



Flygtningenævnets baggrundsmateriale

Bilagsnr.:	198
Land:	Kina
Kilde:	Home Office
Titel:	"Country of origin information report"
Udgivet:	31. august 2006
Optaget på baggrundsmaterialet:	11. september 2006

COUNTRY OF ORIGIN INFORMATION REPORT

CHINA

31 AUGUST 2006

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by Research, Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 31 July 2006. The latest news section contains information available up to 31 August 2006.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been

included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- ix COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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- xi The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.
- xii It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed

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Latest News

Events in China, from 1 August 2006 to 31 August 2006

31 August 2006 Hong Kong journalist, Ching Cheong jailed for five years after being convicted of spying for Taiwan.

China reporter jailed for spying, BBC, 31 August 2006

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China invests \$60b to reduce industrial accidents, *China Daily*, 29 August 2006

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An Underground Catholic Bishop released after more than 10 years in prison, Cardinal Kung Foundation, 25 August 2006

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China jails NY Times researcher, BBC, 25 August 2006

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China abortion activist sentenced, BBC, 24 August 2006

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China: Government Must End Crackdown on Lawyers, Human Rights Watch, 23 August 2006

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22 August 2006 The Chinese government announces plans to spend US\$41.3 billion on sewage treatment facilities during the next four years.

330b Yuan Earmarked for Urban Sewage Treatment Facilities, Xinhua, 22 August 2006

<http://www.china.org.cn/english/China/178761.htm>
[accessed 23 August 2006]

20 August 2006 Police arrest a man for the murder of ten people at a Taoist temple in Ankang in Shannxi province in mid-July 2006.

Arrest over China temple killings, BBC, 20 August 2006

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China sacks 34 police officials for misconduct, *People's Daily*, 19 August 2006

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[accessed 21 August 2006]

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China Detains Teenage Girl for Writing Pro-Independence Leaflets, Radio Free Asia (RFA), 18 August 2006

http://www.rfa.org/english/news/2006/08/18/tibet_arrest/
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18 August 2006 Chen Guangcheng, a blind rural activist who drew international attention to forced abortions and sterilisations in Linyi goes on trial accused of various public order offences.

China abortion activist on trial, BBC, 18 August 2006

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Former head of AIDS-hit county in central China arrested for bribery, *People's Daily*, 18 August 2006

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China's national per capita income reaches \$1,740, *People's Daily*, 17 August 2006

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Gov't-backed gay forum makes cautious debut, *China Daily*, 15 August 2006

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China's anti-corruption campaign troubled by rising probation rate, *People's Daily*, 14 August 2006

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Wal-Mart to permit Chinese unions, BBC, 10 August 2006

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China executes official for spying, CNN, 9 August 2006

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[accessed 9 August 2006]

6 August 2006 The Hong Kong legislature passes a new law allowing the use of covert surveillance and phone tapping.

HK legislators pass 'spying law', BBC, 6 August 2006

<http://news.bbc.co.uk/1/hi/world/asia-pacific/5249708.stm>
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3 August 2006 Police detain 90 Catholics in Hebei province; trouble flared after protesters confronted the police who they believed had tortured a bishop.

Hebei priest tortured and bishop arrested to stop pilgrimage, *AsiaNews*, 11 August 2006

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3 August 2006 Rowan Williams, the Archbishop of Canterbury, will make will his visit China in October 2006.

Archbishop of Canterbury to visit China for the first time, Channel New Asia, 3 August 2006

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China vow on sex-based abortion, Xinhua, 2 August 2006,

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XINJIANG: China's isolated Xinjiang religious minorities, 15 August 2006
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House of Commons Foreign Affairs Committee

http://www.parliament.uk/parliamentary_committees/foreign_affairs_committee.cfm

Report on East Asia, published 13 August 2006 [accessed 23 August 2006]
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Background information

GEOGRAPHY

- 1.01 As reported by Europa World in their Country profile for China, accessed 25 January 2006:

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

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

- 1.03 As reported by the Economist Intelligence Unit (EIU) in their January 2006 country profile for China:

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

- 1.04 As noted by the CIA World Fact Book on China, last updated on 10 January 2006, “China considers Taiwan as its 23rd province”. [30a] (p4)

(See also sections 42 and 43: [Taiwan](#), [Hong Kong](#) and [Macao](#))

MAP



Map courtesy of CIA World Fact Book

<http://www.cia.gov/cia/publications/factbook/geos/ch.html>

LANGUAGES

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

“There are seven major Chinese dialects and many subdialects. Mandarin (or Putonghua), the predominant dialect, is spoken by over 70% of the population. It is taught in all schools and is the medium of government. About two-thirds of the Han ethnic group are native speakers of Mandarin; the rest, concentrated in southwest and southeast China, speak one of the six other major Chinese dialects. Non-Chinese languages spoken widely by ethnic minorities include Mongolian, Tibetan, Uygur and other Turkic languages (in Xinjiang), and Korean (in the northeast).” [2g] (p2) [18h] (map showing Chinese Linguistic Groups)

PINYIN TRANSLATION SYSTEM

- 1.06 As noted by the same source:

“On January 1, 1979, the Chinese Government officially adopted the pinyin system for spelling Chinese names and places in Roman letters. A system of Romanization invented by the Chinese, pinyin has long been widely used in China on street and commercial signs as well as in elementary Chinese textbooks as an aid in learning Chinese characters. Variations of pinyin also are used as the written forms of several minority languages. Pinyin has now replaced other conventional spellings in China’s English-language publications. The U.S. Government also has adopted the pinyin system for all names and places in China.” [2g] (p2)

NAMING CONVENTIONS

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

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

TIBETAN NAMES

1.08 The FCO also noted:

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

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

POPULATION

1.09 As reported by the official *People's Daily* newspaper on 6 June 2005, the symbolic 1.3 billionth citizen of China was born that day in a Beijing hospital. According to this report 16 million babies are born annually in China. [12af] As reported by the *People's Daily* on 19 September 2005, “China’s population and family planning minister said China would work to limit its mainland population to below 1.37 billion by 2010.” This report quoted Zhang Weiqing, minister in charge of family planning as saying “... China would keep its family planning policy in place to maintain a low birth rate.” [12an]

(See also section 32: [Family planning](#))

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ECONOMY

2.01 In a statement to US-China Economic and Security Review Commission the US Senate (Foreign Relations Committee) on 2 February 2006, Assistant US Secretary of State for East Asian and Pacific Affairs, James Kelly stated:

“The statistical data underlining China’s economic success are well known. The economy has grown at an average annual rate of more than 9.5% for the past 26 years. A recent national economic census revised recent growth rates upward: 10.1% for 2004, 9.9% for 2005, and more of the same for 2006, making China the world’s fourth-largest economy, surpassing France and Britain, with a GDP of \$2.24 trillion...Rapid change has exposed – indeed, sometimes created – serious inequities and structural weaknesses. China may be a richer society, but those riches are not evenly distributed, especially with more than 200 million people living below the poverty line, defined by the World Bank as a dollar a day. The incomes of urban dwellers are four times those of people in the countryside, where 800 million of China’s 1.3 billion people live. Residents in the rural areas of China’s vast interior are keenly aware that they are considerably poorer than those in the cities, and have worse health care, worse education, and inadequate social welfare services and infrastructure. They suffer in particular from land degradation, falling water quality, polluted and scarce water resources, severe air pollution, and deforestation.” [2i]

- 2.02 China’s economy grew by 10.9 per cent in the first half of 2006, according to official figures. [12bc] (*People’s Daily*, 18 July 2006)

INFORMAL MONEY LENDERS

- 2.03 As reported by *TIME ASIA* on 22 November 2004, small businessmen in China often turn to informal moneylenders or shadow banks for finance. As noted here, “In the past, Beijing might have responded by cracking down and throwing a few people in jail for loan sharking. That hasn’t happened for the simple reason that the gray-market provides an efficient means of capital allocation in ways the country’s socialist-era financial system cannot.” [65f] As noted by *Asia Times* in a report dated 11 May 2006, “China’s central bank estimates that annual underground lending, in particular loan-sharking, has reached \$118 billion, or an approximate 6-7% of all lending in China. Pawnshops are growing in popularity, since they provide the quickest option for short-term loans. Most entrepreneurs complain they have a hard time borrowing less than a million yuan.” [64k]

OPENING A BANK ACCOUNT IN CHINA

- 2.04 The United Kingdom Embassy in Beijing stated in a letter dated 4 October 2005 that, “To open a bank account in China, a private citizen need only present an ID or passport to the bank upon application. To open a company bank account, the following documents need to be presented to the bank:
- The original business licence
 - A certificate of company structure
 - Tax registration certificate
 - A certificate of legal status
 - ID of the individual opening the account
 - The qualification certificate of the company’s accountant
 - If the individual opening the bank account is a non-legal entity, a letter of authorisation from the relevant legal entity is required
 - Certificate of office location

The individual ID required to open a bank account will probably contain the same information as recorded on hukou registration documents, so bank officials would have access to hukou information.” [31j]

CONSEQUENCES OF NON-REPAYMENT OF A LOAN

- 2.05 On the question of penalties for defaulting on a loan the Embassy stated, “On a personal loan, the bank will charge punitive interest and, when the loan is long overdue, the bank can take the client to court and seek repayment of the loan through disposal of the client’s property. The defaulter will be registered on an inter-bank personal credit network and deprived of any chance to obtain loans from banks in the future. On corporate loans, similar procedures apply, with the legal person bearing liabilities.” [31j]

REMITTANCE

- 2.06 As reported by *The Times* on 17 November 2005, Chinese migrants around the world were expected to send about \$20 billion back to China in 2005. Only migrants from India and Mexico send as much back. [90g] In addition to this sum of money internal migrants sent back \$30 billion to their rural homes in 2005. [113a] (*Migration News*, January 2006)

(See also section 35: Household registry – [hukou](#))

POVERTY

- 2.07 As reported by the *Guardian* newspaper on 27 May 2004:
- “China’s economic expansion has been on a scale and at a speed the world has never seen before. Since opening its economy in 1978, China has accounted for three-quarters of all the people in the world lifted out of abject poverty. According to the World Bank, the number of Chinese people subsisting on less than \$1 a day has fallen from 490 million in 1981 to 88 million. During this period the country’s output has increased more than eightfold and the average income has risen by 7% a year, passing \$1,000 (currently £551) for the first time in 2003.” [41h]
- 2.08 In a statement to US-China Economic and Security Review Commission the US Senate (Foreign Relations Committee) on 2 February 2006, Assistant US Secretary of State for East Asian and Pacific Affairs, James Kelly stated, “Behind the numbers, behind the successes, are problems, which Chinese leaders themselves have acknowledged. China remains a poor country – with a population of 1.3 billion people, per capita income is about \$1,700.” [2i]
- 2.09 On 20 July 2004, the official news agency Xinhua reported the first official rise in poverty for 25 years. This report stated, “The number of indigent Chinese with less than 637 yuan (77 US dollars) of annual net income rose by 800,000 in 2003. This is the first time the number increased since China began opening-up in the late 1970s, said a senior Chinese official.” [13k]
- 2.10 On 28 October 2005, the official *People’s Daily* newspaper reported “China’s legislature [on] Thursday made a decision to raise the cutoff point of the monthly personal income tax from the current 800 yuan to 1,600 yuan,

effective from Jan. 1, 2006... The current standard of 800 yuan was instituted in 1993, when only around one percent of the employed people earned more than 800 yuan. In 2002, the ratio jumped to around 52 percent.” [12au] As reported by the official news agency Xinhua on 29 December 2005, “China’s 2,600-year-old agricultural tax will be rescinded as of January 1, 2006, after China’s top legislature voted on Thursday to adopt a motion on the regulations revoking the agricultural tax... Official figures show that agriculture contributed to 13.1 percent of the nation’s gross domestic product (GDP) in 2004, and industry and tertiary trade contributed to 46.2 percent and 40.7 percent respectively.” [13i]

ENVIRONMENT

- 2.11 As reported by the BBC on 15 June 2004, “Nine out of ten of the world’s most polluted cities are in China. According to the World Bank, air pollution costs the Chinese economy \$25bn a year in health expenditure and lost labour productivity – largely because of the use of coal. There are ongoing environmental debates surrounding the country’s dams policy, especially the construction of the Three Gorges Dam in central Hubei province.” [9ax] As reported by the *Guardian* newspaper on 8 June 2005, “Pollution and consumption of water in China are growing so fast that more than 100 of the country’s biggest cities could soon be unable to quench the thirst of their populations, a cabinet minister warned yesterday... While international attention has focused on economic growth rates of more than 9% a year, local concerns have increasingly centred on the decline in water and air quality.” [41v]
- 2.12 As reported by the BBC on 27 November 2005, 3.8 million residents of the city of Harbin were without mains water for five days after a toxic chemical leak polluted the Songhua river forcing officials to cut off water supplies. “The restoration of supplies at 1800 (1000 GMT) on Sunday came five hours earlier than expected.” [9an] As reported by the *Sunday Times* on the same date, “Widely viewed as China’s worst environmental disaster for years, the spillage is the latest in a long line of incidents that officials have bungled or tried to cover up, from plane crashes to Sars and avian flu.” [90d] As reported by the BBC on 18 July 2006, “China plans to spend 1.4 trillion yuan (\$175bn) over the next five years on protecting its environment. The sum – equivalent to 1.5% of China’s annual economic output – will be used to improve water quality, and cut air and land pollution and soil erosion.” [9cj]

STATE OWNED ENTERPRISES (SOEs)

- 2.13 As reported by the BBC on their special website, Changing China (Key people and events), “Millions of workers have been laid-off as state-run firms have been restructured or shut down. This has sparked angry protests from their workers, who complain they have been left without the welfare benefits they were once promised.” [9e] As noted by Martine Bulard writing in the January 2006 edition of *Le Monde diplomatique*, off-post workers (xiagang zhigong) retain contractual links with their former employers, social benefits and status. [107a]
- 2.14 As reported by the Government White Paper, China’s Employment Situation and Policies (Section II), published in April 2004, “From 1998 to 2003, the accumulative total number of persons laid off from state-owned enterprises

was 28.18 million... In 2003, with the concerted efforts of governments at all levels throughout the country, jobs were found for 4.4 million laid-off persons, of whom 1.2 million were men over 50 years of age and women over 40 years of age, who had been considered as having difficulties finding reemployment.” [5n] (p4 of Section II)

- 2.15 As reported by the EIU in their January 2006 country profile for China, “Historically, SOEs provided not only employment for large numbers of workers, but also social benefits such as housing, healthcare, education and pension payments for employees and their families. Thus, at the same time as streamlining SOEs, the government has been working to establish a social security system that is not based on individual work units.” As noted by the same source, take up has been poor due to the cost. [4b] (Economic policy)
- 2.16 As noted by the NGO China Labour Bulletin on their website (report undated), “Liaoning Province has the largest number of state-owned enterprise (SOE) employees in China, and therefore also the largest number of retrenched and retired SOE workers in the country.” This report also noted that, “In many cities, it is common to find that all residents work for one single industry and in some cases, one single state owned enterprise.” [34b]
- 2.17 As reported by the Association for Asian Research (AFAR) on 26 August 2005:
- “These SOEs, which employ more than 100 million workers, are operating at a loss of about 1 percent of GDP each year. Many industrial workers receive only partial payment. The problem of underemployment and bankruptcy in state-owned enterprises is critical, and needs reform... The one million-plus soldiers and officers in the Chinese military’s reserve forces are primarily in SOEs. The closure of these SOEs in a drive for national economic efficiency would create more unemployment and social unrest.” [51h]

(See also section 40: [Industrial unrest](#))

UNEMPLOYMENT

- 2.18 As reported by the official *People’s Daily* newspaper on 25 October 2005, China’s urban unemployment rate has been under five per cent since 2001. [12ay] As noted by the Ministry of Labor and Social Security, by the end of March 2004, 155.86 million people were covered by retirement insurance, 102.02 million by unemployment insurance and 112.39 million by medical insurance. [13e] As reported by *Asia Times* on 22 January 2005, “Surplus manpower in the countryside may reach a staggering 450 million, according to the most alarmist predictions, with at least 26 million people annually trying their luck in the big cities.” [64d]

CURRENCY

- 2.19 As noted by Europa World in their Country profile for China, accessed 25 January 2006, the Chinese currency is “[The] renminbiao (People’s Bank Dollar), usually called a yuan.” One renminbiao is made up of ten jiao (chiao) or 100 fen (cents). [1a] (Finance) As reported by the BBC on 22 July 2005, “China has revalued its currency, the yuan, for the first time in a decade – a move welcomed by the US, a long-time critic of its exchange-rate policy...The

yuan will no longer be pegged to the dollar, but will float against a basket of currencies... China's currency had been pegged at 8.28 against the dollar, but the new move effectively strengthens it by 2.1%, to 8.11 to the dollar." [9r]

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HISTORY

1949-1976: THE MAO ZEDONG ERA

- 3.01 As reported by Europa World in their Country profile for China, accessed 25 January 2006:

"The People's Republic of China was proclaimed on 1 October 1949, following the victory of Communist forces over the Kuomintang (KMT) Government, which fled to the island province of Taiwan. The new Communist regime received widespread international recognition, but it was not until 1971 that the People's Republic was admitted to the United Nations, in place of the KMT regime, as the representative of China. Most countries now recognize the People's Republic. With the establishment of the People's Republic, the leading political figure was Mao Zedong, who was Chairman of the Chinese Communist Party (CCP) from 1935 until his death in 1976." [1a] (**Recent History**)

- 3.02 As reported by the Economist Intelligence Unit (EIU) in their January 2006 country profile for China, "In the Great Leap Forward of 1958 the government attempted to turn China into an industrial economy overnight. The policy failed in spectacular fashion, resulting in the world's worst ever man-made famine, in which an estimated 30m people died. In a further bout of hysteria, during the Cultural Revolution of 1966-69, Mao attempted to rouse the student 'red guards' against 'capitalist roaders' within the party bureaucracy." [4b] (**Political background**)

1978-1989: DENG XIAOPING AS PARAMOUNT LEADER

- 3.03 As reported by the EIU:

"Pragmatists within the ruling party, led by Deng Xiaoping, who had survived being purged during the Cultural Revolution, re-emerged in the wake of Mao's death and, taking control of the government, embarked on a course of economic reform... However, this second-generation leadership, although prepared to reform the economy, was ultimately not willing to countenance the party's own fall from power. The party's general secretary, Hu Yaobang, hitherto Deng's heir-apparent, was dismissed after his policies were blamed for student demonstrations in 1986." [4b] (**Political background**)

TIANANMEN SQUARE PROTESTS (1989)

- 3.04 As reported by Europa World:

"The death of Hu Yaobang in April 1989 led to the most serious student demonstrations ever seen in the People's Republic. The students criticized the alleged prevalence of corruption and nepotism within the Government, and sought a limited degree of Soviet-style glasnost [openness] in public life. When negotiations between government officials and the students' leaders

had failed to satisfy the protesters' demands, workers from various professions joined the demonstrations in Tiananmen Square, Beijing, which had now become the focal point of the protests. At one stage more than 1m. people congregated in the Square, as demonstrations spread to more than 20 other Chinese cities." [1a] (Recent History)

- 3.05 As reported by the EIU, "The ruling elite initially appeared unsure how to respond to these massive protests, but on May 24th Mr Hu's successor, Zhao Ziyang, was removed from power, and on the night of June 3rd-4th the military moved to retake Tiananmen Square, at the political heart of China, which had formed the focus for the protests, killing several hundred unarmed civilians along the way." [4b] (Political background) As noted by Europa World, "Television evidence and eye-witness accounts estimated the total dead at between 1,000 and 5,000. The Government immediately rejected these figures and claimed, furthermore, that the larger part of the casualties had been soldiers and that a counter-revolutionary rebellion had been taking place." [1a] (Recent History)

POST-TIANANMEN SQUARE

- 3.06 As reported by the EIU, "The massacre was followed by widespread arrests and executions, leadership changes – a low-profile mayor of Shanghai, Jiang Zemin, was promoted as Deng's latest designated heir – and a period of economic and political retrenchment [followed]." [4b] (Political background) As Noted by the Europa World, "Arrests and executions ensued, although some student leaders eluded capture and fled to Hong Kong. In January 1990 martial law was lifted in Beijing, and it was announced that a total of 573 prisoners, detained following the pro-democracy demonstrations, had been freed. Further groups of detainees were released subsequently. In March Deng Xiaoping resigned from his last official post, that of Chairman of the State Central Military Commission, and was succeeded by Jiang Zemin." [1b] (Recent History)

(See also section 16: [Tiananmen Square activists](#))

JIANG ZEMIN AS CORE LEADER

- 3.07 As reported by the EIU, "Since the early 1990s China has been ruled by 'technocrats', with careers dominated less by political struggle than by the study of engineering and the natural sciences. Mr Jiang was successful in establishing himself as the most senior leader in his generation, but he never enjoyed the deep-seated authority commanded by Deng, let alone Mao. [4b] (Political background)

HU JINTAO: CHARIMAN OF THE BOARD

- 3.08 As reported by EIU (2005), "Mr Jiang retired as CCP general secretary at the party's 16th five-yearly National Congress in November 2002, and as state president at the annual meeting of the full NPC in March 2003. He was replaced in both positions by the head of the fourth-generation leadership, Hu Jintao... The emphasis on social justice and good-quality public administration under Mr Hu and Mr Wen [Premier] has been described as China's New Deal. But the government has also been at pains to emphasise that the one-party state is not about to be dismantled." [4a] (Political background) As reported in Volume 6, Issue 1 (January 3, 2006) of *China Brief*, available via the

Jamestown Foundation's website, Hu's three key aims are peace in the world, "reconciliation" with Taiwan and harmony in Chinese society. [78f]

(See also sections 6 and 16: [The leadership](#) and [The death of Zhao Ziyang](#))

RECENT DEVELOPMENTS

- 4.01 Chinese President Hu Jintao opened the Qinghai-Tibet railway line on 1 July 2006. [9ce] (BBC, 1 July 2006) Concern has been voiced over whether its opening will trigger an influx of Han settlers into Tibet. [78e] (*China Brief*, 5 July 2006)

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

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CONSTITUTION

- 5.01 As reported by Europa World in their Country profile for China, accessed 25 January 2006, "A new Constitution was adopted on 4 December 1982 by the Fifth Session of the Fifth National People's Congress." It was amended in 1993, 1999 and 2004. Article 1 states that, "The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants. The socialist system is the basic system of the People's Republic of China. Sabotage of the socialist system by any organization or individual is prohibited." [1a] (*The Constitution*)
- 5.02 As noted by the same source, Articles 1 to 32 set out the general principles of the Constitution and Articles 33 to 56 lay down a citizen's fundamental rights and duties. [1a] (*The Constitution*) [5a] (*Text of the Constitution*)
- 5.03 As reported by the official *People's Daily* newspaper and Amnesty International (AI) on 15 March 2004, the second session of the 10th National People's Congress (NPC) voted to "enshrine" human rights in the state Constitution. They also voted to include an amendment to protect private property. [12p] [6i] In response AI stated, "Amnesty International today welcomed the recent announcement by China's National People's Congress that it would enshrine human rights in the Constitution, but cautioned that these steps must be backed up by legal and institutional reforms to ensure the protection of human rights in practice." [6i]

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POLITICAL SYSTEM

- 6.01 As noted by the FCO in their country profile for China, last reviewed on 7 September 2005:

"There are three major hierarchies in China: the Chinese Communist Party (CCP), the government and the military. The supreme decision-making body in China is the CCP Politburo and its 9-member Standing Committee, which acts as a kind of 'inner cabinet', and is headed by the General Secretary of the Chinese Communist Party. The National People's Congress (NPC) is China's

legislative body. It has a five-year membership and meets once a year in plenary session. However, in practice it is the CCP who takes all key decisions. [31a] (p1)

- 6.02 In October 2005, the Chinese Government issued a White Paper entitled, Building of Political Democracy in China. This paper emphasised the benign rule of the Communist Party and the need for social harmony rather than western style democracy. [6r] As noted by the CIA World Fact Book on China, last updated on 10 January 2006, "...no substantial political opposition groups exist, although the government has identified the Falungong spiritual movement and the China Democracy Party as subversive groups." [30a] As reported by *Asia Times* on 22 July 2006, "... in China, the masses always look to a strong central government to protect them from abuse of power at the local level." [64m] (p4)

(See also section 16: [Opposition groups and political activists](#))

THE LEADERSHIP (FOURTH GENERATION)

- 6.03 As noted by the FCO in their country profile for China, last reviewed on 7 September 2005:

"The new State leadership positions were announced at the National People's Congress (NPC), which met from 5-18 March 2003. Hu Jintao was named President and Wen Jiabao became Premier. Wu Bangguo replaced Li Peng as NPC Chairman. The new leadership have made it clear that they will continue the current policy main priorities of economic growth, internal stability and opening up to the world. The leadership transition was completed in September 2004 with Jiang retiring from the Chairmanship of the Central Military Commission (CMC). Hu Jintao assumed the post of CMC Chairman to add to his roles as State President and Party General Secretary." [31a] (p2-3)

- 6.04 As reported by the BBC on 11 January 2005, "Some [observers] believed Mr Hu's lack of experience, charisma and factional support meant he would remain firmly under the thumb of the man he was replacing, Jiang Zemin... More than two years on, Mr Hu has proved himself to be more tiger than horse, taking on Mr Jiang and pushing him aside, then showing his true political colours by cracking down on dissent and squaring up fiercely to Taiwan." [9bu]

CHINESE COMMUNIST PARTY (CCP)

- 6.05 According to official sources the CCP has 70.8 million members and the Communist Youth League has 68.5 million members. [12f] (*People's Daily*, 19 June 2006) (Europa) [1a] (Chinese Communist Youth League) Overall the CCP is better educated than at any time in its history. [111] (p127) (*Political Parties of the World*, 2005) Article 9 of the Party's Constitutions states, "Party members are free to withdraw from the Party. When a Party member asks to withdraw, the Party branch concerned shall, after discussion by its general membership meeting, remove his name from the Party rolls, make the removal public and report it to the next higher Party organization for the record." [5t] (Chapter 1)

(See also sections 16 and 19: ["Nine Commentaries"](#) and [Breaches of party discipline](#))

ELECTIONS

6.06 As noted by the FCO in their country profile for China, last reviewed on 7 September 2005, "China is in practice a one party state. The National People's Congress (NPC) is indirectly elected. Direct elections for village leaders have also been conducted since 1988. They take place every three years, although it is unclear how genuine and effective they are. The legislature remains subject to Party leadership. However, since 1987 the NPC has been building its oversight capacity over the actions of the government." [31a] (p3)

6.07 As reported by the US State Department (USSD) Report 2005, published on 8 March 2006:

"Foreign observers who monitored local village committee elections judged those they observed to have been generally fair. However, the government estimated that one-third of all elections had serious procedural flaws. Corruption, vote buying, and interference by township level and party officials continued to be problems. The law permitted each voter to cast proxy votes for up to three other voters. Many rural voters cast the maximum number of proxy votes, especially in areas with significant out-migration." [2e] (Section 3)

(See also section 16: [Opposition groups and political activists](#))

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Human Rights

INTRODUCTION

- 7.01 As stated by US State Department (USSD) Report 2005, published on 8 March 2006:

“The government’s human rights record remained poor, and the government continued to commit numerous and serious abuses. There was a trend towards increased harassment, detention, and imprisonment by government and security authorities of those perceived as threatening to government authority. The government also adopted measures to control more tightly print, broadcast and electronic media, and censored online content. Protests by those seeking to redress grievances increased significantly and were suppressed, at times violently, by security forces. There were notable developments in legal reforms during the year. However, some key measures to increase the authority of the judiciary and reduce the arbitrary power of police and security forces stalled. The government adopted new religious affairs regulations expanding legal protection for some activities of registered religious groups but was criticized for failing to protect unregistered groups.” [2e]

- 7.02 As reported by the UNHCR on 31 August 2005:

“United Nations High Commissioner for Human Rights Louise Arbour and Chinese Assistant Foreign Minister Shen Guofang today signed an agreement aimed at helping China implement recommendations on economic, social and cultural rights and at facilitating the country’s ratification of the International Covenant on Civil and Political Rights. The signing of the agreement, or Memorandum of Understanding, comes halfway through the High Commissioner’s visit to China, which is scheduled to last through Friday, 2 September... According to the agreement, the programme of cooperation between the Office of the High Commissioner (OHCHR) and China will include projects to assist China find alternative penalty measures to imprisonment; help the country revise its Criminal Procedure Law, its lawyers Law, and any other related laws and regulations, and facilitate capacity building of civil society. It should also assist the incorporation of human rights education into the curricula of primary, secondary schools, universities and the education for public servants, and help authorities as they study the establishment of a national human rights institution.” [32g]

- 7.03 As reported by Amnesty International (AI) in their 2006 Report on China, published in May 2006:

“Limited legal and judicial reforms did little to improve human rights protection. Tens of thousands of people continued to be detained in violation of their human rights and were at risk of torture or ill-treatment. Thousands of people were sentenced to death or executed. The authorities frequently resorted to the use of force against growing social unrest. There was a renewed crackdown on the media and Internet controls were tightened. The Uighur community in the Xinjiang Uighur Autonomous Region (XUAR) continued to face severe repression as part of the authorities’ ‘war on terror’. Freedom of expression and religion continued to be severely restricted in Tibet and other Tibetan areas. China’s arms sales to Sudan raised concerns that its actions

were contributing to human rights violations in other countries. China continued a limited dialogue with selected members of the international community on human rights issues. However, human rights defenders at home continued to be arbitrarily detained and some were sentenced to prison terms.” [6g] (p1)

- 7.04 Human Rights Watch (HRW) in their World Report 2006 for China, published in January 2006, stated:

“While many governments have praised recent developments in China, the country remains a one-party state that does not hold national elections, has no independent judiciary, leads the world in executions, aggressively censors the Internet, bans independent trade unions, and represses minorities such as Tibetans, Uighurs, and Mongolians... The Chinese Communist Party (CCP) still has not come to terms with the 1989 Tiananmen massacre, refusing to publish information about the number of persons killed, injured, ‘disappeared,’ or arrested or to admit that the attack on peaceful protestors was a mistake... There has been some progress. In March 2004, China amended its constitution to read ‘The State respects and protects human rights.’ Although the constitution is not directly enforceable, the amendment does offer some hope that human rights will be legally protected. The term human rights has now made its way into common discourse in China.” [7q]

- 7.05 On the 9 May 2006, China was elected to the newly formed United Nations Human Rights Council. [9l] (BBC, 9 May 2006)

- 7.06 In their Human Rights Annual Report 2005, published in July 2005, the Foreign and Commonwealth Office (FCO) stated:

“The UK continues to have serious concerns about basic human rights in China, including extensive use of the death penalty; torture; shortcomings in judicial practices and widespread administrative detention, particularly re-education through labour; harassment of human rights defenders and activists (NGOs, political activists, journalists and lawyers); harassment of religious practitioners and adherents of Falun Gong; the situation in Tibet and Xinjiang; and severe restrictions on basic freedoms of speech and association.” [31l] (p40)

- 7.07 As reported by *Asia Times* on 19 June 2005, “China’s leaders, ever conscious of history, argue that stability must come first. ‘If you haven’t lived through the Cultural Revolution, you don’t know what human rights mean,’ says Sun Chao, a Shanghai official who is pushing for transparent government.” [65i]

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

- 7.09 In testimony before the US Senate (Foreign Relations Committee) on 11 September 2003, Assistant US Secretary of State for East Asian and Pacific

Affairs, James Kelly stated, "Despite reform, China's legal system remains seriously flawed, and often provides little or no due process to those accused of crimes, particularly political crimes. There is simply no other way to put it – ongoing gross violations of human rights are a serious impediment to better relations and undermine the goodwill generated by individual releases or other steps." [2b] (p2)

- 7.10 As reported by a report by HRW on 6 December 2003, "China has raised hostage politics to an art form, releasing a few prisoners or even a single prisoner ahead of major international meetings in order to deflect criticism of its abysmal human rights record." [7h]

UN VISIT

- 7.10 As reported by the UN High Commissioner for Human Rights on 2 September 2005:

"A rapidly changing China has great potential in the area of human rights, although concerns remain in a number of areas and daunting challenges lay ahead, the United Nations High Commissioner for Human Rights said in Beijing on Friday, 2 September. Closing a one-week visit to the country, Louise Arbour saluted progress in the realization of economic and social rights in China, highlighting how economic growth has been instrumental in improvements in life expectancy, reducing child mortality and increasing literacy..." [32h]

"Mrs. Arbour said she had also raised a number of concerns with Chinese officials, citing the need for judicial review of all decisions regarding deprivation of liberty. She also called for an immediate overhaul of the system of administrative detention known as re-education through labour. The High Commissioner expressed concern at the extensive use of the death penalty, including for offences that do not meet the international standard of 'most serious crimes'. She welcomed the anticipated resumption of the jurisdiction of the Supreme People's Court in the review of all capital punishment cases." [32h]

- 7.11 Mrs. Arbour said she was "guardedly optimistic" about making progress on human rights. [32h]
- 7.12 The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak's visited China from 20 November until 2 December 2005. [32i]
- 7.13 As reported by the BBC on 22 November 2005, "The UN special envoy [sic] on torture has said that his invitation to visit China indicates growing awareness in Beijing that the practice is still widely used. Manfred Nowak told the BBC he had been promised the freedom to see prisoners and investigate claims of torture... Mr Nowak's visit follows 10 years of repeated requests to be allowed into the country." [9y]

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SECURITY FORCES

8.01 As reported by the USSD Report 2005:

“The security apparatus is made up of the Ministries of State Security and Public Security, the People’s Armed Police, the People’s Liberation Army (PLA), and the state judicial, procuratorial, and penal systems. Civilian authorities generally maintained effective control of the security forces. Security policy and personnel were responsible for numerous human rights abuses...Corruption at the local level was widespread. Police officers reportedly coerced victims, took individuals into custody without due cause, arbitrarily collected fees from individuals charged with crimes, and mentally and physically abused victims and perpetrators” [2e] (Section 1d)

POLICE

8.02 As reported by the Canadian Immigration and Refugee Board (Canadian IRB) in a report dated 26 January 2004, China’s police force can be broken down as follows:

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

8.03 As reported by the BBC on 18 August 2005, “China is setting up special police units in 36 cities to put down riots and counter what the authorities call the threat of terrorism. Chinese state media said one of the first such forces, comprising 500 officers, had just been set up in Zhengzhou in central Henan province.” [9v]

(See also section 16: [Opposition groups and political activists](#))

Torture

8.04 In a preliminary report on his mission dated 2 December 2005, the Special Rapporteur on Torture (Manfred Nowak) stated, “Although he cannot make a detailed determination as to the current scale of these abuses, the Special Rapporteur believes that the practice of torture, though on the decline – particularly in urban areas – remains widespread in China.” [32j]

8.05 On 10 March 2006, the Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment was published. In this report the Special Rapporteur on Torture, Manfred Nowak, stated:

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

[32I] (p12-13)

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

(See also section 24: [Falun Gong](#))

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

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

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

Extra-judicial killings

- 8.09 The USSD Report 2005 stated, “During the year politically motivated and other arbitrary and unlawful killings occurred. While no official statistics on deaths in custody were available, state-run media reported that law enforcement officials killed 460 persons and seriously injured more than 100 through abuse or dereliction of duty in 2003.” [2e] (Section 1a) As noted by the same source, “Officials acknowledged that torture and coerced confessions were chronic problems and began a campaign aimed at curtailing these practices.” [2e] (Section 1c)

- 8.10 As reported by the official *China Daily* newspaper on 12 April 2006:

According to China's regulation on police gun use issued in 1996, officers are allowed to use guns in 15 different circumstances; such as riots, prison breaks, kidnapping, resisting arrest with weapons, and other situations that seriously threaten the lives of common people. Police officers are required to give warnings to criminals before firing, unless there is no time for a warning, or if the warning may cause more serious life loss. The regulation also stipulates that the police are not allowed to shoot pregnant women or children, unless they are committing violent crimes with guns, explosives or virulent drugs. Nor can police officers use guns in areas where large crowds are gathered or near stored explosives or radioactive materials." [14z]

OTHER GOVERNMENT FORCES

PEOPLE'S ARMED POLICE (PAP)

8.11 As noted by the Federation on American Scientists on their website:

"The Chinese People's Armed Police Force was set up in April 1983 and is made up of PLA forces on domestic defense duty and the armed, frontier defense and fire-fighting police, which carry out a military service system. It is an armed defense force for social security, which undertakes police duties. The armed police force follows the rules and regulations of the PLA and enjoys equal treatment with PLA troops. The armed police force headquarters falls under the direct jurisdiction of the Ministry of Public Security. It also has headquarters in various provinces, autonomous regions and municipalities, under which there are detachments, groups and squadrons... The CCP's Central Military Committee has made public that in case there is any domestic upheaval, the People's Armed Police will be first mobilized. In other words, the Armed Police is PRC's main force in charge of the domestic security and social stability." [52a]

AVENUES OF COMPLAINT

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

"The Deputy Procurator-General informed the Special Rapporteur that only 33 law enforcement officials had been prosecuted for torture throughout the country during the first nine months of 2005... According to the 2005 SPP's report to the NPC presented on 9 March 2005 (covering the year 2004), 1595 civil servants had been investigated for suspected criminal activity in cases involving 'illegal detention, coercion of confessions, using violence to obtain evidence, abuse of detainees, sabotaging elections, and serious dereliction of duty resulting in serious loss of life or property.' The report goes on to note that this is a 13.3 percent increase over the previous year's totals and that the SPP personally investigated 82 of the most serious cases. No information is provided, however, on the number of convictions. When compared with other national statistics, the figures for 2005 as well as the earlier statistics are certainly the tip of the iceberg in a country the size of China." [321] (p38)

8.13 As reported by the official *People's Daily* newspaper on 9 March 2005, "China prosecuted a total of 1,595 people working for state and organs on charges

related to human rights abuses last year [2004], up 13.3 percent on a year ago, China's chief procurator told the parliament Wednesday." [12c] As reported by the BBC on 19 January 2006, police are to begin recording interviews in work-related crimes such as corruption in an effort to stop confessions being extracted through torture. Analysts warned, however, that the practice is unlikely to be extended to crimes of a sensitive political nature. [9bq]

- 8.14 As reported by the official *China Daily* newspaper on 4 August 2004:

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

- 8.15 As reported by the Canadian IRB on 26 March 2004:

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

- 8.16 As reported by the official *People's Daily* newspaper on 11 June 2005:

"A senior Chinese public security official Friday asked the heads of China's public security organs to meet petitioners in person and concretely address their complaints... By June 9, public security organs across the country had received 71,000 petitioners, of whom 15,000 said they would stop making petitions. The petitions range from solving long-delayed cases, requesting the redress of previous wrongs, to demanding that the rude behavior of a policemen be rectified." [12ag]

- 8.17 As reported by the BBC on 8 January 2004, 30,000 police officers were sacked during a four-month campaign aimed at stamping out corruption and incompetence in 2003. According to this report the majority of those dismissed were PSB officials who had been collecting fines illegally from the public. According to the same source, the police force in many areas is over-stretched with one police station in Hebei province having only ten officers to

cover 126,000 people. [9aq] On 2 August 2003, the BBC reported that the police had been ordered to end the practice of arrest quotas. According to this report, "State media said Zhou Yongkang [Minister for Public Security] told officers to refrain from actions that offend public morality, cause outrage, or violate human rights." [9ah]

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MILITARY SERVICE

9.01 As noted by Europa World:

"All armed services are grouped in the People's Liberation Army (PLA). In August 2004, according to Western estimates, the regular forces totalled 2,255,000, of whom approximately 1,000,000 were believed to be conscripts, and of whom some 136,000 were women: the army numbered 1,600,000, the navy 255,000 (including a naval air force of 26,000), and the air force 400,000 (including 210,000 air defence personnel). Reserves numbered some 800,000, and the People's Armed Police comprised an estimated 1.5m. Military service is by selective conscription, and lasts for two years in all services." [1a] (Defence)

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

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

(See also section 31: Children – [child soldiers](#))

PROVISIONS FOR CONSCIENTIOUS OBJECTION

9.04 As reported by the NGO War Resister's International (WRI) in their China Report (1998), "The right to conscientious objection is not legally recognized and there are no provisions for substitute service." [37a] (p1) However, as stated in the Government White Paper, China's National Defense in 2004 (Chapter V), "If a citizen qualified for enlistment is the only supporter of his or her family or is a student in a full-time school, his or her enlistment may be postponed." [5v] Article 2 of the Military Law of the People's Republic of China states, "Exemptions from military service shall be granted to persons unfit for it due to serious physical defects or serious deformities. Persons deprived of political rights by law may not perform military service." The penalties for draft evasion are not specified in the Military Service Law. [5m]

DESERTION

- 9.05 The Military Service Law does not specifically address the issue of desertion. Instead it refers to Article 2 of the Interim Regulations of the People's Republic of China on Punishment of Servicemen Who Commit Crimes Contrary to Their Duties, effective from 1 January 1982. [5m] This states:
- “Any person who deserts from the armed forces in violation of the military service law, if the circumstances are serious, shall be sentenced to imprisonment of not more than three years or criminal detention. Any person who commits the crime in the preceding paragraph during wartime shall be sentenced to imprisonment of not less than three years and not more than seven years.” [5w]
- 9.06 Article 2 of the same regulations states, “... if the circumstances are clearly minor and the harm is not great, the act shall not be considered a crime and shall be dealt with in accordance with military discipline.” [5w]
- 9.07 Both the Interim Regulations (1982) and the Criminal Law (1997) stipulate that soldiers who endanger national security through desertion or who flee the battlefield maybe sentenced to death. However, both make a distinction between crimes committed in peacetime and those committed in wartime. [5w] [5i]
- 9.08 Article 451 of the Criminal Law stated, “The word ‘wartime’ as used in this Law means the time when the State declares the state of war, the armed forces receive tasks of operations or when the enemy launches a surprise attack. The time when the armed forces execute martial-law tasks or cope with emergencies of violence shall be regarded as wartime.” [5i]

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JUDICIARY

ORGANISATION

- 10.01 As reported by Europa World, the Supreme People's Court (SPC) is the highest judicial organ of the State. Below the SPC there are Local People's Courts (higher, intermediate and basic) and Special People's Courts, which include military tribunals and maritime and railway transport courts. The general principles of the legal system are set out in Articles 123 to 135 of the Constitution. [1a] (The Judicial System) [5a] (Text of the Constitution)
- 10.02 As reported by the Congressional-Executive Commission on China (CECC Report 2005) in their 2005 Annual Report, published on 11 October 2005:
- “Chinese judicial officials announced ambitious reform goals in 2005 that would address structural problems affecting the Chinese judiciary. These include changes to court adjudication committees, the system of people's assessors, and judicial review of death penalty cases. Communist Party authorities and local governments continue to limit the independence of China's courts. Internal administrative practices of Chinese courts also compromise judicial efficacy and independence. The Chinese judiciary has improved the educational level of Chinese judges and the quality of their judicial opinions. Rural courts, however, are rapidly losing judges to urban areas.” (28a) (V – c)

(See also section 13: [Administrative detention](#))

INDEPENDENCE

- 10.03 As reported by the CECC Report 2005, "Trials in China nearly always result in convictions. The conviction rate for first-instance criminal cases was over 99 percent in 2004." [28a] (Chapter III – b) The USSD Report 2005 put the conviction rate at over 98 per cent and also noted that, "...less than 0.5 percent of defendants were found not guilty... Nationwide, original verdicts were changed on appeal in only 0.34 percent of all cases, including capital cases." [2e] (Section 1a) As reported by the official *China Daily* newspaper on 16 May 2006, announcing a conviction rate of almost 90 per cent in murder cases. Police denied their high success rate was down to the use of forced confessions. [14y]
- 10.04 As reported by the official *People's Daily* newspaper on 21 June 2006, "Party officials have been found abusing their power to illegally meddle in or hinder the execution of court rulings, seeking to protect vested personal or departmental interests." In response to this the SPC in conjunction with the CCP Central Commission for Discipline and the Ministry of Supervision issued a joint notice instructing judicial officials put in place a reporting system so that cadres attempting to interfere in court proceedings could be reported to their Party committee, or if necessary a higher court. [12bf]
- 10.05 As reported by the USSD Report 2005:
- "Trials took place before a judge, who was often accompanied by 'people's assessors,' lay persons hired by the court to assist in decision-making. According to law, people's assessors had authority similar to judges, but in practice they deferred to judges and did not exercise an independent jury-like function. There was no adversary system, no presumption of innocence, and judges and prosecutors typically used an inquisitorial style of questioning the defendant, who was often the only witness. The law affords no right to remain silent, no protection against double jeopardy, and no law governing the type of evidence that may be introduced. The mechanism that allows defendants to confront their accusers was inadequate; according to one expert, only 1 to 5 percent of trials involved witnesses. Accordingly, most criminal trials consisted of the prosecutor reading statements of witnesses who neither the defendant nor his lawyer had an opportunity to question. Defense attorneys had no authority to compel witnesses to testify or to mandate discovery, although they could apply for access to government-held evidence relevant to their case. In practice, pretrial access to information was minimal and the defense often lacked adequate opportunity to prepare for trial." [2e] (Section 1e)
- 10.06 As reported by the Government White Paper, China's Progress in Human Rights in 2004 (III Judicial Guarantees for Human Rights), published in April 2005:
- "In 2004, the procuratorates throughout the country handled and concluded 20,306 cases of appeal according to law, the people's courts at all levels handled 4.22 million petitions and visits of complaint, and corrected the judgments in 16,967 cases that were proved to be wrongly judged according to law, which accounted for 0.34 percent of the annual total of court decisions

in effect... Statistics show that up to June 2004 there were 114,500 lawyers in practice and 11,691 law firms in China.” [5q] (Section III)

FAIR TRIAL

- 10.07 Amnesty International (AI), in a report entitled, *People’s Republic of China, The Olympics countdown – three years of human rights reform?* published on 5 August 2005, listed a series of judicial reforms they wanted to see implemented before the Beijing Olympics in 2008. These were:
- pending its complete abolition, the reintroduction of the Supreme Court final review of all death sentences;
 - measures to bring independence to the judiciary beginning with the abolition of legislation that institutionalises the Communist Party’s supremacy over the law;
 - more resources to help attract and train judges;
 - more resources to retain and train legal personnel, including judges;
 - greater transparency in judicial proceedings;
 - further strengthening of the legal aid system;
 - significant steps towards the abolition of all forms of arbitrary detention, including “Re-education through Labour” (RTL). [6t]
- 10.08 On 10 March 2005, Human Rights Watch (HRW) called on the UN Commission on Human Rights to adopt a resolution condemning China and calling on it to reform its judicial system. This report stated, “China’s flawed court system continues to compromise the rights of defendants through limits on lawyers’ access to detainees and to evidence, the use of coerced confessions, and political interference with judicial decisions. In violation of international law, local police chiefs or Reeducation through Labor Management Committees may impose lengthy administrative sentences.” [40f]
- 10.09 As reported by the official *China Daily* newspaper on 9 November 2005:
- “A man who was wrongly sentenced to death and spent nearly 600 days in jail, says he was tortured by police and is demanding 1.26 million yuan (US\$160,000) compensation. Zhou told reporters that during interrogation he was tortured by 12 police officers, finally falsely confessing to the killing and saying he threw a knife and the old man’s wallet into a small river... Police officers have admitted failing to turn up these two vital pieces of evidence, but ... denied Zhou’s claim of torture.” [14c]
- 10.10 The same report also noted, “Zhou was released on bail in November 2003, and was exonerated in April this year when Yancheng Municipal Procuratorate withdrew the case... According to the State Compensation Law, those who are wrongly imprisoned should receive 63.7 yuan (US\$8) for each day of freedom they are denied. Zhou would be due 36,700 yuan (US\$4,608) for the 576 days he spent in jail.” [14c]
- 10.11 On 7 April 2005, the *Guardian* newspaper reported, “China’s justice system is being haunted by a ‘murdered’ woman who has turned up alive and well 11 years after police tortured her husband [She Xianglin] into confessing to her supposed killing.” [41p] As reported by the official *People’s Daily* newspaper on 5 April 2005, “In an exclusive interview with Xinhua, Li Guifang, vice director of the Beijing-based Criminal Committee of the All-China Lawyers Association,

said She's case demonstrates the failure of the entire local legal system, which consists of the police bureau, procuratorates and courts." [12v]

RESTRICTIONS ON LAWYERS

10.12 As reported by the USSD Report 2005:

"Some lawyers who tried to defend their clients aggressively faced serious intimidation and abuse by police and prosecutors, and some were detained. According to Article 306 of the Criminal Law, defense attorneys can be held responsible if their clients commit perjury, and prosecutors and judges have wide discretion in determining what constitutes perjury. According to the All-China Lawyers Association, since 1997 more than 500 defense attorneys have been detained under Article 306 and similar charges. Although over 80 percent were ultimately acquitted, the prosecutions had a chilling effect on attorneys' willingness to handle controversial defense cases. In 1990 Beijing attorneys handled an annual average of 2.64 criminal cases; by 2000, the figure had dropped to 0.78. Nationwide, attorneys handled an average of only 0.72 criminal cases in 2004." [2e] (Section 1a)

10.13 On 19 October 2005, the *Epoch Times* (a publication sympathetic to Falun Gong) published an article drawing on the experiences of "renowned human rights lawyer" Mo Shaoping. This article pinpointed eight obstacles to being a criminal lawyer in China. They were, difficulty in meeting the litigant, obtaining documents, investigating and obtaining evidence, bringing witnesses to court, obtaining immunity, remaining silent, completing cases on time and balancing the power of certain non-judicial organisations. [40f]

CRIMINAL PROCEDURE LAW (1997)

10.14 As reported by the US State Department (USSD) Report 2004, published on 28 February 2005, "The Criminal Procedure Law falls short of international standards in many respects... Anecdotal evidence indicated that implementation of the Criminal Procedure Law remained uneven and far from complete, particularly in politically sensitive cases." [2j] (Section 1a) As reported by the official *People's Daily* newspaper on 18 July 2005, "China's top legislature has put the revision of the Criminal Procedural Law into its five-year legislation plan to prevent and control the widespread use of torture to extort confessions... The numerous judicial interpretations and regulations restrain each other, undermining the authority of the Criminal Procedural Law, said Chen Weidong, professor of the People's University." [12aj] [5h] (Text of the Criminal Procedure Law)

STATE SECURITY LAW (1993)

10.15 According to Article 4 of the State Security Law of the PRC the following acts are considered as endangering state security and shall be prosecuted according to the law:

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

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

DOUBLE JEOPARDY

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

Article 8

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

Article 9

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

Article 10

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

Article 11

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

Article 12

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

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

- 10.18 As reported by the Canadian Immigration and Refugee Board (Canadian IRB) in a report dated 9 March 2001, “A Professor of Law at the University of Washington who specializes in Chinese criminal law was unaware of any cases in which the government of China has retried individuals for crimes committed outside China and for which sentences had already been served (8 Mar. 2001). Additional and/or corroborating information could not be found among the sources consulted by the Research Directorate.” [3ag]

- 10.19 In a letter dated 15 July 2005, the FCO stated the following:

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

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ARREST AND DETENTION – LEGAL RIGHTS

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

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

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

- 11.03 The USSD Report 2005 stated:

“According to the [criminal procedure] law, police may unilaterally detain a person for up to 37 days before releasing him or formally placing him under arrest. After a suspect is arrested, the law allows police and prosecutors to detain him for up to six and one-half months before trial while the case is

further investigated. Dissident Yang Jianli was held without conviction for more than two years before his verdict and five-year sentence was announced in May 2004. The law stipulates that authorities must notify a detainee's family or work unit of his detention within 24 hours. However, failure to provide timely notification remained a serious problem, particularly in sensitive political cases. Under a sweeping exception, officials are not required to provide notification if doing so would 'hinder the investigation' of a case. In some cases police treated those with no immediate family more severely." [2e] (Section 1d)

11.04 The same source continued:

"According to regulations, public security organs had broad discretion to detain administratively suspects without supervision from a court or other outside bodies for up to 15 days, with the possibility of consecutive detention periods of up to 45 days. During the year the NPC passed the Security Administration Punishments Law, which banned administrative detention of minors, the elderly, pregnant women, and nursing mothers, created a maximum time for interrogation, and revised the maximum period of this type of detention to 20 days. The law provided for administrative review of detention decisions. It also expanded the number and type of offenses subject to administrative detention to include illegal demonstrations, disturbing social order in the name of religion, invasion of privacy, and publication that incites ethnic or national hostility or discrimination. Police continued to hold individuals without granting access to family members or lawyers, and some trials continued to be conducted in secret. Detained criminal suspects, defendants, their legal representatives, and close relatives were entitled to apply for bail; however, in practice few suspects were released pending trial." [2e] (Section 1d)

(See also section 13: [Administrative detention](#))

11.05 As reported by AI in their 2005 Report on China, covering events from January to December 2004, "People accused of both political and criminal offences continued to be denied due process. Detainees' access to lawyers and family members continued to be severely restricted. Political trials fell far short of international fair trial standards. Those charged with offences related to 'state secrets' or 'terrorism' had their legal rights restricted and were tried in camera." [6q] (p3) As noted by AI on 12 May 2006, the new Public Order Administration Punishment Act (POAPL), effective from 1 March 2006 is designed to provide greater legal protection for people deprived of their liberty. However, AI "...remains concerned that the POAPL fails to meet international fair trial standards." [6o] (p1)

11.06 This report also stated:

"Amnesty International has long-standing concerns that many offences in Chinese legislation are either defined vaguely or worded in such a way as to allow for the detention of individuals for the peaceful exercise of their fundamental human rights, including freedom of expression, assembly and association...Many of the public order offences detailed in the POAPL are not clearly defined, potentially giving the police free rein to detain individuals in violation of their rights to freedom of expression, assembly and association. Such 'offences' include: 'spreading rumours' (Article 25), 'provoking quarrels' (Article 26) and 'instigating or plotting illegal gatherings, marches or

demonstrations' (Article 55). Such provisions have regularly been used in the past to arbitrarily detain numerous individuals for the peaceful exercise of basic human rights, including petitioners and human rights defenders." [6o] (p3)

11.07 As noted by the USSD Report 2005:

"The government offered limited legal aid and reduced fees for poor litigants... The four thousand government lawyers providing legal aid remained inadequate to meet demand. Nonattorney legal advisors and government employees provided the only legal aid options in many areas. According to government statistics, 10,458 employees provided legal aid at 3,023 legal aid institutions. New regulations required law firms and private attorneys to provide some legal aid. Criminal and administrative cases remained eligible for legal aid, although the vast majority of defendants still went to trial without a lawyer. During 2004 courts waived over \$130 million (RMB 1.09 billion) in litigation costs." [2e] (Section 1e)

ARREST WARRANTS

11.08 Article 123 of the Criminal Procedures Law states,

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

11.09 As report by the Canadian IRB on 1 June 2004:

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

WANTED POSTERS

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

11.11 In reply to a series of questions submitted by the COI Service the British Embassy in Beijing advised the following on 10 April 2006:

- 1) Do the Ministry of Public Security (MPS) use wanted posters?
- A) "Yes as do the Provincial Police Forces (Public Security Bureau – PSB)

- 2) If so how widespread is there use?
- A) Quite widespread. They 'post' them on official websites, in newspapers, public places (airports, railway / bus stations, public buildings etc.) They also circulate them internally within MPS and other PSBs. However in one way because of the size of the population they do not include 'all wanted suspects,' but tend to select the more important [sic] 'wanted people.'
- 3) In your opinion how easy are these documents to forge?
- A) In fairness, as with all official documentation within China, I am of the opinion that any document can be forged quite easily.
- 4) In your opinion could a "genuine" document be obtained from a corrupt police officer?
- (A) Yes
- 5) Does the format vary between provinces or is it standard?
- A) Most of the Provinces follow a nation standardised version of a wanted poster, which generally includes a photograph, [when available], personal details of the suspect and brief details of the offence and who/where to contact." [31k]
- 11.12 The above information was provided by the Overseas Liaison Officer of the Serious Organised Crime Agency (SOCA) based at the British Embassy in Beijing. [31k]
- 11.13 As reported by the Canadian IRB on 26 March 2004:
- "When the [PSB] of one province wants to make an arrest in another province, the [PSB] must prepare the necessary 'Ju Liu Zheng' ('Detention Warrant') or 'Dibu Zheng' ('Arrest Warrant') before making arrests in other provinces or districts. The arresting [PSB] officer of the initiating province will then be escorted and supported by [PSB] officers of the executing province (Section 314 of 'Police Procedures') (19 Mar. 2004)." [3ah] (Based on information provided by a professor of criminal justice and president of the Asian Association of Police Studies)

RESISTING ARREST

HITTING AN OFFICIAL

- 11.14 Article 277 of the Criminal Law covers the penalty for hitting an official. It states, "Whoever uses violence or threat to obstruct state personnel from discharging their duties is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; or a sentence of a fine." [5i] (p58)

PUNISHMENT OF MINOR OFFENCES

- 11.15 As reported by Xinzhou Zhang in an essay entitled, A Restorative Justice Audit of the Chinese Criminal Justice System, published in the October 2005 edition of Restorative Justice:
- "It appears to be taken for granted internationally that Chinese criminal justice is punitive and retributive. It is true that few offenders avoid criminal penalties,

but not all deviances in China are criminal offenses. Wrongdoing is divided into two main categories: infringement of law (wei fa) and crime (fan zui). Criminal law deals with the most serious offenders. Those who are not serious offenders are subject to the Security Administration Punishment Regulations (SAPR) or re-education through labor (RTL).” Punishments under the SAPR are as follows:

- a warning;
- a fine up to 200 RMB;
- detention for 15 days.

“...The RTL is controversial because it can be even more severe than some criminal sentences although it is considered an administrative sanction.”
[104a] (p20)

(See also section 13: [Administrative detention](#))

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PROTECTION OF WITNESSES

- 12.01 Article 49 of the Criminal Procedures Law and Articles 306 to 308 of the Criminal Law provide for the protection of witnesses. [5h] [5i] However, as noted by the Canadian IRB on 26 January 2004, these provisions are rarely enforced in practice. [3aa] According to a report by *Asia Times* dated 21 October 2005, “Triad-like groups may be strong and have solid connections with some officials and police officers, but their reach does not go beyond their own province, and often their own city.” [64g] As reported by *The Independent* on 15 July 2006, “Legal experts believe there could be as many as one million mobsters in China, but despite collusion with officials, most are local gangsters and none is yet led by a Mafia-type godfather in the style of the secret societies of yore.” [17o]

PRISON CONDITIONS

- 13.01 As noted by the Laogai Research Foundation (an NGO) in their Summer Report 2004 (Vol. 12, No. 2):
- “In 2001, China’s State Council authorized the construction of 120 large-scale modern prisons divided into three categories: minimum security, which can house 3,000 prisoners; moderate security, which can house 5,000 prisoners; and maximum security, which has a capacity of 10,000 prisoners. These prisons were set to be completed by the year 2005, but as of mid-2004, construction on only 30 of these prisons had been finished. In many localities, construction machinery has piled up in construction areas as funds have been diverted.” [35b]
- 13.02 The same source continued, “According to the most recent data from China’s public security and judicial authorities, 1.12 million people are currently serving time in China’s prisons, and the total number of prisoners exceeds jail capacity by 18 percent. Many prisoners are able to negotiate a reduction in their prison time by bribing the authorities. Also, a large number of criminal cases are backed up, due to both a shortage of judicial manpower and a lack of funding.” [35b]

- 13.03 On 9 December 2004 the official news agency Xinhua reported:

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

- 13.04 As reported by the official *China Daily* newspaper on 14 November 2005, “Guangdong province is to build at least two special prisons for HIV/AIDS inmates within the next two years... Currently, 20 AIDS patients and 518 HIV carriers are serving their jail terms in Guangdong’s prisons.” [14a]

TREATMENT OF PRISONERS

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

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

- 13.06 As reported by the USSD Report 2005:

“Conditions in penal institutions for both political prisoners and common criminals generally were harsh and frequently degrading. Prisoners and detainees often were kept in overcrowded conditions with poor sanitation. Prison capacity became an increasing problem in some areas. Food often was inadequate and of poor quality, and many detainees relied on supplemental food and medicines provided by relatives; some prominent dissidents were not

allowed to receive such goods. Political prisoners were segregated from each other and placed with common criminals, who sometimes beat political prisoners at the instigation of guards. Newly arrived prisoners or those who refused to acknowledge committing crimes were particularly vulnerable to beatings.” [2e] (Section 1c)

(See also section 7: [UN visit](#))

13.07 As noted by the same source, “Acknowledging guilt was a precondition for receiving certain prison privileges, including the ability to purchase outside food, make telephone calls, and receive family visits. Prison officials often denied privileges to those, including political prisoners, who refused to acknowledge guilt or obey other prison rules.” Also noted, “Sexual and physical abuse and extortion were reported in some detention centers... Forced labor in prisons and reeducation-through-labor camps was common. Juveniles were required by law to be held separately from adults, unless facilities were insufficient. In practice, children sometimes were detained without their parents, held with adults, and required to work.” [2e] (Section 1c)

13.08 As reported by AI in their 2005 Report on China, covering events from January to December 2004:

“Torture and ill-treatment continued to be reported in a wide variety of state institutions despite the introduction of several new regulations aimed at curbing the practice. Common methods included kicking, beating, electric shocks, suspension by the arms, shackling in painful positions, and sleep and food deprivation. Political interference in the rule of law, restricted access to the outside world for detainees, and a failure to establish effective mechanisms for complaint and investigation continued to be key factors allowing the practice to flourish.” [6q]

13.09 As reported by the UNHCR in their position paper on Chinese Prison Conditions dated 1 January 2005, “We regret to inform you that UNHCR does not currently have a position regarding prison conditions in China, and is therefore not in a position to comment upon this issue.” [2k]

PSYCHIATRIC CUSTODY (ANKANG SYSTEM)

13.10 As reported by HRW in their report entitled, China: Political Prisoner Exposes Brutality in Police-Run Mental Hospital, Eyewitness Testimonies from Notorious Ankang Asylum, published 1 November 2005:

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

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

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

- 13.12 The same report also noted:

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

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

PRISONS IN FUJIAN

- 13.14 As noted by the Dui Hua Foundation in the Fall 2003 edition of their newsletter *Dialogue*:

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

DRAPCHI PRISON (TIBET)

- 13.15 As reported by World Tibetan Network News on 26 September 2002, Drapchi prison has been the scene of widespread torture, with 15 deaths reported amongst its predominantly Tibetan detainees since 1998. [46a]
- 13.16 As reported in a report by AI (Issue 121) from September/October 2003:
- “Located on the northeast outskirts of Lhasa city, Drapchi is Tibet’s largest and most notorious prison. Several of its inmates have died from torture, extreme ill-treatment or denial of medical care. The prison is home to a garrison of the People’s Armed Police troops, who supervise debilitating sessions of military-style drills. These are life-threatening for prisoners already weakened by ill-treatment and inadequate food. Female political prisoners are held in Rukhag 3 which is divided into ‘old’ and ‘new’ units with the longest serving prisoners held mainly in the latter. The name Drapchi is derived from the nearby Drapchi Monastery. Many of Drapchi’s prisoners are monks and nuns imprisoned for peacefully expressing their political beliefs.” [6f]
- 13.17 As reported by the Tibetan Information Network (TIN) on 16 August 2002:
- “Approximately 30 prisoners are reportedly held in Detention Area Nine [punishment block] at any one time. While some are new arrivals to the prison, the majority, including criminal prisoners, are reportedly undergoing the strict regime in Detention Area Nine as punishment. Prisoners in Detention Area Nine are reportedly not allowed to do any work. A tiny walled courtyard adjoins each cell in the block. Prisoners under the most severely restricted regime are not given access to that space or allowed any activity or exercise outside their cells.” [42b]
- 13.18 On 28 May 2002 the official *People’s Daily* newspaper reported:
- “No Accidental Death in Tibet’s Prisons: Official Lu Bo is absolutely certain. ‘I’ve never heard of any case involving accidental death of prisoners in Tibet,’ said the warden of Tibet Autonomous Regional Prison, in an exclusive interview with Xinhua Monday. But Lu added: ‘Fifteen prisoners in the regional prison died of illness in the past five years.’ Lu said that among the 15 prisoners who died since 1998, two were women, adding the number is very small when compared with total number of prisoners in Tibet.” [12b]
- 13.19 The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak visited Drapchi prison on 27 November 2005. In his 10 March 2006 Report on China he stated:
- “The prison, sometimes referred to as Drapchi Prison, has a mixed population of approximately 900 inmates of which 7 to 8% are women...There are 10 isolation cells, the tenth cell is padded and designed especially for detainees with suicidal tendencies. All have a window in the roof with direct sunlight and also a surveillance camera. The Special Rapporteur was also provided with a list of 15 names of detainees who had died in custody – one related to suicide and the other 14 due to illness. While no detainee interviewed in TAR prison claimed to have been tortured or ill treated during detention there, the Special Rapporteur received reports from former TAR prisoners held in other facilities,

who reported being bound and beaten with a sand filled plastic stick, as well as reports of being beaten with electroshock batons.” [32I] (p46)

QUSHUI PRISON

- 13.20 As reported by the Special Rapporteur on torture, Manfred Nowak in his 10 March 2006 Report on China:

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

OTHER KNOWN DETENTION FACILITIES IN TIBET

- 13.21 In their Annual Report 2005 on the Human Rights Situation in Tibet the Tibetan Centre for Human Rights and Democracy (TCHRD) listed 17 prisons and detention centres in Tibet. The TCHRD regards the whole of the Tibetan Plateau as part of ‘Tibet’ and the list therefore includes prisons/labour camps outside the Tibet Autonomous Region (TAR). The Special Rapporteur on Torture, Manfred Nowak listed one additional facility, Qushui prison in his 10 March 2006 Report on China. These institutions are listed below:

- Tibet Autonomous Region Prison (Drapchi Prison);
- “TAR” PSB Detention Centre (Sangyip Prison);
- Lhasa City PSB Detention Centre (Gutsa Prison);
- “TAR” “re-education through labour centre” (Trisam Prison);
- Powo Tramo (formerly known as “TAR” No. 2 Prison);
- Lhasa Prison (formerly known as Outridu);
- Tibetan Military Detention Centre (military prison);
- Zethang “Reform through labour facility”;
- Maowan Prison (located in Sichuan province);
- Chamdo Detention Centre or Prison;

- Prefectural Detention Centres (PCD) seven in total, one for each region and one in the capital, Lhasa; [45b] (**Appendix 4: Known Prisons and Detention Centres in Tibet**)
- Qushui prison. [32l] (p46)

(See also section 27: [Political prisoners held in Tibet](#))

ADMINISTRATIVE DETENTION/LABOUR CAMPS

- 13.20 As reported by Human Rights Watch (HRW) on 10 March 2005, "... local police chiefs or Reeducation through Labor Management Committees may impose lengthy administrative sentences." [7n]

RE-EDUCATION THROUGH LABOUR (RTL)

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

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

- 13.22 As reported by the *New York Times* in an article dated 5 September 2005 and accessed via the China Scope website:

"Labor re-education camps opened in 1957. The system has become a quick, easy way for the police to imprison people in infractions that violate the social order. Critics say the system gives the police so much latitude that they can arbitrarily choose whether to file criminal charges against someone or simply place that person in labor re-education... Conditions and treatment in the more than 300 prisons in the system are said to vary. All inmates are expected to do some type of factory work or manual labor. Some imprisoned intellectuals have described fairly mild conditions, while other people have reported much harsher treatment. Outside China, Falun Gong is waging an

aggressive campaign to publicize its allegations of mistreatment, which the Chinese government has denied. It is impossible to prove or disprove all of its specific allegations – a catalog of torture, which Falun Gong portrays in graphic posters and fliers.” [103a]

13.23 This report also noted:

“Specialists say political prisoners constitute 5 percent to 10 percent of the total labor re-education inmate population, while as much as 40 percent of inmates are drug offenders. Drug users are expected to kick their habits while in the camps... The expense of creating those programs, and the question of what would be done with the 300,000 people in the camp system, are issues slowing efforts for change. Another is the absence of any broad public outcry or anger about the system.” [103a]

13.24 As reported by the USSD Report 2005:

“The reeducation-through-labor system allows nonjudicial panels of police and local authorities, called labor reeducation committees, to sentence persons to up to three years in prison-like facilities. The committees can also extend an inmate’s sentence for an additional year. Defendants were legally entitled to challenge reeducation-through-labor sentences. They could appeal for a reduction in, or suspension of, their sentences; however, appeals rarely were successful.” [2e] (Section 1e)

13.25 As noted by the same source, “Conditions in administrative detention facilities, such as reeducation-through-labor camps, were similar to those in prisons.” [2e] (Section 1d)

(See also section 13: [Treatment of prisoners](#))

13.26 As reported by the Association for Asian Research (AFAR) on 12 September 2004, “During the National People’s Congress of 2004, 420 members of the committee signed a motion to abolish this system, which has been practiced for half a century.” Also noted here, “The proposal to abolish labor camps brought a negative reaction from local authorities and police. The standing committee reportedly plans to rectify the legislation over the next five years. An expert close to the legislation department revealed that the National People’s Congress, the Court, the Procurator and some experts have reached a common understanding on the reform of the Chinese labor camp system. However, the most resistance came from the police department.” [51d]

13.27 Article 8 of the Law on Administrative Penalty states:

“Types of administrative penalty shall include:

- 1 disciplinary warning;
- 2 fine;
- 3 confiscation of illegal gains or confiscation of unlawful property or things of value;
- 4 ordering for suspension of production or business;
- 5 temporary suspension or rescission of permit or temporary suspension or rescission of license;
- 6 administrative detention; and

7 others as prescribed by laws and administrative rules and regulations.”
[5p] (p2)

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

OTHER FORMS OF ADMINISTRATIVE DETENTION

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

- Custody and Education – intended to treat prostitutes and their clients, periods of detention range from six months to two years;
- Coercive Drug Rehabilitation – used to treat drug addicts;
- Legal Education – used to incarcerate people who have failed drug rehabilitation as well as “seriously poisoned” Falun Gong practitioners who have already gone through RTL;
- Custody and Repatriation – was used to hold migrant workers without papers until it was abolished in the summer of 2003. [36c]

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

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DEATH PENALTY

14.01 Article 48 of the Criminal Law states:

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

14.02 As reported by the CECC Report 2005:

“Chinese criminal law includes approximately 68 capital offenses, the majority of which are non-violent crimes such as bribery and embezzlement. The Chinese government has reportedly established an ‘execute fewer, execute cautiously’ policy, and at least one Chinese source suggests that the number of executions has dropped in recent years. The government, however, publishes no official statistics on the number of executions, which it considers a state secret. Several Chinese sources have hinted that the annual number

of executions in China is in the thousands. The Chinese government appears willing to reform death penalty practices gradually.” [28a] (Chapter III – b)

- 14.03 According to Roger Hood writing in the summer 2005 edition of the journal *China Review*:

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

- 14.04 The report continued, “According to one statistics from an intermediate people’s court, in 1991, 41.4% of those executed had been sentenced on theft charges, in 1992 the number of death penalty charges for theft was 22.73%, and by 1998 10.71%. From 1998 onwards no one had been sentenced to death on theft charges. Another judicial statistic from a higher people’s court shows that in the year following the new criminal law, only one person received the death sentence for theft.” [77a]
- 14.05 It is unclear exactly how many offences carry the death penalty in China. The CECC Report 2005 puts the figure at “approximately 68”. [28a] (Chapter III – b) However, in a report dated 14 March 2005 the official *China Daily* newspaper stated, “More than 70 offences carry the death penalty under Chinese law, including many non-violent crimes such as smuggling and corruption.” [14s]
- 14.06 The most common method of execution remains a bullet to the back of the head although the use of lethal injection is increasing. [90b] (The Times, 27 October 2005) As reported by *Asia Times* on 21 July 2006, mobile execution vans are being introduced as a more cost effective and discrete way of executing prisoners. Yunnan province has 18 such vans while Zhejiang is considering adopting them. [64i]

SUSPENDED DEATH SENTENCES

- 14.07 As reported by Roger Hood writing in the summer 2005 edition of the journal *China Review*:

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

case as to the facts or the evidence, a suspended death penalty is often given to avoid a miscarriage of justice. But this procedure runs counter to the principle of presumption of innocence.” [77a]

NUMBER OF EXECUTIONS

- 14.08 As reported by AI in their 2006 Report on China, “The death penalty continued to be used extensively and arbitrarily, at times as a result of political interference. People were executed for non-violent crimes such as tax fraud and embezzlement as well as drug offences and violent crimes. Based on public reports available, AI estimated that at least 1,770 people were executed and 3,900 people were sentenced to death during the year, although the true figures were believed to be much higher.” [6g] (p3)
- 14.09 According to figures from AI, 82 per cent of all known executions carried out in 2005 took place in China. [6h] (AI, 2005)

JUDICIAL OVERSIGHT

- 14.10 The USSD Report 2005 stated, “The lack of due process was particularly egregious in death penalty cases... Executions were often carried out on the date of conviction.” [2e] (Section 1d)
- 14.11 As reported by AI in their 2006 Report on China:
- “Several miscarriages of justice in death penalty cases published in the Chinese press in the first half of the year caused considerable public disquiet and increased momentum towards reform. In September [2005], a senior Supreme Court official announced that the Court was establishing three branch courts to review death sentences. Previously this had been delegated to lower courts, reducing safeguards against unfair proceedings. Officials anticipated that the reform would lead to a 30 per cent reduction in executions. However, national statistics on death sentences and executions remained classified as a state secret, making analysis and monitoring of the death penalty problematic.” [6g] (p3)
- 14.12 These three branch courts (see above) began work on 1 April 2006. [13o] (*Xinhua*, 3 April 2006)
- 14.13 On 26 October 2005, the official *People’s Daily* newspaper reported that since 2003 the Supreme Court has rejected 7.21 per cent of death sentences, ordering a retrial for lack of evidence. It also ordered a reprieve in 22.03 per cent of cases, commuting some death sentences to life imprisonment. [12ar]
- 14.14 On 1 March 2006, AI reported that, “The Vice-President of the Guangdong High People’s Court, Chen Huajie, announced on 28 February that the penalty for bag-snatching had been increased to a minimum prison sentence of three years, and can now include the death penalty. The ruling was a result of a new judicial interpretation that defined all kinds of violent bag-snatching by motorists as ‘robbery’.” AI called on the SPC in Beijing to conduct an immediate review of the decision. [6x]
- 14.15 On 8 December 2005, the official *People’s Daily* newspaper announced that from 1 January 2006, local courts hearing death sentence cases in the second

instance will do so in public. From 1 July 2006, all death sentence cases in the second instance will be heard in public too. [12as]

PEOPLE EXEMPTED FROM THE DEATH PENALTY

- 14.16 Article 49 of the Criminal Law states, "The death penalty is not to be applied to persons who have not reached the age of eighteen at the time the crime is committed or to women who are pregnant at the time of adjudication." [5i] (p9)
- 14.17 As reported by AI on 6 April 2004, "...reports have indicated that people under 18 at the time of the offence have continued to be executed because the courts do not take sufficient care to determine their age." [6k] (p6) As reported by AI in a report entitled, The death penalty worldwide: developments in 2004, published 5 April 2005, "Gao Pan, a farmer from Ligu Village, Gaoyang County, Hebei Province, was executed on 8 March [2004] for a crime committed on 9 August 2001, before he was 18 years old, despite efforts by his family and his lawyer to have his age verified by the courts." [6r] (p5)
- 14.18 In their 2005 Report on China, covering events from January to December 2004, AI reported:
- "Ma Weihua, a woman facing the death penalty on drugs charges, was reportedly forced to undergo an abortion in police custody in February, apparently so that she could be put to death 'legally' as Chinese law prevents the execution of pregnant women. She had been detained in January in possession of 1.6kg of heroin. Her trial, which began in July, was suspended after her lawyer provided details of the forced abortion. She was eventually sentenced to life imprisonment in November." [6q] (p2)

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POLITICAL AFFILIATION

- 15.01 China is a one party state and the ruling Chinese Communist Party (CCP) does not permit the creation of opposition parties. Neither does it permit mass organisations to operate independently from Party or State. [2e] (USSD Report 2005) (Section 3)

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FREEDOM OF POLITICAL EXPRESSION

- 15.02 As reported by the USSD Report 2005:

"Government officials continued to deny holding any political prisoners, asserting that authorities detained persons not for their political or religious views, but because they violated the law; however, the authorities continued to confine citizens for reasons related to politics and religion. Tens of thousands of political prisoners remained incarcerated, some in prisons and others in reeducation-through-labor camps and other forms of administrative detention. Western NGOs estimated that approximately 500 persons remained in prison for the repealed crime of 'counterrevolution,' and thousands of others were serving sentences under the state security law, which Chinese authorities stated covers crimes similar to counterrevolution." [2e] (Section 1e)

(See also section 10: [State security law](#))

- 15.03 As reported by AI in a report published in December 2004:

“The Chinese authorities have recently introduced some legal reforms with the stated aim of ensuring greater protection for human rights. These include adding the clause, ‘the State respects and protects human rights’ to the Chinese Constitution in March 2004. However, other laws which continue to facilitate the arbitrary detention and imprisonment of human rights defenders remain on the statute book and continue to be used to put activists behind bars.” [6j]

- 15.04 As reported by Rupert Wingfield-Hayes, the BBC’s Beijing Correspondent writing for the Association for Asian Research (AFAR) on 19 June 2005:

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

- 15.05 As reported by *Asia Times* on 19 June 2005, “According to human-rights monitor John Kamm [from the NGO the Dui Hua Foundation], some 3,000 people are sentenced for non-violent political and religious offences each year. And yet, China’s people gained room for manoeuvre, especially in pursuit of their livelihoods.” [65i]

ANTI-JAPANESE PROTESTS (10 APRIL TO 4 MAY 2005)

- 15.06 In April 2005, nationalists protested in many large Chinese cities against the publication in Japan of a new history text book which they believed downplayed the level of atrocities committed by Japanese soldiers during World War Two. Protestors targeted Japanese owned businesses and consulates and some businessmen were reportedly attacked. [9j] (BBC, 10 April) [9h] (BBC, 11 April 2005)
- 15.07 The authorities curtailed further protests on 4 May 2005, leading to suspicions that they had been engineered for political reasons. [41r] (*The Guardian*, 5 May 2005)
- 15.08 As reported by the Asian news site Muzi News on 25 December 2005, “A Chinese dissident has been convicted and jailed for 12 years for organizing anti-Japanese protests on the mainland... Xu Wanping, 44, was sentenced by a court in China’s southwestern city of Chongqing on Friday after being convicted of subversion charges, Hong Kong’s Commercial Radio reported. But Xu’s wife Chen Xianying was quoted as saying that her husband never

organized, or took part in the anti-Japanese protests earlier this year [2005].”
[29a]

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FREEDOM OF ASSOCIATION AND ASSEMBLY

- 15.09 The USSD Report 2005 stated, “The law provides for freedom of peaceful assembly; however, the government severely restricted this right in practice. The law stipulates that such activities may not challenge ‘party leadership’ or infringe upon the ‘interests of the state.’ Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly moved to suppress demonstrations involving expression of dissenting political views.” [2e] (Section 2b)
- 15.10 The same source continued:
- “At times police used excessive force against demonstrators. Demonstrations with political or social themes were often broken up quickly and violently. The vast majority of demonstrations during the year concerned land disputes, housing issues, industrial, environmental, and labor matters, and other economic and social concerns... Authorities detained potential protesters before the June 4 anniversary of the Tiananmen massacre, after the death of former Premier Zhao Ziyang in January, at the time of the NPC session in March, and during the August visit by UN High Commissioner for Human Rights Louise Arbour. Dissidents were detained around the time of other sensitive events to head off public demonstrations...All concerts, sports events, exercise classes, or other meetings of more than 200 persons required approval from public security authorities. In practice much smaller gatherings also ran the risk of being disrupted by authorities.” [2e] (Section 2b)
- 15.11 Article 27 of the Law on Assemblies, Processions and Demonstrations (adopted 31 October 1989) states:
- “The people’s police shall stop an assembly, a procession or a demonstration that is being held, if it involves one of the following circumstances:
- 1 failure to make an application in accordance with the provisions of this Law or to obtain permission for the application;
 - 2 failure to act in accordance with the purposes, manners, posters, slogans, starting and finishing time, places and routes permitted by the competent authorities; or
 - 3 the emergence, in the course of the activity, of a situation which endangers public security or seriously undermines public order.” [5b] (p5)
- 15.12 Article 30 of the Regulations for the Implementation of the Law of Assembly, Procession and Demonstration of the People’s Republic of China (promulgated June 1992) states, “When foreigners want to participate in an assembly, procession or demonstration held by Chinese citizens, the responsible individual of the assembly, procession or demonstration shall clearly state this in the application. Without the expressed approval of the competent public security organs, they will not be allowed to participate.” [5c] (p7)

CIVIL DISTURBANCES

15.13 As reported by HRW 2006:

“In spite of its socialist roots, China faces serious challenges stemming from growing disparities between rich and poor, and urban and rural populations. Along with official corruption, such disparities in 2005 fueled a rise in protests and demonstrations from workers, farmers, people forcibly evicted from their homes, victims of police abuse, and HIV/AIDS activists, among others. According to official figures, there were seventy-four thousand protests in China in 2004 involving 3.5 million people, up from fifty-eight thousand protests in 2003. China’s leaders’ preoccupation with social stability has increased accordingly.” [7q]

15.14 As reported by AsiaNews on 20 January 2006, “The number of disturbances to public order on the mainland rose 6.6 per cent last year to 87,000, the Ministry of Public Security announced yesterday.” [116c]

15.15 As noted by the *Las Vegas SUN* newspaper on 14 December 2005, “Demonstrations in China can gather size and force with remarkable speed. Officials worry that protests about mundane issues could quickly become anti-government riots... Police sometimes let a protest run its course if the subject is considered politically sensitive enough the government doesn’t want to risk inflaming emotions.” [15a] As reported by the official *People’s Daily* newspaper on 8 October 2005, assaults on policemen are increasingly common in China. Statistics from the MPS showed that in the first half of 2005, 23 policemen were killed and 1,803 were injured while performing their duties. [12az]

15.16 As reported by *Time Asia* on 16 October 2005:

“Local governments increasingly depend on land sales as their main source of revenue. But in order to sell village property, they need to control the townships. This means making sure that their allies are elected as village chiefs... The central government tries to balance its support of local officials with its protection of the legitimate interests of common people. Sometimes Beijing punishes local governments in order to defuse popular tension, sometimes it allows local governments to pursue their interests freely.” [65k]

15.17 As reported by the Economist Intelligence Unit (EIU) in their January 2006 country profile for China, “The government tends to react to such protests by addressing some of the complaints raised and arresting those identified as the ‘ringleaders’. It comes down with a particularly heavy hand on any local protest that threatens to develop into a national movement.” [4b] (Politics: Security Risk in China)

ILLEGAL SEIZURE OF LAND

15.18 Disputes over land are common in China, where competition for useable land is fierce. [9q] (BBC, 21 July 2005) As reported by the Economist Intelligence Unit (EIU) in their January 2006 country profile for China, “Several recent rural protests have turned violent, notably those in the townships of Shanwei and Dingzhou (in Guangdong and Hebei provinces respectively) in 2005, which were sparked by official seizure of land and inadequate compensation levels.

Complaints about issues such as these have grown as villagers have become more aware of their legal rights.” [4b] (Politics: Security Risk in China)

- 15.19 As reported by the BBC on 16 December 2005, 27 people have gone on trial for their role in violent clashes between protesting villages and “hired thugs” in the village of Shengyou, Hebei province that left six people dead in June 2005. The clashes were related to land rights and lead to the sacking of the mayor and Communist Party chief in the nearby city of Dingzhou. The ex-Party Chief, He Feng was amongst the 27 people charged with causing “intentional injuries”. [9ba] On 10 February 2006, the *Taipei Times* reported that He Feng had been sentenced to life imprisonment for his part in the clashes in Shengyou. Four co-defendants were sentenced to death. One farmer was sentenced to five and a half year’s imprisonment and another five year’s imprisonment. [106a]
- 15.20 As reported by the *Guardian* on 18 January 2006, police have been accused of beating a 14 year old schoolgirl to death as they attempted to break up a protest over illegal land seizures in Sanjiao (Guangdong). According to this report they bribed the girl’s parent to say she had died of a heart attack before cremating the body. [41af]

DONGZHOU (DINGZHOU) VILLAGE INCIDENT

- 15.21 As reported by the *Guardian* newspaper on 9 December 2005, “In one of the most violent confrontations in a wave of recent rural unrest, Chinese paramilitary forces have shot and killed at least one man and injured more than a dozen others during protests against a power plant in Guangdong, local residents said yesterday.” [41u] AI put the number of fatalities at between four and six and called for an immediate independent investigation in a statement issued on 7 December 2005. [6u]
- 15.22 As reported by the BBC on 11 December 2005, state media alleged that the police were attacked by a “chaotic mob” armed with petrol bombs, knives and dynamite and were forced to open fire in alarm; killing three protestors and wounding five others. The commander who gave the order to fire has been detained. “Local residents have alleged that up to 20 people were killed... If this is true, this could be China’s deadliest use of force against protestors since Tiananmen Square.” [9ay]
- 15.23 As reported by the official *People’s Daily* newspaper on 19 December 2005, “The three men killed by police were Lin Yidui, 26; Jiang Guangge, 35 and Wei Jin, 31, the report said, adding that eight people were hospitalized during the riot.” [12aw] As reported by *The Times* newspaper on 12 December 2005, “Such a rare and swift admission underscores the alarm such incidents cause China’s Communist Party leaders.” [90e] As reported by Radio Free Asia (RFA) on 24 May 2006, 13 villagers detained after the clashes were sentenced to between three and seven years’ imprisonment. Some local officials received warnings from the Party. [105a]

TAISHI VILLAGE INCIDENT

- 15.24 As reported by Benjamin Joffe-Walt writing in the *Guardian* newspaper on 10 October 2005, he witnessed Lu Banglie, a campaigner for peasant’s rights’, being beaten unconscious as they tried to enter Taishi village in Guangdong

province together; Lu was beaten by thugs for ten minutes, apparently with the tacit approval of authorities in the area (uniformed men disappeared before the beating started). Joffe-Walt was not assaulted. [41ab] As reported by the *Guardian* on 11 October 2005, Lu survived the attack but had no recollection of how he ended up in hospital back in his home city of Zhijiang in Hubei province. [41ad]

- 15.25 The official account of the incident stated that Lu sustained only a slight scratch to his hand after he tried to force his way into the village along with two foreign journalists identified as *Guardian* correspondent Benjamin Joffe-Walt and his translator. [5s] As reported by Reporters without Borders on the 12 October 2005, two foreign journalists were attacked on 7 December 2005 after trying to enter Taishi village to investigate allegations of corruption involving village leader Chen Jinshen. On the 6 December 2005 the authorities arrested Guo Fleixiong (also known as Yang Maodong) after he called for the resignation of Chen at a demonstration held on 13 September 2005. [63i]
- 15.26 As reported by the BBC on 17 January 2006, it is unclear whether the situation in Guangdong province is worse than in the rest of China or if its location next to Hong Kong just makes it easier for reporters there to contact villagers for their version of events. [9bo]

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 16.01 As noted by the CIA World Fact Book on China, last updated on 10 January 2006, "... no substantial political opposition groups exist, although the government has identified the Falungong spiritual movement and the China Democracy Party as subversive groups." [30a] As reported by the USSD Report 2005, "The CCP retained a monopoly on political power and forbade the creation of new political parties." [2e] (Section 3)
- 16.02 As reported by the *Washington Post* in an article dated 4 July 2003 and reproduced by the Dui Hua Foundation (an NGO) on their website:
- "The best sources of information about human rights violations in China are often Chinese officials themselves, speaking through officially sanctioned publications or directly to foreigners in the dozen or so official rights dialogues between China and foreign governments... Many of the names Dui Hua uncovers are connected to illegal political and religious groups. The sheer number of such groups is staggering. It is not uncommon to find, in a county gazette, the names of a half-dozen illegal political parties or religious bodies that have been operating under the noses of the local authorities for years. Most opposition groups are small and localized, but from time to time groups that have developed national networks are uncovered in official publications." [59b]

CHINA DEMOCRACY PARTY (CDP)

- 16.03 The USSD Report 2005 stated, "More than 40 current or former CDP members remained imprisoned or held in reeducation-through-labor camps during the year..." [3e] (Section 3) On the issue of whether the CDP itself is still

active in China the USSD is unclear, stating only that the CSP was "... an opposition party that had attracted hundreds of members nationwide within a few months of its founding in 1998 and that the CCP declared to be illegal." [2e] (Section 3) However, as reported by the official *People's Daily* newspaper on 10 May 2003, the Intermediate People's court in Liaoyang City sentenced two former steel workers to seven and four years imprisonment for attempting to overthrow state power and trying to set-up the Liaoyang branch of the China Democratic Party. [12e]

- 16.04 According to this report, "The court ruled that evidence proved that the two [Yao Fuxin and Xiao Yunliang] were guilty of crimes of subversion in accordance with articles 105 and 106 of the Criminal Law." [12e] As reported by the International Confederation of Free Trade Unions (ICFTU) on 1 March 2006, Xiao Yunliang was released three weeks before of his four year sentence was due to expire. However, "... his apartment is currently being watched by four police guards and two police cars. Family and friends who have attempted to see him are being harassed and intimidated by police questioning, which has caused a number of them to turn back for fear of reprisal." [109a]
- 16.05 As reported by the USSD Report 2005, "In 1998 CDP founders Xu Wenli, Wang Youcai, and Qin Yongmin were sentenced to prison terms of 13, 12, and 11 years, respectively. Xu Wenli and Wang Youcai were released on medical parole to a foreign country in December 2002 and March 2004, respectively. Qin remained in prison at year's end, as did others connected with a 2002 open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre signed by 192 activists." [2e] (Section 3)
- 16.06 As reported by Dui Hua Foundation on 7 March 2006, "The Dui Hua Foundation has been advised by China's Ministry of Foreign Affairs, citing information provided by the Ministry of Justice, that 72-year-old retired physics professor Tong Shidong will be released from Chishan Prison in Hunan Province on March 9, 2006. Tong, who helped to organize a branch of the China Democracy Party (CDP) at Hunan University in January 1999, is the oldest member of the CDP currently serving a prison sentence." [36d]
- 16.07 As reported by the HRW in September 2000, "The CDP was to be based on the principles of 'openness' (gongkai), 'peace' (heping), 'reason' (lixing), and 'legality' (an falu). Its aim was to establish direct elections and the formation of a multi-party system." [7a] (p1-2 of section III) As reported on the China Democracy Party's website, accessed 30 March 2006, the CDP has held over 100 protests in front of the Chinese consulate in New York. It aims to attract Chinese Americans who are US citizens and build a mass movement in the US with the eventual aim of going back to China and establishing a democratic system of government there. The Party's flag is a red, yellow and blue circle on a blue and red background. The circle is red on top, yellow in the middle and blue at the bottom. It is surrounded by eight yellow stars. The background is blue at the top and red at the bottom. [20a]

UK BRANCH OF THE CHINA DEMOCRACY PARTY

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

(See also Annex E: [Dissident groups](#))

TIANANMEN SQUARE ACTIVISTS

- 16.09 The 17th anniversary of the Tiananmen Square massacre passed off without serious incident in China. [9cf] (BBC, 4 June 2006) In response to the anniversary the US State Department urged the Chinese government to “...provide a full accounting of the thousands who were killed, detained, or went missing and of the government’s role in the massacre; we also urge China to address the ongoing violations of the rights of victims and their families and to make public the list of those still in prison.” [2c] (USSD, 4 June 2006) As reported by the USSD Report 2005, NGOs estimate that between 80 and 200 people remain detained for their part in the Tiananmen Square protests. [2e] (Section 1e) As reported by the BBC on 30 April 2006, the mother of a 15-year-old boy who died shortly after the protests were suppressed, probably in police custody, has received a “hardship payment” from local officials in Chengdu. This is the only known instance of a relative of any of the deceased being compensated. [9cl]

(See also section 3: [Tiananmen Square protests](#))

- 16.10 As reported by AI on 3 June 2004, “Amnesty International has records of more than 50 people it believes are still imprisoned for their part in the [Tiananmen Square] protests. This number is a fraction of the true figure, which has never been released by the authorities.” [6i] As reported by AI on 23 February 2006, Yu Dongyue was released from prison after serving 16 years for his part in the Tiananmen demonstrations. He was charged with “counter-revolutionary sabotage and incitement” after throwing an egg at a portrait of Mao Zedong. [6v]
- 16.11 As reported by HRW on 4 June 2004, “In the days leading up to the [4 June] anniversary, Chinese security forces have warned, harassed, and intrusively monitored dissidents, writers, academics, and long-time pro-democracy activists. Over the past week, police have ordered some of its critics to leave Beijing. At least one critic was beaten when he tried to leave his home.” [7j]
- 16.12 On 3 June 2005, AI reported on the situation of people who speak out on Tiananmen Square. They stated:
- “Chinese leaders have taken the position that foreign concerns regarding the 1989 crackdown on unarmed citizens are ‘outdated’. However, there is, unfortunately, no better testimony to the on-going passion surrounding the issue than the continuous string of detentions and sentencing of citizens who seek to post information on the internet regarding the dead or missing from 1989, to facilitate communication among citizens with regard to the events of 1989, and who in other ways keep the issue alive in the minds of Chinese citizens. Numerous Chinese citizens have been detained and imprisoned for such activities.” [6s]

- 16.13 In September 1990 AI published a detailed report on the Tiananmen Square protests and their aftermath. This report highlighted both the indiscriminate nature of the killings and thoroughness of the crackdown that preceded it. [6a] On 4 June 2004, HRW published a report on the whereabouts of many of the surviving activists. This report detailed their continued harassment by the security forces. [7k]

RESPONSES TO THE “NINE COMMENTARIES”

- 16.14 The “Nine Commentaries” is a series of nine articles published by the *Epoch Times* (a publication sympathetic to Falun Gong) and claiming to expose the “true nature” of the Chinese Communist Party, which is portrayed as despotic and corrupt with few, if any, redeeming features. [60] The *Epoch Times* itself claims that the “Nine Commentaries” has prompted over 11 million CCP members to resign from the Party. [40c] (*Epoch Times*, 12 June 2006) However, it is unclear how many of these resignations are from expatriates and how many are from CCP members resident in China. [3y] (*Canadian IRB*, 3 June 2005)

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

THE DEATH OF ZHAO ZIYANG

- 16.15 As reported by the official news agency Xinhua on 17 January 2005, “Comrade Zhao Ziyang died of illness in a Beijing hospital Monday. He was 85.” [13i] On the same date the BBC reported, “The deaths of other liberal leaders in China have tapped latent public frustration at the country’s slow pace of democratic reform. Protests flared when former Premier Zhou Enlai died in 1976, and pro-reform party leader Hu Yaobang’s death in 1989 sparked the Tiananmen Square protests that ended Zhao’s political era.” [9bv]
- 16.16 As reported by the BBC on 29 January 2005, “Hundreds of people have attended a tightly controlled funeral service in Beijing for purged Chinese Communist Party leader Zhao Ziyang. Mourners filed past Zhao’s body and paid their respects, before his cremation at the Babaoshan cemetery.” [9bx]
- 16.17 Zhao’s obituary, published by the official news agency Xinhua on 29 January 2005 stated, “In the early years of China’s reform and opening-up drive, he successively held important leading positions of the CPC Central Committee and the State, making contribution to the cause of the Party and the people. In the political turbulence which took place in the late spring and early summer of 1989, Comrade Zhao committed serious mistakes.” [13v]
- 16.18 As reported in Volume 5, Issue 3 (February 1, 2005) of *China Brief* – available via the Jamestown Foundation’s website:
- “Friends of the Zhao family said an estimated 4,000 people – many from Henan, Zhao’s home province, as well as Guangdong, one of his power bases – showed up at the Fu Qiang house to mourn the reformer the first three days after his death. This occurred despite instructions given by CCP authorities to many departments that cadres and party members should refrain from taking part in Zhao-related activities. Probably because of the unexpectedly large turnout, Beijing decided to restrict access to the Zhao home by entirely cordoning off Fu Qiang Lane with dozens of police and state security officers.

Only mourners who could prove their association with Zhao – or whose names had been given to the police by family members – could go in.” [78b]

THE PARTIAL REHABILITATION OF HU YAOBANG

- 16.19 As reported by the BBC on 18 November 2005, “China is publicly marking for the first time the birthday of ex-Communist party leader Hu Yaobang, whose death sparked the 1989 Tiananmen Square protests... The low-key ceremony 90 years after his birth is a move which the BBC Beijing correspondent says signals the start of his rehabilitation.” [9aa]
- 16.20 The official Xinhua news agency reported Hu’s commemoration on the same day. It stated, “The official commemoration, organized by the CPC Central Committee, was attended by Premier Wen Jiabao, Vice President Zeng Qinghong and Secretary of the CPC Central Commission for Discipline Inspection Wu Guanzheng... ‘His historic achievements and moral character will always [be] remembered by the Party and our people,’ Zeng said.” [13g]
- 16.21 On 16 November the *Sunday Times* reported, “The commemoration was approved by President Hu Jintao, who overruled colleagues on the nine-member Politburo Standing Committee who feared that it would threaten China’s stability... President Hu, 62, regards the commemoration as a way to consolidate his power because like Hu Yaobang, to whom he is not related, he relied on support within the Communist Youth Leagues as he rose to power.” [90c]

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FREEDOM OF SPEECH AND MEDIA

- 17.01 The USSD Report 2005 stated:

“The law provides for freedom of speech and of the press, although the government generally did not respect these rights in practice. The government interpreted the CCP’s ‘leading role,’ as mandated in the constitution, as circumscribing these rights. The government continued to threaten, arrest, and imprison many individuals for exercising rights to free expression. Internet essayists and journalists in particular were targeted, including Hunan writer Shi Tao and New York Times employee Zhao Yan. The government continued to control print, broadcast, and electronic media tightly and used them to propagate government views and CCP ideology. Such controls tightened during the year, and new regulations made it increasingly difficult to express views that differed from those authorized by the government on the Internet, through broadcast media and in print. Media outlets received regular guidance from the Central Propaganda Department listing topics that should not be covered, including politically sensitive topics. All media employees were under explicit orders to follow CCP directives and guide public opinion. These measures greatly restricted the freedom of journalists and Internet writers to report the news and led to a high degree of self-censorship.” [2e] (Section 2a)

- 17.02 The same source continued:

“The scope of permissible private speech continued to expand. Political topics could be discussed privately and in small groups without punishment, and

minor criticisms of the government were common topics of daily speech. So long as the speaker did not publish views that challenged the Communist Party or disseminate such views to overseas audiences, the range of permissible topics for private speech continued to grow. However, public speeches, academic discussions, and speeches at meetings or in public forums covered by the media remained circumscribed. Those who aired views that disagreed with the government's position on controversial topics risked punishment ranging from disciplinary action at government work units to police interrogation and detention. These restrictions and more formal restrictions on freedom of the press and academic freedom had a chilling effect on freedom of speech." [2e] (Section 2a)

17.03 As reported by the NGO Reporters Without Borders in its Worldwide Press Freedom Index 2005, China was ranked 159 out of the 167 countries included in the index (one being the most free and 167 being the least free). [63j]

17.04 As reported by the *Guardian* newspaper on 26 September 2005:

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

17.05 As reported by Reporters without Borders on 26 September 2005, journalists are banned from putting out news that:

- violates the basic principles of the Chinese constitution;
- endangers national security, leaks national secrets, seeks to overthrow the government, endangers the unification of the country;
- destroys the country's reputation and benefits;
- arouses national feelings of hatred, racism, and endangers racial unification;
- violates national policies on religion, promotes the propaganda of sects and superstition;
- diffuses rumours, endangers public order and creates social uncertainty;
- diffuses information that is pornographic, violent, terrorist or linked to gambling;
- libels or harms people's reputation, violates people's legal rights' includes illegal information bounded by law and administrative rules.

Completely new bans:

- It is forbidden to encourage illegal gatherings, strikes, etc to create public disorder.
- It is forbidden to organise activities under illegal social associations or organisations. [63n]

- 17.06 The same report also noted that at the time of writing "... 62 people are currently imprisoned in China for having posted articles on the Internet that the authorities deemed to be 'subversive'". [63n]
- 17.07 As noted by the BBC on 11 June 2004, "China's authorities have shown an ambiguous attitude to the rise of internet use. On the one hand they see it as essential for remaining economically competitive to have a computer literate population. But on the other hand they fear the open access to information that the internet provides." [9aw] As reported by the same source on 28 June 2005, China has 100 million internet users, secondly only to the United States. [9n]
- 17.08 As reported by *Japan Today* on 28 December 2004, "China has shut down 1,287 websites which spread 'harmful information' on religious cults, superstition and pornography, a government Internet watchdog said Monday. Among those closed were 1,129 pornographic sites and another 114 'which promoted gambling, superstitious activities and cult propaganda,' said the official Reporting Center for Illegal and Harmful Information." [61a] As reported by the official news agency Xinhua on 10 May 2004, "China has shut down more than 8,600 unlicensed Internet cafes for admitting juveniles since February [2004]. To bar minors from Internet cafes, local governments across China have been ordered not to approve any Internet cafe operations in residential areas or within 200 meters of primary and high schools." [13f]
- 17.09 As reported by Reporters without Borders in their 2003 Annual report, "The only challenge to the party's monopoly of the news media came from the Falun Gong, which was persecuted as a 'diabolic cult' by the authorities and which had no authorised access to the Chinese media. On at least five occasions, Falun Gong followers hijacked into cable or satellite TV services in order to transmit footage in support of their movement. Dozens of members were arrested for this and received long prison sentences." [63a] (p1) As reported by the same source in their 2005 Annual report, "New Tang Dynasty TV (NTDTV), accused of supporting the Falungong movement, has been targeted by the Beijing authorities since its launch in February 2002." [63p] (p1)
- (See also section 24: [Falun Gong](#))
- 17.10 In October 2005 Reporters without Borders published a report on the official Xinhua news agency entitled, Xinhua: The World's Biggest Propaganda Agency, this report stated:
- "Xinhua's goal is to maintain the CCP's news monopoly. It is, according to the official definition, 'the eyes, ears and voice of China'. It is the de facto largest centre of news gathering and distribution in the country. No news, especially on sensitive issues, should reach the media without the say-so of the all-powerful Xinhua... According to official figures, the agency employs 8,400 people. (Agence France-Presse by contrast has a staff of 2,000) of whom 1,900 are journalists and editors. Its president, Tian Congming, has the rank of a minister." [63o] (p1)
- 17.11 The same report also stated:
- "In the service of the communist party, the agency produces two types of news: that intended for the general public and news destined for the regime

leaders... The agency's first priority is to handle news produced by the Propaganda Department, now named the Publicity Department, that comes under the CCP Central Committee... Xinhua is de facto run by the Propaganda Department. The agency gets its editorial line from this organ of the CCP and sticks to it slavishly." [63o] (p5-7)

- 17.12 As reported by the official news agency Xinhua on 11 March 2005:

"The British Broadcasting Company's flagship political debate program, 'Question Time' was broadcasted from Shanghai on Thursday. The questions debated included the Taiwan question, the Hong Kong Special Administrative Region, China's human rights and China's economic development. Chinese foreign ministry spokesman, Liu Jianchao, Secretary-general of the Bo'ao Forum, Long Yongtu, and other famous politicians, economists had been invited to join the panel to answer questions before a live studio audience. More than 160 people in Shanghai were invited to apply to join the studio audience... This is the first time such a program produced by a mainstream Western media outlet has been filmed in China." [13w]

- 17.13 As reported by the BBC on 4 August 2005, "China says it will refuse to allow new foreign-owned television satellite channels into the country. The government also said it would tighten the controls on the 31 international broadcasters already in China." [9t]

- 17.14 On the 12 September, the BBC reported that China would no longer treat the death toll in natural disasters as a state secret. "Death tolls from natural disasters have been closely guarded secrets in China for decades. Unauthorised attempts to obtain figures have led to jail terms." [9bh] The official *People's Daily* newspaper also reported this story on 13 September 2005. [12ax] On the 27 September, the BBC reported that the NPC (Parliament) had held its first open session with selected members of the public invited to attend a debate on income tax." [9bm]

JOURNALISTS

- 17.15 As reported by the Committee to Protect Journalists (CPJ) in their report entitled, 'Attacks on Press 2005':

"According to CPJ research, China was the world's leading jailer of journalists for the seventh consecutive year in 2005, with 32 behind bars on December 1. Yet, imprisoning journalists is not the government's principal means of keeping a rein on the press. Instead, a program of self-censorship and direct censorship is achieved through administrative mechanisms that guarantee a hierarchy of control extending from the central government to news editors. Editors are much more often fired, demoted, or otherwise penalized by the Propaganda Department than criminally prosecuted, local journalists told CPJ." [62a] (p3)

- 17.16 In their 2005 Annual report, Reporters without Borders put the number of journalists imprisoned in China at 32. [63b] (p1) In the first half of 2006, two journalists died after beatings from police. [62b] (CPJ, 6 February 2006) [62c] (CPJ, 25 July 2006)

- 17.17 As reported by the BBC on 23 February 2006, censors were forced to back down and agree to the re-opening of the magazine *Bing Dian* (Boiling Point) after a group of senior Party officials, including Mao Zedong's former secretary and a former editor of the official *People's Daily* newspaper criticised the decision by propaganda department to close it in late January 2005. [9bz] As reported by the BBC on 7 February 2006, journalist Wu Xianghu (an editor with the Taizhou Evening News) died in February 2006 from liver problems exacerbated after he was beaten by police in October 2005. Wu had written an article accusing the police of charging illegal fees for registering electric bicycles. [9bg]
- 17.18 As reported by the *Guardian* newspaper on 1 July 2005, the Nanfang (Southern) Daily Press Group, which includes the Nanfang Weekend, the Southern Metropolitan Daily and the Beijing News amongst its titles, had been able to influence public debate by carrying stories on hitherto taboo subjects before the authorities had a chance to censor them. "As well as scoops about Sars and the Three Gorges dam, the Nanfang Weekly made the biggest splash of 2003 by investigating the case of Sun Zhigang, who died in police custody. Its coverage forced a change of national policy on detentions, and humiliated local police chiefs." [41w]
- 17.19 As reported by Reporters Without Borders on 20 May 2005:
- "Reporters Without Borders reacted with horror to an attack on journalist Wen Chong in which unknown assailants attacked him in his home and cut off[f] the index and middle finger of his right hand. Two men burst into the home of the 30-year-old journalist with Nanfang Dushi Bao (Southern Metropolis Daily) on 18 May 2005 in Zhongshan, in the south of Guangdong province. The organisation urged the Chinese authorities to carry out a thorough investigation to find and punish the perpetrators of this 'barbaric act'. The assailants, who began by raining blows onto the journalist, fled afterwards taking the journalist's amputated fingers with them. He was immediately treated in hospital." [63f]
- 17.20 As reported by Reporters without Borders on 6 September 2005, Yahoo! cooperated with the Chinese authorities in providing details of journalist Shi Tao who was subsequently jailed for tens years for "divulging state secrets abroad" after sending an email containing top secret (Jue Mi) information. "Shi admitted sending the e-mail but disputed that it was a secret document." [63m] As reported by the same organisation on 9 February 2006, Li Zhi was jailed for eight years in 2003 on the basis of data supplied to Chinese police by Yahoo! [63q]

(See also section 15: [Taishi village incident](#))

INTELLECTUALS

- 17.21 As reported by *Asia Times* on 10 March 2005:

"In the run-up to the transition to the fourth generation of Chinese leaders in 2002, intellectuals in Beijing were cautiously optimistic that Hu Jintao would be a force for reform...During the first few months of Hu at the helm there were indeed signs of a flowering of intellectual life, as emboldened Chinese media went on the offensive. Unfortunately, this Beijing spring – a reference to the

flowering in the late 1970s – was short-lived. Since the spring of 2003, freedom of expression has been on the ropes in China. Newspapers have been shut down, editors, journalists and Internet dissidents have been imprisoned, lawyers have had their licenses temporarily revoked, and intellectuals have come under attack. Chinese intellectuals now openly admit they misread China's new helmsman as Hu the reformer. In fact, they say the political situation is the worst in years. Some even yearn for the good old days under former [head] honcho Jiang Zemin.” [64e]

17.22 As reported by the BBC on 30 March 2005:

“An outspoken Chinese academic has been sacked after writing a savage attack on the Communist Party's propaganda department. It is the latest salvo in what some see as a campaign tightening freedom of expression in China. Jiao Guobiao had been a journalism professor at Beijing University. But last year, the outspoken scholar wrote an astonishingly bold paper, attacking the Communist Party's propaganda department. He accused it of sheltering corrupt officials and compared the state censors to those in Nazi Germany.” [9g]

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HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

18.01 As reported by AI in their 2006 Report on China:

“Informal networks of rights defenders publicly lobbied the authorities and the international community about various abuses. However, the authorities continued to use broadly defined national security offences to prosecute and imprison activists, including lawyers, petitioners and housing rights advocates. Civil society organizations continued to grow in number and effectiveness. However, controls were tightened to curtail the activities of those who challenged official policies.” [6g] (p1)

18.02 As reported by the *Guardian* on 13 June 2006, Fu Xincai “one of the most vocal opponents of the [controversial] Three Gorges dam” was attacked after ignoring warnings from police not to talk to foreign journalists. Fu was paralysed from the neck down after being hit from behind by his assailant. [41m] As reported by the NGO Human Rights in China (HRIC) in China on 26 July 2006, an official investigation into the attack on Fu concluded that his injuries were self-inflicted. [119a]

PETITIONING SYSTEM

18.03 As reported by the CECC Report 2005:

“The Chinese government has affirmed the right of citizens to petition the National People's Congress Standing Committee for review of regulations that violate the Constitution or national law. The effect of this right remains limited, however, since Chinese citizens have no right to compel such review or to challenge the constitutionality of government actions. Constitutional enforcement remains a politically sensitive topic in China, and the near-term prospects for the establishment of a more robust constitutional enforcement mechanism are remote. The Chinese government has ruled out establishing a

constitutional court or giving people's courts the power to review the constitutionality of laws and regulations. The Chinese government has enacted laws to curb administrative abuses, but Chinese officials retain significant administrative discretion. Existing legal mechanisms provide only limited checks on arbitrary or unlawful government actions." [28a] (Chapter V – b)

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

- 18.05 The same report continued:

"For non-Chinese observers, perhaps the most puzzling feature of China's petitioning system is the fact that so many people participate in it at all, especially those who spend much of their lives pursuing hopeless appeals in the face of serious risks. The reasons for this persistence vary, and can include a range of cultural, psychological, and pragmatic factors... Some of these petitioners described themselves as engaging in a test of their own faith in the Chinese Communist party... Status and reputation or 'face' are also important motivations for farmers from the Confucian-influenced countryside. Some petitioners may have spent so much of their own and their families' savings that to return home without success would be an intolerable humiliation, more painful even than a life spent living from scraps in Beijing." [7b] (III The Petitioning System, Why do Petitioners Persist?)

- 18.06 This report also stated:

"Petitioners told Human Rights Watch that provincial and local authorities send 'retrievers' [jiefang ren yuan] to Beijing to either discourage people from their province from petitioning, or to detain them and bring them back. In many cases, arrests are conducted with the assistance of Beijing police. These arrests are often carried out with violence. After they are taken back to the home province, many petitioners are arbitrarily detained without trial in facilities where they face the risk of torture and the certainty of lengthy sentences of forced labor.

Most petitioners who spoke to Human Rights Watch said that while a few retrievers who detained them wore police uniforms, the majority wore street clothes and did not identify themselves, perhaps in order to avoid jurisdictional conflicts with Beijing police or to prevent petitioners filing complaints about police abuse. Many Chinese police bureaus hire untrained civilians to assist in police work. Activists familiar with the issue, however, said that most retrievers were probably police officers in plain clothes." [7b] (V Abuses against Petitioners in Beijing, The "Retrievers")

- 18.07 As reported by the BBC on 27 July 2004, over nine million petitions and appeals were lodged with central government bodies in 2003, many of them in person. As noted here, "Even the head of the State Bureau for Petitions and Appeals, Zhou Zhanshan, has admitted that 80% of the complaints are reasonable. Yet the overburdened system gives few petitioners a sympathetic

hearing. And even if they get sympathy, the offices have no legal powers to enforce their decisions.” [9bd]

- 18.08 On 11 November 2004 *Asia Times* reported, “The success rate of China’s petitioners is infinitesimal. Last year [2003], the government’s China Petition Office received more than 10 million petitions, but just two out of every 1,000 cases were resolved, according to a new survey published in the Guangzhou-based *Southern Weekend*.” [64b]
- 18.09 On 9 March 2005, the official *People’s Daily* newspaper reported a 23.6 per cent increase in the number of petition cases referred to the SPC in 2004. This report also noted that the regulations governing petitions were strengthened in January 2005 to stipulate that no organisation or individual is allowed to retaliate against a petitioner, and those that do will be held accountable for their actions. These new rules are effective from 1 May 2005. [12h]
- 18.10 On 12 May 2004, the official *People’s Daily* newspaper reported that a farmer from Hebei province had been awarded 362,000 yuan (£26,000) compensation after his wife and daughter died as a result of receiving HIV-contaminated blood in July 1997. [12r] On 11 August 2004, the official *China Daily* newspaper reported that a businessman from Guangdong province had been awarded 170 million yuan (US\$20.56 million) in compensation after winning an 8 year legal battle against the illegal confiscation of his business by the local authorities. [14l]

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CORRUPTION

- 19.01 According to the NGO Transparency International (TI) and their Corruption Perception Index 2005, China was placed 78 out of 158 when it comes to its own citizens’ perceptions of the level of corruption – it scored 3.2 out of ten (ten being zero perception of corruption). According to TI a score of less than three out of ten indicates “rampant corruption.” [33a]
- 19.02 As reported by the official *People’s Daily* newspaper on 8 April 2005, “Corruption has triggered public fury in China. Some 4,000 corrupt officials are reported to have fled abroad, carrying 50 billion US dollars with them.” [12ak] On 11 August 2005, the *People’s Daily* speculated that if corrupt officials were free from the death penalty western countries might be more inclined to extradite fugitive officials to China.” [12am]
- 19.03 On 28 October 2005, the official *People’s Daily* newspaper reported that the Standing Committee of the NPC (Parliament) had voted to ratify the UN Convention against Corruption. The convention was due to go into effect on 14 December 2005. [12av]
- 19.04 On 11 October 2005, the official *China Daily* newspaper reported:
- “The health and education ministries were among the 38 government bodies which improperly used budget funds in the 2003-04 fiscal year. This was among the long-awaited findings released by the National Audit Office (NAO) on its website recently... The report says that the amount of improperly or illegally-used funds hit 9.06 billion yuan (US\$1.11 billion), or 6 per cent of the

total budget. According to Chinese law, the National Audit Office is entitled to only investigate misuse or improper use of budgetary funds but has no power to censure or penalize offenders.” [14d]

- 19.05 As reported by the same source on 19 December 2005, overall the number of corruption cases is on the decline but more high ranking officials are being rooted out. “In the past two years, China prosecuted and punished nearly 50,000 corrupt officials at various levels in the nationwide anti-corruption drive, according to the latest government figures.” [14f] As reported by the official *China Daily* newspaper on 12 June 2006, “Lui Zhihua, vice mayor of Beijing, was removed from his post for corruption and dissoluteness on Sunday [11 June 2006]” [14w] Lui had been overseeing the construction of venues for the 2008 Beijing Olympics. [90i] (*The Times*, 12 June 2006)
- 19.06 As reported by *The Times* newspaper on 27 March 2006, “Annual expenditure on officials’ cars – including fuel and the essential driver – is now a staggering £21 billion a year, more than the £20 billion that China allocates [officially] for military spending.” [90j]
- 19.07 As reported by the Association for Asian Research (AFAR) in a report dated 16 October 2005:
- “In mid-September 2005, Beijing set up a task force code named ‘05-9’ to probe the foreign flight of 42 provincial bank governors... Early reports show funds in bad accounts, fake accounts, graft and embezzlements at more than US\$9 billion and foreign exchange totaling more than \$2.23 billion... At least 42 local bank governors or deputy governors of the four major commercial banks in 13 provinces, cities and prefectures are involved in the case. The branches under Industrial and Commercial Bank of China include those in the provinces of Fujian, Guangdong, Jiangxi, Zhejiang, and the city of Shanghai; the branches under Bank of China include those in the provinces of Jiangsu, Guangdong, Shandong, and the city of Tianjin; the branches under China Construction Bank include those in the provinces of Hunan, Hubei, Shanxi, and Henan; and the branches under Agricultural Bank of China include those in the provinces of Hunan, Hubei, Henan, Shan’xi, Shandong, and the city of Tianjin.” [51i]
- 19.08 As reported by the *Guardian* newspaper on 17 April 2004, “A man accused of the biggest embezzlement in recent Chinese history was extradited from Las Vegas to Beijing yesterday. The return of Yu Zhendong, a banker said to have stolen \$485m (about £270m) from his institution, is a sign of growing Sino-American cooperation in law enforcement, which is likely to alarm the hundreds – possibly thousands – of other former Chinese officials who have escaped corruption charges by fleeing to the US... Although the US and China have no extradition treaty, American officials agreed to surrender him on the condition that he would not be tortured or given the death penalty, which is common in China even for less serious corruption cases.” [41g]
- 19.09 As reported by the BBC on 24 August 2004, “The wife of a leading Chinese anti-corruption official has lost both her legs after a bomb exploded at their home.” [9be] As reported in the *Epoch Times* (a publication sympathetic to Falun Gong) on 30 August 2004, “Huang Jingao, the secretary of the Lianjiang county committee in Fujian province, has been facing intimidation from his superiors and the underworld, but Huang claims that he won’t ignore the

corruption even if he may be sacked. Huang has worn a bulletproof vest for six years and has written his will twice.” [40a]

PUNISHMENT OF CORRUPT OFFICIALS

- 19.10 As reported by the BBC on 29 June 2006, Wang Shouye, deputy commander of the navy was sacked for abuse of power and taking bribes. [9ci] On 19 December 2005, the official *China Daily* newspaper reported, “The former head of the Communications Department of Southwest China’s Guizhou Province [Lu Wanli] was executed on Friday for taking huge bribes, according to the Supreme People’s Court... Lu fled abroad in January 2002 using a false passport, but was later arrested and deported to China.” [14m]
- 19.11 As reported by the Asian news site Muzi News on 27 December 2005, “A former Cabinet minister was sentenced [on] Tuesday to life in prison on charges of taking more than \$500,000 in bribes, in China’s highest-level corruption case since a deputy chairman of parliament [Cheng Kejie] was executed in 2001... Tian [Fengshan] was governor of Heilongjiang province in China’s northeast in 1995-2000 and then a Cabinet minister until he was dismissed in 2003 for discipline violations.” [29b]
- 19.12 As reported by the BBC on 23 January 2005, a former branch head with one of China’s four major state-owned banks has been sentenced to life imprisonment for embezzling 111m yuan (£7m). [9bw] As reported by the official *People’s Daily* newspaper on 9 March 2005, “Six officials at provincial or ministerial level were sentenced after being convicted of corruption, bribe-taking, abuse of public funds and dereliction of duty last year...” [12i]
- 19.13 On 9 March 2005 the *People’s Daily* also reported, “Chinese procuratorates at various levels investigated 43,757 government officials for job-related crimes last year, said Jia Chunwang, procurator-general of China’s Supreme People’s Procuratorate, Wednesday. Among the investigated government employees, 35,031 involved in crimes concerning corruption, bribe-taking and embezzlement of public funds, and 8,726 probed for dereliction of duties and abuse of power.” [12a]
- 19.14 As reported by the *People’s Daily* on 26 April 2005, “Sang Yuechun, 43, a former deputy to the Ninth National People’s Congress (NPC), China’s top legislature, was sentenced to death at the first trial for misappropriating huge public funds and property and defrauding banks by a local court in Jilin, northeast China’s Jilin Province, on Tuesday... Sang Yuechun and his sister and brother [both jailed alongside him] said they would appeal the decisions to a higher court.” [12ac]
- 19.15 On 19 May 2005 the *People’s Daily* reported, “Zhang Zonghai, former head of the Publicity Department of the Municipal Committee of the Communist Party of China (CPC) of Chongqing in southwestern China, was sentenced Wednesday to 15 years in prison for accepting bribes by the No.1 Intermediate People’s Court of Tianjin Municipality.” This reported also noted that Zhang had received a reduced sentence after helping to retrieve all the illicit money and confessing his behaviour thoroughly. [12ad]

BREACHES OF PARTY DISCIPLINE

- 19.16 Articles 37 to 45 of the Party's Constitution deal with Party discipline. Article 39 states, "There are five measures for enforcing Party discipline: warning, serious warning, removal from Party posts, probation within the Party, and expulsion from the Party." [5t] (Chapter VII) As reported by the USSD Report 2005, "The CCP used a form of discipline known as shuang gui for violations of CPC discipline, but there were reports of its use against nonparty members. Shuang gui is similar to house arrest and can be authorized without judicial involvement or oversight." [2e] (Section 1d) The CCP expelled nearly 45,000 members in 2005. [12be] (*People's Daily*, 13 July 2006)

GUANXI (SOCIAL CONNECTIONS)

- 19.17 As reported by the BBC on 1 October 2005, "If you want to understand who runs China today you have to understand the meaning of the word 'guanxi'. Literally translated, guanxi means connections. But it is much more than having the same old school tie. In Europe or America who you know might help you get a job, or get your child into a decent school. In China who you have guanxi with can mean the difference between freedom and jail, justice or discrimination, wealth or poverty." [9by] As reported by the Chinese Business Centre on their website, accessed on 21 September 2005, "Keep in mind that 'Guanxi' can take on many forms. It does not have to be based on money. It is completely legal in their culture and not regarded as bribery in any way." [21a]

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FREEDOM OF RELIGION

- 20.01 As reported by the US State Department's International Religious Freedom Report 2005 (USSD Religious Freedom Report 2005), published on 8 November 2005:

"The Constitution provides for freedom of religious belief and the freedom not to believe; however, the Government seeks to restrict religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of activities of religious groups. The Government tries to control and regulate religion to prevent the rise of groups that could constitute sources of authority outside of the control of the Government and the Chinese Communist Party (CCP). Nonetheless, membership in many faiths is growing rapidly.

During the period covered by this report, the Government's respect for freedom of religion and freedom of conscience remained poor, especially for many unregistered religious groups and spiritual movements such as the Falun Gong. Unregistered religious groups continued to experience varying degrees of official interference and harassment. Members of some unregistered religious groups, including Protestant and Catholic groups, were subjected to restrictions, including intimidation, harassment, and detention. In some localities, 'underground' religious leaders reported ongoing pressure to register with the State Administration for Religious Activities (SARA) or its provincial and local offices, known as Religious Affairs Bureaus (RAB). Some unregistered religious groups also reported facing pressure to be affiliated with and supervised by official government-sanctioned religious associations linked to the five main religions – Buddhism, Islam, Taoism, Catholicism, and Protestantism." [2m] (p1)

(See also section 20: [Registration](#))

- 20.02 This section of the report concluded by stating, “Since 1999, the Secretary of State has designated China as a ‘Country of Particular Concern’ under the International Religious Freedom Act (IRFA) for particularly severe violations of religious freedom.” [2m] (Section IV. US Government Policy)

(See also section 24: [Banned spiritual groups](#))

- 20.03 As reported by the USSD Religious Freedom Report 2005 and by the NGO Forum 18 in a report dated 29 September 2004, government officials who illegally deprive citizens of their religious freedom may be sentenced to up to two years in prison. [2m] (Section II. Status of Religious Freedom, Legal Policy/Framework) [66d] (p6) Forum 18 also stated, “However, no instance has become known of officials prosecuted for this type of violation. Without the sympathetic support of their superiors in higher levels of government, it is doubtful that these officials could have escaped prosecution.” [66d] (p6)
- 20.04 As reported by the Government White Paper, China’s Progress in Human Rights in 2004 (II Civil and Political Rights), published in April 2005, “According to incomplete statistics, China has now more than 100 million religious adherents, more than 100,000 venues for religious activities, and about 300,000 clergy members... The accumulative print run of the Bible has reached 35 million.” [5q] (Section II)
- 20.05 As noted by the USSD Religious Freedom Report 2005:
- “The country has five main religions: Buddhism, Taoism, Islam, Catholicism, and Protestantism. While these are the primary religions, the 2005 religious affairs regulations no longer identify ‘official’ religions. The Russian Orthodox Church also operates in some regions and other religions exist in the country’s expatriate community. Most of the country’s population does not formally practice any religion. Approximately 8 percent of the population is Buddhist, approximately 1.5 percent is Muslim, an estimated 0.4 percent belongs to the official Catholic Church, an estimated 0.4 to 0.6 percent belongs to the unofficial Vatican-affiliated Catholic Church, an estimated 1.2 to 1.5 percent is registered as Protestant, and perhaps 2.5 percent worships in Protestant house churches that are independent of government control.” [2m] (Section I. Religious Demography)
- 20.06 As reported by Ian Johnson in his book *Wild Grass* (2004), “Defining what is religion in China, can be a tricky business. Unlike western religions, which often try to sharply distinguish themselves from one another, Chinese belief systems happily overlap, drawing on ancestor worship, popular beliefs in spirits, the indigenous religion of Taoism and the ideas of worldwide religions like Buddhism.” [50f] (p200) As reported by *TIME Asia* on 1 May 2006, “Seeking personal salvation is fine, but public displays of religiosity outside the confines of state-controlled institutions are not.” [65h]

REGISTRATION

- 20.07 As reported by the *Washington Post* on 10 March 2004, “The Chinese government allows people to worship only in party-run churches, mosques

and temples, [and] considers any autonomous religious organization a threat and routinely imprisons priest, monks and others.” This report also stated, “There is rising interest in religion and spirituality – from Falun Gong to Christianity – as people struggle to cope with rapid social change and the vacuum left by the collapse of Maoist ideology.” [59c]

20.08 As reported by the USSD Religious Freedom Report 2005:

“The state reserves to itself the right to register and thus to allow particular religious groups and spiritual movements to operate. For each of the five main religions, there is a government-affiliated association that monitors and supervises its activities, and with which religious groups must affiliate. The SARA is responsible for monitoring and judging the legitimacy of religious activity. The SARA and the CCP United Front Work Department (UFW) provide policy ‘guidance and supervision’ on the implementation of government regulations regarding religious activity, including the role of foreigners in religious activity. Employees of SARA and the UFW are rarely religious adherents and often are party members. Communist Party members are directed by party doctrine to be atheists.” [2m] (Section II. Religious Demography)

“Some groups register voluntarily, some register under pressure, and the authorities refuse to register others. Some religious groups have declined to register out of principled opposition to state control of religion. Others do not register due to fear of adverse consequences if they reveal, as required, the names and addresses of church leaders. Unregistered groups also frequently refuse to register for fear that doing so would require theological compromises, curtail doctrinal freedom, or allow government authorities to control sermon content. Some groups claimed that authorities refused them registration without explanation or detained group members who met with officials to attempt to register. The Government contended that these refusals mainly were the result of these groups’ lack of adequate facilities or failure to meet other legal requirements. At the end of the period covered by this report, it was too early to tell whether the new regulations would result in an increase in the number of or an expansion in the type of registered religious groups.” [2m] (Section II. Religious Demography, Legal/Policy Framework)

“Some underground Catholic and unregistered Protestant leaders reported that the Government organized campaigns to compel them to register, resulting in continued and, in some cases, increased pressure to register their congregations. Officials organizing registration campaigns collected the names, addresses, and sometimes the fingerprints of church leaders and worshippers. On some occasions, church officials were detained when they arrived for meetings called by authorities to discuss registration.” [2m] (Section II. Religious Demography, Abuses of Religious Freedom)

20.09 As reported by Forum 18 on 28 April 2004:

“The Communist party-state remains determined to maintain control over society, using over the past 20 years an increasing number of laws and regulations as a means to this end... The state claims the exclusive right to decide on what are ‘normal’ religious activities and is effectively pursuing a policy of divide-and-rule towards religious communities... The Chinese state’s relationship with religion can only improve if the state accepts that laws are

supreme – even over the party – and protect individuals and society from arbitrary actions by those in power.” [66a] (p1)

20.10 As reported by Forum 18 on 25 November 2004:

“Religious organizations that either cannot or are unwilling to obtain government approval are automatically deemed illegal. Once an organisation has been classified as illegal, all its activities are automatically considered to be illegal and subversive. As Joseph Kung, an advocate of the underground Catholic community in China, stated, activities such as celebrating the mass and prayers for the dying – which are orthodox Catholic practices – immediately become illegal and unorthodox if they are undertaken by a priest who has not been permitted by the state to perform these activities... Through these repressive measures, the regime creates an atmosphere that indirectly promotes religious distortions.” [66e] (p4)

20.11 As reported by the official *China Daily* newspaper on 18 December 2004:

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

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

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

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

20.15 Further to this the same source also stated that resistance to state regulations was essentially evasive in nature, with practitioners generally choosing to avoid direct confrontation with the authorities. [66f]

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

- refusing to register, for reasons of faith or reasons of practicality;
- meeting clandestinely;
- establishing their own religious training institutions, sometimes involving foreign instructors;
- teaching children under the age of 18, despite government regulations that prohibit this;
- secretly seeking papal consent (Catholics);
- refusing to sign papers denouncing their religious/spiritual leader(s);
- using religious material not printed by the state;
- communicating via Internet chatrooms. [66f]

20.17 As reported by Forum 18 on 8 March 2006:

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

20.18 As reported by Forum on 29 September 2004:

“In theory, the central government’s State Administration for Religious Affairs (SARA) oversees religious affairs in China. A key function of SARA and its subordinate offices is registering religious groups and venues. In general, these offices are tasked with ensuring that individual believers and groups comply with state regulations. To meet this objective, like most Chinese bureaucracies, there are provincial and local SARA offices, allowing the agency to keep an eye on all religious organisations, individuals and activities throughout the country. However, it is important to note that SARA lacks enforcement powers. Once SARA has determined that religious groups are either illegal – meaning unregistered – or that they or individual believers are conducting illegal activities, the matter would then be turned over to the law enforcement agency – namely, the Public Security Ministry and its subordinate offices.” [66d] (p3)

BUDDHISTS

20.19 As reported by the USSD Religious Freedom Report 2005:

“The Government estimates that there are more than 100 million Buddhists, making Buddhism the organized religion with the largest body of followers. However, it is difficult to estimate accurately the number of Buddhists because they do not have congregational memberships and often do not participate in public ceremonies. The Government reports that there are 16,000 Buddhist

temples and monasteries and more than 200,000 nuns and monks. Most believers, including most ethnic Han Buddhists, practice Mahayana Buddhism. Most Tibetans and ethnic Mongolians practice Tibetan Buddhism, a Mahayana adaptation. Some ethnic minorities in southwest Yunnan Province practice Theravada Buddhism, the dominant tradition in neighboring Southeast Asia.” [2m] (Section I. Religious Demography)

- 20.20 China hosted the first International Buddhist Forum in April 2006. More than 1,000 Buddhist monks attended. [13ba] (Xinhua, 12 April 2006)

(See also section 27: [Tibetan Buddhism](#))

TAOISTS

- 20.21 As reported by the same source, “Religious officials offer no official estimate of the number of Taoists, but academics place the number at several hundred thousand. According to the Taoist Association, there are more than 25,000 Taoist monks and nuns and more than 1,500 Taoist temples.” [2m] (Section I. Religious Demography)
- 20.22 This report also noted, “Official tolerance for Buddhism and Taoism has been greater than that for Christianity, and these religions often face fewer restrictions. However, as these non-Western religions have grown rapidly in recent years, there were signs of greater government concern and new restrictions, especially on groups that blend tenets from a number of religious beliefs. The Government also sought to regulate closely the financial affairs of Buddhist and Taoist temples.” [2m] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

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CHRISTIANS

- 21.01 As reported by the USSD Religious Freedom Report 2005:

“The unofficial, Vatican-affiliated Catholic Church claims a membership larger than the 5 million persons registered with the official Catholic Church. Precise figures are impossible to determine, but Vatican officials have estimated that the country has as many as 10 million Catholics in both the official and unofficial churches. Chinese Catholic sources put the total number at approximately 8 million. According to official figures, the government-approved Catholic Church has 67 bishops, 5,000 priests and nuns, and more than 6,000 churches and meetinghouses. There are thought to be more than 40 bishops operating ‘underground,’ some of who are likely in prison or under house arrest.

The Government maintains that the country has more than 16 million Protestants, more than 55,000 registered churches and other places of worship, and 18 theological schools. Protestant church officials have estimated that at least 20 million Chinese worship in official churches. Foreign and local academics put the number of Protestants between 30 and 100 million. A 2004 non-governmental survey in Beijing tallied over 100,000 unregistered Protestants, far more than the 30,000 registered with authorities. Domestic and foreign experts agree that the number of Protestants is growing

rapidly. According to state-run media reports in August 2004, the number of Protestants is increasing by up to 600,000 annually.” [2m] (Section I. Religious Demography)

- 21.02 As reported by the BBC on 9 November 2004, “Getting reliable numbers about the number of Christians in China is notoriously difficult. Estimates vary between 40m to 70m Protestants, only 10 million of whom are registered members of government churches. The situation is similar for Catholics. Of the estimated 15 to 20 million Catholics in China, less than half belong to state-approved churches, which put authority to Beijing before authority to Rome.” [9bn]
- 21.03 This report continued, “Both Catholics and Protestants have long complained of persecution by the Communist authorities, and human rights groups claim the problem is getting worse.” According to the same source, about 300 Christians are detained in China at any one time, and that number is due to rise (based on information from the Jubilee Campaign). This report also stated, “China’s Christian population – especially those who refuse to worship in the tightly regulated state-registered churches – is seen as one such threat.” Furthermore the report stated, “Those Christians who want to avoid the state-controlled religious movements meet in unofficial buildings or even each others’ homes – hence their description as ‘house churches’ – risking fines, imprisonment, torture and even, in some cases, death.” [9bn]
- 21.04 As reported by the World Christian Encyclopedia (Second Edition, 2001), “Broadcasting is an absolutely vital component of ministry in China. The typical believer will tune into any broadcast they can find, and many Chinese Christians have come to the faith as a result of programmes alone... These programs are known to be recorded and duplicated for mass distribution.” [23] (p195)

AVAILABILITY OF BIBLES

- 21.05 As reported by the USSD Religious Freedom Report 2005:
- “The increase in the number of Christians in the country has resulted in a corresponding increase in the demand for Bibles. Bibles can be purchased at many bookstores and at most officially recognized churches. Many house church members buy their Bibles at such places without incident. A Bible is affordable for most Chinese. The supply of Bibles is adequate in most parts of the country, but members of underground churches complain that the supply and distribution of Bibles in some places, especially rural locations, is inadequate. Individuals cannot order Bibles directly from publishing houses, and house Christians report that purchase[s] of large numbers of Bibles can bring unfavorable attention to the purchaser. Customs officials continued to monitor for the ‘smuggling’ of Bibles and other religious materials into the country. There have been credible reports that the authorities sometimes confiscate Bibles in raids on house churches.” [2m] (Section II. Status of Religion, Legal/Policy Framework)
- 21.06 As reported by the Canadian IRB on 28 November 2003, Protestant house church leaders contacted by the IRB stated that officially sanctioned bibles differ very little from other versions available outside China and that, “The Bible text remains sound and intact.” [3w] As reported by *Beijing Review* on 2

May 2006, some Chinese use the bible or bible study classes to improve their English only becoming interested in Christianity later on. [114a] As reported by the IRB on 28 February 2003, "It is normal for Patriotic churches to display crosses, crucifixes and portraits of Jesus... It is similarly legal for Chinese citizens to possess these and display them in their homes." [3t]

PROSELYTIZING

- 21.07 The USSD Religious Freedom Report 2005 does not specifically address the issue of whether proselytizing involving Chinese citizens is banned. [1a] It states however that, "Regulations enacted in 1994 and expanded in 2000 codified many existing rules involving foreigners, including a ban on proselytizing. However, for the most part, the authorities allowed foreign nationals to preach to other foreigners, bring in religious materials for personal use, and preach to Chinese citizens at churches, mosques, and temples at the invitation of registered religious organizations." [2m] (Section II)
- 21.08 According to a report dated 13 February 2006 by Catholic Online, "In part because of its historical experience with foreign missionaries, China's religious affairs regulations prohibit evangelization by foreigners while allowing it from within." This report also stated that Chinese citizens can hand out officially sanctioned bibles and invite people to attend Church services. [120a]

CATHOLICS

- 21.09 As noted by AsiaNews on 27 September 2005, "Hebei is the region with the largest number of Catholics (more than 1.5 million), where clandestine Catholics (not recognised by the government) are in strong majority." [116b] As noted by *The Times* on 15 May 2006, the Catholic Church is also particularly strong in Fujian province where most of the faithful are loyal to Rome. [90l]
- 21.10 As reported by the USSD Religious Freedom Report 2005:
- "A number of Catholic priests and lay leaders were beaten or otherwise abused during 2004, prompting Vatican officials to make formal protests. In Hebei Province, traditionally the home of many Catholics, friction between unofficial Catholics, the government-sanctioned Patriotic Church, and some local authorities continued. Hebei authorities reportedly have forced underground priests and believers to choose between joining the official Church, and facing punishment such as fines, job loss, periodic detentions, and having their children barred from school. Some Catholic officials have been forced into hiding. Ongoing harassment of underground bishops and priests was reported in recent years, including government surveillance and repeated short detentions. Many of those harassed and detained were over 70 years old... According to several NGOs, a number of Catholic priests and lay leaders were beaten or otherwise abused during the period covered by this report." [2m] (Section II. Status of Religion, Abuses of Religious Freedom)
- 21.11 As reported by the United States Commission on International Religious Freedom (USCIRF) Annual Report 2005, published in May 2005:
- "The government also continues its repression of the unregistered Roman Catholic Church in China, which maintains its allegiance to the Vatican. There are at least 20 Catholic bishops or priests under arrest, imprisoned or

detained, including Bishop Su Zhimin, who has been in prison, in detention, under house arrest, or under strict surveillance since the 1970s. Clergy in Hebei, Fujian, and Heilongjiang provinces were harassed, detained, and arrested during the past year. In October 2003, Hebei provincial officials reportedly arrested 12 Catholic priests and seminarians attending a religious retreat. In August 2004, Bishop Gao Kexian died of unknown causes in a prison where he had been since 1997. In September 2004, the Vatican issued a statement condemning the arrest of eight priests and two seminarians during a religious gathering in Hebei. In April 2005, one week after the death of Pope John Paul II, authorities in Hebei arrested a bishop and two priests, reportedly for their continued refusal to register with the Patriotic Catholic Church.”
[70a] (p58)

- 21.12 According the website of Cardinal Kung Foundation (an NGO), accessed on 11 January 2006, “Currently, every one of the approximately 45 bishops of the underground Roman Catholic Church is either in jail, under house arrest, under strict surveillance, or in hiding. [68a]
- 21.13 As reported by the Canadian IRB on 8 June 2004, “During a 4 June 2004 telephone interview with the Research Directorate, a representative of the Cardinal Kung Foundation stated that there are no standardized baptismal certificates within underground Catholic churches in China nor are baptismal certificates issued as a matter of course. Instead, if a baptismal certificate were requested at the time of baptism, the priest might issue an informal document that would most likely be written in Chinese.” [3ac]

RELATIONS WITH THE VATICAN

- 21.14 As reported by the BBC on 8 April 2005, “China broke off ties with the Holy See in 1951, and even today the nation’s Catholics face the choice of attending state-sanctioned churches, acknowledging Beijing as their ultimate authority, or worshipping in secret ‘underground’ congregations... The Vatican insisted it must have final say on the appointment of bishops – as it does in an agreement with communist-controlled Vietnam – but China found the demand unacceptable.” [9u]
- 21.15 As reported by *The Times* on 20 March 2006:
- “In the past three weeks the Catholic Patriotic Association has ordained three bishops without consulting the Vatican, which has responded with anger and dismay to what it regards as a breach of trust. It was a strong demonstration of secular power over the sacerdotal... Yet these events have at least brought some clarity. They have shown that the Communist Party is not yet ready to break the pact between state and church that it forged 50 years ago. Too much is at stake. It is not simply a question of Chinese Catholics or of Chinese Christians generally; even combined, their numbers are relatively insignificant. Rather, China is unwilling to tolerate a broad expansion in religious freedom, of which reconciliation with Rome might form a part, because it fears the broader political consequences. After all, religion, in the form of Tibetan Buddhism, fuels national identity and separatism in Tibet, and, in the form of Islam, encourages similar sentiments in Xinjiang. For Beijing, national unity and social stability require control of spiritual as well as material resources.”
[90k]

- 21.16 As reported by CNN on 24 February 2006, Hong Kong's newly appointed Cardinal, Joseph Zen is a vocal supporter of the underground Catholic Church as well as an advocate for greater democracy in the Special Administrative Region. He has, however, been warned to stay out of mainland politics. [10c] As reported by Catholic News on 14 March 2005, Donald Tsang, Hong Kong's [then] acting Chief Executive is a devout Roman Catholic and attends church every morning before work. [67a]
- 21.17 On 18 April 2005 *TIME Asia* reported that both official and unofficial churches united in mourning for the late Pope, John Paul II (died 4 April 2005). According to the same source, "This was the first time since Beijing severed relations with the Vatican in 1951 that worshippers in state-approved churches were allowed to commemorate a Pope's death." The same source also quoted Father Benedictus from Shijiazhuang parish in Hebei province as saying, "As long as we don't protest or set off firecrackers, we're basically left alone..." [65g]
- 21.18 On 4 April 2005, the official *People's Daily* reported:
- "Chinese Catholics Sunday joined their counterparts in other countries to grieve over the death of Pope John Paul II, while the Chinese Foreign Ministry extends governmental condolence over the loss of the pontiff, hoping for improving relations between China and Vatican... In their Sunday mass, Catholics in Beijing, Tianjin, Shanghai and other cities mourned for the Pope. Nearly 10,000 Catholics attended masses held in five major Catholic churches in the national capital." [12w]

PROTESTANTS (INCLUDING "HOUSE CHURCHES")

- 21.19 As reported by the USSD Religious Freedom Report 2005
- "Local officials have great discretion in determining whether 'house churches' violate regulations. The term 'house church' is used to describe both unregistered churches and gatherings in homes or businesses of groups of Christians to conduct small, private worship services. SARA officials confirmed during the year that unregistered churches are illegal, but prayer meetings and Bible study groups held among friends and family in homes are legal and need not register. In some parts of the country, unregistered house churches with hundreds of members meet openly with the full knowledge of local authorities, who characterize the meetings as informal gatherings to pray, sing, and study the Bible. In other areas, house church meetings of more than a handful of family members and friends are not permitted. House churches often encounter difficulties when their membership grows, when they arrange for the regular use of facilities for the specific purpose of conducting religious activities, or when they forge links with other unregistered groups or with co-religionists overseas. Urban house churches are generally limited to meetings of a few dozen members or less, while meetings of unregistered Protestants in small cities and rural areas may number in the hundreds." [2m] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)
- 21.20 The same source continued, "Authorities continued to harass and detain 'house' Christians, especially for attempting to meet in large groups, travel within and outside of China for such meetings, and otherwise hold peaceful religious assemblies... Protestant religious retreats were disrupted on many

occasions.” [2m] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)

21.21 As reported by the USCIRF Annual Report 2005, published in May 2005:

“Conditions for unregistered Protestant groups have deteriorated in the last year. According to the State Department, in some regions of China, members of Protestant house church groups that refuse to register, on either theological or political grounds, are subject to intimidation, extortion, harassment, detention, and the closing of their churches. Over a period of six months during 2004, the Chinese government carried out large-scale raids on several meetings of house church pastors in various parts of the country. More than 100 pastors were arrested, briefly detained, and then released, in Heilongjiang in April, in Hubei in June, in Xinjiang in July, and in Henan Province in August. At least 18 pastors remain in custody from the series of mass arrests. In September 2003, house church historian Zhang Yinan was arrested along with approximately 100 others in Nanyang, Henan Province, and was subsequently sentenced to two years of ‘re-education’ through labor. In November 2004, the United Nations Working Group on Arbitrary Detention reviewed Zhang’s case and found that his detention was indeed arbitrary. In August 2004, house church activists Liu Fenggang, Xu Yonghai, and Zhang Shengqi were sentenced to prison terms ranging from one to three years for sending materials on persecution of Christians in China to organizations in the United States. In June 2004, a Chinese newspaper reported that a woman in Guizhou died in police custody and that her body showed signs of torture. The paper stated that she was detained for distributing Bibles.” [70a] (p58)

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

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

21.23 As reported by the *Sunday Times* on 8 August 2004, “Ignoring the state-approved official churches, up to 90 million Chinese may be following Christ at prayer groups and Bible study classes, according to western evangelical groups.” [17i]

21.24 The same source continued:

“The life of Rev Samuel Pollard, who preached in remote parts of southwest China until his death from typhoid in 1915, is a regular subject of sermons at clandestine ‘house churches.’ Pollard’s books of derring-do and good works – written for a readership of devout Methodists and Edwardian England – have been translated and republished for a modern Chinese audience. ‘I was astonished to learn how these men [early missionaries] are still revered in China when I came to the southwest to preach,’ said a Chinese missionary who is an influential member of the underground Protestant church.” [17i]

- 21.25 As reported by *The Times* newspaper on 23 December 2003, "Independent Christian communities are suppressed to varying degrees across the country. In response, they have built elaborate networks, usually in cell structures in which only the leaders know the locations of underground meeting places. The Government alternates between persecution and turning a blind eye. It is overwhelmed by Christianity's popularity and aware of the benefits in terms of education and social stability, but worried about new centres of power." [17f]
- 21.26 As reported by the USSD Religious Freedom Report 2005, "In past years, local officials destroyed several unregistered places of worship, although there were no reports of widespread razing of churches or shrines during the period covered by this report." [2m] (Section II. Status of Religion, Legal/Policy Framework)
- 21.27 As reported by Forum 18 on 25 November 2004, "According to Bob Fu, a former house church leader, in the first nine months of 2004, 400 arrests were made of house church leaders. Individuals have been beaten to death by public security officials for distributing Bibles and other biblical tracts. Others have been detained and arrested for printing Bibles and other religious literature." [66e] (p4)
- 21.28 As reported by Voice of the Martyrs (VOM) on 7 July 2006, house church leader, Zhang Rongliang, was sentenced to seven and a half years' imprisonment after being convicted by a court in Zhongmu city on 4 July 2006. The precise nature of the charges is unclear but Zhang was first arrested on 1 December 2004 and subsequently charged with passport offences. His house was later searched whereupon police discovered Christian DVD's linking him to foreign Christians. As noted by VOM, "Contact with foreign co-religionists can constitute illegal activity in China." [48a] 20 people were hurt when police demolished a church in Zhejiang province on 29 July 2006. [9co] (BBC, 31 July 2006)

RUSSIAN ORTHODOX CHURCH

- 21.29 As reported by the Union of Catholic Asian News (UCAN) in a report dated 24 June 2004 and uploaded onto an Orthodox website:
- "The Russian Orthodox Church has been negotiating with religious affairs officials in Beijing for official recognition of the Chinese Autonomous Orthodox Church, a Russian Orthodox priest has revealed... There has been no Orthodox priest in China since Archpriest Alexander Du Lifu died in Beijing last December [2003], Father Pozdnyaev [a spokesperson for the Moscow Patriarchate] said. Despite this, he continued, there are about 13,000 Orthodox believers, mostly of Russian descent, who regularly have prayer services in four worship places in China." [69a]

JEHOVAH'S WITNESSES

- 21.30 According to the Christian Encyclopedia (2001), "These [marginal churches] have had virtually no impact on China. Jehovah's Witnesses began in 1883 with the former Presbyterian missionary, had their first baptism of 2 Chinese in 1931, had only 13 members in 1939 and were finally completely suppressed in 1958." [23] (p195) The USSD Religious Freedom Report 2005 makes no mention of Jehovah's Witnesses. [2m] However, the USSD Religious Freedom

Report 2005 for Taiwan does mention them though it gives no figures. [2n] (Section I. Religious Demography) In a report dated 8 March 2006, Forum 18 stated, "... Jehovah's Witnesses exist in China in small numbers but are not allowed any legal existence." [66g] (p2)

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

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EVANGELICAL CHRISTIAN OR CHRISTIAN INFLUENCED GROUPS

THE SHOUTERS (HUHAN PAI) OR LOCAL CHURCH

- 22.01 As reported by Belief.net on 9 January 2002, "The Shouters have been targeted by China as an anti-government group since the early 1980s and were banned in 1995. According to a 1994 report by Human Rights Watch-Asia, the Shouters were targeted as a cult because their strong evangelical belief in the second coming of Christ challenged the idea of a future communist utopia." [71b]
- 22.02 As reported by the 'Local Church' Information Site in a report dated 4 October 2003:
- "The 'Local Church' of Witness Lee is a religious movement whose teachings are rooted in Biblical Christianity, but with several unique elements that have led many observers to label the group a cult. The current movement began in the 1960s in southern California, U.S.A. with the teachings of Chinese-American preacher Witness Lee, and it has since spread through much of North America and parts of Europe and Asia. Churches affiliated with the movement can usually be identified by their name, which almost always follows the pattern 'The Church in [city name]'. Members typically claim that the movement has no official name, although the term 'The Lord's Recovery' is often used internally as a descriptive name. The term 'Local Church' is generally used by outsiders, and refers to the movement's belief that the church should be organized by city, and that individual churches should take the name of the city in which they are located. Other names sometimes used include 'Church of Recovery' (Philippines) and 'Shouters' (China)." [72a]
- 22.03 The same source continued, "Estimates of the size of the 'Local Church' hover around several hundred thousand members worldwide. However, it is difficult to produce precise numbers, largely because it is difficult to gauge the number of adherents and partial adherents to the group's teachings within mainland China itself, where the movement appears to thrive but has been driven underground by government persecution." [72a]
- 22.04 As reported by the BBC on 28 January 2002, "It is one of the fastest-growing underground religious organisations in China and is believed to have around 500,000 followers." As reported by the same source, Li Guangqiang, a Hong Kong businessman was arrested in May 2001 while attempting to deliver 16,000 bibles to Shouters in Fujian province. [9ab]
- 22.05 Li's wife, quoted in a report by *TIME Asia* dated 21 January 2002, stated:

“By using Lai’s edition [of the bible], underground evangelical worshippers can further their understanding of Christianity without the aid of preachers. That might sound innocuous enough, but not in the Chinese context. If you want to study the Bible in China, you are supposed to do so through either the Protestant Three-Self Patriotic Movement or the Catholic Patriotic Association, which follow state-sponsored liturgy. If you have doctrinal questions, those churches provide the only approved answers. If you’re interested in such taboo topics as the Second Coming of Christ, you are defying the state.” [65c]

22.06 As reported by the *Christian Post* on 10 March 2004:

“Yu Zhudi, a Protestant activist imprisoned on charges of secretly distributing copies of Bibles in southeast China, has been released after three years. He was freed on March 7 in Baisha, near Fuqing (Fujian). ‘On the surface I am now free, but it’s not that simple. I will likely be followed and my phone may be tapped,’ said Yu, a member of an outlawed evangelical organization called the ‘Shouters’. Yu was arrested in May 2001 along with two other members of the group, Lin Xifu and Li Guangqiang after being accused of smuggling 16,000 Bibles from Shenzhen into Fuqing.” [73a]

22.07 The report also noted, “Following his release, Yu and his family have received several visits from Christian friends and relatives. Li Guangqiang and Lin Xifu were convicted to two and three-year prison terms, respectively. However, both were released in 2002 on medical parole thanks to pressure put on by American groups. In addition to their prison sentences, the three “Shouters” were fined 150,000 yuan (around \$18,000) each.” [73a]

(See also section 24: [Banned spiritual groups](#))

SOUTH CHINA CHURCH

22.08 As reported by the USSD Religious Freedom Report 2005, “Gong Shengliang and several other leaders of the unregistered South China Church reportedly continued to suffer abuse in prison during the period covered by this report. [2m] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)

22.09 As reported by Christian Solidarity Worldwide (CSW) on 17 January 2002, Gong and his niece, Li Ying were sentenced to death following a secret trial held on 18 December 2001. “Gong was sentenced to death for ‘using an evil cult to undermine law enforcement’, causing bodily harm with intent, and rape... Li Ying was also given a death sentence, suspended for two years, for ‘using an evil cult to undermine law enforcement’ and causing bodily harm with intent...” [74a]

22.10 As reported by the same source, “The rape charge follows a pattern which has been used against other alleged cult leaders who have been sentenced to death, including Supreme Spirit Sect leader Liu Jia Guo and leader of the Established King Sect, Wu Yung Ming, sentenced to death in 1999 and 1995 respectively. [74a] As reported by AI on 11 June 2003, Gong’s death sentence was commuted to life imprisonment in October 2003. [6d] As noted by the USSD Religious Freedom Report 2005, “Government officials and some registered and unregistered Protestants accused the South China Church of being a ‘cult.’” [2m] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)

(See also section 24: [Banned spiritual groups](#))

THREE GRADES OF SERVANTS CHURCH

22.11 As reported by the *Guardian* on 7 July 2006, Xu Shuangfu, leader of the Three Grades of Servants church, has been sentenced to death along with two of his followers after being convicted of murdering 20 followers of a rival sect. 14 other followers of the church were given suspended death sentences or prison terms of up to 15 years. They were all found guilty of killing members of Eastern Lightning. [41k] As reported by Associated Press on 27 February 2006, "Rivalry and violence among China's unofficial Christian churches have been reported in the past." [17p]

22.12 As reported by CSW on 10 March 2005, "The case is of particular concern as evidence emerged at the trial that severe torture and sexual abuse had been used against the defendants to extract confessions." [74b]

(See also section 24: [Banned spiritual groups](#))

EASTERN LIGHTENING/LIGHTENING FROM THE EAST (DONGFANG SHANDIAN)

22.13 As reported by *TIME Asia* on 5 November 2001:

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

22.14 As reported by CSW on 10 March 2006, Eastern Lightning is seen as "nothing more than a violent coercive criminal group" by mainstream Christian groups in China. [74b] As reported by Forum 18 on 25 November 2004, house church groups have co-operated with local police forces in tracking it down. [66e] (p6)

(See also section 24: [Banned spiritual groups](#))

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MUSLIMS

23.01 As reported by the USSD Religious Freedom Report 2005, "According to government figures, there are 20 million Muslims, more than 40,000 Islamic

places of worship (more than half of which are in Xinjiang), and more than 45,000 imams nationwide. The country has 10 predominantly Muslim ethnic groups, the largest of which are the Hui, estimated to number nearly 10 million... The country also has over 1 million Kazakh Muslims and thousands of Dongxiang, Kyrgyz, Salar, Tajik, Uzbek, Baoan, and Tatar Muslims. [2m] (Section I. Religious Demography)

23.02 The same source continued:

“There are large Muslim populations in many areas, but government sensitivity to these communities varied widely. Generally speaking, the country’s Hui Muslims, who often live in Han Chinese communities throughout the country, have greater religious freedom than Turkic Muslims such as the Uighurs, who are concentrated in the western part of the country. In areas where ethnic unrest has occurred, especially among the Uighurs in Xinjiang, officials continued to restrict the building of mosques and the training of clergy and prohibited the teaching of Islam to children. In addition to the restrictions on practicing religion placed on party members and government officials throughout the country, in Xinjiang, Muslim teachers, professors, and university students are not allowed to attend mosque or practice religion openly. Female university students and professors are discouraged from wearing headscarves or skirts. Some ethnic Tajiks in Xinjiang cannot attend mosque until over age 30. However, in other areas, particularly in areas populated by the Hui ethnic group, there was substantial mosque construction and renovation and also apparent freedom to worship. After a series of violent incidents, including bombings attributed to Uighur separatists, beginning in 1997, police cracked down on Muslim religious activity and places of worship accused of supporting separatism in Xinjiang. Because the Xinjiang government regularly fails to distinguish carefully among those involved in peaceful activities in support of independence, ‘illegal’ religious activities, and violent terrorism, it is often difficult to determine whether particular raids, detentions, arrests, or judicial punishments targeted those seeking to worship, those peacefully seeking political goals, or those engaged in violence...

Fundamentalist Muslim leaders received particularly harsh treatment. In 2000, the authorities began conducting monthly political study sessions for religious personnel; the program reportedly continued during the period covered by this report. In August 2004, scores of Uighur Muslims in Hotan District were detained on charges of engaging in ‘illegal religious activities.’ Because of government control of information coming from Xinjiang, such reports were difficult to confirm.” [2m] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

UIGHUR(S) (UYGUR, UYGHUR)

23.03 As noted by Europa World in their Country profile for China, accessed 25 January 2006, there are 8.39 million Uighur in China, accounting for 0.68 per cent of the population. As noted by the same source the total population of Xinjiang Uygur Autonomous Region is 18.45 million (based on the 2000 census). [1a] (Area and Population) [18f] (map of Xinjiang)

23.04 As noted by the Encyclopedia of the World’s Minorities (2005), most Uighur are Sunni Muslims who speak their own language, Uighur language, which is written in Arabic script (Cyrillic in ex-Soviet states). Significant Uighur

minorities can be found in Kazakhstan (210,000), Kyrgyzstan (37,000) and Uzbekistan (37,000), as well as in much smaller numbers in Tajikistan, Turkmenistan, Mongolia, Afghanistan and Pakistan. [76] (p1281-1283)

- 23.05 As reported by the *Washington Post* on 15 September 2000, "Since the early 1950s, the Xinjiang Production and Construction Corps, a paramilitary organization that operates farms and factories, has moved 2.4 million people, 90 percent Han [Chinese], into Xinjiang and opened up millions of acres of desert for farming. In 1948, 75 percent of Xinjiang's population was Uighur and 15 percent was Han. Today, 40 percent of Xinjiang's 16 million people are Han." [59a] As reported by the BBC on 17 November 2005, Han sellers have "... overwhelmed the indigenous Uighurs, Kazakhs and Mongolians." [9ca]

(See also Annex A3: [Chronology of events – Xinjiang](#))

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

- high levels of Han migration and unequal distribution of wealth;
- restrictions on birth control, which many Uighurs regard as incompatible with Islam;
- ban of wearing the hijab (Muslim headscarf) in schools;
- restrictions on visiting mosques for government employees. [78a]

HUMAN RIGHTS IN XINJIANG (EAST TURKESTAN)

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

- 23.08 As reported by the USSD Report 2005:

"Authorities in Xinjiang used house arrest and other forms of arbitrary detention against those accused of the 'three evils' of extremism, splittism, and terrorism, including at the time of Xinjiang's 50th anniversary celebration in October. Because authorities failed to distinguish carefully between peaceful activities supporting independence, 'illegal' religious activities, and violent terrorism, it was difficult to determine whether raids, detentions, arrests, or judicial punishments were targeted at those peacefully seeking political goals, those seeking worship, or those engaged in violence." [2e] (Section 1d)

- 23.09 As reported in Volume 5, Issue 13 (June 7, 2005) of *China Brief*, available via the Jamestown Foundation's website, "Reuters reported on September 13, 2004 that security forces in Xinjiang had prosecuted 22 cases of groups and individuals for alleged 'separatist and terrorist activities' in the period from January to August 2004. A Chinese military newspaper noted that Chinese

forces have recently used tanks in a combat zone. Given that the only area in China where combat operations have occurred recently is Xinjiang, then tanks were probably employed against Uighur insurgency.” [78d] As reported by the USSD Report 2005, “[During 2005] Uighurs were sentenced to long prison terms and many were executed on charges of separatism. During a previous strike-hard campaign, which officially concluded in 2003, authorities stated they prosecuted more than three thousand cases in Xinjiang and held mass sentencing rallies attended by more than three hundred thousand persons.” [2e] (Section 5)

RELIGIOUS FREEDOM IN XINJIANG (EAST TURKESTAN)

23.10 In a report published in April 2005, HRW stated:

“The Uighurs have long practiced a moderate, traditional form of Sunni Islam, strongly infused with the folklore and traditions of a rural, oasis-dwelling population. Today most Uighurs still live in rural communities, although large cities have emerged in the region. Their history as commercial and cultural brokers between the different people connected by the Silk Road (through which Buddhism was introduced to China from India two millennia ago) gave rise to a markedly tolerant and open version of Muslim faith and a rich intellectual tradition of literature, science, and music. Nineteenth-century travelers to Kashgar noted that women enjoyed many freedoms, such as the right to initiate divorce and run businesses on their own.

Sufism, a deeply mystical tradition of Islam revolving around the cult of particular saints and transmitted from master to disciples, has also had a long historical presence in Xinjiang. In daily life, Islam represents a source of personal and social values, and provides a vocabulary for talking about aspirations and grievances. The imam is traditionally a mediator and a moderator of village life, and performs many social functions as well as religious ones.” [70] (p12)

23.11 As reported by the USCIRF Annual Report 2005, published in May 2005:

“In the largely Uighur Muslim Xinjiang Autonomous Region, freedom of religion or belief is severely curtailed by the government, which conflates peaceful Uighur political opposition with violent separatist activities, extremism, and/or terrorism. In response to heavy pressure from the U.S. and European Union governments, Chinese authorities released Uighur businesswoman Rebiya Kadeer in March 2005, on the eve of a visit from U.S. Secretary of State Condoleezza Rice to Beijing. Kadeer was arrested in 1999 for trying to deliver a letter to a visiting Congressional staff delegation. The letter was critical of the Chinese government’s policies in Xinjiang, including its suppression of Islam.” [70a] (p56)

23.12 The same report continued:

“Since September 11, 2001, the government has used concerns about international terrorism as a pretext for the ongoing crackdown on Muslim religious leaders and activities. Uighur Muslim clerics and students have been detained for ‘illegal’ religious activities, ‘illegal religious centers’ have been closed, and minors have been banned from attending mosque. Growing numbers of religious leaders have received death sentences and prolonged

prison terms on charges of 'separatism' and 'endangering social order.' All imams in Xinjiang are required to undergo yearly political training seminars, and local security forces maintain a dossier on each [t]o make sure they meet political requirements." [70a] (p56)

- 23.13 In their Religious Freedom survey for Xinjiang, published on 20 September 2004, Forum 18 stated:

"Pervasive state control makes it difficult to collect information on what the state regards as the sensitive issues of religious freedom or relations between the Chinese state and Xinjiang's religious believers. Almost all those interviewed by Forum 18 News Service said that if the authorities knew they had supplied a journalist with 'negative information', they could suffer serious consequences. Several interpreters refused to work for Forum 18 once they found out that it was investigating religious freedom issues." [66b] (p1)

- 23.14 The same source continued:

"At first glance, it appears that believers in Xinjiang suffer no persecution from the authorities. Places of worship for a wide range of faiths function virtually everywhere in the region. Moreover, such places of worship are often built at state expense. Priests at larger places of worship receive a small state salary. Muslims have their own hospitals staffed by Muslim women doctors and serving only other Muslim women. There are also Muslim restaurants... But in helping believers, the state is trying to keep religious communities under its control." [66b] (p2)

- 23.15 As reported by the same organisation on 28 September 2004:

"In Xinjiang region, Forum 18 News Service has seen an instructional display outlining banned activities. Such instructional displays are normally hidden from the public, and are thought to apply in mosques throughout China. Among banned activities are: teaching religion 'privately'; allowing children under 18 to attend a mosque; allowing Islam to influence family life and birth planning behaviour; propaganda associated with terrorism and separatism; religious professionals acquiring large sums of money; the declaration of 'holy war' (jihad); and promoting 'superstitious thoughts'. These displays are not compulsory in non-Muslim places of worship and Forum 18 found no such displays in Xinjiang's two Orthodox churches." [66c] (p1)

- 23.16 As reported by the USSD Report 2005:

"According to an overseas organization, 179 practitioners of the Sala order, a local Sufi branch of Islam, were arrested in August following a government ban on the movement. A Xinjiang official denied the existence of the movement but said a separate movement of Islam called Salafism was restricted around the National Day and New Year's holidays due to concerns that followers of the movement supported extremism. In August, 2004 eight Uighur Muslims in Hotan were reportedly charged with endangering state security and scores were detained on charges of engaging in 'illegal religious activities.' Because of government control of information coming from Xinjiang, such reports were difficult to confirm." [2e] (Section 2c)

UIGHUR TERRORIST GROUPS

- 23.17 As reported by the BBC on 15 December 2003, "China has issued its first 'terrorist' wanted list, blaming four Muslim separatist groups and 11 individuals for a string of bombings and assassinations [carried out in the 1990s] and calling for international assistance to track them down." The groups identified were the Eastern Turkestan Islamic Movement (ETIM), the Eastern Turkestan Liberation Organization (ETLO), the World Uighur Youth Congress (WUYC) and the East Turkestan Information Centre (ETIC). This report also noted, "Chinese authorities have blamed ETIM for many of the 200 or more attacks reported in Xinjiang since 1990 and have banned the group for more than a decade. Beijing accuses ETIM of having links to the Taleban in neighbouring Afghanistan and Osama bin Laden's al-Qaeda network, but has produced no supporting evidence." [9ao]
- 23.18 According to Justin Rudelson and William Jankowiak writing in *Xinjiang China's Muslim Borderland*; a collection of academic articles on Xinjiang published in 2004, the Chinese government named eight Uighur terrorist forces it says were operating within Xinjiang in August 2002. The groups it named are listed below:

Islamic

- The Eastern Turkestan Islamic Movement (ETIM).
- The Eastern Turkestan Islamic Party.
- The Eastern Turkestan Islamic Party of Allah.
- The Islamic Reform Party "Shock Brigade".
- The Islamic Holy Warriors.

Secular

- The Eastern Turkestan International Movement.
- The Eastern Turkestan Liberation Organization.
- The Uyghur Liberation Organisation. [50d] (p317-318)

EAST TURKESTAN ISLAMIC MOVEMENT (ETIM)

- 23.19 As reported by the same source,
- "On August 26, 2002, the US State Department, China and the United Nations announced that one of the eight Uyghur militant groups, the ETIM, would be placed on the list of international terrorist organizations. Slowly more information about this militant group organization came out. The ETIM Uyghur resistance began after the 1990 Baren uprising. Seeing the government's readiness to use force against apparently peaceful students, Uyghur activists from the south of Xinjiang fled to a base at a religious school (madrassah) in Pakistan and there they founded the ETIM. ETIM fighters dedicated themselves to fighting a 'holy war' in Central Asia and to fighting against Chinese invaders. The ETIM's leadership is purported to have had close links to Osama bin Laden and to have sent agents and weapons into Xinjiang beginning in 1998. At least two of the Al-Qaeda fighters captured in Afghanistan and sent to Guantanamo [Bay], Cuba were Uyghurs from the ETIM." [50d] (p317-318)
- 23.20 As reported by the US State Department (Office of the Coordinator for Counterterrorism) in their 2004 Country Reports on Terrorism, published in April 2005, "While no acts of international terrorism were committed in China

in 2004, there were several reports of bombings and bomb threats in various parts of China. It is unclear whether these were acts of terrorism or criminal attacks. Chinese authorities assert that ethnic Uighur terrorists, primarily based in Xinjiang Uighur Autonomous Region, continue to operate on Chinese territory.” [2q] (Chapter 5A, China)

23.21 As reported by the same source:

“Description

The East Turkistan Islamic Movement (ETIM) is a small Islamic extremist group based in China’s western Xinjiang Province. It is the most militant of the ethnic Uighur separatist groups pursuing an independent ‘Eastern Turkistan,’ an area that would include Turkey, Kazakhstan, Kyrgyzstan, Uzbekistan, Pakistan, Afghanistan, and the Xinjiang Uighur Autonomous Region of China. ETIM is linked to al-Qa’ida and the international mujahedin movement. In September 2002 the group was designated under EO 13224 as a supporter of terrorist activity.

Activities

ETIM militants fought alongside al-Qa’ida and Taliban forces in Afghanistan during Operation Enduring Freedom. In October 2003, Pakistani soldiers killed ETIM leader Hassan Makhsun during raids on al-Qa’ida–associated compounds in western Pakistan. US and Chinese Government information suggests ETIM is responsible for various terrorist acts inside and outside China. In May 2002, two ETIM members were deported to China from Kyrgyzstan for plotting to attack the US Embassy in Kyrgyzstan as well as other US interests abroad.

Strength

Unknown. Only a small minority of ethnic Uighurs supports the Xinjiang independence movement or the formation of an Eastern Turkistan.

Location/Area of Operation

Xinjiang Province and neighboring countries in the region.

External Aid

ETIM has received training and financial assistance from al-Qa’ida.” [2q] (Chapter 6 – Terrorist Groups)

OTHER UIGHUR OPPOSITION GROUPS

23.22 In a report published in April 2005, HRW stated:

“As the borders of Xinjiang became more porous in the 1980s, a number of young Uighurs went clandestinely to Pakistan to receive the religious education they could not obtain under China’s policies. Upon their return, they enjoyed great prestige due to their ventures abroad and their knowledge of Koranic theology, far beyond that typical among local imams. Small-scale, localized underground religious organizations started to emerge. A long history of tension and opposition to Chinese domination already existed. In this period it began to take on an Islamic color.

There is no evidence that Salafism, the radical Islamic ideology connected to many jihadist movements around the world, has taken root to any significant

extent in Xinjiang. Proponents of rebellion against Chinese rule have used the vocabulary of Islam and religious grievances against Beijing to justify their actions. These are not, however, mainstream views.

Recent reports suggest that Hizb ut-Tahrir (Party of Liberation), a movement which advocates the establishment of a pan-Central Asian caliphate and whose headquarters is located in London, has recently made inroads in Southern Xinjiang, but it has so far never advocated violence. Hizb ut-Tahrir is the object of rigorous repression in Uzbekistan and other Central Asian countries. It remains illegal in China.” [7o] (p12)

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

HUI (HUIHUI)

- 23.24 As noted by Europa World in their Country profile for China, there are 9.8 million Hui in China, accounting for 0.79 per cent of the population. As noted by the same source the total population of the Ningxia Hui Autonomous Region is 5.48 million (based on the 2000 census). [1a] (Area and Population)
- 23.25 As reported by the Encyclopaedia of the World’s Minorities (2005), “Although they can be found in most of the cities throughout the country, they mainly inhabit the Ningxia Hui Autonomous Region, as well as Gansu, Qinghai, Xinjiang, Henan, Hebei, and Shangdong Provinces. Moreover, half a million live in Yunnan, and there are scattered settlements of Hui in Laos, Thailand and Burma (the Wa States and Kengtung areas). They have no distinctive language and speak Mandarin or local dialects.” [76] (p566)
- 23.26 As reported in the official *China Daily* newspaper on 2 February 2004, “In the Ningxia Hui Autonomous Region, over 1.91 million Muslims went to about 3,400 mosques in the region to offer Eid prayers before visiting their ancestors’ tombs and meeting relatives to exchange festival greetings.” [14g] On 15 November 2004, the official *People’s Daily* newspaper reported that the same number of people celebrated the end of Ramadan in the region’s mosques. [12aa]

HAN VERSES HUI VIOLENCE (NOVEMBER 2004)

- 23.27 As reported by the BBC on 1 November 2004, “Martial law has been imposed in parts of the Chinese province of Henan after ethnic clashes in which at least seven people were killed.” The report continued, “Residents are quoted as saying that houses were set alight, and people were fighting using farm tools.” [9bk] On 4 November 2004, *TIME Asia* reported that it took four days and a deployment of 10,000 armed police to restore order on 31 October 2004. According to this report 148 people died during what was described as the worst ethnic clashes in years. [65e]
- 23.28 As report by the magazine *In These Times* on 28 December 2004,

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

23.29 This report continued:

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

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BANNED SPIRITUAL GROUPS

24.01 As reported by the USSD Religious Freedom Report 2005:

“The Government has banned all groups that it has determined to be ‘cults,’ including the ‘Shouters’ (founded in the United States in 1962), Eastern Lightning, the Society of Disciples (Mentu Hui), the Full Scope Church, the Spirit Sect, the New Testament Church, the Guan Yin (also known as Guanyin Famin, or the Way of the Goddess of Mercy), the Servants of Three Classes, the Association of Disciples, the Lord God Sect, the Established King Church, the Unification Church, the Family of Love, the South China Church, the Falun Gong, and the Zhong Gong movements. (Zhong Gong is a qigong exercise discipline with some mystical tenets.) After the revised Criminal Law came into effect in 1997, offenses related to membership in unapproved cults and religious groups were classified as crimes of disturbing the social order. A ban on cults, including the Falun Gong spiritual movement, was enacted in 1999’ Under Article 300 of the Criminal Law, ‘cult’ members who ‘disrupt public order’ or distribute publications may be sentenced to from 3 to 7 years in prison, while ‘cult’ leaders and recruiters may be sentenced to 7 years or more in prison.” [2m] (Section II. Status of Religion, Legal/Policy Framework)

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

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

serious, he shall be sentenced to fixed-term imprisonment of not less than seven years.

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

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

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

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

- 24.03 According to Jason Kindopp, writing in the September 2002 edition of the journal *Current History*, “China’s leaders are well aware of the dangers of precipitating a Falun Gong–style campaign against other religious groups, and appear eager to avoid doing so.” [50a] (p1)

FALUN GONG

- 24.04 According to the USSD Religious Freedom Report 2005:

“Arrest, detention, and imprisonment of Falun Gong practitioners continued, and there have been credible reports of deaths due to torture and abuse. Practitioners who refuse to recant their beliefs are sometimes subjected to harsh treatment in prisons, reeducation-through-labor camps, and extra-judicial ‘legal education’ centers. Falun Gong adherents engaged in few public activities within China during the period covered by this report, perhaps due to the strength of the Government’s campaign against the group. However, there were continuing revelations about the extra-legal activities of the Government’s ‘610 office,’ implicated in most alleged abuses of Falun Gong practitioners.” [2m] (p1)

- 24.05 As noted by the same source:

“Estimates of the number of Falun Gong (or Wheel of the Law, also known as Falun Dafa) practitioners have varied widely; the Government claimed that prior to its harsh crackdown on the Falun Gong beginning in 1999, there might have been as many as 2.1 million adherents of Falun Gong in the country. Some estimate that the true number of Falun Gong adherents in the country before the crackdown was much higher. The number has declined as a result of the crackdown, but there are still hundreds of thousands of practitioners in the country, according to reliable estimates.” [2m] (p1)

- 24.06 The same source also stated:

“According to Falun Gong practitioners in the United States, since 1999 more than 100,000 practitioners have been detained for engaging in Falun Gong practices, admitting that they adhere to the teachings of Falun Gong, or refusing to criticize the organization or its founder... Some foreign observers estimate that at least half of the 250,000 officially recorded inmates in the country’s reeducation-through-labor camps are Falun Gong adherents. Falun Gong places the number even higher. Hundreds of Falun Gong adherents were also incarcerated in legal education centers, a form of administrative detention, upon completion of their reeducation-through-labor sentences. Government officials denied the existence of such ‘legal education’ centers. According to the Falun Gong, hundreds of its practitioners have been confined to psychiatric institutions and forced to take medications or undergo electric shock treatment against their will.” [2m] (Section II. Status of Religion, Abuses of Religious Freedom)

(See also sections 8 and 13: [Torture](#) and [administrative detention](#))

- 24.07 As reported by AI in their 2006 Report on China, “The crackdown on the Falun Gong spiritual movement was renewed in April [2006]. A Beijing official clarified that since the group had been banned as a ‘heretical organization’, any activities linked to Falun Gong were illegal. Many Falun Gong practitioners reportedly remained in detention where they were at high risk of torture or ill-treatment.” [6g] (p2)
- 24.08 As reported by AI in their 2005 Report:
- “The Falun Gong spiritual movement remained a key target of repression, which reportedly included many arbitrary detentions. Most of those detained were assigned to periods of ‘Re-education through Labour’ without charge or trial, during which they were at high risk of torture or ill-treatment, particularly if they refused to renounce their beliefs. Others were held in prisons and psychiatric hospitals. According to overseas Falun Gong sources, more than 1,000 people detained in connection with the Falun Gong had died since the organization was banned in 1999, mostly as a result of torture or ill-treatment.” [6q] (p3)
- 24.09 As reported by the United States Commission on International Religious Freedom (USCIRF) Annual Report 2005, published in May 2005:
- “Given the lack of judicial transparency, the number and treatment of Falun Gong practitioners in confinement is difficult to confirm. Nevertheless, there is substantial evidence from foreign diplomats, international human rights groups, and human rights activists in Hong Kong that the crackdowns on the Falun Gong are widespread and violent. In addition, the Chinese government has reportedly continued to pressure foreign businesses in China to sign statements denouncing the Falun Gong and to discriminate against its followers in hiring. Local officials in foreign countries have also stated that they were warned by Chinese diplomatic personnel about the loss of potential business contacts if they continued to advocate on behalf of Falun Gong.” [70a] (p57)
- 24.10 As reported by the UNHCR in their position paper on Falun Gong dated 1 January 2005:

“As indicated above, that exists is no evidence known to UNHCR to suggest that all Falun Gong members are being systematically targeted by the Chinese authorities (especially in view of the large numbers involved). Therefore, although membership of Falun Gong alone would not give rise to refugee status, a prominent role in certain overt activities (such as proselytising or organising demonstrations) which bring the membership to the attention of the authorities, may do so. As is general practice, each claim requires an examination on its own merits. This examination should be undertaken in light of the individual profile and personal experiences of the asylum-seeker, the nature of his/her role and activities within the movement, and whether these activities had been (or could be) brought to the attention of the authorities and could cause treatment that is tantamount to ‘persecution’.” [32c]

- 24.11 As reported by the Falun Gong website Clear Harmony: Falun Gong in Europe, accessed on 17 August 2005, “... Large groups of Falun Gong practitioners have been forcefully sent to local brainwashing classes, where they have been subjected to both physical and mental torture.” [82a]
- 24.12 According to the same source and another Falun Gong website called the Falun Gong Information Centre, both accessed on 17 August 2005, practitioners have been subjected to prolonged beatings, scalding with hot irons and long-term sleep deprivation. Other forms of abuse have included being force-fed human faeces or being made to drink isopropyl alcohol (rubbing alcohol used to disinfect wounds). In addition to this practitioners have been made to stand or squat in uncomfortable “stress positions”, have had irritants applied to their skin and have been sexually abused by guards or other prisoners acting on their instructions. [82b] [83a]
- 24.13 On 29 December 2004 Reporters Without Borders condemned the arrest of 11 Falun Gong practitioners for using the Internet to publish photographs of the torture some of them had undergone in prison. This report stated, “Reporters Without Borders calculates that at least 30 people are currently detained for posting or viewing documents on the Internet that support the Falun Gong or criticise the systematic torture its followers undergo in Chinese prisons.” [63c]
- 24.14 As reported by the Canadian IRB in a report dated 25 October 2001, the Chinese authorities had confiscated 1.55 million copies of Falun Gong material by the end of July 1999. The IRB also reported the arrest of a number of people for illegally printing, selling and publishing Falun Gong material. The latest of these arrests was in November 2000. Sentences ranged from five years to life imprisonment. [3e]
- 24.15 As reported in Issue 5 of 2004 of Compassion, a Journal for Falun Dafa around the World in an article entitled, documenting Four Years of State Terror, “Falun Gong practitioners in China operate thousands of home-based centers for printing flyers and posters exposing human rights abuses, and distribute these in cities and villages throughout China. Some villages report waking up to see Falun Gong flyers in every mailbox and posted in walkways.” [80] (p47)
- 24.16 As reported by Shizhong Chen in a report entitled, Falun Gong: 1992 – 2005, and available via the China Scope website (July 2005 edition):

“...to Falun Gong practitioners, their violators are also victims of the Chinese government’s persecution, and they should be given the opportunity to awaken. With great benevolence, Falun Gong practitioners take great risks to tell the facts to their torturers, to their misinformed classmates, and to the general public, so as to wake them up from a persecution that is completely based on lies. They mass-mail letters to police stations, they pass out flyers in supermarkets, they distribute VCDs to mailboxes, they post articles on the Internet, etc. In the Chinese language, this is called ‘clarifying the truth.’ Their truth clarification is powerful. There are numerous stories of policemen changing their attitude toward practitioners, cellmates of practitioners learning Falun Gong, strangers protecting practitioners, and prejudiced family members helping to clarify the truth. There are even people in charge of ‘610 Offices’ who have become Falun Gong practitioners.” [103b] (p24)

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

ORIGINS AND SUPPORT

- 24.18 As documented by Maria Hsia Chang in her book *The End of Days: Falun Gong* (2004), Falun Gong/Falun Dafa was founded in 1992 by Li Hongzhi. In the early 1990s Li took advantage of a relaxation in the rules governing the regulation and formation of social groups to formulate his own distinctive brand of the ancient Chinese art of qigong (qi gong) or energy cultivation. He fused this with elements of other religions to create a quasi-religious movement, which encompassed a loose hierarchical structure (technically there are no members only enthusiastic volunteers) and emphasised high moral standards and good health amongst its followers. Pre-ban (July 1999) followers would gather in public parks and squares to practise the five exercises/movements (see below) which are central to the teachings of Li Hongzhi also known to his followers as Master Li. [50c] (p3-8, 60-94)
- 24.19 The same source also noted, “Reportedly, the middle-aged and those from the middle class comprised the sect’s main following, although its ranks also included students and the elderly, as well as peasants. They came from all walks of life: teachers, physicians, soldiers, CCP cadres, diplomats posted in foreign countries, and other government officials.” [50c] (p5) Li Shao writing in the journal *Faith and Freedom*, Spring and Summer edition 2003 stated, “Up to 70 per cent of Falun Gong practitioners are women and they have borne the brunt of the persecution.” [50b] (p36)
- 24.20 As reported by Global Security Org in a report dated 3 August 2001 and prepared by the Congressional Research Service (CRS):
- “The ‘Falun Gong’ movement has led to the largest and most protracted public demonstrations in China since the democracy movement of 1989. On April 25, 1999, an estimated 10,000 to 30,000 adherents assembled in front of Zhongnanhai, the Chinese Communist Party leadership compound, and participated in a silent protest against state repression of their activities. On July 21, 1999, the People’s Republic of China (PRC) government, fearful of the spread of social unrest, outlawed the movement and began to arrest Falun Gong protesters.” [92a]

- 24.21 As reported by the Falun Gong Working Group in a report entitled, United Nations Report on China's Persecution of Falun Gong 2000-2003, published October 2003:

"The benefits of Falun Gong practice to people and society were originally recognized and commended by various levels of Chinese government. In fact, the authorities' positive regard facilitated the spread of Falun Gong in the early 1990s. The state-controlled media – including national and local newspapers, TV, and radio stations – frequently covered activities and benefits of Falun Gong practice. The increasing popularity of Falun Gong, however, proved to be too much for a few officials within the Chinese government. From clandestine undermining in early 1994, to the orchestrated smear campaign and banning of Falun Gong books in 1996, to police harassment in 1997, certain power blocs within Chinese government gradually escalated their underhand persecution to overt assault." [26a] (pV)

- 24.22 As reported by the Falun Gong Working Group in a report entitled, United Nations Report on China's Persecution of Falun Gong 2004, published November 2004:

"At the beginning, various levels of government recognized and commended the benefits of Falun Gong practice to people and to society, and their support facilitated the spread of Falun Gong in the early 1990's... A few party ideologists, however, were affronted by the increasing popularity of Falun Gong. These atheist Party vanguards could not accept that after 40 years of Marxist indoctrination so many people, including Communist Party members, would look elsewhere for moral and spiritual guidance... Amongst them was Luo Gan, the Secretary General of the State Council, and close friend of Jiang Zemin, the Party's General Secretary at the time." [26b] (pVI)

GUIDING PRINCIPLES

- 24.23 As reported in Compassion, a Journal for Falun Dafa around the World (issue 5 of 2004):

"Falun Gong – which is also referred to as Falun Dafa – is an ancient advanced form of the qigong. Falun Gong consists of gentle exercises combined with a meditation component. Aside from its popularity... what is usually said to distinguish Falun Gong is its emphasis on the practice of refining ones moral character in accordance with three principles, Truthfulness, Compassion, Tolerance. These three principles form the backbone of Falun Gong's philosophy practitioners of the discipline aspire to live by them in their daily lives, striving to achieve, over time, a state of kindness, selflessness and inner balance." [80] (p40)

- 24.24 The source continued:

"The principles of Falun Gong are captured in two main books written by Mr. Li Hongzhi: Falun Gong (Law Wheel Qigong) and Zhuan Falun (Turning the Law Wheel). Falun Gong (the book) is a systematic, introductory book that discusses qigong, introduces the principles of practice, and provides illustrations and explanations of the exercises... Organized in the form of nine

lectures, Zhuan Falun is the most comprehensive and essential work of Falun Gong... Both books are available free on the internet.” [80] (p40-41)

- 24.25 The source also noted, “Falun Gong is correctly identified as a spiritual practice. It does not have any religious forms – there are no temples, rituals, clergy, or initiation... There are [sic] no membership, and no fees collected.” [80] (p41) As noted by the USSD Religious Freedom Report 2005, “Despite the spiritual content of some of Li’s teachings, Falun Gong does not consider itself a religion and has no clergy or places of worship.” [2m] (Section I. Religious Demography)

EXERCISES/MOVEMENTS

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

- 24.27 The five exercises listed on this leaflet are as follows:

Movement Exercises

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

Sitting Exercise/Meditating Exercise/Tranquil Exercise

- 5 Way of Strengthening Devine Powers [81a]

6-10 OFFICE

- 24.28 In testimony before the US House of Representatives on 21 July 2005, Gretchen Birkle, Acting Principal Deputy Assistant Secretary for Democracy, stated, “Falun Gong cases are often handled outside normal legal procedures by a special Ministry of Justice office, known as the 610 office. During the past year, the 610 office was implicated in many allegations of abuse.” [2d] (p2)

POSSIBILITY OF PRACTISING IN PRIVATE

- 24.29 In January 2002, HRW stated, “As of this writing [January 2002], it appears that the Chinese government has succeeded in thinning the numbers of Falungong practitioners within China. Those still committed to keeping the movement alive have, for the most part, gone underground.” [7c] (p3) As reported by the USSD Report 2005, “...there were no reports of public Falun Gong protests during the year. In many cases Falun Gong practitioners were subject to close scrutiny by local security personnel, and their personal mobility was tightly restricted, particularly at times when the government believed public protests were likely.” [2e] (Section 2b)
- 24.30 As reported by the Canadian IRB in an extended response on the situation of Falun Gong practitioners and their treatment by state authorities (2001 – 2005), Gail Rachlin from the Falun Dafa Information Centre (FIC) told the IRB

that since 2003 many practitioners had given up because of the fear of persecution. However, according to Rachlin, "...many have subsequently resumed their involvement in Falun Gong and many others have newly joined the practice." [3c]

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

24.32 As reported by the UNHCR in their position paper on Falun Gong dated 1 January 2005:

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

TREATMENT OF FALUN GONG PRACTITIONERS' RELATIVES

24.33 As reported by the US Citizenship and Immigration Services on 25 February 2004:

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

24.34 The same source continued:

"The only specific reports of harassment of family members come mainly from the Falun Gong movement itself. The Falun Gong web site provides accounts of family members allegedly being arrested in order to pressure adherents who are wanted by authorities into surrendering, or otherwise punished for the adherents' Falun Gong activities. To the extent that these accounts are

accurate, however, it is unclear whether they are part of a systemic national practice or are the work of zealous local officials.” [84e]

24.35 This report concluded by stating:

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

MONITORING OF ACTIVISTS ABROAD

24.36 As reported by the BBC on 6 June 2005, Chen Yonglin, a Chinese diplomat attached to the Chinese consulate in Sydney Australia applied for political asylum claiming that he could no longer support his government’s “persecution” of dissidents. The report continued, “The diplomat said he had been responsible for monitoring Chinese dissident activity in Australia, including that of members of the spiritual movement, Falun Gong, which is banned in China. He also said that there were up to 1,000 Chinese spies in Australia... China’s consulate said in a statement on Sunday that Mr Chen had reached the end of his four-year stint in Australia and was making up his allegations because he did not want to return to China.” [9i]

24.37 As reported by the BBC on 8 July 2005, “He (Chen) said Australian authorities had initially refused his asylum request on 26 May. Immigration ministry spokesman Kirk Coningham confirmed Mr Chen and his family were given protection visas, typically awarded to those fleeing persecution.” [9o]

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

24.39 This report stated:

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

- 24.40 As reported by the Association for Asian Research (AFAR) on 26 December 2005, there have been persistent allegations that foreign governments are pressurised to prevent Falun Gong practitioners demonstrating during visits by Chinese officials. [51j]

ORGAN HARVESTING

- 24.41 On the 10 March 2006, the *Epoch Times* (a publication sympathetic to Falun Gong) published a report alleging that over 6,000 Falun Gong practitioners were being detained at a prison camp in Northeast China. The facility located in Sujiatun District, Shenyang City was described as a “secret concentration camp” with a “crematorium to dispose of bodies.” This report also alleged that inmates had their internal organs removed for sale prior to their bodies being cremated. According to this report no prisoners have left the camp alive. [40b]
- 24.42 The official *People’s Daily* newspaper took the unusual step of commenting on these allegations. Quoting a foreign ministry spokesman as saying that they were “an absurd lie” and that the “cult enjoyed spreading false accusations in the public arena.” [12y]
- 24.43 In response to the allegations the US State Department made the following statement in answer to a question posed by a journalist during a press briefing held on 14 April 2006:
- “We are aware of the allegations and have taken these charges seriously. The Department and our Embassy in Beijing, as well as our Consulate General in Shenyang, have actively sought to determine the facts of the matter. Officers and staff from our embassy in Beijing and Consulate in Shenyang have visited the area and the specific site mentioned in these reports on two separate occasions. In these visits the officers were allowed to tour the entire facility and grounds and found no evidence that the site is being used for any function other than as a normal public hospital... Independent of these specific allegations, we remain concerned over China’s repression of Falun Gong practitioners.” [2f]
- 24.44 It is generally accepted that executed prisoners are a major source of transplanted organs in China. [2e] (USSD Report 2005) (Section 1c) As reported by *The Independent* on 21 March 2006, in many parts of China the walls outside hospitals and clinics are spray painted with the Chinese word for kidney (shen) and a mobile phone number “... even bigger hospitals in the capital Beijing and the business hub of Shanghai have adverts in toilet cubicles and on the walls of wards.” [17q]
- 24.45 On the 19 April 2006, the British Transplantation Society accused some Chinese officials of removing the organs from thousands of executed prisoners a year without their consent. [9cg] (BBC, 19 April 2006) It is not actually illegal to sell human organs in China but from July 2006 it will be outlawed under new regulations which will also require doctors to obtain a patient’s written consent prior to removing any of their organs. [9ch] (BBC, 28 March 2006)
- 24.46 New regulations banning the sale of human organs and requiring hospitals to obtain written consent from the donor came into force on 29 July 2006. [12bb] (*People’s Daily*, 2 July 2006)

- 24.47 On 6 July 2006, a report co-authored by former Canadian cabinet Minister David Kilgour, alleged that Falun Gong practitioners were being systematically killed so that their organs could be harvested for transplantation. [117]
- 24.48 The influential human rights activist Harry Wu has cast doubt on the accuracy of these allegations. On 8 June 2006, he stated, "...claims that 'Sujiatun Auschwitz' exists have yet to [be] substantiate[d] and appear to be nothing more than political propaganda." [118a] He also cast doubt on the reliability of some of the witnesses interviewed by David Kilgour and his co-author, David Matas in their report. [118b] (China Information Centre, 18 July 2006)

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OTHER QIGONG GROUPS

- 25.01 As reported by Belief.net on 24 April 2000, in addition to Falun Gong, action was also taken against five other qigong (qi gong) groups towards the end of 1999. These were Zhong Gong, Cibeigong, Guo Gong, Xiang Gong and Bodhi Gong. [71a] As reported by the USSD Religious Freedom Report 2005, "The authorities also continued to oppose other groups considered 'cults,' such as the Xiang Gong, Guo Gong, and Zhong Gong qigong groups." [2m] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

ZHONG GONG (CHINA GONG)

- 25.02 As reported by the *Guardian* newspaper on 26 April 2000, Zhong Gong is one of five other qigong (energy cultivation) groups targeted by the Chinese government around the same time as Falun Gong (banned July 1999). [41a] As reported by the China Support Network (an NGO) on 29 August 2002, "Like the more widely-known Falun Gong, a spiritual group coming under persecution, Zhong Gong is a qi gong practice. The two are not directly related. Where, Falun Gong is known for meditating, Zhong Gong is known for deep breathing exercises." [25a]
- 25.03 As reported by the *Guardian* newspaper on 26 April 2000 and by the Russian news agency Prima on 19 September 2001, the movement was founded by Zhang Hongbao and prior to its banning in September 1999 claimed to have 38 million members in China. [41a] [88a]
- 25.04 As noted by Belief.net on 24 April 2000, "Like Falun Gong followers, Zhong Gong members refer to their founder as 'master' and themselves as 'disciples.' They said they use Zhong Gong to open energy channels in their bodies, promoting health and vitality. They also said Zhang's teachings promote moral living." The same source also noted, "Within months, his [Zhang's] school and more than 3,000 businesses and teaching and treatment centers belonging to the Zhong Gong group had been closed, its millions of followers dispersed, practitioners said." [71a]
- 25.05 According to a report by Worldwide Religious News (WWRN) dated 19 February 2001, "Since September 1999, some 600 leading Zhong Gong members have been detained and 3,000 of its bases and branches have been closed, the centre said." [89b] The *Guardian* newspaper gave the same figure for the number of people detained in a report dated 26 April 2000. It also

reported that 400,000 people had lost their jobs as a result of these closures. [41a]

25.06 As reported WWRN on 10 July 2001:

“Two women leaders of the banned Zhong Gong spiritual sect were freed from labour camps on the mainland, two months before the end of their two-year sentences, a Hong Kong-based rights group said yesterday. Cheng Yaqin was released from the Baoding, Hebei province reform-through-labour camp on Sunday. Deqing Zhuoma was released from a labour camp near Lhasa, Tibet, in recent days, the Information Centre for Human Rights and Democracy [ICHRD] said yesterday. Both women had served as regional leaders for the group and had been arrested in September 1999 after simultaneous crackdowns on the Zhong Gong group as well as the better-known Falun Gong, the human rights centre said. The women were released early after an active letter-writing campaign by supporters from around the world, led by exiled Zhong Gong leader Zhang Hongbao.” [89a]

25.07 According to a report by the China Support Network (an NGO) dated 29 August 2002, Zhang Qi, a “central figure” in the movement was kidnapped from Vietnam by Chinese government agents on 26 June 2002. He was in the company of prominent dissident and CDP (China Democracy Party) member Wang Bingzhang and labour leader Yue Wu both of whom were also allegedly kidnapped. [25a]

25.08 As reported by the City News Service on 10 December 2003, the founder of Zhong Gong, Zhang Hongbao was arrested in Pasadena (USA) on 15 March 2003 in connection with the alleged assault and imprisonment of his housekeeper – charges which could lead to a ten year jail term. The report continued, “A felony conviction for Zhang could result in his deportation to China, where he’s been accused of many crimes and could face execution, according to dissidents. Zhang is currently free on \$100,000 bond.” [17e]

CIBEI GONG (COMPASSION GONG)

25.09 As reported by AI in a report entitled, People’s Republic of China: The crackdown on Falun Gong and other so-called heretical organizations, published on 23 March 2000, Cibeig Gong was founded by Xiao Yun in 1997. It had at least five practice stations in Hubei, Hunan, and Jiangxi provinces, attracting around 900 members. Xiao was arrested on 8 September 1999 and formally charged with rape. [6b] (p6)

25.10 On 5 November 1999, the Chicago Sun-Times reported that the movement was popular in Wuhan City, Hubei province. [17b] According to a report by ISP-Inter Press Service/Global Information Network dated 4 November 1999, Cibeig Gong along with Guo Gong (see below) was “smashed” by the Chinese authorities. [17a]

GUO GONG (NATION GONG)

25.11 As reported by AI (March 2000), the leaders of Guo Gong were Liu Jineng (founder) Liu Jun, Deng Guoquan, Yuan Xingguo and Xiao Xingzhao, all of whom were arrested in Sichuan province in November 1999 – they were later given unspecified terms of re-education through labour. [6b] (p6)

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

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

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

XIANG GONG (FRAGRANT GONG)

- 25.14 As reported by AI (March 2000), Xiang Gong was founded by Tian Ruisheng in 1988 and its members are closely monitored by the authorities. [6b] (p6) As reported by the *South China Morning Post* on 8 July 2003, Tian died of liver cancer at his home in September 1995. According to this report the group moved its headquarters to Taiwan following the banning of Falun Gong. [17d]

BODHI GONG (WAKEFULLNESS/AWAKENING GONG)

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

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ETHNIC GROUPS

- 26.01 As noted by Europa World in their Country profile for China, accessed 25 January 2006, ethnic minorities make up 8.47 per cent of the population. The remaining 91.54 per cent are Han Chinese (based on the 2000 census). [1a] (Area and Population)

- 26.02 As reported by the official *People’s Daily* newspaper (report undated):

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

represented in the National People's Congress, which is the highest organ of state power of the People's Republic of China." [12a]

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

"About half of the territory of the People's Republic of China (PRC) is inhabited by people who are not ethnic Chinese (i.e., are non-Han). Not all are officially acknowledged by the state, but the 54 ethnic groups that are recognized comprise 8.4 per cent of the population. The presence of so many non-Han did not come about by immigration, but rather by the expansion of territory under Chinese control. Historically, when China was ruled by Han, the territory under their direct administration was, roughly speaking, the territory which was (and still is) inhabited by Han; this did not include Tibet, Xinjiang, greater Mongolia, and the northeast (Manchuria). When China was occupied and governed by non-Han, the territory under their control often included substantial lands populated by non-Han. Examples of non-Han rule are the Mongol and Manchu empires (thirteenth century, and 1644-1911, respectively), which included most of the lands which today comprise the PRC. By contrast, during the Ming dynasty (1368-1644) and the Republican period (1912-1949) the territory administered by the Chinese government was relatively limited. Thus, the PRC is exceptional in Chinese history, a Han-dominated government administering not only the Han areas but also the lands occupied by the many nations now deemed to comprise 'ethnic minorities' of China." [32d] (p1)

- 26.04 As reported by the US State Department (USSD) Report 2005, published on 8 March 2006:

"Most minority groups resided in areas they traditionally have inhabited. Government policy provides members of recognized minorities with preferential treatment in birth planning, university admission, access to loans, and employment. In May new regulations designed to enhance minority preferences in education became effective. Nonetheless, in practice the majority Han culture often discriminated against minorities. Most minorities in border regions were less educated than the national average, and job discrimination in favor of Han migrants remained a serious problem. Racial discrimination was the source of deep resentment in some areas, such as Xinjiang, Inner Mongolia, and Tibetan areas... As part of its emphasis on building a 'harmonious society,' the government downplayed racism against minorities and tension among different ethnic groups." [2e] (Section 5)

- 26.05 As report by the magazine In These Times on 28 December 2004, "The Chinese government has long tried to mollify its potentially restive minorities with sops such as jobs preferences and other affirmative action-type schemes. But with unemployment rising, particularly in the rural central and western provinces, the Han majority is increasingly resentful..." [79a]

(See also section 32: [Preferential treatment for ethnic minorities](#))

KOREANS

- 26.06 As noted by Europa World in their Country profile for China, there are 1.9 million Koreans in China, accounting for 0.16 per cent of the population (based

on the 2000 census). **[1a] (Area and Population)** As reported by the Canadian Immigration and Refugee Board (Canadian IRB) on 12 February 2003, “There are an estimated 1,920,000 Chaoxian (Korean) people living in the Chinese provinces of Jilin, Heilongjiang and Liaoning; however the majority of Chaoxian people live in the Yanbian Chaoxian Autonomous Region of Jilin.” **[3s] (Based on information supplied by the China Folklore Photographic Association – CFPA)**

(See also section 37: Foreign refugees – [North Korean refugees](#))

MONGOLIANS

- 26.07 As noted by Europa World in their Country profile for China, there are 5.8 million Mongolians in China, accounting for 0.47 per cent of the population. As noted by the same source the total population of the Inner Mongolian (Nei Mongol) Autonomous Region is 23.3 million (based on the 2000 census). **[1a] (Area and Population)**
- 26.08 As noted by the Encyclopedia of the World’s Minorities (2005), “While most Mongols are minority subjects of the Russian and Chinese multiethnic States, one third of the Mongols live in their own independent country [Mongolia], landlocked between Russia and China.” This source puts the total number of Mongolians in all countries at 7.8 million. **[76] (p842-843)** As reported by the Languages of the World (2005), standard Mongolian, also known as Khalkha, is spoken in both China and Mongolia. In Russia Mongols use different dialects, including Buryat and Kalmyk. **[19] (p 203)**
- 26.09 As reported by Amnesty International (AI) on 28 January 2005:
- “Political activist Hada has been routinely tortured at the prison in northern China where he is serving a 15-year sentence for ‘separatism’ and ‘espionage’. Amnesty International considers him a prisoner of conscience, imprisoned solely for the exercise of his right to freedom of expression and association, and fears he is at risk of further torture. His health is reportedly failing and he is suffering from psychological problems as a result of the torture. Hada was detained in 1995, reportedly because of his involvement in an organization called the Southern Mongolian Democratic Alliance, which aimed to promote human rights, Mongolian culture and greater autonomy for China’s minority nationalities.” **[6p]**

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TIBET

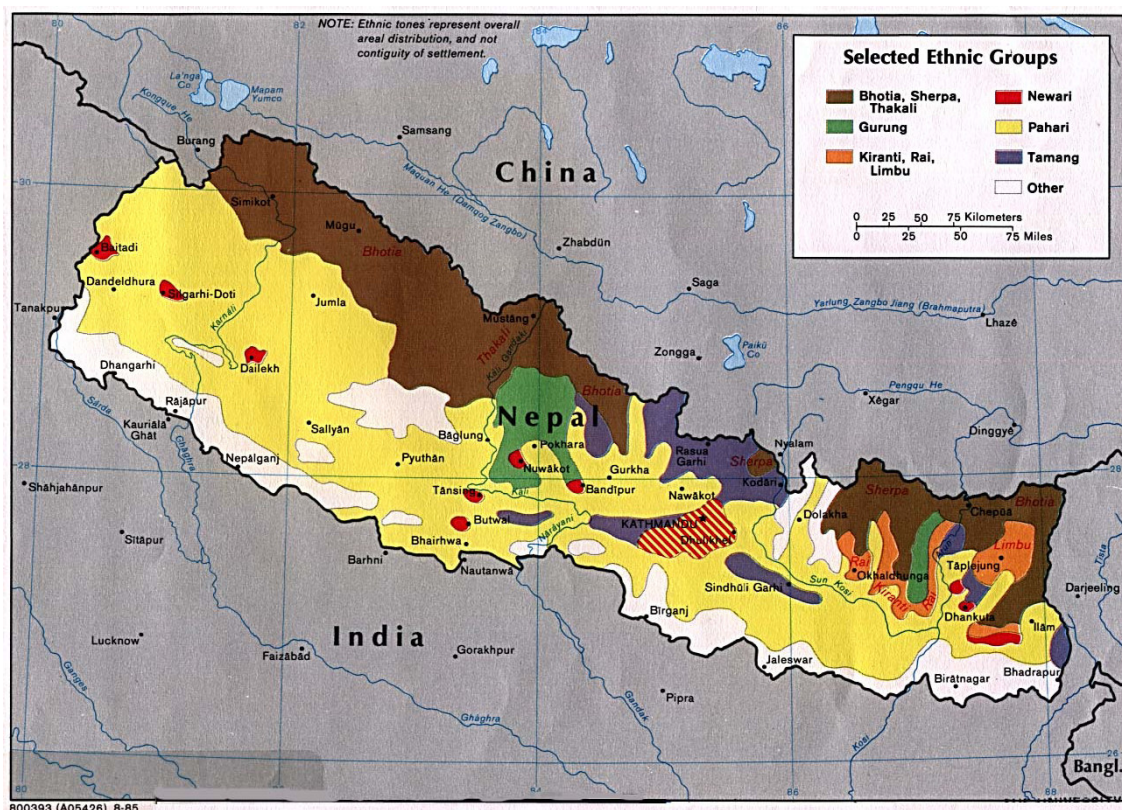
- 27.01 As noted by Europa World in their Country profile for China, there are 5.4 million Tibetans within China, accounting for 0.44 per cent of the population. As noted by the same source the total population of the Tibetan Autonomous Region (TAR) is 2.6 million (based on the 2000 census). **[1a] (Area and Population) [18b] (map)**
- 27.02 As reported by Europa World, “Tibet (Xizang), a semi-independent region of western China, was occupied in October 1950 by Chinese Communist forces. In March 1959 there was an unsuccessful armed uprising by Tibetans opposed to Chinese rule. The Dalai Lama, the head of Tibet’s Buddhist clergy

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

- 27.03 As noted by India Today International in a special report on Tibet dated 17 October 2005, "In 1965, China divided the original Tibet into three parts and merged two of these parts, Amdo [Northeastern Tibet] and Kham [Eastern Tibet] regions, with mainland China and rechristened the third part, which is today's Tibet, as the TAR, where Tibetans are still in a majority despite the influx of Chinese. But when one considers the undivided Tibet, old Tibet, Han Chinese have overtaken the Tibetans." [22a] As noted by the Encyclopedia of the World's Minorities (2005), traditionally Tibet was divided into four regions, only two of which are now part of the TAR. These are Western Tibet (To Ngari) and Central Tibet (U-tsang). [76] (p1198)
- 27.04 Chinese President Hu Jintao opened the Qinghai-Tibet railway line on 1 July 2006. [9ce] (**BBC, 1 July 2006**) Concern has been voiced over whether its opening will trigger an influx of Han settlers into Tibet. [78e] (**China Brief, 5 July 2006**) As reported by the *Guardian* newspaper on 1 July 2006, "Three foreign protesters, including Katie Mallin from the UK, scaled Beijing's central station and unfurled a banner reading 'China's Tibet Railway: Designed to Destroy'. They were detained for several hours." [41q] China and India agreed to re-open border trade at the Nathu La Pass in Tibet for the first time in 44 years from 6 July 2006. [12bh] (**People's Daily, 19 June 2006**)

THE TIBETAN LANGUAGE

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



Map courtesy of ReliefWeb

- 27.06 The same source also noted, “Ideally pupils are taught in their native language and Chinese from primary school onwards. In practice minority-language education is offered only in areas with significant minority populations, and then only if the language has an official writing system: Korean, Uyghur, Tibetan, Mongolian, Yi and Dai.” [76] (p289) The same source continued, “... interest in bilingual education has waned in recent years as, many minority parents see economic advantages in having their children learn Chinese from an early age.” [76] (p289)
- 27.07 As reported by the Languages of the World (2005), approximately one million people in Nepal speak Tibetan as a second language and a dialect of Tibetan called Jonkha is the principal language of Bhutan. [19] (p199)
- 27.08 In their Annual Report 2005 on the Human Rights Situation in Tibet, the Tibetan Centre for Human Rights and Democracy (TCHRD) stated, “The current situation in Tibet varies from region to region since the policies decided by Beijing are often implemented with local flavors. However, the main pattern in rural areas is that children make their primary schooling mostly in Tibetan medium and learn Chinese as a second language from grade one. But according to refugees, the teaching of the Tibetan language is of very poor quality.” [45b] (p165) The TCHRD Report 2005 also stated, “The Education Department of the Tibetan government-in-exile is responsible for the coordination of a system of 80 Tibetan schools spread across India, Nepal, and Bhutan, which accommodate over 27 000 Tibetan students.” [45b] (p174)

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

HUMAN RIGHTS IN TIBET

27.09 As reported by the USSD Report 2005:

“The government’s human rights record in Tibetan areas of China remained poor, and the level of repression of religious freedom remained high. The government continued to view the Dalai Lama with suspicion and tended to associate Tibetan Buddhist religious activity with separatist sympathies. Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest and detention, house arrest and other nonjudicial surveillance of dissidents, detention without public trial, repression of religious freedom, and arbitrary restrictions on free movement. Positive developments in Tibetan areas included a fourth round of dialogue between the government and envoys of the Dalai Lama. In August the government permitted an international delegation to meet with released political prisoner Phuntsog Nyidrol in the TAR for the first time. In November the UN special rapporteur on torture visited Lhasa, the capital of the TAR, for the first time.” [2e] (Tibet)

27.10 The TCHRD Report 2005 stated, “... the information inflow and outflow from Tibet have been severely restricted.” [45b] (p8)

27.11 This report also stated:

“... the Tibetan Centre for Human Rights and Democracy (TCHRD) is alarmed by the increasing reports of human rights violation in Tibet in 2005. Tibetans in Tibet witnessed increased restrictive measures on religion, security and ideological control, limits on freedom of expression, opinion and conscience, and lack of rule of law. A ‘culture of fear’ and a ‘palpable sense of fear and self censorship’ is pervasive in Tibet. There is a deep seated and widespread zero-tolerance level on any activity or viewpoint that is suspected as challenging the Communist Party’s control over aspects of society it deems crucial. As of December 2005, estimated 2524 Tibetan refugees have fled Tibet across the Himalaya and into India, reporting repression and seeking freedom in exile.” [46b] (p6)

27.12 On 14 February 2006, 17 monks at Gamden monastery destroyed a statue of the deity Shugden in a show of loyalty to the Dalai Lama, who had banned its worship in 1996. A fight ensued and the army was deployed to restore order. [17r] (*The Times*, 21 April 2006)

27.13 As reported by the Australia Tibet Council on 23 September 2004, “Authorities in China have sentenced two monks and a layman to three-year jail terms, apparently they were involved in putting up posters advocating Tibetan independence, Radio Free Asia (RFA) reports.” [44b] In June 2006, five Tibetans were detained for handing out leaflets promoting Tibetan independence. [105c] (RFA, 16 June 2006) The mayor of Lhasa accused the Dalai Lama of orchestrating the trouble in an attempt to “sabotage the unity of Tibet.” [14aa] (*China Daily*, 11 May 2006)

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

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

- China has exercised zero tolerance for separatist movements.
 - It has striven to bring about rapid economic growth, including raising the living standards of the people, believing that prosperity will make the Tibetan people more willing to stay within the PRC.
 - It has maintained a limited autonomy, including a degree of religious and cultural freedom, but tried actively to increase Chinese control and cracked down on any signs that Tibetan culture poses a threat to the Chinese state.
 - These policies are actually quite similar to those towards other ethnic minorities in China, but separatism and threats to the Chinese state are not major problems other than in Tibet and Xinjiang.” [32e] (p10)
- 27.15 This reports also stated, “The main group at risk in the Tibetan areas is active political dissidents, especially those seeking Tibetan independence. Activities attracting prison terms are those classified as endangering state security or promoting separatism, but they range from espionage and even bomb blasts through distributing leaflets advocating independence to possessing the Dalai Lama’s picture or reading the Dalai Lama’s works. Among the dissidents the majority belong to the clerical order.” [32e] (p28)
- 27.16 The Dalai Lama in an interview with *TIME Asia* on 25 October 2004 stated:
- “Despite some economic improvement and development, the threats to our cultural heritage, religious freedom and environment are very serious. Then also in the countryside, facilities in education and health are very, very poor. It’s like the big gap in China proper between rich and poor. So the whole picture, it almost looks hopeless. When the 13th Dalai Lama visited China in the early 20th century, there was a large Manchurian community – even the Emperor was Manchurian. Almost exactly 50 years later when I visited, the Manchurian community was no longer there. It was completely assimilated. That danger is very alive [in Tibet, too]. So that’s why the Tibetan picture is almost hopeless. That’s why we are trying to gain meaningful autonomy.” [65d]
- 27.17 On the question of his reincarnation the Dalai Lama said, “The purpose of reincarnation is to fulfill the previous life task. My life is outside Tibet, therefore my reincarnation will logically be found outside. But then, the next question: Will the Chinese accept this or not? China will not accept. The Chinese government most probably will appoint another Dalai Lama, like it did with the Panchen Lama. Then there will be two Dalai Lamas: one, the Dalai Lama of the Tibetan heart, and one that is officially appointed.” [65d]

POLITICAL PRISONERS HELD IN TIBET

- 27.18 Nyima Choedron, the last known female political prisoner in Tibet was released early on 26 February 2006. [36b] (Dui Hua, 28 June 2006)

The USSD Report 2005, put the number of political prisoners detained in Tibet at 117, 65 per cent of whom were monks or nuns. [2e] (Tibet) The TCHRD in their 2005 Report stated, “As of December 2005, TCHRD holds record that 132 Tibetan prisoners of conscience, 91 of them Tibetan Buddhist monks and nuns, remain in prison.” [45b] (p83) As reported by the Tibetan Information Network (TIN) on 6 February 2004, “After reaching a peak of approximately 800 Tibetan political prisoners by 1996, there was a rapid decline in their numbers from 1997 to 2001.” [42c] (p1)

- 27.19 As reported by TIN on 8 July 2004, "According to authorities, they currently hold a total of approximately 2,500 prisoners. The majority (86 percent) are sentenced for property crimes. Three percent, or about 75 inmates, have convictions that include the charge of 'endangering state security' or 'counterrevolution.' Most are in TAR Prison." [42d]

(See also section 13: [Drapchi prison](#))

TIBETAN BUDDHISM

- 27.20 As reported by the Chinese Government White Paper, Regional Ethnic Autonomy in Tibet, published in May 2004, "At present, there are over 1,700 venues for Tibetan Buddhist activities, with some 46,000 resident monks and nuns; four mosques and about 3,000 Muslims; and one Catholic church and over 700 believers in the region. Religious activities of various kinds are held normally, with people's religious needs fully satisfied and their freedom of religious belief fully respected." [5o] (p3 of Section IV)

- 27.21 As reported by the USSD International Religious Freedom Report 2005:

"The Government remained wary of Tibetan Buddhism in general and its links to the Dalai Lama, and it maintained tight controls on religious practices and places of worship in Tibetan areas. Although the authorities permitted many traditional religious practices and public manifestations of belief, they promptly and forcibly suppressed any activities, which they viewed as vehicles for political dissent. This included religious activities that officials perceived as supporting the Dalai Lama or Tibetan independence." [2m] (Section II. Status of Religion, Legal/Policy Framework)

"The Government continued to oversee the daily operations of major monasteries. The Government, which did not contribute to the monasteries' operating funds, retained management control of monasteries through the DMCs [Democratic Management Committees] and local religious affairs bureaus. Regulations restricted leadership of many DMCs to 'patriotic and devoted' monks and nuns and specified that the Government must approve all members of the committees. At some monasteries, government officials were members of the committees." [2n] (Tibet, Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

- 27.22 The same source continued:

"Government officials have stated that the 'patriotic education' campaign, which began in 1996 and often consisted of intensive, weeks-long sessions conducted by outside work teams, ended in 2000. However, officials stated openly that monks and nuns undergo political education, also known as 'patriotic education,' on a regular basis, generally less than four times a year, but occasionally more frequently, at their religious sites. Since primary responsibility for conducting political education shifted from government officials to monastery leaders, the form, content, and frequency of training at each monastery appeared to vary widely; however, conducting such training remained a requirement and had become a routine part of monastic management." [2n] (Tibet, Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

27.23 The TCHRD Report 2005 stated:

“The year 2005 has been characterized by a dramatic rise of religious repression in Tibet. Increased Party scrutiny and control on religious practices and belief have been carried out on Tibetans although religious freedom continued to be formally guaranteed under China’s national laws as well as international laws. The Tibetan people’s freedom of religion has been trampled upon by means of a thoroughly targeted and intensified ‘patriotic re-education’ campaign, which is but a campaign against separatism and the Dalai Lama, Tibet’s leader in exile.” [45b] (p81)

27.24 On 27 April 2006, the BBC published an interview with a monk who fled Tibet in order to pursue his religious education in India. During his interview he stated:

“For the last 11 years I lived and studied in Ganden monastery in Lhasa, Tibet. We were always urged [by the authorities] to oppose the Dalai Lama. Any open expression of our wish to have a free Tibet would end in arrest. And then you had to be careful what you said about economic development in Tibet, changes in society and the railway. Because it is difficult not to see an influence of the Chinese presence in many of these general issues, it is equally easy to brand any criticism or any discussion as anti-Chinese and as a criticism to the Communist Party, which can land you in serious trouble.” [9cm]

POSSESSING PICTURES OF THE DALAI LAMA

27.25 The USSD International Religious Freedom Report 2005 stated:

“Government officials maintained that possessing or displaying pictures of the Dalai Lama was not illegal. Nevertheless, authorities appeared to view possession of such photos as evidence of separatist sentiment when detaining individuals on political charges. Pictures of the Dalai Lama were not openly displayed in major monasteries and could not be purchased openly in the TAR... The Government also continued to ban pictures of Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the Panchen Lama. Photos of the ‘official’ Panchen Lama, Gyaltsen Norbu, were not publicly displayed in most places, most likely because most Tibetans refuse to recognize him as the Panchen Lama.” [2m] (Tibet, Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

27.26 The TCHRD Report 2005 stated, “In 2005, TCHRD has recorded 20 confirmed and known cases of Tibetans who were arrested for their political beliefs and possession of items deemed ‘reactionary’ by Chinese such as the Dalai Lama’s photo, banned Tibetan national flag and literatures from exile.” [45b] (p7)

27.27 As reported by Forum 18 on 25 November 2004, a prominent Tibetan nun told Forum 18 that while the Chinese Government insists that there is no formal ban on displaying pictures of the Dalai Lama, government policy and practice effectively ban such displays. “This permits Chinese officials to claim that the absence of such displays in Tibetan homes is the result of voluntary decisions, and not an outcome of coercive state policies.” [66e] (p4)

THE PANCHEN LAMA (GYALTSEN NORBU)

- 27.28 As reported by Channel News Asia on 19 December 2005, "China is raising the profile of a teenage boy it selected as the 11th Panchen Lama, allowing him to perform a ceremony attended by thousands of worshippers, state media reports revealed." [93a] The official *People's Daily* newspaper reported that the Panchen Lama held his first ever closed door religious retreat in the Tibetan city of Xigaze on 2 November 2005. [12ap] On the 21 November 2005, the *People's Daily* reported that he had followed this up by holding a worship ceremony. According to this report, "The ceremony lasted 90 minutes and many senior Lamas attended." [12aq] As noted by USSD International Religious Freedom Report 2005, most Tibetans continue to recognise the Dalai Lama's choice, Gendun Choekyi Nyima as the true Panchen Lama. [2m] (Tibet, Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

MONASTIC LIFE

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

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

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

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

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

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

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

2) Can certain ceremonies only be performed after a set number of year's religious study?

"Yes, particularly tantric rituals, which often require decades of previous study, as well as authorisation by a qualified master. For the Gelukpas in particular, the period of study required to earn the degree of Geshe (something like a Doctor of Divinity) would be anywhere from 20-30 years. Geshees are considered to be fully qualified to teach and perform ceremonies, but further tantric study would be required to perform many tantric rituals. So the study requirements for performance of most important rituals are significant. This is important in the current climate, because the Chinese government severely restricts the time allowed for study, and so Tibetan monks today are simply unable to devote enough time to fulfil the requirements of either the Geshe degree or the further study required for performance of tantric rituals. The PRC has decided that Tibetan monks will be allowed to perform colourful ceremonies that draw tourists, but wants to prevent them from gaining the sort of depth and breadth of knowledge that is considered essential by the tradition.

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

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

"Self-censorship is an important tool, but peer censorship is probably more important. The PRC tells monks that if any of the residents of a particular monastery do things that anger the Chinese, the whole monastery will suffer,

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

CONSEQUENCES FOR EXPELLED MONKS

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

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

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

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

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

6) If a monk was expelled would they be able to return to their home village?

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

TIBETAN REFUGEES IN INDIA

27.31 As noted by the UNHCR report, *The State of The World’s Refugees 2000: Fifty Years of Humanitarian Action* (2000), there are around 100,000 Tibetan refugees in northern India, home of the government in exile. The same source continued, “From the start, separate settlements were identified and established in geographically suitable areas so as to provide them with economic, social and religious autonomy. A separate government-in-exile has been established in Dharamsala, Himachal Pradesh.” Furthermore the source stated, “All though they are viewed as foreigners under the 1946 Foreigners Act, they have been accorded the basic rights of most citizens but are not allowed to contest or vote in elections.” [32f] (p63)

27.32 As reported by the US Citizenship and Immigration Services on 30 May 2003:

“Each Tibetan refugee settlement in India is headed by a settlement officer appointed by the Central Tibetan Administration. The Central Tibetan Administration is the network of Tibetan-run agencies in Dharamsala that effectively functions as a government-of-Tibet-in-exile. The number two official in each settlement is a camp leader elected by the refugees (Liaison Officer 19 Mar 2003). While the Indian Government has ultimate authority over the settlements and takes charge in any criminal matters, in practice the Tibetan administrators work to maintain good relations with local communities and generally are given a free hand to run the day-to-day affairs of the settlements (Liaison Officer 19 Mar 2003).” [84c]

LEGAL STATUS OF TIBETANS IN INDIA

27.33 As reported by the Indian Ministry of Home Affairs on their website, accessed on 13 March 2005, under the 1955 Citizenship Act, “Citizenship of India by naturalisation can be acquired by a foreigner who is ordinarily resident in India for twelve years (continuously for the twelve months preceding the date of application and for eleven years in the aggregate in the fourteen years preceding the twelve months).” [85a]

27.34 As reported by the US Defense Security Services on their website, accessed on 24 August 2005, “Indian citizenship may be acquired upon fulfillment of the following conditions: Person has resided in country for the last five years and has renounced previous citizenship.” [95] (India)

27.35 As reported by the US Citizenship and Immigration Services on 30 May 2003, “Tibetan refugees who have Indian residence permits must renew them every

year, according to a liaison officer at the Office of Tibet in New York, which represents the Dalai Lama in the Americas (Liaison Officer 19 Mar 2003). Tibetans normally do not have trouble renewing their permits, although renewal is entirely at the discretion of the Indian Government (Liaison Officer 19 Mar 2003).” [84c]

TIBETAN REFUGEES IN NEPAL

- 27.36 As noted by the Nepalese news portal KuraKani on 20 January 2004, “Nepal is home to an estimated 20,000 or more Tibetan’s many of whom arrived in 1959–60 around the time the Dalai Lama fled there from Tibet. For more than a decade the Government of Nepal has barred Tibetans who flee there from remaining in the country. Tibetans currently living in Nepal are only allowed to transit through the Himalayan country on their way to India or another country willing to take them.” [47a]
- 27.37 Based on information supplied by the Tibetan government in exile the same report lists 11 Tibetan settlements in Nepal. These are as follows:
- 1 Delekling Tibetan Settlement (Salleri, Solukhumbu Region)
 - 2 Dorpatan/Norzinling Tibetan Settlement (Dorpatan, Baglung District)
 - 3 Jampaling Tibetan Settlement (Pokhara)
 - 4 Namgyaling Tibetan Settlement (Chairok, Mustang Region)
 - 5 Paljorling Tibetan Handcraft Centre (Pokhara)
 - 6 Samdupling Tibetan Handcraft Centre (Jawalakhel, Kathmandu)
 - 7 Swayambu Handcraft Centre (Kathmandu)
 - 8 Tashiling Tibetan Settlement (Pokhara)
 - 9 Tashi Palkhel Tibetan Settlement (Pokhara)
 - 10 Tibetan Settlement (Dunche)
 - 11 Tibetan Settlement (Walung, Taplizong) [47a]
- 27.38 As reported by the BBC on the same day, the Nepalese government deported 18 Tibetan refugees back to Tibet on 31 May 2003. [9af] On 2 June 2003, AI strongly condemned these deportations and stated, “We fear that these people could be at risk of torture or other serious human rights violations and are calling on the Chinese authorities to provide immediate guarantees for their safety.” [6e]
- 27.39 According to a report dated 24 January 2004 by the NGO the International Campaign for Tibet (ICT) and reproduced by the Tibetan newspaper *Phayul* on their website:
- “Former inmates from the prison cells in Shigatse, Tibetan Autonomous Region (TAR), have recounted incidents where the 18 deportees were shocked with electric batons, repeatedly kicked in the genitals and forced to stand naked outside for four to five hours at a time, three to four times a week. One former inmate recalled prison guards beating members of the group of 18 Tibetans while yelling, ‘Think about why you tried to go and see the Dalai Lama.’” [43b]
- 27.40 As reported by the Australia Tibet Council on 27 August 2003, “In August 2003, the Nepalese government signalled its willingness to work with the UNHCR to help ensure that Tibetans could continue to use Nepal as a safe transit point on rout[e] to Northern India.” Mary Beth Markey (U.S. Executive

Director of the ICT) stated, “This is a significant achievement for the Tibet movement and the rights of vulnerable Tibetan refugees... Safe transit through Nepal is the linchpin in the flight to freedom for Tibetans refugees...” [44a]

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

LEGAL STATUS OF TIBETANS IN NEPAL

- 27.42 Article 9 of the Nepalese Constitution states:

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

- a that he can speak and write the language of the nation of Nepal;
- b that he is engaged in any occupation in Nepal;
- c that he has renounced his citizenship of another country; and
- d that he has resided in Nepal for at least fifteen years.” [102a]

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

(See also section 39: Treatment of returnees – [treatment of Tibetans](#))

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 28.01 As reported by the *Asian Sex Gazette* on 3 December 2004:

“China has released an official estimate of its gay population for the first time, in what many see as the first steps towards improving treatment of lesbian, gay and bisexual people in the Asian country. The government-sanctioned press agency Xinhua reported that official figures suggest there are 5-10 million gay men in the country at the moment, a corresponding figure of 2-4 percent of the male population. Additionally, the agency reported that 1.35 percent of this segment is infected with HIV, making gay men the second highest risk group after intravenous drug users.” [100b]

LEGISLATION

- 28.02 As reported in *Spartacus: International Gay Guide* (2005/2006), “Homosexuality is not recognised in China. Nevertheless the age of consent is set at 14 – the same as heterosexuals. The spread of pornography to minors aged under eighteen (18) is punishable with a prison sentence.” [49a] However, as reported by the official *People’s Daily* newspaper on 20 August

2003, same sex marriages are not permitted. [12i] Homosexuality is not illegal in China and sodomy was decriminalised in 1997. [84a] (US Citizenship and Immigration Services, 1 March 2001)

POSITION OF GAY MEN IN SOCIETY

- 28.03 On 13 January 2004 the BBC reported, "As China opens up, the country's urban gays are slowly coming out. China officially struck homosexuality off the list of mental illnesses two years ago and even smaller cities now boast gay bars and meeting places. Through the internet Chinese gays now have unprecedented access to information about developments in gay rights from overseas sources." [9ar] As reported in Spartacus: International Gay Guide (2005/2006), "Gay scenes are beginning to emerge in Beijing and Shanghai and tolerance towards homosexuality is increasing." [49a]
- 28.04 As reported by *The Times* on 17 December 2005, "Homosexuality is frowned upon in communist China's puritan society but was far from unknown in imperial eras. One common name for homosexuals in traditional China was 'broken sleeve', referring to an incident in which an emperor in ancient times sliced off his sleeve on which his adored male concubine was sleeping so as not to wake him." [90f]
- 28.05 China's first national free advice line for gay people was launched 8 May 2006. It is manned by 13 volunteers in Shanghai and Guangzhou. [14u] (*China Daily*, 11 May 2006)

GOVERNMENT ATTITUDES

- 28.06 As reported by the gay news site 365Gay.com on 19 May 2006, a man who used the internet to organise sex parties for gay men was jailed for one year by a judge in Beijing. The report did not specify what "illegal acts" he was convicted of though it did state that he had charged a "membership fee" to participants. [121a]
- 28.07 As reported by CBC News on 7 March 2006, whilst Ang Lee's film *Brokeback Mountain* was banned in China due to its homosexual content Trevor Metz (a radio journalist working in Beijing) was allowed to discuss the film and homosexuality in general on his radio show. According to this report, "The reactions from listeners were varied, but overall quite positive." [112a]
- 28.08 As reported by the Kaiser Network on 19 May 2005, "The Chinese government last month began blocking a popular Web site targeted at gay, lesbian, bisexual and transgender people that includes information about how to prevent the spread of HIV... The Chinese language site, gaychinese.net, had been receiving 50,000 to 65,000 hits each day – mostly from mainland China – and contains no sexually explicit or political content, according to site manager [Los Angeles-based] Damien Lu..." [101a]

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DISABILITY

- 29.01 As reported by the USSD Report 2005:

“The law protects the rights of persons with disabilities and prohibits discrimination; however, conditions for such persons lagged far behind legal dictates, failing to provide persons with disabilities with access to programs designed to assist them. According to the official press, all local governments have drafted specific measures to implement the law... According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions, where care was often seriously inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty in getting adequate medical care, day care, and education for their children. Government statistics showed that almost one-quarter of persons with disabilities lived in extreme poverty. Unemployment among disabled adults remained a serious problem.”
[2e] (Section 5)

- 29.02 The same source also stated that children with disabilities were discriminated against in access to education. While couples found to be carrying certain congenital diseases were not permitted to marry unless they agreed to use contraception. However, “Nearly 100 thousand organizations exist, mostly in urban areas, to serve those with disabilities and protect their legal rights. The government, at times in conjunction with NGOs, sponsored programs aimed at integrating persons with disabilities into society.” [2e] (Section 5) The China Disabled Persons’ Federation (CDPF) is chaired by Deng Pufang (son of former Chinese leader Deng Xiaoping). In 2003, Deng was awarded the United Nations Award for Human Rights in recognition of his work with the CDPF. [12bd] (*People’s Daily*, 10 June 2006)

(See also section 30: [Marriage](#))

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WOMEN

LEGAL RIGHTS

- 30.01 Article 48 of the Constitution states, “Women in the People’s Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural, and social, including family life.” [1a] (**The Constitution**) Women’s rights are also protected by the Law on the Protection for Women’s Rights and Interests, effective as of 1 October 1992. [5f] However, as noted by the USSD Report 2005, “... women frequently encountered serious obstacles to the enforcement of laws... Some observers noted that the agencies tasked with protecting women’s rights tended to focus on maternity-related benefits and wrongful termination during maternity leave rather than on sex discrimination, violence against women, and sexual harassment. Women’s rights advocates indicated that in rural areas, women often forfeited land and property rights to their husbands after marriage and in divorce.” [2e] (Section 5)
- 30.02 As reported by the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region on their country page for China (accessed 16 March 2006):

“The National Working Committee on Children and Women under the State Council (NWCCW) was founded in February 1990. It is responsible for coordinating and promoting relevant government departments to implement

law, regulation and policy-related measures concerning women and children... The responsibility of providing legal aid has been assigned to the Ministry of Justice and the All-China Women's Federation (ACWF). The main focus of meetings by the standing committee of NWCCW is to gather working reports on preventing and combating the trafficking of children and women from these assigned ministries/committees and work out solutions for action."

[27a] (Prevention and Protection, Establishing the Mechanism of Multi-Agency Collaboration)

(See also section 33: [Trafficking](#))

POLITICAL RIGHTS

- 30.03 As reported by the USSD Report 2005, "The government placed no special restrictions on the participation of women or minority groups in the political process. However, women still held few positions of significant influence at the highest rungs of the CCP or government structure... The government encouraged women to exercise their right to vote in village committee elections and to stand for those elections, although only a small fraction of elected members were women. In many locations, a seat on the village committee was reserved for a woman, who was usually given responsibility for family planning." **[2e] (Section 3)**
- 30.04 The USSD Report 2005 gives the following breakdown of women in positions of power:
- Politburo – one woman out of 24 men.
 - Heads of ministries – two women.
 - CCP members – 19.9 million women (18.6 per cent).
 - NPC delegates – 20.2 per cent are women.
 - Members of the Standing Committee of the NPC – 13.2 per cent are women.
 - Members of the Central Committee of the CCP – 24 out of 198 are women. **[2e] (Section 3)**

SOCIAL AND ECONOMIC RIGHTS

POSITION OF WOMEN IN SOCIETY

- 30.05 As documented by the Christian Science Monitor in a report dated 17 December 2004, under Mao Zedong women were famously told they "hold up half the sky" and promised equality with men. Foot binding was banned, divorce legalised and the keeping of concubines forbidden. "Changes in the Chinese family were imposed quickly and radically," says Harvard University's Martin Whyte. 'In most societies these changes would take generations. In Mao's China they were compressed into a time period, really, of two or three years.'" **[75a]**

- 30.06 The same source continued, “‘Daughters are an economic benefit in the city, where mental work is greater than physical work,’ says Dong Zhiying, a scholar at the China Academy of Social Science (CASS).” However, “... family dynamics remain tremendously complicated... An urban culture of mistresses has been growing in China... Business culture emphasizes macho guys who need to be seen sitting with several ornamental women in order to show power.” [75a]
- 30.07 As noted by the official *China Daily* newspaper in a report first published on 1 February 2002 and accessed via the government portal China org, “Although the status of women in China’s major cities has improved, their rural counterparts continue to find themselves handicapped by serious gender inequalities.” [14v] As reported by the *Asian Sex Gazette* on 27 February 2006, the adoption of the “one child policy” combined with the new marriage law resulted in women having more freedom in sexual relations. “Virginity is no longer considered as important as a girl’s life.” [100e]

MARRIAGE

- 30.08 As reported by the USSD Report 2005, “In order to delay childbearing, the Marriage Law sets the minimum marriage age for women at 20 years and for men at 22 years.” [2e] (Section 1f) As reported by the Encyclopedia of the World’s Minorities (2005), the marriage age for recognised ethnic minorities is 18 for women and 20 for men. [76] (p286)
- 30.09 On 19 August 2003, the official *People’s Daily* newspaper reported:
- “Chinese couples planning to get married may soon do so without a letter from their employers testifying to their unmarried status and without first having a health examination, according to a new regulation issued by the State Council Monday... An adult male and female will be able to marry each other legally by only providing their ID cards and residence documents, and by signing a statement that they are single and not related, the new regulation said. For the past several decades, government marriage offices required people to show letters provided by their employers to guarantee that they were qualified for marriage. The new regulation [effective from 1 October 2003] says that people may take a health examination before marriage, but will not be forced to do so.” [12g]
- 30.10 As reported by the *People’s Daily* on 20 August 2003, couples with HIV/AIDS will be allowed to marry under these regulations but same sex marriages are not permitted. [12i] As reported by the US Embassy in China, “Certain categories of Chinese citizens, such as diplomats, security officials, and others whose work is considered to be crucial to the state, are not legally free to marry foreigners. Chinese students generally are permitted to marry if all the requirements are met, but they can expect to be expelled from school as soon as they do.” The same source also noted that additional documentation is normally required for marriage to a non-Chinese national. [99a]

ARRANGED MARRIAGES

- 30.11 As reported by the BBC on 19 June 2006, “Many marriages are arranged and operate like business deals in which the groom’s parents ‘buy’ the bride, and she becomes part of their family... For most women there is no easy way out

of an unhappy marriage. Divorce would mean leaving behind the financial security of the family, casting them into an uncertain future.” [9cd]

- 30.12 As reported by the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region on their country page for China, accessed 16 March 2006,” In some rural areas, the phenomenon of buying women or children for marriage or to carry on the family name exists.” [27a] (Overview) As reported by the US State Department Trafficking in Persons Report 2006 (USSD Trafficking Report 2006), published on 5 June 2006, “Some experts believe that the serious and prolonged imbalance in the male-female birth ratio may now be contributing to Chinese and foreign girls and women being trafficked as potential brides.” [21] (China)

(See also section 33: [Trafficking](#))

DIVORCE

- 30.13 On 28 April 2003, the Standing Committee of the NPC voted to amend the Marriage Law. In addition to making bigamy a criminal offence punishable by two years imprisonment it made the following pronouncement on divorce, “In divorce cases, property division should be determined under contract by both parties. Should they fail, the people’s court will make decisions in favor of the offspring and the female.” The official *People’s Daily* newspaper reported these amendments on the same day. [12d]
- 30.14 As reported by the BBC on 13 September 2005, the divorce rate jumped by over a fifth in 2004 with over one and a half million couples separating. “...unhappy couples can visit their local community centre and – if both parties agree – the divorce will be issued in only ten minutes, for as little as 65 pence (\$1).” [9br] As reported by the official *People’s Daily* newspaper on 19 August 2003, “Couples will receive divorce certificates at once if they both agree to get divorced and settle amicably their property, any debts and care of any children, the new rules say.” [12g]

VIOLENCE AGAINST WOMEN

- 30.15 As reported by the USSD Report 2005:
- “Violence against women remained a significant problem. There was no national law criminalizing domestic violence, but the Marriage Law provides for mediation and administrative penalties in cases of domestic violence. In August the NPC amended the Law on the Protection of Women’s Rights specifically to prohibit domestic violence, although critics complained that the provision fails to define domestic violence. Over 30 provinces, cities, or local jurisdictions passed legislation aimed at addressing violence... According to experts, domestic abuse was more common in rural areas than in urban centers. In response to increased awareness of the problem of domestic violence, there were a growing number of shelters for victims. Rape is illegal, and some persons convicted of rape were executed. The law does not expressly recognize or exclude spousal rape.” [2e] (Section 5)
- 30.16 According to a report published by the state sponsored All China Women’s Federation (ACWF) in December 2003, 38.4 per cent of people surveyed admitted resorting to violence to resolve disagreements with their spouses,

while nearly half believed it was reasonable for husbands to beat their wives. The official *China Daily* newspaper reported the findings of this survey on 4 February 2004. [14h]

- 30.17 16 per cent of married women questioned in a 2002 survey by the ACWF said that their husbands had beaten them and 2.6 per cent said they had been hurt sexually by them. The findings of this survey were reported by the official news agency Xinhua on 30 November 2003. [13b] As reported by the official *China Daily* newspaper on 26 November 2003, "Currently, women's federations at various levels have opened 6,181 hotlines and 8,958 special organizations in China to provide consultation and legal aid for women's rights protection. The China Law Society has established a nationwide network for fighting domestic violence, and many provincial authorities have enacted local regulations for preventing domestic violence." [14e] As reported by *The Independent* in a report dated 8 March 2006, "Ninety per cent of cities and provinces in China have now established regulated legal and counselling centres and advice lines for female victims of domestic violence." [108a]

(See also section 34: [Suicides](#))

SEXUAL HARASSMENT

- 30.18 As reported by the official *People's Daily* newspaper on 27 June 2005, two official surveys showed that over 70 per cent of professional women questioned had suffered sexual harassment. This report also noted that sexual harassment in China is primarily "a matter of ethics" and from 2001 to now only ten cases concerning sexual harassment had been received by the courts; one lawsuit was successful. [12ai]

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CHILDREN

BASIC INFORMATION

- 31.01 As reported by the USSD Report 2005, the law provides for the right to nine years compulsory education and forbids the mistreatment or abandonment of children or the use of sex selective abortion. However, 1.7 million children were abandoned each year while large numbers of female fetuses continued to be aborted by parents. [2e] (Section 5) On 11 October 2004 the BBC reported the findings of a survey carried out in China, "The Beijing University survey found up to 22% of children suffered emotional problems like depression and showed problematic behaviour like lying. These children, sometimes known as 'little emperors', were born under the one child policy so have no siblings. Psychologists say they are often spoilt and sheltered from problems by their parents, so are unable to cope with difficulties." [9bi]

AGE OF CONSENT

- 31.02 As reported in *Spartacus: International Gay Guide* (2005/2006), the age of consent in China is 14 years of age for heterosexuals and homosexuals alike. [49a]

(See also section 28: [Lesbian, gay, bisexual and transgender persons](#))

EDUCATION

- 31.03 As noted by Europa World, "Since 1979 education has been included as one of the main priorities for modernization. The whole educational system was being reformed in the late 1990s and early 2000s, with the aim of introducing nine-year compulsory education. According to official statistics, 90% of the population had been covered by the compulsory education scheme by 2002. The establishment of private schools has been permitted since the early 1980s." The same source also noted, "Fees are charged at all levels." [1a] (Education) As reported by *Times Asia* on 20 March 2006, "... roughly 60% of Chinese families in major cities now spend one-third of their income on children's education..." [64j]
- 31.04 On 28 February 2006, the official news agency Xinhua reported that 794 school masters had been sacked for charging unreasonable school fees. "Altogether 56,000 groups have been dispatched nationwide since 2003 to spot unreasonable charges in more than 876,000 Chinese schools of various levels. With 19,000 cases handled, more than 1.32 billion yuan (about 159 million U.S. dollars) have been checked and returned." [13s]
- 31.05 As documented by the Economist Intelligence Unit (EIU) in their January 2005 country profile for China, "The education system is beset with funding difficulties. In March 2004 the education minister, Zhou Ji, said that education spending as a share of GDP had risen from 2.5% in 1998 to 3.4% in 2002, and would rise to 4% by 2007. However, the state has had to call on the private sector to help expand educational provision... Interest-free loans are available to students from poorer households." [4b] (Education)
- 31.06 As reported by the Government's White Paper, China's Employment Situation and Policies (Section III), published in April 2004, "In 2003, the attendance rate of school-age children in primary schools was 98.6 percent, and the gross enrolment rate of junior middle schools was 92.7 percent." [5n] (p1 of Section III)

HIGHER EDUCATION

- 31.07 As reported by the EIU, "There were 1,731 universities and institutions of higher education in China in 2004, up from 1,041 in 2000, with a total student enrolment figure of 13.3m, up from the 2000 level of 5.6m. Engineering and management are the two most popular courses. The rapid rise in enrolment has been accompanied by a sharp rise in the student-teacher ratio." [4b] (Education) As noted by Europa World, "The numbers of Chinese students studying abroad were increasing in the early 21st century, with around 32,000 Chinese students reported to have been studying in British higher education institutions alone in 2002/03." [1a] (Education)
- 31.08 As reported by the official news agency Xinhua on 6 January 2006, 900,000 Chinese students have gone abroad to study since 1949. According to the Ministry of Education more than 200,000 of them have returned to China after completing their studies. [13n] As reported by the *Telegraph* on 20 June 2006, between 5,000 and 10,000 students in Zhengzhou (Henan province) rioted after being told they would not be receiving diplomas from Zhengzhou University but from a less prestigious institute. "About 100 riot police have been called in to

seal off the campus and cut off internet access to prevent word of the riot spreading... Police have not commented on the riot.” [96b]

- 31.09 As reported by the *Guardian* newspaper on 9 May 2006, “China is bracing itself for a glut of graduates later this year, with three out of five university leavers expected to join the ranks of the unemployed.” [41o]

CHILD CARE

- 31.10 As reported by the USSD Report 2005, “The vast majority of children in orphanages were female; males in orphanages were usually disabled or in poor health. Medical professionals sometimes advised parents of children with disabilities to put the children into [an] orphanage.” [2e] (Section 5)
- 31.11 As reported by the official news agency Xinhua on 22 April 2004, “China now has nearly 600 orphanages that are taking care of more than 54,000 orphans or infants abandoned by their parents for various reasons.” [17g] As reported by the *Daily Mirror* in a special report on adoption in China dated 9 August 2005, “China has a million orphans in 1,000 state-run orphanages.” [17i] As reported by the official Xinhua news agency on 27 February 2006, a total of ten people, including the director of a state run orphanage received prison sentences ranging from one to 15 years after they were convicted of selling abducted babies to foreigners wanting to adopt Chinese orphans. The group was active from 2002 to 2005 and trafficked 78 babies in 2005 alone said Xinhua. The harshest sentences were handed down to the three “smugglers”. The director of the orphanage received a one year prison sentence though he was currently at large. [13m]
- 31.12 As reported by the NGO SOS Children’s Villages on their website in a report dated 16 June 2005, “Twenty years ago, an SOS Children’s Village association was founded in the world’s most populated country. Today one can speak of the successful work being carried out in 31 facilities in China. Celebrations and meetings of government representatives and representatives of SOS Children’s Villages will honour this important anniversary... The existing 31 SOS Children’s Village facilities (villages, kindergartens, youth facilities, schools, vocational training centres) are geographically widely scattered, from Qiqihar in the north-east, through Lhasa in the autonomous province of Tibet, up to Urumqi in the north-western Uiguric autonomous region of Xinjiang.” [87a]
- 31.13 Migration to the cities has resulted in many children being left behind in the countryside where they are cared for by elderly relatives. There may be as many as 22 million of these “leftover children” according to official sources. [14x] (China Daily, 6 July 2006)

ADOPTION RIGHTS/RULES

- 31.14 As reported by the US State Department’s guide to International Adoption – China dated February 2006, “Chinese law allows for the adoption of children up to and including age 13; children ages 14 and up may not be adopted... Chinese law permits adoption by married couples (one man, one woman) and single heterosexual persons. Chinese law prohibits homosexual individuals or couples from adopting Chinese children.” [2p] As reported by the US State Department Report 2004, “A 1997 revision of the adoption law made it easier

for couples to adopt. However, adopted children were counted under the birth limitation regulations in most locations. As a result, couples who adopted abandoned baby girls, for example, were sometimes barred from having additional children.” [2j] (Section 5)

CHILD LABOUR

31.15 As reported by the USSD Report 2005:

“The law prohibits the employment of children under the age of 16, but the government had not adopted a comprehensive policy to combat child labor. The labor law specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire minors. The law also stipulates that parents or Guardians should provide for children’s subsistence. Workers between the ages of 16 and 18 were referred to as ‘juvenile workers’ and were prohibited from engaging in certain forms of physical work, including labor in mines.” [2e] (Section 6d)

31.16 As reported by the NGO China Labour Bulletin on their website (report undated):

“Despite many ongoing improvements to the education system in China, for many children, standards of education in China have been falling in the past decade or so since the start of the economic reforms. The numbers of children receiving adequate education are dropping with the exclusion of an every growing number of them. Drop out rates also appear to be on the increase and there has been a corresponding rise in child labour. This lack of decent education corresponds to the increasing number of child workers and both issues need to be addressed.” [34a]

CHILD SOLDIERS

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

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

BLACK CHILDREN (HEI HAIZI)

31.18 As noted by TIME Pacific on 29 January 2001, children born contrary to the “one-child policy” are called “black children” (hei haizi). Officially they do not exist and therefore do not qualify for government assistance. According to the report officials can usually be “persuaded” to add or issue them a hukou (household registration document), but a bribe is often required to facilitate this. [65a] As reported by the *Asian Sex Gazette* on 16 December 2004, “Because of the stiff financial penalties for second children, many couples

have unregistered children. There may be as many as a 100 million of these 'illegal children.'" [100c] 16 million babies are born in China each year. [13z] (Xinhua, 21 March 2006)

- 31.19 As reported by the Norwegian Centre of Human Rights in a report dated May 2004:

"On the whole, the birth registration situation in China is relatively good. According to UNICEF data the estimated figure for the rate of birth registration for children in China is over 90%... China's Family Planning Polic[y] is considered to be one of the factors negatively affecting birth registration. The parents of an additional child, who are seen as committing an offence against the Family Planning Policy, may be worried about being fined and therefore do not report for birth registration." [115a] (p18)

- 31.20 As reported by AsiaNews on 21 March 2006, "Farmers in Gaoping County (Hunan province) have accused family planning officials of stealing 12 unregistered children – i.e. born outside China's one 'child policy' – over the past four years and demanding ransoms for their return. County officials counter saying the children were taken in accordance with national policy and the villagers voluntarily gave them up." [116a]

FEMALE INFANTICIDE

- 31.21 As reported by the USSD Report 2005, "Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the birth limitation policy. Many families, particularly in rural areas, used ultrasound to identify female fetuses and terminate pregnancies, even though this practice remained illegal." [2e] (Section 5) As reported by the *Asian Sex Gazette* on 21 June 2005, "There are approximately 7 million abortions annually in China and the International Planned Parenthood Federation indicates that more than 70 percent are female unborn children. The female babies are often aborted in the late stages of pregnancy when an ultrasound reveals their gender. The Chinese government has tried to crack down on the non-medical usage of ultrasound." [100d] As reported by CBC News on 3 March 2006, "Boys carry on the family name and are prized in rural areas because they can handle heavy labour. Chinese parents also expect that it's the sons who will shoulder the responsibility of caring for them as they age." [112b]
- 31.22 As reported by Kaiser Network on 2 June 2006, "Authorities in the northern Chinese province of Hebei have shut 201 medical clinics that were involved in identifying and aborting female fetuses since 2004..." [101b] However, as reported by the same source on 27 June 2006, proposals that would have criminalised the identification of a foetus's gender for non-medical reasons have been dropped. [101c]
- 31.23 As reported by the *Guardian* newspaper on 9 March 2004, the traditional preference for boys has led to a gender imbalance of 117 boys to every 100 girls born. In some rural areas the figure is as high as 130 to 100. [41d] The BBC quoted the same figures on 15 July 2004. [9bc] On 2 August 2004, the official *People's Daily* newspaper reported, "Beginning from this year [2004], rural families who have only one child or two girls will receive award and support from government." [12u]

- 31.24 This report went on to say, “The pilot work will be launched this year in five provinces and municipality in west China (Sichuan, Yunnan, Gansu, Qinghai and Chongqing), nine cities in nine central provinces (Hebei, Shanxi, Heilongjiang, Jilin, Jiangxi, Anhui, Henan, Hunan, and Hubei) as well as in Zunyi City, Guizhou Province. Work has been started earlier in some provinces where farmers have received award money.” [12u]
- 31.25 As reported by the *Asian Sex Gazette* on 1 September 2004:
- “In some areas, couples with two daughters and no sons have been promised an annual payment of R430 (about \$80 US) once they reach 60 years of age. The money, which is a significant sum in areas where the average income is about R5 (less than \$1.00 US) a day, will also be given to families with only one child to discourage couples with a daughter from trying again for a boy. Some regions have gone further. In parts of Fujian province, local governments have given housing grants of approximately R11000 (\$1700 US) to couples with two girls.” [100a]
- 31.26 As reported by the official *China Daily* newspaper on 3 June 2005:
- “Starting from 2004, ‘China began to implement a pilot project of ‘rewarding some rural households practicing family planning...’ The pilot project is expected to be extended to 23 provinces this year and cover the whole country next year. According to the new family planning policy, rural couples with only one child or two daughters become eligible for a cash reward of no less than 600 yuan each year when they turn 60 years old. The reward will last for the rest of their lives.” [14t]

HEALTH ISSUES

- 31.27 As reported by UNICEF in their Country Profile for China – available via their website:
- “Overall estimates by government indicate that infant and under-five mortality have declined. The Maternal Mortality Rate has decreased from 89 per 100,000 live births in 1990 to about 53 per 100,000 live births. Although the decline is impressive, the rate of decline has been falling over the decade. There is also wide variation within the country – even between provinces there can be three-fold differences... The nutritional situation of children in China has been improving significantly. Malnourishment is mainly found in rural areas, there is almost no malnourishment among urban children, and obesity is becoming a new worry.” [122a]

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FAMILY PLANNING (“ONE CHILD POLICY”)

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

- 32.02 As reported by the Congressional-Executive Commission on China (CECC Report 2005) in their 2005 Annual Report, published on 11 October 2005:
- “The Chinese government continues its population control policy, which is scheduled to continue through the mid-21st century. Coercive fines are the main enforcement mechanism, although reports of local officials using physical coercion to ensure compliance continue, even though this practice violates Chinese law. The severe gender imbalance resulting from the population control policy has grown worse over the past two decades. The Chinese government has established a commission to draft legislation to criminalize sex-selective abortion.” [28a] (III – i)
- 32.03 The “one-child policy” does not restrict every couple to only one child. The fertility rate is 1.72 indicating that most couples have more than one child. [30a] (CIA World Fact Book, 10 January 2006) The official government portal China org, accessed 30 March, 2006 gives the following explanation of how the policy is applied in practise it states, “...in urban areas, if both husband and wife are only children in their families, they can have two children. In most rural areas, if a family only has one girl, the couple can have another child. In some remote and poor mountainous areas, farmers are allowed to have two children.” [5u]
- 32.04 As reported by the USSD Report 2005, “The one-child limit was more strictly applied in the cities, where only couples meeting certain conditions (e.g., both parents are only children) were permitted to have a second child. In most rural areas (including towns of under 200 thousand persons), which included approximately two-thirds of the country’s population, the policy was more relaxed, generally allowing couples to have a second child if the first was a girl or had a disability.” [2e] (Section 2f) According to a report by *Asia Times* dated 21 March 2006, “...about 30% of the population currently are allowed to have two children.” [64l]

PREFERENTIAL TREATMENT OF ETHNIC MINORITIES

- 32.05 Recognised minorities are partially exempt from the “one child policy.” According to the Encyclopedia of the World’s Minorities (2005), “Those in urban areas have been allowed two children (or three if both are girls or one is disabled); those in rural areas, generally three.” [76] (p289) The USSD Report 2005 is less specific stating only, “Ethnic minorities like the Uighurs and the Tibetans are also allowed more than one child.” [2e] (Section 2f) The official government portal China org, accessed 30 March 2006, states, “In ethnic minority areas, more preferential policies permit some families to have three children, and in the farming and pastoral areas in Xinjiang Uygur Autonomous Region, families are allowed to have four children. In Tibet’s farming and pastoral areas, there is no restriction on childbirth.” [5u]

(See also section 30: [Marriage](#))

POPULATION AND FAMILY PLANNING LAW (2002)

- 32.06 As reported by the Canadian IRB on 17 September 2003, the new Population and Family Planning Law was enacted on 1 September 2002. [3z] According to Melissa Upreti, Legal Adviser for Asia at the Center for Reproductive Rights, speaking just after the new law was introduced, “The new law has some

positive, women-friendly features, but it is fraught with inconsistent and contradictory restrictions that ultimately compromise women's freedom and equality..." [38a]

- 32.07 Article 2 of the Act stated, "China being a populous country, family planning is a fundamental State policy. The State adopts a comprehensive measure to control the size and raise the general quality of the population. The State relies on publicity and education, advances in science and technology, multi-purpose services and the establishment and improvement of reward and social security systems in carrying out the population and family planning programs." [5j]

ENFORCEMENT

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

"Under the Population and Family Planning Law, specific regulations and plans for population and family planning are formulated by the provincial, municipal, and autonomous regional people's congresses and implemented by local family planning departments, villagers' committees, and residents' committees. The law prescribes family planning as a fundamental state policy and advocates one child per couple. In general, local regulations permit married couples without children to make their own arrangements to have a first child. Within three months of a pregnancy, couples must bring their residency papers, marriage certificate, premarital health-care exam certificate, and a letter from the work unit or the villagers' committee to the local people's government or family planning department to register for a 'birth permit.' In limited circumstances, married couples may petition the local family planning department for permission to have a second child."

Pregnancies for a second child without government approval or in violation of local laws and regulations must be terminated under the directives of family planning technical service personnel. In some provinces, the local villagers' or residents' committee are permitted to 'take measures' and establish a deadline for terminating the pregnancy. Couples who refuse to undergo an abortion are given a warning, and if the abortion is not performed, the couple may be fined up to CNY 2,000 (USD 242). Citizens who have children without permission from the government must pay social compensation fees, must assume financial responsibility for all maternal health-care costs, and are denied maternity insurance benefits for leave and subsidies; rural citizens are refused future increases in land allocation." [38b] (p41)

- 32.09 As reported by the same source, "China utilizes a five-tier network to provide family planning services at the national, provincial, prefectural, county, and township levels. The network covers 95% of all urban and rural areas with more than 2,500 county technical service units, 140,000 technical service staff, and 4 million family planning specialists, excluding volunteers and part-time workers in villages." [38b] (p42)
- 32.10 As reported by the USSD Report 2005, "Those who violated the child limit policy by having an unapproved child or helping another to do so faced disciplinary measures such as job loss or demotion, loss of promotion

opportunity, expulsion from the party (membership in which was an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of property.” As reported by the same source, “These penalties sometimes left women with little practical choice but to undergo abortion or sterilization.” [2e] (Section 2f) As reported by the official news agency Xinhua on 5 May 2006, 11 officials in Shaanxi province were sacked after it was discovered that a woman there had given birth nine times in the last 23 years. Two more officials were detained by police on suspicion of misusing their authority. [13u]

COERCION (FORCED STERILISATIONS/ABORTIONS)

- 32.11 Reports of physical coercion by officials trying to meet birth targets continued in 2005. (CECC Report 2005 and USSD Report 2005) [28a] (III – i) [2e] (Section 2f) As reported by the UPI on 10 September 2005, “While the central government has moved towards persuasion and fines to enforce limits on family size, many local officials overstep the law because they are judged by the numbers.” [17m]
- 32.12 As reported by the Center for Reproductive Rights in their 2005 report, “The Chinese government formally prohibits the use of physical coercion to compel persons to submit to abortion or sterilization.” However, “The government offers a number of incentives designed to encourage individuals to undergo sterilization.” These can include extended leave and extra benefits in the workplace and the right to marry if they are at risk of transmitting certain congenital defects. [38b] (p42)
- 32.13 As reported by the USSD Report 2005, “In the case of families that already had two children, one parent was often pressured to undergo sterilization...There were several rewards for couples who adhered to birth limitation laws and policies, including monthly stipends and preferential medical and educational benefits... For example, new pension benefits were made available nationwide for those who adhered to birth limitation laws.” [2e] (Section 2f)
- 32.14 In testimony before the US House of Representatives on 14 December 2004, Assistant Secretary Arthur E. Dewey (Bureau of Population, Refugees and Migration) stated, “The law specifies a number of birth limitation measures by the government that amount to coercion. Party members and civil servants who parent an ‘out-of-plan’ child are very likely to face administrative sanction, including job loss or demotion. Couples who give birth to an unapproved child are likely to be assessed a social compensation fee, which can range from one-half the local average annual household income to as much as ten times that level.” [2h] (p5)
- 32.15 Mr Dewey also stated:
- “In our two years of negotiations, we have seen encouraging movement in China’s approach to population issues, and the reduction of coercion in birth planning programs. For example, provincial legislation in 25 of China’s 31 provinces, municipalities, and autonomous regions, has been amended to eliminate the requirement that married couples must obtain government permission (‘birth permits’) before the woman becomes pregnant. This may prove to be an important change. Without birth permits there may be no

effective overall mechanism for systematically enforcing birth targets and quotas in each county. We hope that the elimination of this repressive mechanism of control and interference in family life will be extended throughout all of China, and, as I have said, we will be monitoring this issue very closely.” [2h] (p3)

32.16 In conclusion Mr Dewey said:

“Forced sterilizations continue to occur, most frequently when couples have more children than the allowable number. Women may be allowed to carry the ‘excess’ child to term, but then one member of a couple is strongly pressured to be sterilized. In some cases, they may be asked to go to a hospital under other pretenses, or sterilized without consent. Additionally, if doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization.” [2h] (p6)

32.17 As reported by the USSD Report 2005:

“Seven provinces – Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin and Ningxia – require ‘termination of pregnancy’ if the pregnancy violates provincial family planning regulations. An additional 10 provinces – Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi and Yunnan – require unspecified ‘remedial measures’ to deal with out-of-plan pregnancies... Authorities continued to reduce the use of targets and quotas... UNFPA reports that only Fujian, Henan, Jiangxi, and Yunnan Provinces and the Xinjiang Uighur Autonomous Region still required birth permits.” [2e] (Section 2f)

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

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

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

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

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

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

Third Recommendation – We therefore recommend that appropriate resources be allocated to monitor and evaluate PRC population control programs.” [2k] (p1)

- 32.19 As reported by the UNFPA, United Nations Population Fund on 16 September 2005:

“The United States Administration’s decision for the fourth consecutive year not to release \$34 million appropriated by Congress for UNFPA, the United Nations Population Fund, is regrettable, especially when leaders at the World Summit are stressing the need to act together on global concerns, the Fund said today... The Administration’s stated reason for continuing to withhold funds is simply incorrect, as an assessment team sent to China by the Administration itself found no evidence that UNFPA supports coercive abortions or sterilization, the Fund emphasized. To the contrary, it reported that UNFPA had registered its strong opposition to such practices.” [24b]

EVASION

- 32.20 As reported by the official *China Daily* newspaper on 14 February 2006, women in China are increasingly using IVF to boost their chances of having twins or triplets and therefore avoiding government restrictions on births. According to this report, “There are no penalties for multiple births.” [14q]
- 32.21 As reported by the Canadian IRB on 25 August 2005, a report from the Economist dated 18 December 2004, stated that some Chinese nationals, especially from amongst the urban population choose to have a second child abroad so the child can obtain foreign citizenship and therefore not be included in the count. The IRB could, however, find no other reports to corroborate this. [3i]

(See also section 39: [Treatment of foreign born children](#))

FORCED ABORTIONS IN LINYI

- 32.22 As reported by the NGO, the Laogai Foundation on 13 April 2005:

“Township authorities have forced hundreds of women in Chewang Township, Cangshan County, Shandong Province to undergo abortions since March of this year [2005]. Many of these women have been beaten and illegally detained for resisting the authorities, and this mistreatment even resulted in the death of one woman. Around June of last year [2004], officials of the CCP Committee and government of Chewang Township traveled to every part of the township to persuade couples who had only one child to have a second child. For each second birth, couples were required to pay the government 4,500-6,000 yuan as a ‘birth guarantee fee’. By March 2005, the township authorities had collected over 20 million yuan. In late March of this year [2005], when new township authorities were appointed to their posts, the first thing they did was to force the pregnant women who had paid the ‘birth guarantee fee’ to the previous authorities to have abortions. Hundreds of women were captured and driven to undergo abortions by force. Even those women who had been pregnant for eight months were not spared. According to statistics, more than 160 women who were eight months pregnant were forced to have abortions.” [35c]

32.23 On 12 September *TIME Asia* reported:

“Despite laxer regulation, the career advancement of local leaders, especially in rural areas, still often depends on keeping birthrates low. ‘One set of bad population figures can stop an official from getting promoted,’ says Tu Bisheng, a Beijing legal activist who has helped document abuses related to the one-child policy. At a provincial meeting last year, Linyi officials were castigated for having the highest rate of extra births in all of Shandong, according to lawyers familiar with the situation. The dressing-down galvanized what appears to be one of the most brutal mass sterilization and abortion campaigns in years. Starting in March [2005], family-planning officials in Linyi’s nine counties and three districts trawled villages, looking to force women pregnant with illegal children to abort, and to sterilize those who already had the maximum allotment of children under the local family-planning policy.” [65j]

32.24 The same source continued:

“Relatives of women who resisted sterilization or abortion were detained and forced to pay for ‘study sessions’ in which they had to admit their ‘wrong thinking,’ says Teng Biao, an instructor at the China University of Political Science and Law in Beijing, who visited Linyi last month to investigate the coercive campaign. In the Linyi county of Yinan alone, at least 7,000 people were forced to undergo sterilization between March and July, according to lawyers who spoke with local family-planning officials. Several villagers, the lawyers allege, were beaten to death while under detention for trying to help family members avoid sterilization.” [65j]

32.25 As reported by The *Sunday Times* on 18 September 2005:

“Under Chinese regulations rural people may have more than one child if the firstborn is a girl or disabled. In Shandong, however, many women had given birth to more than two children. Lower-ranking Communist party officials were chastised for failing to enforce the law, a misdemeanour that often leads to dismissal or demotion. They reacted by launching a sweep through villages, rounding up people with more than two children. Pregnant women had forced abortions, while both men and women were compulsorily sterilised.” [90a]

THE OFFICIAL RESPONSE

32.26 On the 9 September 2005, the official news agency Xinhua released the following statement:

“The National Population and Family Planning Commission (NPFPC), China’s watchdog of population issues, has started to investigate media reported illegal family planning practices in east China’s Shandong Province, a population official said here Friday. Yu Xuejun, NPFPC’s spokesman, said complaints about family planning work in Linyi city of Shandong Province were on the rise earlier this year, which NPFPC and local population and family planning commission have since then initiated investigations. According to some media reports, population-control abuses such as forced abortion in rural villages and detaining close relatives of those who decline to have sterilization operations were found to occur in Linyi city.” [13c]

- 32.27 This report continued, “Yu promised a ‘thorough probe’ to ensure that all parties concerned are treated in a fair and objective manner. ‘The investigation remains unfinished, but once it is finished, any infringements against the law that are proven to be factual will be punished.’ Yu urged those personnel from family planning authorities to take the lead in enforcing the law and other relevant laws and regulations.” [13c]
- 32.28 As reported by the BBC on 20 September 2005, “Several Chinese health workers have reportedly been arrested or sacked over claims that they forced people to have abortions or sterilisations... China’s National Population and Family Planning Commission said it had received ‘successive complaints’ about illegal practices in Linyi [Shandong province].” [9w]
- 32.29 As noted by the Linyi Municipal People’s Government on their website, accessed on 14 September 2005, “Linyi [municipal government] exercises jurisdiction over 9 counties, including Linshu, Tancheng, Cangshan, Junan, Yishui, Pngyi, Feixian and Mengyin as well as three districts such as Lanshan, Luo Zhuang and Hedong.” [11]
- 32.30 Chen Guangcheng, a blind rural activist who drew international attention to the abuses in Linyi has been harassed and his supporters intimidated by local officials. [59f] (*Washington Post*, 8 July 2006) On 20 July 2006, Chen appeared in court charged with destroying public property and disrupting traffic. The case was adjourned at the request of the prosecutors. [59g] (*Washington Post*, 21 July 2006) Outside the court scuffles broke out between supporters of Chen and the police. [9ck] (BBC, 20 July)

FAMILY PLANNING REGULATIONS IN FUJIAN

- 32.31 As reported by the Canadian IRB on 25 August 2005, information on forced abortions or sterilisations occurring in Fujian could not be found amongst the sources consulted by the Canadian IRB. Experts contacted by the IRB cautioned, however, that this did not mean that they did not occur. [3n] Of the 23 Chinese migrants drowned off Morecambe Bay on 5 February 2004, 13 had only one child, four had two children and two had three. [41i] (*The Guardian*, 24 March 2006)
- 32.32 As reported by the Canadian IRB on 18 October 1999, according to Dr. Edwin Winckler, a political scientist and research associate of the East Asia Institute at Columbia University, there are at least four channels of appeal existing for complaints of excesses by local officials in Fujian province. [3a]
- 32.33 Article 2 of the Population and Family Planning Regulations of Fujian Province 2002 (effective from 1 September 2002) states, “Both husband and wife are under the obligation to practice family planning and citizens’ legitimate rights and interests to reproduction are protected by law.” [51]
- 32.34 Article 11 states:
- “Returned overseas Chinese may give birth to a second child in any of the following circumstances if approved:

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

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

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

If either of the couple is a Taiwan resident, the preceding paragraph shall apply with reference." [51]

FAMILY PLANNING IN GUANGDONG

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

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

32.36 Article 49 states:

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

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

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

FAMILY PLANNING IN BEIJING AND SHANGHAI

32.37 As reported by the official news agency on 9 August 2003, under new regulations (effective from 1 September 2003) nine types of household in Beijing are permitted a second child. [13a]

32.38 The same source continued:

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

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

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

FAMILY PLANNING FOR SINGLE WOMEN

32.41 As reported by the USSD Report 2005, “In order to delay childbearing, the Marriage Law sets the minimum marriage age for women at 20 years and for men at 22 years. It continued to be illegal in almost all provinces for a single woman to bear a child, and social compensation fees have been levied on unwed mothers.” [2e] (Section 1f)

32.42 As reported by the website Women of China on 11 January 2005, “China’s family planning policy is aimed mainly at married women, and it emphasizes long-term or permanent methods of contraception. A study conducted in 2004 by the Medical Center of Fudan University in Shanghai and the International Health Research Group found premarital sex among China’s urban youth was becoming more common. It also found that the abortion rate among unmarried women was alarmingly high.” [58a] However, as reported by Ted C. Fisher writing in his book *China Inc.* primarily about China’s emergence as an economic superpower, “In 2001, a count of the out-of-wedlock children

produced by Shenzhen's working women and mistresses over two decades numbered 520,000." [39] (p98)

- 32.43 As reported by the Center for Reproductive Rights (2005), "... government facilities mainly target married couples..." [38b] (p42-43) Family planning officials have little influence over single women who are not officially registered in urban areas and they do not count towards their birth quotas unless officially registered. [2e] (USSD Report 2005) (Section 2d and 2f) Municipal authorities have no power to return these rural migrants to their home villages. [2j] (USSD Report 2004)

(See also section 35: Household registry – [hukou](#))

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

- 32.45 The report also stated:

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

- 32.46 As reported by the Canadian IRB on 25 August 2005, information on this subject was difficult to find except in provincial family planning regulations. [3h]

- 32.47 As reported in the *Guardian* newspaper on 24 December 2002, Jilin province amended its family planning regulations in November 2002 to allow women who have reached the legal age for marriage but remain single and without children to have a child by artificial means. The *Guardian* also reported, "Critics of the law say that Chinese society is still deeply prejudiced against illegitimate children and fear that the offspring of a single mother would suffer the same discrimination." [41b]

- 32.48 As reported by the *Epoch Times* (a publication sympathetic to Falun Gong) on 27 October 2005, there is confusion as to whether students are allowed to apply for birth permits. "In February [2004], China's Ministry of Education released a new rule that revokes the marriage ban of college students. However, this rule fails to clearly state whether students studying at college are allowed to have a child. As such, the birth control units for colleges and universities insist on not granting birth permits to students for there are no related policies or birth quota for them." [40g]

(See also section 39: [Treatment of foreign born children](#))

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TRAFFICKING

- 33.01 As reported by the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region on their country page for China, accessed 16 March 2006:

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

- 33.02 The same source continued, “A comprehensive legal framework to combat trafficking has been developed in China. The criminal law is the cornerstone of the framework, which is supplemented by relevant law, administrative acts and government regulations with operative measures. Hopefully, as the Chinese government realises the complexity of human trafficking, it is believed the legislation will be improved.” [27a] (Judicial Response, Legal Framework)

- 33.03 UNIAP also noted:

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

- 33.04 The USSD Trafficking Report 2006, published on 5 June 2006, stated:

“China vigorously investigates and prosecutes crimes of trafficking, although the P.R.C. Government’s definition of trafficking in persons does not match U.S. and UN definitions...A number of related criminal statutes address

various aspects of trafficking in persons, including laws against trafficking or kidnapping for coercive prostitution, and laws aimed at individuals who traffic in girls under the age of 14 for commercial sexual exploitation. These laws carry substantial penalties, including execution.” [21] (China)

33.05 As reported by the *Washington Post* on 3 December 2005, “Police in southern China have arrested 16 people allegedly involved in kidnapping and selling baby girls as young as newborns to foreigners, state news reports said... The babies were sold for between \$100 and \$500 each, the report said... In August, a court in the southern province of Fujian sentenced two men to death for heading gangs that bought 82 children from their parents and sold them to families in Singapore.” [59e] As reported by the BBC on 24 September 2004, “The leader of a gang convicted of running one of the China’s largest baby trafficking rings has been executed. Li Guoju, a farmer from Henan province, was executed on Thursday for his part in trafficking and selling 76 babies, the Beijing Times reported. Li’s gang was caught after 28 baby girls were found on a bus in 2003.” [9b]

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

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

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

SUPPORT AND ASSISTANCE

33.07 The UNIAP on their country page for China, accessed 16 March 2006, stated:

“The Chinese government has paid more attention to supporting and assisting the victims of trafficking. In Kunming (Yunnan province), Xuzhou (Jiangsu province) and Chengdu (Sichuan province), three centers of transfer, training

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

- 33.08 As reported by the USSD Trafficking Report 2006, “The government reported that 3,574 women and children were rescued from trafficking situations during the first 10 months of 2005... MPS officials do not offer foreign victims of trafficking legal alternatives to their removal to countries where they face retribution or hardship.” [21] (China)

(See also section 30: [Women](#))

CHINESE MIGRANTS

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

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

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



Map courtesy of US State Department

- 33.11 According to a report by CEME (Cooperative Efforts to Manage Emigration), which brought together the findings of a weeklong visit to Fujian undertaken in June 2004 economic growth in Fujian stimulates outward migration. [97]
- 33.12 The CEME report also stated:
- “There are more than 80 counties in Fujian, but only 2-3 are sources for other countries’ irregular immigrants. Each comprises more than 20 towns, and each town covers up to 20 administrative villages; and can vary in approach. It is difficult to gauge the exact number of exits/entries of the province. Policy and practice are divided between the Entry/Exit Bureau of the MPS and the Border Defence Force of the same Ministry. With 3,000 kilometers of coastline and many thousands of boats, it is difficult to monitor and record all entries and exits.” [97] (p5)
- 33.13 As reported by in the *Guardian* newspaper on 7 February 2004, “People from Fujian have a long history of seeking their fortune overseas. In extreme cases some villages have 80% of families with someone living overseas.” [41c] Families also gain immense prestige from having a relative abroad; the money they send home pays for the construction on new houses in their home village. [17h] (*New York Post*, 11 June 2006) [9z] (BBC, 24 March 2006) Needing to pay for a child’s education can also be a factor in somebody deciding to migrate. [9av] (BBC, 5 April 2006)
- 33.14 On 12 April 2004, the official *China Daily* newspaper published a frank account of a Fujianese woman’s journey to America. In it the 37-year-old mother of two from Lianjiang City describes the pressure to leave China “Everyone in my village was asking me when I’d take off, or why I had not already left. They were confused as to how I could sit still. I’m not the heady type. I don’t want to take too many risk[s].” (Wu Ying, trafficked person) [14i]

- 33.15 The report went on to detail how the woman concerned, Wu Ying, had approached snakeheads in Fujian who had arranged her passage to America for a fee of US\$ 50,000, half of which was to be paid upon safe arrival there. [14i]
- 33.16 According to the report, once in the US, Wu was persuaded to apply for asylum by a local lawyer who it was alleged concocted a fraudulent claim based on association with Falun Gong. Having been refused asylum Wu and her husband's job prospects were reportedly grim due to a surplus of illegal Chinese workers in New York. [14i]

SNAKEHEADS (PEOPLE SMUGGLERS)

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

"The network of snakeheads, or human smugglers, operating in China's Fujian province is 'huge', meeting demand from locals attracted by the potential of earning 10 times an average Chinese wage in Europe, according to a report. 'Many snakeheads belong to one family, and others are friends,' a man who worked as a snakehead for 10 years told the *China Daily*. 'They cooperate with each other, take charge of different areas of human smuggling, and get rich by sharing money from the stowaways.' The issue has been thrown into the spotlight by the drowning of 19 presumed Chinese picking cockles a week ago in Britain's Morecambe Bay. Fifteen of them are believed to be from Fuqing city in Fujian, natives of which have a long history of illegally entering other countries." [93b]

- 33.18 As reported by the BBC on 4 November 2004, "In February [2004] 23 Chinese workers drowned when they were trapped by the incoming tide [off Morecambe Bay]. Two bodies are still missing." As noted by this report, "Twenty of the victims [who] were identified by detectives were from the Fujian province of China, and one was from Liaoning province." [9b1]
- 33.19 According to a report in the *Telegraph Magazine* dated 26 April 2001, trust and confidence are essential credentials for a snakehead. [96a] (p2) As reported by Michael Goldfarb, in his documentary *Snakeheads and Slavery* (circa 2005), even when things go wrong migrants are reluctant to blame the snakehead gangs who smuggle them out of China. One trafficked person, identified only as Mrs. Wen, a native of Fujian told the programme, "We can't blame the snakeheads. We go to them. And they also have their difficulties. They put the money out to take us here and we have [an] agreement. If you agree to pay once every three weeks and you can't pay them then we were wrong to enter the agreement. The trustworthiness of your word is also important. I don't know how to explain, but we can't blame them." This report also stated, "Chinese civil rights activist Jabez Lam says Mrs. Wen's attitude is common in the Chinese community." [110a]

(See also section 12: [Protection of witnesses](#))

CHARACTERISTICS OF SNAKEHEADS

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

Department of Justice) identified several highly specialised roles within a smuggling operation. These are listed below:

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

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

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

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

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

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

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

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

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

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

FACT-FINDING MISSION TO FUJIAN, NOVEMBER 2003

- 33.22 In November 2003, officers from the Metropolitan Police Chinatown Unit visited the Fujian Province. The purpose of the visit was to gain a better understanding of the reasons for migration from Fujian to the UK, and to obtain first hand knowledge and experience of the way of life and conditions in the Province. [98]
- 33.23 The officers met senior police and public officials from Fuzhou, Fuqing City and Changle. Fuqing City has a population of 2 million and there are believed to be 700,000 living overseas, mainly in the USA and Canada. The officers also visited the villages of Longtian and Jiangjing, the areas where the majority of the mainland Chinese gangs in London originate. These two villages are only a 20-minute drive away from each other, which helps to explain the rivalry that exists between them in the UK. [98]
- 33.24 In Fujian unskilled workers can earn up to 400 yuan per month, (£32). Even a very poorly paid job in the UK would pay wages of £100 per week. Most of these migrants aim to work hard in the UK for a few years in order to earn enough money to build a large house in China, and to set themselves and their families up for the future. [98]
- 33.25 There is a great deal of pressure placed on individuals to go abroad and 'do well'. This means earning as much money as possible in the shortest amount of time and migrants will often work 12 hours a day, 6 or 7 days a week. The need to earn money creates desperation to gain any type of employment, as recently witnessed in the Morecambe Bay tragedy. [98]
- 33.26 Many overseas Chinese nationals feel unable to return to China until such time as they have made their fortune, as this would be a severe loss of face, both for themselves and their family. [98]
- 33.27 The officers found Fujian to be a prosperous and thriving Province. On the outskirts of the cities, and in the villages, hundreds of new 5 storey houses have been built at a cost of between £70,000 to £130,000. These houses have been built with remittances sent back from overseas. What was noticeable was that many of these houses were unlive in and the villages were deserted. The few inhabitants that were seen were either very old or very young. [98]
- 33.28 The visit to Fujian did not include visits to prisons or other detention facilities. [98]

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MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 34.01 As reported by the World Health Organization (Regional Office for the Western Pacific, Manila, Philippines) in their Country Profile for China – available via their website, "Overall, people in China are living longer and healthier lives, and the country is largely on track to meet the Millennium Development Goals

by 2015, although there are some areas of concern. The disease profile resembles that of a developed country: 85%–90% of deaths are due to noncommunicable diseases and injuries... Excessive usage fees characterize the existing health service system in China. The health system is largely a system of private financing and public provision, with public expenditures left to fill the gaps, provide employment-based social health insurance and address shortfalls in public health services.” [53a]

- 34.02 As reported by the same source, “By the end of 2004, there were 277 000 health care institutions, including 62 000 general hospitals and health care stations, 3000 maternal and child health care institutions and 1718 specialized health institutions. General hospitals and health care institutions had a total of 3 004 000 beds. There were 4 343 000 health workers, including 1 892 000 practising doctors and assistant doctors and 1 286 000 registered nurses.” [53a]
- 34.03 As noted by Europa World, health expenditure as a proportion of GDP is 5.8 per cent. This was equivalent to US\$262 per person. As noted by the same source, there were 2.45 hospital beds and 1.64 physicians per 1,000 people. The under-5 mortality rate (per 1,000 births) was 37 and the country was ranked 94 on the UN Human Development Index with a score of 0.745 (all figures for 2002). [1a] (Health and Welfare) In real terms government expenditure on health as a proportion of GDP has been steadily falling for the last 20 years. [53a] (WHO)
- 34.04 As reported by the BBC on 15 April 2003, “Until about twenty years ago, virtually all Chinese were given low-cost or free medical care by government hospitals. Today, only officials and state enterprise employees get government medical care. Everybody else must fend for themselves.” [9ae]
- 34.05 According to a nationwide survey carried out in 2003 and reported by the official news agency Xinhua on 22 November 2004, “36% of Chinese patients in cities and 39% in the countryside did not go and see a doctor because they could not afford the medical treatment.” The same source noted, “Doctors are inclined to give patients expensive prescriptions, because Chinese hospitals depend too much on the income from medicines instead of service.” [13p]

HIV/AIDS

- 34.06 As reported by the official *People's Daily* newspaper on 25 January 2006, “The number of Chinese officially believed to be suffering from HIV/AIDS was re-estimated at 650,000, much lower than a 2003 estimate of 840,000, according to a joint assessment report on the country's AIDS situation released on Wednesday in Beijing.” [12at]
- 34.07 As documented by the UNAIDS website, accessed 9 February 2006:
- “China has made good progress in responding to HIV and AIDS in 2004 on several key areas: leadership and political commitment; information and surveillance systems; HIV-prevention efforts; treatment care and support; investments in HIV and AIDS programmes and international collaboration, as detailed below.

- Leadership and commitment: visible commitment to HIV and AIDS by key leaders of the Chinese Government, including President Hu Jintao; establishment of a multisectoral State Council Coordinating Mechanism for AIDS; development of national and provincial policies, strategies and guidelines.
 - Strengthened surveillance and information systems: improved HIV and AIDS surveillance mechanisms giving better information on the size and trend of the epidemic; an evaluation of national HIV and AIDS efforts in China; and the launch of a 2004 joint UN-Government assessment of the HIV and AIDS situation in China.
 - Comprehensive HIV-prevention responses: prevention programmes (targeting people likely to be exposed to HIV) such as methadone treatment for drug users and condom promotion among sex workers; a national campaign to urge blood banks and manufacturers of blood products to buy only laboratory-tested blood; and involvement of companies in the response to HIV and AIDS through workplace policies and programmes.
 - Treatment, care and support: supply of antiretroviral drugs to approximately 10 500 AIDS patients; initiation of free, anonymous testing and counselling of people who may be HIV-positive who cannot pay for these services; and provision of community-based care and support with reduced discrimination.
 - Strengthened investment in HIV and AIDS and international cooperation: a doubling of central Government resources for the response to HIV and AIDS from 2003 to 2004 (to US\$ 95 million); a 70% increase in support from the international community – the Global Fund, the UN and bilateral programmes from 2003 to 2004 (to US\$ 50 million).” [54a]
- 34.08 As reported by the China AIDS Survey (a site that lists chronologically policy and regulations relating to HIV/AIDS control in China), “[On] 1 December 2003 Chinese Premier Wen Jiabao visited and shook hands with AIDS patients in Beijing’s Ditan Hospital. Wen’s visit marks a milestone in China [sic] top-level commitment to fight AIDS in China.” [55b] As reported by the BBC on 12 July 2004, Premier Wen reiterated earlier demands for local officials to do more to help people living with AIDS on the eve of the global AIDS conference in Bangkok in July 2004. [9bb] As reported by the *Guardian* newspaper on 12 July 2004, “Whether Mr Wen’s words herald a new openness and the end of the persecution of Aids activists in China remains to be seen. Drug users, who are at the heart of the Asian epidemic, are a shunned group.” [41j]

ANTI-RETROVIRAL THERAPY

- 34.09 As reported by HRW on 11 November 2003, the Chinese government has begun making anti-retroviral drugs available free of charge to all rural residents and to those in urban areas unable to pay for the treatment themselves. [7g] As reported by the official *China Daily* newspaper on 14 April 2004, to qualify for free medical treatment, patients must be rural residents or urban citizens who have economic difficulties and are not covered by any basic medical insurance. [14j]

- 34.10 On 15 April 2004, the official *People's Daily* newspaper reported that the government had announced the introduction of free AIDS tests and consultations for all citizens. The report stated, "According to the regulation, the central government pay for the tests in the AIDS-stricken areas while the local governments in other areas pay themselves." [12q] As reported in the *Guardian* newspaper on the same date, "In theory yesterday's announcement threw the clinic doors open to everyone, though it remains to be seen whether China's underfunded health system will be able to cope with a surge in the demand for tests or treatment." [41f]
- 34.11 As reported by the official news agency Xinhua on 1 December 2004, "More than 10,000 AIDS patients have been given free anti-retroviral therapy, a kind of anti-virus treatment, this year. The total central government investment on HIV/AIDS amounted to about 390 million yuan (US\$47 million) in 2003. The budget for 2004 was 810 million yuan (US\$98 million), while budgeted international support reached to 421 million (US\$51 million) in 2004." [13q] As reported by the official *People's Daily* newspaper on 18 April 2005, the French NGO Médecins Sans Frontières (MSF) has provided free medical aid to 260 AIDS patients and HIV carriers in China since late 2003, including anti-retroviral therapy to 160 patients in Guangxi province. [12ab]

DISCRIMINATION AGAINST HIV/AIDS SUFFERS

- 34.12 In September 2003, HRW published a report entitled, *Locked Doors: The Human Rights of People living with HIV/AIDS in China*, detailing the many obstacles that people faced when diagnosed as HIV positive in China. This report highlighted both the high level of ignorance about the disease, particularly in rural areas and the continued reluctance of local officials to fully implement central government initiatives. [7f] In June 2005, HRW published a report entitled, *Restrictions on AIDS Activists in China*. This reported stated, "Even as NGO activity generally increases, activists and NGO staff continue to report constant state surveillance, a web of bureaucratic obstacles, and even open harassment in the course of doing their daily work." [7p] (Summary)
- 34.13 As reported by the Global Health Council on 28 August 2004, "China's parliament passed a law Saturday banning the buying or selling of blood to prevent the spread of AIDS and outlawing discrimination against victims of infectious diseases, state media said." [56a] In response to this announcement HRW stated, "This law is long overdue. Now the Chinese government needs to ensure that violations are effectively monitored and that the law is enforced, said Joanne Csete, director of the HIV/AIDS Program of Human Rights Watch [on 30 August 2004]." [7i] On 13 February 2006, the official news agency Xinhua announced that from 1 March 2006 new regulations designed to control the spread of HIV/AIDS will come into force. "According to the regulation, any working unit or individual cannot discriminate against people living with HIV/AIDS, AIDS patients and their relatives. Their rights of marriage, employment, medical care and education are protected by law." [13j]
- 34.14 According to the results of a survey reported by the official *China Daily* newspaper on 14 December 2004, "At least 80 percent of China's estimated 5 to 10 million gays mistakenly believe they are safe from HIV/AIDS, according to the country's first ever survey on the homosexual group." [14o]

MENTAL HEALTH

- 34.15 As reported in the *South China Morning Post* on 15 January 2005, “According to Ministry of Health figures, China has 16,055 psychiatrists – one for every 87,500 people. This figure doesn’t reflect disparities in rural areas, where qualified psychiatric care is non-existent.” According to the same source many hospitals don’t have real psychiatrists. Instead they have neurologists and other doctors who have been briefly retrained and then sit and listen to patients before writing prescriptions. [17j] As reported by the official *People’s Daily* newspaper on 21 March 2005, China has less than 3,000 people engaged in psychological services whereas most developed countries have one psychological worker for every 1,000 people. [12n]
- 34.16 As noted by the WHO Project Atlas (a project of the Department of Mental Health and Substance Dependence, WHO, Geneva) in their Country Profile for China, available via their website, “Among all the cities of China, Shanghai has the most developed psychiatric setup. It includes community follow-up programmes, Guardianship networks, work therapy stations, mental health services in factories, day hospitals, night hospitals, family support groups. Services at each of the three levels-municipal, district and grass-root level are available” [53b]
- 34.17 The same source also noted:
- “Prior to 1980s there were no psychiatric services in most general hospitals and patients were treated in mental hospitals. However, with increasing prevalence of psychiatric disorders the government called for developing psychiatric services including psychotherapy facilities in general hospitals. WHO has been involved in developing the services and mental health policy in Zhejiang province and one of the goal [sic] is to develop a 3 year mental health plan for that province.” [53b]

(See also section 13: Psychiatric custody – [ankang system](#))

SUICIDES

- 34.18 As reported by the official *China Daily* newspaper on 1 September 2004, 287,000 people commit suicide in China every year. As noted by the same source, “In terms of suicide attempts, rural areas outnumber urban areas and males outnumber females.” [14n] *The Independent* reported on 19 September 2005, “Suicide is now the primary cause of death amongst Chinese aged 20 to 35.” [17n] As noted by the USSD Report 2005, “A high female suicide rate continued to be a serious problem... Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, the country’s birth limitation policies, and other societal factors contributed to the especially high female suicide rate. Women in rural areas were especially vulnerable.” [2e] (Section 4)

(See also section 30: [Women](#))

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FREEDOM OF MOVEMENT

HOUSEHOLD REGISTRY (HUKOU)

- 35.01 As reported by the Congressional-Executive Commission on China (CECC Report 2005) in their 2005 Annual Report, published on 11 October 2005:

“National and local authorities are gradually reforming China’s household registration (hukou) system. In 2005, central authorities took some steps towards removing work restrictions on migrants in urban areas, but hukou discrimination in public services remains prevalent. Hukou reforms are enhancing the ability of wealthy and educated citizens to choose their place of permanent residence, but strict economic criteria often exclude poor rural migrants living in urban areas, preventing some of China’s most vulnerable citizens from receiving public services.” (28a) (iii – j)

- 35.02 As noted by the US Embassy in China, “Hukous are issued for all Chinese and are inscribed to identify the carrier as a rural or non-rural, i.e., urban, resident. Each urban administrative entity (towns, cities, etc.) issues its own hukou, which entitles only registered inhabitants of that entity full access to social services, like education.” [99b]

- 35.03 The Embassy continues, “Hukou reforms differ among the areas involved, but set roughly the same qualifications for entitlement to urban registration. Basically, a person and his/her immediate family members can obtain urban hukous if he/she has a fixed residence and stable work in an urban area, usually defined as more than one year on the job.” [99b]

- 35.04 As reported by the BBC on 10 November 2005:

“Plans to end a controversial residency permit system have been welcomed as a positive step towards bridging the social, political and economic gulf between China’s countryside and its cities. The hukou system of household registration has for decades discriminated against the nation’s 800 million rural inhabitants, by depriving them of most of the rights enjoyed by those born in urban areas. The proposed abolition of the system in 11 of China’s 23 provinces, mainly along the developed eastern coast, is expected to promote further growth by encouraging a new influx of labour from poorer western regions.” [9x]

- 35.05 According to the official *China Daily* newspaper in a report dated 2 November 2005, “Pilot provinces include Liaoning in Northeast China, Shandong and Fujian in East China, and Guangdong in South China.” [14b]

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

- 35.07 The same source continued, “According to Fei-Ling Wang, in today’s China, people can travel relatively freely (9 Jan. 2005). Generally, ‘the worst punishment that an illegal migrant (floater) faces is forcible return to his/her hometown or village’ (Wang 20 Jan. 2005; see also Carrillo 28 Jan. 2005). Wang adds that this is ‘often a losing battle’ as the floaters simply return to the area from which they were removed (20 Jan. 2005).” [3af] (Section 6)

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

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

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INTERNALLY DISPLACED PEOPLE (IDPs)

36.01 As reported by the USSD Report 2005, “There remained a floating population of between 100 and 150 million economic migrants who lacked official residence status in cities.” [2e] (Section 2d) As reported by *Asia Times* on 3 June 2006, “According to Chinese media reports, 16 million people across the country have already been displaced as a result of [hydroelectric] constructing large dams.” [64c]

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FOREIGN REFUGEES

37.01 As reported by the USSD Report 2005:

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

37.02 As reported by the same source:

“The 1951 UN Convention relating to the Status of Refugees and its 1967 protocol do not extend to Hong Kong, and the SAR eliminated its temporary protection policy. On a case-by-case basis, the director of immigration has discretion to grant refugee status or asylum in cases of exceptional humanitarian or compassionate need, but the Immigration Ordinance does not provide foreigners any right to have asylum claims recognized. The government practice is to refer refugee and asylum claimants to a lawyer or to the Office of the UN High Commissioner for Refugees (UNHCR).” [2e] (Hong Kong)

NORTH KOREAN REFUGEES

37.03 As reported by the BBC on 28 June 2004, “Between 100,000 and 300,000 North Korean refugees are thought to have fled to China in recent years.

Some have sought asylum in foreign embassies, but most have been trying to make a living in northeast China.” [9az]

37.04 On 28 July 2004 the *Guardian* newspaper reported:

“Aid workers believe that since the late 1990s perhaps hundreds of thousands of North Koreans have fled famine, economic hardship and political repression by crossing the Tumen and Yalu rivers, which mark the border with China. Beijing refuses to recognise them as political refugees. Those that are caught are repatriated to North Korea, where they face punishments ranging from a few days in re-education camps to the death penalty, depending on their rank and the extent to which they are considered to have damaged national security. Many stay close to the border, setting up secret camps in the densely wooded mountains. Desperate and vulnerable, many of the men become bandits and countless women are sold as brides or prostitutes.” [41n]

37.05 On 30 January 2005, The *Sunday Times* reported, “... North Koreans confirmed that they knew that escapers to China should look for buildings displaying a Christian cross and should ask among Korean speakers for people who knew the word of Jesus.” [17k] As reported by Radio Free Asia in a report dated 28 February 2006, the first port of call for most defectors is China “...where South Korean missionaries and clandestine networks combine to take North Koreans on a dangerous ‘underground railroad’-style journey to a third, fourth, or even fifth country.” [105b] On 25 November 2003, a Foreign Ministry spokesperson, Liu Jianchao told the official *People’s Daily* newspaper that, “China has stated on many occasions that ‘those people [North Korean refugees] are simply illegal immigrants because they flee to China for economic reasons,’ Liu said.” [12k]

37.06 As reported by *TIME Asia* on 23 April 2006, “Refugees say that the most common way to get across the 1,400-km border between North Korea and China is to bribe a guard on the Korean side. One North Korean woman, Park Myong Ja, who got to Seoul in 2004, told TIME it cost her just ‘100 [Chinese] yuan,’ or \$12.50 to cross into China. Kim [Myong Suk], however, relied on a friend who lived near the border and watched each night the routes patrolled by the guards. ‘You knew where they were going to be – and where they weren’t going to be, and when,’ Kim says. ‘My friend guided me.’” [65i]

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

“Most migrants originate in the North Korean provinces bordering China and travel to China overland, by transport until they get as close as they can to the Yalu or Tumen rivers, then going the rest of the way on foot. Upstream, the rivers are easy to cross especially when the water is frozen, though winter carries its own hazards. Downstream where the rivers widen, the shores are now better guarded, with Chinese military outposts on the north side, and North Korean soldiers hidden on the south side. Recently, border security has been further tightened, with Chinese forces reportedly reinforced in the autumn of 2004 in order to prevent North Korean troops from escaping into China.” [32d] (p8)

37.08 The same report continued:

“Still, China does not permit North Koreans to apply for asylum in China, nor does it even recognize them as refugees. True, in relaxed times it has deliberately overlooked the flow of people across the border. Registration (hukou) requirements can be relaxed, and marriage between Chinese and North Koreans allowed. In tense times, on the other hand, such as after high-profile refugee invasions of foreign embassies and consulates, the Chinese have cracked down widely. At such times, North Koreans (who would tend to be recognizable as such even in Yanbian, but have often gone to great lengths not to do so – using makeup and dressing like locals) are in the greatest danger of being discovered by Chinese police or North Korean agents. Thus, there have on occasion been raids on suspected hiding places, and mass expulsions.” [32d] (p14)

37.09 This report also stated, “When captured by the Chinese authorities, North Korean escapees can sometimes get off by paying fines, which range from RMB2,000 to RMB5,000 (US\$ 250-600). More likely, they will be imprisoned, pending being returned across the border. While confined in China, mistreatment is common, but conditions are still preferable to repatriation.” [32d] (p14)

37.10 Furthermore this report stated:

“The North Korean criminal code provides for up to a three-year sentence in a labour re-education camp for ‘illegal’ border crossers. If such a person has ‘betrayed the motherland and people’ or committed ‘treacherous acts ... such as espionage or treason’ the term is supposed to be at least seven years, and in serious cases capital punishment is authorized. In practice, the State Security Bureau normally first detains returnees for ten days to two months. Some have then been let off with simply a warning, and even people considered offenders, if not serious, are sent home after a few months in jail (sometimes to be re-incarcerated)... For those who are repeat offenders, had religious contacts, or simply were abroad more than a year, the outcome has been harsher... If the motivation is seen as in any way political, however, the sentence has generally been dire: sometimes execution, and rarely less than life in prison, where conditions are potentially life-threatening.” [32d] (p27-28)

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CITIZENSHIP AND NATIONALITY

38.01 As noted by the official *People’s Daily* newspaper on 15 March 2004, Article 33 of the Constitution now states, “All persons holding the nationality of the People’s Republic of China are citizens of the People’s Republic of China. All citizens of the People’s Republic of China are equal before the law. Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law. [March 2004 addition] The State respects and preserves human rights.” [12p]

38.02 As reported by the Canadian Immigration and Refugee Board (Canadian IRB) on 15 November 2002, dual citizenship is not recognised under Chinese law. [3p]

38.03 The same source also stated:

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

- 38.04 As reported by the Canadian IRB on 3 May 2002, no definitive answer could be found on whether a child born in a foreign country to Chinese nationals has an automatic right of abode in China. [3j] As reported by the Hong Kong government’s website (accessed on 26 August 2005), “Article 4 of the Chinese Nationality Law (CNL) states that any person born in China whose parents are Chinese nationals or one of whose parents is a Chinese national has Chinese nationality.” [86a]

(See also section 39: [Treatment of foreign born children](#))

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EXIT/ENTRY PROCEDURES

- 39.01 Article 322 of the Criminal Law covers the penalties for illegal emigration. It states, “Whoever violates the laws and regulations controlling secret crossing of the national boundary (border), and when the circumstances are serious, shall be sentenced to not more than one year of fixed-term imprisonment and criminal detention or control.” [5i]

- 39.02 Articles 52 and 53 cover financial penalties for returnees. They state:

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

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

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

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

TREATMENT OF RETURNEES

- 39.03 As reported by the *New York Times* on 11 June 2006:

“There is some dispute about what happens to those who are repatriated to China, in part because there have been so few... A Department of Homeland Security spokesman told me, ‘We have no reports of people who have been sent back to China being persecuted.’ Others, though, are not so sanguine. Two years ago, Richard Posner, a judge on the U.S. Court of Appeals for the Seventh Circuit, vacated a de-portation order for a Chinese youth because the immigration judge did not consider the evidence – numerous human rights reports from both U.S. and British organizations – that the asylum seeker might well be sent to jail or a labor camp if returned to China. Posner was concerned that the Chinese youth might be tortured upon his return, though he also conceded that ‘the treatment of repatriated Chinese by their government is to a considerable extent a mystery.’ In-deed, one Chinese legal scholar I spoke with, Daniel Yu, said that while there is a law on the books in China that calls for a short jail sentence if a person leaves the country illegally, more than likely whatever punishment there might be is at the discretion of local officials.” [17h]

- 39.04 As reported by the USSD Report 2005, “MPS officials stated that repatriated victims of trafficking were no longer fined upon their return. However, experts acknowledged that fining might have occurred inadvertently because of the difficulty in identifying victims.” [2e] (Section 5) As reported by the Canadian IRB on 9 August 2000, “Leaving China without exit permission or a passport is a criminal offence in China punishable of [sic] up to one year in prison. Only repeat offenders would get a sentence approaching the maximum. Most first time offenders would get a short sentence, depending on the circumstances of their case but probably with sentences of 3 months.” [3b] (Based on information supplied by a Program Analyst with Citizenship and Immigration Canada – CIC and related to the repatriation of 90 Chinese illegal emigrants from Canada to Fuzhou in May 2000)
- 39.05 As reported by the BBC on 16 March 2006, “The US has accused China of refusing to take back almost 40,000 Chinese immigrants who have been denied permission to stay in the country. The United States Homeland Security Secretary Michael Chertoff described the situation as ‘intolerable’... He suggested that financial decisions and a lengthy process could be behind China’s reluctance to take back its citizens, but also blamed ‘a low priority’ by the Chinese authorities.” [9cb] 119 illegal Chinese immigrants were repatriated to China’s Fujian province on 28 June 2006. This was the first time the United States has used a charter flight to repatriate illegal migrants back to China. [12x] (*People’s Daily*, 22 July 2006)
- 39.06 As reported by the US State Department Report on Human Rights (Taiwan) 2005 (USSD Report Taiwan 2005), published on 8 March 2006, “Although the authorities were reluctant to return to the mainland those who might suffer political persecution, they regularly deported to the PRC, under provisions of the mainland relations act, mainlanders who illegally entered the island for what were presumed to be economic reasons.” [2r] (Section 2d)
- 39.07 As reported in Volume 5, Issue 22 (October 25, 2005) of *China Brief*, available via the Jamestown Foundation’s website, the Red Cross was instrumental in facilitating an agreement between the two sides.

“Under the [1990] agreement, Taiwan vowed to not mistreat the detained illegal immigrants or overcrowd the detention centers. Likewise, for the first

time, the Chinese acknowledged their illegal migrants and worked to strengthen coastal patrols while agreeing to cooperate in the repatriation procedure. Taiwanese authorities transmitted a list of the names and records of detained mainlanders to the relevant Chinese provincial governments for verification and identification purposes. The agreement further stipulated that once the list was confirmed, Taiwan's Red Cross vessels, accompanied by naval patrol boats, would take the deportees to Kinmen or Matsu, the transfer points where Chinese Red Cross vessels were at the dock to complete the repatriation." [78c]

FUZHOU DETENTION CENTRE (FUJIAN)

39.08 As reported by the Canadian IRB on 9 August 2000:

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

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

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

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

The centre has on a number of occasions been presented as a model to immigration officials (including Ministers) from Australia, Canada and the US. It appeared clean, well kept and managed; but was unoccupied at the time of the CEME visit (indeed seemed only to have housed some 200 occupants in

the year). It offers excellently presented displays of its history, including distinguished visits from other countries, and a rousing documentary video of its purpose, history and operation.

The team found the centre to be a conspicuous demonstration by the government to the world of how heavily it is investing in combating irregular forms of migration. However, given that the centre was unoccupied, the team speculated about how much it was actually used for the purposes and to the extent claimed.” [97] (p9)

TREATMENT OF PEOPLE SMUGGLERS

- 39.11 As reported by the USSD Report 2005, “Alien smugglers were fined \$6 thousand (RMB 49,600), and most were sentenced to up to three years in prison; some were sentenced to death.” [2e] (Section 5) As reported by the CEME report (see above) “Persons convicted of organizing smuggling or trafficking can be fined or, if convicted, sentenced to 2, 5, 10 years or life imprisonment.” [97] (p7)

TREATMENT OF TIBETANS

- 39.12 According to a report by the ICT dated 23 December 2003 and re-produced by the Tibetan newspaper *Phayul* on their website, Tibetan refugees caught returning from India or Nepal are reportedly treated much more severely than those caught trying to leave Tibet. [43a] According to another report by the ICT dated 24 January 2004, the typical sentence for those trying to re-enter Tibet (illegally) ranges from three to five months in addition to a fine of 1,700 to 5,000 yuan (US\$212-625). This report was also reproduced by *Phayul* on their website. [43b]
- 39.13 As reported by USSD Report 2005:
- “There were reports of arbitrary detention of persons, particularly monks, returning from Nepal. Detentions generally lasted for several months, although in most cases no formal charges were brought. In January RFA [Radio Free Asia] reported that Tibetan pilgrims heading for Nepal and India on pilgrimage from Ganzi were asked to return home after the TAR authorities in Lhasa revoked their travel permits. The authorities gave no explanation for the revocation. In September RFA reported that Chinese border forces opened fire on a group of 51 Tibetan asylum-seekers trying to travel to Nepal by way of Dhingri, in Shigatse Prefecture. All but three were taken into custody, and their whereabouts remained unknown. The group included six children between the ages of 10 and 11, two nuns and one monk... Nevertheless, thousands of Tibetans, including monks and nuns, visited India via third countries and returned to China after temporary stays. In 2004 RFA reported that the majority of Tibetans who transited via Nepal to India were young, whose ages ranged from 6 to 30, and that the main reason they migrated was the lack of Tibetan-language educational facilities and opportunities for religious education.” [2e] (Tibet)
- 39.14 As reported by the USSD Religious Freedom Report 2005, “In 2003, Tibetans forcibly returned to China from Nepal reportedly suffered severe torture, and their family members pressured by officials for bribes to secure their release. Nevertheless, many Tibetans, including monks and nuns, visited India via third

countries and returned to China after temporary stays. Some returnees reported that authorities pressured them not to discuss sensitive political issues.” [2m] (Section II. Status of Religion, Restrictions on Religious Freedom)

TREATMENT OF UIGHUR(S)

- 39.15 As reported by the USSD Report 2005, “In October 2003 Uighur Shaheer Ali was executed after being convicted of terrorism. He had been repatriated forcibly from Nepal in 2002, where he had been interviewed by the UNHCR and granted refugee status.” (2e] (Section 2d) As reported by the *Washington Post* on 10 May 2006, five Uighurs being held as terrorist suspects at Guantanamo Bay were resettled by the US government in Albania after fears that they might be tortured or killed if repatriated to China. [59d]
- 39.16 In a report dated 27 June 2006, AI expressed serious concern for the safety of two Uighurs, Yusuf Kadir Tohti and Abdukadir Sidik, forcibly returned to China from Kazakhstan. This report stated, “Over recent years, Amnesty International has monitored growing numbers of forced returns of Uighurs to China from several of its neighbouring countries, including those of Central Asia, such as Kazakhstan. In some recent cases, returnees are reported to have been subjected to serious human rights violations, including torture, unfair trials and even execution.” [6m]
- 39.17 In a report dated 4 July 2006, AI expressed similar concerns for the safety of another Uighur, Husein Dzhelil (also known as Huseyn Celil), forcibly repatriated to China from Uzbekistan at the end of June 2006. [6n]

TREATMENT OF FOREIGN BORN CHILDREN

- 39.18 As reported by the US Citizenship and Immigration Services on 21 January 2004, “Relatively little information is available to the Resource Information Center (RIC) within time constraints on the treatment of rural Chinese women who return to China with children born outside the country. For this reason, it is unclear whether the fact that the children are U.S. citizens makes any difference.” [84d]
- 39.19 This report also stated:
- “A China specialist at the U.S. State Department told the RIC that his office presently had little information on the treatment of returning Chinese who had children while abroad. The specialist added that actual implementation of China’s population control policy varies considerably throughout the country, and that some people in southern Fujian and Guangdong provinces had reported no problems in returning after having children abroad (U.S. DOS/DRL 20 Jan 2004).” [84d]
- 39.20 An earlier report dated 12 June 2002 by the same source stated:
- “According to sources contacted by the Resource Information Center (RIC), Chinese authorities seem to be dealing relatively leniently with citizens who return to China with two or more children, particularly students and professionals. If they are punished at all for violating family planning policies, it is generally with fines rather than more severe measures, although the fines

can be steep. Experts consulted by the RIC had little information about whether this lenience extends to workers and peasants.” [84b]

39.21 This report also stated:

“A University of California (Irvine) anthropologist who is an expert on China’s family planning program, and who co-wrote a 2001 RIC report on the topic, said she has little information about whether returning workers and peasants who violated birth control policies while abroad receive the same lenient treatment as students and professionals. She noted that, in general, Chinese citizens who have ‘above-quota’ children while abroad generally are treated more leniently than those who violate quotas inside China (Expert 11, 12 Jun 2002).” [84b]

39.22 The rights of returning overseas Chinese are protected by the Law of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese, effective as of 1 January 1991. [5d]

39.23 Article 3 of this Act states:

“Returned overseas Chinese and the family members of overseas Chinese shall be entitled to the citizen’s rights prescribed by tile [sic] Constitution and the law and at the same time shall perform the citizen’s duties prescribed by the Constitution and the law. No organization or individual may discriminate against them. The State shall, in accordance with the actual conditions and the characteristics of returned overseas Chinese and the family members of overseas Chinese, give them appropriate preferential treatment, and the specific measures thereof shall be formulated by the State Council or the relevant competent departments under the State Council.” [5d]

(See also section 38: [Citizenship and nationality](#))

EASE OF FOREIGN TRAVEL

39.24 According to the USSD Report 2005:

“The government permitted legal emigration and foreign travel for most citizens. Most citizens could obtain passports, although those whom the government deemed threats, including religious leaders, political dissidents, and some ethnic minority members continued to have difficulty obtaining passports. There were reports that some academics faced travel restrictions around the year’s sensitive anniversaries, particularly the June 4 anniversary of the Tiananmen Square massacre. There were instances in which the authorities refused to issue passports or visas on apparent political grounds.” [2e] (Section 2d)

39.25 As noted by the same source, “Members of underground churches, Falun Gong members and other politically sensitive individuals sometimes were refused passports and other necessary travel documents.” [2e] (Section 2d)

39.26 As reported by the official *People’s Daily* newspaper on 28 October 2003, biometric information such as fingerprints and DNA will be added to new Chinese passports. The source gave no date for implementation. [12j]

- 39.27 As reported by the Canadian IRB on 25 October 2005, "The Frontier Defense Inspection Bureau (FDIB) is in charge of the inspection barriers, and FDIB officers examine the passports and immigration departure cards of Chinese travellers. The officers also verify the identity of the person through a 'computerised record system.' Chinese travellers do not need to present their resident identity card during the inspection." (Based on information supplied by a representative of the Canadian Embassy in Beijing) [3q]
- 39.28 As reported by the BBC on 24 July 2005, "New relaxed rules now mean anyone [from China] able to afford the costs can buy a holiday from an approved tour operator. In 2004, 135,000 Chinese citizens travelled to the UK, mainly for business or study reasons or to visit family." [9s]
- 39.29 As reported by the official *People's Daily* newspaper on 19 April 2005:
- "China opened outbound travel in 1997, when 5.32 million people made their trips overseas. By April 1 this year, China has already acquired ADS [Approved Destination Status] with 64 countries and regions, with 30 in Europe, 18 in Asia, 10 in Africa, three in Oceania and one in America, said Gu in a presentation at the conference. He said that the signing of ADS agreements will gather speed this year to meet the market expectations both at home and abroad. The number is expected to increase to 100 by the year end." [12s]

(See also section 43: [Hong Kong](#))

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OFFICIAL DOCUMENTS

ID CARDS

- 40.01 As reported by the official news agency Xinhua on 7 April 2004, China began issuing new computerised (second generation) ID cards to residents in Beijing on the same day. "... unlike before, young people aged below 16 are also entitled to apply for a second-generation ID card through their Guardians' agency." [13d] As reported by Xinhua on 8 March 2006, China has already issued over 100 million new ID cards and was planning to issue double that number in 2006. According to Xinhua, "The project to upgrade ID cards for 800 million Chinese adults is scheduled to be complete by the end of 2008." [13y]
- 40.02 The report stated that, "The newly released plastic chip ID card contains information such as validity periods, authorization institutions and designs of the national emblem. The Great Wall and decorative patterns are printed on the front cover. The card holder's name, gender, ethnicity, birthday, residence, ID number and photo are on the back cover." [13y]
- 40.03 As reported by the Canadian IRB on 13 March 2002, "The new card will replace the current paper laminated identification card that contains a person's name, photo, birth date and identification number and is purportedly relatively easy to counterfeit." As noted by the same source, opinion is divided over

whether or not a viable national-wide computer system for checking first generation ID cards exists. [3i]

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

“With respect to the procedures for replacing a lost or stolen identity card, a representative at the Canadian immigration office in Beijing stated that if a PRC citizen loses an [identification] ID card, they will go to their local police substation that is responsible for issuing the Family Registration Booklets (‘hukou’) and ID cards. The police substation is responsible for registering all people (foreigners too) that are living in their jurisdiction, including temporary residents. If one moves, then one is required to register the change of address. As a result, when a PRC citizen loses an ID card, they have to pay a nominal handling fee, and bring a couple of photos along for a re-issuance (the records of the citizen’s hukou and previous ID applications will all be kept there). A person doesn’t have to come in themselves with the photo, a relative may come in their place. A new ID card should have the new date of issue, with a new period of validity from that new issuance date.” [3ab]

AVAILABILITY OF FRAUDULENT DOCUMENTS

40.05 As reported by the Canadian IRB on 8 September 2005, “A professor of criminal justice at Rutgers University, who has written on Chinese human smuggling, told the Research Directorate that, in his opinion, ‘it is pretty easy to obtain all kinds of fake documents in China,’ including identity documents, birth certificates, university diplomas and hospital documents.” Citing a 2002 report by the Australian Institute of Criminology the IRB reported “...that corrupt officials provide ‘both genuine and fraudulent documents in exchange for money, or...for the migrant smuggler’s promise to smuggle a member of the corrupt official’s family abroad’” [3g]

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EMPLOYMENT RIGHTS

41.01 The USSD Report 2005 stated:

“The law provides for the freedom of association, although in practice workers were not free to organize or join unions of their own choosing. The All-China Federation of Trade Unions (ACFTU), which was controlled by the CCP and headed by a high-level party official, was the sole legal workers’ organization. The trade union law gives the ACFTU control over all union organizations and activities, including enterprise-level unions. Independent unions are illegal. The ACFTU and its constituent unions influenced and implemented government policies on behalf of workers. The CCP used the ACFTU to communicate with and control workers.” [2e] (Section 6a)

41.02 The same source also reported that the law provides for the right to bargain collectively but not the right to strike. The government acknowledged that the latter did occur and that the ACFTU had a role to play in resolving such disputes. However, the undemocratic nature of the ACFTU made it difficult for it to adequately represent its members’ interests. [2e] (Section a and 6b)

- 41.03 As reported by the Government White Paper, China's Employment Situation and Policies (Section II), published April 2004, "Chinese law stipulates that workers must not be discriminated against in the matter of employment because of ethnic identity, race, sex or religious belief. Chinese law strictly prohibits the employment of people under the age of 16. The state strictly investigates and deals with the illegal use of child laborers and the recommendation of children for work." [5n] (p7 of Section II)
- 41.04 As reported by the official news agency Xinhua on 24 September 2004, "The latest ACFTU statistics indicate that China has approximately 400,000 foreign companies, but only a fifth have set up trade unions. About 40 per cent of 2 million private enterprises have set up trade unions." [13i] 30 employees in Fujian have set up the first union involving Wal-Mart staff. [9cn] (BBC, 31 July 2006)

(See also section 31: [Child labour](#))

INDUSTRIAL UNREST

- 41.05 As reported by Erik Mobrand writing for World Press Org. on 31 January 2006, "For China's migrant workers, confrontation is often the only way to obtain their wages. Arbitration is a complicated and time-consuming process, impossible to initiate when one works all day and irrelevant if no labor contract is signed." The problem of unpaid wages is particularly acute during the lead up to the Lunar New Year (Spring Festival) when migrant workers traditionally return to their home villages with the money they have earned during the year. [8a]
- 41.06 As reported by the Economist Intelligence Unit (EIU) in their January 2006 country profile for China, "Social unrest is on the rise in China as state-owned enterprises (SOEs) shed labour, rural incomes stagnate and corruption remains rife. Protests by tens of thousands of unemployed workers in the north-eastern cities of Liaoyang and Daqing in 2002 are thought to have been the biggest in China since the huge nationwide demonstrations of 1989, and were perhaps the largest worker-initiated protests in the history of the People's Republic of China (PRC)." [4b] (Politics: Security Risk in China)

(See also section 2: [State owned enterprises – SEOs](#))

WORKPLACE SAFETY

- 41.07 As reported by *The Times* on 14 November 2006, the high demand for coal to power China's booming economy often leads to lacks safety standards in many of country's 23,000 small mines. 4,228 people were killed in mining disasters between January and September 2005. The previous year 6,000 miners lost their lives. [90h]
- 41.08 As reported by the BBC on 18 March 2005, "China's government has set up a special department to try and cut the country's high number of coal mining accidents. The office will bring together experts from different departments to oversee a budget of \$361m allocated to safety and improvement projects." [9f]

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DISPUTED TERRITORIES

TAIWAN

- 42.01 As reported by Europa World in their Country profile for China – Taiwan, accessed 25 January 2006, The Republic of China (ROC) more commonly called Taiwan occupies a total land area of 36.188 sq. km and has a population of 22.56 million people. [1b] [18c] (map)
- 42.02 As noted by the BBC in their country profile for Taiwan, last updated on 19 January 2006, “The Chinese nationalist government [KMT] of President Chiang Kai-shek fled to Taiwan [island] ahead of the advance of Communists under Mao Zedong in 1949. The government-in-exile established Taipei as its capital and for decades hoped to reclaim control over the mainland. In the early 1990s Taiwan made the transition from an authoritarian one-party state to a democracy.” [9c] In their country profile for Taiwan, last reviewed on 26 January 2006, the FCO describes Taiwan as a “Multi-party democracy with directly-elected President.” [31b]
- 42.03 As noted by the same source:
- “China has been highly critical of [President] Chen Shui-bian and his predecessor Lee Teng-hui because of their pro-independence leanings. China refuses to resume direct political contacts with Taiwan until it accepts a ‘One China’ formula as a precondition for negotiations. Taiwan’s political parties have different positions on how to approach negotiations with the mainland, but all insist that the ‘Republic of China’ is a separate political entity from the PRC Government. Although China has sought reunification through negotiation, the Chinese have not renounced the threat of military action against Taiwan... China enacted its anti-secession law on 14 March 2005 to, ‘oppose and check’ Taiwanese independence. The anti-secession law reiterates the ‘one-China’ policy and sets out certain measures to maintain peace and stability in the Taiwan Strait and to promote cross-strait relations. But it also authorises the use of ‘non-peaceful’ means if peaceful reunification fails. Despite the political stalemate, economic and people-to-people links continue to develop at an impressive rate. Some 450,000 Taiwanese business people and their families are said to be living in the Shanghai area alone.” [31b] [13x] (text of anti-secession law)
- 42.04 As reported by the BBC on 1 May 2005, “Taiwan President Chen Shui-bian has urged the Chinese government to open talks with his administration. The call comes as Taiwanese opposition leader, Lien Chan, continues a visit to China, where he has held historic talks with President Hu Jintao... Mr Lien heads the KMT, who were driven out by the Communists in 1949.” [9m]
- 42.05 As noted in the same report, “Beijing’s strategy has been to reach out to Taiwan’s opposition politicians, in a bid to isolate Mr Chen and force him to moderate his pro-independence stance, says the BBC’s Louisa Lim in Beijing. But big obstacles still remain to cross-strait ties, our correspondent says. China refuses to talk to Mr Chen until he signs up to their one-China policy – something which would be political anathema for him, she says.” [9m]

- 42.06 As reported by BBC on 17 July 2005, "Taiwan's largest opposition party, which favours closer ties with China, has elected Taipei Mayor Ma Ying-jeou as its new leader. He beat legislative speaker Wang Jin-pyng to take over as head of the nationalist Kuomintang party (KMT)." [9p]
- 42.07 According to a report by *Asia Times* dated 19 August 2004:
- "Today, many accept China's claim to Taiwan – a Chinese province, the CCP claims, since time immemorial – without question. But in the first two decades of the CCP's existence (1921-42) Taiwan was of only passing interest to both the CCP and the former Republic of China (ROC) government. Taiwan was an area defined both visually and rhetorically as beyond the margins of the Han Chinese world. In documents, speeches, maps and even postage stamps, Taiwan and the Taiwanese were characterized as a region and a regional national minority, not a province. Taiwan was only later declared an integral part of China when it was politically expedient to do so." [64a]
- 42.08 As reported by the USSD Report Taiwan 2005, "The authorities generally respected the human rights of citizens; however, there were problems in some areas. The following human rights problems were reported: corruption by officials; violence and discrimination against women; trafficking in persons; abuses of foreign workers." [2r]
- 42.09 As reported by CNN Election Watch on 12 December 2004, in the general election held on December 11 2004, the ruling Pan-Green coalition led by President Chen Shui-ban's Democratic Progressive Party (DPP) failed to gain a majority in the 225-seat Legislature (Yuan). The Pan-Blue coalition, led by the Nationalist KMT won 114 seats compared to 101 by the Green's. [10b]

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SPECIAL ADMINISTRATIVE REGIONS (SARs)

HONG KONG (SAR)

- 43.01 As reported by Europa World in their Country profile for Hong Kong, accessed 25 January 2006, Hong Kong is a special administrative region of China and occupies a total land area of only 1.093 sq. km; by comparison China as a whole occupies 9.572 sq. km. It has a population of 6.8 million people. It is situated off the south eastern coast of Guangdong province and comprises Hong Kong Island, the Kowloon peninsula and the New Territories, which were leased to the UK for 99 years in 1897. [1c] (Location, Climate, Language, Religion, Flag, Capital) (Recent History) [18d] (map)
- 43.02 As noted by the same source Hong Kong reverted back to China on 1 July 1997. Under its mini constitution (the Basic Law) it is allowed a high degree of autonomy under a policy known as "One Country, Two Systems". [1c] (Recent History) As noted by the FCO in their country profile for Hong Kong, last reviewed on 11 January 2006, Hong Kong is governed by a partially elected Legislative Council (the LegCo), which comprises 60 members. The head of government is Donald Tsang (Chief Executive) and the Head of State is Hu Jintao (President of China). [31c]
- 43.03 The same source continued:

"There are about 3.6m British passport-holders in Hong Kong. The majority (3.44m) are British Nationals (Overseas) (BN(O)s). This form of British nationality accords visa-free access to the UK for short visits but no right of abode in the UK. BN(O) passport holders enjoy British consular protection when in third countries (and, in the case of non-Chinese BN(O) passport holders, in Hong Kong and Mainland China)." [31c]

- 43.04 As reported by the Hong Kong government's website, accessed on 26 August 2005, "Article 4 of the Chinese Nationality Law (CNL) states that any person born in China whose parents are Chinese nationals or one of whose parents is a Chinese national has Chinese nationality." As noted by the same source, "Hong Kong Certificate of identity (C of I) will not be issued after June 1997. If your Hong Kong C of I is still valid, you may continue to travel on it until its expiry date or you may apply for a HKSAR passport." [86a]

(See also section 38: [Citizenship and nationality](#))

- 43.05 As reported by the USSD Report 2005, "The [Hong Kong] government generally respected the human rights of its citizens; however, the following human rights problems were reported: limitations on residents' ability to change their government and limitations on the power of the legislature to affect government policies; continuing concerns about self-censorship; violence and discrimination against women; restrictions on workers' rights to organize and bargain collectively." [2e] (Hong Kong)
- 43.06 As reported by the BBC on 1 July 2003 and 5 September 2003, the Hong Kong government unsuccessfully tried to implement new anti-subversion legislation (Article 23) in 2003. After a mass demonstration involving upwards of 500,000 people on 1 July 2003 the proposals were shelved indefinitely. [9aj] [9ai]
- 43.07 As reported by the BBC on 6 April 2004:
- "Democracy campaigners in Hong Kong have reacted angrily to a ruling that gives China the final say over the territory's political future. Pro-democracy leaders said the move undermined Hong Kong's autonomy. They were responding to a decision by a committee of China's parliament that it has a veto over how Hong Kong's leader and legislature should be elected. It said that while Hong Kong can change its election laws from 2007, it first must obtain approval from Beijing." [9au]
- 43.08 According to a Foreign Ministry spokesperson, quoted in the official *People's Daily* newspaper on 22 July 2004, the Standing Committee of the NPC is fully mandated to interpret the Basic Law as it sees fit. In choosing to exercise its veto over any future electoral changes in Hong Kong it was not departing from the principles of "One Country, Two Systems". [12t]
- 43.09 As reported by Channel News Asia on 16 June 2005, "Donald Tsang, 60, the first ethnic Chinese appointed Finance Secretary of the British Crown colony of Hong Kong, becomes the new Chief Executive of the Hong Kong Territory...He got the job without being elected though. Some 710 delegates from the 800, mostly Beijing-nominated election committee members pledged their support for his nomination." [93c]

43.10 The same report continued:

“Following the resignation a few months ago of former Chief Executive Tung Chee-hwa, ostensibly on health grounds, mainland China had endorsed Mr Tsang. In reality, Mr Tung’s erratic and unpopular policies had turned the Beijing-dominated population of Hong Kong against him. For some analysts, Tsang’s choice can thus be construed as Beijing trying to regain some popular support... Mr Tsang’s only real challenger in the leadership race was Lee Wing-tat, president of the Democratic Party (DP), who only got 51 endorsements.” [93c]

43.11 As reported by the BBC on 26 September 2005, 25 pro-democracy members of the Hong Kong legislature (including 11 previously banned from the mainland) visited the province of Guangdong for two days in late September 2005. They were among 60 members of the legislature invited by the local Communist Party. [9ac]

43.12 As reported by the BBC on 1 July 2006, “Tens of thousands of people have joined a rally in Hong Kong calling for full democracy in the territory... In 2003 and 2004, crowds of up to half a million took to the streets of Hong Kong to demand full democracy. But correspondents say the numbers have fallen as the economy is doing well and new leader Donald Tsang is proving popular.” [9cp]

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MACAO (SAR)

43.13 As reported by Europa World in their Country profile for Macao, accessed 25 January 2006, Macao is a special administrative region of China and occupies a total land area of only 27.3 sq. km. It has a population of 444,000. It is situated approximately 60 km west of Hong Kong on a narrow peninsula on the south eastern coast of Guangdong province. It also encompasses two small Islands, Taipa and Coloane. Together with the peninsula these territories were ceded to Portugal in 1887. [1d] [18e] (map)

43.14 As noted by the same source Macau reverted back to China on 20 December 1999. Under a policy known as “One Country, Two Systems” it is allowed a high degree of autonomy in areas other than foreign policy and defence. [1d] (Recent History) As noted by the FCO in their country profile for Macao, last reviewed on 25 November 2005, Macao is governed by a partially elected Legislative Council, which comprises 27 members. The head of government is Mr Edmund Ho Hau Wah (Chief Executive) the Head of State is Hu Jintao (President of China). [31d]

43.15 As reported by the USSD Report 2005, “The [Macao] government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights abuses were reported: Limits on citizens’ ability to change their government.” [2e] (Macao)

43.16 As reported by the BBC 29 August 2004, Edmund Ho Hau-wah Ho was re-elected as Chief Executive on 28 August 2004. He polled 296 out of 300 possible votes in the Election Committee, whose job it is to select the Chief Executive. [9bf]

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Annex A1: Chronology of major events – China post-1949

Based on BBC Timeline last updated on 13 October 2005 [9a] and Europa World, Country Profile: China [1a] (Recent History)

- 1949** **1 October:** The People's Republic of China (PRC) proclaimed by Chinese Communist Party (CCP) leader, Mao Zedong.
- 1950** Land reform started.
- 1954** First constitution adopted.
- 1959** "Great Leap Forward" started – China attempted rapid industrialisation at the expense of agricultural output. An estimated 30 million people died of famine during this period.
- 1961** "Great Leap Forward" abandoned.
- 1966** Start of the Cultural Revolution, Red Guards fanatically loyal to Mao were given free rein to destroy the "four olds" (old ideas, old customs, old culture, old habits) – this led to social disintegration and Mao was forced to call upon the army (PLA) to restore order.
- 1975** New Constitution adopted.
- 1976** **8 January:** Premier Zhou Enlai died.

 9 September: Mao died. End of Cultural Revolution.

 October: Hua Guofeng replaced Mao as CCP General Secretary (the post of Chairman having been abolished) having previously taken over from Zhou as Premier.
- 1978** New (third) Constitution adopted. Beginning of Democracy Wall Movement. Start of economic reforms.
- 1979** **March-December:** Democracy Wall Movement suppressed.
- 1980** Hua Guofeng replaced as Premier by Zhao Ziyang. Deng Xiaoping emerged as China's paramount leader.
- 1982** Hua replaced as CCP General Secretary by Hu Yaobang. New (fourth) Constitution adopted. Post of CCP Chairman abolished and remaining Maoists purged from the party.
- 1986** Revival of Hundred Flowers movement of the 1950s suppressed.
- 1987** CCP General Secretary, Hu, forced to resign after failing to stop student demonstrations.

- 1989** **15 April:** Hu died and news of his death sparked angry protests by students and workers in Tiananmen Square (TS). Calls for his posthumous rehabilitation quickly escalated into demands for greater democracy, an end to official corruption and finally the overthrow of the Communist Party. Beijing was placed under martial law as protests spread to other parts of China.
- 19 May:** CCP General Secretary, Zhao Ziyang pleaded with demonstrators to disperse.
- 30 May:** Students erected “Goddess of Democracy” statue in TS.
- 3 to 4 June:** Party elders, including Deng ordered TS cleared and the Army (PLA) together with the People’s Armed Police (PAP) moved against protesters using tanks and armoured cars. Several hundreds of people were killed as troops lost control and fired on unarmed protestors, mostly in the side streets around the Square. The official death toll was put at 200. International outrage led to the imposition of sanctions.
- November:** Deng resigned from his last government position.
- 1992** Jiang Zemin became President.
- 1997** Deng Died.
- 1 July:** Hong Kong reverted back to China.
- 1998** China began restructuring State Owned Enterprises (SOEs). This would lead to tens of millions of job losses.
- 1999** NATO accidentally bombed the Chinese embassy in Belgrade, Yugoslavia.
- July:** Falun Gong “cult” banned.
- 20 December:** Macau reverted back to China.
- 2001** **April:** US spy plane shot down and crew detained.
- November:** China admitted to World Trade Organisation (WTO).
- 2002** **November:** Hu Jintao replaced Jiang Zemin as CCP General Secretary.
- 2003** **15 March:** Hu Jintao elected President with Wen Jiabao as Premier.
- March-April:** Outbreak of SARS (Severe Acute Respiratory Syndrome).
- June:** SARS brought under control.
- 1 July:** Mass demonstrations in Hong Kong against plans to introduce a new anti-subversion bill (Article 23).
- September:** Article 23 shelved indefinitely by the Hong Kong Government.
- 2003** **October:** Launch of China’s first manned spacecraft. Its pilot, Yang Liwei became a national hero overnight.

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

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

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

March: New law enacted calling for the use of force should Taiwan declare independence from the mainland.

April: Anti-Japanese protests reported in many large Chinese cities. Taiwanese opposition leader Lie Chan visited the mainland; the first meeting between Nationalists and Communists since 1949.

2005 **October:** Second manned space flight launched; this time with two astronauts on board.

2006 **July:** Qinghai-Tibet railway line opened by Chinese President Hu. [9ce]

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Annex A2: Chronology of major events – Tibet post-1910

Based on The World Guide 2003/2004 [57a] (p182-183) and Annex1: Important Dates and Anniversaries (Tibet), Courtesy of the Foreign and Commonwealth Office (FCO). [31e]

- 1910** Chinese troops entered the Tibetan capital, Lhasa.
- 1912** **June:** Tibetans expelled Chinese troops. Dalai Lama proclaimed Tibetan independence.
- 1922** Panchen Lama fled to Beijing.
- 1938** His successor is anointed.
- 1949** **1 October:** Communists came to power in China.
- 1950** Communists declared their intention to “liberate” Tibet from feudalism.
 - 7 October:** Eastern Tibetan province of Kham invaded by Chinese troops.
 - 19 October:** Eastern city of Qamdo occupied by the Chinese army (PLA).
 - 17 November:** Dalai Lama assumed full temporal and spiritual powers.
- 1951** **23 May:** Dalai Lama signed 17-point agreement with China. [42a] (text of the agreement)
 - 26 October:** PLA entered Lhasa.
- 1952** Panchen Lama entered Tibet under Chinese military escort and is enshrined as head monk at the Tashilhunpo Monastery, west of Tibet’s second city Shigatse.
- 1959** **10 March:** Nationalist uprising put down by Chinese troops. Chinese figures recorded 87,000 deaths. Tibetan sources suggested as many as 430,000 were killed. Dalai Lama fled to India while Panchen Lama remained but refused to denounce him as a traitor – he was later jailed (1964).
- 1965** **9 September:** Tibetan Autonomous Region (TAR) established.
- 1987** **1 October:** Riot in Lhasa.
- 1988** **5 March:** Riot in Lhasa (final day of Monlam festival).
- 1989** **28 January 1989:** Death of the Panchen Lama in Lhasa.
 - 5 March:** Riot in Lhasa.
 - 7 March:** Martial Law imposed in Lhasa.
- 1990** **1 May:** Martial law lifted in Lhasa.

- 1994** Successor to the Panchen Lama anointed. Dalai Lama refused to recognise the child “chosen” by Beijing.
- 1999** Karmapa Lama fled to India.
- 2000** **April:** Dalai Lama publicly stated that he was seeking only genuine autonomy from China and not full independence.
- 2001** Chinese engineers discovered an oilfield estimated to hold 100 million tonnes of crude oil.
- 2002** Chinese Government announced the construction of a 1,000-km railway across the Himalayas.
- April:** Monument to the “peaceful liberation” of Tibet erected opposite the Dalai Lama’s winter residence in Lhasa.
- 2006** **July:** Qinghai-Tibet railway line opened by Chinese President Hu. [9ce]

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Annex A3: Chronology of major events – Xinjiang (Eastern Turkestan)

Based on *Xinjiang China's Muslim Borderland* edited by S. Fredrick Star, published 2004. [50d]

- 1884** Xinjiang (meaning New Frontier or Territory) became a province of China. (p27, p62)
- 1911** Fall of the Qing Dynasty. (p72)
- 1911-**
- 1912** Yang Zengxian backed up by Tungan officers seized control of the capital, Urumchi. (p67-69)
- 1912-**
- 1928** Yang ruled Xinjiang and even printed his own currency, as he paid only lip service to a weak Chinese Emperor (Manchu Dynasty). (p68-70)
- 1928-**
- 1933** Jin Shuren ruled Xinjiang (Yang was assassinated 1928) until overthrown by Han officers angry at his misrule in April 1933. Succeeded by Sheng Shicai. (p71)
- Early**
- 1930s** Series of rebellions against Chinese rule. (p73-77)
- 1933** **November:** Eastern Turkestan Republic (ETR), also referred to as the Republic of Uyghuristan or the Eastern Turkistan Islamic Republic, was proclaimed. (p78)
- 1934** ETR crushed by an alliance of Chinese and Russian troops. Tungan (Hui) troops play a prominent role in suppressing Uighur rebellions. (p78-89)
- 1934-**
- 1941** Xinjiang ran as a Soviet satellite state with Sheng as its leader. During this time fourteen ethnic groups were recognised: Uyghurs/Uighurs, Taranchi (Uighurs in Ili), Kazaks, Kyrgyz, Uzbeks, Tatar, Tajiks, Manchu, Sibw (Xibo), Solon, Han, Hui, Mongol and Russia with government posts shared out along ethnic lines. (p79-80)
- 1944** **September:** The Chinese Nationalists (KMT) orchestrated Sheng's removal from Xinjiang. (p80)
- October:** Discontent with high taxes and Han migration led to the "Three Districts Revolt" and the formation of the second ETR in November 1944, though the KMT kept control of the capital, Urumchi. (p82-83)
- 1946** **July:** Agreement reached over a coalition government. However, Xinjiang remained divided, split between the Uighur-controlled south and the KMT-administered north. (p82-85)

- 1949** **Mid-October:** PLA occupied southern Xinjiang. (p86)
- December:** PLA occupied northern Xinjiang. CCP announced that the “Three Districts Revolt” was part of the Communist revolution and that all of Xinjiang fell within the PRC. (p86)
- 1950-**
- 1951** Islamic taxes abolished and clerics co-opted within the Chinese Islamic Association. (p89)
- Late**
- 1951-**
- 1952** Turkic leaders linked to the ETR purged. (p87)
- 1955** **1 October:** Xinjiang Uyghur Autonomous Region (XUAR) created. (p108)
- 1967-**
- 1968** Violent clashes between Maoists and regular PLA troops. (p95)
- 1990-**
- 2001** Over 200 militant actions, leading to 162 deaths are reported by the Chinese government. (p317)
- 1990** **5 April:** Up to 3,000 Uighur are killed in clashes with Chinese police in the town of Baren, near Kashgar. (p316)
- 1995** Hundreds of Uighur are killed during clashes with the police in Khotan. (p317)
- 1997** **February:** Riot in Yining, at least nine Uighur are killed and hundreds are detained. (p116)
- 25 February:** Three bombs exploded in Urumchi, killing nine people. (p317)
- 2002** **August:** Chinese government named eight Uighur terrorist forces it says are operating within Xinjiang. The UN added one of these groups, the Eastern Turkestan Islamic Movement (ETIM) to the list of international terrorist groups (26 August 2002). (p317-318)

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Annex B: Political organisations

All-China Federation of Trade Unions (ACFTU)

Government sponsored Trade Union. [2e] (Section 6a)

All China Women's Federation (ACWF)

Government sponsored women's group [2e] (Section 5)

Catholic Patriotic Association

Government sponsored Catholic group [2m] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

CCP United Front Work Department (UFWD)

Body which assists the SARA in monitoring religious groups [2m] (Section II. Religious Demography)

China Disabled Persons' Federation (CDPF)

Government sponsored group for the disabled. Chaired by Deng Pufang [12bd]

Chinese Christian Council (CCC)

Government sponsored Protestant group [2m] (Section II. Status of Religious Freedom, Legal Policy/Framework) [66a] (p3)

Chinese Communist Party (CCP) (Zhongguo Gongchan Dang)

Ruling Party [2e] (p1) membership 70.8 million [12f]

Democratic Alliance for the Betterment and Progress of Hong Kong (DAB)

Main pro-Beijing Hong Kong party; founded 2005; formed by merger of the Democratic Alliance for the Betterment of Hong Kong (f. 1992, supported return of Hong Kong to the motherland and implementation of the Basic Law) and the Hong Kong Progressive Alliance (f. 1994, supported by business and professional community).

Chair: Ma Lik.

Sec-Gen: Kan Chi-ho. [1c] (Political Organizations)

Democratic Party

Main pro-democracy Hong Kong party; founded 1994; by merger of United Democrats of Hong Kong (UDHK – declared a formal political party in 1990) and Meeting Point; liberal grouping; advocates democracy.

Chair: Lee Wing Tat.

Sec-Gen: Cheung Yin-tung. [1c] (Political Organizations)

Wheel of the Law (Falun Gong)

Banned cult, also known as Falun Dafa See also Li Hongzhi (founder) [2m] (Section I. Religious Demography)

National People's Congress (Quanguo Renmin Daibiao Dahui) NPC

Chinese Parliament [1a] (National People's Congress)

National Population and Family Planning Commission of China (NPFPC)

Government department responsible for overseeing population control, formerly known as the State Family Planning Commission [3j] (Children)

People's Armed Police (PAP)

Paramilitary branch of the police [52a]

People's Liberation Army (PLA)

Chinese Army [1a] (Defence)

State Administration for Religious Affairs (SARA)

Government Department which registers and monitors religious groups [2m] (p1) [66d] (p3)

State Bureau for Petitions and Appeals

Government Department responsible for looking into complaints from the public [9bd]

Taoist Association

Government sponsored Taoist group [2m] (Section I. Religious Demography)

Three-Self Patriotic Movement (TSPM)

Government sponsored Protestant group [2m] (Section II. Status of Religious Freedom, Legal Policy/Framework) [66a] (p3)

Xinjiang Production and Construction Corporation (XPCC) (Xinjiang shengchan jianshe bingtuan)

Paramilitary agro-industrial agency, which employs millions of Han migrants in Xinjiang [59a]

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Annex C: Prominent people: past and present

Chen Shui-bian

President of Taiwan. Elected 18 March 2000. Re-elected 20 March 2004. [1b] (Head of State)

Chiang Kai-shek

Nationalist (KMT) leader who lost civil war. Fled to Taiwan 1949. [1b] (Recent History)
Died 1975.

Dalai Lama

Spiritual and political leader, to whom most Tibetans look to for guidance, Heads government in exile, based in Dharamsala (Northern India). Left Tibet in 1959. [57] (p183)

Deng Xiaoping

Paramount leader for most of 1980 and early 1990s. Architect of economic reforms. Also ordered troops into Tiananmen Square. Died 1997. [1a] (Recent History)

Edmund Ho H.W. Ho

Chief Executive of Macau SAR. [1d] (The Government)

Hu Jintao

President of China, elected 15 March 2003. Also General Secretary of the CCP (November 2002) and head of the military (September 2004). [31a] (2-3)

Hu Yaobang

Liberal party leader whose death sparked Tiananmen Square protests. Died 1989. [1a] (Recent History)

Li Hongzhi

Founder of banned "cult" Falun Gong. [50c] (p3-8)

Jiang Zemin

Succeeded Deng Xiaoping as core leader. Stepped down as head of the army in September 2004, having already relinquished the Presidency and leadership of the CCP to Hu Jintao. [1a] (Recent History)

Mao Zedong

Founded PRC on 1 October 1949. Presided over disastrous "Great Leap Forward" and instigated Cultural Revolution. Died in 1976. [1a] (Recent History)

Panchen Lama

Next most senior Lama after the Dalai Lama (see above). [57] (p183) There are two Panchen Lamas, Gendun Choekyi Nyima selected by the Dalai Lama as the 11th reincarnation of the Panchen Lama and Gyalsten Norbu (also known as Bainqen Erdini Qoigyijabu) selected by Beijing also as the 11th reincarnation of the Panchen Lama. [2n] (Tibet, Section II. Status of Religious Freedom, Restrictions on Religious Freedom)

Donald Tsang Yam-keun

Chief Executive of Hong Kong SAR. [1c] (The Government)

Wei Jingsheng

Exiled leader of the Democracy Wall movement (1978/79). [9d]

Wen Jiabao

Premier of China, elected September 2003. [31a] (2-3)

Wu Bangguo

Chairman of the Standing Committee of the NPC, elected March 2003. [31a] (2-3)

Zhao Ziyang

Former party leader who opposed Tiananmen Square crackdown. Purged from the Party shortly afterwards. Died 17 January 2005. [13t] [9bv]

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Annex D: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
RSF	Reporteurs sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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Annex E: Known dissident groups

This is not an exhaustive list.

China Democracy Party (CDP) (Zhongguo Minzhu Dang)

Set up by dissidents in 1998 the CDP was the first attempt to legally register an opposition party. The Communist Party quickly crushed it and at least 30 members were sentenced to jail terms of up to 13 years. [9as]

Leaders: Wang Youcai, Xu Wenli and Qin Yongmin. It is unclear whether the party itself is still active in China. [2e] (Section 3)

The China Progressive Alliance (CPA) (Zhonghua jinbu tongmeng)

Founded mid-1991 by supporters of 1989 democracy movement. Members met in May 2001 and agreed 11-point manifesto – committed to fighting dictatorship, but also working with progressive elements of the CCP. [6c] (p3)

The Free Labour Union of China (FLUC) (Zhonggou Ziyou Gonghui)

Founded late-1991. In January 1992 distributed leaflets encouraging the formation of independent trade unions. After some of its members were secretly arrested in June 1992 the group sent a letter of appeal to the International Labour Organisation (ILO) in Geneva. [6c] (p4)

The Liberal Democratic Party of China (LDPC) (Zhongguo Ziyou Minzhu Dang)

First surfaced in November 1991, posting a statement critical of human rights violations in China at Beijing university. Made similar statements in March 1992. [6c] (p3)

The Social Democratic Party of China (SDPC) (Zhonggou Shihui Minzhu Dang)

Founded in 1991 and based in Lanzhou, Gansu province. "It claimed to have over 100-members, including students, workers, intellectuals and government cadres, most of whom had participated in the 1989 democracy movement." Issued its manifesto in April 1992, calling on other parties to join together to advance democracy. By May 1992, 50 members had been arrested. [6c] (p4)

Mainland Democratic Front

Founded by Ren Ziyuan of Shandong province; Ren charged with subversion in 2005. [2e] (Section 3)

The Chinese Nation's People's Party

Founded in mid-1990s by Li Wenshan and Chen Shiqing, two middle-aged farmers in Gansu province. It advocated democracy, human rights and prosperity and had 1000 members by early 1999. Li and Chen along with 10-12 members were tried on 30 August 2000. Li and Chen received 13 and eight year prison terms respectively. Eight others were sent to re-education through labour camps. [59b]

Chinese Plum Nation Party

Founded in late 1980s by 50 year old farmer Fen Zhengming. Operating in 17 provinces by early 1990s. Fen detained in April 1992 and given 15-year sentence. [59b]

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Annex F: Democratic parties

Political organisations existing prior to the establishment of the PRC (1949) who subordinate themselves to the will of the CCP

- China Association for the Promotion of Democracy
- China Democratic League
- China National Democratic Construction Association
- China Zhi Gong Dang (Party for Public Interest)
- Chinese Peasants and Workers Democratic Party
- Jui San (3 September) Society
- Revolutionary Committee of the Chinese Kuomintang
- Taiwan Democratic Self-Government League **[1a] (Other Political Organizations)**

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Annex G: Government officials

President: Hu Jintao (elected 15 March 2003).

Vice President: Zeng Qinghong (elected 15 March 2003).

STATE COUNCIL (APRIL 2005)

Premier: Wen Jiabao.

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

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

Secretary-General: Hua Jianmin.

Minister of Foreign Affairs: Li Zhaoxing.

Minister of National Defence: Gen. Cao Gangchuan.

Minister of State Development and Reform Commission: Ma Kai.

Minister of Education: Zhou Ji.

Minister of Science and Technology: Xu Guanhua.

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

Minister of State Nationalities Affairs Commission: Li Dezhu.

Minister of Public Security: Zhou Yongkang.

Minister of State Security: Xu Yongyue.

Minister of Supervision: Li Zhilun.

Minister of Civil Affairs: Li Xueju.

Minister of Justice: Zhang Fusen.

Minister of Finance: Jin Renqing.

Minister of Personnel: Zhang Bailin.

Minister of Labour and Social Security: Zheng Silin.

Minister of Land and Natural Resources: Sun Wensheng.

Minister of Construction: Wang Guangtao.

Minister of Railways: Liu Zhijun.

Minister of Communications: Zhang Chunxian.

Minister of Information Industry: Wang Xudong.

Minister of Water Resources: Wang Shucheng.

Minister of Agriculture: Du Qinglin.

Minister of Commerce: Bo Xilai.

Minister of Culture: Sun Jiazheng.

Minister of Public Health: Wu Yi.

Minister of Population and State Family Planning Commission: Zhang Weiqing.

Governor of the People's Bank of China: Zhou Xiaochuan.

Auditor-General of the National Audit Office: Li Jinhua. [1a] (State Council)

CHINESE COMMUNIST PARTY (CCP)

General Secretary: Hu Jintao

POLITBURO STANDING COMMITTEE MEMBERS

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

CENTRAL MILITARY COMMISSION (CMC)

Chairman: Hu Jintao

Vice Chairmen: Guo Boxiong, Cao Gangchuan, Xu Caihou

Other Members: Chen Bingde, Qiao Qingchen, Zhang Dingfa, Jing Zhiyuan [12o]

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Annex H: Glossary of Chinese terms

danwei	work unit
Fie Ch'ien	"flying money" underground banking system
getihu	family run business
Guanxi	social connections, used to obtain favours
guojia	mass religious organisation, sponsored by the State
hei haizi	"black children" children born contrary to the "one child policy"
huafeng	"Chinese ways"
Huayi	"Chinese overseas"
Huaqiao	"people abroad" = overseas Chinese
hukou	household registration document
hutongs	Traditional Chinese neighbourhoods
jiefeng	
renyuan	"retrievers" hired to remove petitioners from Beijing
Lai see	Money envelopes given as gifts during Chinese New Year
laodong jiaoyang	"re-education through labour" (RTL); main form of administrative detention
Laogai	labour camps
mingong	Chinese migrant peasant
Mianzi	"face", prestige or respect
nongzhuanfe	hukou conversion i.e. from rural to urban resident
qigong	ancient form of energy cultivation/ relaxation technique
renshe	the "customers" of Snakeheads (people smugglers)
Shuang gui	similar to house arrest but used to punished CPP members for breaches of Party discipline
shourong shencha	"Custody and Investigation" form of administrative detention now abolished
shourong qiansong	"Custody and Repatriation" another form of administrative detention now abolished
Tiananmen	"gate of heavenly peace"
Tiang-ming	Mandate of Heaven (support of the peasantry)
tongxianghui	association of people with the same birth place
wai shi	system used for managing foreigners in China
Xinfang	petitioning system
xiangang	"off post" redundant state workers
Xinjiang	"New Frontier" also see XUAR
Xiaokang	relatively prosperous
xiejiao	"evil cult"
Xizang	Chinese name for Tibet
Zanzhu Zheng	Temporary Residents Permit
Zhonghua Renmin	
Gongheguo	Peoples Republic of China, official name of the country
Zhongnanhai	Headquarters of the CCP in Beijing

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Annex I: Glossary of English terms

Basic Law	Hong Kong's mini constitution
'Bare Branches'	Term used to denote unattached males
CCP	Chinese Communist Party
Executive Council	Hong Kong's top decision making body
HK	Hong Kong
IMAR	Inner Mongolia Autonomous Region
LegCo	Hong Kong and Macau Legislative Councils
MPS	Ministry of Public Security
"Mixing Sand"	Name given to Han migration to Xinjiang
NHAR	Ningxia Hui Autonomous Region
Procuracy	Responsible for investigating and prosecuting criminal cases
PRC	People's Republic of China
PSB	Public Security Bureau, local police force
ROC	Republic of China, official name for Taiwan
SAR	Special Administrative Region – Hong Kong and Macau
SARG	Special Administrative Region Government
Snakeheads	People smugglers
TAR	Tibet Autonomous Region
'Three Represents'	Perplexing personal philosophy of former President Jiang Zemin
XUAR	Xinjiang Uygur Autonomous Region

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Annex J: Glossary of Tibetan terms

Democratic Management Committees (DMC)	Committees which oversee the running of Buddhist temples in Tibet
Geshe	Monk or lama who has completed the highest form of monastic studies
Lamas	“superior ones” most revered Tibetan Monks reincarnation of the Buddha
Lamaseries	monasteries
Lhasa	Tibetan capital
Potala Palace	Official residence of the Dalai Lama in Lhasa
Rinpoche	honorific title given to monks
Tibet	“rooftop of the world”

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Annex K: Guide to Tibetan names

Name	Pronunciation	Meaning
Chodak	CHO-dak	Dharma Spreader
Choden	CHO-den	One who is devout, religious
Choegyal	CHO-gyal	Dharma king
Chophel	CHO-pel	The flourishing of the Dharma
Dhargey	DAR-gye	Progress, development, spreading
Dorje	DOR-je	Vajra, which means indestructible
Gyaltsen	GYEL-tsen	Victory banner
Jampa	JAM-pah	Loving-kindness
Jamyang	JAM-yang	Gentle voice
Kalsang	KAL-sang	Good fortune
Karma	KAR-ma	Action, deed
Kunchen	KUN-chen	All-knowing
Lhundup	LUN-d(r)oop	Spontaneously accomplished
Lobsang	LOB-sang	Noble-minded
Ngawang	NAR-wang	Powerful speech
Ngodup	NOD-ooop	Attainment, accomplishment
Norbu	NOR-bo	Jewel
Palden	PAL-den	Glorious
Pema	PEM-a	Lotus
Phuntsok	Poon-tsok	Excellence
Rabten	RAB-ten	Steadfast
Rinchen	RIN-chen	Precious, gem (great value)
Samdup	SAM-d(r)oop	Fulfillment (of one's wishes)
Sangye	SANG-gye	Buddha
Sonam	SON-am	Merit
Tenzin	TEN-zin	Holder of the teachings
Thekchen	TEK-chen	Mahayana
Thokmay	TOK-me	Unobstructed, unhindered
Thubten	TOOB-ten	The Buddha's teaching
Tinley	T(R)IN-ley	Enlightened activity
Tsering	TSER-ing	Long life
Tseten	TSET-en	Stable life
Tsewang	TSE-wang	Life empowerment
Wangchuk	WANG-chook	Lord, mighty
Wangdak	WANG-dak	
Wangdue	WANG-doo	Subduer
Yonten	YON-ten	Good qualities

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Annex L: Reference to source material

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