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IMMIGRATION & NATIONALITY DIRECTORATE



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Asylum In The UK

CHINA COUNTRY ASSESSMENT

April 2001

Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom. It represents the current assessment by the Immigration & Nationality Directorate of the general socio-political and human rights situation in the country.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 The assessment will be placed on the Internet at the Home Office website (<http://www.homeoffice.gov.uk/ind/>). An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the care of Victims of Torture

Refugee Council

Refugee Legal Centre

UN High Commissioner for Refugees

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2. GEOGRAPHY

Geographical Area

2.1. The People's Republic of China (PRC) covers 9,571,300 sq km of eastern Asia, with Mongolia and Russia to the north; Tajikistan, Kyrgyzstan and Kazakstan to the north-west; Afghanistan and Pakistan to the west; India, Nepal, Bhutan, Myanmar, Laos and Vietnam to the south; and Korea in the north-east. It has a long coastline on the Pacific Ocean. There are 4 municipalities - Beijing (Peking) (the capital), Shanghai, Tianjin (Tientsin) and Chongqing - and 22 provinces, of which the largest (by population) are Henan (Honan), Sichuan (Szechwan), Shandong (Shantung), Jiangsu (Kiangsu) and Guangdong (Kwangtung). There are 5 autonomous regions - Guangxi Zhuang (Kwangsi Chuang), Nei Monggol (Inner Mongolia), Xinjiang Uygur (Singkiang Uighur), Ningxia Hui (Ninghsia Hui) and Xizang (Tibet) - as well as, from 1 July 1997, the Special Administrative Region (SAR) of Hong Kong, and from 20 December 1999, the Special Administrative Region (SAR) of Macau. [1a]

Population

2.2. The total population was estimated in 1998 at 1.251 billion. The official population growth rate is 0.93%, with an average life expectancy of 70 years. Han Chinese make up 91.9% of the population. [2f] In January 2001,

Surnames and clan names

2.3. One website of unknown provenance gives the following. Surnames, according to Chinese tradition, follow the maternal line. They denote family or close village ties, and so marriages were not permitted between individuals with the same surname. Clan-names are different from surnames, recalling gifts of territories or titles to nobles by the emperor. The clan-name indicates the ancestral home of a person. [16b]

2.4. According to recent statistics (unspecified) the surname Zhang is the most prolific surname with over 100 million individuals with the surname. Zhang and the other top 9 surnames account for 40% of the Chinese population (in 1977 statistics). The next 10 most popular surnames account for a further 10%, and the following 10, a further 10%. An additional 15 surnames mean that a total of 45 surnames account for about 70% of the population. The remaining 30% are comparatively rare. [16b]

Languages

2.5. The principal language is *putonghua* (Standard Chinese/Northern Chinese/Mandarin). Local dialects are spoken in the south and south-east. The Tibetans, Uygurs, Mongols and other groups have their own languages. Putonghua is taught in the schools throughout China, but local dialects are

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commonly spoken. For example, Fuzhou (capital of Fujian province) has its own dialect, quite different from the national language, and different again from the dialect in southern Fujian. Cantonese, and subdialects of Cantonese, is commonly spoken in Guangdong province.

2.6. The main official language, Modern Standard Chinese, is based on the main dialect of Chinese, Mandarin Chinese. Known as *Putonghua* - "the common tongue, i.e. used by everyone", also known as *Hanyu* - "the language of the Han people", it is spoken by 890 million people worldwide, and understood by the majority of PRC's 2.1 billion population. [20a]

2.7. The number of languages listed in one source for China is 206; 205 living languages, and 1 extinct. [20a] Apart from other indigenous languages, Chinese itself is divided into different dialects. The dialects are mutually unintelligible to different dialect speakers, differing mainly in pronunciation and vocabulary, with few grammatical differences. [20c]

2.8. The official written language is Modern Standard Chinese, with dictionaries listing as many as 40,000 separate characters. Standard core characters number about 10,000. Knowledge of about 2,000 characters is needed to be functionally literate. [20b] The literacy rate was estimated to be 82.2% in 1996, according to an official sample survey. [1] The transcription of Chinese ideographs into the Roman alphabet leads to significant variances in spelling, although China does have a standard system, *pinyin*, which is used both in China and internationally. [1,2a].

2.9. The dialects spoken in Fujian Province are of the Minnan group, with Min Dong - Eastern Min being the prestige form of Min in Fujian. Minnan speakers, in the main and particularly if literate, are held to be adequately bilingual in Modern Standard Chinese. The dialect of the Fuzhou metropolitan area is called Hokchiu. [20a]

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3. HISTORY

3.1. The People's Republic of China was established on 1 October 1949 after a protracted and bitter civil war between the communist forces led by **Mao Zedong** and the nationalist forces led by **Chiang Kai-shek**. PRC is now one of the few remaining communist one party states left after the end of the Cold War.[3a]

3.2. In 1959, after the catastrophic failure of his 'Great Leap Forward' economic policies, Chairman Mao relinquished the post of Head of State and was replaced by **Liu Shaoqi**. During the following three years, as many as 25 million (some say 40 million) people died as a result of famine, drought, floods, withdrawal of Soviet aid and the policies of the Great Leap Forward. Under **Premier Zhou Enlai**, who was acting in conjunction with Liu Shaoqi, Deng Xiaoping and others, the economy gradually recovered. However, the pattern of rule in China, through extensive social control and political campaigns and purges emphasising class struggle rather than the application of law, was established.[1,3a]

The Cultural Revolution 1966-76

3.3. Chairman Mao, who had retained his positions within the Chinese Communist Party (CCP), launched the Great Proletarian Cultural Revolution in 1966. This mass movement to radicalise Chinese society created intense factional struggle within the CCP. Red Guards, who followed the fanatical 'cult of Mao' and were given an open hand to smash the "four olds" (old ideas, old customs, old culture, old habits), were responsible for widespread anarchy and violence against the civilian population. Liu Shaoqi and **Deng Xiaoping** (General Secretary of the CCP) were disgraced, and Mao had to turn to the army to restore order.[1,3a]

3.4. The years before Mao's death in 1976 were characterised by an increasingly intense struggle for succession within the CCP. Premier Zhou Enlai died in January 1976 and was replaced by **Hua Guofeng**. Deng Xiaoping, having been rehabilitated only in 1975, was again dismissed from his posts in the Central Committee. Mao died in September that year. His widow, **Jiang Qing**, and three associates ('the gang of four') tried unsuccessfully to seize power. Hua Guofeng succeeded Mao as CCP Chairman, and Deng Xiaoping was restored to his posts the following year.[1]

3.5. Although the worst abuses of the Cultural Revolution had subsided by 1970 this phase of China's history only officially ended when final judgement on the Cultural Revolution took place at the sixth plenum of the Eleventh Central Committee in 1981, which saw the beginning of the era of economic reform under Deng Xiaoping.[3a]

1978-1989 and economic reform

3.6. In 1978-79 a campaign for democratic reform and human rights, involving posters and demonstrations, took off in Beijing. It became known as the

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Democracy Wall Movement. The Movement was initially encouraged by Deng Xiaoping as a means of putting pressure on his political opponents; when his aims were achieved he suppressed the Movement. In March 1979 Democracy Wall leading figure **Wei Jingsheng** was arrested and subsequently sentenced to 15 years imprisonment for "counter-revolutionary" crimes.[3a]

3.7. In September 1982 the CCP was reorganised and the post of Party Chairman abolished. The following year a purge of the Party was launched, aimed at removing the 'Maoists' who had risen to power during the Cultural Revolution, and those opposed to the pragmatic 'open door' policies of Deng. China's new Constitution restored the office of Head of State, and in June 1983 **Li Xiannian** became President of China. Later that year the Party launched a major operation to combat crime and a campaign against 'spiritual pollution', involving censorship to limit the effects of Western cultural influences.[1]

3.8. Reorganisation of the CCP and the government, and a programme of social reform aimed at modernising the economy and developing China's external relations, continued through the mid-1980s. There was also a significant liberalisation in the arts and sciences, with the revival of the Hundred Flowers movement of the mid-1950s which had encouraged the development of intellectual debate. However, increasing demands for democratic reform met stiff resistance from the hardline elderly elements in the leadership, who opposed Deng's social reforms, despite Deng's opposition to any political reform which threatened the power of the CCP. In December 1986 student protesters took to the streets in provinces throughout China, initially protesting corruption but soon also demanding increased democracy and better living conditions. Chinese leaders reacted with restrictive measures on rallies and protest marches, whatever the source of grievance, and the dismissal from their posts of a number of prominent intellectuals. **Hu Yaobang** was forced to resign as CCP General Secretary in January 1987, having been accused of failing to stem the tide of 'Western bourgeois liberalisation'. He was replaced by **Zhao Ziyang**. [1,3a]

3.9. Nevertheless, it became clear at the 13th National Congress of the CCP in late 1987 that the 'reformist' faction within the leadership had prevailed. Deng retired from the Central Committee, but retained influential positions within the Party. In 1988 **Li Peng** replaced **Zhao Ziyang** as Premier, and **Yang Shangkun** became President.[1]

Tiananmen Square 1989

3.10. In April 1989, **Hu Yaobang** died. In the following days, thousands of students maintained a vigil in his honour, calling for an end to perceived levels of official corruption and protesting current social conditions. Although initiated by students, the protest movement struck a chord with the general populace, including workers, government employees, workers and journalists. In May, demonstrations calling for modernization, democracy, free speech and the right to form trades unions filled the streets of Beijing.[11]

3.11. On 13 May, a group of up to 3,000 students began a hunger strike as a way of pressurising the Chinese leadership to open a dialogue to discuss the protesters' grievances. This in turn resulted in a huge demonstration of support for the hunger strikers; on 17 May an estimated one million Chinese gathered at Tiananmen and demonstrations spread to other major cities in China's provinces. **Zhao Ziyang**, who was considered to be relatively supportive of the call for reform, visited Tiananmen Square in an attempt to persuade the hunger strikers to call off their protest, and commended their "patriotic spirit". The following day **Li Peng** met students, accused them of bringing anarchy and ordered them to leave, without success.[1,11,5]

3.12. Martial law was declared on 20 May, by a leadership fearful of national chaos and its own loss of power. The declaration only drew further demonstrations in protest against its imposition, although the numbers at Tiananmen began to decline. On 4 June, troops of the People's Liberation Army, in tanks and armoured personnel carriers, attacked protesters on and around Tiananmen Square. At least a thousand civilians reportedly were killed in the military crackdown in Beijing and most major cities, despite the government's denial that anyone was killed in Tiananmen Square itself.[1,11,5,6a]

Post - Tiananmen

3.13. The authorities reacted vigorously to the threat to the absolute power of the CCP represented by the 1989 demonstrations. Those identified as having "counter-revolutionary" tendencies were subject to a range of repressive tactics depending on their level of dissident activity. At least hundreds were arrested or detained, and there were a number of executions. Students, public servants, workers and military personnel were required to perform self-criticism; ideological education classes were reinstated, and social control was tightened.[1,5,6a]

3.14. Zhao Ziyang was dismissed from his posts, although he was not expelled from the CCP, and was placed under house arrest. To take his place as CCP General Secretary, **Jiang Zemin** was brought in from Shanghai, where he was credited with handling demonstrations better than had been the case in Beijing. Under Jiang Zemin, martial law was lifted in January 1990, and some of the pro-democracy detainees were released. The following years demonstrated the leadership's commitment to a 'socialist market economy' and its continued emphasis on the need for national stability under an all-powerful CCP.[1]

1993 - PRESENT

Crime and corruption

3.15. Nevertheless, public disquiet over corruption within the CCP, state bureaucracy and economic enterprises (such as extorting money from businesses, embezzlement and taking bribes) remained and was acknowledged by the Party in 1993, when an anti-corruption campaign was launched. The campaign continued over the following years and was intensified in 1997, during which it was top of the political agenda with a series of national meetings and regulations. The CCP leadership has identified corruption as the single greatest threat to continued Party rule. Like the 'Strike Hard' campaign against crime, initiated in 1996, and other anti-crime operations, the anti-corruption campaign has resulted in thousands of executions.[1,7c,9a]

3.16. During 1998 and 1999, the regime continued to place emphasis on tackling through investigation and punishment the occurrence of corruption and dereliction of duty, including that perpetrated by senior communist officials.[7k,10p] In 1999, for example, Shandong provincial authorities introduced new penalties for illegal imposing of taxes by corrupt officials. It specifically banned "special product taxes" and "slaughtering taxes", and the coercion of labour, resources or money for spurious "government-set targets". [4er] Particularly important cases included those of Lin Youfang, the wife of the Beijing Communist Party secretary under investigation in January 2000; and the trial and execution of Hu Changqing, Jiangxi province's vice-governor in March 2000. [4fv,4fz]

3.17. Public maladministration and corruption is seen by the Chinese authorities as undermining the Party's legitimacy, and has been targeted as the main social evil threatening PRC. Three types of remedy are being deployed against it:
~~corruption, maladministration is being developed in public administration, first~~

managerial professionalism is being developed in public administration, legal restraints are reigning in 'street-level bureaucrats' such as police officers, increasing their accountability; and politically, with increased governmental openness and responsiveness. [5e]

3.18. Managerial remedies mainly stem from the 1993 Provisional Civil Service Regulations, targeting sinecures and nepotism. Researchers have found the changes to be unevenly implemented, targeting mainly low-ranking officials harshly, and still relying on inner-party discipline and persuasion higher up. [5e]

3.19. Legal remedies have included the Administrative Procedure Law (APL) of 1989 and the Administrative Penalty Law of 1996. The main reform of the 1996 law was the requirement of the PSB to apply for arrest warrants in order to continue imprisoning suspects after 30 days' detention. Experts and NGOs hold to applied only cosmetically. [5e]

3.20. The main short term political approach is of instigating purges from time to time, with attendant media usage and coverage. Longer term approaches have included widening channels of citizen participation and powers of complaint: these have been hampered by opposition from the political cadres. Political balance in the CCP means that radical reform is yet to emerge. [5e]

3.21. As part of the on-going "Strike hard" anti-corruption campaign, big cases such as the mayor of Shenyang, Liaoning Province in December 2000 has lead to increased regulations on abuse of officials' positions. [4np,4nq]

3.22. Official figures of the results of the "strike hard" anti-corruption campaign were given in December as 23,000 cases in period January to August 2000, an increase of 12.7 percent. High level cases included the former Vice-governor of Jiangxi Province, Hu Changqing; and the former Vice-Chairman of the National people's Congress, Cheng Kejie. [4ku] In September 2000, a multi-billion-dollar smuggling scandal, implicating over 200 officials, came to trial. Operations were based around the port of Xiamen in Fujian Province. [9ak]

3.23. A 2000 report on corruption in the Fuzhou metropolitan area, Fujian Province, states that no direct evidence of abuse of power by officials and cadres could be found. Tangential statements point to local cadres having wide powers of discretion that may have been abused by individuals on occasion. [3ae] However, the statistics and report on crime and punishment for September to November 2000 show that cadres were dismissed and prosecuted over corruption scandals in Fujian province as well as other parts of PRC. [4nt]

3.24. Extortion. In terms of state protection from extortionists, the general provision is given in Article 274 of the Criminal Law. Moves were proposed at the Ninth People's Congress to tighten these provisions. The Chinese authorities point to examples such as a successful three year campaign in Guangdong Province as to effectiveness in tackling extortion rings. [3af]

Criminal activity

3.25. Incidents of crime including bomb blasts and explosions, increased significantly in 1997-1999. Official sources blamed the increase on joblessness, widening income disparities and anger at rampant corruption. [4x,6m]

3.26. Triads. In any survey of Chinese organised crime elements, triads are often mentioned. Not all organised crime is arranged by triads or necessarily has triad involvement: a triad is a secret Chinese organisation dedicated to profits by criminal activities. Early 1990 estimates talked of 60 known triads, with 12 major

triads. Triads are typified and distinct from other criminal groups by a traditional grouping into lodges and a hierarchical structure with traditional roles and titles (see Annex glossary D: Chinese Terms, beginning with Shan Chu) [5]

3.27. Publicised campaigns against triad activity in year 2000 include campaigns in Guangdong Province [4k] Zhejiang Province [4kk,4kw] and Henan Province [4kn] In late December 2000, a special nation-wide campaign was initiated. [4lb] A Chinese academic authority placed membership of criminal gangs, including triads, at over 1 million people. The main activities of the gangs are the trafficking of drugs, of women / children for sex and adoption rackets, of stolen and / or smuggled Chinese antiquities, and of illegal migrants. Fujian gangs smuggle 100,000 illegal immigrants out of China each year. [9am]

3.28. In November and December 2000, there was increased anxiety about organised criminal activity. [4nr,4ns]

Government leadership

3.29. Jiang Zemin was re-elected to a second five-year term as President on 16 March 1998. Hu Jintao became Vice-President. On 17 March 1998, Premier Li Peng was replaced by Zhu Rongji, a former Vice-Premier in charge of economic policy. Li Peng replaced Qiao Shi as Head of Parliament.[7i]

Economic reform

3.30. Jiang Zemin's implementation of Deng Xiaoping's Theory of a socialist market economy is intended to restructure thousands of state owned non-viable enterprises through bankruptcy, merger and privatisation. Failing enterprises have used tactics to mask unemployment, such as reduced or minimal wages and forced early retirement.[9c,16a,10c] Further millions of jobs are to be lost in the slimming-down of the state bureaucracy and the army[4o]; official statistics indicate 17% unemployment rate in 1999.[4t] Economic reforms are raising living standards for many, strengthening entrepreneurs, diminishing central control over the economy, and creating new economic opportunities.[4j] The 15th National Congress authorised the sale and 'downsizing' of China's 300,000 state firms. The consequent loss of jobs, and the iron rice bowl welfare commitments linked to state sector employment have led to demonstrations, which have not so far coalesced into nationwide protests.[16c]

3.31. Chinese leaders have launched a re-employment project and have promised that a basic pension, medical and unemployment insurance system will be in place by the end of the year.[2b,7i,9a] However, there is little progress on welfare reform on a national scale to date.[11d]

3.32. More than 6 million workers in State enterprises have been laid off in the first five months of 2000. Estimates of projected redundancies for 2000 in total run at 12 million. 11 million workers were made redundant in 1999; 9 million in 1998. Re-employment rates for 1999 show only 4.9 million found employment again. Zhang Zuoj, Minister of Labour and Social Security, has claimed that 96% of redundant workers had registered at re-employment centres. [9w]

3.33. The majority of redundancies in state enterprises have occurred in the north-east of China, a "rust-belt" of state industrial enterprises. [9w]

3.34. The Chinese contribution to the Manila Social Forum in November 1999, outlined the principles of the national strategy to alleviate (rural) poverty [19d] and also gave Shanghai city's approach throughout the 1990s as to the alleviation of

urban poverty. [19e]

Chinese currency

3.35. The terms Yuan and Renmibi (RMB) for Chinese currency are interchangeable, and are of equal worth. Renmibi is the "official" currency that is pegged on foreign exchange rates; yuan means "cash in hand; notes" denoting money in circulation. The latest exchange rate is about 14 yuan / RMB to the pound sterling. There is a 6000 yuan limit on import / export of currency. Irrespective of the latest issues of yuan, (1980 to date) there are still notes going back to the 1960s in circulation, or rather as part of savings in caches. [20g]

1999: Anniversaries

3.36. 1999 saw a number of significant anniversaries, in particular the 10th anniversary of the Tiananmen Square incident (4th June) and 50 years of Communist rule (1 October). The authorities took a number of repressive measures to ensure that there was no social disruption. Known political dissidents were detained or placed under house arrest. Tiananmen Square was closed in June for refurbishment. Non-Beijingers were limited in their access to the city. Over 100,000 criminal fugitives were rounded between July and September. [4ay]

3.37. 1 October 1999 marked the 50th anniversary of the Communist takeover of China. Again, the preparations were extensive and tightly regulated. [4bm,10v] Australian papers called on China to look to political reform, rather than continuing to emphasise economic reform. [4bp] The UK press spent time and editorials matching Chinese achievements and concerns [10v,10w]

International relations

3.38. Nato forces bombed China's Embassy in Belgrade on 8 May 1999, killing three Chinese citizens. Nato described the attack as a tragic mistake. Chinese authorities and the public were out raged. A number of anti-US demonstrations were held in major Chinese cities, condoned and encouraged by the authorities during the following days, after which the authorities called for stability and the protests ceased. [4ac,4ad,4ae] The US paid \$4.5 million in compensation. [4at]

3.39. Jiang Zemin visited several western countries in October 1999. During the UK visit, there was criticism in the media over the limiting of protest in the direct sight of the Chinese delegation, and after the visit, in the police handling of protest. [10ac,10aj,10ae,10ai] The Chinese foreign ministry warned the UK government not to let the human rights issues overshadow the state visit. The UK government answered its domestic critics by insisting that such issues were on the agenda for private talks; and that it wished to pursue a policy of quiet diplomacy. The UK press was sceptical of the efficacy of noisy protest and private diplomacy in approximately equal measure. [10ac,10ae] Most major human rights organisations with an interest in PRC put out press statements and reports to remind the media of their agendas and concerns. [6o,12c,12d]

"One country, two systems" issues

Relations with Taiwan

3.40. In July 1999, tensions between China and Taiwan increased, as a result of President (of Taiwan) Lee Teng-Hui's call for ties to be on a "special state-to-state" basis. [4ap] China retaliated with large-scale joint landing exercises in coastal parts of Zhejiang province and the southern part of Guangdong province,

and other shows of military force.[4av]

3.41. An army colonel and a retired general were executed in September 1999 for selling military secrets to Taiwan.[4ax] Wang Ping, a local government officer in Nanchong, Sichuan province, was convicted of spying for Taiwan on 18 October 1999. He was sentenced to 10 years in prison.[4dr]

3.42. Jiang Zemin on Taiwan during the 50th Anniversary speech stated "We will continue to pursue the policy of peaceful reunification and 'one country, two systems.... We will ultimately accomplish the national reunification of Taiwan, after the handover of Hong Kong and Macau." [4bf] The views outlined by the military are held to be more hawkish than President Jiang Zemin's views. The military, according to one source, have spent a lot of time studying the "Kosovo model", namely how NATO's air strike methods against Yugoslavia could be applied against Taiwan. [4cx] The relations between the PRC and Taiwan remain strained after the return of Macao, with Beijing now claiming American interference as the main obstacle to cordial relations with Taiwan [4fy] The US is obliged under the Taiwan Relations Act to make available sufficient arms for the ROC to defend itself against mainland China, and is currently deciding what arms to sell to Taiwan in April 2001. PRC has in readiness increased the military's budget by 17.7 percent, and warned the US of "serious dangers" involved. [9cc]

3.43. The adoption of Hanyu Pinyin, promoted by the Taiwanese Education Ministry, has opened up a dispute in Taiwan, with a resistance to Pinyin being adopted as the standard. [9as]

HONG KONG

3.44. Hong Kong reverted to China on 1 July 1997 under the Sino-British Joint Declaration signed in 1994. The Joint Declaration provides for a high degree of autonomy in the Special Administrative Region and to be allowed to keep its capitalist system and lifestyle unchanged for 50 years. [1,4c]

3.45. One source has highlighted the disputes over residency that were prominent in HKSAR in 1999. It mentions the controversial decision of the Chief Executive to refer to mainland PRC for an interpretation of the Basic Law. HKSAR's special status was further held to be eroded by the application of the Chinese Criminal Law in a murder trial. [6t]

3.46. The UN Human Rights Committee affirmed that deportation procedures in Hong Kong "should provide effective protection against the risk of imposition of the death penalty". [6t]

Elections

3.47. Turnout to the elections to the 60-seat Legislative Council (Legco) in May 1998 was higher than had been anticipated. Only 20 seats were directly elected; 30 were indirectly elected by corporate voters in functional constituencies representing professional and business bodies, and 10 by an electoral committee dominated by Beijing-affiliates. The pro-democracy Democratic Party led by Martin Lee took 13 seats; the pro-Beijing Democratic Alliance for the Betterment of Hong Kong took 9. Other parties with seats were Liberal Party (9), HK Progressive Alliance (5), Frontier (3), Citizens Party (1) and independents (20).[20a]

Dissidence in HKSAR

3.48. During 1997-1998, Beijing respected its "one state, two systems"

undertaking, although Hong Kong's Democracy Party was excluded from the Provisional Legislature.[4c,6i] Tighter restrictions were imposed on public gatherings, but the Hong Kong administration did not reject any applications for demonstrations or rallies. Tens of thousands attended a demonstration on the anniversary of the 1989 Tiananmen incident, organised by the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China. Video messages were relayed to the demonstrators from Wei Jingsheng and Wang Dan in USA. There were no arrests.[13d]

3.49. Freedom of speech and judicial independence were reported to have been maintained.[4i] There were no reports of official interference in the activities of Hong Kong-based dissidents.[4d]

3.50. In October 1999, the April 5th Action Group planned to protest in Hong Kong's anniversary celebrations, in spite of possible police action against any disruption of the celebrations. Hong Kong police and protesters tried to agree on a "protest zone": officers instructed to give verbal advice and warnings before action. **[4b1]** Two April 5th activists were later arrested for disruption shouting from the public gallery of Legislative Council during a debate. **[4bz]** Martin Lee Chu-ming has expressed his fears for the rule of law in Hong Kong. "(The rule of law) is going downhill and the Chinese crackdown on the Falun Gong will spread to other groups in China, including the practice of Tai Chi." **[4bp]**

Mainland-born children

3.51. On 29 January 1999, a landmark Court of Final Appeal (CFA) ruling interpreted the Basic Law (HKSAR's constitution) to give a right of abode to children of Hong Kong residents. Previous controls excluded illegitimate children and those born before one parent had become resident in Hong Kong. [4w] Mainland legal experts, quoted widely in the official media, condemned the CFA for claiming jurisdiction over "constitutional" matters. [4q, 20d] The judgement lead to widespread concern in HKSAR: an official survey estimated that around 1.6 million mainlanders would be eligible to settle in Hong Kong. [9bb] Following an approach by the Hong Kong government, the National Peoples Congress in Beijing overruled the CFA and issued a judgement interpreting the Basic Law. [4ah].

Vietnamese boat people

3.52. In January 1998, the Provisional Legislative Council announced the end of the Port of First Asylum policy for Vietnamese boat people. Vietnamese were to be treated in the same way as other illegal entrants and would be repatriated. The remaining 1,200 Vietnamese refugees were encouraged to become self-reliant in Hong Kong while awaiting resettlement. In February 2000, 1,400 people were allowed to apply for identity cards, and the matter finally closed. [4ga,17]

MACAO

3.53. The Portuguese colony of Macao was returned to China on the 20 December 1999. It was effected peacefully. [4ex]

3.54. A concern within Macao leading up to the handover was the amount of escalating crime. Legitimate recognition of gambling had allegedly attracted Triad gangs in recent years, and there had been a corresponding increase in crime [4]. After the handover, Hong Kong and Thailand were, according to Hong Kong press reports, on guard for a mass exodus of such criminals. [4ff]

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4. INSTRUMENTS OF THE STATE

Government and Constitution

4.1. China is a unitary state. Political power is held by the Chinese Communist Party. The highest organ of state power is the National People's Congress (NPC), which meets in plenum once a year. The NPC is composed of deputies elected for a five year term by local people's congresses of the provinces, autonomous regions, municipalities directly under the Central Government, and the People's Liberation Army. A Central Committee is elected at National Congress; to direct policy, the Central Committee elects a Politburo. Retired senior CCP leaders retain considerable power, but in mid-1995, the top leadership announced that ultimate authority had been passed to the younger generation of leaders in the (currently) 22-member Politburo. The Politburo's Standing Committee has 7 members.[1,2b]

4.2. China's constitution, PRC's fourth, was adopted by the NPC in December 1982 and amended in 1993. It defines the functions and powers of institutions of the State and Government, and restored the office of Head of State (President).[1]

4.3. Other political organisations such as the China Association for Promoting Democracy, the China Democratic League, and the China Democratic National Construction Association, act in support of socialism and the CCP. Attempts to establish political parties independent and critical of CCP's monopoly rule are curtailed by the authorities. However, several hundred million Chinese have participated in the village elections programme, which allows basic democratic expression in multicandidate elections for nongovernmental local village committees. Foreign observers have described these elections as, on the whole, fair. Successful village committee elections have included campaigning by multiple candidates, platforms, and the use of secret ballots.[1,2d,3f,7d]

Political structure

4.4. For the purposes of this assessment, discussion has been limited to the lower end of the political system, dealing with organisations mentioned in UK asylum claims.

4.5. The Chinese Communist Party (CCP) has announced a reform of cadre selection in central party and government posts. [4kc] Likewise the CCP aims to strengthen ideological and political education in key areas, particularly in the military forces. [4kh] Zeng Qinghong, politburo member and the head of Organization department of the CCP, has also announced an improved supervision system of cadres. [4kt]

Grassroots political activity in China

4.6. There have been significant changes in the approach of the Chinese authorities to grassroots political participation since 1978. In 1982, in rural areas,

villages were set up with their own autonomous committees. Changes in the rural economy have affected the population's approach to political structures. The yearning for better conditions and wealth have fuelled grassroot demands for reform in all matters; the old notion of "leaving the land but not the village" has weakened with increased rural migration; and peasants' consciousness of independence has increased, becoming a more discerning electorate. [5d]

4.7. The rural political system has worked on a number of official organisations as well as the village committees, such as the (communist) Party's organisations in the countryside; peoples' congresses; and the offices for people's letters and appeals for help. Increasingly, these official bodies are supplemented informally by reference to clan organisations, guild organisations, religious organisations, and joint-households organisations. Formal channels of communication (such as the people's congresses) can be very ineffective, and the informal channels consequently very active. In some areas, policy cannot be carried out unless informal groups are won over (such as in clan organisations' cooperation in one-child policy targets; in the guilds' and joint-households' support in levying taxes.) Unofficial organisations have merged into the official political process through practices such as clan infiltration of the local Party, and clan claims on Party members higher up in the Party. In short, a move from communes to villages has been paralleled by a move from official structures to unofficial structures. [5d]

4.8. Political participation in rural areas is typified by little interest in the election of deputies to the People's Congress (unless there are competing clan interests), and greater interest in the election of the director of the village committee ("Head of the Village"). [5d]

4.9. Increasingly since 1990, local rural government has seen different types of protest to perceived injustices. The methods available range from the legal, - of written statements, lodging formal complaints and administrative law suits - to the illegal, such as destruction of crops, protests and riots. [5d]

4.10. Formal contact with government officials, either individually or collectively, can be fraught with obstacles and even some retaliation, but peasants can express their views on matters. Informal contact happens, and can progress to differing shades of corruption. [5d]

Village Committee system

4.11. The village committee system emerged after the disintegration of the communes in the late 1970s. The earliest known VCs were set up in Guangxi Province circa 1980 - 1981; the development was reported to the authorities in Hechi prefecture, and then on to Beijing. The enthusiastic endorsement by Peng Zhen, the vice-chairman of the National People's Congress Standing Committee ensured VCs were written into the Constitution as elected, mass organisations of self-government. [11f]

4.12. The source holds that in the early 1980s, the VCs were a genuine, if circumscribed, attempt at self-government. VCs did not take part in distribution of state resources (land, setting of quotas) or central policies (birth control, tax collection), but mainly in settling local disputes, repairing infrastructure and enacting codes of conduct (banning gambling, etc.) [11f]

4.13. In 1983, disputes arose as to the power to be held by VCs, whether the Party controlled with informal "guidance" (*zhidao*) or direct "leadership" (*lingdao*). Strong opposition to elected officials on VCs and reservations about VCs generally emerged at the 1987 meeting of the National People's Congress. An Organic Law supporting VCs was passed in 1988. The period 1988 - 1990 was a time of

experimental implementation at local level. After the 1989 democracy protests, there were calls to repeal the Organic Law; the Ministry of Civil Affairs was placed in the position of either full support or total abandonment of VCs and VC elections. The MoCA decided to promote self-government, was supported at the highest level of CCP leadership, and institute a full implementation. [11f]

4.14. In the early 1990s, the elections to VCs proceeded, but were subject to local opposition and shambolic organisation (deliberate in some cases). The MoCA and their civil affairs bureaus have sought to overcome such opposition, with some, notably in Fujian Province, aligning with the provincial people's congress to ensure standardisation of voter registration, nomination and voting procedure and other electoral administration. Fujian thus is regarded as a national leader in implementing local government. "Among other firsts, it was the first province to require secret balloting, primaries and open nomination for all VC posts." [11f]

4.15. The Organic Law has been taken up enthusiastically by villagers, frequently using it as a tool of "righteous resistance". Often cited in disputes with officials, villagers have also had vocal support from the MoCA in pursuit of holding high-quality elections. The MoCA has tried to persuade local officials that infringing villagers' rights can damage their careers. [11f]

4.16. Estimates vary as to how many VC elections are now held in the one million plus villages of PRC. Chinese commentators put the estimates between 10% (a Chinese magazine editor) to 60% (MoCA minister in November 1998) for elections where there are more candidates than posts available (not necessarily contested). Overseas-based commentators vary from 25% to 51.6% with qualifications to the data. The source's research points to the lower estimates as probably the more accurate. [11f]

4.17. The source concludes that local democracy has grown from the first stage of the 1982 constitution recognising VCs, to the Organic Law of November 1998 and the shedding of local democracy's trial status. The future of local democracy is still uncertain: "open resistance to elections may decline, but feigned compliance will almost certainly increase." It is still the case that village elections are supported by reformist elements in the CCP in order to increase mass support for the Party by giving the local population an opportunity to rejuvenate village leadership. [11f]

4.18. From 5 - 8 November 2000, there was a three day symposium to study the implementation of the Organic Law for Villagers' Committees in Beijing. Debate centred around the role of People's Congresses (Party-led and directed) in relation to Village Committees (elected). There are factions in the Party that argued that the government could not and should not direct village committees, but that the Party should fully participate in order to guide, support and assist village committees. Cadres should be qualitatively improved to take up the challenge. [4ka, 4kb] The village committee system is held to have been implemented in 24 provinces, drawing in an electorate of 600 million villagers. [4la]

4.19. One problem with the current system identified by the Symposium has been the relationship of village committees and township committees, where the latter is allegedly apt to direct the results of village committee elections by vetting candidates. There have experiments in Jilin Province with a new system of candidature, called *Haixuan* ("sea election"), whereby villages are given the chance to nominate a candidate of from the whole village population, with the three most popular candidates going on to fight the election. [4kb]

Neighbourhood Committees

4.20. The lowest tier of local government, the neighbourhood committee structure, is undergoing gradual reform in 1999. There is a drive to attract younger members, with emphasis on business skills rather than ideological 'purity'. The committees' work involves monitoring the floating population of rural migrants; encouraging (and enforcing) the one-child policy; and finding the unemployed work. Many committees are now overwhelmed and unraveling in the current economic climate. [4bg]

Legal framework

4.21. The Supreme People's Court stands at the apex of the court system, followed in descending order by the higher, intermediate, and basic people's courts. Only courts can sentence prisoners to facilities managed by the criminal justice system. However, government authorities can assign persons accused of minor public order offences to reeducation-through-labour camps in an extra-judicial process (see paragraph 4.16).[2b]

4.22. The 1982 Constitution contains reference to most of the fundamental human rights as recognised by the 1948 Universal Declaration of Human Rights. However, it also defines the duties of Chinese citizens as safeguarding the unity of the country, observing public order and respect for social ethics, and refraining from acts detrimental to the security, honour and interests of the motherland.[1]

4.23. The Criminal Law of the PRC was amended in March 1997. Article 13 defines as crimes "all acts that endanger the sovereignty, territorial integrity, and security of the state; split the state; subvert the political power of the people's democratic dictatorship and overthrow the socialist system; undermine social and economic order; ... and other acts that endanger society." Article 13 also states that "if the circumstances are clearly minor and the harm is not great, [such acts] are not to be deemed crimes." [7a,12b] (See also paragraph 5.4)

4.24. Of note in the PRC Criminal Code, Article 277 covers the penalty for hitting an official and articles 322, and 52, 53 cover illegal emigration and penalties on return (see section 6.88). [21]

4.25. The Criminal Procedure Law (CPL), adopted in 1979, was revised in March 1996. The revisions came into force in January 1997. The revised CPL increased the protections for people detained under the criminal justice system, including guaranteed access to legal counsel after interrogation or detention by the police. The revised law also adjusts the balance of the "verdict first, trial second" provisions of the 1979 law, under which a verdict and sentence were usually decided by an adjudication committee and rubber-stamped by the trial court. It is now the trial court rather than the court president who can decide to refer difficult cases to the adjudication committee, and only where the trial court finds it difficult to reach a decision having heard and deliberated the evidence.[2b,6b] During 1998, the government increased its efforts to educate lawyers, judges, prosecutors and the public on the provisions of the new law, implementation of which remains uneven and far from complete.[2d]

4.26. Despite its revisions, the CPL permits long periods of detention without charge or trial, and grants wide powers to the police to restrict or detain people on their own authority, without judicial review. Although "arrest" requires review and approval by the procuracy, the CPL allows the police to impose four forms of restriction or detention without charge for which there is no review and approval procedure. These are "summons", "taking a guarantee and awaiting trial", "supervised residence", and "detention". Arrest marks the time at which a suspect is formally charged with a crime. Arrest is followed by a period of "investigation", usually by the police, which ends when the police file a request for prosecution.

usually by the police, which ends when the police file a request for prosecution with the procuracy. The procuracy then reviews the case in order to decide whether or not to initiate a "public prosecution". If it proceeds with prosecution, the procuracy writes an indictment and transmits the case to court for examination and trial. After reviewing the case the court decides whether or not to proceed with the trial. Throughout this process, detainees have right of access to a judge to challenge the grounds of their detention only when the length of detention has exceeded the time limits prescribed by law.[6b]

4.27. The revised CPL provides exemptions in "state secrets" cases; for example, the denial of access to lawyers while a case is being investigated. The definition of "state secrets" is broad and vague and subject to independent interpretation by police, prosecutors and judges, at different stages in a criminal case.[2d,12b]

4.28. The **State Compensation Law** of 1995 provides a legal basis for citizens to recover damages for illegal detentions. Although the majority of citizens apparently are unaware of this law, there is evidence that it is having some limited impact. [2d]

4.29. **New regulations** were announced in January 1998 outlining the delineation of responsibility in conducting criminal investigations and prosecutions. The regulations are aimed at easing the implementation of the amended Criminal Procedural Law. The regulations consist of 14 parts, totalling 48 articles, covering areas such as access to lawyers, bail applications, and the conduct of arrests. Suspects and their relatives can hire lawyers once they are subject to police investigation and police must promptly relay requests for legal representation once they hold a suspect. The police cannot refuse a lawyer-client meeting in detention unless the case involves national security. A seven-day deadline on bail application rulings has been introduced.[15a]

4.30. During 1998 the judiciary has promoted greater public scrutiny of its operations. Courts have opened public galleries and hotlines have been set up so the public can report misconduct and incompetence by judges and prosecutors. In July 1998, China Central Television transmitted the first live broadcast of a court case, at Beijing's First Intermediate People's Court.[4k,18] Cases involving state security, personnel privacy or minors are exempted from the legal requirement to be held in public.[2d] The Supreme People's Court issued rules in March 1999 enforcing public access to trials except in cases deemed "inappropriate". [4y] The new rules were effected in year 2000 and the US State Department holds that "the (Chinese) Government worked to make progress towards correcting systematic weaknesses of the judicial system". [2g]

4.31. The use of legal procedures to redress problems is on the increase, as is the use of private lawyers. Government figures indicate that there are now 8,300 lawyers' offices in China, with 114,000 lawyers. The Supreme People's Procurate reported that citizens filed 90,000 lawsuits against government officials in 1997. [4h,2d]

4.32. A **Law on Administrative Appeals** was adopted in April 1999, to take effect on 1 October 1999. Under the Law, citizens are entitled to appeal against government infringement of their rights and interests, and also against "illegal" government public documents.[4aa]

4.33. The conviction rate is over 90%. Coerced confessions frequently are introduced as evidence. There is an appeals process, but appeals generally do not reverse verdicts.[2d]

Land Law

4.34. All land in China is owned by the State, represented in rural areas by collectives. The Land Administration Law, amended in 1988, states that "When the state requisitions land for construction, the units whose land is requisitioned should subordinate their wishes to the needs of the state and shall not obstruct the requisition." Decisions on what plots should be requisitioned are generally made at local (county) level. County level officials are also responsible for rates of compensation, and the administrative sanctions to be imposed on those who make unlawful land transfers, constructions and excavations. Disputes over land use and ownership are also resolved at or above county level.[14]

4.35. Provision is made for the payment of compensation and, where appropriate, resettlement subsidies when land is requisitioned. Article 27 of the Law states that "The compensation for requisition of cultivated land shall be 3 to 6 times the average annual output value of the requisitioned land for the 3 years preceding such requisition. Provinces, autonomous regions, and municipalities directly under the Central Government shall stipulate standards of land with reference to the standard of compensation for requisition of cultivated land." [14]

4.36. Land disputes and demonstrations as part of land disputes continue. An example is the dispute over compensation payments to farmers for land compulsorily reallocated to an extension of the New Baiyun International Airport in 1998. [3ae] and an incident in Guangxi province in November 2000, when 50 farmers were wounded by gunmen after protesting about a private company grabbing land. [4ke] Such disputes have led to the announcement of a re-evaluation of the land property system. The biggest problem faced under the existing system is an incomplete register and inefficient registering of land. One aim of the reform is to standardise processes. [4kg]

Security situation

4.37. The emphasis given by the Chinese authorities on the need to maintain stability and social order has given rise to forms of administrative detention that have been widely used in China since the 1950s against many of those who may or may not have committed a crime. Government officials have been able to impose random and unreasonable penalties, lacking a legal basis, on those for whom there was little or no evidence to charge with a crime. To regulate the system of administrative sanctions which can be imposed by state officials, the **Administrative Punishment Law** was brought into force in October 1996.[6b]

4.38. Two forms of administrative detention which have given rise to human rights violations are "shelter and investigation" and "reeducation through labour". The revised CPL abolished **shelter and investigation** as an administrative measure, though this form of detention has now been integrated into the criminal process. The regulations on shelter and investigation allowed the police to detain specific categories of suspects without charge for periods up to three months. In practice, it has been used as a convenient measure to detain, without judicial review, anyone the police wished, including political dissidents, whether or not they met the specified categories and often for periods exceeding the permitted maximum. [6b]

4.39. **Reeducation through Labour** (not the same as Reform through Labour, which is a criminal sanction) is a form of administrative detention imposed as a punishment on those regarded as troublemakers or those accused of minor offences not amounting to "crimes". It involves detention without charge or trial for up to three years, renewable by one year, in a forced labour camp. People who can be subjected to this punishment include those classified as endangering state security, anti-Party, anti-socialist, anti-social elements and hooligans.[6b] (see also paragraph 5.5)

also paragraph 3.37

Police

4.40. Police uniforms were changed in September 2000 from drab olive military style uniforms to a blue uniform akin to most police forces in other countries. [9aj]

4.41. In Zhejiang Province, a cleanup of the provincial police force, dismissed 81 "unqualified" policemen, suspending 1,000 others for incompetence and bringing criminal charges in 34 cases. [4kx] In December 2000, Hou Zongbin, chairman of the Committee for Internal and Judicial Affairs under the National People's Congress, commented that over-extended detention of criminal suspects and forced confession is still "a salient problem" in many parts of China. [4ky]

4.42. The police force, according to one academic source, is going through a fundamental change. As the Party's hold on the populace is reduced through economic reform, thus the authority of the police can no longer base acceptance on political allegiance. The police must find a "social contract" solution to re-establish its authority. [11j]

4.43. Economic reform has brought about two developments. Firstly, the police have begun to open up the Western concept of police as law enforcement agencies. However, in response to rising crime rates and the erosion of the previous strict but static form of community control, the police, in the early '80s reverted to and re-developed the campaign style of policing used in the Maoist period. This campaign method, bereft of Party discipline instilling a main-line support from the populace, was seen to be breaking down by the late '80s. [11j]

4.44. The PSB has two major tiers to its organisation: there is the policy-making Ministry, the *Gong An Bu*, as differentiated from the provincial law enforcement agencies of the *Gong An Ju*.

Military Conscription and Desertion

4.47. Conscription is compulsory under article 55 of the PRC constitution; reinforced by 1984 Military Service Law. Military service is compulsory for all men between 18 to 22 years old; women "if required in state of national emergency". All males technically register at their local PLA (People's Liberation Army) offices at the age of 18: the PLA who pick the fittest recruits. Local authorities are given annual targets for recruitment, ensuring as full compliance of the MSL as necessary to fulfil the target. Those not called up at 18 are put on a reserve list and may remain liable for call-up until they are 22. [19b]

4.48. There are different levels of conscription, e.g. students undergo 1 month's military training. Most conscripts only receive basic military training even if called up. Not known how many are actually called-up and actually serve. The PLA is in the process of demobilizing many professional troops and concentrating on elite corps with reserve troops if needs be. [3ae] The number of military personnel in the PLA has been reduced from 4.2 million to about 2.5 million over the past two decades. [9cc] Graduates are being encouraged to join the forces, and the existing officer regulations are being revised to expand the recruitment base at officer level. [4kq]

4.49. Desertion. Conscientious objection is not recognised. Draft evasion has increased since the 1980s with increases in personal wealth; many young people in more affluent areas are willing to buy themselves out with fines. [19b]

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V HUMAN RIGHTS: SPECIFIC GROUPS

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Overview

5.1. Since 1997 there have been positive steps in human rights, although serious problems remain. There are no independent Chinese organisations in China that publicly monitor or comment on human rights conditions. The Constitution and laws provide for fundamental human rights, but they are often ignored in practice. The authorities attach higher priority to maintaining public order and suppressing political opposition than to enforcing legal norms, and the Constitution proscribes a duty on citizens to observe public order (see paragraph 4.5.). Reports of abuses include the torture and mistreatment of prisoners, forced confessions, arbitrary arrest and long periods of detention, often without the prisoners' families being told where they were held. According to well-known dissident Wang Dan, political prisoners are subjected to physical beatings from other inmates, with the collusion of the guards.[2d,12]

5.2. The Government responds to international criticism of its human rights record by invoking principles of non-intervention and state sovereignty. It argues that a nation's political, economic and social system and its historical, religious and cultural background determine its concept of human rights; and that economic security is the paramount human right. At a law enforcement conference in late 1997, President Jiang told the internal security forces that "Stability is the prerequisite for reform and development".[13b] 5.3. However China was more open to dialogue in 1998 than at any time in the recent past. In 1997 the UNESCO Working Group on Arbitrary Detention was allowed to visit China.[8] Many countries have started or resumed human rights dialogues with China, including UK. In September 1996 China and the European Union resumed their human rights forum. Chinese officials met with Amnesty International in July 1997. [2b,2d,7b,13b] President Clinton raised the issue of human rights during his high-profile visit to China in June 1998, and in September 1998 Mary Robinson was the first UN High Commissioner for Human Rights to visit China.[20b] China signed the UN Covenant on Economic, Social and Cultural Rights in October 1997, and the UN Covenant on Civil and Political Rights in October 1998. 5.4. However, it may be some considerable time before these treaties are ratified and incorporated into domestic law [4r], and arrests of dissidents towards the end of 1998 and into 1999 indicated that the authorities continued to be intolerant of dissent. The years 1999 and 2000 have seen intensified efforts to suppress dissent, and has lead to increased allegations of human rights abuses, with the government's reaction to the Falun Gong exemplifying the hardening attitude. (see section 5.)[2e,4ac-f]

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5.4a. On 20 November 2000, the UN and PRC signed a co-operation agreement that the UN hopes will lead towards the ratification by PRC of the UN Covenant on Economic, Social and Cultural rights and the UN Covenant on Political and Civil Rights. [9az,9bb]

5.5. The Chinese government has increasingly become agitated by other governments' and NGOs' reports into Chinese human rights abuses, just as those reports have become increasingly more and more critical of PRC government actions. Recently, the PRC authorities have taken exception to the Amnesty International report on the alleged pervasive use of torture, and to the US State Department annual report on human rights in China in the year 2000. [4nf,6w,9bq,9ca,9cb] The publication of the Human Rights Watch 2001 annual report in December 2000 covered most of the human right events in PRC in year 2000. It was condemned by the Chinese official media as "extremely unfair and irresponsible in its wanton distortion and attacks against China" [4ki,12h]

5.6. There have been accounts of extremely serious and widespread human rights abuses in Tibet and Xinjiang. This assessment makes only brief reference to them, because asylum seekers from these regions are very rare in the United Kingdom.

Social societies in China

5.7. The main method of control of non-governmental and non-party political and social action and debate is through the system of registration of civil society organisations. The registration system, and conversely non-registration and banning, is the key to understanding human rights issues in PRC. [11g] 5.8. Commentators and academic sources have seen an embryonic non-governmental civil society emerging over the 1990s. [9t,11g] Most analyses have concentrated on the way the Party and the state organisations have compartmentalised such social societies in order to frustrate a pluralistic system. One academic source argues that this aspect overshadowed the "the dynamics of change in China and the capacity of the 'co-opted groups' to influence the policy-making process or to pursue the interests of their members." [11g] Urban neighbourhood committees are held to be undergoing conversion to community service agencies. [9t]

5.9. The number of social societies in 1993 was estimated by *China Daily* to be 1,500 autonomous organisations operating at national level, and 180,000 at local level. Official Statistics from the Ministry of Civil affairs show that by the end of 1996, 1,845 national and 186,666 local organisations were registered. [11g]

5.10. The spectrum of such societies range from the China Family Planning Association (set up by the Family planning Commission) to Friends of Nature, "that operates as freely as one can in the field of environmental education". The further away from party-state sponsorship, the more vulnerable to administrative interference. [11g]

5.11. The senior CCP leaders have emphasised a restrictive legislative and organisational framework within Leninist organisational principles of non-plurality. To these principles has been added the desire to thwart social unrest and to prevent social societies from becoming a vehicle for criticism of the party and economic reforms. [11g]

5.12. The economic reforms passed in principle in 1997 and 1998, if fully implemented, will reduce the state's role considerably. In anticipation of a consequential expansion of the non-governmental social sector, the State Council approved regulations on registration in September 1998, extending legislative control on the growth. [11a]

5.13. The process of registration under the 1998 regulations was essentially two tier. Firstly, all social organisations must find a professional management unit (*yewu zhuguan danwei*) colloquially known as the sponsoring unit (*guakao danwei* = "mother-in-law"). After finding a sponsor then the registration paperwork may be sent to a registration management agency (*dengji guanli jiguan*), usually part of the MoCA (Ministry of Civil Affairs). So affiliation precedes registration. Rejection can occur at any stage of the process and there are no appeal rights. [11g]

5.14. Another aspect of the new regulations is that "similar" organisations are not permitted to co-exist. Hence, "mass organisations" such as the All China Women's Federation and the All China Federation of Trade Unions are unassailable in their monopolies. [11g]

5.15. Social societies post-1998 must register with the appropriate civil affairs department from the county level upwards. This ensures local groups find it impossible to enrol members from different areas. Conversely, national organisations are forbidden from creating regional branches. Names with "China" (*Zhongguo* or *Zhonghua*) or "All China" (*Quanguo*) in their title must be approved under the regulations and must not apply to a locally registered organisation. [11g]

5.16. The state has further means of control: groups can not only be denied registration but also declared illegal (e.g. Falun Gong, China Democracy Party). The source argues that such decisions to ban can be very idiosyncratic. Other control methods include: have the sponsoring organisation remove support; pull up organisations on financial regulations; and/or identify key members who employed in state industries moved to demanding state jobs in the hope that they will be too busy to be effective in the social organisation. Finally, post 1998, the Party has ensured that each organisation is obliged to contain a Party cell, which in turn is linked directly to the Party committee in the sponsoring organisation. [11g]

5.17. Organisations have got round the above restrictions, to varying degrees, on the basis of two main accounts. Firstly, the state and the Party are both too weak in terms of finances and human resources to implement such restrictions. Secondly, the organisations have developed a number of evasive strategies. One popular strategy was to register as a business, but this loophole was closed off by the 1998 regulations. Another is to remain a "secondary organisation", securing the sponsoring body's approval to go forward for registration, but not to proceed. The organisation has most of the main advantages of registration if it stops at such a point. This is often achieved through adoption under academic institutions and research bodies. Another method is to operate covertly within the shell of an essentially dormant or moribund existing social organisation (an example given of an active family and sexual advice clinic operating in Beijing under the auspices of the China Association of Social Workers.) *Guanxi* (social favours and obligations) also play a part, and officials manipulated particularly at local level. [11g]

5.18. There also organisations operating whom do not bother with any part of the registration process. There has been a growth of such organisations, operating either as "clubs", "salons", or "forums", or as traditional philanthropic practices around clan, family, or village ties. The source argues that the tightening of the regulations might actually, paradoxically, spur the growth of these non-organisations. The number estimated in 1996 was of around 20,000 nationally; Yunnan Province had for instance only 13 of 100 financial social organisations linked to the People's Bank of China in June 1995. [11g]

5.19. Social organisations have had their successes in affecting policy. The source

cites the case of the China Family Planning Association's feeding back to policy makers, grassroots' concerns about implementation of birth control policies. Since 1995, the family planning services have been formally geared to a more client-based philosophy. Education and Environment groups have relative autonomy to pursue their aims. [11g]

5.20. Some organisations have not only used existing organisations as a shell, but also a means of promoting their objectives. The example of the women activists associated with the magazine *Rural Women Knowing All*, who have developed through the All China Women's Federation an effective programme of health education and health promotion amongst rural women. [11g]

5.21. The source concludes that the development of a civil society is fast approaching attendant to economic reforms, opening up difficulties for the Party / State to maintain traditional Leninist party culture and "transmission belt" policy. In urban areas, native place is fast growing to be an organisational principle, akin to *tongxianghui* developments outside PRC. [11g]

5.22. The US State Department in February 2001 noted "social groups with economic resources at their disposal continued to play an increasing role in community life," concluding "most average citizens went about their daily life without significant interference from the Government, enjoying looser economic controls, increased access to outside sources of information, greater room for individual choice, and more diversity in cultural life." [2g]

5.23. The US State Department however added the following qualification: "...the authorities were quick to suppress any person or group... that they perceived to be a threat to government power or to national stability..." and included citizens who expressed "openly dissenting political and religious views". [2g]

Political dissenters

5.24. Political dissent is tightly controlled. Public dissent, criticism and protest in China have been silenced by intimidation, exile, the imposition of prison terms, administrative detention and house arrest. Government officials deny that China holds political prisoners, asserting that persons are detained not for the political or religious view they hold but because they have taken some action that violates the Criminal Law. Prior to revision, (see paragraph 4.7) Articles 90-104 of the Criminal Law provided for "counter-revolutionary crimes". These articles have been used to punish persons who organised demonstrations, disrupted traffic, disclosed information to foreigners, or formed unauthorised organisations. The revised version does not refer to counter-revolution, but continues to proscribe "acts that endanger national security". Article 105 of the revised Criminal Law, for example, provides for sentences of up to five years' imprisonment for "whoever instigates the subversion of the political power of the state and overthrow the socialist system." [2b,2d,7a] The cases of people still serving sentences for "counter-revolutionary offences" have not been reviewed. [6h]

5.25. Conditions for all inmates of penal institutions are generally harsh and frequently degrading. [2b] There are reports that some political prisoners have been unable to obtain adequate medical care; and reports of beatings by guards and fellow inmates, electric shocks and solitary confinement. [2d,2g] (see also paragraph 5.1 and 6.1) 5.26. Many of those arrested for participation in the pro-democracy movement in Beijing (but not in other locations) have been released. Security officials have stated that all cases from the period of the Tiananmen demonstrations have been concluded. [6o] However, Amnesty International maintains that 211 people remain imprisoned in connection with the 1989 protests. [2g,6h] Those who have been released and continue to make political protest in

China remain liable to further detention and harassment for subsequent "crimes", such as signing petitions or participating in Tiananmen Square massacre commemorative events around 4 June.[2a,6h] 5.27. Information about the arrests and government activities around the 10 years' commemoration of Tiananmen Square was published by the IRB in July 2000. A new police section, the Tiananmen District PSB, was created out of four existing squads in the run up to the 4 June 1999, and were charged with public order during the 50th anniversary celebrations in October 1999 as well. In April 1999, known dissidents were rounded up, detained for questioning about planned activities, and warned. Most detentions were for a matter of hours, but one activist, in May 1999, was formally arrested in Guangzhou after two weeks' detention.[3am]

5.28. Commemorative activities were attempted. The official response was mixed, with 100 activists able to distribute leaflets in a park in Hangzhou without interference in early June 1999, to reports of arbitrary detentions of CDP members on 2 June. [3am] On 4 June 1999, there were only two individual attempts to commemorate in Tiananmen Square itself. 130 activists were questioned and 42 detained by the police on the day itself. A number of individual arrests took place across the country, with sentences of people formally charged emerging from September to December 1999. Most sentences were between one and three years. [3am]

5.29. There are several examples in which the Chinese government apparently timed the release or detention of well-known dissidents to coincide with events of international significance to the country.[12] The pro-democracy activist Wei Jingsheng was given medical parole and effective exile to USA in November 1997, following President Jiang's state visit to Washington. Bao Ge (now in the US), who went on a hunger strike in 1993 to demand the release of another dissident, was himself detained five times briefly in the next year during high-level visits from US, Japanese and French representatives.[3f,9b]

Dissident organisations

5.30. A number of dissident groups emerged in 1991, including the Liberal Democratic Party of China (LPDC, Zhongguo Ziyou Minzhu Dang, or Freedom and Democracy Party); the China Progressive Alliance (CPA, or Zhonghua Jinbu Tongmeng); the Free Labour Union of China (FLUC, or Zhongguo Ziyou Gonghui); and the Social Democratic Party of China (SDPC, or Zhongguo Shihui Minzhu Dang.) During 1992, the authorities put a stop to their activities by arresting scores of activists and suspected supporters. [6] Typically, these 1991 organisations were very local and very small, usually of less than a dozen activists in each group. [12f] (please refer to Annex A, part three for a listing of known dissident organisations) 5.31. Between September 1997 and mid-November 1998, there was a period of political relaxation that some sources have referred to as a "Beijing Spring". The thaw may have been aided by the trouble-free passing of three key events: the death of Deng Xiaoping (February 1997), the return of Hong Kong (July 1997) and the 15th Party Conference (September 1998). [12f]

5.32. In this period of openness, Foreign Minister Qian Qichen formally announced that PRC would sign the UN International Covenant for Civil and Political Rights (ICCPR). This announcement spurred a number of political dissidents to action. In March 1998, veteran dissident Xu Wenli applied in Beijing to register a human rights organisation, China Human Rights Watch (*Zhongguo renquan guancha*). Mao Guoliang and Wang Donghai tried to register a newsletter in Anhui Province called *China Human Rights News* (*Zhongguo renquan*). In Wuhan city, Hubei Province, Qin Yongmin set up a human rights fax-letter called *Human Rights Watch* (*Renquan guancha*) that ran for 86 reports before termination by the authorities in May 1998. [12f]

5.33. China Democratic Party. (see also Annex A, part three) On 10 July 1998, Wang Youcai tried to register a China Democratic Party with Zhejiang provincial authorities, the first open attempt to gain government approval for an opposition party. The CDP had previously announced its presence on 25 June 1998 with an "Open declaration" setting out its agenda to establish a democratic opposition party. [12f] It was reported that Yang was turned away, and detained for six hours by the police. Another member of the group, Zhu Yufu, was detained for 47 hours for handing out copies of the manifesto during President Clinton's visit (see paragraph 6.15). The activists announced that they had shelved the attempt to register the political party after one week, when Clinton's visit was coming to an end. [4f] Nevertheless, Wang Youcai and up to 4 others were subsequently arrested and detained. [18] A number of other dissidents were detained or had their movements restricted during Clinton's visit. [4q] One source has claimed that CDP members are still being arrested, with more than 20 leading members sentenced to prison terms during 1999 / 2000. [6t]

5.34. The background to the founding of the CDP began in late 1997, with the beginnings of concrete ideas for an opposition party proposed by Wang Youcai and a group of student activists. The initial working name was China Justice Party (*Zhonggou zhengyi dang*) but was dropped as Wang thought people would understand "democracy" better than the term "justice". The core philosophy of the party was of "openness, peace, reason and legality" (*gongkai, heping, lixing, and an falu*) and its main objectives were to press for direct elections and the formation of a multiparty system. [12f]

5.35. Subsequent attempts to set up the China Democratic Party have led to a number of arrests in Beijing and the provinces. [4e] In some places, activists were harassed or temporarily detained, while in others local officials met with dissidents and explained the requirements for registering social organisations. However, the applications would be approved. [2d] In December 1998 Xu Wenli, Qin Yongmin and Wang Youcai were sentenced to 13, 12 and 11 years in prison respectively, on subversion charges. [16a] President Jiang has told officials to "pay particular attention to social order and stability" during 1999, when a number of sensitive anniversaries will occur (50 years since the founding of PRC, 40 years since a Tibetan uprising, 10 years after Tiananmen Square demonstration). [4u] By the end of 1999, almost all of the key leaders of the China Democracy Party were serving long prison terms or were in custody without formal charges. Only a handful of activists remained publicly active in 1999. [2e] In March 1999, Amnesty International reported that many scores of people had been detained, harassed and imprisoned solely for peacefully exercising the rights protected by the two UN Covenants on Human Rights that China had recently signed. [6j]

5.36. The China Democracy Party (CDP) in February 1999 called for the registration of a national party. The national committee of the party called for increased involvement from the provincial organisations of the party. Xinjiang Province was not mentioned in any reports as having any CDP organisations. [3at]

5.37 CDP members were active in the 4 June commemorative protests around June 1989. Four CDP members were sentenced in December 1999, in Hangzhou, for various activities, with sentences between five and eleven years. [3am]

5.38. The international human rights organisation, Human Rights Watch, concluded in September 2000, that "for all practical purposes, CDP activities had been silenced by January 2000." [12f]

5.39. The families of notable dissidents, particularly those who become spokespersons, are often kept under heavy surveillance and may be subjected to

frequent police questioning and visits.[3f,4b,6f] For example, the mother of exiled dissident Wang Dan was briefly detained by the police on 15 October to prevent foreign journalists interviewing her, amid speculation that Wang Dan was to receive the Nobel Peace prize. [4c]

5.40. The Canadian Embassy Political Counsellor noted that in Fuzhou, there was no evidence of activity by "illegal" political parties, trade unions, or other "illegal" social organisations. [3r,3w]

5.41. Information posted on the IRB site indicates that discrimination of suspected supporters of the 1989 Pro-democracy Movement in the early 1990s was limited to breakdown of academic exchanges, and a campaign against pornography that served as cover for purging authors such as Yan Jiaqi. [3v]

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General situation

5.42. Although the Constitution affirms tolerance of religious belief, the government seeks to restrict and control religious practice. Proselytizing is proscribed. All religious groups are required to register with government religious affairs bureaux and come under the supervision of official "patriotic" religious organisations. The police and religious officials have been responsible for shutting down unauthorised mosques, temples, seminaries and "house church" groups, and leaders of such groups have been subjected to detention for lengthy questioning. Since 1996 all registered groups are subject to annual inspection. The restrictions under which they operate vary by location.[17a] However, the government generally tolerates the existence and activities of unsanctioned churches as long as the services are small and there is no higher-level organising. In some areas registered and unregistered churches are treated similarly by the authorities and adherents worship in both types of churches. In general, individual worshippers are not harassed by the regime, whose sporadic efforts principally target leaders for harassment, detention and physical abuse.[2a,2b,2d]

5.43. The monitoring of religious activities is primarily undertaken by the state Council's Religious Affairs Bureau (RAB). RAB is the arbiter of what is held to be a "true" religion, deals with registration of places of worship, and monitors such venues. [2g]

5.44. Since 1979 there has been a gradual relaxation of government policy towards religious activities, and churches, temples, mosques and lamaseries (Tibetan Buddhist monasteries and nunneries) closed or destroyed during previous decades were restored and reopened. According to the government,

there are now more than 85,000 registered places of worship. Students at officially-administered religious institutes must demonstrate "political reliability". Religious belief is considered to be incompatible with CCP membership, and participation in religious activity is forbidden to members of the People's Liberation Army. [2b,2d,6d]

5.45. China has invited an increasing number of foreign religious organisations to visit religious sites and talk to official religious figures and leaders. [2d]

5.46. The US State Department has declared China to be one of five nations that have "engaged in or tolerated particularly severe violations of religious freedom during the preceding 12 months." The annual report made under the Religious Freedom Act criticizes China for "seek(ing) to restrict religious practice to government-sanctioned organisations and registered places of worship and to control the growth and scope of religious groups." No sanctions have been announced. [4ca] The Chinese Government professed outrage, and each of the main registered religious bodies denied persecution, one after another.

[4dg,4dl,4d], [4dm] A senior Chinese politician, Zhang Xiufu, was reported as saying that Western misunderstandings of religious freedom in China were being extended to many of the human rights issues facing China. [4cv] A recent visit of the leaders of the 'official' religious groups to the US emphasised the official distinction between religious groups (recognised) and cults (unrecognised). [4ie,4ik] The delegation also drew parallels between Li Hongzhi, founder of Falun Gong and the Dalai Lama, branding both as 'tainters of religion'. [4ik] One report drew parallels between the delegations' denial of religious persecution and the US Department of State's report on international religious freedom, published the week before (12 September 2000) [4ia]

Christians

General Information

5.47. In the 1950s the government, to curb perceived foreign domination of Christian groups, established the Catholic Patriotic Association (independent of the Vatican) and the (Protestant) Three-Self Patriotic Movement. In 1980 the (Catholic) National Bishop's Conference and the (Protestant) China Christian Council were established. These churches are the only ones authorised to operate openly. The government estimates that China has 4 million registered Catholics and 10-15 million registered Protestants. The oldest Catholic church in China, Xuanwumen Catholic Church in Beijing, was reopened after a 2 month refit, partially paid for by government grant. [4bs] Unregistered Catholics loyal to the Vatican were concerned after five bishops were ordained on 31 December 1999 by the Patriotic Catholic Church (the state-approved church not recognised by the Vatican) on the same day as 12 bishops worldwide were ordained by the Vatican. [4fk] Unregistered Christians in China, in addition to Vatican-orientated Catholics, include "house church" Protestants, of whom only a minority are registered. [2c,2d] Over 20 million bibles have been published in the last two decades, according to the Three-Self Patriotic Movement. [4v]

5.48. Another incident that has caused tension between the PRC and the Vatican authorities was the canonisation of 120 Chinese Christians on 1 October 2000. [4jg,9af] The PRC government reacted angrily. [9ar] Coincidentally, an elderly bishop, Zeng Jingmu, was arrested in September 2000, adding to recent arrests and detentions of unregistered churches' clergy. [9an]

5.49. The law is broken by religious groups from time to time. Foreign-based Christian groups are known to operate clandestinely. [4in]

5.50. Catholic Christians of the unregistered, Vatican-aligned churches were caught up in disputes between the Chinese authorities and the Vatican in September 2000. The Vatican announced the canonisation of 120 Chinese martyrs on 1 October 2000. [9ao]

Protestant Christians

5.51. The Canadian IRB produced document CHN33002 on the condition of both registered and unregistered Protestant Christian groups in Fujian province in April 2000. It draws upon news reports, NGO reports, and the opinion of expert witnesses. [3u]

5.52. The relationship of authorities and the protestant churches are outlined. It describes the Three-Self Patriotic Movement (a key link organisation required as a part of state recognition) and the Chinese [China] Christian Council (an organisation based around the internal and pastoral affairs of protestant churches). Three-Self refers to "self-administrating, self-supporting, and self-propagating". The report mentions previous mutual suspicions between the two link organisations. The CCC is seen to extend its links to the members of unregistered protestant churches and house groups. [3u]

5.53. Since late 1998, unregistered Christians in PRC generally have been subject to increased pressure from authorities to register. Protestants have been targeted in Beijing, Henan Province and Shandong Province, all areas with growing numbers of unregistered protestants. There has been similar targeting in Hebei province of unregistered catholic Christians. [3u]

5.54. In Fujian Province, the situation differs from the main areas of anti-Christian activity. Registered and unregistered churches operate side by side: unregistered churches are not very "underground". For example, two groups, True Jesus church and Little Flock church groups operate openly, the former with a large prominent church building in Fuzhou. Unregistered churches in Fujian are reported to be in contact with the Three Self Patriotic Movement and the CCC. [3u] There is reportedly much evidence of the construction of new church buildings in Fuzhou, in response to a current rapid growth in religious adherence. [3r]

5.55. Concern has been expressed about unofficial house churches falling foul of anti-Falun Gong legislation, and being branded as sects. [2e,17c] Examples of arbitrary arrest include the following: in August 1999, 30 Protestant House Church leaders were arrested at a private home in Henan Province. An official source said that most of those detained had been released after receiving "re-education." [4au,17bb] Eight house church (unofficial Protestant church) leaders, who were still under arrest from 23 August, were under threat of execution on 29 September, according to source [17c] Two detainees were later released on 5 October. [17d] Christians belonging to such an unofficial church in Huadu city were reported as suffering police harassment, with the repeated arrest of Li Dexian, a local preacher. [4dp,2e,17e] Fourteen members of the MenTu Hui (Disciples Society) were detained by police on 25 September, with 71 members previously rounded up in Chongqing [4bt,4aj]. Recent arrests have included the overnight detention of 300 unregistered Christian church members in Beijing on 2 January 2000 [4fa] later released on 5 January [4fd]

5.55a. Protestant Christians. Christian Reformed Church operated in China before the Communist takeover, but the North American organisation is now unconnected with any Chinese remnant, and the CRC is not known to operate in Guangdong. [3ar]

Catholic Christians

Catholic Christians

5.56. The Canadian IRB produced a document dated 27 January 2000, CHN 33598.EX, outlining general conditions and practice of Chinese Catholic Christians, making mention of conditions within Fujian Province. [3z]

5.57. A distinct split exists between the registered and unregistered catholic churches. The unregistered church is loyal to the Vatican, and refuses to cut ties with the Vatican or to accept local election of bishops without Papal appointment. The Chinese authorities view such points as political matters, but many Catholics see them as points of principle, and therefore there is a high rate of non-registration. Relations between registered and non-registered Catholics depend on locality - in some areas, deeply divided; in others, not. [3z]

5.58. In Fujian, in Changle County for instance, only 10 out of 80 Catholic parishes are affiliated with the Catholic Patriotic Association (equivalent to the protestant Three Self Patriotic Movement). There is currently rapid growth in Catholic Christian adherents, and no harassment of unofficial congregations by Fujian authorities at the moment. [3r]

5.59. The case of Yang Shudao, Archbishop of the Fuzhou Archdiocese is however still on-going. Archbishop Yang has spent nearly 30 years in detention since his first arrest in 1955. He has consistently refused to cooperate with the CPA. His stance has, however, not seemed to have impacted upon the Fuzhou unregistered Catholic community at large. [3r]

5.60. In September 2000, a number of clerics of the unregistered church were arrested. [4it]

Sects

(note definition of sect given below)

5.61. The government makes a distinction between the five officially recognised religions (Catholicism, Protestantism, Buddhism, Islam and Taoism) and those which it claims are heterodox and thus classified as 'cults' or 'sects'. In practice, little effort is made generally to distinguish between unregistered house churches and less conventional groups. [17a] However, those that preach beliefs outside officially approved doctrine - such as the coming of the Apocalypse - are often singled out for harassment. Since the early 1980s, the authorities have detained, fined or imprisoned members of an underground evangelical sect called the Shouters (a branch of a pre-1949 indigenous protestant group). [2d,2e]

5.62. Most recently, Wang Jincal, a leader of the Shouters, was detained in a raid in 1999, only five days after serving a three year sentence in a labour camp. [4as]

5.63. In Hunan province, 15 October, the Xiangtan City Intermediate People's Court convicted Liu Jiaguo of rape, fraud and organising a subversive "evil" religious organisation. He was shot after sentence passed. Liu Jiaguo was a leader of the "Principal God Cult", the Zhu Shen Jiao. [4ai,4ct,4db] One source places the date of the cult's beginning as 1993, as an offshoot of a previous group, "the Appointed King Cult" (the *Bei Li Wang*), alleging Jiaguo set himself up as the "principal god". When, in 1995, the "Appointed King" Wu Yangming was executed by the Anhui province authorities, the Principal God Cult took over. It peaked at 10,000 followers. [4db]

Muslims

5.195. There are around 17-18 million Muslims in China, many of whom live in compact ethnic communities but have not regularly practiced Islam. The provinces of Xinjiang, Ningxia Hui and Yunnan have large Muslim populations. Ethnically Chinese Hui muslims are generally 'patriotic'; a large number of Uighur aspire to separate statehood. (see paragraph 5.xxx) [2b,2c]

5.196. Islamic religious activities are not hindered or harassed on a regular basis to a great extent. In areas of large Hui populations, the Hui's dietary laws are respected by non-Muslim Han, and likewise Hui are often indistinguishable from their non-Muslim neighbours in general life-pattern. However, in areas with a large Muslim population such as Xinjiang, officials do restrict religious education and the building of mosques. Muslims are permitted to make the Haj to Mecca. [2a,2b,2e,2f]

Buddhism

5.197. Buddhism is practiced in many forms by an estimated 100 million people in China. Most Buddhists are from the Han ethnic group. Han Buddhist leaders generally cooperate with the government. Local authorities enforce regulations on places of worship, particularly illegally constructed temples and shrines. [2b,2c,6d]

5.198. However, Tibetan Buddhism is closely associated with proindependence activism. Chinese officials claim that there are about 1,400 monasteries in Tibet. Tibetan Buddhism is closely associated with proindependence activism. Non-political forms of worship are tolerated but since May 1996 there has been a "patriotic" campaign to "reeducate" dissident monks in lamaseries. Lamaseries are seen by the authorities as a drain on local resources and a conduit for political infiltration by the Tibetan exile community under the Dalai Lama, the highest figure in Tibetan Buddhism who has lived in exile in India since 1959. Monks and nuns have been among the thousands of Tibetans detained for advocating separatism since 1987. The government maintains management and operational control of the lamaseries and enforces limits on the numbers of monks [2a,2d,6d,7f]

5.199. The Chinese Buddhist offshoot group, the Tian Dao (alternatively known as Yi Guan Dao) is an unregistered religious group that apparently meet clandestinely. They are therefore technically vulnerable as an illegal organisation, but there were no reports of recent persecution or that they have been targeted for persecution until September 2000. [3aa,4im] Two key members were apparently sentenced on 18 July 2000. The number of adherents in PRC was held by the source to be about 200,000; and the group was stated as having been founded in Taiwan in 1988, and to have spread to PRC in 1992. [4im]

Religious organisation in Fujian province.

5.200. On 8 October 1999, the Canadian IRB posted a report on religious practice and freedom in Fujian Province. [3i] On China generally, it refers to the US State Department report of 9 September 1999, *Annual Report on International Religious Freedom for 1999: China*, noting a resurgence of religious activity since the Cultural Revolution, with 180 million adherents of a variety of beliefs and faiths. Fujian has in particular experienced an open and vibrant revival of religious belief and practice, according to experts consulted by the IRB (Dr. Daniel Overmyer). [3i] Most of the experts consulted and quoted have warned about variation in local practice as to tolerance, but most stated that "religious activities at the local level were generally tolerated, even if they were unregistered, provided they kept a low profile and did not try to organize on too large a scale." [3i]

5.201. Another expert (Dr. John Lagerwey) in October 1999 referred to the status

or religious freedom in Fujian as "a fluid situation", and "it is fair to say in a general way that, as long as a movement - house church or other - does not take a political turn, the authorities leave it alone." Cases of sudden repression, he held, were inextricable from local politics, and thus "something virtually impossible (to know about) on the outside". A rare example of such activity was the report of *Fujian Ribao*, a Fuzhou city newspaper, on 8 August 1998 of a "checking-up" of registration between August 1998 and February 1999. [3i]

5.202. Estimates of the size of the Christian community in Fujian for 1997 have been given as between 640,000 and 900,000 (Sept 1997) out of a provincial population of 32,820,000 (1998). [3i] The Australian Country Information Service have estimated the Catholic population of Fujian as "several hundred thousand" and both Protestant and Catholic (both registered and unregistered) as being vigorous and active in church building. [3i] With regards to the demolition of unregistered churches, Bishop Zheng, the bishop of the state-recognised Patriotic Catholic Church has stated "According to the law, churches built without government approval must be demolished but that authorities have not set any definite enforcement plan." [3i]

Other Unregistered Religious Groups

5.203. Jehovah's Witnesses in China are an unregistered group, that the authorities consistently refuse to register. There have been reports in the past that members have been arrested and detained for participating in prayer study. According to the international organisation, there are Jehovah's Witnesses in many parts of the country. [3ag]

5.204. The Baha'is are not recognised or registered by the government in China. The Baha'i community is not organised and has not sought recognition or registration from the government. The Baha'i are held not to proselytise and are generally well regarded by the authorities because of their philosophy of obedience to government. [3ak]



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Ethnic minorities (General)

5.205. The majority population of PRC is constituted by the Han ethnic group. 55 officially-designated ethnic minorities constitute just over 8% of China's total population. Most minority groups live in areas they have traditionally inhabited, with standards of living often well below the national average. Ethnic minorities generally do not populate the south and east of China, but there are isolated pockets of minorities throughout these areas. Various minorities are affected by local prejudice, but government policy is non-discriminatory, except for special treatment in some areas (eg. looser family planning controls - see paragraph 6.7). According to the authorities, there are 2.4 million minority cadres. Many members of minorities occupy local leadership slots, and a few have positions of influence at the national level. However, in most areas, ethnic minorities are shut out of positions of real political power, and a tight control over separatist activities is maintained. Opposition to Communist Party rule in minority regions is met with force and heightened security measures. [2b,6e]

Tibetans

5.206. Like other minority ethnic groups, Tibetans receive nominal preferential treatment in marriage policy, university admission and employment. However in practice discrimination against Tibetans is widespread, especially in the area of employment. Central government policies, while helping to raise the economic living standards of many Tibetans, have encouraged a massive influx of Han Chinese into Lhasa and other urban areas. Government determination to suppress all separatist activity has led to the violent repression of protest and the detention of numerous Tibetans. [2b,6e]

5.207. Chinese authorities have denied that Gedhun Choeki Nyima, the Panchen Lama, has died in police custody. They have declared him alive, safe and healthy but refused to disclose his whereabouts. The 10-year old was declared the reincarnation of the Panchen Lama by the current Dalai Lama, as opposed to a Chinese official appointee. The Panchen Lama's main role is to in turn identify the reincarnation of the next Dalai Lama, hence the political tension over the boy's disappearance. [3m] The Dalai Lama visited Rome, and reaffirmed on 26 October his call for autonomy for Tibet within a stable and united China, rather than full independence. He maintained it coincided with China's "one country, two systems" policy. [4ed] The Chinese replied "with strong displeasure" that the Dalai Lama knew its conditions for dialogue, and he was really pursuing independence, and not autonomy. [4es] The central Chinese leadership were stated later as always having "a door open for constitutional talks" but on the long-standing terms that the Dalai Lama must stop advocating independence and admit that Tibet and Taiwan are part of China. [4dq] The defection of the Karmapa Lama on 5 January 2000 to India alarmed the Chinese authorities and all concerned are awaiting to see if the Indian Government will grant the lama asylum. [4gk]

5.208. One source in July 2000 has claimed continuing ethnic unrest in Xinjiang Uighur Autonomous Region (XUAR). Likewise, gross human rights abuses in

Tibet Autonomous Region, particularly against Tibetan Buddhists and nationalists. [6t]

5.209. Poverty alleviation is seen as a key government goal for the year 2001. Autonomous regions such as Xizang province (Tibet) are identified as areas for modernisation, as part of a huge "developing the west" strategy. [4kd]

Uighur (Uygur)

5.210. As in Tibet, nationalism in the Xinjiang Uighur Autonomous Region is a source of tension between the ethnic population and government. There have been a series of anti-Chinese demonstrations and riots in recent years, and in 1998 bombings and killings of policemen by separatists, leading to crackdowns which have involved the deaths of some protesters and massive arrests. [1,2d,3a,6m]

5.211. Xinjiang has become of greater importance to Beijing in the 1990s. The emergence of the Central Asian States after the collapse of the Soviet Union, and threat of Islamic nationalism has prompted Beijing to attend the problems posed to Beijing by Xinjiang Province. Three general developments: the regularisation of relations by Beijing with the newly emerged states; the renewed pledge by Beijing to encourage economic growth in Xinjiang; and immigration of Han Chinese into Xinjiang, are discussed in the article. [11i]

5.212. Economic developments include a cotton growing strategy and oil exploitation. Large scale land reclamation for cotton growing has attracted criticism based on environmental concerns. [11i] Interstate relations have included moves by PRC to ensure bi-lateral extradition agreements are imposed to prevent the establishment of separatist / nationalist causes on Xinjiang's borders. [11i]

5.213. The Han population of Xinjiang mostly arrived after the founding of the people's Republic in 1949, and were 37 percent of the population out of a total population of 17 million in 1997. The Uighur number 8 million and represent 47 percent of the population. There were 1.2 million Kazakhs and another million of people of various ethnic backgrounds, mainly Uzbeks, Kyrgyzs, Tajiks and Mongols. [11i]

5.214. The appellation "Uighur" as used by the Chinese authorities is held by academic commentators to be a Chinese misapplication. Many different groups are lumped together under the Uighur ethnic tag. [18m]

5.215. Han in-migration has been promoted since 1949. The main structure assisting migration was the *Bingtuan*, the Xinjiang Production and Construction Corps. The organisation was paramilitary in as much as it was initially based on forced conscripts from Han areas of PRC, as a pioneer corps. The institutional status of the Bingtuan was complex, described as a "Party-government-army" unit (*dang zheng jun zuzhi*). A further status was conferred on the *Bingtuan* in 1998, with the economic status of a corporation (*jituan gongsi*). The *Bingtuan* has an armed police corps (*wujing*) and a militia (*minging*) numbering The *Bingtuan* manage hundreds of state farms engaged in large-scale production. In the early 1990s, the *Bingtuan* numbered 2.1 million members, with 2.4 million by 1997. The *Bingtuan*'s autonomy has caused resentment with the provincial authorities. It is also heavily subsidised and is unprofitable. [11i]

5.216. Since 1990, the government has encouraged further Han influx under a set of policies colloquially known as "mixing sand" (*chan shazi*). The operations of the *Bingtuan* and other Han influxes have stirred up widespread resistance and resentment among the Uighurs. The allocation of water resources is a particular

resentment among the Uighur. The allocation of water resources is a particular area of conflict. There is also conflict between recent and established Han settlers (*lao Xinjiang ren* - "old Xinjiang people"). Education is also held to be discriminatory: ethnic schools have seen funding fall, while schools offering a "regular education" (*zhenggui jiaoyu*) in Mandarin are increasing. Economic discrimination is also a feature of the region, since most good jobs require fluency in putonghua (Mandarin). [111,6m]

5.217. As well as a growth in the Han population, Muslim groups have emerged from the Uighur misnaming, and have grown both in numbers and as a proportion of the population of Xinjiang. Such groups are more akin to the Chinese Muslim population, the Hui. Hui from other parts of China have also migrated westwards to Xinjiang. [18m]

5.218. There has been a history of Uighur resistance since the Uighur government of 1945 to 1949 was pushed out by the Chinese People's Liberation Army (PLA): there is a "East Turkmenistan" movement in exile, operating from Turkey. [12g] However, one academic commentator has pointed out "a profoundly practical people, Uighur and regional leaders actually invited the People's Liberation Army (PLA) into the region after the defeat of the Nationalists in 1949". [18m] Uighur resistance has been seen to show three main features since the early 1990s. Firstly, there has been protest and violent demonstrations, initially downplayed in official reports as sporadic, spontaneous protest by unorganised groups of Uighur farmers (*tufa shijian* - "sudden incidents"). Secondly, numerous violent incidents over the 1990s - in 1998, Party sources indicated over 70 serious incidents, causing over 380 fatalities. Occasionally, incidents such as the Urumqi bombings in 1997 received international attention. Finally, the existence and agitation of Uighur nationalist groups outside PRC, and China's diplomatic neutralising of their influence, means that the groups are small and isolated, but possibly influential rather than active. [111,9aw,12g]

5.219. The Uighur are Sunni Muslims "practising Islamic traditions similar to their co-religionists in the region" and "Islam (has become) an important, but not exclusive, cultural marker of Uighur identity." Though portrayed by many in the region as united, Uighur continue to be divided along Sufi non-Sufi Muslim factions, territorial regions, linguistic differences, class (commoner-elite) divisions, and political loyalties. [18m]

5.220. The case of Rebiya Kadeer, a wealthy Uighur businesswoman arrested on as yet unproven corruption and narcotics charges, and whose case has been highlighted by NGOS, particularly Amnesty International, is held to illustrate the Chinese central government's attempts to produce a Uighur leadership amenable to Beijing's aims, but one that has ultimately caused a rapid reversal of policy. [2g,6m,9aw,12g]

Mongols

5.221. Hans have outnumbered Mongols in Inner Mongolia since the 1950s (16 million to 2 million). Mongols suffered from violent persecution through the massive purges of the Cultural Revolution. During 1989, major protests occurred in Inner Mongolia as well as in other parts of China, leading to a number of arrests. [3a]

North Koreans

5.222. The UNHCR over the past two years have monitored the plight of North Korean refugees in China. Reports of mass deportation have emerged [18c] and crackdowns [18d,18g] UNHCR has been pressing for the matter to receive

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OTHER GROUPS

Women

5.223. Article 48 of the 1982 Constitution states that "Women in the PRC enjoy equal rights with men in all spheres of life, political, economic, cultural and social, including family life. The state protects the rights and interests of women, applies the principle of equal pay for equal work for men and women alike and trains and selects cadres from among women." The Communist regime has consistently articulated the ideal of gender equality and has enacted a series of laws to protect women's rights. However, the persistence of traditional views on the position of women, the government's family planning policies (see paragraphs 6.5-6.11) and the preference for sons, and the economic reform programme (see paragraph 3.18) are obstacles to the effective application of these laws.[3c]

5.224. Deeply entrenched social habits and customs that mitigate against gender equality are the major cause of the continuing violence against women in China, especially in the rural areas. The roots of this discrimination against women lie in Chinese philosophy, religion and popular culture. The social organisation of rural society, which views women as temporary residents in their natal families until they move to their husband's residence, is also a significant factor. Domestic abuse reportedly is more frequent in rural areas. Women in urban areas are usually more educated and tend to have a better understanding of their rights, although there is no national spousal abuse law. Some localities (eg. Hunan province) have passed legislation to address the problem.[3c,2d] The central authorities have pledged to tackle injustices in rural areas, particularly in the fight against domestic violence and in trafficking of women. [4ek] New economic pressures have fuelled early retirement amongst female workforce. The economic downturn has seen an increased domestic violence, coercion into prostitution, and a marked difference between men and women in suicide figures. [4ba]

Abduction

5.225. The abduction and sale of women is on the rise in China. These practices, which occurred in traditional Chinese society, have seen a resurgence as a result of the economic reform programme which has loosened strict communist moral controls at the same time that it has unleashed the profit motive; the growing shortage of women; and the increase in cost of betrothal gifts. Chinese authorities have consistently condemned the practise of the abduction and sale of women. In 1991 tougher penalties were enacted, imposing sentences of between 10 years in prison and death for gang leaders, up to 3 years in prison for those who buy women and children, and 2-7 years in prison for government cadres who obstruct who obstruct rescue attempts. Campaigns to catch and convict those involved in the abduction of women are regularly organised.[3c,10o] In 1999, police claimed that they had rescued 23,000 women and 4,260 children who were kidnapped, broke up 8,000 kidnapping gangs, and arrested 26,000 people between 1996 and 1998.[4ag]

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international attention [18h,18d] Amnesty international produced a report in December 2000, outlining the background, case histories, and urging China / North Korea to abandon reciprocal agreements, and recognise and adhere to the principle of non-refoulement. [6v,18i]

5.226. The trafficking of women, for the sex trade, and children for adoption rackets has increased in year 2000. [4km,4kp]

Marriage

5.227. The documentation needed to marry a foreigner is as follows: a certificate of marriageability (obtainable from the office which has physical control of his or her file); a certificate of birth; household registration book (*hukou*); health certificate (obtainable from a regional level local hospital); and a letter from the parents of the local partner giving their permission for their child to marry a foreigner (this letter should include the index fingerprint of both parents below their signature and date). [15i]

5.228. The marriage registration procedures are administered by the local civil affairs office (*minzhengju*). [15i]

Divorce

5.229. It is relatively easy for a woman to get a divorce under China's Marriage Law (1980). Women, however, may be discouraged from applying for a divorce because of the housing shortage in China. During marriage women usually live in a house belonging to their husbands' work unit. After divorce, if a woman's own unit does not assign her a house, she is forced to seek housing with family and friends.[3c]

All China Women's Federation

5.230. The government-sponsored All China Women's Federation (ACWF) plays a key role in promoting and safe-guarding women's rights and interests. The ACWF is a mass organisation, with branches at each government level, and has 89,000 professionals specialised in working with women. Since 1980, the ACWF has sponsored a nationwide effort to develop family planning education, including counselling services. The organisation actively protests cases in which women are discriminated against by the hiring practices of companies and factories. Women's protection committees, medical schemes, domestic abuse hotlines and emergency centres been set up in some areas.[3c,7g,4p]

Children

5.231. The 1992 Law on the Protection of Juveniles forbids infanticide, as well as mistreatment or abandonment of children. Physical abuse of children can be grounds for criminal prosecution. The Constitution provides for 9 years of compulsory education.[2d]

5.232. There have been reports of female infanticide. A World Health Organisation paper in 1997 reported that the national ratio of male to female births was 117:100 (the worldwide statistical norm = 106:100). Part of the gap may be attributable to female infanticide, sex-selective abortion and abandonment; or to the underreporting of female births by couples trying to evade family planning laws to try to have a son (see 'One Child Policy').[2d]

Orphanages and child welfare system in China

5.233. A number of children are abandoned each year, despite the penalty under law of fines and 5 years in prison. Most of the children in orphanages are female although some are disabled or in poor health. The treatment of children in these institutions varies from adequate to deplorable. Infant mortality rates appear to be

institutions varied from adequate to deplorable. Many monetary fines appear to be very high. Bureaucratic indifference and corruption on the part of orphanage administrators appear to be significant factors in such cases. [2d]

5.234. Information circa 1993 (published 1995) with regards to orphanages identifies three types of institution, illustrating "orphanage" in the Chinese context to be a very wide term, as follows. [12e]

5.235. The main type of institution for all sorts of conditions and categories of people needing institutional care is the Social Welfare Institution (*shèhuì fúliyuán*). Run by the Ministry of Civil affairs, these general-purpose institutions were still (in early 1990s) the mainstay of the institutionalised welfare system. They were characterised by large scale institutes accepting where possible "self-paying" inmates and gaining revenues from inmates' productive labour, that fanned out to smaller associate institutions more closely linked (and dependent) upon local communities. In 1992, according to official figures, there were 950 such institutes within the PRC; 43 were in Fujian Province, housing 80.9% of Fujian's institutionalised minors. [12e]

5.236. The Chinese authorities have had a long term aim (since 1956) to segregate groups needing institutional care. Child Welfare Institutions (*ertóng fúliyuán*) have been introduced, but have developed unevenly. They are located mainly in the more progressive regions; in 1993, eight Provinces / Autonomous Regions did not possess such an institution, and Fujian Province had 2, taking 19.1% of total institutionalised minors in Fujian. In Beijing and Shanghai, the percentage of minors in Child Welfare Institutions was 99.2% and 94.5% respectively in 1993. [12e]

5.237. The Child Welfare Institutions have been criticised for employing discriminatory levels of care, leaving female infants to perish from neglect in the "dying rooms". [12e]

5.238. More effort has been put into the segregation of mentally-ill inmates. The development of Psychiatric Welfare Institutions (*jingshenbingren fúliyuán*) has meant that at the end of 1992, there were 129 psychiatric welfare institutions as opposed to 67 Child welfare Institutions nationally. 327 minors were confined to the psychiatric institutes. [12e]

5.239. The official 1993 figures account for only 17,000 orphans; the source states that other official statistics hint that the figure is nearer 80,000, with over 60,000 being rural orphans mixed into locally run and financed "respecting-the-aged" homes i.e. old people's homes. However, the source doubts the accounting of orphans by this explanation, and argues there are orphans who are unaccounted for, or worse, the mortality rate of infants in orphanages accounts for the discrepancies. [12e]

5.240. Adoption is regulated by the 1991 Adoption Law. This law used to make adoption very difficult in terms of PRC couples adoption of institutionalised infants, but promoted the adoption of children by Chinese living abroad. In-country adoption was limited to childless couples aged over 35 years old, and from the stock of *gu'er*, namely children whose natural parents are dead. An adoption was treated as part of a couple's birth plan regime. [12e] These regulations were relaxed in 1999, to allow the adoption of more than one orphan. [3n]

5.241. Out-of-country adoption was and is very liberal, allowing adoption by single adults as much as by married couples. [3n] This aspect adoption regulation has been so loose as to attract traffickers dealing in babies for export. In 1999, controversy broke out in Australia over the flow of babies from PRC to Australian recipients. [Ans - Ans]

Educational System

5.242. The Constitution provides for 9 years of compulsory education.[2d] Since 1978, China has adopted a policy ensuring at the 9 years of compulsory schooling, ensuring students complete a primary and middle school programme. In practice about 7 years of education are achieved on average. Pre-school education is stated as existing, but schooling really begins at 6 to 7 years old with primary schooling. High school education is a six year programme, divided into a three year junior high school programme, and then a further senior programme. Much of the senior programme is grooming for higher education exams. Higher education has a two tier approach, with 2 to 3 years courses and 4 to 5 year degree courses. Graduate courses are also run. Nationwide college entrance examinations are held within the first ten days of each July (nicknamed "Black July"). [21b]

Homosexuals

5.243. Legal provisions criminalising homosexuality in China were repealed in 1992. Although sporadic instances of police harassment against homosexuals continue to occur, this reflects traditional social taboos and homophobia rather than systematic official harassment. Gay and lesbian groups, like other social organisations, are monitored for possible political activities.[2a]

5.244. A legal loophole allowed the acquittal of a homosexual brothel owner, and the source states that discreet homosexual bars and clubs exist in the largest cities, with the tacit agreement of local police. [10aa]

5.245. In March 2001, PRC authorities, through the Chinese Psychiatric Association, announced that homosexuality was no longer to be classed as a psychiatric disorder, but part of a "normal life". [10as]

Healthcare

5.246. Doctors in China take an oath at medical school on ethical standards that is held to be equivalent to the Hippocratic Oath. [3an]

5.247. There are reportedly great disparities existing between rural and urban hospitals. Thus there are no uniform standards for treatments such as emergency cardiac treatment. Doctors are asked to stick to general procedures given in standard textbooks. [3an]

People with disabilities

5.248. Changes to the social security system were passed by the Standing Committee of China's State Council, ensuring local payment of minimum levels of social security benefits. [4bc] Disabled people are given to be 60 million in number; 4 million people have been assisted with rehabilitation over the past ten years. In the same period, 73% found employment in 1999 as opposed to less than 50% in 1989. After a government drive, a reduction from 17 million to 10.6 million below the poverty line this year was claimed. [4bo] In the same reforms, the elderly are to be given "vouchers" for choice of residential centres. [4be] The China Disabled Persons' Federation, headed by Deng Pufang, however maintains that 320,000 people with disabilities have recently lost their jobs, and the legal quota of 1.5% % of workforce places reserved for people with disabilities is being flouted.[4co,2e]

AIDS and HIV

AIDS and HIV

5.249. Most sources outside PRC opine that there is considerable under-reporting of AIDS/HIV cases. The Ministry of Health's 1996 official estimates are of 200,000 plus cases as opposed to 9,970 recorded cases. In 1997, Guangdong Province (in Southern coastal China) had the fastest infection rate, but recent reports indicate Yunnan Province (in South China) and XinJiang Province (in West China) had dramatic rises in 1998. Hong Kong has better epidemiological data, with an estimate of 12,000 cases for year 2000. [4jw,20e,20f]



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Annex A: PROMINENT PEOPLE

Political leaders:

Chiang Kai-shek	President of Republic of China 1928-1949; after defeat by the Communists, led the regime in Taiwan until death in 1975.
Deng Xiaoping	Variously, General Secretary of CCP and influential leader during 1960s - 1990s. Policies of open door and economic reform.
Hu Yaobang	General Secretary of CCP 1981-1987. Death in April 1989 led to student demonstrations.
Jiang Zemin	President of PRC since 1993; CCP General Secretary since 1989.
Li Peng	Premier of PRC 1988 - March 1998. Head of Parliament March 1998 onwards.
Mao Zedong	Chairman of CCP 1935-1976. Head of State 1949-1958. Architect of the Cultural Revolution.
Tung Chee-hwa	Chief Executive of HKSAR.
Yang Shangkun	President of PRC 1988-1993. Died September 1998.
Zhao Ziyang	Holder of senior CCP posts until dismissed following the Tiananmen Square massacre in 1989.
Zhou Enlai	Premier of PRC 1949-1976.
Zhu Rongji	Premier of PRC March 1998 -

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Political dissidents:

Bao Ge	Activist in seeking compensation for Japanese wartime atrocities in China. Sentenced to 3 years reeducation through labour in 1994. Left for USA November 1997.
Chen Longde	Sent to labour camp 1996 after calling for release of Wei Jingsheng.
Li Hongzhi	Falun Gong leader. US resident.
Liu Jingsheng	Jailed 1992, sentenced to 15 years for subversion.
Qin Yongmin	Sentenced to 12 years in prison in December 1998 in crackdown on dissidents.
Sun Liyong	Jailed 1990 after demanding release of 1989 activists, sentenced to 7 years.
Wang Bingzhang	US-based activist arrested and expelled to Los Angeles in February 1998. Had entered PRC under a false name intending to set up 'Justice Party'.
Wang Dan	Activist in 1989 demonstrations. Released from detention February 1993 but rearrested May 1995. 11 year sentence imposed October 1996. Released on medical parole to USA April 1998; enrolled as Harvard student.
Wang Youcai	Detained 1989-91. Arrested June 1998 after abandoning attempt to register China Democratic Party with Zhejiang provincial authorities. Sentenced to 11 years in prison in December 1998.
Wei Jingsheng	Activist in Democracy Wall Movement, imprisoned 1979-1993 for 11 years. Rearrested April 1994, sentenced to 14 years imprisonment. Released on medical parole and voluntary exile to USA November 1997.
Xu Wenli	Democracy Wall activist, served 12 years. Lives in Beijing. Critical of Wei Jingsheng's stance. Sentenced to 13 years in prison in December 1998 after unsuccessful attempt to set up Democracy Party.

Political dissident Groups

Chinese name	English translation of	Date, place founded	General Notes
--------------	------------------------	---------------------	---------------

(in Pinyin)	name		<i>From Nipped in the Bud, HRW, September 2000 [12f]</i>
Minzhu Qingnian Dang	Democratic Youth Party	1993	"With 179 members Ceased to be active in 1992.
Zhonggou Renmin Dang	Chinese People's Party (CPP)		Ceased to be active in 1992.
Zhonggou Renmin Minzhu Dang	Chinese People's Democratic Party (CPDP)	1987, Fujian Province	Ceased to be active in 1992.
Zhongguo Shihui Minzhu Dang	Social Democratic Party of China (SDPC)		Ceased to be active in 1992.
Zhongguo Ziyou Gonghui	the Free Labour Union of China (FLUC)		Ceased to be active in 1992.
Zhonggou ziyou minzhu dang	Liberal Democratic Party of China <i>Also known as the Freedom and Democracy Party</i>		Ceased to be active in 1992.
Zhonghau jinbu tongmeng	China Progressive Alliance (CPA)	27 June, 1991	Ceased to be active in 1992.

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Annex B: CHRONOLOGY

1949 1 October: the founding of the People's Republic of China proclaimed by the leader of the Chinese Communist Party, Mao Zedong.

1950: Beginning of Land Reform, which by 1953 involved the appropriation and redistribution of 200m. acres, and violent class struggle against landlords and wealthy peasants. Also the beginning of Thought Reform for intellectuals.

1954 : The first Constitution adopted.

1957

May-June: The Hundred Flowers movement. Intellectuals and students invited to constructively criticise the CCP.

8 June: Anti-Rightist campaign launched - crackdown on nearly 3m. rightist elements, including many of whom had spoken out during the Hundred Flowers movement.

1958 : The Great Leap Forward launched.

1959-61: The "Three Bitter Years" of famine.

1966-76: The Great Proletarian Cultural Revolution - rise of the Red Guards, the Cult of Mao, widespread violence and anarchy, persecution of millions. Deng Xiaoping and other officials purged.

1975: New Constitution adopted. Deng Xiaoping rehabilitated.

1976

8 January: Death of Premier Zhou Enlai.

April: Demonstrations in Tiananmen Square mourning Zhou Enlai violently dispersed. Deng Xiaoping again purged.

9 September: Death of Mao Zedong.

October: Arrest of Gang of Four. Control assumed by Hua Guofeng.

1977 July: Deng Xiaoping rehabilitated.

1978: China's third constitution introduced. Beginning of Democracy Wall movement, with large posters and demonstrations calling for reform and

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democracy. Third plenum of the Eleventh Central Committee marked the beginning of Deng's era, with repudiation of the mistakes of the Cultural Revolution and launch of economic reforms.

1979

29 March: Wei Jingsheng, a Democracy Wall leading figure, arrested and sentenced for "counter-revolutionary" crimes.

1 July: Criminal Law and Criminal Procedure Law adopted by the fifth National People's Congress.

6 December: Democracy Wall closed down.

1980: One-child policy announced. Economic reform initiated, expanding the role of market forces.

1982: Fourth Constitution promulgated.

1983: Launch of campaigns against crime, resulting in thousands of arrests and executions, against radical elements within the CCP, and against "spiritual pollution" ie. Western influences.

1986: Revival of the Hundred Flowers movement, followed by widespread student protests calling for increased democracy and better living conditions.

1987: Hu Yaobang, CCP General Secretary, forced to resign and replaced by Zhao Ziyang. Beginning of campaign against Western bourgeois liberalisation.

1989

15 April: Death of Hu Yaobang.

18 April: 4,000 students place a banner in Tiananmen Square commemorating Hu.

22 April: Amid spreading protests, 50,000 students occupy Tiananmen Square overnight for Hu's funeral. Up to 150,000 students march into Tiananmen Square.

13 May: Beginning of hunger strike in Tiananmen Square for several hundred students.

17 May: Protests spread to other cities. Zhao Ziyang unsuccessful in persuading students to leave Tiananmen Square. Hunger strikers now numbered 3,000. Mass marches in Beijing include one million citizens.

20 May: Martial law in Beijing announced.

3-4 June: Soldiers clash with demonstrators, killing hundreds and clearing Tiananmen Square. Arrests and detentions across the country number in the thousands.

24 June: Zhao Ziyang ousted and replaced by Jiang Zemin.

October: New regulations compelled legal registration of all social organisations.

other regulations required prior approval of the Public Security Bureau of all assemblies, demonstrations and parades.

November: Resignation of Deng Xiaoping from his last government position (Chairman of Central Military Commission); replaced by Jiang Zemin.

1990

10 January: Martial law lifted in Beijing.

18 January: Release of 573 dissidents.

10 May: Release of 211 dissidents.

December: Beginning of trials for numerous prominent dissidents.

1992: Deng Xiaoping tour of southern areas, including the Special Economic Zones, calling for increase in the pace of economic growth and intensification of his reformist policies. 14th National Congress appointed new younger Politburo and Standing Committee, and appointed Jiang Zemin as President of the PRC.

1993: Launch of campaign against corruption within CCP, state bureaucracy and economic enterprises. Fourth constitution amended.

1995: CCP leadership announced that ultimate Party authority passed to younger 21 member Politburo.

1996 April: Launch of 'Strike Hard' campaign against crime, resulting in hundreds of executions and life sentences.

1997

January: Criminal Procedure Law revised, including increased protections for detainees.

February: Death of Deng Xiaoping.

July: Handover of Hong Kong; formation of the Special Administrative Region (SAR).

October: 15th Party Congress, at which Jiang Zemin outlined reform of the state owned enterprises and gave a clear signal that the leadership is addressing the issue seriously. International Covenant on Economic, Social and Cultural Rights signed.

1998

March: Jiang Zemin re-elected as President. Zhu Rongji became Premier.

April: Wang Dan paroled to USA.

May: Legco elections.

June: Clinton visit, televised live. Dissidents fail in attempt to register legitimate opposition party. Demonstration commemorating Tiananmen Square passes

without obstruction in Hong Kong.

October: International Covenant on Civil and Political Rights signed on eve of UK PM's visit.

1999

May: Nato forces bombed Chinese embassy in Belgrade.

July: Tensions increased following Taiwan's demand for "state-to-state" relations.

22 July: Falun Gong banned

1 October: National day marked 50 years of Communist rule. Preceded by severe security measures - detentions and limits on movement.

2000

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Annex C:

Glossary of Chinese terms

Useful in the study of Chinese social issues.

Using Pinyin transliteration

Key: *Arch.* = archaic, classical or pre-Communist usage; *Comm.* = Communist usage; *Sl.* = Slang, criminal vernacular; *Coll.* = Colloquial usage; *Off.* = Official or public administration term

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baihua	Vernacular language
bao	Reciprocity
baojia	Arch. Pre-Communist identification system
Bei Li Wang	"The Appointed King Cult", a banned religious sect.
biaoxian	Comm. Lit. "display"; in Communist usage it means displaying the right politically-correct attitude, commitment or enthusiasm
Bingtuan	Off. / Comm. Xinjiang Production and Construction Corp, a paramilitary based pioneer movement.
bu	Off. Ministry (administrative rank) See also chu
chan shazi	Off. / Comm. "mixing sand" colloquial name for policy of encouraging Han influx and integration in Xinjiang Province.
changgui zanzhu renkou	Off. 'Conventional' temporary population - refers to migrant workers who have definite jobs / reasons for moving area
chao gupiao	'stir-fry shares', day-trading, managing one's portfolio, actively dealing in shares
chao guo renkou	Off. Metropolitan district, smaller than a

cheng guan qu	Off. metropolitan district, smaller than a municipality (shi) typically with a city and outskirts. <i>See also shi</i>
chengshi zengrongfei	Off. Urban infrastructural construction - an urban residence entry fee
cheng zhen	Urban hukou (see also hukou bu)
cho hai	Sl. Grass Sandal, Grass Slipper, triad messenger, number 432, working on liaisons with pay-off victims, other branches of the triad, and other gangs. <i>See also shan chu</i> and following references.
chu	Division (administrative rank) <i>See also bu</i>
Cibel Gong	Qigong group, operating in Hunan, Hubei, and Jiangxi Provinces.
cun	Village
dang zheng jun zuzhi	<i>Comm.</i> "Party-government-army unit" A pioneer corps, most notable being the Bingtuan. <i>See Bingtuan</i>
dang zhong yang	<i>Comm.</i> Central Committee of the Chinese Communist Party
dang'an	Personal dossier containing data on an individual's work, qualifications, seniority, party membership, etc
danwei	Work/welfare unit; also gongzuo danwei
dengji guanli jiguan	Registration management agency; used in relation to the registration of a society
ding'e buzhu	"fixed term subsidy"
duozi duofu	"many sons (to bring) much happiness"
ertong fuliyuan	Child welfare institution. <i>See also jingshenbingren fuliyuan; shehui fuliyuan</i>
fa	Law (formal, public, written); also law in the sense of formulated doctrine (as used in Falun Gong)
fenjia	Arch. Division of the family or the family estate
fenshuizhi	Off. Tax-sharing arrangements - whereby provinces are able to keep and utilize substantial amounts of locally raised taxation

fu shan chu	Sl. "Number 438" the title given to a sub-boss of a triad organisation. <i>See also shan chu</i> and following references.
ganbu	<i>Comm.</i> Cadre - usually refers to any party member holding a responsible position; technically, also includes non-party government officials in responsible positions.
getihu	Individual household enterprise (less than 8 employees)
Gong An Bu	Public Security Bureau (PSB) - the national level ministry.
Gong An Ju	Public Security Bureau (PSB) - the local level force. <i>See also Gong An Bu</i>
gongkai, heping, lixing, an falu	"openness, peace, reason, legality" watchwords of the China Democracy Party, a dissident organisation, in 1998.
guan	Official, bureaucratic
guanxi	Social connections, used to obtain favours <i>See also guanxixue, guanxiwang</i>
guanxiwang	Network of connections <i>See also guanxi, guanxixue</i>
guanxixue	The art of social connections, guanxi practices. <i>See also guanxi, guanxiwang</i>
gu'er	"true" orphans, with both parents dead, as opposed to abandoned.
Guo Gong	Qigong group, operating in Sichuan Province.
guoqing	National characteristics (in terms of cultural identity)
haixuan	"sea election" experimental electoral innovation for village elections, piloted in Jilin Province.
Hanyu	"The language of the Han people" = 'Mandarin', standard modern Chinese = putonghua
hei haizi	"black children" children born to couples outside the permitted birth plan, under family planning regulations.
heung chu	"The incense master" & also "Number 438" the title given to the officer of a

	triad who oversees the spiritual side of the triad, overseeing rituals etc. Equal to the sub-boss of a triad organisation. See also shan chu and following references.
Hua Gong	A traditional form of Qigong, taught outside PRC
hukou	Household registration booklet
hukou bu (or hukoushu or hukoubu)	Household booklet used for identification of urban residents; see also chengzhen
hukou dengji bu	Household registration booklet kept by the PSB to verify legitimate urban dwellers
hukou leibie	"Status" of <i>hukou</i> i.e. agricultural or 'urban'
hukou suozaidi	Place of <i>hukou</i> registration
huji bu	Alternative name for hukou bu
hung kwan	Sf. "Red Pole" or "number 426" - the military commander of a triad, organising defence and acquisition of 'turf'. Equal to the sub-boss and the Incense Master. See also shan chu and following references.
jiancha jiguan	Procuracy - a Chinese judicial agency responsible for investigating and prosecuting criminal cases.
jihua danlie	Off. "Stand-alone planning Unit" an institution directly and only responsible to the State Council, bypassing ministry and provincial government control.
jingshenbingren fuliyuan	Psychiatric welfare institutions. See also ertong fuliyuan ; shehui fuliyuan
jishi	Private markets
jituan gongsi	Corporation - an economic state entity.
jumin shenfenzheng	Individual registration card
kexue	Science, as in "scientific or systematic method"
laogai	Reform through labour (camp), equivalent to prison. Inmates have been sentenced by a court under the Criminal code.
laojiao	Lit. education through labour (camp). Inmates receive administrative sentences, by a committee without

	trial.
lian	'face', moral reputation. <i>See also</i> mianzi
lieshen	<i>Arch.</i> "bad gentry" oppressive, absent, and/or neglectful landlords and superiors.
lingdao	"leadership" as in a tight form of control over Village Committees. <i>See also</i> zhidao
liudong renkou	Floating population
mangliu	Blind vagrant, blind drifter - one of the floating population (essentially an 1950s term)
Matsu	Taoist school still active in PRC
meizushi	<i>Coll.</i> "useless, lacking in ambition" perjorative label attached to migrants who do not "make it" in the West
mianzi	'face', prestige, sense of one's own public worth
minbing	Militia <i>see also</i> minbing yinji fendui
minbing yinji fendui	Emergency Militia Units - elite militia forces.
minkaohan	<i>Coll.</i> Students from ethnic minority backgrounds who have had a regular education <i>See</i> zhenggui jiaoyu
minzhengju	<i>Off.</i> Local Civil Affairs Office (for registering marriages)
minzhu gaige	<i>Comm.</i> Democratic reforms. Partic. Radical changes introduced in Tibet in the 1950s.
minzu jiaoyu	Schools for local ethnicities as opposed to schools offering a regular education <i>See</i> zhenggui jiaoyu
mousheng zanzhu renkou	Job-seeking migrant workers (in relation to the floating population) <i>see also</i> changgui zanzhu renkou
mu	A measurement of land, usually one-fifteenth of a hectare; one-sixth of an acre. <i>Also Arch.</i> distance. Traditionally, not necessarily a standard length or area e.g. in travel, a unit that may also include the degree of difficulty of travel with a <i>mu</i> on a mountainous path being shorter than a <i>mu</i> over a flat distance.
nei wai zhanlue	<i>Off.</i> "internal and external strategy"

北京中央政府的做法	Beijing central government's approach to isolate and weaken cross border separatist / nationalist movements in Xinjiang Province.
nengren	"Competent people" (in relation to skilled managers brought into State industries)
nongmin	Arch. peasant
nongzhuanfei	Process of converting from agricultural to non-agricultural <i>hukou</i>
pak tsz sin	Sl. "White Fan" or "Number 415": the accountant officer of a triad organisation. See also <i>shan chu</i> and following references.
Peng Shanshan	A breakaway Falun Gong group based in Hong Kong
pinyin	Internationally recognised system of transliterating Chinese characters into romance lettering
putonghua	"the language that everyone speaks" = 'Mandarin', standard modern Chinese. See also <i>Hanyu</i>
qigong, or qi-gong	An ancient system of meditation and exercise leading to physical and spiritual well-being. See also <i>falun gong</i> ; <i>falun dafa</i> ; <i>zhong gong</i> ; <i>t'ai chi</i> ; <i>Qing Yang</i> ; <i>Tian Ting Baolian</i>
Qing Yang	Purported qigong group operating in PRC.
qu	District - Administrative area larger than a township <i>xiang</i> but smaller than a county <i>xian</i> . Coll. Can refer to any sized district.
renmibi (RMB)	"The people's currency"; "official" exchange rate Chinese currency and general name for Chinese currency, see <i>yuan</i>
renmin fating	People's tribunals
Renmin Ribao	<i>The People's Daily</i> , the official newspaper
shehui fuliyuan	social welfare institution. See also <i>ertong fuliyuan</i> ; <i>jingshenbingren fuliyuan</i>
shan chu	Sl. "Number 489" - the title of the head of a triad organisation See also <i>fu shan chu</i> ; <i>tai-lo</i> ; <i>l-lo</i> ; <i>heung chu</i> ;

	sing feng; hung kwan; pak tsz sin; cho hai; sze kau
shehui tuanti	Social associations, social organisations - new social organisations operating under registration of a national controlling body.
shexue	Community / public / state schools <i>See also</i> sishu
shoushengsou	Police lock-ups
shuji	<i>Comm.</i> Secretary; term used only to mean the secretary or leading member of a committee in the CCP at any level.
sing feng	<i>Sl.</i> In a triad, The Vanguard, third in rank, equal to the Hueng Chu , Incense Master, and responsible for establishing new sub-groups of the triad. <i>See also</i> shan chu and following references.
sishu	Private schools <i>See also</i> shexue
sze kau	<i>Sl.</i> A common gang member or "soldier" of a triad organisation. Also known as a "Number 49". <i>See also</i> shan chu and following references.
talji	Yin-Yang symbol
taljiquan (= T'ai Chi in non-pinyin)	Widely practised system of spiritual discipline and exercise <i>See also</i> qigong
tai-lo	<i>Sl.</i> "Elder Brother" Triad alternative name for triad boss.
Tian Ting Baolian	Purported qigong group operating in PRC.
ting	A government department or office at provincial or autonomous region level, between a bu (ministry) and a ju (local office, department.)
tongxianghui	Association of people with the same birth place e.g. London Fujian Tongxianghui - an association for Fujianese in London.
tongzhanbu	<i>Comm.</i> The organ of the Party devoted to forming broad "alliances" with non-Party and often non-Chinese sectors of society.

tongzhi	<i>Comm.</i> Comrade <i>lit.</i> "(one with the) same ambition"
tufa shijian	<i>Comm.</i> "sudden incidents" phrase used in official documents to denote unorganised demonstrations.
xiagang	"Laid-off", usually made redundant from State enterprises.
xiaozu	<i>Comm.</i> "Small groups" for self-criticism and political education.
xinxing	"mind-nature" used by qi-gong groups partic. Falun Gong to indicate "spiritual health" or "spiritual outlook".
waldi lai'ing ren'uan	"people from other places" A more respectful variant of wailai renkou , referring to undocumented migrants by urban residents.
wailai renkou	"population from the outside" A disrespectful term used by urban residents to refer to undocumented migrants. <i>See also</i> waldi lai'ing ren'uan
wan	The wan symbol as used by the Falun Gong
wan ₂ xi, shao	Later, longer, fewer - family planning policy slogan
wei yuan hui	Neighbourhood committee
wenyan	<i>Arch.</i> Scholarly classical language
wujing	Peoples' Armed Police (PAP) - paramilitary unit of the PLA formed in 1983 responsible for internal security, border controls, protection of state installations including prisons. <i>See also</i> minbing
xian	county
xiang	township
xiejiao zuzhi	<i>Off.</i> "heretical cult", "weird religious organisation" term used in Chinese legislation with a wider meaning than the English "cult"
xue	<i>Arch.</i> study
xuegong	<i>Arch.</i> Confucian temple-schools
yamen	<i>Arch.</i> Magistrate's hall - both residence and office. Pre-communist term

yewu zhuguan danwei	Professional management unit (in relation to registered societies) <i>See also</i>
yin	Arch. (hereditary) privilege of upper rank officials
youhui zhengce	"preferential policies" policies that establish economic zones and other mechanisms to aid development.
yuan	The particular name of Chinese currency <i>see Renmibi</i>
zhang	Leader or head of organisation e.g. buzhang is a Minister in the Chinese government.
zhaogong	State-owned enterprise
zhaosheng	Higher education
zhen	Town, officially designated as such for urban hukou.
zhengce	"policy" in relation to Hukou transference <i>See also nongzhuanfei</i>
zhenggui jiaoyu	"regular education" taught in Mandarin to an approved curriculum <i>See also minzu jiaoyu</i>
zhibiao	"quota" in relation to Hukou transference <i>See also nongzhuanfei</i>
zhidao	"advice" as in a loose form of control of Village Committees. <i>See also lingdao</i>
zhongguo benwei wenhua	"On a Chinese foundation" (in relation to cultural adaption and adoption)
Zhongguo gong chan dang	<i>Comm.</i> The Chinese Communist Party (CCP)
Zhonggou mains dang	China Democracy Party (CDP); dissident party that attempted registration in June 1998 as an opposition party, led by Wang Youcai
Zhongguo renquan guancha	"China Human Rights Watch", dissident attempt at registration of a human rights organisation in March 1998, in Beijing by Xu Wenli.
Zhonggou zhengyi dang	"China Justice Party" - original working title of dissident party that became the China Democracy Party
zhuxi	Chairman or Governor - the highest level official at any level.

zili kouliang	'Self-supplied food grain' relates to hukou and nongzhuanfei
zizhizhou	Prefecture - administrative area one level below a province or region, and above the level of a county.

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Annex D: GLOSSARY 2 : English terms

ACWF	All China Women's Federation
Basic Law	Constitution of HKSAR
Blue chop status	Household registry status, allowing temporary workers to legally reside in the city
cadre	elite CCP members
CCP	Chinese Communist Party
IDC	Citizen Identity Cards (introduced 1984)
lamaseries	Tibetan Buddhist monasteries and nunneries
NPC	National People's Congress
PRC	People's Republic of China
PLA	People's Liberation Army
PSB	Public Security Bureau
SAR (also HKSAR)	Special Administrative Region (Hong Kong)
snakeheads	organisers of illegal people smuggling

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