



Home Office

China

Country Report

APRIL 2005

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 March 2005.

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 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

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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.

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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1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country information material. The Advisory Panel welcomes all feedback on the Home Office's Country Reports and other country information material. Information about the Panel's work can be found on its website at www.apci.org.uk

1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office Country Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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

2. Geography

Background

2.1 As reported by Europa Regional Surveys of the World: The Far East and Australasia (2005), the People's Republic of China (PRC) covers a total land area of 9.57m sq. km and is situated in eastern Asia. 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. To the east the Pacific Ocean borders it. [1a] (p 167) [18a is a map]

2.2 The same source also notes, "Administratively, the People's Republic of China is divided into 22 provinces, five autonomous regions, and four municipalities, all of which are under direct central government control." As noted by the same source, the capital of China is Beijing (formally known as Peking).

[1a] (p 167) As reported by the CIA World Fact Book on China, last updated on 10 February 2005, China considers Taiwan as its 23rd province. [4d] (See also Section 6.B/[Taiwan](#))

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2.3 As reported by the Economist Intelligence Unit (EIU) in their January 2005 country profile for China:

“The provinces range from the most populous and crowded, Henan, with an estimated 96.7m people in 2003, to Qinghai, with 5.3m. The most recent adjustment to boundaries took place in March 1997, when the administrative area of Chongqing, with a total population of 31m, comprising a city of around 6.6m together with surrounding districts and counties, was separated from Sichuan, formerly the most populous province. (The other three municipalities are Beijing, Shanghai and Tianjin.) The so-called autonomous regions are so in name only. The term, however, recognises the pre-revolutionary predominance of non-Han ethnic groups in Guangxi (the Zhuang ethnic group), Tibet, Xinjiang (the Uighurs, Turkic-speaking Muslims), Inner Mongolia (the Mongols) and Ningxia (the Hui, Chinese-speaking Muslims). China also has two Special Administrative Regions (SARs), Hong Kong and Macau. These are autonomous from the rest of China, having separate governments, legal systems and quasi-constitutions (Basic Laws). The central government is, however, responsible for the foreign affairs and defence of Hong Kong and Macau.” [21a] (Constitution, institutions and administration)

2.4 The same source also notes:

“Below the provincial level, in 2003 there were 51 rural prefectures, 282 prefecture-level cities, 374 county-level cities and 1,642 other counties. There were 660 cities (including the four municipalities) and 845 urban districts. As urbanisation proceeds, the tendency is for the number of administrative divisions classified as urban to rise. Counties are subdivided into townships and villages.” [21a] (Constitution, institutions and administration)

Fujian Province

2.5 As reported in 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. [20p] As noted by the Canadian IRB in a report dated 31 January 2002, Liangjiang is part of the Fuzhou Municipality. [31]

2.6 As reported by the online encyclopaedia Wikipedia, “Fujian is separated from Taiwan by the 180-km wide Taiwan Straits. Some of the small islands in the Taiwan Straits are also part of the province. Small parts of the province, namely the islands of Quemoy and Matsu are under the administration of the Republic of China on Taiwan.” [19ba] (p 4)

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2.7 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 continuing contact with the descendants of Southern Min natives who emigrated there over the last 300 years.” [20c]

(See also Section 6.A/[Fact Finding Mission to Fujian, November 2003](#))

The Environment

2.8 As reported by BBC on 15 June 2004:

“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.” [9ax]

2.9 As reported by the Guardian newspaper in their week long special report on China (9-12 November 2004):

“The case of the Yellow river, known as the cradle of Chinese civilisation because its valleys were home to the Han clans that built the Chinese empire 4,000 years old, is instructive. Once the country’s second-biggest source of fresh water, it is now so polluted that 70% is hazardous to drink, and so over-exploited that the water no longer reached the sea a third of the year.” [16bc]

2.10 As documented by the NGO International Rivers Network (IRN) in a report dated 22 April 2004, China is now the most heavily dammed country in the world with over 20,000 high dams (over 15 metres). In addition to displacing over ten million people since 1949 the IRN states that many of these new dams have been prone to structural problems. [81]

2.11 As reported by Europa publications (2005), “Hydroelectric power provided 7.8% of total energy output in 1999.” [1a] (p 167) As reported by the EIU in their January 2005 country profile for China, coal produces over 70% of China’s energy needs, followed by crude oil (15.2%), natural gas (2.9%) and nuclear

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(1.5%). The same source also notes, “Around 60m rural residents have no access to electricity, and China still has intermittent problems with electricity shortages.” [21a] (Energy provision)

Population

2.12 As reported by the official People’s Daily newspaper on 3 January 2005, “The population of mainland China is expected to reach 1.3 billion on Jan. 6, according to a prediction [by] the National Statistics Bureau (NSB) released on Sunday.” [12ae]

2.13 On the 6 January 2005 the paper reported that, “Of the total population, 59.47 percent are based in rural areas and 40.53 percent in urban areas. The life expectancy of the Chinese people is 71.40 years.” [12af]

2.14 As reported by the BBC on their special website Changing China (Modern Giant: Facts and Figures behind the changing face of China), China’s 1.3bn people make up one-fifth of the world’s population. [9b] (Population) (See also Section 6.B/[Family Planning](#))

Naming Conventions

2.15 As noted by the online encyclopaedia Wikipedia, “A Chinese name is written with the surname first and the given name second... The great majority of Chinese family names have only one character, but there are a few with two... Chinese married women usually retain their maiden name as their family name, rather than adopt the name of their husband, and children usually inherit the father’s family name. It is often considered taboo to marry someone with the same family name, even if there is no direct relationship between those concerned.” [19bb]

2.16 As noted by the online encyclopaedia The Free Directory, character-based personal names (i.e. those written using traditional Chinese characters not Pinyin – see below) sometimes 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. [20a]

Languages

2.17 As reported by the US State Department in their background notes for China, last updated in October 2004:

“There are seven major Chinese dialects and many subdialects. Mandarin (or Putonghua), the predominant dialect, is spoken by over 70% of the

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population. It is taught in all schools and is the medium of government. About two-thirds of the Han ethnic group are native speakers of Mandarin; the rest, concentrated in southwest and southeast China, speak one of the six other major Chinese dialects. Non-Chinese languages spoken widely by ethnic minorities include Mongolian, Tibetan, Uygur and other Turkic languages (in Xinjiang), and Korean (in the northeast).” [2g] (p 2)

2.18 As noted by Ethnologue (a website specialising in languages of the world), Mandarin Chinese is spoken by 1.052 billion people worldwide and understood by 70% of the population of the PRC. [20b] (p 1, 6) As reported by the CIA World Fact Book on China, last updated on 10 February 2005, Yue (Cantonese), Wu (Shanghaiese), Minbei (Fuzhou), Minnan (Hokkien-Taiwanese), Xiang, Gan, Hakka are amongst the other dialects spoken in China. [4d]

2.19 Languages of the World (1995) states, “About 95% of the population of China speaks Chinese or one of its dialects”. [20f] (p 339) (See also Section 6.B/[Ethnic Groups](#))

Dialects within Fujian

2.20 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. [20d] As reported by 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.” [2a] (p 2-3)

2.21 As noted by 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.” [20c]

2.22 As reported by the online encyclopaedia Wikipedia, “As is true of other provinces, the official language in Fujian is Standard Mandarin, which is used for communication between people of different localities.” [19ab] (See also Section 6.A/[Fujian Province](#))

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Pinyin Translation System

2.23 As reported by the US State Department in their background notes for China, last updated in October 2004:

“On January 1, 1979, the Chinese Government officially adopted the pinyin system for spelling Chinese names and places in Roman letters. A system of Romanization invented by the Chinese, pinyin has long been widely used in China on street and commercial signs as well as in elementary Chinese textbooks as an aid in learning Chinese characters. Variations of pinyin also are used as the written forms of several minority languages. Pinyin has now replaced other conventional spellings in China's English-language publications. The U.S. Government also has adopted the pinyin system for all names and places in China.” [2g] (p 2)

For further information on geography, refer to Europa Regional Surveys: The Far East and Australasia (2005). [1a]

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3. Economy

Background

3.1 As reported by the BBC on 17 February 2005, “The latest official figures for the Chinese economy, the sixth-largest in the world, show it is growing at an even faster rate than expected. It expanded by 9.5% in 2004, its highest rate for eight years, the figures show.” [9cb]

3.2 As reported by the official People's Daily newspaper on 15 November 2004, “In the 55 years since the founding of the People's Republic of China, particularly since the reform and opening up, new words and phrases and new concepts keep emerging. China Business Times selected 55 new terms related to economic life from them. They reflect the huge changes that have taken place in China's social life and people's mind over the 55 years.” The source also noted that new terms include, white collar (workers), non-public ownership of the economy, stock market, Internet and family planning. [12ab]

Shadow Banks

3.3 As reported by TIME Asia on 22 November 2004, small businessmen in China often turn to informal moneylenders or shadow banks for finance. Because of the low interest rates paid by state-owned banks people often forms investment pools, called hui. These operate like a credit union helping to pay for anything from a wedding to starting a small business. According to the source,

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“In the past, Beijing might have responded by cracking down and throwing a few people in jail for loan sharking. That hasn't happened for the simple reason that the gray-market provides an efficient means of capital allocation in ways the country's socialist-era financial system cannot.” [15dd]

3.4 As noted by the Economist Intelligence Unit (EIU) in their January 2005 country profile for China, “The banking sector today is dominated by the Big Four, with these institutions accounting for around 60% of total banking assets. None of them, however, is in a particularly healthy state. This is because of continued government intervention and regulation. Officials have forced banks to lend to support struggling SOEs [State Owned Enterprises].” The source also noted that, “Since April 2002 some foreign banks have been able to provide local residents and businesses with foreign-currency transactions.” [21a] (Financial services)

Poverty

3.5 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.” [16ah]

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

3.7 As documented by the NGO Trickle Up in a report 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.” [8z]

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

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3.9 As reported in the Guardian newspaper on 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.” [16a]

Great Western Development Plan

3.10 As reported by the official China Daily newspaper on 2 April 2002, “Western China, which accounts for 56 per cent of the nation and 50 per cent of verified deposits of mineral resources, has not enjoyed the same degree of prosperity as eastern China since the country opened up in 1979.” [14a]

3.11 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.” [14a]

3.12 As reported in Volume 2, Issue 7 (28 March 2002) of China Brief – available via the Jamestown Foundation’s website, “In short, the goals of the Great Western Development are not new. At its heart, the plan is not a humanitarian enterprise. It is instead an effort by the Chinese government to further consolidate control over troublesome regions (in this case, Tibet and Xinjiang).” [8hb]

State Owned Enterprises (SOEs)

3.13 As reported by the BBC on their special website, Changing China (Key people and events), “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.” [9e]

3.14 The Chinese government White Paper, China’s Employment Situation and Policies, dated April 2004 (Section II) states, “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.” [5ac] (p 4 of Section II)

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3.15 As reported by the EIU in their January 2005 country profile for China, “To complement SOE reforms, the government has been trying to introduce a new social security system. This is an urgent task. SOEs have not just provided employment for large numbers of workers; these workers and their families have also been heavily dependent on the social benefits provided by SOEs, such as housing, healthcare, education and pension payments.” [21a] (Economic policy)

3.16 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.” [8ab]

Unemployment

3.17 As reported by the official news agency Xinhua dated 27 January 2005, “China’s registered unemployed fell 0.1 percent to 4.2 in 2004.” [13u] According to the Ministry of Labor and Social Security, 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). [13e]

3.18 As reported by Asia Times on 22 January 2005, “Surplus manpower in the countryside may reach a staggering 450 million, according to the most alarmist predictions, with at least 26 million people annually trying their luck in the big cities.” [15cf]

Currency

3.19 As noted by Europa publications (2005), the Chinese currency is the renminbi (People’s Bank Dollar, RMB) more commonly called the yuan. [1a] (p 205)

3.20 As reported by Radio Australia on their country profile for China, accessed on 18 January 2005, “The Chinese currency – the yuan – has been pegged to the US dollar since 1994. The US had for years urged China to alter the currency regime, however this pressure has diminished as China’s economic growth has moderated.” [20m] (p 4)

Corruption

3.21 According to the NGO Transparency International (TI) and their Corruption Perception Index 2004, 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 3.4 out of ten (ten being zero perception of corruption). [8ma]

3.22 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. [12m] On the 24 September 2004 the paper stated, "China's Auditor-General Li Jinhua said that 1.4 billion yuan (US\$170 million) had been misused in the 2003 budget after completion of the audit of 55 ministries and commissions under the State Council." According to this report nearly 600 people were punished as a result of the audit. [12x]

3.23 As reported by the Guardian newspaper on 17 April 2004, almost 15,000 corrupt officials absconded or disappeared in 2003. The same source noted, "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." [16ag]

3.24 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. [9ba] On 16 July 2004 CNN reported that, "Liu Weifung, 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 BBC 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." [9be]

3.25 On the 9 August 2004, the official People's Daily newspaper reported that over 20,000 corruption cases had been investigated during the first half of 2004. [12v]

3.26 As reported in the Epoch Times on 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." [10ba]

3.27 As reported by the BBC on 23 January 2005, a former branch head with one of China's four major state-owned banks has been sentenced to life imprisonment for embezzling 111m yuan (£7m). [9bw]

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4. History

1949-1976: The Mao Zedong Era

4.1 As reported by Radio Australia on their country profile for China, accessed on 18 January 2005:

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“Following wars with Japanese invaders and China's Nationalist Party [KMT], the leader of the Communist People's Party, Mao Zedong, proclaimed the foundation of the People's Republic of China (PRC) on October 1, 1949.

Mao focused on land reforms and the collectivisation of agriculture in the 1950s. However, his move to communes and intense focus on steel production at the expense of other activity during the 1958 Great Leap Forward led to three years of mass starvation - up to 20 million people died - and economic decline.

The failure of the program resulted in a serious split with the Soviet Union over the leadership of the communist world. In 1959, Liu Shaoqi replaced Mao as chairman of China, although Mao still controlled the powerful CCP politburo.” [20m] (p 5)

4.2 As noted by the same source:

“In 1964 Mao removed Liu Shaoqi as his successor and introduced a program of radical reforms to regain supreme power, known as the 'Great Proletarian Cultural Revolution'. From 1966 to 1976, Mao set out to make the health, education and cultural systems less elitist and also formed the Red Guard student movement, which helped spread the message of socialism around the country and staged a violent crackdown on the 'elite'.” [20m] (p 5)

1978-1989: Deng Xiaoping as Paramount Leader

4.3 As reported by the Economist Intelligence Unit (EIU) in their January 2005 country profile for China:

“Pragmatists within the ruling party, led by Deng Xiaoping, who had survived being purged during the Cultural Revolution, re-emerged in the wake of Mao's death and, taking control of the government, embarked on a course of economic reform. Developments in the 1980s—market-oriented reforms, growth in the personal incomes of millions of city-dwellers, a rapid expansion of foreign trade and closer links with developed countries—brought demands for political change as well as for greater cultural openness. However, this second-generation leadership, although prepared to reform the economy, was ultimately not willing to countenance the party's own fall from power. The party's general secretary, Hu Yaobang, hitherto Deng's heir-apparent, was dismissed after his policies were blamed for student demonstrations in 1986.” [21a] (Political background)

China, April 2005

Tiananmen Square Protests (1989)

4.4 As documented by Europa Regional Surveys of the World: The Far East and Australasia (2005):

“On 15 April 1989 the former [CCP] Party General Secretary, Hu Yaobang died. He was regarded as a symbol of political reform, student demonstrations erupted once again. Initially, the students were restrained, congregating around a memorial for revolutionary martyrs in Tiananmen Square in Beijing.” [1a] (p 177)

4.5 The same source notes:

“Unlike the student demonstrations of 1986/87, these protestors were relatively restrained demanding only a dialogue with state leaders and the ending of party corruption... They were soon joined by ordinary citizens of the capital, by workers, by intellectuals, teachers and even civil servants, journalists, members of ministries and the security forces. At one stage more than 1m. people congregated in the Square and its main approaches. Similar demonstrations took place in 81 other cities in China.” [1a] (p 177)

4.6 As reported by the EIU in their January 2005 country profile for China:

“The ruling elite initially appeared unsure how to respond to these massive protests, but on May 24th Mr Hu’s successor, Zhao Ziyang, was removed from power, and on the night of June 3rd-4th the military moved to retake Tiananmen Square, at the political heart of China, which had formed the focus for the protests, killing several hundred unarmed civilians along the way. The massacre was followed by widespread arrests and executions, leadership changes—a low-profile mayor of Shanghai, Jiang Zemin, was promoted as Deng’s latest designated heir—and a period of economic and political retrenchment. [21a] (Political background)

Post-Tiananmen Square

Jiang Zemin as Core Leader

4.7 As reported by Europa publications (2005), after Tiananmen Square, “It was alleged that a counter-revolutionary rebellion had taken place and that the main victims had been soldiers.” [1a] (p 177-178)

4.8 The same source continued, “Deng Xiaoping had technically retired in 1989, yet he continued to dominate Chinese politics, until in late 1994, he declined into inactivity, eventually dying on 19 February 1997, at the age of 92. By living to such an age, he succeeded in surviving most of the other revolutionary veterans,

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many of whom were less enthusiastic about his reforms and may well have been able to upstage the younger Jiang Zemin.” [1a] (p 178)

4.9 In September 1990 Amnesty International (AI) published a detailed report on the Tiananmen Square protests and their aftermath. This report highlighted both the indiscriminate nature of the killings and thoroughness of the crackdown that 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. [7k]

Hu Jiantao: Chairman of the Board

4.10 As reported by Europa publications (2005) and the BBC Timeline on China, Jiang stepped down as General Secretary of the CCP in November 2002. He was replaced by Hu Jiantao who also succeeded him as President of China (March 2003) and head of the military (September 2004). [1a] (p 180, 214) [9a]

4.11 As noted by the BBC Timeline on China, “Mr Jiang's decision to stand down as head of the powerful Central Military Commission in 2004, three years earlier than planned, was said to have completed the first orderly transition of power since the communist revolution in 1949.” [9a]

4.12 As reported by Europa, “Hu was not expected to introduce any major political reforms, having stated in a speech prior to the plenary session [of the Central Committee of the CCP] that China would not benefit from indiscriminately copying Western political systems.” [1a] (p 180) (See also Section 5/[The Leadership](#))

For further information on history, refer to Europa Regional Surveys: The Far East and Australasia (2005). [1a]

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5. State Structures

The Constitution

5.1 As noted by Europa publications, Regional Studies: The Far East and Australasia (2005), the National Assembly (National People's Congress, NPC) adopted China's new constitution on 4 December 1982. Article one states:

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

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5.2 As noted by the Europa publications (2005), Articles 1 to 32 list the general principle of the Chinese constitution. They include, respect for the law by officials and citizens alike, the equal treatment of minorities, protection of lawfully earned income or property, the right to inherit property and the right to grant asylum to foreign nationals. [1a] (p 208-214)

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 state Constitution. They also voted to include an amendment to protect private property. [12p] [6i] In response AI stated, "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." [6i]

5.4 According to the US State Department Report 2004 (USSD), published on 28 February 2005, "At year's end, it remained unclear how these reforms would be implemented and what effect they would have." [2j] (p 1)

5.5 As reported by the Economist Intelligence Unit (EIU) in their January 2005 country profile for China:

"China has not one but two constitutions: the state constitution, and that of the ruling CCP. Amendments to the state constitution tend to follow changes to the party's constitution. The latter was revised in November 2002 to state that "the Communist Party of China is the vanguard both of the Chinese working class and of the Chinese people and the Chinese nation", and to include Mr Jiang's theory of the Three Represents as part of the party's official ideology, alongside Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory. These changes were aimed at widening the party's appeal, and in particular upgrading the status of the private sector. In March 2004 the NPC amended the state constitution to incorporate the theory of the Three Represents. Other amendments guaranteed the inviolability of "lawful private property" as well as respect for human rights." [21a] (Constitution, institutions and administration)

Citizenship and Nationality

5.6 As noted by the official People's Daily newspaper (15 March 2004), Article 33 of the Constitution now states:

"All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China. All citizens of the People's Republic of China are equal before the law. Every citizen enjoys the rights and at the same time must perform the duties prescribed by the

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Constitution and the law. [March 2004 addition] The State respects and preserves human rights.” [12p]

5.7 As reported by the Canadian IRB on 15 November 2002, dual citizenship is not recognised under Chinese law. [3p]

5.8 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.” [3p]
(Based on telephone interview with PRC Embassy in Ottawa)

5.9 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. [3] (See also Section 6.B/Returnees – [Returning to China After Having Children Abroad](#))

5.10 As noted by Europa publications (2005), Articles 33 to 56 of the Chinese constitution lay down the rights and responsibilities of citizens. [1a] (p 208-214)

The Political System

5.11 As reported by the USSD Report 2004, the Chinese Communist Party (CCP) is the paramount source of power and has exercised a monopoly on power since 1949. [2]d] (p 2)

5.12 As noted by the Foreign and Commonwealth Office (FCO) on their country profile for China, last reviewed on 31 January 2005, “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.” 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 [Hu Jintao].” [4a] (p 1)

5.13 According the EIU in their January 2005 country profile for China, “The government bureaucracy is subject to periodic restructuring. In 1998 the number of central government ministries was cut from 40 to 29, and one-half of the 8m

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civil servants employed in the central government were laid off. [21a] (Constitution, institutions and administration)

The Leadership (Fourth Generation)

5.14 As reported by Europa publications (2005), the President (Head of State) is Hu Jintao, elected by the 10th National People's 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] (p 214-215) (See also Annex J/[The Government](#))

5.15 As reported by the same source, Hu also succeeded Jiang as General Secretary of the CCP in September 2002 and as head of the military in September 2004. [1a] (p 180)

5.16 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. [9ad]

5.17 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. [9bh]

5.18 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 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." [9an]

5.19 According to Dr. Richard Baum, Professor of Political Science at the University of California, Los Angeles (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]

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5.20 As reported by the BBC on 11 January 2005:

“Some [observers] believed Mr Hu's lack of experience, charisma and factional support meant he would remain firmly under the thumb of the man he was replacing, Jiang Zemin... More than two years on, Mr Hu has proved himself to be more tiger than horse, taking on Mr Jiang and pushing him aside, then showing his true political colours by cracking down on dissent and squaring up fiercely to Taiwan.” [9bu]

5.21 According to a report dated 4 December 2004 by US-based scholar Minxin Pei and accessed via the website of the Association for Asia Research (AFAR), “We can expect Hu to take some minor actions to prop up his populist image such as anticorruption, demanding official accountability and increased transparency with the Communist Party. However, we probably won’t see any loosening of media and political controls.” [9ad]

Village Committees

5.22 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). 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. [14c] [14d]

5.23 As reported by the official news agency Xinhua on 31 January 2005, “This year is going to see more than 300,000 villagers’ committees in 18 provinces, municipalities and autonomous regions to be voted by direct ballot.” [12ak]

5.24 USSD Report 2004 noted, “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.” [2j] (Section 3)

Judiciary

5.25 As noted by Europa publications (2005), the Supreme People’s Court (SPC) heads the legal system under which all other people’s courts, including military tribunals operate. [1a] (p 213-214)

5.26 According to the USSD Report 2004:

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“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 was not independent. It 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 at all levels of the judiciary; 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 the People's Congresses at the corresponding level of the judicial structure and received their court finances and salaries from those government bodies. This sometimes resulted in local authorities exerting undue influence over the judges they appointed and financed.” [2] (Section 1 a.)

5.27 According to the same source, “During the year, the conviction rate in criminal cases remained over 95 percent.” This source also noted that 21% of those convicted received a sentence 5 years or more in prison. [2] (Section 1 a.)

5.28 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.” [8] (p 51)

Criminal Procedures Law (1997)

5.29 As reported by the USSD Report 2004:

“The Criminal Procedure Law 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 posttrial [sic] detention. Appeals processes

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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 protection 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." [21] (Section 1 a.)

5.30 The Criminal Procedures Law states:

"Article 3 The public security organs shall be responsible for investigation, detention, execution of arrests and preliminary inquiry in criminal cases. The People's Procuratorates shall be responsible for procuratorial work, authorizing approval of arrests, conducting investigation and initiating public prosecution of cases directly accepted by the procuratorial organs. The People's Courts shall be responsible for adjudication. Except as otherwise provided by law, no other organs, organizations or individuals shall have the authority to exercise such powers.

In conducting criminal proceedings, the People's Courts, the People's Procuratorates and the public security organs must strictly observe this Law and any relevant stipulations of other laws." [5b1] (p 3)

Law on Administrative Appeals (1999)

5.31 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]

State Compensation Law (1995)

5.32 As reported by US State Department Report 2004 (USSD), published on 28 February 2005, "Under the State Compensation Law, citizens also may sue officials who exceed their authority in implementing birth planning policy, and, in a few instances, individuals have exercised this right. The NPFPC has set up a hotline for use by UNFPA [UN Population Fund] project county residents to lodge complaints against local officials." [21] (Section 2 f.)

5.33 The State Compensation Law of the PRC states:

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“Article 2 Where State organs or State functionaries, in violation of the law, abuse their functions and powers infringing upon the lawful rights and interests of the citizens, legal persons and other organizations, thereby causing damage to them, the victims shall have the right to State compensation in accordance with this Law.

Article 25 State compensation shall take the form of payment of damages in the main.

If the property is able to be returned or its original condition is able to be restored, the property shall be returned or its original condition restored.”
[5bb] (p 2, 9)

State Secrets

5.34 The Law on Guarding State Secrets states:

“Article 8. In accordance with the provisions of Article 2 of this Law, state secrets shall include the following:

- (1) secrets concerning major policy decisions on state affairs;
- (2) secrets in the building of national defence and in the activities of the armed forces;
- (3) secrets in diplomatic activities and in activities related to foreign countries as well as secrets to be maintained as commitments to foreign countries;
- (4) secrets in national economic and social development;
- (5) secrets concerning science and technology;
- (6) secrets concerning activities for safeguarding state security and the investigation of criminal offences; and
- (7) other matters that are classified as state secrets by the state secret-guarding department.

Matters that do not conform with the provisions of Article 2 of this Law shall not be state secrets.

Secrets of political parties that conform with the provisions of Article 2 of this Law shall be state secrets.” [5bc] (p 2)

5.35 The State Security Law of the PRC states:

“Article 4 Any organization or individual that has committed any act endangering the State security of the People's Republic of China shall be prosecuted according to law.

"Act endangering State security" as referred to in this Law means any of the following acts endangering the State security of the People's Republic of China committed by institutions, organizations or individuals outside the territory of the People's Republic of China, or, by other persons under the instigation or financial support of the afore-mentioned institutions, organizations or individuals, or, by organizations or individuals within the

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territory in collusion with institutions, organizations or individuals outside the territory:

- (1) plotting to subvert the government, dismember the State or overthrow the socialist system;
- (2) joining an espionage organization or accepting a mission assigned by an espionage organization or by its agent;
- (3) stealing, secretly gathering, buying, or unlawfully providing State secrets;
- (4) instigating, luring or bribing a State functionary to turn traitor; or
- (5) committing any other act of sabotage endangering State security.” [5bd] (p 2)

5.36 Articles 101 to 113 of the Criminal Law cover the crime of endangering national security. Penalties range from three to ten years’ imprisonment; as well as criminal detention, public surveillance or deprivation of political rights. If the crime is particularly serious then the person may be sentenced to death. (Article 113). [5bg] (p 26-29)

Legal Rights/Detention

5.37 According to the USSD Report 2004:

“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 administrative detention facilities without a trial. Because the Government tightly controlled information, it was impossible to determine the total number of persons subjected to new or continued arbitrary arrest or detention. According to 2003 official government statistics, more than 250,000 persons were in reeducation-through-labor camps. Other experts reported that more than 310,000 persons were serving sentences in these camps in 2003.” [2j] (Section 1 d.)

5.38 The same source continued:

“According to the Criminal Procedure Law, police may 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 up to 6 and one-half [sic] months before trial while a case is being further investigated. In practice, pretrial detention in some cases lasted for a year or longer.” [2j] (Section 1 d.)

5.39 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.

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According to the report the maximum period in detention from arrest to trial ranges from 11 days to six-and-a-half months. [5af]

Petitions, Complaints and Appeals

5.40 As report by the official People's Daily newspaper on 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. [12o] On 30 September 2004 the official news agency Xinhua reported, "China has approximately 3,000 legal aid organisations and about 10,000 legal aid professionals." [13m]

5.41 As reported by the BBC on 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 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." [9bd]

5.42 As reported by Asia Times on 11 November 2004:

"Disillusioned with leaders and law enforcers at the local level, plaintiffs often choose to spend months in Beijing petitioning offices rather than go through the slow motions of the Chinese courts. Yet the rapidly escalating number of grievances has rendered the system totally inefficient, and there seems to be mass discontent, according to researchers.

The success rate of China's petitioners is infinitesimal. Last year, the government's China Petition Office received more than 10 million petitions, but just two out of every 1,000 cases were resolved, according to a new survey published in the Guangzhou-based Southern Weekend." [15cd]

5.43 On 6 January 2005 the official People's Daily newspaper reported, "An official survey revealed that 40 percent of these complaints are about police, courts and prosecutors' offices, 33 percent about government, 13 percent about corruption and 11 percent about injustice." [12ah]

5.44 As reported by the NGO Human Rights in China (HRIC) on 10 September 2004, more than 36,000 petitioners were detained by police in Beijing during the build up to a meeting of senior party leaders. [8db]

5.45 According to a report in the Epoch Times dated 28 September 2004, a man from Gansu provinces was beaten to death by police on 17 August 2004 outside

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the offices of the Supreme Court's Appeals Office (Beijing). The report stated that the police covered up the death and agreed to compensate his wife on the condition that she signed a death certificate indicating that her husband died of a heart attack. [19ae]

5.46 The same report also stated, "Beijing residents are forbidden to rent houses to those appealing [to the SPC]. Otherwise, a US\$600 fine will be charged for each person found renting. The plastic shanties in the appellant's village were burned down and the underground channels are now raided frequently. Those who are lucky enough to survive the massive raids will be homeless once again." [19ae]

5.47 As noted by the USSD Report 2004:

"Citizens continued to use the court system to seek legal redress against government malfeasance. According to official statistics, 110,199 administrative lawsuits were filed against the Government in 2002, slightly fewer than in the previous year. Administrative actions were affirmed 18 percent of the time, transferred 23 percent of the time, and dismissed or rejected 59 percent of the time, according to those 2002 statistics. Decisions of any kind in favor of dissidents remained rare." [2j] (Section 1 e.)

5.48 On 12 May 2004, the official People's Daily newspaper 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. [12r] On the 11 August 2004, the official China Daily newspaper 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. [14i]

Hitting an Official

5.49 Article 277 of the Criminal Law covers the penalty for hitting an official. It states, "Whoever uses violence or threat to obstruct state personnel from discharging their duties is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; or a sentence of a fine." [5bg] (p 87)

Arrest Warrants

5.50 Article 123 of the Criminal Procedures Act states,

"If a criminal suspect who should be arrested is a fugitive, a public security organ may issue a wanted order and take effective measures to pursue him for arrest and bring him to justice.

Public security organs at any level may directly issue wanted orders within the areas under their jurisdiction; they shall request a higher- level organ with the proper authority to issue such orders for areas beyond their jurisdiction.” [5b1] (p 30)

5.51 According to a report by the Canadian IRB dated 1 June 2004:

“...it is very common in China for the police authorities to leave a summons or subpoena with family members (or possibly close friends, though that is probably less common), instructing them to pass it along to the person named on the summons. The person accepting the summons would be expected to sign an acknowledgement of receipt. This is not actually the proper procedure, but it happens all the time, especially in cases when the person on the summons is not easily locatable. ... [S]ome police officers themselves are not well versed in the proper procedures, and probably think that this is a perfectly acceptable practice (while others may simply be too idle to chase the person down, and rely on the public's sense of intimidation to do their work for them) (23 Apr. 2004).” [3ad] (Based on information provide by Human Rights in China - HRIC)

Death Penalty

5.52 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 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.” [6k] (p 6)

5.53 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.” [6k] (p 6)

5.54 On 7 February 2005 AI reported:

“Amnesty International has monitored a significant rise in executions as China celebrates the lunar new year. According to incomplete statistics, there were 200 executions reported in the two weeks leading up to the start of the lunar new year, 9 February. There were at least 650 executions reported in local media in the months of December and January alone. Both months are considered to be ‘normal’, without the peaks seen around certain public holidays, although the true figure is

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certainly much higher, as China refuses to publish full details of all the people it executes.” [6p]

5.55 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]

5.56 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. [6j]

5.57 According to the USSD Report 2004:

“Police and prosecutorial officials often ignored the due process provisions of the law and of the Constitution. The lack of due process was particularly egregious in death penalty cases. There were over 60 capital offenses, including nonviolent financial crimes such as counterfeiting currency, embezzlement, and corruption. Executions were often carried out on the date of conviction.” [2j] (Section 1 d.)

5.58 As reported by the official news agency Xinhua on 14 October 2004, “China will amend its Criminal Procedural Law, including the contents concerning procedure for review of death sentences and custody system in accordance with the spirit of the newly-revised Constitution and some newly-signed international conventions.” [13n] On 27 January 2005 the official People’s Daily newspaper reported, “Execution in China is usually carried out by a bullet to the head, and some provinces are experimenting with using lethal injections.” This report also quoted figures of 4,000 death sentences and 2,500 executions in 2001. These figures were accredited to AI. [12aj]

Organ Harvesting

5.59 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):

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“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.” [8b v]

Internal Security

5.60 According to the USSD Report 2004, “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.” [2j] (p 1)

Police Accountability

5.61 According to the USSD Report 2004, “During the year, police continued to use torture to coerce confessions from criminal suspects.” [2j] (Section 1 c.)

5.62 The same source continued:

“Police officers who tortured suspects faced dismissal and criminal prosecution in some cases. For example, in June two police officers in Bazhou, Hebei Province, were sentenced to life in prison and a suspended death sentence after torturing a suspect to death and hiding the body in 2001. In July, two Sichuan Province police officers were sentenced to 12 years and 1 year in prison, respectively, in another case in which a suspect died after being tortured.” [2j] (Section 1 c.)

5.63 As reported by the official China Daily newspaper on 4 August 2004:

“China will from October 1 enforce new interrogation rules in order to better protect the rights of citizens and check abuse cases by police... Under the law, suspects can only be detained for 24 hours, or 48 hours in certain circumstances after approval by police station heads... Under the new rules, pregnant and breast-feeding women, juveniles under 16 and people over the age of 70 could not be interrogated for more than four hours and should not be shut in detention rooms. Police who broke the regulations would be punished. Those who beat suspects to death, cause death of prisoners for any other abnormal reason or whose neglect leads to prisoner suicide would be fired and prosecuted.” [14k]

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5.64 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 nation-wide investigation into the issue (running from May 2004 to June 2005), said Xinhua. [13g]

Police Organisation

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

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

5.66 As reported by the BBC on 1 October 2000, "Thousands of police officers across China have been marking the country's national day for the first time by putting on new uniforms. The traditional olive-green fatigues have been replaced by specially designed new dark-blue outfits. Officials say the move is designed to draw a clearer line between the police and the military." [9aa]

5.67 On 21 September 2000 the official People's Daily newspaper reported, "The Chinese police have changed their uniforms seven times over the past five decades and the "Style-99" uniforms are said to have changed a lot in color, pattern, function and other aspects. The deep-blue color of the latest police uniforms is the mainstream color for police in most countries, which is quite different from army uniforms." [12a]

Police Corruption/Incompetence

5.68 As reported by the BBC on 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.

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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. [9aq]

5.69 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.” [9ah]

5.70 On 6 January 2005, the official People’s Daily newspaper reported the details of a speech made by President Hu, in which he called on the People’s Armed Police (PAP) to turn itself into a powerful and civilised force. He also said that it should be governed in accordance with the law. [12ag]

Prisons and Prison Conditions

5.71 According to the USSD Report 2004:

“Conditions in penal institutions for both political prisoners and common criminals generally were harsh and frequently degrading. Prisoners and detainees often were kept in overcrowded conditions with poor sanitation. Prison capacity became an increasing problem in some areas, including Guangdong Province. Food often was inadequate and of poor quality, and many detainees relied on supplemental food and medicines provided by relatives. Some prominent dissidents were not allowed to receive supplemental food and medicine from relatives. Political prisoners often were kept segregated from each other and placed with common criminals, who sometimes beat political prisoners at the instigation of guards.” [2j] (Section1 c.)

5.72 According to the same source, “Acknowledging guilt was a precondition for receiving certain privileges, including the ability to purchase outside food, make telephone calls, and receive family visits. Prison officials often denied privileges to those, including political prisoners, who refused to acknowledge guilt or obey other prison rules.” [2j] (Section1 c.)

5.73 The USSD Report 2004 also stated, “Sexual and physical abuse and extortion were reported in some detention centers. Forced labor in prisons and reeducation-through-labor camps was also common.” [2j] (Section1 c.)

5.74 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

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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.” [8b x]

5.75 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.” [8b x]

5.76 On 9 December 2004 the official news agency Xinhua reported:

“The administration is moving prisons from remote countryside and mountainous regions to city suburbs. These prisons are equipped with better facilities, and it is easier for families and folks to visit inmates. In some of the old, remote jails, inmates often worked outdoors, increasing the difficulty of the guards’ jobs. Meanwhile, the Ministry [of Justice] is thinking of updating the way it has categorized prisons for five decades in a bid to make jails safer and more efficient. It plans to divide prisons into three types: low security, medium security and high security, according to the harm their inmates might do to society, especially the violence of the crimes for which they were incarcerated. Currently the government sorts prisons in two different ways. They are categorized by whether their inmates have long or short terms, and there are also separate prisons for men and women and education centers for juveniles. According to the principle of combining penalty with correction written in Prison Law, Chinese jails have adopted various methods to help change prisoners into law-abiding citizens, Fan [Fangping, Vice Minister of Justice] said. From 1994 to 2003, about 1.7 million Chinese inmates gained diplomas through studying behind bars, more than 60,000 gained junior technical certificates and 2,000 got senior ones. China now has more than 1.5 million inmates in 670 prisons. The ministry had said earlier that 8 percent of released prisoners committed crimes again.” [13r]

5.77 According to a report by the Dui Hua Foundation (an NGO) in the winter 2005 Edition of their newsletter Dialogue:

“On January 25, 2005, Dui Hua received parole and sentence reduction information on 56 individuals serving sentences for political offenses in China. The written information, in the form of four lists, was compiled by authoritative sources in China’s central and provincial governments in

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response to requests for information made by the foundation's Executive Director, John Kamm, during visits to Beijing in November 2004 and January 2005." [8ij] (p 1)

5.78 The same the same source continued, "Although the information mentions paroles and sentence reductions in 11 provinces and autonomous regions, coverage is best for Fujian and Tibet. Of the 56 cases, most are from Fujian (20 cases) and Tibet (11 cases)." [8ij] (p 2)

5.79 Furthermore this source also stated:

"In September 2003, Kamm visited Fujian Province... During the trip, Kamm was told that there were "about 20" inmates serving sentences for endangering state security in the province's prisons. If that number is accurate, it appears that a majority of them were paroled or received sentence reductions in 2004. Most "endangering state security" prisoners in Fujian are mainlanders serving sentences for spying for Taiwan. Typical are the cases of Zhang Bubing and Zheng Guojin , residents of a coastal village where many fishermen make their living selling classified documents to Taiwan intelligence agencies." [8ij] (p 2-3)

5.80 On 23 February 2005 China's official gateway to news and information (china.org) reported, "From 2003 to the end of 2004, the courts have cleared 4968 cases of overdue detention, involving 10,000 defendants." According the same source, "In 2003 and 2004, the people's courts in the country cut prison terms for and release [sic] on parole nearly 100,000 prison inmates." [5ah]

Model Prisons

5.81 According to a report by the Dui Hua Foundation 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, 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

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prisoners per cell. The maximum number for a prison to win model status is 20. Kamm 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.” [8ig] (p 4-5)

Prison Conditions in Fujian

5.82 According to a report by the Dui Hua Foundation in the Fall 2003 edition of their 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.” [8id] (p 1-2)

Prison Conditions in Tibet (Xizang)

5.83 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. [22ea]

5.84 According to a report by AI (Issue 121) from September/October 2003:

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

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prisoners are monks and nuns imprisoned for peacefully expressing their political beliefs.” [6f]

5.85 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. [22cb]

5.86 This report also stated:

“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.” [22cb]

5.87 On 28 May 2002 the official People’s Daily newspaper reported:

“No Accidental Death in Tibet’s Prisons: Official Lu Bo is absolutely certain. “I’ve never heard of any case involving accidental death of prisoners in Tibet,” said the warden of Tibet Autonomous Regional Prison, in an exclusive interview with Xinhua Monday. But Lu added: “Fifteen prisoners in the regional prison died of illness in the past five years.” Lu said that among the 15 prisoners who died since 1998, two were women, adding the number is very small when compared with total number of prisoners in Tibet.” [12b]

5.88 In their Annual Report 2003 on the Human Rights Situation in Tibet the Tibetan Centre for Human Rights and Democracy (TCHRD) listed ten prisons and detention centres in Tibet. The TCHRD regards the whole of the Tibetan Plateau as part of ‘Tibet’ and the list therefore includes prisons/labour camps outside the Tibetan Autonomous Region (TAR). The ten penal institutions they listed are as follows:

“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.

“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.

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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. 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 Jlan 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,

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Gansu and Yunnan provinces. It is known that around 12 Tibetan political prisoners are incarcerated in Menyang and Xinduqiao prisons in Sichuan.”
[22a] (p 99-100)

Administrative Detention

Re-education through Labour (RTL)

5.89 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... Because inmates are not formally considered criminals, they have little right to appeal their sentences.” [17b]

5.90 According to the USSD Report 2004:

“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 administrative detention facilities without a trial. Because the Government tightly controlled information, it was impossible to determine the total number of persons subjected to new or continued arbitrary arrest or detention. According to 2003 official government statistics, more than 250,000 persons were in reeducation-through-labor camps. Other experts reported that more than 310,000 persons were serving sentences in these camps in 2003. According to published reports of the Supreme People's Procuratorate, the country's 340 reeducation-through-labor facilities had a total capacity of about 300,000 people. In addition, special administrative detention facilities existed for drug offenders and prostitutes. In 2002, these facilities held over 130,000 offenders, and the number reportedly has increased. An additional form of administrative detention for migrants and homeless persons, known as custody and repatriation, was abolished in 2003 and converted into a system of over 900 voluntary humanitarian aid shelters. According to official statistics, those facilities had served more than 670,000 people from August 1, 2003 to November 30, 2004. The Government also confined some Falun Gong adherents, petitioners, labor activists, and others to psychiatric hospitals.” [2j] (Section 1 d.)

5.91 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

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sentence persons to up to 3 years in prison-like facilities. The committees can also extend an inmate's sentence for an additional year. Defendants legally were entitled to challenge reeducation-through-labor sentences under the Administrative Litigation Law. They could appeal for a reduction in, or suspension of, their sentences; however, appeals rarely were successful.” [2j] (Section 1 d.)

5.92 As reported by the Association for Asia Research (AFAR) on 12 September 2004, “During the National People’s Congress of 2004, 420 members of the committee signed a motion to abolish this system, which has been practiced for half a century.” According to the source, “The proposal to abolish labor camps brought a negative reaction from local authorities and police. The standing committee reportedly plans to rectify the legislation over the next five years. An expert close to the legislation department revealed that the National People’s Congress, the Court, the Procurator and some experts have reached a common understanding on the reform of the Chinese labor camp system. However, the most resistance came from the police department.” [19af]

Other Forms of Administrative Detention

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

- Custody and Education – intended to treat prostitutes and their clients, periods of detention range from six months to two years.
- Coercive Drug Rehabilitation – used to treat drug addicts.
- Legal Education – used to incarcerate people who have failed drug rehabilitation as well as “seriously poisoned” Falun Gong practitioners who have already gone through RTL.
- Custody and Repatriation – was used to hold migrant workers without papers until it was abolished in the summer of 2003. [8ih]

(See also Section 5/[Psychiatric Treatment](#))

Other Forms of Administrative Penalties

5.94 The Law on Administrative Penalty states:

“Article 8 Types of administrative penalty shall include:

- (1) disciplinary warning;
- (2) fine;
- (3) confiscation of illegal gains or confiscation of unlawful property or things of value;

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- (4) ordering for suspension of production or business;
- (5) temporary suspension or rescission of permit or temporary suspension or rescission of license;
- (6) administrative detention; and
- (7) others as prescribed by laws and administrative rules and regulations.

Article 9 Different types of administrative penalty may be created by law. Administrative penalty involving restriction of freedom of person shall only be created by law.” [5be] (p 2)

Military Service

The Army (PLA)

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

5.96 As noted by Europa publications (2005), “Military service is usually by selective conscription, and is for two years in all services.” The same source noted that the PLA included 1 million conscripts. [1a] (p 233)

5.97 As reported by the BBC on 21 February 2005, all high school children in China were required to undergo one week’s military training. [9cc]

Conscientious Objectors and Deserters

5.98 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.” [20h] (p 79-81)

5.99 The Military Service Law of the PRC states:

“Article 22. Citizens eligible for enlistment who have registered for military service according to the provisions of Article 13 of this Law but who have not been enlisted for active service shall serve in the soldiers [sic] reserve.

Article 23. Persons serving in the soldiers [sic] reserve shall be aged between 18 and 35.” [5ba] (p 5-6)

5.100 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. [3c]

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Medical Services

Overview

5.101 According to the World Health Organization (Regional Office for the Western Pacific, Manila, Philippines) in their Country Profile for China – available via their website:

“By the end of 2003, there were 305 000 health care institutions in China, including 64 000 hospitals and health care stations, 3058 maternal and child health care institutions, and 1811 specialized health institutions or stations. Hospitals and health care institutions in China had a total capacity of 2.9 million beds. There were 4.24 million health workers in China, including 1.83 million practising doctors and assistant doctors and 1.24 million registered nurses.” [8a] (p 55)

5.102 As documented by Europa publications (2005), health expenditure as a percentage of GDP was 5.5 in 2001. The same source also noted that life expectancy was 72.7 for women and 69.6 for men in 2002. [1a] (p 202)

5.103 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.” [9ae]

5.104 On 31 August 2004 the Epoch Times reported, “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]

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

5.106 As reported by Asia Times on 2 October 2004, more than 310 million Chinese or 30% of the population over the age of 15 were smokers. The tax rate was relatively light at 46% (compared to 60-90% in developed countries) and each year 750,000 Chinese died from smoking related illnesses. [15cc]

Psychiatric Treatment

China, April 2005

5.107 As reported in the South China Morning Post on 15 January 2005, “According to Ministry of Health figures, China has 16,055 psychiatrists - one for every 87,500 people. This figure doesn't reflect disparities in rural areas, where qualified psychiatric care is non-existent.” [17i]

5.108 According to the same source many hospitals don't have real psychiatrists. Instead they have neurologists and other doctors who have been briefly retrained and then sit and listen to patients before writing prescriptions. [17i]

5.109 As noted by the WHO Project Atlas (a project of the Department of Mental Health and Substance Dependence, WHO, Geneva) in their Country Profile for China – available via their website:

“Among all the cities of China, Shanghai has the most developed psychiatric setup. It includes community follow-up programmes, guardianship networks, work therapy stations, mental health services in factories, day hospitals, night hospitals, family support groups. Services at each of the three levels-municipal, district and grass-root level are available” [8c]

5.110 The same source also noted:

“Prior to 1980s there were no psychiatric services in most general hospitals and patients were treated in mental hospitals. However, with increasing prevalence of psychiatric disorders the government called for developing psychiatric services including psychotherapy facilities in general hospitals. WHO has been involved in developing the services and mental health policy in Zhejiang province and one of the goal [sic] is to develop a 3 year mental health plan for that province.” [8c]

5.111 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.” [14n]

5.112 According to the USSD Report 2004:

“According to foreign researchers, the country had 20 "ankang" institutions (high-security psychiatric hospitals for the criminally insane) directly administered by the Ministry of Public Security. Some dissidents, persistent petitioners, and others were housed with mentally ill patients in these institutions. "Patients" in these hospitals were reportedly given medicine against their will and forcibly subjected to electric shock treatment. The regulations for committing a person into an ankang facility were not clear.” [2j] (Section 1 d.)

China, April 2005

HIV/AIDS

5.113 According to the UNAIDS website:

“HIV/AIDS was first diagnosed in China in 1985. In 2003, the number of people living with HIV/AIDS (PLWHA) was estimated to be 840 000, among which 80 000 had developed AIDS. The epidemic has spread to 31 provinces, and the country is witnessing a rapid increase in HIV infections and AIDS deaths, particularly in central provinces, where many people became infected through unsafe blood and blood plasma in the 1990s. Huge income disparities, large scale labour migration and gender imbalances are some of the factors increasing the population's vulnerability to HIV. Since 2002, when China first publicly acknowledged the scale of the HIV/AIDS problem, it has been mobilizing a multisectoral response to HIV/AIDS. A coordinating body was set up which is today reporting directly to the State Council.” [8b]

5.114 As reported by the official People's Daily newspaper on 30 November 2004, “Official figures show that China has an estimated 840,000 AIDS/HIV cases.” [12ac]

5.115 As reported by the China AIDS Survey (a site that lists chronologically policy and regulations relating to HIV/AIDS control in China):

“The Chinese government currently estimates up to one million Chinese citizens may be infected with the AIDS virus. However, experts agree that 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 five percent of HIV cases in China are reported. UN and World Health experts believe the real figure lies between 1.5 and two million, and the United Nations Program on AIDS (UNAIDS) projects China could have between 10 and 15 million HIV cases by the year 2010. Although this number represents only a small percentage of China's vast 1.2 billion population, the sheer numbers of people at risk is staggering.” [80a]

5.116 As reported by the same source, “[On] 1 December 2003 Chinese Premier Wen Jiabao visited and shook hands with AIDS patients in Beijing's Ditan Hospital. Wen's visit marks a milestone in China [sic] top-level commitment to fight AIDS in China.” [80b]

5.117 As reported by the BBC on 12 July 2004, Premier Wen reiterated earlier demands for local officials to do more to help people living with AIDS on the eve of the global AIDS conference in Bangkok in July 2004. [9bb] As reported by the Guardian newspaper on 12 July 2004, “Whether Mr Wen's words herald a new

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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.” [16a]]

5.118 On the eve of World AIDS day (2004) President Hu visited AIDS patients in Beijing; his visit was reported by the official People’s Daily newspaper on 30 November 2004. [12ac]

Availability of Anti-retrovirals

5.119 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. [7g]

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

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

5.122 As reported 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.” [16af]

5.123 According to a report dated 1 December 2004 by the official news agency Xinhua, “More than 10,000 AIDS patients have been given free anti-retroviral therapy, a kind of anti-virus treatment, this year. The total central government investment on HIV/AIDS amounted to about 390 million yuan (US\$47 million) in 2003. The budget for 2004 was 810 million yuan (US\$98 million), while budgeted international support reached to 421 million (US\$51 million) in 2004.” [13q]

Intravenous Drug Users (IDUs)

5.124 The same source continued, “According to Ministry of Health surveillance, the prevalence of HIV among IDUs is from 5 to 8 per cent.” It also stated that, “China has built 34 clinics and 50 [treatment] spots to provide Methadone and clean syringes for drug users.” [13q]

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5.125 On 4 October 2004, the official People's Daily newspaper reported that China has approximately 500,000 registered IDUs (this constitutes 60% of the people estimated to be infected with HIV/AIDS). [12y]

5.126 As reported by the BBC on 30 November 2004, "In Yunnan's provincial capital, Kunming, that [sic] increase [in government spending] is symbolised by a new needle exchange project. The centre also includes games rooms and a library about HIV/Aids. It only opened in March, but more than 1,000 heroin addicts now use its services." [9bp]

Discrimination

5.127 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. [7f]

5.28 According to a report in TIME Asia dated 2 August 2004, the authorities in Henan province were particularly reticent when it came to 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. [15dc]

5.129 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. [10d] In response to this HRW stated, "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]." [7f]

5.130 According to the results of a survey reported by the official China Daily newspaper on 14 December 2004:

"At least 80 percent of China's estimated 5 to 10 million gays mistakenly believe they are safe from HIV/AIDS, according to the country's first ever survey on the homosexual group. The survey, conducted by the center of AIDS control and prevention under the Chinese Center for Disease Control and Prevention in collaboration with its branch office in northeast China's Heilongjiang Province, found 80.6 percent of the gay men are totally ignorant of their exposure to the virus or underestimate the risk." [14o]

Educational System

China, April 2005

5.131 As documented by Europa publications (2005), “In May 1985 the CCP Central Committee adopted a decision to reform the country’s whole education structure. This stipulated that nine-year compulsory education was to be implemented in stages, with date attaining that goal varying according to regional disparities in development.” The source also noted, “Fees are payable at all levels of education.” [1a] (p 233-234)

5.132 As documented by the Economist Intelligence Unit (EIU) in their January 2005 country profile for China:

“The education system is beset with funding difficulties. In March 2004 the education minister, Zhou Ji, said that education spending as a share of GDP had risen from 2.5% in 1998 to 3.4% in 2002, and would rise to 4% by 2007. However, the state has had to call on the private sector to help expand educational provision. Private middle schools were first authorised in 1992, and since the early 1990s higher-education institutions have charged tuition fees, which are often as high as Rmb5,000 a year, equivalent to more than one-half of average urban disposable income. Interest-free loans are available to students from poorer households.” [21a] (Education)

5.133 According to the government White Paper, China’s Employment Situation and Policies dated April 2004, “In 2003, the attendance rate of school-age children in primary schools was 98.6 percent, and the gross enrolment rate of junior middle schools was 92.7 percent.” [5ac] (p 1 of Section III)

5.134 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]

China, April 2005

Higher Education

5.135 As reported by the EIU in their January 2005 country profile for China:

“There were 1,552 universities and institutions of higher education in 2003, up from 1,396 in 2002, with a total student enrolment of 11.1m (3.7m of whom were studying engineering and 1.8m of whom were studying management). In 1990 only 2.1m students had been enrolled in 1,075 institutions of higher education. The rapid rise in enrolments has been accompanied by a sharp rise in the student-teacher ratio.” [21a]
(Education)

5.136 On 20 July 2003, the official newspaper the People’s Daily reported that the UK was the most popular choice for Chinese students wanting to study abroad. According to this report there were at least 60,000 Chinese students studying in the UK. [12a] On 3 October 2003, the People’s Daily reported that 580,000 Chinese students have studied abroad since 1978, with 160,000 returning to China. [14b]

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6. Human Rights

6.A Human Rights Issues

General

6.1 According to the US State Department Report 2004 (USSD), published on 28 February 2005,

“The Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses. Citizens did not have the right to change their government, and many who openly expressed dissenting political views were harassed, detained, or imprisoned, particularly in a campaign late in the year against writers, religious activists, dissidents, and petitioners to the Central Government. Authorities were quick to suppress religious, political, and social groups that they perceived as threatening to government authority or national stability, especially before sensitive dates such as the 15th anniversary of the 1989 Tiananmen massacre and other significant political and religious occasions. However, the Constitution was amended to mention human rights for the first time.” [2j] (p 2)

6.2 Human Rights Watch in their World Report 2005 for China (HRW 2005), published in January 2005 stated:

China, April 2005

“The Party’s 2004 promise to uphold the rule of law has been compromised by continuing widespread official corruption, Party interference in the justice system, and a culture of impunity for officials and their families. Authorities continue to censor news media. Civil society is also constrained and most NGOs are government-controlled. China prohibits independent domestic human rights organizations and bars entry to international human rights organizations. Chinese citizens who contact international rights groups risk imprisonment.” [7m] (p 1)

6.3 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.” [6g] (p 1)

6.4 As reported by the Guardian newspaper on 12 January 2005:

“The EU’s 15-year-old arms embargo on China will almost certainly be lifted within the next six months, the foreign secretary, Jack Straw, said today. The embargo was imposed in the wake of the Tiananmen Square massacre, but France and Germany have led calls for its lifting over the past year, arguing that conditions in the country have changed significantly since the 1989 crackdown on student demonstrators. The prospect of an end to the arms export ban has raised fierce opposition in the US, which fears an escalation of tension between Beijing and Taiwan. But such objections did not prevent EU ministers from agreeing last month to work towards lifting the embargo.” [16ap]

6.5 On the 17 January 2005, the People’s Daily announced that it was to launch a new column aimed at improving the public’s knowledge of human rights. [12ai]

6.6 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. [8g] As noted by AI on 17 June 2004, the Chinese government originally invited the UN to visit China back in 1999. [6m]

China, April 2005

6.7 In testimony before the US Senate (Foreign Relations Committee) on 11 September 2003, Assistant US Secretary of State for East Asian and Pacific Affairs, James Kelly stated:

“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.”
[2b] (p 2)

6.8 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.” [7h]

Freedom of Speech and the Media

6.9 The USSD Report 2004 stated:

“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 continued to threaten, arrest, and imprison many individuals for exercising free speech. A wave of detentions late in the year appeared to signal a new campaign against writers. Internet essayists in particular were targeted. The Government strictly regulated the establishment and management of publications. The Government did not permit citizens to publish or broadcast criticisms of senior leaders or opinions that directly challenged Communist Party rule... Formal and informal guidelines continued to require journalists to avoid coverage of many politically sensitive topics. These public orders, guidelines, and statutes greatly restricted the freedom of broadcast journalists and newspapers to report the news and led to a high degree of self-censorship.” [2j] (Section 2 a.)

6.10 As documented by the Economist Intelligence Unit (EIU) in their January 2005 country profile for China:

“China’s telecommunications sector is booming—from fixed-line to Internet services. China now boasts more cable television subscribers (around 100m) and mobile phones customers (270m at end-2003) than the US. It had more than 262.7m fixed-line users at end-2003. In addition, the Internet is gaining in popularity, with 79.5m users at end-2003. Mobile and fixed-line penetration rates, with around 20 subscribers per 100 people,

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are nevertheless still low, so that the potential for further growth remains large. The government estimates that the number of fixed-line and mobile phone users will exceed 600m in 2005. Internet protocol (IP) telephony is displacing conventional international and long-distance trunk traffic, and third-generation (3G) mobile systems are to be rolled out. [21a] (Transport, communications and the Internet)

6.11 According to Robin Munro of the China Labour Bulletin (a Hong Kong-based NGO) interviewed by the BBC on 11 January 2005:

"If anything, the numbers of arrests of dissidents, labour and rural rights activists and Internet free thinkers has been even higher lately than during [Former President] Jiang Zemin's last years in office..." [9bu]

6.12 As reported by Japan Today on 28 December 2004:

"China has shut down 1,287 websites which spread "harmful information" on religious cults, superstition and pornography, a government Internet watchdog said Monday. Among those closed were 1,129 pornographic sites and another 114 "which promoted gambling, superstitious activities and cult propaganda," said the official Reporting Center for Illegal and Harmful Information." [15e]

6.13 As reported 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. 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." [15ca]

6.14 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. [9am] 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. [9am] [8gb] According to the later source, her release was related to Premier Wen's visit to the US the following week. [8gb]

6.15 As reported 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. [8ge]

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6.16 As noted 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.” [9aw]

6.17 As reported by the official news agency Xinhua on 10 May 2004, “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.” The same source also noted that 8,000 unlicensed cafes have been shutdown for admitting juveniles since February 2004. [13f]

6.18 According to the NGO Reporters Without Borders in a report dated 1 July 2004, China has 2,800 surveillance centres dedicated to keeping tabs on mobile phone users, especially those using SMS (text messaging). [8gf] On 14 February 2004, the BBC reported, “The 12,575 cafes were shut down between October and December 2004.” [9by]

6.19 According to the Reporters Without Borders (May 2003):

“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.” [8gd] (p 1)

Journalists

6.20 As reported by 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 the Government had authority to approve all programming, although it occasionally did not preview all programs.” [2] (Section 2 a.)

6.21 As noted by Europa Regional Surveys of the World: The Far East and Australasia (2005), “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. In November 2003 the Government suspended 678 unprofitable state run newspapers under new regulations requiring the large

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majority of newspapers to become financially independent from central Government.” [1a] (p 219)

6.22 Europa also stated, “In September 2001 the Government signed a deal that would allow News Corpn 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 223) According to a report by the BBC dated 18 November 2004, “Over 300 million Chinese households are thought to have televisions.” [9bo]

6.23 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.” [8gc] (p 1)

6.24 The same source also stated, “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.” [8gc] (p 1)

6.25 According to dissident political commentator Liu Xiaobo speaking to the Asian news site Muzi on 14 October 2004, the authorities find it hard to crack down on independently minded journalists because they are part of the system. Of the three cases highlighted in this report one was held on suspicion of leaking state secrets to foreigners, another was accused of corruption and detained for five months, and a third escaped censure. [15ac]

6.26 According to the Committee to Protect Journalists (CPJ) who in their report “Attacks on the Press 2003”, “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.” [8la] (p 2)

Intellectuals

6.27 According to a report in Asia Times dated 15 December 2004, since September 2004 the situation for intellectuals is the worst it has been in three years. [15ce] According to this report and another by the BBC dated 14 December

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2004, three high-profile intellectuals (Yu Jie, Liu Xiaobo and Zhang Zuhua) were detained by police on the 13 December 2004. [15ce] [9br]

6.28 As reported by Asia Times, “The government banned the best-seller *An Investigative Report on Chinese Peasants*, which portrayed the dire situation of China's rural citizens. And when Zhang Yihe, the daughter of China's "No 1 rightist" of the 1950s, wrote her reminisces she was first required to censor the work heavily before it could be published. Later, the authorities banned *The Past Is Not Like (Dissipating) Smoke* outright.” According to this report both these books are underground best sellers with up to 2 million pirated copies of each in circulation. [15ce]

Freedom of Religion

Religion and the State

6.29 According to the US State Department International Religious Freedom Report 2004 (USSD Religious Freedom Report 2004), published on 15 September 2004:

“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 [guojia] and registered places of worship and to control the growth and scope of activities 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.” [2f] (p 1)

6.30 The same source also noted, “The extent of religious freedom varied widely within the country. Unregistered religious groups continued to experience varying degrees of official interference and harassment.” [2f] (p 1)

6.31 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.” As noted by 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.” [10ad]

6.32 As reported by the official China Daily newspaper on 18 December 2004, “The Religious Affairs Provisions, promulgated on November 30 with the approval of Premier Wen Jiabao, will formally come into effect on March 1, 2005.” According this to report, “The provisions, a set of comprehensive

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administrative rules concerning China's religious affairs, explicitly specifies that the legitimate rights of religious groups, religious sites and the religious people are protected. It also offers guidance on religious affairs involving state and the public interests. The rules are regarded as a significant step forward in the protection of Chinese citizens' religious freedom.” [14p]

6.33 As reported by the BBC on 19 December 2004, the wording of the regulations makes it clear that there will be no basic relaxation of the policy. This report also noted, “Some scholars have welcomed the fact that officials who abuse their powers in dealing with religious groups could face prosecution under the new rules.” [9bs]

6.34 According to a report by the Association for Asia Research (AFAR) dated 29 January 2005, “The new rules even singled out the Muslim, Tibetan Buddhist and Catholic communities in specifying requirements for religious pilgrimages and clerical appointments. While one article in the provisions stipulated that government officials (there was no mention of Communist Party officials) would be held legally accountable for abuses, there is no assurance that this accountability will be enforced.” [19ag]

6.35 The same source continued:

“Other than Falun Gong practitioners' well-known public displays of civil disobedience in the early days of the state's repression against the movement, and periodic protests by Uighur Muslims and Tibetan Buddhists, which also involve the important political issue of autonomy or independence vis-a-vis China, no significant public demonstrations are known to have been mounted in the name of religion or religious freedom within recent memory.” [19ag]

6.36 Further to this the same source also stated that resistance to state regulation was essentially evasive in nature, with practitioners generally choosing to avoid direct confrontation with the authorities. [19ag]

6.37 According to the report the most common types of resistance were as follows:

- Refusing to register, for reasons of faith or reasons of practicality.
- Meeting clandestinely.
- Establishing their own religious training institutions, sometimes involving foreign instructors.
- Teaching children under the age of 18, despite government regulations that prohibit this.
- Secretly seeking papal consent (Catholics).
- Refusing to sign papers denouncing their religious/spiritual leader(s).
- Using religious material not printed by the state.

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- Communicating via Internet chatrooms. [19ag]

6.38 According to the USSD Religious Freedom Report 2004 within China there are 100 million Buddhists, 5–10 million Catholics, 50–90 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 Law. [2f] (See also Section 6.A/[Cults](#))

Buddhists and Taoists

6.39 According to the USSD Religious Freedom Report 2004, “Official tolerance for Buddhism and Taoism has been greater than that for Christianity, and these religions often face fewer restrictions. However, as these non-Western religions have grown rapidly in recent years, there were signs of greater government concern and new restrictions, especially on groups that blend tenets from a number of religious beliefs.” [2f] (Section II)

Buddhists

6.40 As reported by USSD Religious Freedom Report 2004, about 8% of the population, 100 million people, follow Buddhism – the majority of these are Han Chinese. As noted by the same source there are 16,000 Buddhist temples and over 200,000 monks and nuns. [2f] (Section I)

6.41 On 10 November 2003, The Times newspaper reported that nearly 400 temples in Zhejiang province, adjacent to Shanghai had been closed down or converted to other uses since July 2003. [16eb] 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. [3n]

Tibetan Buddhism

6.42 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.” [5ad] (p 3 of Section IV)

6.43 According to the USSD Religious Freedom Report 2004:

“The Government continued to oversee the daily operations of major monasteries. The Government, which did not contribute to the

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monasteries' operating funds, retained management control of monasteries through the DMCs [Democratic Management Committees] and local religious affairs bureaus. Regulations restricted leadership of many DMCs to "patriotic and devoted" monks and nuns and specified that the Government must approve all members of the committees. At some monasteries, government officials also sat on the committees." [2f] (Tibet)

6.44 The same source continued:

"The Government remains suspicious of Tibetan Buddhism in general and its links to the Dalai Lama, and it maintains tight controls on religious practices and places of worship in Tibetan areas. 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. Officials confirm that monks and nuns continue to undergo political training known as "patriotic education" on a regular basis at their religious sites. Political training has become a routine, and officially mandatory, feature of monastic life. However, the form, content, and frequency of such training appear to vary widely from monastery to monastery." [2f] (Tibet)

6.45 Further to this the USSD also stated:

"Government officials maintained that possessing or displaying pictures of the Dalai Lama is not illegal. However, authorities appeared to view possession of such photos as sufficient evidence of separatist sentiment when detaining individuals on political charges. Pictures of the Dalai Lama were not openly displayed in major monasteries and could not be purchased openly in the TAR. Diplomatic observers saw pictures of a number of Tibetan religious figures, including the Dalai Lama, openly displayed in Tibetan areas outside the TAR." [2f] (Tibet)

6.46 As reported by the Asian news site Muzi News on 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/[Tibetans](#))

Taoists

6.47 As reported by the USSD Religious Freedom Report 2004, there are no estimates as to the number of Taoists within China. However, according to the same source there are 1,500 Taoist temples and 25,000 monks and nuns. [2f] (p 3)

Christians

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6.48 As reported by the USSD Religious Freedom Report 2004, there are between 55 to 90 million Christians in China, with 5–10 million Roman Catholics and 50–90 million Protestants. [2f] (p 3)

6.49 As reported by the BBC on 9 November 2004, “Getting reliable numbers about the number of Christians in China is notoriously difficult. Estimates vary between 40m to 70m Protestants, only 10 million of whom are registered members of government churches. The situation is similar for Catholics. Of the estimated 15 to 20 million Catholics in China, less than half belong to state-approved churches, which put authority to Beijing before authority to Rome.” [9bn]

6.50 According to the same report, “Both Catholics and Protestants have long complained of persecution by the Communist authorities, and human rights groups claim the problem is getting worse.” According to the same source, about 300 Christians are detained in China at any one time (based on figures from the Jubilee Campaign). [9bn]

6.51 This report also stated, “China's Christian population - especially those who refuse to worship in the tightly regulated state-registered churches - is seen as one such threat.” Furthermore the report stated, “Those Christians who want to avoid the state-controlled religious movements meet in unofficial buildings or even each others' homes - hence their description as “house churches” - risking fines, imprisonment, torture and even, in some cases, death.” [9bn]

6.52 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.” [3t]

Catholics

6.53 According to the USSD Religious Freedom Report 2004:

“In Hebei, where an estimated half of the country's Catholics reside, friction between unofficial Catholics and local authorities continued. Hebei authorities reportedly have forced underground priests and believers to choose between joining the official Church or facing punishment such as fines, job loss, periodic detentions, and having their children barred from school. Some Catholics have been forced into hiding. Numerous detentions of unofficial Catholic clergy were reported.” [2f] (Section II)

6.54 According to a report by the NGO Christian Solidarity Worldwide (CSW) in their March 2002 annual report, “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)

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6.55 As reported by the Asian news site Muzi News on 11 September 2004, “The Vatican accused China on Saturday [11 September 2004] of launching a fresh crackdown on Roman Catholics, upping the ante in its war of words against the Communist state.” This reported stated, “The Vatican appears to have decided on a policy of protesting whenever members of the Catholic hierarchy are detained. Saturday’s statement was at least the third time this year that the Church has criticised the Chinese government.” [15ad]

6.56 As reported by Asia News on 12 September 2004, Bishop John Gao Kexian was arrested in October 1999 after refusing to affiliate with the Catholic Patriotic Association (CPA). He spent the next five years in prison and died aged 76 sometime in March 2004 (the cause of death was not mentioned in the report). The report also stated that it was not until two years into his imprisonment that the Vatican finally announced that the Pope had secretly ordained him Bishop of Shandong province. [15eb]

6.57 As reported by Asia News on 25 June 2004:

“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.” [15ea]

6.58 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.” [3ac]

6.59 On 9 March 2004 Catholic News reported:

“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*... *Civiltà Cattolica* 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

6.60 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.” [16ca]

6.61 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.” [16ca]

6.62 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 (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]

6.63 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

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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." [16ec]

6.64 As reported by the Canadian IRB on 17 August 2004,

"It appears that the Chinese government most fears religious groups not willing to submit themselves to official supervision, and that proliferate beyond official control. If a Chinese citizen became a practising Christian overseas and was willing to attend an officially sanctioned church upon his return to China, it's unlikely that he would encounter any difficulty. However, if he became an active member of an unsanctioned congregation, and especially if he contributed to the growth of the congregation through evangelizing, he would expose himself to a real risk of persecution." [3ae] (Based on Information supplied by Human Rights in China – HRIC)

Protestant House Churches – Arrests and Demolitions

6.65 On 10 November 2003, The Times reported that four churches (and 24 temples) had been destroyed in Zhenjiang province, adjacent to 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. [16eb]

6.66 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. [10ea] The Association for Asia Research (AFAR) also reported the same incident on 22 July 2004. [19ab] As noted by both reports, 40 house church leaders were arrested while attending a seminar in Cheng Du City, Sichuan province the same week. [10ea] [19ab]

6.67 As reported by the NGO Voice of the Martyrs (VOM) on 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." [8fa]

6.68 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.’ [10fa]

6.69 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. [10fa]

6.70 Radio Free Asia (RFA) reported the first death on 27 May 2004, while Asia News reported the second death on 5 July 2004. [8cn] [15ed]

6.71 As reported by VOM on 10 August 2004, more than 100 house church leaders were arrested in Henan at the beginning of the month. The report stated that, “Those arrested came from various provinces, including Heilongjiang and Liaoning, as well as different areas throughout Henan in central eastern China. Amongst those arrested are the leaders Zhang Wanshun of Sanmenxia City, Mr. Zhang Tianyun of Nanyang City and Mr. Yu Guoying of Tongxu County.” [8fb]

6.72 On 16 August 2004 VOM reported, “Liu Fenggang received three years for passing on information about the destruction of unofficial churches outside Hangzhou last year. Xu Yonghai received two years and Zhang one year. The men reportedly attempted to publicise last years crackdown on hundreds of ministers and worshippers whom human rights watchers say were detained in sweeps by police, while dozens of churches were destroyed.” [8fc]

6.73 According to a report by VOM dated 10 November 2004, “One ministry reported a sharp increase in persecution throughout September and October [2004], with a large number of arrests. One Christian worker was beaten to death after she was arrested by police. Four printing presses were shut down within the space of a month when police discovered they were printing illegal Christian materials.” [8fd]

6.74 As reported by the same source on 13 December 2004, five house church leaders were arrested for organising illegal religious gatherings in August 2004. They were all sentenced to between 10 and 30 months re-education through labour (RTL). [8ff]

6.75 As reported by VOM on 10 December 2004, Pastor Zhang is the leader of the Fangcheng Mother Church and a high ranking member of China for Christ Church network, which has an estimated 10 million members in China. According to this report he was arrested on the evening of the 1 December 2004 in Xuzhai village, Henan province. The report quoted an eyewitness as saying that a

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Volkswagen car apparently belonging to the Ministry of State Security had been parked near Zhang's apartment prior to his disappearance. [8fe]

6.76 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." [3w]

Russian Orthodox Church

6.77 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. [8kc]

6.78 According to the USSD Religious Freedom Report 2004, in Heilongjiang province the Russian Orthodox Church had been able to operate without affiliating with a government organisation, since none exists. [2f] (Section II)

(See also Section 6.A/Cults – [Evangelical Christian Groups](#))

Muslims

6.79 According to the USSD Religious Freedom Report 2004:

"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 or tightly control religious expression and teaching. Police cracked down on Muslim religious activity and places of worship accused by the Government of supporting separatism. The Government permits, and in some cases subsidizes, Muslim citizens who make the hajj (pilgrimage) to Mecca. In the first half of 2004, a record of over 10,000 Chinese Muslims made the hajj, half of them on government-organized delegations." [2f] (Section II)

6.80 According to the same source, "Generally speaking, the country's Hui Muslims, who often live in Han Chinese communities throughout the country, have greater religious freedom than Turkic Muslims such as the Uighurs, who are concentrated in the western part of the country." [2f] (Section II)

Uighur(s) (Uygur, Uyghur)

6.81 As noted by Europa Regional Surveys of the World: The Far East and Australasia (2005) there are approximately 8.4 million Uighur(s) in China. As

noted by Europa publications Regional Studies: Eastern Europe, Russia and Central Asia (2005) there are 210,400 Uighur(s) in neighbouring Kazakhstan and 46,944 in Kyrgyzstan. [1b] (p 232, 263)

6.82 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.” [20e] (p 628)

6.83 As noted by the same source, “The Uighur are Sunni Muslims of the Hanafi school.” [20e] (p 627)

6.84 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...They speak and write the Uighur language and follow Islam.” [20g] (p 607) [18f is a map of Xinjiang]

6.85 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.” [10aa] (See also Annex C/[Chronology of Events – Xinjiang](#))

Treatment of Uighurs in Xinjiang (Sinkiang)

6.86 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.” [7b] (p 1)

6.87 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

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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.” [20r]

6.88 As reported by The Times on 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.” [16ea]

6.89 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.” [16ea]

6.90 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.
- Restrictions on visiting mosques for government employees. [8ha]

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Uighur Terrorist Groups

6.91 As reported by the BBC on 15 December 2003, “China has issued its first “terrorist” wanted list, blaming four Muslim separatist groups and 11 individuals for a string of bombings and assassinations [carried out in the 1990s] and calling for international assistance to track them down.” The groups identified were the Eastern Turkestan Islamic Movement (ETIM), the Eastern Turkestan Liberation Organization (ETLO), the World Uighur Youth Congress (WUYC) and the East Turkestan Information Centre (ETIC). [9a0]

6.92 This report noted, “Chinese authorities have blamed ETIM for many of the 200 or more attacks reported in Xinjiang since 1990 and have banned the group for more than a decade. Beijing accuses ETIM of having links to the Taliban in neighbouring Afghanistan and Osama bin Laden’s al-Qaeda network, but has produced no supporting evidence.” [9a0]

6.93 According to Justin Rudelson and William Jankowiak writing in Xinjiang China’s Muslim Borderland; a collection of academic articles on Xinjiang published in 2004, the Chinese government named eight Uighur terrorist forces it says were operating within Xinjiang in August 2002. The groups it named were:

Islamic

1. The Eastern Turkestan Islamic Movement (ETIM)
2. The Eastern Turkestan Islamic Party
3. The Eastern Turkestan Islamic Party of Allah
4. The Islamic Reform Party “Shock Brigade”
5. The Islamic Holy Warriors

Secular

6. The Eastern Turkestan International Movement
7. The Eastern Turkestan Liberation Organization
8. The Uyghur Liberation Organisation [19e] (p 317-318)

6.94 As reported by the same source,

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

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to have had close links to Osama bin Laden and to have sent agents and weapons into Xinjiang beginning in 1998. At least two of the Al-Qaeda fighters captured in Afghanistan and sent to Guantanamo [Bay], Cuba were Uyghurs from the ETIM.” [19e] (p 317-318)

6.95 As reported by the Asia news site Muzi news on 13 September 2004, “China has sentenced more than 50 people to death this year in the western region of Xinjiang in what the government depicts as a protracted battle against foreign-backed separatists.” According to this report the government claimed to have cracked 22 groups in the first eight months of 2004. The report also quoted an official as saying that none of those sentenced to death has been executed yet. [15ah]

6.96 As reported by the official China Daily newspaper on 22 January 2005, “Thirteen people died and 18 [were] injured in two separate explosions in Northwest China’s Xinjiang Uygur Autonomous Region as Muslims celebrated the Eid-al-Adha religious festival.” [14q] As reported by the official People’s Daily newspaper on 24 January 2004, police arrested a disgruntled ex-miner in connection with the blast. [14r]

Hui (Huihui)

6.97 As noted by Europa publications (2005), there are approximately 9.8 million Hui in China. [1a] (p 200)

6.98 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.” [20e] (p 247)

6.99 As reported by the IRB on 29 January 2002, in areas populated by the Hui there is substantial construction of religious buildings. [3h]

6.100 As reported in the official China Daily newspaper on 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.” [14g]

6.101 On 15 November 2004, the official People’s Daily newspaper reported that the same number of people celebrated the end Ramadan in the region’s mosques. [12aa]

6.102 See also Section 6.B/[Han verses Hui Violence – November 2004](#))

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Other Muslim Groups

6.103 As noted by the USSD Religious Freedom Report 2004, "The country also has over 1 million Kazakh Muslims and thousands of Dongxiang, Kyrgyz, Salar, Tajik, Uzbek, Baoan, and Tatar Muslims." [2f] (p 3)

Cults

6.104 As reported by the USSD Religious Freedom Report 2004:

"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).

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." [2f] (Section II)

6.105 As reported by the previous year's USSD Report (2003), "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] (Section II)

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

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

Whoever forms or uses superstitious sects or secret societies or weird

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religious organizations or uses superstition to cheat another person, and causes death to the person shall be punished in accordance with the provisions of the preceding paragraph.

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

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

Whoever entices a minor to join people in licentious activities shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.” [5bg] (p 92-93)

6.107 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

6.108 According to the USSD Religious Freedom Report 2004:

“The Government continued its repression of groups that it categorized as “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 and there have been credible reports of deaths due to torture and abuse.” [2f] (p 1)

6.109 As noted by the same source,

“Estimates of the number of Falun Gong (or Wheel of the Law, also known as Falun Dafa) practitioners have varied widely; the Government claimed that prior to its harsh crackdown on the Falun Gong beginning in 1999, there may have been as many as 2.1 million adherents of Falun Gong in the country. Some estimate that the true number of Falun Gong adherents in the country before the crackdown was much higher. The number has declined as a result of the crackdown, but there are still hundreds of thousands of practitioners in the country, according to reliable estimates.” [1] (Section I.)

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6.110 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.” [6g] (p 3)

6.111 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 IV)

Origins and Support

6.112 As documented by Maria Hsia Chang in her book *The End of Days: Falun Gong* (2004), Falun Gong/Falun Dafa was founded in 1992 by Li Hongzhi (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 his own distinctive brand of the ancient Chinese art of qigong (qi gong) or energy cultivation. He fused this with elements of other religions to create a quasi-religious movement, which encompassed a loose hierarchical structure (technically there are no members only enthusiastic volunteers) and emphasised high moral standards and good health amongst its followers. Pre-ban (July 1999) followers would gather in public parks and squares to 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] (p 3-8, 60-94)

6.113 The same source also noted, “Reportedly, the middle-aged and those from the middle class comprised the sect’s main following, although its ranks also included students and the elderly, as well as peasants. They came from all walks

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of life: teachers, physicians, soldiers, CCP cadres, diplomats posted in foreign countries, and other government officials.” [19a] (p 5)

6.114 Li Shai writing in the journal Faith and Freedom, Spring and Summer Edition 2003 stated, “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

6.115 According to the website 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]

6.116 As reported by The Irish Times on 18 November 2004 and re-produced by the Falun Dafa Information Centre on their website:

“Falun Gong, of Wheel of Law, is a spiritual movement that draws on Buddhism and Taoism. Practitioners believe that illnesses are the result of bad karmas, and by becoming a practitioner, a falun (or wheel of chakra) is installed into his or her stomach which eventually eliminates all that is bad.” [11e]

Exercises/Movements

6.117 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

Exercise 3 – Penetrating the two cosmic extremes

Exercise 4 – Falun heavenly circulation

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

6.118 As noted by the website falundafa.org accessed on 13 July 2004, “The teachings [of Li Hongzhi] are articulated in two books, Falun Gong (Law Wheel

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Qigong) and Zhuan Falun (Turning the Law Wheel), which are available in over a dozen languages, including English.” [11c]

610 Office

6.119 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.” [3x] (Based on information supplied by the Falun Dafa Information Center – FDIC)

Nature of Resistance

6.120 In January 2002, HRW stated, “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.” [7c] (p 3)

6.121 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] (Section 2 b.)

Treatment of Falun Gong Practitioners

6.122 As reported by the Falun Gong website clearwisdom.net, accessed on 23 January 2005, “there are at least 6,000 Falun Gong practitioners who have been illegally sentenced to prison. Over 100,000 practioners have been sent to labour camps... Large groups of Falun Gong practioners have been forcibly sent to local brainwashing classes, where they have been subjected to both physical and mental torture.” [11d]

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6.123 According to the Falun Gong website's Clear Harmony: Falun Gong in Europe and FalunInfo.Net, both accessed on 24 January 2005, practitioners are subjected to prolonged beatings, scalding with hot irons and long-term sleep deprivation. Other forms of abuse can include being force-fed human faeces or being made to drink isopropyl alcohol (rubbing alcohol used to disinfect wounds). In addition to this practitioners have been made to stand or squat in uncomfortable "stress positions", have had irritants applied to their skin and have been sexually abused by guards or other prisoners acting on their instructions. [11f] [11g]

6.124 On 29 December 2004 Reporters Without Borders condemned the arrest of 11 Falun Gong practitioners for using the Internet to publish photographs of the torture some of them had undergone in prison. This report stated, "Reporters Without Borders calculates that at least 30 people are currently detained for posting or viewing documents on the Internet that support the Falun Gong or criticise the systematic torture its followers undergo in Chinese prisons." [8gh]

6.125 On 22 January 2004, the same source reported that five "members" of Falun Gong were sentenced to between five and 14 years imprisonment on 19 February 2004 for posting information on the Internet about their mistreatment while in detention. [8gh]

6.126 According to AI in their January 2004 report, Controls tighten as Internet activism grows, of the 54 people detained and sentenced for Internet activism, 29 were Falun Gong practitioners/sympathisers (figures accurate up to 7 January 2004). [6h]

6.127 As reported by the Canadian IRB in a report dated 25 October 2001, the Chinese authorities had confiscated 1.55 million copies of Falun Gong material by the end of July 1999. The IRB also reported the arrest of a number of people for illegally printing, selling and publishing Falun Gong material. The latest of these arrests was in November 2000. Sentences ranged from six to ten year's imprisonment. [3e]

Treatment of Falun Gong Practitioners' Relatives

6.128 As reported by the US Citizenship and Immigration Service on 25 February 2004:

"According to outside observers, Chinese authorities at times have pressured family and relatives of Falun Gong practitioners to isolate the practitioners from other adherents, sometimes harassing family members who refuse to comply. At the same time, these sources tend to have little independent information on the extent to which Chinese officials resort to this tactic as they seek to repress the spiritual movement, which formally became state policy in 2001." [5d]

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6.129 The same source continued:

“The only specific reports of harassment of family members come mainly from the Falun Gong movement itself. The Falun Gong web site provides accounts of family members allegedly being arrested in order to pressure adherents who are wanted by authorities into surrendering, or otherwise punished for the adherents' Falun Gong activities. To the extent that these accounts are accurate, however, it is unclear whether they are part of a systemic national practice or are the work of zealous local officials.” [5d]

6.130 This report concluded by stating:

“A Canada-based professor who has studied the Falun Gong movement, but who lacks independent evidence of harassment of family members, said that the reports publicized by the movement appear to be credible. Still, the professor suggested that most harassment of family members of adherents is probably relatively subtle. “My impression is that the harassment of relatives consists less of torture and physical threats, and more of discrimination and threats to livelihood,” the professor said in an email to the RIC (Professor 20 Feb 2004).” [5d]

Other Qigong Groups

6.131 As reported by Belief.net on 24 April 2000, in addition to Falun Gong action was also taken against five other qigong (qi gong) groups towards the end of 1999. These were Zhong Gong, Cibeigong, Guo Gong, Xiang Gong and Bodhi Gong [8ja]

6.132 According to the USSD Religious Freedom Report 2004, “The authorities also continued to oppose other groups considered “cults,” such as the Xiang Gong, Guo Gong, and Zhong Gong qigong groups, some of which reportedly had followings comparable to that of the Falun Gong.” [2f] (Section II)

Zhong Gong (China Gong)

6.133 As reported by the Guardian newspaper on 26 April 2000, Zhong Gong is one of five other qigong (energy cultivation) groups targeted by the Chinese government around the same time as Falun Gong (banned July 1999). [16aa] As reported by the China Support Network (an NGO) on 29 August 2002, “Like the more widely-known Falun Gong, a spiritual group coming under persecution, Zhong Gong is a qi gong practice. The two are not directly related. Where, Falun Gong is known for meditating, Zhong Gong is known for deep breathing exercises.” [8ci]

6.134 As reported by the Guardian newspaper (see above) and by the Russian news agency Prima on 19 September 2001, the movement was founded by

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Zhang Hongbao and prior to its banning in September 1999 claimed to have 35 million members in China. [16aa] [10ca]

6.135 As noted by Belief.net on 24 April 2000, “Like Falun Gong followers, Zhong Gong members refer to their founder as “master” and themselves as “disciples.” They said they use Zhong Gong to open energy channels in their bodies, promoting health and vitality. They also said Zhang’s teachings promote moral living.” [8ja]

6.136 The same source also noted, “Within months, his [Zhang’s] school and more than 3,000 businesses and teaching and treatment centers belonging to the Zhong Gong group had been closed, its millions of followers dispersed, practitioners said.” [8ja]

6.137 According to a report by Worldwide Religious News (WWRN) dated 19 February 2001, “Since September 1999, some 600 leading Zhong Gong members have been detained and 3,000 of its bases and branches have been closed, the centre said.” [8ke] The Guardian newspaper gave the same figure for the number of people detained in a report dated 26 April 2000. It also reported that 400,000 people had lost their jobs as a result of these closures. [16aa]

6.138 As reported WWRN on 10 July 2001:

“Two women leaders of the banned Zhong Gong spiritual sect were freed from labour camps on the mainland, two months before the end of their two-year sentences, a Hong Kong-based rights group said yesterday. Cheng Yaqin was released from the Baoding, Hebei province reform-through-labour camp on Sunday. Deqing Zhuoma was released from a labour camp near Lhasa, Tibet, in recent days, the Information Centre for Human Rights and Democracy [ICHRD] said yesterday. Both women had served as regional leaders for the group and had been arrested in September 1999 after simultaneous crackdowns on the Zhong Gong group as well as the better-known Falun Gong, the human rights centre said. The women were released early after an active letter-writing campaign by supporters from around the world, led by exiled Zhong Gong leader Zhang Hongbao.” [8ka]

6.139 According to a report by the China Support Network (an NGO) dated 29 August 2002, Zhang Qi, a “central figure” in the movement was kidnapped from Vietnam by Chinese government agents 26 June 2002. He was in the company of prominent dissident and CPD (China Democratic Party) member Wang Bingzhang and labour leader Yue Wu both of whom were also allegedly kidnapped. [8ci]

6.140 As reported by the City News Service on 10 December 2003, the founder of Zhang Gong, Zhang Hongbao was arrested in Pasadena (USA) on 15 March

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2003 in connection the alleged assault and imprisonment of his housekeeper – charges which could lead to a ten year jail term. The report continued, “A felony conviction for Zhang could result in his deportation to China, where he's been accused of many crimes and could face execution, according to dissidents. Zhang is currently free on \$100,000 bond.” [17d]

Cibei Gong (Compassion Gong)

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

Guo Gong (Nation Gong)

6.142 According to AI (March 2000), the leaders of Guo Gong were Liu Jineng (founder) Liu Jun, Deng Guoquan, Yuan Xingguo and Xiao Xingzhao all of whom were arrested in Sichuan province in November 1999 – they were later given unspecified terms of imprisonment. [6b] (p 6)

6.143 According to the text of a report by the Chinese provincial newspaper ‘Sichuan Ribao’ reproduced in a BBC Summary of World Broadcasts on 30 October 1999:

“In March 1994, Liu Jineng, together with Liu Jun and Deng Guoquan, established the “Mianyang City China Natural Extraordinary Powers School.” They taught disciples personally. To date they have run 27 classes and trained 3,000 students. They also gave a correspondence course to thousands upon thousands of students throughout the country, and set up 60 coaching stations in 22 provinces (municipalities) nationwide, and under each coaching station there were several sub-stations.” [17g]

6.144 The same source continued, “To propagate the “Guo Gong” and amass wealth, Liu Jineng, Liu Jun, and Deng Guoquan, distributed, in a big way and without official authorization, publications including periodicals, books, and audio and video tapes on the qigong, making a profit of several million yuan. Of those publications, a monthly, “Light of Guo Gong,” of which Liu Jineng was editor-in-chief, was out in October 1995. From then until June 1999, 40 issues totalling 150,000 copies had been published. Each subscriber paid 20 yuan per year.” [17g]

Xiang Gong (Fragrant Gong)

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6.145 According to AI (March 2000), Xiang Gong was founded by Tian Ruisheng in 1998 and closely monitored the authorities. [6b] (p 6) According to a report by the NGO Hong Kong Voice of Democracy dated 15 August 1999, the movement had 30 million followers and 1,300 “cultivation points”. [8ea] As reported by the South China Morning Post on 8 July 2003, Tian died of liver cancer at his home in September 1995. According to this report the group moved its headquarters to Taiwan following the banning of Falun Gong. [17h]

Bodhi Gong (Wakefulness/Awakening Gong)

6.146 No information could be obtained on this group other than its name and the fact that one its training centres located in the resort of Beidaihe was closed down towards the end of 1999. This was reported by Belief.net on 24 April 2000. [8ja]

Evangelical Christian Groups

The Shouters (Huhan Pai) or Local Church

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

6.148 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]

6.149 The same source continued, “Estimates of the size of the “Local Church” hover around several hundred thousand members worldwide. However, it is

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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]

6.150 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." [20n]

6.151 As reported by the BBC on 28 January 2002, "It is one of the fastest-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. [9ab]

6.152 Li's wife quoted in a report by TIME Asia dated 21 January 2002 stated:

"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 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." [15db]

6.153 As reported by Asia News on 9 March 2004, Li and another man convicted alongside him were released on medical parole in 2002, after pressure from the US government. A third man convicted alongside them served his 3-year sentence in full. [15ec]

South China Church

6.154 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

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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]

6.155 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]

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

Three Servants Church

6.157 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. The same source also reported that its leader, Xu Shuangfu was detained on 17 April 2004 and that 90 of his co-workers and followers were arrested on 26 April 2004. [8be]

Freedom of Association and Assembly

Overview

6.158 According to the USSD Report 2004:

"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." [2j] (Section 2 b.)

6.159 The same source continued, "At times, police used excessive force against demonstrators. Demonstrations with political or social themes were often broken up quickly and violently. The vast majority of demonstrations during the year

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concerned economic and social issues such as land, housing, health, and welfare.” [2j] (Section 2 b.)

Political Activists

6.160 As noted by the USSD Report 2004, 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. [2j]

6.161 The same source also reported, “The number of individuals serving sentences for the now-repealed crime of counterrevolution was estimated at 500 to 600; many of these persons were imprisoned for the nonviolent expression of their political views. Nongovernmental organizations (NGOs) estimated that as many as 250 persons remained in prison for political activities connected to the 1989 Tiananmen demonstrations.” [2j] (p 1) This compares to figures of 2,000 in the previous year’s USSD Report (2003) report. [2d] (p 2)

6.162 The USSD Report (2004) also noted that the State Security Law covers similar crimes to those previously deemed as counter-revolutionary. [2j] (Section 1 e.)

6.163 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.” [6i]

6.164 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.” [7j]

6.165 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. [8da]

6.166 As reported by the BBC on 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. [9a1] (See also Section 5/[State Secrets](#))

People Who Oppose the Regime

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6.167 As reported by the official news agency Xinhua on 17 January 2005, “Comrade Zhao Ziyang died of illness in a Beijing hospital Monday. He was 85.” [131] As reported by CCN on the same date: “Zhao was considered one of the standard-bearers of political and economic reform in China. He opposed the use of force against the Tiananmen Square demonstrators and was removed from his post during the clampdown.” [10h] On the same date the BBC reported that, “The deaths of other liberal leaders in China have tapped latent public frustration at the country's slow pace of democratic reform. Protests flared when former Premier Zhou Enlai died in 1976, and pro-reform party leader Hu Yaobang's death in 1989 sparked the Tiananmen Square protests that ended Zhao's political era.” [9bv]

6.168 On the 23 January 2005, the Asian news site Muzi news reported that police in Beijing detained Zhao Xin (no relation) for attempting to organise a 5,000-strong protest march to mourn the passing of Zhao Ziyang. [15ae]

6.169 As reported by the BBC on 29 January 2004, “Hundreds of people have attended a tightly controlled funeral service in Beijing for purged Chinese Communist Party leader Zhao Ziyang. Mourners filed past Zhao's body and paid their respects, before his cremation at the Babaoshan cemetery.” [9bx]

6.170 Zhao's obituary, published by the official news agency Xinhua on 29 January 2005 stated:

“In the early years of China's reform and opening-up drive, he successively held important leading positions of the CPC Central Committee and the State, making contribution to the cause of the Party and the people. In the political turbulence which took place in the late spring and early summer of 1989, Comrade Zhao committed serious mistakes.” [13v]

6.171 As reported in Volume 5, Issue 3 (February 1, 2005) of China Brief – available via the Jamestown Foundation's website:

“Friends of the Zhao family said an estimated 4,000 people – many from Henan, Zhao's home province, as well as Guangdong, one of his power bases – showed up at the Fu Qiang house to mourn the reformer the first three days after his death. This occurred despite instructions given by CCP authorities to many departments that cadres and party members should refrain from taking part in Zhao-related activities. Probably because of the unexpectedly large turnout, Beijing decided to restrict access to the Zhao home by entirely cordoning off Fu Qiang Lane with dozens of police and state security officers. Only mourners who could prove their association with Zhao – or whose names had been given to the police by family members – could go in.” [8hc]

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6.172 On 30 December 2004, the Guardian newspaper reported that since President Hu and Premier Wen came to power Chinese nationalist groups have found it easier to operate. This reported also noted that many observers believe that the CCP is channelling public frustration at growing disparities in wealth into anti-Japanese xenophobia. [16ao]

6.173 According to a report by TIME Asia dated 22 November 2004,

“Fifteen years after the youthful activism of Tiananmen Square, a new breed of young Chinese agitators is finding its voice. Its mantra, though, is not democracy but the promotion of Chinese nationalism. Well-educated and united by the Internet, today's activists want China to flex its muscle against any foreign power they feel is holding back their resurgent nation. And their main target is Japan, which they feel has not adequately apologized for its egregious wartime past.” [15de]

6.174 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]

6.175 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] [16am] [6n]

6.176 On 21 July 2004, the Guardian newspaper reported:

“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 [at the time].” [16am]

(See also Section 6.A/[Freedom of Speech and the Media](#))

Opposition Groups

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6.177 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 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.” [10ac]

China Democratic Party (CDP)

6.178 As reported by the BBC on 4 March 2004, the China Democratic Party (CDP) was set up by dissidents in 1998 and was the first attempt to legally register an opposition party. The Communist Party quickly crushed it and at least 30-members were sentenced to jail terms of up to 13 years. [9as]

6.179 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.” [7a] (p 1-2 of section III)

6.180 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.” [7a] (p 1-2 of section III)

6.181 According to the USSD Report 2004:

“The Government continued efforts to suppress the China Democracy Party (CDP), an opposition party that had attracted hundreds of members nationwide within a few months of its founding in 1998. Public security forces had previously arrested nearly all of the CDP's leaders: Xu Wenli, Wang Youcai, and Qin Yongmin were sentenced in 1998 to prison terms of 13, 12, and 11 years, respectively. Xu Wenli and Wang Youcai were released on medical parole to the United States in December 2002 and March 2004, respectively, but Qin remained in prison. At the time of the 16th Party Congress in 2002, authorities targeted many remaining activists for signing an open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre. More

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than 40 current or former CDP members remained imprisoned or held in reeducation-through-labor camps during the year, including Zhao Changqing, Sang Jiancheng, He Depu, Yao Zhenxiang, Han Lifa, Dai Xuezhong, and Jiang Lijun. In December, Zhejiang and Jiangsu Province activists were interrogated and a few, including Yang Tianshui and Wang Rongqing, were detained after they publicly proposed that the NPC draft a political party law.” [2j] (Section 3)

6.182 According to a report by the Canadian IRB dated 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.” [3o]

6.183 As reported by the official People’s Daily newspaper on 10 May 2003, the Intermediate People’s court in Lianoyang City 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. [12e]

6.184 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.” [12e]

6.185 As reported by the NGO Labor 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]

6.186 According to AI in their January 2004 report, Controls tighten as Internet activism grows, of the 54 people detained and sentenced for Internet activism eight were CDP members/sympathisers (figures accurate up 7 January 2004). [6h] (See also Annex H/[Dissident Groups](#))

Civil Unrest/Protests

6.187 On 23 October 2004, the Daily Telegraph reported, “A party magazine recently admitted that in 2003 three million peasants were involved in protests, many of which involved violent confrontations with police”. [16dc]

6.188 As reported in Asia Times on 22 January 2005:

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“The countryside is getting angrier by the day. In 2003 - the latest data available - there were no fewer than 58,000 "civic disturbances" involving more than 3 million people. A mob of 10,000 torch police cars in Chongqing, 100,000 demonstrators force the postponement of a dam project in Sichuan, 20,000 miners and their families riot against layoffs and loss of pensions at a bankrupt mine in the depressed northeast. Thunderous silence is the official media's norm. It's taken for granted that every city except ultra-policed Beijing has been facing demonstrations or eruptions of spontaneous violence.” [15c]

6.189 According to a report in Asia Times dated 16 November 2004, in response to this upsurge in popular discontent “The government has reinforced its role as a saviour by using what some have called a “fire brigade” approach, or buy-off strategies.” According to the report this usually involves making some concessions to the protestors while at the same time picking off their leaders one by one. [15cg] (See also Section 5/[State Secrets](#))

Employment Rights

Overview

6.190 According to the USSD Report 2004

“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.” [2j] (Section 6 a.)

6.191 The same source continued:

“The Labor Law provides for mediation, arbitration, and court resolution of labor disputes. Under these procedures, cases are to be dealt with first in the workplace, through a mediation committee, then, if unresolved, through a local arbitration committee under government sponsorship. If no solution is reached at this level, the dispute may be submitted to the courts. According to the Ministry of Labor and Social Security, 134,700 disputes involving 477,000 workers were submitted to arbitration during the first half of the year. The Ministry's yearly statistical report stated that

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226,391 disputes involving 800,000 workers were handled during the year, increases of approximately 22.8 percent and 31.7 percent, respectively, over the previous year. The vast majority of cases, 223,503 (98 percent) were resolved. Of these, 67,765 cases (30 percent) were resolved by mediation, 95,774 (43 percent) were resolved by arbitration and 59,954 (27 percent) were resolved by other means.” [2j] (Section 6 a.)

6.192 According to the government White Paper, China’s Employment Situation and Policies dated April 2004, “Chinese law stipulates that workers must not be discriminated against in the matter of employment because of ethnic identity, race, sex or religious belief. Chinese law strictly prohibits the employment of people under the age of 16. The state strictly investigates and deals with the illegal use of child laborers and the recommendation of children for work.” [5ac] (p 7 of Section II)

6.193 According to the NGO China Labor Watch in a report dated 1 August 2003, in one “model” factory the following violations of Chinese labour law were discovered. Overtime working exceeded 36hrs p/m, the factory had not purchased medical insurance and pensions for all its workers and the hourly wage for a worker was only 33 cents. [8na]

6.194 As reported by the official news agency Xinhua on 24 September 2004, “The latest ACFTU statistics indicate that China has approximately 400,000 foreign companies, but only a fifth have set up trade unions. About 40 per cent of 2 million private enterprises have set up trade unions.” [13i]

Industrial Unrest

6.195 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]

6.196 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

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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]

6.197 As reported by the BBC on 28 October 2004:

“Five workers at a Taiwanese-owned shoe factory in southern China have been convicted for taking part in a protest against wages and conditions.” According to this report four of them were sentenced to up to three and a half-year’s imprisonment while a fifth was given suspended sentence. The report also stated, “The five were among 40 arrested after thousands of workers went on strike at two factories in Dongguan in April [2004].” [9bj]

Workplace Safety

6.198 According to a report by USA Today dated 7 July 2003 and reproduced by the NGO China Labour Bulletin on their website:

“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]

6.199 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.” [9ak]

6.200 As reported by the BBC on 15 February 2005, over 200 miners were killed in an accident in Fuxin City, Liaoning province. [9ca] As reported by the BBC on 23 February 2005, the Province’s vice-Governor, Liu Guoqiang was suspended in the wake of this disaster. [9cd]

Child Labour

6.201 According to the USSD Report 2004:

“The law prohibits the employment of children under the age of 16, but the Government had not adopted a comprehensive policy to combat child labor. The Labor Law specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire

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minors. The law also stipulates that parents or guardians should provide for children's subsistence. Workers between the ages of 16 and 18 were referred to as "juvenile workers" and were prohibited from engaging in certain forms of physical work, including labor in mines." [2j] (Section 6 d.)

(See also Section 5/[Educational System](#))

People Trafficking

6.202 The USSD Report 2004 stated,

"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. Some cases involved trafficking of women and girls into forced prostitution in urban areas, and some reports suggested that certain victims, particularly children, were sold into forced labor. Internal trafficking was a significant problem. The Ministry of Public Security estimated that at least 9,000 women and 1,000 children were kidnapped and sold illegally each year." [2j] (Section 5) (See also Section 6.B/[Women](#))

6.203 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." [2e] (p 3)

6.204 On 10 December 2004 the BBC reported, "China has recently cracked down on child traffickers handing out a series of heavy jail terms and several death sentences in the past few months." [9bq]

6.205 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." [9ay]

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6.206 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. [131] 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]

Snakeheads (People Smugglers)

6.207 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." [2a] (p 1-2)

6.208 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." [10db]

6.209 As reported by the BBC on 4 November 2004, "In February [2004] 23 Chinese workers drowned when they were trapped by the incoming tide [off Morecambe Bay]. Two bodies are still missing." As noted by this report, "Twenty of the victims [that] were identified by detectives were from the Fujian province of China, and one was from Liaoning province." [9b]

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6.210 As reported by the official People's Daily newspaper on 10 November 2004, police in Yunnan province arrested one snakehead and 58 illegal emigrants from Fujian in early November 2004. According to the report:

"The Chinese snakehead, surnamed He, faked passports and visas and mobilized 58 people from Fuqing City in Fujian to leave China via Kunming Airport and ground transport terminals. The group planned to go to Britain via Myanmar and Brazil with the help of international snakeheads, local police announced Tuesday in Kunming, capital of Yunnan Province. The payment that the snakehead received from individual emigrants ranges from 160,000 to 250,000 yuan (approximately 19,350 to 30,230 US dollars)." [12z]

6.211 On 11 November 2004, the Times newspaper reported, "Fuqing County in known as Fujian province's emigration hotspot. For centuries its residents have sought better lives by moving to countries such as Indonesia and Malaysia, then to Amercia and, mostly recently, to Britain." [16eg]

6.212 The National Institute of Justice in their August 2004 report entitled Characteristics of Chinese Human Smugglers (published by the US Department of Justice) identified several highly specialised roles within a smuggling operation. These 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

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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.” [4h] (p 9)

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

6.214 As reported by in the Guardian newspaper on 7 February 2004, “People from Fujian have a long history of seeking their fortune overseas. In extreme cases some villages have 80% of families with someone living overseas.” [16ac]

6.215 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) [14i]

6.216 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. [14i]

6.217 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. [14i]

6.218 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.

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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]

6.219 According to a report dated 18 November 2004 by the official news agency Xinhua, "Statistics showed that 525,000 Chinese labourers have worked in other economies by the end of 2003. There are currently more than 330 intermediary bodies whose business involves sending Chinese workers abroad. All of them obtain business licenses from the Ministry of Labour and Social Security." This report also stated that, "China also suffers from illegal immigration. A total of 18,773 foreigners illegally entered and stayed in China in 2003." [13o]

6.220 According to a report by the CEME (Cooperative Efforts to Manage Emigration), which brought together the findings of weeklong visit to Fujian undertaken in June 2004 economic growth in Fujian stimulates outward migration. According to the CEME most migrants leave using official documents but then either overstay once abroad or enter via the asylum system. The CEME report also stated:

"There are more than 80 counties in Fujian, but only 2-3 are sources for other countries' irregular immigrants. Each comprises more than 20 towns, and each town covers up to 20 administrative villages; and can vary in approach. It is difficult to gauge the exact number of exits/entries of the province. Policy and practice are divided between the Entry/Exit Bureau of the MPS and the Border Defence Force of the same Ministry. With 3,000 kilometers of coastline and many thousands of boats, it is difficult to monitor and record all entries and exits." [20k] (p 5)

6.221 According to the same source, "Dr Xiang's long-term fieldwork in one of the largest places of origin of Chinese immigrants to Europe, Wenzhou prefecture, Zhejiang province, southeast China, suggests that even within one county, one township may specialise in internal migration and the other in international mobility." [20k] (p 6)

6.222 According to Dr Frank N. Pieke in this paper entitled Chinese Globalization and Migration to Europe, published 9 March 2004:

"American research (Chin 1999; Zhang and Chin 2000) on Chinese human smugglers has revealed that snakeheads are not triad-like criminal organizations that can be countered by conventional law-enforcement methods aimed at eliminating the organization's leadership. Rather, snakeheads are independent and highly specialized entrepreneurs enmeshed in loose networks, only cooperating on specific consignments. Consequently, countering snakeheads should focus on spoiling their market, both by raising the risks and costs of their operations and by taking away the demand for their services. The key issue then becomes

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how many Fujianese a country should admit under a program of migration to make a sufficient number of snakeheads abandon their trade for something less risky and more profitable.” [19f] (p 13-14)

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

Fact Finding Mission to Fujian, November 2003

6.223 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. [20j]

6.224 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. [20j]

6.225 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. [20j]

6.226 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. [20j]

6.227 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. [20j]

6.228 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 unlive in and the villages were deserted. The few inhabitants that were seen were either very old or very young. [20j]

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

Freedom of Movement

Household Registry (hukou)

6.230 According to the USSD Report 2004:

“The Government's "hukou" system of national household registration underwent further liberalization during the year, as the country responded to economic demands for a more mobile labor force. Nonetheless, many persons 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 some economically more developed urban areas. There remained 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.” [2j] (Section 2 d.)

6.231 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.” [4g]

6.232 The Embassy continues, “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.” [4g]

6.233 As reported by the Canadian IRB in their February 2005 report entitled China: Reform of the Household Registration System (hukou) (1998-2004), “Administration of the household registration system and issuance of *hukou* documents are the exclusive responsibility of the Public Security Bureau (PSB).” [3af] (Section 2)

6.234 The same source continued:

“According to Fei-Ling Wang, in today's China, people can travel relatively freely (9 Jan. 2005). Generally, "the worst punishment that an illegal migrant (floater) faces is forcible return to his/her hometown or village"

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(Wang 20 Jan. 2005; see also Carrillo 28 Jan. 2005). Wang adds that this is "often a losing battle" as the floaters simply return to the area from which they were removed (20 Jan. 2005)." [3a] (Section 6)

6.235 Furthermore the IBR stated:

"The *hukou* document is a booklet resembling a passport (Wang 16 Feb. 2005). Its cover is plastic or laminated (ibid.), of a reddish brown colour, bearing the China national emblem printed in gold (Canadian Consulate General in Hong Kong 18 Feb. 2005). Some booklets, issued mainly prior to 1990, may be larger and have a manila paper cover (Wang 16 Feb. 2005). The inside pages are not numbered, and are of a "bluish colour," although the blue may vary slightly depending on the age of the booklet (Canadian Consulate General in Hong Kong 22 Feb. 2005).

In a report received on 18 February 2005, the Canadian Consulate General in Hong Kong described the *hukou* booklet as follows:

"The second page of the *hukou* is the "Address Page" and contains the following items:

- Type of Household
- No. of Household
- Name of Household
- Address
- Household Special Seal from the Provincial Public Security Department
- Household Special Seal from the local issuing authority (right seal)
- Handling Person's signature/seal
- Date of Issue

The third page of the *hukou* booklet is the "Principal Holder Page" and contains the following items:

- Name
- Householder or relationship with householder
- Former Name
- Sex
- Place of Birth
- Ethnic Group
- Place of Origin
- Date of Birth
- Other address in the city
- Religion
- Identity card number
- Height

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- Blood Type
- Education Level
- Marital Status
- Work Place
- Position
- When and from where moved in to this city
- When and from where moved in to this address
- Handling person's signature/seal
- Registration Date

The subsequent pages of the booklet contain the same information, but for other members of the household; the only difference is that the top right hand corner indicates the relationship between the individual named on this page and the principal householder (Canadian Consulate General in Hong Kong 18 Feb. 2005). All altered or deleted items on the *hukou* must be stamped by the issuing authority (ibid.).

Although *hukou* booklets are normally printed, hand-written booklets still exist, either because they had to be issued urgently, or because the PSB office does not have computers (ibid. 6 Jan. 2005). Manual entries remain common (ibid.; Wang 16 Feb. 2005), but not in urban or fairly developed rural areas (ibid.).” [3af] (Section 7)

2.636 This report also noted:

“Generally, with the exception of minors or the medically disabled, one must apply in person to the PSB office to obtain a *hukou* or a personal identity card (Wang 9 Jan. 2005). According to Wang, with the right connections and possibly a power of attorney, duplicate documents may be issued to a person via a relative or a friend (ibid.). With a valid reason, and a small fee paid to the local police station, a person may obtain a duplicate *hukou* booklet (ibid.).” [3af] (Section 7)

6.237 As documented by the USSD Report 2004:

“The March 2003 death of university graduate Sun Zhigang in a custody-and-repatriation camp designed to hold illegal migrants focused public attention on abuses in the administrative detention system. Under the custody-and-repatriation system, police detained and forcibly repatriated to their home provinces migrants, petitioners, and political activists caught without an identification card, work permit, or temporary residence permit. Public outcry following Sun's death played an important role in the State Council's decision, in June 2003, to abolish the custody-and-repatriation system and convert custody-and-repatriation camps across the country into voluntary humanitarian aid shelters for the homeless. Initial reports indicated that most current residents of the camps are indeed there

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voluntarily. In June, a facility employee who urged inmates to beat Sun was sentenced to death. During the year, one inmate was given a suspended death sentence, and 17 others received prison sentences in connection with Sun's death." [2j] (Section 1 c.)

(See also Section/[Administrative Detention](#))

6.238 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 hukou are made by the local government, [at the] local police station, [which is] responsible for issuing and maintaining the hukou." [3m] (Based on information supplied by an official at the Chinese Embassy in Canada, 11 April 2002)

Identity Cards

6.239 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. [13d]

6.240 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." [13d]

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

6.242 Another report by the Canadian IRB dated 20 April 2004 stated:

"With respect to the procedures for replacing a lost or stolen identity card, a representative at the Canadian immigration office in Beijing stated that if a PRC citizen loses an [identification] ID card, they will go to their local

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police substation that is responsible for issuing the Family Registration Booklets ('hukou') and ID cards. The police substation is responsible for registering all people (foreigners too) that are living in their jurisdiction, including temporary residents. If one moves, then one is required to register the change of address. As a result, when a PRC citizen loses an ID card, they have to pay a nominal handling fee, and bring a couple of photos along for a re-issuance (the records of the citizen's hukou and previous ID applications will all be kept there). A person doesn't have to come in themselves with the photo, a relative may come in their place. A new ID card should have the new date of issue, with a new period of validity from that new issuance date." [3ab]

6.243 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. [12w]

Passports

6.244 According to the USSD Report 2004, "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." [2j] (Section 2 d.)

6.245 As noted in the previous year's USSD Report (2003) report:

"During the year [2003], 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] (Section 2d.)

6.246 As reported by the official People's Daily newspaper on 28 October 2003, biometric information such as fingerprints and DNA will be added to new Chinese passports. The source gave no date for implementation. [12j] (See also Section 6.C/[Hong Kong SAR](#))

6.247 According to a report by the Canadian IRB dated 6 February 2001:

"The exit control system at Beijing Airport is computerised and all names are supposed to be checked through the computer system. Like any system, errors can be made or names not entered correctly so, people

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who are wanted should not be able to depart, but it could happen (5 Feb. 2001).” (Based on information from an official at the Canadian Embassy in Beijing) [3d]

Returnees

6.248 Article 322 of the Criminal Law covers the penalties for illegal emigration. It states:

“Whoever violates the laws and regulations controlling secret crossing of the national boundary (border), and when the circumstances are serious, shall be sentenced to not more than one year of fixed-term imprisonment and criminal detention or control.” [5bg] (p 100)

6.249 Articles 52 and 53 cover financial penalties for returnees. These state:

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

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

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

If a person truly has difficulties in paying because he has suffered irresistible calamity, consideration may be given according to the circumstances to granting him a reduction or exemption.” [5bg] (p 14)

6.250 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. [13]

6.251 On 18 November 2004, the official news agency Xinhua reported, “In 2003, about 26,000 Chinese people illegally entering other countries were repatriated, with a further 12,000 being sent back to China in the first half of this year.” [13o]

6.252 According to the US State Department Report on Human Rights (Taiwan) 2004 (USSD Report Taiwan 2004), published on 28 February 2005:

“While the [Taiwanese] authorities were reluctant to return to the mainland those who might suffer political persecution, they regularly deported to the mainland, under provisions of the MRA, mainlanders who illegally entered the island for what are assumed to be economic reasons.” [2f] (Section 2 d.)

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6.253 As reported by Taiwan News on 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].” [15b]

6.254 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.” [3b]

(Based on information supplied by a Program Analyst with Citizenship and Immigration Canada – CIC and related to the repatriation of 90 Chinese illegal emigrants from Canada to Fuzhou in May 2000)

6.255 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). [3b]

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

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

China, April 2005

“The team visited the main Fujian detention centre just outside Fuzhou, which can accommodate up to 300 persons - both foreigners caught entering the country illegally and Chinese returning from illegal migration activities abroad. Managed by the Border Defense Force, the centre is intended to detain persons returned and those awaiting the outcome of administrative investigation for up to 15 days. It offers information, awareness raising through newspapers, TV and discussions, recreation, medical attention and individualized “ideological education”. The team was told that detainees are allowed 1-3 hours “free activity” every day, and that their dietary needs are taken into account.

The centre has on a number of occasions been presented as a model to immigration officials (including Ministers) from Australia, Canada and the US. It appeared clean, well kept and managed; but was unoccupied at the time of the CEME visit (indeed seemed only to have housed some 200 occupants in the year). It offers excellently presented displays of its history, including distinguished visits from other countries, and a rousing documentary video of its purpose, history and operation.

The team found the centre to be a conspicuous demonstration by the government to the world of how heavily it is investing in combating irregular forms of migration. However, given that the centre was unoccupied, the team speculated about how much it was actually used for the purposes and to the extent claimed.” [20K] (p 9)

6.258 According to the USSD Report 2004, “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.” [2J] (Section 5)

6.259 According to the CEME report (see above) “Persons convicted of organizing smuggling or trafficking can be fined or, if convicted, sentenced to 2, 5, 10 years or life imprisonment.” [20K] (p 7)

6.260 According to a report in The Economist dated 15 May 2004, “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]

Returning to China After Having Children Abroad

6.261 As reported by the US Citizenship and Immigration Service on 1 January 2004:

China, April 2005

“Relatively little information is available to the Resource Information Center (RIC) within time constraints on the treatment of rural Chinese women who return to China with children born outside the country. For this reason, it is unclear whether the fact that the children are U.S. citizens makes any difference.” [5c]

6.262 This report also stated:

“A China specialist at the U.S. State Department told the RIC that his office presently had little information on the treatment of returning Chinese who had children while abroad. The specialist added that actual implementation of China's population control policy varies considerably throughout the country, and that some people in southern Fujian and Guangdong provinces had reported no problems in returning after having children abroad (U.S. DOS/DRL 20 Jan 2004).” [5c]

6.263 As reported by the official People's Daily newspaper on 8 August 2003, “Parent's can choose to register their newborns in either the mother or father's place of residence...” [12h] (See also Section 6.B: [Family Planning](#))

Double Jeopardy

6.264 Article 7 of the Criminal Law covers the penalty for crimes committed outside the PRC. It states:

“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.” [5bg] (p 5)

6.265 Article 10 states:

“Any person who commits a crime outside the territory and territorial waters and space of the People's Republic of China, for which according to the law he should bear criminal responsibility, may still be investigated for criminal responsibility according to this Law, even if she or he has already been tried in a foreign country. However if he has already received criminal punishment in the foreign country he may be exempted from punishment or given mitigated punishment.” [5bg] (p 6)

(See also Section 5/[Judiciary](#))

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6.B Human Rights – Specific Groups

China, April 2005

Ethnic Groups

6.266 As reported by the BBC on special website Changing China (Modern Giant: Facts and Figures behind the changing face of China), “The Han Chinese make up over 92% of the population of China, which is also home to 55 other official ethnic groups. Most of the minority groups live in sparsely populated border areas. Beijing faces two separatist conflicts in the western region - the Tibetans in Tibet and the Uighur in Xinjiang.” [9b] (Ethnic issues)

6.267 According to Europa publications, Regional Studies: The Far East and Australasia (2005), non Han groups make up 8.5% of the population – the other 91.5% being Han Chinese. [1a] (p 200)

6.268 According to official news agency Xinhua, ethnic minorities make up 6.7% of the population with Han Chinese accounting for the remaining 93.3%.

6.269 The same source also stated:

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

6.270 According to the US State Department Report 2004 (USSD), published on 28 February 2005:

“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 by minorities in some areas, such as Xinjiang, Inner Mongolia, 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.” [2] (Section 5)

China, April 2005

6.271 As reported by the Asia news site Muzi news on 8 November 2004:

“Most minorities live in the border provinces of Yunnan, Tibet and Xinjiang, in China’s far west, though some groups like the Hui, have concentrations in several regions. In the hope of discouraging separatism, particularly in Xinjiang and Tibet, the government offers minorities preferential treatment, including allowing couples to have two or more children, education subsidies and preference in school enrolment.” [15ag]

6.272 As reported by the BBC on 4 November 2004, “These privileges, originally designed to ensure compliance with Chinese rule, also cause resentment among ordinary Han Chinese.” [9bm] (See also Section 2/[Languages](#))

Han verses Hui violence (November 2004)

6.273 As reported by the BBC on 1 November 2004, “Martial law has been imposed in parts of the Chinese province of Henan after ethnic clashes in which at least seven people were killed.” The report continued, “Residents are quoted as saying that houses were set alight, and people were fighting using farm tools.” [9bk]

6.274 As reported by the Asian news site Muzi news on 2 November 2004, government figures gave the number of dead at seven, with 42 injured and 18 arrests. [15af] As noted by the Daily Telegraph on 3 November 2004, “What underlying grievances triggered the unrest is not clear.” [16dd]

6.275 On 4 November 2004, TIME Asia reported that it took four days and a deployment of 10,000 armed police before order was finally restored on the 31 October 2004. According to this report 148 people died during what was described as the worst ethnic clashes in years. [15df]

6.276 As reported by Muzi news on 8 November 2004, “Tensions between Huis and Hans are more material than political, but can burst into violence.” [15ag]

Koreans

6.277 As noted by Europa publications (2005), there are approximately 1.9 million Koreans in China. [1a] (p 200) As reported by the Encyclopaedia of the Peoples of the World (1993) there are sizeable communities of Koreans in Jilin and Heilongjiang, both provinces close to border with North Korea (DPRK). According to this source many Koreans in China continue to use the Korean language. [20e] (p 317-319)

6.278 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

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Chaoxian people live in the Yanbian Chaoxian Autonomous Region of Jilin.” (Based on information supplied by the China Folklore Photographic Association – CFPA) [3s]

North Korean Refugees

6.279 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.” [9az]

6.280 On 28 June 2004 the Guardian newspaper reported:

“Aid workers believe that since the late 1990s perhaps hundreds of thousands of North Koreans have fled famine, economic hardship and political repression by crossing the Tumen and Yalu rivers, which mark the border with China. Beijing refuses to recognise them as political refugees. Those that are caught are repatriated to North Korea, where they face punishments ranging from a few days in re-education camps to the death penalty, depending on their rank and the extent to which they are considered to have damaged national security. Many stay close to the border, setting up secret camps in the densely wooded mountains. Desperate and vulnerable, many of the men become bandits and countless women are sold as brides or prostitutes.” [16an]

6.281 As reported by the Asian news site Muzi news on 11 February 2005, “North Korea has executed about 70 refugees who were captured in China and sent home, a South Korean group that helps North Korean refugees said on Friday, citing informants in China.” [15ai]

6.282 On 30 January 2005, The Sunday Times reported:

“[Even though] Televisions receive only one channel which is devoted to the Dear Leader’s deeds. Radios are fixed to a single frequency. For most citizens the internet is just a word. Yet North Koreans confirmed that they knew that escapers to China should look for buildings displaying a Christian cross and should ask among Korean speakers for people who knew the word of Jesus.” [16cb]

6.283 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.” [12k]

Tibetans

6.284 Some Tibetan Organisations regard the whole of the Tibetan Plateau as part of “Tibet” and therefore include areas outside the Tibetan Autonomous

China, April 2005

Region (TAR) in their reports. (See also Annex B/[Chronology of Events – Tibet post 1910](#))

6.285 As noted by Europa publications (2005), there are approximately 5.4 million Tibetans in China. [1a] (p 200) China's official gateway to news and information (china.org) stated, "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." [5ab] [18b is a map]

6.286 As documented by Europa:

"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 become 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] (p 173-174)

6.287 As reported by the Tibetans newspaper Phayul on 9 November 2004:

"Tibetan rights activists charge that since China invaded Tibet in 1950, it has tried to eradicate Tibetan culture through political repression, mass arrests, the destruction of monasteries, and the planned migration of tens of thousands of ethnic Han Chinese to the region. Five decades of Chinese rule in Tibet, activists say, has left Tibetan culture on the brink of extinction.

China rejects those charges. Beijing says it liberated Tibet from an era of political and economic backwardness, and that it has brought much needed financial development. It also says that Tibet has long ago been designated an autonomous region with significant self-rule." [22dd]

6.288 According to the USSD Report 2004:

"The Government's human rights record in Tibetan areas of China remained poor. However, in positive developments, the Government permitted a third visit to the country by the Dalai Lama's representatives

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and released some political prisoners, including Tibetan Buddhist nun Phuntsog Nyidrol. 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 extra-judicial killing, torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetans for peacefully expressing their political or religious views. The overall level of repression of religious freedom in the TAR remained high. Conditions generally were less restrictive in Tibetan areas outside of the TAR, although there were some exceptions. 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, and 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.” [21] (Tibet)

(See also Section 6.A/[Tibetan Buddhism](#))

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

“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.” [22a] (p 29)

6.290 The TCHRD Report 2003 also noted, “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.” [22a] (p 14)

6.291 According to the Tibetan Information Network (TIN) in a report dated 6 February 2004, “TIN’s political prisoner database records 145 Tibetans as in (or likely to be in) a prison or detention centre as of January 2004.” The same source stated, “Two thirds of the 136 male Tibetans political prisoners documented by

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TIN as currently imprisoned are monks, former monks, or reincarnated lamas (trulku).” [22cc] (p 1)

6.292 TIN also noted, “After reaching a peak of approximately 800 Tibetan political prisoners by 1996, there was a rapid decline in their numbers from 1997 to 2001.” [22cc] (p 1)

6.293 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 Utritu) 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 convictions that include the charge of ‘endangering state security’ or ‘counterrevolution.’ Most are in TAR Prison.” [22cd]

(See also Section 5/[Prison Conditions in Tibet – Xizang](#))

6.294 As reported by TIN on 27 July 2004:

“A statement issued on 20 July 2004 by a Tibetan cultural group celebrates the cancellation of famed Chinese athlete Zhang Jian’s endeavour to swim across the holy Namtso Lake (Chin. Namco). A strongly worded open letter, addressed by the same group to the Chinese authorities on 22 June 2004, had condemned Zhang’s attempt which had originally been scheduled for 31 July. The new statement underlines the alleged popular support received by the original petition, as well as the emergence of an environmental consciousness in the People’s Republic of China (PRC). But it also acknowledges the political framework of the PRC.” [22ce]

6.295 As reported by the Australia Tibet Council on 23 September 2004, “Authorities in China have sentenced two monks and a layman to three-year jail terms, apparently they were involved in putting up posters advocating Tibetan independence, Radio Free Asia (RFA) reports.” [22bb]

6.296 As reported by the Tibetan newspaper Phayul on 8 November 2004, “In its latest attempt to intensify hard-line policies, the People’s Republic of China (PRC) has relaunched the “strike hard” campaign to systematically curtail Tibetan political dissent and to control religious institutions.” [22dc]

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6.297 According to this report:

“[The] "Strike Hard" (*Ch: Yanda*) Campaign which was initiated in China in 1983 as a domestic campaign against crime in China evolved into a political tool of oppression. In Tibet, the campaign is implemented with a singular aim to stifle political dissent. During "strike hard" and "patriotic education" campaigns, the State law enforcement bodies abuse the fundamental human rights of the Tibetan people through arbitrary arrest, detention, interrogation and torture, dismissal from jobs and expulsion from religious institutions.” [22d_c]

6.298 According to the TCHRD Report 2003:

“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 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.” [22a (p 3)]

6.299 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 an overwhelming advantage in enrolment, enabling them to enter education’s fast stream.” [22a] (p 82-83)

6.300 The Dalai Lama in an interview with TIME Asia on 25 October 2004 stated:

“Despite some economic improvement and development, the threats to our cultural heritage, religious freedom and environment are very serious. Then also in the countryside, facilities in education and health are very, very poor. It's like the big gap in China proper between rich and poor. So the whole picture, it almost looks hopeless. When the 13th Dalai Lama

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visited China in the early 20th century, there was a large Manchurian community—even the Emperor was Manchurian. Almost exactly 50 years later when I visited, the Manchurian community was no longer there. It was completely assimilated. That danger is very alive [in Tibet, too]. So that's why the Tibetan picture is almost hopeless. That's why we are trying to gain meaningful autonomy.” [15dg]

6.301 On the question of his reincarnation the Dalai Lama said:

“The purpose of reincarnation is to fulfill the previous life task. My life is outside Tibet, therefore my reincarnation will logically be found outside. But then, the next question: Will the Chinese accept this or not? China will not accept. The Chinese government most probably will appoint another Dalai Lama, like it did with the Panchen Lama. Then there will be two Dalai Lamas: one, the Dalai Lama of the Tibetan heart, and one that is officially appointed.” [15dg]

Tibetan Refugees in India

6.302 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 India, home of the government in exile. The same source continues, “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, “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.” [8d] (p 63)

6.303 As reported by the US Citizenship and Immigration Service on 30 May 2003:

“Each Tibetan refugee settlement in India is headed by a settlement officer appointed by the Central Tibetan Administration. The Central Tibetan Administration is the network of Tibetan-run agencies in Dharamsala that effectively functions as a government-of-Tibet-in-exile. The number two official in each settlement is a camp leader elected by the refugees (Liaison Officer 19 Mar 2003).

While the Indian Government has ultimate authority over the settlements and takes charge in any criminal matters, in practice the Tibetan administrators work to maintain good relations with local communities and generally are given a free hand to run the day-to-day affairs of the settlements (Liaison Officer 19 Mar 2003).” [5b]

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6.304 According to the Indian Ministry of Affairs website, accessed on 13 March 2005 under 1955 Citizenship Act:

“Citizenship of India by naturalisation can be acquired by a foreigner who is ordinarily resident in India for twelve years (continuously for the twelve months preceding the date of application and for eleven years in the aggregate in the fourteen years preceding the twelve months).” [4k]

6.305 According to the US Defense Security Services website, accessed on 13 March 2005, “Indian citizenship may be acquired upon fulfillment of the following conditions: Person has resided in country for the last five years and has renounced previous citizenship.” [4i] (p 5-6)

6.306 As reported by the US Citizenship and Immigration Service on 30 May 2003:

“Tibetan refugees who have Indian residence permits must renew them every year, according to a liaison officer at the Office of Tibet in New York, which represents the Dalai Lama in the Americas (Liaison Officer 19 Mar 2003). Tibetans normally do not have trouble renewing their permits, although renewal is entirely at the discretion of the Indian Government (Liaison Officer 19 Mar 2003).” [5b]

Tibetan Refugees in Nepal

6.307 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.” [15a]

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

- 1) Delekling Tibetan Settlement (Salleri, Solukhumbu Region)
- 2) Dorpatan/Norzinling Tibetan Settlement (Dorpatan, Baglung District)
- 3) Jampaling Tibetan Settlement (Pokhara)
- 4) Namgyaling Tibetan Settlement (Chairok, Mustang Region)
- 5) Paljorling Tibetan Handcraft Centre (Pokhara)
- 6) Samdupling Tibetan Handcraft Centre (Jawalakhel, Kathmandu)
- 7) Swayambu Handcraft Centre (Kathmandu)
- 8) Tashiling Tibetan Settlement (Pokhara)
- 9) Tashi Palkhel Tibetan Settlement (Pokhara)
- 10) Tibetan Settlement (Dunche)

China, April 2005

11) Tibetan Settlement (Walung, Taplizong) [15a]

6.309 As reported by the BBC on the same day, the Nepalese government deported 18 Tibetan refugees back to Tibet on 31 May 2003. [9a] On 2 June 2003 AI strongly condemned these deportations and stated, “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.” [6e]

6.310 According to a report dated 24 January 2004 by the NGO the International Campaign for Tibet (ICT) and re-produced by Tibetan newspaper Phayul on their website:

‘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.” ’ [22db]

6.311 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.” [22ba]

6.312 As reported by the same source Mary Beth Markey (U.S. Executive Director of the ICT) stated, “This is a significant achievement for the Tibet movement and the rights of vulnerable Tibetan refugees... Safe transit through Nepal is the linchpin in the flight to freedom for Tibetans refugees...” [22ba]

6.313 As reported by the BBC on 27 June 2003, “The arrested Tibetans are normally kept in a transit camp in Kathmandu pending screening by the UN refugee agency, the UN High Commissioner for Refugees (UNHCR), which later helps them travel to India.” [9ag]

6.314 According to a report by the ICT dated 23 December 2003 and re-produced by Tibetan newspaper Phayul on their website, Tibetan refugees caught returning from India or Nepal are reportedly treated much more severely than those caught trying to leave Tibet. [22da] According to another report by the ICT dated 24 January 2004, 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). This report was also re-produced by Phayul on their website. [22db]

Other Ethnic Groups

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6.318 For information on [Uighurs\(s\)](#) and [Hui](#) refer to Section 6.A/Freedom of Religion - [Muslims](#).

Women

6.316 According to the USSD Report 2004:

“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... In response to increased awareness of the problem of domestic violence, there were a growing number of shelters for victims. Rape is illegal, and some persons convicted of rape were executed. The law does not expressly recognize or exclude spousal rape.” [2j] (Section 5)

6.317 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 coerce 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. [2e] (p 4) (See also Section 6.A/[People Trafficking](#))

6.318 According to a report published by the state sponsored All China Women’s Federation (ACWF) in December 2003, 38.4 per cent of people surveyed admitted resorting to violence to resolve disagreements with their spouses, while nearly half believed it was reasonable for husbands to beat their wives. The official China Daily newspaper reported the findings of this survey on 4 February 2004. [14h]

6.319 As reported by the Asian news site Muzi News on 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 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

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Women's Federation, Wang Simei, said the level of violence in domestic assault cases has increased." [15aa]

6.320 16% of married women questioned in a 2002 survey by the ACWF said that their husbands had beaten them and 2.6 per cent said they had been hurt sexually by them. The findings of this survey were reported by the official news agency Xinhua on 30 November 2003. [13b]

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

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

Marriage

6.322 As reported by the USSD Report 2004, "In order to delay childbearing, the Marriage Law sets the minimum marriage age for women at 20 years and for men at 22 years." [2] (Section 1 f.) (See also Section 6.B/ [Family Planning – one child policy](#))

6.323 On 19 August 2003, the official People's Daily newspaper reported:

"Chinese couples planning to get married may soon do so without a letter from their employers testifying to their unmarried status and without first having a health examination, according to a new regulation issued by the State Council Monday. 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." [12g]

6.324 This report also stated, "Couples will receive divorce certificates at once if they both agree to get divorced and settle amicably their property, any debts and care of any children, the new rules say." [12g]

6.325 As reported by the People's Daily on 20 August 2003, couples with HIV/AIDS will be allowed to marry under these regulations but same sex marriages are not permitted. [12i]

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6.326 As reported by the US Embassy in China, “Certain categories of Chinese citizens, such as diplomats, security officials, and others whose work is considered to be crucial to the state, are not legally free to marry foreigners. Chinese students generally are permitted to marry if all the requirements are met, but they can expect to be expelled from school as soon as they do.” The same source also noted that additional documentation is normally required for marriage to a non-Chinese national. [4f]

Divorce

6.327 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. [12d]

Children

6.328 According to the USSD Report 2004, “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.” [2j] (Section 4)

6.329 On 11 October 2004 the BBC reported the findings of a survey carried out in China, “The Beijing University survey found up to 22% of children suffered emotional problems like depression and showed problematic behaviour like lying. These children, sometimes known as “little emperors”, were born under the one child policy so have no siblings. Psychologists say they are often spoilt and sheltered from problems by their parents, so are unable to cope with difficulties.” [9b]

6.330 As reported by the Guardian newspaper in their week long special report on China (9-12 November 2004), school children often spend 14 hours per day on school work leaving them little time for socialising with their friends. [16ba]

6.331 For information on children born contrary to the “one child policy” and female infanticide see below. See also Section 5/[Educational System](#), Section 6.A/[Child Labour](#) and Section 6.A/[People Trafficking](#).

Family Planning (“one child policy”)

6.332 Article 25 of State Constitution (adopted 4 December 1982) stated, “The State promotes family planning so that population growth may fit the plans for

economic and social development.” Article 49 states, “Both husband and wife have the duty to practise family planning.” [1a] (p 108-214)

6.333 According to the USSD Report 2004:

“Under the country's family planning law and policies, citizens in 6 of the country's 31 provinces still were required to apply for government permission before having a first child, and the Government continued to restrict the number of births. Penalties for out-of-plan births still included social compensation fees and other coercive measures... UNFPA [UN Population Fund] reports that only Fujian, Henan, Jiangxi, and Yunnan Provinces and the Xinjiang Uighur Autonomous Region still required birth permits.” [2j] (Section 2 f.)

6.334 According to Henry Wu from the NGO the Laogai Research Foundation speaking on 27 July 2004:

“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)

6.335 As reported by the Canadian IRB on 17 September 2003, the new Population and Family Planning Law was enacted on 1 September 2002. As noted by 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.” [3z]

6.336 Article 2 of the Act stated,

“China being a populous country, family planning is a fundamental State policy. The State adopts a comprehensive measure to control the size and raise the general quality of the population. The State relies on publicity and education, advances in science and technology, multi-purpose services and the establishment and improvement of reward and social security systems in carrying out the population and family planning programs.” [5bh] (p 5-6)

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6.337 Article 7 states, "Public organizations such as Trade Unions, Communist Youth Leagues, Women's Federations, and Family Planning Associations, as well as enterprises, institutions, and individual citizens shall assist the people's governments in carrying out the population and family planning programs." Article 8 states, "The States gives rewards to organizations and individuals that have scored outstanding achievements in population programs and family planning."
[5bh] (p 10)

6.338 As reported by the Guardian newspaper in their week long special report on China (9-12 November 2004), "Citizens who pledge to reproduce just once are rewarded with a Certificate of Honour for Single-Child Parents, and a lump sum at retirement." The report also stated that any couple wanting two children must file an application (supported by the appropriate documentation) with the people's government in their area. [16ba]

6.339 According to the USSD Report 2004:

"The law delegates to the provinces the responsibility for drafting implementing regulations, including establishing a scale for assessment of social compensation fees. The National Population and Family Planning Law 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." [2j] (Section 2 f.)

6.340 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. Local officials, caught between pressures from superiors to show declining birth rates, and from local citizens to allow them to have more than one child, frequently made false reports. Ethnic minorities, such as Muslim Uighurs and Tibetans, were subject to much less stringent population controls. In remote areas, limits often were not enforced, except on government employees and Party members." [2j] (Section 2 f.)

6.341 The USSD Report 2004 also noted:

"Seven provinces--Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin, and Ningxia--require "termination of pregnancy" if the pregnancy violates provincial family planning regulations. An additional 10 provinces--Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan Shanxi, Shannxi, and Yunnan--require unspecified "remedial measures" to deal with out-of-plan pregnancies. Article 33 of the 2002 law states that family planning

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bureaus will conduct pregnancy tests and follow-up on married women. Some provincial regulations provide for fines if women do not undergo periodic pregnancy tests.” [2j] (Section 2 f.)

6.342 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.’ [3r]

6.343 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).” [3r]

6.344 The finding of the US State Department’s May 2002 “Report of the China UN Population Fund (UNFPA) Independent Assessment Team” are as follows:

“First Finding – We find no evidence that UNFPA has knowingly supported or participated in the management of a program of coercive abortion or involuntary sterilization in the PRC.

First Recommendation - We therefore recommend that not more than \$34 million which has already been appropriated be released to UNFPA.

Second Finding – We find that notwithstanding some relaxation in the 32 counties in which UNFPA is involved the population programs of the PRC retain coercive elements in law and in practice.

Second Recommendation – We therefore recommend that unless and until all forms of coercion in the PRC law and in practice are eliminated, no U.S. Government funds be allocated for population programs in the PRC.

Third Finding – We find that with a population of 1.3 billion, PRC leaders view population control as a high priority and remain nervous as they face many imponderables concerning population growth and socioeconomic change. Decisions made now and in the future by the PRC could have unintended consequences. Moreover, PRC population matters affect major U.S. policy concerns and will continue to do so for the foreseeable future.

Third Recommendation – We therefore recommend that appropriate resources be allocated to monitor and evaluate PRC population control programs.” [2k] (p 1)

6.345 In testimony before the US House of Representatives on 14 December 2004, Assistant Secretary Arthur E. Dewey (Bureau of Population, Refugees and Migration) stated,

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“The law specifies a number of birth limitation measures by the government that amount to coercion. Party members and civil servants who parent an "out-of-plan" child are very likely to face administrative sanction, including job loss or demotion. Couples who give birth to an unapproved child are likely to be assessed a social compensation fee, which can range from one-half the local average annual household income to as much as ten times that level.” [2h] (p 5)

6.346 Mr Dewey also stated:

“In our two years of negotiations, we have seen encouraging movement in China's approach to population issues, and the reduction of coercion in birth planning programs. For example, provincial legislation in 25 of China's 31 provinces, municipalities, and autonomous regions, has been amended to eliminate the requirement that married couples must obtain government permission ("birth permits") before the woman becomes pregnant. This may prove to be an important change. Without birth permits there may be no effective overall mechanism for systematically enforcing birth targets and quotas in each county. We hope that the elimination of this repressive mechanism of control and interference in family life will be extended throughout all of China, and, as I have said, we will be monitoring this issue very closely.” [2h] (p 3)

6.347 In conclusion Mr Dewey said:

“Forced sterilizations continue to occur, most frequently when couples have more children than the allowable number. Women may be allowed to carry the "excess" child to term, but then one member of a couple is strongly pressured to be sterilized. In some cases, they may be asked to go to a hospital under other pretenses, or sterilized without consent. Additionally, if doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization.” [2h] (p 6)

6.348 On 20 September 2004, the Asian news site Muzi News reported, “A court in China's southern boomtown of Shenshen has fined a couple 780,000 yuan (\$94,250) and sealed off their house for having more than one child, the Beijing Morning Post said on Monday.” [15aj]

6.349 As reported by AI on 6 January 20005, “Mao Hengfeng, a mother of two, was forced to have an abortion and dismissed from her job when she became pregnant for a third time 15 years ago, in contravention of China's family-planning policies... In April 2004 Mao Hengfeng was sent to 18 months' "re-education through labour" because of her persistence in petitioning the authorities.” [6o]

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6.350 On 27 February 2005, The Sunday Times reported that women in Southern China were increasingly using fertility drugs to bypass family planning regulations – these drugs make multiple births more likely. [16cc]

Family Planning Regulations in Fujian

6.351 As reported by the Canadian 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. [3a] (See also Section 5/Judiciary – [State Compensation Law 1995](#))

6.352 Article 2 of the Population and Family Planning Regulations of Fujian Province 2002 (effective from 1 September 2002) states, “Both husband and wife are under the obligation to practice family planning and citizens’ legitimate rights and interests to reproduction are protected by law.” [5bj] (p 2)

6.353 Article 11 states:

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

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

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

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

If either of the couple is a Taiwan resident, the preceding paragraph shall apply with reference.” [5bj] (p 3)

Family Planning Regulations in Guangdong

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

“Contraception shall be the primary component of family planning. Operations for the purpose of contraception and birth control shall be conducted in such a way as to ensure the safety of the person being operated upon. In order to prevent and decrease the number of unwanted pregnancies, the family planning administrative department at each level of government shall create the prerequisite conditions and advise couples of child-bearing age in how to make an informed choice about contraceptive measures. The first choice for a woman of child-bearing age who has given birth to one child shall be an intrauterine device. Where there are already two or more children, the first choice shall be a ligation for either the husband or wife.” [5b1] (p 7)

6.355 Article 49 states:

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

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

Where a migrant gives birth in a matter that contravenes these Regulations, the collection of the social support fee shall be done in accordance with national regulations. Payment to the national treasury of social support fees and late payment fines shall be managed under a two-track revenue and expenditure control system. No entity or individual shall retain, divert, embezzle or pocket said funds.” [5b1] (p 12)

Family Planning Regulations in Beijing and Shanghai

6.356 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. [13a]

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6.357 The same source continued:

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

6.358 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. [13h]

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

Unmarried Mothers

6.360 As reported by the USSD Report 2004:

“In order to delay childbearing, the Marriage Law sets the minimum marriage age for women at 20 years and for men at 22 years. It continued to be illegal in almost all provinces for a single woman to bear a child, and social compensation fees have been levied on unwed mothers. The Government stated that the practice of levying social compensation fees for “pre-marriage” births was abolished on an experimental basis in some counties during the year and was relaxed in cases where couples promptly registered their marriages. In 2002, Jilin Province passed a law making it legal, within the limits of the birth limitation law, for an unmarried woman who “intends to remain single for life” to have a child. [2j] (Section 1 f.)

6.361 As reported by the Canadian IRB in a report dated 2 November 2001, “Unwed, pregnant women who do not want an abortion, but instead decide to have the baby might be able to pay the local government officials or the medical doctor to “look the other way” and allow the pregnancy to be carried to term.” [3f]

6.362 The report also stated:

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

6.363 As report by the Shanghai Star newspaper in a report reproduced on China’s official gateway to news and information (china.org) on 30 October 2002, about 80% of the abortions carried out in Shanghai hospitals involve unmarried women between the ages of 19 to 30. The report also stated, “The middle-sized public hospital deals with about 600 abortion cases every month, half take oral abortion pills while the other half require surgery. The abortion rate is closely linked to educational background and social status, statistically correlated with ignorance and poverty.” [5ae]

6.364 As report on the Guardian newspaper on 24 December 2002, Jilin province amended its family planning regulations in November 2002 to allow women who have reached the legal age for marriage but remain single and without children to have a child by artificial means. The Guardian also reported, “Critics of the law say that Chinese society is still deeply prejudiced against illegitimate children and fear that the offspring of a single mother would suffer the same discrimination.” [16ab]

Black Children (hei haizi)

6.365 As noted by TIME Pacific on 29 January 2001, children born contrary to the “one-child policy” are called “black children” (hei haizi). Officially they do not exist and therefore do not qualify for government assistance. According to the report officials can usually be “persuaded” to add or issue them a hukou (household registration document), but a bribe is often required to facilitate this. [15da] (See also Section 6.A/Household Registry – [hukou](#))

6.366 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.” [10ab]

6.367 According to a report by Asian Sex Gazette dated 16 December 2004, “Because of the stiff financial penalties for second children, many couples have unregistered babies. There may be as many as a 100 million of these “illegal children”. [15gc]

Female Infanticide

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6.368 According to the USSD Report 2004, “Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the birth limitation policy. Many families, particularly in rural areas, used ultrasound to identify female fetuses and terminate pregnancies.” [2j] (Section 5)

6.369 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 every 100 girls born. In some rural areas the figure is as high as 130 to 100. [16ad] The BBC quoted the same figures on 15 July 2004. [9bc]

6.370 As noted by the Guardian (see above) and by the Times on 22 June 2004, 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] [16ef]

6.371 On 4 August 2004, the official People’s Daily newspaper reported, “Beginning from this year [2004], rural families who have only one child or two girls will receive award and support from government.” [12u]

6.372 This report went on to say:

“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.” [12u]

6.373 As Asian Sex Gazzette on 1 September 2004:

“Last year, 117 boys were born for every 100 girls in China, compared with a global average of 105 to 100... To reverse the trend, pilot programmes are already under way in China's poorest provinces. In some areas, couples with two daughters and no sons have been promised an annual payment of R430 (about \$80 US) once they reach 60 years of age. The money, which is a significant sum in areas where the average income is about R5 (less than \$1.00 US) a day, will also be given to families with only one child to discourage couples with a daughter from trying again for a boy. Some regions have gone further. In parts of Fujian province, local governments have given housing grants of approximately R11000 (\$1700 US) to couples with two girls.” [15ga]

6.374 The same souce also noted, “Many families, particularly in rural areas, place greater value on sons, who are considered best suited to continue the

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family line, generate income and ensure that parents are cared for during their old age.” [15fb]

6.375 As noted by Asia Time in a report dated 5 November 2004:

“China's "missing girls", as demographers have dubbed them, are the unintended consequence of China's one-child policy, where sons traditionally have been more highly valued than daughters. That's because women join their husbands' families and work for them, so families still invest more in boys than girls in terms of education, health care and providing other advantages. Some affluent families, even in the countryside, can "buy" another child, by paying the fine for more than one child. Even so, they often try again for boys, not burdensome girls.” [15ef]

6.376 As reported by Asian Sex Gazette on 16 December 2004:

“One of the world's least controlled abortion regimes will be tightened next month, when the Chinese city of Guiyang introduces a pilot programme aimed at halting the widespread termination of female fetuses. The new policy bans doctors from carrying out abortions on most women who are more than 14 weeks into pregnancy.” [15gc]

6.377 The source continued:

“ ‘If this is part of a trend in China, it is very good news indeed,’ said Siri Tellier, representative of the UN population fund in Beijing. Critics, however, will point to uncertainties about implementation and continued concerns about what they see as the coercive nature of China's one-child policy.” [15gc]

6.378 As reported by the Asian Sex Gazette on 21 February 2005:

“The Chinese city of Guiyang is limiting abortions in an effort to combat one of the world's biggest gaps between male and female childbirths... The city's ban on abortions after the 14th week of pregnancy appears to be gathering momentum across China. National laws already prohibit sonograms for gender detection, which becomes possible after the 14th week, but the law has been spottily enforced.” [15gd]

Childcare Arrangements

6.379 According to the USSD Report 2004:

“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

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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. Medical professionals frequently advised parents of children with disabilities to put the children into orphanages. The Government denied that children in orphanages were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems. A 1997 revision of the adoption law made it easier for couples to adopt. However, adopted children were counted under the birth limitation regulations in most locations. As a result, couples who adopted abandoned baby girls, for example, were sometimes barred from having additional children.” [2j] (Section 5)

6.380 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

6.381 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. [5a]

6.382 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.” [3k] (Based on information from the China Information Center)

6.383 As reported by the official People Daily newspaper on 20 August 2003, same sex marriages are not permitted. [12j] As reported by the same source on 4 March 2004, homosexuals are often considered a marginal group, which some people associate with crime and other anti-social behaviour. [12n]

6.284 On 13 January 2004 the BBC reported, “As China opens up, the country’s urban gays are slowly coming out. China officially struck homosexuality off the list of mental illnesses two years ago and even smaller cities now boast gay bars and meeting places. Through the internet Chinese gays now have unprecedented access to information about developments in gay rights from overseas sources.” [9ar]

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5.385 As reported by News 24 on 19 August 2004, at least 80% of China's estimated 30 million gays are married to members of the opposite sex, succumbing to cultural pressures to conform. [15d]

6.386 As reported by the Asian Sex Gazette on 3 December 2004:

“China has released an official estimate of its gay population for the first time, in what many see as the first steps towards improving treatment of lesbian, gay and bisexual people in the Asian country. The government-sanctioned press agency Xinhua reported that official figures suggest there are 5-10 million gay men in the country at the moment, a corresponding figure of 2-4 percent of the male population. Additionally, the agency reported that 1.35 percent of this segment is infected with HIV, making gay men the second highest risk group after intravenous drug users.” [15gb]

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6.C Human Rights – Other Issues

Disputed Territories

Taiwan

6.387 As noted Europa Regional Surveys of the World: The Far East and Australasia (2005), The Republic of China (ROC) more commonly called Taiwan occupies a total land area of 36.188 sq. km and has a population of approximately 22.5 million people. [1a] (p 291) [18c is a map]

6.388 As noted by the BBC on their country profile for Taiwan, last updated on 12 December 2005, “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.” [9c]

6.389 In their country profile for Taiwan, last reviewed on 23 December 2004, the Foreign and Commonwealth Office (FCO) describes Taiwan is as a “Multi-party democracy with directly-elected President.” [4c]

6.390 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

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with the mainland, but all insist that the 'Republic of China' is a separate political entity from the PRC Government." [4c]

6.391 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." [15cb]

6.392 As reported by the US State Department Report on Human Rights (Taiwan) 2004 (USSD Report Taiwan 2004), published on 28 February 2005,

"The [Taiwnese] authorities generally respected the human rights of citizens; however, there were problems in some areas. Instances of police abuse of persons in custody, official corruption, violence and discrimination against women, child prostitution and abuse, and trafficking in women and children occurred." [21] (p 1)

6.393 According to the US Department of Defense (USDOD) in their 2005 report on the military power the People's Republic of China:

"With respect to Taiwan, in particular, Beijing asserts that Taiwan is part of and demands that Taiwan accept the principle of "one China" as a basis for negotiations aimed at eventual reunification. China insists that Taiwan should engage in "political talks" which would set the stage for the island's eventual reunification with the mainland under the "one country, two systems" formula. China also has condemned Taipei's activities aimed at broadening its international recognition. For its part, Taipei rejects Beijing's version of "one China" and demands that Beijing deal with Taiwan on an equal basis. Taipei has traditionally predicated unification on the condition that China attain levels of economic and democratic development similar to those enjoyed on Taiwan. In the interim, Taipei believes that the two sides should focus on technical or procedural issues, such as cultural and educational exchanges and the resolution of commercial disputes arising from Taiwan's extensive trade and investment interests on the mainland. Taipei also has worked actively to counter Beijing's efforts to isolate Taiwan internationally." [4j] (p 5)

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6.394 As reported by CNN Election Watch on 12 December 2004, in the general election held on December 11 2004, the ruling Pan-Green coalition led by President Chen Shui-ban's Democratic Progressive Party (DPP) failed to gain a majority in the 225-seat Legislature (Yuan). The Pan-Blue coalition, led by the Nationalist KMT won 114 seats compared to 101 by the Green's. [10e] (See also Annex E/[Taiwanese Political Parties](#))

Special Administrative Regions (SARs)

Hong Kong (SAR)

6.395 As noted by Europa publications (2005), 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 off 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] (p 239) [18d is a map]

6.396 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] (p 239-300)

6.397 As noted by the FCO on their country profile for Hong Kong, last reviewed on 23 December 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] (p 1-3)

6.398 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 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)

6.399 According to the US State Department Report 2004 (USSD), published on 28 February 2005:

"The [Hong Kong] Government generally respected the human rights of residents, and the law and judiciary provided effective means of dealing with individual instances of abuse... Human rights problems included: Limitations on residents' ability to change their government and limitations on the power of the legislature to affect government policies; allegations of intimidation of journalists and other media figures; violence and

China, April 2005

discrimination against women; discrimination against ethnic minorities; restrictions on workers' rights to organize and bargain collectively; and trafficking in persons for the purposes of forced labor and prostitution.” [2j]
(Hong Kong)

6.400 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 shelved indefinitely. [9ai] [9aj]

6.401 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.” [9au]

6.402 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”. [12t]

6.403 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.” [9av]

6.404 On 1 July 2004, the Guardian newspaper reported, “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]

6.405 On 18 August 2004, the Daily Telegraph newspaper reported that 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. According to this report he was set-up by the Chinese authorities. [16ab] As reported by the official China Daily newspaper on 18 August 2004, the MPS claimed to have “indisputable evidence” of Ho’s guilt. [14m]

China, April 2005

6.406 As reported by Channel Asia News dated 9 September, “More recently another candidate, James To, was found to be allegedly overcharging the government for the use of a flat in which he had not disclosed an interest.” [10da]

6.407 As reported by the BBC on 13 September 2004:

“Pro-Beijing parties have kept their majority in Hong Kong's legislative council, winning 34 of the 60 seats on offer in Sunday's elections. Pro-democracy parties, which had been expected to do well, increased their seats by just three, winning 25... Thirty of the Legislative Council (LegCo) seats were elected by popular vote, and the remaining 30 by special interest groups that have tended to favour the pro-Beijing camp.” [9bg]

6.408 On 14 February 2005 the BBC reported, “Hong Kong's leading pro-Beijing party, The Democratic Alliance for the Betterment of Hong Kong (DAB), is to merge with a smaller counterpart. The DAB, which holds 12 seats in the 60-seat Legislative Assembly, is to merge with the Hong Kong Progressive Alliance. The Alliance holds no seats but is popular among professionals.” [9bz] (See also Annex F/ [Hong Kong Political Parties](#))

Macau (SAR)

6.409 As noted by Europa publications (2005), 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] (p 271) [18e is a map]

6.410 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] (p 271, 285)

6.411 As noted by CIA World Fact Book on Macau, last updated on 10 February 2005, 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). [4e]

6.412 According to the USSD Report 2004:

“The Government 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, and a lack of legal protection for strikes and collective bargaining rights.” [2] (Macau)

China, April 2005

6.413 As reported by the BBC and the Macau government's own website on 29 August 2004, Edmund Ho Hau-wah Ho was re-elected as Chief Executive on the 28 August 2004. He polled 296 out of 300 possible votes in the Election Committee, whose job it is to select the Chief Executive. [9b] [41]

1951 Convention

6.414 As reported by the US State Department Report 2004 (USSD), published on 28 February 2005, "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." [2] (Section 2 d.)

Membership of International Organisations

6.415 As noted by the FCO on their country profile for China, last reviewed on 22 September 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 a 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. [12]

Annexes

Annex A: Chronology of Events – China post 1949

Based on BBC Timeline last updated on 7 March 2005 [9a] and Europa Regional Surveys of the World: The Far East and Australasia (2005). [1a] (p 167-184)

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

1950: Land reform started.

1954: First constitution adopted.

1959: 'Great Leap Forward' started – China attempted rapid industrialisation at the expense of agricultural output. This led to famine on a massive scale – 10 to 35 million died during this period.

1961: 'Great Leap Forward' abandoned.

1966: Start of the Cultural Revolution, Red Guards fanatically loyal to Mao were given free rein to destroy the "four olds" (old ideas, old customs, old culture, old

China, April 2005

habits) – this led to social disintegration and Mao was forced to call upon the army (PLA) to restore order.

1975: New Constitution adopted.

1976, 8 January: Premier Zhou Enlai died.

9 September: Mao died. End of Cultural Revolution.

October: Hu Guofeng replaced 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. Deng Xiaoping emerged 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 died and news of his death sparked angry protests by students and workers in Tiananmen Square (TS). Calls for his posthumous rehabilitation quickly escalated into demands for greater democracy, an end to official corruption and finally the overthrow of the Communist Party. Beijing was placed under martial law as protests spread to other parts of China.

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

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

4 June: Party elders, including Deng ordered TS cleared and the Army (PLA) together with the People's Armed Police (PAP) moved against protesters using tanks and armoured cars. Several hundreds people were killed as troops lost control and fired on unarmed protestors, mostly in the side streets around the Square. The official death toll was put at 200. International outrage led to the imposition of sanctions.

China, April 2005

November: Deng resigned from his last government position.

1992: Jiang Zemin became President.

1997: Deng Died.

1 July: Hong Kong reverted back to China.

1998: China began restructuring State Owned Enterprises (SOEs). This would lead tens of millions of job loses.

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

July: Falun Gong 'cult' banned.

20 December: Macau reverted back to China.

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

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

2002, November: Hu Jintao replaced Jiang Zemin as CCP General Secretary.

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

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 a new anti-subversion bill (Article 23).

September: Article 23 shelved indefinitely by the Hong Kong government.

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

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

2004, September: Hu Jintao replaced Jiang Zemin as head of the military.

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

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

Annex B: Chronology of Events – Tibet post 1910

Based on The World Guide 2003/2004 [201] (p 183) and Annex1: Important Dates and Anniversaries (Tibet), Courtesy of the Foreign and Commonwealth Office (FCO). [200]

China, April 2005

1910: Chinese troops entered the Tibetan capital, Lhasa.

1912, June: Tibetans expelled Chinese troops. Dalai Lama proclaimed Tibetan independence.

1922: Panchen Lama fled to Beijing.

1938: His successor is anointed.

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

1950, Communists declared their intention to 'liberate' Tibet from feudalism.

7 October: Eastern Tibetan province of Kham invaded by Chinese troops.

19 October: Eastern city of Qamdo occupied by the Chinese army (PLA).

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

1951, 23 May: Dalai Lama signed 17-point agreement with China [22ca is a text of this agreement]

26 October 1951: PLA entered Lhasa.

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

1959, 10 March: Nationalist uprising put down by Chinese troops. Chinese figures recorded 87,000 deaths. Tibetan sources suggested as many as 430,000 were killed. Dalai Lamas fled to India while Panchen Lama remained but refused to denounce him as a traitor – he was later jailed (1964).

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

1987, 1 October: Riot in Lhasa

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

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

5 March: Riot in Lhasa.

7 March: Martial Law imposed in Lhasa.

1990, 1 May: Martial law lifted in Lhasa.

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

1999: Karmapa Lama fled to India.

China, April 2005

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

2001: Chinese Engineers discovered an oilfield estimated to hold 100 million tonnes of crude oil.

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

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

Annex C: Chronology of Events – Xinjiang

Based on Xinjiang China's Muslim Borderland edited by S. Fredrick Star, published 2004 [19e]

1884: Xinjiang (meaning New Frontier or Territory) became a province of China. (p 27, 62)

1911: Fall of the Qing Dynasty. (p 72)

1911-1912: Yang Zengxian backed up by Tungan (Hui) officers seized control of the capital, Urumchi. (p 67-69)

1912-1928: Yang ruled Xinjiang and even printed his own currency, as he paid only lip service to a weak Chinese Emperor (Manchu Dynasty). (p 68-70)

1928-1933: Jin Shuren ruled Xinjiang (Yang was assassinated 1928) until overthrown by Han officers angry at his misrule in April 1933. Succeeded by Sheng Shicai. (p 71)

Early 1930s: Series of rebellions against Chinese rule. (p 73-77)

1933, November: Eastern Turkmenistan Republic (ETR); also referred to as the Republic of Uyghuristan or the Eastern Turkistan Islamic Republic was proclaimed. (p 78)

1934: ETR crushed by an alliance of Chinese and Russian troops. Tungan (Hui) troops play a prominent role in suppressing Uighur rebellions. (p 78-89)

1934-1941: Xinjiang ran as a Soviet satellite state with Sheng as its leader. During this time fourteen ethnic groups were recognised: Uyghurs/Uighurs, Taranchi (Uighurs in Ili), Kazaks, Kyrgyz, Uzbeks, Tatar, Tajiks, Manchu, Sibw (Xibo), Solon, Han, Hui (Tungan), Mongol and Russia with government posts shared out along ethnic lines. (p 79-80)

China, April 2005

1944, September: The Chinese Nationalists (KMT) orchestrated Shengs removal from Xinjiang. (p 80)

1944, October: Discontent with high taxes and Han migration led to the ‘Three Districts Revolt’ and the formation of the second ETR in November 1944, though the KTM kept control of the capital, Urumchi (p 82-83)

1946, July: Agreement reached over a coalition government. However, Xinjiang remained divided; split between the Uighur controlled south and the KMT administered north. (p 82-85)

1949, Mid-October: PLA occupied southern Xinjiang. (p 86)

December: PLA occupied northern Xinjiang. CCP announced that the ‘Three Districts Revolt’ was part of the Communist revolution and that all of Xinjiang fell within the PRC. (p 86)

1950-51: Islamic taxes abolished and clerics co-opted within the Chinese Islamic Association. (p 89)

Late 1951-52: Turkic leaders linked to the ETR purged. (p 87)

1955, 1 October: Xinjiang Uyghur Autonomous Region (XUAR) created. (p 108)

1967-68: Violent clashes between Maoists and regular PLA troops. (p 95)

1997, February: Riot in Yining, at least nine Uighur are killed and hundreds are detained. (p 116)

1990, 5 April: Up to 3,000 Uighur are killed in clashes with Chinese police in the town of Baren, near Kashgar. (p 316)

1995: Hundreds of Uighur are killed during clashes with the police in Khotan. (p 317)

1997, 25 February: Three bombs exploded in Urumchi, killing nine people. (p 317)

1990-2001: Over 200 militant actions, leading to 162 deaths are reported by the Chinese government. (p 317)

2002, August: Chinese government named eight Uighur terrorist forces it says are operating within Xinjiang. The UN added one of these groups, the Eastern Turkestan Islamic Movement (ETIM) to the list of international terrorist groups (26 August 2002). (p 317-318)

Annex D: Prominent Organisations

Name in English	Name in Chinese	Abbreviation	General Notes
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China, April 2005

All-China Federation of Trade Unions		ACFTU	Government sponsored Trade Union group [2j] (Section 6 a.)
All China Women's Federation		ACWF	Government sponsored women's group [14h]
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 [2j] (p 1) membership 68 million (2003) [12s]
Chinese Daoist Association			Government sponsored Daoist group [8ba] (p 10)
Chinese Islamic Association			Government sponsored Muslim group [8ba] (p 10)
Wheel of the Law	Falun Gong		Banned cult, also known as Falun Dafa [2f] (p 1) See also Li Hongzhi (founder)
National People's Congress	Quanguo Renmin Daibiao Dahui	NPC	Chinese Parliament [1a] (p 215)
National Population and Family Planning Commission of China		NPFPC	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 [2j] (p 1)

China, April 2005

People's Liberation Army		PLA	Chinese Army [1a] (p 233)
State Administration for Religious Affairs (prev. Religious Affairs Bureau – RAB)		SARA	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 [9b-d]
Three-Self Patriotic Movement		TSPM	Government sponsored Protestant group [8ba] (p 10)
Xinjiang Production and Construction Corporation	Xinjiang shengchan jianshe bingtuan	XPCC	Paramilitary agro-industrial agency, which employs millions of Han migrants in Xinjiang [10aa]

Annex E: Taiwanese Political Parties

Name in English	Name in Chinese	Abbreviation	General Notes
Democratic Progressive Party		DPP	Taiwanese political party. Won 89 seats in the December 2004 elections. Allied with the Taiwan Solidarity Union (TSU). Together they form the 'Pan-Green Alliance' And support President Chen Shui-bian's government. [10e]
Nationalist Party of China	Kuomintang	KMT	Taiwanese political party.

China, April 2005

			Won 79 seats in the December 2004 elections. Allied with the People First Party (PFP) and the New Party. Together they form to the 'Pan-blue Alliance' opposed to independence and President Chen Shui-bian's government. [10e]
New Party			Taiwanese political party. Won 1 seat at the December 2004 elections. Allied with the Kuomintang (KMT) and People First Party (PFP). Together they form to the 'Pan-Blue Alliance' opposed to independence and President Chen Chui-bian's government. [10e]
People's First Party		PFP	Taiwanese political party. Won 34 seats at the December 2004 elections. Allied with the Kuomintang (KMT) and New Party. Together they form to the 'Pan-Blue Alliance' opposed to independence and President

China, April 2005

			Chen Chui-bian's government. [10e]
Taiwan Solidarity Union		TSU	Taiwanese political party. Won 12 seats at the December 2004 elections. Allied with the Democratic Progressive Party (DPP). Together they form the 'Pan-Green Alliance' and support President Chen Shui-bian's government. [10e]

Annex F: Hong Kong Political Parties

Number of seats held based on the results of the September 2004 LegCo elections.

Name in English	Name in Chinese	Abbreviation	General Notes
Article 45 Concern Group			Holds four seats (out of 60) in Legislative Council (LegCo). [1a] (p 258)
Association for Democracy and People's Livelihood			Holds one seat in LegCo. [1a] (p 258)
April Fifth Action			Holds one seat in the LegCo. [1a] (p 259)
Democratic Alliance for the Betterment of Hong Kong		DAB	Pro-Beijing party. Won nine of the directly elected seats at the 2004 HK elections. In total the party holds 12 seats in the LegCo. [1a] (p 247, 258)
Democratic Party of Hong Kong			Pro-democracy party. Won eight

China, April 2005

			of the 30 directly elected seats at the 2004 HK elections. In total the party holds 9 seats in the LegCo. [1a] (p 247, 258)
The Frontier			Holds one seat in the LegCo. [1a] (p 258)
Hong Kong Confederation of Trade Unions			Holds two seats in the LegCo. [1a] (p 259)
Hong Kong Federation of Trade Unions			Holds one seats in the LegCo. [1a] (p 259)
Liberal Party			Pro-business and pro-Beijing party. Holds ten seats in the LegCo. [1a] (p 247, 258)
Neighbourhood and Worker's Service Centre			Holds one seats in the LegCo. [1a] (p 259)
Independents hold the remaining 16 seats (2 in directly elected seats and 14 in functional constituency seats).			

Annex G: Democratic Parties – political organisations 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 Association for the Promotion of Democracy			Established 1945. Membership drawn mainly from academic circles. Chairman Xu Jialu, Secretary General Zhao Guanghua [1a] (p 215)
China Democratic League			Established 1941. Membership 144,000 (mostly intellectuals) Chairman Ding

China, April 2005

			Shisun, General Secretary Zhang Baowen. [1a] (p 215)
China National Democratic Construction Association			Established 1945. Membership 94,544 (mostly business people) Chairman Cheng Siwei, General Secretary Zhang Jiao. [1a] (p 215)
China Zhi Gong Dang (Party for Public Interest)	Zhi Gong Dang		Established 1925. Membership drawn mainly from returned overseas Chinese. Chairman Luo Haocai, General Secretary Luo Haocai. [1a] (p215)
Chinese Peasants and Workers Democratic Party			Established 1930. Membership 65,000. Active mostly in public health. Chairman Jiang Zhenghua, General Secretary Jiao Pingsheng (acting). [1a] (p 215)
Jui San (3 September) Society	Jui San Society		Established 1946. Membership 68,000 (mostly scientists etc.) Chairman Han Qide, General Secretary Liu Ronghan. [1a] (p 215)
Revolutionary Committee of the Chinese Kuomintang			Founded 1948. Membership made up of former Kuomintang members and public servants. Chairwoman He Luli, General Secretary Liu

China, April 2005

			Minfu [1a] (p 215)
Taiwan Democratic Self- Government League			Established 1947. Recruits Taiwanese living on the mainland. Chairman Zhang Kehui, General Secretary Zhang Huaian. [1a] (p 215)

Annex H: Dissident Groups – this is not an exhaustive list (see also Section 6.A/[Opposition Groups](#))

Name in English	Name in Chinese	Abbreviation	General Notes
China Democratic Party	Zhongguo Mains Dang	CDP	Set up by dissidents in 1998 the CDP was the first attempt to legally register an opposition party. The Communist Party quickly crushed it and at least 30-members were sentenced to jail terms of up to 13 years. [9as] Leaders: Wang Youcai (foundr), Xu Wenli and Qin Yongmin. Key leaders all detained by the end of 1999. [2] (Section 3)
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. [6c] (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

China, April 2005

			sent a letter of appeal to the International Labour Organisation (ILO) in Geneva. [6c] (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. [6c] (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-members had been arrested. [6c] (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. [10ac]
Chinese Plum			Founded in late 1980s

China, April 2005

Nation Party			by 50-year old farmer Fen Zhengming. Operating in 17 provinces by early 1990s. Fen detained in April 1992 and given 15-year sentence. [10ac]
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Annex I: Prominent People

Chen Shui-bian	President of Taiwan. Elected 18 March 2000. Re-elected 20 March 2004. [1a] (p 306, 326)
Chiang Kai-shek	Nationalist (KMT) leader who lost civil war. Fled to Taiwan 1949. [1a] (p 172-173) Died 1975.
Dalai Lama	Spiritual and political leader, to whom most Tibetans look to for guidance heads government in exile, based in Dharamsala (Northern India). Left Tibet in 1959. [20i] (p 183)
Deng Xiaoping	Paramount leader for most of 1980 and early 1990s. Architect of economic reforms. Also ordered troops into Tiananmen Square. Died 1997. [1a] (p 175-178)
Edmund Ho Hau-wah	Chief Executive of Macau SAR. [1a] (p 285)
Hu Jintao	President of China, elected 15 March 2003. Also General Secretary of the CCP (November 2002) and head of the military (September 2004). [1a] (214-215)
Hu Yaobang	Liberal party leader whose death sparked Tiananmen Square protests. Died 1989. [1a] (p 177)
Li Hongzhi	Founder of banned cult Falun Gong. [11a]
Jiang Zemin	Succeeded Deng Xiaoping as core leader. Stepped down as head of the army in September 2004, having already relinquished the Presidency and leadership of the CCP to Hu Jintao. [1a] (p 180)
Mao Zedong	Founded PRC on 1 October 1949. Presided over disastrous 'Great Leap Forward' and instigated Cultural Revolution. Died 1976. [1a] (p 172-173)

China, April 2005

Panchen Lama	Next most senior Lama after the Dalai Lama (see above). [20i] (p 183)
Tung Chee-hwa	Chief Executive of Hong Kong SAR. [1a] (p 257)
Wei Jiangsheng	Exiled-leader of the Democracy Wall movement (1978/79). [9d]
Wen Jiabao	Premier of China, elected September 2003. [1a] (p 214-215)
Wu Bangguo	Chairman of the Standing Committee of the NPC, elected March 2003. [1a] (p 214-215)
Zhao Ziyang	Former party leader who opposed Tiananmen Square crackdown. Purged from the Party shortly afterwards. Died 17 January 2005. [13i] [10h] [9bv]
Zheng Qinghong	Vice-President of China (elected 15 March 2003) and an ally of former President Jiang Zemin. [1a] (p 180, 214)

Annex J: The Government

President: Hu Jintao (elected 15 March 2003)

Vice President: Zeng Quinghong (elected 15 March 2003)

[1a] (p 180, 214)

State Council (September 2004)

Premier: Wen Jiabao

Vice Premiers: Huang Ju, Zeng Peiyan, Hui Liangyu and Wu Yi

State Councillors: Zhou Yongkang, Cao Gangchuan, Tang Jiaxuan, Hua Jianmin and Chen Zhili

Ministry of Foreign Affairs: Li Zhaoxing

Ministry of National Defence: Cao Gangchuan

State Development and Reform Commission: Ma Kai

Ministry of Education: Zhou Ji

Ministry of Science and Technology: Xu Guanhua

State Commission of Science, Technology and Industry for National Defence: Zhang Yunchuan

State Ethnic Affairs Commission: Li Dek Su

Ministry of Public Security: Zhou Yongkang

Ministry of State Security: Xu Yongyue

Ministry of Supervision: Li Zhilun

Ministry of Civil Affairs: Li Xueju

Ministry of Justice: Zhang Fusen

Ministry of Finance: Jin Renqing

Ministry of Personnel: Zhang Bolin

Ministry of Labour and Social Security: Zheng Silin

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Ministry of Land and Resources: Sun Wensheng
Ministry of Construction: Wang Guangtao
Ministry of Railways: Liu Zhijun
Ministry of Communications: Zhang Chunxian
Ministry of Information Industry: Wang Xudong
Ministry of Water Resources: Wang Shucheng
Ministry of Agriculture: Du Qinglin
Ministry of Commerce: Bo Xilai
Ministry of Culture: Sun Jiazheng
Ministry of Health: Wu Yi
State Population and Family Planning Commission: Zhang Weiqing
People's Bank of China: Zhou Xiaochuan
National Audit Office: Li Jinhua
 [21a] (p 11)

Chinese Communist Party (CCP)

General Secretary: Hu Jintao

Politburo Standing Committee Members

Hu Jintao, Wu Bangguo, Wen Jiabao, Jia Qinglin, Zeng Qinghong, Huang Ju
 Wu Guanzheng, Li Changchun and Luo Gan [1a] (p 215)

Glossaries

Annex K: Glossary – Chinese Terms

danwei	work unit
Fie Ch'ien	'flying money' underground banking system
getihu	family run business
Guanxi	social connections, used to obtain favours
guojia	mass religious organisation, sponsored by the state
hei haizi	'black children' children born contrary to the "one child policy"
huafeng	'Chinese ways'
Huayi	'Chinese overseas'
Huaqiao	'People abroad' = Overseas Chinese
hukou	household registration document
hutongs	Traditional Chinese neighbourhoods
laodong jiaoyang	're-education through labour' (RTL) main form of administrative detention
Laogai	labour camps

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mingong	Chinese migrant peasant
Mianzi	'face', prestige or respect
nongzhuangfei	Hukou conversion i.e. from rural to urban resident
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
Zanzhu Zheng	Temporary Residents Permit
Zhonghua Renmin Gongheguo	Peoples Republic of China, official name of the country

Annex L: Glossary – English Terms

Basic Law	Hong Kong's mini constitution
'Bare Branches'	Term used to denote unattached males
Executive Council	Hong Kong's top decision making body
HK	Kong Hong
IMAR	Inner Mongolia Autonomous Region
LegCo	Hong Kong and Macau Legislative 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
ROC	Republic of China, official name for

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	Taiwan
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 M: Glossary – Tibetan Terms

Democratic Management Committees (DMC)	Committees which oversee the running of Buddhist temples in Tibet
Geshe	Monk or lama who has completed the highest form of monastic studies.
Lamas	'superior ones' most revered Tibetan Monks reincarnation of the Buddha
Lamaseries	monasteries
Lhasa	Tibetan capital
Tibet	'rooftop of the world'

Annex N: Public Holidays in 2005 [21a (p 7)]

General holidays	
New Year	1-3 January
The Spring Festival (Chinese New Year)	9-11 February
Labour Day	1-3 May
National Day	1-3 October
Holidays for particular groups	
International Women's Day	8 March
Youth Day	4 May
Childrens's Day	1 June
Army Day	1 August

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