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COUNTRY OF ORIGIN INFORMATION REPORT

CHINA

1 JUNE 2008

Contents

Preface

Latest News

EVENTS IN CHINA FROM 2 MAY TO 1 JUNE 2008

REPORTS ON CHINA PUBLISHED OR ACCESSED BETWEEN 2 MAY AND 1 JUNE 2008

Paragraphs

Background Information

1. GEOGRAPHY	1.01
Map	1.04
Languages	1.05
Population	1.06
Naming conventions	1.07
Tibetan names	1.08
2. ECONOMY	2.01
Poverty	2.03
Currency	2.05
3. HISTORY	3.01
1949-1976: The Mao Zedong era	3.01
1978-1989: China under Deng Xiaoping	3.03
1990-2000: Post-Tiananmen Square	3.04
2000 onwards: A new generation of leaders	3.05
4. RECENT DEVELOPMENTS	4.01
5. CONSTITUTION	5.01
6. POLITICAL SYSTEM	6.01
The leadership (fourth generation)	6.03
Chinese Communist Party (CCP)	6.04

Human Rights

7. INTRODUCTION	7.01
8. SECURITY FORCES	8.01
Police	8.02
Private security firms	8.05
Torture	8.06
Extra-judicial killings	8.13
Protection of witnesses / organised crime	8.14
Avenues of complaint	8.16
9. MILITARY SERVICE	9.01
Postponement and exemption	9.04
Desertion	9.06
10. JUDICIARY	10.01
Organisation	10.01
Independence	10.02
Fair trial	10.05
Restrictions on lawyers	10.08
Criminal Procedure Law (1997)	10.11

State Security Law (1993)	10.12
Double jeopardy	10.14
11. ARREST AND DETENTION – LEGAL RIGHTS	11.01
Arrest warrants	11.08
Wanted posters	11.10
Resisting arrest/hitting an official.....	11.13
Punishment of minor offences.....	11.15
12. PRISON CONDITIONS	12.01
Psychiatric custody (Ankang system).....	12.06
Xiamen prison (Fujian Province).....	12.10
Drapchi prison (Tibet)	12.11
Qushui prison (Tibet)	12.13
Other known detention facilities in Tibet	12.14
Administrative detention/labour camps	12.15
Re-education Through Labour (RTL).....	12.15
Other forms of administrative detention	12.20
13. DEATH PENALTY	13.01
Suspended death sentences	13.07
Number of executions.....	13.08
Judicial oversight.....	13.10
People exempted from the death penalty	13.14
14. POLITICAL AFFILIATION	14.01
Freedom of political expression	14.01
Freedom of association and assembly	14.04
Civil disturbances.....	14.08
Opposition groups and political activists	14.14
China Democracy Party (CDP).....	14.16
UK Branch of the China Democracy Party	14.21
Tiananmen Square activists	14.22
Responses to the 'Nine Commentaries'	14.26
15. FREEDOM OF SPEECH AND MEDIA	15.01
Journalists	15.09
16. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS	16.01
17. CORRUPTION.....	17.01
Breaches of Party discipline	17.04
Guanxi (social connections)	17.06
18. FREEDOM OF RELIGION	18.01
Registration	18.06
Buddhists	18.14
Taoists.....	18.16
Folk religions	18.18
19. CHRISTIANS	19.01
Availability of Bibles	19.03
Proselytising	19.05
Catholics	19.07
Relations with the Vatican	19.14
Protestants (including 'house churches').....	19.17
Russian Orthodox Church.....	19.22
20. MUSLIMS.....	20.01
Uighurs (Uygur, Uyghur).....	20.03
Human rights in Xinjiang (East Turkestan)	20.06
Religious freedom in Xinjiang (East Turkestan).....	20.09
Uighur terrorist groups	20.13
Other Uighur opposition groups	20.15

Hui (Huihui)	20.17
21. BANNED SPIRITUAL GROUPS	21.01
The Shouters (Huhan Pai) or Local Church	21.04
South China Church	21.07
Three Grades of Servants Church	21.10
Eastern Lightning/Lightning from the East	21.12
Jehovah's Witnesses	21.14
Falun Gong	21.15
Origins and support	21.24
Guiding principles	21.26
Exercises and movements	21.28
Possibility of practising in private	21.30
Denunciation documents	21.34
Important dates for foreign-based practitioners	21.35
Treatment of Falun Gong practitioners' relatives	21.36
Monitoring of activists abroad	21.39
Organ harvesting	21.42
Other Qigong groups	21.47
Zhong Gong (China Gong)	21.48
Cibei Gong (Compassion Gong)	21.55
Guo Gong (Nation Gong)	21.57
Xiang Gong (Fragrant Gong)	21.60
Bodhi Gong (Wakefulness/Awakening Gong)	21.62
22. ETHNIC GROUPS	22.01
Koreans	22.05
Mongolians	22.06
23. TIBET	23.01
The Tibetan language	23.04
Human rights in Tibet	23.08
Political prisoners held in Tibet	23.17
Tibetan Buddhism	23.19
Possessing pictures of the Dalai Lama	23.25
The Panchen Lama	23.27
Monastic life	23.29
Consequences for expelled monks	23.30
Tibetan refugees in India	23.31
Legal status of Tibetans in India	23.33
Tibetan refugees in Nepal	23.36
Legal status of Tibetans in Nepal	23.39
Other Tibetan areas inside China	23.43
24. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS	24.01
Legislation	24.01
Position in society	24.03
Government attitudes	24.05
25. DISABILITY	25.01
26. WOMEN	26.01
Legal rights	26.01
Political rights	26.04
Social and economic rights	26.05
Position of women in society	26.05
Marriage	26.09
Arranged marriages	26.13
Divorce	26.14
Violence against women	26.16

27. CHILDREN	27.01
Basic information	27.01
Education	27.05
Adoption rights/rules	27.12
Child care	27.14
Female infanticide	27.20
Child abduction	27.22
Child labour	27.24
Child soldiers.....	27.27
‘Black’ children or ‘hei haizi’ (unregistered children)	27.28
Health issues	27.31
28. FAMILY PLANNING (‘ONE CHILD POLICY’)	28.01
Family Planning Law and other regulations	28.05
Preferential treatment of ethnic minorities	28.08
Family planning in rural areas	28.10
Enforcement	28.12
Monitoring.....	28.17
Coercion (Forced abortion / sterilisation)	28.18
Evasion.....	28.23
Returned overseas Chinese	28.25
Family planning regulations in Fujian	28.29
Family planning regulations in Guangdong	28.31
Family planning regulations in Beijing and Shanghai	28.33
Single women	28.37
29. TRAFFICKING.....	29.01
Support and assistance.....	29.06
Chinese migrants	29.08
Snakeheads (people smugglers)	29.13
Fact-finding mission to Fujian, November 2003.....	29.17
30. MEDICAL ISSUES	30.01
Overview of availability of medical treatment and drugs	30.01
HIV/AIDS	30.06
Anti-retroviral therapy	30.08
Discrimination against HIV/AIDS sufferers	30.13
Mental health	30.16
31. FREEDOM OF MOVEMENT	31.01
Household registry (hukou).....	31.01
32. INTERNAL MIGRANTS	32.01
33. FOREIGN REFUGEES	33.01
North Korean refugees	33.03
34. CITIZENSHIP AND NATIONALITY	34.01
35. EXIT/ENTRY PROCEDURES	35.01
Treatment of returnees	35.03
Fuzhou detention centre (Fujian).....	35.09
Treatment of Tibetans.....	35.11
Treatment of Uighur(s).....	35.15
36. OFFICIAL DOCUMENTS	36.01
ID cards	36.01
Availability of fraudulent documents	36.05
37. EMPLOYMENT RIGHTS.....	37.01
38. DISPUTED TERRITORIES	38.01
Taiwan	38.01
39. SPECIAL ADMINISTRATIVE REGIONS (SARs).....	39.01
Hong Kong (SAR)	39.01

Macao (SAR)	39.07
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Annexes

ANNEX A1 – CHRONOLOGY OF MAJOR EVENTS – CHINA POST-1949

ANNEX A2 – CHRONOLOGY OF MAJOR EVENTS – TIBET POST-1910

ANNEX B – POLITICAL ORGANISATIONS

ANNEX C – PROMINENT PEOPLE: PAST AND PRESENT

ANNEX D – LIST OF ABBREVIATIONS

ANNEX E – KNOWN DISSIDENT GROUPS

ANNEX F – DEMOCRATIC PARTIES

ANNEX G – GLOSSARY OF CHINESE TERMS

ANNEX H – GLOSSARY OF ENGLISH TERMS

ANNEX I – GLOSSARY OF TIBETAN TERMS

ANNEX J – GUIDE TO TIBETAN NAMES

ANNEX K – REFERENCES TO SOURCE MATERIAL

Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 1 May 2008. The 'Latest News' section contains further brief information on events and reports accessed from 2 May to 1 June 2008.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

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

Country of Origin Information Service

UK Border Agency
Apollo House
36 Wellesley Road
Croydon CR9 3RR
United Kingdom

Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UK Border Agency's country of origin information material. The APCI welcomes all feedback on the UKBA's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk
- xii In the course of its work, the APCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html
- xiii Please note: It is not the function of the APCI to endorse any UKBA material or procedures. 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.

Advisory Panel on Country Information:

Email: apci@homeoffice.gsi.gov.uk

Website: www.apci.org.uk

[Return to contents](#)

[Go to list of sources](#)

Latest News

EVENTS IN CHINA FROM 2 MAY TO 1 JUNE 2008

- 29 May News that semi-official talks between Taiwan and China will begin in June - for the first time in a decade - sparked high hopes that the heat will be taken out of one of the region's most critical potential flashpoints.
Regional rivals reach across strait, 29 May 2008
<http://news.bbc.co.uk/1/hi/world/asia-pacific/7425909.stm>
Date accessed 1 June 2008
- 28 May The head of Taiwan's ruling party met Chinese President Hu Jintao in the highest-level encounter since the two sides split in 1949.
Historic China-Taiwan summit held, 28 May 2008
<http://news.bbc.co.uk/1/hi/world/asia-pacific/7422965.stm>
Date accessed 1 June 2008
- 27 May Two further aftershocks destroyed more than 420,000 houses in the Chinese region hit by a massive earthquake two weeks ago, state-run media said.
Aftershocks demolish China homes, 27 May 2008
<http://news.bbc.co.uk/1/hi/world/asia-pacific/7422106.stm>
Date accessed 1 June 2008
- 26 May Parents whose only child was killed or maimed in China's earthquake would be allowed to have another, officials who administer the country's one-child policy in part of the disaster zone said.
China's one-child policy makes exceptions for families affected by deadly earthquake, 26 May 2008
<http://www.iht.com/articles/ap/2008/05/26/asia/AS-GEN-China-Earthquake-One-Child.php>
Date accessed 1 June 2008
- 22 May The Dalai Lama told the BBC that he believes China is changing and that this could lead to a "more transparent" attitude over Tibet.
Dalai Lama sees change in China, 22 May 2008
<http://news.bbc.co.uk/1/hi/world/asia-pacific/7413388.stm>
Date accessed 1 June 2008
- 20 May Ma Ying-jeou was sworn in as Taiwan's new president.
Taiwan's new leader takes office, 20 May 2008
<http://news.bbc.co.uk/1/hi/world/asia-pacific/7409636.stm>
Date accessed 1 June 2008
- 12 May More than 50,000 people were estimated to have died in the earthquake that devastated parts of China, state media said on 15 May. About 10 million people across Sichuan province were directly affected by the 7.9 quake.
China quake toll 'to top 50,000', 15 May 2008
<http://news.bbc.co.uk/1/hi/world/asia-pacific/7402460.stm>
Date accessed 15 May 2008
- 10 May Chinese President Hu Jintao's visit to Japan opened up new prospects for the development of strategic and mutually beneficial relations between the two countries. During his state visit, the first by

- a Chinese president to Japan in a decade, President Hu held fruitful talks with Prime Minister Yasuo Fukuda.
President's 'warm spring' visit a complete success, 11 May 2008
http://www.chinadaily.com.cn/china/2008-05/11/content_6675561.htm
Date accessed 12 May 2008
- 9 May China detained 32 monks of Ratoe Monastery, Tibet. The monks staged a major peaceful protest on 14 March 2008 in Nyethang Township, Chushul County, Tibet.
China detains 32 monks in Chushul County, 9 May 2008
<http://www.tchrd.org/press/2008/pr20080509a.html>
Date accessed 14 May 2008
- 8 May A spokesman for the exiled Tibetan spiritual leader, the Dalai Lama, says talks with Chinese officials last week were "open and frank". In his first remarks since the talks, Lodi Gyari said both sides had "strong and divergent views" on the causes of violence in Tibet in March. The envoy said a date for further talks would be announced soon.
China hosted 'frank' Tibet talks, 8 May 2008
http://news.bbc.co.uk/1/hi/world/south_asia/7389277.stm
Date accessed 12 May 2008
- 6 May Chinese officials and envoys of the Dalai Lama agreed to a second round of talks, in an apparent sign of progress in easing tensions raised by violent anti-government riots in Tibet. The first round of talks ended after one day, but no formal announcement was made.
Tibetan envoys, Beijing agree to hold future talks, 6 May 2008
<http://www.taipeitimes.com/News/front/archives/2008/05/06/2003411190>
Date accessed 6 May 2008
- 2 May Almost 3,000 children in eastern China have been infected by the deadly Enterovirus 71 (EV71) intestinal virus, according to state-run media.
China virus 'hits 3,000 children', 2 May 2008
<http://news.bbc.co.uk/1/hi/world/asia-pacific/7379326.stm>
Date accessed 2 May 2008
- 2 May China will become one of the biggest Bible producing countries in the world when a new printing press opens this month.
Chinese factory to supply one in four Bibles, 2 May 2008
<http://www.guardian.co.uk/world/2008/may/02/religion.china>
Date accessed 9 May 2008

Return to contents

Go to list of sources

REPORTS ON CHINA PUBLISHED OR ACCESSED BETWEEN 2 MAY AND 1 JUNE 2008

Amnesty International

Report 2008, May 2008

<http://thereport.amnesty.org/eng/regions/asia-pacific/china>

Date accessed 1 June 2008

Coalition to Stop the Use of Child Soldiers

Child Soldiers Global Report 2008, May 2008

<http://www.childsoldiersglobalreport.org/content/china>

Date accessed 1 June 2008

United States Commission on International Religious Freedom (USCIRF)

Annual Report, May 2008

<http://www.uscifr.gov/images/AR2008/annual%20report%202008-entire%20document.pdf>

Date accessed 2 May 2008

[Return to contents](#)

[Go to list of sources](#)

Background information

GEOGRAPHY

- 1.01 In its Country Profile for China, accessed on 17 April 2008, Europa World noted:

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

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

- 1.03 In its 2008 Country Profile for China, dated 12 February 2008, the Economist Intelligence Unit (EIU) stated:

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

- 1.04 As noted by the CIA World Factbook, dated 15 April 2008, “China considers Taiwan its 23rd province”. [30a]

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

[Return to contents](#)

[Go to list of sources](#)

MAP



Map courtesy of CIA World Factbook

<https://www.cia.gov/library/publications/the-world-factbook/geos/ch.html>

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

LANGUAGES

- 1.05 As reported by the US State Department, in its Background Note for China dated April 2008:

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

POPULATION

- 1.06 The CIA World Factbook, dated 15 April 2008, recorded that China’s population numbered 1,330,044,605. [30a] In its Country Profile for China, dated August 2006, the US Library of Congress noted, “Sixty-two percent of the population lived in rural areas in 2004, while 38 percent lived in urban settings. About 94 percent of population lives on approximately 46 percent of land.” [11a]

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

Naming conventions

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

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

Tibetan names

1.08 The FCO also noted:

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

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

[Return to contents](#)

[Go to list of sources](#)

ECONOMY

2.01 The CIA World Factbook, dated 15 April 2008, noted:

“China's economy during the last quarter century has changed from a centrally planned system that was largely closed to international trade to a more market-oriented economy that has a rapidly growing private sector and is a major player in the global economy. Reforms started in the late 1970s with the phasing out of collectivized agriculture, and expanded to include the gradual liberalization of prices, fiscal decentralization, increased autonomy for state enterprises, the foundation of a diversified banking system, the development of stock markets, the rapid growth of the non-state sector, and the opening to foreign trade and investment... After keeping its currency tightly linked to the US dollar for years, China in July 2005 revalued its currency by 2.1% against the US dollar and moved to an exchange rate system that references a basket of currencies. Cumulative appreciation of the renminbi against the US dollar since the end of the dollar peg reached 15% in January 2008.” [30a]

2.02 The same source stated further:

“The restructuring of the economy and resulting efficiency gains have contributed to a more than tenfold increase in GDP since 1978. Measured on a purchasing power parity (PPP) basis, China in 2007 stood as the second-largest economy in the world after the US, although in per capita terms the country is still lower middle-income. Annual inflows of foreign direct investment in 2007 rose to \$75 billion. By the end of 2007, more than 5,000 domestic Chinese enterprises had established direct investments in 172 countries and regions around the world.” [30a]

POVERTY

2.03 The CIA World Factbook, dated 15 April 2008, noted that 8% of the population, including 21.5 million in rural areas, live below the official "absolute poverty" line (approximately US\$90 per year); and an additional 35.5 million of the rural population live above that but below the official "low income" line (approximately US\$125 per year). [30a]

2.04 In a statement to the US-China Economic and Security Review Commission on 2 February 2006, the US State Department's Senior Advisor for East Asian and Pacific Affairs, James Keith, reported:

“China remains a poor country – with a population of 1.3 billion people, per capita income is about \$1,700... Rapid change has exposed – indeed, sometimes created – serious inequities and structural weaknesses. China may be a richer society, but those riches are not evenly distributed, especially with more than 200 million people living below the poverty line, defined by the World Bank as a dollar a day. The incomes of urban dwellers are four times those of people in the countryside, where 800 million of China's 1.3 billion people live. Residents in the rural areas of China's vast interior are keenly aware that they are considerably poorer than those in the cities, and have worse health care, worse education, and inadequate social welfare services and infrastructure. They suffer in particular from land degradation, falling water quality, polluted and scarce water resources, severe air pollution, and deforestation.” [2i]

CURRENCY

2.05 As noted by the CIA World Factbook, dated 15 April 2008, China's currency is the renminbi (RMB), also referred to by the unit yuan (CNY). The exchange rate in 2007 was US\$1=CNY7.61. [30a] The Foreign & Commonwealth Office (FCO) Country Profile for China, dated 1 April 2008, noted that 15 Renminbi = £1. [31a]

[Return to contents](#)

[Go to list of sources](#)

HISTORY

(From the US Library of Congress Country Profile for China dated August 2006. [11a])

1949-1976: THE MAO ZEDONG ERA

- 3.01 “The communist takeover of the mainland in 1949 set the scene for building a new society built on a Marxist-Leninist model replete with class struggle and proletarian politics fashioned and directed by the CCP [Chinese Communist Party]. The People’s Republic of China was barely established (October 1, 1949) when it perceived a threat from the United States, which was at war in North Korea, and elected to support its neighbor, the new communist state, the Democratic People’s Republic of Korea. The Chinese People’s Volunteer Army invaded the Korean Peninsula in October 1950 and, along with its North Korean ally, enjoyed initial military success and then a two-year stalemate, which culminated in an armistice signed on July 27, 1953. Meanwhile, China seized control of Tibet. It also had embarked on a political rectification movement against ‘enemies of the state’ and promoting ‘class struggle’ under the aegis of agrarian reform as part of the ‘transition to socialism’.” [11a]
- 3.02 “Periods of consolidation and economic development facilitated by President Liu Shaoqi (1898–1969) and Premier Zhou were severely altered by disastrous anti-intellectual (such as the Hundred Flowers Campaign, 1957), economic (the Great Leap Forward, 1958–59), and political (the Great Proletarian Cultural Revolution, 1966–76) experiments directed by Mao and his supporters. During this time, China had broken with the Soviet Union by 1959, fought a border war with India in 1962, and skirmished with Soviet troops in 1969. In 1969 Mao anointed Lin Biao (1908–71), a radical People’s Liberation Army marshal, as his heir apparent, but by 1971 Lin was dead, the result of an airplane crash in Mongolia following an alleged coup attempt against his mentor. Less radical leaders such as Zhou and Vice Premier Deng Xiaoping (1904–97), who had been politically rehabilitated after his disgrace early in the Cultural Revolution, asserted some control... The 1976 death of Mao ended the extremist influence in the party, and, under the leadership of Deng Xiaoping and his supporters, China began a period of pragmatic economic reforms and opening itself to the outside world.” [11a]

1978-1989: CHINA UNDER DENG XIAOPING

- 3.03 “Reform-era activities began in earnest in 1978 and eventually made China one of the largest world economies and trading partners as well as an emerging regional military power. The Four Modernizations (agriculture, industry, science and technology, and national defense) became the preeminent agenda within the party, state, and society. The well-being of China’s people increased substantially, especially along coastal areas and in urban areas involved in manufacturing for the world market. Yet, politics, the so-called ‘fifth modernization,’ occurred at too slow a pace for the emerging generation. China’s incipient democracy movement was subdued in 1978–79 at the very time that China’s economic reforms were being launched. As Deng consolidated his control of China, the call for political reform came to the fore again in the mid-1980s, and pro-reform leaders were placed in positions of authority: Zhao Ziyang (1919–2005) was appointed premier, and Hu Yaobang (1915–89) CCP general secretary. Deng himself, satisfied with being the

‘power behind the throne,’ never held a top position. The democracy movement, however, was violently suppressed by the military in the 1989 Tiananmen incident.” [11a]

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

1990-2000: POST-TIANANMEN SQUARE

- 3.04 “In the years after Tiananmen, conservative reformers led by Deng protégé Jiang Zemin (later to become president of China, chairman of both the state Central Military Commission and party Central Military Commission, and general secretary of the CCP) endured and eventually overcame world criticism. When Deng went into retirement, the rising generation of technocrats ruled China and oversaw its modernization. Political progress gradually occurred. Term limits were placed on political and governmental positions at all levels, succession became orderly and contested elections began to take place at the local level. Tens of thousands of Chinese students went overseas to study; many returned to participate in the building of modern China, some to become millionaires in the new ‘socialist economy with Chinese characteristics’.” [11a]

2000 ONWARDS: A NEW GENERATION OF LEADERS

- 3.05 “As the twenty-first century began, a new generation of leaders emerged and gradually replaced the old. Position by position, Jiang Zemin gradually gave up his leadership role and by 2004 had moved into a position of elder statesman, still with obvious influence exerted through his protégés who were embedded at all levels of the government. The ‘politics in command’ of the Maoist past were subliminally present when technocrat Hu Jintao emerged—by 2004—as the preeminent leader (president of China, chairman of both the state Central Military Commission and party Central Military Commission, and general secretary of the CCP) with grudging acceptance by Jiang and his supporters.” [11a]

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

RECENT DEVELOPMENTS

- 4.01 On 14 September 2007 the BBC reported:

“China has launched a crackdown on political dissidents and potential troublemakers ahead of the Communist Party's 17th congress, which begins next month... Public Security Minister Zhou Yongkang, a member of the party's politburo, identified a wide range of ‘hostile forces’ that will be targeted. ‘All police should...strike hard on overseas and domestic hostile forces, ethnic splittists, religious extremists, violent terrorists and the Falun Gong cult so as to safeguard national security and social stability,’ he said... Mr Zhou also referred to political dissidents, campaigners and people who advocate independence for the western regions of Xinjiang and Tibet. He said efforts should also be made to step up control of the internet to create what he described as a ‘harmonious online environment’... News outlets are also being targeted in the run-up to the congress, which will be attended by more than 2,000 party delegates. One editor of a Chinese newspaper told the BBC that

the party's central publicity department had issued two notices to editors telling them what stories they could and could not print." [9c]

4.02 In a report dated 22 October 2007, the same source stated:

"China's Communist Party has unveiled the leadership line-up that will steer the country for the next five years. President Hu Jintao won a second term as party and army chief, while four new faces joined the party's top body, the Politburo Standing Committee. They included two men seen as potential successors to Mr Hu in 2012 - Shanghai party chief Xi Jinping and the head of Liaoning province, Li Keqiang. The changes were announced at the end of the party's five-yearly congress, which sets the political agenda for the future... Premier Wen Jiabao was also reappointed to the committee. Both he and Mr Hu are expected to have new five-year terms as premier and president approved when parliament meets in March. Analysts say President Hu has solidified his grip on power as a result of the eight-day conference." [9n]

4.03 In a report dated 1 April 2008, Amnesty International noted, "Scores of activists were reportedly detained or placed under tight police surveillance in the run-up to the 17th Chinese Communist Party (CCP) Congress in October 2007... The crackdown also included broad police sweeps of petitioners, vagrants, beggars and other 'undesirables' in Beijing in a pattern which broadly continued in the run-up to the National People's Congress held in Beijing between 5-16 March 2008." The same report stated, "It is increasingly clear that much of the current wave of repression is occurring not in spite of the Olympics, but actually because of the Olympics. Peaceful human rights activists, and others who have publicly criticised official government policy, have been targeted in the official pre-Olympics 'clean up', in an apparent attempt to portray a 'stable' or 'harmonious' image to the world by August 2008." [6p]

4.04 On 29 April 2008 the BBC reported:

"Anti-China protests led by Buddhist monks began in Lhasa on 10 March and gradually escalated into rioting. China says at least 19 people were killed by the rioters - but Tibetan exiles say that nearly 100 were killed by the Chinese security forces... Chinese authorities have blamed the Dalai Lama for orchestrating the unrest in an attempt to sabotage this summer's Beijing Olympics and promote Tibetan independence. He strongly denies this. Tibet and the surrounding provinces where the protests took place have been closed to foreigners since the unrest. It is unclear how many people are facing prosecution across China for their role in the riots." [9d]

(See also section 8: Security forces [Avenues of complaint](#))

(See also section 14: Political affiliation [Civil disturbances](#))

(See also section 23: Tibet [Human rights in Tibet](#))

Return to contents

Go to list of sources

CONSTITUTION

- 5.01 Europa World, in its Country Profile for China, accessed on 17 April 2008, recorded, "A new Constitution was adopted on 4 December 1982 by the Fifth Session of the Fifth National People's Congress." It was amended in 1993, 1999 and 2004. Article 1 states that, "The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants. The socialist system is the basic system of the People's Republic of China. Sabotage of the socialist system by any organization or individual is prohibited." [1a] (The Constitution)
- 5.02 The same source noted that Articles 1 to 32 set out the general principles of the Constitution and Articles 33 to 56 lay down a citizen's fundamental rights and duties. [1a] (The Constitution) [5a] (Text of the Constitution) As reported by the US State Department, in its Background Note for China dated April 2008, "The Chinese constitution and laws provide for fundamental human rights, including due process, but these are often ignored in practice." [2g]

POLITICAL SYSTEM

- 6.01 As noted by the FCO in its Country Profile for China, dated 1 April 2008, "China has all the structures a modern democratic state would expect to have, with in theory a separation of powers between the different functions of state similar to most western democracies." [31a] However, in a report entitled, The Worst of the Worst: The World's Most Repressive Societies 2007, published on 9 May 2007, Freedom House stated:
- "Chinese citizens cannot democratically change top leaders or publicly express opposition to government policy. As stipulated in the Chinese constitution, the CCP [Chinese Communist Party] possesses a monopoly on political power. Party members hold almost all top national and local governmental, internal security, and military posts. A 3,000-member National People's Congress (NPC) is, in principle, the Chinese parliament, empowered to elect the president for a five-year term and confirm the president's nominee for prime minister. Its members are elected to five-year terms by provincial legislatures. While it has shown signs of independence, no longer automatically approving legislation put before it, in practice the NPC remains subordinate to the CCP Politburo and its nine-person standing committee... The only competitive elections are at the village level and for urban residency councils. Citizens can also vote for local people's congress representatives at the county level and below. However, these elections are largely dominated by the CCP." [26a]
- 6.02 The CIA World Factbook, dated 15 April 2008, stated that "no substantial political opposition groups exist, although the government has identified the Falungong spiritual movement and the China Democracy Party as subversive groups." [30a] As reported by *Asia Times* on 22 July 2006, "... in China, the masses always look to a strong central government to protect them from abuse of power at the local level." [64h] (p4)

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

THE LEADERSHIP (FOURTH GENERATION)

6.03 In its Country Profile for China, dated 1 April 2008, the FCO noted:

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

CHINESE COMMUNIST PARTY (CCP)

6.04 The CCP has 70.8 million members. (US Library of Congress) [11a] The Chinese Communist Youth League has 68.5 million members. (Europa) [1a] (Chinese Communist Youth League) Article 9 of the Party's Constitution states, “Party members are free to withdraw from the Party. When a Party member asks to withdraw, the Party branch concerned shall, after discussion by its general membership meeting, remove his name from the Party rolls, make the removal public and report it to the next higher Party organization for the record.” [5t] (Chapter 1)

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

Return to contents

Go to list of sources

Human Rights

INTRODUCTION

- 7.01 As recorded by the US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, in its opening section:

"The government's human rights record remained poor, and controls were tightened in some areas, such as religious freedom in Tibetan areas and in the Xinjiang Uighur Autonomous Region (XUAR); freedom of speech and the media, including the Internet; and the treatment of petitioners in Beijing. As in previous years, citizens did not have the right to change their government. The government tightened restrictions on freedom of speech and the press, particularly in anticipation of and during sensitive events, including increased efforts to control and censor the Internet. Nongovernmental organizations (NGOs), both local and international, continued to face intense scrutiny and restrictions. The government continued its severe cultural and religious repression of minorities, with some tightening of control in the XUAR, and an increased level of religious repression in Tibetan areas. The government stepped up efforts to rid Beijing of petitioners seeking redress for various grievances. Other serious human rights abuses included extrajudicial killings, torture and coerced confessions of prisoners, and the use of forced labor, including prison labor. The government continued to monitor, harass, detain, arrest, and imprison journalists, writers, activists, and defense lawyers and their families, many of whom were seeking to exercise their rights under law. The party and state exercised strict political control of courts and judges, conducted closed trials and carried out administrative detention. Executions often took place on the day of conviction or immediately after the denial of an appeal. A lack of due process and restrictions on lawyers further limited progress toward rule of law. Individuals and groups, especially those deemed politically sensitive by the government, continued to face tight restrictions on their freedom to assemble, their freedom to practice religion, and their freedom to travel. The government continued its coercive birth limitation policy, in some cases resulting in forced abortion and sterilization." [2e]

- 7.02 In its 2007 Report on China, published in May 2007, Amnesty International noted:

"An increased number of lawyers and journalists were harassed, detained, and jailed. Thousands of people who pursued their faith outside officially sanctioned churches were subjected to harassment and many to detention and imprisonment. Thousands of people were sentenced to death or executed. Migrants from rural areas were deprived of basic rights. Severe repression of Uighurs in the Xinjiang Uighur Autonomous Region continued, and freedom of expression and religion continued to be severely restricted in Tibet and among Tibetans elsewhere." [6g]

- 7.03 Human Rights Watch, in its World Report 2008, published on 31 January 2008, stated:

"Despite China's official assurances that hosting the 2008 Olympic Games will help to strengthen the development of human rights in the country, the

Chinese government continues to deny or restrict its citizens' fundamental rights, including freedom of expression, freedom of association, and freedom of religion. The government's extensive police and state security apparatus continues to impose multiple layers of controls on civil society activists, critics, and protesters. Those layers include professional and administrative measures, limitations on foreign travel and domestic movement, monitoring (covert or overt) of internet and phone communications, abduction and confinement incommunicado, and unofficial house arrests. A variety of vaguely defined crimes including 'inciting subversion,' 'leaking state secrets,' and 'disrupting social order' provide the government with wide legal remit to stifle critics." [7i]

- 7.04 In its Human Rights Annual Report 2007, published in March 2008, the Foreign & Commonwealth Office (FCO) stated:

"Despite the Chinese government's stated commitment to protecting human rights and fundamental freedoms, and significant progress over the past 20 years, the situation in China remains poor. While China's emergence as a global player has brought considerable economic and social benefits to many of its citizens, the Chinese authorities have been slow to match this progress elsewhere, particularly in civil and political rights. With only limited reforms introduced since autumn 2006, violations of basic human rights continue to overshadow China's otherwise remarkable development. As the 2008 Beijing Olympics draw closer, the world's attention is increasingly focused on China's human rights situation... Ongoing concerns include: the scope of the death penalty and lack of transparency in its use; torture; the lack of an independent judiciary; obstacles to fair trials; arbitrary detention, including reeducation through labour (RTL); unsatisfactory prison conditions and ill treatment of prisoners; failure to protect human rights defenders; harassment of religious practitioners; restrictive regimes in Xinjiang and Tibet; and limitations on freedom of expression and association. There have been some positive developments, most notably a new central review of the death penalty and the temporary lifting of reporting restrictions on foreign correspondents." [31i] (p134)

- 7.05 In April 2005 the Chinese government published a White Paper entitled, China's Progress in Human Rights in 2004, which stated, "Realization of full human rights is a common pursuit of all countries in the world. It is also an important target of China's all-round construction of a well-off, harmonious socialist society. Together with the international community, China will, as always, make persistent efforts in promoting continuous progress of human rights in China and healthy development of international human rights." [5q] (Section VII)

[Return to contents](#)

[Go to list of sources](#)

SECURITY FORCES

- 8.01 The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, recorded:

"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. The Ministries of State Security and Public Security and the People's Armed Police were responsible for internal security... The PLA was responsible for external security but also had some domestic security responsibilities. The Ministry of Public Security (MPS) coordinates the country's law enforcement, which is administratively organized into local, county, provincial, and specialized police agencies. Recent efforts have been made to strengthen historically weak regulation and management of law enforcement agencies; however, judicial oversight was limited, and checks and balances were absent. Corruption at the local level was widespread. Police officers reportedly coerced victims, took individuals into custody without just cause, arbitrarily collected fees from individuals charged with crimes, and mentally and physically abused victims and perpetrators." [2e] (Section 1d)

POLICE

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

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

8.03 The Canadian IRB noted on 27 April 2006 that there is no definitive answer as to whether the PSB has set up a nationwide computer database. [3d]

8.04 In its Country Profile for China, dated August 2006, the US Library of Congress noted:

"The Ministry of Public Security oversees all domestic police activity in China, including the People's Armed Police Force. The ministry is responsible for police operations and prisons and has dedicated departments for internal political, economic, and communications security. Its lowest organizational units are public security stations, which maintain close day-to-day contact with the public. The People's Armed Police Force, which sustains an estimated total strength of 1.5 million personnel, is organized into 45 divisions: internal security police, border defense personnel, guards for government buildings and embassies, and police communications specialists." [11a]

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

Private security firms

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

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

Torture

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

- 8.07 On 10 March 2006 the Report of the Special Rapporteur was published. In this report Manfred Nowak stated:

“The Special Rapporteur recalls that over the last several years his predecessors have received a number of serious allegations related to torture and other forms of ill-treatment in China, which have been submitted to the Government for its comments. He cautions that such information does not necessarily illustrate the state of torture and ill-treatment in a given country, but rather reflects the state of information brought to the attention of the Special Rapporteur. Nevertheless, over a period of time, the number and consistency of the allegations received may be informative. Since 2000, the Special Rapporteur and his predecessors have reported 314 cases of alleged torture to the Government of China. These cases represent well over 1,160 individuals. Over the past five years, the Special Rapporteur has received 52 responses from the Government of China relating to a total of 90 cases.” [32b] (p12-13)

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

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

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

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

8.10 The same report also stated:

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

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

8.12 Amnesty International observed in its 2007 Report on China, published in May 2007, “Torture and ill-treatment remained widespread. Common methods included kicking, beating, electric shocks, suspension by the arms, shackling in painful positions, cigarette burns, and sleep and food deprivation. In November a senior official admitted that at least 30 wrongful convictions handed down each year resulted from the use of torture, with the true number likely being higher.” [6g]

Extra-judicial killings

8.13 The USSD Report 2007 stated, “During the year the government and its agents reportedly committed arbitrary or unlawful killings. No official statistics on deaths in custody were available.” [2e] (Section 1a) As reported by the official *China Daily* newspaper on 12 April 2006:

“According to China’s regulation on police gun use issued in 1996, officers are allowed to use guns in 15 different circumstances; such as riots, prison breaks, kidnapping, resisting arrest with weapons, and other situations that seriously threaten the lives of common people. Police officers are required to

give warnings to criminals before firing, unless there is no time for a warning, or if the warning may cause more serious life loss. The regulation also stipulates that the police are not allowed to shoot pregnant women or children, unless they are committing violent crimes with guns, explosives or virulent drugs. Nor can police officers use guns in areas where large crowds are gathered or near stored explosives or radioactive materials.” [14k]

Protection of witnesses / organised crime

8.14 Article 49 of the Criminal Procedure Law and Articles 306 to 308 of the Criminal Law provide for the protection of witnesses. [5h] [5i] However, as noted by the Canadian IRB on 26 January 2004, these provisions are rarely enforced in practice. [3a]

8.15 According to a report by *Asia Times* dated 21 October 2005, “Triad-like groups may be strong and have solid connections with some officials and police officers, but their reach does not go beyond their own province, and often their own city.” [64g] As reported by *The Independent* on 15 July 2006, “Legal experts believe there could be as many as one million mobsters in China, but despite collusion with officials, most are local gangsters and none is yet led by a Mafia-type godfather in the style of the secret societies of yore.” [17f] On 5 May 2006 the Canadian IRB recorded, “According to a 2005 article in the *The Economist*, the ability of Chinese authorities to control ‘village-level thuggery’ is ‘clearly limited’ (13 Oct. 2005). However, several sources consulted by the Research Directorate report various efforts being made by the Chinese government to tackle organized crime.” [3k] In its 2008 Country Profile for China, dated 12 February 2008, the Economist Intelligence Unit (EIU) stated:

“The rapid social and economic change experienced in China over the past 20 years has been accompanied by a rise in petty crime and gangsterism. The government has reacted to the increase in general crime in China with a series of ‘strike hard’ campaigns. However, although these have resulted in a large number of executions, they have not prevented the level of crime from rising, albeit from a comparatively low base... The persistence of the trade in illegal substances owes much to official corruption and to a revival of organised crime in the form of the triads (ethnic-Chinese criminal gangs). There have been some successes in the war against the triads. However, organised crime has not been eradicated in mainland China, Hong Kong or Macau.” [4a] (Politics: Security risk in China)

AVENUES OF COMPLAINT

8.16 In its 2007 Annual Report, published on 10 October 2007, the Congressional-Executive Commission on China (CECC) noted:

“Since the early 1950s, the Chinese system has had, at least on paper, several formal legal institutions and informal, nonjudicial systems through which citizens could seek justice, appeal government actions, and exercise oversight of officials. The oldest and most widely used of these systems allows citizens to present their grievances to Party and government offices charged specifically with receiving ‘letters and visits’ (xinfang). In 2006–2007, Chinese leaders continued efforts begun in 2005 to restructure and formalize the xinfang system in a manner that they asserted would make it more responsive, accessible, and fair. Since the 1989 passage of the Administrative

Litigation Law (ALL), citizens have also been permitted to sue administrative organs of the government through the courts. Other dispute resolution institutions include local mediation committees, labor arbitration committees, and administrative reconsideration organs. Petitions and citizen administrative suits rose sharply in number during the 1990s and early 2000s. Some citizens who avail themselves of these institutions have been successful. But for many, the last or only resort is public protest, which officials typically are quick to stifle. Surveys reveal that many citizens believe it is only the threat of protest that can help them get the attention of officials and kick-start formal institutions.” [28a] (p148-149)

8.17 The same source stated further:

“By far the most commonly used institution through which citizens may seek redress involves filing petitions through the ‘Letters and Visits Offices’ available in nearly all county-level and higher government offices and in many government and judicial departments. Official statistics in recent years indicate that government departments nationwide receive more than 10 to 13 million such petitions annually, compared with between 90,000 and 100,000 administrative lawsuits that China’s courts have accepted annually in the past five years. ‘Petitions,’ however, are not lawsuits, and their handling is governed by State Council and other government regulations that leave citizens with no legal leverage to compel offices to respond. Citizen-petitioners more often than not find that institutions to which xinfang offices refer their petitions for actual resolution of grievances ultimately decline to handle complaints... Although regulations require offices to which petitions are referred by the xinfang office to respond within a specified period of time, they frequently stall indefinitely.” [28a] (p149)

8.18 The USSD Report 2007 noted:

“Persons petitioning the government continued to face restrictions on their rights to assemble and raise grievances. Official news media reported that citizens presented 12.7 million petitions to ‘letters and visits’ offices in 2005, but only 0.2 percent of petitions filed received a response. Most petitions mentioned grievances about land, housing, entitlements, the environment, or corruption... Efforts to rid Beijing of petitioners resulted in heightened harassment, detention, incarceration, and restrictions on their rights to assemble and raise grievances. Petitioners from several provinces reported being accosted by plainclothes police at train and bus stations entering Beijing and returned to their homes before registering their petitions in the capital. Police were dispatched to detain or disperse petitioners gathering at points in Beijing to lodge petitions. In December Beijing’s municipal government reportedly demolished the last dwellings of a petitioner village in the Fengtai District that housed up to 4,000 petitioners. Authorities required residents to vacate their homes to make way for demolition... Although regulations implemented in 2005 banned retaliation against petitioners, reports of retaliation continued. This was partly due to incentives provided to local officials by the central government to prevent petitioners in their regions from raising complaints to higher levels... This initiative aimed to encourage local and provincial officials to resolve legitimate complaints but also resulted in local officials sending security personnel to Beijing and forcibly returning the petitioners to their home provinces. Such detentions occurred both before and

after the enactment of the new regulations and often went unrecorded.”
[2e] (Section 2b)

- 8.19 In a report dated 1 April 2008, Amnesty International noted, “Recent reports indicate that petitioners who had travelled to Beijing from various parts of China have been among those targeted in the ‘clean up’ of the city in the run-up to the Olympics... After they have been forcibly returned home, activists and petitioners risk further abuse, including being sentenced to terms of RTL [re-education through labour] to punish them for their activities and prevent them from returning to Beijing.” [6p]

- 8.20 In December 2005 Human Rights Watch published a report entitled, “We Could Disappear At Any Time”: Retaliation and Abuses Against Chinese Petitioners, which stated, “The May 1 [2005] regulations have not made the petitioning system fair, impartial, and effective. It is unclear if the weaknesses in the regulations represent a technical failure that can be addressed through expert advice or if ambiguity was deliberately written into the new regulations.” [7b] (Executive Summary) The report also noted:

“Petitioners told Human Rights Watch that provincial and local authorities send ‘retrievers’ to Beijing to either discourage people from their province from petitioning, or to detain them and bring them back. In many cases, arrests are conducted with the assistance of Beijing police. These arrests are often carried out with violence. After they are taken back to the home province, many petitioners are arbitrarily detained without trial in facilities where they face the risk of torture and the certainty of lengthy sentences of forced labor. Most petitioners who spoke to Human Rights Watch said that while a few retrievers who detained them wore police uniforms, the majority wore street clothes and did not identify themselves, perhaps in order to avoid jurisdictional conflicts with Beijing police or to prevent petitioners filing complaints about police abuse. Many Chinese police bureaus hire untrained civilians to assist in police work. Activists familiar with the issue, however, said that most retrievers were probably police officers in plain clothes.” [7b] (V Abuses against Petitioners in Beijing, The “Retrievers”)

- 8.21 As recorded by the Canadian IRB on 26 March 2004:

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

[Return to contents](#)

[Go to list of sources](#)

MILITARY SERVICE

9.01 Europa World, accessed on 17 April 2008, noted:

“All armed services are grouped in the People’s Liberation Army (PLA). As assessed at November 2006 by Western sources, the regular forces totalled 2,255,000, of whom approximately 1,000,000 were believed to be conscripts, and of whom some 136,000 were women: the army numbered 1,600,000, the navy 255,000 (including a naval air force of 26,000), and the air force 400,000 (including 210,000 air defence personnel). Reserves numbered some 800,000, and the People’s Armed Police comprised an estimated 1.5m. Military service is by selective conscription, and lasts for two years in all services.” [1a] (Defence)

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

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

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

POSTPONEMENT AND EXEMPTION

9.04 As stated in the Government White Paper, China’s National Defense in 2004 (Chapter V), “If a citizen qualified for enlistment is the only supporter of his or her family or is a student in a full-time school, his or her enlistment may be postponed.” [5v] Article 3 of the Military Service Law of the People’s Republic of China states, “Exemptions from military service shall be granted to persons unfit for it owing to serious physical defects or serious deformities. Persons deprived of political rights by law may not perform military service.” [5m]

9.05 War Resisters International (WRI), in its China report (1998), noted, “The right to conscientious objection is not legally recognized and there are no provisions for substitute service.” [37a] (p1)

DESERTION

9.06 The penalties for draft evasion are not specified in the Military Service Law. Nor does it specifically address the issue of desertion. Instead it refers to Article 6 of the Interim Regulations of the People’s Republic of China on Punishment of Servicemen Who Commit Crimes Contrary to Their Duties, effective from 1 January 1982. [5m] This states, “Any person who deserts from the armed forces in violation of the military service law, if the circumstances

are serious, shall be sentenced to imprisonment of not more than three years or criminal detention. Any person who commits the crime in the preceding paragraph during wartime shall be sentenced to imprisonment of not less than three years and not more than seven years.” [5s]

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

[Return to contents](#)

[Go to list of sources](#)

JUDICIARY

ORGANISATION

- 10.01 As noted by Europa World, accessed on 17 April 2008, the Supreme People's Court (SPC) is the highest judicial organ of the state. Below the SPC there are Local People's Courts (higher, intermediate and basic) and Special People's Courts, which include military and maritime courts and railway transport courts. The general principles of the legal system are set out in Articles 123 to 135 of the Constitution. [1a] (Judicial System) [5a] (Text of the Constitution)

INDEPENDENCE

- 10.02 On 21 June 2006 the official *People's Daily* newspaper reported, “Party officials have been found abusing their power to illegally meddle in or hinder the execution of court rulings, seeking to protect vested personal or departmental interests.” In response to this, the SPC in conjunction with the CCP Central Commission for Discipline and the Ministry of Supervision issued a joint notice instructing judicial officials to put in place a reporting system so that cadres attempting to interfere in court proceedings could be reported to their Party committee, or if necessary a higher court. [12t] The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, recorded:

“The law states that the courts shall 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 CCP, 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 and CCP frequently interfered in the judicial system and dictated court decisions.” [2e] (Section 1e)

- 10.03 In its 2007 Annual Report, published on 10 October 2007, the Congressional-Executive Commission on China (CECC) commented with regard to criminal trials, “Numerous structural constraints and internal practices therefore continue to limit the independence of Chinese courts and judges...senior court officials and Party political-legal committees continue to influence judicial decisionmaking, particularly in sensitive or important criminal cases. At present, the Chinese judiciary is therefore restricted in its ability to function as a transparent, impartial, and independent part of the legal system, and therefore, as a body capable of ensuring the full protection of defendants’ rights.” [28a] (p52)

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

“In 2004, the procuratorates throughout the country handled and concluded 20,306 cases of appeal according to law, the people’s courts at all levels handled 4.22 million petitions and visits of complaint, and corrected the judgments in 16,967 cases that were proved to be wrongly judged according to law, which accounted for 0.34 percent of the annual total of court decisions in effect... Statistics show that up to June 2004 there were 114,500 lawyers in practice and 11,691 law firms in China.” [5q] (Section III)

FAIR TRIAL

- 10.05 The CECC 2007 Annual Report noted that the 99 per cent conviction rate was “... due in part to the lack of fairness of criminal trials and the routine failure to comply with standards set forth under 14(1) of the International Covenant on Civil and Political Rights (ICCPR).” [28a] (p52) The USSD Report 2007 recorded:

“The criminal justice system was biased toward a presumption of guilt, especially in high-profile or politically sensitive cases. The conviction rate for first-instance criminal cases was above 99 percent in 2006. In many politically sensitive trials, which rarely lasted more than several hours, the courts handed down guilty verdicts immediately following proceedings. Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. There was an appeals process, but appeals rarely resulted in reversed verdicts. Appeals processes failed to provide sufficient avenue for review, and there were inadequate remedies for violations of defendants’ rights. Nationwide, courts at all levels found 1,713 defendants not guilty, which represented 0.19 percent of criminal defendants at trial.” [2e] (Section 1e)

- 10.06 The same report stated:

"Trials took place before a judge, who often was accompanied by 'people's assessors,' lay persons hired by the court to assist in decision making. According to statistics published during the year, there were 55,681 people's assessors. According to law, people's assessors had authority similar to judges, but in practice they deferred to judges and did not exercise an independent jury-like function. The law gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation, although police frequently interfered with this right. Individuals who faced administrative detention do not have the right to seek legal counsel... Government-employed lawyers often refused to represent defendants in politically sensitive cases, and defendants frequently found it difficult to find an attorney. When defendants were able to retain counsel in politically sensitive cases, government officials sometimes prevented effective representation of counsel... The mechanism that allows defendants to confront their accusers was inadequate; the percentage of witnesses who came to court in criminal cases was less than 10 percent and as low as 1 percent in some courts. According to one expert, only 1 to 5 percent of trials involved witnesses. In most criminal trials, prosecutors read witness statements, which neither the defendant nor his lawyer had an opportunity to question. Approximately 95 percent of witnesses in criminal cases did not appear in court to testify, in part due to hardship or fear of reprisals." [2e] (Section 1e)

10.07 The report continued:

"Although the criminal procedure law says pretrial witness statements cannot serve as the sole basis for conviction, officials relied heavily on such statements to support their cases. Defense attorneys had no authority to compel witnesses to testify or to mandate discovery, although they could apply for access to government-held evidence relevant to their case. In practice pretrial access to information was minimal, and the defense often lacked adequate opportunity to prepare for trial... There was no adversary system, no presumption of innocence, and judges and prosecutors typically used an inquisitorial style to question the defendant, who was often the only witness. The law affords no right to remain silent, no protection against double jeopardy, and no rules governing the type of evidence that may be introduced. Police and prosecutorial officials often ignored the due process provisions of the law. Because of the lack of due process, the consequences were particularly egregious in death penalty cases." [2e] (Section 1e)

(See also section 13: [Death penalty](#))

RESTRICTIONS ON LAWYERS

10.08 The CECC Report 2007 stated, "Lawyers have long complained about the 'three difficulties' that they face in criminal defense work: (1) the difficulty in obtaining permission to meet with a client, (2) the difficulty in accessing and reviewing the prosecution's evidence, and (3) the difficulty in gathering evidence in support of the defense. The Commission has reported on multiple cases in which law enforcement officers abused their discretion to deny a defendant access to his lawyer, noting in particular abuse of the 'state secrets' exception." [28a] (p47) The report also noted, "...the Party and government repeatedly pressured lawyers to refrain from taking politically sensitive cases. In early 2006, the All China Lawyers Association (ACLA) issued a 'guiding opinion' restricting the ability of lawyers to handle cases involving

representative or joint litigation by 10 or more litigants, or cases involving both litigation and non-litigation efforts.” [28a] (p153)

10.09 The USSD Report 2007 stated, “Officials deployed a wide range of tactics to obstruct the work of lawyers representing sensitive clients, including unlawful detentions, disbarment, intimidation, refusal to allow a case to be tried before a court, and physical abuse. According to the law, defense attorneys can be held responsible if their client commits perjury, and prosecutors and judges have wide discretion to decide what constitutes perjury.” [2e] (Section 1d)

10.10 In a report dated April 2008, Human Rights Watch noted:

“Chinese lawyers continue to face huge obstacles in defending citizens whose rights have been violated and ordinary criminal suspects. This report shows that lawyers often face violence, intimidation, threats, surveillance, harassment, arbitrary detention, prosecution, and suspension or disbarment from practicing law for pursuing their profession. This is particularly true in politically sensitive cases. Lawyers are often unable to seek redress for these threats and attacks as law enforcement authorities refuse to investigate abuses, creating a climate of lack of accountability for actions against members of the legal profession.” [7h]

CRIMINAL PROCEDURE LAW (1997)

10.11 The USSD Report 2004, published on 28 February 2005, observed:

“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 detention. Appeals processes failed to provide sufficient avenue for review, and there were inadequate remedies for violations of defendants' rights. Furthermore, under the law, there is no right to remain silent, no 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.” [2j] (Section 1a) [5h] (Text of the Criminal Procedure Law)

STATE SECURITY LAW (1993)

10.12 According to Article 4 of the State Security Law of the People's Republic of China, the following acts are considered as endangering state security and shall be prosecuted according to the law:

- 1 “... plotting to subvert the government, dismember the State or overthrow the socialist system;
- 2 joining an espionage organization or accepting a mission assigned by an espionage organization or by its agent;

- 3 stealing, secretly gathering, buying, or unlawfully providing State secrets;
 - 4 instigating, luring or bribing a State functionary to turn traitor; or
 - 5 committing any other act of sabotage endangering State security.” [5g] (p2)
- 10.13 Articles 102 to 113 of the Criminal Law cover the crime of endangering national security. Penalties range from three to ten years’ imprisonment, as well as criminal detention, public surveillance or deprivation of political rights. If the crime is particularly serious the person may be sentenced to death (see Article 113). [5i] (p18-20)

DOUBLE JEOPARDY

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

Article 8

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

Article 9

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

Article 10

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

Article 11

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

Article 12

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

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

10.15 In a letter dated 15 July 2005, the FCO stated:

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

[Return to contents](#)

[Go to list of sources](#)

ARREST AND DETENTION – LEGAL RIGHTS

11.01 Article 42 of the Criminal Law states, “The term of criminal detention is not less than a month and not more than six months.” [5i] (p8) Article 58 of the Criminal Procedure Law states, “The maximum period for release upon bail pending trial is by the people’s court procuratorate and public security organ may not exceed 12 months, and the maximum period for residential surveillance may not exceed six months.” [5h] (Chapter VI)

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

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

11.03 The US State Department’s Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, recorded:

“Arbitrary arrest and detention remained serious problems. The law permits police and security authorities to detain persons without arresting or charging them... Public security organs do not require court-approved warrants to detain suspects under their administrative detention powers. After detention the procuracy can approve formal arrest without court approval. According to the law, in routine criminal cases police can unilaterally detain persons for up to 37 days before releasing them or formally placing them under arrest. After a suspect is arrested, the law allows police and prosecutors to detain a person for up to seven months while public security organs further investigate the

case. Another one and one-half months of detention are allowed where public security organs refer a case to the procuratorate to decide whether to file charges. If charges are filed, authorities can detain a suspect for an additional one and one-half month period between filing and trial. However, in practice the police sometimes detained persons beyond the time limits stipulated by law. In some cases, investigating security agents or prosecutors sought repeated extensions, resulting in pretrial detention of a year or longer... It was uncertain how many other prisoners were similarly detained. The criminal procedure law allows detainees access to lawyers before formal charges are filed, although police often limited such access.” [2e] (Section 1d)

11.04 The same source stated:

“Detained criminal suspects, defendants, their legal representatives, and close relatives are entitled to apply for bail; however, in practice few suspects were released on bail pending trial. The government used incommunicado detention. The law requires notification of family members within 24 hours of detention, but individuals often were held without notification for significantly longer periods, especially in politically sensitive cases. Under a sweeping exception, officials were not required to provide notification if doing so would ‘hinder the investigation’ of a case. In some cases police treated those with no immediate family more severely.” [2e] (Section 1d)

11.05 The USSD Report 2007 also recorded:

“Administrative detention was frequently used to intimidate political activists and prevent public demonstrations. During the year individuals were assigned to administrative detention without charge, trial, or judicial review. Efforts to reform or abolish the reeducation-through-labor system remained stalled. In March 2006 the New Public Order Administrative Punishment Law went into effect, which provides for review of detention decisions but also creates 165 new offenses subject to administrative punishment. According to reports there were concerns that authorities were expanding the use of punitive administrative detention rather than reforming or abolishing it.” [2e] (Section 1d)

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

11.06 In its 2007 Annual Report, published on 10 October 2007, the Congressional-Executive Commission on China (CECC) stated, “Chinese law enforcement officers routinely detain individuals without formal charge or judicial review. In some instances, police hold individuals in custody for a few days before ultimately releasing them, without any justification other than a general desire to avoid protests and other instances of ‘social unrest’ that might undermine Party governance.” [28a] (p6)

11.07 Amnesty International noted on 12 May 2006 that the Public Order Administration Punishment Act (POAPL), effective from 1 March 2006, is designed to provide greater legal protection for people deprived of their liberty. However, Amnesty International “...remains concerned that the POAPL fails to meet international fair trial standards.” [6o] (p1) The same source also stated:

“Amnesty International has long-standing concerns that many offences in Chinese legislation are either defined vaguely or worded in such a way as to allow for the detention of individuals for the peaceful exercise of their

fundamental human rights, including freedom of expression, assembly and association... Many of the public order offences detailed in the POAPL are not clearly defined, potentially giving the police free rein to detain individuals in violation of their rights to freedom of expression, assembly and association. Such 'offences' include: 'spreading rumours' (Article 25), 'provoking quarrels' (Article 26) and 'instigating or plotting illegal gatherings, marches or demonstrations' (Article 55). Such provisions have regularly been used in the past to arbitrarily detain numerous individuals for the peaceful exercise of basic human rights, including petitioners and human rights defenders." [6o] (p3)

ARREST WARRANTS

11.08 Article 123 of the Criminal Procedure Law states:

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

11.09 On the basis of a number of sources, the Canadian IRB reported on 1 June 2004:

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

WANTED POSTERS

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

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

- 1) Do the Ministry of Public Security (MPS) use wanted posters?
- A) Yes, as do the Provincial Police Forces (Public Security Bureau – PSB).
- 2) If so how widespread is their use?
- A) Quite widespread. They 'post' them on official websites, in newspapers, public places (airports, railway / bus stations, public buildings etc.) They also circulate them internally within MPS and other PSBs. However in one

way because of the size of the population they do not include 'all wanted suspects,' but tend to select the more important [sic] 'wanted people.'

- 3) In your opinion how easy are these documents to forge?
- A) In fairness, as with all official documentation within China, I am of the opinion that any document can be forged quite easily.
- 4) In your opinion could a "genuine" document be obtained from a corrupt police officer?
- (A) Yes
- 5) Does the format vary between provinces or is it standard?
- A) Most of the Provinces follow a nation standardised version [sic] of a wanted poster, which generally includes a photograph [when available], personal details of the suspect and brief details of the offence and who/where to contact." [31k]

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

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

RESISTING ARREST/HITTING AN OFFICIAL

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

PUNISHMENT OF MINOR OFFENCES

- 11.15 As recorded by Xinzhou Zhang in a dissertation, as part of an MSc at the London School of Economics and Political Science, entitled A Restorative Justice Audit of the Chinese Criminal Justice System, published in the October 2005 edition of Restorative Justice:

"It appears to be taken for granted internationally that Chinese criminal justice is punitive and retributive. It is true that few offenders avoid criminal penalties, but not all deviances in China are criminal offenses. Wrongdoing is divided into two main categories: infringement of law (wei fa) and crime (fan zui). Criminal law deals with the most serious offenders. Those who are not serious offenders are subject to the Security Administration Punishment Regulations

(SAPR) or re-education through labor (RTL). Punishments under the SARP are: warning, a fine up to 200 RMB and detention for 15 days. Servitude for the RTL is generally from one to three years, with a maximum of four years under special circumstances. SARP and RTL punishments are administrative orders decided by the police without trial. The RTL is controversial because it can be even more severe than some criminal sentences although it is considered an administrative sanction.” [78a] (p20)

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

[Return to contents](#)

[Go to list of sources](#)

PRISON CONDITIONS

- 12.01 In its Summer Report 2004 (Vol. 12, No. 2), the Laogai Research Foundation noted:

“In 2001, China’s State Council authorized the construction of 120 large-scale modern prisons divided into three categories: minimum security, which can house 3,000 prisoners; moderate security, which can house 5,000 prisoners; and maximum security, which has a capacity of 10,000 prisoners. These prisons were set to be completed by the year 2005, but as of mid-2004, construction on only 30 of these prisons had been finished. In many localities, construction machinery has piled up in construction areas as funds have been diverted.” [35b]

- 12.02 The same source continued, “According to the most recent data from China’s public security and judicial authorities, 1.12 million people are currently serving time in China’s prisons, and the total number of prisoners exceeds jail capacity by 18 percent. Many prisoners are able to negotiate a reduction in their prison time by bribing the authorities. Also, a large number of criminal cases are backed up, due to both a shortage of judicial manpower and a lack of funding.” [35b]

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

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

- 12.04 The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, recorded:

"According to 2005 official statistics, the Ministry of Justice administered more than 700 prisons with a population of more than 1.8 million inmates. In addition 30 jails for juveniles held approximately 22,000 juvenile offenders. The country also operated hundreds of administrative detention centers, which were run by security ministries and administered separately from the formal court system. Conditions in penal institutions for both political prisoners and common criminals generally were harsh and degrading. Prisoners and detainees often were kept in overcrowded conditions with poor sanitation. Inadequate prison capacity was an increasing problem in some areas. Food often was inadequate and of poor quality, and many detainees relied on supplemental food and medicines provided by relatives; some prominent dissidents were not allowed to receive such goods. Many inmates in penal and reeducation-through-labor facilities were required to work, with minimal or no remuneration. In some cases prisoners worked in facilities directly connected with penal institutions; in other cases they were contracted to nonprison enterprises. Former prison inmates reported that workers who refused to work in some prisons were beaten. Facilities and their management profited from inmate labor... Adequate, timely medical care for prisoners remained a serious problem, despite official assurances that prisoners have the right to prompt medical treatment... Prison officials often denied privileges, including the ability to purchase outside food, make telephone calls, and receive family visits, to those who refused to acknowledge guilt... Political prisoners were segregated from each other and placed with common criminals, who sometimes beat political prisoners at the instigation of guards. Newly arrived prisoners or those who refused to acknowledge committing crimes were particularly vulnerable to beatings." [2e] (Section 1c)

- 12.05 The same source reported, "The government generally did not permit independent monitoring of prisons or reeducation-through-labor camps, and prisoners remained inaccessible to local and international human rights organizations, media groups, and the International Committee of the Red Cross (ICRC)." Also noted was that "Sexual and physical abuse and extortion occurred in some detention centers." [2e] (Section 1c)

PSYCHIATRIC CUSTODY (ANKANG SYSTEM)

- 12.06 As recorded by Human Rights Watch in its report entitled, China: Political Prisoner Exposes Brutality in Police-Run Mental Hospital, Eyewitness Testimonies from Notorious Ankang Asylum, published on 1 November 2005:

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

to stay awake all night to avoid sudden and unprovoked inmate attacks.” [7d] (p1)

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

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

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

- 12.09 The USSD Report 2007 recorded:

“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. Persons committed to these institutions had no mechanism for objecting to public security officials’ determinations of mental illness. 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 to an ankang facility were not clear. Political activists, underground religious believers, persons who repeatedly petitioned the government, members of the banned China Democratic Party (CDP), and Falun Gong adherents reportedly were incarcerated in such facilities during the year. Activists sentenced to administrative detention also reported they were strapped to beds or other devices for days at a time, beaten, forcibly injected or fed medications, and denied food and use of toilet facilities.” [2e] (Section 1c)

XIAMEN PRISON (FUJIAN PROVINCE)

- 12.10 In the Fall 2003 edition of its newsletter *Dialogue*, the Dui Hua Foundation noted:

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

DRAPCHI PRISON (TIBET)

- 12.11 As recorded in a report by Amnesty International (Issue 121) from September/October 2003:

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

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

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

QUSHUI PRISON (TIBET)

- 12.13 As reported by the same source:

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

OTHER KNOWN DETENTION FACILITIES IN TIBET

12.14 In its Annual Report 2007 on the Human Rights Situation in Tibet, the Tibetan Centre for Human Rights and Democracy (TCHRD) listed 19 prisons and detention centres in Tibet. The TCHRD regards the whole of the Tibetan Plateau as part of ‘Tibet’ and the list therefore includes prisons/labour camps outside the Tibet Autonomous Region (TAR). These institutions are listed below:

- Tibet Autonomous Region Prison (Drapchi Prison)
- ‘TAR’ PSB Detention Centre (Sangyip Prison)
- Lhasa City PSB Detention Centre (Gutsa Prison)
- ‘TAR’ ‘re-education through labour centre’ (Trisam Prison)
- Powo Tramo (formerly known as ‘TAR’ No. 2 Prison)
- Lhasa Prison (formerly known as Outridu)
- Tibetan Military Detention Centre (military prison)
- Zethang ‘Reform through labour facility’
- Maowan Prison (located in Sichuan province)
- Chamdo Detention Centre or Prison
- Shigatse Nyari Detention Centre
- Chushul Prison (Qushui Prison)
- Prefecture Detention Centres (PDC): seven in total, one for each region and one in the capital, Lhasa. [45a] (**Appendix 4: List of Known Prisons and Detention Centres in Tibet**)

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

ADMINISTRATIVE DETENTION/LABOUR CAMPS

Re-education Through Labour (RTL)

12.15 In a report dated 8 October 2007, Amnesty International stated:

“Administrative detention covers forms of detention which in China are imposed by the police without charge, trial or judicial review, as forms of punishment. Such practices in China include: Re-education Through Labour, the most common form of administrative detention in China, imposed for periods up to four years for a wide variety of minor offences not considered serious enough to be punished under the Criminal Law... In May 2006, the Beijing city authorities announced their intention to extend the use of Re-education Through Labour as a way to control what they considered to be offending behaviour and to ‘clean up’ the city’s image ahead of the Olympics... Hundreds of thousands of people are believed to be held in Re-education Through Labour facilities across China, many in harsh conditions. These include petty criminals, critics of the government or followers of banned beliefs. Those assigned to Re-education Through Labour are forced to work for long hours as part of their ‘re-education’ in a manner similar to compulsory labour in prisons. Detainees are at high risk of torture or ill-treatment, particularly if they refuse to recant their ‘offending behaviour’ or attempt to appeal against their sentence.” [6i]

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

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

12.17 As reported by the *New York Times*, in an article dated 9 May 2005:

“Labor re-education camps opened in 1957. The system has become a quick, easy way for the police to imprison people in infractions that violate the social order. Critics say the system gives the police so much latitude that they can arbitrarily choose whether to file criminal charges against someone or simply place that person in labor re-education... Conditions and treatment in the more than 300 prisons in the system are said to vary. All inmates are expected to do some type of factory work or manual labor. Some imprisoned intellectuals have described fairly mild conditions, while other people have reported much harsher treatment. Outside China, Falun Gong is waging an aggressive campaign to publicize its allegations of mistreatment, which the Chinese government has denied. It is impossible to prove or disprove all of its specific allegations – a catalog of torture, which Falun Gong portrays in graphic posters and fliers.” [85a]

12.18 The article also noted:

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

12.19 As noted by the USSD Report 2007:

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

Other forms of administrative detention

12.20 In its report dated 8 October 2007, Amnesty International referred to two other forms of administrative detention:

- Enforced Drug Rehabilitation, used to punish alleged drug addicts with terms of up to three to six months, often in harsh conditions. Beijing police have declared an intention to extend this to one year in an attempt to force drug addicts to give up their addictions before the Olympics.
- Custody and Education, used to punish alleged prostitutes and their clients with sentences of between six months and two years. [6i]

12.21 The USSD Report 2007 also observed:

“Many other persons were detained in similar forms [to reeducation through labour camps] of administrative detention, known as ‘custody and education’

(for prostitutes and those soliciting prostitutes) and ‘custody and training’ (for minors who committed crimes). Administrative detention was used to intimidate political activists and prevent public demonstrations. Special reeducation centers were used to detain Falun Gong practitioners who had completed terms in reeducation-through-labor but whom authorities decided to continue detaining.” [2e] (Sections 1d)

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

12.23 Article 8 of the Law on Administrative Penalty states:

“Types of administrative penalty shall include:

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

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

[Return to contents](#)

[Go to list of sources](#)

DEATH PENALTY

13.01 Article 48 of the Criminal Law states:

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

13.02 In its 2007 Annual Report, published on 10 October 2007, the Congressional-Executive Commission on China (CECC) noted, “Chinese criminal law includes 68 capital offenses, over half of which are nonviolent crimes such as tax evasion, bribery, and embezzlement. In recent years, China’s central government leadership has adopted an ‘execute fewer, execute cautiously’

policy, but the government publishes no official statistics on the number of executions and reportedly considers this figure a state secret.” [28a] (p52)

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

“The 1997 criminal law changed the article regarding the application of the death penalty from ‘only use for the most vicious criminal elements’, to ‘only use for the most serious criminal elements’, but no definition of ‘most serious’ was given... The 1997 law lists 68 different capital crimes, as follows: 7 crimes of endangering national security, 14 crimes of endangering public security, 16 crimes of undermining the socialist market economy, 5 crimes of infringing upon the persons and the democratic rights of citizens, 2 crimes of encroaching on property, 8 crimes of disrupting the order of social administration, 2 crimes of endangering national defence interests, 2 crimes of corruption and bribery, and 12 crimes of violation of duty by military personnel... But since the promulgation of the 1979 criminal law separate legislations added regulations for many other crimes to warrant the death penalty, the new criminal law actually somewhat reduced the number of crimes attracting the death penalty by imposing restrictions on the application of the death penalty for theft and intentional injury.” [77a]

- 13.04 The report continued, “According to one statistics from an intermediate people’s court, in 1991, 41.4% of those executed had been sentenced on theft charges, in 1992 the number of death penalty charges for theft was 22.73%, and by 1998 10.71%. From 1998 onwards no one had been sentenced to death on theft charges. Another judicial statistic from a higher people’s court shows that in the year following the new criminal law, only one person received the death sentence for theft.” [77a]

- 13.05 It is unclear exactly how many offences carry the death penalty in China. The CECC Report 2007 put the figure at approximately 68. [28a] (p52) However, in a report dated 14 March 2005, the official *China Daily* newspaper stated, “More than 70 offences carry the death penalty under Chinese law, including many non-violent crimes such as smuggling and corruption.” [14d]

- 13.06 The most common method of execution remains a bullet to the back of the head although the use of lethal injection is increasing. [90b] (*The Times*, 27 October 2005) As reported by *Asia Times* on 21 July 2006, mobile execution vans are being introduced as a more cost effective and discrete way of executing prisoners. Yunnan province has 18 such vans while Zhejiang is considering adopting them. [64i]

SUSPENDED DEATH SENTENCES

- 13.07 Roger Hood reported in the Summer 2005 edition of the journal *China Review*:

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

to avoid a miscarriage of justice. But this procedure runs counter to the principle of presumption of innocence.” [77a]

NUMBER OF EXECUTIONS

- 13.08 In its 2007 Report on China, published in May 2007, Amnesty International noted, “The death penalty continued to be used extensively to punish around 68 crimes, including economic and non-violent crimes. Based on public reports, AI estimated that at least 1,010 people were executed and 2,790 sentenced to death during 2006, although the true figures were believed to be much higher.” [6g] In an article dated 8 June 2007, the BBC reported, “China has handed out fewer death sentences in recent months, since laws governing the system were tightened up. The number of death penalties meted out in Beijing courts this year dropped by 10% from the same time last year, the China Daily newspaper said.” [9e] Amnesty International reported on 15 April 2008 that during 2007 at least 470 people were executed and 1,860 were sentenced to death; these were minimum figures. [6q] (Sections 4 and 5)
- 13.09 As noted by the CECC Report 2007, “Some Chinese sources estimate that the annual number of executions in China ranges from 8,000 to 10,000. The Dui Hua Foundation, which researches and seeks to curb political imprisonment, estimates that China executed about 100,000 individuals during the past decade, accounting for more than 95 percent of all executions worldwide.” [28a] (p52-53) According to the Swedish representative to the UN Human Rights Council, cited by Amnesty International in April 2007, more than 80 per cent of the total number of executions in the world today take place in China. [6h]

JUDICIAL OVERSIGHT

- 13.10 The US State Department’s Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, recorded:
- “Because of the lack of due process, the consequences were particularly egregious in death penalty cases... Following the SPC’s [Supreme People’s Court] reassumption of death penalty review power on January 1 [2007], executions were not to be carried out on the date of conviction, but only on the SPC’s approval following review. Media reports stated that approximately 10 percent of executions were for economic crimes, especially corruption. However, SPC Vice President Jiang Xingchang stated the SPC handed down only ‘a very small number of death sentences for economic crimes now, just a few a year.’” [2e] (Section 1e)
- 13.11 In its 2007 Report on China, published in May 2007, Amnesty International stated, “The National People’s Congress passed a law reinstating a final review of all death penalty cases by the Supreme People’s Court from 2007. Commentators believed this would lead to a reduction in miscarriages of justice and use of the death penalty.” [6g] However, in a report dated 30 April 2007, Amnesty International noted:
- “Some commentators have drawn attention to limitations in the review process, namely that it is aimed more at ensuring that procedures have been followed correctly, rather than determining the facts of the case. One Beijing-based source reported to Amnesty International that the procedure seems to

focus largely on ensuring that the death penalty is applied in a consistent, uniform manner across provinces, rather than effectively addressing potential miscarriages of justice in individual cases.” [6h]

- 13.12 On 26 September 2006 the official *China Daily* newspaper reported, “The Supreme People’s Court and Supreme People’s Procuratorate have ordered Chinese courts to hear the appeals of those sentenced to death in an open courtroom. The order is effective as of Monday [2 October 2006]. The same requirement also applies to appeals of those sentenced to death penalty with a two year reprieve if the convicted or their lawyers provide new evidence that might effect the results of their original trail [sic].” [14i]

- 13.13 A report by Amnesty International, dated 15 April 2008, observed:

“In apparent recognition of the need for greater transparency at lower levels, the SPC issued a legal notice on 14 June [2007] stressing that first-instance death penalty cases must be held in open court and that courts should move towards ensuring public trials for appeal hearings in criminal cases more generally... Ni Shouming [spokesman for the SPC] and SPC vice-president Zhang Jun announced that the SPC would be introducing ‘unified guidelines’ to tackle ‘judicial injustice’ resulting from the different criteria being used across the country for sentencing people to death, particularly for economic and drug-related offences.” [6r] (Section 6.1)

(See also section 10: [Fair Trial](#))

PEOPLE EXEMPTED FROM THE DEATH PENALTY

- 13.14 Article 49 of the Criminal Law states, “The death penalty is not to be applied to persons who have not reached the age of eighteen at the time the crime is committed or to women who are pregnant at the time of adjudication.” [5i] (p9)

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

- 13.15 As reported by Amnesty International on 6 April 2004, “...reports have indicated that people under 18 at the time of the offence have continued to be executed because the courts do not take sufficient care to determine their age.” [6k]

[Return to contents](#)

[Go to list of sources](#)

POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

- 14.01 The CCP (Chinese Communist Party) maintains a monopoly on political power and does not permit the creation of new political parties. Neither does it permit mass organisations to operate independently from Party or State. [2e] (USSD Report 2007) (Section 3)
- 14.02 The US State Department’s Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, recorded:

“Government officials continued to deny holding any political prisoners, asserting that authorities detained persons not for their political or religious views, but because they violated the law; however, the authorities continued to confine citizens for reasons related to politics and religion. Tens of thousands of political prisoners remained incarcerated, some in prisons and others in reeducation-through-labor camps or administrative detention. The government did not grant international humanitarian organizations access to political prisoners. Foreign NGOs estimated that several hundred persons remained in prison for the repealed crime of ‘counterrevolution,’ and thousands of others were serving sentences under the state security law, which authorities stated covers crimes similar to counterrevolution... Political prisoners obtained parole and sentence reduction much less frequently than ordinary prisoners. Criminal punishments included ‘deprivation of political rights’ for a fixed period after release from prison, during which the individual is denied the already-limited rights of free speech and association granted to other citizens. Former prisoners sometimes found their status in society, ability to find employment, freedom to travel, and access to residence permits and social services severely restricted. Former political prisoners and their families frequently were subjected to police surveillance, telephone wiretaps, searches, and other forms of harassment, and some encountered difficulty in obtaining or keeping employment and housing.” [2e] (Section 1e)

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

- 14.03 On 19 June 2005 Rupert Wingfield-Hayes, the BBC’s Beijing correspondent writing for the Association for Asian Research (AFAR), reported:

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

[Return to contents](#)

[Go to list of sources](#)

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 14.04 The USSD Report 2007 recorded:

“The law provides for freedom of peaceful assembly; however, the government severely restricted this right in practice. The law stipulates that such activities may not challenge ‘party leadership’ or infringe upon the ‘interests of the state.’ Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly suppressed

demonstrations involving expression of dissenting political views... The law provides for freedom of association, but the government restricted this right in practice. CCP policy and government regulations require that all professional, social, and economic organizations officially register with, and be approved by, the government. In practice these regulations prevented the formation of truly autonomous political, human rights, religious, spiritual, labor, and other organizations that might challenge government authority. The government maintained tight controls over civil society organizations and over the past three years increased measures aimed at supervising and controlling them.” [2e] (Section 2b)

14.05 The same source stated:

“Demonstrations with political or social themes were broken up quickly, sometimes with excessive force. Social inequalities and uneven economic development, combined with dissatisfaction over widespread official corruption, resulted in increased social unrest. As in past years, the vast majority of demonstrations during the year concerned land disputes, housing issues, industrial, environmental, and labor matters, government corruption, taxation, and other economic and social concerns... Authorities detained potential protesters before and after the June 4 anniversary of the Tiananmen massacre, the second anniversary of Zhao Ziyang's death in January, the March plenary sessions of the NPC and CPPCC, and the 17th Communist Party Congress in October. Dissidents were detained around the time of other sensitive events to prevent public demonstrations. Labor protests over restructuring of state-owned enterprises and resulting unemployment continued, as did protests over environmental degradation and major infrastructure projects, such as dams. All concerts, sports events, exercise classes, or other meetings of more than 200 persons required approval from public security authorities. In practice much smaller gatherings also ran the risk of being disrupted by authorities.” [2e] (Section 2b)

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

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

- 1 failure to make an application in accordance with the provisions of this Law or to obtain permission for the application;
- 2 failure to act in accordance with the purposes, manners, posters, slogans, starting and finishing time, places and routes permitted by the competent authorities; or
- 3 the emergence, in the course of the activity, of a situation which endangers public security or seriously undermines public order.” [5b] (p5)

14.07 Article 30 of the Regulations for the Implementation of the Law of Assembly, Procession and Demonstration of the People's Republic of China (promulgated 1 June 1992) states, “When foreigners want to participate in an assembly, procession or demonstration held by Chinese citizens, the responsible individual of the assembly, procession or demonstration shall clearly state this in the application. Without the expressed approval of the competent public security organs, they will not be allowed to participate.” [5c] (p7)

Civil disturbances

- 14.08 Human Rights Watch, in its World Report 2008 covering events in 2007, published on 31 January 2008, stated:

“Ordinary citizens face immense obstacles to accessing justice, in particular over issues such as illegal land seizures, forced evictions, environmental pollution, unpaid wages, corruption, and abuse of power by local officials, a situation that fuels rising social unrest across the country. The authorities have stopped disclosing figures about the number of riots and demonstrations after they announced a decline from over 200 incidents per day in 2006, but large-scale incidents were reported in 2007 in almost all of China’s 34 province-level administrative units. Several demonstrations involved tens of thousand of people, such as in Yongzhou (Hunan) in March 2007 and Xiamen (Fujian) in June.” [7i]

- 14.09 As noted by Freedom House in a report entitled, *The Worst of the Worst: The World's Most Repressive Societies 2007*, published on 9 May 2007, “One of the major sources of discontent in both rural and urban areas is the confiscation of land without adequate compensation, often involving collusion between local government and developers eager to profit from China’s rapid urbanization. The authorities continue to frequently employ excessive force to quell such disturbances.” [26a] On 3 June 2006 *Asia Times* reported:

“According to Chinese media reports, 16 million people across the country have already been displaced as a result of constructing large dams... of the millions of people who have been displaced by the construction of large hydroelectric projects, the majority continue to live in poverty... More than a million people have already been relocated for the construction of the Three Gorges Dam. Although all of these were promised compensation, including new houses and livelihoods, many displaced families have complained from the beginning that their compensation was siphoned off by corrupt local officials and that they cannot make a living in their new locations.” [64c]

- 14.10 On 21 January 2006 the *Guardian* newspaper indicated that rural unrest over land appropriation figured prominently in civil disturbances:

“The Chinese prime minister, Wen Jiabao, has warned that the rampant seizure of farmland for development is threatening social stability amid a rising wave of violent protests in the countryside. A day after the government released statistics showing an average of more than 230 demonstrations every day last year, the state media published a grim warning from the prime minister, who is struggling to curb the land-grabbing instincts of China's local governments... With urbanisation growing at an unprecedented rate, 6.7m hectares of agricultural land were converted into roads, factories and residential areas last year. This has created problems of food self-sufficiency and left millions of farmers homeless. Each transfer of property brings huge gains to developers. According to Ye Jianping of Renmin University, a six-square-metre plot of farmland in Guangdong province is worth no more than 150,000 yuan (£10,000). But if it is reclassified as development land, it can be worth up to 3m yuan. ‘The rate of urbanisation is too fast,’ said Professor Ye. ‘A lot of rural land is becoming urban but the transfer of population has not kept up so there are more than 30 million farmers without land or jobs.’

Because the land is owned by the state or village collective, farmers have only fixed-term usage rights and minimal legal protection. When land is seized it is often done without adequate compensation. As there is no independent court system, it is usually impossible to seek legal redress so farmers have little choice but to protest. Disputes over land have emerged alongside - often related - issues of pollution and corruption as the major causes of unrest.” [41j]

14.11 In a report dated 14 March 2007, Human Rights Watch stated:

“Protests in Hunan and Guangdong provinces were violently suppressed on March 11 and March 12 [2007] respectively. In both cases, specially dispatched riot police attacked the crowds, according to eyewitnesses cited in international news reports. In Beijing, hundreds of petitioners have been rounded up over the past two weeks, in the largest ‘clean-up’ operation by the police in recent years. Dozens of rights activists across the country are being held under house arrest or being so closely monitored that their freedom has been significantly impaired... Human Rights Watch said that these latest attacks on freedom of expression and assembly come during an explosion of social unrest in recent years. Problems such as corruption, illegal-land seizures, forced evictions, the forced relocation of entire communities in the name of economic development and modernization, unchecked pollution, and the collapse of the welfare state have become burning social issues. According to official Chinese government statistics, an average of 200 protests take place every day – quadruple the number a decade ago.” [7l]

14.12 As reported by the Economist Intelligence Unit (EIU) in its 2008 Country Profile for China, dated 12 February 2008:

“Protests in rural areas have (also) become increasingly common in recent years. Several have turned violent, notably those in the townships of Shanwei and Dingzhou (in Guangdong and Hebei provinces respectively) in 2005, which were sparked by official seizures of land and inadequate compensation payments. Complaints about issues such as these have grown, as villagers have become more aware of their legal rights. The government tends to react to such protests by addressing some of the complaints raised and arresting those identified as the ‘ringleaders’. It comes down with a particularly heavy hand on any local protest that threatens to develop into a wider movement.” [4a] (Politics: Security risk in China)

14.13 The USSD Report 2007 noted:

“Forced relocation because of urban development continued and in some locations, increased during the year. During the year protests over relocation terms or compensation, some of which included thousands of participants, took place and some protest leaders were prosecuted. Some activists and NGOs linked evictions in Beijing to construction for the 2008 Olympics. In rural areas, relocation for major state projects, such as dams, and for commercial development resulted in the forced relocation of millions of persons.” [2e] (Section 1f)

[Return to contents](#)

[Go to list of sources](#)

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

14.14 The CIA World Factbook, dated 15 April 2008, noted that “no substantial political opposition groups exist, although the government has identified the Falungong spiritual movement and the China Democracy Party as subversive groups.” [30a] As reported by the USSD Report 2007, “The CCP retained a monopoly on political power and forbade the creation of new political parties.” [2e] (Section 3)

14.15 In an article dated 4 July 2003 and re-produced by the Dui Hua Foundation on its website, the *Washington Post* reported:

“The best sources of information about human rights violations in China are often Chinese officials themselves, speaking through officially sanctioned publications or directly to foreigners in the dozen or so official rights dialogues between China and foreign governments... Many of the names Dui Hua uncovers are connected to illegal political and religious groups. The sheer number of such groups is staggering. It is not uncommon to find, in a county gazette, the names of a half-dozen illegal political parties or religious bodies that have been operating under the noses of the local authorities for years. Most opposition groups are small and localized, but from time to time groups that have developed national networks are uncovered in official publications.” [59b]

China Democracy Party (CDP)

14.16 As noted by Europa World, accessed on 17 April 2008, “During 1998 there were repeated failed attempts by pro-democracy activists to register an opposition party, the Chinese Democratic Party (CDP). The leaders of the party (Wang Youcai, Xu Wenli and Qin Yongmin) were sentenced to lengthy terms of imprisonment, and many other members of the party were detained. The CDP is currently based in New York.” [1a] (Other Political Organisations) On the issue of whether the CDP is still active in China, the USSD Report 2007 is unclear, stating that the CDP was “...an opposition party founded in 1998 and subsequently declared illegal.” [2e] (Section 3)

14.17 The same report noted further:

“Dozens of CDP leaders, activists, and members have been arrested, detained, or confined. One of the CDP's founders, Qin Yongmin, who was imprisoned in 1998, remained in prison at year's end, as did others connected with a 2002 open letter calling for political reform and reappraisal of the 1989 Tiananmen massacre. In September 2006 authorities detained CDP leader Chen Shuqing on suspicion of inciting ‘to subvert state power,’ and in August the Hangzhou Intermediate court sentenced Chen to four years' imprisonment and one year's deprivation of political rights. More than 30 current or former CDP members reportedly remained imprisoned or held in reeducation-through-labor camps, including Zhang Lin, Sang Jiancheng, He Depu, Yang Tianshui, Wang Rongqing, and Jiang Lijun.” [2e] (Section 3)

14.18 As noted by Freedom House in a report entitled, *The Worst of the Worst: The World's Most Repressive Societies 2007*, published on 9 May 2007, “Opposition groups, such as the China Democracy Party, are actively suppressed.” [26a]

- 14.19 On 7 March 2006 the Dui Hua Foundation recorded, "The Dui Hua Foundation has been advised by China's Ministry of Foreign Affairs, citing information provided by the Ministry of Justice, that 72-year-old retired physics professor Tong Shidong will be released from Chishan Prison in Hunan Province on March 9, 2006. Tong, who helped to organize a branch of the China Democracy Party (CDP) at Hunan University in January 1999, is the oldest member of the CDP currently serving a prison sentence." [36d]
- 14.20 The China Democracy Party's website, accessed on 30 April 2008, noted that the CDP has held over 100 protests in the US. It aims to attract Chinese Americans who are US citizens and build a mass movement in the US with the eventual aim of going back to China and establishing a democratic system of government there. The Party's flag is a red, yellow and blue circle on a blue and red background. The circle is red on top, yellow in the middle and blue at the bottom. It is surrounded by eight yellow stars. The background is blue at the top and red at the bottom. [20a]

UK Branch of the China Democracy Party

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

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

Tiananmen Square activists

- 14.22 In September 1990 Amnesty International published a detailed report on the Tiananmen Square protests and their aftermath. This report highlighted both the indiscriminate nature of the killings and thoroughness of the crackdown that preceded it. [6a] In a report dated 1 June 2007, Human Rights Watch stated:

"Eighteen years after Chinese government troops initiated a massacre of an estimated 2,000 unarmed citizens in and around Tiananmen Square and other Chinese cities on and after June 4, the Chinese government has wholly failed to account for those killings and bring justice to the victims. Instead, the government continues to harass the survivors, their families and those who dare to challenge the official whitewash of the events at Tiananmen Square... In the run-up to each anniversary of the June 3-4 massacres, survivors and victims' families are subjected to intrusive scrutiny by public security officials, while known dissidents are frequently put under house arrest during the same period. In Tiananmen Square itself, the normally tight security narrows to a stranglehold to prevent spontaneous protests or efforts by relatives to mourn their dead family members." [7k]

- 14.23 In response to the eighteenth anniversary of the Tiananmen Square massacre, the US State Department released a press statement on 1 June 2007 in which it said:

"The international community and ordinary Chinese citizens still do not know how many people were killed or injured when Chinese troops and tanks entered Beijing. The Government of China continues to suppress basic facts

about the Tiananmen protests and the subsequent massacre. Many in China and elsewhere are unaware that thousands of Chinese citizens were arrested and sentenced without trial in 1989, and an estimated 100-200 still languish in prison for Tiananmen-related activities. The fullest possible accounting by the Chinese Government of those killed, detained, or missing is long overdue. The families of victims and ordinary Chinese citizens deserve an accounting. As the 2008 Olympic Games approach, the international community will place China under greater scrutiny. We urge the Chinese Government to move forward with a reexamination of Tiananmen, to release all Tiananmen era prisoners, and to cease harassment of the families of victims of Tiananmen.” [2c]

14.24 On 1 June 2007 Amnesty International reported:

“While the authorities have moved away from branding the incident a ‘counter-revolutionary rebellion’ towards labelling it a ‘political incident’, they have refused to respond to long-standing calls for justice by the victims or their families... So far, the authorities have failed to carry out any independent inquiry into the events of 4 June 1989 with a view to prosecuting those responsible for human rights violations and providing compensation for the victims or their families. In May 2006 it was reported that local authorities had paid 70,000 Yuan (approx. US\$8,700) to the mother of Zhou Guocong, a 15-year-old boy who was beaten to death by police in Chengdu, Sichuan province on 7 June 1989. He had been detained for joining pro-democracy protests. Significantly, however, the payment was described as ‘hardship assistance’ rather than ‘compensation’. It is possible that other families may also have been privately ‘compensated’, but asked to keep it quiet. The Chinese government continues to stifle public debate over the issue, which remains erased from magazines, newspapers, school text-books and Internet sites in China. Over the last year in particular, official policies on media control and censorship have been intensified, preventing any public analysis or discussion of 4 June 1989 or any other politically sensitive periods in China’s recent history.” [6j]

14.25 The same source stated further:

“The organization [Amnesty International] continues to call for the immediate and unconditional release of those imprisoned more recently for urging a greater public debate on the events of 4 June 1989 or for criticising official policy on the issue... Amnesty International also urges the Chinese authorities to stop the police harassment, surveillance and arbitrary detention of peaceful human rights defenders, many of whom have sought to commemorate the victims of the 1989 crackdown and call for redress.” [6j]

Responses to the ‘Nine Commentaries’

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

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

[Return to contents](#)

[Go to list of sources](#)

FREEDOM OF SPEECH AND MEDIA

- 15.01 The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, recorded:

"The law provides for freedom of speech and of the press, although the government generally did not respect these rights in practice. The government interpreted the CCP's 'leading role,' as mandated in the constitution, as superseding and circumscribing these rights. The government continued to control print, broadcast, and electronic media tightly and used them to propagate government views and CCP ideology. Some controls tightened during the year, and it was increasingly difficult to express views that differed from the official line through broadcast media and in print. All media were expected to abide by censorship guidelines issued by the party. Media outlets received regular guidance from the Central Propaganda Department, which listed topics that should not be covered, including politically sensitive topics. During the year propaganda officials issued new guidelines restricting media coverage of an additional 20 topics, including judicial corruption and campaigns by legal rights defenders. These measures greatly restricted the freedom of journalists and Internet writers to report the news and led to a high degree of self-censorship." [2e] (Section 2a)

- 15.02 The same source continued:

"So long as the speaker did not publish views that challenged the CCP or disseminate such views to overseas audiences, the range of permissible topics for private speech continued to expand. Political topics could be discussed privately and in small groups without punishment, and minor criticisms of the government were common topics of daily speech. However, public speeches, academic discussions, and speeches at meetings or in public forums covered by the media remained circumscribed. The government also frequently monitored gatherings of intellectuals, scholars, and dissidents where political or sensitive issues were discussed. Those who aired views that disagreed with the government's position on controversial topics or disseminated such views to an overseas audience risked punishment ranging from disciplinary action at government work units to police interrogation and detention." [2e] (Section 2a)

- 15.03 As noted by Reporters Without Borders in its Worldwide Press Freedom Index 2007, China was ranked 163 out of the 169 countries included in the index (one being the most free and 169 being the least free). The same source stated that out of a total of 64 persons imprisoned worldwide, at the time of the report's release, because of what they had posted on the Internet, 50 of these were in China. [63a]

- 15.04 On 26 September 2005 the *Guardian* newspaper reported:

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

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

- violates the basic principles of the Chinese constitution;
- endangers national security, leaks national secrets, seeks to overthrow the government, endangers the unification of the country;
- destroys the country’s reputation and benefits;
- arouses national feelings of hatred, racism, and endangers racial unification;
- violates national policies on religion, promotes the propaganda of sects and superstition;
- spreads rumours, endangers public order and creates social uncertainty;
- spreads information that is pornographic, violent, terrorist or linked to gambling;
- libels or harms people’s reputation, violates people’s legal rights, includes illegal information bounded by law and administrative rules.
- It is forbidden to encourage illegal gatherings, strikes, etc to create public disorder.
- It is forbidden to organise activities under illegal social associations or organisations. [63c]

15.06 On 6 March 2007 the BBC reported:

“China will not allow any more internet cafes to open this year, according to a government order obtained by the state news agency Xinhua... Xinhua said the new restrictions were part of a campaign to combat the rising problem of internet addiction... The number of people using the internet in China has grown by 30% over the last year, to 132 million, the state Internet Network Information Centre announced in December [2006]. That figure puts China on track to surpass the US online population in the next two years. In January [2007], President Hu Jintao ordered Chinese internet regulators to promote a ‘healthy online culture’ to protect the government’s stability. The government encourages internet use for education or business purposes, but has been criticised for censoring items it deems subversive or offensive.” [9ae]

15.07 In October 2005 Reporters Without Borders published a report entitled, Xinhua: The World’s Biggest Propaganda Agency, which stated:

“Xinhua’s goal is to maintain the CCP’s news monopoly. It is, according to the official definition, ‘the eyes, ears and voice of China’. It is the de facto largest centre of news gathering and distribution in the country. No news, especially on sensitive issues, should reach the media without the say-so of the all-powerful Xinhua... According to official figures, the agency employs 8,400

people (Agence France-Presse by contrast has a staff of 2,000) of whom 1,900 are journalists and editors. Its president, Tian Congming, has the rank of a minister.” [63f] (p1)

15.08 The same report also stated:

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

JOURNALISTS

15.09 In its annual report entitled, Attacks on the Press in 2007, the Committee to Protect Journalists (CPJ) stated, “The administration undertook a clumsy effort to woo the foreign press corps while simultaneously tightening control over the flow of information and commentary within China... Chinese authorities’ continued control and abuse of journalists, particularly the domestic press. For the ninth consecutive year, China was the world’s leading jailer of journalists, with 29 imprisoned when CPJ conducted its annual census on December 1 [2007].” [62a]

15.10 In its 2008 Annual Report, Reporters Without Borders stated, “China is still the country which jails the largest number of journalists, cyber-dissidents, Internet-users and freedom of expression campaigners. They frequently endure harsh prison conditions: they share overcrowded cells with criminals, are condemned to forced labour and are regularly beaten by their guards or by fellow prisoners. Ill-treatment is at its worst in the first weeks in custody when police try to extract confessions. At least 33 journalists were in prison in China as at 1st January 2008.” [63b]

[Return to contents](#)

[Go to list of sources](#)

HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

16.01 The US State Department’s Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, recorded:

“The government sought to maintain control over civil society groups, halt the emergence of independent NGOs, and prevent what it has called the ‘westernization’ of China. The government did not permit independent domestic NGOs to monitor openly or to comment on human rights conditions; existing domestic NGOs were harassed. The government tended to be suspicious of independent organizations and increased scrutiny of NGOs with links overseas. Most large NGOs were quasigovernmental in nature, and all NGOs had to be sponsored by government agencies. An informal network of activists around the country continued to serve as a credible source of information about many human rights violations. The information was disseminated through organizations such as the Hong Kong-based

Information Center for Human Rights and Democracy and the foreign-based Human Rights in China.” [2e] (Section 4)

- 16.02 As noted by Amnesty International in its 2007 Report on China, published in May 2007:

“The government crackdown on lawyers and housing rights activists intensified. Many human rights defenders were subjected to lengthy periods of arbitrary detention without charge, as well as harassment by the police or by local gangs apparently condoned by the police. Many lived under near constant surveillance or house arrest and members of their families were increasingly targeted. New regulations restricted the ability of lawyers to represent groups of victims and to participate in collective petitions.” [6g]

- 16.03 Human Rights Watch, in its World Report 2008, published on 31 January 2008, stated:

“Chinese human rights defenders, seizing on the official promise of lawful governance, are becoming more assertive and skillful at documenting abuses and mounting legal challenges. But the authorities, who have never tolerated independent human rights monitoring, have retaliated with harassment, unlawful detention, forced disappearances, and long prison sentences, often on trumped-up charges. Authorities have targeted a small, loosely-organized network of lawyers, legal academics, rights activists, and journalists, known as the weiquan movement, which aims to pursue social justice and constitutional rights through litigation. The movement focuses on the protection of ordinary citizens in matters such as housing rights, land seizures, workers’ rights, and police abuse... Defenders who document and report abuses against other activists are particularly vulnerable.” [7i]

[Return to contents](#)

[Go to list of sources](#)

CORRUPTION

- 17.01 In Transparency International’s (TI) Corruption Perceptions Index 2007, released in September 2007, China was placed at 72 out of 179 countries, based on perceived levels of corruption in the public and political sectors, as determined by expert assessments and opinion surveys. China scored 3.5 out of ten, ten representing zero perception of corruption. [33a]
- 17.02 As reported by the Economist Intelligence Unit (EIU) in its 2008 Country Profile for China, dated 12 February 2008, “The government has (also) been trying to stamp out graft... The anti-corruption campaign associated with the arrest of the Shanghai party boss, Chen Liangyu, in September 2006 seemed to indicate a stepping up of the campaign against graft as part of intraparty jostling ahead of the 17th CCP congress. However, a full-scale campaign remains unlikely, as it would net too many offenders and be politically destabilising.” [4a] (Political forces)
- 17.03 In a report dated 11 October 2007, the BBC noted:

“Corruption is one of the most serious threats to China's political stability, a US-based think-tank has warned. A report by the Carnegie Endowment for International Peace says it costs the Chinese economy \$86bn (£42bn) a year. The report says bribery and theft by officials are rising and cost China more than its annual education budget... The Washington-based think-tank concedes that party bosses have taken many measures to tackle the problem. But the report says the leaders have not gone far enough because they fear losing their grip on power... The report's author, Minxin Pei, estimated that 10% of the government's procurement budget and administrative spending was used as illicit payments or bribes or was simply stolen... Mr Pei said the vast scale of corruption was possible because of extensive state involvement in the economy, and the party's reluctance to adopt necessary reforms. Citing the city of Fuyang, the report states: ‘In the worst instance, collusion has transformed entire jurisdictions into local mafia states.’ Communist Party leaders have repeatedly warned that corruption threatens social stability. Earlier this year, the party's watchdog announced that almost 1,800 officials had confessed to corruption in June alone.” [9o]

BREACHES OF PARTY DISCIPLINE

- 17.04 Articles 37 to 45 of the Party's Constitution deal with Party discipline. Article 39 states, “There are five measures for enforcing Party discipline: warning, serious warning, removal from Party posts, probation within the Party, and expulsion from the Party.” [5t] (Chapter VII) The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, recorded, “The CCP used a form of discipline known as shuang gui for violations of party discipline, but there were reports of its use against nonparty members. Shuang gui is similar to house arrest and can be authorized without judicial involvement or oversight.” [2e] (Section 1e)
- 17.05 In its 2008 Country Profile for China, dated 12 February 2008, the EIU noted, “Orders to officials to refrain from many kinds of economic activity are frequently reiterated, and in 2005 the government launched a campaign under which all CCP members underwent ideological and moral training. Many who fail to meet standards of integrity have been thrown out of the CCP and barred from office. Others, however, are merely disciplined—518,484 CCP members were punished between December 2002 and June 2007, according to the party's disciplinary body.” [4a] (Political forces)

GUANXI (SOCIAL CONNECTIONS)

- 17.06 As reported by the BBC on 1 October 2005, “If you want to understand who runs China today you have to understand the meaning of the word ‘guanxi’. Literally translated, guanxi means connections. But it is much more than having the same old school tie. In Europe or America who you know might help you get a job, or get your child into a decent school. In China who you have guanxi with can mean the difference between freedom and jail, justice or discrimination, wealth or poverty.” [9s]

[Return to contents](#)

[Go to list of sources](#)

FREEDOM OF RELIGION

- 18.01 As noted by the US State Department's (USSD) International Religious Freedom Report 2007, published on 14 September 2007:

"The Constitution states that citizens enjoy freedom of religious belief and the freedom not to believe in any religion. The Constitution limits protection of the exercise of religious belief to activities which it defines as 'normal.' The Constitution states that religious bodies and affairs are not to be 'subject to any foreign domination.' The law also prohibits proselytism. The Government restricted religious practice largely to government-sanctioned organizations and registered places of worship and controlled growth and scope of activities of both registered and unregistered religious groups, including 'house churches.' The Government tried to control and regulate the growth of religious groups that could constitute sources of authority outside of the control of the Government and the Chinese Communist Party (CCP). Nonetheless, membership in many religious groups was growing rapidly. During the period covered by this report, the Government's respect for freedom of religion remained poor, especially for religious groups and spiritual movements that are not registered with the Government... The Government also continued to emphasize the role of religion in building a 'Harmonious Society,' which was a positive development with regard to the Government's respect for religious freedom. Members of many unregistered religious groups of various faiths reported that the Government subjected them to restrictions, including intimidation, harassment, and detention. Some unregistered religious groups were pressured to register as 'meeting points' of government-sanctioned 'patriotic' religious associations (PRAs) linked to the five main religions – Buddhism, Islam, Taoism, Catholicism, and Protestantism. The treatment of unregistered groups varied significantly from region to region. Religious worship in officially sanctioned and unregistered places of worship continued to grow throughout the country. The extent of religious freedom varied widely within the country." [2a] (p1)

- 18.02 This section of the report concluded by stating, "Since 1999, the Secretary of State has designated China a 'Country of Particular Concern' (CPC) under the International Religious Freedom Act (IRFA) for particularly severe violations of religious freedom." [2a] (p2)

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

- 18.03 The same source noted, "The Government officially recognizes five main religions: Buddhism, Taoism, Islam, Catholicism, and Protestantism. There are five state-sanctioned PRAs that manage the activities of adherents of the five officially-recognized faiths. The Russian Orthodox Church operates in some regions, and expatriates practiced other religions." [2a] (Section I. Religious Demography)

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

"China's religious followers are three times more than the official estimate, according to the country's first major survey on religious beliefs. The poll of about 4,500 people, conducted by professors Tong Shijun and Liu Zhongyu of Shanghai-based East China Normal University from 2005 till recently, found that 31.4 percent of Chinese aged 16 and above, about 300 million, are

religious. This is much more than the official figure of 100 million, which has remained largely unchanged for years, Wednesday's China Daily reported. According to the report, Buddhism, Taoism, Catholicism, Christianity and Islam are the five major religions, having about 67.4 percent of China's religious believers. A striking feature is the re-vitalization of traditional Chinese religions, the report said. About 200 million people are Buddhists, Taoists or worshippers of legendary figures such as the Dragon King and God of Fortune, accounting for 66.1 percent of all believers. Followers of Christianity also increase rapidly. Official figures estimate the number rose from less than 10 million in the late 1990s to 16 million in 2005, but the survey finds 12 percent of all believers, or 40 million, are Christians." [12ah]

- 18.05 In his book *Wild Grass* (2004), Ian Johnson wrote, "Defining what is religion in China, can be a tricky business. Unlike western religions, which often try to sharply distinguish themselves from one another, Chinese belief systems happily overlap, drawing on ancestor worship, popular beliefs in spirits, the indigenous religion of Taoism and the ideas of worldwide religions like Buddhism." [50f] (p200) As reported by *TIME Asia* on 24 April 2006, "Seeking personal salvation is fine, but public displays of religiosity outside the confines of state-controlled institutions are not." [65c]

[Return to contents](#)

[Go to list of sources](#)

REGISTRATION

- 18.06 As noted by the USSD International Religious Freedom Report 2007:

"The Government registers religious organizations, and determines the legality of religious activities. Registered religious groups enjoy legal protections of their religious practices that unregistered religious groups do not receive. The five state-sanctioned PRAs are registered with the Government as religious organizations. SARA [State Administration for Religious Affairs] monitors and judges whether religious activities are 'normal' and therefore lawful. SARA and the CCP United Front Work Department (UFWD) provide policy 'guidance and supervision' on the implementation of regulations regarding religious activity, including the role of foreigners in religious activity. Employees of SARA and the UFWD are rarely religious adherents and often are Communist Party members. Communist Party members are directed by Party doctrine to be atheists, and their family members are discouraged from public participation in religious ceremonies. Public security bureau officials monitor religious behavior that violates law or regulation. These officials monitor unregistered facilities, check to see that religious activities do not disrupt public order, and combat groups designated as cults." [2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)

- 18.07 The same source continued:

"During the reporting period, the Government rejected attempts by several unregistered religious groups to register. Some groups reported that authorities denied their applications without cause or detained group members who met with officials when they attempted to register. The Government contended that these refusals were the result of these groups' lack of adequate facilities or failure to meet other legal requirements. A few

unregistered religious groups were able to register as 'meeting points' of one of the PRAs. In order to register a 'site for religious activity' or a 'meeting point' under the RRA a religious group must also register as a social organization under the 'Regulations on the Management of Registration of Social Organizations' (RSO), which are administered by the Ministry of Civil Affairs (MOCA)." [2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)

18.08 On 18 December 2004 the official *China Daily* newspaper reported:

"The Religious Affairs Provisions, promulgated on November 30 with the approval of Premier Wen Jiabao, will formally come into effect on March 1, 2005. The provisions, a set of comprehensive administrative rules concerning China's religious affairs, explicitly specifies that the legitimate rights of religious groups, religious sites and the religious people are protected. It also offers guidance on religious affairs involving state and the public interests. The rules are regarded as a significant step forward in the protection of Chinese citizens' religious freedom." [14a]

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

18.10 A report dated 18 January 2005 by Forum 18 stated, "The new rules even singled out the Muslim, Tibetan Buddhist and Catholic communities in specifying requirements for religious pilgrimages and clerical appointments. While one article in the provisions stipulated that government officials (there was no mention of Communist Party officials) would be held legally accountable for abuses, there is no assurance that this accountability will be enforced." [66a]

18.11 The same source continued, "Other than Falun Gong practitioners' well-known public displays of civil disobedience in the early days of the state's repression against the movement, and periodic protests by Uighur Muslims and Tibetan Buddhists, which also involve the important political issue of autonomy or independence vis-a-vis China, no significant public demonstrations are known to have been mounted in the name of religion or religious freedom within recent memory." [66a]

18.12 Further to this, the same source also stated that resistance to state regulations was essentially evasive in nature, with practitioners generally choosing to avoid direct confrontation with the authorities. [66a] According to the report the most common types of resistance were as follows:

- refusing to register, for reasons of faith or reasons of practicality;
- meeting clandestinely;
- establishing their own religious training institutions, sometimes involving foreign instructors;
- teaching children under the age of 18, despite government regulations that prohibit this;
- secretly seeking papal consent (Catholics);
- refusing to sign papers denouncing their religious/spiritual leader(s);
- using religious material not printed by the state;

- communicating via Internet chatrooms. [66a]

18.13 As reported by Forum 18 on 8 March 2006:

“One year on from the March 2005 Religious Affairs Regulations their effects are difficult to judge, and repressive actions continue against many communities. China’s religious policies are under increasing strain. Even the definition of ‘religion’ – especially a ‘legal religion’ – is debated among officials, and a comprehensive religion law (as opposed to the Regulations) is awaited. The government seems to favour a law focusing on control of religion, but many religious leaders would prefer a law focusing on protecting religious believers’ rights. Underlying the debate – and the increasing strain on government policy – is the fact that religious faith and practice of all kinds is rapidly growing in China, making the ideological foundation of religious control increasingly unreal. The key question facing the government is, will it seek to create a better environment for religious practice or will it resist genuine reform? Resisting reform may – sadly and unnecessarily – be the most likely direction of current policy.” [66d] (p1)

BUDDHISTS

18.14 The USSD International Religious Freedom Report 2007 noted:

“According to the Government's 1997 report on Religious Freedom and 2005 White Paper on religion, there are more than 100 million Buddhists. It is difficult to estimate accurately the number of Buddhists because they do not have congregational memberships and often do not participate in public ceremonies. The Government estimated that there are 16,000 Buddhist temples and monasteries, 200,000 Buddhist monks and nuns, more than 1,700 ‘reincarnate lamas,’ and 32 Buddhist schools. Most believers, including most ethnic Han Buddhists, practice Mahayana Buddhism. Most Tibetans and ethnic Mongolians practice Tibetan Buddhism, a Mahayana adaptation. Some ethnic minorities in southwest Yunnan Province practice Theravada Buddhism, the dominant tradition in parts of neighboring Southeast Asia.” [2a] (Section I. Religious Demography)

18.15 The report also stated, “Official tolerance for groups associated with Buddhism and Taoism has been greater than that for groups associated with other religions.” [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom) China hosted the first International Buddhist Forum in April 2006. More than 1,000 Buddhist monks attended. [13o] (Xinhua, 12 April 2006)

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

TAOISTS

18.16 The USSD International Religious Freedom Report 2007 noted, “According to the government-sanctioned Taoist Association, there are more than 25,000 Taoist priests and nuns, more than 1,500 Taoist temples, and two Taoist schools.” [2a] (Section I. Religious Demography)

18.17 The report also stated, “Official tolerance for groups associated with Buddhism and Taoism has been greater than that for groups associated with other

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

FOLK RELIGIONS

- 18.18 As noted by the USSD International Religious Freedom Report 2007, “Traditional folk religions (worship of local gods, heroes, and ancestors) are practiced by hundreds of millions of citizens and are often affiliated with Taoism, Buddhism, or ethnic minority cultural practices.” [2a] (Section I. Religious Demography)
- 18.19 The same source stated, “The Government also labeled folk religions as ‘feudal superstition,’ and in the past there were reports that followers sometimes were subject to harassment and repression.” [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

[Return to contents](#)

[Go to list of sources](#)

CHRISTIANS

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

AVAILABILITY OF BIBLES

- 19.03 The USSD International Religious Freedom Report 2007 stated:

“Increasing interest in Christianity has resulted in a corresponding increase in the demand for Bibles and other Christian literature. The Government controls publication of all texts, including religious texts. Bibles and sacred texts of other religions may be purchased at bookstores and most officially recognized churches. Nevertheless, members of unregistered churches stated that the supply and distribution of Bibles in some places, particularly rural locations, was inadequate to meet the growing demand. Individuals cannot order Bibles directly from publishing houses, and purchases of large numbers of Bibles could bring unfavorable attention to the purchaser. Customs officials continued

to monitor for the 'smuggling' of Bibles and other religious materials into the country. Religious texts published without authorization, including Bibles and Qur'ans, may be confiscated and the unauthorized publishing houses closed. Religious adherents are subject to arrest and imprisonment for illegal publishing. Authorities sometimes confiscate Bibles in raids on house churches." [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

- 19.04 As noted by the Canadian Immigration and Refugee Board (IRB) on 28 November 2003, Protestant house church leaders contacted by the IRB stated that officially sanctioned Bibles differ very little from other versions available outside China and that, "The Bible text remains sound and intact." [3w] On 28 February 2003 the same source noted, "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]

PROSELYTISING

- 19.05 In a report dated 13 February 2006, Catholic Online stated, "In part because of its historical experience with foreign missionaries, China's religious affairs regulations prohibit evangelization by foreigners while allowing it from within." This report also stated that Chinese citizens can hand out officially sanctioned Bibles and invite people to attend Church services. [34a]
- 19.06 The USSD International Religious Freedom Report 2007 noted,
- "Offenses related to membership in unregistered religious groups are often classified as crimes of disturbing the social order. According to the Law Yearbook of China, 8,224 cases of disturbing the social order or cheating by the use of superstition were filed in 2004, of which 8,116 resulted in formal charges, criminal or administrative punishment. However, religious leaders and worshippers faced criminal and administrative punishment on a wide range of charges, including those related to the Government's refusal to allow members of unregistered groups to assemble, travel, and publish freely or in connection with its ban on proselytizing." [2a] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)

CATHOLICS

- 19.07 The USSD International Religious Freedom Report 2007 noted:
- "There are 5.3 million persons registered with the official Catholic Patriotic Association (CPA), and it is estimated that there are an equal or greater number who worship in unregistered Catholic churches affiliated with the Vatican. According to official sources, the government-sanctioned Catholic Patriotic Association has more than 70 bishops, almost 3,000 priests and nuns, 6,000 churches and meeting places, and 12 seminaries. There are thought to be approximately 40 bishops operating 'underground,' some of whom are in prison or under house arrest. A Vatican representative estimated that there are 8 to 18 million Catholics in the country." [2a] (Section I. Religious Demography)
- 19.08 As noted by AsiaNews on 27 September 2005, "Hebei is the region with the largest number of Catholics (more than 1.5 million), where clandestine

Catholics (not recognised by the government) are in strong majority.” [58b] On 15 May 2006 *The Times* noted that the Catholic Church is also particularly strong in Fujian province where most of the faithful are loyal to Rome. [90c]

- 19.09 The USSD International Religious Freedom Report 2007 observed, “Some Catholic officials were forced into hiding. Ongoing harassment of unregistered bishops and priests was reported in recent years, including government surveillance and repeated short detentions. Numerous detentions of unofficial Catholic clergy were reported, in particular in Hebei Province, traditionally home to many unregistered Catholics.” [2a] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)
- 19.10 In its Annual Report 2007, published in May 2007, the United States Commission on International Religious Freedom (USCIRF) noted:
- “Relations between unregistered Roman Catholic congregations and the officially recognized Chinese Patriotic Catholic Association (CPA) are strained due to past government repression and the growing number of CPA bishops and priests secretly seeking ordination and approval of the Vatican. Chinese authorities continued to pressure unregistered Catholic clergy and laypersons to renounce ordinations approved by the Vatican and join the CPA or face fines, job loss, or detention. Also, in September 2006, Chinese officials refused to recognize a bishop in Shaanxi who was ordained with Vatican approval, but without government permission. The bishop was detained and forced to sign a document declaring the ordination illegal... There remain at least 40 Roman Catholic bishops or priests under arrest, imprisonment, or detention, including the elderly Bishop Su Zhimin, who has been in prison, in detention, under house arrest, or under strict surveillance since the 1970s... Clergy in Hebei, Fujian, and Zhejiang provinces were harassed, detained, and arrested on questionable charges during the past year.” [70a] (p125-126)
- 19.11 On 30 September 2006, Cardinal Joseph Zen Ze-kiun, who is Bishop of Hong Kong stated, “In China, there is persecution – not only of the so-called underground Church but also of the official Church...” [22a]
- 19.12 On 25 August 2006, the Cardinal Kung Foundation reported that the authorities had released a bishop jailed ten years ago for being a member of an unregistered Catholic church. [68a] On 11 August 2006 AsiaNews reported that police detained 90 Catholics in Hebei province after protesters confronted the police whom they believed had tortured a bishop. [58c]
- 19.13 As reported by the Canadian IRB on 8 June 2004, “During a 4 June 2004 telephone interview with the Research Directorate, a representative of the Cardinal Kung Foundation stated that there are no standardized baptismal certificates within underground Catholic churches in China nor are baptismal certificates issued as a matter of course. Instead, if a baptismal certificate were requested at the time of baptism, the priest might issue an informal document that would most likely be written in Chinese.” [3o]

Relations with the Vatican

- 19.14 The USSD International Religious Freedom Report 2007 noted:

"The Government does not have diplomatic relations with the Holy See and generally does not allow the CPA and its clergy to recognize the authority of the pope to make clerical appointments. This remained a significant reason for the persistence of a large unregistered Catholic church that remains unaffiliated with the Government and CPA. Pressure by the CPA on unregistered Catholic bishops to join the official Church continued, and some unregistered priests and bishops were detained. Despite some efforts toward rapprochement between the Government and the Vatican, the Vatican's diplomatic recognition of Taiwan and differences over selection of bishops remained the primary obstacles to improved relations. In January 2007 the Vatican issued an invitation to the Government to enter a dialogue on restoring diplomatic relations and announced that it would set up a permanent commission to handle relations with China. In June 2007 Pope Benedict issued an open letter to Chinese Catholics inviting them to resolve differences and calling on China to engage in 'respectful and constructive dialogue' with the Vatican to normalize relations. An MFA spokesperson said that China advocates improvement in Sino-Vatican relations. A leader of the CPA said he hoped the Pope's letter would be of help in establishing China-Vatican ties. In official Catholic churches, clerics lead prayers for the pope and pictures of the pope are displayed. An estimated 90 percent of official Catholic bishops have reconciled with the Vatican." [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

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

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

19.16 On 30 June 2007 the BBC reported:

"Pope Benedict has addressed a message of reconciliation to millions of his faithful in China, whose loyalties are divided between Rome and Beijing... He is up against a state political ideology of atheism and half a century of sporadic persecution of Catholics... In an effort to bring order to this chaotic situation, and to improve the prospects of a return to normal diplomatic relations with Beijing which were broken off in 1951, the Pope goes out of his way in his message to praise the recent social and economic achievements of the Chinese people. He offers sincere dialogue with the civil authorities, in a spirit of friendship and peace. It remains to be seen, however, just how his message is going to be received in Beijing... As far as the Vatican is concerned, he says, there is only one Catholic Church in China." [91]

PROTESTANTS (INCLUDING 'HOUSE CHURCHES')

19.17 The USSD International Religious Freedom Report 2007 stated:

"Officials from the Three-Self Patriotic Movement/China Christian Council (TSPM/CCC), the state-approved Protestant religious organization, estimated that at least 20 million citizens worship in official churches. Government officials stated that there are more than 50,000 registered TSPM churches and 18 TSPM theological schools. According to NGO reports, SARA [State Administration for Religious Affairs] Director Ye Xiaowen reported to audiences at Beijing University and the Chinese Academy of Social Sciences that the number of Christians had reached 130 million by the end of 2006, including about 20 million Catholics." [2a] (**Section I. Religious Demography**)

19.18 As reported by the same source:

"There were many reports of repression of unregistered Protestant church networks and house churches during the reporting period. The national religious affairs ministry, known as State Administration for Religious Affairs (SARA), stated that friends and family holding prayer meetings at home need not register with the Government, but the regulations on religious affairs (RRA) state that formal worship should take place only in government-approved venues. There were many reports that police and officials of local Religious Affairs Bureaus (RABs) interfered with house church meetings, sometimes accusing the house church of disturbing neighbors or disrupting social order. Police sometimes detained worshippers attending such services for hours or days and prevented further house worship in the venues. Police interrogated both laypeople and their leaders about their activities at the meeting sites, in hotel rooms, and in detention centers. Leaders sometimes faced harsher treatment, including detention, formal arrest and sentencing to reeducation or imprisonment. Treatment of unregistered groups varied regionally...In some areas unregistered house churches with hundreds of members met openly with the knowledge of local authorities. In other areas house church meetings of more than a handful of family members and friends were proscribed. House churches could encounter greater difficulties when their membership grew, when they arranged for the regular use of facilities for the specific purpose of conducting religious activities, or when they forged links with other unregistered groups or with coreligionists overseas. Urban house churches were generally limited to meetings of a few dozen members or less, while meetings of unregistered Protestants in small cities and rural areas could number in the hundreds." [2a] (**p1 & Section II. Status of Religious Freedom, Restrictions on Religious Freedom**)

19.19 The report stated further, "Some Protestant Christians who worshipped outside of government-approved venues, including in their homes, continued to face detention and abuse, especially for attempting to meet in large groups, traveling within and outside of the country for religious meetings, and otherwise holding peaceful religious assemblies in unregistered venues. Police and other security officials sometimes disrupted Protestant religious meetings." [2a] (**Section II. Status of Religious Freedom, Abuses of Religious Freedom**)

19.20 The USCIRF Annual Report 2007, published in May 2007, noted:

“Conditions for unregistered Protestant groups in China remained poor during the last year... In the last year, at least 110 Protestant leaders were detained for a period of 10 days or more, with at least 17 of these receiving prison sentences of one or more years. In addition, the State Department estimates that ‘thousands’ of house church members were detained for short periods in the last year. The majority of arrests and detentions occurred in Henan, Zhejiang, and Xinjiang provinces... Observers report that the use of criminal charges to target Protestant leaders is a recent tactic used by Chinese authorities to halt religious activity conducted without government permission. During the last year, demolition of Protestant churches was reported in Zhejiang, Jilin, Fujian, Anhui, and Inner Mongolia provinces; churches in the cities of Guangdong and Shandong were forced to close. In July 2006, officials demolished a church under construction in Zhejiang Province and arrested hundreds of its members. Several were beaten during interrogation and forced to pay fines in order to secure their release. In January 2007, eight leaders from this church were sentenced to prison terms ranging from one to three and a half years. Religious freedom conditions vary by region for unregistered Protestant congregations and, in some parts of the country, unregistered ‘house churches,’ which range in size from a dozen to several hundred members, meet openly and with the full knowledge of local authorities... In other provinces, local officials have great discretion in determining whether ‘house churches’ are allowed to exist.” [70a] (p126-127)

19.21 As reported by the Canadian IRB on 17 August 2004:

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

RUSSIAN ORTHODOX CHURCH

19.22 The USSD International Religious Freedom Report 2007 noted that the Russian Orthodox Church operates in some regions and has been able to do so without affiliating with a PRA (patriotic religious association) in a few parts of the country. [2a] (Section I. Religious Demography & Section II. Status of Religious Freedom, Legal/Policy Framework)

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

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

[Return to contents](#)

[Go to list of sources](#)

MUSLIMS

20.01 The USSD International Religious Freedom Report 2007 recorded:

“According to government figures, there were as many as 20 million Muslims, more than 40,000 Islamic places of worship (more than half of which are in Xinjiang), more than 45,000 imams nationwide, and 10 Islamic schools. The country has 10 predominantly Muslim ethnic groups, the largest of which is the Hui, estimated to number nearly 10 million... Hui slightly outnumber Uighur Muslims, who live primarily in Xinjiang. According to an official 2005 report, the Xinjiang Uighur Autonomous Region had 23,900 mosques and 27,000 clerics at the end of 2004, but observers noted that fewer than half of the mosques were authorized to hold Friday prayer and holiday services. The country also has more than 1 million Kazakh Muslims and thousands of Dongxiang, Kyrgyz, Salar, Tajik, Uzbek, Baoan, and Tatar Muslims.” [2a] (Section I. Religious Demography)

20.02 The report also noted that officials in the Xinjiang Uighur Autonomous Region (Xinjiang) tightly controlled religious activity, while elsewhere in the country Muslims enjoyed greater religious freedom. [2a] (p1)

UIGHUR(S) (UYGUR, UYGHUR)

20.03 In a report dated 8 February 2007, Radio Free Asia (RFA) stated, “Uyghurs constitute a distinct, Turkic-speaking, Muslim minority in northwestern China and Central Asia. They declared a short-lived East Turkestan Republic in Xinjiang in the late 1930s and 40s but have remained under Beijing’s control since 1949.” [73] As noted by Europa World in its Country Profile for China, accessed on 17 April 2008, there are 8.39 million Uighur in China, accounting for 0.68 per cent of the population. As noted by the same source, the total population of Xinjiang Uygur Autonomous Region is 18.45 million (based on the 2000 census). [1a] (Area and Population) [18f] (map of Xinjiang)

20.04 The Encyclopedia of the World’s Minorities (2005) noted that most Uighur are Sunni Muslims who speak their own Uighur language, which is written in Arabic script (Cyrillic in ex-Soviet states). Significant Uighur minorities can be found in Kazakhstan (210,000), Kyrgyzstan (37,000) and Uzbekistan (37,000), as well as in much smaller numbers in Tajikistan, Turkmenistan, Mongolia, Afghanistan and Pakistan. [76] (p1281-1283)

20.05 On 17 November 2005 the BBC reported that Han settlers have “... overwhelmed the indigenous Uighurs, Kazakhs and Mongolians.” [9t] As recorded by the US State Department’s Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008:

“The migration of ethnic Han into the XUAR [Xinjiang Uighur Autonomous Region] in recent decades caused the Han-Uighur ratio in the capital of Urumqi to shift from 20 to 80 to 80 to 20 and was a deep source of Uighur resentment. Discriminatory hiring practices gave preference to Han and

discouraged job prospects for ethnic minorities. In June 2006 the Xinjiang Production and Construction Corps announced that it would recruit 840 employees from the XUAR designating nearly all of the job openings for Han Chinese. While the government promoted Han migration into the XUAR, overseas human rights organizations alleged that government-sponsored labor programs forced Uighur girls and young women to work in factories in eastern China on false pretenses and without regular wages. The XUAR government tightened measures that diluted expressions of Uighur identity, including measures to reduce education in ethnic minority languages and to institute language requirements that disadvantage ethnic minority teachers.” [2e] (Section 5)

Human rights in Xinjiang (East Turkestan)

20.06 In April 2005 Human Rights Watch published a report entitled, *Devastating Blows: Religious Repression of Uighurs in Xinjiang*. This report stated, “Xinjiang leads the nation in executions for state security ‘crimes,’ with over 200 people sentenced to death since 1997.” [7a] (p8) The report also noted, “A rare documentary source obtained by Human Rights Watch, a scholarly paper from a Ministry of Justice compendium, shows that in 2001 9.2 percent of convicted Uighurs – one out of eleven – were serving prison time for alleged ‘state security crimes.’ This probably amounts to more than 1,000 Uighur prisoners.” [7a] (p71)

20.07 The USSD Report 2007 noted:

“Since 2001 authorities have increased repression in the XUAR, targeting in particular the region’s ethnic Uighur population. In January [2007] XUAR Party Secretary Wang Lequan again urged government organs to crack down on the ‘three forces’ of religious extremism, ‘splittism,’ and terrorism, and to ‘firmly establish the idea that stability overrides all.’ It was sometimes difficult to determine whether raids, detentions, and judicial punishments directed at individuals or organizations suspected of promoting the ‘three forces,’ were instead actually used to target those peacefully seeking to express their political or religious views. The government continued to repress Uighurs expressing peaceful political dissent and independent Muslim religious leaders, sometimes citing counterterrorism as the reason for taking action.” [2e] (Section 5)

20.08 The same source recorded:

“Uighurs were sentenced to long prison terms, and in some cases executed, on charges of separatism... Possession of publications or audiovisual materials discussing independence or other sensitive subjects was not permitted. According to reports, possession of such materials resulted in lengthy prison sentences... During the year officials in the region defended the campaign against separatism as necessary to maintain public order and continued to use the threat of violence as justification for extreme security measures directed at the local population and visiting foreigners. Han control of the region’s political and economic institutions also contributed to heightened tension. Although government policies brought economic improvements to the XUAR, Han residents received a disproportionate share of the benefits.” [2e] (Section 5)

Religious freedom in Xinjiang (East Turkestan)

20.09 In its report of April 2005, Human Rights Watch stated:

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

20.10 As reported by Forum 18 on 15 August 2006:

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

20.11 The USCIRF Annual Report 2007, published in May 2007, noted:

“In Xinjiang, conditions for freedom of religion and belief are particularly poor. Official Chinese government policy in the XUAR is to stamp out ‘terrorism, separatism and religious extremism.’ The government uses counterterrorism as a justification severely to curtail peaceful religious activity of the Uighur Muslim minority. During the last year, Uighur Muslim clerics and students have been detained for various ‘illegal’ religious activities, ‘illegal religious centers’ have been closed, and police continue to confiscate large quantities of ‘illegal religious publications.’ There are also a growing number of reports that 179 practitioners of the Sala order, a local Sufi branch of Islam, were arrested in August 2005 following a government ban on the movement. Some religious leaders and activists who attempt to publicize these and other abuses, or to voice their opposition to such policies, have received prolonged prison terms, or even death sentences, on charges of ‘separatism’ and ‘endangering social order.’ All imams in Xinjiang are required to undergo annual political training seminars to retain their licenses, and local security forces maintain a dossier on them to make sure they meet political requirements. Imams at Uighur mosques are reportedly required to meet monthly with officials from the RAB [Religious Affairs Bureau] and the Public Security Bureau to receive advice on the content of their sermons. Failure to report to such meetings can result in

the Imam's expulsion or detention. Xinjiang officials continue to restrict severely the building of new mosques and the teaching of Islam to children." [70a] (p122)

20.12 The USSD International Religious Freedom Report 2007 noted:

"Xinjiang authorities continued to use combating terrorism to justify placing restrictions on peaceful religious practices of Uighur Muslims, according to human rights NGOs... While often targeted at Muslims, this tight control of religion in Xinjiang affected followers of other religions as well. During the reporting period, Xinjiang provincial-level Communist Party and government officials called for stronger management of religious affairs. In some areas of Xinjiang, officials restricted the building of mosques and the training of clergy and interfered with the teaching of Islam to children outside the home. Muslim teachers, professors, and university students in Xinjiang were not allowed to practice religion openly while on campus. Female university students and professors were discouraged from wearing headscarves. Some ethnic Tajiks in Xinjiang could not attend mosque until over age 30." [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

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

Uighur terrorist groups

20.13 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 Turkistan Islamic Movement (ETIM), the Eastern Turkistan Liberation Organization (ETLO), the World Uighur Youth Congress (WUYC) and the East Turkistan Information Centre (ETIC). This report also noted, "Chinese authorities have blamed ETIM for many of the 200 or more attacks reported in Xinjiang since 1990 and have banned the group for more than a decade. Beijing accuses ETIM of having links to the Taleban in neighbouring Afghanistan and Osama bin Laden's al-Qaeda network, but has produced no supporting evidence." [9g]

20.14 In its Country Profile for China dated August 2006, the US Library of Congress stated:

"In 2003 Beijing published an 'East Turkistan Terrorist List,' which labeled organizations such as the World Uighur Youth Congress and the East Turkistan Information Center as terrorist entities. These groups openly advocate independence for 'East Turkistan,' and, although they have not been publicly linked to violent activity, the separatists have resorted to violence, bomb attacks, assassinations, and street fighting, which Beijing responds to with police and military action. During the summer of 2004, elite troops from China and Pakistan held joint antiterrorism exercises in Xinjiang that were aimed at the East Turkistan Islamic Movement, an organization listed as terrorist by China, the United States, and the United Nations (UN). This and other Uygur separatist groups reputedly were trained in Afghanistan to fight with the Taliban and al Qaeda. The East Turkistan Islamic Movement was established in 1990 and has links to the Islamic Movement of Uzbekistan, which operates throughout Central Asia." [11a]

Other Uighur opposition groups

20.15 In its report of April 2005, Human Rights Watch stated:

“As the borders of Xinjiang became more porous in the 1980s, a number of young Uighurs went clandestinely to Pakistan to receive the religious education they could not obtain under China’s policies. Upon their return, they enjoyed great prestige due to their ventures abroad and their knowledge of Koranic theology, far beyond that typical among local imams. Small-scale, localized underground religious organizations started to emerge. A long history of tension and opposition to Chinese domination already existed. In this period it began to take on an Islamic color. There is no evidence that Salafism, the radical Islamic ideology connected to many jihadist movements around the world, has taken root to any significant extent in Xinjiang. Proponents of rebellion against Chinese rule have used the vocabulary of Islam and religious grievances against Beijing to justify their actions. These are not, however, mainstream views. Recent reports suggest that Hizb ut-Tahrir (Party of Liberation), a movement which advocates the establishment of a pan-Central Asian caliphate and whose headquarters is located in London, has recently made inroads in Southern Xinjiang, but it has so far never advocated violence. Hizb ut-Tahrir is the object of rigorous repression in Uzbekistan and other Central Asian countries. It remains illegal in China.” [7a] (p12)

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

Hui (HUIHUI)

20.17 As recorded by Europa World in its Country Profile for China, accessed on 17 April 2008, there are 9.8 million Hui in China, accounting for 0.79 per cent of the population. The same source noted that the total population of the Ningxia Hui Autonomous Region is 5.48 million (based on the 2000 census). [1a] (Area and Population)

20.18 The Encyclopedia of the World’s Minorities (2005) recorded, “Although they can be found in most of the cities throughout the country, they mainly inhabit the Ningxia Hui Autonomous Region, as well as Gansu, Qinghai, Xinjiang, Henan, Hebei, and Shangdong Provinces. Moreover, half a million live in Yunnan, and there are scattered settlements of Hui in Laos, Thailand and Burma (the Wa States and Kengtung areas). They have no distinctive language and speak Mandarin or local dialects.” [76] (p566)

20.19 The USSD International Religious Freedom Report 2007 noted, “The country has 10 predominantly Muslim ethnic groups, the largest of which is the Hui, estimated to number nearly 10 million... Hui slightly outnumber Uighur Muslims, who live primarily in Xinjiang... There was (also) occasional tension between the Han and Hui Muslims.” [2a] (Section I. Religious Demography & Section III. Societal Abuses and Discrimination)

20.20 As reported by *Asia Times* on 6 September 2006:

“In the past the Hui were among the least orthodox Muslims in the world. Many smoked and drank, few grew beards, and Hui women rarely wore veils. Increased contact with the Middle East, however, has wrought changes. Thousands of Hui students have returned from colleges in Arab countries over the past few years and they have brought with them stricter ideas of Islam. Mosques in Ningxia have now begun to receive worshippers five times a day, more Hui women have taken to wearing headscarves, and skullcaps are in wide evidence. There is a strong identification among the Hui community today with the wider problems of the Islamic world... For many non-Muslim Chinese, this identification of the Hui with communities outside of China is problematic.” [64j]

20.21 The magazine *In These Times* reported on 28 December 2004:

“The Chinese government has long tried to mollify its potentially restive minorities with sops such as jobs preferences and other affirmative action-type schemes. But with unemployment rising, particularly in the rural central and western provinces, the Han majority is increasingly resentful... Hui men often complain that they and other Muslim minorities have few ‘real jobs,’ and are limited to owning restaurants in the local ‘minority street,’ where they serve patrons piping-hot kebobs [sic] and flaky nan bread. But there is no doubt the Hui now enjoy far more religious freedom than they did in the first decades of Communist rule, when the Party repressed practice of all faiths.” [79a]

20.22 The report continued:

“‘People [now] come in droves to pray five times a day ... and we are even getting new converts,’ says Lu Da Zhe An, a cleric at the newly built Arabian-style mosque in Shui Yun, a Hui village not far from Nanren. Ironically this relatively greater religious freedom is also heightening differences between Han and Hui, says Mai Bao Guang, a local butcher in Shui Yun. He, like many Hui, has recently taken to wearing a beard and an Arabic-style white prayer hat. According to Mai, such increased devoutness and the Huis’ tendency to congregate in and around mosques has made them seem even more clannish to many Han Chinese.” [79a]

[Return to contents](#)

[Go to list of sources](#)

BANNED SPIRITUAL GROUPS

21.01 The USSD International Religious Freedom Report 2007 noted:

“In 1999 the Government began banning groups that it determined to be ‘cults,’ without publicly defining the term. The Government banned the Falun Gong, the Guan Yin (also known as Guanyin Famin, or the Way of the Goddess of Mercy), and Zhong Gong (a qigong exercise discipline). The Government also considers several Protestant Christian groups to be cults, including the ‘Shouters’ (founded in the United States in 1962), Eastern Lightning, Society of Disciples (Mentu Hui), Full Scope Church, Spirit Sect,

New Testament Church, Three Grades of Servants (also known as San Ba Pu Ren), Association of Disciples, Lord God Sect, Established King Church, Unification Church, the Family of Love, and South China Church.” [2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)

- 21.02 The report continued, “Under article 300 of the criminal law, ‘cult’ members who ‘disrupt public order’ or distribute publications may be sentenced to 3 to 7 years in prison, while ‘cult’ leaders and recruiters may be sentenced to 7 years or more in prison.” [2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)

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

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

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

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

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

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

THE SHOUTERS (HUHAN PAI) OR LOCAL CHURCH

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

- 21.05 In a report dated 4 October 2003, the Local Church Information Site noted:

“The ‘Local Church’ of Witness Lee is a religious movement whose teachings are rooted in Biblical Christianity, but with several unique elements that have

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

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

SOUTH CHINA CHURCH

- 21.07 As reported by the USCIRF Annual Report 2007, published in May 2007, "Despite evidence that suggested witnesses had been threatened and tortured, leaders of the South China Church remain in jail facing serious charges. Family members alleged that the pastor of the church has been tortured while in prison." [70a] (p125)
- 21.08 On 17 January 2002 Christian Solidarity Worldwide (CSW) reported that Gong Sheng Liang and his niece, Li Ying, both founding members of the South China Church, were sentenced to death following a secret trial held on 18 December 2001. "Gong was sentenced to death for 'using an evil cult to undermine law enforcement', causing bodily harm with intent, and rape... Li Ying was also given a death sentence, suspended for two years, for 'using an evil cult to undermine law enforcement' and causing bodily harm with intent." [74a]
- 21.09 As reported by the same source, "The rape charge follows a pattern which has been used against other alleged cult leaders who have been sentenced to death... The difference in Gong's case is that the South China Church is more widely regarded as a mainstream Christian group and that details of the allegations have not been given in public. The South China Church was founded in 1991 when Gong, who was imprisoned between 1983 and 1986, left the Born Again Movement. The church is estimated to have some 50,000 members." [74a] On 11 June 2003 Amnesty International noted that Gong's death sentence was commuted to life imprisonment in October 2002. [6d]

THREE GRADES OF SERVANTS CHURCH

- 21.10 The USSD International Religious Freedom Report 2007 noted:

"In November 2006 the Government executed leaders of the Three Grades of Servants Church, which it designated a cult. The leaders, Xu Shuangfu, Zhang Min, Zhu Lixing, and Ben Zhonghai were sentenced to death for alleged

murders of members of Eastern Lightning, a religious group that the Government had also designated a cult. Eleven other church members were sentenced to jail terms of 3 to 15 years. Even before the verdict in Xu's case had been announced, Xu's conviction was reportedly introduced as evidence in the trials of other group members, according to reliable reports. Many detained or charged with membership in the cult did not use the name Three Grades of Servants Church but instead asserted they were members of their own unaffiliated house church.” [2a] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)

- 21.11 In a report dated 29 November 2006, Christian Solidarity Worldwide (CSW) stated, “The case has been of particular concern as evidence emerged at the trial that severe torture and sexual abuse had been used against the defendants to extract confessions.” [74c]

EASTERN LIGHTNING/LIGHTNING FROM THE EAST (DONGFANG SHANDIAN)

- 21.12 As reported by *TIME Asia* on 29 October 2001:

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

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

JEHOVAH’S WITNESSES

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

[Return to contents](#)

[Go to list of sources](#)

FALUN GONG

- 21.15 The USSD International Religious Freedom Report 2007 noted:

“Falun Gong practitioners continued to face arrest, detention, and imprisonment, and there were credible reports of deaths due to torture and

abuse. Practitioners who refuse to recant their beliefs are sometimes subjected to harsh treatment in prisons, reeducation through labor camps, and extra-judicial "legal education" centers. Some practitioners who recanted their beliefs returned from detention. Reports of abuse were difficult to confirm within the country and the group engaged in almost no public activity. There were continuing reports that the Government's '610 office,' a state security agency implicated in many alleged abuses of Falun Gong practitioners, continued to use extra-legal methods of repression." [2a] (p2)

21.16 As recorded by the same source:

"The Falun Gong is a self-described spiritual movement that blends aspects of Taoism, Buddhism, and the meditation techniques and physical exercises of qigong (a traditional Chinese exercise discipline) with the teachings of Falun Gong leader Li Hongzhi. There are estimated to have been at least 2.1 million adherents of Falun Gong before the Government's harsh crackdown on the group beginning in 1999. There are reliable estimates that hundreds of thousands of citizens still practice Falun Gong privately." [2a] (Section I. Religious Demography)

21.17 The report also stated:

"There were credible reports of torture and deaths in custody of Falun Gong practitioners in past years, and overseas Falun Gong groups claimed that such incidents continued. According to Falun Gong practitioners in the United States, since 1999 more than 100,000 practitioners have been detained for engaging in Falun Gong practices, admitting that they adhere to the teachings of Falun Gong, or refusing to criticize the organization or its founder. The organization reported that its members have been subject to excessive force, abuse, rape, detention, and torture, and that some of its members, including children, have died in custody. Some foreign observers estimated that at least half of the 250,000 officially recorded inmates in the country's reeducation-through-labor camps are Falun Gong adherents. Falun Gong sources overseas placed the number even higher. Hundreds of Falun Gong adherents were also incarcerated in legal education centers, a form of administrative detention, upon completion of their reeducation-through-labor sentences. Government officials denied the existence of such 'legal education' centers. According to the Falun Gong, hundreds of its practitioners have been confined to psychiatric institutions and forced to take medications or undergo electric shock treatment against their will. In March 2006 U.N. Special Rapporteur on Torture Manfred Nowak reported that Falun Gong practitioners accounted for 66 percent of victims of alleged torture while in government custody... In April 2006 and thereafter, overseas Falun Gong groups claimed that a hospital in Sujiatun, Shenyang, was the site of a 'concentration camp' and of mass organ harvesting, including from live prisoners. In response to the allegations, the Government opened the facility in question to diplomatic observers and foreign journalists. Observers found nothing inconsistent with the operation of a normal hospital." [2a] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)

(See also sections 8 and 12: [Torture](#) and [Administrative detention/Labour camps](#))

- 21.18 As noted by Amnesty International in its 2007 Report on China, published in May 2007, "Members of the Falun Gong spiritual movement were detained and assigned to administrative detention for their beliefs, and continued to be at high risk of torture or ill-treatment." [6g]
- 21.19 The USCIRF Annual Report 2007, published in May 2007, noted:
- "Tens of thousands of Falun Gong practitioners have been sent to labor camps without trial or sent to mental health institutions for re-education because of their affiliation with an 'evil cult.' Falun Gong practitioners claim that nearly 6,000 practitioners have been sent to prison and over 3,000 have died while in police custody. Some human rights researchers estimate that Falun Gong adherents comprise up to half of the 250,000 officially recorded inmates in reeducation through labor camps. The UN Special Rapporteur on Torture reported that Falun Gong practitioners make up two-thirds of the alleged victims of torture. Given the lack of judicial transparency, the number and treatment of Falun Gong practitioners in confinement is difficult to confirm. During the Commission's August 2005 visit, high level Chinese government officials defended the crackdown on the Falun Gong as necessary to promote 'social harmony.' Police continued to detain current and former Falun Gong practitioners and place them in reeducation camps. Police reportedly have quotas for Falun Gong arrests and target former practitioners, even if they are no longer practicing. In the past year, reports continued to surface regarding the re-arrest of Falun Gong practitioners who had been released after completing terms of imprisonment originating from the original crackdown in 1999 and 2000... In addition, the Chinese government has reportedly continued to pressure foreign businesses in China to sign statements denouncing the Falun Gong and to refuse to employ the group's followers." [70a] (p124-125)
- 21.20 As reported by the UNHCR in its position paper on Falun Gong dated 1 January 2005:
- "... there exists no evidence known to UNHCR to suggest that all Falun Gong members are being systematically targeted by the Chinese authorities (especially in view of the large numbers involved). Therefore, although membership of Falun Gong alone would not give rise to refugee status, a prominent role in certain overt activities (such as proselytising or organising demonstrations) which bring the membership to the attention of the authorities, may do so. As is general practice, each claim requires an examination on its own merits." [32c]
- 21.21 The Falun Gong website, updated on 29 April 2008, stated, "Huge numbers have been forced into brainwashing sessions organized to coerce them to renounce their beliefs. Tens of thousands have been detained, jailed and/or imprisoned. Torture is widespread and systematic, ordered by top Party officials to help wipe out the practice. Police and CCP officials at all levels routinely extort huge sums from those they threaten and arrest, and their families." [82a]
- 21.22 According to the same source and another Falun Gong website called the Falun Gong Information Centre, both accessed on 30 April 2008, practitioners have been subjected to prolonged beatings, scalding with hot irons and long-term sleep deprivation. Other forms of abuse have included being force-fed

human faeces or being made to drink isopropyl alcohol (rubbing alcohol used to disinfect wounds). In addition to this practitioners have been made to stand or squat in uncomfortable “stress positions”, have had irritants applied to their skin and have been sexually abused by guards or other prisoners acting on their instructions. [82b] [83a]

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

Origins and support

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

Guiding principles

- 21.26 As reported in *Compassion, a Journal for Falun Dafa around the World* (issue 5 of 2004):
- “Falun Gong – which is also referred to as Falun Dafa – is an ancient advanced form of the qigong. Falun Gong consists of gentle exercises combined with a meditation component. Aside from its popularity... what is usually said to distinguish Falun Gong is its emphasis on the practice of refining one’s moral character in accordance with three principles - Truthfulness, Compassion, and Tolerance. These three principles form the backbone of Falun Gong’s philosophy and practitioners of the discipline aspire to live by them in their daily lives, striving to achieve, over time, a state of kindness, selflessness and inner balance.” [80] (p40)
- 21.27 The source continued:
- “The principles of Falun Gong are captured in the two main books written by Mr. Li Hongzhi: *Falun Gong* (Law Wheel Qigong) and *Zhuan Falun* (Turning the Law Wheel). *Falun Gong* [the book] is a systematic, introductory book that discusses qigong, introduces the principles of the practice, and provides illustrations and explanation of the exercises... Organized in the form of nine

lectures, Zhuan Falun is the most comprehensive and essential work of Falun Gong... Both books and instructional videos are available free on the Internet. There is no membership, and no fees collected.” [80] (p40-41)

Exercises and movements

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

21.29 The five exercises listed on this leaflet are as follows:

Movement Exercises

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

Sitting Exercise/Meditating Exercise/Tranquil Exercise

5. Way of Strengthening Divine Powers [81a]

Possibility of practising in private

21.30 The US State Department’s Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted, “Public Falun Gong activity in the country remained negligible, and practitioners based abroad reported that the government’s crackdown against the group continued... Even practitioners who had not protested or made other public demonstrations of belief reportedly were forced to attend anti-Falun Gong classes or were sent directly to reeducation-through-labor camps. These tactics reportedly resulted in large numbers of practitioners signing pledges to renounce the movement.” [2e] (Section 2c)

21.31 As reported by the Canadian Immigration and Refugee Board (IRB) in an extended response on the situation of Falun Gong practitioners and their treatment by state authorities (2001–2005), Gail Rachlin from the Falun Dafa Information Centre (FIC) told the IRB that since 2003 many practitioners had given up because of the fear of persecution. However, according to Rachlin, “...many have subsequently resumed their involvement in Falun Gong and many others have newly joined the practice.” [3c]

21.32 The Canadian IRB in the same response stated, “Practising Falun Gong in the privacy of one’s own home may be possible, but according to Human Rights Watch, it could become ‘dangerous’ if officials or the police became aware of it.” Citing Maria Hsia Chang writing in her book, The End of Days, the Canadian IRB stated that “[m]any followers still risk arrest and beatings to perform the exercises, but they do them in their homes instead of public parks.” Citing Gail Rachlin the IRB also noted that “while it is possible to practice in private, concealing one’s beliefs and daily practice from relatives and neighbours is difficult.” [3c]

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

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

Denunciation documents

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

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

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

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

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

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

"We are not aware of any case where the released is given a copy of the document on his/her release, although in an incident in Europe the regime is known to have posted such a statement to fellow practitioners of the released as a way of humiliating him and undermining trust in him. Because this particular statement was extracted by the labour camp after the practitioner was tortured with 6 electric batons, it has been an extremely emotive issue and making public the statement has so far not been possible." [81b]

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

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

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

Important dates for foreign-based practitioners

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

25 April

“This is the anniversary of the protest by 10,000 practitioners outside Zhongnanhai, the communist regime headquarters in Beijing, China. This incident in 1999 is thought to have triggered the decision by the former head of the Chinese Communist Party, Jiang Zemin, to order the persecution, which started nearly three months later on 20 July 1999. The commemoration activities typically consist of protest rallies and/or parades usually in front of the Chinese embassies/consulates or other public open spaces. Public open air exhibitions about the persecution, including torture and organ harvesting, could also form a part of the events. Practitioners may also give out flyers about the atrocities and collect signatures for petitions.” [81b]

13 May (Falun Dafa Day)

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

20 July

“Anniversary of the start of the persecution of Falun Gong by the communist regime in China [in 1999] (see also the item for 25 April) This is commemorated with the aim of raising awareness of the persecution and the form of commemoration is usually the same as that for 25 April.” [81b]

Treatment of Falun Gong practitioners' relatives

21.36 On 25 February 2004 the US Citizenship and Immigration Services noted:

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

21.37 The same source continued:

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

21.38 This report concluded by stating:

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

Monitoring of activists abroad

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

21.40 This report stated:

“On March 17, just ten days after Jiang’s return to China, police officers appeared at the house of Jiang’s father. As they did not find Jiang, they asked his father, ‘Do you see what we have with us?’ The police showed him several of a very widely used torture device in China, the electric shock club. The father was terrified, and upon his son’s return home, asked him to stop practicing Falun Gong. Jiang refused. The police officers kept visiting, and soon undertook the first of several severe interrogations of Jiang and the 54 year old father. The first one lasted 12 hours, from four p.m. to four a.m. The officers pressured Jiang and, among other things, demanded he write down what activities he took part in as a Falun Gong practitioner living abroad. In fact, the police officers were obviously already well informed about Jiang’s activities, according to their own admission, from information supplied by the German authorities. They demanded he stop practicing Falun Gong.” [40d]

21.41 As reported by the Association for Asian Research (AFAR) on 26 December 2005, there have been persistent allegations that foreign governments are

pressurised to prevent Falun Gong practitioners demonstrating during visits by Chinese officials. [51b]

Organ harvesting

- 21.42 On 10 March 2006, the *Epoch Times* (a publication sympathetic to Falun Gong) published a report alleging that over 6,000 Falun Gong practitioners were being detained at a prison camp in north-east China. The facility located in Sujiatun District, Shenyang City was described as a “secret concentration camp” with a “crematorium to dispose of bodies.” This report also alleged that inmates had their internal organs removed for sale prior to their bodies being cremated. According to this report no prisoners have left the camp alive. [40b]
- 21.43 The official *People’s Daily* newspaper took the unusual step of commenting on these allegations, quoting a Foreign Ministry spokesman as saying that they were “an absurd lie” and that the “cult enjoyed spreading false accusations in the public arena.” [12y]
- 21.44 In response to the allegations, the US State Department made the following statement in answer to a question posed by a journalist during a press briefing held on 14 April 2006:
- “We are aware of the allegations and have taken these charges seriously. The Department and our Embassy in Beijing, as well as our Consulate General in Shenyang, have actively sought to determine the facts of the matter. Officers and staff from our embassy in Beijing and Consulate in Shenyang have visited the area and the specific site mentioned in these reports on two separate occasions. In these visits the officers were allowed to tour the entire facility and grounds and found no evidence that the site is being used for any function other than as a normal public hospital... Independent of these specific allegations, we remain concerned over China’s repression of Falun Gong practitioners.” [2f]
- 21.45 A report dated 7 July 2006 (updated with new information on 31 January 2007), co-authored by former Canadian Cabinet Minister David Kilgour, alleged that Falun Gong practitioners were being systematically killed so that their organs could be harvested for transplantation. [55a] The influential human rights activist Harry Wu has cast doubt on the accuracy of these allegations. On 8 June 2006, he stated, “...claims that ‘Sujiatun Auschwitz’ exists have yet to [be] substantiate[d] and appear to be nothing more than political propaganda.” [46a] He also cast doubt on the reliability of some of the witnesses interviewed by David Kilgour and his co-author, David Matas, in their report. [46b] (China Information Centre, 18 July 2006)
- 21.46 As noted by the USSD Report 2007, “In January [2007] Ministry of Health spokesman Mao Qunan reportedly acknowledged that the government harvested organs from executed prisoners.” [2e] (Section 1c) In a report dated 30 April 2007, Amnesty International stated:
- “Amnesty International is disturbed by ongoing reports of organs being sold for transplant in China even after the Ministry of Health introduced new regulations banning the practice from 1 July 2006... One official reportedly said that there was a surplus of organs due to an increase in executions ahead of China’s National Day on 1 October 2006. On 6 April 2007, the

Xinhua news agency published the text of new regulations on organ transplants, apparently aimed at reinforcing the industry-wide regulations passed last year. Due to take effect on 1 May 2007, they include a ban on trading in organs and on live organ transplants from those under the age of 18. They state that donations should be 'voluntary' and 'noncompensatory' and that 'no organization or individual may force, dupe or lure anyone to donate his organs'. However, the regulations make no specific reference to the extraction of organs from death penalty prisoners, suggesting that the practice will continue." [6h]

[Return to contents](#)

[Go to list of sources](#)

OTHER QIGONG GROUPS

- 21.47 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. [71a] The USSD International Religious Freedom Report 2007 noted, "Membership in the Falun Gong, the Xiang Gong, Guo Gong, and Zhong Gong qigong groups was still considered illegal." [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

Zhong Gong (China Gong)

- 21.48 As reported by the *Guardian* newspaper on 26 April 2000, Zhong Gong is one of five other qigong (energy cultivation) groups targeted by the Chinese government around the same time as Falun Gong (banned July 1999). [41a] The USSD International Religious Freedom Report 2007 noted that membership of the Zhong Gong group continued to be considered illegal. [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)
- 21.49 On 29 August 2002 the China Support Network noted, "Like the more widely-known Falun Gong, a spiritual group coming under persecution, Zhong Gong is a qi gong practice. The two are not directly related. Where, Falun Gong is known for meditating, Zhong Gong is known for deep breathing exercises." [25a]
- 21.50 As reported by the *Guardian* newspaper on 26 April 2000 and by the Russian news agency Prima on 19 September 2001, the movement was founded by Zhang Hongbao and prior to its banning in September 1999 claimed to have 38 million members in China. [41a] [88a]
- 21.51 On 24 April 2000 Belief.net recorded, "Like Falun Gong followers, Zhong Gong members refer to their founder as 'master' and themselves as 'disciples.' They said they use Zhong Gong to open energy channels in their bodies, promoting health and vitality. They also said Zhang's teachings promote moral living." The same source also noted, "Within months, his [Zhang's] school and more than 3,000 businesses and teaching and treatment centers belonging to the Zhong Gong group had been closed, its millions of followers dispersed, practitioners said." [71a]
- 21.52 According to a report by Worldwide Religious News (WWRN) dated 19 February 2001, "Since September 1999, some 600 leading Zhong Gong

members have been detained and 3,000 of its bases and branches have been closed, the centre said.” [89a] The *Guardian* newspaper gave the same figure for the number of people detained in a report dated 26 April 2000. It also reported that 400,000 people had lost their jobs as a result of these closures. [41a]

- 21.53 A report by the China Support Network dated 29 August 2002 stated that Zhang Qi, a “central figure” in the movement was kidnapped from Vietnam by Chinese government agents on 26 June 2002. He was in the company of prominent dissident and CDP (China Democracy Party) member Wang Bingzhang and labour leader Yue Wu both of whom were also allegedly kidnapped. [25a]
- 21.54 Zhang Hongbao was killed in a car accident on 31 July 2006. [46c] (China Information Centre, 31 August 2006)

Cibei Gong (Compassion Gong)

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

Guo Gong (Nation Gong)

- 21.57 The USSD International Religious Freedom Report 2007 noted that membership of the Guo Gong group continued to be considered illegal. [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom) As reported by Amnesty International in March 2000, the leaders of Guo Gong were Liu Jineng (founder) Liu Jun, Deng Guoquan, Yuan Xingguo and Xiao Xingzhao, all of whom were arrested in Sichuan province in November 1999 – they were later given unspecified terms of re-education through labour. [6b] (p6)
- 21.58 According to the text of a report by the Chinese provincial newspaper *Sichuan Ribao*, reproduced in a BBC Summary of World Broadcasts on 30 October 1999:
- “In March 1994, Liu Jineng, together with Liu Jun and Deng Guoquan, established the ‘Mianyang City China Natural Extraordinary Powers School.’ They taught disciples personally. To date they have run 27 classes and trained 3,000 students. They also gave a correspondence course to thousands upon thousands of students throughout the country, and set up 60 coaching stations in 22 provinces (municipalities) nationwide, and under each coaching station there were several sub-stations.” [17c]

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

Xiang Gong (Fragrant Gong)

- 21.60 As reported by Amnesty International in March 2000, Xiang Gong was founded by Tian Ruisheng in 1988 and its members are closely monitored by the authorities. [6b] (p6) As reported by the *South China Morning Post* on 8 July 2003, Tian died of liver cancer at his home in September 1995. According to this report the group moved its headquarters to Taiwan following the banning of Falun Gong. [17d]
- 21.61 The USSD International Religious Freedom Report 2007 noted that membership of the Xiang Gong group continued to be considered illegal. [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

Bodhi Gong (Wakefulness/Awakening Gong)

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

[Return to contents](#)

[Go to list of sources](#)

ETHNIC GROUPS

- 22.01 The US Library of Congress, in its Country Profile for China dated August 2006, noted:

"Besides the majority Han Chinese, China recognizes 55 other nationality or ethnic groups, numbering about 105 million persons, mostly concentrated in the northwest, north, northeast, south, and southwest but with some in central interior areas. Based on the 2000 census, some 91.5 percent of the population was classified as Han Chinese (1.1 billion). The other major minority ethnic groups were Zhuang (16.1 million), Manchu (10.6 million), Hui (9.8 million), Miao (8.9 million), Uygur (8.3 million), Tujia (8 million), Yi (7.7 million), Mongol (5.8 million), Tibetan (5.4 million), Bouyei (2.9 million), Dong (2.9 million), Yao (2.6 million), Korean (1.9 million), Bai (1.8 million), Hani (1.4 million), Kazakh (1.2 million), Li (1.2 million), and Dai (1.1 million). Classifications are often based on self-identification, and it is sometimes and in some locations advantageous for political or economic reasons to identify with one group over another. All nationalities in China are equal according to the law. Official sources maintain that the state protects their lawful rights and interests and promotes equality, unity, and mutual help among them." [11a]

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

“About half of the territory of the People’s Republic of China (PRC) is inhabited by people who are not ethnic Chinese (i.e., are non-Han). Not all are officially acknowledged by the state, but the 54 ethnic groups that are recognized comprise 8.4 per cent of the population. The presence of so many non-Han did not come about by immigration, but rather by the expansion of territory under Chinese control. Historically, when China was ruled by Han, the territory under their direct administration was, roughly speaking, the territory which was (and still is) inhabited by Han; this did not include Tibet, Xinjiang, greater Mongolia, and the northeast (Manchuria)... Thus, the PRC is exceptional in Chinese history, a Han-dominated government administering not only the Han areas but also the lands occupied by the many nations now deemed to comprise ‘ethnic minorities’ of China.” [32d] (p1)

- 22.03 The US State Department’s Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted:

“According to the 2005 national population survey, the population of the country’s 55 officially recognized ethnic minorities totaled 123 million, or 9.44 percent of the total population. Additionally some citizens identified themselves as members of unrecognized ethnic minorities. Most minority groups resided in areas they traditionally inhabited. Government policy calls for members of recognized minorities to receive preferential treatment in birth planning, university admission, access to loans, and employment. In 2005 new regulations designed to enhance minority preferences in education became effective. Nonetheless, in practice the majority Han culture often discriminated against minorities. Most minorities in border regions were less educated, and job discrimination in favor of Han migrants remained a serious problem even in state-owned enterprises. Racial discrimination was the source of deep resentment in some areas, such as the XUAR, Inner Mongolia, and Tibetan areas. As part of the government’s emphasis on building a ‘harmonious society,’ the government downplayed racism against minorities and tension among different ethnic groups. Incomes in minority areas remained well below those in other parts of the country, particularly for minorities. Han Chinese benefited disproportionately from government programs and economic growth. Many development programs disrupted traditional living patterns of minority groups and included, in some cases, the forced relocation of persons.” [2e] (Section 5)

- 22.04 In a report dated 25 April 2007, Human Rights in China (HRIC) stated:

“Although there have been attempts to address the growing disparities within its borders, China’s rapid economic transformation has not improved the lives of ethnic minorities overall. Instead, there continue to be sharp inequalities in basic social services, such as education and health, while income and unemployment comparisons show that persons belonging to ethnic groups fall behind national averages and those for Han Chinese. The costs of inequitable development are high for those living in rural areas, and political exclusion from the process means that solutions are not necessarily made in the best interest of local ethnic minorities. The Western Development Strategy (WDS), targeting the western provinces and autonomous regions, is intended to ‘modernize’ these areas and narrow the development gap between the interior

and the wealthier coastal provinces. Given the potential for discontent in such inequitable situations, however, the WDS is widely seen as a political tool for strengthening national unity through 'common prosperity'. Its official development goals are undermined by three unspoken but overarching objectives—resource extraction from the borderlands to benefit the coast, assimilation of local ethnic minority groups through Han Chinese population transfers to the autonomous areas, and the alternate purpose of infrastructure development for military use. These policies and the failure of the government to address the resulting inequalities and discrimination contribute to the violations of human rights for ethnic minorities.” [39b]

(See also section 20: [Muslims](#) for information on the Uighur and Hui ethnic groups)

(See also section 27: Children [Health issues](#))

(See also section 28: Family planning ('one child policy') [Preferential treatment of ethnic minorities](#))

KOREANS

- 22.05 As noted by Europa World in its Country Profile for China, accessed on 17 April 2008, there are 1.9 million Koreans in China, accounting for 0.16 per cent of the population (based on the 2000 census). [1a] (Area and Population) The Canadian Immigration and Refugee Board (IRB) recorded on 12 February 2003, “There are an estimated 1,920,000 Chaoxian (Korean) people living in the Chinese provinces of Jilin, Heilongjiang and Liaoning; however the majority of Chaoxian people live in the Yanbian Chaoxian Autonomous Region of Jilin.” [3s]

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

MONGOLIANS

- 22.06 As noted by Europa World in its Country Profile for China, accessed on 17 April 2008, there are 5.8 million Mongolians in China, accounting for 0.47 per cent of the population. As noted by the same source the total population of the Inner Mongolian (Nei Mongol) Autonomous Region is 23.3 million (based on the 2000 census). [1a] (Area and Population)
- 22.07 The Encyclopedia of the World's Minorities (2005) noted, “While most Mongols are minority subjects of the Russian and Chinese multiethnic States, one third of the Mongols live in their own independent country [Mongolia], landlocked between Russia and China.” This source puts the total number of Mongolians in all countries at 7.8 million. [76] (p842-843) The Languages of the World (2005) stated that standard Mongolian, also known as Khalkha, is spoken in both China and Mongolia. In Russia, Mongols use different dialects, including Buryat and Kalmyk. [19] (p203)
- 22.08 As reported by Amnesty International on 28 January 2005:
- “Political activist Hada has been routinely tortured at the prison in northern China where he is serving a 15-year sentence for ‘separatism’ and ‘espionage’. Amnesty International considers him a prisoner of conscience,

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

[Return to contents](#)

[Go to list of sources](#)

TIBET

23.01 As noted by Europa World in its Country Profile for China, accessed on 17 April 2008, there are 5.4 million Tibetans within China, accounting for 0.44 per cent of the population. The same source noted that the total population of the Tibetan Autonomous Region (TAR) is 2.6 million (based on the 2000 census). [1a] (Area and Population) [18b] (map)

23.02 Europa World also recorded:

"Tibet (Xizang), a semi-independent region of western China, was occupied in October 1950 by Chinese Communist forces. In March 1959 there was an unsuccessful armed uprising by Tibetans opposed to Chinese rule. The Dalai Lama, the head of Tibet's Buddhist clergy and thus the region's spiritual leader, fled with some 100,000 supporters to Dharamsala, northern India, where a government-in-exile was established. The Chinese ended the former dominance of the lamas (Buddhist monks) and destroyed many monasteries. Tibet became an 'Autonomous Region' of China in September 1965, but the majority of Tibetans have continued to regard the Dalai Lama as their 'god-king', and to resent the Chinese presence... The Dalai Lama, however, renounced demands for complete independence, and in 1988 proposed that Tibet become a self-governing Chinese territory, in all respects except foreign affairs." [1a] (Recent History)

23.03 As noted by the Encyclopedia of the World's Minorities (2005), traditionally Tibet was divided into four regions, only two of which are now part of the TAR. These are Western Tibet (To Ngari) and Central Tibet (U-tsang). [76] (p1198)

THE TIBETAN LANGUAGE

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

- 23.05 The same source also noted, "Ideally pupils are taught in their native language and Chinese from primary school onwards. In practice minority-language education is offered only in areas with significant minority populations, and then only if the language has an official writing system: Korean, Uyghur, Tibetan, Mongolian, Yi and Dai... interest in bilingual education has waned in recent years as many minority parents see economic advantages in having their children learn Chinese from an early age." [76] (p289)
- 23.06 The Languages of the World (2005) recorded that approximately one million people in Nepal speak Tibetan as a second language and a dialect of Tibetan called Jonkha is the principal language of Bhutan. [19] (p199)
- 23.07 In its Annual Report 2007 on the Human Rights Situation in Tibet, the Tibetan Centre for Human Rights and Democracy (TCHRD) stated, "Despite laws and regulations, the Chinese language is used, instead of Tibetan as the 'medium of instruction' in the schools and for all official and judicial purposes in Tibet. The Tibetan language continues to face discrimination in schools as well in job sectors, forcing Tibetans to write, speak and study the Chinese language out of compulsion." [45a] (p84-85)

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

HUMAN RIGHTS IN TIBET

- 23.08 The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted:
- "The government's human rights record in Tibetan areas of China remained poor, and the level of repression of religious freedom increased. Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest and detention, and house arrest and surveillance of dissidents. The government restricted freedom of speech, academic freedom, and freedom of movement. The government adopted new regulations and other measures to control the practice of Tibetan Buddhism, including measures that require government approval to name all reincarnated lamas. The preservation and development of the unique religious, cultural, and linguistic heritage of Tibetan areas and the protection of the Tibetan people's other fundamental human rights continued to be of concern." [2e] (Tibet)
- 23.09 The TCHRD Report 2007 stated, "The year 2007 saw repression worsen in Tibet, signalling the hardening attitude of China despite holding of the sixth round of talks between Envoys of the Dalai Lama and Beijing during the year. Throughout the year, the Chinese authorities in occupied Tibet unleashed spate after spate of policy campaigns, regulations and decrees to subject Tibetans to intensified state control over their human rights and fundamental freedoms." [45a] (p5)
- 23.10 In a report dated 1 April 2008, Amnesty International recorded:
- "Since 10 March 2008, serious human rights violations have been reported in the Tibet Autonomous Region (TAR, hereafter 'Tibet') and Tibetan areas of neighbouring provinces in connection with the police and military crackdown on Tibetan protesters. Initial protests by Tibetans in Lhasa, the capital of Tibet, appear to have been peaceful and suppressed in violation of protesters' right

to freedom of expression, association and assembly, including through excessive use of force. Protests later turned violent, with some protesters attacking individuals because they were believed to be Han Chinese. Some of these attacks are reported to have resulted in death, injury and damage to property... Amnesty International is concerned that in restoring order, the Chinese authorities have resorted to measures which violate international human rights law and standards. These have reportedly included unnecessary and excessive use of force, including lethal force, arbitrary detentions and intimidation... The organization has previously documented a pattern of torture and other ill-treatment of detainees in Tibet by China's security forces, especially against those accused by the Chinese authorities of 'separatist' activities... China has long banned independent human rights monitors from Tibet, and the region is now virtually sealed from foreign journalists and other observers. For these reasons the organization fears for the safety and well-being of those now in detention." [61]

- 23.11 In an interview with AsiaNews on 30 April 2008, Urgen Tenzin, executive director of the TCHRD, stated:

"Since the deadline of 17 March [2008] given by the Chinese authorities to the peaceful protestors to surrender, more than 5,000 Tibetans have been arrested by the Chinese police. More than one thousand have been subjected to brutality and torture and many of those who were released are in a very delicate state of mind and body. Many of the Tibetans who come out of detention centres are in unstable condition... Chinese officials have been indoctrinated by a ruthless political ideology that views torture as a legitimate tool to eliminate the 'elements of counter-revolution'... Since the 10 March peaceful protests, Tibetans languishing inside prisons have been accused by the Chinese of 'endangering state security'. Just expressing a point of view that goes against government policy leads to arrest for 'political dissent' and 'subversive opinions'. Chinese officials have made statements to the effect that Tibetans have confessed; this is likely what will happen to the 17 who were arrested and tragically the world will be informed that they had 'confessed' their crimes. But these so called confessions would have been extracted as a result of torture. The Chinese are known to use torture as an instrument of 'state control' on Tibetans, guilty of 'political dissent' and 'subversive opinions'. Tibetans have been arrested and tortured for speaking with foreigners, singing patriotic songs, possessing photos of His Holiness the Dalai Lama and so on; these things have been going on for many, many years. At the moment, our monasteries are surrounded by military forces, and under the strict surveillance of Chinese police. The situation inside Tibet is very tense, and we are extremely concerned. As the countdown to the Beijing Olympics begins, the extreme clampdown of information is taking place and this only bodes ill for our fellow Tibetans." [58a]

(See also section 8: Security forces [Torture](#))

- 23.12 As reported by *The Times* on 14 August 2006:

"China's new top official in Tibet [Zhang Qingli, TAR CCP Party Secretary] has embarked on a fierce campaign to crush loyalty to the exiled Dalai Lama and to extinguish religious beliefs among government officials... Ethnic Tibetan civil servants of all ranks, from the lowliest of government employees to senior officials, have been banned from attending any religious ceremony or from

entering a temple or monastery. Previously only party members were required to be atheist, but many of them quietly retained their Buddhist beliefs. Patriotic education campaigns in the monasteries that have been in the vanguard of anti-Chinese protests have been expanded. Ethnic Tibetan officials in Lhasa as well as in surrounding rural counties have been required to write criticisms of the Dalai Lama. Senior civil servants must produce 10,000-word essays while those in junior posts need only write 5,000-character condemnations. Even retired officials are not exempt.” [90d]

23.13 On 7 September 2006 Radio Free Asia (RFA) reported the arrest of a 16-year-old Tibetan girl in Karze (Ganzi), Sichuan province, for handing out pro-independence leaflets. [73e] On 9 March 2007 RFA reported that a prominent local businessman was imprisoned for three years after banned CDs of the Dalai Lama’s teachings were found in his home. [73h] On 21 March 2007 the same source reported, “Chinese police detained at least one person when several hundred Tibetans in Lhasa took part in an outlawed incense-burning there in a rare open display of opposition to Chinese rule.” [73a]

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

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

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

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

23.16 The Dalai Lama in an interview with *TIME Asia* on 18 October 2004 stated:

“Despite some economic improvement and development, the threats to our cultural heritage, religious freedom and environment are very serious. Then also in the countryside, facilities in education and health are very, very poor. It’s like the big gap in China proper between rich and poor. So the whole picture, it almost looks hopeless. When the 13th Dalai Lama visited China in the early 20th century, there was a large Manchurian community – even the Emperor was Manchurian. Almost exactly 50 years later when I visited, the Manchurian community was no longer there. It was completely assimilated.

That danger is very alive [in Tibet, too]. So that's why the Tibetan picture is almost hopeless. That's why we are trying to gain meaningful autonomy." [65d]

POLITICAL PRISONERS HELD IN TIBET

- 23.17 The USSD Report 2007 put the number of political prisoners detained in Tibet during that year at 95, 67 per cent of whom were believed to be monks or nuns. [2e] (Tibet) The TCHRD in its 2007 Report stated, "There are currently 119 known Tibetan political prisoners, of which 43 are serving terms of more than ten years and 80 are monks and nuns." [45a] (p5)
- 23.18 On 29 April 2008, the BBC reported, "A court in Tibet has jailed 17 people for taking part in riots in the capital, Lhasa, last month, Chinese state media has said. The prison terms are reported to range from three years to life." [9d]

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

TIBETAN BUDDHISM

- 23.19 As stated by the Chinese Government White Paper, Regional Ethnic Autonomy in Tibet, published in May 2004, "At present, there are over 1,700 venues for Tibetan Buddhist activities, with some 46,000 resident monks and nuns; four mosques and about 3,000 Muslims; and one Catholic church and over 700 believers in the region. Religious activities of various kinds are held normally, with people's religious needs fully satisfied and their freedom of religious belief fully respected." [5o] (p3 of Section IV)
- 23.20 The USSD International Religious Freedom Report 2007 noted:
- "The Government remained wary of Tibetan Buddhism in general and its links to the Dalai Lama, and it maintained tight controls on religious practices and places of worship in Tibetan areas. Although authorities permitted many traditional religious practices and public manifestations of belief, they promptly and forcibly suppressed any activities which they viewed as vehicles for political dissent. This included religious activities that officials perceived as supporting the Dalai Lama or Tibetan independence." [2a] (Tibet) (Section II. Status of Religious Freedom, Legal/Policy Framework)
- 23.21 The same source stated further:
- "The Government stated that there were no limits on the number of monks in major monasteries and that each monastery's Democratic Management Committee (DMC) decided independently how many monks the monastery could support. Many of these committees were government-controlled, and in practice the Government imposed strict limits on the number of monks in major monasteries, particularly in the TAR. The Government continued to oversee the daily operations of major monasteries. The Government, which did not contribute to the monasteries' operating funds, retained management control of monasteries through the DMCs and local religious affairs bureaus. Regulations restricted leadership of many DMCs to 'patriotic and devoted' monks and nuns and specified that the Government must approve all members of the committees. At some monasteries, government officials were members of the committees." [2a] (Tibet) (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

23.22 The report also stated:

“Official Chinese-language press reports emphasized the importance and strengthening of monastic patriotic education. Reports also stated political education was necessary for the whole society to be vigilant towards combating ‘splittism’ and the influence of the ‘Dalai Clique.’ The primary responsibility for conducting monastic political education remained with monastery leaders, and the form, content, and frequency of training at each monastery appeared to vary widely; however, conducting such training remained a requirement and is a routine part of monastic management. In some monasteries outside the TAR, political education sessions were held infrequently.” [2a] (Tibet) (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

23.23 The TCHRD Report 2007 stated, “2007 saw the Chinese government intensify its systematic and egregious practice of violating freedom of religion in Tibet... In a meeting in November 2006, the ‘TAR’ CCP general body resolved to stamp out ‘separatism’ completely by stepping up efforts against Tibetan freedom activists (which includes anyone supporting the Dalai Lama) and by restrengthening ‘patriotic re-education’ campaigns in monastic institutions throughout Tibet.” [45a] (p51)

23.24 As reported by the USCIRF Annual Report 2007, published in May 2007:

“The Chinese government retains tight control over religious activity and places of worship in Tibet. The religious activities of monks and nuns are monitored, monasteries are administrated by government-approved management committees, selection and training of reincarnate lamas must receive government approval, and monks and nuns are required to participate in ‘patriotic education’ programs run by government officials. The Chinese government acknowledges that more than 100 Tibetan Buddhist monks and nuns are being held in prison. Tibetan human rights groups claim that these prisoners are subject to torture and other ill-treatment. Reports indicate that government campaigns to promote the ‘patriotic education’ of Buddhist monks in Tibet intensified beginning in April 2005. In July 2005, 18 monks were expelled from Sera Monastery in Lhasa for refusing to participate in ‘patriotic education’ sessions. Additionally, 40 nuns were expelled from Gyarak Convent in October for similar reasons. In November, five monks from Drepung Monastery in Lhasa were arrested and detained after they, along with several other monks, refused to renounce their loyalty to the Dalai Lama.” [70a] (p123)

Possessing pictures of the Dalai Lama

23.25 The USSD International Religious Freedom Report 2007 stated:

“Government officials maintained that possessing or displaying pictures of the Dalai Lama was not illegal and that most TAR residents chose not to display his picture. Nevertheless, authorities appeared to view possession of such photos as evidence of separatist sentiment when detaining individuals on political charges. Article 34 of the 2007 ‘TAR Measures for Implementation of the Regulations for Religious Affairs’ states that ‘religious personnel and religious citizens may not distribute books, pictures, or other materials which harm the unity of the nationalities or endanger state security.’ Photos or books

of the Dalai Lama fall into this category. Pictures of the Dalai Lama were not openly displayed in major monasteries and could not be purchased openly in the TAR. In Tibetan areas outside the TAR, visitors to several monasteries saw pictures of the Dalai Lama openly displayed. Amnesty International reports that a former monk, Sonam Gyalpo, was sentenced to 12 years' imprisonment in mid-2006 for 'endangering state security' after videos of the Dalai Lama were found in his house. The Government continued to ban pictures of Gendun Choekyi Nyima, the man recognized by the Dalai Lama as the Panchen Lama. Photos of the 'official' Panchen Lama, Gyaltzen Norbu, were not publicly displayed in most places, most likely because most Tibetans refuse to recognize him as the Panchen Lama." [2a] (Tibet) (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

23.26 As reported by the USCIRF Annual Report 2007, published in May 2007:

"During the Commission's visit to Lhasa, government officials stated that it is not illegal for citizens to possess pictures of the Dalai Lama, but it is illegal to distribute them or to display them, since that could be interpreted as incitement to separatist activities. Despite this purported policy, in January 2006, authorities in Shigatse Prefecture reportedly arrested Phuntsok Tsering, the chant master of Magar Dhargyeling Monastery, on charges of possessing a portrait of the Dalai Lama. However, within the last year, diplomatic observers have reported an increase in the display of pictures of the Dalai Lama at Tibetan monasteries outside the Tibetan Autonomous Region (TAR)." [70a] (p123-124)

The Panchen Lama

23.27 The USSD International Religious Freedom Report 2007 noted that most Tibetans continue to recognise the Dalai Lama's choice, Gendun Choekyi Nyima, as the true Panchen Lama. [2a] (Tibet)

23.28 The USCIRF Annual Report 2007, published in May 2007, recorded:

"The Chinese government continues to deny repeated international requests for access to the 18-year-old boy whom the Dalai Lama designated as the 11th Panchen Lama when he was six years old. Government officials have stated that he is being 'held for his own safety,' while also claiming that another boy, Gyaltzen Norbu, is the 'true' Panchen Lama. In recent years, Chinese authorities have, on several occasions, featured Norbu in public ceremonies where he stresses the importance of loyalty to the Communist government and endorses the government's official version of Tibetan history. The boy was featured prominently at an international conference on Buddhism in Zhejiang Province in April 2006. The Dalai Lama and other prominent Tibetan religious leaders were not permitted to attend the conference." [70a] (p124)

Monastic life

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

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

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

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

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

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

All four orders share a lot in common. All wear maroon robes, and all have the same configuration. All follow the same monastic rules (vinaya), which are derived from Indian Buddhism. They all agree that the philosophical school of the Indian Buddhist master Nagarjuna is the supreme system, and all practice [sic] very similar meditation practices, the most important of which derive from Indian texts called tantras. The meditative practices derive from a common canon of texts, and the ceremonies they perform, along with the theories behind them, share many common presuppositions and actions. Aside from different styles of hats and other dress for some ceremonial occasions, you really can’t tell them apart when you see them on the street, and most aspects of their religious lives and practices are very similar. There are many different lineages, and each order has its own history and major figures, but the similarities are pervasive.” [50d] (Emphasis retained)

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

“Yes, particularly tantric rituals, which often require decades of previous study, as well as authorisation by a qualified master. For the Gelukpas in particular, the period of study required to earn the degree of Geshe (something like a Doctor of Divinity) would be anywhere from 20-30 years. Geshe are considered to be fully qualified to teach and perform ceremonies, but further

tantric study would be required to perform many tantric rituals. So the study requirements for performance of most important rituals are significant. This is important in the current climate, because the Chinese government severely restricts the time allowed for study, and so Tibetan monks today are simply unable to devote enough time to fulfil the requirements of either the Geshe degree or the further study required for performance of tantric rituals. The PRC has decided that Tibetan monks will be allowed to perform colourful ceremonies that draw tourists, but wants to prevent them from gaining the sort of depth and breadth of knowledge that is considered essential by the tradition.

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

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

"Self-censorship is an important tool, but peer censorship is probably more important. The PRC tells monks that if any of the residents of a particular monastery do things that anger the Chinese, the whole monastery will suffer, but they're vague on exactly what will anger them. They do the same thing with groups of travellers (all foreigners are required to join a group that is monitored by a government-approved guide). At one monastery I visited in 2001 (Tashilhunpo), one of the monks told me that there were 22 Chinese security personnel in the monastery full time, and they were monitoring 73 monks. Other monasteries I visited had military bases right next to them, and all religious activities are very closely monitored. There are resident Chinese security personnel in many monasteries, and their job is to keep a close eye on the monks. Monks and nuns have been at the forefront of anti-Chinese agitations, and so the PRC is deeply suspicious of them. Monks are routinely required to sign declarations of allegiance to the PRC, the Communist Party, and to its policies, as well as denunciations of the Dalai Lama. Recent research by human rights groups such as Amnesty International and Human Rights Watch have concluded that there is no freedom of religion in Tibet today, and I reached the same conclusion during my visit there in 2001." [50d]

Consequences for expelled monks

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

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

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

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

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

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

“Possibly, but the options there would also be limited. There would be no means of support for many, and also little opportunity to study or practice [sic]. Traditionally, monks are often the third or fourth sons of a family, who are sent to a monastery at an early age. This brings great merit to the family, and it also takes care of excess children, and prevents land from being divided among too many people. So if a monk returns to his home village after being expelled, he’s an extra burden, he’ll probably be closely watched by local authorities and security personnel, and will have few employment options, and little chance of joining a local monastery.” [50d]

TIBETAN REFUGEES IN INDIA

23.31 On 17 April 2008 the BBC reported:

“Tens of thousands have crossed into India since 1959, when Chinese put down a Tibetan uprising. Many of the refugees were housed in settlements in southern and other parts of India in the 1960s and 1970s. Because of dwindling economic opportunities in the settlements, more recent refugees have settled in the north. The city of Dharamsala in the Himalayan foothills,

where the Dalai Lama and Tibetan government-in-exile are based, is the hub of the diaspora. The precise number of Tibetans now living in India is unknown. The most common estimates are between 100,000 and 120,000. But according to Thierry Dodin of the London-based information service Tibetinfo.net this is almost certainly too low, and the figure could be as high as 200,000. The picture is further blurred by fluctuations. Every year, at least 2,000 people arrive from China - mainly through remote mountain passes via Nepal - while unknown numbers return home. Whatever the numbers, India's Tibetan minority is highly visible. According to Mr Dodin, this is due to both the entrepreneurial zeal of many exiles, who have set up businesses and travel a lot, and to the prestige of the Dalai Lama - which is as high in India as it is in the West." [9j]

- 23.32 The report continued, "The activities of the Central Tibetan Administration (CTA) - as the government-in-exile is officially known - are closely monitored but fairly free. Overt anti-Chinese agitation, however, is frowned upon. In March [2008], Indian police barred several hundred exiles from starting a march on Tibet. The CTA is not recognised as a government by any country - including India - but it receives aid for its work among exiles." [9j]

Legal status of Tibetans in India

- 23.33 As noted by Julia Meredith Hess in Vol. 44 (1) (2006) of *International Migration* (an International Organisation for Migration publication):

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

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

- 23.35 On 17 April 2008 the BBC reported:

"The legal status of many Tibetan exiles is as unclear as their numbers. Most of those who cross into Nepal lack valid travel documents and few obtain a card from the UN refugee agency, UNHCR... Many are unable to obtain residence permits once they reach India, the UNHCR adds. Indian residence permits, which were once routinely granted to Tibetans, are now only automatically available to the children of those who arrived before 1979. There are ways for newcomers to overcome Indian reluctance to grant residency, but they involve lengthy tussles with officialdom and often bribes. Those who

obtain legal status are free to work and own property, but they do not have the same rights as citizens - such as formal participation in politics or the ability to carry an Indian passport - the UNHCR says.” [9j]

TIBETAN REFUGEES IN NEPAL

23.36 The Nepalese government is not a signatory of the 1951 Refugee Convention but has developed policies that provide protection for, amongst others, Tibetan refugees. (US State Department, Country Report on Human Rights Practices 2007: Nepal, published on 11 March 2008 - USSD Nepal Report 2007) [2d] (Section 2d)

23.37 The same source noted:

“Between 1959 and 1989, the government accepted approximately 20,000 Tibetan refugees as residents. Since that time, most Tibetans arriving in the country have simply transited on their way to India. However, some remained or returned, although the exact number was not known. Tibetans continued to transit through the country on their way to India in significant numbers and, generally, the government continued tacitly to sanction that practice. During the year 2,156 Tibetans transited the country. There were credible reports by Tibetan refugees of increased harassment by Chinese border guards. Refugees also reported that border officials frequently tolerated incursions into the country by Chinese border officials pursuing refugees. According to refugee reports, Maoists regularly robbed Tibetan refugees traveling from border areas to Kathmandu.” [2d] (Section 2d)

23.38 On 28 March 2008 the BBC reported:

“Kathmandu is home to thousands of Tibetan exiles and over the past fortnight they have mounted almost daily protests against Beijing. Several hundred of the demonstrators have been detained. Meanwhile, Amnesty International and the UN have both criticised the government's handling of the protests. On Monday the UN Office of the High Commissioner for Human Rights in Nepal said the Nepalese police were arresting people who were not demonstrating purely on the basis of their appearance - an apparent reference to Tibetans. The police have been filmed beating protesters, including monks, with considerable force. Nepal says it cannot allow Tibetans to demonstrate because it recognises Tibet as an integral part of China. But the UN says the mass arrests are against the spirit of a society governed by the rule of law.” [9m]

Legal status of Tibetans in Nepal

23.39 Article 9 of the Nepalese Constitution states:

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

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

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

23.41 The USSD Nepal Report 2007 observed:

"Many of the Tibetans who live in... [Nepal] have irregular status. Business ownership, licenses, and most legal transactions must be accomplished with the assistance of local friends or associates. This has made them especially vulnerable to those, primarily Maoists, who extort money from business owners, even very small business owners, and others. Tibetans also reported numerous cases of abduction for the purpose of extortion. In practice the government generally provided protection against refoulement, the return of persons to a country where they feared persecution. On July 16 [2007], however, the Immigration Office deported a Tibetan refugee accused of crimes in the country to Tibet. The government responded to protests against the deportation by claiming the refoulement was the result of confusion over the government's policy and miscommunication... The 20,000 Tibetan refugees who arrived in the country prior to 1989 have Refugee Identity Cards which provide minimal rights and protections, but the government would not issue cards to the estimated 5,000 Tibetans born in the country after 1989 or to any of the other Tibetans who arrived after that time." [2d] (Section 2d)

23.42 On 17 April 2008 the BBC reported:

"Most of those who cross into Nepal lack valid travel documents and few obtain a card from the UN refugee agency, UNHCR. According to a 2003 paper by the agency, the Nepalese authorities want Tibetans 'out of the country within two weeks'... In Nepal, the position of Tibetans is even more precarious. The country does not recognise refugee status. Most Tibetans in Kathmandu have no papers and can be picked up by police. Several hundred were detained in the capital after a wave of anti-Chinese demonstrations. There are no reliable estimates of the numbers of Tibetans living in Nepal. The country is keen not to antagonise China by putting out a welcome mat for Tibetan exiles, and is mainly used as a transit point." [9j]

(See also section 35: Treatment of returnees [Treatment of Tibetans](#); and the [COI Service Nepal Key Documents](#), May 2008)

OTHER TIBETAN AREAS INSIDE CHINA

23.43 The Karze/Kardze (Ganzi in Tibetan) Tibetan Autonomous Prefecture (TAP) located in Sichuan province is the most volatile area outside of the TAR (Tibetan Autonomous Region). Tibetan activists have also been detained in Qinghai and Gansu Provinces. [2a] (Tibet) [73e] (RFA, 7 September 2006)

[Return to contents](#)

[Go to list of sources](#)

LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGISLATION

- 24.01 The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted, "No laws criminalize private homosexual activity between consenting adults. According to the Ministry of Health, the country has approximately 30 million homosexuals between the ages of 15 and 60." [2e] (Section 5)
- 24.02 The crime of 'hooliganism,' which in the past was used to prosecute homosexuals, was repealed in 1997, and since May 2004 homosexuality is no longer prohibited under regulations relating to the behaviour of persons serving time in detention. [3n] (Canadian Immigration and Refugee Board (IRB), 26 September 2005) The official *People's Daily* newspaper reported on 20 August 2003 that same sex marriages are not permitted. [12i]

POSITION IN SOCIETY

- 24.03 The USSD Report 2007 noted, "Societal discrimination and strong pressure to conform to family expectations deterred most gay individuals from publicly discussing their sexual orientation. Published reports stated that more than 80 percent of gay men married because of social pressure." [2e] (Section 5) On 26 September 2005 the Canadian Immigration and Refugee Board (IRB) recorded:

"According to some sources, government and Chinese society are showing greater tolerance towards homosexuals than they have in the past... More and more gays and lesbians have been 'coming out' since the 1990s particularly in urban areas... Telephone hotlines and websites specifically for homosexuals are available while gay bars and clubs have sprung up even in smaller cities and are for the most part tolerated by local authorities or even sometimes publicly advertised... A gay and lesbian film festival was held in 'the outskirts' of Beijing in 2005 and in 2001, when both times Peking University banned the festival from its campus... While Shenzhen in Guangdong Province is reportedly one of the most tolerant cities for gays in China, the Chinese countryside has not experienced the same level of openness as urban areas have... According to The Sydney Morning Herald, '[i]n the Chinese hinterland ... the gay emergence is more tentative but strengthening among a homosexual community'... Nevertheless, homosexuals in China continue to face social stigma... Homosexuality is also considered a taboo subject in the media, though the BBC reported that by 2004 there was more coverage of homosexual issues in the mainstream media than there had been in the past... strong pressure to conform to family expectations also comes to bear on homosexuals." [3n]

- 24.04 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... There are now hundreds of gay websites in China and the number is growing all the time. " [9i] China's first national free advice line for

gay people was launched 8 May 2006. It is manned by 13 volunteers in Shanghai and Guangzhou. [14f] (*China Daily*, 11 May 2006)

GOVERNMENT ATTITUDES

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

[Return to contents](#)

[Go to list of sources](#)

DISABILITY

- 25.01 The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted:

"The law protects the rights of persons with disabilities and prohibits discrimination; however, conditions for such persons lagged far behind legal dictates, failing to provide persons with disabilities access to programs designed to assist them. According to the official press, all local governments have drafted specific measures to implement the law. The Ministry of Civil Affairs and the China Disabled Persons Federation, a government-organized civil association, were the main entities responsible for persons with disabilities. In December 2006 the government stated that there were 82.96 million persons with disabilities. According to government statistics, 3,250 educational and vocational centers provided training and job-placement services for persons with disabilities... Government statistics showed that almost one-quarter of persons with disabilities lived in extreme poverty. Unemployment among adults with disabilities remained a serious problem." [2e] (Section 5)

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

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

(See also section 28: Family planning ('one child policy') [Family planning law and other regulations](#), [Coercion \(Forced abortion / sterilisation\)](#))

[Return to contents](#)

[Go to list of sources](#)

WOMEN

LEGAL RIGHTS

26.01 Article 48 of the Constitution states, "Women in the People's Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural, and social, including family life." [1a] **(The Constitution)** In September 1980 the Chinese government ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). [27a] **(United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region)** Women's rights are also protected by the Law on the Protection for Women's Rights and Interests, effective as of 1 October 1992. [5f]

26.02 However, as noted by the US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, "Women frequently encountered serious obstacles to the enforcement of laws... Some observers noted that the agencies tasked with protecting women's rights tended to focus on maternity-related benefits and wrongful termination during maternity leave rather than on sex discrimination, violence against women, and sexual harassment. Women's rights advocates indicated that, in rural areas, women often forfeited land and property rights to their husbands in divorce proceedings." [2e] **(Section 5)**

26.03 The United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region, on its country page for China, accessed on 30 April 2008, noted:

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

(See also section 28: [Family planning \('one child policy'\)](#))

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

POLITICAL RIGHTS

26.04 As noted by the USSD Report 2007:

“The government placed no special restrictions on the participation of women or minority groups in the political process. However, women held few positions of significant influence in the CCP or government structure... The government encouraged women to exercise their right to vote in village committee elections and to stand for those elections, although only a small fraction of elected members were women. In many locations, a seat on the village committee was reserved for a woman, who was usually given responsibility for family planning.” [2e] (Section 3)

SOCIAL AND ECONOMIC RIGHTS

Position of women in society

- 26.05 As documented by the Christian Science Monitor in a report dated 17 December 2004, under Mao Zedong women were famously told they “hold up half the sky” and were promised equality with men. Foot binding was banned, divorce legalised and the keeping of concubines forbidden. “‘Changes in the Chinese family were imposed quickly and radically,’ says Harvard University’s Martin Whyte. ‘In most societies these changes would take generations. In Mao’s China they were compressed into a time period, really, of two or three years.’” [75a]
- 26.06 The same source continued, “‘Daughters are an economic benefit in the city, where mental work is greater than physical work,’ says Dong Zhiying, a scholar at the China Academy of Social Science (CASS).” However, “... family dynamics remain tremendously complicated... An urban culture of mistresses has been growing in China... Business culture emphasizes macho guys who need to be seen sitting with several ornamental women in order to show power.” [75a]
- 26.07 On 15 October 2006 the *Guardian* newspaper reported:
- “In 1949 female illiteracy in rural China was 99 per cent. In 1976 when Mao died it was 45 per cent and today it is 13 per cent. One of Mao's first acts was to give women the same rights in divorce as men, and for all his other barbarism he consistently championed the equality of women. China is still a sexist society, but compared with the rest of Asia it is light years ahead. Female illiteracy in rural India, for example, is still 55 per cent. The change has gone deep into the marrow of Chinese society. One survey recently revealed that Chinese girls between 16 and 19 name becoming president, chief executive or senior manager of a company as their top career choices; Japanese girls between 16 and 19 say they want to become housewives, flight attendants or child-care workers.” [41g]
- 26.08 As noted by the official *China Daily* newspaper in a report first published on 1 February 2002 and accessed via the government portal, china.org, “Although the status of women in China’s major cities has improved, their rural counterparts continue to find themselves handicapped by serious gender inequalities.” [14g] In its 2007 Report on China, published in May 2007, Amnesty International stated, “The disadvantaged economic and social status of women and girls was evident in employment, health care and education. Women were laid off in larger numbers than men from failing state enterprises.

Women accounted for 60 per cent of rural labourers and had fewer non-agricultural opportunities than men.” [6g]

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

(See also section 28: [Family planning \('one child policy'\)](#), [Enforcement, Monitoring](#) and [Single women](#))

Marriage

- 26.09 The USSD Report 2007 noted, “In order to delay childbearing, the law sets the minimum marriage age for women at 20 years and for men at 22 years.” [2e] (Section 1f) As reported by the Encyclopedia of the World’s Minorities (2005), the marriage age for recognised ethnic minorities is 18 for women and 20 for men. [76] (p286)

(See also section 22: [Ethnic groups](#))

- 26.10 As reported by *TIME Asia* on 30 October 2006, “The concept of alimony is only beginning to enter Chinese society, keeping some wives from splitting with their husbands for fear of not being able to provide for children.” [65i]

- 26.11 On 19 August 2003 the official *People’s Daily* newspaper reported:

“Chinese couples planning to get married may soon do so without a letter from their employers testifying to their unmarried status and without first having a health examination, according to a new regulation issued by the State Council Monday... An adult male and female will be able to marry each other legally by only providing their ID cards and residence documents, and by signing a statement that they are single and not related, the new regulation said. For the past several decades, government marriage offices required people to show letters provided by their employers to guarantee that they were qualified for marriage. The new regulation [effective from 1 October 2003] says that people may take a health examination before marriage, but will not be forced to do so.” [12g]

- 26.12 As reported by the *People’s Daily* on 20 August 2003, couples with HIV/AIDS will be allowed to marry under these regulations but same sex marriages are not permitted. [12i] The website of the US Embassy in China, accessed on 30 April 2008, noted, “Certain categories of Chinese citizens, such as diplomats, security officials, and others whose work is considered to be crucial to the state, are not legally free to marry foreigners. Chinese students generally are permitted to marry if all the requirements are met, but they can expect to be expelled from school as soon as they do.” The same source also noted that additional documentation is normally required for marriage to a non-Chinese national. [99a]

(See also section 28: [Family planning \('one child policy'\)](#), [Preferential treatment of ethnic minorities](#), [Enforcement, Monitoring](#) and [Single women](#))

Arranged marriages

- 26.13 As reported by the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region on its country page for China,

accessed on 30 April 2008, "In some rural areas, the phenomenon of buying women or children for marriage or to carry on the family name exists." [27a] (Overview)

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

Divorce

26.14 On 28 April 2003, the Standing Committee of the NPC voted to amend the Marriage Law. In addition to making bigamy a criminal offence punishable by two years imprisonment it made the following pronouncement on divorce, "In divorce cases, property division should be determined under contract by both parties. Should they fail, the people's court will make decisions in favor of the offspring and the female." The official *People's Daily* newspaper reported these amendments on the same day. [12d] As reported by the same source on 19 August 2003, "Couples will receive divorce certificates at once if they both agree to get divorced and settle amicably their property, any debts and care of any children, the new rules say." [12g]

26.15 On 25 January 2008 the BBC reported:

"The divorce rate in China has increased by almost 20% over the past year, with 1.4m couples filing for separation during 2007... Some experts put the rise down to a change in the law which has made divorces easier to obtain. Others say China's one-child policy has produced a generation of adults focused on their own needs and unable to sustain a relationship... The rising divorce rate is part of a long-term trend. Since China began its market reforms in the late 1970s, the number of people getting a divorce has quadrupled. This has been exacerbated by a change in the law in 2003 allowing couples to divorce in a day, analysts say. Previously, couples needed permission from either their employers or community committees to divorce." [9q]

VIOLENCE AGAINST WOMEN

26.16 The USSD Report 2007 noted, "Rape is illegal, and some persons convicted of rape were executed. The law does not expressly recognize or exclude spousal rape." [2e] (Section 5) The report stated further:

"Violence against women remained a significant problem. There was no national law criminalizing domestic violence, but the Marriage Law provides for mediation and administrative penalties in cases of domestic violence. In August 2005 the NPC amended the Law on the Protection of Women's Rights specifically to prohibit domestic violence, although critics complained that the provision failed to define domestic violence. More than 30 provinces, cities, or local jurisdictions passed legislation aimed at addressing domestic violence... According to a 2005 survey by the All-China Women's Federation (ACWF), 30 percent of 270 million families had experienced domestic violence, and 16 percent of husbands had beaten their wives. The ACWF reported that it received some 300,000 letters per year complaining about family problems, mostly domestic violence. The actual incidence was believed to be higher because spousal abuse went largely unreported. According to experts, domestic abuse was more common in rural areas than in urban centers. An ACWF study found that only 7 percent of rural women who suffered domestic violence sought help from police." [2e] (Section 5)

- 26.17 The same source stated, “In response to increased awareness of the problem of domestic violence, there was a growing number of shelters for victims. Most shelters were government run, although some included NGO participation.” [2e] (Section 5) In a report dated 8 March 2006, *The Independent* noted, “Ninety per cent of cities and provinces in China have now established regulated legal and counselling centres and advice lines for female victims of domestic violence.” [67a]

(See also section 27: Children [Female infanticide](#))

(See also section 28: Family planning ('one child policy') [Coercion \(Forced abortion / sterilisation\)](#))

(See also section 30: Medical Issues [Mental Health](#))

[Return to contents](#)

[Go to list of sources](#)

CHILDREN

BASIC INFORMATION

- 27.01 The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted:

“The law prohibits maltreatment of children and provides for compulsory education. The State Council's National Working Committee on Children and Women was tasked with carrying out policy toward children. Parents must register their children in compliance with the national household registration system within one month of birth. If children are not registered, they cannot access public services... The physical abuse of children can be grounds for criminal prosecution... More than half of all boys and almost a third of all girls have been physically abused, according to survey results released at a 2005 conference in Beijing. The survey reported that 10 percent of boys and 15 percent of girls were sexually abused. These statistics were among those publicized at a National Consultation on Violence against Children, which the government and the UN Children's Fund sponsored. A media ban was also issued after a Nanjing newspaper publicized the forced sterilization of mentally challenged teenagers in Nantong, Jiangsu Province... Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the coercive birth limitation policy.” [2e] (Section 5)

(See also section 28: [Family planning \('one child policy'\)](#), [Family planning law and other regulations](#), [Coercion \(Forced abortion / sterilisation\)](#))

(See also section 31: Freedom of movement [Household registry \(hukou\)](#))

- 27.02 China is a signatory to the UN Convention on the Rights of the Child, but in its Concluding Observations on China dated 24 November 2005, the Committee on the Rights of the Child stated, “While welcoming the significant progress made with respect to legislative reform in mainland China, the Committee is

concerned that not all laws applicable to children fully conform to the Convention.” [21a] (p2) It also reported:

“The Committee notes with appreciation the elaboration of a second National Plan of Action, the National Children’s Development Programme (2001-2010), for the mainland, and also takes note of the growing number of committees and working groups at the State, regional and provincial levels to monitor and implement child rights. However, it is concerned that coordination is fragmented and that the Programme is not implemented uniformly across all regions and localities on the mainland and that coordination of implementation at local and regional levels is sometimes insufficient... The Committee notes the information that non-governmental organizations are becoming increasingly active in mainland China, but it is concerned that the space in which they may operate and the scope of their activities remain very limited.” [21a] (p3&5)

27.03 The same source recorded:

“The Committee welcomes the State party’s abolition of the death penalty in mainland China for persons who have committed an offence when under the age of 18. However, it is concerned that life imprisonment continues to be possible for those under 18, even if that sentence is not often applied. While noting efforts to reform laws relating to juvenile justice, such as the Law on the Protection of Minors, the Committee remains concerned that existing legislation, regulations and administrative procedures do not adequately set out the detailed obligations of the authorities and the judiciary for the protection of children in conflict with the law at all stages. While noting that the State party has raised the minimum age of criminal responsibility in the Hong Kong SAR [Special Administrative Region], the Committee remains concerned that the age of 10 years is too low. The Committee is further concerned that children between the ages of 16 and 18 are not consistently accorded special protection when coming into conflict with the law.” [21a] (p18)

27.04 The USSD Report 2007 noted, “The law requires juveniles to be held separately from adults, unless facilities are insufficient. In practice children sometimes were held with adult prisoners and required to work.” The report also noted, “Sexual and physical abuse and extortion occurred in some detention centers.” [2e] (Section 1c)

(See also section 12: [Prison conditions](#))

EDUCATION

27.05 As noted by Europa World, accessed on 17 April 2008, “Since 1979 education has been included as one of the main priorities for modernization. The whole educational system was being reformed in the late 1990s and early 2000s, with the aim of introducing nine-year compulsory education. According to official statistics, 90% of the population had been covered by the compulsory education scheme by 2002. The establishment of private schools has been permitted since the early 1980s.” The same source also noted, “Fees are charged at all levels.” [1a] (Education)

27.06 The USSD Report 2007 recorded:

“The law provides for nine years of compulsory education for children. However, in economically disadvantaged rural areas, many children did not attend school for the required period and some never attended. Public schools were not allowed to charge tuition, but after the central government largely stopped subsidizing primary education, many public schools began to charge mandatory school-related fees to meet revenue shortfalls. Such fees made it difficult for poorer families and some migrant workers to send their children to school. According to 2006 government statistics, 99.27 percent of children nationwide were enrolled in elementary school. In 2005 the government reported that 51.4 percent of primary school students, 45.7 percent of junior secondary school students, and 44.0 percent of senior secondary school students were girls. It was widely believed that the proportion of girls attending school in rural and minority areas was smaller than in cities... The government reported that nearly 20 million children of migrant laborers followed their parents to urban areas. Most children of migrant workers who attended school did so at schools that were unlicensed and poorly equipped.” [2e] (Section 5)

27.07 On 20 March 2006 *Asia Times* reported, “... roughly 60% of Chinese families in major cities now spend one-third of their income on children’s education...” [64d] In its background information on China, accessed on 24 April 2008, UNICEF stated, “All school fees were eliminated in rural areas in 2007, increasing educational opportunities for 150 million rural children.” [29a]

27.08 As observed by the Economist Intelligence Unit (EIU) in its 2008 Country Profile for China, dated 12 February 2008:

“In 2006, for the first time, government figures showed that 100% of primary school students went on to junior secondary school; of these, a further 75.7% enter senior secondary school. However, the overall figures mask some weaknesses, particularly in basic-level education. The proportion of illiterate and semi-literate people was lowest in Tianjin municipality, at 4.1% in 2006, but was as high as 45.7% in Tibet and above 10% in nine other provinces. Many rural schools are inadequately funded, although attendance has been boosted by national policies giving free education to rural children. Moreover, there is widespread truancy and absenteeism, despite the requirement of a notional nine years of compulsory education (six years at primary-school level and three years in junior middle school).” [4a] (Education)

27.09 In a report dated 1 March 2007, Amnesty International stated, “Millions of internal migrant children still struggle to get a decent education. Many of those who live with their parents in the city are effectively shut out of state schools, because their parents are not legally registered, or by the high school fees, or their failure to pass qualifying exams administered by schools. Private schools set up especially by internal migrants for their children, on the other hand, face sudden, possibly discriminatory, closure by local governments, and offer lower quality education than state schools.” [6n]

27.10 The EIU noted, “There were 1,867 universities and institutions of higher education in China in 2006, up from 1,041 in 2000, with a total student enrolment figure of 17.4m, up from the 2000 level of 5.6m... The rapid rise in enrolment has been accompanied by a sharp rise in the student-teacher ratio... University entrance is generally on a meritocratic basis and highly competitive—a national university entrance examination ranks all students.

Students with poor scores can end up studying unexpected subjects in remote institutions.” [4a] (Education)

- 27.11 As recorded by Europa World, accessed on 17 April 2008, “The numbers of Chinese students studying abroad were increasing in the early 21st century, with around 50,000 Chinese students reported to have been studying in British higher education institutions alone in 2005/06.” [1a] (Education) On 6 January 2006 the official news agency Xinhua reported that 900,000 Chinese students have gone abroad to study since 1949. According to the Ministry of Education more than 200,000 of them have returned to China after completing their studies. [13n]

ADOPTION RIGHTS/RULES

- 27.12 As reported by the US State Department’s guide to international adoption dated February 2006, “Chinese law allows for the adoption of children up to and including age 13; children ages 14 and up may not be adopted... Chinese law permits adoption by married couples (one man, one woman) and single heterosexual persons. Chinese law prohibits homosexual individuals or couples from adopting Chinese children.” [2b]
- 27.13 The USSD Report 2007 noted, “Adopted children were counted under the birth limitation regulations in most locations. As a result, couples that adopted abandoned baby girls were sometimes barred from having additional children.” [2e] (Section 5)

(See also section 28: [Family planning \('one child policy'\)](#); and following subsection on Child Care)

CHILD CARE

- 27.14 In its Concluding Observations on China dated 24 November 2005, the Committee on the Rights of the Child stated, “The Committee is concerned about the limited information available with regard to abuse, neglect and maltreatment of children in mainland China as well as the limited number of programmes available to combat violence and provide assistance to victims.” [21a] (p10) The USSD Report 2007 noted:

“The law forbids the mistreatment or abandonment of children. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages were usually disabled or in poor health. Medical professionals sometimes 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.” [2e] (Section 5)

- 27.15 In 2005 the orphan population was estimated at 20.6 million out of a total population of 348 million children in China. [29a] (UNICEF) The website, A Child’s Desire, accessed on 30 April 2008, stated, “Although there are some missionary ran orphanages in China which are very good, most orphans end up in an institution with the mentally insane or in a state ran orphanage. Evidence shows that doctors systematically mis-diagnose mental illness in order to move children into mental institutions where they are literally

neglected to death. Others are neglected to the point of death within the state orphanages.” [48a] The website of COCOA (Care of China’s Orphaned and Abandoned), accessed on 30 April 2008, recorded:

“In spite of a severe shortage of funds in the state orphanages, and low staff morale, there are many people - Chinese and foreigners - who are doing their best to improve conditions. Charities, politicians, pressure groups and the media and the UN itself have all helped to increase awareness in the problems in the orphanages. China is slowly learning to trust the western charities that have been working in its orphanages, and now positively welcomes the offers of help and expertise from some sources... So there has been progress. But only a little - there is masses still to do. There are about 100,000 orphanages in China, and only a small percentage have been exposed to new radical management. Girl babies are still being abandoned, along with disabled children. Progress is agonisingly slow.” [49a]

27.16 The USSD Report 2007 stated:

“The law prohibits discrimination against minors with disabilities... Nationwide 243,000 school-age children with disabilities did not attend school... According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions, where care was often inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education for their children. Students with disabilities were discriminated against in access to education. The law permits universities legally to exclude otherwise qualified candidates from higher education.” [2e] (Section 5)

(See also Section 25: [Disability](#))

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

27.18 The USSD Report 2007 noted, “Abolition of the system of custody and repatriation in 2003 reduced the number of children detained administratively. Nonetheless, more than 150,000 ‘street children’ lived in cities, according to state-run media. This number was even higher if the children of migrant workers who spend the day on the streets were included.” [2e] (Section 5)

27.19 In its report dated 1 March 2007, Amnesty International stated:

“...20 million children are currently estimated to have been left behind by parents working in the cities... The difficulty of securing health care and decent education for their children is reported to be among the key factors contributing to parental decisions to leave their children behind. The surveys found that 60% of rural women working in urban areas had left children in the care of relatives back in their home-towns, and that only 20% of internal migrant workers had brought their children with them to the cities... The

seriousness of the issue is evident in the impact on the 'left-behind children', who have been found to have problems in their schooling, health, and psychological development due to lack of parental care." [6n]

(See also section 26: Women [Position of women in society](#))

FEMALE INFANTICIDE

27.20 The USSD Report 2007 noted:

"The Law on the Protection of Juveniles forbids infanticide; however, there was evidence that the practice continued. According to the National Population and Family Planning Commission, a handful of doctors have been charged with infanticide under this law. Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the coercive birth limitation policy. Many families, particularly in rural areas, used ultrasound to identify female fetuses and terminate pregnancies, even though this practice remained illegal. An official study in Hainan Province found that 68 percent of abortions were of female fetuses. Female babies also suffered from a higher mortality rate than male babies, contrary to the worldwide norm. State media reported that infant mortality rates in rural areas were 27 percent higher for girls than boys. Neglect of baby girls was one factor in their lower survival rate. One study found the differential mortality rates were highest in areas where women had a lower social status and economic and medical conditions were poor." [2e] (Section 5)

27.21 On 2 August 2006 the official news agency Xinhua announced that the authorities will continue to punish health workers who help abort female foetuses, despite a recent decision not to criminalise the practice. [13i] In its Concluding Observations on China dated 24 November 2005, the Committee on the Rights of the Child stated, "The Committee notes with satisfaction the legal measures enacted to prohibit selective abortions and infanticide in mainland China. Nevertheless it remains concerned that selective abortions and infanticide as well as the abandonment of children, in particular girls and children with disabilities, continue as negative consequences of existing family planning policies and societal attitudes." [21a] (p5)

(See also section 26: Women [Violence against women](#))

(See also section 28: Family planning ('one child policy') [Coercion \(Forced abortion / sterilisation\)](#))

CHILD ABDUCTION

27.22 The USSD Report 2007 noted:

"Kidnapping and the buying and selling of children for adoption increased over the past several years, particularly in poor rural areas. There were no reliable estimates of the number of children trafficked. Most children trafficked internally were sold to couples unable to have children, particularly sons. In the past most infants rescued were male, but increased demand for children reportedly drove traffickers to focus on females as well. NGOs reported an increase in child trafficking, especially in rural areas, and cases of children

forced to work as beggars, petty thieves, and prostitutes. Some children worked in factories, but many ended up under the control of local gangs and were induced to commit petty crimes such as purse snatching.” [2e] (Section 5)

27.23 In a report dated 23 September 2007, *The Observer* recorded:

“In China, 190 children are snatched every day - more than twice the number taken in England and Wales in a year. The Chinese government does not acknowledge the extent of the problem, or the cause. The Single Child Policy has made it essential to have a son, leading to the abortion of more than 40 million girls and setting the price on a boy's head at more than six months' wages... He carries the family name, he is the child who will provide for his parents as they age. A daughter will leave the family to marry into another name, passively obliterating her own family line and leaving her relatives without the assurance of help in old age. The One Child Policy - which Save The Children calls a 'mass, live experiment in family life which is unique in the history of the world' - has resulted in prohibitive family-planning laws... while rural families are allowed a second child if their first is a girl, urban families must pay a fine for flouting the one-child rule. And if you haven't had an abortion to get rid of your female child... how can you be sure to get a son? Sometimes the only choice seems to be to buy a stolen child, gender already determined.” [10a]

(See also section 28: [Family planning \('one child policy'\)](#))

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

CHILD LABOUR

27.24 The USSD Report 2007 noted:

“The law prohibits the employment of children under the age of 16, but the government had not adopted a comprehensive policy to combat child labor. The labor law specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire minors. The law also stipulates that parents or guardians should provide for children's subsistence. Workers between the ages of 16 and 18 were referred to as ‘juvenile workers’ and were prohibited from engaging in certain forms of physical work, including labor in mines. A decree prohibiting the use of child labor provides that businesses illegally hiring minors or in whose employ a child dies will be punished via administrative review, fines, or revocation of their business license. The decree further provides that underage children found working should be returned to their parents or other custodians in their original place of residence... While poverty remained the main reason for child labor, inadequacy of the mandatory education system, rising market demand, labor shortages, and the potential child labor supply in the informal labor market also contributed to this problem. Although nine years of education (through age 16) is compulsory, the high cost of basic education caused some children to drop out of school to work; other children worked while in school.” [2e] (Section 6d)

27.25 Human Rights Watch, in its World Report 2008, published on 31 January 2008, stated:

“Under ‘Work and Study’ programs regulated by the Ministry of Education, schools in impoverished areas are encouraged to set up income-generating activities to make up for budgetary shortfalls. According to the ministry, nationwide more than 400,000 middle and junior high schools, for children ages 12 to 16, are running agricultural and manufacturing schemes. Overly vague program regulations and poor supervision have led to chronic abuse by schools and employers alike: some of the programs interfere with children’s education, lack basic health and safety guarantees, and involve long hours and dangerous work. Children as young as 12 have been employed in heavy agricultural and hazardous construction work. Others have been dispatched to local factories for weeks or months of ‘summer employment.’ Some schools have turned into full-fledged workshops to produce local handiwork or foodstuff while relegating teaching to a few hours a week.” [7i]

27.26 On 30 April 2008 the BBC reported:

“Chinese police have rescued more than 100 village children sold to work as slave labourers in the booming southern province of Guangdong. The children, from the ethnic Yi minority, came from poor families in Sichuan about 600 miles (960 km) away... China announced a nationwide crackdown on slavery and child labour last year. It emerged that hundreds of poor farmers, children and mentally disabled people had been forced to work in mines and kilns in Shanxi province and neighbouring Henan... the latest incident highlights the dark side of China’s economic miracle, and according to unconfirmed media reports there may be more than 1,000 child labourers in at least one city in southern China.” [9h]

(See also section 22: [Ethnic groups](#))

CHILD SOLDIERS

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

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

‘BLACK’ CHILDREN OR ‘HEI HAZI’ (UNREGISTERED CHILDREN)

27.28 Writing in a report on illegal births and abortions in China published in the journal *Reproductive Health* in August 2005, Elina Hemminki, Zhuochun Wu, Guiying Cao and Kirsi Viisainen recorded, “The Chinese family planning regulations do not include the concept of an ‘illegal child’ (i.e. a child born out of an ‘illegal pregnancy’), and the law prohibits discrimination against children born outside marriage. However, children from illegal pregnancies may not be registered or treated equally until their parents pay the fines imposed as punishment. Especially in urban areas registration with the local authority is required for medical care, schooling and employment.” [15a] (**Illegal Pregnancy**)

- 27.29 As noted by the Canadian Immigration and Refugee Board (IRB) on 26 June 2007:

"In general, China's family planning regulations limit parents in urban areas to one child and those in rural areas to two, if the first child is a girl... Couples exceeding their birth quota may face penalties, including 'stiff' fines... As a result, many births in China are not registered... Referred to as 'black' children, or Hei Haizi, unregistered children in China are believed to count in the millions... The majority of the unregistered children are believed to be females from the country's rural areas... China's migrant population is also thought to account for many unregistered births... As a consequence of not being registered at birth, 'black' children are not entered into their family's hukou [household registration] records... An 11 August 2005 article in Reproductive Health... similarly notes that children born outside of China's family planning regulations may not be registered by the authorities or be 'treated equally,' unless their parents pay a fine... Without registration, 'black children' may not be able to access medical care, education or employment, particularly in urban areas... They may also not have access to other state benefits and services, or be entitled to land allotments... However, according to a 2003 report by France's Commission des Recours des Réfugiés, corrupt family planning officials and direct payments to teachers and doctors may allow 'black' children to be integrated into society... The professor of International Affairs at the Georgia Institute of Technology similarly notes in his correspondence that '[u]nregistered children [in China] generally can't have much access to state-provided or community-provided benefits including subsidized education. But they may now have increased access on pay as you go basis.'" [3z]

- 27.30 The Canadian IRB stated further:

"In her book 'Wanting a Daughter, Needing a Son', Kay Ann Johnson, professor of Asian studies and politics at Hampshire College, Massachusetts, states that whether an unregistered child is able to obtain a hukou, 'and with what consequences,' depends on local practice... The author notes that in many places in China, it is 'relatively easy' to purchase a hukou, though these hukou may not be recognized in all places as equivalent to the regular hukou... She further indicates that in some places, hukou-less children may be able to attend school without additional fees and obtain medical care... According to the expert on China from Germany, cited in the China report of the 10th European Country of Origin Information Seminar, the 'stigma of being a 'black' [person] can be reduced by marriage to a person possessing citizen's rights'... The China expert also indicates that, although 'black children' are a disadvantaged group, '[t]here is no reason that ... [they] should face a higher risk of violence than others;' they face problems similar to such socially excluded groups as farmers and migrants... In March 2006, however, news sources reported that over the past four years, family planning officials in Gaoping County [Hunan Province] had 'violently removed' twelve unregistered children, some 'illegally' adopted, from their homes... According to the sources, the family planning officials demanded that fines be paid for the children's return... In her book Wanting a Daughter, Needing a Son, Johnson states that 'the discrimination 'hidden [unregistered] children' face is serious and widespread enough to constitute a new social problem, creating a class of

mostly female children who lack the full protection of the law and equal access to basic social entitlements.” [3z]

(See also section 31: Freedom of movement [Household registry \(hukou\)](#))

(See also section 28: [Family planning \('one child policy'\)](#), [Single women](#))

HEALTH ISSUES

27.31 The USSD Report 2007 noted, “Boys and girls have equal access to state-provided medical care.” [2e] (Section 5) In its background information on China, accessed on 24 April 2008, UNICEF stated, “Some 140 million people have abandoned the countryside to seek work in China’s rapidly growing cities. The current hukou residency system often denies migrant children access to free public education and health care, but reforms are underway. Maternal and under-five mortality rates have improved dramatically since 1990, but high rates persist in rural areas that lack quality medical care... Less than 10 per cent of rural schools have safe drinking water or adequate sanitation.” [29a]

27.32 In its Concluding Observations on China dated 24 November 2005, the Committee on the Rights of the Child stated, “While noting the marked improvement in health-care indicators, the Committee reiterates its previous concern with regard to existing disparities on the mainland between rural and urban areas, eastern and western provinces, and Han and ethnic minorities relating to infant and child mortality, nutrition, and other child health indicators.” [21a] (p12)

(See also section 22: [Ethnic groups](#))

(See also section 30: [Medical issues](#))

[Return to contents](#)

[Go to list of sources](#)

FAMILY PLANNING ('ONE CHILD POLICY')

28.01 Article 25 of the State Constitution (adopted on 4 December 1982) states, “The State promotes family planning so that population growth may fit the plan for economic and social development.” Article 49 states, “Both husband and wife have the duty to practise family planning.” [5a]

28.02 In its 2007 Annual Report, published on 10 October 2007, the Congressional-Executive Commission on China (CECC) noted:

“China continues to implement population planning policies that violate international human rights standards. These policies impose government control over women’s reproductive lives, result in punitive actions against citizens not in compliance with the population planning policies, and engender additional abuses by officials who implement the policies at local levels. In 2007, the Party and government leadership reaffirmed its commitment to its population planning policies, and continues to implement such actions as charging large ‘social compensation fees’ to families that bear children ‘out of plan.’ Violent abuses continue to be widespread, particularly when local

officials—whose promotions and incomes are connected to performance on these policies—come under pressure from higher level officials for failing to meet family planning targets.” [28a] (p16)

- 28.03 The official government portal, china.org, accessed on 29 April 2008, gives the following explanation of how the policy is applied in practice; it states, “...in urban areas, if both husband and wife are only children in their families, they can have two children. In most rural areas, if a family only has one girl, the couple can have another child. In some remote and poor mountainous areas, farmers are allowed to have two children.” [5u] However, as reported by the BBC on 21 September 2007:

“A team of independent Chinese and foreign experts who recently produced a report on the family planning rules say China has put a positive spin on the figures. For example, just over half the population might be able to have two children if the first is a girl but, of course, couples are just as likely to have a boy first. Taking that into consideration means the majority of families are effectively limited to having just one child. ‘We find that 63% of all couples in China could end up with only one child, 36% with two children and only 1% with three or more,’ the experts’ report stated. Family planning rules in China may be complex, and vary from region to region, but one child is still the norm in most households.” [9u]

- 28.04 The US State Department’s Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted:

“The law standardizes the implementation of the government’s birth limitation policies; however, enforcement varied significantly from place to place... The law requires couples that have an unapproved child to pay a ‘social compensation fee,’ which sometimes reached 10 times a person’s annual disposable income, and grants preferential treatment to couples who abide by the birth limits. Although the law states that officials should not violate citizens’ rights, these rights, as well as penalties for violating them, are not clearly defined. The law provides significant and detailed sanctions for officials who help persons evade the birth limitations. Social compensation fees are set and assessed at the local level. The law requires family planning officials to obtain court approval before taking ‘forcible’ action, such as detaining family members or confiscating and destroying property of families who refuse to pay social compensation fees. However, in practice this requirement was not always followed.” [2e] (Section 1f)

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

(See also section 27: Children [Child abduction](#) and [‘Black’ children or ‘hei haizi’ \(unregistered children\)](#))

FAMILY PLANNING LAW AND OTHER REGULATIONS

- 28.05 Article 2 of the Population and Family Planning Law (2002) states:

“China is a populous country. Family planning is a fundamental state policy. The State shall adopt a comprehensive approach to controlling population size and improving socio-economical and public health characteristics of population. The State shall rely on publicity and education, advances in

science and technology, comprehensive services and the establishment and improvement of the incentive and social security systems to carry out the family planning program.” [5j]

- 28.06 In October 2003 China abolished the controversial and unpopular national system of mandatory premarital health checks, which was intended to promote the state’s eugenics goal of population quality by reducing the number of children born with defects due to hereditary or infectious diseases. However a subsequent increase in the number of such new-born children led the government to take action to promote the importance of premarital checkups. [14n] (*China Daily*, 20 February 2005)
- 28.07 In January 2007 the National Population and Family Planning Commission issued new regulations. They reaffirmed the family planning policy and the eugenics goal of promoting population quality, and again linked these with economic and social development. The regulations stated, “Without exception, all substantial issues that China encounters in its efforts to achieve better and faster economic and social development are closely related to quantity, quality, structure and distribution of the population... Vigorous efforts are required to disseminate scientific knowledge about prevention of birth defects... Scientific premarital medical checkups should be advocated.” [5r]

PREFERENTIAL TREATMENT OF ETHNIC MINORITIES

- 28.08 Recognised minorities are partially exempt from the ‘one child policy.’ According to the Encyclopedia of the World’s Minorities (2005), “Those in urban areas have been allowed two children (or three if both are girls or one is disabled); those in rural areas, generally three.” [76] (p289) The USSD Report 2007 is less specific, stating only that “Ethnic minorities, such as the Uighurs and the Tibetans, are also allowed more than one child.” [2e] (Section 1f)
- 28.09 The official government portal, china.org, accessed on 29 April 2008, stated, “In ethnic minority areas, more preferential policies permit some families to have three children, and in the farming and pastoral areas in Xinjiang Uygur Autonomous Region, families are allowed to have four children. In Tibet’s farming and pastoral areas, there is no restriction on childbirth.” [5u]

(See also sections 20: [Uighur\(s\)](#) and 23: [Tibet](#))

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

FAMILY PLANNING IN RURAL AREAS

- 28.10 The USSD Report 2007 noted, “In most rural areas (including towns of under 200,000 persons), which included approximately 60 percent of the country’s population, the policy was more relaxed, generally allowing couples to have a second child if the first was a girl or had a disability.” [2e] (Section 1f) However, under regulations issued in January 2007, rural areas where the policy was previously implemented less strictly, were explicitly singled out for a more vigorous effort, as was the migrant population. The regulations stated:

“The priority of and challenge to population and family planning programme both lie in China’s rural areas... With regard to job training, cooperative medical service, poverty alleviation, allocation of housing lands, renovation of

water supply facilities and toilets, utilization of biogas and application of new technologies, competent government departments need to formulate and improve policies that give family planning households, especially rural one-child or two-daughter households, priority consideration and preferential treatments... Rural girl-child families that accepted family planning should have access to social support and enjoy preferential treatment in poverty reduction/relief, charity assistance, subsidized loans, employment, project support, etc.” [5r]

- 28.11 A report by Reuters dated 19 November 2007, cited by the Laogai Research Foundation, stated:

“China has vowed fresh efforts to strengthen rural family planning, warning that measures to control population growth in the vast countryside face ‘unprecedented challenges’... in tens of thousands of villages those policies were strained by growing mobility, lack of a social security net and ‘traditional’ ideas about family size, the National Population and Family Planning Commission warned... ‘Stabilizing low birth rates in the countryside is an extremely arduous task.’ In past years, China has been seeking to soften its draconian and often controversial family control policies, including forced abortions. But local officials remain under intense pressure to keep numbers down - leading to skewed statistics, corruption and sometimes brutality.” [35a]

ENFORCEMENT

- 28.12 Writing in a report on illegal births and abortions in China published in the journal *Reproductive Health* in August 2005, Elina Hemminki, Zhuochun Wu, Guiying Cao and Kirsi Viisainen recorded, “Enforcement of the population policy has been pursued via the Communist Party and the State Family Planning (FP) Commission, both of which have a functioning vertical structure.” [15a] (Illegal Pregnancies)

- 28.13 As noted by the Center for Reproductive Rights in a report entitled, *Women of the World: Laws and Policies Affecting their Reproductive Lives*, East and Southeast Asia, published in 2005:

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

subsidies; rural citizens are refused future increases in land allocation.”
[38a] (p41)

- 28.14 The same source noted, “China utilizes a five-tier network to provide family planning services at the national, provincial, prefectural, county, and township levels. The network covers 95% of all urban and rural areas with more than 2,500 county technical service units, 140,000 technical service staff, and 4 million family planning specialists, excluding volunteers and part-time workers in villages.” [38a] (p42)

- 28.15 The USSD Report 2007 recorded:

“The country’s population control policy relied on education, propaganda, and economic incentives, as well as on more coercive measures such as the threat of job loss or demotion and social compensation fees. Psychological and economic pressures were common. Those who violated the child limit policy by having an unapproved child or helping another to do so faced disciplinary measures such as job loss or demotion, loss of promotion opportunity, expulsion from the party (membership in which was an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of property. In the case of families that already had two children, one parent was often pressured to undergo sterilization. The penalties sometimes left women with little practical choice but to undergo abortion or sterilization. The law states that family planning bureaus will conduct pregnancy tests on married women and provide them with unspecified ‘follow-up’ services. Some provinces fine women who do not undergo periodic pregnancy tests.” [2e] (Section 1f)

- 28.16 The CECC Report 2007 noted, “Women who bear ‘out-of-plan’ children face, along with their family members, harsh economic penalties in the form of ‘social compensation fees’ that can range to multiples of a locality’s yearly average income. Authorities also subject citizens who violate population planning rules to demotions or loss of jobs and other punitive measures. Authorities have used legal action and coercive measures to collect money from poor citizens who cannot afford to pay the fees.” [28a] (p109)

(See also section 26: Women [Position of women in society](#) and [Marriage](#))

MONITORING

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

“In rural areas, an extensive system has been created at the village and district level to ensure constant surveillance of contraceptive use and pregnancy status of all married women at reproductive age. It is common for married women to be requested to visit an FP station every two or three months for pregnancy testing, allowing for early pregnancy detection. In cities, family planning officials and cadres within workplaces have a central function. The surveillance of contraceptive use may be more common than surveillance of pregnancies, as fear of losing a job may motivate women not to have an illegal pregnancy.” [15a] (Illegal Pregnancies)

(See also section 26: Women [Position of women in society](#) and [Marriage](#))

COERCION (FORCED ABORTION / STERILISATION)

- 28.18 Reports of physical coercion by officials trying to meet birth targets continued. (CECC Report 2007 and USSD Report 2007) [28a] (p110) [2e] (Section 1f) The CECC Report 2007 noted:

“Although the Population and Family Planning Law provides for punishment of officials who violate citizens’ rights in promoting compliance, reports from recent years indicate that abuses continue. Media reports in 2005 publicized abuses in Linyi, Shandong province, where officials enforced compliance through forced sterilizations, forced abortions, beatings, and other abuses. Citizens who challenge government offenses continue to face harsh repercussions. After legal advocate Chen Guangcheng exposed abuses in Linyi, authorities launched a campaign of harassment against him that culminated in a four-year, three-month prison sentence imposed in 2006 and affirmed by a higher court in 2007. Structural incentives for local officials to coerce compliance exacerbate the potential for abuses. In spring 2007, local officials in Bobai county, Guangxi Zhuang Autonomous Region (GZAR), initiated a wide-scale campaign to control birthrates after the GZAR government reprimanded officials for failing to meet population targets. Officials reportedly required all women to submit to examinations and subjected women to fines, forced sterilization, and forced abortions. Authorities looted homes and seized possessions of citizens who did not pay the fines.” [28a] (p110)

- 28.19 The USSD Report 2007 noted that “the country’s birth limitation policies retain harshly coercive elements in law and practice. The penalties for violating the law are strict, leaving some women little choice but to abort pregnancies.” The report stated further, “Several provinces--Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin, Liaoning, and Ningxia--require ‘termination of pregnancy’ if the pregnancy violates provincial family planning regulations. An additional 10 provinces--Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi, and Yunnan--require unspecified ‘remedial measures’ to deal with out-of-plan pregnancies.” [2e] (Section 1f)
- 28.20 On 22 April 2007 Radio Free Asia (RFA) reported that the authorities in the south-western province of Guangxi and the eastern province of Shandong had forced dozens of pregnant women to undergo abortions, some as late as nine months. The report also stated, “Under China’s draconian family planning rules, local officials must keep new births in their region down below a specified target or face fines and a poor career record. Family planning officials have been reported to use violence in many parts of China in order to keep births down. Couples who get pregnant after more than one child have complained of beatings and even house demolitions resulting from their breach of strict population guidelines.” [73b]
- 28.21 In testimony before the US House of Representatives on 14 December 2004, Assistant Secretary Arthur E Dewey (Bureau of Population, Refugees and Migration) stated:
- “The law specifies a number of birth limitation measures by the government that amount to coercion. Party members and civil servants who parent an ‘out-

of-plan' child are very likely to face administrative sanction, including job loss or demotion. Couples who give birth to an unapproved child are likely to be assessed a social compensation fee, which can range from one-half the local average annual household income to as much as ten times that level... 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." [2h] (p6-7)

- 28.22 The USSD Report 2007 recorded, "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. The law stipulates that local governments must employ such practices to raise the percentage of healthy births. Media reports publicized the forced sterilization of mentally challenged teenagers in Nantong, Jiangsu Province." [2e] (Section 5)

(See also Section 25: [Disability](#))

(See also section 26: Women [Violence against women](#))

(See also section 27: Children [Female infanticide](#))

EVASION

- 28.23 On 14 February 2006 the official *China Daily* newspaper reported that women in China are increasingly using IVF to boost their chances of having twins or triplets and therefore avoiding government restrictions on births. According to this report, "There are no penalties for multiple births." [14b]
- 28.24 On 31 January 2007 the BBC reported that in 2001 Hong Kong's highest court ruled that a child born in Hong Kong to parents who came from China had the right to residency in Hong Kong. Since then numerous Chinese women have travelled there to give birth to avoid the penalties for breaking China's one-child policy. The report stated, "After an influx of about 20,000 non-local women to Hong Kong's hospitals last year, the government has taken a series of measures to help stem the flow. Mainland mothers who look heavily pregnant will have to show immigration officers a hospital booking confirmation alongside their visitor's visa. If they do not have the booking, they will not be allowed in." [9ah]

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

RETURNED OVERSEAS CHINESE

- 28.25 The Law of the People's Republic of China on the Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese, effective from 1 January 1991, states, "Returned overseas Chinese and the family members of overseas Chinese shall be entitled to the citizen's rights prescribed by tile [sic] Constitution and the law and at the same time shall perform the citizen's duties prescribed by the Constitution and the law." [5d] On 3 May 2002 the Canadian IRB noted that no information could be found on whether a child born in a foreign country to Chinese nationals would

have an automatic right to reside in China or whether a foreign-born child's rights would differ from those of a Chinese national. [3j]

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

- 28.26 As noted by the Canadian IRB on 25 August 2005, a report by the *Economist* dated 18 December 2004 stated that some Chinese nationals, especially from among the urban population, choose to have a second child abroad so that the child can obtain foreign citizenship and therefore not be included in the count. The Canadian IRB added that corroborating information could not be found. [3i] On 21 January 2004 the US Citizenship and Immigration Services also noted, "Relatively little information is available to the Resource Information Center (RIC) within time constraints on the treatment of rural Chinese women who return to China with children born outside the country. For this reason, it is unclear whether the fact that the children are U.S. citizens makes any difference." [84d]
- 28.27 The same source stated:
- "The 2001 RIC report (similarly) notes that, '[t]he question frequently arises whether Chinese couples who have an unauthorized child while residing abroad are likely to face penalties upon returning to China. The evidence available suggests that, in many if not most cases, the answer is no'. The report, however, discussed this question largely in relation to returning students and other educated Chinese, as opposed to Chinese from rural areas with little education. 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. However, a retired China analyst at the U.S. Census Bureau said in a telephone interview that 'there is no reason to expect' that women who have children abroad will be treated differently than those who give birth in China. He said that allowing women who have children outside China to be exempted from the policy upon return would undermine the policy, yet he did say that he had no specific information on the treatment of rural women who return to China after giving birth abroad." [84d]
- 28.28 On 25 August 2005 the Canadian IRB noted that information on penalties faced by couples returning to China from overseas who are in violation of family planning regulations was scarce, other than that found in provincial family planning regulations available in English. Of the six sets of provincial regulations examined by the Canadian IRB, three applied the one child policy equally to returned overseas Chinese and other residents alike (Guangdong, Zhejiang and Beijing, the latter also stating that "[i]f one or both spouses of childbearing age are registered household residents of another province or city, and give birth to a child in violation of these Regulations, the spouse and his or her children shall be ineligible to register their household residence in Beijing"). The three other sets of provincial regulations examined by the Canadian IRB contained special provisions for returned overseas Chinese to have second child in certain restricted circumstances (Henan, Hunan and Fujian – see below). [3i]

FAMILY PLANNING REGULATIONS IN FUJIAN

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

28.30 Article 11 states:

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

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

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

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

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

FAMILY PLANNING REGULATIONS IN GUANGDONG

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

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

28.32 Article 49 states:

“Where a birth is not in conformity with these Regulations, a social support fee [also known as “social compensation fee”] shall be levied. The family planning administrative department at the level of county or non-districted local city

shall request the people's government of the county, ethnic county or town or neighbourhood office or a farm or forestry centre directly under a county or higher jurisdictional [sic] level to make the decision about levying said charge. The specific work shall be carried out by the subordinate family planning operational agency, and the village (residents) committee and pertinent work-units shall assist in the execution of this work.

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

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

FAMILY PLANNING REGULATIONS IN BEIJING AND SHANGHAI

- 28.33 On 9 August 2003 the official news agency Xinhua reported that under new regulations (effective from 1 September 2003) nine types of household in Beijing are permitted a second child. [13a] The same source continued:

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

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

- 28.35 On 14 April 2004 the *Guardian* newspaper reported that these changes were prompted by concerns about the city's ageing population. The report added that while other cities may follow suit for similar reasons officials were adamant that the 'one child policy' would remain the basis of family planning within China for the foreseeable future. The report concluded, "The ending of free education in China – another of the big changes in the past 25 years – may prove to be a more effective way to restrict population growth than any family planning policy." [41e]

- 28.36 On 30 September 2006 the official *People's Daily* newspaper confirmed that Beijing will not ease restrictions on family planning to allow people with higher educational qualifications to automatically have a second child. [12ac]

SINGLE WOMEN

- 28.37 As reported by the Canadian IRB on 6 September 2005, information on the treatment of unmarried women who bear children was difficult to find, except in provincial family planning regulations. [3h]
- 28.38 The USSD Report 2007 noted, "In order to delay childbearing, the law sets the minimum marriage age for women at 20 years and for men at 22 years. It continued to be illegal in almost all provinces for a single woman to have a child. Social compensation fees were levied on unwed mothers." [2e] (Section 1f)
- 28.39 As reported by *The Japan Times* on 7 August 2006, "The 2001 edition of the Almanac of China's Health reports that approximately 10 million induced abortions are performed annually in China – with 20 to 30 percent done on unmarried young women. Under Chinese law, a parent or guardian must approve an abortion performed on a girl of 18 or younger. Thus many pregnant girls who fear their family's reaction go to back-street abortionists or quacks that may endanger a girl's life." [17n]
- 28.40 Writing in a report on illegal births and abortions in China published in the journal *Reproductive Health* in August 2005, Elina Hemminki, Zhuochun Wu, Guiying Cao and Kirsi Viisainen recorded, "The Chinese family planning regulations do not include the concept of an 'illegal child' (i.e. a child born out of an 'illegal pregnancy'), and the law prohibits discrimination against children born outside marriage. However, children from illegal pregnancies may not be registered or treated equally until their parents pay the fines imposed as punishment." [15a] (Illegal Pregnancy)
- (See also section 27: Children [‘Black’ children or ‘hei haizi’ \(unregistered children\)](#))
- (See also section 31: Freedom of movement [Household registry \(hukou\)](#))
- 28.41 In a report dated 2 November 2001, the Canadian IRB stated, "Unwed, pregnant women who do not want an abortion, but instead decide to have the baby might be able to pay the local government officials or the medical doctor to 'look the other way' and allow the pregnancy to be carried to term." [3f] The report also noted:
- "According to a professor of Sociology at Brown University whose area of research includes China's one-child policy, each local region in China is subject to birth quotas (31 Oct. 2001). As unmarried women are ineligible for the quota, the professor felt that, if such a woman were to become pregnant then an abortion would most probably be encouraged. The professor also noted that, as in many cultures, there is some shame involved in pregnancies outside of marriage and that because of the economic difficulties of raising a child alone, many women would seek an abortion as a matter of choice." [3f]
- 28.42 As reported by the *Epoch Times* (a publication sympathetic to Falun Gong) on 27 October 2005, there is confusion as to whether students are allowed to apply for birth permits. "In February [2004], China's Ministry of Education released a new rule that revokes the marriage ban of college students. However, this rule fails to clearly state whether students studying at college

are allowed to have a child. As such, the birth control units for colleges and universities insist on not granting birth permits to students for there are no related policies or birth quota for them.” [40c]

(See also section 26: Women [Position of women in society](#) and [Marriage](#))

[Return to contents](#)

[Go to list of sources](#)

TRAFFICKING

- 29.01 The United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region, on its country page for China, accessed on 30 April 2008, noted:

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

- 29.02 UNIAP also noted:

“During the last decade, the Ministry of Public Security (MPS) has played a key role in the national fight against trafficking in women and children. From 1991 to 2000, MPS organized four campaigns to combat trafficking women and children in selected areas across the country. From 2001 to 2003, the police cracked down on 20,360 cases of trafficking women and children, arrested 22,018 criminals, and rescued 42,215 trafficked women and children. The local procuratorate approved 7,185 arrest cases of trafficking in women and children, arresting 13,995 suspects and approved 226 arrest cases of buying trafficked women and children, arresting 416 suspects. 8,442 cases of trafficking in women and children were brought to court by public prosecutions, which involved 15,005 defendants. 177 cases of buying trafficked women and children were brought to court by public prosecutions, which involved 358 defendants.” [27a] (Judicial Framework, Arrests and Prosecutions)

- 29.03 The USSD Trafficking in Persons Report 2007, published on 12 June 2007, stated:

“The Government of P.R.C. does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. China is placed on Tier 2 Watch List for the third consecutive year for its failure to show evidence of increasing efforts to improve comprehensive victim protection services and address trafficking for involuntary servitude. China made improvements in some areas, such as by sustaining efforts to enforce its laws against trafficking and showing some improvements in victim care in key geographic locations by building shelters to provide trafficking victims with short-term care. It failed, however, to improve comprehensive victim assistance in a number of locations and continued to treat North Korean victims of trafficking as economic migrants, routinely deporting them back to horrendous conditions in North Korea.” [21] (China)

- 29.04 The same source stated:

“China sustained its record of criminal law enforcement against traffickers over the reporting period, though government data is difficult to verify and appears to conflate trafficking with human smuggling and illegal adoptions. P.R.C. law criminalizes forced prostitution, abduction, and the commercial sexual exploitation of girls under 14 through its criminal code. Prescribed penalties under these provisions, including life imprisonment and the death penalty, are sufficiently stringent to deter and commensurate with those prescribed for grave crimes. China does not prohibit commercial sexual exploitation involving coercion or fraud, nor does it prohibit all forms of trafficking, such as debt bondage. While Article 244 of its criminal code bans forced labor by employers, the prescribed penalties of up to three years' imprisonment and/or a fine under this law are not sufficiently stringent, though serious cases can draw harsher penalties. During the reporting period, China reported investigating 3,371 cases of trafficking of women and children. These figures, however, may include cases of child abduction for adoption, which is not considered a trafficking offense for Report evaluation purposes, or human smuggling. Throughout the country, provincial governments rescued 371 victims and arrested 415 suspected traffickers... China did not provide data for its overall conviction record; at least six traffickers were convicted and sentenced to life imprisonment in December 2006 in Anhui Province. Involuntary servitude of Chinese nationals within China and abroad persisted, though the extent of the problem is undocumented. The government did not report any investigations, arrests, or prosecutions for this offense.” [21] (China)

- 29.05 On 4 September 1991 the Standing Committee of the NPC adopted the following decree regarding the Severe Punishment of Criminals who abduct and Traffic in or Kidnap Women or Children. Article one of this decree is as follows:

“Whoever abducts and traffics in a woman or a child shall be sentenced to fixed-term imprisonment of not less than five years and not more than ten years, and shall concurrently be punished with a fine of not more than 10,000 yuan; if under any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, with the concurrent punishment of a fine of not more than 10,000 yuan or confiscation of property; if the circumstances are especially

serious, the offender shall be sentenced to death with the concurrent punishment of confiscation of property:

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

SUPPORT AND ASSISTANCE

29.06 The UNIAP, on its country page for China, accessed on 30 April 2008, stated:

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

29.07 The USSD Trafficking in Persons Report 2007 noted:

“China made modest progress during the reporting period to protect victims of trafficking, focusing particular attention to its vulnerable southern border provinces. The Ministry of Public Security (MPS) reported opening two Border Liaison Offices (BLO) along the border with Burma and Vietnam in the fall of 2006. The BLOs provide short-term shelter and can provide medical care. With assistance from the All-China Women's Federation (ACWF), a government-funded and directed nationwide social organization, victims are then assisted with repatriation. MPS officers in these BLOs have reportedly received training to help them better identify trafficking victims. Additionally, the ACWF reports to have opened shelters in Guangxi, Jiangsu, Yunnan, and Sichuan Provinces. Provincial authorities in Guangxi also established a Border Trafficking Aid Center in February 2006 that provides shelter, medical care, and short-term rehabilitation for up to 30 victims. The Women's Federation and NGOs have set up national and regional hotlines that can help women obtain legal advice and assistance. Protection services remain temporary and

inadequate to address victims' needs; for example, in Yunnan Province, victims of commercial sexual exploitation are not offered psychological assistance and are generally sent home after a few days.” [21] (China)

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

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

(See also section 35: Exit/entry procedures [Treatment of returnees](#))

CHINESE MIGRANTS

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

“... any simple correlation between the total population of China and the number of Chinese overseas is deceptive, because the majority of the latter trace their roots to a very few regions within China. The three southern coastal provinces of Guangdong, Fujian, and Zhejiang have dominated the emigration, and within those provinces, a limited number of districts and even villages. These areas were marginal to the Chinese state and weak in terms of their resource base. However, most importantly, these areas were the earliest and most intensively affected by the seaborne expansion of European colonial powers, which linked them to a wider global system. Furthermore, in contrasting numbers of Chinese overseas with the base population of China, Chinese ethnicity must not be confused with Chinese migration, because many of the Chinese overseas were born outside China in the lands chosen by their parents and grandparents.” [50a]

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



Map courtesy of US State Department

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

SNAKEHEADS (PEOPLE SMUGGLERS)

- 29.13 As reported by Channel News Asia on 13 February 2004:
- “The network of snakeheads, or human smugglers, operating in China’s Fujian province is ‘huge’, meeting demand from locals attracted by the potential of earning 10 times an average Chinese wage in Europe, according to a report. ‘Many snakeheads belong to one family, and others are friends,’ a man who worked as a snakehead for 10 years told the *China Daily*. ‘They cooperate with each other, take charge of different areas of human smuggling, and get rich by sharing money from the stowaways.’ The issue has been thrown into the spotlight by the drowning of 19 presumed Chinese picking cockles a week ago in Britain’s Morecambe Bay. Fifteen of them are believed to be from Fuqing city in Fujian, natives of which have a long history of illegally entering other countries.” [93b]
- 29.14 The US National Institute of Justice, in its August 2004 report entitled, *Characteristics of Chinese Human Smugglers* (published by the US Department of Justice), identified several highly specialised roles within a smuggling operation. These are listed below:
- “Recruiters are often relatives or close friends of the would-be immigrants who somehow know the smugglers. They may or may not have any further involvement in the smuggling operation.
- Coordinators are central figures in smuggling operations because they have the connections to acquire necessary services for a fee. Their survival depends on their relationship with other partners who have access to those services.
- Transporters help immigrants leave and enter countries. China-based transporters get immigrants to the border or the smuggling ship. U.S.-based transporters take smuggled immigrants from airports or seaports to safe houses.

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

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

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

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

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

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

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

- 29.16 As reported by CEME (Cooperative Efforts to Manage Emigration), which brought together the findings of a week-long visit to Fujian undertaken in June 2004, "Persons convicted of organizing smuggling or trafficking can be fined or, if convicted, sentenced to 2, 5, 10 years or life imprisonment." [97] (p7) The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted:

"Trafficked persons became entangled with alien smuggling rings, which often had ties to organized crime and were international in scope. Persons trafficked by alien smugglers paid high prices for their passage to other countries, where they hoped that their economic prospects would improve. Some reportedly promised to pay from \$32,340 to \$53,900 (RMB 231,000 to RMB 385,000) each for their passage. Upon arrival, many reportedly were forced to repay traffickers for the smuggling charges and their living expenses by working in specified jobs for a set period of time. Living and working conditions for trafficked persons were generally poor. Traffickers restricted their movements

and confiscated their travel documents. Threats to report trafficking victims to the authorities or to retaliate against their families if they protested made trafficked persons even more vulnerable. When arrested and brought to court, human smugglers received five- to 10-year jail sentences and fines up to \$6,468 (RMB 46,200). In very serious cases, courts imposed life imprisonment or the death penalty.” [2e] (Section 5)

FACT-FINDING MISSION TO FUJIAN, NOVEMBER 2003

- 29.17 In November 2003 officers from the Metropolitan Police Chinatown Unit visited Fujian Province. The purpose of the visit was to gain a better understanding of the reasons for migration from Fujian to the UK, and to obtain first-hand knowledge and experience of the way of life and conditions in the Province. [98]
- 29.18 The officers met senior police and public officials from Fuzhou, Fuqing City and Changle. Fuqing City has a population of two million and there are believed to be 700,000 living overseas, mainly in the US and Canada. The officers also visited the villages of Longtian and Jiangjing, the areas from which the majority of the mainland Chinese gangs in London originate. These two villages are only a 20-minute drive away from each other, which helps to explain the rivalry that exists between them in the UK. [98]
- 29.19 In Fujian unskilled workers can earn up to 400 yuan per month, (£32). Even a very poorly paid job in the UK would pay wages of £100 per week. Most of these migrants aim to work hard in the UK for a few years in order to earn enough money to build a large house in China, and to set themselves and their families up for the future. [98]
- 29.20 There is a great deal of pressure placed on individuals to go abroad and ‘do well’. This means earning as much money as possible in the shortest amount of time and migrants will often work 12 hours a day, six or seven days a week. The need to earn money creates desperation to gain any type of employment, as recently witnessed in the Morecambe Bay tragedy. [98]
- 29.21 Many overseas Chinese nationals feel unable to return to China until such time as they have made their fortune, as this would be a severe loss of face, both for themselves and their family. [98]
- 29.22 The officers found Fujian to be a prosperous and thriving province. On the outskirts of the cities, and in the villages, hundreds of new five-storey houses have been built at a cost of between £70,000 and £130,000. These houses have been built with remittances sent back from overseas. What was noticeable was that many of these houses were unoccupied and the villages were deserted. The few inhabitants that were seen were either very old or very young. [98]
- 29.23 The visit to Fujian did not include visits to prisons or other detention facilities. [98]

[Return to contents](#)

[Go to list of sources](#)

MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 30.01 The World Health Organisation (Regional Office for the Western Pacific) in its Country Health Information Profile for China, accessed on 30 April 2008, noted:

“Overall, people in China are living longer and healthier lives. The disease profile resembles that of a developed country: 85%-90% of deaths are due to noncommunicable diseases and injuries. National averages, however, mask considerable regional variations and disparities. Among the remaining infectious diseases, hepatitis B virus infection, TB and lower respiratory infections still account for significant mortality...The national averages, however, hide wide differences across socioeconomic groups and genders, as well as across localities.” [53a]

- 30.02 The same source stated further:

“In the 1980s-1990s, market-oriented reforms may have improved efficiency in the health sector to a small degree, but negatively affected equity in access to health care. The quality of care has improved in China's top urban hospitals. The cost of care across the country, however, has risen much faster than is justified on the grounds of effectiveness. Local health departments and service providers are expected to generate a significant proportion of their own operating budgets from user-fees. The associated economic incentives have led to overprovision of specialized services and expensive medicines for those who are able to pay, and underprovision of public health services for those who cannot afford them. The rising fees limit the utilization of health care by the poor and low-income population groups.” [53a]

- 30.03 Europa World, accessed on 17 April 2008, noted that health expenditure as a percentage of GDP was 4.7 in 2004. This was equivalent to US\$276.7 per person. As noted by the same source, there were 2.31 hospital beds and 1.64 physicians per 1,000 people. The under-five mortality rate (per 1,000 live births) in 2005 was 27 and in 2004 the country was ranked 81 on the UN Human Development Index with a score of 0.768. [1a] (Health and Welfare) In its 2008 Country Profile for China, dated 12 February 2008, the Economist Intelligence Unit (EIU) recorded, “China had 60,037 hospitals in 2006, with a total of 3.5m beds. In addition, there were over 212,000 clinics and a number of other medical institutions. The number of doctors per 1,000 head of population was 1.54 in 2006. Official figures show that in 2006 expenditure on health stood at Rmb866bn (US\$106bn), of which Rmb452bn (52.2%) was accounted for by private individuals' spending on health services.” [4a] (Health)

- 30.04 The same source noted:

“The increase in life expectancy since 1949 has partly been the result of greatly improved healthcare systems. By 1975 insurance coverage and the rural Co-operative Medical System (CMS) operated by the communes reached nearly 90% of the population. Basic healthcare facilities were available to nearly everyone, either free of charge or at a nominal cost. There was, however, a large difference between the facilities available in the big

cities and those on offer in poorer rural areas. This discrepancy has since widened: following the disappearance of the communes, the original CMS broke down in many rural areas, leaving the rural population to fend for itself. More recently, the government has attempted to establish a new CMS in the countryside, and coverage has grown rapidly. It announced that at end-September 2006 726m rural residents (86% of the total) were now covered, but the scheme only covers a maximum of 65% of the medical expenses incurred by participants. According to the government all counties in China will be covered by the new rural cooperative medical system by end-2010. The government hopes that the urban medical insurance programme will cover all urban residents by 2010. Around one-half of the urban population is covered by health insurance systems, but a further 200m people will be covered by the new system announced in 2007, which will include the unemployed and children. In practice, insurance programmes in the countryside and in the cities will not cover all costs, and medical care is being increasingly commercialised.” [4a] (Health)

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

(See also section 27: Children [Health issues](#))

HIV/AIDS

- 30.06 In its 2008 Country Profile for China, the EIU noted, “The government's figures on HIV and AIDS have been subject to frequent large changes, but the Ministry of Health estimated that 700,000 Chinese had HIV/AIDS at end-2007.” [4a] (Health)

- 30.07 As documented by the UNAIDS website, accessed on 30 April 2008:

“Currently, China’s HIV epidemic remains one of low prevalence overall, but with pockets of high infection among specific sub-populations and in some localities. The characteristic of the epidemic in China are: The epidemic continues to expand, but the rate is slowing; sexual transmission is now the main mode for the spread of HIV; geographic distribution is highly varied; and the epidemic continues to be driven by high-risk behaviour within particular sub-populations... The government’s resource commitments to AIDS have continued to increase and comprehensive training to strengthen the HIV awareness of leaders is being implemented... Mass organizations, civil society organizations and business enterprises are actively involved in the national response to AIDS... Comprehensive HIV prevention initiatives are increasingly focused on behavioural change among the most-at-risk populations (MARPs). Coverage of interventions aimed at behavioural change by sex workers and their clients has increased and interventions to men who have sex with men were also strengthened through pilot projects. Among injecting drug users, the methadone maintenance treatment programme has been expanded, along with clean needle exchange in locations with high injecting drug use. HIV transmission through blood (plasma) donation and transfusion was effectively contained and the coverage of prevention of mother-to-child transmission was

expanded. Voluntary counselling and testing services were progressively expanded.” [54a]

Anti-retroviral therapy

- 30.08 Human Rights Watch reported on 11 November 2003 that the Chinese government had begun making anti-retroviral drugs available free of charge to all rural residents and to those in urban areas unable to pay for the treatment themselves. [7g] As reported by the official *China Daily* newspaper on 14 April 2004, to qualify for free medical treatment, patients must be rural residents or urban citizens who have economic difficulties and are not covered by any basic medical insurance. [14j]
- 30.09 On 15 April 2004 the official *People's Daily* newspaper reported that the government had announced the introduction of free AIDS tests and consultations for all citizens. The report stated, “According to the regulation, the central government pay for the tests in the AIDS-stricken areas while the local governments in other areas pay themselves.” [12q]
- 30.10 As reported by the official news agency Xinhua on 1 December 2004, “More than 10,000 AIDS patients have been given free anti-retroviral therapy, a kind of anti-virus treatment, this year. The total central government investment on HIV/AIDS amounted to about 390 million yuan (US\$47 million) in 2003. The budget for 2004 was 810 million yuan (US\$98 million), while budgeted international support reached to 421 million (US\$51 million) in 2004.” [13b] The official *People's Daily* newspaper reported on 18 April 2005 that the French NGO, Médecins Sans Frontières (MSF), had provided free medical aid to 260 AIDS patients and HIV carriers in China since late 2003, including anti-retroviral therapy to 160 patients in Guangxi province. [12ab]
- 30.11 The Kaiser Network reported on 17 August 2006, “Some HIV-positive people develop resistance to first-line antiretrovirals, but second-line drugs are seven to 28 times as expensive as first-line drugs, according to Reuters. In addition, commonly-used second-line antiretrovirals, including tenofovir and Abbott Laboratories' Kaletra, are not available in China. Abbott and China are negotiating a pricing deal on Kaletra, but an agreement is not expected soon, according to Reuters.” [95c]
- 30.12 As documented by the UNAIDS website, accessed on 30 April 2008:
- “Expanding access to free antiretroviral treatment under the ‘Four Free One are’ policy has been a priority, with coverage extended to 1,190 counties in 31 provinces (autonomous regions and municipalities). Standardized ART was strengthened, the national drug resistance monitoring system was established and a pilot second-line drug trial was launched. Comprehensive treatment models, prevention of opportunistic infection treatment and traditional Chinese medicine treatment were under exploration, while care and support have been further intensified... While there have been impressive achievements in the national response to AIDS, a number of core challenges remain. These are outlined under seven key areas, namely: (1) programme management and accountability; (2) awareness campaigns and anti-discrimination; (3) comprehensive interventions; (4) treatment, care and support; (5) all society involvement; (6) capacity-building of response teams; and (7) monitoring and evaluation systems.” [54a]

Discrimination against HIV/AIDS sufferers

- 30.13 As recorded by the US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008:

"Under the new contagious disease law and adopted regulations, employment discrimination against persons with HIV/AIDS and hepatitis B is forbidden, and provisions allow such persons to work as civil servants. However, discrimination against the estimated 700,000 persons with HIV/AIDS and approximately 120 million hepatitis B carriers (including 20 million chronic carriers) remained widespread in many areas. Hospitals and physicians sometimes refused to treat HIV-positive patients... Persons with HIV/AIDS likewise suffered discrimination and local governments sometimes tried to suppress their activities. In July officials in Guangzhou forced organizers to cancel an international conference on the legal rights of HIV/AIDS patients. At the same time, international involvement in HIV/AIDS prevention, care, and treatment, as well as central government pressure on local governments to respond appropriately, brought improvements in some localities. Some hospitals that previously refused to treat HIV/AIDS patients have active care and treatment programs, because domestic and international training programs improved the understanding of local healthcare workers and their managers. In Beijing dozens of local community centers encouraged and facilitated HIV/AIDS support groups. Some NGOs working with HIV/AIDS patients and their family members continued to report difficulties with local government, particularly in Henan Province, where thousands were infected in government-run blood-selling stations during the 1990s. Henan authorities were successful in providing free treatment to persons with HIV/AIDS. However, foreign and local observers noted that local governments were reluctant or even hostile toward coordinating efforts with NGOs and preferred to work independently." [2e] (Section 5)

- 30.14 In September 2003 Human Rights Watch published a report entitled, *Locked Doors: The Human Rights of People living with HIV/AIDS in China*, detailing the many obstacles that people faced when diagnosed as HIV positive in China. This report highlighted both the high level of ignorance about the disease, particularly in rural areas, and the continued reluctance of local officials to fully implement central government initiatives. [7f] In June 2005 Human Rights Watch published a report entitled, *Restrictions on AIDS Activists in China*. This report stated, "Even as NGO activity generally increases, activists and NGO staff continue to report constant state surveillance, a web of bureaucratic obstacles, and even open harassment in the course of doing their daily work." [7c] (Summary)
- 30.15 On 13 February 2006 the official news agency Xinhua announced that from 1 March 2006 new regulations designed to control the spread of HIV/AIDS would come into force. "According to the regulation, any working unit or individual cannot discriminate against people living with HIV/AIDS, AIDS patients and their relatives. Their rights of marriage, employment, medical care and education are protected by law." [13j]

MENTAL HEALTH

- 30.16 On 15 January 2005 the *South China Morning Post* reported, "According to Ministry of Health figures, China has 16,055 psychiatrists – one for every 87,500 people. This figure doesn't reflect disparities in rural areas, where qualified psychiatric care is non-existent." According to the same source many hospitals do not have real psychiatrists. Instead they have neurologists and other doctors who have been briefly retrained and then sit and listen to patients before writing prescriptions. [17j] As reported by the official *People's Daily* newspaper on 21 March 2005, China has less than 3,000 people engaged in psychological services whereas most developed countries have one psychological worker for every 1,000 people. [12n]
- 30.17 The WHO Mental Health Atlas 2005 (a project of the Department of Mental Health and Substance Abuse, WHO, Geneva) recorded in its Country Profile for China, "Among all the cities of China, Shanghai has the most developed psychiatric setup... Services at each of the three levels-municipal, district and grass-root level are available" [53b]
- 30.18 On 15 September 2006 Radio Free Asia (RFA) reported, "Currently, fees for an hour's psychotherapy in China range from 200-500 yuan (U.S.\$25-62), well out of the reach of any of the country's 900 million rural residents, among whom suicide rates for women are alarmingly high." [73g]
- 30.19 The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted, "A high female suicide rate continued to be a serious problem... Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, the country's birth limitation policies, and other societal factors contributed to the especially high female suicide rate. Women in rural areas, where the suicide rate for women is three to four times higher than for men, were especially vulnerable." [2e] (Section 5)

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

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

(See also section 27: [Children](#))

[Return to contents](#)

[Go to list of sources](#)

FREEDOM OF MOVEMENT

HOUSEHOLD REGISTRY (HUKOU)

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

"The hukou system requires every resident of China to be registered with the local Public Security Bureau. Household registration booklets are kept by local security bureaux for all families (individuals living alone being counted as a household) which contain information including the names, dates of birth,

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

31.02 The report stated further:

“Obtaining a temporary residential permit can be a time-consuming and costly process, although the fees and the documentation required ranges widely between localities... (However,) it continues to be difficult to obtain a residency permit in Beijing. According to an internal migrant worker in Beijing ‘police don’t give them out easily, you have to have guanxi’, meaning personal contacts. Those seeking to obtain a temporary residential permit may, however, face additional costs. Reports in some localities point to the need for internal migrants to bribe local officials and police officers in order to obtain a temporary permit... The documentation required for obtaining a temporary residency permit differs between localities, although either a labour contract or documentation from a local host or local landlord is generally required... Localities that seek to limit the influx of internal migrants will tend to have more stringent documentation requirements. The validity of temporary residential permits varies between localities, generally between six to twelve months, and according to individual status. Permits must be renewed with proper documentation at the end of their validity, with a fee being charged for each renewal. Temporary hukou status does not automatically convert to permanent residential status no matter how long an individual lives in a locality. Holders of temporary residential permits are not considered local residents, but are considered only to have legal permission to temporarily reside in a locality outside their hukou zone.” [6n]

31.03 As noted by the website of the US Embassy in China, accessed on 30 April 2008:

“Reforms to China's household registration (hukou) system have begun to redress the historical bifurcation of Chinese society into urban and rural classes. The reforms enable rural migrants with stable jobs and fixed residences to register as urban residents and to obtain social services, primarily their children's education. Changes to the hukou system focus on towns and small cities, in line with the government's urbanization strategy, but also now encompass several large cities. As in Jinan, Shandong province, however, almost all the large cities involved have confined reforms to designated areas just inside the cities' administrative periphery. In one sense,

the reforms simply acknowledge the flow of rural migrants to cities in recent decades. In a deeper sense, liberalization of the hukou system will help to improve labor mobility and to accord some measure of 'national treatment' to rural inhabitants." [99b]

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

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

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

"A hukou does not expire so there is no need for it to be renewed. There are occasions when a hukou required amending, i.e.: if the person moves, if there is an addition to the family, if the person gets married, etc. The information that we have been able to obtain is that amendments to the hukou are made by the local government, [at the] local police station, [which is] responsible for issuing and maintaining the hukou." [3m] (Based on information supplied by an official at the Chinese Embassy in Canada, 11 April 2002)

[Return to contents](#)

[Go to list of sources](#)

INTERNAL MIGRANTS

32.01 The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted:

"In March 2006 the National Bureau of Statistics estimated that there was a floating population of 147.35 million, nearly one-third of which moved between provinces. These economic migrants lacked official residence status in cities, and it was difficult or impossible for them to gain full access to social services, including education. Furthermore, law and society generally limited migrant workers to types of work considered least desirable by local residents, and such workers had little recourse when subjected to abuse by employers and officials. Some major cities maintained programs to provide migrant workers and their children access to public education and other social services free of charge, but migrants in some locations reported that it was difficult to qualify for these benefits in practice." [2e] (Section 2d)

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

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

32.03 The report continued:

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

32.04 In a report dated March 2008, Human Rights Watch addressed the abusive conditions experienced by Beijing’s migrant construction workers, detailing their exploitation by employers and the failure of the Chinese government to effectively address these violations. The report stated, “Chinese government authorities are well aware of the abuses migrant construction workers face and have begun to make the necessary policy adjustments in certain areas... But our research shows that a lack of rigorous implementation of existing policies have created critical policy gaps which leave migrant workers vulnerable to suffer a range of serious human rights abuses.” [7m]

[Return to contents](#)

[Go to list of sources](#)

FOREIGN REFUGEES

- 33.01 The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted:

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

- 33.02 As reported by the same source:

"The 1951 UN Convention relating to the Status of Refugees and its 1967 protocol do not extend to Hong Kong, and the SAR has no temporary protection policy. The director of immigration has discretion to grant refugee status or asylum on an ad hoc basis, but only in cases of exceptional humanitarian or compassionate need. The Immigration Ordinance does not provide foreigners the right to have asylum claims recognized. The government's practice was to refer refugee and asylum claimants to a lawyer or the Office of the UN High Commissioner for Refugees (UNHCR)." [2e] (Hong Kong)

NORTH KOREAN REFUGEES

- 33.03 The USSD Report 2007 noted:

"(However), the government continued to deny the UNHCR permission to operate along its northeastern border with North Korea, arguing that North Koreans who crossed the border were illegal economic migrants, not refugees. The government did not provide protection against refoulement, the return of refugees to a country where there is reason to believe they face persecution. During the year authorities continued to detain and forcibly return North Koreans to North Korea, where many faced persecution and some may have been executed upon their return. Some North Koreans were permitted to travel to third countries after they had entered diplomatic compounds or international schools in the country. There were numerous reports of harassment and detention of North Koreans in the country. The children of some North Korean asylum seekers and of mixed couples (i.e., one Chinese parent and one North Korean parent) reportedly did not have access to health care or education. The government also arrested and detained journalists, missionaries, and activists, including some citizens, who provided food, shelter, transportation, and other assistance to North Koreans. In February police reportedly arrested a foreign national who arranged for five North Korean asylum seekers to travel to South Korea. According to reports, activists or brokers helping North Koreans were charged with human smuggling, and the North Koreans were forcibly returned to North Korea. There were also reports that North Korean agents operated within the country to forcibly repatriate North Korean citizens." [2e] (Section 2d)

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

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

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

- 33.06 WRITENET (writing on behalf of the UNHCR) in its paper on the situation of North Koreans in China, published in January 2005, noted:

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

- 33.07 The same report continued:

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

- 33.08 This report also stated, “When captured by the Chinese authorities, North Korean escapees can sometimes get off by paying fines, which range from RMB2,000 to RMB5,000 (US\$ 250-600). More likely, they will be imprisoned, pending being returned across the border. While confined in China,

mistreatment is common, but conditions are still preferable to repatriation.” [32d] (p14)

33.09 Furthermore this report stated:

“The North Korean criminal code provides for up to a three-year sentence in a labour re-education camp for ‘illegal’ border crossers. If such a person has ‘betrayed the motherland and people’ or committed ‘treacherous acts ... such as espionage or treason’ the term is supposed to be at least seven years, and in serious cases capital punishment is authorized. In practice, the State Security Bureau normally first detains returnees for ten days to two months. Some have then been let off with simply a warning, and even people considered offenders, if not serious, are sent home after a few months in jail (sometimes to be re-incarcerated)... For those who are repeat offenders, had religious contacts, or simply were abroad more than a year, the outcome has been harsher... If the motivation is seen as in any way political, however, the sentence has generally been dire: sometimes execution, and rarely less than life in prison, where conditions are potentially life-threatening.” [32d] (p27-28)

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

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

33.11 In its 2007 Report on China, published in May 2007, Amnesty International stated:

“Approximately 100,000 North Koreans were reportedly hiding in China. The authorities arrested and deported an estimated 150-300 each week without ever referring cases to UNHCR, the UN refugee agency. They also reportedly implemented a system of rewards for turning in North Koreans and heavy fines for supporting them. In September [2006] a new crackdown was reported on North Koreans residing illegally in China. Abuse of North Korean women in China was widely reported, including cases of systematic rape and prostitution. North Korean women were reportedly sold as brides to Chinese men for between US\$880 and US\$1,890. Some women knew they were being sold into marriage but did not know how harsh conditions in China would be. Others were lured across the border by marriage brokers posing as merchants.” [6g]

33.12 In a report dated April 2008, Human Rights Watch stated:

“In the Yanbian Korean Autonomous Prefecture in eastern Jilin province, northeast China, many North Korean children and children of Chinese fathers and North Korean mothers live in legal limbo. There is no official data

estimating the number of such children living in the area, but local residents put the number at anywhere between a few thousand and several tens of thousands. A serious problem these children face is access to education, as Chinese schools require verification of identity for admittance and continued schooling. In China, every citizen must be registered under a household registration system called hukou. Chinese law stipulates that a child born in China is entitled to citizenship if either parent is a Chinese citizen. However, since registering a child would expose the identity of the mother, Chinese men who have had children with North Korean women are faced with an awful choice. They can register their child at the risk of exposing their mothers, who could be arrested and repatriated to North Korea as 'illegal' economic migrants, or they can decide not to register the child—leaving the child without access to education. When both parents are North Koreans, it is impossible for a child to obtain hukou. Children of North Korean women face different treatment in different districts in Yanbian. Practices are often harsh: in many districts, officials routinely arrest and repatriate North Korean women found to be living with Chinese men in their districts. Although the law does not explicitly require it, some also refuse to allow the registration of half-North Korean children as Chinese citizens unless and until their mothers have been arrested and repatriated to North Korea.” [7j]

(See also section 22: Ethnic groups [Koreans](#))

(See also section 27: [Children](#))

(See also section 31: Freedom of movement [Household registry \(hukou\)](#))

[Return to contents](#)

[Go to list of sources](#)

CITIZENSHIP AND NATIONALITY

34.01 The Constitution states, “All persons holding the nationality of the People’s Republic of China are citizens of the People’s Republic of China. All citizens of the People’s Republic of China are equal before the law. Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law. The State respects and preserves human rights.” [5a] (Text of the Constitution)

34.02 As reported by the Canadian Immigration and Refugee Board (IRB) on 15 November 2002, dual citizenship is not recognised under Chinese law. [3p]

34.03 The same source also stated:

“It is possible to recover Chinese nationality after it has been lost. To recover Chinese nationality, a person must first renounce the other nationality they are holding and provide a report – for example, proof of renunciation of other nationalities and request for reinstatement of Chinese nationality – to Chinese authorities. Acquisition, loss or recovery of Chinese nationality can be requested or processed through Chinese consulates or embassies outside China, or inside China through the Public Security Ministry. Besides holding another country’s nationality, there is no reason why a person who originally held Chinese nationality would be denied its reinstatement. However, each

case is different and must be evaluated on its specific circumstances and merits by the authorities.” [3p] (Based on a telephone interview with the PRC Embassy in Ottawa, Canada)

- 34.04 Article 4 of the Chinese Nationality Law states, “Any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality.” [5x] The United States Office of Personnel Management Investigations Service in its paper entitled, *Citizenship Laws of the World* (March 2001), stated that if at least one parent is a Chinese citizen and the child has not acquired the citizenship of another country then that child is considered a citizen of China. [23a] (p 51)

[Return to contents](#)

[Go to list of sources](#)

EXIT/ENTRY PROCEDURES

- 35.01 The US State Department’s Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted:

“The government permitted legal emigration and foreign travel for most citizens. Most citizens could obtain passports, although those whom the government deemed threats, including religious leaders, political dissidents, and some ethnic minority members continued to have difficulty obtaining passports. There were reports that some academics faced travel restrictions around the year’s sensitive anniversaries, particularly the June 4 anniversary of the Tiananmen Square massacre. There were instances in which the authorities refused to issue passports or visas on apparent political grounds. Members of underground churches, Falun Gong members, and other politically sensitive individuals sometimes were refused passports or otherwise prevented from traveling overseas.” [2e] (Section 2d)

- 35.02 On 25 October 2005 the Canadian IRB recorded, “The Frontier Defense Inspection Bureau (FDIB) is in charge of the inspection barriers, and FDIB officers examine the passports and immigration departure cards of Chinese travellers. The officers also verify the identity of the person through a ‘computerised record system.’ Chinese travellers do not need to present their resident identity card during the inspection.” (Based on information supplied by a representative of the Canadian Embassy in Beijing) [3q]

(See also section 39: [Hong Kong](#))

TREATMENT OF RETURNEES

- 35.03 Article 322 of the Criminal Law covers the penalties for illegal emigration. It states, “Whoever violates the laws and regulations controlling secret crossing of the national boundary (border), and when the circumstances are serious, shall be sentenced to not more than one year of fixed-term imprisonment and criminal detention or control.” [5i] As reported by the Canadian IRB on 9 August 2000, “Leaving China without exit permission or a passport is a criminal offence in China punishable of [sic] up to one year in prison. Only repeat offenders would get a sentence approaching the maximum. Most first

time offenders would get a short sentence, depending on the circumstances of their case but probably with sentences of 3 months.” [3b]

- 35.04 Articles 52 and 53 of the Criminal Law cover financial penalties for returnees. They state:

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

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

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

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

- 35.05 On 11 June 2006 the *New York Times* reported:

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

- 35.06 The USSD Report 2007 noted, “The law neither provides for a citizen's right to repatriate nor otherwise addresses exile. The government continued to refuse reentry to numerous citizens who were considered dissidents, Falun Gong activists, or troublemakers. Although some dissidents living abroad were allowed to return, dissidents released on medical parole and allowed to leave the country often were effectively exiled. Activists residing abroad were imprisoned upon their return to the country.” [2e] (Section 2d) The same report stated, “MPS officials stated that repatriated victims of trafficking no longer faced fines or other punishment upon their return. However, authorities acknowledged that some victims continued to be sentenced or fined because of corruption among police, provisions allowing for the imposition of fines on persons traveling without proper documentation, and the difficulty in identifying victims.” [2e] (Section 5)

- 35.07 As recorded by the US State Department's Country Report on Human Rights Practices 2007 (Taiwan), published on 11 March 2008, "The law [in Taiwan] does not provide for the granting of asylum or refugee status. All PRC citizens unlawfully present are required by law to be returned to the PRC, including victims of human trafficking... As of December [2007], 1,870 illegal PRC immigrants were in detention centers awaiting repatriation. PRC illegal immigrants continued to spend long periods in detention, waiting an average of 204 days to be repatriated." [2k] (Section 2d)
- 35.08 The Passport Law of the People's Republic of China came into force on 1 January 2007. Article 14 provides that where an applicant has been 'repatriated to China due to his illegal exiting China, illegal dwelling or illegal employment overseas', the passport issuance departments shall not issue a passport 'within six months to three years as of the day when he completes the criminal punishment or is repatriated to China.' [5w] In a letter to the COI Service dated 5 December 2007, the Foreign & Commonwealth Office (FCO) stated:
- "We have no evidence of the likely amount of time that a failed asylum seeker [to whom Article 14 of the above law is applicable] would have to wait before being able to apply for a passport. The local passport authority would make a judgement according to the individual circumstances of the case and the level of seriousness of the offence. The length of the suspension (i.e. whether it would be closer to 6 months or 3 years) is down to the discretion of the issuing authority, and might vary between provinces. We have no reliable information on how the new law is applied in practice." [31e]

Fuzhou detention centre (Fujian)

- 35.09 According to a report by CEME (Cooperative Efforts to Manage Emigration), which brought together the findings of a week-long visit to Fujian undertaken in June 2004:
- "The team visited the main Fujian detention centre just outside Fuzhou, which can accommodate up to 300 persons – both foreigners caught entering the country illegally and Chinese returning from illegal migration activities abroad. Managed by the Border Defense Force, the centre is intended to detain persons returned and those awaiting the outcome of administrative investigation for up to 15 days. It offers information, awareness raising through newspapers, TV and discussions, recreation, medical attention and individualized 'ideological education'. The team was told that detainees are allowed 1-3 hours 'free activity' every day, and that their dietary needs are taken into account. The centre has on a number of occasions been presented as a model to immigration officials (including Ministers) from Australia, Canada and the US. It appeared clean, well kept and managed; but was unoccupied at the time of the CEME visit (indeed seemed only to have housed some 200 occupants in the year). It offers excellently presented displays of its history, including distinguished visits from other countries, and a rousing documentary video of its purpose, history and operation. The team found the centre to be a conspicuous demonstration by the government to the world of how heavily it is investing in combating irregular forms of migration. However, given that the centre was unoccupied, the team speculated about how much it was actually used for the purposes and to the extent claimed." [97] (p9)

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

“The detention centre [in Fuzhou] is a rectangular, four storey building with a large enclosed courtyard. It can accommodate a maximum of 100 detainees. The cells are all around the building with recreation facilities such as a ping pong table in the courtyard. On the first floor, there are several rooms for questioning deportees. Those rooms are fairly small with a plexiglass divider separating the detainee and the interviewer. We recognized one of the deportees of the previous day being questioned as we walked by. Each cell can accommodate up to 10-12 people. The cells are large rectangular rooms with an elevated floor on each side where mattresses are set at night and rolled up during the day. Each cell has 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.” [3b]

Treatment of Tibetans

35.11 According to a report by the International Campaign for Tibet (ICT) dated 23 December 2003 and reproduced by the Tibetan newspaper *Phayul* on its website, Tibetan refugees caught returning from India or Nepal are reportedly treated much more severely than those caught trying to leave Tibet. [43a] According to another report by the ICT dated 24 January 2004, the typical sentence for those trying to re-enter Tibet (illegally) ranges from three to five months in addition to a fine of 1,700 to 5,000 yuan (US\$212-625). This report was also reproduced by *Phayul* on its website. [43b]

35.12 The USSD Report 2007 noted:

“Tibetans continued to encounter substantial difficulties and obstacles in traveling to India for religious, educational, and other purposes. The government placed restrictions on the movement of Tibetans during sensitive anniversaries and events and increased controls over border areas at these times. There were reports of arbitrary detention of persons, particularly monks, returning from Nepal. Detentions generally lasted for several months, although in most cases no formal charges were brought. Border guards continued to use force to prevent unauthorized border crossings.” [2e] (Tibet)

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

35.14 The USSD Report 2007 stated, “On October 18, PAP border guards reportedly shot at 46 Tibetans attempting to enter Nepal at the Nangpa La pass. In September 2006 Chinese border forces at the Nangpa La pass shot at a group of approximately 70 Tibetans attempting to enter Nepal, killing one and injuring others. The group included monks, nuns, and children.” [2e] (Tibet)

(See also section 23: [Tibet](#))

Treatment of Uighur(s)

35.15 The USSD Report 2007 noted:

“Uighurs were sentenced to long prison terms, and in some cases executed, on charges of separatism. On February 8, authorities executed Ismail Samed, an ethnic Uighur from the XUAR, following convictions in 2005 for ‘attempting to split the motherland’ and other counts related to possession of firearms and explosives. During his trial Samed claimed that his confession was coerced. Samed was forcibly returned from Pakistan in 2003. On April 19, foreign citizen Huseyin Celil was sentenced to life in prison for allegedly plotting to split the country and 10 years in prison for belonging to a terrorist organization, reportedly after being extradited from Uzbekistan and tortured into giving a confession. Although Celil was granted Canadian citizenship, Chinese authorities refused to recognize this and consequently denied Celil access to consular officials. During the year the government reportedly sought the repatriation of Uighurs living outside the country, where they faced the risk of persecution.” (2e] (Section 5)

35.16 As reported by the *Washington Post* on 10 May 2006, five Uighurs being held as terrorist suspects at Guantanamo Bay were resettled by the US government in Albania after fears that they might be tortured or killed if repatriated to China. [59c]

35.17 In a report dated 27 June 2006, Amnesty International expressed serious concern for the safety of two Uighurs, Yusuf Kadir Tohti and Abdukadir Sidik, forcibly returned to China from Kazakhstan. This report stated, “Over recent years, Amnesty International has monitored growing numbers of forced returns of Uighurs to China from several of its neighbouring countries, including those of Central Asia, such as Kazakhstan. In some recent cases, returnees are reported to have been subjected to serious human rights violations, including torture, unfair trials and even execution.” [6m]

(See also section 20: Muslims [Uighurs](#))

[Return to contents](#)

[Go to list of sources](#)

OFFICIAL DOCUMENTS

ID CARDS

36.01 As reported by the official news agency Xinhua on 7 April 2004, China began issuing new computerised (second generation) ID cards to residents in Beijing on the same day. “... unlike before, young people aged below 16 are also entitled to apply for a second-generation ID card through their Guardians’ agency.” [13d] On 8 March 2006 Xinhua reported that China had already issued over 100 million new ID cards and was planning to issue double that number in 2006. According to Xinhua, “The project to upgrade ID cards for 800 million Chinese adults is scheduled to be complete by the end of 2008.” [13f]

- 36.02 The report stated, "The newly released plastic chip ID card contains information such as validity periods, authorization institutions and designs of the national emblem. The Great Wall and decorative patterns are printed on the front cover. The card holder's name, gender, ethnicity, birthday, residence, ID number and photo are on the back cover." [13f]
- 36.03 As reported by the Canadian IRB on 13 March 2002, "The new card will replace the current paper laminated identification card that contains a person's name, photo, birth date and identification number and is purportedly relatively easy to counterfeit." As noted by the same source, opinion is divided over whether or not a viable national-wide computer system for checking first generation ID cards exists. [3i]
- 36.04 Another report by the Canadian IRB dated 20 April 2004 stated:
- "With respect to the procedures for replacing a lost or stolen identity card, a representative at the Canadian immigration office in Beijing stated that if a PRC citizen loses an [identification] ID card, they will go to their local police substation that is responsible for issuing the Family Registration Booklets ('hukou') and ID cards. The police substation is responsible for registering all people (foreigners too) that are living in their jurisdiction, including temporary residents. If one moves, then one is required to register the change of address. As a result, when a PRC citizen loses an ID card, they have to pay a nominal handling fee, and bring a couple of photos along for a re-issuance (the records of the citizen's hukou and previous ID applications will all be kept there). A person doesn't have to come in themselves with the photo, a relative may come in their place. A new ID card should have the new date of issue, with a new period of validity from that new issuance date." [3e]

AVAILABILITY OF FRAUDULENT DOCUMENTS

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

[Return to contents](#)

[Go to list of sources](#)

EMPLOYMENT RIGHTS

- 37.01 The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted:
- "Although the law provides for the freedom of association, in practice workers were not free to organize or join unions of their own choosing. Workers cannot choose an independent union to represent them in the workplace, as independent unions are illegal. The All-China Federation of Trade Unions

(ACFTU), which was controlled by the CCP and chaired by a member of the Politburo, was the sole legal workers' organization. The trade union law gives the ACFTU control over all union organizations and activities, including enterprise-level unions, and requires the ACFTU to 'uphold the leadership of the Communist Party.' Direct election by workers of union leaders is rare, occurs only at the enterprise level, and is subject to supervision by higher levels of the union or Communist Party organization. The ACFTU and its constituent unions influenced and implemented government policies on behalf of workers." [2e] (Section 6a)

37.02 The same source reported:

"The labor law permits collective bargaining for workers in all types of enterprises; however, in practice collective bargaining fell far short of international standards... The law does not protect workers' right to strike. The trade union law acknowledges that strikes may occur, in which case the union is to reflect the views and demands of workers in seeking a resolution of the strike. Some observers interpreted this provision to offer a theoretical legal basis for the right to strike. However, the government continued to treat worker protests as illegal demonstrations. Without the right to strike, workers had only a limited capacity to influence the negotiation process." [2e] (Section 6b)

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

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

37.04 In its 2008 Country Profile for China, dated 12 February 2008, the Economist Intelligence Unit (EIU) noted, "Social unrest has risen sharply in the reform period in China, as state-owned enterprises (SOEs) have shed labour, rural incomes have stagnated and corruption has remained rife, although the government now claims that the number of protests has fallen back in 2006-07. Protests by tens of thousands of unemployed workers in the north-eastern cities of Liaoyang and Daqing in 2002 are thought to have been the biggest in China since the huge nationwide demonstrations of 1989." [4a] (Politics: Security risk in China)

[Return to contents](#)

[Go to list of sources](#)

DISPUTED TERRITORIES

TAIWAN

38.01 As noted by the Foreign & Commonwealth Office (FCO) in its Country Profile for Taiwan, dated 15 April 2008, the Republic of China (ROC), more commonly called Taiwan, has a population of 22.9 million (2007). [31b] [18c] (map)

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

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

38.03 In its Country Profile for Taiwan, dated 15 April 2008, the FCO stated:

“In December 1949, following the Nationalists’ defeat on the mainland, the government of the then ‘Republic of China’ under President Chiang Kai-shek moved to Taiwan, together with approximately two million supporters. The Nationalist (KMT) administration on Taiwan maintained its claim to be the legitimate government of the whole of China and set up a national central government on the island. Chiang Kai-shek held the office of ‘President’ until his death in 1975. Under his rule, the political system remained virtually frozen for almost 30 years. Following Chiang Kai-shek’s death Taiwan embarked on a process of reform and gradual democratisation under his son, President Chiang Ching-kuo. In 1986, the main opposition groups came together to form the Democratic Progressive Party (DPP) and were allowed to contest parliamentary elections. They were formally legalised in 1989. Chiang Ching-kuo died in 1987, shortly after Martial Law was lifted. Lee Teng-hui succeeded him as President. Lee was the first Taiwan-born leader of the KMT and was symbolic of evolving ‘Taiwanisation’ of the KMT. Lee introduced a range of democratic reforms, including lifting restrictions of the press and introducing proper elections to the National Assembly. The first direct elections for the office of President were held in 1996. Lee Teng-hui won and continued as ‘President’.” [31b]

38.04 The same source described Taiwan as a “multi-party democracy with directly-elected President”, and noted:

“Members of the Legislative Yuan (Parliament) are now elected for a four-year term... Taiwan last held legislative elections on 12 January 2008. This was the first time elections were conducted under a new system (single-member constituencies) and with the size of the legislature reduced by half. The Democratic Progressive Party (DPP) were defeated, securing only 27 seats out of a total 113. The opposition Kuomintang (KMT) won 81 seats and other members of the ‘pan-blue’ alliance, the Non-Partisan Union (NPSU) and the People First Party (PFP) took three and one respectively. The ‘deep green’ Taiwan Solidarity Union (TSU) and other small parties did not win any.” [31b]

38.05 The FCO also noted, “On 22 March 2008, with a voter turn out of 76%, KMT candidate Ma Ying-jeou won the 4th Presidential election with 58% of the vote, defeating DPP candidate Frank Hsieh who garnered 41%... Ma’s win can be contributed to his good campaign strategy and growing public discontent with the DPP.” [31b]

38.06 The same source stated:

“China refuses to resume direct political contacts with Taiwan until it accepts a 'One China' formula as a precondition [sic] for negotiations. Taiwan's political parties have different positions on how to approach negotiations with the mainland, but all insist that the 'Republic of China' is a separate political entity from the PRC Government. KMT President-elected Ma Ying-jeou plans to shelve disputes over sovereign issues and use 'the 1992 Consensus – One China with different interpretations by both sides' as a basis to resume cross-Straits negotiations. Although China has sought reunification through negotiation, the Chinese have not renounced the threat of military action against Taiwan. China enacted its anti-secession law on 14 March 2005 to 'oppose and check' Taiwanese independence. The anti-secession law reiterates the 'one-China' policy and sets out certain measures to maintain peace and stability in the Taiwan Strait and to promote cross-Straits relations. But it also authorises the use of 'non-peaceful' means if peaceful reunification fails. Despite the political stalemate, economic and people-to-people links continue to develop at an impressive rate.” [31b] [13e] (text of anti-secession law)

38.07 The US State Department's Country Report on Human Rights Practices 2007 (Taiwan), published on 11 March 2008, recorded, “Taiwan generally respected the human rights of its citizens; however, there continued to be problems reported in the following areas: corruption by officials, violence and discrimination against women, trafficking in persons, and abuses of foreign workers.” [2k]

[Return to contents](#)

[Go to list of sources](#)

SPECIAL ADMINISTRATIVE REGIONS (SARs)

HONG KONG (SAR)

39.01 As noted by the FCO in its Country Profile for Hong Kong, dated 12 December 2006, Hong Kong is a special administrative region of China and occupies a total land area of 1,098 sq km on the southern coast of China. It comprises Hong Kong Island, Kowloon and the New Territories, and about 235 outlying islands. It has a population of 6.8 million people. [31c] [18d] (map)

39.02 The same source recorded that Hong Kong reverted from the UK back to China on 1 July 1997 and is allowed a high degree of autonomy under a policy known as 'One Country, Two Systems'. The FCO also noted that Hong Kong is governed by a partially elected Legislative Council (the LegCo), which comprises 60 members. The head of government is Donald Tsang (Chief Executive) and the head of state is Hu Jintao (President of China). Donald Tsang was the only candidate to receive the required minimum number of nominations from the Election Committee that chooses Hong Kong's Chief Executive, and was formally appointed to that position by the Central People's Government in Beijing on 21 June 2005. [31c]

39.03 The same source also stated, “There are around 3.6million British passport-holders in Hong Kong, 3.44 million of whom are British Nationals (Overseas) (BN(O)s). BN(O) passport holders enjoy British consular protection in third

countries (and, for non-Chinese BN(O) passport holders, in Hong Kong and mainland China), as well as visa-free access to the UK for visits of less than six months.” [31c]

- 39.04 The Hong Kong government's website, accessed on 30 April 2008, noted, “You are regarded as a person of Chinese nationality if you are a Hong Kong resident: (a) of Chinese descent who was born in Hong Kong or other parts of China; or (b) who fulfils the criteria of Chinese nationality in the Nationality Law of the People's Republic of China. If you have declared a change of nationality and are no longer a Chinese national, you are not eligible for a HKSAR Passport.” [86a]

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

- 39.05 The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, recorded:

“The government generally respected the human rights of its citizens, although core issues remained. Residents were limited in their ability to change their government. However, in December the PRC's National People's Congress Standing Committee announced a possible timeline for Hong Kong's transition to election by universal suffrage of its Chief Executive and Legislative Council beginning in 2017. Democratic activists protested the decision and called for universal suffrage in 2012. In 2004 the NPC Standing Committee issued a self-initiated interpretation of the Basic Law and rejected universal suffrage for the 2007 Chief Executive and 2008 Legislative Council elections. The legislature was restricted in its power to affect government policies. Claims of press self-censorship persisted, violence against women remained a problem, and workers were not guaranteed the right to bargain collectively.” [2e] (Hong Kong)

- 39.06 On 1 July 2006 the BBC reported, “Tens of thousands of people have joined a rally in Hong Kong calling for full democracy in the territory... In 2003 and 2004, crowds of up to half a million took to the streets of Hong Kong to demand full democracy. But correspondents say the numbers have fallen as the economy is doing well and new leader Donald Tsang is proving popular.” [9aa] On 6 August 2006, the Hong Kong legislature passed a new law allowing the use of covert surveillance and phone tapping. [9k] (BBC, 6 August 2006)

MACAO (SAR)

- 39.07 As recorded by the FCO in its Country Profile for Macao, dated 8 December 2006, Macao is a special administrative region of China and occupies a total land area of only 28.2 sq km on China's south-east coast. Bordering Guangdong Province, it is 60 km from Hong Kong and is made up of the peninsula of Macao, and the two islands of Taipa and Coloane, linked by a 2.2 kilometre long strip of reclaimed land known as Cotai. It has a population of 488,100 (2005). [31d] [18e] (map)
- 39.08 The same source noted that Macao reverted from the UK back to China on 20 December 1999. Under the policy known as ‘One Country, Two Systems’ it is allowed a high degree of autonomy in areas other than foreign policy and defence. Macao is governed by a partially elected Legislative Council, which

comprises 29 members. The head of government is Edmund Ho Hau Wah (Chief Executive) and the head of state is Hu Jintao (President of China). [31d]

- 39.09 The US State Department's Country Report on Human Rights Practices 2007 (USSD Report 2007), published on 11 March 2008, noted, "The [Macao] government generally respected the human rights of its citizens; however, some problems remained, most notably limits on citizens' ability to change their government, trafficking in persons, and reported official corruption." [2e] (Macao)

[Return to contents](#)

[Go to list of sources](#)

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

Based on BBC Timeline, dated 22 April 2008 [9a] and Europa World, Country Profile: The People's Republic of China, accessed on 17 April 2008. [1a] (Recent History)

- 1949** **1 October:** The People's Republic of China (PRC) proclaimed by Chinese Communist Party (CCP) leader, Mao Zedong.
- 1950** Land reform started.
- 1954** First Constitution adopted.
- 1959** 'Great Leap Forward' started – China attempted rapid industrialisation at the expense of agricultural output. An estimated 30 million people died of famine during this period.
- 1961** 'Great Leap Forward' abandoned.
- 1966** Start of the Cultural Revolution, Red Guards fanatically loyal to Mao were given free rein to destroy the 'four olds' (old ideas, old customs, old culture, old habits) – this led to social disintegration and Mao was forced to call upon the army (PLA) to restore order.
- 1975** New Constitution adopted.
- 1976** **8 January:** Premier Zhou Enlai died.

 9 September: Mao died. End of Cultural Revolution.

 October: Hua Guofeng replaced Mao as CCP General Secretary (the post of Chairman having been abolished) having previously taken over from Zhou as Premier.
- 1978** New (third) Constitution adopted. Beginning of Democracy Wall Movement. Start of economic reforms.
- 1979** **March-December:** Democracy Wall Movement suppressed.
- 1980** Hua Guofeng replaced as Premier by Zhao Ziyang. Deng Xiaoping emerged as China's paramount leader.
- 1982** Hua replaced as CCP General Secretary by Hu Yaobang. New (fourth) Constitution adopted. Post of CCP Chairman abolished and remaining Maoists purged from the party.
- 1986** Revival of Hundred Flowers movement of the 1950s suppressed.
- 1987** CCP General Secretary, Hu, forced to resign after failing to stop student demonstrations.

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

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

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

2005 17 January: Purged Chinese leader Zhao Ziyang died.

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

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

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

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

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

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

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

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

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

April: During a landmark visit, Wen Jiabao becomes the first Chinese prime minister to address Japan's parliament. Both sides agree to try to iron out differences over their shared history.

June: New labour law introduced after hundreds of men and boys were found working as slaves in brick factories.

July: China's food and drug agency chief is executed for taking bribes. Food and drug scandals have sparked international fears about the safety of Chinese exports.

September: A new Roman Catholic bishop of Beijing is consecrated - the first for over 50 years to have the tacit approval of the Pope.

October: China launches its first moon orbiter.

2008 **January:** The worst snowstorms in decades are reported to have affected up to 100 million people.

March: Anti-China protests escalate into the worst violence Tibet has seen in 20 years, five months before Beijing hosts the Olympic Games.

Pro-Tibet activists in several countries focus world attention on the region by disrupting progress of the Olympic torch relay.

[Return to contents](#)

[Go to list of sources](#)

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

Based on BBC Timeline, dated 17 April 2008. [9f]

- 1911** Tibet is declared an independent republic after decades of rebuffing attempts by Britain and China to establish control.
- 1935** The man who will later become the 14th Dalai Lama is born to a peasant family in a small village in north-eastern Tibet. Two years later, Buddhist officials declare him to be the reincarnation of the 13 previous Dalai Lamas.
- 1949** Mao Zedong proclaims the founding of the People's Republic of China and threatens Tibet with 'liberation'.
- 1950** China invades eastern Tibet. The Dalai Lama, now aged 15, officially becomes head of state.
- 1951** Tibetan leaders are forced to sign a treaty dictated by China. The treaty, known as the 'Seventeen Point Agreement', professes to guarantee Tibetan autonomy and to respect the Buddhist religion, but also allows the establishment of Chinese civil and military headquarters at Lhasa.
- Mid-1950s** Mounting resentment against Chinese rule leads to outbreaks of armed resistance.
- 1954** The Dalai Lama visits Beijing for talks with Mao, but China still fails to honour the Seventeen Point Agreement.
- 1959** **March:** Full-scale uprising breaks out in Lhasa. Thousands are said to have died during the suppression of the revolt. The Dalai Lama and most of his ministers flee to northern India, to be followed by some 80,000 other Tibetans.
- 1963** Foreign visitors are banned from Tibet.
- 1965** Chinese government establishes Tibetan Autonomous Region (TAR).
- 1966** The Cultural Revolution reaches Tibet and results in the destruction of a large number of monasteries and cultural artefacts.
- 1971** Foreign visitors are again allowed to enter the country.
- Late 1970s** End of Cultural Revolution leads to some easing of repression, though large-scale relocation of Han Chinese into Tibet continues.
- 1980s** China introduces 'Open Door' reforms and boosts investment while resisting any move towards greater autonomy for Tibet.
- 1987** The Dalai Lama calls for the establishment of Tibet as a zone of peace and continues to seek dialogue with China, with the aim of achieving genuine self-rule for Tibet within China.

- 1988** China imposes martial law after riots break out.
- 1989** The Dalai Lama is awarded the Nobel Prize for Peace.
- 1993** Talks between China and the Dalai Lama break down.
- 1995** The Dalai Lama names a six-year-old boy, Gedhun Choekyi Nyima, as the true reincarnation of the Panchen Lama, the second most important figure in Tibetan Buddhism. The Chinese authorities place the boy under house arrest and designate another six-year-old boy, Gyancaï Norbu, as their officially sanctioned Panchen Lama.
- 2002** Contacts between the Dalai Lama and Beijing are resumed.
- 2006** A new railway linking Lhasa and the Chinese city of Golmud is opened. The Chinese authorities hail it as a feat of engineering, but critics say it will significantly increase Han Chinese traffic to Tibet and accelerate the undermining of traditional Tibetan culture.
- 2007** **November:** The Dalai Lama hints at a break with the centuries-old tradition of selecting his successor, saying the Tibetan people should have a role.
- December:** The number of tourists travelling to Tibet hits a record high, up 64% year on year at just over four million, Chinese state media say.
- 2008** **March:** Anti-China protests escalate into the worst violence Tibet has seen in 20 years, five months before Beijing hosts the Olympic Games.
- Pro-Tibet activists in several countries focus world attention on the region by disrupting progress of the Olympic torch relay.

[Return to contents](#)

[Go to list of sources](#)

Annex B: Political organisations

All-China Federation of Trade Unions (ACFTU)

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

All-China Women's Federation (ACWF)

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

Catholic Patriotic Association

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

CCP United Front Work Department (UFWD)

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

China Disabled Persons' Federation (CDPF)

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

Chinese Christian Council (CCC)

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

Chinese Communist Party (CCP) (Zhongguo Gongchan Dang)

Ruling Party; membership 70.8 million. [11a]

Democratic Alliance for the Betterment and Progress of Hong Kong (DAB)

Main pro-Beijing Hong Kong party; founded 2005; formed by merger of the Democratic Alliance for the Betterment of Hong Kong (f. 1992, supported return of Hong Kong to the motherland and implementation of the Basic Law) and the Hong Kong Progressive Alliance (f. 1994, supported by business and professional community).

Chair: Tam Yiu-chung.

Sec-Gen: Kan Chi-ho. [1a] (Hong Kong - Political Organizations)

Democratic Party

Main pro-democracy Hong Kong party; founded 1994 by merger of United Democrats of Hong Kong (UDHK – declared a formal political party in 1990) and Meeting Point; liberal grouping; advocates democracy.

Chair: Albert Ho Chun-yan.

Sec-Gen: Cheung Yin-tung. [1a] (Hong Kong - Political Organizations)

Islamic Association of China (IAC)

Government-sponsored Muslim group. [2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

National People's Congress (NPC) (Quanguo Renmin Daibiao Dahui)

Chinese Parliament. [1a] (National People's Congress)

National Population and Family Planning Commission of China (NPFPC)

Government department responsible for overseeing population control; formerly known as the State Family Planning Commission. [3j] (Children)

People's Armed Police (PAP)

Paramilitary branch of the police. [11a]

People's Liberation Army (PLA)

Chinese army. [1a] (Defence)

State Administration for Religious Affairs (SARA)

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

Taoist Association

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

Three-Self Patriotic Movement (TSPM)

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

[Return to contents](#)

[Go to list of sources](#)

Annex C: Prominent people: past and present

Chen Shui-bian

Former President of Taiwan. Elected March 2000. Re-elected March 2004. [31b]

Chiang Kai-shek

Nationalist (KMT) leader who lost civil war. Fled to Taiwan 1949. Died 1975. [31b]

Dalai Lama

Spiritual and political leader to whom most Tibetans look for guidance; heads government in exile based in Dharamsala (northern India). Left Tibet in 1959. [1a] (Recent History)

Deng Xiaoping

Paramount leader for most of 1980s and early 1990s. Architect of economic reforms. Also ordered troops into Tiananmen Square. Died 1997. [1a] (Recent History)

Edmund Ho Hau Wah

Chief Executive of Macao SAR. [31d]

Hu Jintao

President of China since March 2003. Also General Secretary of the CCP and head of the military. [31a]

Hu Yaobang

Liberal party leader whose death sparked Tiananmen Square protests. Died 1989. [1a] (Recent History)

Li Hongzhi

Founder of banned 'cult' Falun Gong. [50c] (p3-8)

Jiang Zemin

Succeeded Deng Xiaoping as core leader. Stepped down as head of the army in September 2004, having already relinquished the Presidency and leadership of the CCP to Hu Jintao. [1a] (Recent History)

Ma Ying-jeou

President of Taiwan. Elected March 2008. [31b]

Mao Zedong

Founded PRC on 1 October 1949. Presided over disastrous 'Great Leap Forward' and instigated Cultural Revolution. Died in 1976. [1a] (Recent History)

Panchen Lama

Next most senior Lama after the Dalai Lama (see above). There are two Panchen Lamas: Gendun Choekyi Nyima, selected by the Dalai Lama as the 11th reincarnation of the Panchen Lama; and Gyalsten Norbu (also known as Bainqen Erdini Qoigyijabu), selected by Beijing also as the 11th reincarnation of the Panchen Lama. [2a] (Tibet, Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

Donald Tsang

Chief Executive of Hong Kong SAR. [31c]

Wen Jiabao

Premier of China since 2003. [31a]

Wu Bangguo

Chairman of the Standing Committee of the NPC since 2003. [31a]

[Return to contents](#)

[Go to list of sources](#)

Annex D: List of abbreviations

AI	Amnesty International
CCP	Chinese Communist Party
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign & Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins Sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NPC	National People's Congress
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
PRC	People's Republic of China
RSF	Reporteurs Sans Frontières
SAR	Special Administrative Region
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

[Return to contents](#)

[Go to list of sources](#)

Annex E: Known dissident groups

This is not an exhaustive list.

China Democracy Party (CDP) (Zhongguo Minzhu Dang)

Founded in 1998 and subsequently declared illegal. The CDP remained banned, and the government continued to monitor, detain, and imprison current and former CDP members. It is unclear whether the party itself is still active in China. [2e] (Sections 2b and 3)

The China Progressive Alliance (CPA) (Zhonghua jinbu tongmeng)

Founded mid-1991 by supporters of 1989 democracy movement. Members met in May 2001 and agreed 11-point manifesto – committed to fighting dictatorship, but also working with progressive elements of the CCP. [6c] (p3)

The Free Labour Union of China (FLUC) (Zhonggou Ziyou Gonghui)

Founded late-1991. In January 1992 distributed leaflets encouraging the formation of independent trade unions. After some of its members were secretly arrested in June 1992 the group sent a letter of appeal to the International Labour Organisation (ILO) in Geneva. [6c] (p4)

The Liberal Democratic Party of China (LDPC) (Zhongguo Ziyou Minzhu Dang)

First surfaced in November 1991, posting a statement critical of human rights violations in China at Beijing university. Made similar statements in March 1992. [6c] (p3)

The Social Democratic Party of China (SDPC) (Zhonggou Shihui Minzhu Dang)

Founded in 1991 and based in Lanzhou, Gansu province. “It claimed to have over 100-members, including students, workers, intellectuals and government cadres, most of whom had participated in the 1989 democracy movement.” Issued its manifesto in April 1992, calling on other parties to join together to advance democracy. By May 1992, 50 members had been arrested. [6c] (p4)

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 1,000 members by early 1999. Li and Chen along with 10-12 members were tried on 30 August 2000. Li and Chen received 13 and eight year prison terms respectively. Eight others were sent to re-education through labour camps. [59b]

Chinese Plum Nation Party

Founded in late 1980s by 50-year-old farmer Fen Zhengming. Operating in 17 provinces by early 1990s. Fen detained in April 1992 and given 15-year sentence. [59b]

[Return to contents](#)

[Go to list of sources](#)

Annex F: Democratic parties

Political organisations existing prior to the establishment of the PRC (1949) which subordinate themselves to the will of the CCP. [11a]

- China Association for Promoting Democracy
- China Democratic League
- China National Democratic Construction Association
- China Zhi Gong Dang (Party for Public Interests)
- Chinese Peasants' and Workers' Democratic Party
- Jiu San (3 September) Society
- Revolutionary Committee of the Chinese Kuomintang
- Taiwan Democratic Self-Government League [1a] (Other Political Organisations)

[Return to contents](#)

[Go to list of sources](#)

Annex G: Glossary of Chinese terms

danwei	work unit
Fei 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	'dependants of overseas Chinese'
Huaqiao	'people abroad' = overseas Chinese
hukou	household registration document
hutong	'alley(s)' or 'street(s)' in Beijing
jiefang	'to liberate' or 'to release'
renyuan	'retrievers' hired to remove petitioners from Beijing
Lai see	money envelopes given as gifts during Chinese New Year
laodong jiaoyang	're-education through labour' (RTL); main form of administrative detention
Laogai	labour camps
mingong	Chinese migrant peasant
Mianzi	'face', prestige or respect
Nongzhuan fei	hukou conversion, i.e. from rural to urban resident
qigong	modern syncretic blend of ideas and beliefs regarding energy cultivation/relaxation technique
renshe	the 'customers' of Snakeheads (people smugglers)
Shuang gui	similar to house arrest but used to punished CPP members for breaches of Party discipline
shourong shencha	'Custody and Investigation', form of administrative detention now abolished
shourong qiansong	'Custody and Repatriation', another form of administrative detention now abolished
Tiananmen	'gate of heavenly peace'
Tian-ming	'Mandate of Heaven'
tongxianghui	association of people with the same birth place
wai shi	system used for managing foreigners in China
Xinfang	petitioning system
xiangang	'off post' redundant state workers
Xinjiang	'New Frontier' also see XUAR
Xiaokang	relatively prosperous
xiejiao	'evil cult'
Xizang	Chinese name for Tibet
Zanzhu Zheng	Temporary Resident's Permit
Gongheguo	People's Republic of China, official name of the country
Zhongnanhai	Headquarters of the CCP in Beijing

[Return to contents](#)

[Go to list of sources](#)

Annex H: Glossary of English terms

Basic Law	Hong Kong's mini-constitution
'Bare Branches'	Term used to denote unattached males
CCP	Chinese Communist Party
Executive Council	Hong Kong's top decision-making body
HK	Hong Kong
IMAR	Inner Mongolia Autonomous Region
LegCo	Hong Kong and Macao Legislative Councils
MPS	Ministry of Public Security
"Mixing Sand"	Name given to Han migration to Xinjiang
NHAR	Ningxia Hui Autonomous Region
Procuracy	Responsible for investigating and prosecuting criminal cases
PRC	People's Republic of China
PSB	Public Security Bureau, local police force
ROC	Republic of China, official name for Taiwan
SAR	Special Administrative Region – Hong Kong and Macao
SARG	Special Administrative Region Government
Snakeheads	People smugglers
TAR	Tibet Autonomous Region
'Three Represents'	Perplexing personal philosophy of former President Jiang Zemin
XUAR	Xinjiang Uygur Autonomous Region

[Return to contents](#)

[Go to list of sources](#)

Annex I: Glossary of Tibetan terms

Democratic Management Committees (DMC)	Committees which oversee the running of Buddhist temples in Tibet
Lamas	Geshe Monk or lama who has completed the highest form of monastic studies
Lamaseries	'superior ones', most revered Tibetan Monks, reincarnation of the Buddha
Lhasa	monasteries
Potala Palace	Tibetan capital
Rinpoche	Official residence of the Dalai Lama in Lhasa
Tibet	honorific title given to monks
	'rooftop of the world'

[Return to contents](#)

[Go to list of sources](#)

Annex J: Guide to Tibetan names

Name	Pronunciation	Meaning
Chodak	CHO-dak	Dharma Spreader
Choden	CHO-den	One who is devout, religious
Choegyal	CHO-gyal	Dharma king
Chophel	CHO-pel	The flourishing of the Dharma
Dhargey	DAR-gye	Progress, development, spreading
Dorje	DOR-je	Vajra, which means indestructible
Gyaltsen	GYEL-tsen	Victory banner
Jampa	JAM-pah	Loving kindness
Jamyang	JAM-yang	Gentle voice
Kalsang	KAL-sang	Good fortune
Karma	KAR-ma	Action, deed
Kunchen	KUN-chen	All-knowing
Lhundup	LUN-d(r)oop	Spontaneously accomplished
Lobsang	LOB-sang	Noble-minded
Ngawang	NAR-wang	Powerful speech
Ngodup	NOD-oop	Attainment, accomplishment
Norbu	NOR-bo	Jewel
Palden	PAL-den	Glorious
Pema	PEM-a	Lotus
Phuntsok	Poon-tsok	Excellence
Rabten	RAB-ten	Steadfast
Rinchen	RIN-chen	Precious, gem (great value)
Samdup	SAM-d(r)oop	Fulfilment (of one's wishes)
Sangye	SANG-gye	Buddha
Sonam	SON-am	Merit
Tenzin	TEN-zin	Holder of the teachings
Thekchen	TEK-chen	Mahayana
Thokmay	TOK-me	Unobstructed, unhindered
Thubten	TOOB-ten	The Buddha's teaching
Tinley	T(R)IN-ley	Enlightened activity
Tsering	TSER-ing	Long life
Tseten	TSET-en	Stable life
Tsewang	TSE-wang	Life empowerment
Wangchuk	WANG-chook	Lord, mighty
Wangdue	WANG-doo	Subduer
Yonten	YON-ten	Good qualities

[31h]

[Return to contents](#)
[Go to list of sources](#)

Annex K: References to source material

The Home Office is not responsible for the content of external websites.

Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.

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[Return to contents](#)