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China

Country Report

APRIL 2004

**Country Information & Policy Unit
IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

China, April 2004

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1. Scope of Document

1.1 This Country Report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, for use by Home Office 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. It is not a detailed or comprehensive survey.

1.2 The Report is compiled from a wide range of recognised sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to original source material, which has been made available to those working in the asylum / human rights determination process. The Report aims to provide only a brief summary of the source material quoted. For a more detailed account, the relevant source documents should be examined directly.

1.3 The information contained in this Country Report is, by its nature, limited to information that we have been able to identify from various well-recognised sources. The contents of this Report are not exhaustive and the absence of information under any particular heading does not imply that any analysis or judgement has been exercised to exclude that information, but simply that relevant information on the subject has not been identified from the sources that have been consulted. Equally, the information included in the Reports should not be taken to imply anything beyond what is actually stated.

1.4 The great majority of the source material is readily available in the public domain. Copies of other source documents, such as those provided by Government offices, may be provided upon request.

1.5 All sources have been checked for currency, and as far as can be ascertained, contain information, which remained relevant at the time, this Report

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was issued. Some source documents have been included because they contain relevant information not available in more recent documents.

1.6 This Country Report and the accompanying source material are publicly disclosable. Where sources identified in this Report are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the report is also included. Paper copies of the source documents have been distributed to nominated officers within IND.

1.7 It is intended to revise this Report on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom. Information contained in Country Reports is inevitably overtaken by events that occur between the 6 monthly publications. Caseworkers are informed of such changes in country conditions by means of Country Information Bulletins.

[\[Jump to overview of human rights situation\]](#)

2. Geography

2.1 As documented by Europa publications, Regional Studies: The Far East and Australasia (2004) and the People's Daily newspaper, the People's Republic of China (PRC) is situated in eastern Asia and is bordered by the Pacific Ocean to the east. The third largest country in the world, it has a land area of 9.6m sq. km, one fifteenth of the world's landmass. It has land borders with Mongolia and Russia to the north; Tajikistan, Kyrgyzstan and Kazakhstan to the north-west; Afghanistan and Pakistan to the west; India, Nepal, Bhutan, Myanmar (Burma), Laos and Vietnam (SRV) to the south; and North Korea (DPRK) to the north-east. [1c][20an]

2.2 As recorded by the same sources administratively, China is divided into 22 provinces, five autonomous regions, four municipalities and two special administrative regions (See below, Hong Kong and Macao). Its capital is Beijing formerly known as Peking. [1c](p167) [20an][20ab is a map]

2.3 According to Europa publications, Regional Studies: The Far East and Australasia (2004), the majority of Chinese live in central and eastern China, many of them having to contend with the risk of seasonal flooding. [1c](p167-168)

2.4 The English Language edition of the People's Daily contains a useful summary of all 22 provinces. Please note this is the official newspaper of the Chinese Communist Party (CCP) and therefore includes Taiwan (Republic of China, ROC) as a province of the PRC. See below, Annex I

Population

2.5 The World Health Organisation (WHO) estimated that the total population of the PRC was 1.302 billion with an average life expectancy at birth of 68.9 for

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men and 72.7 for women in 2002. [20aa] According to Europa publications, Regional Surveys of the World (2004), Han Chinese make up 91.5 per cent of the population. [1c](p168)

Naming Conventions

2.6 According to a BBC report dated 28 June 2001, traditional Chinese naming conventions work on the basis of Surname name (usually monosyllable) then Personal name (usually two syllables), for instance Deng Xiaoping, father of Deng Pufang. [9ch]

Languages

2.7 As reported by the ethnologue website the main official language of the PRC is Modern Standard Chinese, which is based on the main dialect of Chinese, Mandarin Chinese (also known as Putonghua - "the common tongue" or Hanyu "the language of the Han"). [20a](p6) According to the same source this is spoken by 1.052 billion people worldwide and understood by 70 per cent of the population. [20a](p6)

2.8 According to the nationmaster website Min is the general term for the group of dialects spoken in Fujian province. [20by] According to the same source along with the ethnologue website, Northern Min or Min Dong is most widely spoken in northern Fujian, including Fuzhou (the capital). [20a][20by] According to the second source,

"[Min Dong] Speakers are reported to be adequately bilingual in Standard Chinese. Highly literate in Chinese, and they use that literature." [20a]

2.8 According to the ethnologue and nationmaster websites, Southern Min or Min Nan is spoken in southern Fujian; Xiamen has its own eponymous dialect. [20a][20by]

2.8 As recorded by the ethnologue website Tibetans, Uigurs and Mongols all have their own languages. [20a]

2.9 According to the Encyclopaedia Britannica online edition (2000), while all Chinese languages share a common ancestry there is no single standard pronunciation. Before 1917 the wen-yen linguistic system was used for virtually all writing. This gradually gave way to Standard Chinese (see above) and in 1956 a new translation system was launched, Pinyin. Based on the Beijing dialect this spread rapidly and was formally adopted in 1979. [20b]

2.10 For further information on geography, refer to Regional Studies: The Far East and Australasia, People's Republic of China - directory, 2004 [1c]

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3. Economy

3.1 As documented by Europa publications, Regional Studies: The Far East and Australasia (2004), China has been reforming its economy along free-market lines since 1978. During this time average incomes have more than doubled in real terms and the number of people in poverty has fallen from 300 million to less than 60 million. [1c](p199-200) As reported by the BBC on 12 September 2002 and 3 December 2003 and to a lesser extent by the official news agency Xinhua on 8 September 2002, much of this economic growth has been concentrated in the eastern coastal provinces, particularly around Shanghai. This has led to mass migration from other areas of the country. [4vx][9fe][9gax]

3.2 According to Europa publications, Regional Studies: The Far East and Australasia (2004), rural incomes are currently (2004) stagnating. As a consequence of this up to 150 million migrant workers have left the countryside in order to look for work in the cities. Many of these new migrants lack the means to access basic services such as health and education. [1c](p199-200) As reported by the BBC on 3 December 2003 (two separate reports), economic growth has not been matched by political reform. [9gbd][9gbe]

State Owned Enterprises (SOE's)

3.3 As documented by Europa publications, Regional Studies: The Far East and Australasia (2004), the 15th National Congress (12 -18 September 1997) authorised the sale and 'downsizing' of China's 150,000 remaining State Owned Enterprises (SOE's). In 1999, 11,74 million workers were made redundant (40 per cent found new jobs). [1c](p178)

3.4 According to a report by the official news agency Xinhua dated 9 January 2004, up to 3 million workers in China's "overstaffed state firms" may lose their jobs each year between 2004 and 2006. After which time the restructuring should be complete. [9gbg] As reported by the BBC on 3 December 2003, under the now defunct 'Iron Rice Bowl' welfare system workers were guaranteed a job or income for life. [9gat]

3.5 As reported by CNN on 30 September 2003 and 19 January 2004, unpaid wages are a major problem in China with the problem affecting both ex-SOE workers and rural migrants. [9gbi][9gbh]

3.6 According to a report in the People's Daily newspaper dated 5 November 2003, the unemployment rate is estimated to be between 10-15 per cent in urban areas. [9gbj]

3.7 As reported by the BBC on 3 July and 8 April 2003, high unemployment is one of the major problems facing the Chinese Government. [15u][15v]

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3.8 On 7 April 2004, the official news agency Xinhua published statistics on the number of unemployed people in China. According to this report 4.3 per cent of the population were registered as unemployed at the end of 2003. According to Xinhua 103 million people were covered by unemployment insurance during the same period, while 4.5 million ex-SEO workers were currently (April 2004) claiming unemployment compensation. [9ggw]

Currency

3.9 As documented by Europa publications, Regional Studies: The Far East and Australasia (2004), the Chinese currency is the renminbi (People's Bank Dollar, RMB) more commonly called the yuan. [1c](p202) According to the same source the exchange rate is about 14 yuan / RMB to the pound sterling. [1c](p202)

Official Corruption

6.10 As reported by the BBC on 3 December 2003, official corruption threatens to undermine the Communist Party's authority. [9gaq]

6.11 As reported in the China Daily newspaper on 20 July 2003, public campaigns (e.g. 'strike hard' and 'strike harder') are used to raise public awareness of organised crime, including official corruption. [20bm]

6.12 According to a report in the Financial Times dated 7 July 2003, the most high profile case to date of an official being punished for corruption is that of Chen Keiji, the former Vice Chairman of the National People's Congress (NPC), who was executed in 2000. [14h]

6.13 On 23 December, China's top Procurator (See below, Judiciary) told the People's Daily newspapers that official corruption was still rampant with over 38,000 cases filed in the first 11 months of 2003. [9gbk]

6.14 According to a report in The Guardian newspaper dated 17 April 2004, almost 15,000 corrupt officials absconded or disappeared in 2003. According to this report,

"In the past five years prosecutors are said to have recovered less than £100m of up to £3.8bn stolen money sent overseas. Many of those who flee are senior members of the Communist party who have abused their power to amass illegal fortunes." [10ho]

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4. History

China, 1949-66

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4.1 As documented by Europa publications, Regional Studies: The Far East and Australasia (2004), the People's Republic of China (PRC) was established on 1 October 1949 after a protracted and bitter civil war between the Communist forces led by Mao Zedong and the Nationalist forces (KMT) led by Chiang Kai-shek. [1c](p171-183)

4.2 As reported by the same source and the BBC on 3 December 2003 (two separate reports), once in power Mao presided over many disastrous policies, including the 'Great Leap Forward', (1959-61) which saw farms collectivised and rapid industrialisation attempted. It has been estimated that between 10 to 35 million people died as a result of famine during this period. [1c](p171-183) [9gar][9gas]

The Cultural Revolution, 1966-76

4.3 According to the same sources (see above), the Cultural Revolution was a campaign launched by Mao to rid the party of his rivals by increasing his personal prestige. Under it Red Guards who worshiped the cult of Mao were given free rein to destroy the "four olds" (old ideas, old customs, old culture, old habits). They ended up destroying much of the fabric of Chinese society, while Mao purged the Party of his rivals, including Liu Shaoqi and Deng Xiaoping. The policy led to near anarchy and Mao was forced to call on the army (PLA) to restore order. [1c](p171-183) [9gar][9gav]

4.4 According to a BBC reported date 3 December 2003, the worst aspects of the Cultural Revolution were over by 1970. However, it was not until Mao's death in September 1976 that it was declared officially over. [9gav] As reported by Europa publications, Regional Studies: The Far East and Australasia (2004), Chinese Premier, Zhou Enlai also died that year (January). [1c](p171-183)

China, 1966-78

4.5 As documented by Europa publications, Regional Studies: The Far East and Australasia (2004) and by BBC 3 December 2003, Mao was replaced as CCP Chairman by Hua Guofeng, who had earlier taken over as Premier from Zhou Enlai (see above). At the same time Deng Xiaoping was also restored to high office. [1c](p171-183) [9gav]

4.6 According to the same sources the excesses of the Cultural Revolution were blamed on Mao's widow Jiang Qing and three associates who had unsuccessfully tried to seize power after his death. In 1981, the CCP passed final judgement on the Cultural Revolution, which it declared an ill-conceived disaster. Criticism of Mao himself was muted by comparison. [1c](p171-183) [9gav]

Economic Reform, 1978-89

4.7 As documented by Europa publications, Regional Studies: The Far East and Australasia (2004) and the BBC on 3 December 2003 (three separate reports),

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Deng Xiaoping announced a new "open door" policy aimed at encouraging foreign investment in 1978. This led to massive changes in Chinese society (See above, Economy) but no meaningful political reform. Clamouring for greater democracy led to the Democracy Wall Movement of 1978/79. Initially tolerated by the CCP leadership this movement was ultimately crushed and its leader, Wei Jingsheng sentenced to 15 years in jail for "counter-revolutionary" crimes (he served 18 years before being exiled to the US in 1997). In 1982, the post of CCP Chairman was abolished and the remaining Maoists purged from the Party. Deng Xiaoping was now firmly entrenched as the country's 'Paramount Leader' and a revival of the Hundred Flowers movement (of the mid 1950s) in the mid-1980s was also suppressed. By 1987, the now elderly Deng had effectively retired from public life. [1c](p171-183) [9gaw][9gax][9gay]

Tiananmen Square, 1989

4.8 According to Europa publications, Regional Studies: The Far East and Australasia (2004) and two reports by the BBC dated 3 December and 15 October 2003 respectively, the death of Liberal Party leader, Hu Yaobang, sparked the Tiananmen Square protests. On 15 April 1989, students along with workers of all ages gathered in Tiananmen Square, Beijing to mourn Hu. Calls for his posthumous rehabilitation quickly escalated into demands for greater democracy, an end to official corruption and even the overthrow of the Communist Party itself. As protests spread to other parts of China the Government finally acted and Beijing was placed under martial law. However, the Army (PLA) was initially reluctant to move against the protestors and on 30 May 1989, students erected the 'Goddess of Democracy' statue in Tiananmen Square. [1c](p171-183) [9gaz][9ggr]

4.9 According to the same sources on 4 June 1989, Party elders including Deng Xiaoping ordered the square cleared and the Army (PLA) together with the People's Armed Police (PAP) moved against protesters using tanks and armoured cars. Several hundred people were killed as troops lost control and fired on unarmed protestors, mostly in the side streets around the Square. [1c](p171-183) [9gaz] According to the BBC's timeline on China, last updated on 15 October 2003, the official death toll was put at 200. [9ggr] As reported by the source the suppression of the Tiananmen Square protests was widely condemned in the West and led to the imposition of sanctions. [9ggr]

Post -Tiananmen Square

4.10 As reported by Europa publications, Regional Studies: The Far East and Australasia (2004) and by Amnesty International (AI) in 1990, in the aftermath of the demonstrations hundred of people identified as "counter revolutionary" were arrested and detained while social control was tightened. A number of people were also executed. [1c](p171-183) [6a] As reported by the BBC on 3 December 2003, Jiang Zemin replaced Zhao Ziyang, who along with Hu Yaobang (also purged) had sided with the demonstrators, as CCP General Secretary. In January 1990,

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martial law in Beijing was lifted. Two years later Jiang become President of China and continued the policies of Deng, who died in 1997. [9gba]

6.11 Detailed information on the Tiananmen Square Protests is contained in the Amnesty International (AI) report, China: The Massacre of June 1989 and its Aftermath, 1990. [5a]

4.12 For history prior to 1949, refer to Regional Studies: The Far East and Australasia, People's Republic of China - directory, 2004 [1c]

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5. State Structures

The Constitution

5.1 As documented by Europa publications, Regional Studies: The Far East and Australasia (2004), the National Assembly (National People's Congress, NPC) adopted China's new constitution on 4 December 1982. Under it the Chinese Communist Party (CCP) was mandated a leading role [1c] (p205-208) (Europa, 2004) The English Language edition of the People's Daily newspaper contains a copy of this. Please note this is the official newspaper of the Chinese Communist Party (CCP) See below, Annex I

5.2 As reported by the People's Daily newspaper and Amnesty International (AI) on 15 March 2004, the second session of the 10th National People's Congress (NPC) voted to "enshrine" human right in the Constitution. They also voted to include an amendment to protect private property. [9gbf][6an]

Citizenship and Nationality

5.3 According to the People's Daily newspaper (15 March 2004), Article 33 of the Constitution now 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. [March addition] The State respects and preserves human rights."

5.4 As reported by Europa publications, Regional Studies: The Far East and Australasia (2004), Articles 33 to 56 lay down the rights and responsibilities of citizens. [1c](p206)

The Political System

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5.5 According to the US State Department's 2004 Report on Human Rights, the Chinese Communist Party (CCP) is the sole legal party and exercises a monopoly on power. [2y](p1)

5.7 As reported by Europa publications, Regional Studies: The Far East and Australasia (2004), the highest organ of state power is the National People's Congress (NPC), which meets once a year in plenary session; but has a Standing Committee that meets more frequently to scrutinise legislation. [1c](p207-208)

5.8 However, according to the US State Department's 2004 Report on Human Rights, real power rests with the (currently) 24-member Politburo and its (currently) 9-member Standing Committee. They are elected at the Party Congress and can be regarded as the Chinese Cabinet. [1y](p1)

5.9 As documented by Europa publications, Regional Studies: The Far East and Australasia (2004), the President (Head of State) is Hu Jintao: elected by the 10 National People Congress (NPC) on 15 March 2003. The Premier (Prime Minister) is Wen Jiabao elected the same year. [1c](p210) As report by CNN on 28 March 2003, Hu and Wen are China's 'Fourth Generation' of Leaders, following on from Mao, Deng and Jiang. [9gp]

Grassroots Representation

5.10 As reported by the US State Department's 2004 Report on Human Rights, the CCP is the paramount source of power and attempts to establish organisations independent of its control are not tolerated (See below, China Democratic Party - CDP). [2y](p1) However, according to the same source approximately 1 million villages took part in the village election scheme under which candidates independent of the CCP were allowed to stand. Foreign observers have described these elections as on the whole fair: All candidates above village level are vetted by the CCP. [2y](p27-28)

5.11 On 4 September 2003, the China Daily newspaper reported that under the Organic Law of Villager's Committees (1998) villages could remove a village head they suspected of improper conduct. [9ghm]

5.12 As documented by the US State Department's 2004 Report on Human Rights, the Village Committee (VC) is the lowest form of rural government [2y](p27-28) According to the same source its urban equivalent is the Neighbourhood Committee. These are held to be in terminal decline, unable to deal with the many problems facing urban dwellers. [2y](p12)

Judiciary

5.13 As reported by Europa publications, Regional Studies: The Far East and Australasia (2004), the Supreme People's Court (SPC) heads the legal system under which all other people's courts, including military tribunals operate. [1c](p209-210)

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5.14 According to the US State Department's 2004 Report on Human Rights,

"Judges were appointed by the people's congresses at the corresponding level of the judicial structure and received their court finances and salaries from those government bodies, which sometimes resulted in local politicians exerting undue influence over the judges they appointed and financed." [2y](p9)

5.15 According to the same report and one by Amnesty International dated March 1999, Judges and courts in China primarily exist to pass sentence on people already established as guilty by the People's Procuratorates. In essence the Procuracy (who also act as prosecutors during cases) determines proof of guilt and the courts hand down the appropriate sentence. [2y](p10) [6b]

5.16 As reported by the State Department, the SPC issued new regulations requiring trials to be open to the public in 1999. However, those involving (broadly defined) issues of national security were exempted. [2y](p9)

Legal Rights / Detention

5.17 According to the US State Department's 2004 Report on Human Rights, the Government continued to detain people arbitrarily in 2003. People can be held without a court order for up to 3-years in "re-education through labour camps". Challenges can be brought under the Administrative Litigation Law. However, these rarely succeed. [2y](p6-8)

5.18 According to the same source the Police may also hold a person for 37 days before either releasing them or formally arresting them, after which time they can be held for a further month while their case is further investigated prior to a trial being brought. Under these circumstances the Police are often slow to inform the detainees family or work unit of their whereabouts, and to grant access. Suspects may apply for bail. However, few do so successfully. [2y](p6-8)

6.19 On 26 November 2003, a spokesperson for the Supreme People's Procuratorate (SPC) admitted in an interview with the official news agency Xinhua that there were still 3,600 people being detained unlawfully. According to the report the maximum period in detention from arrest to trial ranges from 11 days to six and a half months. [9gfn]

5.20 According to a BBC report dated 31 July 2003, new legal aid regulations came into force on 1 September 2003 making it easier for individuals to obtain compensation from government officials who flouted the law. [21j]

5.21 According to a report by the official news agency Xinhua dated 13 March 2004, the SPC (based in Beijing) dealt with 100,000 letters of complaint and handled 20,000 visitors in 2003. [9ghn]

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5.22 As reported by the official news agency Xinhua on 29 April 1999, the Law on Administrative Appeals (1999) allows citizens to appeal against government infringement of their rights and interests, as well as against "illegal" government public documents. [4aa]

5.23 Article 277 of the criminal code covers the penalty for hitting an official. It states that,

"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." [21a] (Criminal Law of the PRC, 1979. Amended 1997)

5.24 Article 322, 52 and 53 cover penalties for illegal emigration and penalties for returnees respectively (See below, Returnees) [21a] (Criminal Law of the PRC, 1979, amended 1997)

Arrest Warrants

5.25 According to a report by the Canadian IRB dated 31 December 2001, copies of arrest warrants are usually presented but not left with the families of those to be arrested. When arrested, the detained person is required to sign the arrest warrant, the signed warrant is then placed on file in the local police department. The Procuratorate (the investigative branch of the police who prepare cases and initiate public prosecutions) must approve the warrant. [3b0]

5.26 No information could be obtained on Police / Courts summons.

Death Penalty

5.27 According to a report by Amnesty International (AI) dated April 2004,

"Limited and incomplete records available to Amnesty International at the end of the year [2003] indicated that at least 726 people were executed. The Chinese government keeps national statistics on death sentences and executions secret; the true figures are believed to be much higher." [6as](p6)

5.28 According to the same source

"In October 1997, Article 44 of the Chinese Criminal Law had been revised to eliminate the practice of imposing death sentences on prisoners convicted of crimes when they were under 18 years old. However, 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." [6as](p6)

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6.29 According to a BBC reported dated December 2003, mobile execution vans are increasingly used in small cities around China. According to the same report the use of lethal injections (as opposed to firing squads) is on the rise within China. [9gfv]

6.30 On 22 March 2004, Amnesty International (AI) called for a moratorium on the use of the death penalty in China citing numerous examples of miscarriages of justice. [9gpf]

Internal Security

5.31 As reported by the US State Department in their 2004 Report on Human Rights, the Ministry of Public Security (MPS) controls the police (Public Security Bureau, PSB). [2y](p7) According to a BBC report dated 21 September 2000, Police uniforms were changed in September 2000 from drab olive military style uniforms to a blue uniform more akin to most police forces in other countries. [9aj]

5.32 On 22 January 2003, the MPS introduced a new code of conduct the known as the "Five Prohibitions." This stipulated that police officers were forbidden to gamble, drink on duty, drink and drive, carry firearms under the influence of alcohol and "violate gun use and management rules". These new rules were report by the official news agency Xinhua on 21 November 2003. [9gbo]

5.33 According to a BBC report dated 8 January 2004, 30,000 police officers were sacked during a four-month campaign aimed at stamping out corruption and incompetence in 2003. According to this report the majority of those dismissed were PSB officials who had been collecting fines illegally from the public. [9gbp]

5.34 According to the US State Department's 2004 Report on Human Rights, over 44,000 police officers were dismissed from their posts in 2003. According to this report many of China's police are poorly trained and or corrupt. [2y](7) According to a BBC report dated 8 January 2004, the police force in many areas is over-stretched with one police station in Hebei province having only 10 officers to cover 126,000 people. [9gbp]

5.35 On 2 August 2003, the BBC reported that the police had been ordered to end the practice of arrest quotas. [9gae] According to this report

"State media said Zhou Yongkang [Minister for Public Security] told officers to refrain from actions that offend public morality, cause outrage, or violate human rights." [9gae]

Prisons and Prison Conditions

5.36 According to the US State Department's 2004 Report on Human Rights,

China, April 2004

"Conditions in penal institutions for both political prisoners and common criminals generally were harsh and frequently degrading. Prisoners and detainees often were kept in overcrowded conditions with poor sanitation, and their food often was inadequate and of poor quality. Many detainees relied on supplemental food and medicines provided by relatives, but some prominent dissidents reportedly were not allowed to receive supplemental food or medicine from relatives. According to released political prisoners, in many provinces it was standard practice for political prisoners to be segregated from each other and placed with common criminals. Released prisoners reported that common criminals have beaten political prisoners at the instigation of guards. Some prominent political prisoners received better than standard treatment." [2y](p5)

5.37 According to the same source laws designed to improve the treatment of prisoners were enforced unevenly throughout the country in 2003. While many prisoners experienced difficulties accessing medical care. [2y](p5-6) Conditions in administrative detention e.g. re-education through labour camps were similar to those in prisons. [2y](p6)

Custody and Repatriation

5.38 As reported by the official news agency on 22 June 2003, legislation was enacted in mid-2003 to abolish the form of administrative detention known as custody and repatriation, (See below, English Terms) which formally abolished on 1 August 2003. [14n]

5.39 According to the US State Department's 2004 Report on Human Rights, The brutal murder of Sun Zhiang, who was beaten to death at a detention centre after being stopped by police for not carrying his ID card was the catalyst for this change. [2y](p6)

5.40 Developments in the case were widely reported in the state-controlled media, as was the conviction of 12 people for his murder. As reported by the China Daily newspaper on 10 June 2003, the man convicted of organising the attack, an employee of the clinic where Sun was moved shortly after being detained was sentenced to death (with a 2-year suspension) on 10 June 2003. As reported by the People's Daily newspaper on 27 June 2003, his appeal along with the other 11 people convicted at the same time was rejected on 27 June 2003. [9gbq][9gbr]

Psychiatric Institutions

5.41 As reported in the US State Department's 2004 Report on Human Rights, the MPS also administers around 20 psychiatric hospitals for the criminally insane. According to the same source there are reports of people being committed to these institutions for political reasons. [2y](p8) According to a BBC report dated 19

China, April 2004

February 2001, an estimated 600 Falun Gong practitioners have been sent for psychiatric "treatment". [9cv]

The Military

5.42 As documented by Europa publications, Regional Studies: The Far East and Australasia (2004), all the armed forces in China are grouped together in the People's Liberation Army (PLA). According the same source the PLA has an estimated 2,270,000 personnel, of whom 1 million are believed to be conscripts. [1c](p229)

Conscientious Objectors and Deserters

5.43 As reported by War Resister's International (1998) conscription is compulsory under Article 55 of the PRC constitution. However, according to this report in practice most conscripts are either placed on a reserve list or given only very basic military training. While the principle of conscientious objection is not recognised under the Constitution the source implies that people are often able to escape national service by paying a fine. [19b](79-81)

Medical Services

5.44 According to the World Health Organisation (WHO) China spends 5.5 per cent of its GDP on healthcare equal to US \$205 per person (figures for 2002). According to the same source the average life expectancy at birth is 68.9 for men and 72.7 for women. [20aa]

5.45 As reported by the BBC on 15 April 2003, until about twenty years ago most Chinese received low cost or free health care from Government hospitals. Today subsidies are restricted to Government employees. [9gr] According to the same report the spread of SARS highlighted flaws in the current system. [9gr]

5.46 According to a reported by World Market Analysis dated 5 August 2003, the Government's preferred option for improving coverage is to implement universal healthcare insurance. [15]

5.47 More details of the different kind of healthcare systems operating in China can be obtained from the Chinese Medical Association (CMA) website. See below, Annex I

HIV/AIDS

5.48 According to UNAIDS (March 2004),

"The most frequent modes of HIV transmission have been sharing of contaminated needles among IDUs in southern and western China & unsafe practices among paid blood donors." [15aij]

China, April 2004

5.49 Official estimates put the number of people infected with HIV at 849,000 (figures from November 2003). [9gb5] However, according to the China AIDS Survey website, this is likely to be an underestimate as many cases go unreported. [15a]

5.50 As reported by the Financial Times on 2 December 2003, Wen Jiabao became the first Chinese Premier to publicly shake hands with an AIDS patient when he visited an AIDS ward on 1 December 2003. According to the report this was seen as highly symbolic in a country where there is still widespread ignorance about the disease. [9gbt]

Treatment

5.51 As reported by Human Rights Watch on 11 November 2003, the 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. [6ao] According to report in the China Daily newspaper dated 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. [9ggv]

5.52 On 15 April 2004, the China Daily newspaper reported that the Government had announced the introduction of free AIDS tests for all citizens. [9ggw]

5.53 According to a report in The Guardian newspaper on the same date,

"In theory yesterday's announcement threw the clinic doors open to everyone, though it remains to be seen whether or not China's underfunded healthcare system will be able to cope with a surge in demand for tests or treatment." [10a]

Discrimination

6.54 In September 2003, Human Rights Watch published a report, 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 authorities to fully implement central Government initiatives. [13a]

Educational System

5.55 As documented in the US State Department's 2004 Report on Human Rights, the Constitution provides for 9 years of compulsory education. However, in some rural areas children did not attend the full 9 years. Most schools charged fees to some extent. [2y](p32)

China, April 2004

5.56 According the PRC Government (March 2000), schooling usually begins at 6 to 7 years old with primary schooling. High school education is a six-year programme, divided into a three-year junior high school programme and then a further senior programme. [21b]

5.57 According the PRC Government (March 2000), much of the senior programme (see above) is geared towards grooming students for higher education exams, which are normally held in the first ten days of July. [21b]

5.58 According to two BBC reports dated 30 April 2002 and 5 January 2003, the Government was coming under increasing pressure to tackle the problem of student debt and make the admissions procedures for Universities more transparent. [9g][9gk]

5.59 According to Europa publications, Regional Studies: The Far East and Australasia (2004) there are 1,225 colleges of higher education and the literacy rate is 92.5 per cent (figures from 2001). [1c][p204]

6. Human Rights

6.A Human Rights Issues

For reasons of clarity the term "USSD report" is used within the body of the text. This refers to the US State Department Report on Human Rights Practices. Other reports by the same dept. are identified when appropriate. The year always refers to the year of publication not the year under review unless otherwise stated e.g. US State Department report for February 2004, covering events in 2003.

Overview

6.1 The US State Department in their February 2004 Report (for 2003) on Human Rights stated that,

"The Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses. Although legal reforms continued, there was backsliding on key human rights issues during the year, including arrests of individuals discussing sensitive subjects on the Internet, health activists, labor protesters, defense lawyers, journalists, house church members, and others seeking to take advantage of the space created by reforms. Citizens did not have the right peacefully to change their government, and many who openly expressed dissenting political views were harassed, detained, or imprisoned. Authorities were quick to suppress religious, political, and social groups that they perceived as threatening to government authority or national stability." [2y](p2)

China, April 2004

6.2 This was a view borne out in latest reports from Amnesty International (AI) and Human Rights Watch. [6ag][12p]

6.3 In response to State Department's report (see above) the Chinese Government accused the United States of double standards and published its own report in the People's Daily newspaper on 1 March 2004. In which it listed the human rights abuses carried out in the US during the same period. [9gbu]

6.4 As reported by the BBC on 19 March 2003, the Foreign Ministers of the European Union (EU) member states expressed concern over China's human rights record in March 2003. [9gn] On 18 April 2004, the same source reported that the EU had decided not to lift its arms embargo against China because of the Government's lack of progress on improving human rights. [9ggs]

6.5 As reported by the Financial Times on 12 September 2003, James Kelly, Assistant US Secretary of State for Asia, voiced concern about China's poor human rights records on 10 September 2003. He concluded in testimony before the Senate Foreign Affairs Committee that,

"Ongoing human rights violations are a serious impediment to better relations and undermine the good will generated by individual releases [of dissidents]..." [10b]

6.6 According to a report by Human Rights Watch dated 6 December 2003,

"China has raised hostage politics to an art form, releasing a few prisoners or even a single prisoner ahead of major international meetings in order to deflect criticism of its abysmal human rights record." [12a]

6.7 As recorded by the US State Department's 2003 Report on Human Rights, a number of prominent dissidents were released early in 2002. These included: Tibetans, Ngawang Choephel, Jigme Sangpo, Ngawang Sangdrol, Tenzin Thubten, Ngawang Choekyi, Ngawang Choezom and Gyaltsen Drolkar and the co-founder of the China Democratic Party (CDP) Xu Wenli. [2g](p2)

6.8 According the State Department's 2004 report, this pattern was repeated in 2003 with a number of high profile dissidents released early, [2y](p2) including Tibetan Phuntsog Nyidron. Described by Amnesty International (AI) on 27 February 2004, as "Tibet's longest serving female political prisoner". [6at]

6.9 According to the State Department the following people were not released in 2003: CCP co-founders Wang Youcai and Qin Yongmin, Internet activists Xu Wei, Yang Zili and Huang Qi, journalist Jiang Weiping, labour activists Yao Fuxin, Xiao Yunliang and Liu Jingsheng, Catholic Bishop Su Zhimin, house church

China, April 2004

leaders Zhang Yinan, Liu Fenggang and Xu Yonghai, Tibetan nun Phuntsog Nyidrol and Uighur businesswoman Rebiya Kadeer. [2y](p2)

6.10 According to the same source, the Government did not generally permit the independent monitoring of prisons or other detention facilities, nor did it permit foreign NGO's to investigate allegations of human rights abuses perpetrated within the PRC. [2y](p6 and 29)

Freedom of Speak and the Media

6.11 The US State Department stated in their 2004 Report on Human Rights noted that,

"The Constitution states that freedom of speech and freedom of the press are fundamental rights to be enjoyed by all citizens; however, the Government tightly restricted these rights in practice. The Government interpreted the Party's "leading role," as mandated in the preamble to the Constitution, as circumscribing these rights. The Government strictly regulated the establishment and management of publications. The Government did not permit citizens to publish or broadcast criticisms of senior leaders or opinions that directly challenged Communist Party rule... All media employees were under explicit, public orders to follow CCP directives and "guide public opinion," as directed by political authorities." [2y](p15)

6.12 As reported by the official news agency Xinhua on 13 August 2003, the Internet is increasingly important as a source of news and information within the PRC. [9gah] According to the same source China has 68 million Internet users, 8.9 million of who use broadband. [9gag]

6.13 As reported by The Times newspaper on 19 September 2003, people within China are increasingly able to use the Internet as a forum for voicing their grievances. In September 2003, Chinese nationalists collected 1,120,000 signatures (via the Internet) on a petition calling on the Japanese government to compensate the victims of chemical-weapons left behind by the Japanese army at the end of WW2. [10hn]

6.14 On 19 January 2004, the BBC reported that at least 200,000 Chinese had vented their anger over the Internet at the lenient sentence handed down to a woman in northern China who had run over and killed a peasant farmer who she accused of scratching her luxury car. According the report the level of public outcry prompted a retrial. [9gbv]

6.15 According a report in The Strait Times dated 6 January 2004, this is part of a growing trend whereby the authorities react to negative feedback on the Internet (See above, Custody and Repatriation). [9gbw]

China, April 2004

6.16 On 29 March 2003, the official news agency Xinhua reported that a higher court had upheld the original sentence of 2-years imprisonment (with a three-year reprieve). [9gfo]

6.17 On 3 December 2003, Reporters with Borders accused foreign owned ISP's and computer firms of colluding with the authorities by selling them equipment which allows them to spy on Internet users. [9gbx]

6.18 On 22 April 2004, the BBC reported that Shanghai was installing video cameras in Internet cafes in order to monitor users. [9ggy]

6.19 As reported by the China Daily newspaper in December 2003, the Internet Information and Service Committee (ISC) was launched on 8 December 2003. The 49 delegates drawn from China's largest web sites elected the deputy director of the Internet Affairs Bureau, Liu Zhengrong as chairman before signing a memorandum on self-regulation. [9gbz]

Journalists

6.20 According to the Annual Report (for 2002) of the Committee to Protect Journalists (CPJ),

"Throughout 2002, officials issued strict new guidelines to prevent any independent reporting that reflected negatively on the party. Authorities also cracked down on the Internet, utilizing innovative new technologies to curb online speech. As in the past, journalists who overstepped boundaries faced censorship, harassment, demotion, or even arrest."
[20ba](p1)

6.21 As reported by the People's Daily newspaper on 15 March 2004, between September 2003 and March 2004, the Government closed 677 states / Party newspapers and transferred another 310 to private newspaper groups. These closures were part of an initiative aimed at cutting back on mandatory subscriptions to Government controlled publications. [9gby]

6.22 According the US State Department's 2004 Report on Human Rights,

"There were a few privately owned print publications, but they were subject to pre- and post-publication censorship. There were no privately owned television or radio stations, and all programming had to be approved by the Government." [2y](p16)

6.23 As reported by the Financial Times on 3 September 2003, the State Administration of Radio, Film and Television (SARFT) announced plans to relax controls on state television in September 2003. Making it easier for private companies to produce programmes independently of their state "partners".

China, April 2004

According to the report censors will still have a power of veto over which programmes can be shown. [20bn]

6.24 According to an article in the Daily Telegraph newspaper dated 8 January 2004, newspaper editors who fail to ensure that their paper follows the agreed Party line are liable to be replaced by a loyal Government official. According to the same source the Police have openly admitted being able to read any text message within 15 minutes of it being sent. [14a]

6.25 On 5 April 2004, the UK-based OGN Index for Free Expression reported that a former manager with the Southern Metropolitan News (SMN), Li Mingying had been sentenced to 12-years imprisonment on corruption charges, while the papers former Chief Editor, Cheng Yizhonh had been arrested. [9ggz] According to the report,

"Cheng Junying [Cheng Yizhonh's wife] and other sources believe that his arrest had to do with reporting news that irritated the Chinese government." [9ggz]

6.26 According to prominent dissident, Liu Xiaobo interviewed by the BBC on 30 January 2004,

"The government needs the internet as an integral part of China's economic opening up, but consistently tries to block anything it dislikes, stepping up its efforts during major events such as the National Party Congress..." [9gak]

6.27 Full details of the journalists arrested and detained in the year 2002 can be obtained in the Annual Report of the Committee to Protect Journalists (CPJ) [20ba]

Freedom of Religion

6.28 In their December 2003 report (for 2002) on International Religious Freedom the US State Department stated that,

"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 the activity of religious groups. The Government tries to control and regulate religious groups 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). Despite these efforts at government control, membership in many faiths is growing rapidly." [2z](p1)

6.29 As reported by the same source there are five official bodies each representing a (recognised) religion:

China, April 2004

- 1) Buddhist - 100 million
 - 2) Catholic - 5 to 10 million
 - 3) Protestant -15 to 45 million (technically there are two government bodies. However, these are virtually indistinguishable from one another)
 - 4) Muslim - 20 million
 - 5) Taoist - numbers unknown
- [2x]

6.30 As reported by the State Department, groups wishing to practice free from Government interference / harassment are required to register with the State Administration for Religious Affairs (SARA) also known as the Religious Affairs Bureau (RAB). [2x](p2-3)

6.31 According to a report by Christian Solidarity Worldwide (SCW) dated March 2002, many groups are reluctant to register with the SARA / RAB or join umbrella organisations linked to the state. As a result of this unregistered groups are at risk of harassment from the authorities. [17g](p10) However, as reported by the US State Department in their 2003 Report on Religious Freedom, this varies greatly depending on the region, while cults such as Falun Gong are banned under Article 300 of the Criminal Code (See below, Cults). [2x](p5)

6.32 As reported by the Far Eastern Economic Review on 20 December 2001, the registration process itself can be very laborious and in the case of Protestant groups there is much hostility between the Three-Self Patriotic Movement (TSPM) and (unregistered) Protestant groups. [4se]

6.33 Documents smuggled out of China and published on the Internet in February 2002 appear to show an organised attempt by the authorities to coerce religious groups into following an approved Party line. The Jubilee Campaign published extract from these documents on 10 February 2002. [22by]

Buddhists and Taoists

6.34 According to the US State Department's 2003 Report on Religious Freedom,

"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 syncretistic groups that blend tenets from a number of religious beliefs." [2x](p5)

Buddhists

China, April 2004

6.35 According to the US State Department's 2003 Report on Religious Freedom about 8 per of the population follow Buddhism, 100 million people. The majority of these are Han Chinese. According to the same source there are 16,000 Buddhist temples and over 200,000 monks and nuns. [22](p2)

6.36 On 11 November 2003, The Times newspaper reported the nearly 400 temples in Zhenjiang province, outside Shanghai had been closed down or converted to other uses since July 2003. [9gfc]

Buddhism in Tibet

6.37 As reported by the US State Department in their 2003 Report on Religious Freedom, according to the Chinese Government there are 1,7000 temples, monasteries and lamaseries in Tibet (Xinjiang) and over 46,000 monks and nuns. [22]

6.38 In their December 2003 Report on Religious Freedom the US State Department stated,

"The Government [of China] remains suspicious of Tibetan Buddhism in general and its links to the Dalai Lama, and maintains tight controls on religious practices and places of worship in Tibet. Although the authorities permit many traditional religious practices and public manifestations of belief, they promptly and forcibly suppress those activities viewed as vehicles for political dissent, such as religious activities that are perceived as advocating Tibetan independence or any form of separatism. The authorities also regularly require monks and nuns to make statements overtly supporting government or party policies on religion and history, to pledge themselves to support officially approved religious leaders and reincarnations, and to denounce the Dalai Lama." [22](p13)

6.39 According to the same source,

"Government officials maintain that possessing or displaying pictures of the Dalai Lama is not illegal. Currently, possession of pictures of the Dalai Lama appears to be on the rise, and many Tibetan Buddhists discreetly display them in private. However, possession of such pictures has triggered arrests in the past, and because a ban on these pictures is enforced sporadically, Tibetans are cautious about displaying them. Pictures of the Dalai Lama may not be purchased openly in Tibet." [22](p15)

The Dalai Lama

6.40 According to the World Directory of Minorities (1997), most Tibetans look to the 14th Dalai Lama for spiritual and political guidance. [13d](p606) As documented on the observechina website, the Dalai Lama was born Tenzin Gyatso and is believed by his followers to be a reincarnation of the 13th Dalai Lama. [25k](p1)

China, April 2004

6.41 According to the same source the Dalai Lamas are revered as the Buddha (Bodhisattva) of compassion, Avalokitesvara in human form. Most Tibetans refer to the current Dalai Lamas as His Holiness, Yeshe Norbu, The Wish fulfilling Gem or Kundun, The Presence. [25k](p1)

6.42 Since 1960, the Dalai Lama has resided in Dharamsala, northern India. See below, Dissident Groups outside China.

6.43 For more information on Tibetan Buddhism refer to pages 12 to 18 of the US State Department's Report on Religion. [2z] For more information on Tibetans as an ethnic group refer to Ethnic Groups, Tibetans. (See below, Tibetans)

Taoists

6.44 There are no estimates as to the number of Taoists. However, according to the US State Department's 2003 Report on Religious Freedom there are 1,500 Taoist temples and 30,000 monks and nuns. [2z](p2)

Christians

6.45 The US State Department's 2003 Report on Religious Freedom estimates that between 20 to 55 million Chinese follow Christianity. There are three official bodies, one for Roman Catholics and two for Protestants. [2z](p3-4)

6.46 According to the same source between 5 to 10 million Christians in China are Roman Catholic and between 15 to 30 million are Protestant. [2z](p3-4)

Catholics

6.47 According to the US State Department in their 2003 Report on Religious Freedom, approximately half the Catholics in China reside in Hebei province, outside Beijing. [2z](p10)

6.48 According to the same source,

"[The] Hebei authorities have been known to force many underground priests and believers to choose between joining the official Church or facing punishment such as fines, job loss, periodic detentions and, in some cases, having their children barred from school. Some Catholics have been forced into hiding." [2z](p10)

6.49 According to a report by Christian Solidarity Worldwide (SCW) dated March 2002,

China, April 2004

"A considerable number of clergy and laity from the unregistered Catholic Church are in prison, under house arrest, under strict surveillance or in hiding." [17g](p21)

6.50 According to a report by the Canadian IRB dated 27 January 2000, the high rate of non-registration amongst Catholics is linked to their refusal to cut ties with the Vatican or accept the imposition of bishops not approved by the Pope. [32]
According to the same source relations between registered and non-registered Catholic churches depend on locality; in some areas they co-exist harmoniously side-by-side, but in others they are openly hostile to one another. [32]

6.51 According to another report by the Canadian IRB dated 23 March 2000, in one county in Fujian province only 10 out of 80 parishes were affiliated to the Catholic Patriotic Association (CPA). [31]

6.52 On 27 October 2003, the BBC reported that twelve priests belonging to the US-based Cardinal King Foundation had been arrested in Hebei province on 20 October 2003. According to the report they had been on their way to visit a priest just been released from a labour camp. [9gfa]

Protestants

6.53 According to the US State Department's 2003 Report on Religious Freedom,

"Foreign and Chinese sources estimate that some 30 million persons worship in Protestant house churches that are independent of government control." [22](p6)

6.54 According to the same source the SARA / RAB has a great deal of discretion in determining whether a group is outside the regulations. [22](p6)

6.55 In March 2002, Christian Solidarity Worldwide (SCW) put the number of unregistered Protestants at between 40 to 80 million. [17g](p4)

6.56 According to a report by the Canadian IRB dated 3 February 2000, registered and unregistered churches operate side by side in Fujian province and are in contact with both the TSPM and CCC (See below, Annex D). [30]

6.57 According to a report to a report in The Times newspaper dated 23 December 2003,

"Independent Christian communities are suppressed to varying degrees across the country. In response, they have built elaborate networks, usually in cell structures in which only the leaders know the locations of underground meeting places. The Government alternates between

China, April 2004

persecution and turning blind eye. It is overwhelmed by Christianity's popularity and aware of the benefits in terms of education and social stability, but worried about new centres of power." [9gfb]

6.58 On 11 November 2003, The Times newspaper reported that four churches (and 24 temples) had been destroyed in Zhenjiang province, outside Shanghai. According to the report one of the churches destroyed belonged to the "Little Flock" group and had already been demolished three times in the last 25 years. [9gfc]

Muslims

6.59 As recorded by the World Directory of Minorities (1997) and the US State Department in their 2003 Report on Religious Freedom, there are around 20 million Muslims in China. They are split into two main groups, the Hui (spread throughout the PRC but most concentrated in the Ningxia Hui Autonomous Region, south-west of Beijing) and the Uighurs of Xinjiang (See below, Uighurs and Hui). [13d](p599-609) [2z](p3)

6.60 As reported by the official news agency Xinhua on 16 July 2003, as with churches and temples mosques are required to register with the SARA / RAB and becomes subordinate to the China Islamic Association or its local equivalent. [20ba]

6.61 According to the US State Department's 2003 Report on Religious Freedom,

"Government sensitivity to Muslim communities varied widely. In some predominantly Muslim areas where ethnic unrest has occurred, especially in Xinjiang among the Uighurs, officials continued to restrict religious expression and teaching. Police cracked down on Muslim religious activity and places of worship accused of supporting separatism. However, the Government took some steps during the period covered by this report to demonstrate respect for the country's Muslims, including by issuing statements on major Islamic holidays. The Government permits, and in some cases subsidizes, Muslim citizens who make the Hajj (pilgrimage) to Mecca. In 2002, approximately 2,000 persons were permitted to make the Hajj with government-organized delegations, while up to an additional 2,000 privately organized Hajjis went on their own after securing government approval. Some also traveled to Mecca from third countries. According to reports, Uighur Muslims have greater difficulty getting permission to make the Hajj than other Muslim ethnic groups, such as the Hui Muslims." [2x](p4)

Cults

China, April 2004

6.62 As reported by Jason Kindopp in the September 2002 edition of the journal Current History and by the Center for Studies on New Religions in March 2002, the authorities make a distinction between the five officially recognised religions and those that it deems to be "evil cults" or "sects". Those groups that preach beliefs outside officially approved doctrine, such as the coming of the Apocalypse, are often singled out for harassment. Though the decision to persecute often appears arbitrary the authority of the CCP rests on its ability to maintain social order (under one party rule) and utilise this common sense of purpose towards the ultimate goal of socialist development. Groups that challenge this sense of order with apocalyptic visions of the future are at odds with this sense of order. [99a][21a]

6.63 The authorities have banned the following faith groups,

Banned after 1995

The "Shouters" (Huhan Pai)

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 Lord God Sect

The Established King Church

The Unification Church

The Family of Love

The Dami Mission

[2z](p5) (USSD Report on Religious Freedom, 2003)

South China Church

[9d] (Yahoo News, 30 December 2001)

Falun Gong (banned after July 1999)

[2z](p17) (USSD Report on Religious Freedom, 2003)

Falun Gong

6.64 According to the US State Department's 2003 Report on Religion,

"The Government continued its repression of groups that it determined to be "cults" in general and of the Falun Gong in particular. The arrest, detention and imprisonment of Falun Gong practitioners continued. Practitioners who refuse to recant their beliefs are sometimes subjected to harsh treatment in prisons and reeducation-through-labor camps. There have been credible reports of deaths due to torture and abuse." [2z](p1)

6.65 According to the annual report (for 2003) of Amnesty International (AI),

China, April 2004

"Ten of Thousands of Falun Gong practitioners continued to be detained, many a risk of torture and ill-treatment if they refused to renounce their beliefs. By the end of 2002, alleged deaths in custody of Falun Gong practitioners had reached 500. Most those held were in "re-education through labour" centres, [camps] but some were sentenced to prisons or psychiatric hospitals. Those accused of organizing Falun Gong protests were sentenced to prison terms after apparently unfair trials." [6ag](p1-2)

Beliefs and Practice

6.66 As reported by the Canadian IRB on 26 November 1999 and 25 October 2001 and by Ken Rose in the Winter 1999 edition of the journal Parabola, Falun Gong combines the ancient Chinese martial art of qigong (pronounced "chee-gong") with philosophical elements of Buddhism and Taoism. [3g][3bm][20h]

6.67 As reported in the August 1999 edition the journal China 2000, officially it was condemned as an "evil cult" undermining the ancient and spiritual discipline of qigong and posing as a religious organisation, and banned in July 1999. [11h]

6.68 However, according Jason Kindopp writing in the September 2002 edition the journal Current History,

"The Falun Gong's ideological cogency and organizational virtuosity combined to make it a potent social force... Within the regime it was never a question of whether to respond to the Falun Gong's challenge, only how." [9ga]

6.69 According to a report by the Canadian IRB dated 26 November 1999, Li Hongzhi (a US resident since 1997) founded Falun Gong also known as Wheel of Law, Falun Defa and Falungong in 1992, in China. [3g]

6.70 According to the Falun Dafa website Minghui net, followers undertake five main exercises (encompassing about twenty movements). These as follows: -

1. Buddha showing a thousand hands - Fozhan Qianshou Fa
 2. The Falun standing stance - Falun Zhuangfa
 3. Penetrating the two cosmic extremes - Guantong Liangji Fa
 4. The great heavenly circuit - Falun Zhoutian Fa
 5. Strengthening divine powers - Shentong Jiachi
- [22g]

6.71 According to the same source (North American mirror), the symbol of the Falun Gong is the Falun, or law-wheel, which incorporates the Wan symbol in its centre (when spinning this represents the perpetual motion of the universe). The Wan of Falun Gong is a golden-yellow right-hand swastika-like symbol on a red circular background, within a larger circle with further wan at the cardinal

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compass points followed by taiji (Yin-Yang) symbols in between. Adepts are said to see that the wheel symbol is turning. [22f]

Overview of Falun Gong

6.72 According to Professor Barend ter Haar, University of Leiden, the Netherlands writing in August 2000, Falun Gong it is best described as a Chinese cultural and now political phenomenon with religious aspects. [23a]

6.73 According to a report by the Canadian IRB dated 29 November 2000, Membership in terms of organisation is held by the Falun Dafa Institute to be non-existent. The Institute itself holds that anyone can practice Falun Gong exercises and that followers exercise together because they enjoy each other's company. Similarly conferences are portrayed as the efforts of enthusiastic volunteers. [22a]

6.74 However, according to Professor Barend ter Haar (see above), the standardisation of websites, information flows and the nature of protest indicates a high level of co-ordination between followers. [23a]

6.75 There are no known membership lists. However, according to the January 2000 edition of the journal China today, the Chinese authorities have assembled a list of a thousand names of activists and organisers operating outside the PRC. [9]

6.76 There is also a website, Clearwisdom Net where practitioners can re-affirm their commitment to Falun Gong after being released from re-education through labour camps. There were 208 declarations as of 14 March 2002. [22an]

Profile of Followers

6.77 According to various reports from 1999, practitioners are reported to shun medical treatment preferring instead to use traditional forms of faith healing. Most are middle-aged and middle-class. Until the crackdown they gathered in parks and open spaces to practice traditional meditation and breathing exercises. [4an] (Reuters, Korea Herald, 5 August 1999) [11f] (p465-489) (Kevin J. O'Brien and Lianjiang Li, China Quarterly, vol. 162) [10t] (The Guardian, 23 July 1999) [10u] (Evening Standard, 25 Aug 1999)

6.78 A survey by the Falun Dafa Institute published in March 2000 found that that over 70 per cent of Falun Gong followers were women and over 50 per cent were over 50-years of age. The survey was based on 12,000 practitioners questioned in Guangdong province in 1998. [22a]

6.79 According to a special Human Rights Watch Report on Falun Gong dated January 2002, the movement was popular (pre-ban) with professionals, many of who were co-incidentally members of the CCP. Computer-literate technocrats and students were also attracted to Falun Gong. [12f]

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6.80 The ability of Falun Gong followers to hack into state run television channels within the PRC underlines the enduring appeal of the movement to this group. Both the People's Daily newspaper and the official news agency Xinhua reported one such incident on 15 August 2003. [20bc][20be]

Distribution of Information

6.81 According to Li Minghuan writing in the journal Chinese in Europe in 1998, in the early days of Falun Gong information was spread by word of mouth, then as its popularity grew via low cost literature. [5g] According to a report by the Canadian IRB dated 26 November 1999, once Li Hongzh left China (February 1997) the Internet took over as the main means of distributing information on Falun Gong. [3g]

6.82 According to two reports by the Canadian IRB dated 10 September 2001 and 25 October 2001 and another by Reuters date 31 December 2001, print licensing restrictions severely restricted the distribution of Falun Gong materials in China pre-ban. Most reports of arrests and detentions for printing Falun Gong materials relate to the period in 1999, shortly after the July ban. [3bg][3bm][4sn] After this date the authorities have tended to concentrate their efforts on the increased control / surveillance of the Internet as illustrated by two reports from the official news agency Xinhua dated 25 December 2001 and 31 October 2001. [4sk][4tb]

6.83 Overseas Falun Gong groups - See below, Dissident Groups outside China

Demonstrations

6.84 In January 2002, Human Rights Watch has concluded that after September 2001, Falun Gong had been forced totally underground. [12j]

6.85 According to the US State Department's 2004 Report on Human Rights,

"The number of protests by individuals or small groups of Falun Gong practitioners at Tiananmen Square remained very low during the year. Some observers attributed this to the effectiveness of the sustained government crackdown, which, by the end of 2001, had essentially eliminated public manifestations of the movement. Authorities also briefly detained foreign practitioners who attempted to unfurl banners on Tiananmen Square or pass out leaflets, in most cases deporting them after a few hours." [2y](p19)

6.86 Key stages in the development of Falun Gong - See below, Annex C

The "Shouters" (Huhan Pai)

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6.87 As reported by the South China Morning Post on 31 May 1999, the "Shouters" are an evangelical Christian group so called because their members engage in public shouting as part of their faith. [4ok] As reported by the same source on 22 June 1994 and by Reuters on the same date the group was labelled a "counter-revolutionary organisation" in 1983, and thousands of members were detained and around 70 imprisoned between 1983 and 1994. [4og][4oh]

6.88 According to the US State Department's 2003 Report on Religious Freedom, the "Shouters" were banned after 1995 under Article 300 of the Criminal Code, which bans cults. [2z](p5)

6.89 As reported by The Independent on 27 August 1999, the Washington Post on 6 January 2002 and the BBC on 8 January 2002, Li Guangqiang a Hong Kong businessman was detained in China for attempting to smuggling 16,000 Bibles to "Shouters" in Hubei province in December 2001. This was the first news report on the "Shouters" since 1999. [4as][4as][9df]

South China Church

6.90 on 30 December 2001, Yahoo news reported that Pastor Gong Shengliang (founder), Hu Yong and Xu Fuming had been sentenced to death after a "secret" trial on 18 December 2001 found them guilty of 'using an evil cult to undermine law enforcement'. Their sentences were later commuted to life imprisonment. [9df]

6.91 According to the same source before the arrest of its leaders the South China Church numbered 50,000, and was a splinter group of the Total Scope Church. [9df]

6.92 As reported by Amnesty International (AI) on 11 June 2003, Gong was also convicted of rape, though according to AI three female defendants reported being tortured by police to make them "confess" to having sexual relations with him. [6am]

Freedom of Association and Assembly

6.93 According to the US State Department's 2004 Report on Human Rights,

"The Constitution provides for freedom of peaceful assembly; however, the Government severely restricted this right in practice. The Constitution stipulates that such activities may not challenge "Party leadership" or infringe upon the "interests of the State." Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly moved to suppress demonstrations involving expression of dissenting political views." [2y](p19)

6.94 According to the same source,

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"In many cases, the authorities dealt with demonstrations about economic issues more leniently than with those that addressed political issues, but some economic demonstrations were dispersed by force. During the year, Ministry of Public Security publications indicated that the number of demonstrations was growing and that protesters were becoming more organized. Some of these demonstrations included thousands of participants." [2y](p19)

6.95 For details of mayor demonstrations in Tibet, See below - Chronology of Events - Tibet post 1949.

Political Activists

6.96 As documented by the US State Department's 2004 Report on Human Rights, the authorities use a range of measures to silence public dissent, criticism and protest in China. These can include the imposition of prison terms, administrative detention, house arrest, close surveillance and in extreme cases internal or external exile. [2y] The US State Department quotes "credible" sources as saying that in 2003, there were still upwards of 2,000 people detained for their part in the Tiananmen Square protests (See above, Tiananmen Square, 1989) and between 500 to 600 held for counterrevolutionary offences. This compares to 1,300 in 2002. [2g](p2)

6.97 According to the same source the State Security Law covers similar crimes to those previously deemed counterrevolutionary (see above). [2y](p11) According to a BBC report dated 28 October 2003, the mere act of talking to western media or human rights groups can result in a conviction for passing state secrets to foreigners. [9gfe]

6.98 According to a report by NGO Human Rights in China (HRIC) dated 2 October 2003, the authorities carried out a large-scale crackdown on dissidents during the build up China's national day. According to HRIC arrests centred on house church leaders, some of who had become involved in helping residents' protests about the illegal demolish of their homes by developers. [9gfd]

Dissident Groups within China

China Democratic Party (CDP)

6.99 As report by the BBC on 4 March 2004, Wang Youcai, Xu Wenli and Qin Yongmin set up the China Democratic Party (CDP) in 1998. [9gfg] According to a report by Human Rights Watch dated September 2000, they did so in Zhejiang province where they attempted to (legally) register the CDP as an opposition party. [12f] According this report Wang Donghai and Lin Hui were also co-founders. [12f]

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6.100 According to the same report the core philosophy of the CDP was one of "openness, peace, reason and legality" and its two main objectives were to press for direct elections and the formation of a multiparty system. [12f]

6.101 As reported by Human Rights Watch in September 2000, after intervention by the central Government the CDP was banned and between 1998-99 at least 30 members were given jails term of up to 13 years. [12f]

6.102 According to US State Department's 2003 Report on Human Rights, Xu Wenli was released in 2002 [2g](p2) However, according to their latest report (2004) Wang Youcai and Qin Yongmin were still being detained in 2003 [2y](p2)

6.103 According to the US State Department's 2000 Report on Human Rights,

"By year's [1999] end, almost all of the key leaders of the China Democracy Party (CDP) were serving long prison terms or were in custody without formal charges, and only a handful of dissidents nationwide dared to remain active publicly. " [2e](p1)

6.104 According to Human Rights Watch (September 2000), "For all practical purposes, CDP activities had been silenced by January 2000." [12f](p9 of IV The Crackdown)

6.105 On the 9 May 2003, the Intermediate People's Court in Liaoyang City, Liaoning province, sentenced two former industrial-workers to seven and four years in prison for taking an "active part" in trying to set up a Liaoning branch of the CDP. The official news agency Xinhua reported on the 9 May 2003, that Yao Fuxon and Xian Yunliang has been found guilty of the crime of subversion under Articles 105 and 106 of the criminal law after leading protests for better severance pay for laid off state workers. Their trial lasted one day and their lawyer was not allowed to attend sentencing. [20bd](21p)

6.106 On 27 June 2003, The Associated Press reported that the Higher People's Court in Liaoyang City had upheld their conviction. Their lawyer complained that he was not notified of the hearing or allowed to submit new evidence. [21a]

6.107 Detailed information on the CDP is contained the Human Rights Watch report, Nipped in the bud: the suppression of the China Democracy Party, September 2000, Issue Vol. 12. [12f]

Other Groups

6.108 A report by Amnesty International in 1994, a number of dissident groups emerged in the 1991 (See below, Annex E). These includes the Liberal Democratic Party of China (LPDC), the China Progressive Alliance (CPA), the Free Labour Union of China (FLUC) and the Social Democratic Party of China (SDPC). During 1992, the authorities put a stop to their activities by arresting scores of activists and

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suspected supporters. Typically, these organisations were very small (less than 12 people) and localised. [6]

Dissident Groups outside China

6.109 Falun Gong organisations maintain a number of websites outside China (See above, Distribution of Information) the most readily accessible is Clearwisdom.net (the English language version of Minghui.org) See below, Annex I

6.110 On 16 September 2003, The Associated Press reported that a federal judge in the United States had dismissed a lawsuit brought against former President Jiang Zemin by an attorney acting on behalf of US-based Falun Gong practitioners: the suit was dismissed on the grounds of sovereign immunity. [149]

6.111 As reported by the Tibetan Information Network (TIN) on their website the Dalai Lama (See above, The Dalai Lama) established the Tibetan Government in exile in Dharamsala, northern India in 1960. [254] All though not recognised by any foreign Governments according to the Encyclopaedia of the Peoples of the World (1993), it enjoys the allegiance of the vast majority of Tibetans both within and outside Tibet. [161](597)

6.112 As reported by Human Rights Watch in November 2000, there is a "Eastern Turkestan" independence movement operating from Turkey (See below, Uighurs). [129]

Employment Rights

6.113 According to the US State Department's 2003 Report on Human Rights,

"The Constitution provides for freedom of association. However, 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 Communist Party and headed by a high-level Party official, was the sole legal workers' organization. The Trade Union Law gives the ACFTU control over the establishment and operation of all subsidiary union organizations and activities throughout the country, including enterprise-level unions. The Trade Union Law also allows workers to decide whether to join official unions in their enterprises. There were no reports of repercussions for the small percentage of workers in the state-owned sector that had not joined. Independent unions are illegal."
" [2y](p36)

6.114 According to the same source there were 51,000 labour disputes in 2002, mostly in SOEs (See above, State Owned Enterprises, SOE's). According to Government figures 91 per cent were resolved through arbitration. [2y](p38)

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6.115 More information on Industrial unrest and the treatment of protestors can be obtained from the China Labour Bulletin and China Action. See below, Annex I

Child Labour

6.116 According to the US State Department's 2003 Report on Human Rights the Constitution prohibits child labour and trafficking in children. However, serious problems remain in both areas (see below). [2y](p32)

People Trafficking

6.117 In their 2004 Report on Human Rights the US State Department says,

"The law prohibits trafficking in women and children; however, trafficking in persons and the abduction of women for trafficking remained serious problems. The country was both a source and destination country for trafficking in persons. Most trafficking was internal for the purpose of providing lower-middle income farmers with brides or sons, but a minority of cases involved trafficking of women and girls into forced prostitution in urban areas, and some reports suggested that some victims, especially children, were sold into forced labor. Internal trafficking was a significant problem. The Ministry of Public Security [MPS] estimated that 9,000 women and 1,000 children were kidnapped and sold illegally each year. "

[2y](40)

6.118 According to a report by the official news agency Xinhua dated 2 March 2004, between 2001 to 2003, over 20,000 cases of trafficking were detected by the police resulting in the arrest of 22,000 criminals and the rescuing of over 42,000 women and children. [9gfrq]

6.119 On 1 December 2003, the official news agency Xinhua reported that the ringleaders of a 52-member strong infant trading gang had been sentenced to death (some with a two-year reprieve) in Yulin City, Guangxi Zhuang Autonomous Region, southern China. The gang was convicted of selling 118 babies since 2001. One of who died after being drugged with sleeping pills during transportation. [9gfp]

Snakeheads (People Traffickers)

6.120 As reported by The Guardian newspaper on 6 February 2004 and The Times newspaper on 8 February 2004, 19 Chinese cockle pickers drowned off Morecambe Bay in Lancashire, UK on 6 February 2004 (14 were rescued by coast guards along with two white Europeans). [9gfh][9gfi]

6.121 According to the first report 8 of the deceased were from the relatively prosperous Fujian province where there is a long history of migration. [9gfh] According to this report,

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"People from Fujian have a long history of seeking their history abroad. In some extreme cases some villages have 80% of families with somebody living overseas." [99th]

6.122 According to a BBC report dated 10 February 2004, seven of the families (from the town of Fuqing in Fujian province) reported paying Snakeheads between 14,000 to 21,000 pounds to get their relatives to England. [99th] The profile of these migrants was in keeping with the type of claims commonly seen by the UK immigration service: They were largely unskilled, aged between 18 to 41.

6.123 This was the second tragedy involving Chinese migrants smuggled into the UK by Snakeheads. In June 2000, 58 (out of 60) Chinese illegal immigrants suffocated in the back of a lorry bound for the port of Dover. All 58 of the deceased were from Fujian province. According to a report in The Guardian newspaper dated 6 February, in this case the Snakeheads subcontracted the final stage of the journey (from Zeebrugge, Belgium to Dover, England) to a Dutch-Turkish gang. [99th]

6.124 According to a report by the Canadian IRB date 28 September 1999, there is evidence of low level collusion between corrupt officials and Snakeheads in Fujian province. [31] However, in the United States the case of Zheng Ashcroft (US Attorney General) established that even if an individual could demonstrate that there had been low level collusion between Snakeheads and government officials. This was not the same as saying that they would sanction reprisals against them and was therefore not a barrier to removal. Details of this case were reported on the US Court news service on 18 June 2003. [29a]

6.125 According to a report in the Daily Telegraph newspaper dated 26 April 2001, a Snakehead is a trusted person within the community and the intimidation / harassment of returnees would be bad for business. [10ay] According to Reuters, 4 June 2001 they have even been known to offer free or discounted trips to those people detected early on in the process. [10bd]

6.126 Detailed information on the Chinese migration from Fujian province is contained in the International Organization for Migration (IOM) report, Myths and Realities of Chinese Irregular Migration. Prepared by Ronald Skelton and published in 2000. [19g] For a brief overview of Fujian province - See below, Fujian Province.

Fact Finding mission to Fujian, November 2003

6.127 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

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first hand knowledge and experience of the way of life and conditions in the Province. [20bx]

6.128 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. [20bx]

6.129 In Fujian unskilled workers can earn up to 400 RMB 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. [20bx]

6.130 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 (see above). [20bx]

6.131 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. [20bx]

6.132 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 £70,00 - 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. [20bx]

6.133 The visit to Fujian did not include visits to prisons or other detention facilities. [20bx]

Freedom of Movement

House Registry (hokou)

6.134 As reported by the US State Department in their 2004 Report on Human Rights, every person residing in China must be listed on a household registry (hokou). [2y](p26) According to the same source along with a reports in the China Daily newspaper dated 4 December 2003 and another by ABC dated 29 February 2003, this is necessary for all administrative processes, including education, work and admission to hospital. [2y](p26)[9bfr][9gfm]

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6.135 According to the US State Department's 2004 Report on Human Rights, the scheme is administered by the MPS in conjunction with a person's work unit (danwei). [2y](p26) According to the same source between 100 to 150 million people are technically in breach of their hokou. [2y](p26)

6.136 The hokou system is increasingly bypassed by urban migrants and according to a report in the China Daily newspaper dated 8 December 2003, out of an estimated population of 20 million Shanghai only has 13.5 million permanent residents. [9b1k]

6.137 According to a report by the Canadian IRB dated April 2000, a minor is unlikely to be issued with a hokou unless they could establish their own household. [3ab]

Identity Cards

6.138 In addition to the hukou (see above), every adult Chinese citizen is required to carry an Identity Card and according to Kam Wing Chan and Li Zhang writing in the journal, China Quarterly, vol 162, since 1985 these have included a photograph of the holder. [11e](p818-855)

6.139 As reported by the US State Department in their 2004 Report in Human Rights, until abolition in August 2003, people found without their ID card could be detained in custody and repatriation centres (See above, Custody and Repatriation). [2y](p6)

6.140 In October 2001, the government announced plans to assign individual identification numbers to all of its citizens [4b1] No evidence could be obtained of whether this was every completed / undertaken.

6.141 In January 1998, the Canadian IRB obtained information as to indicators of genuine resident identity cards. These are as follows: -

1. The rounded corners of the paper card are machine cut
 2. The laminate does not contain any design separate from the paper card itself
 3. The edges of the paper card should be perfectly straight
 4. The Chinese characters on the back of the card should be perfectly horizontal
 5. The coloured design on both sides should go right to the edge of the card
- [3be]

6.142 As reported by the trade-paper American Banker-Bond Buyer* in October and August 2003, the NPC passed the National ID Law, authorising the phased introduction of a new microchip-based ID card to replace the existing plastic card on 28 June 2003. According to the source tests will begin in Shanghai, Shenzhen and Huzhou City in early 2004. The MPS will oversee the introduction of the new card. It hopes to issue 900 million cards by the end of 2006. [14j](14k)

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6.143 According to the same source there are no plans to include biometrics (fingerprints) on the new card. However, officials have hinted that this information could be added at some point in the future. [14j][14k]

*A division of Thomas Publishing Corporation Card Technology

6.144 On 23 October 2003, the MPS announced that it would start issuing new smart ID cards in 2004: The new cards can hold more personal information and are more difficult to forge. [9gfr]

6.145 On 26 April 2003, the People's Daily newspaper reported that the PRC was to introduce ID cards to citizens below the age of 16. [9gan]

Passports

6.146 According to the US State Department in their 2004 Report on Human Rights,

"The Government permitted legal emigration and foreign travel for most citizens. Passports were increasingly easy to obtain in most places, although those whom the Government deemed to be threats, including religious leaders, political dissidents, and some ethnic minority members continued to have difficulty obtaining passports... During the year, the Government expanded from 25 to 100 the number of cities in which residents can apply for a passport. Many local governments abolished regulations requiring residents to obtain written permission from police and employers before applying for a passport. The Government continued to use political attitudes as criteria for selecting persons for government-sponsored study abroad; however, the Government did not control privately sponsored students, who constituted the majority of citizens studying abroad. Business travelers who wished to go abroad could obtain passports relatively easily." [2y](p27)

6.147 On 7 July 2003, the MPS via the official news agency Xinhua announced the introduction of new measures to make it easier for people in medium size cities to apply for passports on proof of need. Under the new measures people will only be required to produce an ID card and residence booklet(s). The Ministry estimates that as many as 100 million people will be eligible to apply. [21n]

6.148 According to a report in the People's Daily newspaper dated 28 October 2003, bio-metric information such as finger-prints and DNA will be added to new Chinese passports. The source gave no date for implementation. [9gfs]

Chinese Diaspora

China, April 2004

6.149 As reported by Harper college online, most overseas Chinese come from the South of the country especially the provinces of Fujian and Guangdong (which borders Hong Kong) and the city of Shanghai. This part of China has historically had more contact with the outside world and has experienced the most rapid economic growth during the last 25 years. (See above, Economy). [20bu]

6.150 On 18 July 2003, the official news agency Xinhua reported that the United Kingdom was now the most popular destination for Chinese students wishing to study abroad. It estimated that 60,000 Chinese students were now studying in the UK. [9ga] According to another report from Xinhua dated 3 October 2003, only one in four Chinese students studying abroad return to the PRC. [15af]

Fujian Province

6.151 According to Fujian Today (tourist brochure) Fujian (also known as Eight Min or Min for short) has a population of over 32 million and is divided into 85 counties / districts, including 9 municipalities; Fuzhou (regional capital), Xiamen, Quanzhou, Zhangzhou, Putian, Sanming, Nanping, Longyan and Ningde. The province has a long history of migration (See above, Snakeheads) and according to one source more than 10 million ethnic Chinese outside the PRC are of Fujianese origin. [20bv]

6.152 Also see above - Fact Finding mission to Fujian, November 2003.

Returnees

6.153 Article 322 of the criminal code covers the penalties for illegal emigration. It states that,

"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."

6.154 Articles 52 and 53 cover financial penalties for returnees. These state that,

"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 within the period specified in the judgment.

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.

China, April 2004

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. " [21a] (Criminal Law of the PRC, 1979, amended 1997)

6.155 According to a report by the Canadian IRB dated 28 September 1999, the act of exiting Mainland China without permission is an offence punishable by detention for up to 15 days and the imposition of a fine ranging from 10,000 and 20,000 Yuan (£700 - £1400) in Fujian province. [3a]

6.156 According to another report by the IRB dated 9 August 2000, returnees are held for questioning at border patrol education camps, then usually released upon payment of a fine. According to the report those who refuse to pay may be sent to a re-education through labour camp for a period of up to 1-year. However, there is no consensus on this and one expert contacted by the Canadian IRB assert that fines are much smaller than £700 and those unable or unwilling to pay are not sent to re-education through labour camps, rather they are detained for around 2 days then released. So long as they are first time offenders. [3a0]

6.157 Also see above - Tibetan Returnees, including detention facilities within Tibet

Double Jeopardy

6.158 Those who are identified as people smugglers are liable to criminal prosecution. Under Article 7 of the Constitution the Procuracy (the investigative branch of the police who prepare cases and initiate public prosecutions) reserve the right to prosecute a returnee for any offence committed outside China providing it would carry a sentence of more than three years under Chinese law. [21a] (Criminal Law of the People's Republic of China, 1979 amended 1997)

6.159 According to Global Governance No. 3, Vol. 8, 1 July 2002 along with a report from Agence France Presse dated 28 February 2001, the Chinese authorities maintain an ideological right to retry in criminal cases. [14a] (p343)[14b]

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6.B Human Rights - Specific Groups

Ethnic Groups

6.160 As reported by the ethnologue website there are 55 officially recognised ethnic minorities within China. [20a] According to Europa publications, Regional Studies: The Far East and Australasia (2004), they make up 8.5 per cent of the population. The other 91.5 per cent are Han Chinese (though many groups are virtually indistinguishable from the Han). [1c] According to Official Chinese sources ethnic minorities make up 6.7 per cent of the population with Han

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Chinese accounting for the remaining 93.3 per cent. [16a0] According to the same source,

"The minority nationalities inhabit 60 percent of the country's total area, and they live mainly in the border regions. " [16a0]

6.161 According to the US State Departments 2004 Report on Human Rights,

"The Government's avowed policy on minorities calls for preferential treatment in marriage regulations, birth planning, university admission, and employment. Programs have been established to provide low-interest loans, subsidies, and special development funds for minority areas. Nonetheless, in practice, minorities faced discrimination by the majority Han culture. Most of the minorities in border regions were less educated than the national average, and job discrimination in favor of Han migrants remained a serious problem. Racial discrimination was the source of deep resentment on the part of minorities in some areas, such as Xinjiang and Tibetan areas. For example, ethnic Uighurs in Xinjiang did not have equal access to newly created construction jobs associated with development projects; Han workers were brought in from Sichuan and elsewhere to work, particularly on technical projects such as oil and gas pipelines. The Government did not openly recognize racism against minorities or tension among different ethnic groups as problems." [2y](p34)

Hui

6.162 According to Europa publications, Regional Studies: The Far East and Australasia (2004), the Hui are the third largest minority estimated at 9.8 million. [1c](p197) As reported by the Encyclopaedia of the Peoples of the World (1993) they are Sunni Muslims (See above, Muslims) but well integrated into Chinese society (unlike the Uighurs). According to the same source they are spread throughout the PRC but most concentrated in the Ningxia Hui Autonomous Region, south-west of Beijing they speak the Kansu dialect of Chinese and are also referred to as Chinese Muslims, Huihui and in Russian Dungan. [16h](647-648)

Koreans

6.163 According to Europa publications, Regional Studies: The Far East and Australasia (2004), Koreans are the thirteenth largest minority estimated at 1.9 million. [1c](p197) As reported by the Encyclopaedia of the Peoples of the World (1993) there are sizeable communities of ethnic Koreans in Jilin, Liaoning and Heilongjiang provinces (all the provinces close to the North Korean border) dating back to the Japanese colonisation of Korea in the mid-nineteenth century. Many Koreans in China continue to use the Korean language. [16h](318-319)

North Koreans

China, April 2004

6.164 Over the past four year the UNHCR has monitored the plight of North Korean refugees in China. Reports of mass deportation and crackdowns first began to surface in May 2000. [18c][18d][18g][18h][18i]

6.165 In December 2000, Amnesty International (AI) produced a report urging China and North Korea (DPRK) to abandon reciprocal agreements and recognise, and adhere to the principle of non-refoulement (due process in asylum). [6v]

6.166 Between June 2001 and May 2002, there were a number reports by the BBC of North Koreans entering foreign embassies in China to claim asylum abroad. [9c][9eh][9et]

6.167 On 13 May 2002, the BBC reported that the authorities had ringed many embassies with police guards and other deterrents to put off would be Asylum Seekers. [9et] According to a BBC report dated 12 September 2002, 36 North Koreans from various embassies had been flown to Seoul, South Korea by September 2002. Bringing to over 100 the number flown out during the year. [9fd]

6.168 As reported by the Yobhap news agency on 16 June 20003, the Chinese ambassador to the UN, Liu Jianchao signalled a change of policy in June 2003. Liu confirmed in discussions with the UN High Commissioner for Refugees, Rudd Lubbers that it was not Beijing's policy to return North Korean asylum seekers to North Korean unless they were criminals. According to this report, the UNHCR welcomed this change of policy and signalled its willingness to assist North Korean refugees within China in getting to their destination of choice. [13h]

6.169 However, on 13 August 2003, Mr. Liu told the UNHRC that there had been no change of policy. [13k] The previous day the Yobhap new agency reported that three South Koreans were arrested in Shanghai for assisting North Koreans to flee the country. [13j]

6.170 On 25 November 2003, Foreign Ministry spokesperson, Liu Jianchao told the People's Daily newspapers 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." [9gff]

Tibetans

6.171 According to Europa publications, Regional Studies: The Far East and Australasia (2004), Tibetans are the ninth largest minority estimated at 5.4 million. [11c](p197) As reported by the Encyclopaedia of the Peoples of the World (1993), they reside within the territory commonly referred to as Tibet (Tibetan Autonomous Region, TAR) as well as in the neighbouring provinces of Quinghai,

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Sichuan and Yunnan provinces. There are also Tibetans living outside the PRC in India, Nepal and Bhutan. [16h](p597-599)

Tibet

6.172 As reported by unescap.org website the total area of the Tibetan Autonomous Region (TAR) is 1.2m sq. km [9am] According to It's China website administratively Tibet is divided into one municipality and six prefectures. The municipality is Lhasa (the capital), while the six prefectures are Shigatse, Ngari, Lhaoka, Chamdo, Nakchu and Nyingtri (kongpo). Tibet is predominantly mountainous, bordering Yunnan, Sichuan, Qinghai, and Xinjiang provinces within PRC and India, Nepal, Bhutan and Burma (Myanmar) internationally. [9g][20bu is a map]

6.173 For information on the History Tibet - See below, Annex B

6.174 According to the US State Department's 2004 Report on Human Rights,

"The Government's human rights record in Tibetan areas of China remained poor, although some positive developments continued. The Government permitted a second visit to the country by the Dalai Lama's representatives and provided reporters and foreign officials with somewhat greater access to the TAR. The Government controlled information about all Tibetan areas, and in addition, strictly controlled access to the TAR, making it difficult to determine accurately the scope of human rights abuses. Authorities continued to commit serious human rights abuses, including execution without due process, torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetans for peacefully expressing their political or religious views. Deaths of at least 41 Tibetan political prisoners since 1989 can be attributed to severe abuse under detention; at least 20 of those prisoners had been in Lhasa's TAR Prison (also known as Drapchi Prison). The overall level of repression of religious freedom in the TAR, while somewhat less oppressive for lay followers than in previous years, remained high. Conditions generally were less restrictive in Tibetan areas outside of the TAR. Individuals accused of political activism faced ongoing harassment during the year. There were reports of imprisonment and abuse of some nuns and monks accused of political activism. Security was intensified during sensitive anniversaries and festival days in some areas, while activities viewed as vehicles for political dissent, including celebration of some religious festivals, were suppressed. There were reports of small-scale political protests in a number of Tibetan areas." [2y](p43)

6.175 According to the Tibetan Information Network (TIN) there are currently 90 political prisoners detained in Tibetan (figures from January 2004). Almost unchanged from a year ago but significantly down on the number held in the mid-

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1990s. [22cg](p1-4) According to the same source over a third of Tibetan political prisoners are detained outside Tibetan, mainly in Sichuan province. [22cg](p1-4)

6.176 According to the US State Department's 2004 Report on Human Rights,

"The Dalai Lama, Tibetan experts, and other observers expressed concern that development projects and other Central Government policies... would continue to promote a considerable influx of Han, Hui, and other ethnic groups into the TAR. They feared that the TAR's traditional culture and Tibetan demographic dominance would be overwhelmed by such migration." [2y](p47)

6.177 According to same source there were over 100,000 temporary Han workers in Lhasa (total population 410,000) in 2003 and many new buildings constructed in the capital were in the Chinese style; Chinese was also used extensively in Government and commerce. [2y](p47)

Tibetan Returnees, including detention facilities within Tibet

6.178 According to a report by TIN dated 16 August 2002, a new "punishment block" was constructed at Drapchi prison late in the summer of 2000. The block known as detention area nine (Tsonkhul) is reportedly used to house political prisoners who refuse to co-operate during questioning. According to TIN common criminals are sometimes placed in the same cell as political detainees to act as spies for the prison authorities. [25j]

6.179 More information on life inside Drapachi prison, on the outskirts on Lhasa is contained in Septembers/Octobers' issue of Amnesty. [6aq](p4-7)

6.180 As reported by the BBC on 31 May 2003, Nepal deported 18 Tibetan refugees back to China on 31 May 2003. According to the BBC this was the first such deportation in recent years. [9ggg] On 2 June 2003, Amnesty International condemned the move and expressed concern about the pressure China was applying to its neighbours to return Tibetans and Uighurs. [6ar]

6.181 On the 1 August 2003, the Australian Tibetan Council reported that eight of the returnees had been released from Shigahtse (Xigaze in Chinese) detention centre, where they had been held for between 20 to 30 days. The source implied that they had been released after their relatives paid a fine (See above, Returnees). [25j] According to the same source the Chinese authorities told Radio Free Asia (RFA) in June 2003 that most of the group could expect to be detained for 3-months in Shigahtse. [25j]

6.182 According to a report by kurakani.tk dated 23 December 2003, the deportees spent 11 days at Nyalam prison before being transferred to Shigahtse detention centre. [9ggg] According to the report a former prisoner at Nyalam

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prison alleges that they were badly beaten and tortured with electric batons and sewing needles while there. The report made no mention of the detainees being mistreated at Shigatse, where according to the source some relatives were permitted to visit the detainees. [999o]

6.183 According to a report from the Year Book of Experts, Authorities and Spokesperson dated 2 April 2004; four of the deportees were still in custody in early April 2004. [14p]

6.184 According to a report in the Financial Times dated 15 January 2003, Shigatse detention centre is in Ngamring county. [14q](p4) According to a report by kurakani.tk dated 23 December 2003, the facility can hold at least 500 detainees; mostly Tibetans caught at the Nangpa pass or Friendship Bridge (near Dam, the main commercial crossing into Nepal). According to this report it is across from a marshy area known in Tibetan as Dechan Podrang. [999o]

6.185 As reported by The Toronto Star on 7 December 2003, Shigatse is the second largest city in Tibet. [14r] As reported by the Sunday newspaper on 21 March 2004, Shigatse is home to the Tashilhunpo monastery, the traditional seat of the Panchen Lama (second only to the Dalai Lama in seniority). [14s]

6.186 Also see above - Buddhism in Tibet

Uighurs

6.187 According to Europa publications, Regional Studies: The Far East and Australasia (2004), the Uighurs (pronounced "wee-ghurs") are the fifth largest minority estimated at 8 million. [1c](p197) As reported by the Encyclopaedia of the Peoples of the World (1993) they are Sunni Muslims (See above, Muslims) and reside predominantly in the Xinjiang Uighur Autonomous Region (XUAR). [16h](p627-628) As reported by the World Directory of Minorities (1997), they speak and write the Uighur language. [13d](p607)

"Eastern Turkestan"

6.188 As reported on the Brief History of the Uyghurs website, the Republic of Eastern Turkstan was occupied by Chinese troops after a little over 1-years "independence" In 1949. [19j] According to the same source the Xinjiang Uighur Autonomous Region (XUAR) was created in 1995. [19j]

6.189 As reported by Nicholas Becquelin writing in The China Journal issue no. 44 (July 2000), the creation of the XUAR was the catalyst for the migration of Han Chinese, who now represent 37 per cent of the population (1997 figures). [11j](p65-90) According to the US State Department's 2004 Report on Human Rights, in the Capital, Urumqi Han migrants outnumber Uighurs by 4 to 1. [2y](p34)

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6.190 According to the first source along with a report by Amnesty Internal (AI) dated April 1999, the level of Han migration is a major cause of resentment amongst the Uighurs as migrants take the best jobs (by virtue of the fact that they speak Chinese). [11f](p65-90) [6m]

6.191 According to a report from Business Global Update dated 5 August 2003, the Xinjiang Production and Construction Corp. (See below, Annex D) estimated that a further 500,000 Han migrants were needed to work in its "numerous" farms and industries. [22cf]

6.192 According to a BBC report dated 19 December 2003, the Central Government's emphasis on expensive infrastructure projects has done nothing to reduce rural poverty amongst the Uighurs as they mainly benefit Han migrants, who reside mainly in the cities. [9ggq]

6.193 Han migration and the role of the of Xinjiang Production and Construction Corps (Bingtuan) is discussed in greater detail in Xinjiang in the nineties, by Nicolas Becquelin writing in The China Journal, issue no. 44 pages 65-90, July 2000. [11f]

6.194 Amnesty International (AI) has accused the Chinese Government of using 11 September (2001) as a pretext for targeting "ethnic separatists" in Xinjiang Uighur. [6a][6ak][6ag]

6.195 According to the for Human Rights Watch in their overview of Human Rights in 2003,

"Chinese authorities do not distinguish between peaceful and violent dissent, or between separatism and international terrorism. The state's crackdown on Uighurs has been characterized by systematic human rights violations including arbitrary arrests, closed trials, extensive use of the death penalty, religious discrimination, and restrictions on observation of traditional holidays and use of the Uighur language." [12p](p1)

6.196 According to another by Human Rights Watch dated October 2001, religiously orientated groups in Xinjiang are very local (mainly in Kashgar and Hetian areas) and intermittent in their presence. The report mentions the Party of Allah and the Islamic Uighur Party as two such groups but gives no further details. [12h]

6.197 Another report by the She news agency dated January 2002, made reference to a sect (presumed to be Islamic) called Tebrik (in Chinese original, tai bi le ke) however, no further details were given on this group either. [4so]

6.198 As reported by the BBC on 15 December 2003, the Chinese Government issued its first ever "terrorist" wanted list in December 2003, blaming four Muslim separatist groups for a spate of bombings and assassinations in the 1990s. The

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groups identified were the Eastern Turkestan Islamic Movement (ETIM), the Eastern Turkestan Liberation Organization (ETLO), the World Uyghur Youth Congress (WUYC) and the East Turkestan Information Centre (ETIC) [999p]

Women

6.199 According to the US State Department's 2004 Report on Human Rights,

"Violence against women was a significant problem. There was no national law criminalizing domestic violence, but Articles 43 and 45 of the Marriage Law provide for mediation and administrative penalties in cases of domestic violence. Over 30 provinces, cities or local jurisdictions have passed legislation specifically to address domestic violence. While no reliable statistics existed on the extent of physical violence against women, anecdotal evidence suggested that reporting of domestic abuse was on the rise, particularly in urban areas, because greater attention has been focused on the problem... The law does not expressly recognize or exclude spousal rape. " [2y](p30)

6.200 A survey by the All China Women's Federation (ACWF) found that 16 per cent of married women reported being beaten by their husbands in 2002. [999d] According to another reported carried in the official news agency Xinhua on 25 November 2003, only seven per cent of rural women abused by their husbands go to the police; 50 per cent go to relatives or village elders and 33 per cent take revenge on their husbands. [999e]

6.201 On 7 November 2003, a court in Beijing demised the first case of sexual discrimination. According to the official news agency Xinhua the case was dismissed through lack of evidence while the appellant was diagnosed as suffering from paranoia. [999f]

6.202 As reported by the People Daily newspaper on 27 September 2003, 500 Chinese prostitutes were involved in two-day long "orgy" with nearly 400 male Japanese Tourists in a five-star hotel in the southern city of Zhuhai, Guangdong province in late September 2003. [999g]

6.203 As reported by The Japan Times on 18 December 2003, In December the same year a court in Zhuhai sentenced two people to life imprisonment for organising the gathering. Twelve others (none of them Government employees) were also sentenced to up to 15-years imprisonment for their involvement in the incident. [999h]

6.204 According to the US State State Department's 2004 Report on Human Rights, 1.7 to 5 million women to work in the sex industry. [2y](p30)

6.205 Also see above - People Trafficking

China, April 2004

Marriage

6.206 As documented by the US State Department in their 2004 Report in Human Rights, the minimum marriage age is 22 for men and 20 for women. [2y](p15)

6.207 On 1 October 2003, new rules simplifying arrangements for couples wishing to marry came into force. As reported by the official new agency Xinhua on 19 August 2003, under these new arrangements only ID cards and residence ('hukou') booklets will be needed when applying for permission to get married. This will also apply to couples wishing to divorce. According to Xinhua couples will also no longer be forced to take a health examination, although the marriage may be declared invalid if either of them are subsequently found to have a medical condition, which under law would preclude them from marrying, for example insanity. [20au]

6.208 According to a report by the same source dated 20 August 2003, couples with HIV/AIDS will be allowed to marry under these regulations but same sex marriages are not permitted. [20av]

6.209 Information on what additional documentation is required for foreigners wishing to marry citizens of the PRC or vice versa can be obtained via the US Embassy in Beijing. See below, Annex I

Divorce

6.210 On 26 December 2003, the Supreme People's Court (SPC) addressed the issue of housing ownership in divorces. It ruled that housing was "common property" in a move designed to reduce the amount of litigation involving divorced couples. The official news agency Xinhua reported the SPC's finding the next day. [9ggm]

Children

6.211 According to the US State Department 2004 Report on Human Rights,

"The Constitution prohibits maltreatment of children and provides for compulsory education. The country has outlawed child labor and trafficking in children, but serious problems in those areas persisted." [2y](32)

6.212 Also see above - Child Labour and Educational System

6.213 For information on children born contrary to the "one child policy" and female Infanticide see below.

Family Planning

China, April 2004

6.214 As reported on china.org on 19 December 2000, since the late 1970s the Chinese Government has promoted late marriages, late child bearing and the practice known as the "one child policy" as a way of slowing down population growth. [999]

6.215 As reported by the Canadian IRB on 4 March 2003, the National Law on Family Planning was enacted on the 1 September 2002. According to the IRB report this law signalled a move away from a rigid adherence to the mantra of "one child" per couple and towards a more flexible approach, emphasising social compensation fees (fines) over the more extreme measures of the past. [349]

6.216 According to the US State Department 2004 Report on Human Rights,

"All though the law states that officials should not violate citizens rights, neither those rights nor the penalties for violating them are defined... The law delegates to the provinces the responsibility of drafting implementing regulations, including establishing a scale for assessment of social compensation fees, but State Council Decree 357 provides general principles to guide local authorities. This decree also requires family planning officials to obtain court approval for taking "forcible" action, such as confiscation of property, against families that refuse to pay social compensation fees." [27](p13)

6.217 According to the same source,

"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), where approximately two-thirds of citizens lived, the policy was more relaxed, generally allowing couples to have a second child if the first was a girl or disabled. Ethnic minorities, such as Muslim Uighurs and Tibetans, were subject to much less stringent population controls... In remote areas, limits generally were not enforced, except on government employees and Party members." [27](p13)

6.218 On 11 August 2003, the official news agency Xinhua reported that Beijing municipality was easing its local birth control policy. Under the new regulations (effective from 1 September 2003) it would be easier for 9 "special groups" of families to have a second child. These included couples who had a disabled first child, who were the only children of their respective families and currently only had one child, and remarried couples who only had one child. [14m] On the 13 April 2004, the People's Daily newspaper reported that Shanghai was implementing similar changes effective from 15 April 2004. [999]

6.219 According to a report in The Guardian newspaper dated 14 April 2004, these changes were prompted by concerns about the city's ageing population.

China, April 2004

[10b] 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. [10b]

6.220 According to a report by the Canadian IRB dated January 1995, the 1989 Administrative Procedure Law, enacted in October 1990 allows citizens to sue family planning officials for misdeeds. [34] According to another report by the IRB dated 18 October 1999, there are at least four channels of appeal existing for complaints of excesses by local officials in Fujian province. [3n] Also see above, Legal Rights / Detention.

6.221 As reported by the Canadian IRB in June 1999, the United States Committee on International Relations (House of Representatives) was presented with claims women in Fujian province who missed quarterly gynaecological examinations on two successive occasions were forcibly sterilised in June 1999. They also heard claims that women who became pregnant before the permitted age or time were subjected to fines, abortion and sterilisation. Other than the testimony of the Committee's key witness, Gao Xiao Duan, a former Chinese State Family Planning Commission official, the Committee could not find any other reliable evidence to verify these claims. [3ad]

6.222 According to a report by the Canadian IRB dated 18 October 1999 concluded that,

"In summary, Dr Winkler [an expert contacted by the IRB] states that some abuses and bureaucratic accidents had occurred, however, it was his belief, based on this research, that scenarios such as those described in Miss Gao's testimony were increasingly improbable in the late 1990s."
[3n](p3)

6.223 As reported by Time Pacific on 29 January 2004, children born contrary to the "one child policy" are called 'black children' (hei haizi). Officially they do not exist and therefore don't qualify for Government assistance. According the report officials can be "persuaded" to add or issue them a hokou (See above, Household Registry) but a bribe is often required to achieve this. [11z]

6.224 According to the Australian Department of Immigration and Multicultural Affairs (DIMA), 7 November 2000, access to services such as education and health are accessible upon payment (which is the norm for all children) [15b]

Female Infanticide

6.225 According to a report in The Guardian newspaper dated 9 March 2004, the traditional preference for boys has led to a gender imbalance of 117 boys to 100 girls (figures for 2002). In some rural areas the figures is as high as 130 to 100.
[9ggk]

China, April 2004

6.226 According to the US State Department's 2004 Report on Human Rights,

"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." [2y](p33)

Childcare Arrangements

6.227 According to the same source,

"The Law on the Protection of Juveniles forbids the mistreatment or abandonment of children. According to the latest available figures, compiled in 1994, the number of children abandoned annually was approximately 1.7 million, and the number may have grown over the subsequent decade despite the fact that, under the law, child abandonment is punishable by a fine and a 5-year prison term. The vast majority of children in orphanages were female, although some were males who were either disabled or in poor health. The treatment of children at these institutions has improved, especially with the increased attention created by foreign adoptions, but serious problems remained and mortality rates in some institutions were high... In recent years, some private orphanages (not funded by the Government), in which conditions may be generally better for children, have started to operate. In areas where such orphanages existed, some state-run orphanages exhibited a willingness to learn from them and to adopt some of their more modern practices, including the use of foster care." [2y](p33)

6.228 Detailed information on the different types of Orphanages operating within China is contained in the Human Rights Watch report, China's orphans: the official record from Death by default: a policy of fatal neglect in China's state orphanages, 1996. [12e]

Homosexuals

6.229 As reported by the US Citizenship and Immigration Service on 1 March 2001, homosexuality is not illegal in China and sodomy was decriminalised in 1997. [2ab] However, according to the same source most homosexuals choose to keep their sexuality a secret. [2ab]

6.230 As reported in by the US State Department in their 2004 Report on Human Rights, since 2001 the China Psychiatric Association no longer lists homosexuality as a mental illness. [2y](p15)

6.231 As reported by the official news agency Xinhua on 20 August 2003, same sex marriages are not permitted. [20av]

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6.232 On 4 March 2004, the People's Daily newspaper report that a court in Guangxi Zhuang Autonomous Region (southern China) had sentenced the gay lover of a 60 year old man to 1-years imprisonment and ordered his to pay compensation. After he "deliberately injured his male lover..." [9ggc]

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6.C Human Rights - Other Issues

Taiwan

6.233 As documented by Europa publications, Regional Studies: The Far East and Australasia (2004) and by the BBC on 31 March, Taiwan is situated approximately 140 km off the south-east coast of Mainland China adjacent to Fujian province. Also know as Formosa or to give it its official name the Republic of China, ROC Taiwan is the last refuge of the defeated Nationalists (KMT) (See above, History) and has existed as a quasi-independent country since 1949. The Chinese Government regards Taiwan as a breakaway province still to be recovered in the same way as Hong Kong and Macao were the 1990s, or failing that with force. As a result Taiwan is diplomatically isolated and only recognised by around twenty (mostly small Caribbean countries, reliant on it for foreign aid). It is nevertheless economically prosperous. [1c](p286-287)[9gtx]

6.234 As reported by asianweek.com on 29 December 2000, Chen Shui-bian of the Democratic Progressive Party (DPP) was elected as President of Taiwan on the 19 March 2000. The election of a DPP candidate marked the end of 50-years of rule by the Nationalists (Kuomintang) Party, KMT. [13j]

6.235 As reported by CNN on 20 March, Chen was re-elected for a second four-year term as President on 20 March 2004. [9gtx]

6.236 However, as reported by the BBC on 31 March 2004, the narrowness of his victory and the circumstances surrounding an apparent assassination attempt in the run up to polling prompted calls for a re-count. [9gty]

6.237 As reported by the BBC and the official Chinese news agency Xinhua on 28 November 2003, on 27 November 2003, Taiwan passed a referendum bill that would in theory allow the Government to call a vote on Independence (though an amendment prohibits this at present). [9ggaj][9ggb]

6.238 The US State Department in their February 2004 Report on Human Rights stated that,

"The authorities [in Taiwan] generally respected the human rights of citizens; however, there were problems in some areas. Instances of police abuse of persons in custody, military hazing, judicial corruption, violence

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and discrimination against women, child prostitution and abuse, and trafficking in women and children occurred." [2aa](p1)

Hong Kong

6.239 As documented by Europa publications, Regional Studies: The Far East and Australasia (2004), the British colony of 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". Other than foreign policy and defence Hong Kong continues to operate in much the same way as it did under British rule. [1c](p235-236)

6.240 In their February 2004, the US State Department Report on Human Rights stated that,

"The Government [of Hong Kong] generally respected the human rights of residents, and the law and judiciary provided effective means of dealing with individual instances of abuse.... Despite the ban on the Falun Gong in mainland China, the Falun Gong remained legally registered and practitioners continued their activities in Hong Kong. " [2y](p49)

6.241 According the same source, Hong Kong is governed by a (currently) 60-seat Legislative Council (the LegCo), 26 of who are directly elected. A partially elected 800-person Selection Committee chooses a Chief Executive who appoints a cabinet (the executive). [2y](p49)

6.242 As reported by Europa publications, Regional Studies: The Far East and Australasia (2004), the NPC is the final arbiter of the Basic Law (see above). In June 1999 it overturned an earlier ruling by the Court of Final Appeal (CFA) that would have given up to 1.6 million Mainland Chinese the right of abode in Hong Kong. [1c](p241)

6.243 As reported by the BBC on 15 August 2003 and by The Guardian newspaper in July 2003, between 400,000 to 500,000 people (out of a total population of 6.7 million) took part in a mass demonstration on 1 July 2003. They were protesting against plans to amend Article 23 of the mini Hong Kong constitution to include tough new security laws, which would ban any organisation determined by China to be a security risk. [20ao][23g]

6.244 As reported in the China Daily newspaper (HK edition) on 17 July 2003, in the aftermath of the demonstrations a number of Government officials resigned [15x]

6.245 As reported by china.org on 17 July 2003, Hong Kong's Chief Executive, Tung Chee-hwa insisted that he would not resign and that his Government had a duty to implement Article 23. [15y]

China, April 2004

6.246 However, as reported by the BBC on 5 September 2003 the Hong Kong executive announced that it was shelving indefinitely plans to implement the new anti-subversion bill on 5 September 2003. [10hm]

6.247 As reported by CNN on 3 December 2003, Tung travelled to Beijing for talks with President Hu in Beijing on 3 December 2003. According to this report their meeting was a show of support for his administration by the Chinese Government. [9gfu]

6.248 According to report in The Times newspaper dated 27 February 2004, the CCP is becoming increasingly alarmed at demands for direct elections to choose the next Chief Executive in 2007. Under Hong Kong's mini constitutions direct elections are possible but only if approved by the NPC. [9gfw]

6.249 As reported in the China Daily newspaper on 22 April 2004, on this date the Standing Committee of the NPC ruled out any changes to the Basic Law before 2007. Ending any prospect of a directly elected Chief Executive in 2007. [9ggf]

Macao

6.250 As documented by Europa publications, Regional Studies: The Far East and Australasia (2004), the Portuguese colony of 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 in foreign policy and defence. [1c](p272)

6.251 According to the US State Department's 2004 Report on Human Rights,

"The Government [of Macao] generally respected the human rights of its citizens; however, there were problems in some areas. These problems included the limited ability of citizens to change their government; limits on the legislature's ability to initiate legislation; inadequate provision for persons with disabilities; and a lack of legal protection for strikes and collective bargaining rights." [2y](p65)

1951 Convention

6.252 As reported by the US State Department in their 2004 Report on Human Rights, China is a signatory to the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol however there are no laws or regulations authorising the Government to grant Asylum. Also see above, North Koreans. [1y](p27)

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Annex A: Chronology of Events - China post 1949

China, April 2004

Based on Chronology given in BBC Timeline [p220r] and Regional Studies: The Far East and Australasia, People's Republic of China - directory, 2004 [1c][p171-183]

1949, 1 October: The People's Republic of China (PRC) proclaimed by Chinese Communist Party (CCP) leader Mao Zedong.

1950: Beginning of land reform started.

1954: First Constitution adopted.

1959: 'Great Leap Forward' (See above, China, 1949-66) attempted leading to famine on a massive scale.

1961: 'Great Leap Forward' abandoned.

1966: Start of the Cultural Revolution (See above, The Cultural Revolution, 1966-76).

1975: New Constitution adopted.

1976, 8 January: Premier Zhou Enlai dies.

9 September: Mao dies. End of Cultural Revolution.

October: Hua Guofeng assumes control, replacing Mao as CCP Chairman having previously taken over from Zhou Enlai as Premier.

1978: New (third) Constitution adopted. Beginning of Democracy Wall Movement. Start of economic reforms (See above, Economic Reform, 1978-89).

1979, March-December: Democracy Wall Movement suppressed.

1980: One-child policy announced.

1982: New (fourth) Constitution adopted. Post of CCP Chairman abolished. Architect of economic reforms, Deng Xiaoping now regarded by China's 'paramount leader'

1986: Revival of the Hundred Flowers Movement of 1950s suppressed.

1987: CCP General Secretary, Hu Yaobang forced to resign.

15 April: Disgraced ex-Premier Hu Yaobang dies and is mourned by students and workers in Tiananmen Square (18 April). Calls for his posthumous rehabilitation escalate into demands for greater democracy (See above, Tiananmen Square, 1989).

30 May: Students erect 'Goddess of Democracy' statue in Tiananmen Square and CCP elders order the Square cleared; PLA moves against protesters using

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tanks and armoured cars. Several hundred people are killed as troops lose control and fire on unarmed protestors, mostly in the side streets around the Square. The official death toll is put at 200. International outrage leads to sanctions. Also see above - Post -Tiananmen Square.

November: Deng resigns from his last Government position.

1992: Jiang Zemin becomes President.

1997: Deng Xiaoping Dies.

1 July: Hong Kong reverts back to China.

1998: China begins restructuring State Owned Enterprises (SOE) leading to millions of job losses.

1999: NATO accidentally bombs the Chinese embassy in Belgrade, Yugoslavia.

July: Falun Gong "cult" banned.

20 December: Macao reverts back to China.

2001, April: US spy plane shot down and crew detained.

2001, November: World Trade Organisation (WTO) admits China.

2003, 15 March: Hu Jintao elected President with Wen Jiabao as Premier.

2003, March-April: Outbreak of SARS.

June: SARS brought under control.

2003, 1 July: Mass demonstrations in Hong Kong against plans to introduce anti-subversion bill.

September: Government shelves plans for anti-subversion bill.

2003, October: Launch of China's first manned spacecraft. Its pilot, Yang Liwei becomes a national hero overnight.

Annex B: Chronology of Events - Tibet post 1949

Based on Tibet in the 20th Century, Tibetan Information Network (TIN) [25c] and World Directory of Minorities, 1997 [13d] [p605-607] unless otherwise stated.

1949: Chinese troops enter eastern Tibet prompted in part by a request for help from the 10th Panchen Lama.

1950, October: Dalai Lama becomes Head of State.

7 October: PLA overruns small Tibetan garrison at Chamdo in Kham. The Dalai Lama appeals to the outside world for assistance but to none is forthcoming.

China, April 2004

1951, May: Tibetan delegation in Beijing signs "Seventeen-point Agreement on Measures for the Peaceful Liberation of Tibet" effectively relinquishing independence in exchange for promises of cultural and political autonomy. A few months later the Tibetan capital, Lhasa is occupied by Chinese troops.

1957: Chinese driven out of eastern Tibet.

1959, 10 March: National uprising against the Chinese. Dalai Lama flees to India with 80,000 followers. Uprising suppressed, destruction of monasteries begins.

1966: Start of Cultural Revolution (See above, History). 98 per cent of the monasteries destroyed (TIN).

1976: End of Cultural Revolution.

1979: Dalai Lama sends fact-finding mission to Lhasa on request of Beijing. Mission is enthusiastically received spilling over into demonstrations for Tibetan independence, which are quickly suppressed.

1989: Martial law lifted. Greater freedom of religion allowed.

1983: Han migrants begin arriving in Tibet.

1987-1988: Dalai Lama proposes various peace plans. Up to 100 protestors' die in clashes with the police (TIN).

1989, 5 March: Police clash with demonstrators in Lhasa.

7 March: Martial law re-imposed; all foreigners expelled from Tibet and up to 250 people killed in clashes with the security forces (TIN).

October: Dalai Lama awarded Nobel Peace Prize.

1990, 1 May: Martial law lifted but restrictions on foreigners remain.

1995: China denounces the six-year old boy, Gendun Choekyi Nyima recognised by the Dalai Lama as the 11th Panchen Lama. Placing him under house arrest and imposing its own candidate, Gyaltzen Norbu. [2y](p46) (USSD Report 2004)

1996: Start of "patriotic education campaign" aimed at monks and nuns [2y](p46)

March: Gyaltzen Norbu, the official 11th Panchen Lama carries out his first official duties. [25o] (World Tibetan Network News, 10 March 1996)

2000: Census shows rise in Han and Hui migration to Tibet, but mostly to urban areas. [25p] (TIN, 30 September 2003)

2002, July: Brother of the Dalai Lama, Jiale Dunzhu permitted to return to Tibet in a private capacity. [25n] (World Tibetan Network News, RFA, 10 August 2002)

China, April 2004

Annex C: Falun Gong - Key Events

Up to December 1999 is based on A Chronological List of Events for the Falun Gong Movement produced on 3 December 1999 by the Canadian IRB. [31] This is corroborated with the chronology of a commentator, Danny Schlecter, and Schlecter's chronology is used for December 1999 to June 2000 [54] Other dates and events have been added up to February 2002.

- 13 May 1951 - Date of birth of Li Hongzhi (Falun Gong)
- 7 July 1952 - Date of birth of Li Hongzhi (PRC authorities)
- 22 May 1992 - Li Hongzhi founds Falun Gong.
- August 1993 - Falun Gong accepted as an associated sub-group into the China Qigong Science Research Association.
- 1995 - Li Hongzhi stops teaching Falun Gong, authorities in Hangzhou take action to stop the spread of Falun Gong.
- 24 July 1996 - Chinese government bans Zhuan Falun and other publications.
- February 1997 - Li Hongzhi formally expelled from the China Qigong Science Research Association.
- February 1997 - Li Hongzhi and family apply for asylum in New York, leaving at apparent urging of the authorities.
- 18 April 1999 - Tianjin protests.
- 22 April 1999 - Beijing protests.
- 25 April 1999 - Zhongnanhai protest.
- 22 July 1999 - Falun Gong banned.
- 29 July 1999 - Arrest order for Li Hongzhi issued.
- 30 October 1999 - Law outlawing cults passed.
- February 2000 - Zhong Gong declared a cult and banned.
- 25 April 2000 - First anniversary of the Zhongnanhai protests. 100 protesters arrested in Beijing.
- 26 June 2000 - period of increased protest by Falun Gong. 1,200 practitioners arrested in 1 week.
- 23 January 2001 - The Beijing immolations and subsequent crackdown.
- 25 April 2001 - Second anniversary of the Zhongnanhai protests. Some public protest in Beijing; mainly protests outside PRC.
- 21 September 2001 - first reports of actions taken against "terrorists" in China, in the wake of 11 September.
- 1 October 2001 - National Day: no reported protests.
- 5 March 2002 - Falun Gong interrupt cable signal in ChangChun, broadcast pro-Falun Gong programmes for an hour.
- 13 March 2002 - Police orders allegedly escalated to shoot Falun Gong protesters on sight.
- 13 May 2002 - Tenth anniversary of Falun Gong passed with little protest in Hong Kong, and none in PRC.
- 15 August 2002 - First Hong Kong cases come to court.

China, April 2004

Annex D: Political Organisations

Based on US State Department's 2004 Report on Human Rights [2y] and 2003 Report on Religious Freedom [2z] unless otherwise stated.

Name in English	Name in Chinese	Abbreviation	General Notes
The All-China Federation of Trade Unions		ACFTU	Government controlled trade union
All China Women's Federation		ACWF	Government sponsored Women's group
China Federation for Disabled People		CFDP	Government sponsored disabled group headed by Deng Pufang, Deng Xiaoping's son.
Catholic Patriotic Association		CPA	Government sponsored Catholic group
China Islamic Association			Government sponsored Muslim group [20bs]
Democratic Progressive Party		DPP	Taiwanese political party [9gtx]
Peoples' Armed Police		PAP	Paramilitary unit of the PLA helped crush Tiananmen Square protests in 1989. [9gaz]
The Internet Information and Service Committee		ISC	Government sponsored organisation responsible for self-regulation of the Internet. [9gbz]
Ministry of Public Security		MPS	Government Ministry responsible for the police (PSB)
Nationalist Party	Kuomintang	KMT	Taiwanese political party [9gtx]
National People's Congress		NPC	The National Assembly [1c](210-211)

China, April 2004

People Liberation Army		PLA	Chinese armed forces
Public Security Bureau		PSB	Chinese Police force
Politburo			De facto Chinese cabinet
State Administration for Religious Affairs also known as the Religious Affairs Bureau		SARA / RAB	Government Department which registers and monitors religious groups.
The East Turkestan Information Centre		ETIC	Banned "terrorist" group [999p]
The Eastern Turkestan Islamic Movement		ETIM	Banned "terrorist" group [999p]
The Eastern Turkestan Liberation Organization		ETLO	Banned "terrorist" group [999p]
Three-Self Patriotic Movement also know as the Chinese Christian Council		TSPM / CCC	Government sponsored Protestant Group
The Supreme People's Court		SPC	Highest Court in PRC [10][210-211]
Wheel of Law	Falun Gong		Banned cult also known as Falun Defa and Falungong. Also see Li Hongzhi
World Uighur Youth Congress		WUYC	Munich based group accused by China of being terrorist [999p]
Xinjiang Production and Construction Corps	Bingtuan		Paramilitary organisation that manages Han migration in Xinjiang [11]

China, April 2004

Annex E: Dissidents Groups from 1990s

Based on Human Rights Watch, Nipped in the bud: the suppression of the China Democracy Party, September 2000, Issue Vol. 12, No. 5 (Section V) [12] and Amnesty International Report, Dissidents detained since 1992 published in January 1994 [16] unless otherwise stated.

Name in English	Name in Chinese	Abbreviation	General Notes
China Democratic Party		CDP	Established in Zhejiang province in 1998. Leaders arrested and jailed between 1998-99
China People's Party	Zhonggou Renmin Dang	CPP	Established mid-1991. Leaders jailed (dates unknown)
Chinese People's Democratic Party	Zhonggou Renmin Minzhu Dang	CPDP	Founded in 1987 in Fujian province. Organisers arrested 1989.
China Progressive Alliance		CPA	Founded on 27 June 1991. Leaders jailed July 1994.
Democratic Youth Party	Minzhu Qingnian Dang		Founded in 1993, not known to be active now, 2004.
Free Labour Union of China	Zhongguo Ziyou Gonghui	FLUC	Leaders jailed July 1994
Liberal Democratic Party of China	Zhonggou ziyou minzhu dang	LDPC	Leaders jailed July 1994

Annex F: Prominent People

Chiang Kai-shek (Jiang Jieshi)	Nationalist (KTM) leader fled to Taiwan in 1949. Died in 1975. [1c](p170-171) [9gfx]
Chen Shui-bian	President of Taiwan [1c](318-319)
Dalai Lama	Tibetan spiritual leader and head of Tibetan Government in exile. Fled Tibet in March 1959 after Chinese troops occupied Tibet. [2y](p42) Also know as, His Holiness, Yeshe Norbu, The Wishfulfilling Gem or Kundun, The Presence. [25k](p1)

China, April 2004

Deng Xiaoping	Architect of open economic reform in 1980s. Also ordered troops into Tiananmen Square in 1989. Paramount leader for almost twenty years. Died in 1997. [1c](p175-177)
Hu Jintao	President of PRC March 2003 - [1c](210-211)
Jiang Zemin	President of PRC 1993-2003, Chairman of the powerful Central Military Commission (CMC). [1c](210-211)
Hua Yaobang	Former Chinese leader whose death sparked Tiananmen Square protests. Died in 1989. [1c](p176-177)
Li Hongzhi	Falun Gong leader. Now resides in US. [3g]
Mao Zedong	Founded PRC on 1 October 1949. Presided over disastrous 'Great Leap Forward' and instigated the Cultural Revolution. Died in 1976. [1c](p171-174)
Panchen Lama	Tibetan spiritual leader second only to the Dalai Lama in seniority. [2z](p15)
Tung Chee-hwa	Hong Kong Chief Executive. [1c](p252-253)
Wei Jingsheng	Activist in Democracy Wall Movement arrested and subsequently sentenced to 15 years imprisonment in March 1979. Released on medical parole and exiled to US in November 1997. [3a][3f][9b]
Wen Jiabao	Premier of ORC 2003 - [1c](210-211)

Annex G: Glossaries

Chinese Terms

Chinese	English
danwei	Work Unit
chan shazi	"mixing sand" term used to refer to the policy of encouraging Han migration to Xinjiang
guanxi	pulling strings through contacts in the right places / social connections, used to obtain favours
Hanyu	"The language of the Han" = 'Mandarin', standard modern Chinese = putonghua
hei haizi	"black children" children born contrary to the "one child policy"
hukou	Household registration document
tong xing lian	"same sex love"

China, April 2004

putonghua	"The language that everyone speaks" = 'Mandarin', standard modern Chinese. Also see Hanyu
qigong or qi-gong	Chinese martial art / relaxation technique
xiagang	""off post" redundant state workers
xiejiao	"evil cult"
Xinhua	Official news agency also known as the New China news agency

English Terms

Basic Law	Hong Kong mini constitution
Blue chip status	Household registry status which allows temporary workers to legally reside in cities
Cadre	Elite CCP member
Custody and Repatriation	Form of administrative detention whereby police arrested vagrants in cities for "repatriation" their village
LegCo	Hong Kong Legislative Council
'little red book'	Book of Quotes from Mao carried by Red Guards during Cultural Revolution
People's Daily	Official newspaper of the CCP
Re-education through labour	Form of administrative detention not sanctioned by the courts
ROC	Republic of China (Taiwan)
SAR	Special Administrative Region - Hong Kong and Macao
Snakehead	People traffickers
Snaketails	Name given to trafficked people
TAR	Tibetan Autonomous Region
VC	Village Committee
XUAR	Xinjiang Uighur Autonomous Region

Tibetan Terms

lamas	Spiritual leaders
lamaseries	Tibetan Buddhist monasteries and nunneries
lingkor	pilgrimage
rinpoche	Noble - rank in Tibetan aristocracy
srung mdud	sacred cord - talisman worn by devout Tibetans
thangkas	Icons; religious paintings, photographs used as aid to spiritual devotion

China, April 2004

Annex H: Supplementary Country Information Bulletins

Title	Subjects covered	Date of Publication
Extended Bulletin 3/2002 (Tibet)	Issues surrounding claimants from Tibet (TAR)	July 2002
Extended Bulletin 5/2002 Grasp Tightly, Grasp Well (Birth Control Policies)	Birth Control policies, particularly the One Child Policy and child-care arrangements	October 2002
Revolution of the Wheel, 2 nd edition	Falun Gong issues	November 2002
Extended Bulletin 1/2003 (Double Jeopardy)	Double Jeopardy	January 2003
Extended Bulletin 2/2003 (Legal System)	Legal system, including the death penalty	February 2003
Extended Bulletin 3/2003 (Industrial Unrest and Protest)	Economic reform and industrial unrest	April 2003
Extended Bulletin 5/2003 (snakeheads)	Chinese irregular migration, People-smuggling - from PRC to the UK, and returnees	August 2003

Annex I: Useful Websites

URL	Subject Covered
http://www.chinamed.org.cn/ (click on healthcare in China)	Information on Chinese healthcare system
http://www.china-labour.org.hk/iso/	Industrial unrest and the treatment of protestors
http://clearwisdom.net/emh/index.html	Falun Gong
http://english.peopledaily.com.cn/china/19990914A103.html	Summary of provinces of PRC
http://english.peopledaily.com.cn/constitution/constitution.html	Copy of Constitution of PRC
http://www.geocities.com/Tokyo/3919/	Information on Chinese surnames
http://www.laborrightsnow.org/China.htm	Industrial unrest and the treatment of protestors
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