political interference. People were executed for non-violent crimes such as tax fraud and

embezzlement as well as drug offences and violent crimes. Based on public reports available, AI estimated that at least 1,770 people were executed and 3,900 people were sentenced to death during the year, although the true figures were believed to be much higher.” [6g] (p3)

- 13.09 According to figures from AI, 82 per cent of all known executions carried out in 2005 took place in China. [6h] (AI, 2005)

## JUDICIAL OVERSIGHT

- 13.10 The USSD Report 2006 stated, “The lack of due process was particularly egregious in death penalty cases... Executions were often carried out on the date of conviction.” [2e] (Section 1e)

- 13.11 As reported by AI in its 2006 Report on China:

“Several miscarriages of justice in death penalty cases published in the Chinese press in the first half of the year caused considerable public disquiet and increased momentum towards reform. In September [2005], a senior Supreme Court official announced that the Court was establishing three branch courts to review death sentences. Previously this had been delegated to lower courts, reducing safeguards against unfair proceedings. Officials anticipated that the reform would lead to a 30 per cent reduction in executions. However, national statistics on death sentences and executions remained classified as a state secret, making analysis and monitoring of the death penalty problematic.” [6g] (p3)

- 13.12 These three branch courts (see above) began work on 1 April 2006. [13i] (*Xinhua*, 3 April 2006) On 26 October 2005, the official *People's Daily* newspaper reported that since 2003 the Supreme Court has rejected 7.21 per cent of death sentences, ordering a retrial for lack of evidence. It also ordered a reprieve in 22.03 per cent of cases, commuting some death sentences to life imprisonment. [12i]

- 13.13 On 1 March 2006, AI reported that, “The Vice-President of the Guangdong High People's Court, Chen Huajie, announced on 28 February that the penalty for bag-snatching had been increased to a minimum prison sentence of three years, and can now include the death penalty. The ruling was a result of a new judicial interpretation that defined all kinds of violent bag-snatching by motorists as ‘robbery’.” AI called on the SPC in Beijing to conduct an immediate review of the decision. [6i]

- 13.14 On 31 October 2006 the NPC approved a new law (to come into effect from 1 January 2007), requiring all death sentences to be approved by the Supreme People's Court. [14n] (*China Daily*, 31 October 2006) [9cr] (BBC, 31 October 2006) On 12 March 2007, the official *China Daily* newspaper reported, “Secret execution of death sentences, parading of convicts and other inhumane treatment of prisoners are banned... The Supreme People's Court (SPC) has been reviewing all death sentences from January 1 [2007] based on a decision of the Standing Committee of the National People's Congress last October.” [14o]

- 13.15 On 26 September 2006 the same source reported, “The Supreme People's Court and Supreme People's Procuratorate have ordered Chinese courts to hear the appeals of those sentenced to death in an open courtroom. The order

is effective as of Monday [2 October 2006]. The same requirement also applies to appeals of those sentenced to death penalty with a two year reprieve if the convicted or their lawyers provide new evidence that might effect the results of their original trial [sic].” [14I]

## PEOPLE EXEMPTED FROM THE DEATH PENALTY

- 13.16 Article 49 of the Criminal Law states, “The death penalty is not to be applied to persons who have not reached the age of eighteen at the time the crime is committed or to women who are pregnant at the time of adjudication.” [5I] (p9)
- 13.17 As reported by AI on 6 April 2004, “...reports have indicated that people under 18 at the time of the offence have continued to be executed because the courts do not take sufficient care to determine their age.” [6K] (p6)
- 13.18 In its 2005 Report on China, covering events from January to December 2004, AI reported:
- “Ma Weihua, a woman facing the death penalty on drugs charges, was reportedly forced to undergo an abortion in police custody in February, apparently so that she could be put to death ‘legally’ as Chinese law prevents the execution of pregnant women. She had been detained in January in possession of 1.6kg of heroin. Her trial, which began in July, was suspended after her lawyer provided details of the forced abortion. She was eventually sentenced to life imprisonment in November.” [6I] (p2)

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## POLITICAL AFFILIATION

### FREEDOM OF POLITICAL EXPRESSION

- 14.01 China is a one party state and the ruling Chinese Communist Party (CCP) does not permit the creation of opposition parties. Neither does it permit mass organisations to operate independently from Party or State. [2e] (USSD Report 2006) (Section 3)
- 14.02 As reported by the USSD Report 2006:
- “Government officials continued to deny holding any political prisoners, asserting that authorities detained persons not for their political or religious views, but because they violated the law; however, the authorities continued to confine citizens for reasons related to politics and religion. Tens of thousands of political prisoners remained incarcerated, some in prisons and others in reeducation-through-labor camps or administrative detention. The government did not grant international humanitarian organizations access to political prisoners. Western NGOs estimated that approximately 500 persons remained in prison for the repealed crime of ‘counterrevolution,’ and thousands of others were serving sentences under the state security law, which authorities stated covers crimes similar to counterrevolution.” [2e] (Section 1e)

(See also section 10: [State Security Law](#))



- 14.03 As reported by Rupert Wingfield-Hayes, the BBC's Beijing Correspondent writing for the Association for Asian Research (AFAR) on 19 June 2005:

"Chinese who dare to criticise or challenge the government face it [harassment and arbitrary detention] every day. One prominent dissident I know has had a team of police watching her for 10 years. Wherever she goes, whatever she does, they are always there in the background. But it is not just dissidents. The system of control goes deeper. The Chinese state holds a personal dossier on every single one of its citizens – its called a Dang An. You can never see it – you don't know what it contains – but it can control your destiny. A black mark against you – a bad school report, a disagreement with your boss, a visit to a psychiatrist – all can travel with you for the rest of your life... Until that changes, the fancy coffee shops and skyscrapers of Beijing will remain a veneer for a police state that relies on coercion and fear to maintain control." [51a]

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## FREEDOM OF ASSOCIATION AND ASSEMBLY

- 14.04 The USSD Report 2006 stated, "The law provides for freedom of peaceful assembly; however, the government severely restricted this right in practice. The law stipulates that such activities may not challenge 'party leadership' or infringe upon the 'interests of the state.' Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly suppressed demonstrations involving expression of dissenting political views." [2e] (Section 2b)

- 14.05 The same source continued:

"At times police used excessive force against demonstrators. Demonstrations with political or social themes were often broken up quickly and violently. Widespread market reforms and rapid growth have resulted in increased social unrest, with large-scale public disturbances on the rise for more than a decade. As in past years, the vast majority of demonstrations during the year concerned land disputes, housing issues, industrial, environmental, and labor matters, government corruption, taxation, and other economic and social concerns... Authorities detained potential protesters before the June 4 anniversary of the Tiananmen massacre, the first anniversary of Zhao Ziyang's death in January, and the March plenary sessions of the NPC and CPPCC. Dissidents were detained around the time of other sensitive events to head off public demonstrations... All concerts, sports events, exercise classes, or other meetings of more than 200 persons required approval from public security authorities. In practice much smaller gatherings also ran the risk of being disrupted by authorities." [2e] (Section 2b)

- 14.06 Article 27 of the Law on Assemblies, Processions and Demonstrations (adopted 31 October 1989) states:

"The people's police shall stop an assembly, a procession or a demonstration that is being held, if it involves one of the following circumstances:

- 1 failure to make an application in accordance with the provisions of this Law or to obtain permission for the application;

- 2 failure to act in accordance with the purposes, manners, posters, slogans, starting and finishing time, places and routes permitted by the competent authorities; or
  - 3 the emergence, in the course of the activity, of a situation which endangers public security or seriously undermines public order.” [5b] (p5)
- 14.07 Article 30 of the Regulations for the Implementation of the Law of Assembly, Procession and Demonstration of the People’s Republic of China (promulgated June 1992) states, “When foreigners want to participate in an assembly, procession or demonstration held by Chinese citizens, the responsible individual of the assembly, procession or demonstration shall clearly state this in the application. Without the expressed approval of the competent public security organs, they will not be allowed to participate.” [5c] (p7)

### Civil disturbances

- 14.08 Human Rights Watch (HRW) in its World Report 2007, published in January 2007, stated, “Although the Chinese Communist Party (CCP) leadership acknowledges that many social protests have been fueled by abuses by local officials, institutionalized political interference in the judiciary allows local power holders to deny justice from plaintiffs and vulnerable groups. The lack of judicial remedies further exacerbates social unrest.” [7i]
- 14.09 In a report dated 14 March 2007, HRW stated:
- “Protests in Hunan and Guangdong provinces were violently suppressed on March 11 and March 12 [2007] respectively. In both cases, specially dispatched riot police attacked the crowds, according to eyewitnesses cited in international news reports. In Beijing, hundreds of petitioners have been rounded up over the past two weeks, in the largest ‘clean-up’ operation by the police in recent years. Dozens of rights activists across the country are being held under house arrest or being so closely monitored that their freedom has been significantly impaired... Human Rights Watch said that these latest attacks on freedom of expression and assembly come during an explosion of social unrest in recent years. Problems such as corruption, illegal-land seizures, forced evictions, the forced relocation of entire communities in the name of economic development and modernization, unchecked pollution, and the collapse of the welfare state have become burning social issues. According to official Chinese government statistics, an average of 200 protests take place every day – quadruple the number a decade ago.” [7j]
- 14.10 As reported by the Economist Intelligence Unit (EIU) in its 2007 country profile for China, “The government tends to react to such protests by addressing some of the complaints raised and arresting those identified as the ‘ringleaders’. It comes down with a particularly heavy hand on any local protest that threatens to develop into a wider movement.” [4a] (Politics: Security Risk in China)
- 14.11 As reported by the Economist Intelligence Unit (EIU) in its 2007 country profile for China, “Protests in rural areas have (also) become increasingly common in recent years. Several have turned violent, notably those in the townships of Shanwei and Dingzhou (in Guangdong and Hebei provinces respectively) in 2005, which were sparked by official seizures of land and inadequate

compensation payments. Complaints about issues such as these have grown, as villagers have become more aware of their legal rights.” [4a] (Politics: Security Risk in China)

### Anti-Japanese protests (10 April to 4 May 2005)

- 14.12 In April 2005, nationalists protested in many large Chinese cities against the publication in Japan of a new history text book which they believed downplayed the level of atrocities committed by Japanese soldiers during World War Two. Protestors targeted Japanese owned businesses and consulates and some businessmen were reportedly attacked. [9j] (BBC, 10 April) [9h] (BBC, 11 April 2005)
- 14.13 The authorities curtailed further protests on 4 May 2005, leading to suspicions that they had been engineered for political reasons. [41d] (*The Guardian*, 5 May 2005) As reported by the USSD Report 2006, “Unlike previous years, there were no sizable incidents of anti-Japanese protests.” [2e] (Section 2b)

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### OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 14.14 As noted by the CIA World Fact Book on China, dated 10 January 2006, “... no substantial political opposition groups exist, although the government has identified the Falungong spiritual movement and the China Democracy Party as subversive groups.” [30a] As reported by the USSD Report 2006, “The CCP retained a monopoly on political power and forbade the creation of new political parties.” [2e] (Section 3)
- 14.15 As reported by the *Washington Post* in an article dated 4 July 2003 and reproduced by the Dui Hua Foundation (an NGO) on its website:
- “The best sources of information about human rights violations in China are often Chinese officials themselves, speaking through officially sanctioned publications or directly to foreigners in the dozen or so official rights dialogues between China and foreign governments... Many of the names Dui Hua uncovers are connected to illegal political and religious groups. The sheer number of such groups is staggering. It is not uncommon to find, in a county gazette, the names of a half-dozen illegal political parties or religious bodies that have been operating under the noses of the local authorities for years. Most opposition groups are small and localized, but from time to time groups that have developed national networks are uncovered in official publications.” [59b]

### China Democracy Party (CDP)

- 14.16 The USSD Report 2006 stated, “More than 30 current or former CDP members reportedly remained imprisoned or held in reeducation-through-labor camps...” [2e] (Section 3) On the issue of whether the CDP itself is still active in China the USSD is unclear, stating that the CDP was “...an opposition party founded in 1998 and subsequently declared illegal.” [2e] (Section 3) The same report noted further that:

“Dozens of CDP leaders, activists, and members have been arrested, detained, or confined. One of the CDP’s founders, Qin Yongmin, remained in prison at year’s end, as did others connected with a 2002 open letter calling for political reform and reappraisal of the 1989 Tiananmen massacre. On September 14, authorities released CDP leader Zhu Yufu after he completed a seven-year sentence for participating in prodemocracy activities. On the same day, authorities detained CDP leader Chen Shuqing on suspicion of inciting ‘to subvert state power.’ More than 30 current or former CDP members reportedly remained imprisoned or held in reeducation-through-labor camps, including Zhang Lin, Zhao Changqing, Sang Jiancheng, He Depu, Yang Tianshui, Wang Rongqing, and Jiang Lijun.” [2e] (Section 3)

- 14.17 As noted by Freedom House in a report entitled, *The Worst of the Worst: The World’s Most Repressive Societies 2005*, published on 6 September 2006, “There is one opposition party, the China Democratic Party, but the government suppresses its activities and it exists, for all practical purposes, in theory only.” [26a] (p2) This report also noted, “... [The] China Democratic Party, has been targeted and suppressed by the government and has no real political power.” [26a] (p3)
- 14.18 As reported by the official *People’s Daily* newspaper on 10 May 2003, the Intermediate People’s court in Liaoyang City sentenced two former steel workers to seven and four years imprisonment for attempting to overthrow state power and trying to set-up the Liaoyang branch of the China Democratic Party. According to this report, “The court ruled that evidence proved that the two [Yao Fuxin and Xiao Yunliang] were guilty of crimes of subversion in accordance with articles 105 and 106 of the Criminal Law.” [12e]
- 14.19 As reported by Dui Hua Foundation on 7 March 2006, “The Dui Hua Foundation has been advised by China’s Ministry of Foreign Affairs, citing information provided by the Ministry of Justice, that 72-year-old retired physics professor Tong Shidong will be released from Chishan Prison in Hunan Province on March 9, 2006. Tong, who helped to organize a branch of the China Democracy Party (CDP) at Hunan University in January 1999, is the oldest member of the CDP currently serving a prison sentence.” [36d]
- 14.20 As reported on the China Democracy Party’s website, accessed 30 March 2006, the CDP has held over 100 protests in front of the Chinese consulate in New York. It aims to attract Chinese Americans who are US citizens and build a mass movement in the US with the eventual aim of going back to China and establishing a democratic system of government there. The Party’s flag is a red, yellow and blue circle on a blue and red background. The circle is red on top, yellow in the middle and blue at the bottom. It is surrounded by eight yellow stars. The background is blue at the top and red at the bottom. [20a]

### UK Branch of the China Democracy Party

- 14.21 An organisation calling itself the UK Branch of the China Democracy Party operates in London (UK) and campaigns for democracy in China as well as offering free legal advice to its members and “fellow country men”. [16a] [16b]

(See also Annex E: [Known dissident groups](#))

## Tiananmen Square activists

- 14.22 The 17th anniversary of the Tiananmen Square massacre passed off without serious incident in China. [9w] (BBC, 4 June 2006) In response to the anniversary the US State Department urged the Chinese government to "...provide a full accounting of the thousands who were killed, detained, or went missing and of the government's role in the massacre; we also urge China to address the ongoing violations of the rights of victims and their families and to make public the list of those still in prison." [2c] (USSD, 4 June 2006) As reported by the BBC on 30 April 2006, the mother of a 15-year-old boy who died shortly after the protests were suppressed, probably in police custody, has received a "hardship payment" from local officials in Chengdu. This is the only known instance of a relative of any of the deceased being compensated. [9x]

(See also section 3: [Tiananmen Square protests](#))

- 14.23 As reported by HRW on 4 June 2004, "In the days leading up to the [4 June] anniversary, Chinese security forces have warned, harassed, and intrusively monitored dissidents, writers, academics, and long-time pro-democracy activists. Over the past week, police have ordered some of its critics to leave Beijing. At least one critic was beaten when he tried to leave his home." [7j] On 3 June 2005, AI reported on the situation of people who speak out on Tiananmen Square:

"Chinese leaders have taken the position that foreign concerns regarding the 1989 crackdown on unarmed citizens are 'outdated'. However, there is, unfortunately, no better testimony to the on-going passion surrounding the issue than the continuous string of detentions and sentencing of citizens who seek to post information on the internet regarding the dead or missing from 1989, to facilitate communication among citizens with regard to the events of 1989, and who in other ways keep the issue alive in the minds of Chinese citizens. Numerous Chinese citizens have been detained and imprisoned for such activities." [6j]

- 14.24 In September 1990 AI published a detailed report on the Tiananmen Square protests and their aftermath. This report highlighted both the indiscriminate nature of the killings and thoroughness of the crackdown that preceded it. [6a] On 4 June 2004, HRW published a report on the whereabouts of many of the surviving activists. This report detailed their continued harassment by the security forces. [7k]

- 14.25 As reported by Radio Free Asia (RFA) on 27 December 2006:

"Veteran Tiananmen pro-democracy activist Chen Ziming has vowed to continue working in 'constructive opposition' to China's ruling Communist Party. In his first in-depth interview with a Chinese-language media outlet, Chen told RFA's Mandarin service that there was still plenty for him to do, despite the closure by authorities of a groundbreaking Web site he helped to set up last year... 'As long as we weren't getting very many hits and weren't very high profile they were happy to let us exist. But as soon as we switched to a bigger capacity host, and the site had already migrated, and we'd paid the money, they shut us down. That was in August 2005,' Chen said." [73i]

## Responses to the “Nine Commentaries”

- 14.26 The “Nine Commentaries” is a series of nine articles published by the *Epoch Times* (a publication sympathetic to Falun Gong) and claiming to expose the “true nature” of the Chinese Communist Party, which is portrayed as despotic and corrupt with few, if any, redeeming features. [60] The *Epoch Times* itself claims that the “Nine Commentaries” has prompted 20 million CCP members to resign from the Party. [40e] (*Epoch Times*, 23 March 2007) However, it is unclear how many of these resignations are from expatriates and how many are from CCP members resident in China. [3y] (Canadian IRB, 3 June 2005)

(See also section 6: [Chinese Communist Party](#))

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## FREEDOM OF SPEECH AND MEDIA

- 15.01 The USSD Report 2006 stated:

“The law provides for freedom of speech and of the press, although the government generally did not respect these rights in practice. The government interpreted the CCP’s ‘leading role,’ as mandated in the constitution, as superseding and circumscribing these rights. The government continued to threaten, arrest, and imprison many individuals for exercising rights to free expression. Internet essayists and journalists in particular were targeted... The government continued to control print, broadcast, and electronic media tightly and used them to propagate government views and CCP ideology. Such controls tightened during the year, and it was increasingly difficult to express views that differed from the official line on the Internet, through broadcast media, and in print. Media outlets received regular guidance from the Central Propaganda Department, which listed topics that should not be covered, including politically sensitive topics. All media employees were under explicit orders to follow CCP directives and guide public opinion. These measures greatly restricted the freedom of journalists and Internet writers to report the news and led to a high degree of self-censorship.” [2e] (Section 2a)

- 15.02 The same source continued:

“So long as the speaker did not publish views that challenged the Communist Party or disseminate such views to overseas audiences, the range of permissible topics for private speech continued to grow. Political topics could be discussed privately and in small groups without punishment, and minor criticisms of the government were common topics of daily speech. However, public speeches, academic discussions, and speeches at meetings or in public forums covered by the media remained circumscribed. Those who aired views that disagreed with the government’s position on controversial topics risked punishment ranging from disciplinary action at government work units to police interrogation and detention. These restrictions and more formal restrictions on freedom of the press and academic freedom had a chilling effect on freedom of speech.” [2e] (Section 2a)

- 15.03 As reported by the NGO Reporters Without Borders in its Worldwide Press Freedom Index 2006, China was ranked 163 out of the 168 countries included



in the index (one being the most free and 168 being the least free). [63a] On 11 September 2006, the same organisation expressed “dismay” at an announcement that foreign news operators must now distribute news via the official news agency, Xinhua, and adhere to its rules which prohibit or restrict reporting of the most contentious issues. [63d]

15.04 As reported by the *Guardian* newspaper on 26 September 2005:

“The government employs a cyberspace police rumoured to number 30,000 and has spent lavishly on internet filters. Journalists and human rights organisations say the ‘smokeless war’ amounts to a transformation of the government’s tactics from violence, open harassment and the closing of newspapers to more covert methods of maintaining control. Journalists who try [to] write on forbidden topics are rarely attacked directly, but are discredited by charges such as corruption, sexual harassment and extramarital affairs. They claim confiscation of notes, address books and mobile phones happen secretly beneath a facade that nothing is wrong, so as to defend the image of the party and its leaders.” [41i]

15.05 As noted by Reporters Without Borders on 26 September 2005, online editors are banned from putting out news that:

- violates the basic principles of the Chinese constitution;
- endangers national security, leaks national secrets, seeks to overthrow the government, endangers the unification of the country;
- destroys the country’s reputation and benefits;
- arouses national feelings of hatred, racism, and endangers racial unification;
- violates national policies on religion, promotes the propaganda of sects and superstition;
- diffuses rumours, endangers public order and creates social uncertainty;
- diffuses information that is pornographic, violent, terrorist or linked to gambling;
- libels or harms people’s reputation, violates people’s legal rights, includes illegal information bounded by law and administrative rules.

Completely new bans:

- It is forbidden to encourage illegal gatherings, strikes, etc to create public disorder.
- It is forbidden to organise activities under illegal social associations or organisations. [63c]

15.06 As noted by the BBC on 8 March 2007:

“China will not allow any more internet cafes to open this year, according to a government order obtained by the state news agency Xinhua... Xinhua said the new restrictions were part of a campaign to combat the rising problem of internet addiction... The number of people using the internet in China has grown by 30% over the last year, to 132 million, the state Internet Network Information Centre announced in December [2006]. That figure puts China on track to surpass the US online population in the next two years. In January [2007], President Hu Jintao ordered Chinese internet regulators to promote a ‘healthy online culture’ to protect the government’s stability. The government



encourages internet use for education or business purposes, but has been criticised for censoring items it deems subversive or offensive.” [9ae]

- 15.07 In October 2005 Reporters Without Borders published a report on the official Xinhua news agency entitled, Xinhua: The World's Biggest Propaganda Agency, which stated:

“Xinhua's goal is to maintain the CCP's news monopoly. It is, according to the official definition, ‘the eyes, ears and voice of China’. It is the de facto largest centre of news gathering and distribution in the country. No news, especially on sensitive issues, should reach the media without the say-so of the all-powerful Xinhua... According to official figures, the agency employs 8,400 people (Agence France-Presse by contrast has a staff of 2,000) of whom 1,900 are journalists and editors. Its president, Tian Congming, has the rank of a minister.” [63f] (p1)

- 15.08 The same report also stated:

“In the service of the communist party, the agency produces two types of news: that intended for the general public and news destined for the regime leaders... The agency's first priority is to handle news produced by the Propaganda Department, now named the Publicity Department, that comes under the CCP Central Committee... Xinhua is de facto run by the Propaganda Department. The agency gets its editorial line from this organ of the CCP and sticks to it slavishly.” [63f] (p5-7)

## JOURNALISTS

- 15.09 As reported by the Committee to Protect Journalists (CPJ) in its report entitled, Attacks on the Press 2006:

“In President Hu Jintao's fourth year in power, his administration effectively silenced some of the best journalists in China by sidelining independent-minded editors, jailing online critics, and moving to restrict coverage of breaking news. The government drew international criticism for its actions against foreign news agencies and their employees - including convictions of Zhao Yan, a New York Times researcher, and Ching Cheong, a correspondent for the Singapore-based Straits Times - along with new rules appointing the official Xinhua News Agency as sole distributor of foreign news services in the country.” [62a] (p1)

- 15.10 In its 2006 Annual Report, Reporters Without Borders put the number of journalists imprisoned in China at 32. [63b] (p1) On 24 January 2007 the BBC reported, “China's President Hu Jintao has called for a swift investigation into the murder of a Chinese journalist at an illegal coal mine, state media said. The president's extremely rare intervention follows an outcry over the beating to death of Lan Chengzhang outside the mine, in Shanxi province.” [9af]
- 15.11 On 16 October 2006, Guo Quizhen was sentenced to four years in prison for posting articles on foreign websites criticising the government's suppression of “fundamental freedoms”. He was found guilty of “incitement to subversion”. [63g] (Reporters Without Borders, 17 October 2006) On 31 August 2006, Hong Kong journalist, Ching Cheong was jailed for five years after being convicted of spying for Taiwan. [9e] (BBC, 31 August 2006)

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## HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

16.01 As reported by AI in its 2006 Report on China:

“Informal networks of rights defenders publicly lobbied the authorities and the international community about various abuses. However, the authorities continued to use broadly defined national security offences to prosecute and imprison activists, including lawyers, petitioners and housing rights advocates. Civil society organizations continued to grow in number and effectiveness. However, controls were tightened to curtail the activities of those who challenged official policies.” [6g] (p1)

16.02 As reported by the *Guardian* on 13 June 2006, Fu Xincan “one of the most vocal opponents of the [controversial] Three Gorges dam” was attacked after ignoring warnings from police not to talk to foreign journalists. Fu was paralysed from the neck down after being hit from behind by his assailant. [41b] As reported by the NGO Human Rights in China (HRIC) on 26 July 2006, an official investigation into the attack on Fu concluded that his injuries were self-inflicted. [39a] As reported by Radio Free Asia (RFA) on 19 September 2006, prominent civil rights lawyer, Guo Feixiong (also known as Yang Maodong) has been detained by police on suspicion of “running an illegal business”. [73f]

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## CORRUPTION

17.01 According to the NGO Transparency International (TI) in its Corruption Perception Index 2006, China was placed 70 out of 163 when it comes to its own citizens’ perceptions of the level of corruption – it scored 3.3 out of ten (ten being zero perception of corruption). According to TI a score of less than three out of ten indicates “rampant corruption.” [33a]

17.02 As reported by the Economist Intelligence Unit (EIU) in its 2007 country profile for China, “The government has (also) been trying to stamp out graft [ie practices for securing illicit gains in politics or business]... The anti-corruption campaign associated with the arrest of the Shanghai party boss, Chen Liangyu, in September 2006 seemed to indicate a stepping up of the campaign against graft ahead of the 17th CCP congress. However, a full-scale campaign remains unlikely, as it would net too many offenders and be politically destabilising.” [4a] (Political forces)

17.03 As reported by the official *People’s Daily* on 24 October 2006, 67,505 corrupt officials have been punished since 2004. [12ad] As reported by the same source on 14 August 2006, 10,000 officials were found guilty of corruption or abuse of power according to official figures. 82.83 per cent were given suspended sentences compared to 52.6 per cent in 2001. [12ae] On 7 February 2007, the *People’s Daily* also reported that a total of 273 prosecutors were disciplined in 2006 for corruption. [12m]

## BREACHES OF PARTY DISCIPLINE

17.04 Articles 37 to 45 of the Party's Constitution deal with Party discipline. Article 39 states, "There are five measures for enforcing Party discipline: warning, serious warning, removal from Party posts, probation within the Party, and expulsion from the Party." [5t] (Chapter VII) As noted by the USSD Report 2006, "The CCP used a form of discipline known as shuang gui for violations of CPP discipline, but there were reports of its use against nonparty members. Shuang gui is similar to house arrest and can be authorized without judicial involvement or oversight." [2e] (Section 1e)

17.05 As reported by the EIU in its 2007 country profile for China:

"Orders to officials to refrain from many kinds of economic activity are frequently reiterated, and in 2005 the government launched a campaign under which all CCP members underwent ideological and moral training. Many who fail to meet standards of integrity have been thrown out of the CCP and barred from office. Others, however, are merely disciplined - punishment was meted out to 50,000 CCP members during 2004-05, according to the party's disciplinary body." [4a] (Political forces)

## GUANXI (SOCIAL CONNECTIONS)

17.06 As reported by the BBC on 1 October 2005, "If you want to understand who runs China today you have to understand the meaning of the word 'guanxi'. Literally translated, guanxi means connections. But it is much more than having the same old school tie. In Europe or America who you know might help you get a job, or get your child into a decent school. In China who you have guanxi with can mean the difference between freedom and jail, justice or discrimination, wealth or poverty." [9s] As reported by the Chinese Business Centre on its website, accessed 21 September 2005, "Keep in mind that 'Guanxi' can take on many forms. It does not have to be based on money. It is completely legal in their culture and not regarded as bribery in any way." [21a]

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## FREEDOM OF RELIGION

18.01 As reported by the US State Department's (USSD) International Religious Freedom Report 2006, published on 15 September 2006:

"The constitution provides for freedom of religious belief and the freedom not to believe; however, the Government seeks to restrict religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of activities of religious groups. The Government tries to control and regulate religion to prevent the rise of groups that could constitute sources of authority outside of the control of the Government and the Chinese Communist Party (CCP). Nonetheless, membership in many faiths is growing rapidly. During the period covered by this report, the Government's respect for freedom of religion and freedom of conscience remained poor, especially for religious groups and spiritual movements that are not registered with the Government. Unregistered religious groups continued to experience varying degrees of official interference and

harassment. Members of some unregistered religious groups were subjected to restrictions, including intimidation, harassment, and detention. Unregistered religious groups were pressured to register with government organs and government-sanctioned 'patriotic' religious associations linked to the five main religions – Buddhism, Islam, Taoism, Catholicism, and Protestantism. Religious practice and worship in officially sanctioned and unregistered places of worship continued to grow throughout the country, as did the number of religious believers. The extent of religious freedom varied widely within the country... The Government in some locations built new places of worship to accommodate increasing numbers of religious believers." [2a] (p1)

- 18.02 This section of the report concluded by stating, "Since 1999, the Secretary of State has designated the country as a 'Country of Particular Concern' under the International Religious Freedom Act (IRFA) for particularly severe violations of religious freedom." [2a] (Section IV. US Government Policy)

(See also section 21: [Banned spiritual groups](#))

- 18.03 As recorded by the USSD International Religious Freedom Report 2006, government officials who illegally deprive citizens of their religious freedom may be sentenced to up to two years in prison. [2a] (Section II. Status of Religious Freedom, Legal/Policy Framework) As reported by the same source, "...there were no known cases of persons being punished under this statute." [2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)

- 18.04 The USSD International Religious Freedom Report 2006 noted:

"The country has five main religions: Buddhism, Taoism, Islam, Catholicism, and Protestantism. While these are the primary religions, the 2005 religious affairs regulations did not identify 'official' religions. The Russian Orthodox Church also operated in some regions, and other religions existed in the country's expatriate community. Most of the country's population did not formally practice any religion. Approximately 8 percent of the population was Buddhist, approximately 1.5 percent was Muslim, an estimated 0.4 percent belonged to the official Catholic Church, an estimated 0.4 to 0.6 percent belonged to the unofficial Vatican-affiliated Catholic Church, an estimated 1.2 to 1.5 percent was registered as Protestant, and perhaps 2.5 percent worshipped in Protestant house churches that were independent of government control." [2a] (Section I. Religious Demography)

- 18.05 On 7 February 2007, the official *People's Daily* reported:

"China's religious followers are three times more than the official estimate, according to the country's first major survey on religious beliefs. The poll of about 4,500 people, conducted by professors Tong Shijun and Liu Zhongyu of Shanghai-based East China Normal University from 2005 till recently, found that 31.4 percent of Chinese aged 16 and above, about 300 million, are religious. This is much more than the official figure of 100 million, which has remained largely unchanged for years, Wednesday's China Daily reported. According to the report, Buddhism, Taoism, Catholicism, Christianity and Islam are the five major religions, having about 67.4 percent of China's religious believers. A striking feature is the re-vitalization of traditional Chinese religions, the report said. About 200 million people are Buddhists, Taoists or worshippers of legendary figures such as the Dragon King and God of

Fortune, accounting for 66.1 percent of all believers. Followers of Christianity also increase rapidly. Official figures estimate the number rose from less than 10 million in the late 1990s to 16 million in 2005, but the survey finds 12 percent of all believers, or 40 million, are Christians.” [12ah]

- 18.06 As reported by Ian Johnson in his book *Wild Grass* (2004), “Defining what is religion in China, can be a tricky business. Unlike western religions, which often try to sharply distinguish themselves from one another, Chinese belief systems happily overlap, drawing on ancestor worship, popular beliefs in spirits, the indigenous religion of Taoism and the ideas of worldwide religions like Buddhism.” [50f] (p200) On 1 February 2007 the *Economist* reported, “The fast growing house-church communities often disapprove of ancestor worship, thus attracting women who feel fettered by clan strictures.” [61a] As reported by *TIME Asia* on 1 May 2006, “Seeking personal salvation is fine, but public displays of religiosity outside the confines of state-controlled institutions are not.” [65c]

## REGISTRATION

- 18.07 As noted by the USSD International Religious Freedom Report 2006:

“The state reserves itself the right to register and thus to allow particular religious groups and spiritual movements to operate. For each of the five main religions, there is a government-affiliated association that monitors and supervises its activities and with which religious groups must affiliate. SARA is responsible for monitoring and judging the legitimacy of religious activity. SARA and the CCP United Front Work Department (UFWD) provide policy ‘guidance and supervision’ on the implementation of government regulations regarding religious activity, including the role of foreigners in religious activity. Employees of SARA and the UFWD are rarely religious adherents and often are party members. Communist Party members are directed by party doctrine to be atheists and their family members are discouraged from public participation in religious ceremonies. Public security forces maintain designated units charged with monitoring religious behavior that violates law or regulation. Such police monitor unregistered facilities, check to see that religious activities do not disrupt public order, and combat illegal cults.” [2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)

- 18.08 The same source continued:

“Some groups register voluntarily, some register under pressure, and authorities refuse to register others. Some religious groups have declined to register out of principled opposition to state control of religion. Others do not register due to fear of adverse consequences if they reveal, as required, the names and addresses of church leaders or members. Unregistered groups also frequently refuse to register for fear that doing so would require theological compromises, curtail doctrinal freedom, or allow government authorities to control sermon content. Some groups claimed that authorities refused them registration without explanation or detained group members who met with officials to attempt to register. The Government contended that these refusals mainly were the result of these groups' lack of adequate facilities or failure to meet other legal requirements.” [2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)

- 18.09 As reported by the official *China Daily* newspaper on 18 December 2004:
- “The Religious Affairs Provisions, promulgated on November 30 with the approval of Premier Wen Jiabao, will formally come into effect on March 1, 2005. The provisions, a set of comprehensive administrative rules concerning China’s religious affairs, explicitly specifies that the legitimate rights of religious groups, religious sites and the religious people are protected. It also offers guidance on religious affairs involving state and the public interests. The rules are regarded as a significant step forward in the protection of Chinese citizens’ religious freedom.” [14a]
- 18.10 As reported by the BBC on 19 December 2004, the wording of the regulations makes it clear that there will be no basic relaxation of the policy. This report also noted, “Some scholars have welcomed the fact that officials who abuse their powers in dealing with religious groups could face prosecution under the new rules.” [9r]
- 18.11 According to a report dated 18 January 2005 by Forum 18, “The new rules even singled out the Muslim, Tibetan Buddhist and Catholic communities in specifying requirements for religious pilgrimages and clerical appointments. While one article in the provisions stipulated that government officials (there was no mention of Communist Party officials) would be held legally accountable for abuses, there is no assurance that this accountability will be enforced.” [66a]
- 18.12 The same source continued, “Other than Falun Gong practitioners’ well-known public displays of civil disobedience in the early days of the state’s repression against the movement, and periodic protests by Uighur Muslims and Tibetan Buddhists, which also involve the important political issue of autonomy or independence vis-a-vis China, no significant public demonstrations are known to have been mounted in the name of religion or religious freedom within recent memory.” [66a]
- 18.13 Further to this the same source also stated that resistance to state regulations was essentially evasive in nature, with practitioners generally choosing to avoid direct confrontation with the authorities. [66a] According to the report the most common types of resistance were as follows:
- refusing to register, for reasons of faith or reasons of practicality;
  - meeting clandestinely;
  - establishing their own religious training institutions, sometimes involving foreign instructors;
  - teaching children under the age of 18, despite government regulations that prohibit this;
  - secretly seeking papal consent (Catholics);
  - refusing to sign papers denouncing their religious/spiritual leader(s);
  - using religious material not printed by the state;
  - communicating via Internet chatrooms. [66a]
- 18.14 As reported by Forum 18 on 8 March 2006:
- “One year on from the March 2005 Religious Affairs Regulations their effects are difficult to judge, and repressive actions continue against many communities. China’s religious policies are under increasing strain. Even the



definition of ‘religion’ – especially a ‘legal religion’ – is debated among officials, and a comprehensive religion law (as opposed to the Regulations) is awaited. The government seems to favour a law focusing on control of religion, but many religious leaders would prefer a law focusing on protecting religious believers’ rights. Underlying the debate – and the increasing strain on government policy – is the fact that religious faith and practice of all kinds is rapidly growing in China, making the ideological foundation of religious control increasingly unreal. The key question facing the government is, will it seek to create a better environment for religious practice or will it resist genuine reform? Resisting reform may – sadly and unnecessarily – be the most likely direction of current policy.” [66d] (p1)

## BUDDHISTS

18.15 As reported by the USSD International Religious Freedom Report 2006:

“The Government estimated that there are more than 100 million Buddhists, making Buddhism the organized religion with the largest body of followers. However, it was difficult to estimate accurately the number of Buddhists because they did not have congregational memberships and often did not participate in public ceremonies. The Government reported that there were 16,000 Buddhist temples and monasteries and more than 200,000 nuns and monks. Most believers, including most ethnic Han Buddhists, practiced Mahayana Buddhism. Most Tibetans and ethnic Mongolians practiced Tibetan Buddhism, a Mahayana adaptation. Some ethnic minorities in southwest Yunnan Province practiced Theravada Buddhism, the dominant tradition in neighboring Southeast Asia.” [2a] (Section I. Religious Demography)

18.16 China hosted the first International Buddhist Forum in April 2006. More than 1,000 Buddhist monks attended. [13o] (Xinhua, 12 April 2006)

(See also section 23: [Tibetan Buddhism](#))

## TAOISTS

18.17 As reported by the USSD International Religious Freedom Report 2006, “Religious officials offered no official estimate of the number of Taoists, but academics placed the number at several hundred thousand. According to the Taoist Association, there were more than 25,000 Taoist monks and nuns and more than 1,500 Taoist temples.” [2a] (Section I. Religious Demography)

18.18 This report also noted, “Official tolerance for Buddhism and Taoism has been greater than that for Christianity, and these religions often face fewer restrictions. However, as these non-Western religions have grown rapidly in recent years, there were signs of greater government concern and new restrictions, especially on groups that blend tenets from a number of religious beliefs.” [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

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## FOLK RELIGIONS

- 18.19 As reported by the USSD International Religious Freedom Report 2006, "Traditional folk religions (worship of local gods, heroes, and ancestors) have been revived, are practiced by hundreds of millions of citizens, and are tolerated to varying degrees as loose affiliates of Taoism, Buddhism, or ethnic minority cultural practices." However, as noted by the same source, "The Government has labeled folk religions as 'feudal superstition,' and followers sometimes were subject to harassment and repression." [2a] (Section I. Religious Demography & Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

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## CHRISTIANS

- 19.01 As reported by the BBC on 9 November 2004, "Getting reliable numbers about the number of Christians in China is notoriously difficult. Estimates vary between 40m to 70m Protestants, only 10 million of whom are registered members of government churches. The situation is similar for Catholics. Of the estimated 15 to 20 million Catholics in China, less than half belong to state-approved churches, which put authority to Beijing before authority to Rome." [9p]
- 19.02 This report continued, "Both Catholics and Protestants have long complained of persecution by the Communist authorities, and human rights groups claim the problem is getting worse." According to the same source, about 300 Christians are detained in China at any one time, and that number is due to rise (based on information from the Jubilee Campaign). This report also stated, "China's Christian population – especially those who refuse to worship in the tightly regulated state-registered churches – is seen as one such threat." Furthermore the report stated, "Those Christians who want to avoid the state-controlled religious movements meet in unofficial buildings or even each others' homes – hence their description as 'house churches' – risking fines, imprisonment, torture and even, in some cases, death." [9p]

## AVAILABILITY OF BIBLES

- 19.03 As reported by the USSD International Religious Freedom Report 2006:
- "The increase in the number of Christians in the country has resulted in a corresponding increase in the demand for Bibles. Bibles can be purchased at many bookstores and at most officially recognized churches. Many house church members buy their Bibles at such places without incident. A Bible is affordable for most citizens. The supply of Bibles is adequate in most parts of the country, but members of unregistered churches complained that the supply and distribution of Bibles in some places, especially rural locations, was inadequate. Individuals cannot order Bibles directly from publishing houses, and house church Christians reported that purchase of large numbers of Bibles could bring unfavorable attention to the purchaser. Customs officials continued to monitor for the 'smuggling' of Bibles and other religious materials into the country. Authorities sometimes confiscate Bibles in raids on house churches." [2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)

- 19.04 As noted by the USSD, “Bibles, like all other literature, can only be published by state-approved publishing houses... Religious adherents were arrested and jailed on charges of illegal publishing.” [2a] **(Section II. Status of Religious Freedom, Restrictions on Religious Freedom)**
- 19.05 As reported by the Canadian Immigration and Refugee Board (IRB) on 28 November 2003, Protestant house church leaders contacted by the IRB stated that officially sanctioned Bibles differ very little from other versions available outside China and that, “The Bible text remains sound and intact.” [3w] As reported by the IRB on 28 February 2003, “It is normal for Patriotic churches to display crosses, crucifixes and portraits of Jesus... It is similarly legal for Chinese citizens to possess these and display them in their homes.” [3t]

### PROSELYTIZING

- 19.06 Religious adherents held to be proselytizing risk being charged with public order offences. According to the Law Yearbook of China, 8,119 people were charged with “disturbing the social order or cheating by the use of superstition” in 2004. This figure includes a wide variety of offences and should be viewed alongside the estimated 600,000 Chinese who, according to official sources, become Protestants annually. [2a] **(USSD International Religious Freedom Report 2006) (Section I. Religious Demography & Abuses of Religious Freedom)** However, according to a report dated 13 February 2006 by Catholic Online, “In part because of its historical experience with foreign missionaries, China’s religious affairs regulations prohibit evangelization by foreigners while allowing it from within.” This report also stated that Chinese citizens can hand out officially sanctioned Bibles and invite people to attend Church services. [34a]

### CATHOLICS

- 19.07 As reported by the USSD International Religious Freedom Report 2006:
- “Approximately 8 to 10 million Catholics lived in the country, according to Chinese Catholics, although precise figures were difficult to determine. These included both the 4.5 million persons registered with the official Catholic Patriotic Association and an equal or greater number who worship in unregistered Catholic churches affiliated with the Vatican. According to official figures, the government-approved Catholic Patriotic Association had 67 bishops, 5,000 priests and nuns, and more than 6,000 churches and meetinghouses. There were thought to be approximately forty bishops operating ‘underground,’ some of who were likely in prison or under house arrest.” [2a] **(Section I. Religious Demography)**
- 19.08 As noted by AsiaNews on 27 September 2005, “Hebei is the region with the largest number of Catholics (more than 1.5 million), where clandestine Catholics (not recognised by the government) are in strong majority.” [58b] As noted by *The Times* on 15 May 2006, the Catholic Church is also particularly strong in Fujian province where most of the faithful are loyal to Rome. [90c]
- 19.09 As reported by the USSD International Religious Freedom Report 2006:
- “A number of Catholic priests and lay leaders were beaten or otherwise abused during the reporting period prompting Vatican officials to make formal protests. In some locations, local authorities reportedly have forced

unregistered priests and believers to choose between joining the official Church and facing punishment such as fines, job loss, periodic detentions, and having their children barred from school. Some Catholic officials were forced into hiding. Ongoing harassment of unregistered bishops and priests was reported in recent years, including government surveillance and repeated short detentions. Many of those harassed and detained were more than seventy years old.” [2a] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)

- 19.10 As reported by the United States Commission on International Religious Freedom (USCIRF) Annual Report 2006, published in May 2006:

“The Chinese government also continues its repression of the unregistered Roman Catholic Church in China, which maintains its allegiance to the Vatican. There are at least 40 Catholic bishops or priests under arrest, imprisoned, or detained, including 74-year old Bishop Su Zhimin, who has been in prison, in detention, under house arrest, or under strict surveillance since the 1970s. Bishop Su’s Auxiliary Bishop, An Shuxin, has not been seen since he was detained in 1996, although Bishop Jin of Shanghai reported to the Commission in August 2005 that he had been permitted to visit Bishop An in Hebei in 2001. In August 2004, Bishop Gao Kexian died of unknown causes in a prison where he had been since 1997. In March 2005, Bishop Zhao Zhendong of Hebei was detained along with two other priests. Their current whereabouts remain unknown. Clergy in Hebei, Fujian, and Shaanxi provinces were harassed, detained, and arrested during the past year. In November 2005, authorities in Hebei arrested six priests who serve with underground Bishop Jia Zhiguo, who himself remains under house arrest. Also in November, at least 16 nuns were beaten in Shaanxi province in attempts to prevent the demolition of a Catholic school. One of the nuns was paralyzed in the incident. In December, police reported that 11 people had been arrested and charged in the beatings, although the nuns claim that at least 40 persons were involved.” [70a] (p111)

- 19.11 On 30 September 2006, Cardinal Joseph Zen Ze-kiun, who is Bishop of Hong Kong stated, “In China, there is persecution – not only of the so-called underground Church but also of the official Church...” [22a]
- 19.12 On 25 August 2006, the Cardinal Kung Foundation (an NGO) reported that the authorities had released a bishop jailed ten years ago for being a member of an unregistered Catholic church. [68a] As reported by AsiaNews on 11 August 2006, police detained 90 Catholics in Hebei province after protesters confronted the police who they believed had tortured a bishop. [58c]
- 19.13 As reported by the Canadian IRB on 8 June 2004, “During a 4 June 2004 telephone interview with the Research Directorate, a representative of the Cardinal Kung Foundation stated that there are no standardized baptismal certificates within underground Catholic churches in China nor are baptismal certificates issued as a matter of course. Instead, if a baptismal certificate were requested at the time of baptism, the priest might issue an informal document that would most likely be written in Chinese.” [3o]

## Relations with the Vatican

19.14 As noted by the USSD International Religious Freedom Report 2006:

“The Government does not allow the government-authorized Chinese Catholic Patriotic Association and its clergy to recognize the authority of the pope in some matters, which remained a significant reason for the persistence of a large unregistered Catholic church that remained unaffiliated with the Government and Patriotic Association. Pressure by the Patriotic Association on unregistered Catholic bishops to join the official Church continued, and unregistered priests and bishops were often detained. Despite some efforts toward rapprochement between the Government and the Vatican, the Government has not established diplomatic relations with the Holy See, and there was no Vatican representative on the Mainland. The Vatican's diplomatic recognition of Taiwan and differences over selection of bishops remained the primary obstacles to improved relations. After the death of Pope John Paul II in 2005, Government and religious officials made conciliatory statements and welcomed Pope Benedict XVI. The Vatican invited four Chinese bishops, including one not recognized by the Government, to an October 2005 synod in Rome, but the Patriotic Association declined the invitations.” [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

19.15 As reported by *The Times* on 20 March 2006:

“In the past three weeks the Catholic Patriotic Association has ordained three bishops without consulting the Vatican, which has responded with anger and dismay to what it regards as a breach of trust. It was a strong demonstration of secular power over the sacerdotal... Yet these events have at least brought some clarity. They have shown that the Communist Party is not yet ready to break the pact between state and church that it forged 50 years ago. Too much is at stake. It is not simply a question of Chinese Catholics or of Chinese Christians generally; even combined, their numbers are relatively insignificant. Rather, China is unwilling to tolerate a broad expansion in religious freedom, of which reconciliation with Rome might form a part, because it fears the broader political consequences. After all, religion, in the form of Tibetan Buddhism, fuels national identity and separatism in Tibet, and, in the form of Islam, encourages similar sentiments in Xinjiang. For Beijing, national unity and social stability require control of spiritual as well as material resources.” [90a]

19.16 As reported by CNN on 24 February 2006, Hong Kong's newly appointed Cardinal, Joseph Zen is a vocal supporter of the underground Catholic Church as well as an advocate for greater democracy in the Special Administrative Region. He has, however, been warned to stay out of mainland politics. [10c]

19.17 On 18 April 2005 *TIME Asia* reported that both official and unofficial churches united in mourning for the late Pope, John Paul II (died 4 April 2005). According to the same source, “This was the first time since Beijing severed relations with the Vatican in 1951 that worshippers in state-approved churches were allowed to commemorate a Pope's death.” The same source also quoted Father Benedictus from Shijiazhuang parish in Hebei province as saying, “As long as we don't protest or set off firecrackers, we're basically left alone...” [65g]

19.18 On 4 April 2005, the official *People's Daily* reported:

"Chinese Catholics Sunday joined their counterparts in other countries to grieve over the death of Pope John Paul II, while the Chinese Foreign Ministry extends governmental condolence over the loss of the pontiff, hoping for improving relations between China and Vatican... In their Sunday mass, Catholics in Beijing, Tianjin, Shanghai and other cities mourned for the Pope. Nearly 10,000 Catholics attended masses held in five major Catholic churches in the national capital." [12w]

### PROTESTANTS (INCLUDING "HOUSE CHURCHES")

19.19 As reported by the USSD International Religious Freedom Report 2006:

"The Government maintained that the country had more than 16 million Protestants, more than 55,000 registered churches and other places of worship, and 18 theological schools. Officials from the Three-Self Patriotic Movement (the state-approved Protestant religious organization) had estimated that at least 20 million Chinese worship in official churches. One local academic put the number of Protestants between 50 and 60 million, including both officially approved and unregistered churches. Foreign sources estimated that there were between 80-100 million Protestants worshipping in unregistered churches. A 2004 nongovernmental survey in Beijing tallied over 100,000 unregistered Protestants, far more than the 30,000 registered with authorities. Domestic and foreign experts agreed that the number of Protestants was growing rapidly. According to state-run media reports in August 2004, the number of Protestants was increasing by up to 600,000 annually. While it is difficult to arrive at an exact estimate, Christian groups outside China believe that the number of Chinese attending unregistered churches is expanding at a much faster rate." [2a] (Section I. Religious Demography)

19.20 As reported by the same source:

"Local officials have great discretion in determining whether 'house churches' violate regulations. The term 'house church' is used to describe both unregistered churches and gatherings in homes or businesses of groups of Christians to conduct small, private worship services. SARA officials confirmed during the year that unregistered churches are illegal, but said prayer meetings and Bible study groups held among friends and family in homes are legal and need not register. In some parts of the country, unregistered house churches with hundreds of members meet openly with the full knowledge of local authorities, who characterize the meetings as informal gatherings to pray, sing, and study the Bible. In other areas, house church meetings of more than a handful of family members and friends are not permitted. House churches often encounter difficulties when their membership grows, when they arrange for the regular use of facilities for the specific purpose of conducting religious activities, or when they forge links with other unregistered groups or with coreligionists overseas. Urban house churches are generally limited to meetings of a few dozen members or less, while meetings of unregistered Protestants in small cities and rural areas may number in the hundreds." [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

- 19.21 The report stated further, "Protestant Christians who worshipped outside of government-approved venues or in their homes continued to face detention and abuse, especially for attempting to meet in large groups, traveling within and outside of the country for religious meetings, and otherwise holding peaceful religious assemblies in unregistered venues." [2a] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)
- 19.22 As reported by the USCIRF Annual Report 2006, published in May 2006:
- "Conditions for unregistered Protestant groups in China remained poor during the last year... In the last year, the Chinese government continued to carry out large-scale raids on several meetings of house church pastors in various parts of the country. In January 2006, a well-established house church that has been meeting for several years in Beijing was raided by police. Authorities reportedly cited the March 2005 Regulations on Religious Affairs and declared the venue an 'illegal religious gathering.' In addition, in the past year, dozens of pastors were arrested, detained, and, in some cases, released in Hebei, Hubei, Henan, Xinjiang, and Anhui provinces. At least 15 pastors remain in custody from this series of mass arrests. In March 2006, a registered church in Henan was reportedly raided and three of its leaders taken into custody because it was conducting activities outside the framework of an official agreement with the Three Self Patriotic Movement of Protestant Churches, considered the sole body through which Protestant congregations may worship and engage [in] religious activities. However, in some parts of the country, unregistered house churches hundreds of members meet openly, with the full knowledge of local authorities." [70a] (p111-112)
- 19.23 As reported by the Canadian IRB on 17 August 2004:
- "It appears that the Chinese government most fears religious groups not willing to submit themselves to official supervision, and that proliferate beyond official control. If a Chinese citizen became a practising Christian overseas and was willing to attend an officially sanctioned church upon his return to China, it's unlikely that he would encounter any difficulty. However, if he became an active member of an unsanctioned congregation, and especially if he contributed to the growth of the congregation through evangelizing, he would expose himself to a real risk of persecution." [3u] (Based on Information supplied by the NGO Human Rights in China.)
- 19.24 As recorded by the USSD International Religious Freedom Report 2006, "In past years, local officials destroyed several unregistered places of worship, although there were no reports of widespread razing of churches or shrines during the period covered by this report." [2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)
- 19.25 As reported by Voice of the Martyrs (VOM) on 7 July 2006, house church leader, Zhang Rongliang, was sentenced to seven and a half years' imprisonment after being convicted by a court in Zhongmu city on 4 July 2006. The precise nature of the charges was unclear but Zhang was first arrested on 1 December 2004 and subsequently charged with passport offences. His house was later searched whereupon police discovered Christian DVDs linking him to foreign Christians. As noted by VOM, "Contact with foreign co-religionists can constitute illegal activity in China." [48a]



## RUSSIAN ORTHODOX CHURCH

- 19.26 As reported by the Union of Catholic Asian News (UCAN) in a report dated 24 June 2004 and uploaded onto an Orthodox website:

“The Russian Orthodox Church has been negotiating with religious affairs officials in Beijing for official recognition of the Chinese Autonomous Orthodox Church, a Russian Orthodox priest has revealed... There has been no Orthodox priest in China since Archpriest Alexander Du Lifu died in Beijing last December [2003], Father Pozdnyaev [a spokesperson for the Moscow Patriarchate] said. Despite this, he continued, there are about 13,000 Orthodox believers, mostly of Russian descent, who regularly have prayer services in four worship places in China.” [69a]

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## MUSLIMS

- 20.01 As reported by the USSD International Religious Freedom Report 2006, “According to government figures, there are 20 million Muslims, more than 40,000 Islamic places of worship (more than half of which are in Xinjiang), and more than 45,000 imams nationwide. The country has 10 predominantly Muslim ethnic groups, the largest of which are the Hui, estimated to number nearly 10 million... The country also has over 1 million Kazakh Muslims and thousands of Dongxiang, Kyrgyz, Salar, Tajik, Uzbek, Baoan, and Tatar Muslims.” [2a] (Section I. Religious Demography)

- 20.02 The report stated further:

“There were large Muslim populations in many areas, but government sensitivity to these communities varied widely... In areas where ethnic unrest has occurred, especially among the Uighurs in Xinjiang, regulations restricting Muslims' religious activity, teaching, and places of worship continued to be implemented forcefully. In Xinjiang officials continued to restrict the building of mosques and the training of clergy and prohibited the teaching of Islam to children. In addition to the restrictions on practicing religion placed on party members and government officials throughout the country, Muslim teachers, professors, and university students in Xinjiang are not allowed to attend mosque services or practice religion openly. Female university students and professors are discouraged from wearing headscarves or skirts. Some ethnic Tajiks in Xinjiang cannot attend mosque until over age 30. However, in other areas, particularly in areas populated by the Hui ethnic group, there was substantial mosque construction and renovation and also apparent freedom to worship... Xinjiang officials told foreign observers that children under eighteen are not permitted to attend religious services in mosques in Xinjiang. However, children were observed attending prayer services at mosques in Beijing and other parts of the country. Fundamentalist Muslim leaders received particularly harsh treatment. In 2000 the authorities began conducting monthly political study sessions for religious personnel; the program reportedly continued during the period covered by this report.” [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)



## UIGHUR(S) (UYGUR, UYGHUR)

- 20.03 In a report dated 8 February 2007, Radio Free Asia (RFA) stated, “Uyghurs constitute a distinct, Turkic-speaking, Muslim minority in northwestern China and Central Asia. They declared a short-lived East Turkestan Republic in Xinjiang in the late 1930s and 40s but have remained under Beijing’s control since 1949.” [73] As noted by Europa World in its country profile for China, accessed 25 January 2006, there are 8.39 million Uighur in China, accounting for 0.68 per cent of the population. As noted by the same source the total population of Xinjiang Uygur Autonomous Region is 18.45 million (based on the 2000 census). [1a] (Area and Population) [18f] (map of Xinjiang)
- 20.04 As noted by the Encyclopedia of the World’s Minorities (2005), most Uighur are Sunni Muslims who speak their own Uighur language, which is written in Arabic script (Cyrillic in ex-Soviet states). Significant Uighur minorities can be found in Kazakhstan (210,000), Kyrgyzstan (37,000) and Uzbekistan (37,000), as well as in much smaller numbers in Tajikistan, Turkmenistan, Mongolia, Afghanistan and Pakistan. [76] (p1281-1283)
- 20.05 As reported by the *Washington Post* on 15 September 2000, “Since the early 1950s, the Xinjiang Production and Construction Corps, a paramilitary organization that operates farms and factories, has moved 2.4 million people, 90 percent Han [Chinese], into Xinjiang and opened up millions of acres of desert for farming. In 1948, 75 percent of Xinjiang’s population was Uighur and 15 percent was Han. Today, 40 percent of Xinjiang’s 16 million people are Han.” [59a] As reported by the BBC on 17 November 2005, Han settlers have “... overwhelmed the indigenous Uighurs, Kazakhs and Mongolians.” [9t]

## Human rights in Xinjiang (East Turkestan)

- 20.06 In April 2005, HRW published a report entitled, *Devastating Blows: Religious Repression of Uighurs in Xinjiang*. This report stated, “Xinjiang leads the nation in executions for state security ‘crimes,’ with over 200 people sentenced to death since 1997.” [7a] (p8) The report also noted, “A rare documentary source obtained by Human Rights Watch, a scholarly paper from a Ministry of Justice compendium, shows that in 2001 9.2 percent of convicted Uighurs – one out of eleven – were serving prison time for alleged ‘state security crimes.’ This probably amounts to more than 1,000 Uighur prisoners.” [7a] (p71)
- 20.07 As recorded by the US State Department (USSD) Report 2006, published on 6 March 2007:
- “Authorities in Xinjiang used house arrest and other forms of arbitrary detention against those accused of the ‘three evils’ of extremism, splittism, and terrorism. Because authorities failed to distinguish carefully between peaceful activities supporting independence, ‘illegal’ religious activities, and violent terrorism, it was difficult to determine whether raids, detentions, arrests, or judicial punishments were targeted at those peacefully seeking political goals, those seeking worship, or those engaged in violence.” [2e] (Section 1d)
- 20.08 As reported by the same source, “Uighurs were sentenced to long prison terms and many were executed on charges of separatism. During a previous

‘strike hard’ campaign, which officially concluded in 2003, authorities stated they prosecuted more than 3,000 cases in Xinjiang and held mass sentencing rallies attended by more than 300,000 persons.” [2e] (Section 5)

### Religious freedom in Xinjiang (East Turkestan)

20.09 In its report of April 2005, HRW stated:

“The Uighurs have long practiced a moderate, traditional form of Sunni Islam, strongly infused with the folklore and traditions of a rural, oasis-dwelling population. Today most Uighurs still live in rural communities, although large cities have emerged in the region. Their history as commercial and cultural brokers between the different people connected by the Silk Road (through which Buddhism was introduced to China from India two millennia ago) gave rise to a markedly tolerant and open version of Muslim faith and a rich intellectual tradition of literature, science, and music. Nineteenth-century travelers to Kashgar noted that women enjoyed many freedoms, such as the right to initiate divorce and run businesses on their own. Sufism, a deeply mystical tradition of Islam revolving around the cult of particular saints and transmitted from master to disciples, has also had a long historical presence in Xinjiang. In daily life, Islam represents a source of personal and social values, and provides a vocabulary for talking about aspirations and grievances. The imam is traditionally a mediator and a moderator of village life, and performs many social functions as well as religious ones.” [7a] (p12)

20.10 As reported by Forum 18 on 15 August 2006:

“Sufism is found mostly in southern Xinjiang (in Hotan and Kashgar). The Sufi zikr ceremony (ritual songs and dances) is banned, as are rituals at the graves of devout Muslims. Books by Sufi authors are banned and Chinese scholars assert in their research that Sufism is a distortion of Islam... Some Muslims in southern Xinjiang are sympathetic to Wahhabism, Forum 18 found, but unlike in Tajikistan and Uzbekistan they have been frightened into inactivity by the Chinese government’s strict policy. As a result, unlike in Uzbekistan, in Xinjiang there are no recorded cases of criminal prosecutions against Wahhabis.” [66e] (p2)

20.11 The USSD Report 2006 describes the Sala movement as “a local Sufi branch of Islam”. [2e] (Section 2c) As reported by the USSD International Religious Freedom Report 2006:

“In August 2005 the Government reportedly banned the Sala movement of Islam and detained more than 150 followers in Xinjiang. Moreover, security authorities were authorized to ‘strike hard’ against groups believed to have plans to disrupt celebrations of the fiftieth anniversary of the Government’s rule in Xinjiang in October 2005. This included restrictions on a movement of Islam called Salafism due to concerns followers supported extremism. No disruptions were reported, but scores were reportedly harassed and detained in the run-up to the anniversary. Because of government control of information coming from Xinjiang, many reported restrictions were difficult to confirm.” [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

20.12 As reported by the USCIRF Annual Report 2006, published in May 2006:

“In the largely Muslim XUAR [Xinjiang Uygur Autonomous Region], freedom of religion or belief continues to be severely curtailed by the government, which often conflates peaceful Uighur political opposition with violent separatist activities, extremism, and/or terrorism. The already poor situation deteriorated further in the past year, as a campaign against ‘terrorism, separatism and religious extremism,’ perpetuated through orders originating from China’s Politburo, targeted politically, socially and religiously active members of Uighur society. Since September 11, 2001, the government has used concerns about international terrorism as a pretext to monitor and control Muslim religious activities. Uighur Muslim clerics and students have been detained for various ‘illegal’ religious activities, ‘illegal religious centers’ have been closed, and police continue to confiscate large quantities of ‘illegal religious publications.’ Some religious leaders and activists who attempt to publicize these and other abuses have received prolonged prison terms, or even death sentences, on charges of ‘separatism’ and ‘endangering social order.’ All imams in Xinjiang are required to undergo annual political training seminars to retain their licenses, and local security forces maintain a dossier on them to make sure they meet political requirements. [70a] (p118-119)

- 20.13 In its Religious Freedom survey for Xinjiang, published on 20 September 2004, Forum 18 stated:

“At first glance, it appears that believers in Xinjiang suffer no persecution from the authorities. Places of worship for a wide range of faiths function virtually everywhere in the region. Moreover, such places of worship are often built at state expense. Priests at larger places of worship receive a small state salary. Muslims have their own hospitals staffed by Muslim women doctors and serving only other Muslim women. There are also Muslim restaurants... But in helping believers, the state is trying to keep religious communities under its control.” [66b] (p2)

- 20.14 As reported by the same organisation on 28 September 2004:

“In Xinjiang region, Forum 18 News Service has seen an instructional display outlining banned activities. Such instructional displays are normally hidden from the public, and are thought to apply in mosques throughout China. Among banned activities are: teaching religion ‘privately’; allowing children under 18 to attend a mosque; allowing Islam to influence family life and birth planning behaviour; propaganda associated with terrorism and separatism; religious professionals acquiring large sums of money; the declaration of ‘holy war’ (jihad); and promoting ‘superstitious thoughts’. These displays are not compulsory in non-Muslim places of worship and Forum 18 found no such displays in Xinjiang’s two Orthodox churches.” [66c] (p1)

- 20.15 As reported by the USSD International Religious Freedom Report 2006:

“Xinjiang authorities continued to use counter terrorism as a pretext for religious repression of Uighur Muslims, according to human rights nongovernmental organizations (NGOs). Because the Xinjiang Government regularly fails to distinguish carefully among those involved in peaceful activities in support of independence, ‘illegal’ religious activities, and violent terrorism, it is often difficult to determine whether particular raids, detentions, arrests, or judicial punishments targeted those seeking to worship, those peacefully seeking political goals, or those engaged in violence. As a result,

Xinjiang authorities often charge religious believers with committing the ‘three evils’ of terrorism, separatism, and Muslim extremism.” [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

### Uighur terrorist groups

- 20.16 As reported by the BBC on 15 December 2003, “China has issued its first ‘terrorist’ wanted list, blaming four Muslim separatist groups and 11 individuals for a string of bombings and assassinations [carried out in the 1990s] and calling for international assistance to track them down.” The groups identified were the Eastern Turkestan Islamic Movement (ETIM), the Eastern Turkestan Liberation Organization (ETLO), the World Uighur Youth Congress (WUYC) and the East Turkestan Information Centre (ETIC). This report also noted, “Chinese authorities have blamed ETIM for many of the 200 or more attacks reported in Xinjiang since 1990 and have banned the group for more than a decade. Beijing accuses ETIM of having links to the Taleban in neighbouring Afghanistan and Osama bin Laden’s al-Qaeda network, but has produced no supporting evidence.” [9g]
- 20.17 According to Justin Rudelson and William Jankowiak writing in *Xinjiang China’s Muslim Borderland*, a collection of academic articles on Xinjiang published in 2004, the Chinese government named eight Uighur terrorist forces it says were operating within Xinjiang in August 2002. The groups it named are listed below:

#### Islamic

- The Eastern Turkestan Islamic Movement (ETIM).
- The Eastern Turkestan Islamic Party.
- The Eastern Turkestan Islamic Party of Allah.
- The Islamic Reform Party “Shock Brigade”.
- The Islamic Holy Warriors.

#### Secular

- The Eastern Turkestan International Movement.
- The Eastern Turkestan Liberation Organization.
- The Uyghur Liberation Organisation. [50d] (p317-318)

### East Turkestan Islamic Movement (ETIM)

- 20.18 As reported by the same source:

“On August 26, 2002, the US State Department, China and the United Nations announced that one of the eight Uyghur militant groups, the ETIM, would be placed on the list of international terrorist organizations. Slowly more information about this militant group organization came out. The ETIM Uyghur resistance began after the 1990 Baren uprising. Seeing the government’s readiness to use force against apparently peaceful students, Uyghur activists from the south of Xinjiang fled to a base at a religious school (madrassah) in Pakistan and there they founded the ETIM. ETIM fighters dedicated themselves to fighting a ‘holy war’ in Central Asia and to fighting against Chinese invaders. The ETIM’s leadership is purported to have had close links to Osama bin Laden and to have sent agents and weapons into Xinjiang beginning in 1998. At least two of the Al-Qaeda fighters captured in

Afghanistan and sent to Guantanamo [Bay], Cuba were Uyghurs from the ETIM.” [50d] (p317-318)

- 20.19 As reported by the US State Department (Office of the Coordinator for Counterterrorism) in its 2004 Country Reports on Terrorism, published in April 2005, “While no acts of international terrorism were committed in China in 2004, there were several reports of bombings and bomb threats in various parts of China. It is unclear whether these were acts of terrorism or criminal attacks. Chinese authorities assert that ethnic Uighur terrorists, primarily based in Xinjiang Uighur Autonomous Region, continue to operate on Chinese territory.” [2k] (Chapter 5A, China)

- 20.20 As reported by the same source:

**“Description**

The East Turkistan Islamic Movement (ETIM) is a small Islamic extremist group based in China’s western Xinjiang Province. It is the most militant of the ethnic Uighur separatist groups pursuing an independent ‘Eastern Turkistan,’ an area that would include Turkey, Kazakhstan, Kyrgyzstan, Uzbekistan, Pakistan, Afghanistan, and the Xinjiang Uighur Autonomous Region of China. ETIM is linked to al-Qa’ida and the international mujahedin movement. In September 2002 the group was designated under EO 13224 as a supporter of terrorist activity.

**Activities**

ETIM militants fought alongside al-Qa’ida and Taliban forces in Afghanistan during Operation Enduring Freedom. In October 2003, Pakistani soldiers killed ETIM leader Hassan Makhsum during raids on al-Qa’ida–associated compounds in western Pakistan. US and Chinese Government information suggests ETIM is responsible for various terrorist acts inside and outside China. In May 2002, two ETIM members were deported to China from Kyrgyzstan for plotting to attack the US Embassy in Kyrgyzstan as well as other US interests abroad.

**Strength**

Unknown. Only a small minority of ethnic Uighurs supports the Xinjiang independence movement or the formation of an Eastern Turkistan.

**Location/Area of Operation**

Xinjiang Province and neighboring countries in the region.

**External Aid**

ETIM has received training and financial assistance from al-Qa’ida.” [2k] (Chapter 6 – Terrorist Groups)

**Other Uighur opposition groups**

- 20.21 In its report of April 2005, HRW stated:

“As the borders of Xinjiang became more porous in the 1980s, a number of young Uighurs went clandestinely to Pakistan to receive the religious education they could not obtain under China’s policies. Upon their return, they enjoyed great prestige due to their ventures abroad and their knowledge of Koranic theology, far beyond that typical among local imams. Small-scale, localized underground religious organizations started to emerge. A long history of tension and opposition to Chinese domination already existed. In this period it began to take on an Islamic color. There is no evidence that Salafism, the radical Islamic ideology connected to many jihadist movements

around the world, has taken root to any significant extent in Xinjiang. Proponents of rebellion against Chinese rule have used the vocabulary of Islam and religious grievances against Beijing to justify their actions. These are not, however, mainstream views. Recent reports suggest that Hizb ut-Tahrir (Party of Liberation), a movement which advocates the establishment of a pan-Central Asian caliphate and whose headquarters is located in London, has recently made inroads in Southern Xinjiang, but it has so far never advocated violence. Hizb ut-Tahrir is the object of rigorous repression in Uzbekistan and other Central Asian countries. It remains illegal in China.” [7a] (p12)

- 20.22 This report also noted, “While small pro-independence organizations have in the past resorted to violence, since 1998 there have been no reports of significant militant activity. This is not to suggest that there may not be individuals or groups who continue to embrace violence to further their political goals. But Chinese officials admit that in recent years separatist activity has actually decreased and is not a threat to the viability of the state.” [7a] (p8)

### HUI (HUIHUI)

- 20.23 As noted by Europa World in its country profile for China, there are 9.8 million Hui in China, accounting for 0.79 per cent of the population. As noted by the same source the total population of the Ningxia Hui Autonomous Region is 5.48 million (based on the 2000 census). [1a] (Area and Population)
- 20.24 As reported by the Encyclopaedia of the World's Minorities (2005), “Although they can be found in most of the cities throughout the country, they mainly inhabit the Ningxia Hui Autonomous Region, as well as Gansu, Quinghai, Xinjiang, Henan, Hebei, and Shangdong Provinces. Moreover, half a million live in Yunnan, and there are scattered settlements of Hui in Laos, Thailand and Burma (the Wa States and Kengtung areas). They have no distinctive language and speak Mandarin or local dialects.” [76] (p566)
- 20.25 As reported by the USSD International Religious Freedom Report 2006, “Generally speaking, the country's Hui Muslims, who were ethnically Han Chinese and lived in Han communities throughout the country had greater religious freedom than Turkic Muslims such as the Uighurs, who were concentrated in the western part of the country.” [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)
- 20.26 As reported by Asia Times on 6 September 2006:
- “In the past the Hui were among the least orthodox Muslims in the world. Many smoked and drank, few grew beards, and Hui women rarely wore veils. Increased contact with the Middle East, however, has wrought changes. Thousands of Hui students have returned from colleges in Arab countries over the past few years and they have brought with them stricter ideas of Islam. Mosques in Ningxia have now begun to receive worshippers five times a day, more Hui women have taken to wearing headscarves, and skullcaps are in wide evidence. There is a strong identification among the Hui community today with the wider problems of the Islamic world... For many non-Muslim Chinese, this identification of the Hui with communities outside of China is problematic.” [64j]



- 20.27 As reported by the BBC on 1 November 2004, “Martial law has been imposed in parts of the Chinese province of Henan after ethnic clashes [between Han and Hui] in which at least seven people were killed.” The report continued, “Residents are quoted as saying that houses were set alight, and people were fighting using farm tools.” [90] On 4 November 2004, *TIME Asia* reported that it took four days and a deployment of 10,000 armed police to restore order on 31 October 2004. According to this report 148 people died during what was described as the worst ethnic clashes in years. [65e]
- 20.28 As reported by the magazine *In These Times* on 28 December 2004:
- “The Chinese government has long tried to mollify its potentially restive minorities with sops such as jobs preferences and other affirmative action-type schemes. But with unemployment rising, particularly in the rural central and western provinces, the Han majority is increasingly resentful... Hui men often complain that they and other Muslim minorities have few ‘real jobs,’ and are limited to owning restaurants in the local ‘minority street,’ where they serve patrons piping-hot kebobs [sic] and flaky nan bread. But there is no doubt the Hui now enjoy far more religious freedom than they did in the first decades of Communist rule, when the Party repressed practice of all faiths.” [79a]
- 20.29 The report continued:
- “‘People [now] come in droves to pray five times a day ... and we are even getting new converts,’ says Lu Da Zhe An, a cleric at the newly built Arabian-style mosque in Shui Yun, a Hui village not far from Nanren. Ironically this relatively greater religious freedom is also heightening differences between Han and Hui, says Mai Bao Guang, a local butcher in Shui Yun. He, like many Hui, has recently taken to wearing a beard and an Arabic-style white prayer hat. According to Mai, such increased devoutness and the Huis’ tendency to congregate in and around mosques has made them seem even more clannish to many Han Chinese.” [79a]

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## BANNED SPIRITUAL GROUPS

- 21.01 As reported by the USSD International Religious Freedom Report 2006:
- “The Government has banned all groups that it has determined to be ‘cults,’ including the ‘Shouters’ (founded in the United States in 1962), Eastern Lightning, the Society of Disciples (Mentu Hui), the Full Scope Church, the Spirit Sect, the New Testament Church, the Guan Yin (also known as Guanyin Famin, or the Way of the Goddess of Mercy), the Three Grades of Servants (also known as San Ba Pu Ren), the Association of Disciples, the Lord God Sect, the Established King Church, the Unification Church, the Family of Love, the South China Church, the Falun Gong, and the Zhong Gong movements. (Zhong Gong is a qigong exercise discipline with some mystical tenets.)” [2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)
- 21.02 The report continued:
- “After the revised criminal law came into effect in 1997, offenses related to membership in unapproved cults and religious groups were classified as



crimes of disturbing the social order. A ban on cults, including the Falun Gong spiritual movement, was enacted in 1999. Under Article 300 of the criminal law, 'cult' members who 'disrupt public order' or distribute publications may be sentenced to three to seven years in prison, while 'cult' leaders and recruiters may be sentenced to seven years or more in prison. Under the new Public Security Administrative Punishment Law, which took effect March 1, 2006. Falun Gong adherents could face five to fifteen days of administrative detention and fines of up to \$125 (1,000 RMB) for using superstitious cults or qigong activities to disrupt public order or harm public health. Public security officials said the law would be used against Falun Gong." [2a] **(Section II. Status of Religious Freedom, Legal/Policy Framework)**

- 21.03 Articles 300 and 301 of the Criminal Law set out the penalties for seeking to promote an "evil cult". They state:

"Article 300: Whoever forms or uses superstitious sects or secret societies or weird religious organizations or uses superstition to undermine the implementation of the laws and administrative rules and regulations of the State shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than seven years.

Whoever forms or uses superstitious sects or secret societies or weird religious organizations or uses superstition to cheat another person, and causes death to the person shall be punished in accordance with the provisions of the preceding paragraph.

Whoever forms or uses superstitious sects or secret societies or weird religious organizations or uses superstition to rape a woman or swindle money or property shall be convicted and punished in accordance with the provisions of Articles 236 and Article 266 of this Law respectively.

Article 301: Where people are gathered to engage in licentious activities, the ringleaders and the persons who repeatedly take part in such activities shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance.

Whoever entices a minor to join people in licentious activities shall be given a heavier punishment in accordance with the provisions of the preceding paragraph." [5i]

## THE SHOUTERS (HUHAN PAI) OR LOCAL CHURCH

- 21.04 As reported by Belief.net on 9 January 2002, "The Shouters have been targeted by China as an anti-government group since the early 1980s and were banned in 1995. According to a 1994 report by Human Rights Watch-Asia, the Shouters were targeted as a cult because their strong evangelical belief in the second coming of Christ challenged the idea of a future communist utopia." [71b]
- 21.05 As reported by the 'Local Church' Information Site in a report dated 4 October 2003:

“The ‘Local Church’ of Witness Lee is a religious movement whose teachings are rooted in Biblical Christianity, but with several unique elements that have led many observers to label the group a cult. The current movement began in the 1960s in southern California, U.S.A. with the teachings of Chinese-American preacher Witness Lee, and it has since spread through much of North America and parts of Europe and Asia. Churches affiliated with the movement can usually be identified by their name, which almost always follows the pattern ‘The Church in [city name]’. Members typically claim that the movement has no official name, although the term ‘The Lord’s Recovery’ is often used internally as a descriptive name. The term ‘Local Church’ is generally used by outsiders, and refers to the movement’s belief that the church should be organized by city, and that individual churches should take the name of the city in which they are located. Other names sometimes used include ‘Church of Recovery’ (Philippines) and ‘Shouters’ (China).” [72a]

- 21.06 The same source continued, “Estimates of the size of the ‘Local Church’ hover around several hundred thousand members worldwide. However, it is difficult to produce precise numbers, largely because it is difficult to gauge the number of adherents and partial adherents to the group’s teachings within mainland China itself, where the movement appears to thrive but has been driven underground by government persecution.” [72a]

### **SOUTH CHINA CHURCH**

- 21.07 As reported by the USSD International Religious Freedom Report 2006, “Gong Shengliang and several other leaders of the unregistered South China Church, which the Government considered to be a cult, reportedly continued to suffer abuse in prison during the period covered by this report.” [2a] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)
- 21.08 As reported by Christian Solidarity Worldwide (CSW) on 17 January 2002, Gong and his niece, Li Ying, were sentenced to death following a secret trial held on 18 December 2001. “Gong was sentenced to death for ‘using an evil cult to undermine law enforcement’, causing bodily harm with intent, and rape... Li Ying was also given a death sentence, suspended for two years, for ‘using an evil cult to undermine law enforcement’ and causing bodily harm with intent...” [74a]
- 21.09 As reported by the same source, “The rape charge follows a pattern which has been used against other alleged cult leaders who have been sentenced to death, including Supreme Spirit Sect leader Liu Jia Guo and leader of the Established King Sect, Wu Yung Ming, sentenced to death in 1999 and 1995 respectively.” [74a] As reported by AI on 11 June 2003, Gong’s death sentence was commuted to life imprisonment in October 2003. [6d]

### **THREE GRADES OF SERVANTS CHURCH**

- 21.10 As reported by CSW on 29 November 2006, three leaders of the Three Grades of Servants Church were executed after being convicted earlier in the year of murdering members of a rival sect. All three had complained of being tortured in order to make them confess to the killings at their trial. [74c] As reported by Associated Press on 27 February 2006, “Rivalry and violence among China’s unofficial Christian churches have been reported in the past.” [17e]

- 21.11 As noted by CSW in its report of 29 November 2006, “The case has been of particular concern as evidence emerged at the trial that severe torture and sexual abuse had been used against the defendants to extract confessions.” [74c]

### **EASTERN LIGHTENING/LIGHTENING FROM THE EAST (DONGFANG SHANDIAN)**

- 21.12 As reported by *TIME Asia* on 5 November 2001:

“A fast-spreading sect named Lightning from the East is alarming Christian communities across China by winning large numbers of converts to its unorthodox tenets, often by abducting potential believers...The sect – which calls itself ‘the con-gregation’ – operates deep underground. A two-year police campaign against it and other so-called ‘evil cults,’ such as Falun Gong, has put 2,000 of its followers in jail, say its spokesmen. Yet by targeting Christian believers it is flourishing – even though its belief that the female Jesus has updated the Bible for China violates core Christian tenets. The appeal seems to be the group’s claim to have improved the Christian faith by putting the end of the world into a Chinese context and offering believers a path to immediate salvation. Official Christian churches, by contrast, downplay the Final Judgment, emphasizing instead codes of behavior. That, plus the sect’s insistence that China is ‘disintegrating from within,’ appeals to peasants, many of whom are poorly grounded in Christian principles and are angry at a government that has failed to raise their incomes or curb corruption.” [65b]

- 21.13 As reported by CSW on 10 March 2006, Eastern Lightning is seen as “nothing more than a violent coercive criminal group” by mainstream Christian groups in China. [74b]

### **JEHOVAH’S WITNESSES**

- 21.14 In a report dated 8 March 2006, Forum 18 stated, “... Jehovah’s Witnesses exist in China in small numbers but are not allowed any legal existence.” [66d] (p2)

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### **FALUN GONG**

- 21.15 According to the USSD International Religious Freedom Report 2006:

“Falun Gong practitioners continued to face arrest, detention, and imprisonment, and there have been credible reports of deaths due to torture and abuse. Practitioners who refuse to recant their beliefs are sometimes subjected to harsh treatment in prisons, reeducation through labor camps, and extra-judicial ‘legal education’ centers, while some who recanted returned from detention. Reports of abuse were difficult to confirm within the country and the group engaged in almost no public activity within the country. Overseas Falun Gong practitioners claimed this was a result of the harsh government campaign, which began with the 1999 crackdown against the group. There were continuing revelations about the extra-legal activities of the Government’s ‘610 office’ including torture and forced confessions, a state

security agency implicated in most alleged abuses of Falun Gong practitioners.” [2a] (p1)

21.16 As noted by the same source:

“Estimates of the number of Falun Gong (or Wheel of the Law, also known as Falun Dafa) practitioners varied widely; the Government claimed that prior to its harsh crackdown on the Falun Gong beginning in 1999, there might have been as many as 2.1 million adherents of Falun Gong in the country. Some estimated that the true number of Falun Gong adherents in the country before the crackdown was much higher. The number has declined as a result of the crackdown, but there were still hundreds of thousands of practitioners in the country, according to reliable estimates.” [2a] (Section I. Religious Demography)

21.17 The same source also stated:

“According to Falun Gong practitioners in the United States, since 1999 more than 100,000 practitioners have been detained for engaging in Falun Gong practices, admitting that they adhere to the teachings of Falun Gong, or refusing to criticize the organization or its founder... NGOs not affiliated with the Falun Gong documented nearly 500 cases of Falun Gong members detained, prosecuted, or sentenced to reeducation during the period covered by this report. Credible estimates suggested the actual number was much higher... Some foreign observers estimated that at least half of the 250,000 officially recorded inmates in the country's reeducation-through-labor camps were Falun Gong adherents. Falun Gong sources overseas placed the number even higher. Hundreds of Falun Gong adherents were also incarcerated in legal education centers, a form of administrative detention, upon completion of their reeducation-through-labor sentences. Government officials denied the existence of such 'legal education' centers. According to the Falun Gong, hundreds of its practitioners have been confined to psychiatric institutions and forced to take medications or undergo electric shock treatment against their will.” [2a] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)

(See also sections 8 and 12: [Torture](#) and [administrative detention](#))

21.18 As reported by AI in its 2006 Report on China, “The crackdown on the Falun Gong spiritual movement was renewed in April [2006]. A Beijing official clarified that since the group had been banned as a ‘heretical organization’, any activities linked to Falun Gong were illegal. Many Falun Gong practitioners reportedly remained in detention where they were at high risk of torture or ill-treatment.” [6g] (p2)

21.19 As reported by AI in its 2005 Report:

“The Falun Gong spiritual movement remained a key target of repression, which reportedly included many arbitrary detentions. Most of those detained were assigned to periods of ‘Re-education through Labour’ without charge or trial, during which they were at high risk of torture or ill-treatment, particularly if they refused to renounce their beliefs. Others were held in prisons and psychiatric hospitals. According to overseas Falun Gong sources, more than 1,000 people detained in connection with the Falun Gong had died since the

organization was banned in 1999, mostly as a result of torture or ill-treatment.”  
[6i] (p3)

21.20 As reported by the USCIRF Annual Report 2006:

“Given the lack of judicial transparency, the number and treatment of Falun Gong practitioners in confinement is difficult to confirm. Nevertheless, there is substantial evidence from foreign diplomats, international human rights groups, and human rights activists in Hong Kong that the crackdowns on the Falun Gong continue to be widespread and violent. During the Commission’s August 2005 visit, several high level Chinese government officials reiterated official support for these crackdowns and defended labeling Falun Gong an ‘evil cult.’ In the past year, a growing number of reports have surfaced regarding the re-arrest of Falun Gong practitioners who have been released after completing terms of imprisonment originating from the original crackdown in 1999 and 2000. In addition, the Chinese government has reportedly continued to pressure foreign businesses in China to sign statements denouncing the Falun Gong and to refuse to empl[o]y the group’s followers.”  
[70a] (p120)

21.21 As reported by the UNHCR in its position paper on Falun Gong dated 1 January 2005:

“As indicated above, there exists no evidence known to UNHCR to suggest that all Falun Gong members are being systematically targeted by the Chinese authorities (especially in view of the large numbers involved). Therefore, although membership of Falun Gong alone would not give rise to refugee status, a prominent role in certain overt activities (such as proselytising or organising demonstrations) which bring the membership to the attention of the authorities, may do so. As is general practice, each claim requires an examination on its own merits. This examination should be undertaken in light of the individual profile and personal experiences of the asylum-seeker, the nature of his/her role and activities within the movement, and whether these activities had been (or could be) brought to the attention of the authorities and could cause treatment that is tantamount to ‘persecution’.” [32c]

21.22 As reported by the Falun Gong website Clear Harmony: Falun Gong in Europe, accessed 17 August 2005, “... Large groups of Falun Gong practitioners have been forcefully sent to local brainwashing classes, where they have been subjected to both physical and mental torture.” [82a]

21.23 According to the same source and another Falun Gong website called the Falun Gong Information Centre, both accessed 17 August 2005, practitioners have been subjected to prolonged beatings, scalding with hot irons and long-term sleep deprivation. Other forms of abuse have included being force-fed human faeces or being made to drink isopropyl alcohol (rubbing alcohol used to disinfect wounds). In addition to this practitioners have been made to stand or squat in uncomfortable “stress positions”, have had irritants applied to their skin and have been sexually abused by guards or other prisoners acting on their instructions. [82b] [83a]

21.24 As reported by the USSD International Religious Freedom Report 2006, “Distributing Falun Gong literature or encouraging others to join the spiritual movement was punishable by criminal and administrative sanctions, including

reeducation.” [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

- 21.25 As reported by Ian Johnson in his book *Wild Grass* (2004), Falun Gong practitioners are sometimes held in makeshift prisons run by neighbourhood committees. These can be a single room in the committee's offices and therefore not as secure as regular detention facilities. [50f] (p196, 218-219)

### Origins and support

- 21.26 As documented by Maria Hsia Chang in her book *The End of Days: Falun Gong* (2004), Falun Gong/Falun Dafa was founded in 1992 by Li Hongzhi. In the early 1990s Li took advantage of a relaxation in the rules governing the regulation and formation of social groups to formulate his own distinctive brand of the ancient Chinese art of qigong (qi gong) or energy cultivation. He fused this with elements of other religions to create a quasi-religious movement, which encompassed a loose hierarchical structure (technically there are no members, only enthusiastic volunteers) and emphasised high moral standards and good health amongst its followers. Pre-ban (July 1999) followers would gather in public parks and squares to practise the five exercises/movements (see below) which are central to the teachings of Li Hongzhi, also known to his followers as Master Li. [50c] (p3-8, 60-94)
- 21.27 The same source also noted, “Reportedly, the middle-aged and those from the middle class comprised the sect’s main following, although its ranks also included students and the elderly, as well as peasants. They came from all walks of life: teachers, physicians, soldiers, CCP cadres, diplomats posted in foreign countries, and other government officials.” [50c] (p5)

### Guiding principles

- 21.28 As reported in *Compassion, a Journal for Falun Dafa around the World* (issue 5 of 2004):

“Falun Gong – which is also referred to as Falun Dafa – is an ancient advanced form of the qigong. Falun Gong consists of gentle exercises combined with a meditation component. Aside from its popularity... what is usually said to distinguish Falun Gong is its emphasis on the practice of refining ones moral character in accordance with three principles, Truthfulness, Compassion, Tolerance. These three principles form the backbone of Falun Gong’s philosophy practitioners of the discipline aspire to live by them in their daily lives, striving to achieve, over time, a state of kindness, selflessness and inner balance.” [80] (p40)

- 21.29 The source continued:

“The principles of Falun Gong are captured in two main books written by Mr. Li Hongzhi: *Falun Gong (Law Wheel Qigong)* and *Zhuan Falun (Turning the Law Wheel)*. *Falun Gong* (the book) is a systematic, introductory book that discusses qigong, introduces the principles of practice, and provides illustrations and explanations of the exercises... Organized in the form of nine lectures, *Zhuan Falun* is the most comprehensive and essential work of Falun Gong... Both books are available free on the internet.” [80] (p40-41)



- 21.30 As noted by the USSD International Religious Freedom Report 2006, “Despite the spiritual content of some of Li’s teachings, Falun Gong does not consider itself a religion and has no clergy or places of worship.” [2a] (Section I. Religious Demography) There are no members and no fees are collected. [80] (p41) (Compassion, issue 5 of 2004)

### Exercises/movements

- 21.31 As noted in Healthy Body, Peaceful Heart: Falun Gong - A Path to Your Original, True Self, a leaflet sent to the COI Service on 16 August 2005 by the Falun Gong Association UK, “Falun Dafa, also known as Falun Gong, is a traditional Chinese self-cultivation practice that improves mental and physical wellness through a series of easy to learn exercises, meditation and develops one’s ‘Heart/Mind Nature (Xingxing)’.” [81a]
- 21.32 The five exercises listed on this leaflet are as follows:

#### Movement Exercises

- 1 Buddha Showing A Thousand Hands.
- 2 Falun Standing Stance.
- 3 Penetrating the Two Cosmic Extremes.
- 4 Falun Heavenly Circulation.

#### Sitting Exercise/Meditating Exercise/Tranquil Exercise

- 5 Way of Strengthening Divine Powers [81a]

### 6-10 Office

- 21.33 In testimony before the US House of Representatives on 21 July 2005, Gretchen Birkle, Acting Principal Deputy Assistant Secretary for Democracy, stated, “Falun Gong cases are often handled outside normal legal procedures by a special Ministry of Justice office, known as the 610 office. During the past year, the 610 office was implicated in many allegations of abuse.” [2d] (p2)

### Possibility of practising in private

- 21.34 As reported by the US State Department (USSD) Report 2006, published on 6 March 2007, “Falun Gong practitioners were subject to close scrutiny by local security personnel, and their personal mobility was tightly restricted, particularly at times when the government believed public protests were likely.” [2e] (Section 2b)
- 21.35 As reported by the Canadian Immigration and Refugee Board (IRB) in an extended response on the situation of Falun Gong practitioners and their treatment by state authorities (2001 – 2005), Gail Rachlin from the Falun Dafa Information Centre (FIC) told the IRB that since 2003 many practitioners had given up because of the fear of persecution. However, according to Rachlin, “...many have subsequently resumed their involvement in Falun Gong and many others have newly joined the practice.” [3c]
- 21.36 As reported by the Canadian IRB in the same response, “Practising Falun Gong in the privacy of one’s own home may be possible, but according to HRW, it could become ‘dangerous’ if officials or the police became aware of it.” Citing Maria Hsia Chang writing in her book The End of Days, the



Canadian IRB stated that “[m]any followers still risk arrest and beatings to perform the exercises, but they do them in their homes instead of public parks.” Citing Gail Rachlin the IRB also noted that “while it is possible to practice in private, concealing one’s beliefs and daily practice from relatives and neighbours is difficult.” [3c]

- 21.37 As reported by the UNHCR in its position paper on Falun Gong dated 1 January 2005:

“It appears that the situation for Falun Gong practitioners has deteriorated since 1999. Following the self-immolation of a number of Falun Gong members in Tiananmen Square in January 2001, the crackdown intensified and the movement lost many supporters. This appears to have had two consequences. Firstly, there have since then been no known public manifestations of Falun Gong practitioners in China. Secondly, although it is still correct to say that membership per se does not adequately substantiate a claim to refugee status, and members are not ‘sought out’ at home, even lower level members may risk longer-term detention if they go out and practice in public. Likely punishment would be detention without trial for approximately four years in so called ‘reform through labour’ camps and (extra-judicial) police beatings that often accompany such detention. Thus, the likelihood of members/practitioners returning to China now and engaging in public activities is low.” [32c]

### Denunciation documents

- 21.38 In response to a series of questions submitted by the COI Service the Falun Gong Association (UK) supplied the following information on 25 August 2006:

1) How widespread is the use of denunciation documents in Chinese prisons and labour camps?

“Practically universal. However, for administrative or other forms of detentions, which last normally up to 15 days or 30 days, the document is less widely used. The released could well be sent [sic] to a brain washing ‘class’ later where making a renunciation statement is expected and those failing to do so could end up in a labour camp.” [81b]

2) Once a practitioner has sign[ed] a document denouncing Falun Gong are they released immediately or are they required to assist in the “re-education” of other “unreformed” practitioners?

“This varies from case to case and the recent practice is also different to earlier ways. It is now common practice for a labour camp to hold on to the prisoner for a few more months to observe whether the ‘transformation’ had been solid before release, because many recant their statements made in labour camps after release. It is also well known that some who were ‘transformed’ and cooperated closely with the labour camps were retained for long periods rather than released by the facilities to ‘transform’ others.” [81b]

3) Are practitioners given a copy of this document on their release?

“We are not aware of any case where the released is given a copy of the document on his/her release, although in an incident in Europe the regime is

known to have posted such a statement to fellow practitioners of the released as a way of humiliating him and undermining trust in him. Because this particular statement was extracted by the labour camp after the practitioner was tortured with 6 electric batons, it has been an extremely emotive issue and making public the statement has so far not been possible.” [81b]

“The denunciation or renunciation statement has no particular form or a specific set of words. In the earlier years of the persecution, the statement consists of pledges of a.) not practising Falun Gong, b.) not communicating with other Falun Gong practitioners, and c.) not appealing for Falun Gong in Beijing. In later years, apparently to make the “transformation”s [sic] more solid, words to the effect of attacking Falun Gong were required in statements in many cases.” [81b]

4) How likely is it that a detained practitioner could be released without signing a document denouncing Falun Gong?

“Practically no one would be released from a labour camp or prison without signing a renunciation statement. However, as mentioned in my answer to Question 1, such statements are not as often used on practitioners in various forms of detention which last up to 15 days or 30 days.” [81b]

### Important dates for foreign-based practitioners

21.39 Further to this the Falun Gong Association (UK) also supplied information on dates commemorated by foreign-based practitioners:

#### 25 April

“This is the anniversary of the protest by 10,000 practitioners outside Zhongnanhai, the communist regime headquarters in Beijing, China...The commemoration activities typically consist of protest rallies and/or parades usually in front of the Chinese embassies/consulates or other public open spaces. Public open air exhibitions about the persecution, including torture and organ harvesting, could also form a part of the events. Practitioners may also give out flyers about the atrocities and collect signatures for petitions.” [81b]

#### 13 May (Falun Dafa Day)

“This is the day when Falun Gong was publicly introduced in China in 1992, and also the birthday of the founder of Falun Gong [Li Hongzhi]. The [sic] is an anniversary event typically for celebrations featuring performance of the Falun Gong exercises in public open spaces together with performances of Chinese dances, songs, calligraphy, and other art forms of the traditional Chinese culture of which qigong including Falun Gong is a part. Depending on the place and the year concerned, some efforts made [sic] also be made to raise awareness of the persecution.” [81b]

#### 20 July

“Anniversary of the start of the persecution of Falun Gong by the communist regime in China (see also the item for 25 April) This is commemorated with the aim of raising awareness of the persecution and the form of commemoration is usually the same as that for 25 April.” [81b]

### Treatment of Falun Gong practitioners' relatives

21.40 As reported by the US Citizenship and Immigration Services on 25 February 2004:

“According to outside observers, Chinese authorities at times have pressured family and relatives of Falun Gong practitioners to isolate the practitioners from other adherents, sometimes harassing family members who refuse to comply. At the same time, these sources tend to have little independent information on the extent to which Chinese officials resort to this tactic as they seek to repress the spiritual movement, which formally became state policy in 2001.” [84e]

21.41 The same source continued:

“The only specific reports of harassment of family members come mainly from the Falun Gong movement itself. The Falun Gong web site provides accounts of family members allegedly being arrested in order to pressure adherents who are wanted by authorities into surrendering, or otherwise punished for the adherents' Falun Gong activities. To the extent that these accounts are accurate, however, it is unclear whether they are part of a systemic national practice or are the work of zealous local officials.” [84e]

21.42 This report concluded by stating:

“A Canada-based professor who has studied the Falun Gong movement, but who lacks independent evidence of harassment of family members, said that the reports publicized by the movement appear to be credible. Still, the professor suggested that most harassment of family members of adherents is probably relatively subtle. ‘My impression is that the harassment of relatives consists less of torture and physical threats, and more of discrimination and threats to livelihood,’ the professor said in an email to the RIC (Professor 20 Feb 2004).” [84e]

### Monitoring of activists abroad

21.43 As reported by the *Epoch Times* (a publication sympathetic to Falun Gong) on 4 June 2005, Jiang Renzheng is a Falun Gong practitioner deported from Germany on 7 March 2005 who was sentenced to three years in a labour camp after he refused to recant his beliefs upon return to China. [40d]

21.44 This report stated:

“On March 17, just ten days after Jiang's return to China, police officers appeared at the house of Jiang's father. As they did not find Jiang, they asked his father, ‘Do you see what we have with us?’ The police showed him several of a very widely used torture device in China, the electric shock club. The father was terrified, and upon his son's return home, asked him to stop practicing Falun Gong. Jiang refused. The police officers kept visiting, and soon undertook the first of several severe interrogations of Jiang and the 54 year old father. The first one lasted 12 hours, from four p.m. to four a.m. The officers pressured Jiang and, among other things, demanded he write down what activities he took part in as a Falun Gong practitioner living abroad. In fact, the police officers were obviously already well informed about Jiang's

activities, according to their own admission, from information supplied by the German authorities. They demanded he stop practicing Falun Gong.” [40d]

- 21.45 As reported by the Association for Asian Research (AFAR) on 26 December 2005, there have been persistent allegations that foreign governments are pressurised to prevent Falun Gong practitioners demonstrating during visits by Chinese officials. [51b]

### Organ harvesting

- 21.46 On the 10 March 2006, the *Epoch Times* (a publication sympathetic to Falun Gong) published a report alleging that over 6,000 Falun Gong practitioners were being detained at a prison camp in Northeast China. The facility located in Sujiatun District, Shenyang City was described as a “secret concentration camp” with a “crematorium to dispose of bodies.” This report also alleged that inmates had their internal organs removed for sale prior to their bodies being cremated. According to this report no prisoners have left the camp alive. [40b]

- 21.47 The official *People’s Daily* newspaper took the unusual step of commenting on these allegations, quoting a foreign ministry spokesman as saying that they were “an absurd lie” and that the “cult enjoyed spreading false accusations in the public arena.” [12y]

- 21.48 In response to the allegations the US State Department made the following statement in answer to a question posed by a journalist during a press briefing held on 14 April 2006:

“We are aware of the allegations and have taken these charges seriously. The Department and our Embassy in Beijing, as well as our Consulate General in Shenyang, have actively sought to determine the facts of the matter. Officers and staff from our embassy in Beijing and Consulate in Shenyang have visited the area and the specific site mentioned in these reports on two separate occasions. In these visits the officers were allowed to tour the entire facility and grounds and found no evidence that the site is being used for any function other than as a normal public hospital... Independent of these specific allegations, we remain concerned over China’s repression of Falun Gong practitioners.” [2f]

- 21.49 As reported by the USSD Report 2006, “In July 2005 Vice Minister of Health Huang Jiefu confirmed that the majority of organs used in transplants in the country come from executed prisoners.” [2e] (Section 1c) New regulations banning the sale of human organs and requiring hospitals to obtain written consent from the donor came into force on 29 July 2006. [12r] (*People’s Daily*, 2 July 2006) In September 2006, an undercover BBC investigation highlighted a “thriving” trade in the sale of organs from executed prisoners. [9z]

- 21.50 On 6 July 2006, a report co-authored by former Canadian cabinet Minister David Kilgour, alleged that Falun Gong practitioners were being systematically killed so that their organs could be harvested for transplantation. [55] The influential human rights activist Harry Wu has cast doubt on the accuracy of these allegations. On 8 June 2006, he stated, “...claims that ‘Sujiatun Auschwitz’ exists have yet to [be] substantiate[d] and appear to be nothing more than political propaganda.” [46a] He also cast doubt on the reliability of

some of the witnesses interviewed by David Kilgour and his co-author, David Matas, in their report. [46b] (China Information Centre, 18 July 2006)

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## OTHER QIGONG GROUPS

- 21.51 As reported by Belief.net on 24 April 2000, in addition to Falun Gong, action was also taken against five other qigong (qi gong) groups towards the end of 1999. These were Zhong Gong, Cibeig Gong, Guo Gong, Xiang Gong and Bodhi Gong. [71a] As reported by the USSD International Religious Freedom Report 2006, "The authorities also continued to oppose other groups the Government considered 'cults,' such as the Xiang Gong, Guo Gong, and Zhong Gong qigong groups." [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

## Zhong Gong (China Gong)

- 21.52 As reported by the *Guardian* newspaper on 26 April 2000, Zhong Gong is one of five other qigong (energy cultivation) groups targeted by the Chinese government around the same time as Falun Gong (banned July 1999). [41a] As reported by the China Support Network (an NGO) on 29 August 2002, "Like the more widely-known Falun Gong, a spiritual group coming under persecution, Zhong Gong is a qi gong practice. The two are not directly related. Where, Falun Gong is known for meditating, Zhong Gong is known for deep breathing exercises." [25a]
- 21.53 As reported by the *Guardian* newspaper on 26 April 2000 and by the Russian news agency Prima on 19 September 2001, the movement was founded by Zhang Hongbao and prior to its banning in September 1999 claimed to have 38 million members in China. [41a] [88a]
- 21.54 As noted by Belief.net on 24 April 2000, "Like Falun Gong followers, Zhong Gong members refer to their founder as 'master' and themselves as 'disciples.' They said they use Zhong Gong to open energy channels in their bodies, promoting health and vitality. They also said Zhang's teachings promote moral living." The same source also noted, "Within months, his [Zhang's] school and more than 3,000 businesses and teaching and treatment centers belonging to the Zhong Gong group had been closed, its millions of followers dispersed, practitioners said." [71a]
- 21.55 According to a report by Worldwide Religious News (WWRN) dated 19 February 2001, "Since September 1999, some 600 leading Zhong Gong members have been detained and 3,000 of its bases and branches have been closed, the centre said." [89a] The *Guardian* newspaper gave the same figure for the number of people detained in a report dated 26 April 2000. It also reported that 400,000 people had lost their jobs as a result of these closures. [41a]
- 21.56 According to a report by the China Support Network (an NGO) dated 29 August 2002, Zhang Qi, a "central figure" in the movement was kidnapped from Vietnam by Chinese government agents on 26 June 2002. He was in the company of prominent dissident and CDP (China Democracy Party) member

Wang Bingzhang and labour leader Yue Wu both of whom were also allegedly kidnapped. [25a]

- 21.57 Zhang Hongbao was killed in a car accident on 31 July 2006. [46c] (China Information Centre, 31 August 2006)

### Cibei Gong (Compassion Gong)

- 21.58 As reported by AI in a report entitled, People's Republic of China: The crackdown on Falun Gong and other so-called heretical organizations, published on 23 March 2000, Cibei Gong was founded by Xiao Yun in 1997. It had at least five practice stations in Hubei, Hunan, and Jiangxi provinces, attracting around 900 members. Xiao was arrested on 8 September 1999 and formally charged with rape. [6b] (p6)
- 21.59 On 5 November 1999, the *Chicago Sun-Times* reported that the movement was popular in Wuhan City, Hubei province. [17b] According to a report by ISP-Inter Press Service/Global Information Network dated 4 November 1999, Cibei Gong along with Guo Gong (see below) was "smashed" by the Chinese authorities. [17a]

### Guo Gong (Nation Gong)

- 21.60 As reported by AI (March 2000), the leaders of Guo Gong were Liu Jineng (founder) Liu Jun, Deng Guoquan, Yuan Xingguo and Xiao Xingzhao, all of whom were arrested in Sichuan province in November 1999 – they were later given unspecified terms of re-education through labour. [6b] (p6)
- 21.61 According to the text of a report by the Chinese provincial newspaper Sichuan Ribao, reproduced in a BBC Summary of World Broadcasts on 30 October 1999:
- "In March 1994, Liu Jineng, together with Liu Jun and Deng Guoquan, established the 'Mianyang City China Natural Extraordinary Powers School.' They taught disciples personally. To date they have run 27 classes and trained 3,000 students. They also gave a correspondence course to thousands upon thousands of students throughout the country, and set up 60 coaching stations in 22 provinces (municipalities) nationwide, and under each coaching station there were several sub-stations." [17c]
- 21.62 The same source continued, "To propagate the 'Guo Gong' and amass wealth, Liu Jineng, Liu Jun, and Deng Guoquan, distributed, in a big way and without official authorization, publications including periodicals, books, and audio and video tapes on the qigong, making a profit of several million yuan. Of those publications, a monthly, 'Light of Guo Gong,' of which Liu Jineng was editor-in-chief, was out in October 1995. From then until June 1999, 40 issues totalling 150,000 copies had been published. Each subscriber paid 20 yuan per year." [17c]

### Xiang Gong (Fragrant Gong)

- 21.63 As reported by AI (March 2000), Xiang Gong was founded by Tian Ruisheng in 1988 and its members are closely monitored by the authorities. [6b] (p6) As reported by the *South China Morning Post* on 8 July 2003, Tian died of liver



cancer at his home in September 1995. According to this report the group moved its headquarters to Taiwan following the banning of Falun Gong. [17d]

### Bodhi Gong (Wakefulness/Awakening Gong)

- 21.64 No information could be obtained on this group other than its name and the fact that one of its training centres located in the resort of Beidaihe was closed down towards the end of 1999. This was reported by Belief.net on 24 April 2000. [71a]

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## ETHNIC GROUPS

- 22.01 As noted by Europa World in its country profile for China, accessed 25 January 2006, ethnic minorities make up 8.47 per cent of the population. The remaining 91.54 per cent are Han Chinese (based on the 2000 census). [1a] (Area and Population)

- 22.02 As reported by the official *People's Daily* newspaper (report undated):

"The minority nationalities inhabit 60 percent of the country's total area, and they live mainly in the border regions. All nationalities in China are equal, as stipulated by the Constitution of the People's Republic of China. They take part in the administration of state affairs as equals, irrespective of their numbers or the size of areas they inhabit. Every minority nationality is represented in the National People's Congress, which is the highest organ of state power of the People's Republic of China." [12a]

- 22.03 As reported by WRITENET (writing on behalf of the UNHCR) in its paper on the situation of North Koreans in China, published in January 2005:

"About half of the territory of the People's Republic of China (PRC) is inhabited by people who are not ethnic Chinese (i.e., are non-Han). Not all are officially acknowledged by the state, but the 54 ethnic groups that are recognized comprise 8.4 per cent of the population. The presence of so many non-Han did not come about by immigration, but rather by the expansion of territory under Chinese control. Historically, when China was ruled by Han, the territory under their direct administration was, roughly speaking, the territory which was (and still is) inhabited by Han; this did not include Tibet, Xinjiang, greater Mongolia, and the northeast (Manchuria). When China was occupied and governed by non-Han, the territory under their control often included substantial lands populated by non-Han. Examples of non-Han rule are the Mongol and Manchu empires (thirteenth century, and 1644-1911, respectively), which included most of the lands which today comprise the PRC. By contrast, during the Ming dynasty (1368-1644) and the Republican period (1912-1949) the territory administered by the Chinese government was relatively limited. Thus, the PRC is exceptional in Chinese history, a Han-dominated government administering not only the Han areas but also the lands occupied by the many nations now deemed to comprise 'ethnic minorities' of China." [32d] (p1)

- 22.04 As reported by the US State Department (USSD) Report 2006, published on 6 March 2007:



“Most minority groups resided in areas they traditionally inhabited. Government policy provides members of recognized minorities with preferential treatment in birth planning, university admission, access to loans, and employment. In May 2005 new regulations designed to enhance minority preferences in education became effective. Nonetheless, in practice the majority Han culture often discriminated against minorities. Most minorities in border regions were less educated, and job discrimination in favor of Han migrants remained a serious problem even in state-owned enterprises... Racial discrimination was the source of deep resentment in some areas, such as Xinjiang, Inner Mongolia, and Tibet. As part of the government's emphasis on building a ‘harmonious society,’ the government downplayed racism against minorities and tension among different ethnic groups.” [2e] (Section 5)

(See also section 28: [Preferential treatment of ethnic minorities](#))

## KOREANS

- 22.05 As noted by Europa World in its country profile for China, there are 1.9 million Koreans in China, accounting for 0.16 per cent of the population (based on the 2000 census). [1a] (Area and Population) As reported by the Canadian Immigration and Refugee Board (IRB) on 12 February 2003, “There are an estimated 1,920,000 Chaoxian (Korean) people living in the Chinese provinces of Jilin, Heilongjiang and Liaoning; however the majority of Chaoxian people live in the Yanbian Chaoxian Autonomous Region of Jilin.” [3s] (Based on information supplied by the China Folklore Photographic Association – CFPA)

(See also section 33: Foreign refugees – [North Korean refugees](#))

## MONGOLIANS

- 22.06 As noted by Europa World in its country profile for China, there are 5.8 million Mongolians in China, accounting for 0.47 per cent of the population. As noted by the same source the total population of the Inner Mongolian (Nei Mongol) Autonomous Region is 23.3 million (based on the 2000 census). [1a] (Area and Population)
- 22.07 As noted by the Encyclopedia of the World's Minorities (2005), “While most Mongols are minority subjects of the Russian and Chinese multiethnic States, one third of the Mongols live in their own independent country [Mongolia], landlocked between Russia and China.” This source puts the total number of Mongolians in all countries at 7.8 million. [76] (p842-843) As recorded by The Languages of the World (2005), standard Mongolian, also known as Khalkha, is spoken in both China and Mongolia. In Russia Mongols use different dialects, including Buryat and Kalmyk. [19] (p 203)
- 22.08 As reported by Amnesty International (AI) on 28 January 2005:
- “Political activist Hada has been routinely tortured at the prison in northern China where he is serving a 15-year sentence for ‘separatism’ and ‘espionage’. Amnesty International considers him a prisoner of conscience, imprisoned solely for the exercise of his right to freedom of expression and association, and fears he is at risk of further torture. His health is reportedly

failing and he is suffering from psychological problems as a result of the torture. Hada was detained in 1995, reportedly because of his involvement in an organization called the Southern Mongolian Democratic Alliance, which aimed to promote human rights, Mongolian culture and greater autonomy for China's minority nationalities." [6e]

- 22.09 On 26 September 2005, the Chinese authorities closed two websites based in the Inner Mongolian Autonomous Region for allegedly spreading separatist sentiment. [62b] (Reporters Without Borders, 3 October 2005)

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## TIBET

- 23.01 As noted by Europa World in its country profile for China, there are 5.4 million Tibetans within China, accounting for 0.44 per cent of the population. As noted by the same source the total population of the Tibetan Autonomous Region (TAR) is 2.6 million (based on the 2000 census). [1a] (Area and Population) [18b] (map)
- 23.02 Europa World also recorded:
- "Tibet (Xizang), a semi-independent region of western China, was occupied in October 1950 by Chinese Communist forces. In March 1959 there was an unsuccessful armed uprising by Tibetans opposed to Chinese rule. The Dalai Lama, the head of Tibet's Buddhist clergy and thus the region's spiritual leader, fled with some 100,000 supporters to Dharamsala, northern India, where a government-in-exile was established. The Chinese ended the former dominance of the lamas (Buddhist monks) and destroyed many monasteries. Tibet became an 'Autonomous Region' of China in September 1965, but the majority of Tibetans have continued to regard the Dalai Lama as their 'god-king', and to resent the Chinese presence... The Dalai Lama, however, renounced demands for complete independence, and in 1988 proposed that Tibet become a self-governing Chinese territory, in all respects except foreign affairs." [1a] (Recent History)
- 23.03 As noted by the Encyclopedia of the World's Minorities (2005), traditionally Tibet was divided into four regions, only two of which are now part of the TAR. These are Western Tibet (To Ngari) and Central Tibet (U-tsang). [76] (p1198)

## THE TIBETAN LANGUAGE

- 23.04 As noted by the Encyclopedia of the World's Minorities (2005), nationally ethnic Tibetans can be found in autonomous prefectures in the four provinces that border Tibet; Qinghai, Gansu, Sichuan and Yunnan. Internationally ethnic Tibetans inhabit parts of Nepal, India (Himachal Pradesh, Jammu, Kashmir and Sikkim), Bhutan and Pakistan. "... ethnic Tibetans know as Bhotias or Bhutias (from Bhot, the Indian name for Tibet) are minorities along the Tibet-Himalayan borders in Nepal and India. Despite being citizens of these two countries, the Bhotias speak Tibetan languages as their mother tongues, share Tibetan culture, and practice Tibetan religion (Buddhism and Bon)." [76] (p1197-1199)

- 23.05 The same source also noted, “Ideally pupils are taught in their native language and Chinese from primary school onwards. In practice minority-language education is offered only in areas with significant minority populations, and then only if the language has an official writing system: Korean, Uyghur, Tibetan, Mongolian, Yi and Dai.” [76] (p289) The same source continued, “... interest in bilingual education has waned in recent years as many minority parents see economic advantages in having their children learn Chinese from an early age.” [76] (p289)
- 23.06 As recorded by The Languages of the World (2005), approximately one million people in Nepal speak Tibetan as a second language and a dialect of Tibetan called Jonkha is the principal language of Bhutan. [19] (p199)
- 23.07 In its Annual Report 2006 on the Human Rights Situation in Tibet, the Tibetan Centre for Human Rights and Democracy (TCHRD) stated that in “... elementary school in villages and remote areas inhabited mostly by Tibetans, teaching is conducted mainly in Tibetan language. But in the middle and higher schools, medium of instruction is suddenly switched to Chinese, and Tibetan is taught only as a language.” [45a] (p60) On 4 February 2007 the Tibetan Information Network (TIN) reported, “Religious motivations are only a partial reason for parents to send their children to ‘Dalai Lama schools’. Much more pressing are economic and administrative issues faced by the parents, which are symptomatic of contemporary Tibet.” [42e]

(See also section 1: [Tibetan names](#))

## HUMAN RIGHTS IN TIBET

- 23.08 As recorded by the US State Department (USSD) Report 2006, published on 6 March 2007:
- “The government's human rights record in Tibetan areas of China remained poor, and the level of repression of religious freedom remained high. The government continued to strongly criticize the Dalai Lama and to associate Tibetan Buddhist religious activity with separatist sympathies. The preservation and development of the unique religious, cultural, and linguistic heritage of Tibetan areas and the protection of Tibetan people's fundamental human rights continued to be of concern. Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest and detention, house arrest and surveillance of dissidents, and arbitrary restrictions on free movement. Positive developments in Tibetan areas included a fifth round of dialogue between the government and envoys of the Dalai Lama.” [2e] (Tibet)
- 23.09 In a report dated 7 November 2006, Human Rights Watch stated that: “Appointments made in September [2006] to the Chinese Communist Party's committee in Lhasa, which in effect runs Tibet's capital, have a lower proportion of Tibetans than at any time in the last 40 years, according to available records. For the first time in 25 years, the Lhasa committee is to be led by an ethnic Chinese politician.” [7h]
- 23.10 The TCHRD Report 2006 stated that “Throughout the year, various human rights abuses in Tibet were documented affecting both the civil and political rights, and economic, social and cultural rights of the Tibetan people. Arbitrary

arrest, detention and imprisonment continue to be appalling as ever in Tibet.” [45a] (p5)

23.11 As reported by *The Times* on 14 August 2006,

“China’s new top official in Tibet [Zhang Qingli, TAR CCP Party Secretary] has embarked on a fierce campaign to crush loyalty to the exiled Dalai Lama and to extinguish religious beliefs among government officials... Ethnic Tibetan civil servants of all ranks, from the lowliest of government employees to senior officials, have been banned from attending any religious ceremony or from entering a temple or monastery. Previously only party members were required to be atheist, but many of them quietly retained their Buddhist beliefs. Patriotic education campaigns in the monasteries that have been in the vanguard of anti-Chinese protests have been expanded. Ethnic Tibetan officials in Lhasa as well as in surrounding rural counties have been required to write criticisms of the Dalai Lama. Senior civil servants must produce 10,000-word essays while those in junior posts need only write 5,000-character condemnations. Even retired officials are not exempt.” [90g]

23.12 As reported by the Australia Tibet Council on 23 September 2004, “Authorities in China have sentenced two monks and a layman to three-year jail terms, apparently they were involved in putting up posters advocating Tibetan independence, Radio Free Asia (RFA) reports.” [44b] The Australia Tibet Council also reported in February 2006 that eight Tibetans had been detained in Sichuan province (the Tibetan area of Amdo) following several incidents in different areas of Tibet involving the burning of wild animal furs. These incidents were thought to have been motivated by concern about wildlife protection as well as one of the key tenets of Buddhism, compassion to all living beings, following the Dalai Lama’s statements on these subjects during a gathering of thousands of Tibetans in India the previous month. The report stated that: “Beijing is concerned about the Dalai Lama’s continued influence in Tibet, and on Saturday the Chinese Embassy in London said in response to the fur burning initiatives that: ‘The call from Dalai Lama has purposes other than to protect wild animals in Tibet because with such action it is not in favor of protection of wild animals but the disturbance of social order [sic]’ (Channel Four News, UK, 18 February 2006).” [44c]

23.13 On 14 February 2006, 17 monks at Gamden monastery destroyed a statue of the deity Shugden in a show of loyalty to the Dalai Lama, who had banned its worship in 1996. A fight ensued and the army was deployed to restore order. [17i] (*The Times*, 21 April 2006) As reported by Radio Free Asia (RFA) on 7 September 2006, eight Tibetan monks have been detained so far in 2006. [73e] In June 2006, five Tibetans were detained for handing out leaflets promoting Tibetan independence. [73c] (RFA, 16 June 2006) On 3 August 2006, *The Times* reported on the case of Dolma Gyba, a Tibetan author secretly sentenced to ten years imprisonment after police raided his house and discovered unpublished manuscripts which covered sensitive topics such as freedom, democracy and the situation in Tibet. The harshness of the sentence may have been related to the fact that he also wrote about the location of Chinese military bases in Tibet. [90e] On 18 August 2006, Radio Free Asia (RFA) reported that police had detained a 16 year old girl in Karze (Ganzi), Sichuan province in connection with a leafleting campaign calling for Tibetan independence. [73d] On 9 March 2007, RFA reported that a prominent local businessman was imprisoned for three years after banned CDs of the Dalai

Lama's teachings were found in his home. [73h] On 21 March 2007, the same source reported, "Chinese police detained at least one person when several hundred Tibetans in Lhasa took part in an outlawed incense-burning there in a rare open display of opposition to Chinese rule." [73a]

- 23.14 As reported by WRITENET (writing on behalf of the UNHCR) in its paper on the situation of the Tibetan population in China, published in February 2005:

"We can summarize Chinese policy towards Tibet in the following points:

- China has exercised zero tolerance for separatist movements.
- It has striven to bring about rapid economic growth, including raising the living standards of the people, believing that prosperity will make the Tibetan people more willing to stay within the PRC.
- It has maintained a limited autonomy, including a degree of religious and cultural freedom, but tried actively to increase Chinese control and cracked down on any signs that Tibetan culture poses a threat to the Chinese state.
- These policies are actually quite similar to those towards other ethnic minorities in China, but separatism and threats to the Chinese state are not major problems other than in Tibet and Xinjiang." [32e] (p10)

- 23.15 This report also stated, "The main group at risk in the Tibetan areas is active political dissidents, especially those seeking Tibetan independence. Activities attracting prison terms are those classified as endangering state security or promoting separatism, but they range from espionage and even bomb blasts through distributing leaflets advocating independence to possessing the Dalai Lama's picture or reading the Dalai Lama's works. Among the dissidents the majority belong to the clerical order." [32e] (p28)

- 23.16 The Dalai Lama in an interview with *TIME Asia* on 25 October 2004 stated:

"Despite some economic improvement and development, the threats to our cultural heritage, religious freedom and environment are very serious. Then also in the countryside, facilities in education and health are very, very poor. It's like the big gap in China proper between rich and poor. So the whole picture, it almost looks hopeless. When the 13th Dalai Lama visited China in the early 20th century, there was a large Manchurian community – even the Emperor was Manchurian. Almost exactly 50 years later when I visited, the Manchurian community was no longer there. It was completely assimilated. That danger is very alive [in Tibet, too]. So that's why the Tibetan picture is almost hopeless. That's why we are trying to gain meaningful autonomy." [65d]

## POLITICAL PRISONERS HELD IN TIBET

- 23.17 The USSD Report 2006 put the number of political prisoners detained in Tibet at 105, 69 per cent of whom were believed to be monks or nuns. [2e] (Tibet) The TCHRD in its 2006 Report stated, "In 2006, TCHRD documented 26 known Tibetans arrested for alleged political activities. There are currently 116 known Tibetan political prisoners in Tibet." [45a] (p8) As reported by the Tibetan Information Network (TIN) on 6 February 2004, "After reaching a peak of approximately 800 Tibetan political prisoners by 1996, there was a rapid decline in their numbers from 1997 to 2001." [42c] (p1) Nyima Choedron, the

last known female political prisoner in Tibet was released early on 26 February 2006. [36b] (Dui Hua, 28 June 2006)

- 23.18 As reported by TIN on 8 July 2004, "According to authorities, they currently hold a total of approximately 2,500 prisoners. The majority (86 percent) are sentenced for property crimes. Three percent, or about 75 inmates, have convictions that include the charge of 'endangering state security' or 'counterrevolution.' Most are in TAR Prison." [42d]

(See also section 12: [Drapchi prison](#))

## TIBETAN BUDDHISM

- 23.19 As reported by the Chinese Government White Paper, Regional Ethnic Autonomy in Tibet, published in May 2004, "At present, there are over 1,700 venues for Tibetan Buddhist activities, with some 46,000 resident monks and nuns; four mosques and about 3,000 Muslims; and one Catholic church and over 700 believers in the region. Religious activities of various kinds are held normally, with people's religious needs fully satisfied and their freedom of religious belief fully respected." [5o] (p3 of Section IV)

- 23.20 As reported by the USSD International Religious Freedom Report 2006:

"The Government remained wary of Tibetan Buddhism in general and its links to the Dalai Lama, and it maintained tight controls on religious practices and places of worship in Tibetan areas. Although authorities permitted many traditional religious practices and public manifestations of belief, they promptly and forcibly suppressed any activities, which they viewed as vehicles for political dissent. This included religious activities that officials perceived as supporting the Dalai Lama or Tibetan independence." [2a] (Tibet) (Section II. Status of Religious Freedom, Legal/Policy Framework)

- 23.21 The same source continued:

"The Government continued to oversee the daily operations of major monasteries. The Government, which did not contribute to the monasteries' operating funds, retained management control of monasteries through the DMCs and local religious affairs bureaus. Regulations restricted leadership of many DMCs to 'patriotic and devoted' monks and nuns and specified that the Government must approve all members of the committees. At some monasteries, government officials were members of the committees." [2a] (Tibet) (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

- 23.22 The report also stated:

"Government officials have stated that the patriotic education campaign, which began in 1996 and often consisted of intensive, weeks-long sessions conducted by outside work teams, ended in 2000. However, officials stated openly that monks and nuns undergo political education on a regular basis, generally less than four times a year, but occasionally more frequently, at their religious sites. Since primary responsibility for conducting political education shifted from government officials to monastery leaders, the form, content, and frequency of training at each monastery appeared to vary widely; however, conducting such training remained a requirement and had become a routine



part of monastic management.” [2a] (Tibet) (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

23.23 The TCHRD Report 2006 stated:

“2006 witnessed the escalation of repression by the Chinese authorities in relation to freedom of religion in Tibet, inviting condemnation from governmental, inter-governmental and non-governmental bodies. The European Parliament expressed its deep concern in relation to the intensification of the patriotic reeducation campaign and deplored ‘the contradiction between the constitutional freedom of belief...and the ongoing interference of the State in the affairs of religious communities’.” [45a] (p39)

23.24 On 27 April 2006, the BBC published an interview with a monk who fled Tibet in order to pursue his religious education in India. During his interview he stated:

“For the last 11 years I lived and studied in Ganden monastery in Lhasa, Tibet. We were always urged [by the authorities] to oppose the Dalai Lama. Any open expression of our wish to have a free Tibet would end in arrest. And then you had to be careful what you said about economic development in Tibet, changes in society and the railway. Because it is difficult not to see an influence of the Chinese presence in many of these general issues, it is equally easy to brand any criticism or any discussion as anti-Chinese and as a criticism to the Communist Party, which can land you in serious trouble.” [9y]

23.25 As reported by *The Times* on 14 August 2006, ethnic Tibetan civil servants are banned from attending religious ceremonies or entering temples. [90d]

### Possessing pictures of the Dalai Lama

23.26 The USSD International Religious Freedom Report 2006 stated:

“Government officials maintained that possessing or displaying pictures of the Dalai Lama was not illegal and that most TAR residents chose not to display his picture. Nevertheless, authorities appeared to view possession of such photos as evidence of separatist sentiment when detaining individuals on political charges. Pictures of the Dalai Lama were not openly displayed in major monasteries and could not be purchased openly in the TAR. In Tibetan areas outside the TAR, visitors to several monasteries saw pictures of the Dalai Lama openly displayed. The Government continued to ban pictures of Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the Panchen Lama. Photos of the ‘official’ Panchen Lama, Gyaltzen Norbu, were not publicly displayed in most places, most likely because most Tibetans refuse to recognize him as the Panchen Lama.” [2a] (Tibet) (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

### The Panchen Lama (Gyaltzen Norbu)

23.27 As reported by Channel News Asia on 19 December 2005, “China is raising the profile of a teenage boy it selected as the 11th Panchen Lama, allowing him to perform a ceremony attended by thousands of worshippers, state media reports revealed.” [93a] The official *People’s Daily* newspaper reported that the Panchen Lama held his first ever closed door religious retreat in the



Tibetan city of Xigaze on 2 November 2005. [12c] On the 21 November 2005, the *People's Daily* reported that he had followed this up by holding a worship ceremony. According to this report, "The ceremony lasted 90 minutes and many senior Lamas attended." [12j] As noted by the USSD International Religious Freedom Report 2006, most Tibetans continue to recognise the Dalai Lama's choice, Gendun Choekyi Nyima as the true Panchen Lama. [2a] (Tibet) (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

## Monastic life

23.28 In response to a series of questions submitted by the COI Service, Dr. John Powers from the Centre for Asian Societies and Histories at the Australian National University (ANU) in Canberra supplied the following information on 25 November 2005:

- 1) What are the main monastic orders operating within Tibet today and how much do their beliefs differ?

"Briefly, there are four main orders: the Nyingma (Old Translation Order), so named because it favours translations of tantras (Buddhist scriptures composed in India between the 7th and 12th centuries that describe meditative practices which became normative for all orders of Tibetan Buddhism) prepared in the period of the 'first dissemination' (snga dar) of Buddhism in Tibet (7th-9th centuries). The Nyingma order emphasises meditation, and its main practice is the 'great perfection' (rdzogs chen).

The Sakya (Grey Earth) order was founded as a rejection of some aspects of the Nyingma. It is one of the three 'New Orders' (Sarma; the others are Gelukpa and Kagyupa) and traces itself back to the Indian mahasiddha ('great adept') Virupa. Its hierarchs belong to the Khon family, and its leader is the 'Throne Holder of Sakya' (Sakya Tridzin). It emphasises study and meditation, and its main practice is the 'path and result' (lam bras) system.

The Kagyupa order traces itself back to the Indian mahasiddha Tilopa, and it has a lineage with a number of iconoclastic and charismatic yogins who are famous for unconventional behaviour. Its main practices are the 'six yogas of Naropa' and the 'great seal' (mahamuda, phyag rgya chen po).

The Gelukpa is the largest and newest, and is the order of the Dalai Lamas. Founded by Tsong Khapa in the 14th century, it emphasises study and meditation, and is the most scholastic order of Tibetan Buddhism. In the 17th century, the fifth Dalai Lama became the ruler of most of the Tibetan plateau with the help of Mongol armies, and the Gelukpas gradually became the dominant order, mainly due to their reputation for purity of monastic discipline and their emphasis on study and practice. Their main practice is the 'stages of the path' (lam rim).

All four orders share a lot in common. All wear maroon robes, and all have the same configuration. All follow the same monastic rules (vinaya), which are derived from Indian Buddhism. They all agree that the philosophical school of the Indian Buddhist master Nagarjuna is the supreme system, and all practice [sic] very similar meditation practices, the most important of which derive from Indian texts called tantras. The meditative practices derive from a common canon of texts, and the ceremonies they perform, along with the theories

behind them, share many common presuppositions and actions. Aside from different styles of hats and other dress for some ceremonial occasions, you really can't tell them apart when you see them on the street, and most aspects of their religious lives and practices are very similar. There are many different lineages, and each order has its own history and major figures, but the similarities are pervasive." [50g] (Emphasis retained)

- 2) Can certain ceremonies only be performed after a set number of years' religious study?

"Yes, particularly tantric rituals, which often require decades of previous study, as well as authorisation by a qualified master. For the Gelukpas in particular, the period of study required to earn the degree of Geshe (something like a Doctor of Divinity) would be anywhere from 20-30 years. Geshes are considered to be fully qualified to teach and perform ceremonies, but further tantric study would be required to perform many tantric rituals. So the study requirements for performance of most important rituals are significant. This is important in the current climate, because the Chinese government severely restricts the time allowed for study, and so Tibetan monks today are simply unable to devote enough time to fulfil the requirements of either the Geshe degree or the further study required for performance of tantric rituals. The PRC has decided that Tibetan monks will be allowed to perform colourful ceremonies that draw tourists, but wants to prevent them from gaining the sort of depth and breadth of knowledge that is considered essential by the tradition.

When I visited Gelukpa monasteries during a recent trip to Tibet, all the monks told me that they have limited time for study and that much of their time is taken up with the indoctrination of 'patriotic re-education' classes, which are compulsory for all monks and nuns. They have little time for the comprehensive study that was the foundation of traditional education and practice. They also have limited funds, so there aren't enough books to go around. Many of the senior monks are in prison or in exile, so teachers are also few and far between, and all have to prove their (at least outward) loyalty to the PRC. When I compared the monks I saw debating at Gelukpa monasteries (Sera Je and Drepung) to those in India, there was a huge difference: the Tibetans in Tibet were many years behind those in India, and they admitted this themselves. Teachers told me that their students spend hours every day in patriotic re-education classes, that their time for study of Buddhism is severely limited, and that the security personnel in the monasteries are suspicious of attempts to devote more time to study." [50g]

- 3) What level of self-censorship is practised by monks?

"Self-censorship is an important tool, but peer censorship is probably more important. The PRC tells monks that if any of the residents of a particular monastery do things that anger the Chinese, the whole monastery will suffer, but they're vague on exactly what will anger them. They do the same thing with groups of travellers (all foreigners are required to join a group that is monitored by a government-approved guide). At one monastery I visited in 2001 (Tashilhunpo), one of the monks told me that there were 22 Chinese security personnel in the monastery full time, and they were monitoring 73 monks. Other monasteries I visited had military bases right next to them, and all religious activities are very closely monitored. There are resident Chinese

security personnel in many monasteries, and their job is to keep a close eye on the monks. Monks and nuns have been at the forefront of anti-Chinese agitations, and so the PRC is deeply suspicious of them. Monks are routinely required to sign declarations of allegiance to the PRC, the Communist Party, and to its policies, as well as denunciations of the Dalai Lama. Recent research by human rights groups such as Amnesty International and Human Rights Watch have concluded that there is no freedom of religion in Tibet today, and I reached the same conclusion during my visit there in 2001.” [50g]

### Consequences for expelled monks

23.29 Further to this Dr John Powers from the Centre for Asian Societies and Histories at the Australian National University (ANU) in Canberra also stated:

- 4) Is expulsion the only penalty for monks refusing to participate in patriotic education?

“There are a variety of punishments, including imprisonment and torture. Most of the Tibetan monks I’ve spoken to, both in exile and in Tibet, have spent some time in Chinese prisons, and most have been subjected to some form of torture. Human rights groups commonly estimate that around 90% of Tibetan prisoners are subjected to some form of torture, and my conversations with Tibetan monastics (monks and nuns) would place the figure at closer to 100% for them. There are other possible penalties, such as blacklisting, which makes it impossible for someone to get a legitimate job.” [50g]

- 5) If a monk was expelled or felt unable to remain at a particular monastery (because of the administration) could he gain entry to another monastery elsewhere in Tibet?

“No; a monk who’s expelled will be blacklisted. If he were to front up to another monastery seeking admission, the administrators (who are now all political appointees who have demonstrated their loyalty to the Party) would refuse him entry. Also, there are four orders of Tibetan Buddhism, and they’re further subdivided into smaller lineages and schools. Most monks enter a monastery with which their family is associated. It’s not easy to transfer to another monastery in any circumstances, and once a monk is blacklisted, there are no real options aside from escape into exile. That’s why the majority of escapees are monks and nuns (currently about 3000-4000 Tibetans successfully escape into exile every year, and an unknown number die along the way or are captured by Chinese patrols or by Nepali border guards). Only a small number of monks are allowed to reside at any given monastery (monasteries that once housed 10,000-20,000 monks now are allowed only about 200 monks by the PRC authorities), and particularly the main ones are closely monitored, so a blacklisted monk really couldn’t go anywhere else.” [50g]

- 6) If a monk was expelled would he be able to return to his home village?

“Possibly, but the options there would also be limited. There would be no means of support for many, and also little opportunity to study or practice [sic]. Traditionally, monks are often the third or fourth sons of a family, who are sent to a monastery at an early age. This brings great merit to the family, and it also takes care of excess children, and prevents land from being divided

among too many people. So if a monk returns to his home village after being expelled, he's an extra burden, he'll probably be closely watched by local authorities and security personnel, and will have few employment options, and little chance of joining a local monastery." [50g]

### TIBETAN REFUGEES IN INDIA

23.30 As noted by the UNHCR report, *The State of The World's Refugees 2000: Fifty Years of Humanitarian Action* (2000), there are around 100,000 Tibetan refugees in northern Indian, home of the government in exile. The same source continued, "From the start, separate settlements were identified and established in geographically suitable areas so as to provide them with economic, social and religious autonomy. A separate government-in-exile has been established in Dharamsala, Himachal Pradesh." Furthermore the source stated, "Although they are viewed as foreigners under the 1946 Foreigners Act, they have been accorded the basic rights of most citizens but are not allowed to contest or vote in elections." [32f] (p63)

23.31 As reported by the US Citizenship and Immigration Services on 30 May 2003:

"Each Tibetan refugee settlement in India is headed by a settlement officer appointed by the Central Tibetan Administration. The Central Tibetan Administration is the network of Tibetan-run agencies in Dharamsala that effectively functions as a government-of-Tibet-in-exile. The number two official in each settlement is a camp leader elected by the refugees (Liaison Officer 19 Mar 2003). While the Indian Government has ultimate authority over the settlements and takes charge in any criminal matters, in practice the Tibetan administrators work to maintain good relations with local communities and generally are given a free hand to run the day-to-day affairs of the settlements (Liaison Officer 19 Mar 2003)." [84c]

### Legal status of Tibetans in India

23.32 As reported in Vol. 44 (1) (2006) of *International Migration* (an IOM publication):

"The vast majority of the approximately 100,000 Tibetans living in India have chosen to remain stateless, rather than adopt Indian citizenship... Tibetans and other people who flee persecution in their own land are handled legally under India's Foreigner's Act dating from 1946. Thus, the government is free to expel refugees as it would any other foreigners. However, Tibetans' 'refugee status' [India is not a signatory to the 1951 Convention] is often referred to, indicating the understood de facto nature of Tibetans' presence in India as refugees... Under the Foreigner's Act, Tibetans are required to obtain a 'registration certification', which must be renewed on an annual basis." [24a] (p 81-82)

23.33 As of 1994 the Indian government has adopted an unofficial policy of denying registration certificates to Tibetans. In theory Tibetans without registration cards can be arrested and deported back to China but in practice India allows unregistered Tibetans to remain in India for extended periods. Most Tibetans born in India choose not to apply for Indian citizenship on the basis that to do so would be an admission that they will never be able to return to Tibet. [24a] (p 83-84) (IOM, 2006)

- 23.34 As reported by the US Citizenship and Immigration Services on 30 May 2003, "Tibetan refugees who have Indian residence permits must renew them every year, according to a liaison officer at the Office of Tibet in New York, which represents the Dalai Lama in the Americas (Liaison Officer 19 Mar 2003). Tibetans normally do not have trouble renewing their permits, although renewal is entirely at the discretion of the Indian Government (Liaison Officer 19 Mar 2003)." [84c]

### TIBETAN REFUGEES IN NEPAL

- 23.35 As noted by the Nepalese news portal KuraKani on 20 January 2004, "Nepal is home to an estimated 20,000 or more Tibetans many of whom arrived in 1959–60 around the time the Dalai Lama fled there from Tibet. For more than a decade the Government of Nepal has barred Tibetans who flee there from remaining in the country. Tibetans currently living in Nepal are only allowed to transit through the Himalayan country on their way to India or another country willing to take them." [47a]
- 23.36 Based on information supplied by the Tibetan government in exile the same report lists 11 Tibetan settlements in Nepal. These are as follows:
- 1 Delekling Tibetan Settlement (Salleri, Solukhumbu Region)
  - 2 Dorpatan/Norzinling Tibetan Settlement (Dorpatan, Baglung District)
  - 3 Jampaling Tibetan Settlement (Pokhara)
  - 4 Namgyaling Tibetan Settlement (Chairok, Mustang Region)
  - 5 Paljorling Tibetan Handcraft Centre (Pokhara)
  - 6 Samdupling Tibetan Handcraft Centre (Jawalakhel, Kathmandu)
  - 7 Swayambu Handcraft Centre (Kathmandu)
  - 8 Tashiling Tibetan Settlement (Pokhara)
  - 9 Tashi Palkhel Tibetan Settlement (Pokhara)
  - 10 Tibetan Settlement (Dunche)
  - 11 Tibetan Settlement (Walung, Taplizong) [47a]
- 23.37 As reported by the Australia Tibet Council on 27 August 2003, "In August 2003, the Nepalese government signalled its willingness to work with the UNHCR to help ensure that Tibetans could continue to use Nepal as a safe transit point on rout[e] to Northern India." Mary Beth Markey (U.S. Executive Director of the ICT) stated, "This is a significant achievement for the Tibet movement and the rights of vulnerable Tibetan refugees... Safe transit through Nepal is the linchpin in the flight to freedom for Tibetans refugees..." [44a]
- 23.38 As reported by the BBC on 27 June 2003, "The arrested Tibetans are normally kept in a transit camp in Kathmandu pending screening by the UN refugee agency, the UN High Commissioner for Refugees (UNHCR), which later helps them travel to India." [9b]

### Legal status of Tibetans in Nepal

- 23.39 Article 9 of the Nepalese Constitution states:

“(4) after the commencement of this constitution [1990], the acquisition of citizenship of Nepal by a foreigner may be regulated by law which may, inter alia, require the fulfillment of the following conditions:

- a that he can speak and write the language of the nation of Nepal;
- b that he is engaged in any occupation in Nepal;
- c that he has renounced his citizenship of another country; and
- d that he has resided in Nepal for at least fifteen years.” [92a]

- 23.40 The British Embassy in Kathmandu advised on 25 May 2005 that, “Tibetan refugees ... do not really have any defined legal status in Nepal. Some have been issued Refugee certificates but this has been a random process and these certificates do not give them any legal status.” The Embassy also indicated that there is no special provision for Tibetan refugees to apply for Nepalese citizenship. [31f]

(See also section 35: Treatment of returnees – [Treatment of Tibetans](#))

### OTHER TIBETAN AREAS INSIDE CHINA

- 23.41 The Karze/Kardze (Ganzi in Tibetan) Tibetan Autonomous Prefecture (TAP) located in Sichuan province is the most volatile area outside of the TAR (Tibetan Autonomous Region). [2a] (Tibet) [73d] (RFA, 18 August 2006) [73e] (RFA, 7 September 2006)

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### LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 24.01 As reported by the *Asian Sex Gazette* on 3 December 2004:

“China has released an official estimate of its gay population for the first time, in what many see as the first steps towards improving treatment of lesbian, gay and bisexual people in the Asian country. The government-sanctioned press agency Xinhua reported that official figures suggest there are 5-10 million gay men in the country at the moment, a corresponding figure of 2-4 percent of the male population. Additionally, the agency reported that 1.35 percent of this segment is infected with HIV, making gay men the second highest risk group after intravenous drug users.” [96b]

### LEGISLATION

- 24.02 As reported in *Spartacus: International Gay Guide* (2005/2006), “Homosexuality is not recognised in China. Nevertheless the age of consent is set at 14 – the same as heterosexuals. The spread of pornography to minors aged under eighteen (18) is punishable with a prison sentence.” [49a] However, as reported by the official *People’s Daily* newspaper on 20 August 2003, same sex marriages are not permitted. [12i] Homosexuality is not illegal in China and sodomy was decriminalised in 1997. [84a] (US Citizenship and Immigration Services, 1 March 2001)



## POSITION OF GAY MEN IN SOCIETY

- 24.03 On 13 January 2004 the BBC reported, "As China opens up, the country's urban gays are slowly coming out. China officially struck homosexuality off the list of mental illnesses two years ago and even smaller cities now boast gay bars and meeting places. Through the internet Chinese gays now have unprecedented access to information about developments in gay rights from overseas sources." [9i] As reported in *Spartacus: International Gay Guide* (2005/2006), "Gay scenes are beginning to emerge in Beijing and Shanghai and tolerance towards homosexuality is increasing." [49a]
- 24.04 As reported by *The Times* on 17 December 2005, "Homosexuality is frowned upon in communist China's puritan society but was far from unknown in imperial eras. One common name for homosexuals in traditional China was 'broken sleeve', referring to an incident in which an emperor in ancient times sliced off his sleeve on which his adored male concubine was sleeping so as not to wake him." [90f]
- 24.05 China's first national free advice line for gay people was launched 8 May 2006. It is manned by 13 volunteers in Shanghai and Guangzhou. [14f] (*China Daily*, 11 May 2006)

## GOVERNMENT ATTITUDES

- 24.06 As reported by the Kaiser Network on 19 May 2005, "The Chinese government last month began blocking a popular Web site targeted at gay, lesbian, bisexual and transgender people that includes information about how to prevent the spread of HIV... The Chinese language site, gaychinese.net, had been receiving 50,000 to 65,000 hits each day – mostly from mainland China – and contains no sexually explicit or political content, according to site manager [Los Angeles-based] Damien Lu..." [95a] The first government backed forum for gay men was launched on 15 August 2006. [14m] (*China Daily*, 15 August 2006)

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## DISABILITY

- 25.01 As reported by the US State Department (USSD) Report 2006, published on 6 March 2007:

"The law protects the rights of persons with disabilities and prohibits discrimination; however, conditions for such persons lagged far behind legal dictates, failing to provide persons with disabilities with access to programs designed to assist them. According to the official press, all local governments have drafted specific measures to implement the law... According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions, where care was often inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education for their children. Government statistics showed that almost one-quarter of persons with disabilities lived in extreme poverty. Unemployment among adults with disabilities remained a serious problem." [2e] (Section 5)

- 25.02 The same source also stated that “Nearly 100,000 organizations exist, mostly in urban areas, to serve those with disabilities and protect their legal rights. The government, at times in conjunction with NGOs, sponsored programs to integrate persons with disabilities into society. However, misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems.” [2e] (Section 5) The China Disabled Persons’ Federation (CDPF) is chaired by Deng Pufang (son of former Chinese leader Deng Xiaoping). In 2003, Deng was awarded the United Nations Award for Human Rights in recognition of his work with the CDPF. [12s] (*People’s Daily*, 10 June 2006)

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## WOMEN

### LEGAL RIGHTS

- 26.01 Article 48 of the Constitution states, “Women in the People’s Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural, and social, including family life.” [1a] (The Constitution) Women’s rights are also protected by the Law on the Protection for Women’s Rights and Interests, effective as of 1 October 1992. [5f] However, as noted by the US State Department (USSD) Report 2006, published on 6 March 2007, “... women frequently encountered serious obstacles to the enforcement of laws... 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. Women’s rights advocates indicated that in rural areas, women often forfeited land and property rights to their husbands in divorce proceedings.” [2e] (Section 5)

- 26.02 As reported by the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region on its country page for China (accessed 16 March 2006):

“The National Working Committee on Children and Women under the State Council (NWCCW) was founded in February 1990. It is responsible for coordinating and promoting relevant government departments to implement law, regulation and policy-related measures concerning women and children... The responsibility of providing legal aid has been assigned to the Ministry of Justice and the All-China Women’s Federation (ACWF). The main focus of meetings by the standing committee of NWCCW is to gather working reports on preventing and combating the trafficking of children and women from these assigned ministries/committees and work out solutions for action.” [27a] (Prevention and Protection, Establishing the Mechanism of Multi-Agency Collaboration)

(See also section 29: [Trafficking](#))

### POLITICAL RIGHTS

- 26.03 As noted by the USSD Report 2006:

“The government placed no special restrictions on the participation of women or minority groups in the political process. However, women held few positions

of significant influence in the CCP or government structure... The government encouraged women to exercise their right to vote in village committee elections and to stand for those elections, although only a small fraction of elected members were women. In many locations, a seat on the village committee was reserved for a woman, who was usually given responsibility for family planning.” [2e] (Section 3)

26.04 The USSD Report 2006 gives the following breakdown of women in positions of power:

- Politburo – one woman out of 24 members.
- Ministries headed by women – one out of 28.
- CCP members – 13.6 million women (19.2 per cent).
- NPC delegates – 20.2 per cent are women.
- Members of the Standing Committee of the NPC – 14.2 per cent are women.
- Members of the Central Committee of the CCP – 27 out of 198 are women. [2e] (Section 3)

## SOCIAL AND ECONOMIC RIGHTS

### Position of women in society

26.05 As documented by the Christian Science Monitor in a report dated 17 December 2004, under Mao Zedong women were famously told they “hold up half the sky” and were promised equality with men. Foot binding was banned, divorce legalised and the keeping of concubines forbidden. “‘Changes in the Chinese family were imposed quickly and radically,’ says Harvard University’s Martin Whyte. ‘In most societies these changes would take generations. In Mao’s China they were compressed into a time period, really, of two or three years.’” [75a]

26.06 The same source continued, “‘Daughters are an economic benefit in the city, where mental work is greater than physical work,’ says Dong Zhiying, a scholar at the China Academy of Social Science (CASS).” However, “... family dynamics remain tremendously complicated... An urban culture of mistresses has been growing in China... Business culture emphasizes macho guys who need to be seen sitting with several ornamental women in order to show power.” [75a] In October 2006, Zhang Yin became the first woman to top China’s rich list with an estimated fortune of £1.8 billion. [9ac] (BBC, 11 October 2006)

26.07 As reported by the *Guardian* newspaper on 15 October 2006:

“In 1949 female illiteracy in rural China was 99 per cent. In 1976 when Mao died it was 45 per cent and today it is 13 per cent. One of Mao’s first acts was to give women the same rights in divorce as men, and for all his other barbarism he consistently championed the equality of women. China is still a sexist society, but compared with the rest of Asia it is light years ahead.

Female illiteracy in rural India, for example, is still 55 per cent. The change has gone deep into the marrow of Chinese society. One survey recently revealed that Chinese girls between 16 and 19 name becoming president, chief executive or senior manager of a company as their top career choices; Japanese girls between 16 and 19 say they want to become housewives, flight attendants or child-care workers.” [41g]

- 26.08 As noted by the official *China Daily* newspaper in a report first published on 1 February 2002 and accessed via the government portal China org, “Although the status of women in China’s major cities has improved, their rural counterparts continue to find themselves handicapped by serious gender inequalities.” [14g]

## Marriage

- 26.09 As reported by the USSD Report 2006, “In order to delay childbearing, the law sets the minimum marriage age for women at 20 years and for men at 22 years.” [2e] (Section 1f) As reported by the Encyclopedia of the World’s Minorities (2005), the marriage age for recognised ethnic minorities is 18 for women and 20 for men. [76] (p286)
- 26.10 As reported by *TIME Asia* on 30 October 2006, “The concept of alimony is only beginning to enter Chinese society, keeping some wives from splitting with their husbands for fear of not being able to provide for children.” [65i]
- 26.11 On 19 August 2003, the official *People’s Daily* newspaper reported:
- “Chinese couples planning to get married may soon do so without a letter from their employers testifying to their unmarried status and without first having a health examination, according to a new regulation issued by the State Council Monday... An adult male and female will be able to marry each other legally by only providing their ID cards and residence documents, and by signing a statement that they are single and not related, the new regulation said. For the past several decades, government marriage offices required people to show letters provided by their employers to guarantee that they were qualified for marriage. The new regulation [effective from 1 October 2003] says that people may take a health examination before marriage, but will not be forced to do so.” [12g]
- 26.12 As reported by the *People’s Daily* on 20 August 2003, couples with HIV/AIDS will be allowed to marry under these regulations but same sex marriages are not permitted. [12i] As reported by the US Embassy in China, “Certain categories of Chinese citizens, such as diplomats, security officials, and others whose work is considered to be crucial to the state, are not legally free to marry foreigners. Chinese students generally are permitted to marry if all the requirements are met, but they can expect to be expelled from school as soon as they do.” The same source also noted that additional documentation is normally required for marriage to a non-Chinese national. [99a]

## Arranged marriages

- 26.13 As reported by the BBC on 19 June 2006, “Many marriages are arranged and operate like business deals in which the groom’s parents ‘buy’ the bride, and she becomes part of their family... For most women there is no easy way out

of an unhappy marriage. Divorce would mean leaving behind the financial security of the family, casting them into an uncertain future.” [9v]

- 26.14 As reported by the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region on its country page for China, accessed 16 March 2006, “In some rural areas, the phenomenon of buying women or children for marriage or to carry on the family name exists.” [27a] (Overview) As reported by the US State Department Trafficking in Persons Report 2006 (USSD Trafficking Report 2006), published on 5 June 2006, “Some experts believe that the serious and prolonged imbalance in the male-female birth ratio may now be contributing to Chinese and foreign girls and women being trafficked as potential brides.” [2l] (China)

(See also section 29: [Trafficking](#))

## Divorce

- 26.15 On 28 April 2003, the Standing Committee of the NPC voted to amend the Marriage Law. In addition to making bigamy a criminal offence punishable by two years imprisonment it made the following pronouncement on divorce, “In divorce cases, property division should be determined under contract by both parties. Should they fail, the people’s court will make decisions in favor of the offspring and the female.” The official *People’s Daily* newspaper reported these amendments on the same day. [12d] As reported by the same source on 19 August 2003, “Couples will receive divorce certificates at once if they both agree to get divorced and settle amicably their property, any debts and care of any children, the new rules say.” [12g]
- 26.16 As reported by the BBC on 26 January 2007, “Divorce in China used to be rare. Until 2003, separating couples needed permission from their work unit to divorce, and this was rarely granted. But economic reforms have brought rapid social change, making divorce more common. According to the China Daily, 1.6 million people divorced in 2006. Under the new calculations, that equates to 1.3 divorces for every 1,000 people.” [9q]

## VIOLENCE AGAINST WOMEN

- 26.17 As reported by the USSD Report 2006:

“Violence against women remained a significant problem. There was no national law criminalizing domestic violence, but the Marriage Law provides for mediation and administrative penalties in cases of domestic violence. In August 2005 the NPC amended the Law on the Protection of Women’s Rights specifically to prohibit domestic violence, although critics complained that the provision fails to define domestic violence. More than 30 provinces, cities, or local jurisdictions passed legislation aimed at addressing domestic violence... According to experts, domestic abuse was more common in rural areas than in urban centers. In response to increased awareness of the problem of domestic violence, there were a growing number of shelters for victims. Most shelters were government run, although some included NGO participation. Rape is illegal, and some persons convicted of rape were executed. The law does not expressly recognize or exclude spousal rape.” [2e] (Section 5)

- 26.18 According to a report published by the state sponsored All China Women's Federation (ACWF) in December 2003, 38.4 per cent of people surveyed admitted resorting to violence to resolve disagreements with their spouses, while nearly half believed it was reasonable for husbands to beat their wives. The official *China Daily* newspaper reported the findings of this survey on 4 February 2004. [14h]
- 26.19 As reported by the official *China Daily* newspaper on 26 November 2003, "Currently, women's federations at various levels have opened 6,181 hotlines and 8,958 special organizations in China to provide consultation and legal aid for women's rights protection. The China Law Society has established a nationwide network for fighting domestic violence, and many provincial authorities have enacted local regulations for preventing domestic violence." [14e] As noted by *The Independent* in a report dated 8 March 2006, "Ninety per cent of cities and provinces in China have now established regulated legal and counselling centres and advice lines for female victims of domestic violence." [67a]

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## CHILDREN

### BASIC INFORMATION

- 27.01 As reported by the USSD Report 2006, the law provides for the right to nine years of compulsory education and forbids the mistreatment or abandonment of children or the use of sex selective abortion. However, the abandonment and neglect of baby girls and the abortion of large numbers of female fetuses remained problems. [2e] (Section 5) On 11 October 2004 the BBC reported the findings of a survey carried out in China, "The Beijing University survey found up to 22% of children suffered emotional problems like depression and showed problematic behaviour like lying. These children, sometimes known as 'little emperors', were born under the one child policy so have no siblings. Psychologists say they are often spoilt and sheltered from problems by their parents, so are unable to cope with difficulties." [9n]
- 27.02 As reported in *Spartacus: International Gay Guide* (2005/2006), the age of consent in China is 14 years of age for heterosexuals and homosexuals alike. [49a]

(See also section 24: [Lesbian, gay, bisexual and transgender persons](#))

### EDUCATION

- 27.03 As noted by *Europa World*, "Since 1979 education has been included as one of the main priorities for modernization. The whole educational system was being reformed in the late 1990s and early 2000s, with the aim of introducing nine-year compulsory education. According to official statistics, 90% of the population had been covered by the compulsory education scheme by 2002. The establishment of private schools has been permitted since the early 1980s." The same source also noted, "Fees are charged at all levels." [1a] (Education) As reported by *Times Asia* on 20 March 2006, "... roughly 60% of Chinese families in major cities now spend one-third of their income on children's education..." [64d]



- 27.04 On 28 February 2006, the official news agency Xinhua reported that 794 school masters had been sacked for charging unreasonable school fees. "Altogether 56,000 groups have been dispatched nationwide since 2003 to spot unreasonable charges in more than 876,000 Chinese schools of various levels. With 19,000 cases handled, more than 1.32 billion yuan (about 159 million U.S. dollars) have been checked and returned." [13c]
- 27.05 As documented by the Economist Intelligence Unit (EIU) in its 2007 country profile for China, "The education system is plagued by funding difficulties. In March 2004 the education minister, Zhou Ji, said that education spending as a share of GDP would rise from 2.5% in 1998 to 4% in 2007. However, the state has had to call on the private sector to help expand educational provision... Interest-free loans are available to students from poorer households." [4a] (Education)
- 27.06 As reported by HRW on 25 September 2006, "Over the past two weeks, Beijing municipal authorities have shut down more than 50 schools for children of migrant workers... The schools' closure – part of a campaign to close all unregistered schools for migrants by the end of September – threatens to leave tens of thousands of children without access to education, in violation of several of Beijing's obligations under international law." [7m]
- 27.07 As reported by the Government's White Paper, China's Employment Situation and Policies (Section III), published in April 2004, "In 2003, the attendance rate of school-age children in primary schools was 98.6 percent, and the gross enrolment rate of junior middle schools was 92.7 percent." [5n] (p1 of Section III)
- 27.08 As reported by the EIU, "There were 1,792 universities and institutions of higher education in China in 2005, up from 1,041 in 2000, with a total student enrolment figure of 15.6m, up from the 2000 level of 5.6m. Engineering and management are the two most popular courses. The rapid rise in enrolment has been accompanied by a sharp rise in the student-teacher ratio." [4a] (Education)
- 27.09 As noted by Europa World, "The numbers of Chinese students studying abroad were increasing in the early 21st century, with around 32,000 Chinese students reported to have been studying in British higher education institutions alone in 2002/03." [1a] (Education) As reported by the official news agency Xinhua on 6 January 2006, 900,000 Chinese students have gone abroad to study since 1949. According to the Ministry of Education more than 200,000 of them have returned to China after completing their studies. [13n]

## CHILD CARE

- 27.10 As reported by the USSD Report 2006, "The vast majority of children in orphanages were female; males in orphanages were usually disabled or in poor health. Medical professionals sometimes advised parents of children with disabilities to put the children into orphanages." [2e] (Section 5)
- 27.11 As reported by the official news agency Xinhua on 22 April 2004, "China now has nearly 600 orphanages that are taking care of more than 54,000 orphans or infants abandoned by their parents for various reasons." [17g] As reported by the *Daily Mirror* in a special report on adoption in China dated 9 August

2005, "China has a million orphans in 1,000 state-run orphanages." [17i] As reported by the official Xinhua news agency on 27 February 2006, a total of ten people, including the director of a state run orphanage received prison sentences ranging from one to 15 years after they were convicted of selling abducted babies to foreigners wanting to adopt Chinese orphans. The group was active from 2002 to 2005 and trafficked 78 babies in 2005 alone said Xinhua. The harshest sentences were handed down to the three "smugglers". The director of the orphanage received a one year prison sentence though he was currently at large. [13m]

- 27.12 As recorded by the NGO SOS Children's Villages, in a report dated 16 June 2005:

"Twenty years ago, an SOS Children's Village association was founded in the world's most populated country. Today one can speak of the successful work being carried out in 31 facilities in China. Celebrations and meetings of government representatives and representatives of SOS Children's Villages will honour this important anniversary... The existing 31 SOS Children's Village facilities (villages, kindergartens, youth facilities, schools, vocational training centres) are geographically widely scattered, from Qiqihar in the north-east, through Lhasa in the autonomous province of Tibet, up to Urumqi in the north-western Uiguric autonomous region of Xinjiang." [87a]

- 27.13 Migration to the cities has resulted in many children being left behind in the countryside where they are cared for by elderly relatives. There may be as many as 22 million of these "leftover children" according to official sources. [14i] (China Daily, 6 July 2006)

## ADOPTION RIGHTS / RULES

- 27.14 As reported by the US State Department's guide to international adoption dated February 2006, "Chinese law allows for the adoption of children up to and including age 13; children ages 14 and up may not be adopted... Chinese law permits adoption by married couples (one man, one woman) and single heterosexual persons. Chinese law prohibits homosexual individuals or couples from adopting Chinese children." [2b] As noted by the US State Department Report 2004, published on 28 February 2005, "A 1997 revision of the adoption law made it easier for couples to adopt. However, adopted children were counted under the birth limitation regulations in most locations. As a result, couples who adopted abandoned baby girls, for example, were sometimes barred from having additional children." [2j] (Section 5)

## CHILD LABOUR

- 27.15 As reported by the USSD Report 2006:

"The law prohibits the employment of children under the age of 16, but the government had not adopted a comprehensive policy to combat child labor. The labor law specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire minors. The law also stipulates that parents or guardians should provide for children's subsistence. Workers between the ages of 16 and 18 were referred to as 'juvenile workers' and were prohibited from engaging in certain forms of physical work, including labor in mines." [2e] (Section 6d)

## CHILD SOLDIERS

- 27.16 As reported by the Coalition to Stop the Use of Child Soldiers in its 2004 Report on China, "There was no minimum voluntary recruitment age. The conscription age was reportedly lowered from 18 to 17 years in Beijing. It was not known whether under-18s were serving in government armed forces and militia." The same source also reported, "There are close links between the military and the education system. The Military Service Law requires secondary school and higher education students to undergo one month's military training (Articles 43 to 46). In 2002 about 60 per cent of new university and college students were receiving military training." [91a]

(See also section 9: [Military service](#))

## BLACK CHILDREN (HEI HAIZI)

- 27.17 As reported by Elina Hemminki, Zhuochun Wu, Guiying Cao and Kirs Viisainen, writing in a report on illegal births and abortions in China published in the journal *Reproductive Health* in August 2005, "The Chinese family planning regulations do not include the concept of an 'illegal child' (i.e. a child born out of an 'illegal pregnancy'), and the law prohibits discrimination against children born outside marriage. However, children from illegal pregnancies may not be registered or treated equally until their parents pay the fines imposed as punishment. Especially in urban areas registration with the local authority is required for medical care, schooling and employment." [15a] (**Illegal Pregnancy**)
- 27.18 As noted by TIME Pacific on 29 January 2001, children born contrary to the "one-child policy" are called "black children" (hei haizi). Officially they do not exist and therefore do not qualify for government assistance. According to the report officials can usually be "persuaded" to add to or issue them a hukou (household registration document), but a bribe is often required to facilitate this. [65a] As reported by the *Asian Sex Gazette* on 16 December 2004, "Because of the stiff financial penalties for second children, many couples have unregistered children. There may be as many as a 100 million of these 'illegal children.'" [96c] 16 million babies are born in China each year. [13g] (**Xinhua, 21 March 2006**)
- 27.19 As reported by AsiaNews on 21 March 2006, "Farmers in Gaoping County (Hunan province) have accused family planning officials of stealing 12 unregistered children – i.e. born outside China's one 'child policy' – over the past four years and demanding ransoms for their return. County officials counter saying the children were taken in accordance with national policy and the villagers voluntarily gave them up." [58a]

## FEMALE INFANTICIDE

- 27.20 As reported by the USSD Report 2006, "Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the birth limitation policy. Many families, particularly in rural areas, used ultrasound to identify female fetuses and terminate pregnancies, even though this practice remained illegal." [2e] (**Section 5**) As reported by the *Asian Sex Gazette* on 21 June 2005, "There

are approximately 7 million abortions annually in China and the International Planned Parenthood Federation indicates that more than 70 percent are female unborn children. The female babies are often aborted in the late stages of pregnancy when an ultrasound reveals their gender. The Chinese government has tried to crack down on the non-medical usage of ultrasound.” [96a]

- 27.21 As reported by Kaiser Network on 2 June 2006, “Authorities in the northern Chinese province of Hebei have shut 201 medical clinics that were involved in identifying and aborting female fetuses since 2004...” [95b] On 2 August 2006, the official news agency Xinhua announced that the authorities will continue to punish health workers who help abort female foetuses, despite a recent decision not to criminalise the practice. [13i]

## HEALTH ISSUES

- 27.22 As reported by UNICEF in its country profile for China:

“Overall estimates by government indicate that infant and under-five mortality have declined. The Maternal Mortality Rate has decreased from 89 per 100,000 live births in 1990 to about 53 per 100,000 live births. Although the decline is impressive, the rate of decline has been falling over the decade. There is also wide variation within the country – even between provinces there can be three-fold differences... The nutritional situation of children in China has been improving significantly. Malnourishment is mainly found in rural areas, there is almost no malnourishment among urban children, and obesity is becoming a new worry.” [29a]

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## FAMILY PLANNING (“ONE CHILD POLICY”)

- 28.01 Article 25 of the State Constitution (adopted on 4 December 1982) states, “The State promotes family planning so that population growth may fit the plans for economic and social development.” Article 49 states, “Both husband and wife have the duty to practise family planning.” [5a]
- 28.02 As reported by the Congressional-Executive Commission on China (CECC Report 2006) in its 2006 Annual Report, published on 20 September 2006, “The government coerces compliance with its restrictions on birth principally through a system of harshly coercive fines, which are termed ‘social compensation fees.’ Provincial-level governments determine the criteria for issuing these fines, their amounts, and the method for collecting them ‘based on local conditions.’” [28a] (V. h)
- 28.03 The “one-child policy” does not restrict every couple to only one child. The fertility rate is 1.72 indicating that most couples have more than one child. [30a] (CIA World Fact Book, 10 January 2006) The official government portal, China org, accessed 30 March 2006, gives the following explanation of how the policy is applied in practise; it states, “...in urban areas, if both husband and wife are only children in their families, they can have two children. In most rural areas, if a family only has one girl, the couple can have another child. In some remote and poor mountainous areas, farmers are allowed to have two children.” [5u]

- 28.04 As reported by the US State Department (USSD) Report 2006, published on 6 March 2007, "The one-child limit was more strictly applied in the cities, where only couples meeting certain conditions (e.g., both parents are only children) were permitted to have a second child. In most rural areas (including towns of under 200,000 persons), which included approximately 60 percent of the country's population, the policy was more relaxed, generally allowing couples to have a second child if the first was a girl or had a disability. Central government policy formally prohibits the use of physical coercion to compel persons to submit to abortion or sterilization, although reports of physical coercion to meet birth targets continued." [2e] (Section 2f) According to a report by *Asia Times* dated 21 March 2006, "...about 30% of the population currently are allowed to have two children." [64e]

### PREFERENTIAL TREATMENT OF ETHNIC MINORITIES

- 28.05 Recognised minorities are partially exempt from the "one child policy." According to the Encyclopedia of the World's Minorities (2005), "Those in urban areas have been allowed two children (or three if both are girls or one is disabled); those in rural areas, generally three." [76] (p289) The USSD Report 2006 is less specific, stating only that "Ethnic minorities like the Uighurs and the Tibetans are also allowed more than one child." [2e] (Section 2f) The official government portal, China.org, accessed 30 March 2006, stated, "In ethnic minority areas, more preferential policies permit some families to have three children, and in the farming and pastoral areas in Xinjiang Uygur Autonomous Region, families are allowed to have four children. In Tibet's farming and pastoral areas, there is no restriction on childbirth." [5u]

(See also section 26: [Marriage](#))

### POPULATION AND FAMILY PLANNING LAW (2002)

- 28.06 Article 2 of the Population and Family Planning Law states, "China being a populous country, family planning is a fundamental State policy. The State adopts a comprehensive measure to control the size and raise the general quality of the population. The State relies on publicity and education, advances in science and technology, multi-purpose services and the establishment and improvement of reward and social security systems in carrying out the population and family planning programs." [5j]

### ENFORCEMENT

- 28.07 As reported by Elina Hemminki, Zhuochun Wu, Guiying Cao and Kirsi Viisainen, writing in a report on illegal births and abortions in China, published in the journal *Reproductive Health* in August 2005, "Enforcement of the population policy has been pursued via the Communist Party and the State Family Planning (FP) Commission, both of which have a functioning vertical structure." [15a] (Illegal Pregnancies)
- 28.08 As reported by the Center for Reproductive Rights in a report entitled, *Women of the World: Laws and Policies Affecting their Reproductive Lives, East and Southeast Asia*, published in 2005:

“In general, local regulations permit married couples without children to make their own arrangements to have a first child. Within three months of a pregnancy, couples must bring their residency papers, marriage certificate, premarital health-care exam certificate, and a letter from the work unit or the villagers’ committee to the local people’s government or family planning department to register for a ‘birth permit.’ In limited circumstances, married couples may petition the local family planning department for permission to have a second child. Pregnancies for a second child without government approval or in violation of local laws and regulations must be terminated under the directives of family planning technical service personnel. In some provinces, the local villagers’ or residents’ committee are permitted to ‘take measures’ and establish a deadline for terminating the pregnancy. Couples who refuse to undergo an abortion are given a warning, and if the abortion is not performed, the couple may be fined up to CNY 2,000 (USD 242). Citizens who have children without permission from the government must pay social compensation fees, must assume financial responsibility for all maternal health-care costs, and are denied maternity insurance benefits for leave and subsidies; rural citizens are refused future increases in land allocation.” [38a] (p41)

- 28.09 As reported by the same source, “China utilizes a five-tier network to provide family planning services at the national, provincial, prefectural, county, and township levels. The network covers 95% of all urban and rural areas with more than 2,500 county technical service units, 140,000 technical service staff, and 4 million family planning specialists, excluding volunteers and part-time workers in villages.” [38a] (p42)
- 28.10 As reported by the USSD Report 2006, “Those who violated the child limit policy by having an unapproved child or helping another to do so faced disciplinary measures such as job loss or demotion, loss of promotion opportunity, expulsion from the party (membership in which was an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of property.” As reported by the same source, “These penalties sometimes left women with little practical choice but to undergo abortion or sterilization.” [2e] (Section 2f)
- 28.11 As reported by the CECC Report 2006, “The government uses group rewards and punishments, denying benefits or imposing penalties on entire villages, factories, or work units in the event of a single ‘out-of-plan’ birth. As a result, women with ‘out-of-plan’ pregnancies are ostracized and placed under great pressure to have an abortion. These abuses have created an atmosphere of fear in which most Chinese women feel they have little choice but to comply with the population planning policy.” [28a] (V. h)

## MONITORING

- 28.12 As reported by Elina Hemminki, Zhuochun Wu, Guiying Cao and Kirsi Viisainen, writing in a report on illegal births and abortions in China, published in the journal *Reproductive Health* in August 2005:

“In rural areas, an extensive system has been created at the village and district level to ensure constant surveillance of contraceptive use and pregnancy status of all married women at reproductive age. It is common for married women to be requested to visit an FP station every two or three



months for pregnancy testing, allowing for early pregnancy detection. In cities, family planning officials and cadres within workplaces have a central function. The surveillance of contraceptive use may be more common than surveillance of pregnancies, as fear of losing a job may motivate women not to have an illegal pregnancy.” [15a] (Illegal Pregnancies)

28.13 As reported by CNN on 23 January 2007:

“China will not loosen its one-child policy, despite a top family planning official's acknowledgment Tuesday that it was partly to blame for a worsening problem of too many boy babies and not enough girls in the world's most populous nation. In 2005, some 118 boys were born in China for every 100 girls. In some regions, the figure has hit 130 boys for every 100 girls; the average for industrialized countries is between 104 and 107 boys for every 100 girls. Zhang Weiqing, minister of the National Population and Family Planning Commission, said the government is committed to solving gender imbalance within 10 to 15 years with education campaigns, punishments for sex-selective abortions and rewards - like retirement pensions - for parents who have girls... Dropping restrictions on childbearing now would risk a population surge as a baby boomer generation born in the early 1980s becomes ready to start families, Zhang said.” [10b]

### COERCION (FORCED STERILISATIONS/ABORTIONS)

28.14 Reports of physical coercion by officials trying to meet birth targets continued in 2005 and 2006. (CECC Report 2006 and USSD Report 2006) [28a] (V. h) [2e] (Section 2f) As reported by the UPI on 10 September 2005, “While the central government has moved towards persuasion and fines to enforce limits on family size, many local officials overstep the law because they are judged by the numbers.” [17m] As reported by the CECC Report 2006:

“Some local officials charged with implementing the national population planning policy violate Chinese law by physically coercing abortions and sterilizations. Although physical coercion violates Article 4 of the Population and Family Planning Law, local officials continue to use physical coercion, or the threat of physical coercion, to enforce compliance with population planning laws and regulations. In December 2005, Western media reported that officials in Hebei province forced a Falun Gong practitioner to have an abortion, and in 2006, officials in Chongqing municipality and in Fujian province forcibly sterilized women. In June 2006, Western media reported that a woman fell to her death while fleeing Anhui provincial officials who were attempting to force her to abort twins, since she had previously given birth to one child. Central government personnel policies encourage the coercive practices of local officials by making the local officials' promotions and bonuses dependent on meeting population targets. Little public evidence is available to show that officials who employ physical coercion against pregnant women have been punished for their illegal acts.” [28a] (V. h)

28.15 As reported by the USSD Report 2006, “In the case of families that already had two children, one parent was often pressured to undergo sterilization... There were several rewards for couples who adhered to birth limitation laws and policies, including monthly stipends and preferential medical and educational benefits... For example, new pension benefits were made

available nationwide for those who adhered to birth limitation laws.” [2e] (Section 2f)

- 28.16 In testimony before the US House of Representatives on 14 December 2004, Assistant Secretary Arthur E. Dewey (Bureau of Population, Refugees and Migration) stated, “The law specifies a number of birth limitation measures by the government that amount to coercion. Party members and civil servants who parent an ‘out-of-plan’ child are very likely to face administrative sanction, including job loss or demotion. Couples who give birth to an unapproved child are likely to be assessed a social compensation fee, which can range from one-half the local average annual household income to as much as ten times that level.” [2h] (p5)
- 28.17 Mr Dewey also stated:
- “Forced sterilizations continue to occur, most frequently when couples have more children than the allowable number. Women may be allowed to carry the ‘excess’ child to term, but then one member of a couple is strongly pressured to be sterilized. In some cases, they may be asked to go to a hospital under other pretenses, or sterilized without consent. Additionally, if doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization.” [2h] (p6)
- 28.18 As reported by the USSD Report 2006, “Seven provinces – Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin and Ningxia – require ‘termination of pregnancy’ if the pregnancy violates provincial family planning regulations. An additional 10 provinces – Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi and Yunnan – require unspecified ‘remedial measures’ to deal with out-of-plan pregnancies.” [2e] (Section 2f)

## EVASION

- 28.19 As reported by the official *China Daily* newspaper on 14 February 2006, women in China are increasingly using IVF to boost their chances of having twins or triplets and therefore avoiding government restrictions on births. According to this report, “There are no penalties for multiple births.” [14b] As reported by the Canadian IRB on 25 August 2005, a report from the *Economist* dated 18 December 2004, stated that some Chinese nationals, especially from amongst the urban population choose to have a second child abroad so that the child can obtain foreign citizenship and therefore not be included in the count. [3i]
- (See also section 35: Treatment of returnees - [Treatment of foreign born children](#))
- 28.20 On 31 January 2007, the BBC reported that in 2001 Hong Kong's highest court ruled that a child born in Hong Kong to parents who came from China had the right to residency in Hong Kong. Since then numerous Chinese women have travelled there to give birth to avoid the penalties for breaking China's one-child policy. The report stated, “After an influx of about 20,000 non-local women to Hong Kong's hospitals last year, the government has taken a series of measures to help stem the flow. Mainland mothers who look heavily pregnant will have to show immigration officers a hospital booking

confirmation alongside their visitor's visa. If they do not have the booking, they will not be allowed in." [9ah]

- 28.21 In January 2007 Zhang Weiqing, Minister of the National Population and Family Planning Commission, said that one factor in the government's decision to maintain its one-child policy was that many migrant workers living in cities had been evading restrictions and having two or more children. [10b] (CNN, 23 January 2007)

## FORCED ABORTIONS IN LINYI

- 28.22 As reported by the NGO, the Laogai Foundation, on 13 April 2005:

"Township authorities have forced hundreds of women in Chewang Township, Cangshan County, Shandong Province to undergo abortions since March of this year [2005]. Many of these women have been beaten and illegally detained for resisting the authorities, and this mistreatment even resulted in the death of one woman. Around June of last year [2004], officials of the CCP Committee and government of Chewang Township traveled to every part of the township to persuade couples who had only one child to have a second child. For each second birth, couples were required to pay the government 4,500-6,000 yuan as a 'birth guarantee fee'. By March 2005, the township authorities had collected over 20 million yuan. In late March of this year [2005], when new township authorities were appointed to their posts, the first thing they did was to force the pregnant women who had paid the 'birth guarantee fee' to the previous authorities to have abortions. Hundreds of women were captured and driven to undergo abortions by force. Even those women who had been pregnant for eight months were not spared. According to statistics, more than 160 women who were eight months pregnant were forced to have abortions." [35a]

- 28.23 On 12 September 2005 *TIME Asia* reported:

"Despite laxer regulation, the career advancement of local leaders, especially in rural areas, still often depends on keeping birthrates low. 'One set of bad population figures can stop an official from getting promoted,' says Tu Bisheng, a Beijing legal activist who has helped document abuses related to the one-child policy. At a provincial meeting last year, Linyi officials were castigated for having the highest rate of extra births in all of Shandong, according to lawyers familiar with the situation. The dressing-down galvanized what appears to be one of the most brutal mass sterilization and abortion campaigns in years. Starting in March [2005], family-planning officials in Linyi's nine counties and three districts trawled villages, looking to force women pregnant with illegal children to abort, and to sterilize those who already had the maximum allotment of children under the local family-planning policy." [65f]

- 28.24 The same source continued:

"Relatives of women who resisted sterilization or abortion were detained and forced to pay for 'study sessions' in which they had to admit their 'wrong thinking,' says Teng Biao, an instructor at the China University of Political Science and Law in Beijing, who visited Linyi last month to investigate the coercive campaign. In the Linyi county of Yinan alone, at least 7,000 people

were forced to undergo sterilization between March and July, according to lawyers who spoke with local family-planning officials. Several villagers, the lawyers allege, were beaten to death while under detention for trying to help family members avoid sterilization.” [65f]

- 28.25 The CECC Report 2006 cast doubt on whether any officials had been punished for their actions in Linyi. [28a] (V. h) As reported by the USSD Report 2006, on 24 August 2006 blind legal activist Chen Guangcheng, who publicised local officials' abuses in family planning policies, was sentenced to four years' and three months' imprisonment on dubious charges of obstructing traffic and inciting others to destroy public property. The same report stated that “Chen's case was later remanded for retrial, where he was represented by his own lawyers. However, courts affirmed Chen's original conviction and sentence on retrial and then again on appeal.” [2e] (Section 1d)

### FAMILY PLANNING REGULATIONS IN FUJIAN

- 28.26 As reported by the Canadian Immigration and Refugee Board (IRB) on 25 August 2005, information on forced abortions or sterilisations occurring in Fujian could not be found amongst the sources consulted by the Canadian IRB. Experts contacted by the IRB cautioned, however, that this did not mean that they did not occur. [3n] The CECC Report 2006 stated that officials in Fujian province had “forcibly sterilized women” in 2005. This was based on “Western media” reports from December 2005. [28a] (V. h)
- 28.27 Article 2 of the Population and Family Planning Regulations of Fujian Province 2002 (effective from 1 September 2002) states, “Both husband and wife are under the obligation to practice family planning and citizens' legitimate rights and interests to reproduction are protected by law.” [5l]
- 28.28 Article 11 states:

“Returned overseas Chinese may give birth to a second child in any of the following circumstances if approved:

- Those who have already become pregnant at the time when they return to settle down;
- Both husband and wife are returned overseas Chinese for less than six years and have only one child;
- All of their children reside overseas and the returned couple have no children inside interior China;

Preceding paragraph (3) applies to the spouse of an overseas Chinese who has returned and resides in this province.

This Regulation applies to the following circumstances: Either of the couple is this province's resident and the other party is a resident of Special Administrative Districts Hong Kong and Macao. However, if the children are born by them after the marriage and the children are born [to] the Hong Kong and Macao residents before the marriage and have not resided inside interior China, such children shall not be counted as the number of children that they give birth to.

If either of the couple is a Taiwan resident, the preceding paragraph shall apply with reference.” [5i]

### FAMILY PLANNING REGULATIONS IN GUANGDONG

- 28.29 Article 25 of the Population and Family Planning Regulations of Guangdong Province 2002 (effective from 1 September 2002) states:

“Contraception shall be the primary component of family planning. Operations for the purpose of contraception and birth control shall be conducted in such a way as to ensure the safety of the person being operated upon. In order to prevent and decrease the number of unwanted pregnancies, the family planning administrative department at each level of government shall create the prerequisite conditions and advise couples of child-bearing age in how to make an informed choice about contraceptive measures. The first choice for a woman of child-bearing age who has given birth to one child shall be an intrauterine device. Where there are already two or more children, the first choice shall be a ligation for either the husband or wife.” [5k]

- 28.30 Article 49 states:

“Where a birth is not in conformity with these Regulations, a social support fee [also known as “social compensation fee”] shall be levied. The family planning administrative department at the level of county or non-districted local city shall request the people’s government of the county, ethnic county or town or neighbourhood office or a farm or forestry centre directly under a county or higher jurisdictional [sic] level to make the decision about levying said charge. The specific work shall be carried out by the subordinate family planning operational agency, and the village (residents) committee and pertinent work-units shall assist in the execution of this work.

If the party in question has real difficulty paying the social support fee in one lump sum, an application to pay in instalments may be submitted in conformity with the law to the body that decided on levying the fee, but the period during which instalments may be paid shall not exceed three years.

Where a migrant gives birth in a matter that contravenes these Regulations, the collection of the social support fee shall be done in accordance with national regulations. Payment to the national treasury of social support fees and late payment fines shall be managed under a two-track revenue and expenditure control system. No entity or individual shall retain, divert, embezzle or pocket said funds.” [5k]

### FAMILY PLANNING REGULATIONS IN BEIJING AND SHANGHAI

- 28.31 As reported by the official news agency Xinhua on 9 August 2003, under new regulations (effective from 1 September 2003) nine types of household in Beijing are permitted a second child. [13a]

- 28.32 The same source continued:

“The nine groups that are allowed a second child include couples who have a disabled first child, who are the only child of their respective families and currently have only one child, and remarried couples who have only one child.

Under the former municipal Population and Birth Control Statutes, these couples could only have a second child at least four years after the first child was born and if the mother was at least 28 years old.” [13a]

- 28.33 On 30 September 2006, the official *People’s Daily* newspaper confirmed that Beijing will not ease restrictions on family planning to allow people with higher educational qualifications to automatically have a second child. [12ac]
- 28.34 As reported by the official *People’s Daily* newspaper on the 25 June 2004, Shanghai has also approved similar measures, which permit couples who are both single children to have a second child. It also allows couples with children from a previous marriage to have a child together as well as permitting urban couples to have a second child if the first child is disabled. [13h]
- 28.35 On 14 April 2004, the *Guardian* newspaper reported that these changes were prompted by concerns about the city’s ageing population. The report added that whilst other cities may follow suit for similar reasons officials were adamant that the “one-child policy” would remain the basis of family planning within China for the foreseeable future. The report concluded, “The ending of free education in China – another of the big changes in the past 25 years – may prove to be a more effective way to restrict population growth than any family planning policy.” [41e]

#### FAMILY PLANNING FOR SINGLE WOMEN

- 28.36 As reported by the USSD Report 2006, “In order to delay childbearing, the law sets the minimum marriage age for women at 20 years and for men at 22 years. It continued to be illegal in almost all provinces for a single woman to have a child. Social compensation fees were levied on unwed mothers.” [2e] (Section 1f) As reported by *The Japan Times* on 7 August 2006, “The 2001 edition of the Almanac of China’s Health reports that approximately 10 million induced abortions are performed annually in China – with 20 to 30 percent done on unmarried young women. Under Chinese law, a parent or guardian must approve an abortion performed on a girl of 18 or younger. Thus many pregnant girls who fear their family’s reaction go to back-street abortionists or quacks that may endanger a girl’s life.” [17n]
- 28.37 As reported by Elina Hemminki, Zhuochun Wu, Guiying Cao and Kirsi Viisainen, writing in a report on illegal births and abortions in China, published in the journal *Reproductive Health* in August 2005, “The Chinese family planning regulations do not include the concept of an ‘illegal child’ (i.e. a child born out of an ‘illegal pregnancy’), and the law prohibits discrimination against children born outside marriage. However, children from illegal pregnancies may not be registered or treated equally until their parents pay the fines imposed as punishment.” [15a] (Illegal Pregnancy)

(See also section 27: Children – [Black children \(hei haizi\)](#))

(See also section 31: Household registry – [Hukou](#))

- 28.38 As reported by the Canadian IRB in a report dated 2 November 2001, “Unwed, pregnant women who do not want an abortion, but instead decide to have the baby might be able to pay the local government officials or the medical doctor



to 'look the other way' and allow the pregnancy to be carried to term." [3f] The report also stated:

"According to a professor of Sociology at Brown University whose area of research includes China's one-child policy, each local region in China is subject to birth quotas (31 Oct. 2001). As unmarried women are ineligible for the quota, the professor felt that, if such a woman were to become pregnant then an abortion would most probably be encouraged. The professor also noted that, as in many cultures, there is some shame involved in pregnancies outside of marriage and that because of the economic difficulties of raising a child alone, many women would seek an abortion as a matter of choice." [3f]

28.39 As reported by the Canadian IRB on 25 August 2005, information on this subject was difficult to find except in provincial family planning regulations. [3h]

28.40 As reported by the *Epoch Times* (a publication sympathetic to Falun Gong) on 27 October 2005, there is confusion as to whether students are allowed to apply for birth permits. "In February [2004], China's Ministry of Education released a new rule that revokes the marriage ban of college students. However, this rule fails to clearly state whether students studying at college are allowed to have a child. As such, the birth control units for colleges and universities insist on not granting birth permits to students for there are no related policies or birth quota for them." [40c]

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## TRAFFICKING

29.01 As reported by the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region on its country page for China, accessed 16 March 2006:

"China is a country with a huge territory and a large population. One of the consequences is that there is an unbalanced development of societies and economies between regions. Poor rural residents in remote areas lacking legal knowledge and self-protection capacity are prone to victimization. Especially vulnerable are women with lower education levels. They are subject to abduction and trafficking for forced prostitution, forced marriages, etc. In some rural areas, the phenomenon of buying women or children for marriage or to carry on the family name exists. Different situations exist for trafficked women. In poor areas, the majority of trafficked women are sold as wives to old, sickly and disabled unmarried men. In rich areas, most of the trafficked women are brought into entertainment business, hair salons, massage parlours and bathhouses or are sold and forced to work as prostitutes. In recent years, in collaboration with international traffickers, the cases of cross-border trafficking are growing. The trends include trafficking foreign women into China and trafficking Chinese women out of China. Those who illegally immigrate and are trafficked into China mainly come from Vietnam, Russia, Korea and Myanmar. Some Chinese women in the southwest areas are trafficked into countries like Thailand and Malaysia. The purposes of cross-border trafficking are diverse, ranging from commercial sexual exploitation and forced marriage to illegal adoption, forced labor and begging, etc." [27a] (Overview)

- 29.02 The same source continued, "A comprehensive legal framework to combat trafficking has been developed in China. The criminal law is the cornerstone of the framework, which is supplemented by relevant law, administrative acts and government regulations with operative measures. Hopefully, as the Chinese government realises the complexity of human trafficking, it is believed the legislation will be improved." [27a] (Judicial Response, Legal Framework)
- 29.03 UNIAP also noted:
- "During the last decade, the Ministry of Public Security (MPS) has played a key role in the national fight against trafficking in women and children. From 1991 to 2000, MPS organized four campaigns to combat trafficking women and children in selected areas across the country. From 2001 to 2003, the police cracked down on 20,360 cases of trafficking women and children, arrested 22,018 criminals, and rescued 42,215 trafficked women and children. The local procuratorate approved 7,185 arrest cases of trafficking in women and children, arresting 13,995 suspects and approved 226 arrest cases of buying trafficked women and children, arresting 416 suspects. 8,442 cases of trafficking in women and children were brought to court by public prosecutions, which involved 15,005 defendants. 177 cases of buying trafficked women and children were brought to court by public prosecutions, which involved 358 defendants." [27a] (Judicial Framework, Arrests and Prosecutions)
- 29.04 The USSD Trafficking Report 2006, published on 5 June 2006, stated:
- "China vigorously investigates and prosecutes crimes of trafficking, although the P.R.C. Government's definition of trafficking in persons does not match U.S. and UN definitions...A number of related criminal statutes address various aspects of trafficking in persons, including laws against trafficking or kidnapping for coercive prostitution, and laws aimed at individuals who traffic in girls under the age of 14 for commercial sexual exploitation. These laws carry substantial penalties, including execution." [21] (China)
- 29.05 On the 4 September 1991 the Standing Committee of NPC adopted the following decree regarding the Severe Punishment of Criminals who abduct and Traffic in or Kidnap Women or Children. Article one of this decree is as follows:
- "Whoever abducts and traffics in a woman or a child shall be sentenced to fixed-term imprisonment of not less than five years and not more than ten years, and shall concurrently be punished with a fine of not more than 10,000 yuan; if under any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment. with the concurrent punishment of a fine of not more than 10,000 yuan or confiscation of property; if the circumstances are especially serious, the offender shall be sentenced to death with the concurrent punishment of confiscation of property:
- 1 Being a ringleader of a gang engaged in the abduction of and trafficking in women or children;
  - 2 Abducting and trafficking in three or more women and/or children;
  - 3 Raping the woman who is abducted and trafficked in;

- 4 Enticing or forcing the woman who is abducted and trafficked in to engage in prostitution, or selling such woman to any other person or persons who will force the woman to engage in prostitution;
- 5 Causing serious bodily injury or death or other severe consequences of the woman or child who is abducted and trafficked in or of their relatives;
- 6 Selling a woman or a child out of the territory of China. Abducting and trafficking in a woman or a child mean any act of abducting, buying, trafficking in, fetching or sending, or transferring a woman or a child, for the purpose of selling the victim.” [5e]

## SUPPORT AND ASSISTANCE

29.06 The UNIAP on its country page for China, accessed 16 March 2006, stated:

“The Chinese government has paid more attention to supporting and assisting the victims of trafficking. In Kunming (Yunnan province), Xuzhou (Jiangsu province) and Chengdu (Sichuan province), three centers of transfer, training and rehabilitation for trafficked women and children were set up. They provide services for more than 2000 trafficked women, accommodating and rehabilitating them physically and psychologically. The centers are responsible for helping the victims to return home safely. Throughout the anti-trafficking campaigns that rescued trafficked women and children in 2000, the MPS used DNA testing to ensure that children were correctly reunited with their parents for the first time and helped 513 children reunite with their birth parent. Another avenue for victim support in China is the use of socialized rights protection agencies to provide legal aid and services to these women and children. By the end of May 2003, there were more than 8000 legal aid centers or legal counseling centers in 330 cities/prefectures throughout 30 provinces, autonomous regions and municipalities.” [27a] (Support to Victims)

29.07 As reported by the USSD Trafficking Report 2006, “The government reported that 3,574 women and children were rescued from trafficking situations during the first 10 months of 2005... MPS officials do not offer foreign victims of trafficking legal alternatives to their removal to countries where they face retribution or hardship.” [21] (China)

(See also section 26: [Women](#))

## CHINESE MIGRANTS

29.08 As reported by Ronald Skeldon of the University of Sussex, writing on Chinese migration in April 2004:

“... any simple correlation between the total population of China and the number of Chinese overseas is deceptive, because the majority of the latter trace their roots to a very few regions within China. The three southern coastal provinces of Guangdong, Fujian, and Zhejiang have dominated the emigration, and within those provinces, a limited number of districts and even villages. These areas were marginal to the Chinese state and weak in terms of their resource base. However, most importantly, these areas were the earliest and most intensively affected by the seaborne expansion of European colonial powers, which linked them to a wider global system. Furthermore, in contrasting numbers of Chinese overseas with the base population of China,

Chinese ethnicity must not be confused with Chinese migration, because many of the Chinese overseas were born outside China in the lands chosen by their parents and grandparents.” [50a]

- 29.09 The same report also stated, “In addition to migrants from Fujian and some from Guangdong provinces, migrants from Zhejiang and, increasingly, from provinces in the northeast figure prominently in the flows to Europe.” [50a]



Map courtesy of US State Department

- 29.10 According to a report by CEME (Cooperative Efforts to Manage Emigration), which brought together the findings of a weeklong visit to Fujian undertaken in June 2004, economic growth in Fujian stimulates outward migration. [97]
- 29.11 The CEME report also stated:
- “There are more than 80 counties in Fujian, but only 2-3 are sources for other countries’ irregular immigrants. Each comprises more than 20 towns, and each town covers up to 20 administrative villages; and can vary in approach. It is difficult to gauge the exact number of exits/entries of the province. Policy and practice are divided between the Entry/Exit Bureau of the MPS and the Border Defence Force of the same Ministry. With 3,000 kilometers of coastline and many thousands of boats, it is difficult to monitor and record all entries and exits.” [97] (p5)
- 29.12 As reported by in the *Guardian* newspaper on 7 February 2004, “People from Fujian have a long history of seeking their fortune overseas. In extreme cases some villages have 80% of families with someone living overseas.” [41c]

### Snakeheads (People Smugglers)

- 29.13 As reported by Channel News Asia on the 13 February 2004:

“The network of snakeheads, or human smugglers, operating in China’s Fujian province is ‘huge’, meeting demand from locals attracted by the potential of earning 10 times an average Chinese wage in Europe, according to a report. ‘Many snakeheads belong to one family, and others are friends,’ a man who worked as a snakehead for 10 years told the *China Daily*. ‘They cooperate with each other, take charge of different areas of human smuggling, and get rich by sharing money from the stowaways.’ The issue has been thrown into the spotlight by the drowning of 19 presumed Chinese picking cockles a week ago in Britain’s Morecambe Bay. Fifteen of them are believed to be from Fuqing city in Fujian, natives of which have a long history of illegally entering other countries.” [93b]

- 29.14 The US National Institute of Justice in its August 2004 report entitled, *Characteristics of Chinese Human Smugglers* (published by the US Department of Justice), identified several highly specialised roles within a smuggling operation. These are listed below:

“Recruiters are often relatives or close friends of the would-be immigrants who somehow know the smugglers. They may or may not have any further involvement in the smuggling operation.

Coordinators are central figures in smuggling operations because they have the connections to acquire necessary services for a fee. Their survival depends on their relationship with other partners who have access to those services.

Transporters help immigrants leave and enter countries. China-based transporters get immigrants to the border or the smuggling ship. U.S.-based transporters take smuggled immigrants from airports or seaports to safe houses.

Document vendors are well connected and able to produce documents to facilitate the transportation of immigrants. Some documents are authentic, obtained through official or unofficial channels, while others are fraudulent.

Corrupt public officials are the authorities in China and many transit countries who are paid to aid illegal Chinese immigrants. Some corrupt government officials act not only as facilitators but also as core members or partners of a smuggling organization. Subjects who belonged to large smuggling groups often indicated that local Chinese officials headed their groups.

Guides are responsible for moving illegal immigrants from one transit point to another or assisting immigrants who are entering the United States. Crew members are employed by snakeheads to charter or to work on smuggling ships.

Enforcers mostly are illegal immigrants themselves who are hired to work on the smuggling ships.

Debt collectors are based in the United States and are responsible for locking up illegal immigrants in safe houses until their smuggling fees are paid. Additional debt collectors are based in China.” [94] (p9)

- 29.15 According to Dr Frank N. Pieke in his paper entitled *Chinese Globalization and Migration to Europe*, published on 9 March 2004:

“American research (Chin 1999; Zhang and Chin 2000) on Chinese human smugglers has revealed that snakeheads are not triad-like criminal organizations that can be countered by conventional law-enforcement methods aimed at eliminating the organization’s leadership. Rather, snakeheads are independent and highly specialized entrepreneurs enmeshed in loose networks, only cooperating on specific consignments. Consequently, countering snakeheads should focus on spoiling their market, both by raising the risks and costs of their operations and by taking away the demand for their services. The key issue then becomes how many Fujianese a country should admit under a program of migration to make a sufficient number of snakeheads abandon their trade for something less risky and more profitable.” [50e] (p13-14)

- 29.16 As reported by the US State Department (USSD) Report 2006, published on 6 March 2007, “When arrested and brought to court, human smugglers received five to ten-year jail sentences and fines up to \$6,000 (RMB 48,000). In very serious cases, courts imposed life imprisonment or the death penalty.” [2e] (Section 5) As reported by CEME (Cooperative Efforts to Manage Emigration), which brought together the findings of weeklong visit to Fujian undertaken in June 2004, “Persons convicted of organizing smuggling or trafficking can be fined or, if convicted, sentenced to 2, 5, 10 years or life imprisonment.” [97] (p7)

### FACT-FINDING MISSION TO FUJIAN, NOVEMBER 2003

- 29.17 In November 2003, officers from the Metropolitan Police Chinatown Unit visited the Fujian Province. The purpose of the visit was to gain a better understanding of the reasons for migration from Fujian to the UK, and to obtain first hand knowledge and experience of the way of life and conditions in the Province. [98]
- 29.18 The officers met senior police and public officials from Fuzhou, Fuqing City and Changle. Fuqing City has a population of 2 million and there are believed to be 700,000 living overseas, mainly in the USA and Canada. The officers also visited the villages of Longtian and Jiangjing, the areas where the majority of the mainland Chinese gangs in London originate. These two villages are only a 20-minute drive away from each other, which helps to explain the rivalry that exists between them in the UK. [98]
- 29.19 In Fujian unskilled workers can earn up to 400 yuan per month, (£32). Even a very poorly paid job in the UK would pay wages of £100 per week. Most of these migrants aim to work hard in the UK for a few years in order to earn enough money to build a large house in China, and to set themselves and their families up for the future. [98]
- 29.20 There is a great deal of pressure placed on individuals to go abroad and ‘do well’. This means earning as much money as possible in the shortest amount of time and migrants will often work 12 hours a day, 6 or 7 days a week. The need to earn money creates desperation to gain any type of employment, as recently witnessed in the Morecambe Bay tragedy. [98]



- 29.21 Many overseas Chinese nationals feel unable to return to China until such time as they have made their fortune, as this would be a severe loss of face, both for themselves and their family. [98]
- 29.22 The officers found Fujian to be a prosperous and thriving Province. On the outskirts of the cities, and in the villages, hundreds of new 5 storey houses have been built at a cost of between £70,000 to £130,000. These houses have been built with remittances sent back from overseas. What was noticeable was that many of these houses were unlivd in and the villages were deserted. The few inhabitants that were seen were either very old or very young. [98]
- 29.23 The visit to Fujian did not include visits to prisons or other detention facilities. [98]

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## MEDICAL ISSUES

### OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 30.01 As reported by the World Health Organization (Regional Office for the Western Pacific, Manila, Philippines) in its country profile for China:
- “Overall, people in China are living longer and healthier lives, and the country is largely on track to meet the Millennium Development Goals by 2015, although there are some areas of concern. The disease profile resembles that of a developed country: 85%–90% of deaths are due to noncommunicable diseases and injuries... Excessive usage fees characterize the existing health service system in China. The health system is largely a system of private financing and public provision, with public expenditures left to fill the gaps, provide employment-based social health insurance and address shortfalls in public health services.” [53a]
- 30.02 As reported by the same source, “By the end of 2004, there were 277 000 health care institutions, including 62 000 general hospitals and health care stations, 3000 maternal and child health care institutions and 1718 specialized health institutions. General hospitals and health care institutions had a total of 3 004 000 beds. There were 4 343 000 health workers, including 1 892 000 practising doctors and assistant doctors and 1 286 000 registered nurses.” [53a]
- 30.03 As noted by Europa World, health expenditure as a proportion of GDP is 5.8 per cent. This was equivalent to US\$262 per person. As noted by the same source, there were 2.45 hospital beds and 1.64 physicians per 1,000 people. The under-5 mortality rate (per 1,000 births) was 37 and the country was ranked 94 on the UN Human Development Index with a score of 0.745 (all figures for 2002). [1a] (Health and Welfare) In real terms government expenditure on health as a proportion of GDP has been steadily falling for the last 20 years. [53a] (WHO)
- 30.04 As reported by the Economist Intelligence Unit (EIU) in its 2007 country profile for China:

“The increase in life expectancy since 1949 has partly been the result of greatly improved healthcare systems. By 1975 insurance coverage and the rural Co-operative Medical System (CMS) operated by the communes reached nearly 90% of the population. Basic healthcare facilities were available to nearly everyone, either free of charge or at a nominal cost. There was, however, a large difference between the facilities available in the big cities and those on offer in poorer rural areas. This discrepancy has since widened: following the disappearance of the communes, the original CMS broke down in many rural areas, leaving the rural population to fend for itself. More recently the government has attempted to establish a new CMS in the countryside. It announced in September 2006 that 396m rural residents (44.7% of the total) were now covered, but the scheme only covers a maximum of 65% of the medical expenses incurred by participants. According to the government all counties in China will be covered by the new rural co-operative medical system by end-2010. The urban population has been better insulated against the market forces sweeping through the healthcare system. Even so, only one-half of the urban population is covered by health insurance systems, which are being extended as state-owned enterprises (SOEs) downsize. (SOEs were the main pillar in China’s previous system of healthcare provision based on work units.) In practice, medical care is being increasingly commercialised.” [4a]

- 30.05 According to a nationwide survey carried out in 2003 and reported by the official news agency Xinhua on 22 November 2004, “36% of Chinese patients in cities and 39% in the countryside did not go and see a doctor because they could not afford the medical treatment.” The same source noted, “Doctors are inclined to give patients expensive prescriptions, because Chinese hospitals depend too much on the income from medicines instead of service.” [13p]

## HIV/AIDS

- 30.06 As reported by the EIU in its 2007 country profile for China, “The government’s figures on HIV and AIDS have been subject to frequent large changes, but in mid-2006 the Ministry of Health announced that 650,000 Chinese had HIV/AIDS. The UN believes that China could have more than 10m people with HIV/AIDS by 2010. Drug abuse and widespread prostitution have contributed to the problem.” [4a] (Health)

- 30.07 As documented by the UNAIDS website, accessed 9 February 2006:

“China has made good progress in responding to HIV and AIDS in 2004 on several key areas: leadership and political commitment; information and surveillance systems; HIV-prevention efforts; treatment care and support; investments in HIV and AIDS programmes and international collaboration, as detailed below.

- Leadership and commitment: visible commitment to HIV and AIDS by key leaders of the Chinese Government, including President Hu Jintao; establishment of a multisectoral State Council Coordinating Mechanism for AIDS; development of national and provincial policies, strategies and guidelines.
- Strengthened surveillance and information systems: improved HIV and AIDS surveillance mechanisms giving better information on the size and

trend of the epidemic; an evaluation of national HIV and AIDS efforts in China; and the launch of a 2004 joint UN-Government assessment of the HIV and AIDS situation in China.

- Comprehensive HIV-prevention responses: prevention programmes (targeting people likely to be exposed to HIV) such as methadone treatment for drug users and condom promotion among sex workers; a national campaign to urge blood banks and manufacturers of blood products to buy only laboratory-tested blood; and involvement of companies in the response to HIV and AIDS through workplace policies and programmes.
- Treatment, care and support: supply of antiretroviral drugs to approximately 10 500 AIDS patients; initiation of free, anonymous testing and counselling of people who may be HIV-positive who cannot pay for these services; and provision of community-based care and support with reduced discrimination.
- Strengthened investment in HIV and AIDS and international cooperation: a doubling of central Government resources for the response to HIV and AIDS from 2003 to 2004 (to US\$ 95 million); a 70% increase in support from the international community – the Global Fund, the UN and bilateral programmes from 2003 to 2004 (to US\$ 50 million).” [54a]

### Anti-retroviral therapy

- 30.08 As reported by HRW on 11 November 2003, the Chinese government has begun making anti-retroviral drugs available free of charge to all rural residents and to those in urban areas unable to pay for the treatment themselves. [7g] As reported by the official *China Daily* newspaper on 14 April 2004, to qualify for free medical treatment, patients must be rural residents or urban citizens who have economic difficulties and are not covered by any basic medical insurance. [14j]
- 30.09 On 15 April 2004, the official *People's Daily* newspaper reported that the government had announced the introduction of free AIDS tests and consultations for all citizens. The report stated, “According to the regulation, the central government pay for the tests in the AIDS-stricken areas while the local governments in other areas pay themselves.” [12q]
- 30.10 As reported by the official news agency Xinhua on 1 December 2004, “More than 10,000 AIDS patients have been given free anti-retroviral therapy, a kind of anti-virus treatment, this year. The total central government investment on HIV/AIDS amounted to about 390 million yuan (US\$47 million) in 2003. The budget for 2004 was 810 million yuan (US\$98 million), while budgeted international support reached to 421 million (US\$51 million) in 2004.” [13b] As reported by the official *People's Daily* newspaper on 18 April 2005, the French NGO Médecins Sans Frontières (MSF) has provided free medical aid to 260 AIDS patients and HIV carriers in China since late 2003, including anti-retroviral therapy to 160 patients in Guangxi province. [12ab]
- 30.11 As reported by the Kaiser Network on 17 August 2006, “Some HIV-positive people develop resistance to first-line antiretrovirals, but second-line drugs are seven to 28 times as expensive as first-line drugs, according to Reuters. In

addition, commonly-used second-line antiretrovirals, including tenofovir and Abbott Laboratories' Kaletra, are not available in China. Abbott and China are negotiating a pricing deal on Kaletra, but an agreement is not expected soon, according to Reuters.” [95c]

### Discrimination against HIV/AIDS sufferers

- 30.12 In September 2003, HRW published a report entitled, *Locked Doors: The Human Rights of People living with HIV/AIDS in China*, detailing the many obstacles that people faced when diagnosed as HIV positive in China. This report highlighted both the high level of ignorance about the disease, particularly in rural areas, and the continued reluctance of local officials to fully implement central government initiatives. [7f] In June 2005, HRW published a report entitled, *Restrictions on AIDS Activists in China*. This reported stated, “Even as NGO activity generally increases, activists and NGO staff continue to report constant state surveillance, a web of bureaucratic obstacles, and even open harassment in the course of doing their daily work.” [7c] (Summary)
- 30.13 As reported by the Global Health Council on 28 August 2004, “China’s parliament passed a law Saturday banning the buying or selling of blood to prevent the spread of AIDS and outlawing discrimination against victims of infectious diseases, state media said.” [56a] On 13 February 2006, the official news agency Xinhua announced that from 1 March 2006 new regulations designed to control the spread of HIV/AIDS would come into force. “According to the regulation, any working unit or individual cannot discriminate against people living with HIV/AIDS, AIDS patients and their relatives. Their rights of marriage, employment, medical care and education are protected by law.” [13j]

### MENTAL HEALTH

- 30.14 As reported in the *South China Morning Post* on 15 January 2005, “According to Ministry of Health figures, China has 16,055 psychiatrists – one for every 87,500 people. This figure doesn’t reflect disparities in rural areas, where qualified psychiatric care is non-existent.” According to the same source many hospitals don’t have real psychiatrists. Instead they have neurologists and other doctors who have been briefly retrained and then sit and listen to patients before writing prescriptions. [17j] As reported by the official *People’s Daily* newspaper on 21 March 2005, China has less than 3,000 people engaged in psychological services whereas most developed countries have one psychological worker for every 1,000 people. [12n]
- 30.15 As noted by the WHO Project Atlas (a project of the Department of Mental Health and Substance Dependence, WHO, Geneva) in its country profile for China, “Among all the cities of China, Shanghai has the most developed psychiatric setup... Services at each of the three levels-municipal, district and grass-root level are available” [53b]
- 30.16 As reported by Radio Free Asia (RFA) on 15 September 2006, “Currently, fees for an hour’s psychotherapy in China range from 200-500 yuan (U.S.\$25-62), well out of the reach of any of the country’s 900 million rural residents, among whom suicide rates for women are alarmingly high.” [73g]

(See also section 12: Psychiatric custody – [Ankang system](#))

- 30.17 As noted by the US State Department (USSD) Report 2006, published on 6 March 2007, "A high female suicide rate continued to be a serious problem... Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, the country's birth limitation policies, and other societal factors contributed to the especially high female suicide rate. Women in rural areas, where the suicide rate for women is three to four times higher than for men, were especially vulnerable." [2e] (Section 5)

(See also section 26: [Women](#))

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## FREEDOM OF MOVEMENT

### HOUSEHOLD REGISTRY (HUKOU)

- 31.01 In a report dated 1 March 2007, Amnesty International stated:

"The hukou system requires every resident of China to be registered with the local Public Security Bureau. Household registration booklets are kept by local security bureaux for all families (individuals living alone being counted as a household) which contain information including the names, dates of birth, occupations, marriage status, etc., on all members of the household. Chinese citizens have only one place of permanent hukou registration. According to the Provisional Regulations on the Management of Temporary Residents in the Urban Areas, issued in 1985, any person staying or living outside of their hukou zone for more than three days, including foreign nationals, must register with the local hukou authorities at the local police station and obtain a guest, or temporary, hukou registration. Individuals who fail to do so may be subject to fines and removal to their place of permanent registration. Landlords, hotels, and other households who host visitors are responsible for ensuring that their guests register with the local police although these regulations have been relaxed in some localities. Any person staying in a locality outside their hukou zone for more than three months must, furthermore, apply for a Temporary Residential Permit (zanzhuzheng) which provides the legal basis for residence and the key basis of legal identity. In many localities this permit is necessary in order to work, to rent housing, to open a bank account, to enter public buildings (such as libraries), to receive registered mail, and for other personal identification purposes." [6n]

- 31.02 The report stated further:

"Obtaining a temporary residential permit can be a time-consuming and costly process, although the fees and the documentation required ranges widely between localities... (However,) it continues to be difficult to obtain a residency permit in Beijing. According to an internal migrant worker in Beijing 'police don't give them out easily, you have to have guanxi', meaning personal contacts. Those seeking to obtain a temporary residential permit may, however, face additional costs. Reports in some localities point to the need for internal migrants to bribe local officials and police officers in order to obtain a temporary permit... The documentation required for obtaining a temporary residency permit differs between localities, although either a labour contract or documentation from a local host or local landlord is generally required..."

Localities that seek to limit the influx of internal migrants will tend to have more stringent documentation requirements. The validity of temporary residential permits varies between localities, generally between six to twelve months, and according to individual status. Permits must be renewed with proper documentation at the end of their validity, with a fee being charged for each renewal. Temporary hukou status does not automatically convert to permanent residential status no matter how long an individual lives in a locality. Holders of temporary residential permits are not considered local residents, but are considered only to have legal permission to temporarily reside in a locality outside their hukou zone.” [6n]

31.03 As noted by the US Embassy in China:

“Reforms to China's household registration (hukou) system have begun to redress the historical bifurcation of Chinese society into urban and rural classes. The reforms enable rural migrants with stable jobs and fixed residences to register as urban residents and to obtain social services, primarily their children's education. Changes to the hukou system focus on towns and small cities, in line with the government's urbanization strategy, but also now encompass several large cities. As in Jinan, Shandong province, however, almost all the large cities involved have confined reforms to designated areas just inside the cities' administrative periphery. In one sense, the reforms simply acknowledge the flow of rural migrants to cities in recent decades. In a deeper sense, liberalization of the hukou system will help to improve labor mobility and to accord some measure of 'national treatment' to rural inhabitants.” [99b]

31.04 In its report of 1 March 2007, Amnesty International stated:

“However welcome these partial reforms may be, the hukou system continues to provide the basis for legal categories based on social origin which facilitate and fuel discrimination. Hukou designation remains a hereditary status inherited at birth from one's parents. Even under the reformed hukou system, a Chinese child born in Beijing of Chinese parents who are originally from a rural village will inherit the hukou registration category of the parents' hometown. This will prevent him or her from being able to obtain permanent Beijing residency, and condition the child's chance of enjoying free, compulsory, education, the right to health care, and protection in the workplace if he or she should remain in Beijing long enough to start work. While the system has abolished the terminology of 'rural' versus 'urban' hukou categories, the designation of being a 'temporary' versus a 'permanent' resident in a city serves to condition the enjoyment of a wide range of rights as effectively as the old designations. And, according to current eligibility standards in most localities, the vast majority of internal migrants are unable to obtain permanent urban hukou.” [6n]

31.05 As reported by the Canadian IRB on 19 April 2002:

“A hukou does not expire so there is no need for it to be renewed. There are occasions when a hukou required amending, i.e.: if the person moves, if there is an addition to the family, if the person gets married, etc. The information that we have been able to obtain is that amendments to the hukou are made by the local government, [at the] local police station, [which is] responsible for



issuing and maintaining the hukou.” [3m] (Based on information supplied by an official at the Chinese Embassy in Canada, 11 April 2002)

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## INTERNALLY DISPLACED PERSONS (IDPs)

32.01 As reported by *Asia Times* on 3 June 2006, “According to Chinese media reports, 16 million people across the country have already been displaced as a result of [hydroelectric] constructing large dams.” [64c] As reported by the US State Department (USSD) Report 2006, published on 6 March 2007, “There remained a floating population of between 100 and 150 million economic migrants who lacked official residence status in cities.” [2e] (Section 2d)

32.02 In a report dated 1 March 2007, Amnesty International stated:

“Tens of millions of [internal] migrants are denied rights to adequate health care and housing, and are excluded from the wide array of state benefits available to permanent urban residents. They experience discrimination in the workplace, and are routinely exposed to some of the most exploitative conditions of work. Internal migrants’ insecure legal status, social isolation, sense of cultural inferiority and relative lack of knowledge of their rights leaves them particularly vulnerable, enabling employers to deny their rights with impunity. The children of internal migrants do not have equal access to free, compulsory, education, and many of them have to be left behind in the countryside.” [6n]

32.03 The report continued:

“While internal migrants from rural areas are now able to work in the cities, unlike during the Maoist era when they were all but shut out, they are required to register as temporary residents there, a process which a majority find difficult or impossible to complete. Many migrant workers are thus not able to complete all the required documentation for being properly registered, with the result that from the perspective of state authorities they are in the cities illegally. This makes them vulnerable to exploitation by the police, landlords, employers, local officials, as well as permanent urban residents. ‘Undocumented’ internal migrants in China continue to risk arrest and forcible removal back to their home-towns. Thus, rather than rewarding, or at least respecting the rights of those individuals who have demonstrated the willingness to leave home - often leaving family and loved ones behind, to fill the gaps in the labour market wherever they might be, and to labour in the most difficult and gruelling conditions, a succession of Chinese administrations have maintained the administrative and regulatory system that underpins discrimination against them. While the central government is taking more seriously the plight of internal migrant workers, and has passed regulatory measures seeking to improve their working and living conditions, Amnesty International considers that change has been slow and implementation inadequate.” [6n]

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## FOREIGN REFUGEES

33.01 As reported by the USSD Report 2006:

“Although a signatory of the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the law does not provide for the granting of refugee or asylum status. The government largely cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) when dealing with the resettlement of ethnic Han Chinese or ethnic minorities from Vietnam and Laos resident in the country. During the year the government and UNHCR continued ongoing discussions concerning the granting of citizenship to these residents.” [2e] (Section 2d)

33.02 As reported by the same source:

“The 1951 UN Convention relating to the Status of Refugees and its 1967 protocol do not extend to Hong Kong, and the SAR eliminated its temporary protection policy. The director of immigration has discretion to grant refugee status or asylum on an ad hoc basis, but only in cases of exceptional humanitarian or compassionate need. The Immigration Ordinance does not provide foreigners any right to have asylum claims recognized. The government practice was to refer refugee and asylum claimants to a lawyer or to the Office of the UN High Commissioner for Refugees (UNHCR).” [2e] (Hong Kong)

## NORTH KOREAN REFUGEES

33.03 As reported by the BBC on 28 June 2004, “Between 100,000 and 300,000 North Korean refugees are thought to have fled to China in recent years. Some have sought asylum in foreign embassies, but most have been trying to make a living in northeast China.” [9l]

33.04 On 28 July 2004 the *Guardian* newspaper reported:

“Aid workers believe that since the late 1990s perhaps hundreds of thousands of North Koreans have fled famine, economic hardship and political repression by crossing the Tumen and Yalu rivers, which mark the border with China. Beijing refuses to recognise them as political refugees. Those that are caught are repatriated to North Korea, where they face punishments ranging from a few days in re-education camps to the death penalty, depending on their rank and the extent to which they are considered to have damaged national security. Many stay close to the border, setting up secret camps in the densely wooded mountains. Desperate and vulnerable, many of the men become bandits and countless women are sold as brides or prostitutes.” [41n]

33.05 On 30 January 2005, the *Sunday Times* reported, “... North Koreans confirmed that they knew that escapers to China should look for buildings displaying a Christian cross and should ask among Korean speakers for people who knew the word of Jesus.” [17k] As reported by Radio Free Asia in a report dated 28 February 2006, the first port of call for most defectors is China “...where South Korean missionaries and clandestine networks combine to take North Koreans on a dangerous ‘underground railroad’-style journey to a third, fourth, or even fifth country.” [73b] On 25 November 2003, a Foreign Ministry spokesperson, Liu Jianchao told the official *People’s Daily*

newspaper that, "China has stated on many occasions that 'those people [North Korean refugees] are simply illegal immigrants because they flee to China for economic reasons,' Liu said." [12k]

- 33.06 As reported by *TIME Asia* on 23 April 2006, "Refugees say that the most common way to get across the 1,400-km border between North Korea and China is to bribe a guard on the Korean side. One North Korean woman, Park Myong Ja, who got to Seoul in 2004, told *TIME* it cost her just '100 [Chinese] yuan,' or \$12.50 to cross into China. Kim [Myong Suk], however, relied on a friend who lived near the border and watched each night the routes patrolled by the guards. 'You knew where they were going to be – and where they weren't going to be, and when,' Kim says. 'My friend guided me.'" [65h]

- 33.07 As reported by WRITENET (writing on behalf of the UNHCR) in its paper on the situation of North Koreans in China, published in January 2005:

"Most migrants originate in the North Korean provinces bordering China and travel to China overland, by transport until they get as close as they can to the Yalu or Tumen rivers, then going the rest of the way on foot. Upstream, the rivers are easy to cross especially when the water is frozen, though winter carries its own hazards. Downstream where the rivers widen, the shores are now better guarded, with Chinese military outposts on the north side, and North Korean soldiers hidden on the south side. Recently, border security has been further tightened, with Chinese forces reportedly reinforced in the autumn of 2004 in order to prevent North Korean troops from escaping into China." [32d] (p8)

- 33.08 The same report continued:

"Still, China does not permit North Koreans to apply for asylum in China, nor does it even recognize them as refugees. True, in relaxed times it has deliberately overlooked the flow of people across the border. Registration (hukou) requirements can be relaxed, and marriage between Chinese and North Koreans allowed. In tense times, on the other hand, such as after high-profile refugee invasions of foreign embassies and consulates, the Chinese have cracked down widely. At such times, North Koreans (who would tend to be recognizable as such even in Yanbian, but have often gone to great lengths not to do so – using makeup and dressing like locals) are in the greatest danger of being discovered by Chinese police or North Korean agents. Thus, there have on occasion been raids on suspected hiding places, and mass expulsions." [32d] (p14)

- 33.09 This report also stated, "When captured by the Chinese authorities, North Korean escapees can sometimes get off by paying fines, which range from RMB2,000 to RMB5,000 (US\$ 250-600). More likely, they will be imprisoned, pending being returned across the border. While confined in China, mistreatment is common, but conditions are still preferable to repatriation." [32d] (p14)

- 33.10 Furthermore this report stated:

"The North Korean criminal code provides for up to a three-year sentence in a labour re-education camp for 'illegal' border crossers. If such a person has 'betrayed the motherland and people' or committed 'treacherous acts ... such

as espionage or treason' the term is supposed to be at least seven years, and in serious cases capital punishment is authorized. In practice, the State Security Bureau normally first detains returnees for ten days to two months. Some have then been let off with simply a warning, and even people considered offenders, if not serious, are sent home after a few months in jail (sometimes to be re-incarcerated)... For those who are repeat offenders, had religious contacts, or simply were abroad more than a year, the outcome has been harsher... If the motivation is seen as in any way political, however, the sentence has generally been dire: sometimes execution, and rarely less than life in prison, where conditions are potentially life-threatening." [32d] (p27-28)

- 33.11 As reported by International Crisis Group in a report entitled, *Perilous Journeys: The Plight of North Koreans in China and Beyond*, Asia Report No. 122, published on 26 October 2006:

"The large number of border crossers have caused the North Korean government to use sentences and change the penal code. The 1999 version distinguished between 'unlawful border crossing' and crossing 'with intent to overturn the Republic.' The 2004 revision further distinguishes between 'crossing' and 'frequent crossings.' According to the latter version, 'frequent crossing' of the border without permission is a criminal act punishable by up to two years in labour camps (three years in 1999 version.) Acts of treason... are punishable by five to ten years of hard labour, or ten years to life in more serious cases." [8a] (p18)

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## CITIZENSHIP AND NATIONALITY

- 34.01 The Constitution states, "All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China. All citizens of the People's Republic of China are equal before the law. Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law. The State respects and preserves human rights." [5a] (Text of the Constitution)
- 34.02 As reported by the Canadian Immigration and Refugee Board (IRB) on 15 November 2002, dual citizenship is not recognised under Chinese law. [3p]
- 34.03 The same source also stated:

"It is possible to recover Chinese nationality after it has been lost. To recover Chinese nationality, a person must first renounce the other nationality they are holding and provide a report – for example, proof of renunciation of other nationalities and request for reinstatement of Chinese nationality – to Chinese authorities. Acquisition, loss or recovery of Chinese nationality can be requested or processed through Chinese consulates or embassies outside China, or inside China through the Public Security Ministry. Besides holding another country's nationality, there is no reason why a person who originally held Chinese nationality would be denied its reinstatement. However, each case is different and must be evaluated on its specific circumstances and merits by the authorities." [3p] (Based on a telephone interview with the PRC Embassy in Ottawa, Canada)

- 34.04 As reported by the Canadian IRB on 3 May 2002, no definitive answer could be found on whether a child born in a foreign country to Chinese nationals has an automatic right of abode in China. [3j] As reported by the Hong Kong government's website (accessed 26 August 2005), "Article 4 of the Chinese Nationality Law (CNL) states that any person born in China whose parents are Chinese nationals or one of whose parents is a Chinese national has Chinese nationality." [86a] The United States Office of Personnel Management Investigations Service in its paper entitled, *Citizenship Laws of the World* (March 2001), stated that so long as at least one parent is a Chinese citizen and the child has not acquired the citizenship of another country then that child is considered a citizen of China. [23a] (p 51)

(See also section 35: Treatment of returnees - [Treatment of foreign born children](#))

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## EXIT/ENTRY PROCEDURES

- 35.01 As noted by the US State Department (USSD) Report 2006, published on 6 March 2007:
- "The government permitted legal emigration and foreign travel for most citizens. Most citizens could obtain passports, although those whom the government deemed threats, including religious leaders, political dissidents, and some ethnic minority members continued to have difficulty obtaining passports. There were reports that some academics faced travel restrictions around the year's sensitive anniversaries, particularly the June 4 anniversary of the Tiananmen Square massacre. There were instances in which the authorities refused to issue passports or visas on apparent political grounds." [2e] (Section 2d)
- 35.02 As noted by the same source, "Members of underground churches, Falun Gong members and other politically sensitive individuals sometimes were refused passports and other necessary travel documents." [2e] (Section 2d)
- 35.03 As reported by the Canadian IRB on 25 October 2005, "The Frontier Defense Inspection Bureau (FDIB) is in charge of the inspection barriers, and FDIB officers examine the passports and immigration departure cards of Chinese travellers. The officers also verify the identity of the person through a 'computerised record system.' Chinese travellers do not need to present their resident identity card during the inspection." (Based on information supplied by a representative of the Canadian Embassy in Beijing) [3q]
- (See also section 39: [Hong Kong](#))
- 35.04 Article 322 of the Criminal Law covers the penalties for illegal emigration. It states, "Whoever violates the laws and regulations controlling secret crossing of the national boundary (border), and when the circumstances are serious, shall be sentenced to not more than one year of fixed-term imprisonment and criminal detention or control." [5i]
- 35.05 Articles 52 and 53 cover financial penalties for returnees. They state:

“Article 52. In imposing a fine, the amount of the fine shall be determined according to the circumstances of the crime.

Article 53. A fine is to be paid in a lump sum or in installments [sic] within the period specified in the judgment [sic].

Upon the expiration of the period, one who has not paid is to be compelled to pay. Where the person sentenced is unable to pay the fine in full, the people's court may collect whenever he is found in possession of executable property.

If a person truly has difficulties in paying because he has suffered irresistible calamity, consideration may be given according to the circumstances to granting him a reduction or exemption.” [5i]

## TREATMENT OF RETURNEES

35.06 As reported by the *New York Times* on 11 June 2006:

“There is some dispute about what happens to those who are repatriated to China, in part because there have been so few... A Department of Homeland Security spokesman told me, ‘We have no reports of people who have been sent back to China being persecuted.’ Others, though, are not so sanguine. Two years ago, Richard Posner, a judge on the U.S. Court of Appeals for the Seventh Circuit, vacated a de-portation order for a Chinese youth because the immigration judge did not consider the evidence – numerous human rights reports from both U.S. and British organizations – that the asylum seeker might well be sent to jail or a labor camp if returned to China. Posner was concerned that the Chinese youth might be tortured upon his return, though he also conceded that ‘the treatment of repatriated Chinese by their government is to a considerable extent a mystery.’ In-deed, one Chinese legal scholar I spoke with, Daniel Yu, said that while there is a law on the books in China that calls for a short jail sentence if a person leaves the country illegally, more than likely whatever punishment there might be is at the discretion of local officials.” [17h]

35.07 As reported by the USSD Report 2006, “MPS officials stated that repatriated victims of trafficking no longer faced fines or other punishment upon their return. However, authorities acknowledged that errors sometimes occurred because of corruption among police, provisions allowing for the imposition of fines on persons traveling without proper documentation, and the difficulty in identifying victims.” [2e] (Section 5) As reported by the Canadian IRB on 9 August 2000, “Leaving China without exit permission or a passport is a criminal offence in China punishable of [sic] up to one year in prison. Only repeat offenders would get a sentence approaching the maximum. Most first time offenders would get a short sentence, depending on the circumstances of their case but probably with sentences of 3 months.” [3b] (Based on information supplied by a Program Analyst with Citizenship and Immigration Canada – CIC and related to the repatriation of 90 Chinese illegal emigrants from Canada to Fuzhou in May 2000)

35.08 As reported by the US State Department Report on Human Rights (Taiwan) 2005 (USSD Report Taiwan 2006), published on 6 March 2007, “Although the authorities were reluctant to return to the mainland those who might suffer



political persecution, they regularly deported mainlanders who illegally entered the island for what were presumed to be economic reasons.” [2m] (Section 2d)

### Fuzhou detention centre (Fujian)

- 35.09 According to a report by CEME (Cooperative Efforts to Manage Emigration), which brought together the findings of weeklong visit to Fujian undertaken in June 2004:

“The team visited the main Fujian detention centre just outside Fuzhou, which can accommodate up to 300 persons – both foreigners caught entering the country illegally and Chinese returning from illegal migration activities abroad. Managed by the Border Defense Force, the centre is intended to detain persons returned and those awaiting the outcome of administrative investigation for up to 15 days. It offers information, awareness raising through newspapers, TV and discussions, recreation, medical attention and individualized ‘ideological education’. The team was told that detainees are allowed 1-3 hours ‘free activity’ every day, and that their dietary needs are taken into account. The centre has on a number of occasions been presented as a model to immigration officials (including Ministers) from Australia, Canada and the US. It appeared clean, well kept and managed; but was unoccupied at the time of the CEME visit (indeed seemed only to have housed some 200 occupants in the year). It offers excellently presented displays of its history, including distinguished visits from other countries, and a rousing documentary video of its purpose, history and operation. The team found the centre to be a conspicuous demonstration by the government to the world of how heavily it is investing in combating irregular forms of migration. However, given that the centre was unoccupied, the team speculated about how much it was actually used for the purposes and to the extent claimed.” [97] (p9)

- 35.10 As reported by the Canadian IRB on 9 August 2000:

“The detention centre [in Fuzhou] is a rectangular, four storey building with a large enclosed courtyard. It can accommodate a maximum of 100 detainees. The cells are all around the building with recreation facilities such as a ping pong table in the courtyard. On the first floor, there are several rooms for questioning deportees. Those rooms are fairly small with a plexiglass divider separating the detainee and the interviewer. We recognized one of the deportees of the previous day being questioned as we walked by. Each cell can accommodate up to 10-12 people. The cells are large rectangular rooms with an elevated floor on each side where mattresses are set at night and rolled up during the day. Each cell has its own bathroom, television, and window. From what we could see most of the inmates were sleeping, watching television or playing cards. A larger room is used as a cafeteria and ‘re-education’ room. The whole detention centre is very clean and the living conditions did not appear to be particularly harsh, almost comparable to the equivalent in Canada.” [3b] (Based on information supplied by a Program Analyst with Citizenship and Immigration Canada – CIC and related to the repatriation of 90 Chinese illegal emigrants from Canada to Fuzhou in May 2000)

### Treatment of Tibetans

- 35.11 According to a report by the ICT dated 23 December 2003 and reproduced by the Tibetan newspaper *Phayul* on its website, Tibetan refugees caught

returning from India or Nepal are reportedly treated much more severely than those caught trying to leave Tibet. [43a] According to another report by the ICT dated 24 January 2004, the typical sentence for those trying to re-enter Tibet (illegally) ranges from three to five months in addition to a fine of 1,700 to 5,000 yuan (US\$212-625). This report was also reproduced by *Phayul* on its website. [43b]

35.12 As reported by USSD Report 2006:

"Tibetans continued to encounter substantial difficulties and obstacles in traveling to India for religious and other purposes. The government placed restrictions on the movement of Tibetans during sensitive anniversaries and events and increased controls over border areas at these times. There were reports that in January individuals returning to Tibet from the Kolachakara celebrations in India were required to register with authorities in the TAR. There were reports of arbitrary detention of persons, particularly monks, returning from Nepal. Detentions generally lasted for several months, although in most cases no formal charges were brought. In June border police near Tingri reportedly arrested 13 Tibetans who were planning to cross the border into Nepal." [2e] (Tibet)

35.13 As reported by the *Guardian* on 1 February 2007, "More than 30 Tibetans were tortured and sent to a labour camp after their attempt to escape across the Himalayas from their homeland failed when Chinese border guards fired and killed several of the unarmed group, according to a survivor... More than 4,000 Tibetans flee to Nepal each year across the border, which crosses several of the highest mountains on earth, including Everest." [41h]

35.14 The USSD Report 2006 stated:

"On September 30, People's Armed Police at the Nangpa La pass shot at a group of approximately 70 Tibetans, attempting to cross into Nepal, killing 17-year-old nun Kelsang Namtso and wounding others. Although officials claimed the police officers shot in self-defense, eyewitness accounts, including footage shot by a European film crew, showed that soldiers were unprovoked and fired at the Tibetans from a distance... According to news reports, more than 30 of the 70 Tibetans fired upon by soldiers at Nangpa La were captured, incarcerated, and tortured in a labor camp." [2e] (Tibet)

### Treatment of Uighur(s)

35.15 As reported by the USSD Report 2006 "In 2003 Uighur Shaheer Ali was executed after being convicted of terrorism." (2e) (Section 2d) As reported by the *Washington Post* on 10 May 2006, five Uighurs being held as terrorist suspects at Guantanamo Bay were resettled by the US government in Albania after fears that they might be tortured or killed if repatriated to China. [59c]

35.16 In a report dated 27 June 2006, AI expressed serious concern for the safety of two Uighurs, Yusuf Kadir Tohti and Abdukadir Sidik, forcibly returned to China from Kazakhstan. This report stated, "Over recent years, Amnesty International has monitored growing numbers of forced returns of Uighurs to China from several of its neighbouring countries, including those of Central Asia, such as Kazakhstan. In some recent cases, returnees are reported to

have been subjected to serious human rights violations, including torture, unfair trials and even execution.” [6m]

### Treatment of foreign born children

35.17 As reported by the US Citizenship and Immigration Services on 21 January 2004, “Relatively little information is available to the Resource Information Center (RIC) within time constraints on the treatment of rural Chinese women who return to China with children born outside the country. For this reason, it is unclear whether the fact that the children are U.S. citizens makes any difference.” [84d]

35.18 This report also stated:

“A China specialist at the U.S. State Department told the RIC that his office presently had little information on the treatment of returning Chinese who had children while abroad. The specialist added that actual implementation of China’s population control policy varies considerably throughout the country, and that some people in southern Fujian and Guangdong provinces had reported no problems in returning after having children abroad (U.S. DOS/DRL 20 Jan 2004).” [84d]

35.19 An earlier report dated 12 June 2002 by the same source stated:

“According to sources contacted by the Resource Information Center (RIC), Chinese authorities seem to be dealing relatively leniently with citizens who return to China with two or more children, particularly students and professionals. If they are punished at all for violating family planning policies, it is generally with fines rather than more severe measures, although the fines can be steep. Experts consulted by the RIC had little information about whether this lenience extends to workers and peasants.” [84b]

35.20 This report also stated:

“A University of California (Irvine) anthropologist who is an expert on China’s family planning program, and who co-wrote a 2001 RIC report on the topic, said she has little information about whether returning workers and peasants who violated birth control policies while abroad receive the same lenient treatment as students and professionals. She noted that, in general, Chinese citizens who have ‘above-quota’ children while abroad generally are treated more leniently than those who violate quotas inside China (Expert 11, 12 Jun 2002).” [84b]

35.21 The rights of returning overseas Chinese are protected by the Law of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese, effective as of 1 January 1991. [5d]

35.22 Article 3 of this Act states:

“Returned overseas Chinese and the family members of overseas Chinese shall be entitled to the citizen’s rights prescribed by the [sic] Constitution and the law and at the same time shall perform the citizen’s duties prescribed by the Constitution and the law. No organization or individual may discriminate against them. The State shall, in accordance with the actual conditions and

the characteristics of returned overseas Chinese and the family members of overseas Chinese, give them appropriate preferential treatment, and the specific measures thereof shall be formulated by the State Council or the relevant competent departments under the State Council.” [5d]

(See also section 34: [Citizenship and nationality](#))

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## OFFICIAL DOCUMENTS

### ID CARDS

- 36.01 As reported by the official news agency Xinhua on 7 April 2004, China began issuing new computerised (second generation) ID cards to residents in Beijing on the same day. “... unlike before, young people aged below 16 are also entitled to apply for a second-generation ID card through their Guardians’ agency.” [13d] As reported by Xinhua on 8 March 2006, China has already issued over 100 million new ID cards and was planning to issue double that number in 2006. According to Xinhua, “The project to upgrade ID cards for 800 million Chinese adults is scheduled to be complete by the end of 2008.” [13f]
- 36.02 The report stated that, “The newly released plastic chip ID card contains information such as validity periods, authorization institutions and designs of the national emblem. The Great Wall and decorative patterns are printed on the front cover. The card holder’s name, gender, ethnicity, birthday, residence, ID number and photo are on the back cover.” [13f]
- 36.03 As reported by the Canadian IRB on 13 March 2002, “The new card will replace the current paper laminated identification card that contains a person’s name, photo, birth date and identification number and is purportedly relatively easy to counterfeit.” As noted by the same source, opinion is divided over whether or not a viable national-wide computer system for checking first generation ID cards exists. [3i]
- 36.04 Another report by the Canadian IRB dated 20 April 2004 stated:
- “With respect to the procedures for replacing a lost or stolen identity card, a representative at the Canadian immigration office in Beijing stated that if a PRC citizen loses an [identification] ID card, they will go to their local police substation that is responsible for issuing the Family Registration Booklets (‘hukou’) and ID cards. The police substation is responsible for registering all people (foreigners too) that are living in their jurisdiction, including temporary residents. If one moves, then one is required to register the change of address. As a result, when a PRC citizen loses an ID card, they have to pay a nominal handling fee, and bring a couple of photos along for a re-issuance (the records of the citizen’s hukou and previous ID applications will all be kept there). A person doesn’t have to come in themselves with the photo, a relative may come in their place. A new ID card should have the new date of issue, with a new period of validity from that new issuance date.” [3e]

## AVAILABILITY OF FRAUDULENT DOCUMENTS

- 36.05 As reported by the Canadian IRB on 8 September 2005, "A professor of criminal justice at Rutgers University, who has written on Chinese human smuggling, told the Research Directorate that, in his opinion, 'it is pretty easy to obtain all kinds of fake documents in China,' including identity documents, birth certificates, university diplomas and hospital documents." Citing a 2002 report by the Australian Institute of Criminology the IRB reported "...that corrupt officials provide 'both genuine and fraudulent documents in exchange for money, or...for the migrant smuggler's promise to smuggle a member of the corrupt official's family abroad'" [3g]

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## EMPLOYMENT RIGHTS

- 37.01 As noted by the US State Department (USSD) Report 2006, published on 6 March 2007:

"Although the law provides for the freedom of association, in practice workers were not free to organize or join unions of their own choosing. The All-China Federation of Trade Unions (ACFTU), which was controlled by the CCP and chaired by a member of the Politburo, was the sole legal workers' organization. The trade union law gives the ACFTU control over all union organizations and activities, including enterprise-level unions, and requires the ACFTU to 'uphold the leadership of the Communist Party.' Independent unions are illegal. In some cases the ACFTU and its constituent unions influenced and implemented government policies on behalf of workers; however, the CCP used the ACFTU to communicate with and control workers." [2e] (Section 6a)

- 37.02 The same source also reported that the law provides for the right to bargain collectively but not the right to strike. The government acknowledged that the latter did occur and that the ACFTU had a role to play in resolving such disputes. However, the undemocratic nature of the ACFTU made it difficult for it to adequately represent its members' interests. [2e] (Sections 6a and 6b)

- 37.03 As reported by the Government White Paper, China's Employment Situation and Policies (Section II), published April 2004, "Chinese law stipulates that workers must not be discriminated against in the matter of employment because of ethnic identity, race, sex or religious belief. Chinese law strictly prohibits the employment of people under the age of 16. The state strictly investigates and deals with the illegal use of child laborers and the recommendation of children for work." [5n] (p7 of Section II)

(See also section 27: [Child labour](#))

- 37.04 As reported by the Economist Intelligence Unit (EIU) in its 2007 country profile for China, "Social unrest is on the rise in China, as state-owned enterprises (SOEs) shed labour, rural incomes stagnate and corruption remains rife. Protests by tens of thousands of unemployed workers in the north-eastern cities of Liaoyang and Daqing in 2002 are thought to have been the biggest in China since the huge nationwide demonstrations of 1989." [4a] (Politics: Security Risk in China)

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## DISPUTED TERRITORIES

### TAIWAN

38.01 As reported by Europa World in its country profile for China – Taiwan, accessed 25 January 2006, the Republic of China (ROC), more commonly called Taiwan, occupies a total land area of 36.188 sq. km and has a population of 22.56 million people. [1b] [18c] (map)

38.02 According to a report by *Asia Times* dated 19 August 2004:

“Today, many accept China’s claim to Taiwan – a Chinese province, the CCP claims, since time immemorial – without question. But in the first two decades of the CCP’s existence (1921-42) Taiwan was of only passing interest to both the CCP and the former Republic of China (ROC) government. Taiwan was an area defined both visually and rhetorically as beyond the margins of the Han Chinese world. In documents, speeches, maps and even postage stamps, Taiwan and the Taiwanese were characterized as a region and a regional national minority, not a province. Taiwan was only later declared an integral part of China when it was politically expedient to do so.” [64a]

38.03 As noted by the BBC in its country profile for Taiwan, dated 3 March 2007, “The Chinese nationalist government [KMT - Kuomintang (Nationalist) Party] of President Chiang Kai-shek fled to Taiwan [island] ahead of the advance of Communists under Mao Zedong in 1949. The government-in-exile established Taipei as its capital and for decades hoped to reclaim control over the mainland. In the early 1990s Taiwan made the transition from an authoritarian one-party state to a democracy.” [9c] In its country profile for Taiwan, dated 25 January 2007, the FCO described Taiwan as a “Multi-party democracy with directly-elected President.” [31b]

38.04 As noted by the same source, “Members of the Legislative Yuan (Parliament) are now elected for a four-year term. Despite losing the Presidential election, the opposition KMT/PFP [People First Party] retained its outright majority of seats following the Legislative Yuan elections held on 11 December 2004. Stalemate in the Legislature has often prevented the Chen administration from implementing many of its planned reforms.” [31b]

38.05 The FCO stated further:

“China has been highly critical of Chen Shui-bian and his predecessor Lee Teng-hui because of their pro-independence leanings. China refuses to resume direct political contacts with Taiwan until it accepts a ‘One China’ formula as a precondition for negotiations. Taiwan’s political parties have different positions on how to approach negotiations with the mainland, but all insist that the ‘Republic of China’ is a separate political entity from the PRC Government. Although China has sought reunification through negotiation, the Chinese have not renounced the threat of military action against Taiwan. China enacted its anti-secession law on 14 March 2005 to, ‘oppose and check’ Taiwanese independence. The anti-secession law reiterates the ‘one-China’ policy and sets out certain measures to maintain peace and stability in the



Taiwan Strait and to promote cross-strait relations. But it also authorises the use of 'non-peaceful' means if peaceful reunification fails. Despite the political stalemate, economic and people-to-people links continue to develop at an impressive rate. Some 450,000 Taiwanese business people and their families are said to be living in the Shanghai area alone." [31b] [13e] (text of anti-secession law)

38.06 The FCO also stated:

"Several recent visits by Taiwanese opposition political parties to the Mainland have signalled a new development in party-to-party cross-Straits negotiations. Former KMT Chairman, Lien Chan, made a landmark visit to the Mainland in April 2005 and met with President Hu Jintao. Following the meeting, a joint communiqué issued agreeing 5-points: the resumption of cross-Straits negotiations based on the '1992 consensus'; establishment of a 'military mutual trust mechanism'; establishment of cross-Straits common market; promote consultations on Taiwan's participation in international activities; and establishment of periodic party-to-party contact and other exchanges. On 5 May, PFP Chairman, James Soong arrived in China for similar talks." [31b]

38.07 As reported by the USSD Report Taiwan 2006, "The authorities generally respected the human rights of citizens; however, there continued to be problems reported in the following areas: corruption by officials, violence and discrimination against women, trafficking in persons, and abuses of foreign workers." [2m]

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## SPECIAL ADMINISTRATIVE REGIONS (SARs)

### HONG KONG (SAR)

39.01 As reported by Europa World in its country profile for Hong Kong, accessed 25 January 2006, Hong Kong is a special administrative region of China and occupies a total land area of only 1.093 sq. km; by comparison China as a whole occupies 9.572 sq. km. It has a population of 6.8 million people. It is situated off the south eastern coast of Guangdong province and comprises Hong Kong Island, the Kowloon peninsula and the New Territories, which were leased to the UK for 99 years in 1897. [1c] (Location, Climate, Language, Religion, Flag, Capital) (Recent History) [18d] (map)

39.02 As noted by the same source, Hong Kong reverted back to China on 1 July 1997. Under its mini-constitution (the Basic Law) it is allowed a high degree of autonomy under a policy known as "One Country, Two Systems". [1c] (Recent History) As noted by the FCO in its country profile for Hong Kong, dated 12 December 2006, Hong Kong is governed by a partially elected Legislative Council (the LegCo), which comprises 60 members. The head of government is Donald Tsang (Chief Executive) and the Head of State is Hu Jintao (President of China). Donald Tsang was the only candidate to receive the required minimum number of nominations from the Election Committee that chooses Hong Kong's Chief Executive, and was formally appointed to that position by the Central People's Government in Beijing on 21 June 2005. [31c]

- 39.03 The same source stated, "There are around 3.6million British passport-holders in Hong Kong, 3.44 million of whom are British Nationals (Overseas) (BN(O)s). BN(O) passport holders enjoy British consular protection in third countries (and, for non-Chinese BN(O) passport holders, in Hong Kong and mainland China), as well as visa-free access to the UK for visits of less than six months." [31c]
- 39.04 As reported by the Hong Kong government's website, accessed 26 August 2005, "Article 4 of the Chinese Nationality Law (CNL) states that any person born in China whose parents are Chinese nationals or one of whose parents is a Chinese national has Chinese nationality." As noted by the same source, "Hong Kong Certificate of identity (C of I) will not be issued after June 1997. If your Hong Kong C of I is still valid, you may continue to travel on it until its expiry date or you may apply for a HKSAR passport." [86a]
- (See also section 34: [Citizenship and nationality](#))
- 39.05 As reported by the USSD Report 2006, "The [Hong Kong] government generally respected the human rights of its citizens, although core issues remain. Residents were limited in their ability to change their government, and the legislature was limited in its power to affect government policies. Self-censorship remained a problem, as did violence and discrimination against women. Workers were also restricted from organizing and bargaining collectively." [2e] (Hong Kong) On 6 August 2006, the Hong Kong legislature passed a new law allowing the use of covert surveillance and phone tapping. [9k] (BBC, 6 August 2006)
- 39.06 As reported by the BBC on 1 July 2006, "Tens of thousands of people have joined a rally in Hong Kong calling for full democracy in the territory... In 2003 and 2004, crowds of up to half a million took to the streets of Hong Kong to demand full democracy. But correspondents say the numbers have fallen as the economy is doing well and new leader Donald Tsang is proving popular." [9aa]

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## MACAO (SAR)

- 39.07 As reported by Europa World in its country profile for Macao, accessed 25 January 2006, Macao is a special administrative region of China and occupies a total land area of only 27.3 sq. km. It has a population of 444,000. It is situated approximately 60 km west of Hong Kong on a narrow peninsula on the south eastern coast of Guangdong province. It also encompasses two small Islands, Taipa and Coloane. Together with the peninsula these territories were ceded to Portugal in 1887. [1d] [18e] (map)
- 39.08 As noted by the same source Macao reverted back to China on 20 December 1999. Under the policy known as "One Country, Two Systems" it is allowed a high degree of autonomy in areas other than foreign policy and defence. [1d] (Recent History) As noted by the FCO in its country profile for Macao, dated 8 December 2006, Macao is governed by a partially elected Legislative Council, which comprises 29 members. The head of government is Mr Edmund Ho Hau Wah (Chief Executive) and the Head of State is Hu Jintao (President of China). [31d]

- 39.09 As reported by the USSD Report 2006, “The [Macao] government generally respected the human rights of its citizens; however, some problems remained, most notably limits on citizens' ability to change their government.” [2e] (Macao)

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## Annex A1: Chronology of major events – China post-1949

Based on BBC Timeline, last updated on 20 January 2007 [9a] and Europa World, Country Profile: China [1a] (Recent History)

- 1949**    **1 October:** The People's Republic of China (PRC) proclaimed by Chinese Communist Party (CCP) leader, Mao Zedong.
- 1950**    Land reform started.
- 1954**    First constitution adopted.
- 1959**    "Great Leap Forward" started – China attempted rapid industrialisation at the expense of agricultural output. An estimated 30 million people died of famine during this period.
- 1961**    "Great Leap Forward" abandoned.
- 1966**    Start of the Cultural Revolution, Red Guards fanatically loyal to Mao were given free rein to destroy the "four olds" (old ideas, old customs, old culture, old habits) – this led to social disintegration and Mao was forced to call upon the army (PLA) to restore order.
- 1975**    New Constitution adopted.
- 1976**    **8 January:** Premier Zhou Enlai died.  
  
              **9 September:** Mao died. End of Cultural Revolution.  
  
              **October:** Hua Guofeng replaced Mao as CCP General Secretary (the post of Chairman having been abolished) having previously taken over from Zhou as Premier.
- 1978**    New (third) Constitution adopted. Beginning of Democracy Wall Movement. Start of economic reforms.
- 1979**    **March-December:** Democracy Wall Movement suppressed.
- 1980**    Hua Guofeng replaced as Premier by Zhao Ziyang. Deng Xiaoping emerged as China's paramount leader.
- 1982**    Hua replaced as CCP General Secretary by Hu Yaobang. New (fourth) Constitution adopted. Post of CCP Chairman abolished and remaining Maoists purged from the party.
- 1986**    Revival of Hundred Flowers movement of the 1950s suppressed.
- 1987**    CCP General Secretary, Hu, forced to resign after failing to stop student demonstrations.

- 1989**    **15 April:** Hu died and news of his death sparked angry protests by students and workers in Tiananmen Square (TS). Calls for his posthumous rehabilitation quickly escalated into demands for greater democracy, an end to official corruption and finally the overthrow of the Communist Party. Beijing was placed under martial law as protests spread to other parts of China.
- 19 May:** CCP General Secretary, Zhao Ziyang pleaded with demonstrators to disperse.
- 30 May:** Students erected "Goddess of Democracy" statue in TS.
- 3 to 4 June:** Party elders, including Deng ordered TS cleared and the Army (PLA) together with the People's Armed Police (PAP) moved against protesters using tanks and armoured cars. Several hundreds of people were killed as troops lost control and fired on unarmed protestors, mostly in the side streets around the Square. The official death toll was put at 200. International outrage led to the imposition of sanctions.
- November:** Deng resigned from his last government position.
- 1992**    Jiang Zemin became President.
- 1997**    Deng Died.
- 1 July:** Hong Kong reverted back to China.
- 1998**    China began restructuring State Owned Enterprises (SOEs). This would lead to tens of millions of job losses.
- 1999**    NATO accidentally bombed the Chinese embassy in Belgrade, Yugoslavia.
- July:** Falun Gong "cult" banned.
- 20 December:** Macau reverted back to China.
- 2001**    **April:** US spy plane shot down and crew detained.
- November:** China admitted to World Trade Organisation (WTO).
- 2002**    **November:** Hu Jintao replaced Jiang Zemin as CCP General Secretary.
- 2003**    **15 March:** Hu Jintao elected President with Wen Jiabao as Premier.
- March-April:** Outbreak of SARS (Severe Acute Respiratory Syndrome).
- June:** SARS brought under control.
- 1 July:** Mass demonstrations in Hong Kong against plans to introduce a new anti-subversion bill (Article 23).
- September:** Article 23 shelved indefinitely by the Hong Kong Government.
- 2003**    **1 October:** Launch of China's first manned spacecraft. Its pilot, Yang Liwei became a national hero overnight.

**2004**    **April:** NPC ruled out direct elections for Hong Kong's leader (Chief Executive) in 2007.

**September:** Hu Jintao replaced Jiang Zemin as head of the military.

**2005**    **17 January:** Purged Chinese leader Zhao Ziyang died.

**March:** New law enacted calling for the use of force should Taiwan declare independence from the mainland.

**April:** Anti-Japanese protests reported in many large Chinese cities. Taiwanese opposition leader Lie Chan visited the mainland; the first meeting between Nationalists and Communists since 1949.

**2005**    **October:** Second manned space flight launched; this time with two astronauts on board.

**2006**    **July:** New China-Tibet railway line, the world's highest train route, begins operating.

**August:** Official news agency says 18 million people are affected by what it describes as the country's worst drought in 50 years.

**November:** African heads of state gather for a China-Africa summit in Beijing. Business deals worth nearly \$2bn are signed and China promises billions of dollars in loans and credits.

Government says pollution has degraded China's environment to a critical level, threatening health and social stability.

**2007**    **January:** Reports say China has carried out a missile test in space, shooting down an old weather satellite. The US, Japan and others express concern at China's military build-up.

**February:** President Hu Jintao tours eight African countries to boost bilateral trade and Chinese investment in Africa. Western human rights groups criticize China for dealing unconditionally with corrupt or abusive regimes.

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## Annex A2: Chronology of major events – Tibet post-1910

Based on The World Guide 2003/2004 [57a] (p182-183) and Annex 1: Important Dates and Anniversaries (Tibet), Courtesy of the Foreign and Commonwealth Office (FCO). [31e]

- 1910** Chinese troops entered the Tibetan capital, Lhasa.
- 1912** **June:** Tibetans expelled Chinese troops. Dalai Lama proclaimed Tibetan independence.
- 1922** Panchen Lama fled to Beijing.
- 1938** His successor is anointed.
- 1949** **1 October:** Communists came to power in China.
- 1950** Communists declared their intention to “liberate” Tibet from feudalism.
  - 7 October:** Eastern Tibetan province of Kham invaded by Chinese troops.
  - 19 October:** Eastern city of Qamdo occupied by the Chinese army (PLA).
  - 17 November:** Dalai Lama assumed full temporal and spiritual powers.
- 1951** **23 May:** Dalai Lama signed 17-point agreement with China. [42a] (text of the agreement)
  - 26 October:** PLA entered Lhasa.
- 1952** Panchen Lama entered Tibet under Chinese military escort and is enshrined as head monk at the Tashilhunpo Monastery, west of Tibet’s second city Shigatse.
- 1959** **10 March:** Nationalist uprising put down by Chinese troops. Chinese figures recorded 87,000 deaths. Tibetan sources suggested as many as 430,000 were killed. Dalai Lama fled to India while Panchen Lama remained but refused to denounce him as a traitor – he was later jailed (1964).
- 1965** **9 September:** Tibetan Autonomous Region (TAR) established.
- 1987** **1 October:** Riot in Lhasa.
- 1988** **5 March:** Riot in Lhasa (final day of Monlam festival).
- 1989** **28 January 1989:** Death of the Panchen Lama in Lhasa.
  - 5 March:** Riot in Lhasa.
  - 7 March:** Martial Law imposed in Lhasa.
- 1990** **1 May:** Martial law lifted in Lhasa.

- 1994** Successor to the Panchen Lama anointed. Dalai Lama refused to recognise the child “chosen” by Beijing.
- 1999** Karmapa Lama fled to India.
- 2000** **April:** Dalai Lama publicly stated that he was seeking only genuine autonomy from China and not full independence.
- 2001** Chinese engineers discovered an oilfield estimated to hold 100 million tonnes of crude oil.
- 2002** Chinese Government announced the construction of a 1,000-km railway across the Himalayas.
- April:** Monument to the “peaceful liberation” of Tibet erected opposite the Dalai Lama’s winter residence in Lhasa.

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## **Annex B: Political organisations**

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### **All-China Federation of Trade Unions (ACFTU)**

Government sponsored Trade Union. [2e] (Section 6a)

### **All China Women's Federation (ACWF)**

Government sponsored women's group [2e] (Section 5)

### **Catholic Patriotic Association**

Government sponsored Catholic group [2a] (Section I. Religious Demography)

### **CCP United Front Work Department (UFWD)**

Provides "guidance and supervision" on implementation of the regulations on religion [2a] (Section II. Status of Religious Freedom, Legal Policy/Framework)

### **China Disabled Persons' Federation (CDPF)**

Government sponsored group for the disabled. Chaired by Deng Pufang [12s]

### **China Islamic Association**

Government sponsored Muslim group [2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)

### **Chinese Christian Council (CCC)**

Government sponsored Protestant group [2a] (Section I. Religious Demography)

### **Chinese Communist Party (CCP) (Zhongguo Gongchan Dang)**

Ruling Party [2e] (p1); membership 70.8 million [12f]

### **Democratic Alliance for the Betterment and Progress of Hong Kong (DAB)**

Main pro-Beijing Hong Kong party; founded 2005; formed by merger of the Democratic Alliance for the Betterment of Hong Kong (f. 1992, supported return of Hong Kong to the motherland and implementation of the Basic Law) and the Hong Kong Progressive Alliance (f. 1994, supported by business and professional community).

**Chair:** Ma Lik.

**Sec-Gen:** Kan Chi-ho. [1c] (Political Organizations)

### **Democratic Party**

Main pro-democracy Hong Kong party; founded 1994; by merger of United Democrats of Hong Kong (UDHK – declared a formal political party in 1990) and Meeting Point; liberal grouping; advocates democracy.

**Chair:** Lee Wing Tat.

**Sec-Gen:** Cheung Yin-tung. [1c] (Political Organizations)

### **Wheel of the Law (Falun Gong)**

Banned cult, also known as Falun Dafa See also Li Hongzhi (founder) [2a] (Section I. Religious Demography)

### **National People's Congress (Quanguo Renmin Daibiao Dahui) NPC**

Chinese Parliament [1a] (National People's Congress)

### **National Population and Family Planning Commission of China (NPFPC)**

Government department responsible for overseeing population control, formerly known as the State Family Planning Commission [3j] (Children)

**People's Armed Police (PAP)**

Paramilitary branch of the police [52a]

**People's Liberation Army (PLA)**

Chinese Army [1a] (Defence)

**State Administration for Religious Affairs (SARA)**

Provides "guidance and supervision" on implementation of the regulations on religion [2a] (Section II. Status of Religious Freedom, Legal Policy/Framework)

**State Bureau for Petitions and Appeals**

Government Department responsible for looking into complaints from the public [9m]

**Taoist Association**

Government sponsored Taoist group [2a] (Section I. Religious Demography)

**Three-Self Patriotic Movement (TSPM)**

Government sponsored Protestant group [2a] (Section I. Religious Demography)

**Xinjiang Production and Construction Corporation (XPCC) (Xinjiang shengchan jianshe bingtuan)**

Paramilitary agro-industrial agency, which employs millions of Han migrants in Xinjiang [59a]

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## **Annex C: Prominent people: past and present**

### **Chen Shui-bian**

President of Taiwan. Elected 18 March 2000. Re-elected 20 March 2004. [1b] (Head of State)

### **Chiang Kai-shek**

Nationalist (KMT) leader who lost civil war. Fled to Taiwan 1949. [1b] (Recent History)  
Died 1975.

### **Dalai Lama**

Spiritual and political leader, to whom most Tibetans look to for guidance, Heads government in exile, based in Dharamsala (Northern India). Left Tibet in 1959. [57] (p183)

### **Deng Xiaoping**

Paramount leader for most of 1980 and early 1990s. Architect of economic reforms. Also ordered troops into Tiananmen Square. Died 1997. [1a] (Recent History)

### **Edmund Ho H.W. Ho**

Chief Executive of Macau SAR. [1d] (The Government)

### **Hu Jintao**

President of China since March 2003. Also General Secretary of the CCP and head of the military. [31a] (2-3)

### **Hu Yaobang**

Liberal party leader whose death sparked Tiananmen Square protests. Died 1989. [1a] (Recent History)

### **Li Hongzhi**

Founder of banned "cult" Falun Gong. [50c] (p3-8)

### **Jiang Zemin**

Succeeded Deng Xiaoping as core leader. Stepped down as head of the army in September 2004, having already relinquished the Presidency and leadership of the CCP to Hu Jintao. [1a] (Recent History)

### **Mao Zedong**

Founded PRC on 1 October 1949. Presided over disastrous "Great Leap Forward" and instigated Cultural Revolution. Died in 1976. [1a] (Recent History)

### **Panchen Lama**

Next most senior Lama after the Dalai Lama (see above). [57] (p183) There are two Panchen Lamas, Gendun Choekyi Nyima selected by the Dalai Lama as the 11th reincarnation of the Panchen Lama and Gyalsten Norbu (also known as Bainqen Erdini Qoigyijabu) selected by Beijing also as the 11th reincarnation of the Panchen Lama. [2a] (Tibet, Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

### **Donald Tsang Yam-keun**

Chief Executive of Hong Kong SAR. [1c] (The Government)

### **Wei Jingsheng**

Exiled leader of the Democracy Wall movement (1978/79). [9d]

**Wen Jiabao**

Premier of China since 2003. [31a] (2-3)

**Wu Bangguo**

Chairman of the Standing Committee of the NPC since 2003. [31a] (2-3)

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## Annex D: List of abbreviations

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<b>AI</b>	Amnesty International
<b>CEDAW</b>	Committee on the Elimination of All Forms of Discrimination Against Women
<b>CPJ</b>	Committee to Protect Journalists
<b>EU</b>	European Union
<b>EBRD</b>	European Bank for Reconstruction and Development
<b>FCO</b>	Foreign and Commonwealth Office (UK)
<b>FH</b>	Freedom House
<b>GDP</b>	Gross Domestic Product
<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
<b>HRW</b>	Human Rights Watch
<b>IAG</b>	Illegal Armed Group
<b>ICG</b>	International Crisis Group
<b>ICRC</b>	International Committee of the Red Cross
<b>IDP</b>	Internally Displaced Person
<b>IFRC</b>	International Federation of Red Cross and Red Crescent Societies
<b>IMF</b>	International Monetary Fund
<b>IOM</b>	International Organisation for Migration
<b>MSF</b>	Médecins sans Frontières
<b>NA</b>	Northern Alliance
<b>NATO</b>	North Atlantic Treaty Organisation
<b>NGO</b>	Non Governmental Organisation
<b>OCHA</b>	Office for the Coordination of Humanitarian Affairs
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>ODPR</b>	Office for Displaced Persons and Refugees
<b>OECD</b>	Organisation of Economic Cooperation and Development
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>RSF</b>	Reporteurs sans Frontières
<b>STD</b>	Sexually Transmitted Disease
<b>STC</b>	Save The Children
<b>TB</b>	Tuberculosis
<b>TI</b>	Transparency International
<b>UN</b>	United Nations
<b>UNAIDS</b>	Joint United Nations Programme on HIV/AIDS
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNHCHR</b>	United Nations High Commissioner for Human Rights
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>USAID</b>	United States Agency for International Development
<b>USSD</b>	United States State Department
<b>WFP</b>	World Food Programme
<b>WHO</b>	World Health Organization

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## **Annex E: Known dissident groups**

**This is not an exhaustive list.**

### **China Democracy Party (CDP) (Zhongguo Minzhu Dang)**

Founded in 1998 and subsequently declared illegal. The CDP remained banned, and the government continued to monitor, detain, and imprison current and former CDP members. It is unclear whether the party itself is still active in China. [2e] (Sections 2b and 3)

### **The China Progressive Alliance (CPA) (Zhonghua jinbu tongmeng)**

Founded mid-1991 by supporters of 1989 democracy movement. Members met in May 2001 and agreed 11-point manifesto – committed to fighting dictatorship, but also working with progressive elements of the CCP. [6c] (p3)

### **The Free Labour Union of China (FLUC) (Zhonggou Ziyou Gonghui)**

Founded late-1991. In January 1992 distributed leaflets encouraging the formation of independent trade unions. After some of its members were secretly arrested in June 1992 the group sent a letter of appeal to the International Labour Organisation (ILO) in Geneva. [6c] (p4)

### **The Liberal Democratic Party of China (LDPC) (Zhongguo Ziyou Minzhu Dang)**

First surfaced in November 1991, posting a statement critical of human rights violations in China at Beijing university. Made similar statements in March 1992. [6c] (p3)

### **The Social Democratic Party of China (SDPC) (Zhonggou Shihui Minzhu Dang)**

Founded in 1991 and based in Lanzhou, Gansu province. “It claimed to have over 100-members, including students, workers, intellectuals and government cadres, most of whom had participated in the 1989 democracy movement.” Issued its manifesto in April 1992, calling on other parties to join together to advance democracy. By May 1992, 50 members had been arrested. [6c] (p4)

### **Mainland Democratic Front**

On 17 March 2006 Ren Zhiyuan was sentenced to 10 years' imprisonment for an internet article stating that people have the right to overthrow tyranny through violent means. Ren was also suspected of planning to organise an opposition group called the Mainland Democratic Front. [2e] (Section 2a)

### **The Chinese Nation's People's Party**

Founded in mid-1990s by Li Wenshan and Chen Shiqing, two middle-aged farmers in Gansu province. It advocated democracy, human rights and prosperity and had 1000 members by early 1999. Li and Chen along with 10-12 members were tried on 30 August 2000. Li and Chen received 13 and eight year prison terms respectively. Eight others were sent to re-education through labour camps. [59b]

### **Chinese Plum Nation Party**

Founded in late 1980s by 50-year-old farmer Fen Zhengming. Operating in 17 provinces by early 1990s. Fen detained in April 1992 and given 15-year sentence. [59b]

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## Annex F: Democratic parties

Political organisations existing prior to the establishment of the PRC (1949) who subordinate themselves to the will of the CCP.

- China Association for the Promotion of Democracy
- China Democratic League
- China National Democratic Construction Association
- China Zhi Gong Dang (Party for Public Interest)
- Chinese Peasants and Workers Democratic Party
- Jui San (3 September) Society
- Revolutionary Committee of the Chinese Kuomintang
- Taiwan Democratic Self-Government League [1a] (Other Political Organizations)

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## Annex G: Glossary of Chinese terms

danwei	work unit
Fie Ch'ien	"flying money" underground banking system
getihu	family run business
Guanxi	social connections, used to obtain favours
guojia	mass religious organisation, sponsored by the State
hei haizi	"black children" children born contrary to the "one child policy"
huafeng	"Chinese ways"
Huayi	"Chinese overseas"
Huaqiao	"people abroad" = overseas Chinese
hukou	household registration document
hutongs	Traditional Chinese neighbourhoods
jiefeng	
renyuan	"retrievers" hired to remove petitioners from Beijing
Lai see	money envelopes given as gifts during Chinese New Year
laodong jiaoyang	"re-education through labour" (RTL); main form of administrative detention
Laogai	labour camps
mingong	Chinese migrant peasant
Mianzi	"face", prestige or respect
nongzhuanfe	hukou conversion i.e. from rural to urban resident
qigong	ancient form of energy cultivation/ relaxation technique
renshe	the "customers" of Snakeheads (people smugglers)
Shuang gui	similar to house arrest but used to punished CPP members for breaches of Party discipline
shourong shencha	"Custody and Investigation" form of administrative detention now abolished
shourong qiansong	"Custody and Repatriation" another form of administrative detention now abolished
Tiananmen	"gate of heavenly peace"
Tiang-ming	Mandate of Heaven (support of the peasantry)
tongxianghui	association of people with the same birth place
wai shi	system used for managing foreigners in China
Xinfang	petitioning system
xiagang	"off post" redundant state workers
Xinjiang	"New Frontier" also see XUAR
Xiaokang	relatively prosperous
xiejiao	"evil cult"
Xizang	Chinese name for Tibet
Zanzhu Zheng	Temporary Resident's Permit
Zhonghua Renmin	
Gongheguo	People's Republic of China, official name of the country
Zhongnanhai	Headquarters of the CCP in Beijing

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## Annex H: Glossary of English terms

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Basic Law	Hong Kong's mini constitution
'Bare Branches'	Term used to denote unattached males
CCP	Chinese Communist Party
Executive Council	Hong Kong's top decision making body
HK	Hong Kong
IMAR	Inner Mongolia Autonomous Region
LegCo	Hong Kong and Macau Legislative Councils
MPS	Ministry of Public Security
"Mixing Sand"	Name given to Han migration to Xinjiang
NHAR	Ningxia Hui Autonomous Region
Procuracy	Responsible for investigating and prosecuting criminal cases
PRC	People's Republic of China
PSB	Public Security Bureau, local police force
ROC	Republic of China, official name for Taiwan
SAR	Special Administrative Region – Hong Kong and Macau
SARG	Special Administrative Region Government
Snakeheads	People smugglers
TAR	Tibet Autonomous Region
'Three Represents'	Perplexing personal philosophy of former President Jiang Zemin
XUAR	Xinjiang Uygur Autonomous Region

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## **Annex I: Glossary of Tibetan terms**

Democratic Management Committees (DMC)	Committees which oversee the running of Buddhist temples in Tibet
Geshe	Monk or lama who has completed the highest form of monastic studies
Lamas	“superior ones” most revered Tibetan Monks, reincarnation of the Buddha
Lamaseries	monasteries
Lhasa	Tibetan capital
Potala Palace	Official residence of the Dalai Lama in Lhasa
Rinpoche	honorific title given to monks
Tibet	“rooftop of the world”

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## Annex J: Guide to Tibetan names

Name	Pronunciation	Meaning
Chodak	CHO-dak	Dharma Spreader
Choden	CHO-den	One who is devout, religious
Choegyal	CHO-gyal	Dharma king
Chophel	CHO-pel	The flourishing of the Dharma
Dhargey	DAR-gye	Progress, development, spreading
Dorje	DOR-je	Vajra, which means indestructible
Gyaltsen	GYEL-tsen	Victory banner
Jampa	JAM-pah	Loving-kindness
Jamyang	JAM-yang	Gentle voice
Kalsang	KAL-sang	Good fortune
Karma	KAR-ma	Action, deed
Kunchen	KUN-chen	All-knowing
Lhundup	LUN-d(r)oop	Spontaneously accomplished
Lobsang	LOB-sang	Noble-minded
Ngawang	NAR-wang	Powerful speech
Ngodup	NOD-oo	Attainment, accomplishment
Norbu	NOR-bo	Jewel
Palden	PAL-den	Glorious
Pema	PEM-a	Lotus
Phuntsok	Poon-tsok	Excellence
Rabten	RAB-ten	Steadfast
Rinchen	RIN-chen	Precious, gem (great value)
Samdup	SAM-d(r)oop	Fulfillment (of one's wishes)
Sangye	SANG-gye	Buddha
Sonam	SON-am	Merit
Tenzin	TEN-zin	Holder of the teachings
Thekchen	TEK-chen	Mahayana
Thokmay	TOK-me	Unobstructed, unhindered
Thubten	TOOB-ten	The Buddha's teaching
Tinley	T(R)IN-ley	Enlightened activity
Tsering	TSER-ing	Long life
Tseten	TSET-en	Stable life
Tsewang	TSE-wang	Life empowerment
Wangchuk	WANG-chook	Lord, mighty
Wangdak	WANG-dak	
Wangdue	WANG-doo	Subduer
Yonten	YON-ten	Good qualities

[31h]

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## Annex K: References to source material

*The Home Office is not responsible for the content of external websites.*

*Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.*

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