

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	262
Land:	Kina
Kilde:	Refugee Documentation Centre (Ireland).
Titel:	Legal Aid Board. Information regarding any problems faced by failed asylum seekers upon their return to China. Is there an increased risk for members of the Uighur ethnic group?
Udgivet:	9. december 2010
Optaget på baggrundsmaterialet:	16. december 2010



China – Researched and compiled by the Refugee Documentation Centre of Ireland on 9 December 2010

Information regarding any problems faced by failed asylum seekers upon their return to China. Is there an increased risk for members of the Uighur ethnic group?

A *Refugee Review Tribunal of Australia* research response, in a section headed “What are the likely consequences for a failed asylum seeker upon return to China?”, states:

“Country sources indicate that it is not possible to comment definitively on the treatment of failed asylum seekers returning to China. It would depend on the circumstances of the individual case. Generally, the possible treatment of a returnee would vary according to the person’s profile.” (*Refugee Review Tribunal of Australia* (15 May 2007) *China – Ship Jumpers – Failed Asylum Seekers*)

A COI seminar report published by the *Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)*, in a section titled “Return to the PRC” (Section 5), quotes country expert Thomas Weyrauch on the treatment of returnees as follows:

“One has to be cautious when assessing whether there is a risk of persecution upon return or not: basically, if the returnee (a rejected asylum seeker or a repatriated migrant) is unknown to the authorities, then persecution is not likely. There are legal regulations prohibiting illegal boarder crossing in the criminal law. But Chinese authorities didn’t care so much in the last years, even if they know that this person asked for political asylum in foreign countries, because the authorities expect that they left China for economic reasons. Diplomats from Western countries monitored the situation of repatriated people, and they found out that in most of the cases there was no political persecution, nor criminal prosecution.” (*Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)* (17 March 2006) *10th European Country of Origin Information Seminar Budapest, 1 – 2 December 2005: Final Report on China*, p.25)

Regarding returnees who may have reason to fear the Chinese authorities the expert states:

“On the other hand, the situation differs for returnees involved in offences or actions against the Chinese government, or the CCP. Practising Falun Gong, being a member of an underground church, playing a leading role in the opposition (in exile, too) can still be a reason for persecution.” (*ibid*, p.25)

The 2010 *United States Department of State* country report on China, in a section headed “National/Racial/Ethnic Minorities”, refers to Uighurs as follows:

“Uighurs were sentenced to long prison terms, and in some cases executed, on charges of separatism. The government reportedly sought the repatriation of Uighurs living outside the country, where they faced the risk of persecution.” (United States Department of State (11 March 2010) *2009 Human Rights Report: China (includes Tibet, Hong Kong, and Macau)*)

A *Radio Free Asia* report states:

“Uyghur exiles fear surveillance once they leave China, especially if they have left family behind, and they say their fears have worsened since deadly ethnic riots last July—which prompted a major security crackdown.” (Radio Free Asia (6 April 2010) *Pakistan Uyghurs in Hiding*)

A *Herald Sun* article on the alleged surveillance of Uighurs in Australia states:

“There are fresh fears Chinese spies are operating unchecked in Australia and recruiting high school students to inform on expatriates. The startling allegations emerged at a Refugee Review Tribunal in Melbourne last month, where it was alleged Chinese authorities had been monitoring and photographing Uighur rallies in Australia and threatening expatriates to snitch. Diplomatic relations have already been strained over the Uighur issue, with Chinese authorities expressing dismay after last month's visit to Canberra by Uighur leader Rebiya Kadeer. Now Australian authorities have granted asylum to a Uighur doctor who arrived in Australia in 2006 after she was forced to perform abortions and make women sterile in China. The tribunal heard evidence Chinese authorities have since been monitoring her activities here, and obtained photographs of her at a 2008 rally in Adelaide. The photographs were used by Chinese authorities to quiz associates of the doctor when they returned to China.” (Herald Sun (12 September 2009) *Spies in our own schools: Review suspects China of recruiting students*)

An *Amnesty International* report states:

“Since 2001, Amnesty International has documented cases in which Uighur asylum seekers or refugees who were forcibly returned to China were detained, reportedly tortured and in some cases sentenced to death and executed.” (Amnesty International (23 December 2009) *China must reveal fate of Uighur asylum-seekers*)

A *Human Rights Watch* report on the repatriation of 20 Uighur asylum seekers from Cambodia to China states:

“The Chinese government should immediately allow access to the 20 Uighur asylum seekers who were forcibly deported to China on December 19, 2009, in what was a breach by the Cambodian government of its obligations under international law, Human Rights Watch said today. The group of Uighurs included 17 men, one woman, and two children. China's record of torture, disappearance, and arbitrary detention of Uighurs, its failure to extend due process for prosecutions in Xinjiang, and its intense pressure on Cambodia to

return the group are cause for gravest concern about the asylum seekers' whereabouts and wellbeing, Human Rights Watch said." (Human Rights Watch (22 December 2009) *China: Forcibly Returned Uighur Asylum Seekers At Risk*)

See also *Human Rights Watch* report which states:

"On December 19, 2009, the Cambodian government, under Chinese pressure, forcibly repatriated a group of 20 Uighurs, including two young children, in breach of the UN Convention Relating to the Status of Refugees and its 1967 Protocol, and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, to which Cambodia is a party. 'Uighur asylum seekers sent back to China by Cambodia have disappeared into a black hole,' said Sophie Richardson, Asia advocacy director at Human Rights Watch. 'There is no information about their whereabouts, no notification of any legal charges against them, and there are no guarantees they are safe from torture and ill-treatment.'" (Human Rights Watch (28 January 2010) *China: Account for Uighur Refugees Forcibly Repatriated to China*)

A *New York Times* article states:

"Chinese officials promised to deal with the Uighurs in a transparent manner when they were returned to China in December, but the Chinese government has so far refused to release any information on the whereabouts and well-being of the Uighurs. After the Uighurs showed up in Cambodia late last year, Chinese officials said they were being investigated for possible crimes related to deadly ethnic rioting that broke out in the western region of Xinjiang in July." (New York Times (14 February 2010) *China Hints at Trials for 20 Seeking Asylum*)

In a section titled "Discrimination Against Uighurs" an *Amnesty International* report refers to the alleged treatment of Uighurs in China as follows:

"Discriminatory government policies, including language policies that are making Mandarin Chinese the sole language of instruction in schools, restrictions on Uighurs' ability to practice their religion freely, and discrimination in employment are fuelling discontent and ethnic tensions in the XUAR. Uighurs interviewed by Amnesty International for this briefing – even those with high levels of education and training – testified to their difficulties in finding a job which they directly attributed to discrimination. Uighurs who were employed said they were paid a fraction of what their Han Chinese colleagues were paid for doing the same job. Some also reported that they were not allowed to speak Uighur at their work place, even with Uighur colleagues or Uighur customers." (Amnesty International (2 July 2010) *"Justice, justice": The July 2009 Protests in Xinjiang, China*, p.8)

References:

Amnesty International (2 July 2010) *"Justice, justice": The July 2009 Protests in Xinjiang, China*

<http://www.unhcr.org/refworld/pdfid/4c317e0f2.pdf>

(Accessed 9 December 2010)

Amnesty International (23 December 2009) *China must reveal fate of Uighur asylum-seekers*

<http://www.amnesty.org/en/news-and-updates/news/china-must-reveal-fate-uighur-asylum-seekers-20091223>

(Accessed 9 December 2010)

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) (17 March 2006) *10th European Country of Origin Information Seminar Budapest, 1 – 2 December 2005: Final Report on China*

http://www.ecoi.net/file_upload/bp269_COI-SE-Budapest200512-China-Report-Final.pdf

(Accessed 9 December 2010)

Herald Sun (12 September 2009) *Spies in our own schools: Review suspects China of recruiting students*

<http://www.lexisnexis.com>

(Accessed 9 December 2010)

This is a subscription database

Human Rights Watch (28 January 2010) *China: Account for Uighur Refugees Forcibly Repatriated to China*

<http://www.hrw.org/en/news/2010/01/28/china-account-uighur-refugees-forcibly-repatriated-china?print>

(Accessed 9 December 2010)

Human Rights Watch (22 December 2009) *China: Forcibly Returned Uighur Asylum Seekers At Risk*

<http://www.hrw.org/en/news/2009/12/22/china-forcibly-returned-uighur-asylum-seekers-risk?print>

(Accessed 9 December 2010)

New York Times (14 February 2010) *China Hints at Trials for 20 Seeking Asylum*

http://www.nytimes.com/2010/02/14/world/asia/14uighur.html?_r=1&partner=rss&emc=rss&pagewanted=print

(Accessed 9 December 2010)

Radio Free Asia (6 April 2010) *Pakistan Uyghurs in Hiding*

<http://www.rfa.org/english/news/uyghur/pakistan-uyghur-04062010143250.html>

(Accessed 9 December 2010)

Refugee Review Tribunal of Australia (15 May 2007) *China – Ship Jumpers – Failed Asylum Seekers*
<http://www.unhcr.org/refworld/pdfid/4b6fe18517.pdf>
(Accessed 9 December 2010)

United States Department of State (11 March 2010) *2009 Human Rights Report: China (includes Tibet, Hong Kong, and Macau)*
<http://www.state.gov/g/drl/rls/hrrpt/2009/eap/135989.htm>
(Accessed 9 December 2010)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

Amnesty International
BBC News
European Country of Origin Information Network
Freedom House
Google
Human Rights Watch
IRIN News
Lexis Nexis
Refugee Documentation Centre Query Database
United Kingdom Home Office
UNHCR Refworld
United States Department of State