



Home Office

China

Country Report

10/11 - 04

OCTOBER 2004

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

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Scope of the Document

1.1 This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 1 September 2004.

1.2 The Country Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

1.3 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.4 The structure and format of the Country Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to

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go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.5 The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

1.6 As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

1.7 The Country Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

1.8 This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.9 Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

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1.10 In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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

2. Geography

2.1 As noted by Europa publications, Regional Studies: The Far East and Australasia (2004), 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 northwest; Afghanistan and Pakistan to the west; India, Nepal, Bhutan, Myanmar (Burma), Laos and Vietnam (SRV) to the south; and North Korea (DPRK) to the northeast. [1a] (p 167)

2.2 As noted by the same source, administratively, China is divided into 22 provinces, five autonomous regions, four municipalities and two special administrative regions (SARs). Its capital is Beijing (population 12.6 million) formerly known as Peking. The economic centre of mainland China is the eastern sea port of Shanghai (population 14.2 million) and the largest city is the municipality of Chongqing (population *30.5 million), which is located in Sichuan province. Shanghai is approximately 1,100 km southeast of Beijing while Chongqing is 1,500 km (approx.) southwest of it. [1a] (p 167) [12a] [18a is a map] *includes outlying areas.

2.3 On 10 May 2004, the official news agency Xinhua dismissed speculation in the Hong Kong media that the government was about to set up 50 new provinces. [13b]

The Environment

2.4 According to a BBC report dated 15 June 2004:

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"Nine out of ten of the world's most polluted cities are in China. According to the World Bank, air pollution costs the Chinese economy \$25bn a year in health expenditure and lost labour productivity – largely because of the use of coal. There are ongoing environmental debates surrounding the country's dams policy, especially the construction of the Three Gorges Dam in central Hubei province." [9a]

2.5 As reported by The Economist on 19 August 2004:

"[The] SEPA's [State Environmental Protection Administration] impotence is one reason why penalties, even when it can impose them, remain laughably light. Mr Sun [Deputy Head of Shanghai's Bureau of the SEPA] says the maximum he can fine a polluting company in Shanghai—a model city when it comes to the environment—is 100,000 yuan or about \$12,000. But just as fundamental is that China lacks an understanding of the concept that the polluter should pay. "The legacy of the old, centrally planned economy is that electricity and water are treated as free goods or goods to be provided at minimal cost," says the ADB's [Asia Development Bank] Mr Murray. Since the utilities cannot pass on the costs of cleaner water or lower power-station emissions to consumers, they fight any drive for higher standards and conservation tooth and nail. Even the central government is unwilling to impose price rises in basic services that could spark public unrest." [20n]

2.6 According to a report by the NGO International Rivers Network (IRN) dated 22 April 2004, China is now the most heavily dammed country in the world with over 20,000 high dams (over 15 metres). According to the IRN, in addition to displacing over ten million people since 1949, many of these new dams have been prone to structural problems. [20a]

2.7 As reported in the official People's Daily newspaper on 18 July 2004, "Since the coming of summer, power shortage has drawn universal concern. State Grid Corporation of China estimates that the deficiency of power this year will reach 30 million kilowatts and China will face the situation of the greatest scarcity of power since the 1980s. The cause of power shortage and the way to alleviate the severity of the matter has become the focus in the economic life." [12x]

2.8 The online 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 as a province of China. [12a] (See also Annex H on Administrative Divisions)

Population

2.9 According to the government-sponsored China Population Information and Research Center (CPIRC), which keeps a running total of the number of births

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within China on its website, the total population of the PRC is just under 1.3 billion. [5a] According to the World Health Organisation (WHO) the figure is marginally over 1.3 billion (figures for 2002). [8a]

2.10 According to the same source average life expectancy in 2002 was 65.2 for women and 63.1 for men. [8a] (See also Section 6.B on Family Planning)

2.11 As reported by the Guardian newspaper on 26 August 2004, China is increasingly reliant on imported food such as rice, wheat and Soya to feed its growing urban population. As noted by the same source, China has 20% of the worlds' population but only 7% of its arable land. [16a]]

Naming Conventions

2.12 As noted by the online encyclopaedia the.free.directory.com, Chinese names, in modern times, are made up of the Chinese family name, which is always placed first, followed by a one or two syllable personal (given) name. [20b]

2.13 According to the same source character-based personal names (i.e. those written using traditional Chinese characters not Pinyin – see below) often reflect a specific period in history or in more rural areas a poem about a persons' family. Within families it is generally considered impolite for adults to refer to each other by their personal names. Therefore they often use a family title such as big sister, second sister and so on. In addition to this most parents have pet names for their children. [20b]

Languages

2.14 As noted 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 (Putonghua, based on the Beijing dialect). According to the same source this is spoken by 1.052 billion people worldwide and understood by 70% of the population of the PRC. [20c] (p 6) [20d]

2.15 According to the Languages of the World (1995), "About 95% of the population of China speaks Chinese or one of its dialects". As noted by the same source a number of ethnic minorities have their own languages. These include Koreans, Mongolians, Tibetans and Uighurs. [20] (p 339) According to the government controlled news portal the China Internet Information Center (Quick Facts, accessed on 20 September 2004), "Of the 56 ethnic groups in China, the Hui and Manchu use the same languages as Han people, while the rest of groups have their own spoken and written languages." [14g] (p 5) (See also Section 6.B on Ethnic Groups)

Dialects within Fujian

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2.16 As noted by the website called Chinese ink in SE Asia, the southeast coast of China, including the province of Fujian, is an area of great linguistic diversity. According to the same source Min is the general term for the group of languages spoken in Fujian, eastern Guangdong and Hainan. [20g] According to the US State Department in their December 2002 paper A Brief Overview of Chinese Migration, "Different dialects are used in the area around the major ports of Fuzhou and Xiamen (Amoy). In Fuzhou, Fujian's capital a dialect of Chinese is spoken which is unintelligible not only to speakers of Mandarin and Cantonese, but also to speakers of Minanhua (Southern Min dialect), which is prevalent in Xiamen and Taiwan." [2e] (p 2-3)

2.17 According to the website Fujian: My Home Province, a page for children from Fujian to learn about their heritage, last updated in July 2003:

"Fujian is one of the most linguistically fragmented provinces of China. Most inhabitants speak Min Chinese (sometimes called Fukienese), which is divided into three main dialects: Fuzhou dialect spoken in the north and east, Xiamen dialect in the south, and Henghua dialect in the middle of the province. A form of Min Chinese is also the main language spoken in Taiwan. In the southwestern corner of Fujian the natives speak a different language called Hakka Chinese, while in the west the native dialects are closer to the Gan (or Kan) Chinese spoken by their neighbors in Jiangxi Province." [20f]

(See also Section 6.A/[Fujian Province](#))

Pinyin Translation System

2.18 As noted by the online encyclopaedia Wikipedia, the Pinyin translation system was formally adopted by the government in 1979. According to this source, "The primary purpose of pinyin in Chinese schools is to teach Mandarin pronunciation." [20h]

2.19 For further information on geography, refer to Regional Studies: The Far East and Australasia, People's Republic of China – directory, 2004. [1a]

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3. Economy

3.1 As reported by the BBC on 12 May 2004, China is now the world's sixth largest economy and fourth largest exporter. According to the same report its economy grew by 9.1% in 2003, prompting fears that it was in danger of overheating. [9b]

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Poverty

3.2 As reported by the Guardian newspaper on 27 May 2004:

"China's economic expansion has been on a scale and at a speed the world has never seen before. Since opening its economy in 1978, China has accounted for three-quarters of all the people in the world lifted out of abject poverty. According to the World Bank, the number of Chinese people subsisting on less than \$1 a day has fallen from 490 million in 1981 to 88 million. During this period the country's output has increased more than eightfold and the average income has risen by 7% a year, passing \$1,000 (currently £551) for the first time in 2003." [16b]

3.3 As reported by the BBC in 30 March 2004, 19% of Chinese households earned more than £10,000 per year – 49% of who live in urban areas. [9c]

3.4 According to a report by the NGO Trickle Up dated 16 July 2004:

"China has one of the highest income disparities in the world, with the gap between the urban rich and the rural poor (including ethnic minorities) increasing. Productive land is stretched beyond capacity and extremely vulnerable to droughts and floods. New environmental regulations often prevent subsistence farmers from having access to natural resources, and displacement is common for rural families. From 80 to 120 million surplus rural workers are adrift between the villages and the cities, many subsisting through part-time low-paying jobs." [6z]

3.5 According to the UN Human Development Indicators, 47.3% of the population live on less US\$2 per day (figures for 2001). [8c]

3.6 On the 20 July 2004, the official news agency Xinhua reported the first official rise in poverty for 25 years. According to this report, "The number of indigent Chinese with less than 637 yuan (77 US dollars) of annual net income rose by 800,000 in 2003. This is the first time the number increased since China began opening-up in the late 1970s, said a senior Chinese official." [13m]

3.7 According to a report in the Guardian newspaper dated 20 July 2004, "The trickle-down benefits of spectacular economic growth of between 7 per cent and 9 per cent are questionable. Although the coastal manufacturing and financial centres are more prosperous than ever, the poorest in remote inland areas have seen fewer benefits." [16ac]

Go West Development Programme

3.8 As reported by the official China Daily newspaper on 2 April 2004, "Western China, which accounts for 56 per cent of the nation and 50 per cent of verified

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deposits of mineral resources, has not enjoyed the same degree of prosperity as eastern China since the country opened up in 1979." [14ae]

3.9 This report continued:

"The Chinese Government officially announced its plan to develop western China in 1999 and began carrying out the strategy a year later. The aim is to help the west catch up to the economically successful east. Western China includes Chongqing Municipality; Sichuan, Guizhou, Yunnan, Shaanxi, Gansu, Qinghai provinces; and Tibet, Ningxia, Xinjiang Uygur, Inner Mongolia and Guangxi Zhuang autonomous regions." [14ae]

3.10 According to a report from late 2001 by the American Journalist Ron Gluckman, who has spent over a decade reporting from China, "Ever since the then President Jiang Zemin announced his Go West campaign to develop China's hinterlands in 1997, Beijing has poured billions into the region, in which more than half the country's poorest citizens live." [15d] (p 2)

State Owned Enterprises (SOEs)

3.11 As reported by the BBC in their special report "Inside China's ruling party" (December 2003), "Millions of workers have been laid-off as state-run firms have been restructured or shut down. This has sparked angry protests from their workers, who complain they have been left without the welfare benefits they were once promised." [9aa]

3.12 According to the government White Paper, China's: Employment Situation and Policies, dated April 2004 (Section II), "From 1998 to 2003, the accumulative total number of persons laid off from state-owned enterprises was 28.18 million... In 2003, with the concerted efforts of governments at all levels throughout the country, jobs were found for 4.4 million laid-off persons, of whom 1.2 million were men over 50 years of age and women over 40 years of age, who had been considered as having difficulties finding reemployment." [14d] (p 3 of Section II)

Liaoning Province

3.13 As noted by the NGO China Labour Bulletin on 6 May 2004, "Liaoning Province has the largest number of state-owned enterprise (SOE) employees in China, and therefore also the largest number of retrenched and retired SOE workers in the country." The same source continued, "In many cities, it is common to find that all residents work for one single industry and in some cases, one single state owned enterprise [SOE]." [8ab]

Unemployment

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3.14 According to the Ministry of Labor and Social Security, the number of registered unemployed at the end of 2003 was *4.3%. According to the same source by the end of March 2004, 155 million people were covered by retirement insurance, 102 million by unemployment insurance and 112 million by medical insurance (figures rounded down to the nearest million). [13a] *Government figures exclude rural unemployed.

Currency

3.15 As noted by Europa publications (2004), the Chinese currency is the renminbi (People's Bank Dollar, RMB) more commonly called the yuan. [1a] (p 202) According to the Yahoo currency converter the exchange rate fluctuates at 14–15 yuan/RMB to the pound sterling. [20]

Corruption

3.16 According to the NGO Transparency International (TI) and their Corruption Perception Index 2003, China is in the bottom half of the table when it comes to its own citizen's perceptions of the level of corruption – it scored 3.6 out of ten (ten being zero perception of corruption). [8v]

3.17 As reported by the BBC in their special report "Inside China's ruling party" (December 2003), "Corruption is an extremely serious problem for China, seeping through all levels of business and politics and undermining the Communist Party's legitimacy. Some leaders, including Jiang Zemin, have said the issue could even threaten the party's very existence. However, no-one has come up with an effective way to stop the rot." [9ab]

3.18 On 23 December 2003, China's top Procurator told the official People's Daily newspaper that official corruption was still rampant with over 38,000 cases filed in the first 11 months of 2003. [12b] According to a report in the Epoch Times dated 30 August 2004, "Huang Jingao, the secretary of the Lianjiang county committee in Fujian province, has been facing intimidation from his superiors and the underworld, but Huang claims that he won't ignore the corruption even if he may be sacked. Huang has worn a bulletproof vest for six years and has written his will twice." [15z]

3.19 According to a report in the Guardian newspaper dated 17 April 2004, almost 15,000 corrupt officials absconded or disappeared in 2003. According to the same 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." [16aa]

3.20 As reported by the official news agency Xinhua on 16 July 2004, China is drafting a special law to fight money laundering. Quoting the IMF the report

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stated that, "The International Monetary Fund [IMF] estimates that 200 to 300 billion yuan (US\$24 to 36 billion) is laundered in China, which signals a serious situation, the report said." [13g]

3.21 As reported by the BBC on 29 June 2004, the government's anti-graft (anti-corruption) campaign is aimed specifically at stamping out official corruption. [9s] As reported by CNN on 16 July 2004, Liu Weifeng, a former manager of several SOEs was convicted of embezzling more than 20 million yuan (US\$2.42 million) and executed the same day. [10c] As reported by the same source on 24 August 2004, "The wife of a leading Chinese anti-corruption official has lost both her legs after a bomb exploded at their home." [9au]

3.22 According to a report in the official People's Daily newspaper dated 9 August 2004, more than 20,000 corruption cases were investigated in the first half of 2004. [12r]

3.23 As reported by the official news agency Xinhua on 5 July 2004, "China sacked 19,374 civil servants during the period 1996 and 2003 as part of its efforts to build a clean and efficient government, according to figures released by the Ministry of Personnel." [13e]

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4. History

China, 1949–66

4.1 As noted 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. [1a] (pp 171-183)

4.2 As noted by the same source and by the BBC in their special report "Inside China's ruling party" (December 2003), once in power Mao presided over many disastrous policies, including the 'Great Leap Forward' (1959–61), which saw a headlong rush towards industrialisation at the expense of agricultural output. It has been estimated that 10 to 35 million people died as a result of famine during this period. [1a] (pp 171-183) [9ac] [9ad]

China, 1966–74: Cultural Revolution

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 own personal prestige/influence. Under it Red Guards, fanatically loyal to Mao, were given free rein to destroy the "four olds" (old ideas, old customs, old culture, old

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habits). They ended up destroying much of the fabric of Chinese society, while Mao purged the Party of his rivals, including Deng Xiaoping. The policy led to near anarchy and Mao was forced to call upon the army (PLA) to restore order. [1a] (pp 171-183) [9ac] [9ae]

4.4 According to the BBC in their special report "Inside China's ruling party" (December 2003), "The Cultural Revolution officially lasted until 1976 [when Mao died]. Although the fervour of the first two years was not maintained, some areas of the country became almost ungovernable." [9ae]

China, 1976–78

4.5 As noted by Europa publications (2004) and by the BBC in their special report "Inside China's ruling party" (December 2003), Mao was replaced as CCP Chairman by Hua Guofeng, who had earlier taken over as Premier from Zhou Enlai (who died January 1979). At the same time Deng was also restored to high office and soon emerged as the country's paramount leader. [1a] (pp 171-183) [9ae] [9af]

4.6 As noted by 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. [1a] (pp 171-183) [9ae] As reported by the official China Daily newspaper on 19 July 2004, "Mao Zedong erred in later life, but that is for the Chinese to accept and live with his errors. In the end, the legacy Mao Zedong left behind exonerates his frailties and foibles; and his mistakes, though gigantic, never diminish his stature." [14af]

China, 1978–89: Economic Reform

4.7 As noted by Europa publications (2004) and by the BBC in their special report "Inside China's ruling party" (December 2003), in 1978 Deng Xiaoping announced a new "open-door" policy aimed at attracting foreign investment. [1a] (pp 171-183) [9af] [9ag] [9ah]

4.8 As reported by the same sources, this strategy resulted in massive changes in Chinese society (see also Section 3 on the 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. [1a] (pp 171-183) [9af] [9ag] [9ah]

China, 1989: Tiananmen Square Protests

4.9 As noted by Europa publications (2004) and by the BBC on 15 October 2003, the death of former CCP Chairman Hu Yaobang sparked the Tiananmen Square

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(TS) protests, which began on 15 April 1999 with students and workers of all ages gathering in TS to mourn his passing. [1a] (pp 171-183) [9d]

4.10 As reported by the BBC in their special report "Inside China's ruling party" (December 2003):

"Demonstrators soon began to call for greater democracy, an end to official corruption, and even the overthrow of the Party. The authorities' response was contradictory, reflecting a power struggle under way between reformers and conservatives. Protests spread across China, and hundreds of thousands of people travelled to the capital to take part. Worried by the threat of social chaos, hard-liners within the Party leadership got the upper hand, placing the capital under martial law. But the Square was not cleared, and on 30 May students erected the "Goddess of Democracy" statue, cheered by onlookers. Finally the Party resolved to act. On 4 June 1989, on the orders of Deng Xiaoping and other Party elders, troops and tanks of the People's Liberation Army [PLA] and People's Armed Police [PAP] cleared Tiananmen Square. Although the Party claimed nobody was killed on the Square itself, several hundred people were killed by the army and police on nearby streets as the troops lost control and opened fire on unarmed protesters." [9ai]

4.11 As reported by the BBC's timeline on China, last updated on 3 June 2004, the official death toll was put at 200. As noted by the same source the suppression of the protestors was widely condemned in the West and led to the imposition of sanctions. [9d]

Post-Tiananmen Square

4.12 As noted by Europa publications (2004) and by the BBC in their special report "Inside China's ruling party" (December 2003), the authorities reacted forcefully in the months following the crackdown, arresting thousands of people and tightening social controls. [1a] (pp 171-183) [9ai]

4.13 As noted by the same sources, Shanghai Party chief, Jiang Zemin replaced Zhao Ziyang as CCP General Secretary; Zhao was purged from the party after pleading with the protestors to disperse on 19 May. Two years later Jiang became President of China and continued the policies of Deng, who died in 1997. [1a] (pp 171-183) [9ai] [9aj]

4.14 In September 1990 Amnesty International (AI) published a detailed report on the TS protests and their aftermath. This report highlighted both the indiscriminate nature of the killings and thoroughness of the crackdown that proceeded it. [6a] On 4 June 2004, Human Rights Watch (HRW) published a report on the whereabouts of many of the surviving activists. This report detailed their continued harassment by the security forces. [7b]

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4.15 As noted by Europa publications (2004) and the BBC's timeline on China, last updated on 3 June 2004, under Jiang's stewardship Hong Kong (1 July 1997) and Macau (20 December 1999) were both returned peacefully to China, by the UK and Portugal respectively. China's relations with the rest of the world (excluding Taiwan) also gradually improved after the rumpus caused by the suppression of the TS protestors. [1a] (pp 171-183) [9d]

4.16 As noted by the same sources, in March 2003 Hu Jiantao replaced Jiang as President having previously succeeded him as CCP Secretary (November 2002). Jiang remained as head of the military. [1a] (pp 171-183) [9d] (See also Section 5 on The Leadership)

4.17 For history prior to 1949, refer to Regional Studies: The Far East and Australasia, People's Republic of China – directory, 2004. [1a]

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5. State Structures

The Constitution

5.1 As noted 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, Article one states that:

"The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants. The socialist system is the basic system of the People's Republic of China. Sabotage of the socialist system by any organization or individual is prohibited." [1c] (pp 205-208)

5.2 As noted by the Europa publications (2004), Articles 1 to 32 list the general principle of the Chinese constitution. They include, respect for the law by officials and citizens alike, equal treatment for minorities, protection of lawfully earned income or property, the right to inherit property and the right to grant asylum to foreign nationals. [1c] (pp 205-208)

5.3 As reported by the official 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 rights in the Constitution. They also voted to include an amendment to protect private property. [12d] [6c] According to AI, "Amnesty International today welcomed the recent announcement by China's National People's Congress that it would enshrine human rights in the Constitution, but cautioned that these steps must be backed

up by legal and institutional reforms to ensure the protection of human rights in practice." [5c]

5.4 According to the US State Department Report 2003 (USSD), published on 25 February 2004, "At year's end, it remained unclear how these reforms would be implemented and what effect they would have." [2d]

Citizenship and Nationality

5.5 According to the official People's Daily newspaper (15 March 2004), Article 33 of the Constitution now states that:

"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 2004 addition] The State respects and preserves human rights." [12d]

5.6 As reported by the Canadian IRB on 15 November 2002, dual citizenship is not recognised under Chinese law. [3d] However, according to the same source:

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

5.7 As reported by the Canadian IRB on 3 May 2002, no definitive answer could be found on whether a child born in a foreign country to Chinese nationals has an automatic right of abode in China. [3e]

5.8 As noted by Europa publications (2004), Articles 33 to 56 of the Chinese constitution lay down the rights and responsibilities of citizens. [1a] (p 206)

The Political System

5.9 According to the USSD Report 2003, the Chinese Communist Party (CCP) is the sole legal party and exercises a monopoly on power. [2d] (p 1)

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5.10 As noted by the Foreign and Commonwealth Office (FCO) on their country profile for China, last reviewed in February 2004, "The National People's Congress (NPC) is China's legislative body. It has a five-year membership and meets once a year in plenary session. However, in practice it is the CCP who takes all key decisions." [4a] (p 1)

5.11 According to the same source, "The supreme decision-making body in China is the CCP Politburo and its 9-member Standing Committee, which acts as a kind of 'inner cabinet', and is headed by the General Secretary of the Chinese Communist Party." [4a] (p 1)

The Leadership

5.12 As noted by Europa publications (2004), the President (Head of State) is Hu Jintao, elected by the 10th National People Congress (NPC) on 15 March 2003. The Premier (Prime Minister) is Wen Jiabao elected in September the same year. The Chairman of the Standing Committee of the NPC is Wu Bangguo, elected in March 2003. [1a] (pp 210-211)

5.13 As noted by the same source, former President Jiang Zemin remains head of the armed forces, though he no longer sits on the politburo. [1a] (pp 210-211) His profile on the website of official People's Daily newspaper displays the same information. [12k]

5.14 As reported by the BBC on 18 March 2003, Hu and Wen are both members of the "fourth generation" of Chinese leaders (since 1949). Following on from Mao, Deng and Jiang who headed the first, second and third generations respectively. [9e]

5.15 As reported by the BBC on 5 March 2003, Hu is the first Chinese leader whose Party career began after 1949. According to this report he was first identified as a potential successor to Jiang in 1992, when Deng promoted him to the Politburo. [9ak] His profile on the website of official People's Daily newspaper shows that he joined the CCP in April 1964 and steadily climbed the Party ladder thereafter. He is an engineer by trade and was Party Secretary in Tibet from 1988 to 1992. [12l]

5.16 According to his profile on the website of the official People's Daily newspaper, Wen joined the CCP in April 1965 and was first elected to the politburo in 1993. Like Hu, he is also an engineer (geologist) by trade. [12j] As reported by the BBC on 5 December 2003:

"Things have not always been easy for Wen Jiabao, however, but he has always managed to bounce back. Perhaps his most significant recovery was after 1989, when Mr Wen accompanied then-Party Secretary Zhao

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Ziyang to Tiananmen Square to visit the students on hunger strike. Mr Zhao was purged from the party days later and has lived under house arrest in Beijing ever since. Mr Wen, on the other hand, weathered the storm." [9a1]

5.17 According to Dr. Richard Baum, Professor of Political Science at UCLA, speaking in January 2002:

"There is also the question of informal power in the Chinese system. You could not always tell in the past from looking at the organizational chart who made the decisions. In the 1980s after Deng Xiaoping and others resigned from official positions they still were a very powerful group, the 8 immortals they were called. This old group of elder statesmen remained the most powerful group in China. It was the elder statesmen who called in the troops at Tiananmen in 1989, not the elected leadership." [19d]

5.18 According to a report by Asia Times dated 16 July 2004:

"Hu and Wen are trying to push through – and, more difficult, implement – Communist Party reforms that ensure more intra-party discipline, democracy, accountability, transparency and the rule of law. They also are pressing further economic reforms that emphasize slower rational growth, not unbridled economic expansion that lines the pockets of vested interests." [15h]

5.19 As reported in Volume 4, Issue 16 (5 August 2004) of China Brief – available via the Jamestown Foundation's website:

"The Hu-Wen group and the Shanghai Clique [supporters of former President Jiang] are at loggerheads over the on-going hongguan tiaokong ("macro-economic control and adjustment") crusade to cool down the economy. The State Council under Wen has mounted a vigorous campaign since the spring to defuse the "bubbles" that have developed over industries and sectors, such as properties and construction materials. The Hu-Wen team also wants to stop local chieftains from undertaking glamorous and prestige projects such as towers, bridges and tunnels unless return on investment is guaranteed." [8b]

5.20 According to a report by the LA Times dated 8 August 2004, "Jiang personifies all that is outmoded in Chinese politics. He refuses to cede full power to a new generation and let China change as it will. In doing so, he is making the same mistake as Mao and Deng Xiaoping before him." The same source continued, "In the end, Jiang cannot keep China from changing. If he relinquishes power he would set a new, constructive precedent. Unlike Mao and Deng, he could be China's George Washington, a leader who, in leaving office even when

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others wanted him to stay, allowed a government to develop beyond the will of any single leader and let a country come into its own." [15n]

Village Committees

5.21 As reported by the official China Daily newspaper on 4 November 2003 (two separate reports), the Organic Law of Villagers' Committees (1989) allows candidates independent of the CCP to stand for election to Village Committees (VCs). [14aa] [14ab]

5.22 According to the same source(s) there are currently (2003) 680,000 VCs representing 900 million rural residents – the government has claimed a 90% turn out for these elections. [14aa] [14ab]

5.23 USSD Report 2003 noted that, "Foreign observers who monitored local village committee elections judged the elections they observed, on the whole, to have been fair. However, the Government estimated that one-third of all elections had serious procedural flaws. Corruption and interference by township-level officials continued to be a problem in some cases." The same source continued, "The country's Constitution forbids direct election of officials above the village level, and a 2001 NPC directive emphasized that direct election of township-level officials was forbidden." [2d] (p 12)

Judiciary

5.24 As noted by Europa publications (2004), the Supreme People's Court (SPC) heads the legal system under which all other people's courts, including military tribunals operate. [1a] (pp 209-210)

5.25 According to the USS Report 2003:

"The Constitution states that the courts shall, in accordance with the law, exercise judicial power independently, without interference from administrative organs, social organizations, and individuals. However, in practice, the judiciary received policy guidance from both the Government and the Party, whose leaders used a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases. At both the central and local levels, the Government frequently interfered in the judicial system and dictated court decisions. Trial judges decide individual cases under the direction of the trial committee in each court. In addition, the Communist Party's Law and Politics Committee, which includes representatives of the police, security, procuratorate, and courts, has authority to review and influence court operations; the Committee, in some cases, altered decisions. People's Congresses also had authority to alter court decisions, but this happened rarely. Corruption and conflicts of interest also affected judicial decision-making. Judges were appointed by

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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." [24] (p 9)

5.26 According to the same source between 1998 and 2002, 25% of criminal cases resulted in a sentence of more than 5 years, life imprisonment, or the death penalty. [24] (p 11)

5.27 According to the UN Commission on Human Rights (14 March 2002):

"By letter dated 22 August 2001, the Special Rapporteur advised the Government that he had received information according to which no presumption of innocence is incorporated in Chinese law, nor the right to remain silent, nor protection against self-incrimination. Evidence obtained through ill-treatment is said to be admissible in courts and defendants are believed to have few means to expose ill-treatment by the police before or during the trial, as judges are reported to have the power to limit arbitrarily a defendant's or defence lawyer's right to speak. Furthermore, a defendant who speaks out in court is said to open him/herself to retaliation by prison officials if he/she is convicted." [81] (p 51)

Criminal Procedures Law (1997)

5.28 As reported by the USSD Report 2003:

"The 1997 Criminal Procedure Law [CPL] falls short of international standards in many respects. For example, it has insufficient safeguards against the use of evidence gathered through illegal means, such as torture, and it does not prevent extended pre- and post-trial detention. Appeals processes failed to provide sufficient avenue for review, and there were inadequate remedies for violations of defendants' rights. Furthermore, under the law, there is no right to remain silent, no right against double jeopardy, and no law governing the type of evidence that may be introduced. The mechanism that allows defendants to confront their accusers was inadequate; according to one expert, only 1 to 5 percent of trials involved witnesses. Accordingly, most criminal "trials" consisted of the procurator reading statements of witnesses whom neither the defendant nor his lawyer ever had an opportunity to question. Defense attorneys have no authority to compel witnesses to testify. Anecdotal evidence indicated that implementation of the Criminal Procedure Law remained uneven and far from complete, particularly in politically sensitive cases." [24] (pp 8-9)

Law on Administrative Appeals (1999)

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5.29 As reported by the official news agency Xinhua on 29 April 1999, the Law on Administrative Appeals (effective from 1 October 1999) allows citizens to appeal against illegal government infringements of their rights and interests. [17a]

Legal Rights/Detention

5.30 According to the USSD Report 2003:

"Arbitrary arrest and detention remained serious problems. The law permits authorities, in some circumstances, to detain persons without arresting or charging them, and persons may be sentenced administratively to up to 3 years in reeducation-through-labor camps and other similar facilities without a trial. Because the Government tightly controlled information, it was impossible to determine accurately the total number of persons subjected to new or continued arbitrary arrest or detention. Official government statistics indicated that there were 230,000 persons in reeducation-through-labor camps, while NGOs claimed some 310,000 persons were in reeducation through labor." [2d] (p 7)

5.31 The same source continued:

"According to the 1997 Criminal Procedure Law, police can unilaterally detain a person for up to 37 days before releasing him or formally placing him under arrest. After a suspect is arrested, the law allows police and prosecutors to detain him for months before trial while a case is being 'further investigated.' The law stipulates that authorities must notify a detainee's family or work unit of his detention within 24 hours. However, in practice, failure to provide timely notification remained a serious problem, particularly in sensitive political cases." [2d] (p 8)

5.32 On 26 November 2003, a spokesperson for the Supreme People's Procuratorate (SPP) admitted in an interview with the official news agency Xinhua that there were at least 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. [5b]

5.33 According to a report by the official news agency Xinhua dated 14 March 2004, "A Supreme People's Court [SPC] judge has made clear that the court protects the right of citizens to file complaints about judgments [sic] they believe to be erroneous." According to the same report the SPC (based in Beijing) dealt with 100,000 letters of complaint and handled 20,000 visitors in 2003. [13c]

5.34 According to a report by the BBC dated 27 July 2004, over 9 million petitions and appeals were lodged with central government bodies in 2003, many of them in person. According to this report, "Even the head of the State Bureau for Petitions and Appeals, Zhou Zhanshan, has admitted that 80% of the

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complaints are reasonable. Yet the overburdened system gives few petitioners a sympathetic hearing. And even if they get sympathy, the offices have no legal powers to enforce their decisions." [9v]

5.35 As noted the USSD Report 2003:

"Lawsuits against the Government continued to increase as a growing number of persons used the court system to seek legal recourse against government malfeasance. Administrative lawsuits rose, with more than 100,000 such cases filed in 2001, according to government statistics. Losses by plaintiffs dropped from 35.9 percent in 1992 to 28.6 percent in 2001. In 2002, the SPC established guidelines giving litigants the right to access government files to facilitate lawsuits against government bodies. Decisions of any kind in favor of dissidents remained rare." [2d] (p 11)

5.36 On 12 May 2004, the official news agency Xinhua reported that a farmer from Hebei province in Northern China had been awarded 362,000 yuan (£26,000) in compensation after his wife and daughter died as a result of receiving HIV-contaminated blood in July 1997. [13d] On the 11 August 2004, Xinhua reported that a businessman from Guangdong province had been awarded 170 million yuan (US\$20.56 million) in compensation after winning an 8-year legal battle against the illegal confiscation of his business by the local authorities. [13u]

Hitting an Official

5.37 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." [20j]

5.38 Article 322, 52 and 53 cover penalties for illegal emigration and penalties for returnees respectively. [20j]

Arrest Warrants

5.39 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. No information could be obtained on police/court summons. [3b]

Death Penalty

5.40 According to a report by AI dated 6 April 2004, "Limited and incomplete records available to Amnesty International at the end of the year [2003] indicated

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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." [6d] (p 6)

5.41 The same source continued:

"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." [6d] (p 6)

5.42 According to a report by the National Coalition to Abolish the Death Penalty (NCADP) dated 15 March 2004:

"China sentences to death and immediately executes around 10,000 convicted criminals every year, according to a delegate who was seeking to curb the practice at China's just closed parliamentary session. "Every year China has nearly 10,000 cases of the death penalty that result in immediate execution. This is about five times more than all the other death penalty cases from other nations combined," said Chen Zhonglin, a National People's Congress (NPC) delegate from Chongqing municipality. Chen's statement, in a weekend edition of the China Youth Daily, is believed to be the first time that such a number has appeared in the state-controlled press. If correct, the numbers put to death are far higher than the estimated annual number of executions reported by human rights groups." [8j]

5.43 On 22 March 2004, AI called for a moratorium on the use of the death penalty in China citing numerous examples of miscarriages of justice. [6e]

5.44 According to the USSD Report 2003:

"In 2002, officials reportedly carried out over 4,000 executions after summary trials as part of a nationwide "strike hard" campaign against crime. The actual number of persons executed likely was far higher than the number of reported cases. The Government regarded the number of death sentences it carried out as a state secret but stated that the number of executions decreased during the year. Some foreign academics estimated that as many as 10,000 to 20,000 persons were executed each year." [2d] (p 4)

5.45 The same source continued:

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"The lack of due process was particularly egregious in death penalty cases. There were 65 capital offenses, including financial crimes such as counterfeiting currency, embezzlement, and corruption, as well as some other property crimes. A higher court nominally reviewed all death sentences, but the time between arrest and execution was often days and sometimes less, and reviews consistently resulted in the confirmation of sentences. Minors and pregnant women were expressly exempt from the death sentence." [2d] (p 12)

Organ Harvesting

5.46 According to a report by the Epoch Times dated the 8 June 2004 and published on the website of the Laogai Research Foundation (an NGO):

"According to reliable sources within the Shanghai Police department, some police officers are conspiring with greedy doctors to sell the organs of dead prisoners for large sums of money." The same source continued, "In China, the removal of the organs of executed prisoners is a practice condoned by the government. Many Chinese policemen, judges, and doctors are all willing to discuss how to obtain organs from dead prisoners for commercial usage." [8bv]

Internal Security

5.47 According to the USSD Report 2003, "The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army (PLA), and the state judicial, procuratorial, and penal systems. Civilian authorities generally maintained effective control of the security forces. Security policy and personnel were responsible for numerous human rights abuses." [2d] (p 1)

5.48 The same source continued, "Police and prosecutorial officials often ignored the due process provisions of the law and of the Constitution. For example, police and prosecutors subjected many prisoners to torture and severe psychological pressure to confess, and coerced confessions frequently were introduced as evidence." [2d] (p 10)

Police Accountability

5.49 According to the USSD Report 2003:

"The Criminal Procedure Law forbids the use of torture to obtain confessions, but does not expressly bar the introduction of coerced confessions as evidence. In August, new public security regulations were announced banning the use of torture to obtain confessions and prohibiting the use of coerced confessions in certain administrative cases.

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However, the new regulations offer no mechanism for a defendant in an administrative case to ensure that his coerced confession is disregarded. Some provinces passed further regulations noting that police who coerced defendants into confessing could be fired." [2d] (p 10)

5.50 As reported by BBC Monitoring on 3 August 2004:

"An article on the Chinese Ministry of Public Security web site has explained new rules for the police on interrogating and detaining suspects, which will become effective on 1 October 2004. The new rules will introduce stricter and clearer procedures for carrying out interrogations and overseeing the management of interrogation rooms. Officers responsible for the suicides of detainees will be investigated and punished. The rules also ensure the safety and rights of pregnant women, minors under 16 and senior citizens 70 and over. The article said the new rules were part of the ministry's efforts to tackle law enforcement-related problems that had caused "the deepest concern and strongest resentment among the people". The following is the text of the article by Xin Wen entitled: "The Ministry of Public Security promulgates 'provisions on the application of continuing interrogations by public security agencies'" by the Chinese Ministry of Public Security web site on 3 August." [14f]

5.51 On 12 May 2004, the official news agency Xinhua carried a report in which China's second most senior Procurator admitted that government departments have infringed on people's human rights. The government is conducting a nationwide investigation into the issue (running from May 2004 to June 2005), said Xinhua. [13o]

5.52 As reported by the Shenzhen Daily newspaper on 23 August 2004, two police officers in Chengdu City, Sichuan province, were given two- and three-year prison sentences after indirectly causing the death of a 3-year-old child who starved to death while her mother was being detained. [14e]

(See also Section 5 on Criminal Procedures Law – 1997)

Police Organisation

5.53 According to a report by the Canadian IRB dated 26 January 2004, China's police force is can be broken down as follows:

- Public Security Bureau (PSB) – the main police force in China, accountable to the Ministry of Public Security (MPS).
- Prisons Police – guard prisons and labour camps, accountable to the Ministry of Justice.

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- Judicial Police – maintain security at courts and escort suspects to and from court. Also administer the death penalty, not directly attached to any Ministry.
- Armed Police – patrol border, guard VIPs, foreign embassies and important government buildings, accountable to MPS and Central Military Commission (CMC).
- Patrol Police – community police whose main job is to deter crime and safeguard major events, accountable to the MPS. [3e]

Police Corruption/Incompetence

5.54 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. According to the same source, 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. [9]

5.55 According to the USSD Report 2003, 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. [2d] (p 7)

5.56 On 2 August 2003, the BBC reported that the police had been ordered to end the practice of arrest quotas. 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." [9g] 11

Prisons and Prison Conditions

5.57 According to the USSD Report 2003:

"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." [2d] (p 5)

5.58 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. [2d] (pp 5-6)

5.59 The USSD Report 2003 also stated that, "Sexual and physical abuse and extortion were reported in some detention centers. Forced labor in prisons and reeducation-through-labor camps was also common. At the Xinhua Reeducation-Through-Labor Camp in Sichuan Province, inmates were forced to work up to 16 hours per day breaking rocks or making bricks, according to credible reports." [2d] (pp 6-7)

5.60 According to the Summer Report 2004 (Vol. 12, No. 2) of the Laogai Research Foundation (an NGO):

"In 2001, China's State Council authorized the construction of 120 large-scale modern prisons divided into three categories: minimum security, which can house 3,000 prisoners; moderate security, which can house 5,000 prisoners; and maximum security, which has a capacity of 10,000 prisoners. These prisons were set to be completed by the year 2005, but as of mid-2004, construction on only 30 of these prisons had been finished. In many localities, construction machinery has piled up in construction areas as funds have been diverted." [8bw]

5.61 The same source continued:

"According to the most recent data from China's public security and judicial authorities, 1.12 million people are currently serving time in China's prisons, and the total number of prisoners exceeds jail capacity by 18 percent. Many prisoners are able to negotiate a reduction in their prison time by bribing the authorities. Also, a large number of criminal cases are backed up, due to both a shortage of judicial manpower and a lack of funding." [8bw]

Model Prisons

5.62 According to a report by the Dui Hua Foundation (an NGO) in the Summer 2004 edition of their newsletter Dialogue:

"In September 1995, the MOJ published a list of standards for ministry-level modern and civilized prisons. There are a total of 58 criteria, grouped into seven sections. Modern and civilized prisons must have relatively more advanced and complete facilities and a sound, functioning reform system as their basis. They must implement scientific and civilized administration of prisoners and educational reform and must be a high-quality reform facility. Physical requirements for buildings, communications, transport, prison cells, and other facilities are set out. Prisons should have fair, open, and reasonable procedures for parole,

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sentence reduction, and release. Maximum rates for unusual deaths of inmates and prisoner escapes cannot be exceeded. Guangxi Women's Prison, given model status by the MOJ in 1999, was recently praised in the press for granting 147 sentence reductions in January 2004, 39 of which resulted in immediate release. A key measure is the number of prisoners per cell. The maximum number for a prison to win model status is 20. [David] Kamm [The Foundation's Executive Director] has seen model prisons having cells with as few as four prisoners and as many as 14. Sanitation standards and medical facilities are judged by inspectors, as is the system of education and reform. Prisoners must spend a certain number of hours in class." [8w] (p 1) [8x is a list of model prisons dated July 2001]

5.63 As noted by the USSD Report 2003, "The Government also has created some "model" facilities, where inmates generally received better treatment than those held in other facilities." [2d] (p 5)

Prison Conditions in Fujian

5.64 According to the Fall 2003 edition of the newsletter Dialogue:

"On September 15, 2003, The Dui Hua Foundation's executive director John Kamm was given a comprehensive tour of Xiamen Prison in Fujian Province, accompanied by representatives of the Ministry of Justice and the Fujian Province Prison Administration Bureau. This was the first full tour of a prison by a foreigner-Kamm viewed all sections, including the rarely visited solitary confinement cells-since the government declared the official end to the SARS crisis. The visit also marked the first time a foreigner was granted access to Xiamen Prison. Established in 1998, Xiamen Prison is a provincial-level "Civilized and Modern Prison," meaning that it is considered among the best in the province. It occupies a 16-acre site in the Dongan District of Xiamen Municipality. Its 2,000 inmates are housed in three cell blocks and are watched over by approximately 200 prison staff. Sixteen prisoners occupy each cell. There are 10 cells per section and six sections per cell block. Xiamen Prison only houses prisoners sentenced to fixed terms... Medical care in the prison's clinic is provided free of charge. There is a 20,000-volume library and a prison newspaper to which prisoners can contribute articles. Each cell has a TV that is turned on for one hour each evening." [8y] (pp 1-2)

Prison Conditions in Tibet (Xizang)

5.65 According to a report by World Tibetan Network News dated 26 September 2002, Drapchi prison in Tibet has been the scene of widespread torture, with 15 deaths reported amongst its predominantly Tibetan detainees since 1998. [15ba]

5.66 According to a report by AI from September/October 2003:

China, October 2004

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

5.67 According to a report by the Tibetan Information Network (TIN) dated 16 August 2002, a new "punishment block" known as detention area nine (Tsonkhul) was constructed at Drapchi prison late in the summer of 2000. The same source continued:

"Approximately 30 prisoners are reportedly held in Detention Area Nine at any one time. While some are new arrivals to the prison, the majority, including criminal prisoners, are reportedly undergoing the strict regime in Detention Area Nine as punishment. Prisoners in Detention Area Nine are reportedly not allowed to do any work. A tiny walled courtyard adjoins each cell in the block. Prisoners under the most severely restricted regime are not given access to that space or allowed any activity or exercise outside their cells." [15bb]

5.68 In their Annual Report 2003 on the Human Rights Situation in Tibet the Tibetan Centre for Human Rights and Democracy (TCHRD) lists ten prisons and detention centres in Tibet. Please note that the TCHRD regards the whole of the Tibetan Plateau as part of "Tibet" and the list therefore includes prisons/labour camps outside the Tibetan Autonomous Region (TAR).

"Tibet Autonomous Region Prison (Drapchi Prison) is the largest prison in the "TAR". Prisoners from the "TAR" area with a long prison term are incarcerated in this prison. It is believed to have been constructed in 1960, and is located in the north-east outskirts of Lhasa. It is directly administered by the "TAR" Law Enforcement Department. There are nine units, of which the 3rd and 5th units hold female and male political prisoners respectively. Eleven cells for solitary confinement were later constructed in 1990. The rest of the units are for non-political prisoners. Due to overcrowding, the southern gate of Drapchi Prison was reportedly demolished and expansion work commenced in April 1998. Prisoners are mainly assigned to work at the vegetable farm, constructing houses, tailoring, carpet weaving, mechanical repairs, and the rearing of pigs and chickens.

China, October 2004

"TAR" PSB Detention Centre (Sangyip Prison) is situated in the northern district of Lhasa City. It is believed to have been constructed in 1983 and prisoners have been held there since 1984. Those suspected of more serious political crimes, including organising protest or collecting politically sensitive information, are believed to be held here for interrogation, possibly under the supervision of the "TAR" PSB. Sangyip has the capacity to hold approximately 70 inmates in its three cellblocks. Each of the blocks has 12 cells. Any prisoners falling under the "TAR" jurisdiction is detained here. Prisoners with long-term sentences are transferred to other major prisons in "TAR" and others sentenced to shorter prison terms are detained in Sangyip itself.

Lhasa City PSB Detention Centre (Gutsa Prison) is located three kilometres east of Lhasa near the Kyichu River. Gutsa's main section holds prisoners who are "under investigation" or awaiting sentences. Most of its inmates have not been formally charged or given administrative sentences. Many prisoners are reportedly forced to do manual labour such as breaking rocks. While Gutsa is predominantly for prisoners who are awaiting sentence, approximately one percent of prisoners are believed to be held here after sentencing, generally for periods of up to one year.

"TAR re-education-through-labour centre" (Trisam Prison) is under the jurisdiction of "TAR" Law Enforcement Department. Since this centre is situated 10 kilometres west of Lhasa near the Toelung County Bridge it is also referred to as Trisam Prison. Trisam was opened in or around February 1992 and has since received many of the political prisoners from Sangyip, Outridu and Gutsa. Trisam has three units: the first for male political prisoners, the second for male criminals and the third for women prisoners, both political and criminal. It acts as an "administrative detention centre" for juveniles and prisoners whose term does not exceed three years. Inmates are known to perform hard labour at Trisam. At least eight cells at Trisam are reportedly used for solitary confinement.

Powo Tramo is formerly referred to as the "TAR" No. 2 Prison. It is situated near the town of Tramo in Pome County, Nyingtri Prefecture (Ch: Linzhi), 500 kilometres east of Lhasa. It is run by the "TAR" authorities and is for prisoners who have been sentenced to 10 years or more. It is one of the largest prisons in the "TAR" with facilities for solitary confinement. Most prisoners here are subjected to hard labour such as felling trees and agriculture.

Lhasa Prison (formerly known as Outridu) may be the institution that the Chinese authorities described to the European Union's Troika as Lhasa Municipal Prison during their visit in May 1998. Confinement cells used to punish prisoners measure six by three feet and do not have windows.

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Chinese authorities are reportedly expanding the capacity of Lhasa Prison by building several new blocks of cells. There are currently four cellblocks and approximately 500 criminal prisoners are reportedly held there. It acts as a part of the "TAR" Law Enforcement Department. Lhasa Prison holds detainees who have been formally sentenced to less than five years. Most of them are subjected to hard labour such as breaking rocks and working on the prison's vegetable farm.

Tibetan Military Detention Centre is administered by the PLA and has existed since 1959. Around 1992 it moved to the Tsalgungthang area about 11 kilometres east of Lhasa. Some political prisoners are known to have been held there in 1999, but due to the expansion programme undertaken in other prisons it is uncertain whether more political detainees have subsequently been brought there. The centre now holds military prisoners.

Prefecture Detention Centres (PCD) are located at the administrative headquarters of each prefecture. There are six regions in the "TAR" besides Lhasa Municipality: Shigatse, Nagchu, Ngari, Lhoka, Kongpo-Nyingtri and Chamdo. These have "administrative detention" centres and kanshuo suo (detention centres for prisoners who have not yet been sentenced). In addition, there are prisons at the county level, which are generally for prisoners who have not yet been sentenced. The Chinese authorities reported to the visiting EU delegation in 1998 that each region and a number of counties have a local detention centre.

Zethang "Reform-through-labour facility" is a new facility (laojiao) which began functioning on 15 January 1998 with the first detainees being six Drayab monks. This "reform through re-education" complex is in Zethang village, 10 kilometres east of Chamdo. It is under the direct administration of the Law Enforcement Department in Chamdo Prefecture. The accused, who are given prison terms by the respective provinces (administrative sentences), are transferred to this new facility. There are 30 rooms in the compound, which can each accommodate six prisoners. The facility has 30 prison staff.

Maowan Prison (Ch: Aba Jian Yu), is located in Maowan Qiang Autonomous County in Ngaba "TAP", Sichuan. This prison accommodates prisoners from Ngaba and Karze regions and is one of the largest prisons in Sichuan Province. Those who are sentenced long-term are incarcerated here, including political prisoners. There are detention centres and prisons in every county and prefecture in the Tibetan regions of Sichuan, Qinghai, Gansu and Yunnan provinces. It is known that around 12 Tibetan political prisoners are incarcerated in Menyong and Xinduqiao prisons in Sichuan."

[15bg] (pp 99-100)

Re-education through Labour (RTL)

China, October 2004

5.69 As reported by the New York Times on 20 July 2004:

"Chinese law permits committees made up of police and local authorities to send prostitutes, drug addicts and others suspected of minor offenses to re-education through labor camps for up to three years without receiving a trial. Critics say the system locks up many who are innocent, denies due process, and is frequently used to punish political dissidents, labor organizers and others the Communist Party considers a threat to its authority. Over 200,000 Chinese are held in some 280 camps around the country, according to a United Nations study released in 1997. Because inmates are not formally considered criminals, they have little right to appeal their sentences." [17b]

5.70 According to the USSD Report 2003:

"Arbitrary arrest and detention remained serious problems. The law permits authorities, in some circumstances, to detain persons without arresting or charging them, and persons may be sentenced administratively to up to 3 years in reeducation-through-labor camps and other similar facilities without a trial. Because the Government tightly controlled information, it was impossible to determine accurately the total number of persons subjected to new or continued arbitrary arrest or detention. Official government statistics indicated that there were 230,000 persons in reeducation-through-labor camps, while NGOs claimed some 310,000 persons were in reeducation through labor during the year [2003]." [2d] (pp 6-7)

5.71 The same source continued, "The Criminal Procedure Law does not address the reeducation-through-labor system, which allows non-judicial panels of police and local authorities, called Labor Reeducation Committees, to sentence persons to up to 3 years in prison-like facilities. The committees could also extend an inmate's sentence for an additional year." [2d](pp 8-9)

Psychiatric Institutions

5.72 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. [2d] (p 8)

5.73 According to a BBC report dated 19 February 2001, an estimated 600 Falun Gong practitioners have been sent for psychiatric "treatment". [9h]

Military Service

China, October 2004

The Army (PLA)

5.74 As reported by The Times newspaper on 1 June 2004, China's army (People's Liberation Army, PLA) is estimated to have 2,300,000 personnel plus 500,000 reservists. Its airforce is estimated to have 400,000 personnel and its navy 250,000. [16c]

5.75 According to the same source China's defence budget for 2004 is US\$25 billion (£13.6 billion) compared to US\$400 billion by the US. According to this report:

"The main part of its military inventory is obsolete, much of it designed in the 1950s and 1960s. Most of its tanks, ships and aircraft are based on Soviet designs with some Chinese input. Even with the recent improvement in the country's wealth, the Chinese military is never going to be able to modernise its vast inventory. Instead China will try to create an elite fighting force which will be able to deal with the threats it will face over the next 20 years." [16c]

5.76 As noted by Europa publications (2004), roughly one-third (1 million people) of the PLA are believed to be conscripts. [1a] (p 229)

Conscientious Objectors and Deserters

5.77 As reported by War Resister's International (1998) conscription is compulsory under Article 55 of the PRC constitution. According to this source, "Military service is normally performed in the regular armed forces, but the 1984 [Military Service] law does allow for conscription into reservist forces." [20r] (pp 79-81)

5.78 As reported by the Canadian IRB on 29 October 1999, Articles 424-425, 430, 435 and 449-451 of the Criminal Law lays down the penalties for violation of duty. These range from three to ten years' imprisonment. [3m]

Medical Services

5.79 According to the World Health Organisation (WHO) China spends 5.5% of its GDP on healthcare, equal to US\$224 per person. According to the same source average life expectancy in 2002 was 65.2 for women and 63.1 for men (figures for 2001). [8a]

5.80 According to the latest figures available from WHO, China has 161.7 physicians, 98.6 nurses and 3.9 midwives per 1000 thousand people (figures from 1998). According to the same source China has 15,277 hospitals (county level or above), 2,123,703 hospital beds and 5,535,682 healthcare professionals (figures from 1998). [8g]

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5.81 According to Europa publications (2004), there are 1.67 physicians and 2.38 hospital beds per 1000 people (figures from 2001). [1a] (p 199)

5.82 As reported by the BBC on 15 April 2003, "Until about twenty years ago, virtually all Chinese were given low-cost or free medical care by government hospitals. Today, only officials and state enterprise employees get government medical care. Everybody else must fend for themselves." [9f]

5.83 According to a report dated 31 August by the Epoch Times, "Dishonest medical practices are a serious problem in China. Lack of medical expertise in cosmetic surgery can cause severe disfigurement. Also, hospitals have been known to manufacture illegal medicine leading patients with minor illnesses to become seriously ill or die from lack of correct treatment plans. Many complain about the high fees hospitals charge." [19ac]

5.84 According to the Ministry of Labor and Social Security, 112 million people were covered by medical insurance by the end of March 2004 (figures rounded down to the nearest million). [13a]

Mental Health

5.85 According to the latest figures available from WHO China, there are 2,724 Mental Health Institutions in China with 27.273 beds and 88.130 personnel. [8g]

5.86 As reported by the official China Daily newspaper on 1 September 2004, 287,000 people commit suicide in China every year. According to the same source, "In terms of suicide attempts, rural areas outnumber urban areas and males outnumber females." [14am]

HIV/AIDS

5.87 According to the UNAIDS website:

"The most frequent modes of HIV transmission have been sharing of contaminated needles among IDUs [intravenous drugs users] in southern and western China & unsafe practices among paid blood donors. The infection is moving into the general population, and is experiencing mounting AIDS deaths, particularly in central provinces where many people became infected through unsafe blood collection in the 1990s." [8b]

5.88 Official estimates put the number of people infested with HIV at 840,000, including 80,000 AIDS patients. [12e] However, according to the website of the NGO China AIDS Survey:

"The Chinese government currently estimates up to one million Chinese citizens may be infected with the AIDS virus. However, experts agree that

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these figures do not accurately reflect the actual number because China lacks the resources to carry out extensive surveillance in the countryside. Additionally, current surveillance protocols primarily cover only specific high risk groups. Because of these limitations, it is estimated that only 5 percent of HIV cases in China are reported." [20m]

5.89 As reported by the Financial Times (FT) on 2 December 2003, "Wen Jiabao became the first Chinese premier to shake the hand of an Aids patient setting the seal on a fundamental shift in his government's approach to the disease." The same source continued, "In an unprecedented visit to a Beijing treatment centre for World AIDS day [1 December 2003], Mr Wen condemned prejudice against those infected with HIV (human immunodeficiency virus) and ordered officials to do more to fight its spread." [16d]

5.90 As reported the BBC on 12 July 2004, Premier Wen reiterated his demand that local officials do more to help people living with AIDS on the eve of the global AIDS conference in Bangkok in July 2004. [9] According to a report in the Guardian newspaper dated 12 July 2004, "Whether Mr Wen's words herald a new openness and the end of the persecution of Aids activists in China remains to be seen. Drug users, who are at the heart of the Asian epidemic, are a shunned group." [16ae]

Treatment

5.91 As reported by Human Rights Watch (HRW) on 11 November 2003, the Chinese government has begun making anti-retroviral drugs available free of charge to all rural residents and to those in urban areas unable to pay for the treatment themselves. [7a]

5.92 As reported by the official China Daily newspaper on 14 April 2004, to qualify for free medical treatment, patients must be rural residents or urban citizens who have economic difficulties and are not covered by any basic medical insurance. [14ac]

5.93 On 15 April 2004, the official People's Daily newspaper reported that the government had announced the introduction of free AIDS tests and consultations for all citizens. The report states that, "According to the regulation, the central government pay for the tests in the AIDS-stricken areas while the local governments in other areas pay themselves." [12d]

5.94 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 China's underfunded health system will be able to cope with a surge in the demand for tests or treatment." [16e]

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Discrimination

5.95 In September 2003, HRW 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 officials to fully implement central government initiatives. [74]

5.96 According to a report in Time magazine (Asia edition) dated 2 August 2004, the authorities in Henan province are particularly reticent when it comes accepting outside assistance in caring for those infected with HIV/AIDS. In July 2004, they closed an AIDS orphanage on the pretext that the NGO running it had not applied for a license. The report also alleged that dozens of villagers contacted by reporters had not yet received the medication promised by central government. [155]

5.97 As reported by CNN on 29 August 2004, new legislation was enacted on the 28 August 2004 banning the sale of blood products and prohibiting discrimination against people infected with contagious diseases. [104] According to HRW, "This law is long overdue. Now the Chinese government needs to ensure that violations are effectively monitored and that the law is enforced, said Joanne Csete, director of the HIV/AIDS Program of Human Rights Watch [on 30 August 2004]." [7]

5.98 According to the results of a survey reported by the official news agency Xinhua on 9 August 2004:

"Only 33.9% of urbanites and 19% of small town residents acknowledged that they could treat HIV/AIDS victims equally at work, down 7.1% and 12% respectively from the previous year. And 57.2 percent of urbanites and 45% of small town residents were willing to take care of family members of HIV/AIDS patients, plunging by 10.8% and 18% from 2002. And 57.2% of urbanites and 63% of residents in small towns hope to keep it a secret if a family member comes down with AIDS, showing a slight drop from a year earlier." [131]

Educational System

5.99 As noted in the USSD Report 2003, the Constitution provides for nine years of compulsory education. However, in some rural areas children did not attend the full nine years. Most schools charged fees to some extent. [24] (p 32)

5.100 According to Europa publications (2004), "Fees are payable at all levels of education." According to this source most primary schooling lasts five to six

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years, this is followed by junior secondary education and upper secondary education, which last three and two, or three years respectively. [1a] (pp 229-230)

5.101 According to the government White Paper, China's Employment Situation and Policies dated April 2004 (Section II), "In 2003, the attendance rate of school-age children in primary schools was 98.6 percent, and the gross enrolment rate of junior middle schools was 92.7 percent." [14d] (p 1 of Section III)

5.102 According to a report by the NGO China Labour Bulletin dated 26 January 2004:

"Despite many ongoing improvements to the education system in China, for many children, standards of education in China have been falling in the past decade or so since the start of the economic reforms. The numbers of children receiving adequate education are dropping with the exclusion of an every growing number of them. Drop out rates also appear to be on the increase and there has been a corresponding rise in child labour. This lack of decent education corresponds to the increasing number of child workers. In 2001, the education budget was reportedly only 3.19% of the CGP. Although this is the highest rate since 1949, it is still much less than the average education budget in the world – around 5% of GDP. Wages for teachers are increasingly difficult to find and it has been estimated that teachers throughout China are owed several million Yuan in back pay. In many rural areas, lack of funds has seen a huge decrease in available candidates for teaching. Many poorer schools are asking children to work in schools to raise funds – often with devastating consequences." [8aa]

5.103 As noted by Europa publications (2004), there are 1,225 colleges of higher education and the literacy rate is 92.5% (figures from 2001). [1a] (p 204) The government controlled news portal the China Internet Information Center contains a list of the leading universities in China (102 in total). According this source most provinces have at least one "leading" university – a number of autonomous regions, amongst them Tibet and Xinjiang do not appear on this list. [14b]

5.104 As reported by the official news agency Xinhua on 30 August 2004, students at Chinese universities are under enormous pressure to study English regardless of what they are majoring in. Failure to pass the required tests can result in students not graduating. [13v]

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6. Human Rights

6.A Human Rights Issues

China, October 2004

Overview

6.1 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

"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." [2d] (p 2)

6.2 According to Amnesty International's 2004 Report on China (AI Report 2004):

"Despite a few positive steps, no attempt was made to introduce the fundamental legal and institutional reforms necessary to bring an end to serious human rights violations. Tens of thousands of people continued to be detained or imprisoned in violation of their rights to freedom of expression and association, and were at serious risk of torture or ill-treatment. Thousands of people were sentenced to death or executed. Restrictions increased on the cultural and religious rights of the mainly Muslim Uighur community in Xinjiang, where thousands of people have been detained or imprisoned for so-called "separatist" or "terrorist" offences. In Tibet and other ethnic Tibetan areas, freedom of expression and religion continued to be severely restricted. China continued to use the international "war against terrorism" as a pretext for cracking down on peaceful dissent." [6f] (p 1)

6.3 Human Rights Watch in their Overview of Human Rights in 2003 (HRW Report 2003), published on 1 January 2004 stated that,

"Leadership changes early in 2003 sparked optimism that respect for human rights in China would improve. Although China did take steps to advance legal reform and to address the HIV/AIDS epidemic, the overall rights situation remained unchanged and even deteriorated in some respects. The Ministry of Culture announced new measures to increase Internet surveillance and increased censorship led to an upsurge in arrests of those using the medium to express political opinions. Arbitrary forced evictions were more frequent in both rural and urban areas, including in Beijing where construction of Olympics sites was getting

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underway. In Tibet and Xinjiang, officials further narrowed space for dissent and cultural expression." [7e] (p 1)

6.4 In response to the State Department's report (see above) the Chinese government accused the United States of double standards and published its own report in the official People's Daily newspaper on 1 March 2004. In this it listed the human rights abuses carried out in the US during the same period. [12g]

6.5 On 16 June 2004, the UN Special Rapporteur on Torture announced that they had postponed their two-week visit to China at the request of the government, who had asked for more time to prepare. [8d] As noted by AI on 17 June 2004, the Chinese government originally invited the UN to visit China back in 1999. [9g]

6.6 As reported by the BBC on 18 April 2004, in mid-April 2004 the EU decided not to lift its arms embargo against China because of the government's lack of progress on improving human rights. [9j]

6.7 As noted by AI on 3 June 2004, "This [ban] was imposed in 1989 as a direct response to the actions of the government against the protesters on Tiananmen Square. The embargo was not lifted." [6b]

6.8 In testimony before the US Senate's Foreign Relations Committee on 11 September 2003, Assistant US Secretary of State for East Asian and Pacific Affairs, James Kelly stated that, "Despite reform, China's legal system remains seriously flawed, and often provides little or no due process to those accused of crimes, particularly political crimes. There is simply no other way to put it – ongoing gross violations of human rights are a serious impediment to better relations and undermine the goodwill generated by individual releases or other steps." [2h] (p 2)

6.9 According to a report by Human Rights Watch (HRW) 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." [7f]

Freedom of Speech and the Media

6.10 The USSD Report 2004 stated 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

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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." [2d] (p 15)

6.11 According to the government-sponsored China Internet Network Information Center (CNNIC), by February 2004 there were 79.5 million Internet users in China – 26.60 million used leased lines, 39.16 million dial up connections, 5.53 million ISDN and 17.40 million broadband. [5c]

6.12 As reported by the official news agency Xinhua on 10 May 2004, the government has shutdown 8,000 unlicensed cafes for admitting juveniles since February 2004. The same source continued, "To bar minors from Internet cafes, local governments across China have been ordered not to approve any Internet café operations in residential areas or within 200 metres of primary or high schools." [13f]

6.13 As reported by the BBC on 11 June 2004, "China's authorities have shown an ambiguous attitude to the rise of internet use. On the one hand they see it as essential for remaining economically competitive to have a computer literate population. But on the other hand they fear the open access to information that the internet provides." [9k]

6.14 According to the NGO Reporters Without Borders (May 2003):

"Whether state or privately-owned, news sites such as sina.com.cn, xinhuanet.com, yahoo.com.cn and tom.com have set up arrays of filters that enable them to systematically screen out messages containing words banned by the authorities. The moderators of discussion forums have the job of ridding the site of messages that don't conform to the rules set by the authorities on news content. Sites can also exclude a Internet user deemed "not politically correct" or too vulgar. Finally, teams have been established within the public security department to monitor "subversive" elements using the Internet in China who, as a last resort, are arrested. According to some estimates, around 30,000 people are employed in this gigantic apparatus of monitoring and censorship." [8n] (p 1)

6.15 According to another report the same source dated 1 July 2004, China has 2,800 surveillance centres dedicated to keeping tabs on mobile phone users, especially those using SMS (text messaging). [8o]

6.16 According to a report by Asia Times dated 20 July 2004:

"Censorship is second-nature to Chinese authorities, but surprisingly, at least two highly critical websites appear to be sanctioned, despite – or because of – their harsh criticism of official corruption and malfeasance.

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There is widespread speculation that reformist President Hu Jintao is encouraging freedom of speech in cyberspace in order to build public support and consensus for his views and to discredit his opponents. He has been pushing greater democracy, accountability and transparency within the Chinese Communist Party (CCP), and the Internet may well be helping him. His major opponent is former president Jiang Zemin and his Shanghai Clique who resist the idea of discipline within the party and prefer traditional Chinese autocracy." [15]

6.17 As reported by the BBC on 30 November 2003, Liu Di (known online as "stainless steel mouse") was released on 28 November 2003, after the apparent intervention of President Hu. [9] As reported by the same source and by Reporters Without Borders on 26 December 2003, Lui had been detained since November 2002 after criticising the detention of Huang Qi, a prominent cyber-dissident. [9] [8] According to the later source, her release was related to Premier Wen's visit to the US the following week. [8]

6.18 As noted by Reporters Without Borders on 23 June 2003, Huang was arrested on 3 June 2000 and charged in January 2001 with "subversion" and "incitement to overthrow the government" after posting articles critical of the suppression of protestors in Tiananmen Square (4 June 1989). He was convicted in August 2001 and sentenced to five years imprisonment; though he did not find out the length of his sentence until 9 May 2003. [8]

Journalists

6.19 According to the annual report (2004) of Reporters Without Borders:

"During 2003, as never before, journalists, particularly the major media, pushed back the limits of censorship. It remained, however, strictly forbidden to publicly criticise the sole party system. At least 23 journalists and about 50 cyberdissidents are in jail, often serving long sentences, for having called for democracy or denouncing abuses on the part of the communist authorities. Throughout 2003, around a dozen other journalists were punished for raising sensitive issues." [8] (p. 1)

6.20 According to the same source, "Overall the press was modernising and journalists were taking more risks by investigating social issues. One proof of this was the growing number of physical attacks on journalists. One newspaper reported in October that more than 100 Chinese journalists had been assaulted while doing their jobs in 2003. Vigilantes, police and delinquents angered by their investigations carried out these attacks." [8] (p. 1)

6.21 This is a view borne out by the Committee to Protect Journalists (CPJ) who in their report "Attacks on the Press 2003" stated that, "Local officials and private citizens implicated in investigative media reports increasingly use physical force

to threaten and intimidate journalists. In November, the official press reported that journalism had become the third most dangerous career in China, following coal mining and police work." [8a] (p 2)

6.22 According to the USSD Report 2004, "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." [2d] (p 15)

6.23 According to Europa publications, Regional Studies: The Far East and Australasia (2004), "In late 1999 the Government announced its intention to merge or close down a number of newspapers, leaving just a single publication in each province. In June 2003 the Government barred all newspapers from taking subscriptions for 2004, in an attempt to prevent them from coercing readers into buying subscriptions." [1a] (p 215)

6.24 According to the same source, "In September 2001 the Government signed a deal that would allow News Corp and AOL Time Warner to become the first foreign broadcasters to have direct access to China's markets, although broadcasts would be restricted to Guangdong Province." [1a] (p 219)

Freedom of Religion

Religion and the State

6.25 According to the US State Department International Religious Freedom Report 2003 (USSD Religious Freedom Report 2003), published on 18 December 2003:

"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." [2c] (p 1)

6.26 As noted by of the NGO Christian Solidarity Worldwide (CSW) in their March 2002 annual report:

"Politically, China is an atheist state. The 60 million members of the CCP and 3 million PLA personnel must by law be atheist, Marxist or Maoist. It is illegal to teach those under 18 about religion. Although the Constitution allows for religious freedom, and China has signed and ratified

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international treaties allowing for religious freedom, this right is not protected in practice." [8ba] (p 9)

6.27 The same source continued:

"Religious freedom has been greatly curtailed by the requirement that all religious activity must take place within one of the five official religious bodies: the Chinese Buddhist Association, the Catholic Patriotic Association, the Protestant Three-Self Patriotic Movement (TSPM), the Chinese Islamic Association and the Chinese Daoist Association. Each association is responsible to the government's Religious Affairs Bureau (RAB)." [8ba] (p 10)

6.28 According to a report by the Oslo-based NGO Forum 18 dated 28 April 2004:

"This relationship between government control and laws is captured in an editorial in the state Xinhua (New China) News Agency in December 2001, when the last national conference on religious affairs attended by Jiang Zemin and other Chinese leaders was held: "With regard to the management of religious affairs, the government has gradually moved into the path of legality and standardisation, leading religion and society to mutually adjust and stride." ' [8bg]

6.29 According to the USSD Religious Freedom Report 2003 within China there are 100 million Buddhists, 5–10 million Catholics, 15–45 million Protestants, 20 million Muslims and an indeterminate number of Taoists. As noted by the same source, faith groups deemed to be "evil cults" are banned under article 300 of the criminal code. [2c] (See also Section 6.A on Cults)

6.30 As reported by the Washington Post on 10 March 2004, "The Chinese government allows people to worship only in party-run churches, mosques and temples, [and] considers any autonomous religious organization a threat and routinely imprisons priest, monks and others." According to the same source, "There is rising interest in religion and spirituality – from Falun Gong to Christianity – as people struggle to cope with rapid social change and the vacuum left by the collapse of Maoist ideology." [15a]

Buddhists and Taoists

6.31 According to the USSD Religious Freedom Report 2003, "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." [2c] (p 5)

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Buddhists

6.32 According to the USSD Religious Freedom Report 2003, about 8% of the population, 100 million people, follow Buddhism – 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. [2c] (p 2)

6.33 On 10 November 2003, The Times newspaper reported that nearly 400 temples in Zhejiang province, outside Shanghai had been closed down or converted to other uses since July 2003. [16f]

6.34 As reported by the Canadian IRB on 7 May 2002, in December 1999 the authorities in Zhejiang closed down or destroyed up to 1,200 temples and churches. [3h]

Tibetan Buddhism

6.35 According to the Chinese government's white paper on ethnic autonomy in Tibet, published in May 2004:

"At present, there are over 1,700 venues for Tibetan Buddhist activities, with some 46,000 resident monks and nuns; four mosques and about 3,000 Muslims; and one Catholic church and over 700 believers in the region. Religious activities of various kinds are held normally, with people's religious needs fully satisfied and their freedom of religious belief fully respected." [5d] (p 12)

6.36 According to the USSD Religious Freedom Report 2003:

"The Government 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." [2c] (p 13)

6.37 The same source continued:

"Government officials maintain that possessing or displaying pictures of the Dalai Lama is not illegal. Currently, possession of pictures of the Dalai

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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." [2c] (p 15)

6.38 According to a report by the Asian news site Muzi News dated 19 August 2004, "China has not banned pictures of the Dalai Lama in Tibet, but the people of the Himalayan region themselves have chosen not to put them on display, a senior Chinese official said on Thursday." [15ab] (See also Section 6.B on Tibet)

Taoists

6.39 There are no estimates as to the number of Taoists. However, according to the USSD Religious Freedom Report 2003 there are 1,500 Taoist temples and 30,000 monks and nuns. [2c] (p 2)

Christians

6.40 According to the USSD Religious Freedom Report 2003 there are between *40 to 55 million Christians in China, with 5–10 million Roman Catholics and 15–25 million Protestants. [2c] (pp 3–4) *Some Christian groups and NGOs give significantly higher figures for the number of adherents. These are dealt with in the relevant sections below.

6.41 According to a report obtained by the Canadian IRB dated 28 February 2003, "It is normal for Patriotic churches to display crosses, crucifixes and portraits of Jesus... It is similarly legal for Chinese citizens to possess these and display them in their homes." [3g]

6.42 According to a report by the Radio Free China dated 25 August 2004:

'Many had hoped that the Communist Party's religious policy – and especially its attitude towards the Christian church – would liberalize in the run-up to the Beijing Olympics in 2008. But there is now clear evidence of a crackdown on "illegal religious activities," especially unregistered Christian group activities, as well as a tightening of controls on academic and media activities related to religion. Even registered church leaders sympathetic to the house churches have been reined in, and projects of the state-controlled Three Self Patriotic Movement involving foreigners have been put on hold. After a series of government meetings at the highest levels, leaders called for tightened control of religion. Late last year, party leaders reportedly expanded the office which was set up to suppress the Falun Gong cult, so that it could deal with other unauthorized religious groups as well, which they label, sometimes very arbitrarily, as "cults." ' [15y]

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Catholics

6.43 According to CSW (March 2002), there are 14 million Catholics in China; of these 10m are registered with the CPA. [8ba] (p 4) According to a report by WorldWide Religious News (WWRN) dated 24 June 2004, "The Roman Catholic Church estimates that it has about 8 million followers in China, compared with about 5 million who follow the state-backed Chinese Catholic Patriotic Association [CPA]." [8bo]

6.44 According to the USSD Religious Freedom Report 2003, approximately half the Catholics in China reside in Hebei province, outside Beijing. The same source continued, "[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." [2c] (p 10)

6.45 According to a report by CSW (March 2002), "A considerable number of clergy and laity from the unregistered Catholic Church are in prison, under house arrest, under strict surveillance or in hiding." [8ba] (p 21)

6.46 According to a report by the Canadian IRB dated 8 June 2004:

"During a 4 June 2004 telephone interview with the Research Directorate, a representative of the Cardinal Kung Foundation stated that there are no standardized baptismal certificates within underground Catholic churches in China nor are baptismal certificates issued as a matter of course. Instead, if a baptismal certificate were requested at the time of baptism, the priest might issue an informal document that would most likely be written in Chinese." [3g]

6.47 As reported by Catholic World News (CWN) and the BBC on 23 June 2004, The Vatican issued a strongly worded statement protesting against the detention of three Catholic bishops from early to mid-June 2004. [8ca] [9y]

6.48 According to a report by Asia News IT dated 25 June 2004:

"Since 2000, government control has increased even with regard to the officially recognized Church. More than 80% of the bishops named by Beijing in these past years have secretly requested the recognition of and reconciliation with the Holy See, labelling as useless the attempts of the Communist Party to create a National Church in China. Seminarians, priests and bishops of the official Church, at various times of the year, are subjected to months of "training" on the Government's religious policy. In the long months of political sessions, lessons are given on Marxism and

the importance of the undisputed leadership of the Chinese Communist Party." [15p]

6.49 According to a report by Catholic News dated 9 March 2004:

"About two-thirds of the bishops of China's state-sanctioned Catholic Church are recognised by the Holy See, according to an article in the Italian Jesuit journal *Civiltà Cattolica*. The observation was contained in an article by Fr Benoit Vermander, the Jesuit director of the Ricci Institute in Taiwan. *Civiltà Cattolica*[a] are generally understood to express the views of the Vatican, as the magazine's contents are approved in advance by the Secretariat of State. Fr Vermander said that although China's 12 to 15 million Catholics are divided into the "official" and "underground" Churches, there is considerable overlap. He said that of the 79 bishops serving the "official" Church, 49 have at least de facto recognition from the Vatican. Additionally all 49 bishops of the "underground" Church are approved by the Vatican." [8c1]

Protestants

6.50 According to SCW (March 2002), there are between 55 to 95 million Protestants in China; of these 15 million are registered with the TSPM. [8ba] (p 4) As reported by the Sunday Times on 8 August 2004, "Ignoring the state-approved official churches, up to 90 million Chinese may be following Christ at prayer groups and Bible study classes, according to western evangelical groups." The same source continued:

"The life of Rev Samuel Pollard, who preached in remote parts of southwest China until his death from typhoid in 1915, is a regular subject of sermons at clandestine "house churches." Pollard's books of derring-do and good works – written for a readership of devout Methodists and Edwardian England – have been translated and republished for a modern Chinese audience. "I was astonished to learn how these men [early missionaries] are still revered in China when I came to the southwest to preach," said a Chinese missionary who is an influential member of the underground Protestant church." [16m]

6.51 According to a report by the Oslo-based NGO Forum 18 on 28 April 2004,

"Article 3 of "Implementing Measures" [issued May 1991] required all religious organisations to first seek the approval of the relevant religious affairs offices before applying for registration with the appropriate level of civil affairs agencies. Although this document did not make this stipulation, many religious organisations, particularly Protestant Christian ones, have claimed that the approval of the local branch of the national – guojia – mass religious organisation – such as the Three-Self Patriotic Movement (TSPM)/Chinese Christian Council

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(CCC) for Protestants – was required before even approaching the state religious affairs office. Since the 2001 national religious affairs conference, rumours have persisted that the approval of the TSPM/CCC was no longer required. However, a former house church leader told Forum18 News Service that house churches wishing to register must still obtain the approval of the TSPM/CCC before submitting their applications to the authorities." [8bg]

6.52 As reported by The Times newspaper on 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 persecution and turning a 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." [16g]

6.53 On 10 November 2003, The Times 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. [16f]

6.54 As reported by World Daily News (WDN) on 20 July 2004, more than 200 police in 46 military vehicles raided a meeting of house church leaders being held in a retreat centre near to Liu Gong town, in the mainly Muslim autonomous region of Xinjiang, on 12 July 2004. [15d] The Association for Asia Research (AFAR) also reported the same incident on 22 July 2004. [19ab] As noted by both reports, that same week 40 house church leaders were arrested while attending a seminar in Cheng Du City, Sichuan province. [15d] [19ab]

6.55 According to a report by the NGO Voice of the Martyrs (VOM) dated 20 July 2004:

"This is the first time in 14 years that Chinese authorities have taken repressive steps against Pastor Lamb, who reportedly hosts 3,000 worshippers per week at his new meeting place in Guangzhou. Sources in China say it is no coincidence that just two days earlier, authorities detained and later released 100 leaders of the China Gospel Fellowship house church network in the central city of Wuhan. Prior to these incidents, members of a high-level Politburo meeting reportedly issued a secret directive calling for a crackdown on all "illegal" religious activities such as unregistered house church meetings." [8c]

6.56 As reported by ASSIST News Service (ANS) on 22 July 2004, "My understanding is that the 100 previously arrested have now all been released," [Tod] Nettleton [from VOM] told ANS. However the China Aid Association said at

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least one detainee from the arrest, 39-year-old Pastor Xing Jinfu, a senior CGF [China Gospel Fellowship] leader, was still in prison and has been transferred from Hubei to an undisclosed location in Henan Province.' [15r]

6.57 According to the same source, two Christians, one a man the other a woman, from Heilongjiang and Guizhou provinces respectively, were beaten to death while in police custody. The first person Gu Xianggao was a member of the Three Grades Servants house church and died on 27 April 2004. The second, Jiang Zongxiu was detained for handing out bibles on 18 June 2004 and died a few days later. The report did not say how long the first person had been detained for. [14r]

6.58 Radio Free Asia reported the first death on 27 May 2004, while WRN reported the second death on 4 July 2004. [8cn] [8bp]

6.59 According to a report by the Canadian IRB dated 28 November 2003, Protestant house church leaders contacted by the IRB stated that officially sanctioned bibles differ very little from other versions available outside China and that, "The Bible text remains sound and intact." [3k] (See also section on Cults/Evangelical Christian Groups)

Russian Orthodox Church

6.60 As reported by WWRN on 28 June 2004, "The Russian Orthodox Church has asked to be recognised as one of China's official religions. Representatives of the Moscow Patriarchate hope to have an answer from the Chinese government before 2008." According to the same source there are only about 13,000 believers concentrated in three areas, Heilongjiang, Inner Mongolia (Nei Mongol) and Xinjiang. [8bm]

Muslims

6.61 According to the USSD Religious Freedom Report 2003:

"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

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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." [2c] (p 4)

Uighur(s) (Uygur, Uyghur)

6.62 As noted by Europa publications (2004), there are approximately 8.4 million Uighur(s) in China. As noted by Europa publications Regional Studies: Eastern Europe, Russia and Central Asia (2004) there are 210,000 Uighur(s) in neighbouring Kazakhstan and 46,900 in Kyrgyzstan. [1b] (pp 227, 257)

6.63 According to the World Directory of Minorities (1997), "Uighur are a fair-complexioned Turkic people, living mainly in Sinkiang [Xinjiang] Province, with some living in Tsinghai [Qinghai] and parts of Hunan Province. Uighur are farmers. They speak and write the Uighur language and follow Islam." [20p] (p 667)

6.64 According to the Encyclopaedia of the Peoples of the World (1993):

"The ethnonym "Uighur" had been traced back to the eighth century, although it fell into disuse in the fifteenth century. The closely cognate Turkic groups dwelling in Xinjiang called themselves by the name of their locality... "Uighur" was revived in Tashkent [Uzbekistan] in 1921. It steadily became accepted as the general denomination of all of the above-mentioned cognate groups in China too, as evidenced by the name given to their region." [20q] (p 628)

6.65 As noted by the same source, "The Uighur are Sunni Muslims of the Hanafi school." [20q] (p 627)

6.66 As reported by the Washington Post on 15 September 2000, "Since the early 1950s, the Xinjiang Production and Construction Corps, a paramilitary organization that operates farms and factories, has moved 2.4 million people, 90 percent Han, into Xinjiang and opened up millions of acres of desert for farming. In 1948, 75 percent of Xinjiang's population was Uighur and 15 percent was Han. Today, 40 percent of Xinjiang's 16 million people are Han." [16h]

Resistance in Xinjiang

6.67 As reported by the BBC on 15 December 2003, "China has issued its first "terrorist" wanted list, blaming four Muslim separatist groups and 11 individuals for a string of bombings and assassinations [carried out in the 1990s] and calling for international assistance to track them down." [9i]

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6.68 The groups identified were the Eastern Turkestan Islamic Movement (ETIM), the Eastern Turkestan Liberation Organization (ETLO), the World Uighur Youth Congress (WUYC) and the East Turkestan Information Centre (ETIC). [9]

6.69 According to the report, "Chinese authorities have blamed ETIM for many of the 200 or more attacks reported in Xinjiang since 1990 and have banned the group for more than a decade. Beijing accuses ETIM of having links to the Taliban in neighbouring Afghanistan and Osama bin Laden's al-Qaeda network, but has produced no supporting evidence." [9]

6.70 According to a report by HRW dated October 2001, "Much like Tibetans, the Uighurs in Xinjiang, have struggled for cultural survival in the face of a government-supported influx by Chinese migrants, as well as harsh repression of political dissent and any expression, however lawful or peaceful, of their distinct identity. Some have also resorted to violence in a struggle for independence." [9] (p 1)

6.71 According to a report in The Times, dated 21 August 2003:

"History shows the Uighurs to be pacific, and lax in their religious observance. No doubt there are today some religious fundamentalists inside Xinjiang. No doubt inflammatory literature, not to mention weapons, is being smuggled in. Certainly there are militants (especially among the young urban unemployed) both inside and outside who would like to overthrow Chinese rule. But Islam should be seen as the vehicle, not the cause, of Uighur grievances, and separatism as a mark of their despair at the lack of citizens' rights or a share of their own future." [16]

6.72 The same source continued:

"Party Bureaucrats have been told – and may even believe – that Xinjiang has been part of China since 60BC. In fact China's control has been sporadic and usually shortlived. What we are seeing now is better described as the latest, and most thorough, of the centre's attempts to consolidate a conquest and Sinicise the wild west. China will never give up Xinjiang voluntarily because of its mineral wealth." [16]

6.73 As reported in Volume 4, Issue 8 (April 15, 2004) of China Brief – available via the Jamestown Foundation's website – the main points of friction between the Uighurs and Chinese are:

- High levels of Han migration and unequal distribution of wealth.
- Restrictions on birth control, which many Uighurs regard as incompatible with Islam.
- Ban of wearing the hijab (Muslim headscarf) in schools.

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- Restrictions on visiting mosques for government employees. [8bi]

6.74 According to a report from late 2001 by the American journalist Ron Gluckman, who has spent over a decade in reporting from China:

"While there is little evidence so far that repression has actually worsened in Xinjiang, Beijing's tough posturing can only add to the resentment felt by an already disgruntled Uighur populace. The stepping up of Beijing's propaganda efforts [post-9/11] reflects its deep-seated sense of insecurity in Xinjiang, and no wonder. The province today exists in an apartheid-like state, with its Uighur and Han Chinese residents leading separate – and, grumble locals, unequal – lives. Few of the province's estimated 8 million Uighurs speak the national language of Mandarin. They are educated in their own tongue in Uighur schools. They are treated in Uighur hospitals that they claim are sub-par. They live in crowded neighborhoods of medieval mud-brick houses, which contrast with the modern white-tile blocks catering to Chinese immigrants. The newcomers dine almost exclusively in Chinese restaurants; Uighurs patronize their own eateries, which are devoid of Chinese clientele. The two people rarely work together, intermarry even less. That's how it has been ever since the Chinese liberated – locals say conquered – Xinjiang (meaning "new frontier" in Mandarin) soon after World War II, ending the short-lived independent Uighur state of East Turkestan." [15b]

Hui (Huihui)

6.75 As noted by Europa publications (2004), there are approximately 9.4 million Hui in China. [1a] (p 197)

6.76 According to the Encyclopaedia of the Peoples of the World (1993), "Concentrated mainly in the Ningxia Hui Autonomous Region, they are perhaps the most scattered ethnic group in the country, intermingled with Han Chinese and other minorities. Speaking only Chinese, the Hui have so well assimilated into Chinese society that they are almost indistinguishable, except in dietary and religious aspects, from the Han." [20q] (p 247)

6.77 According to a report by the Canadian IRB dated 8 September 1999, "The economic roles of the Hui do not appear to be significantly distinct from those of the majority. Although there is an Autonomous Region (the Ningxia Hui or NHAR) established for the Hui in north central China, this must be viewed as a symbolic gesture by the state as the Hui in this region account for only about 13% of the population." [3i] (Taken from Minorities at Risk assessment of the Hui in China, 5 February 1996)

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6.78 According to a more recent report by the IRB dated 29 January 2002, in areas populated by the non-Central Asian Hui there is substantial construction of religious buildings. [3]

6.79 According to a report in the official China Daily newspaper dated 2 February 2004, "In the Ningxia Hui Autonomous Region, over 1.91 million Muslims went to about 3,400 mosques in the region to offer Eid prayers before visiting their ancestors' tombs and meeting relatives to exchange festival greetings." [14ad]

Cults

6.80 As noted by the USSD Religious Freedom Report 2003:

"In 1995, the State Council and the CCP's Central Committee issued a circular labeling a number of religious organizations "cults" and making them illegal. Among these were the "Shouters" (founded in the United States in 1962), Eastern Lightning, the Society of Disciples (Mentu Hui), the Full Scope Church, the Spirit Sect, the New Testament Church and the Guan Yin (also known as Guanyin Famin, or the Way of the Goddess of Mercy). Subsequent orders in later years also banned the Lord God Sect, the Established King Church, the Unification Church, the Family of Love, the Dami Mission and other groups." [2c] (p 5)

6.81 The same source continued:

"In 1999, the Standing Committee of the National People's Congress adopted a decision, under Article 300 of the Criminal Law, to ban all groups the Government determined to be cults, including the Falun Gong. The Supreme People's Court and the Supreme People's Procuratorate also provided legal directives on applying the existing criminal law to the Falun Gong. The law, as applied following these actions, specifies prison terms of 3 to 7 years for "cult" members who "disrupt public order" or distribute publications. Under the law, cult leaders and recruiters may be sentenced to 7 years or more in prison." [2c] (p 5)

6.82 Article 300 of the criminal code covers the penalty for seeking to promote an evil cult. It states that:

"Whoever organizes and utilizes superstitious sects, secret societies, and evil religious organizations or sabotages the implementation of the state's laws and executive regulations by utilizing superstition is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; when circumstances are particularly serious, to not less than seven years of fixed-term imprisonment." [20]

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6.83 According to Jason Kindopp, writing in the September 2002 edition of the journal *Current History*, "China's leaders are well aware of the dangers of precipitating a Falun Gong-style campaign against other religious groups, and appear eager to avoid doing so." [19c] (p 1)

Falun Gong

6.84 According to the USSD Religious Freedom Report 2003:

"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." [2c] (p 1)

6.85 According to the AI Report 2004:

"Rhetoric intensified in the official media against the Falun Gong spiritual movement, which was banned as a "heretical organization" in July 1999, apparently exacerbating the climate of violence and intolerance against the Falun Gong. Detained Falun Gong practitioners, including large numbers of women, were at risk of torture, including sexual abuse, particularly if they refused to renounce their beliefs. According to overseas Falun Gong sources, more than 800 people detained in connection with the Falun Gong had died since 1999, mostly as a result of torture or ill-treatment." [6f] (p 3)

6.86 As noted in the UN Report on China's Persecution of Falun Gong (2000-2003) dated October 2003:

"The benefits of Falun Gong practice to people and society were originally recognized and commended by various levels of Chinese government. In fact, the authorities' positive regard facilitated the spread of Falun Gong in the early 1990s. The state-controlled media – including national and local newspapers, TV, and radio stations – frequently covered activities and benefits of Falun Gong practice. The increasing popularity of Falun Gong, however, proved to be too much for a few officials within the Chinese government. From clandestine undermining in early 1994, to the orchestrated smear campaign and banning of Falun Gong books in 1996, to police harassment in 1997, certain power blocs within Chinese government gradually escalated their underhand persecution to overt assault." [8f] (p 14)

Origins and Support

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6.87 As noted by Maria Hsia Chang in her book *The End of Days: Falun Gong* (2004), Falun Gong/Falun Dafa was founded in 1992 by Li Hongzhi (born 1952). In the early 1990s Li took advantage of a relaxation in the rules governing the regulation and formation of social groups to formulate this own distinctive brand of the ancient Chinese art of qigong or energy cultivation. He fused this with elements of other religions to create a quasi-religious movement, which encompassed a loose hierarchical structure (technically there are no members only enthusiastic volunteers) and emphasised high moral standards and good health amongst its followers. Pre-ban (July 1999) followers would gather in public parks and squares to practice the five exercises/movements (see below) which are central to the teachings of Li Hongzhi also known to his followers as Master Li. [19a] (pp 3-8, 60-94)

6.88 According to the same source, "Reportedly, the middle-aged and those from the middle class comprised the sect's main following, although its ranks also included students and the elderly, as well as peasants. They came from all walks of life: teachers, physicians, soldiers, CCP cadres, diplomats posted in foreign countries, and other government officials." [19a] (p 5)

6.89 According to Li Shai writing in the journal *Faith and Freedom*, Spring and Summer Edition 2003, "Up to 70 per cent of Falun Gong practitioners are women and they have born the brunt of the persecution." [19b] (p 36)

Guiding Principles

6.90 According to falundafa.org, accessed on 26 May 2004:

"It is most accurately described as a "cultivation practice". Practitioners cultivate their mind, body, and spirit by acting in accordance with the principles of:

Truth, Compassion and Tolerance

Practitioners also do five sets of gentle and easy to learn exercises. All practitioners feel peaceful, energized and refreshed after practising and almost every practitioner has reported improvements in both body and mind, as well as a deepened spiritual awareness." [11a]

Exercises/Movements

6.91 As noted by the leaflet supplied to the Home Office by the Falun Gong Association UK in May 2004, adherents undertake five exercises, four standing one sitting. Details are as follows,

- Exercise 1 – Buddha showing a thousand hands
- Exercise 2 – Falun standing stance

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Exercise 3 – Penetrating the two cosmic extremes

Exercise 4 – Falun heavenly circulation

Exercise 5 – Strengthening divine powers (performed seated) [11b]

6.92 As noted by falundafa.org accessed on 13 July 2004, "The teachings [of Li Hongzhi] are articulated in two books, Falun Gong (Law Wheel Qigong) and Zhuan Falun (Turning the Law Wheel), which are available in over a dozen languages, including English." [11c]

610 Office

6.93 As reported by the Canadian IRB on 10 December 2003, "The '610 Office' is a bureau specifically created by the Chinese government to persecute Falun Gong, with absolute power over each level of administration in the Party, as well all other political and judiciary systems." [31] (Based on information supplied by the Falun Dafa Information Center – FDIC)

Nature of Resistance

6.94 In January 2002, HRW has stated that, "As of this writing [January 2002], it appears that the Chinese government has succeeded in thinning the numbers of Falungong practitioners within China. Those still committed to keeping the movement alive have, for the most part, gone underground." [7h] (p 3)

6.95 According to the USSD Report 2003:

"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." [2d] (p 19)

Evangelical Christian Groups

The Shouters (Huhan Pai)

6.96 As reported by beliefnet on 9 January 2002, "The Shouters have been targeted by China as an anti-government group since the early 1980s and were banned in 1995. According to a 1994 report by Human Rights Watch-Asia, the Shouters were targeted as a cult because their strong evangelical belief in the second coming of Christ challenged the idea of a future communist utopia." [8bk]

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6.97 According to the "Local Church" Information Site in a report dated 4 October 2003:

"The "Local Church" of Witness Lee is a religious movement whose teachings are rooted in Biblical Christianity, but with several unique elements that have led many observers to label the group a cult. The current movement began in the 1960s in southern California, U.S.A. with the teachings of Chinese-American preacher Witness Lee, and it has since spread through much of North America and parts of Europe and Asia. Churches affiliated with the movement can usually be identified by their name, which almost always follows the pattern "The Church in [city name]". Members typically claim that the movement has no official name, although the term "The Lord's Recovery" is often used internally as a descriptive name. The term "Local Church" is generally used by outsiders, and refers to the movement's belief that the church should be organized by city, and that individual churches should take the name of the city in which they are located. Other names sometimes used include "Church of Recovery" (Philippines) and "Shouters" (China)." [8ch]

6.98 The same source continued, "Estimates of the size of the "Local Church" hover around several hundred thousand members worldwide. However, it is difficult to produce precise numbers, largely because it is difficult to gauge the number of adherents and partial adherents to the group's teachings within mainland China itself, where the movement appears to thrive but has been driven underground by government persecution." [8ch]

6.99 According to the website China for Jesus (last updated on 27 July 2002), which is a compilation of reports from Chinese mainland believers in Christianity, "The EL [Eastern Lightening] cult has its origin in the Shouters, a Chinese movement formerly led by Witness Lee. Not only are their teachings against authentic Christianity, but their practices are also a substantial threat to people's lives, property and safety as well as the stability of the state. The strictness of their hierarchy and the maliciousness of their practices demonstrate that they are worse than a cult." [20K]

6.100 As reported by the BBC on 28 January 2002, "It is one of the fastest growing-growing underground religious organisations in China and is believed to have around 500,000 followers." As reported by the same source Li Guangqiang, a Hong Kong businessman was arrested in May 2001 while attempting to deliver 16,000 bibles to Shouters in Fujian province. [9m]

6.101 According to Li's wife quoted in a report by Time magazine (Asia edition):

"By using Lai's [Li's] edition, underground evangelical worshippers can further their understanding of Christianity without the aid of preachers. That might sound innocuous enough, but not in the Chinese context. If you

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want to study the Bible in China, you are supposed to do so through either the Protestant Three-Self Patriotic Movement or the Catholic Patriotic Association, which follow state-sponsored liturgy. If you have doctrinal questions, those churches provide the only approved answers. If you're interested in such taboo topics as the Second Coming of Christ, you are defying the state." [15e]

6.102 As reported by WWRN on 9 March 2004, Li and another man convicted with him were released on medical parole the same year (2002), after pressure from the US government. A third man convicted alongside them served his 3-year sentence in full. [8bn]

South China Church

6.103 As reported by CSW on 17 January 2001:

"Two founding members of the South China Church have been sentenced to death following a secret trial. Gong Sheng Liang, 46, and his niece Li Ying, 36, were sentenced after a secret trial held on December 18 2001 at the Jing Men Court in Hubei Province. Gong was sentenced to death for 'using an evil cult to undermine law enforcement', causing bodily harm with intent, and rape, according to reports from the Hong Kong-based Information Centre for Human Rights and Democracy (ICHRD). Li Ying was also given a death sentence, suspended for two years, for 'using an evil cult to undermine law enforcement' and causing bodily harm with intent." [8bb]

6.104 The same source continued:

"According to reports, Gong's female co-workers were arrested and mutilated by the Public Security Bureau to make it look like they had been raped, then forced to make false confessions. The rape charge follows a pattern which has been used against other alleged cult leaders who have been sentenced to death, including Supreme Spirit Sect leader Liu Jia Guo and leader of the Established King Sect, Wu Yung Ming, sentenced to death in 1999 and 1995 respectively." [8bb]

6.105 As reported by AI on 11 June 2003, Gong's death sentence was commuted to life imprisonment in October 2003. [6j]

Three Servants Church

6.106 According to a report by the Centre of Religious Freedom dated 19 May 2004, the Chinese authorities are activity trying to stamp out the Christian-influenced Three Servants Church, which according to the report has up to seven million members, and has been banned under anti-cult legislation. According to

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the same report its leader, Xu Shuangfu was detained on 17 April 2004 and 90 of his co-workers and followers were arrested on 26 April 2004. [8be]

Freedom of Association and Assembly

6.107 According to the USSD Religious Freedom Report 2003:

"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." [2d] (p 19)

6.108 The same source continued:

"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." [2d] (p 19)

Political Activists

6.109 As noted by the USSD Report 2003, 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. [2d]

6.110 The USSD Report 2003 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 (4 June 1989) and between 500 to 600 held for counter-revolutionary offences. [2d] (p 2) This compares to 1,300 in 2002. [2b] (p 2)

6.111 According to the same source the State Security Law covers similar crimes to those previously deemed counter-revolutionary. [2d] (p 11)

6.112 According to a report by AI dated 3 June 2004, "Amnesty International has records of more than 50 people it believes are still imprisoned for their part in the [Tiananmen Square] protests. This number is a fraction of the true figure, which has never been released by the authorities." [6b]

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6.113 According to a report by HRW dated 4 June 2004, "In the days leading up to the [4 June] anniversary, Chinese security forces have warned, harassed, and intrusively monitored dissidents, writers, academics, and long-time pro-democracy activists. Over the past week, police have ordered some of its critics to leave Beijing. At least one critic was beaten when he tried to leave his home." [7]

6.114 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. [9]

6.115 According to a report by the NGO Human Rights in China (HRIC) dated 2 October 2003, the authorities also carried out a large-scale crackdown on dissidents during the build-up to China's national day (1 October). According to HRIC arrests centred on house church leaders, some of who had become involved in helping residents' protests about the illegal demolition of their homes by developers. [8a]

Dissidents

6.116 As reported by CNN on 21 July 2004, Dr Jiang Yanyong was detained on the 1 June 2004 after he wrote a strongly worded letter to the NPC in February 2004 calling for a reappraisal of the pro-democracy demonstrations in Tiananmen Square (4 June 1989). [10b] As reported by the same source along with the Guardian newspaper on 21 July 2004 and by AI on 20 July 2004, Dr Jiang was detained for approximately seven weeks, during which time he was forced to undergo political re-education (forced study sessions). [10b] [16ad] [6k]

6.117 According to a report in the Guardian newspaper dated 21 July 2004:

It was unclear last night whether he had signed a letter of contrition to secure his freedom. Dr Jiang's family said he was in good health, but forbidden to talk to the media without the prior approval of his superiors at the No 301 military hospital in Beijing. Dr Jiang and his wife, Hua Zhongwei, were detained on June 1 while going to the US embassy, where they were applying for visas to visit their California-based daughter. They were among dozens of dissenters who were removed from public view or held under house arrest in the run-up to the politically sensitive 15th anniversary of the Tiananmen Square crackdown on June 4. Ms Hua and most of the others were released within two weeks, but Dr Jiang was held for what sympathisers called "brainwashing", which would have required authorisation by Jiang Zemin, the head of the military [as Dr. Jiang was still a serving general in the army]. [16ad]

(See also Section 6.A on Freedom of Speech and the Media)

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Dissident Groups within China

6.118 According to a report by Washington Post dated 4 July 2003; re-produced by the Dui Hua Foundation (an NGO) on their website:

"Most opposition groups are small and localized, but from time to time groups that have developed national networks are uncovered in official publications." The source also stated that, "The best sources of information about human rights violations in China are often Chinese officials themselves, speaking through officially sanctioned publications or directly to foreigners in the dozen or so official rights dialogues between China and foreign governments... Many of the names Dui Hua uncovers are connected to illegal political and religious groups. The sheer number of such groups is staggering. It is not uncommon to find, in a county gazette, the names of a half-dozen illegal political parties or religious bodies that have been operating under the noses of the local authorities for years." [150]

China Democratic Party (CDP)

6.119 As reported by the BBC on 4 March 2004, the China Democratic Party (CDP) was, "Set up by dissidents in 1998. First attempt to legally register an opposition party. Quickly crushed by Communist Party. At least 30-members sentenced to jails terms of up to 13 years." [90]

6.120 As reported by the HRW in September 2000, "Concrete ideas for creating an opposition party originated in late 1997. Wang Youcai, a former student activist who had been jailed for two years for involvement in the 1989 pro-democracy movement, discussed the formation of an opposition party with a group of other dissidents." [7d] (pp 1-2 of section III) According to Europa publications the party's leaders were Wang, Xu Wenli and Quin Yongmin. [1a] (p 212)

6.121 As noted by HRW, "The CDP was to be based on the principles of "openness" (gongkai), "peace" (heping), "reason" (lixing), and "legality" (an falu). Its aim was to establish direct elections and the formation of a multi-party system." [7d] (pp 1-2 of section III)

6.122 According to the USSD Report 2003, "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." [2a] (p 1)

6.123 According to the USSD Report for the previous year (2002), "Since December 1998, at least 38 leaders of the China Democracy Party have been given long prison sentences on subversion charges." [2b] (p 2)

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6.124 As reported by the HRW in September 2000, "For all practical purposes, CDP activities had been silenced by January 2000." [7d] (p 9 of IV The Crackdown)

6.125 As reported by the Canadian IRB on 12 September 2002, "No information on the Chinese Democratic Party founded in 1990 in Beijing, as distinct from the Chinese Democratic Party founded in 1998, could be found among the sources consulted by the Research Directorate." [3n]

6.126 As reported by the official People's Daily newspaper on 10 May 2003, the Intermediate People's court in Lianoyang City had sentenced two former steel workers to seven and four years imprisonment for attempting to overthrow state power and trying to set-up the Lianoyang branch of the China Democratic Party. [12h]

6.127 According to the report, "The court ruled that evidence proved that the two [Yao Fuxin and Xiao Yunliang] were guilty of crimes of subversion in accordance with articles 105 and 106 of the Criminal Law." [12h]

6.128 As reported by the NGO Labour Rights Now on 24 October 2003:

"Yao Fuxin and Xiao Yunliang, along with Wang Zhaoming, Gu Baoshu (both released from detention on bail pending trial) and Pang Qingxiang (unconditionally released), were first detained in March and April 2002 for their involvement in mass protests at the Liaoyang Ferroalloy Factory in Liaoyang. The workers were protesting at the alleged corruption in the factory, which had earlier led to its bankruptcy, and against missing and unpaid wages and other benefits including pensions." [8bs]

(See also to Annex F on Dissident Groups)

Employment Rights

6.129 According to the USSD Report 2003:

"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." [2d] (p 36)

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6.130 According to the same source there were 51,000 labour disputes in 2002, mostly in State Owned Enterprises (SOEs). [2y] (p 38) According to the source the government claimed that 91% were resolved through arbitration. [2y] (p 38)

6.131 According to the government White Paper, China's Employment Situation and Policies dated April 2004 (Section II), "Chinese law stipulates that workers must not be discriminated against in the matter of employment because of ethnic identity, race, sex or religious belief. Chinese law strictly prohibits the employment of people under the age of 16. The state strictly investigates and deals with the illegal use of child laborers and the recommendation of children for work." [14d] (p 6 of Section II)

Industrial Unrest

6.132 According to a report by the NGO China Labour Bulletin 14 July 2004:

"Almost every week in Hong Kong and mainland China, newspapers bring reports of some kind of labour action: a demonstration demanding pensions; a railway line being blocked by angry, unpaid workers; or collective legal action against illegal employer behaviour such as body searches or forced overtime. The mere fact that the Chinese media is reporting selected cases of worker action is testament to how widespread the phenomenon has become. The Public Security Bureau reported that 198,000 labour disputes took place in 1999 and the state-controlled All China Federation of Trade Unions (ACFTU) has been training thousands of experts in labour law to deal with the increasing amount of litigation. The 'union' also has a small army of enterprise-based officials to deal with disputes as they occur and prevent them from escalating into strikes." [8ac]

6.133 The same source continued:

"Many commentators, both inside and outside China, put the unrest down to the shift away from a planned economy and the introduction of market forces and capitalist labour relations. Others would point to at least six outbreaks of unrest dating back to the 1950s as evidence that the Chinese working class has a tradition of militancy that makes little distinction as to whether the boss wears a red star on his cap or an old school badge on his western suit." [8ac]

Workplace Safety

6.134 As reported by the BBC on 23 October 2003, "Accidents in mines and factories killed 11,449 people in the first nine months of 2003, despite a nationwide safety crackdown." [9p]

6.135 According to a report by USA Today dated 7 July 2003:

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"Far from the soaring glass towers of Shanghai and Beijing, China's often-primitive coal mines epitomize the human cost of the nation's rising living standards. Last year [2002], 6,995 coal miners were killed in explosions, roof collapses and floods, according to government statistics. (By comparison, 27 American coal miners lost their lives in 2002.) Independent experts say China's death toll is actually closer to 10,000, because some mine owners routinely minimize casualty figures and pay victims' families to keep quiet." [8ad]

Child Labour

6.136 According to the USSD Report 2003, the Constitution prohibits child labour and trafficking in children. However, serious problems remain in both areas (see below). [2d] (p 32) (See also Section 5 on the Educational System)

People Trafficking

6.137 The USSD Report 2003 stated that,

"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 estimated that 9,000 women and 1,000 children were kidnapped and sold illegally each year." [2d] (40)

6.138 According to the US State Department Trafficking in Persons Report 2004 (USSD Trafficking Report 2004), published on 14 June 2004:

"The Peoples Republic of China is a source, transit, and destination country for persons trafficked for the purposes of forced labor and sexual exploitation. The domestic trafficking of women and children for marriage and forced labor is a significant problem. Chinese women are also trafficked to Australia, Burma, Canada, Malaysia, Japan, Taiwan, the Philippines, Europe, and the United States for forced prostitution. Women from Malaysia, Burma, North Korea, Nepal, Russia, Vietnam, and Mongolia are trafficked to China for forced prostitution. Many Chinese are smuggled abroad at enormous personal cost and are forced into prostitution or other forms of exploitative labor to repay their debts." [2d] (p 3)

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6.139 On the 14 July 2004, the official news agency Xinhua reported that police in Inner Mongolia (Nei Mongol) had arrested 95 people in connection with the sale of 76 infants. [13b] As reported by CNN on the same date, "Investigations showed the parents of the babies were mainly migrant workers, unmarried women or college students in and around Hohhot, capital of Inner Mongolia, it said." [10a]

6.140 As reported by Reuters on 15 July 2004, "The U.N. Children's Fund said about 250,000 kidnapped women and children were victims of trafficking in China last year. Official figures in March showed that police had freed 42,215 kidnapped women and children in 2002 and 2003 and analysts say that could just be the tip of the iceberg." [15f]

6.141 As reported by the BBC on 20 June 2004, "The leader of a gang involved in buying and selling 120 baby girls has been sentenced to death by a court in China. Two other members of the group were given life imprisonment for their part in the trafficking of babies in the impoverished central province of Henan. There was no word on the fate of the girls, sold between 1998 and 2003." [9d]

Snakeheads (People Smugglers)

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

"The network of snakeheads, or human smugglers, operating in China's Fujian province is "huge", meeting demand from locals attracted by the potential of earning 10 times an average Chinese wage in Europe, according to a report. "Many snakeheads belong to one family, and others are friends," a man who worked as a snakehead for 10 years told the China Daily. "They cooperate with each other, take charge of different areas of human smuggling, and get rich by sharing money from the stowaways." The issue has been thrown into the spotlight by the drowning of 19 presumed Chinese picking cockles a week ago in Britain's Morecambe Bay. Fifteen of them are believed to be from Fuqing city in Fujian, natives of which have a long history of illegally entering other countries." [15g]

6.143 According to the same source, "On Thursday, the [China Daily] paper quoted local Fujianese as saying the journey to Britain was often "hell-like" and involved walking for months through several countries, including Russia, Poland, the Czech Republic, Hungary, Germany and the Netherlands." [15g]

6.144 According to a report in the Telegraph Magazine dated 26 April 2001, trust and confidence are essential credentials for a snakehead. [16n] (p 2)

6.145 The National Institute of Justice in their August 2004 report entitled Characteristics of Chinese Human Smugglers (published by the US Department

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of Justice) identified several highly specialised roles within a smuggling operation. These were as follows:

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

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

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

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

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

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

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

Debt collectors are based in the United States and are responsible for locking up illegal immigrants in safe houses until their smuggling fees are paid. Additional debt collectors are based in China." [4d] (p 9)

6.146 According to a report in the Guardian newspaper dated 7 February 2004, "People from Fujian have a long history of seeking their fortune overseas. In extreme cases some villages have 80% of families with someone living overseas." [16ab]

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6.147 On 13 April 2004, the official China Daily newspaper published a frank account of a Fujianese woman's journey to America. In it the 37-year-old mother of two from Lianjiang City describes the pressure to leave China, "Everyone in my village was asking me when I'd take off, or why I had not already left. They were confused as to how I could sit still. I'm not the heady type. I don't want to take too many risk." (Wu Ying, trafficked person) [14ag]

6.148 The report went on to detail how the woman concerned, Wu Ying had approach Snakeheads in Fujian who had arranged her passage to American for a fee of US\$ 50,000, half of which was to be paid upon safe arrival there. [14ag]

6.149 According to the report once in the US Wu was persuaded to apply for asylum by a local lawyer who it was alleged concocted a fraudulent claim based on association with Falun Gong. Having been refused asylum Wu and her husband's job prospects were reportedly grim due a surplus of illegal Chinese workers in New York. [14ag]

6.150 According to a report in The Economist dated 15 May 2004:

"A lot of villagers around Fuqing have new villas. But few have earned the money invested in them themselves. The land is not good for farming, fishing brings little reward and local factories prefer to hire cheap labour from far inland. The area's ostentatious peasantry has mostly acquired its gaudy real estate with the help of remittance sent back from abroad. Fuqing's rural economy is mostly sustained by a custom of sneaking across international borders to find manual work that is ill-paid by western standards but many times more rewarding than farming in Fujian." [20s]

6.151 According to the same report, "Somebody caught trying to sneak out of the country illegally is likely to be fined 10,000 yuan (\$1,200) and detained for a couple of weeks if caught." [20s]

6.152 As reported by the Independent on 10 May 2004, "As the [Chinese] authorities have tried to stem the flow, the traffickers have found more ingenious and increasingly risky routes. Two weeks ago, in the middle of some of the worst mayhem in Iraq, 20 Chinese men from Fujian turned up in Fallujah en route to Europe. They were promptly kidnapped but then released by the Iraqi resistance, who seemed utterly perplexed by the turn of events." [16g]

6.153 As reported by the BBC on 6 May 2004, at least 20 Chinese cockle pickers drowned off Morecambe Bay in Lancashire, UK on 6 February 2004. According to this report, "Some of the cocklers had been here illegally, while others were legal, said [Detective Inspector] Mr Brunskill, but gave no further details. But he revealed that Chinese police believed it more likely that so-called Snakehead gangs outside China had been responsible for organising the entry of some into Britain." [9r]

China, October 2004

Fact Finding Mission to Fujian, November 2003

6.154 In November 2003, officers from the Metropolitan Police Chinatown Unit visited the Fujian Province. The purpose of the visit was to gain a better understanding of the reasons for migration from Fujian to the UK, and to obtain first hand knowledge and experience of the way of life and conditions in the Province. [200]

6.155 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. [200]

6.156 In Fujian unskilled workers can earn up to 400 yuan per month, (£32). Even a very poorly paid job in the UK would pay wages of £100 per week. Most of these migrants aim to work hard in the UK for a few years in order to earn enough money to build a large house in China, and to set themselves and their families up for the future. [200]

6.157 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. [200]

6.158 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. [200]

6.159 The officers found Fujian to be a prosperous and thriving Province. On the outskirts of the cities, and in the villages, hundreds of new 5 storey houses have been built at a cost of between £70,000 to £130,000. These houses have been built with remittances sent back from overseas. What was noticeable was that many of these houses were unlivd in and the villages were deserted. The few inhabitants that were seen were either very old or very young. [200]

6.160 The visit to Fujian did not include visits to prisons or other detention facilities. [200]

Freedom of Movement

Household Registry (hukou)

China, October 2004

6.161 As noted by the US Embassy in China, "Hukous are issued for all Chinese and are inscribed to identify the carrier as a rural or non-rural, i.e., urban, resident. Each urban administrative entity (towns, cities, etc.) issues its own hukou, which entitles only registered inhabitants of that entity full access to social services, like education." [4e]

6.162 According to the same source, "Hukou reforms differ among the areas involved, but set roughly the same qualifications for entitlement to urban registration. Basically, a person and his/her immediate family members can obtain urban hukous if he/she has a fixed residence and stable work in an urban area, usually defined as more than one year on the job." [4e]

6.163 According to the USSD Report 2003:

"The Government's "hukou" system of national household registration underwent some liberalization during the year, as the country responded to economic demands for a more mobile labor force. Nonetheless, many Chinese could not officially change their residence or workplace within the country. Government and work unit permission were often required before moving from city to city. It was particularly difficult for peasants from rural areas to obtain household registration in economically more developed urban areas. This produced a "floating population" of between 100 and 150 million economic migrants who lacked official residence status in cities. Without official residence status, it was difficult or impossible to gain full access to social services, including education. Further, migrant workers were generally limited to types of work considered least desirable by local residents, and they had little recourse when subject to abuse by employers and officials." [2d] (p 26)

6.164 As reported by the official People's Daily newspaper on 8 August 2003, China ended the practice of detaining, fining and repatriating migrant workers (Custody and Repatriation) in early August 2003. [13j] (See also Section 5 on Re-education through Labour)

6.165 According to the USSD Report 2003, the brutal murder of university graduate Sun Zhigang, who was beaten to death at a detention centre after being stopped by police for not carrying his registration document(s) was the catalyst for this change. [2d] (p 6)

6.166 According to a report by the Canadian IRB dated 19 April 2002:

"A hukou does not expire so there is no need for it to be renewed. There are occasions when a hukou required amending, i.e.: if the person moves, if there is an addition to the family, if the person gets married, etc. The information that we have been able to obtain is that amendments to the

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hukou are made by the local government, [at the] local police station, [which is] responsible for issuing and maintaining the hukou." [30] (Based on information supplied by an official at the Chinese Embassy in Canada, 11 April 2002)

6.167 As reported by the official China Daily newspaper on 7 August 2003, residency restrictions have been relaxed to encourage college and university graduates to work in the under developed west of China. [13j] (See also Section 3 on the Economy/Go West Development Programme)

Identity Cards

6.168 As reported by the official People's Daily newspaper on 7 April 2004, China began issuing new computerised (second generation) ID cards to residents in Beijing on the same day. The report stated that:

"According to Miao [an official from the MPS], unlike before, young people aged below 16 are also entitled to apply for a second-generation ID card through their guardians' agency. The second-generation ID card has varying expiration periods ranging from 10 years for people aged between 16 and 25, 20 years for people aged between 26 and 45 and long-term for people older than 46. In addition to Beijing, Shanghai and Shenzhen, the new ID cards will be officially distributed nationwide in 2005 as the issuing of the first-generation cards halts. The shift is expected to finish by the end of 2008." [13k]

6.169 As reported by the Canadian IRB on 13 March 2002, "The new card will replace the current paper laminated identification card that contains a person's name, photo, birth date and identification number and is purportedly relatively easy to counterfeit." According to the same source, opinion is divided over whether or not a viable national-wide computer system for checking first generation ID cards exists. [3p]

6.170 According to a second report by the Canadian IRB dated 20 April 2004:

"With respect to the procedures for replacing a lost or stolen identity card, a representative at the Canadian immigration office in Beijing stated that if a PRC citizen loses an [identification] ID card, they will go to their local police substation that is responsible for issuing the Family Registration Booklets ('hukou') and ID cards. The police substation is responsible for registering all people (foreigners too) that are living in their jurisdiction, including temporary residents. If one moves, then one is required to register the change of address. As a result, when a PRC citizen loses an ID card, they have to pay a nominal handling fee, and bring a couple of photos along for a re-issuance (the records of the citizen's hukou and previous ID applications will all be kept there). A person doesn't have to come in themselves with the photo, a relative may come in their place. A

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new ID card should have the new date of issue, with a new period of validity from that new issuance date." [3q]

6.171 As reported by the official People's Daily newspaper on 21 August 2004, China has started to implement its own "Green Card" system, which according to the newspaper will allow foreigners to apply for permanent residence in China. [12y]

Passports

6.172 According to the USSD Report 2003, "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." [2d] (p 27)

6.173 The same source continued:

"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." [2d] (p 27)

6.174 According to a report in the official People's Daily newspaper dated 28 October 2003, biometric information such as finger-prints and DNA will be added to new Chinese passports. The source gave no date for implementation. [13j]

(See also Section 6.C on Hong Kong SAR)

The Chinese Diaspora

6.175 As reported by Harper college online, "Most of these [overseas] Chinese came from the south of China, especially the provinces of Guangdong, Fujian, and the city of Shanghai. This part of China has historically had more contact with the outside world and is currently the area containing the fastest growing Special Economic Zones." [20j]

6.176 As noted by the US State Departments in their December 2002 paper A Brief Overview of Chinese Migration:

"Nineteenth century Chinese migrations came from areas in China where contact with outsiders had been most intense – the coastal provinces of Guangdong (Canton), Fujian and Zhejiang. These areas still provide the most significant numbers of illegal immigrants today. In each sending area there is both ready access to ports of departure and enough prosperity to make travel to overseas destinations economically viable. Today this wide network of overseas ethnic Chinese is of critical importance to mainland Chinese wishing to immigrate: it serves to ease the logistics of traveling to and settling in a foreign country, and it lowers the psychological barriers to leaving the homeland." [2e] (p 1-2)

6.177 As noted by the free online encyclopaedia Wikipedia last updated on 12 January 2004:

"After the Deng Xiaoping reforms, the attitude of the PRC toward overseas Chinese changed dramatically. Rather than being seen with suspicion, they were seen as people which could aid PRC development via their skills and capital. During the 1980s, the PRC actively attempted to court the support of overseas Chinese by among other things, returning properties that were confiscated after the 1949 revolution." [20u]

6.178 According to a report in the official newspaper the People's Daily dated 20 July 2003, the UK is now the most popular choice for Chinese students wanting to study abroad. According to the report there are at least 60,000 Chinese students studying in the UK. [14ah]

Fujian Province

6.179 According to Fujian Today (tourist brochure dated circa 2003) 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 and over 10 million ethnic-Chinese outside the PRC are of Fujianese origin. [20v] According to a report by the Canadian IRB dated 31 January 2002, Liangjiang is part of the Fuzhou Municipality. [3r]

6.180 According to the website Fujian: My Home Province, a page for children from Fujian to learn about their heritage, last updated in July 2003:

"Two distinct subcultures have evolved in Fujian. The Northern Min culture centered on Fuzhou is marked by the early adoption of Buddhism, and shows influences of Japanese culture and cuisine through contacts made with the Ryukyu Islands. The Southern Min culture of the Xiamen-Quanzhou-Zhangzhou region is considered to be more adventurous and entrepreneurial, and has been influenced by Southeast Asia through

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continuing contact with the descendants of Southern Min natives who emigrated there over the last 300 years... Parts of mountainous interior of Fujian are so isolated, it is said, the inhabitants did not learn of the Communist takeover until the 1960s." [20f]

(See also Section 6.A on the Fact Finding Mission to Fujian, November 2003)

Returnees

6.181 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." [20f]

6.182 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 [sic] within the period specified in the judgment [sic].

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

If a person truly has difficulties in paying because he has suffered irresistible calamity, consideration may be given according to the circumstances to granting him a reduction or exemption." [20j]

6.183 According to a report in the official People's Daily dated 3 October 2003, 580,000 Chinese students have studied abroad since 1978, with 160,000 returning to China. This report quoted President Hu Jiantao as saying 'Students returning from abroad are "precious wealth"'. [14a]

6.184 As reported by the official news agency Xinhua on 20 July 2004, approximately 1,000 delegates attended the seventh Congress of returned overseas Chinese, which began in Beijing on the same day. [13n]

6.185 As reported by the US State Department Report on Human Rights (Taiwan) 2004 (USSD Report Taiwan 2003), published on 25 February 2004, the

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Taiwanese government routinely deports illegal migrants from the mainland back to the PRC. [21] (p 6)

6.186 According to a report by Taiwan News dated 19 June 2004:

"The MAC [Mainland Affairs Council] spokesman suggested that Taiwan could rent some boats for use in repatriating illegal PRC immigrants if the Beijing government continues to refuse to send its own vessels to pick up its own citizens. Taiwan usually repatriates illegal immigrants to China twice a month from Matsu [Island] for picking up by PRC boats, but the last time China sent boats to pick up the immigrants was March 12 [2004]." [15k]

6.187 According to a report by the Canadian IRB dated 9 August 2000, "Leaving China without exit permission or a passport is a criminal offence in China punishable of [sic] up to one year in prison. Only repeat offenders would get a sentence approaching the maximum. Most first time offenders would get a short sentence, depending on the circumstances of their case but probably with sentences of 3 months." [3s] (Based on information supplied by a Program Analyst with Citizenship and Immigration Canada – CIC and related to the repatriation of 90 Chinese illegal emigrants from Canada to Fuzhou in May 2000)

6.188 The same source continued:

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

6.189 The above information was still held to be current by the IRB on the 3 April 2003. [3t]

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6.190 According to the USSD Report 2003, "Persons who were trafficked from the country and then repatriated sometimes faced fines for illegal immigration upon their return; after a second repatriation, such persons could be sentenced to reeducation through labor. Alien smugglers were fined \$6,000 (RMB 49,600), and most were sentenced to up to 3 years in prison; some have been sentenced to death." [2d] (p 41)

Double Jeopardy

6.191 Article 7 of the criminal code covers the penalty for crimes committed outside the PRC. It states that,

"Article 7. This law is applicable to PRC citizens who commit the crimes specified in this law outside the territory of the PRC; but those who commit the crimes, provided that this law stipulates a minimum sentence of less than a three-year fixed-term imprisonment for such crimes, may not be dealt with." [20j]

(See also Section 5 on the Judiciary)

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6.B Human Rights – Specific Groups

Ethnic Groups

6.192 As reported by the ethnologue website there are 55 officially recognised ethnic minorities within China. [20c] (p 1) According to Europa publications, Regional Studies: The Far East and Australasia (2004), they make up 8.5% of the population – the other 91.5% are Han Chinese. [1a] (p 197)

6.193 According to official Chinese sources ethnic minorities make up 6.7% of the population with Han Chinese accounting for the remaining 93.3%. 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. All nationalities in China are equal, as stipulated by the Constitution of the People's Republic of China. They take part in the administration of state affairs as equals, irrespective of their numbers or the size of areas they inhabit. Every minority nationality is represented in the National People's Congress, which is the highest organ of state power of the People's Republic of China." [13p]

6.194 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

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"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." [2d] (p 34)

(See also Section 2 on Languages)

Koreans

6.195 As noted by Europa publications (2004), there are approximately 1.9 million Koreans in China. [1a] (p 197) As reported by the Encyclopaedia of the Peoples of the World (1993) there are sizeable communities of Koreans in Jilin and Heilongjiang, both the provinces close to border with North Korea (DPRK). According to this source many Koreans in China continue to use the Korean language. [20a] (317-319)

6.196 According to a report by the Canadian IRB dated 12 February 2003, "There are an estimated 1,920,000 Chaoxian (Korean) people living in the Chinese provinces of Jilin, Heilongjiang and Liaoning; however the majority of Chaoxian people live in the Yanbian Chaoxian Autonomous Region of Jilin." (Based on information supplied by the China Folklore Photographic Association – CFPA) [3u]

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

6.198 As reported by the Guardian newspaper on 28 June 2004:

"Aid workers believe that since the late 1990s perhaps hundreds of thousands of North Koreans have fled famine, economic hardship and political repression by crossing the Tumen and Yalu rivers, which mark the border with China. Beijing refuses to recognise them as political refugees. Those that are caught are repatriated to North Korea, where they face

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punishments ranging from a few days in re-education camps to the death penalty, depending on their rank and the extent to which they are considered to have damaged national security. Many stay close to the border, setting up secret camps in the densely wooded mountains. Desperate and vulnerable, many of the men become bandits and countless women are sold as brides or prostitutes." [16a]

6.199 On 25 November 2003, a Foreign Ministry spokesperson, Liu Jianchao told the official 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." [12]

(See also Section 6.A on Muslims/Uighurs(s) and Hui)

Tibet

Some Tibetan Organisations regard the whole of the Tibetan Plateau as part of "Tibet" and therefore include areas outside the Tibetan Autonomous Region (TAR) in their reports.

6.200 As noted by Europa publications (2004), there are approximately 5.4 million Tibetans in China. [1a] (pp 197-198) According to official Chinese figures, "The population of Tibetans in the region [of Tibet] accounts for 45 percent of that in the country. In addition to Tibetans, other ethnic groups include the Lhoba, Moinha, Han, and Hui. Among the total population, 2.41 million are Tibetan (92.2 percent), 155,300 Hans (5.9 percent) and 49,900 (1.9 percent) of other ethnic groups." [14c] [18b is a map]

6.201 According to Europa publications (2004):

"All Chinese Governments since the fall of the Qing dynasty have continued to assert rights of sovereignty over Tibet (Xizang), although the western two-thirds of the territory had been, in practice, independent since 1912. Tibet was occupied in 1950 by Chinese Communist forces. In 1959 there was an unsuccessful armed uprising by Tibetans opposed to Chinese rule. As a result, the Dalai Lama, the head of Tibet's Buddhist clergy and thus the regions spiritual leader, fled with some 100,000 supporters to northern India, where a government in exile was established. The Chinese ended the former dominance of the lamas (Buddhist monks) and destroyed many monasteries. Tibet became an 'Autonomous Regions of China' in September 1965, but the majority of Tibetans continued to regard the Dalai Lama as their 'god-king', and as a result there was intermittent unrest." [1a] (pp 172-173)

6.202 According to the USSD Report 2003:

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"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." [24] (p 43)

(See also Section 6.A on Tibetan Buddhism)

6.203 According to the Tibetan Information Network (TIN) there are currently *90 political prisoners detained in Tibet (figures from January 2004). These figures are almost unchanged from a year ago, but significantly down on the number held in the mid-1990s. According to the same source over a third of Tibetan political prisoners are detained outside Tibet, mainly in Sichuan province. [15bc] (pp 1-4) *Figures from Table 1.

6.204 As reported by TIN on 8 July 2004:

"Based on the new information, TIN records now indicate that there are four current cases of known or presumed political imprisonment in Qinghai Province and none in Gansu. These levels—which obviously cannot reflect undetected cases—are the lowest TIN has documented since 1987–88. TAR Prison (a.k.a. Drapchi Prison, and formerly known as TAR Prison No. 1), Pome Prison (a.k.a. Bomi Prison or Powo Prison), and Lhasa Prison (formerly known as Utritru) are the TAR's three formally designated prisons (jianyu). According to authorities, they currently hold a total of approximately 2,500 prisoners. The majority (86 percent) are sentenced for property crimes. Three percent, or about 75 inmates, have

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convictions that include the charge of 'endangering state security' or 'counterrevolution.' Most are in TAR Prison." [15bc]

6.205 In their Annual Report 2003 on the Human Rights Situation in Tibet the Tibetan Centre for Human Rights and Democracy (TCHRD) stated that,

"The incidence of arrests and detentions taking place across the plateau was unabated during 2003. TCHRD documented the arrests of 27 Tibetans and has also reported on many unconfirmed cases – bringing the total number close to 100. The fact that more than 80 percent of the recorded arrests have taken place outside "TAR" is a clear indication of the changing shift of growing dissent towards those regions. The continuing situation of Tibetans still facing longterm prison sentences for their peaceful political opposition to Chinese authority reflects the unchanging situation of Tibetans in their rights to the enjoyment of political and civil freedoms. This is in the face of China's claims to improving conditions for Tibetans in Tibet." [15bg] (p 29)

6.206 According to the same source, "The Kardze "Tibetan Autonomous Prefecture" of eastern Tibet's present-day Sichuan Province remained the plateau's most volatile region in terms of peaceful political protests and cases of arrest and detention. Of the 27 known arrests the TCHRD has reported this year, more than 80 percent occurred in and around this region." [15bg] (p 14)

6.207 As noted by The World Guide 2003/2004, "Tibetans are no longer the majority in the capital Lhasa." According to the source this is due to a government-sponsored influx of Han and to a lesser extent Hui (Chinese Muslims) and other ethnic groups to the area. [20w] (p 183)

6.208 According to the USSD Report 2003, "The Dalai Lama, Tibetan experts, and other observers expressed concern that development projects and other Central Government policies initiated in 1994 and reemphasized and expanded at the "Fourth Tibet Work Conference" in 2001, including the Qinghai-Tibet railroad, 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] (p 47)

6.209 According to the TCHRD 2003 Report:

"China boasts of its huge investments and mammoth development projects in Tibet. It is customary that any development project must advocate the people's right to self-determination including control over use of their land and natural resources. However, in Tibet, the Tibetans are excluded from consultation or effective participation. The urban development projects in Tibet are meant to consolidate China's economic and political control over Tibet. The resultant influx of tens of thousands of

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Chinese settlers have further denied the Tibetan people their livelihood. TCHRD views the current development projects in Tibet to be assimilationist in nature. The acceleration of these projects will finally complete the cultural genocide of the Tibetan people." [15bg] (p3)

6.210 The same source continued:

"Chinese language replaces Tibetan in all higher education, and the study of Tibetan is often viewed as being anti-Chinese and unpatriotic... Tibetan schoolchildren who receive no language instruction until the fourth grade of primary school, not only have to study in a foreign language, but also have to compete for places in secondary school against Chinese children using their mother tongue. In 1997, Chinese language was introduced from grade one for Tibetans in urban primary schools but not in rural schools. Linguistic obstacles faced by Tibetan students in secondary and higher exams give Han Chinese settler children faced an overwhelming advantage in enrolment, enabling them to enter education's fast stream." [15bg] (pp 82-83)

The Tibetan Diaspora

Tibetan Refugees

6.211 As noted by the UNHRC report, The State of The World's Refugees 2000: Fifty Years of Humanitarian Action (2000), there are around 100,000 Tibetan refugees in northern Indian, home of the government in exile. The same source continued, "From the start, separate settlements were identified and established in geographically suitable areas so as to provide them with economic, social and religious autonomy. A separate government-in-exile has been established in Dharamsala, Himachal Pradesh." Furthermore the source stated that, "All though they are viewed as foreigners under the 1946 Foreigners Act, they have been accorded the basic rights of most citizens but are not allowed to contest or vote in elections." [8e] (p 63)

6.212 As noted by the Nepalese news portal KuraKani on 20 January 2004, "Nepal is home to an estimated 20,000 or more Tibetan's many of whom arrived in 1959-60 around the time the Dalai Lama fled there from Tibet. For more than a decade the Government of Nepal has barred Tibetans who flee there from remaining in the country. Tibetans currently living in Nepal are only allowed to transit through the Himalayan country on their way to India or another country willing to take them." [15v]

6.213 Based on information supplied by the Tibetan government in exile the same report lists 11 Tibetan settlements in Nepal. These are as follows:

- 1) Delekling Tibetan Settlement (Salleri, Solukhumbu Region)

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- 2) Dorpatan/Norzinling Tibetan Settlement (Dorpatan, Baglung District)
- 3) Jampaling Tibetan Settlement (Pokhara)
- 4) Namgyaling Tibetan Settlement (Chairok, Mustang Region)
- 5) Paljorling Tibetan Handcraft Centre (Pokhara)
- 6) Samdupling Tibetan Handcraft Centre (Jawalakhet, Kathmandu)
- 7) Swayambu Handcraft Centre (Kathmandu)
- 8) Tashiling Tibetan Settlement (Pokhara)
- 9) Tashi Palkhel Tibetan Settlement (Pokhara)
- 10) Tibetan Settlement (Dunche)
- 11) Tibetan Settlement (Walung, Taplizong) [15v]

6.214 As reported by the BBC on the same day, the Nepalese government deported 18 Tibetan refugees back to Tibet on 31 May 2003. [9x] According to another BBC report dated 27 June 2003, "The arrested Tibetans are normally kept in a transit camp in Kathmandu pending screening by the UN refugee agency, the UN High Commissioner for Refugees (UNHCR), which later helps them travel to India." [9am]

6.215 On 2 June 2003, AI strongly condemned these deportations and stated that, "We fear that these people could be at risk of torture or other serious human rights violations and are calling on the Chinese authorities to provide immediate guarantees for their safety." [6m]

6.216 According to a report dated the 24 January 2004 by the NGO the International Campaign for Tibet (ICT):

'Former inmates from the prison cells in Shigatse, Tibetan Autonomous Region (TAR), have recounted incidents where the 18 deportees were shocked with electric batons, repeatedly kicked in the genitals and forced to stand naked outside for four to five hours at a time, three to four times a week. One former inmate recalled prison guards beating members of the group of 18 Tibetans while yelling, "Think about why you tried to go and see the Dalai Lama." ' [15u]

6.217 According to an earlier report dated 23 December 2003 by the same source, refugees returning from India or Nepal are reportedly treated much more severely than those caught trying to leave Tibet. The ICT states that the typical sentence for those trying to re-enter Tibet (illegally) ranges from 3 to 5 months in addition to a fine of 1,700 to 5,000 yuan (US\$212-625). [15j]

6.218 As reported by the Australia Tibet Council on 27 August 2003, "In August 2003, the Nepalese government signalled its willingness to work with the UNHCR to help ensure that Tibetans could continue to use Nepal as a safe transit point on rout to Northern India." The same source stated that:

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"This is a significant achievement for the Tibet movement and the rights of vulnerable Tibetan refugees," said Mary Beth Markey, U.S. Executive Director of the International Campaign for Tibet [ICT]. "Safe transit through Nepal is the linchpin in the flight to freedom for Tibetans refugees," Markey continued." [15be]

Women

6.219 According to the USSD Report 2003:

"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 same source continued, "The law does not expressly recognize or exclude spousal rape." [2d] (p 30)

6.220 According to the US State Department Trafficking in Persons Report 2004 (USSD Trafficking Report 2004), published on 14 June 2004:

"China's 1992 Law on the Protection of Rights and Interests of Women specifically outlaws trafficking or kidnapping of women. It also outlaws coercion into prostitution. The criminal code imposes the death penalty for traffickers who coerced girls under 14 into prostitution. In the period 2001–2003, the Chinese Government investigated 20,360 cases in which 43,215 women and children were rescued and 22,018 traffickers arrested. While the police reported a 27% decline in investigations in 2003, there were 3,999 suspects and 774 "snakeheads" (traffickers) punished for trafficking. [2i] (p 4)

6.221 A 2002 survey by the state sponsored All China Women's Federation showed that 16 per cent of married women questioned had been beaten by their spouses, while 2.6 per cent said they had been sexually hurt by them. [13a] According to another report published by the same organisation in December 2003, 38.4 per cent of people surveyed admitted resorting to violence to resolve disagreements with their spouses, while nearly half believed it was reasonable for husbands to beat their wives. [14a]

6.222 According to a report by the Asian news site Muzi News dated 2 August 2004:

"In a bizarre twist, many women even say their status in society has been eroded as economic reforms unleashed 20 years ago cast aside the last

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vestiges of Maoism, under which women were famously told they "hold up half the sky." Wife beating hit the headlines in 1999 when news broke that three women in northwestern China had been murdered by their husbands, sparking much soul-searching. One woman was stabbed, another beaten and the third was set on fire. An official at the All China Women's Federation, Wang Simei, said the level of violence in domestic assault cases has increased." [15aa]

6.223 As reported by the official China Daily newspaper on 26 November 2003:

"Currently, women's federations at various levels have opened 6,181 hotlines and 8,958 special organizations in China to provide consultation and legal aid for women's rights protection. The China Law Society has established a nationwide network for fighting domestic violence, and many provincial authorities have enacted local regulations for preventing domestic violence." [14ak]

(See also Section 6.A on People Trafficking)

Marriage

6.224 As reported by the official People's Daily newspaper on 19 August 2003:

"Chinese couples planning to get married may soon do so without a letter from their employers testifying to their unmarried status and without first having a health examination, according to a new regulation issued by the State Council Monday. The regulation, to take effect Oct. 1, consists of six chapters, or 22 items, which will annul the old version that was in effect for nine years. An adult male and female will be able to marry each other legally by only providing their ID cards and residence documents, and by signing a statement that they are single and not related, the new regulation said. For the past several decades, government marriage offices required people to show letters provided by their employers to guarantee that they were qualified for marriage. The new regulation says that people may take a health examination before marriage, but will not be forced to do so." [12m]

6.225 According to the same report, "Couples will receive divorce certificates at once if they both agree to get divorced and settle amicably their property, any debts and care of any children, the new rules say." [12m]

6.226 As reported by the same source on 20 August 2003, couples with HIV/AIDS will be allowed to marry under these regulations but same sex marriages are not permitted. [12n]

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6.227 As reported by the US Embassy in China, "Certain categories of Chinese citizens, such as diplomats, security officials, and others whose work is considered to be crucial to the state, are not legally free to marry foreigners. Chinese students generally are permitted to marry if all the requirements are met, but they can expect to be expelled from school as soon as they do." [41]

6.228 As noted by the same source additional documentation is normally required for marriage to a non-Chinese national. [41]

Divorce

6.229 On 28 April 2003, the Standing Committee of the NPC voted to amend the Marriage Law, in addition to making bigamy a criminal offence punishable by 2-years imprisonment it made the following pronouncement on divorce, "In divorce cases, property division should be determined under contract by both parties. Should they fail, the people's court will make decisions in favor of the offspring and the female." The official People's Daily newspaper reported these amendments on the same day. [126]

Children

6.230 According to the USSD Report 2003, "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." [24] (32) (See also Section 5 on the Educational System and Section 6.A on Child Labour)

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

Family Planning ("one child policy")

6.232 As reported by the government controlled news portal the China Internet Information Center in a report originally uploaded in December 2000:

"After the introduction of the reform and opening policies late in the 1970s, China formulated a basic state policy to promote family planning in an all-round way so as to slow down population growth and improve its quality in terms of health and education. The government encourages late marriage and late childbearing, and advocated the practice of "one couple, one child" and of "having a second child with proper spacing in accordance with laws and regulations". Family planning is also advocated among the ethnic minorities. Various provinces, autonomous regions and municipalities directly under the central government have formulated their own policies and regulations according to local conditions." [145]

6.233 On the 12 July 2004, the official People's Daily newspaper stated that:

"After achieving stable and low birth rate, China must shift from controlling the population number to optimizing population structure in its population and family planning work, said Gu Shengzu, deputy governor of Hubei Province and an expert on population economy." [12]

6.234 The report went on the list six obstacles to achieving this. They were:

- 1) Gender imbalance – the ratio of males to females born was 119:92 in 2000.
- 2) High number of birth defects – 800,000 to 1,200,000 annually.
- 3) Ageing population.
- 4) Social problems caused by migration, such as children being left behind in rural areas by migrant workers.
- 5) Caring for the children of migrant workers, particularly the provision of affordable education.
- 6) Spread of infectious diseases such as HIV/AIDS into the general population. [12p]

6.235 As noted by Henry Wu from the NGO the Laogai Research Foundation on 27 July 2004:

"According to the Population and Family Planning Law of the People's Republic of China, "Under China's family-planning policy each couple may have only one child; in rural areas a couple may have a second child if the first child happens to be a girl; a national minority couple may have two children. All births must be approved in advance, with the state allotting birth quotas in a unified way; children in all areas of the nation should be borne by the quotas allotted for the given year; offenders shall be punished." This Chinese version of family planning — thoroughly manipulated by the state — deprives Chinese citizens of fundamental rights." [19aa]

Population and Family Planning Law (2002)

6.236 As reported by the Canadian IRB on 17 September 2003, the new Population and Family Planning Law was enacted on 1 September 2002. According to the IRB, "The new law stipulates the legal rights of people and states that the government should create conditions for the people and provide them with suitable, safe and effective family planning services. The government should encourage and reward those people who carry out family planning according to policy." [3v]

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6.237 The same source continued:

"According to Zhang Weiqing, head of the National Population and Family Planning Commission of China (NPFPC), formally known as the State Family Planning Commission, due to China's massive regional disparity, the national law merely offers "a basis guideline" and "detailed provisions must be made by the provincial, municipal and autonomous regional people's congresses or their standing committees according to local situations." [3v]

6.238 According to the USSD Report 2003:

"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." [2d] (p 13)

6.239 The same source continued:

"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." [2d] (p 13)

6.240 As reported by the Canadian IRB on 13 January 2003, opinion is divided over what constitutes coercion, 'The United States Department of State's 29 May 2002 "Report of the China UN Population Fund (UNFPA) Independent Assessment Team" maintains that charging couples who have "out of plan" births with a "social compensation fee," which is often double or triple the couple's annual salary, amounts to coercion.' [3w]

6.241 According to the IRB, "Ann Noonan, policy director of the Laogai Research Foundation, states that for officials to meet strict population quotas, poor women in rural regions of China will suffer forced sterilizations and abortions (National Review 16 August 2001)." [3w]

China, October 2004

Family Planning Regulations in Fujian

6.242 As reported by the IRB on 18 October 1999, according to Dr. Edwin Winckler, a political scientist and research associate of the East Asia Institute at Columbia University, there are at least four channels of appeal existing for complaints of excesses by local officials in Fujian province. [3x] [2y is a transcript of 1991 Fujian Family Planning Regulations] (See also section on the Judiciary/Criminal Procedures Law 1997)

Family Planning in Beijing and Shanghai

6.243 As reported by the official news agency on 9 August 2003, under new regulations (effective from 1 September 2003) nine types of household in Beijing are permitted a second child. The same source continued:

"The nine groups that are allowed a second child include couples who have a disabled first child, who are the only child of their respective families and currently have only one child, and remarried couples who have only one child. Under the former municipal Population and Birth Control Statutes, these couples could only have a second child at least four years after the first child was born and if the mother was at least 28 years old." [13r]

6.244 As reported by the official People's Daily newspaper on the 25 June 2004, Shanghai has also approved similar measures, which permit couples who are both single children to have a second child. It also allows couples with children from a previous marriage to a child together as well as permitting urban couples to have a second child if the first child is disabled. [13s]

6.245 According to a report in the Guardian newspaper dated 14 April 2004, these changes were prompted by concerns about the city's ageing population. The report added that whilst other cities may follow suit for similar reasons officials were adamant that the "one-child policy" would remain the basis of family planning within China for the foreseeable future. The report concluded that, "The ending of free education in China – another of the big changes in the past 25 years – may prove to be a more effective way to restrict population growth than any family planning policy." [16ag]

Black Children (hei haizi)

6.246 As reported by Time Pacific Magazine on 29 January 2001, children born contrary to the "one-child policy" are called "black children" (hei haizi). Officially they do not exist and therefore don't qualify for government assistance. According to the report officials can usually be "persuaded" to add or issue them

China, October 2004

a hukou (household registration document), but a bribe is often required to facilitate this. [11z]

6.247 As reported by the Washington Post on 29 May 2001, "Strict limits on births have forced millions of parents to hide unapproved children, resulting in what Chinese call a "black population" of as many as 6 million unregistered children. Many of these children are believed to be girls." [15m]

Female Infanticide

6.248 As reported by the Guardian newspaper on 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 figure is as high as 130 to 100. [16ah] The BBC quoted the same figures on 15 July 2004, and on 14 July 2004 the official People's Daily newspaper admitted to "Serious gender imbalances in newborns." Quoting figures of 119 males to every 92 females born in 2000. [9x] [12p]

6.249 As reported by the Guardian newspaper on 16 July 2004 and by The Times on 22 June 2004, the global average is 105 males to every 100 in females born. [16k] [16j]

6.250 According to the same sources the Chinese government, concerned about the destabilising affect of so many unattached men has begun to offer cash incentives to couples to produce more girls. [16k] [16j] According to the Guardian, "In some areas, couples with two daughters and no sons have been promised an annual payment of 600 renminbi (£38) once they reach 60 years of age... In some parts of Fujian province, local governments have given housing grants of more than £1,000 to couples with two girls." [16k]

6.251 According to a report in the official People's Daily newspaper dated 2 August 2004, "Beginning from this year [2004], rural families who have only one child or two girls will receive award and support from government." [12q] The report went on to say that:

"The pilot work will be launched this year in five provinces and municipality in west China (Sichuan, Yunnan, Gansu, Qinghai and Chongqing), nine cities in nine central provinces (Hebei, Shanxi, Heilongjiang, Jilin, Jiangxi, Anhui, Henan, Hunan, and Hubei) as well as in Zunyi City, Guizhou Province. Work has been started earlier in some provinces where farmers have received award money." [12q]

6.252 According to the USSD Report 2003:

"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

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areas, used ultrasound to identify female fetuses and terminate pregnancies." [2d] (p 33)

Childcare Arrangements

6.253 According to the USSD Report 2003:

"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] (p 33)

6.254 As reported by the official news agency Xinhua on 22 April 2004, "China now has nearly 600 orphanages that are taking care of more than 54,000 orphans or infants abandoned by their parents for various reasons." [17c]

Homosexuals

6.255 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. However, according to the same source most homosexuals choose to keep their sexuality a secret. [2g] As noted by the USSD Report 2003, since 2001 the China Psychiatric Association no longer lists homosexuality as a mental illness. [2d] (p 15)

6.256 According to a report by the Canadian IRB dated 6 March 2002, "The general public's understanding towards homosexuality can be divided into three stages: in the first stage homosexuals are sinful; in the second stage homosexuals are sick; in the third stage homosexuals are normal. Now China is somewhere between stage one and stage two." [3z] (Based on information from the China Information Center)

6.257 As reported by the official People Daily newspaper on 20 August 2003, same sex marriages are not permitted. [12n] As reported by the same source on 4

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March 2004, "Yang Jianbao, a sociologist, said that China's tradition advocates a harmony of Yin (feminine, negative) and Yang (masculine and positive), the two opposing principles in nature, homosexuals are often considered a marginal group whom some people link with crime and other antisocial behavior." [12a]

6.C Human Rights – Other Issues

Disputed Provinces

Taiwan

6.258 As noted by Europa publications, Regional Studies: The Far East and Australasia (2004), The Republic of China (ROC) more commonly called Taiwan occupies a total land area of 36,188 sq. km and has a population of around 22.5 million people. [1a] (p 286)

6.259 As noted by the BBC on their country profile for Taiwan, last updated on 10 August 2004, "The Chinese nationalist government [KMT] of President Chiang Kai-shek fled to Taiwan [island] ahead of the advance of Communists under Mao Zedong in 1949. The government-in-exile established Taipei as its capital and for decades hoped to reclaim control over the mainland." [9a]

6.260 In their country profile for Taiwan, last reviewed on 4 May 2004, the Foreign and Commonwealth Office (FCO) describes Taiwan as a "Multi-party democracy with directly-elected President." According to the same source, "China has been highly critical of [President] Chen Shui-bian and his predecessor Lee Teng-hui because of their pro-independence leanings. China refuses to resume direct political contacts with Taiwan until it accepts a 'One China' formula as a precondition for negotiations. Taiwan's political parties have different positions on how to approach negotiations with the mainland, but all insist that the 'Republic of China' is a separate political entity from the PRC Government." [4c]

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

"Today, many accept China's claim to Taiwan – a Chinese province, the CCP claims, since time immemorial – without question. But in the first two decades of the CCP's existence (1921–42) Taiwan was of only passing interest to both the CCP and the former Republic of China (ROC) government. Taiwan was an area defined both visually and rhetorically as beyond the margins of the Han Chinese world. In documents, speeches, maps and even postage stamps, Taiwan and the Taiwanese were characterized as a region and a regional national minority, not a province. Taiwan was only later declared an integral part of China when it was politically expedient to do so." [15x]

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6.262 As reported by the US State Department Report on Human Rights (Taiwan) 2004 (USSD Report Taiwan 2003), published on 25 February 2004,

"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 and discrimination against women, child prostitution and abuse, and trafficking in women and children occurred." [2f] (p 1)

6.263 According to the US Department of Defense (USDOD) in their 2004 report on the military power the People's Republic of China:

"Preventing steps by Taiwan towards permanent separation from the mainland and securing eventual resolution on the Taiwan issue on China's terms are priority security concerns for Beijing. China's leaders consider Taiwan's integration under mainland authority an essential step towards completing "national re-unification" following the reversion of Hong Kong and Macao in 1997 and 1999, respectively. While there is no apparent timeline to resolve the Taiwan issue, no Chinese leader would want to be saddled with responsibility for "loosing" Taiwan." [4g] (p 12)

Special Administrative Regions (SARs)

Hong Kong (SAR)

6.264 As noted by Europa publications (2004), the special administrative region of Hong Kong (population 6.7 million) occupies a total land area of only 1,089 sq. km; by comparison China as a whole occupies 9.6 million sq. km. It is situated on the southeastern coast of Guangdong province and comprises Hong Kong Island, the Kowloon peninsula and the New Territories, which were leased to the UK for 99 years in 1898. [1a] (pp 235-253)

6.265 As noted by the same source Hong Kong reverted back to China on 1 July 1997. Under its mini constitution (the Basic Law) it is allowed a high degree of autonomy under a policy known as "One Country, Two Systems". [1a] (pp 235-253)

6.266 As noted by the FCO on their country profile for Hong Kong, last reviewed on 24 August 2004, Hong Kong is governed by a partially elected Legislative Council (the LegCo), which comprises 60-members. The head of government is Tung Chee-hwa (Chief Executive) and the Head of State is Hu Jintao (President of China). [4b] (pp 1-3) The same source continued:

"There are about 3.6m British passport-holders in Hong Kong. The majority (3.44m) are British Nationals (Overseas) (BN(O)s). This form of British nationality accords visa-free access to the UK for short visits but no right of abode in the UK. BN(O) passport holders enjoy British consular

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protection when in third countries (and, in the case of non-Chinese BN(O) passport holders, in Hong Kong and Mainland China)." [4b] (p 5)

6.267 According to the US State Department Report 2003 (USSD), published on 25 February 2004:

"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." [2d] (p 49)

6.268 As reported by the BBC on 5 September 2003 (two separate reports), the Hong Kong government unsuccessfully tried to implement new anti-subversion legislation (Article 23) in 2003. After a mass demonstration involving upwards of 500,000 people on 1 July 2003 the proposals were quietly shelved. [9an] [9ao]

6.269 As reported by the BBC on 6 April 2004:

"Democracy campaigners in Hong Kong have reacted angrily to a ruling that gives China the final say over the territory's political future. Pro-democracy leaders said the move undermined Hong Kong's autonomy. They were responding to a decision by a committee of China's parliament that it has a veto over how Hong Kong's leader and legislature should be elected. It said that while Hong Kong can change its election laws from 2007, it first must obtain approval from Beijing." [9ap]

6.270 According to a Foreign Ministry spokesperson, quoted in the official People's Daily newspaper on 22 July 2004, the Standing Committee of the NPC is fully mandated to interpret the Basic Law as it sees fit. In choosing to exercise its veto over any future electoral changes in Hong Kong it was not departing from the principles of "One Country, Two Systems". [12i]

6.271 According to a report by the Guardian newspaper dated 1 July 2004, "Democratic members of the Hong Kong legislative council have had faeces smeared on their doors and been subjected to intimidating threats. And three campaigning radio disc jockeys have disappeared from public view since threats were made against their families." [16ai]

6.272 As reported by the BBC on 27 May 2004, "A veteran Hong Kong politician has told legislators he quit his radio talk show because of warnings he would be in danger unless he toned down his anti-Beijing views. Allen Lee, who is also a member of China's parliament, the National People's Congress, said he quit after a number of people pressured him to keep quiet." [9auq]

China, October 2004

6.273 As reported by the Daily Telegraph newspaper on 18 August 2004, Alex Ho (Wai-to) a leading member of the Democracy Party was sentenced to six-months in a labour camp after being arrested with a prostitute while on a business trip to the mainland. [16a] According to this report plus another by Voice of America (VOA) dated 17 August 2004, he was set-up by the Chinese authorities. [16a] [15w]

6.274 As reported by the official China Daily newspaper on 18 August 2004, the MPS claimed to have "indisputable evidence" of his guilt. [14a]

Macau (SAR)

6.275 As noted by Europa publications (2004), the special administrative region of Macau (population 435,000) occupies a total area of only 26.80 sq. km. It is situated 64 km west of Hong Kong on a narrow peninsula on the southeastern coast of Guangdong province. It also encompasses two small islands, Taipa and Coloane. Together with the peninsula these territories were ceded to Portugal in 1887. [1a] (pp 266-281)

6.276 As noted by the same source Macau reverted back to China on 20 December 1999. Under a policy known as "One Country, Two Systems" it is allowed a high degree of autonomy in areas other than foreign policy and defence. [1a] (pp 266-281)

6.277 As noted by CIA World Fact Book on Macau, last updated on 11 May 2004, Macau is governed by a partially elected Legislative Council, which comprises 27-members. The head of government is Edmund Ho Hau-wah (Chief Executive) and the Head of State is Hu Jintao (President of China). [4h] As reported by the BBC and the Macau government's own website on 29 August 2004, Ho was re-elected on the 28 August 2004 after polling 296 out of 300 possible votes in the Election Committee, whose job it is to select the Chief Executive. [9as] [14]

6.278 According to the USSD Report 2003:

"The Government [of Macau] 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." [2d] (p 65)

China and the Rest of the World

6.279 According to a report in the Economist dated 24 July 2004, "Since taking up their posts early last year, Mr Wen and President Hu Jintao have been busy

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trying to present China as a benign emerging nation that is ready to co-operate with others to solve international problems." [20e] (p2)

6.280 As reported by the Embassy of PRC in the United States of America on 11 December 2003, "Chinese Premier Wen Jiabao stressed here Wednesday [10 December 2003] that the essence of China's road to peaceful rise lies in relying on its own efforts for development." [5e]

1951 Convention

6.281 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. [1d] (p 27)

Membership of International Organisations

6.282 As noted by the FCO on their country profile for China, last reviewed in February 2004, China is a member of ASEAN Regional Forum (ARF); Asia-Pacific Economic Co-operation Forum (APEC); Asian Development Bank (ADB); Shanghai Co-operation Organisation; and World Trade Organisation (WTO). As noted by the same source it is also permanent member of the UN Security Council. [4a] (p 1) As reported by the official People's Daily newspaper on 10 December 2003, China has participated in UN peacekeeping operations since 1992. [12u]

Annexes

Annex A: Chronology of Events – China post 1949

Based on BBC Timeline last updated on 3 June 2004 [9d] and Europa publications, Regional Studies: The Far East and Australasia (2004). [1a] (pp 171-183)

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

1950: Land reform started.

1954: First constitution adopted.

1959: 'Great Leap Forward' started – China attempts rapid industrialisation at the expense of agricultural output. This leads to famine on a massive scale. Estimated that between 10 to 35 million people died as a result of famine during this period.

1961: 'Great Leap Forward' abandoned.

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1966: Start of the Cultural Revolution, Red Guards fanatically loyal to Mao given free rein to destroy the "four olds" (old ideas, old customs, old culture, old habits) – this leads to social disintegration and Mao is forced to call upon the army (PLA) to restore order.

1975: New Constitution adopted.

1976, 8 January: Premier Zhou Enlai dies.

9 September: Mao dies. End of Cultural Revolution.

October: Hu Guofeng replaces Mao as CCP Chairman having previously taken over from Zhou as Premier.

1978: New (third) Constitution adopted. Beginning of Democracy Wall movement. Start of economic reforms.

1979, March-December: Democracy Wall movement suppressed.

1980: Hua Guofeng replaced as Premier by Zhao Ziyang. Architect of economic reform, Deng Xiaoping emerges as China's paramount leader.

1982: Hua replaced as CCP General Secretary by Hu Yaobang.

1982: New (fourth) Constitution adopted. Post of CCP Chairman abolished and remaining Maoists purged from the party.

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

1987: CCP General Secretary, Hu forced to resign after failing to stop student demonstrations.

1989, 15 April: Hu dies and news of his death sparks angry protests by students and workers in Tiananmen Square (TS). Calls for his posthumous rehabilitation quickly escalate into demands for greater democracy, an end to official corruption and even the overthrow of the Communist Party itself. Beijing is placed under martial law as protests spread to other parts of China.

19 May: CCP General Secretary, Zhao Ziyang pleads with demonstrators to disperse.

30 May: Students erect 'Goddess of Democracy' statue in TS Square.

4 June: Party elders, including Deng order the Square cleared and the Army (PLA) together with the People's Armed Police (PAP) move against protesters using tanks and armoured cars. Several hundreds people are killed as troops lose control and fired on unarmed protestors, mostly in the side streets around

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the Square. The official death toll is put at 200. International outrage leads the imposition of sanctions.

November: Deng resigns from his last government position.

1992: Jiang Zemin becomes President.

1997: Deng Dies.

1 July: Hong Kong reverts back to China.

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

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

July: Falun Gong "cult" banned.

20 December: Macau reverts back to China.

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

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

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

2003, March-April: Outbreak of SARS (Severe Acute Respiratory Syndrome).

June: SARS brought under control.

2003, 1 July: Mass demonstrations in Hong Kong against plans to introduce anti-subversion bill (Article 23).

September: Hong Kong government shelves plans for anti-subversion bill (Article 23).

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

2003, December: Gas well blast near Chongqing kills more than 230 people with thousand injured.

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

2004, July: Flooding in southwestern China kills more at least 439 people with 20,000 injured and nearly 1.5 million displaced.

(See also Section 4 on [History](#))

Annex B: Chronology of Events – Tibet post 1910

China, October 2004

Based on The World Guide 2003/2004 [20w] (p 183) and Annex1: Important Dates and Anniversaries (Tibet), Courtesy of the Foreign and Commonwealth Office (FCO). [20x]

1910: Chinese troops enter the Tibetan capital, Lhasa.

1912, June: Tibetans expel Chinese troops. Dalai Lama proclaims Tibetan independence.

1922: Panchen Lama flees to Beijing.

1938: His successor is anointed.

1949, 1 October: Communists come to power in China.

1950, Communists declare their intention to "liberate" Tibet from feudalism.

7 October: Eastern Tibetan province of Kham invaded by the 1st and 2nd field armies (84,000 troops in total).

19 October: Eastern city of Qamdo occupied by the PLA (18th Corps).

17 November: Dalai Lama assumes full temporal and spiritual powers.

1951, 23 May: Dalai Lama signs 17-point agreement with China [15bf is a text of this agreement]

26 October 1951: PLA enters Lhasa.

1952: Panchen Lama enters Tibet under Chinese military escort and is enshrined as head monk at the Tashilhunpo Monastery, west of Tibet's second city Shigatse.

1959, 10 March: Nationalist uprising put down by Chinese troops. "Chinese figures record 87,000 deaths; Tibetan sources suggest as many as 430,000 were killed." Dalai Lamas flees to India while Panchen Lama remains but refuses to denounce him as a traitor – he is later jailed (1964).

1965, 9 September: Tibetan Autonomous Region (TAR) established.

1987, 1 October: Riot in Lhasa

1988, 5 March: Riot in Lhasa (final day of Monlam festival).

1989, 28 January 1989: Death of the Panchen Lama in Lhasa.

5 March: Riot in Lhasa.

7 March: Martial Law imposed in Lhasa.

1990, 1 May: Martial law lifted in Lhasa.

China, October 2004

1994: Successor to the Panchen Lama anointed. Dalai Lama refuses to recognise the child "chosen" by Beijing.

1999: Karmapa Lama flees to India.

2000, April: Dalai Lama publicly states that he is seeking only genuine autonomy from China and not full independence.

2001: Chinese Engineers discover an oilfield estimated to hold 100 million tones of crude oil.

2002: Chinese government announces the construction of a 1,000-km railway across the Himalayas.

April: Monument to the "peaceful liberation" of Tibet erected opposite the Dalai Lama's winter residence in Lhasa.

Political Organisations

Annex C: Main Political Organisations

Name in English	Name in Chinese	Abbreviation	General Notes
All-China Federation of Trade Unions		ACFTU	Government sponsored Trade Union group [2d] (p 36)
All China Women's Federation		ACWF	Government sponsored women's group [14aj]
Catholic Patriotic Association			Government sponsored Catholic group [8ba] (p 10)
Chinese Buddhist Association			Government sponsored Buddhist group [8ba] (p 10)
Chinese Christian Council		CCC	Government sponsored Protestant group [8bg]
Chinese Communist Party	Zhongguo Gongchan Dang	CCP	Ruling Party [2d] (p 1) membership 68 million (2003) [12v]
Chinese Daoist Association			Government sponsored Daoist group [8ba] (p 10)

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Chinese Islamic Association			Government sponsored Muslim group [8ba] (p 10)
Democratic Progressive Party		DPP	Taiwan's ruling party. Allied with the Taiwan Solidarity Union (TSU) since early 1990s. Together they form the "green group" in favour of independence. [1a] (pp 300-320)
	Falun Gong		Banned cult, also known as Falun Dafa [2c] (p 1)
Nationalist Party of China	Kuomintang	KMT	Main Taiwanese opposition party. Allied with the People First Party (PFP) since early 1990s. Together they form to the "blue camp" opposed to independence. [1a] (pp 300-320)
National People's Congress	Quanguo Renmin Daibiao Dahui	NPC	Chinese Parliament [1a] (p 211)
National Population and Family Planning Commission of China		NPFP	Government department which oversees population control. Formerly know as the State Family Planning Commission [3v]
People's Armed Police		RAP	Paramilitary branch of the police [9a]
People's First Party		PFP	Taiwanese opposition party. Allied with the Kuomintang (KMT) since early

China, October 2004

			1990s. Together they form to the "blue camp" opposed to independence. [1a] (pp 300-320)
People's Liberation Army		PLA	Chinese Army [1a] (p 229)
People's Republic of China	Zhonghua Renmin Gongheguo	PRC	Official name of the country [1a] (p 167)
State Administration for Religious Affairs/ Religious Affairs Bureau		SARA/RAB	Government Department which registers and monitors religious groups [8ba] (p 10)
State Bureau for Petitions and Appeals			Government Department responsible for looking into complaints from the public [9v]
Taiwan Solidarity Union		TSU	Taiwanese political party Allied with the Democratic Progressive Party (DPP) since early 1990s. Together they form the "green group" in favour of independence. [1a] (pp 300-320)
Three-Self Patriotic Movement		TSPM	Government sponsored Protestant group [8ba] (p 10)
The All-China Federation of Trade Unions		ACFTU	Government sponsored Trade Union [2d] (p 36)
Xinjiang Production and Construction Corporation			Paramilitary agro-industrial agency, which employs millions of Han migrants in

China, October 2004

		Xinjiang [16h]
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Annex D: Hong Kong Political Parties

Number of seats held based on the results of the September 2000 LegCo elections.

Name in English	Name in Chinese	Abbreviation	General Notes
Association for Democracy and People's Livelihood			Pro-democracy party. Holds one seat (out of 60) in Legislative Council (LegCo). [1a] (pp 239-242, 253)
Democratic Alliance for the betterment of Hong Kong		DAB	Pro-Beijing party. Won 8 of the directly elected seats at the 2000 HK elections. Holds 10 (out of 60) seats in LegCo. [1a] (pp 239-242, 253)
Democratic Party of Hong Kong			Pro-democracy party. Won 9 of the 30 directly elected seats at the 2000 HK elections. Holds 12 (out of 60) seats in LegCo. [1a] (pp 239-242, 253)
The Frontier			Pro-democracy party. Holds 3 seats (out of 60) in LegCo. [1a] (pp 239-242, 253)
Hong Kong Progressive Alliance			Pro-Beijing party. Holds 3 (out of 60) seats in the LegCo. [1a] (pp 239-242, 253)
Liberal Party			Pro-business party. Holds 8 (out of 60) seats in the LegCo all directly elected. [1a] (pp 239-242, 253)

China, October 2004

New Century Forum			Pro-Beijing party Holds two seats (out of 60) in LegCo. [1a] (pp 239-242, 253)
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Annex E: Democratic Parties – political parties existing prior to the establishment of the PRC (1949) who subordinate themselves to the will of the CCP

Name in English	Name in Chinese	Abbreviation	General Notes
China Revolutionary Committee of the Kuomintang			Founded on 1 January 1948. Membership 60,000 Chairwoman He Luli. [12w]
China Democratic League			Established in November 1939. Membership 144,000 (mostly intellectuals) Chairman Ding Shisun. [12w]
China Democratic National Construction Association			Established 16 December 1945. Membership 78,000 Chairman Cheng Siwei. [12w]
China Association for the Promotion of Democracy			Established on 30 December 1945. Membership 73,000 Chairman Xu Jialu. [12w]
Chinese Peasants and Workers Democratic Party			Established in August 1930. Membership 73,000 Chairman Jiang Zhenghua. [12w]
China Zhi Gong Party (Public Interest Party)	Zhi Gong Dang		Established in San Francisco, October 1925. Membership 18,000 Chairman Luo Haocai. [12w]
	Jui San Society		Established in

China, October 2004

			May 1946. Membership 78,000 Chairman Wu Jieping. [12w]
Taiwan Democratic Self- government League			Established in Hong Kong, 12 November 1947. Membership 1,800 Chairman Zhang Kehui. [12w]

Annex F: Dissident Groups

Name in English	Name in Chinese	Abbreviation	General Notes
China Democratic Party	Zhongguo Mains Dang	CDP	"Set up by dissidents in 1998. First attempt to legally register an opposition party. Quickly crushed by Communist Party. At least 30-members sentenced to jails terms of up to 13 years." [9a] Key leaders all detained by the end of 1999. [2a] (p 1) [2b] (p 2) Leaders: Wang Youcai (founder), Xu Wenli and Quin Yongmin. [1a] (p 212)
The China Progressive Alliance	Zhonghau Tongmeng	CPA	Founded mid-1991 by supporters of 1989 democracy movement. Members met in May 2001 and agreed 11-point manifesto – committed to fighting dictatorship, but also working with progressive elements of the CCP. [6i] (p 3)
The Free Labour Union of China	Zhonggou Ziyou Gonghui	FLUC	Founded late-1991. In January 1992 distributed leaflets encouraging the formation of independent Trade Unions. After some of its members were secretly arrested in June 1992 the group

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			sent a letter of appeal to the International Labour Organisation (ILO) in Geneva. [87] (p 4)
The Liberal Democratic Party of China	Zhongguo Ziyou Minzhu Dang		LDPC First surfaced in November 1991, posting a statement critical of human rights violations in China at Beijing university. Made similar statements in March 1992. [61] (p 3)
The Social Democratic Party of China	Zhonggou Shihiu Minzhu Dang	SDPC	Founded in 1991 and based in Lanzhou, Gansu province. "It claimed to have over 100-members, including students, workers, intellectuals and government cadres, most of whom had participated in the 1989 democracy movement." Issued its manifesto in April 1992, calling on other party's to join together to advance democracy. By May 1992, 50-member had been arrested. [61] (p 4)
The Chinese Nation's People's Party			Founded in mid-1990s by Li Wenshan and Chen Shiqing, two middle-aged farmers in Gansu province. It advocated democracy, human rights and prosperity and had 1000-members by early 1999. Li and Chen along with 10-12 members were tried on 30 August 2000. Li and Chen received 13 and 8-year prison terms respectively. Eight others were sent to re-education through labour camps. [150]
Chinese Plum Nation Party			Founded in late 1980s by 50-year old farmer

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			Fen Zhengming. Operating in 17 provinces by early 1990s. Fen detained in April 1992 and given 15-year sentence. [15o]
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Annex G: Prominent People

Chen Shui-bian	President of Taiwan. Elected 18 March 2000. [1a] (p 319) Re-elected 20 March 2004. [10e]
Chiang Kai-shek	Nationalist (KMT) leader who lost civil war. Fled to Taiwan. Died 1975. [1a] (pp 170-171)
Dalai Lama	Spiritual and political leader, to whom most Tibetans look to for guidance heads government in exile, based in Dharamsala (Northern India). Left Tibet in 1959. [20w] (p 183)
Deng Xiaoping	Paramount leader for most of 1980 and early 1990s. Architect of economic reforms, also order troops into Tiananmen Square (TS). Died 1997. [1a] (pp 175-177)
Edmund Ho Hau-wah	Chief Executive of Macau SAR. [4h] [14i]
Hu Jintao	President of China, elected 15 March 2003. Also General Secretary of Central Committee of the CCP, elected November 2002. [1a] (210-211)
Hu Yaobang	Liberal party leader whose death sparked TS protests. Died 1989. [1a] (176-177)
Li Hongzhi	Founder of banned cult Falun Gong. [11c]
Jiang Zemin	Became General Secretary of CCP after TS. President of China 1993–2003. Still Chairman of the powerful Central Military Commission (CMC). [1a] (210-211)
Mao Zedong	Founded PRC on 1 October 1949. Presided over disastrous 'Great Leap Forward' and instigated Cultural Revolution. Died 1976. [1a] (pp 171-174)
Panchen Lama	Next most senior Lama after the Dalai Lama (see above). [20w] (p 183)
Tung Chee-hwa	Chief Executive of Hong Kong SAR. [1a]

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	(pp 252-253)
Wei Jiangsheng	Exiled-leader of the Democracy Wall movement (1978/79). [9ah]
Wen Jiabao	Premier of China, elected September 2003. [1a] (pp 210-211)
Wu Bangguo	Chairman of the Standing Committee of the NPC, elected March 2003. [1a] (pp 210-211)
Zhao Ziyang	Elderly former party leader who opposed TS crackdown. Purged from the Party shortly afterwards. Held under house arrest ever since. [10f]
Zheng Qinghong	Vice-President of China elected 15 March 2003 [1a] (p 210) member of the powerful "Shanghai Clique" loyal to former President Jiang Zemin. [15h]

Annex H: Administrative Divisions

Province [1a] (p 198)	Population [1a] (p 198)	Capital [1a] (p 198)	Ethnic Groups [14m unless otherwise stated]
Sichuan	82,348,296	Chengdu	Information not available (page wouldn't load)
Henan	91,236,854	Zhengzhou	"There are 51 ethnic groups living in Henan Province, including the Han, Hui, Mongolian, Manchu, Zhuang, Miao, Tibetan, Uygur, Yi, Korean, Tujia, and Bai. The Han people make up 98.8 percent of the population, and the ethnic minorities, 1.2 percent."
Shandong	89,971,789	Jinan	"There are 54 ethnic groups, including the Han, Manchu, Zhuang, Korean, Miao, Tibetan, Yi, Yao, and Bai. The Han population is 90.17 million, accounting for 99.32 percent of the province's total. The population of various minority ethnic groups is 620,000, accounting for 0.68 percent of the total."
Jiangsu	73,043,577	Nanjing	"In addition to the ethnic Han group, Jiangsu is also home to 55 minority ethnic groups with a total population of 210,000, accounting for 0.29 percent of the provincial total."

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Guangdong	85,225,007	Guangzhou (Canton)	"There are 53 ethnical groups living in the province, and the population of the minority ethnical groups accounts for 0.7 percent of the province's total. The main minority ethnical groups are Zhuang, Yao, She, Hui and Manchu."
Hebei	66,684,419	Shijiazhuang	"In the province, apart from Han, there are Manchu, Hui, Mongolian, Zhuang, Korean, Miao, and Tujia, totaling 53 minority ethnic groups in all. The population of these ethnic groups accounts for 4 percent of the provincial total. Now, there are six autonomous counties of minority ethnic groups."
Hunan	63,274,173	Changsha	"Hunan Province has a total of 41 ethnic groups including Han, Tujia, Miao, Yao, Dong, Bai, Hui and Uygur. According to the fifth census in 2000, the Han population was 57.8 million, 89.79 percent of the provincial total, while minorities are 6.58 million or 10.21 percent... The majority of local minorities live in the mountainous regions of west, south and east Hunan."
Anhui	58,999,948	Hefei	"There are 59.484 million Han people, accounting for 99.37 percent of the total population. People of other ethnic groups are 376,000, accounting for 0.63 percent of the total population. In addition to the main minority ethnic group of the Hui, there are 52 other ethnic groups, including the Man, Zhuang and She."

Hubei	59,508,870	Wuhan	"Hubei is a province where many ethnic groups live in compact communities. It now has 50 ethnic groups, including the Han, Tujia, Miao, Hui, Dong, Manchu, Zhuang and Mongolian. According to the fifth national census, the ethnic minority groups, with nearly 2.58 million people, comprise 4.34 percent of the province's total population. Minority ethnic groups with over 10,000 people include the Tujia, Miao, Hui, Dong and Manchu. With 1.8 million people, Tujia is the largest ethnic minority group in Hubei, comprising 80 percent of the total ethnic minority population in the province. The second largest, the Miao, constitutes 10.3 percent. The areas where ethnic minority groups live in compact communities cover more than 30,000 square kilometers, forming one-sixth of the province's total area. Ethnic minority groups are mainly distributed in southwestern Hubei."
Zhejiang	45,930,651	Hangzhou	"Fifty-three different ethnic groups live together in the province, with members of ethnic minority groups accounting for 0.7 percent of the population. The main minority ethnic groups are the Zhuang, Yao, She, Hui and Manchu."
Liaoning	41,824,412	Shenyang	"Liaoning Province has 44 ethnic groups including Han, Manchu, Mongol, Hui, Korean and Xibe. Minority population is 6.55 million, accounting for 16 percent of the province's total. There are 5 minorities with population exceeding 10,000: Manchu, Mongol, Hui, Korean and Xibe. In addition, the population of the Zhuang, Miao, Tujia, Dawo'er and Yi ethnic groups is also comparatively large."

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Jiangxi	40,397,598	Nanchang	"Jiangxi is home to 38 ethnic groups, of which the Han people are the largest group, accounting for 99 percent of the province's total population. Major minority ethnic groups include the Hui, She, Zhuang, Manchu, Miao, Yao, Mongolian, Dong, Korean, Tujia and Bouyei, with the Hui and She having larger populations. Among other ethnic minorities living in Jiangxi there are the Bai, Yi, Li, Gaoshan, Tibetan, Sui, Dai, Maonan, Naxi, Xibe, Tu, Hani, Qiang, Mulam, Uygur, Lisu, Daur, Gelao, Yugur, Jing, Derung, Lahu, Jingpo, Brang, Russian and Jino. The She people live in some 30 compact communities in the counties of Qianshan, Guixi, Yongfeng, Ji'an, Xingguo, Wuning, De'an, Zixi, Yihuang and Le'an. Some of the Yao people live in compact communities in Nanyao Mountain and Laba Mountain."
Yunnan	42,360,089	Kunming	"Yunnan has the highest number of ethnic groups among all provinces and autonomous regions in China. Among the country's 56 ethnic groups, 25 are found in Yunnan. Some 38.07 percent of the province's population are members of minorities including the Yi, Bai, Hani, Zhuang, Dai, Miao, Lisu, Hui, Lahu, Va, Naxi, Yao, Tibetan, Jingpo, Blang, Pumi, Nu, Achang, Jino, Mongolian, Drung, Manchu, Shui, and Bouyei. Each minority has at least 8,000 people. Ethnic groups are widely distributed in the province. Some 25 minorities live in compact communities, each of which has a population of more than 5,000. Ten ethnic minorities living in border areas and river valleys include the Hui, Manchu, Bai, Naxi, Mongolian, Zhuang, Dai, Achang, Bouyi and Shui, with a combined population of 4.5 million; those in low mountainous areas are the Hani, Yao, Lahu, Va, Jingpo, Blang and Jino, with a combined population of 5 million; and those in high mountainous areas are Miao, Lisu, Tibetan, Pumi and Drung, with a total population of 4 million."

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Heilongjiang	36,237,576	Harbin	"The province is a habitation for many ethnic groups. According to the fourth national census taken in 1990, there are 47 ethnic groups living in the province, of which, Han people made up 94.3 percent of the province's total; people of 42 ethnic minorities, 2 millions, accounting for 5.7 percent of the total. Major ethnic minorities include Manchu, Hui, Mongolian, Korean and Daur, Sibo, Hezhe, Oroqen, Ewenki and Kirgiz, who are distributed across the province. Dorbod Mongolian Autonomous County is the only area in the province with ethnic autonomous administration. There are 51 cities and counties where the ethnic minority population has reached 10,000 or more. There are 68 ethnic minority townships and 920 ethnic minority villages. The average population density of the province is 81.7 person per square kilometer."
Guizhou	35,247,695	Guiyang	Information not available (page wouldn't load)
Shaanxi	35,365,075	Xian	"The Han ethnic group accounts for 99.4 percent of the total. Other groups include the Hui, the Manchu and the Mongolian. The population density is 174 persons per square km."
Fujian	34,097,947	Fuzhou	"Fujian is a province where many ethnic groups live in compact communities. According to the fifth population census, Fujian has 48 ethnic groups, with the Han constituting the largest group and the 47 ethnic minority groups, with 580,000 people in total, comprising 1.67 percent of its population. The She is the largest ethnic minority group in the province, with a population of 350,000, accounting for more than 50 percent of its total population nationwide. The number of Hui people exceeds 10,000. Ethnic minority groups in Fujian are mainly distributed in Ningde, followed by Fuzhou City and Quanzhou City."

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Shanxi	32,471,212	Taiyuan	"The largest ethnic group in Shanxi, the Han, account for 99.75 percent of the total population. The province also has 34 ethnic minority groups, including the Hui, Manchu, Mongolian, Korean and Tibetan, with 67,000 people. There are 58 villages where ethnic minority groups live in compact communities."
Jilin	26,802,191	Changchun	"In the province there are altogether 44 ethnical groups. Besides the Han, there are minority ethnical groups such as the Korean, Manchu, Mongolian, Hui and Sibo, who have been living in the province for ages. The number of the Han people is 24.8163 million, accounting for 90.97 percent of the total. The population of other ethnical groups is 2.4636 million, accounting for 9.03 percent. The Koreans are distributed in Yanbian, Jilin, Tonghua, Baishan and other cities in the eastern part; The Mongolians and Sibos are mainly distributed in Baicheng and Songyuan in the western part; and the Manchus and Huis mostly live in the cities of Changchun, Jilin, Tonghua and Siping. Autonomous administrative areas for ethnic minorities have been established in the province. These include the Yanbian Korean Autonomous Prefecture, the Qian Gorlos Mongolian Autonomous County, the Changbai Korean Autonomous County, and the Yitong Manchu Autonomous County. In addition, there are 34 minority ethnical townships (towns), of which 10 are for Mongolians, 10 are for Manchus, seven are for Koreans, two are for the Huis, and five for both Manchu and Korean people. The population of minority ethnical groups and their ratio of the total provincial population rank the ninth and 11th in the country respectively."

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Gansu	25,124,282	Lanzhou	"Gansu is home to some 20.52 million Han people (91.7 percent of the population) together with 1.86 million people of ethnic minority groups (8.3 percent). Those minority groups with a population of more than 1,000 are the Hui, Tibetan, Dongxiang, Tu, Manchu, Yugur, Bonan, Mongolian, Salar, and Kazak."
Hainan	7,559,035	Haikou	"Hainan Province is home to 36 ethnic groups. Besides the Han, China's majority, the Li, Miao and Hui are also natives of Hainan, with the Li being the earliest inhabitants on the island. As a consequence of Hainan's development since 1950, the other 33 ethnic groups moved in successively. Most of the Li, Miao and Hui people settle in central and south Hainan, while the Han people inhabit northeast and north Hainan as well as the coastal areas."
Qinghai	4,822,963	Xining	"Qinghai is inhabited by 55 ethnic groups, and the population of minority ethnic groups has reached 2.35 million, or 45.5 percent of the province's total. Besides the Han, China's majority, there are the Tibetans, accounting for 21.89 percent of the province's total population; the Huis, accounting for 15.89 percent; the Tus accounting for 3.85 percent of the province's total; the Salars accounting for 1.85 percent; and the Mongolians, accounting for 1.71 percent. The Salar and Tu ethnic groups are unique to Qinghai."
Autonomous Regions			
Guangxi Zhuang	Nanning	43,854,538	"Guangxi is multi-ethnic region, where a number of ethnic groups live, including the largest groups such as the Zhuang, Han, Yao, Miao, Dong, Mulam, Maonan, Hui, Jing, Yi, Shui and Gelao, and some 25 smaller ones. The people of ethnic minority groups came to 17.956 million by 1999, accounting for 38.1 percent of the region's total. The Zhuang is the largest ethnic minority group in the region, which has a population of 15.38 million."

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Nei Mongol (Inner Mongolia)	23,232,347	Hohhot	"Forty-nine ethnic groups live in Inner Mongolia including the Mongolian, Han, Manchu, Hui, Daur, Ewenki, Oroqen, and Korean. The region is inhabited by 3.97 million Mongolians, 18.75 million Hans, and 900,010 of other groups. The rural population hits 13.78 million, with 11.87 million in villages and 1.91 million in pastoral area."
Xingjiang	18,359,511	Urumqi	"The largest ethnic group comprises some 7,497,700 Han people, accounting for 40.6 percent of the population of Xinjiang. The remaining 10,964,900 people or 59.4 percent, represent no fewer than 47 ethnic minority groups. Thirteen of the ethnic groups have lived in Xinjiang for centuries. These are the Uygur, Han, Kazak, Hui, Mongolian, Kirgiz, Tajik, Xibe, Ozbek, Manchu, Daur, Tartar and Russian peoples."
Ningxia Hui	5,486,393	Yinchuan	"There are 3.68 million Han people, accounting for 65.47 percent of Ningxia's total population. Ningxia is home to 33 ethnic minority groups which have a total population of 1.94 million. Of this figure, the Hui people amount to 1.90 million, accounting for 33.88 percent of the region's total population. Most of the Huis live in Tongxin, Guyuan, Xiji, Haiyuan, and Jingyuan counties as well as Wuzhong City and Lingwu County in the area irrigated with water diverted from the Huanghe River."
Tibet (Xizang)	2,616,329	Lhasa	"The population of Tibetans in the region accounts for 45 percent of that in the country. In addition to Tibetans, other ethnic groups include the Lhoba, Moinha, Han, and Hui. Among the total population, 2.41 million are Tibetan (92.2 percent), 155,300 Hans (5.9 percent) and 49,900 (1.9 percent) of other ethnic groups." [14c]
Municipalities			

Shanghai	16,407,736	—	"Shanghai is home to the Han people and 39 ethnic minorities and a few unidentified ethnic groups. Minority ethnic population totals 53,000, accounting for 0.4 percent of the city's total population. The largest minority ethnic group living in Shanghai is the Hui people, followed by the Manchu; those with the smallest population include the Va, Lahu, Maonan, Primi and Jing."
Beijing (Peking)	13,569,194	—	"People of all of China's 56 ethnic groups are found in Beijing. The vast majority, 95.7 percent (13.229 million), of the city's population belongs to the Han ethnic group. The total population of ethnic minorities is 590,000, with the Hui, Manchu and Mongolian being the major ethnic groups."
Tianjin	9,848,731	—	"There are 41 minority ethnical groups in the city with a total population of 220,000."
Chongqing	30,512,763	—	"Chongqing is inhabited by 50 ethnic groups, including Han, China's majority, Tujia, Miao, Hui, Manchu, Yi, Zhuang, Bouyei, Mongol, Tibetan, Bai, Dong, Uygur, Korean, Hani, Dai, Lisu, Va, Lahu, Shui, Naxi, Qiang and Gelao. The total population of the minority groups comes to 1.75 million, of which, the Tujia people are the largest, having 1.13 million, and are following by the Miao, 520,000. These two minority peoples mainly inhabit in five minority autonomous counties in the Qianjiang Development District and the Fuling District."
Special Administrative Regions (SARs)			
Hong Kong SAR	6,724,000 (figures from 2001 Census) [1a] (pp 248)	Victoria [1a] (pp 248)	"Chinese 95%, other 5%." [2] (p 1)
Macau SAR	453,235 (figures from 2001 Census) [1a] (p 287)	—	"441,200 inhabitant were of Chinese nationality and 8,793 inhabitants were of Portuguese nationality." [1a] (p 297)

Glossaries

Annex I: Glossary – Chinese Terms

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danwei	work unit
Fie Ch'ien	'flying money' underground banking system
Guanxi	social connections, used to obtain favours
guojia	mass religious organisation, sponsored by the state
hei haizi	'black children' children born contrary to the "one child policy"
Huayi	'Chinese overseas'
Huaqiao	"People abroad" = Overseas Chinese
hukou	household registration document
laodong jiaoyang	"re-education through labour" (RTL) main form of administrative detention
Laogai	labour camps
Mianzi	'face', prestige or respect
qigong	ancient form of energy cultivation/relaxation technique
renshe	the 'customers' of Snakeheads (people smugglers)
shourong shencha	"Custody and Investigation" form of administrative detention now abolished
shourong qiansong	"Custody and Repatriation" another form of administrative detention now abolished
Tiananmen	"gate of heavenly peace"
tongxianghui	association of people with the same birth place
wai shi	System used for managing foreigners in China
xiagang	'off post' redundant state workers
Xinjiang	'New Frontier' also see XUAR
Xiaokang	relatively prosperous
xiejiao	'evil cult'
Xizang	Chinese name for Tibet
yiren weiben	"put the people first" mantra of President Hu Jintao

Annex J: Glossary – English Terms

Basic Law	Hong Kong's mini constitution
Executive Council	Hong Kong's top decision making body
HK	Kong Hong
IMAR	Inner Mongolia Autonomous Region
LegCo	Hong Kong and Macau Legislative

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	Councils
Mixing Sand	Name given to Han migration to Xinjiang
NHAR	Ningxia Hui Autonomous Region
Procuracy	Responsible for investigating and prosecuting criminal cases
PSB	Local police force
SAR	Special Administrative Region – Hong Kong and Macau
SARG	Special Administrative Region Government
Snakeheads	People Smugglers
TAR	Tibetan Autonomous Region
"Three Represents" theory	Perplexing personal philosophy of former President Jiang Zemin
XUAR	Xinjiang Uygur Autonomous Region

Annex K: Glossary – Tibetan Terms

Geshe	Monk or lama who has completed the highest form of monastic studies.
Lamas	"superior ones" most revered Tibetan Monks reincarnation of the Buddha Lamaseries monasteries
Lhasa	Tibetan capital
Tibet	"rooftop of the world"

Annex L: Public Holidays [14g]

New Years Day	1 January
The Spring Festival	News Years Day by the Chinese lunar calendar, date varies
International Labour Day	1 May
National Day	Anniversary of the Founding of the PRC (1949), 1 October

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