

CHINA COUNTRY ASSESSMENT

October 2001

Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

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

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

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

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

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

Amnesty International UK
Immigration Advisory Service
Immigration Appellate Authority
Immigration Law Practitioners' Association
Joint Council for the Welfare of Immigrants
JUSTICE
Medical Foundation for the care of Victims of Torture
Refugee Council
Refugee Legal Centre
UN High Commissioner for Refugees

2. GEOGRAPHY

Geographical Area

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

<> 2. Conditions in Jiangxi Province, PRC

2.2. Economic difficulties Jiangxi Province, located in Central Eastern China, is held to be one of the poorest provinces of the Chinese heartland. Population of about 41.5 million (1997), the provincial capital in Nanchang. Principle economic activity is agriculture. The average disposable income of each individual, per annum, is around *Yuan* 2,000 (£150). [13b] The city of Shanghai has started to run "hardship summer camps" for relatively wealthy urban children, to learn "discipline" from the rural poor, with the camps set up in Jiangxi Province. [10av]

2.3. The combination of poverty and agricultural dependence of the province has meant that the area has been very sensitive to the economic restructuring of PRC and current downturn. Three effects of this can be identified as a) migration out of Jiangxi b) a period of socio-economic re-adjustment, and c) measures taken by local officials and local reactions, with the three strands closely interwoven.

2.4. Migration There has been a long history of internal migration from Jiangxi to the coastal provinces, particularly Fujian. Jiangxi migrants in the 1990s formed part of the "floating population" of the coastal provinces, and seen as both necessary and socially destabilising by the authorities. [20j]

2.5. Jiangxi has been accused of being a "dumping ground" for people displaced the Three Dams project. There has been further displacement within Jiangxi with large scale dam and flood relief projects. [10au]

2.6. Farmers Agriculture, the mainstay of Jiangxi, has been hit by a spate of crop failures, haphazard flood / drought relief that has resulted in disaster for individuals, and general disenchantment with rural life. In August 2000, it led to a farmers' tax revolt, where 20,000 withheld taxes as a complaint against arbitrary local taxes. [4od]

2.7. Farmers have staged similar protests in the year 2000. For instance, 1000 banana farmers in Fujian withheld taxes in November 2000. [4od]

2.8. Local officials have had a long history of squeezing farmers, pre-dating the revolution, when local landlord families would also control the lower levels of the

Civil Service. In rural areas, this type of arrangement translated into a Party cadre / farmer relationship that was essentially as abusive of responsibility. [40c] There is a history of abuse of many policies, particularly provincial rather than central policies. Land allocation, planning laws, and birth control regulations ("one child policy") have been abused, ostensibly to raise taxes, but with many instances of personal enrichment. [40c,40e,10au]

2.9. Officials in other rural areas have been even more flagrant in abuse of power. In Anhui Province, directly north of Jiangxi, 200 peasant farmers were held hostage by local officials in a private illicit jail. Hostages were typically held until their families paid illegal fines, all relating to "various strange and unheard-of" charges relating to the birth control policies. Three officials were given administrative sentences of three years' imprisonment in November 2000. There were local protests over the perceived light sentences. [40d]

2.10. Many officials, including the former Vice-Governor Hu Changqing, have been executed or punished for corruption. [40d,40f] The central Chinese authorities are keen to make examples of such corrupt officials, to speed up the "strike hard" campaigns against corruption, and to win back the trust of the farmers. [40f]

2.11. News reports indicate that protesting farmers see the problem being with local officials, and still trust Beijing to rectify the situation. [40e] The Jiangxi Province protests in August 2000 began with the publication of a handbook on rural taxes with listings of proper rates, etc, published in July 2000 by a government-run magazine. [40e]

2.12. Diversification of the local economy. Examples of desperate local enterprise have included the illegal manufacture of fireworks by schoolchildren, ostensibly as a mutually beneficial scheme of income generation (for the school) and work experience (for the pupils). This practice was highlighted after the deaths of 42 people in a Jiangxi school in March 2001. [40a]

2.13. Population issues Akin to the child-labour practices operating in the state school system, there is also highly organised baby farming in Jiangxi orphanages, operating with local official sanction. There is also higher level sanction as many female infants are adopted to go abroad. [10at] In the United States, there is a network of parents who have adopted from Jiangxi orphanages dedicated to maintaining links with their children's birth country. [22n]

2.14. The illegal trafficking of females and male infants has escalated in Jiangxi, the victims being transported to wealthier Chinese provinces. [40b]

2.15. Jiangxi Province had one of the highest total fertility rates in China until a 1990s family planning campaign stabilised the birth rate to a slight decrease by the end of the decade. Family size varies between rural and urban areas, with the proportion of three-generation or larger households higher in rural areas; a two generation, four person family is the typical norm (two parents, two children). [13b]

2.16. Ultrasound scanning for sex identification was banned in 1999 in Jiangxi Province. [10aw] Though mainly rural, and typically more susceptible to traditional female infanticide, the sex ratio of the Jiangxi population accords with the national average of 106/107 males to 100 females. [13b]

Population

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

Names, surnames and clan names

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

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

2.20. Naming conventions. Traditional Chinese naming convention work on the basis of Clan-name (usually monosyllable) then Personal name (usually two syllables), for instance Deng Xiaoping, father of Deng Pufang. Lin Yutang, an old authority but the only provider of an explanation found to date, rails against the splitting of the syllables of the personal name, arguing that such a splitting is as disrespectful as the splitting of Latinate or other names, eg. Yu Tang is as demeaning as writing Nicaragua as Ni Ca Ra Gua. **[5o]** Various non-PRC Chinese communities have developed traditions, such as adoption (often imposition) of British type conventions in Hong Kong, prior to handover in 1997. Hence, names such as Michael Lee or Belinda Peng (Personal then Clan-name) and a growing fashion for amalgams such Regina Ip Lau Sukyee. The Singapore Chinese community has recently seen a youth trend towards adopting a western name as a consequence of cultural globalisation. **[9ch]**

Languages

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

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

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

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

2.25. The official written language is Modern Standard Chinese, with dictionaries listing as many as 40,000 separate characters. Standard core characters number

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

2.26. Regional language in Fujian Province. Languages in Fujian basically fall into three particular levels, namely "Mandarin" = Standard Modern Chinese for the purposes of official communication and instruction; Hokkien, the regional language of Fujian, Taiwan island, and all along the eastern coastal areas of China; and Hokchiu Oe or Fuzhouese spoken by people from the Fuzhou metropolitan area. [20i]

Minnan speakers, in the main and particularly if literate, are held to be adequately bilingual in Modern Standard Chinese. [20a]

3. HISTORY

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

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

The Cultural Revolution 1966-76

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

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

3.5. Although the worst abuses of the Cultural Revolution had subsided by 1970 this phase of China's history only officially ended when final judgement on the Cultural

Revolution took place at the sixth plenum of the Eleventh Central Committee in 1981, which saw the beginning of the era of economic reform under Deng Xiaoping.[3a]

1978-1989 and economic reform

3.6. In 1978-79 a campaign for democratic reform and human rights, involving posters and demonstrations, took off in Beijing. It became known as the Democracy Wall Movement. The Movement was initially encouraged by Deng Xiaoping as a means of putting pressure on his political opponents; when his aims were achieved he suppressed the Movement. In March 1979 Democracy Wall leading figure **Wei Jingsheng** was arrested and subsequently sentenced to 15 years imprisonment for "counter-revolutionary" crimes.[3a]

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

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

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

Tiananmen Square 1989

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

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

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

Post - Tiananmen

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

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

1993 - PRESENT

Crime and corruption

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

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

3.17. Public maladministration and corruption is seen by the Chinese authorities as undermining the Party's legitimacy, and has been targeted as the main social evil threatening PRC. Three types of remedy are being deployed against it: managerial professionalism is being developed in public administration; legal restraints are reigning in 'street-level bureaucrats' such as police officers, increasing their accountability; and politically, with increased governmental openness and responsiveness. **[5e]**

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

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

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

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

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

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

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

Criminal activity

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

3.26. Triads. In any survey of Chinese organised crime elements, triads are often mentioned. Not all organised crime is arranged by triads or necessarily has triad involvement: a triad is a secret Chinese organisation dedicated to profits by criminal activities. Early 1990 estimates talked of 60 known triads, with 12 major triads. Triads are typified and distinct from other criminal groups by a traditional grouping into lodges and a hierarchical structure with traditional roles and titles (see Annex glossary D: Chinese Terms, beginning with Shan Chu) [5j]

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

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

Government leadership

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

Economic reform

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

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

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

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

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

Chinese currency

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

1999: Anniversaries

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

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

International relations

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

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

"One country, two systems" issues

Relations with Taiwan

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

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

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

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

HONG KONG

3.44. Hong Kong reverted to China on 1 July 1997 under the Sino-British Joint Declaration signed in 1994. The Joint Declaration provides for a high degree of

autonomy in the Special Administrative Region and to be allowed to keep its capitalist system and lifestyle unchanged for 50 years.[1,4c]

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

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

Elections

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

Dissidence in HKSAR

3.48. During 1997-1998, Beijing respected its "one state, two systems" undertaking, although Hong Kong's Democracy Party was excluded from the Provisional Legislature.[4c,6i] Tighter restrictions were imposed on public gatherings, but the Hong Kong administration did not reject any applications for demonstrations or rallies. Tens of thousands attended a demonstration on the anniversary of the 1989 Tiananmen incident, organised by the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China. Video messages were relayed to the demonstrators from Wei Jingsheng and Wang Dan in USA. There were no arrests.[13d]

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

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

Mainland-born children

3.51. On 29 January 1999, a landmark Court of Final Appeal (CFA) ruling interpreted the Basic Law (HKSAR's constitution) to give a right of abode to children of Hong Kong residents. Previous controls excluded illegitimate children and those born before one parent had become resident in Hong Kong. [4w] Mainland legal experts, quoted widely in the official media, condemned the CFA for claiming jurisdiction over "constitutional"

matters.[4q,20d] The judgement lead to widespread concern in HKSAR: an official survey estimated that around 1.6 million mainlanders would be eligible to settle in Hong Kong.[9bb] Following an approach by the Hong Kong government, the National Peoples Congress in Beijing overruled the CFA and issued a judgement interpreting the Basic Law. [4ah].

Vietnamese boat people

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

MACAO

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

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

4. INSTRUMENTS OF THE STATE

Government and Constitution

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

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

4.3. Other political organisations such as the China Association for Promoting Democracy, the China Democratic League, and the China Democratic National Construction Association, act in support of socialism and the CCP. Attempts to establish political parties independent and critical of CCP's monopoly rule are curtailed by the authorities. However, several hundred million Chinese have participated in the village elections programme, which allows basic democratic expression in multicandidate

elections for nongovernmental local village committees. Foreign observers have described these elections as, on the whole, fair. Successful village committee elections have included campaigning by multiple candidates, platforms, and the use of secret ballots. [1,2d,3f,7d]

Political structure

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

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

Grassroots political activity in China

4.6. There have been significant changes in the approach of the Chinese authorities to grassroots political participation since 1978. In 1982, in rural areas, villages were set up with their own autonomous committees. Changes in the rural economy have affected the population's approach to political structures. The yearning for better conditions and wealth have fuelled grassroot demands for reform in all matters; the old notion of "leaving the land but not the village" has weakened with increased rural migration; and peasants' consciousness of independence has increased, becoming a more discerning electorate. [5d]

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

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

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

4.10. Formal contact with government officials, either individually or collectively, can

be fraught with obstacles and even some retaliation, but peasants can express their views on matters. Informal contact happens, and can progress to differing shades of corruption. [5d]

Village Committee system

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

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

4.13. In 1983, disputes arose as to the power to be held by VCs, whether the Party controlled with informal "guidance" (*zhidao*) or direct "leadership" (*lingdao*). Strong opposition to elected officials on VCs and reservations about VCs generally emerged at the 1987 meeting of the National People's Congress. An Organic Law supporting VCs was passed in 1988. The period 1988 - 1990 was a time of experimental implementation at local level. After the 1989 democracy protests, there were calls to repeal the Organic Law; the Ministry of Civil Affairs was placed in the position of either full support or total abandonment of VCs and VC elections. The MoCA decided to promote self-government, was supported at the highest level of CCP leadership, and institute a full implementation. [11f]

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

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

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

4.17. The source concludes that local democracy has grown from the first stage of the 1982 constitution recognising VCs, to the Organic Law of November 1998 and

the shedding of local democracy's trial status. The future of local democracy is still uncertain: "open resistance to elections may decline, but feigned compliance will almost certainly increase." It is still the case that village elections are supported by reformist elements in the CCP in order to increase mass support for the Party by giving the local population an opportunity to rejuvenate village leadership. [11f]

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

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

Neighbourhood Committees

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

Legal framework

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

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

4.23. The **Criminal Law** of the PRC was amended in March 1997. Article 13 defines as crimes "all acts that endanger the sovereignty, territorial integrity, and security of the state; split the state; subvert the political power of the people's democratic dictatorship and overthrow the socialist system; undermine social and economic order; ... and other acts that endanger society." Article 13 also states that "if the circumstances are clearly

minor and the harm is not great, [such acts] are not to be deemed crimes." [7a,12b]
(See also paragraph 5.4)

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

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

4.26. Despite its revisions, the CPL permits long periods of detention without charge or trial, and grants wide powers to the police to restrict or detain people on their own authority, without judicial review. Although "arrest" requires review and approval by the procuracy, the CPL allows the police to impose four forms of restriction or detention without charge for which there is no review and approval procedure. These are "summons", "taking a guarantee and awaiting trial", "supervised residence", and "detention". Arrest marks the time at which a suspect is formally charged with a crime. Arrest is followed by a period of "investigation", usually by the police, which ends when the police file a request for prosecution with the procuracy. The procuracy then reviews the case in order to decide whether or not to initiate a "public prosecution". If it proceeds with prosecution, the procuracy writes an indictment and transmits the case to court for examination and trial. After reviewing the case the court decides whether or not to proceed with the trial. Throughout this process, detainees have right of access to a judge to challenge the grounds of their detention only when the length of detention has exceeded the time limits prescribed by law.[6b]

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

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

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

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

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

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

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

Land Law

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

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

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

Security situation

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

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

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

Police

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

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

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

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

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

Military Conscription and Desertion

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

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

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

5. HUMAN RIGHTS

Overview

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

5.2. The Government responds to **international criticism** of its human rights record by invoking principles of non-intervention and state sovereignty. It argues that a nation's political, economic and social system and its historical, religious and cultural background determine its concept of human rights; and that economic security is the paramount human right. At a law enforcement conference in late 1997, President Jiang told the internal security forces that "Stability is the prerequisite for reform and development".**[13b]**

5.3. However China was more open to dialogue in 1998 than at any time in the recent past. In 1997 the UNESCO Working Group on Arbitrary Detention was allowed to visit China.**[8]** Many countries have started or resumed human rights dialogues with China, including UK. In September 1996 China and the European Union resumed their human rights forum. Chinese officials met with Amnesty International in July 1997.**[2b,2d,7b,13b]** President Clinton raised the issue of human rights during his high-profile visit to China in June 1998, and in September 1998 Mary Robinson was the first UN High Commissioner for Human Rights to visit China.**[20b]** China signed the UN Covenant on Economic, Social and Cultural Rights in October 1997, and the UN Covenant on Civil and Political Rights in October 1998.

5.4. However, it may be some considerable time before these treaties are ratified and incorporated into domestic law **[4r]**, and arrests of dissidents towards the end of 1998 and into 1999 indicated that the authorities continued to be intolerant of dissent. The years 1999 and 2000 have seen intensified efforts to suppress dissent, and has lead to increased allegations of human rights abuses, with the government's reaction to the Falun Gong exemplifying the hardening attitude. (see section 5.)**[2e,4gc-f]**

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

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

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

Social societies in China

5.7. The main method of control of non-governmental and non-party political and social action and debate is through the system of registration of civil society organisations. The registration system, and conversely non-registration and banning, is the key to understanding human rights issues in PRC. **[11g]**

5.8. Commentators and academic sources have seen an embryonic non-governmental civil society emerging over the 1990s.**[9t,11g]** Most analyses have concentrated on the way the Party and the state organisations have compartmentalised such social societies in order to frustrate a pluralistic system. One academic source argues that this aspect overshadowed the "the dynamics of change in China and the capacity of the 'co-opted groups' to influence the policy-making process or to pursue the interests of their members." **[11g]** Urban neighbourhood committees are held to be undergoing conversion to community service agencies. **[9t]**

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

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

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

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

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

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

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

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

5.17. Organisations have got round the above restrictions, to varying degrees, on the basis of two main accounts. Firstly, the state and the Party are both too weak in terms of finances and human resources to implement such restrictions. Secondly, the organisations have developed a number of evasive strategies. One popular

strategy was to register as a business, but this loophole was closed off by the 1998 regulations. Another is to remain a "secondary organisation", securing the sponsoring body's approval to go forward for registration, but not to proceed. The organisation has most of the main advantages of registration if it stops at such a point. This is often achieved through adoption under academic institutions and research bodies. Another method is to operate covertly within the shell of an essentially dormant or moribund existing social organisation (an example given of an active family and sexual advice clinic operating in Beijing under the auspices of the China Association of Social Workers.) *Guanxi* (social favours and obligations) also play a part, and officials manipulated particularly at local level. [11g]

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

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

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

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

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

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

Political dissenters

5.24. Political dissent is tightly controlled. Public dissent, criticism and protest in China have been silenced by intimidation, exile, the imposition of prison terms, administrative

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

5.25. Conditions for all inmates of penal institutions are generally harsh and frequently degrading. **[2b]** There are reports that some political prisoners have been unable to obtain adequate medical care; and reports of beatings by guards and fellow inmates, electric shocks and solitary confinement.**[2d,2g]** (see also paragraph 5.1 and 6.1)

5.26. Many of those arrested for participation in the pro-democracy movement in Beijing (but not in other locations) have been released. Security officials have stated that all cases from the period of the Tiananmen demonstrations have been concluded.**[6o]** However, Amnesty International maintains that 211 people remain imprisoned in connection with the 1989 protests.**[2g,6h]** Those who have been released and continue to make political protest in China remain liable to further detention and harassment for subsequent "crimes", such as signing petitions or participating in Tiananmen Square massacre commemorative events around 4 June.**[2a,6h]**

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

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

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

Dissident organisations

5.30. A number of dissident groups emerged in 1991, including the Liberal Democratic Party of China (LPDC, Zhongguo Ziyou Minzhu Dang, or Freedom and Democracy Party); the China Progressive Alliance (CPA, or Zhonghua Jinbu Tongmeng); the Free Labour Union of China (FLUC, or Zhongguo Ziyou Gonghui); and the Social Democratic Party of China (SDPC, or Zhongguo Shihui Minzhu Dang.) During 1992, the authorities put a stop to their activities by arresting scores of activists and suspected supporters. **[6j]** Typically, these 1991 organisations were very local and very small, usually of less than a dozen activists in each group. **[12f]** (please refer to Annex A, part three for a listing of known dissident organisations)

5.31. Between September 1997 and mid-November 1998, there was a period of political relaxation that some sources have referred to as a "Beijing Spring". The thaw may have been aided by the trouble-free passing of three key events: the death of Deng Xiaoping (February 1997), the return of Hong Kong (July 1997) and the 15th Party Conference (September 1998). **[12f]**

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

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

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

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

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

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

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

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

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

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

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

Religious freedom

General situation

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

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

5.44. Since 1979 there has been a gradual relaxation of government policy towards religious activities, and churches, temples, mosques and lamaseries (Tibetan Buddhist monasteries and nunneries) closed or destroyed during previous decades were restored and reopened. According to the government, there are now more than 85,000 registered places of worship. Students at officially-administered religious institutes must demonstrate "political reliability". Religious belief is considered to be incompatible with CCP membership, and participation in religious activity is forbidden to members of the People's Liberation Army.[2b,2d,6d]

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

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

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

Christians

General Information

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

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

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

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

Protestant Christians

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

5.52. The relationship of authorities and the protestant churches are outlined. It

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

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

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

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

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

Catholic Christians

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

5.58. A distinct split exists between the registered and unregistered catholic churches. The unregistered church is loyal to the Vatican, and refuses to cut ties with the Vatican or to accept local election of bishops without Papal appointment. The Chinese authorities view such points as political matters, but many Catholics

see them as points of principle, and therefore there is a high rate of non-registration. Relations between registered and non-registered Catholics depend on locality - in some areas, deeply divided; in others, not. [3z]

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

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

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

<> Minor Christian-influenced Groups in PRC

5.62. General Background The idea of breakaway Chinese churches goes a long way back, arguably to the Tai Ping movement of the mid-nineteenth century. Likewise, **the True Jesus Church**, founded around 1917. A more recent model is the example of the **Little Flock**. This group, founded in 1922 by Ni Tuosheng (Watchman Nee), was one of the most successful breakaway movements that abounded in the 1920s and 1930s. It grew in the 1940s, and effectively dissolved in China in 1952 after the arrest of Ni by the PRC authorities. Notably, it developed overseas connections, in Taiwan and other parts of Asia. [20k]

5.63. The defining features of the groups listed here are a) a rejection of the official Protestant church and its various attendant structures (The Three-Self Movement; the Chinese Christian Council; the Ministry of Religious Affairs) and b) a tendency to develop an "authentic" Chinese interpretation of Christianity or variants, and dismissal of Western churches' theology. [20k]

5.64. Many of the new Church groups are based in Henan province, and many reported arrests have also been in Henan. For example the arrests in June 1995 in Zhoukou city, Henan show that many of the sects below are operating in the same areas and within the same populace (with the arrest of 68 Christians, and three groups named - the Shouters, the Born Again movement, and the Disciples Association. [4oi]

5.65. The Shouters (Huhan Pai) One source lists the Shouters as being the successors to the Little Flock. [4oh] Other sources place the Shouters as having begun in China in Henan province in the 1960s, having been an import from South Korea. The South Korean sect is led by Li Changshou, who has a semi-divine status amongst the Shouters.[4ok] Most sources put the number of Shouters at 200,000 in the 1980s before and during the 1983 crackdown. [4oh,4ok] The Shouters were so called as members engaged in public shouting as part of their worship. [4ok]

5.66. Labelled a "counter-revolutionary organisation" in 1983, there was a crackdown on the Shouters with up to 2,000 arrests. On 3 July 1983, the "worst elements" of the Shouters were paraded publically, and given sentences of up to 15 years imprisonment. [4og] Officially condemned as a "sect" in a Public Security

Bureau circular issued sometime between April and August 1996. [12h]. In the period 1983-1994, 70 members were imprisoned, with 13 still in prison by 1994. [4og,4oh] Human Rights Watch keenly observed their situation in the mid-1990s. [40h,12h]

5.67. Born Again Movement (*Cong Sheng*). Also known as New Birth; Total Church; Holistic Church (*Quanfanwei Jiao*) and the Crying Faction (*Ku Pai*). In 1998, it reportedly embraced over 3 million adherents. [20k] A PSB document put the number in 1996 as 500,000 and accuses them of subversion, with an alleged plan of first undermining existing church structures and then moving on to political structures. [12h]

5.68. A key event for the Born Again Movement was the arrest of the leader Xu Yongze. Xu was reputedly the leader of a network of 3,500 house-churches centred within Henan province, and going by the names of New Birth or Total Church or Born Again. The network was reputedly active in 20 provinces in 1994. [20k] Xu was arrested on 16 March 1997, along with leaders of the Shouters and the True Jesus Church. [12h]

5.69. Doctrines of the Born Again Movement include an imminent apocalypse. Practices include a three day period of repentance for all converts, of open wailing and crying, hence the colloquial name, the Crying Faction. [6u]

5.70. There is some confusion in the sources as to whether the **Holistic Church (*Quanfanwei Jiao*)** is part of the Born Again Movement or actually a separate group. [6u]

5.71. The Blood and Water Holy Spirit A group mentioned in 1996 as having been started by visiting Taiwanese Christians. Subject to a crackdown on 9 May 1996, with Jiangxi Province police arresting the leader, Zhang Guihua, and twelve others for administrative sentences. Zhou Zuoyan, another church leader, was sentenced to two years' re-education through labour and then on the run after his release in 1995. [12h]

5.72. Spirit Church (*Lingling Jiao*) . Reportedly founded in the mid 1980s by Hua Xuehe. Hua pronounced himself a second Jesus, with attendant healings and miracles. [6u]

5.73. Wilderness Narrow Door (*Kuangye Zhaimen*) Founded by Ji Sanbao in 1989 in Shaanxi Province.

5.74. Disciples Association (*Mentu Hu*) Reportedly the successors to the Wilderness Narrow Door. There are reports of detention, and administrative sentences of assigned re-education through labour throughout 1998 and 1999. Mentu Hui are chiefly investigated on the grounds of their rejection of medical treatment in favour of divine intervention and healing. [6u]

5.75. Oriental Lightning (*Dongfang Shandian*) The believers of this group see a woman leader surnamed Deng from Zhengzhou, Henan Province as the promised return of Jesus Christ incarnate. Reportedly they target established Protestant congregations aggressively, a technique they call "liberate the church by truth". In the early 1990s they were spread across several provinces. 4 arrests have been noted all in 1999. [6u]

5.76. Elijah Church (*Yiliya Jiao*) A very small group (40 adherents) living communally in Yilan county, Heilongjiang Province. On 15 July 1999, the police broke up and dispersed the commune, with three arrests. Other Yiliya Jiao groups may have been active in other parts of Heilongjiang from 1994 to 1999. [6u]

5.77. Fangcheng Church. Numbers up to 500,000 members, and though named

after a county in Henan Province, it is based Xihua county, Henan. The founder, Zhang Rongliang, was sentenced in December 1999 to two years' re-education through labour. Linked by source to Falun Gong crackdown, after Falun Gong was declared an evil cult (*xiejiao*) in October 1999. [4ol]

Sects

(note definition of sect given below)

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

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

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

Falun Gong

Overview

5.81. The group known as the Falun Gong has presented a major challenge to the PRC authorities since their appearance in the late 1990s. There are three main elements to any study of the movement. Firstly, the movement itself in terms of theory, self-understanding, and practice of the group, and its context in terms of membership and key events of its history. Secondly, the PRC authorities' understanding of the movement, and reaction to and involvement in key events, particularly in terms of human rights abuses. Finally an understanding of the current position of practitioners in PRC, the authorities' campaign against Falun Gong and current research and comment on the phenomenon.

Nature of the movement

5.82. Falun Gong translates as "Wheel of Law". Li Hongzhi, the group's leader, who currently is in exile in the USA, founded the movement in 1992. The prime difference between other forms of qigong and Falun Dafa lies in Li Hongzhi's claim that Falun

Dafa has a greater, more complex attention to "Buddha Law" (see below). It combines elements of Buddhist self cultivation with traditional Chinese physical and breathing exercises to harness "qi" (inner energy or force, pronounced "chee") known as Qigong (pronounced chee-gong). [3g]

5.83. Many terms such as Falun Dafa, Falun Gong, and Falungong are used in relation to the movement. Document CHN33180.DOC details how and where these terms have been used. [3g] In short, the term Falun Dafa is preferred by practitioners themselves to refer to the overarching philosophy and practice; Falun Gong is used mainly by non-practitioners and strictly, refers to the first main exercise and/or to the main five exercises held to be the defining practice. [3g] The naming confusion seems to have occurred in December 1995 when Li Hongzhi withdrew / was expelled from the China Qigong Science Research Association. Up to that point Falun Gong was held to be akin to other qigong. [3g]

5.84. Qigong is the modern name for an ancient philosophy of well-being rooted in the background concepts of traditional Chinese medicine. The basic concept is of the circulation of forces in the world around and their influence upon human beings, a doctrine known as *wu yun liu qi*, the "five movements and the six qi". There are six qi, the elemental forces of wind, cold, heat, dryness, dampness, and extreme or summer heat. They are linked to the five "phases of being" - metal, wood, water, fire, and earth. All these elements are further affected by the constant turning of the two primordial forces of the yin and the yang, symbolised by the *taiji* (the interlocking black / white halves within a circle). "Blocked" qi is the cause of many of humanity's ills, a passive "evil" usually identified as the excess of one force at the expense of another. Positive, active "evil" is known as *xie* (pronounced "shay" - literally means "not squared up, not straight up"), and is anything that seeks to disrupt the harmonious movements of life. Qigong is one of many spiritual disciplines (such as *feng shui*, *taijiquan* = "tai chi", *I Ching*) to rectify imbalances. Qigong is made up of physical, mental and spiritual routines and exercises, imparted under the instruction of a spiritual master. Traditionally, "balance" is achieved after many years' tuition and practice. [3g,20h]

5.85. The practice of qigong is recognised throughout the Chinese world. In PRC, it originally fell under the category of "superstitions" in the eyes of the Communist Party. It has been accommodated through the registration of a national qigong association - the China Qigong Science Research Association. [3g] Qigong is not without its own imbalances: excessive intensive practice can lead to qigong psychotic reaction, a culture-bound psychological syndrome. It can be confused with schizoid episodes, in terms of hearing disembodied voices. [20i] Falun Gong practitioners hold that Falun Gong does not produce such a syndrome as such: it is the excessive practice of qigong exercise pursued with "false" intentions, such as for attaining supranatural powers or for ill-intentions. [15e]

5.86. Falun Gong has taken on many elements of qigong while incorporating elements from many other spiritual traditions, as exemplified by the Falun Gong symbol. The symbol of Falun Gong is a golden-yellow right-hand swastika like symbol, the *Wan*, on a red circular background, within a larger circle with further *wan* at the cardinal compass points followed by *taiji* (Yin-Yang) symbols in between. Adepts can see that the wheel symbol is turning. [22f]

5.87. There are five main exercises within the exercise regime element of the movement. They are in turn broken down to specific physical movements. The five exercises are:-

1. Buddha showing a thousand hands - *Fozhan Qianshou Fa*

2. The Falun standing stance - *Falun Zhuangfa*
3. Penetrating the two cosmic extremes - *Guantong Liangji Fa*
4. The great heavenly circuit - *Falun Zhoutian Fa*
5. Strengthening divine powers - *Shentong Jiachi* [22g]

5.88. The principle publications are *Zhuan Falun* and *Falun Gong: a basic introduction*. Another publication is *Falun Buddha Law*, a collection of lectures given around the world. All the publications are available via all the websites.

5.89. Falun Gong has been held by many commentators, including Falun Gong practitioners, to have moved away from qigong in its current practice. Falun Dafa emphasises that Falun Gong is not a religion, but a method of self-cultivation. No deity is worshipped, there is no ritual membership or profession of faith. Falun Gong exercises and reading key texts can be practised equally in a group or alone. Membership, in terms of religious affiliation, can be as nebulous as being an occasional practitioner of the exercises. [22a]

5.90. Likewise, Falun Gong practitioners deny that it is a cult with a pernicious political agenda, saying that practice Falun Gong simply to improve their health and become good people with high morals. [4an,11f,10t,10u]

5.91. Falun Dafa rejects the notion of being a cult. It identifies cults as being associated with money-making ventures, stating:-

"All instruction in Falun Gong throughout the world is free.... No practice site in the world collects any money, as no fees or donations are accepted. This is a lousy way to run a business, but a great way to run an upright self-cultivation practice."

Likewise, they emphasise that they do not teach anything that approximates to an apocalyptic ending to the world. [22a]

5.92. Falun Gong has however attracted adherence from people of many different backgrounds, including groups with religious leanings such as traditional Chinese Buddhists. It has been argued by academic commentators that Li Hongzhi's teaching has changed over the years, moving away from emphasis on healing and being healed, as in the early writings, to emphasis on "truth-goodness-forbearance". [23a]

5.93. One academic source states that he wishes to examine Falun Gong in terms of a religious movement: that the "fanaticism" of practitioners is a resilient and resisting expression of faith inherent to the type of movement. "Its public expression reflects the urban and text based nature of the movement, which more or less prescribes this form of visible resistance." [23a]

5.94. The source however warns against using the term "sect" in a Western understanding of the term (usually used pejoratively). "China has a long tradition of labeling all kinds of religious phenomena and building categories out of them which in no way correspond to the actual phenomena or to western scholarly analytical categories." [23a]

5.95. The sources also holds that "Li Hongzhi and his Falun Gong are a PRC phenomenon and should not be mistaken for a new religious group ("sect") of the traditional type. The Falun Gong emphatically denies being a religion, cult or sect, although it does present a cosmology, moral system and practices that intends to fit human life into the overall cosmic process in a way that we normally call religious." [23a]

5.96. The leaders of the patriotic associations of the five recognised religions have produced statements condemning Falun Gong as a cult with no legitimate basis in religion. [4hy]

Organisation of the Movement

5.97. On the one hand, sources of information set up by practioners stress that Falun Dafa is above organisation, in that it is a philosophy and life-style regime free to all. The websites and other publications of practioners claim practioners are bound together loosely by common interest but have allegedly no wish to create a formal structure. [3g]

5.98. In November 2000, CIPU and the Falun Gong Association (UK) were in communication, and the Falun Gong Association (UK) assisted in clarifying some Falun Gong viewpoints. Membership is reiterated as being very loose, with organisational practice in China as loose as in countries, outside PRC. [15e]

5.99. The Falun Dafa Institute maintains that the Falun Gong Research Society folded in 1994, after two years' operation, and most of its money going to the (officially recognised) China Qigong Science Research Society as parent body. [22a]

5.100. The Falun Dafa Institute, purportedly headed by Li Hongzhi, is now the principal source of information about the practice of Falun Dafa. The sites connected to the Institute website have lists of contacts, world-wide websites, and volunteer contacts. Details are given of local groups and practice times. The websites are uniform in style, though they profess to be only loosely linked by common interest. [3g]

5.101. One academic source points out the limitations of gaining information about Falun Gong practitioners in mainland China. Apart from the limited access by Western journalists and the propaganda campaign by the Chinese authorities, the only other major sources of information to the Western press have been the Hong Kong based Information Center on Human Rights and Democratic Movement in China, and the Falun Dafa Institute office in New York. This Falun Gong office operates through the Rachlin Management and Media Group (owned by Falun Gong spokeswoman Gail Rachlin, a practitioner). [23b]

5.102. In April 2000, there has been speculation by journalists about a rumoured leadership coup within Falun Dafa, with Li Hongzhi quietly edged away from the central leadership and the emergence of a hard-line group with tendencies towards martyrdom. [4gj] One recent press article on Falun Gong has argued that Falun Gong is "undergoing a dark evolution". It alleges that Li Hongzhi has "disappeared" and may have been sidelined as leader of the movement, with the "spawn(ing of) a sophisticated Falun Gong public-relations and lobbying machine. It is successfully focusing world attention on abuses committed by Chinese security forces in their crackdown." Again, it is alleged that a martyrdom mentality, with individuals wishing to confront the authorities, has been cultivated. [9ac]

5.103. In August 2000, there have been claims of further internal division. A Hong Kong business woman, Belinda Peng, has said openly, on 5 August, that Li Hongzhi should stand aside and let her take on the leadership of the movement. Her following numbers about 30 people. Some commentators have seen her challenge as being engineered to purposely cause dissent. (See *Hong Kong*) [4hr,9z]

5.104. There have been developments on the Falun Dafa Institute website that might be interpreted as addressing internal divisions. The Falun Dafa Institute has

tried to impose their website, Minghui Net, as an authoritative source of information, with Li Hongzui's seal of approval. [22b] There have been reports of the same group, the Falun Dafa Institute of North America, extending to a radio station aimed at north and central China. [9ab] Likewise, post Peng's challenge, there are warnings on Minghua Net, in the name of Li Hongzui, warning of infiltrators and false leaders on the one hand [22c] and over-zealous elements on the other [22d].

5.105. Recent academics' studies of Falun Gong have noted the possible internal divisions within the Falun Gong, noting Peng Shanshan's / Belinda Peng's bid for leadership. [23a,23b] One source holds that there are four main areas of Falun Gong teachings and organisation that are problematic, and further study of is needed. Firstly, Li Hongzhi's stance of demanding absolute spiritual authority, extended into a notion of an elite within the organisation, with a negation of all "ordinary people" i.e. non-believers. The teachings are held to create an atmosphere conducive to abandoning (Western) medical care. Finally, the source points to misinformation propagated by the Falun Dafa Institute on their websites, such as the "awards" given to Falun Gong by several U.S. cities. Such awards are easily obtained and routinely given as public relations gimmicks by US states and cities, but are portrayed as being US endorsements of Li Hongzhi and Falun Gong to mainland Chinese in a way they were never intended. They are presented as infusing "honorary citizenship" with a legal status. Such awards have since been rescinded, but are still displayed. The source concludes by calling for a wider study of Falun Gong than just human rights in China, particularly research into the émigré organisation in the U.S. [23b]

5.106. One source argues that the difference will increase with the splitting of the older-aged, mainland followers left to their own resources from the overseas nucleus clustered around the Falun Dafa Institute. [23a] Falun Gong practioners hotly deny that Chinese PRC practioners have been so abandoned. [15e]

Organisation of the Movement in Fujian Province

5.107. The Canadian IRB has noted that reports on Falun Dafa practice in Fujian Province are scarce: there are as of yet no reports on Fujian listed in the list posted on 1 September 1999 on one of the major (purported) Falun Dafa websites. News reports quoted in the IRB extended response noted official activity in line with other provinces such as the destruction of Falun Dafa publications.[3i] Chinese sources in Hong Kong have maintained that Falun Gong membership and activity is very small in the Fujian region, and claims from Fujianese claimants are often a cover for emigration for economic reasons. [4fs] NGO reports of arrests have highlighted arrests around the Beijing area, with few authenticated reports from Fujian province. [2a]

5.108. The Political Counsellor of the Canadian Embassy in his fact-finding mission noted:-

"According to local authorities, this organisation had fewer followers in Fujian than in any other Chinese province. We were advised that there were less than 200 Falun Gong practitioners in the four counties in metro Fuzhou that have been the source of illegal immigration to Canada. The demographic of typical Falun Gong practitioners (older, urbane, often in uncertain health and predominantly female) is not consistent with most of the illegal immigrants arriving in Canada by boat." [3r]

Membership

5.109. Membership in terms of organisation is held by the Falun Dafa Institute to be non-existent. Anyone can practice Falun Gong exercises. Practitioners practice the exercises together because they enjoy each others company. Conferences, and conference organisation, are portrayed as the efforts of enthusiastic volunteers.

[22a]

5.110. Membership is a very fluid aspect of the movement. To quote the CESNUR (Center for Studies on New Religions):-

'Membership' may not be an entirely applicable concept. In fact, although the movement recommends a nine-day introduction course and frequent contacts with local centers, it also states that everybody can simply start practising Falun Gong by following the instructions from one of the many books, cassettes and websites ... quickly available in a variety of languages. The possibility of such a self-initiation, without a master and a lengthy discipline, is at the core of the criticism by other Qigong groups against Li and his movement. **[3g]**

5.111. The profile of the typical Falun Gong practitioner can be validated against an official survey of 12,500 practitioners in Guangdong Province, taken in 1998 and quoted by the Falun Dafa Institute. The findings were that 72.1% of the sample were female and 51.6% were over 50 years in age. The Falun Dafa Institute has extended the profile to claim that the elderly, pregnant and women with children, children, and the infirm have taken the brunt of the authorities' brutalities. **[22a]**

5.112. Practitioners reportedly eschew medical treatment, and use faith healing. Most are middle-aged and middle-class. Until the crackdown they gathered in parks and open spaces to practice traditional meditation and breathing exercises. **[4an,11f,10t,10u]**

5.113. There are no known membership lists, but there have been press reports claiming the Chinese authorities have assembled a list of a thousand names of activists and organisers operating outside the PRC. **[9j]**

Key Events in the history of the Falun Gong movement

5.114. Up to December 1999 is based on *A Chronological List of Events for the Falun Gong Movement* produced on 5 December 1999 by the United States Immigration and Naturalization Service. **[3h]**

5.115. Basic dates are as follows:-

13 May 1951 - Date of birth of Li Hongzhi (Falun Gong)

7 July 1952 - Date of birth of Li Hongzhi (PRC authorities)

22 May 1992 - Li Hongzhi founds Falun Gong

August 1993 - Falun Gong accepted as a sect into the China Qigong Science Research Association

1995 - Li Hongzhi stops teaching Falun Gong, authorities in Hangzhou take action to stop the spread of Falun Gong.

24 July 1996 - Chinese government bans Zhuan Falun and other publications.

February 1997 - Li Hongzhi formally expelled from the China Qigong Science Research Association.

February 1997 - Li Hongzhi and family apply for asylum in New York, leaving at apparent urging of the authorities.

18 April 1999 - Tianjin protests.
22 April 1999 - Beijing protests
25 April 1999 - Zhongnamhai protest.
22 July 1999 - Falun Gong banned.
29 July 1999 - Arrest order for Li Hongzhi issued.
30 October 1999 - Law outlawing cults passed.
23 January 2001 - The Beijing immolations and subsequent crackdown

Chinese authorities' reactions and reasons for banning

5.116. The question of why the Falun Gong was banned is often asked. Two articles have been found that sum up Western commentators' speculation of why the authorities banned the Falun Gong and PRC-based media comment on the ban.

[11d,11h]

5.117. An Asia Times online article has suggested the following six reasons for why Falun Gong is such a contentious issue for the Chinese authorities. Firstly, the government is aware of the history of the mobilising power of such spiritual movements, such as the 19th century movements of the Taiping and the Fists of Righteousness. It also challenges the Communist revolution as a popular rising, giving an alternative focus for those people who have recently suffered from general economic hardship, e.g. the elderly, redundant workers. It has infiltrated the Party and is perceived as having weakened internal control. Fourthly, the authorities have developed a policy emphasising nationalist aims, and Falun Gong is held to undermine such national bonding, particularly after Li Hongzhi was exiled to the USA. A spiritual movement, again attracting those who have suffered under the new economic climate, is held to be detrimental to the emergence of a managed market economy. Finally, in a similar fashion to economic freedom, Falun Gong challenges the amount of increasing freedom given to groups dealing with social issues. In short, an alternative populist movement acting potentially as a conduit of discontent was not a welcome development for the Chinese authorities as they re-engineered the country to a different economic basis. **[11d]**

Propaganda Campaign and Official Reasons for Banning

5.118. The official reasons for banning in light of the above are interesting. Falun Gong is held to be a cult, undermining the ancient spiritual discipline of qi-gong and posing as a religious organisation **[11h]**.

5.119. In January 2001, with emphasis on educating the masses **[4le]**, the authorities have claimed great popular support in intensifying the campaign against the Falun Gong. **[4lv]** Mass demonstrations are pointed to as examples of such support. **[4ly,4mv]** There has been the creation of anti-FG organisations with their own de-programming techniques **[4li,4mt,9be]** pressure has been brought to bear on overseas Chinese communities **[9bz]** and the Canadian government is probing allegations of threats made to Falun Gong activists in Canada. **[4mu]**

5.120. Generally, all PRC representatives have begun broadcasting a new central message: that Falun Gong is "anti-human, anti-society and anti-science". Professor ter Haar is of the opinion that most anti-Falun Gong propaganda is a stigmatizing of religious phenomena. **[23d]**

Specific issues of the propaganda campaign

Health issue

5.121. The authorities have often played upon the health issue, claiming that Falun Gong followers unwisely eschew modern "Western" medicine, and rely totally on the balancing of *Chi* through Falun Gong practice as their route to health.

5.122. Another area of contention is the linguistic battle between Falun Gong and the Chinese authorities over the "science" (*kexue*) and scientific terms. Falun Gong is held by practitioners to be a "science of well-being" and the authorities discredit Falun Gong on "scientific grounds". The source explains such claims to the scientific are significant to the Chinese context. Falun Gong is held by the authorities to endanger life by eschewing modern medicine, and inducing a psychotic state in followers. [11h,23a] The authorities have claimed Falun Gong has been responsible for over 1,500 deaths through misleading practitioners to avoid proper medical attention. [4he,4hf,9v] Likewise, that Falun Gong attracts the mentally disordered, and has a hypnotic quality akin to a drugged state. [4hn,4ib]

5.123. Derided as "a social cancer", Falun Gong has been castigated by the official media and seen as a threat: "its germs have certainly not been completely cleaned out and are still trying to erode our society's healthy organism." [4bk] Further reports echo these sentiments. One official news source article ends: "China's measured educational reaction toward Falun Gong should win the understanding of unbiased observers." [4gv,4gw, 11h]

5.124. Given the health issue, hence the emphasis on the reported words of one of the burns victims, matching ridiculously his belief with his injuries. [4mi] The health issue propaganda has alleged that Falun Gong "is responsible" for 1600 deaths of followers from reluctance to seek medical assistance, often referred to as "suicide" or "suicidal delusion". [4mi] The health issue has also encompassed and extended the understanding of qigong psychotic reaction, a culture-bound psychological syndrome, with the Mental Hygienics Institute, Beijing university, arguing for such an understanding. [4mk] Falun Gong representatives are keen to stress a misapplication of the phenomenon. [15e]

5.125. The popularity of qigong and other health promotion systems were encouraged as part of health promotion in the early 1990s, but the Falun Gong situation has prompted a reconsideration, and thus a promised reform of healthcare. The government has announced a new healthcare system for rural areas, giving 800 million people better access to healthcare. Plans are, apparently, well advanced and should be approved at the end of the year. [9bt]

5.126. As another slant on the health issue, abuse of mental health system as an alternative detention system was highlighted again by Robin Munro, a London researcher, in February 2001. His research showed the amount of such abuse had fallen by the early 1990s but is still used in a number of cases, most recently and particularly in Falun Gong cases, estimating that 600 Falun Gong practitioners have been sent for psychiatric treatment. [9cv] There are alleged cases of patients forced psychiatric drugs. [9cv] The article suggested that the detention for psychiatric treatment is a preferred option by the PRC authorities rather than holding in re-education through labour camps, as it further debases the individual's credibility, and the state's beneficence, by labelling "mad" rather than "bad". [22o,9cv]

5.127. Recent propaganda developments by the PRC authorities include a continuation of local measures, with local drives, rallies, crackdowns, as in the recent example of the Tibetan Autonomous Region, with a rally in Lhasa on 1 May. [4ou] Former members of the Falun Gong are being paraded to give their

confession and recanting in public. [4pe] Likewise, detainees within camps are being made available for interview. [4os,4ot] A Maoist era soldier hero, Lei Feng, has been developed as "a model for former Falun Gong to look up to and learn from", with inmates from Masanjia re-education through labour camp, Liaoning province taken to the Lei Feng Memorial hall for correctional lectures. [4ox] In the same vein, former Falun Gong members are being depicted as having been brainwashed but now cured: "the care and love shown by our party and our government for Falun Gong practitioners have found a clear expression in the successful conversion of Falun Gong practitioners." [4or,4os]

Cult issue

5.128. PRC propaganda has talked repeatedly of Falun Gong not being a "true" religion, though "a true religion" is very hazily defined, if at all, but suggests moral overtones. On the 15 October 1999, Falun Gong was denounced as an "evil" religion, as a "heretic" religion, by which was meant that it was held to have a strong religious flavour but not to be a religion as such, and was thus a deception. [4bk, 4ep] Articles have started to talk of the "scriptures" of Li Hongzhi, disparagingly referring to messages to all followers posted by Li Hongzhi on the Clearwisdom website. [4lg] A particular message dated 1 January 2001 is held to have "ordered" followers to take on a martyrdom role. [4lg,22l]

5.129. A three fold approach seems to have been adopted on this issue. The first element is a play upon "popular outrage" with "spontaneous" demonstrations and the emergence of anti-cult associations, such as the formation of such a group in Yunnan reported 17 January [4li], and the demonstration in Beijing of 6 February. [4mv]. All the official religious leaders have been obliged to make statements [4ma] with the Buddhist masters at pains to denounce as heretical the Buddhist elements of Falun Dafa. [4md] Thirdly, the authorities are keen to show that their repression of Falun Gong is part of legitimate efforts of states against cults that operate to the detriment of the public good. Loose reference is made to Waco and other incidents involving cults. [4nc,4nd]

Foreign influence

5.130. Recent Emphases in year 2000 have been on Falun Gong and Li as "agents of Western hostiles forces", with the West using Falun Gong as an excuse to interfere in China's internal matters. [4hd,4he,4hi] Previously in 1999, there were allegations of the movement being politically motivated, involved in the stealing and revealing of state secrets, and subverting employees of the public sector. [4dv,4el]

5.131. Falun Gong has been branded "as degenerating into a tool in hands of Anti-China elements", with Li Hongzhi singled out as a western agent (see below). [4lj,4mi] Hong Kong is held to be developing into a base of anti-China subversion. It is the first outright attack on Hong Kong's current position. [4mj] Overseas organisations have been pressed into service. [4mf,4ms]

Anti-Li Hongzhi

5.132. The development of Li Hongzhi as a hate figure is a key element of the PRC propaganda campaign. Li Hongzhi is portrayed as a confidence trickster with an inflated ego. The Chinese authorities from July officially saw the movement as organised, predatory, dictated by foreign influence. [11h] They closely identified the movement with Li Hongzhi, and emphasised his personal influence and ambitions in

their reviews of the movement. [3g] Li Hongzhi is held to be personally responsible for the April Zhongnanhai protests, deliberately orchestrating a challenge to the government. Li Hongzhi is alleged to have preyed upon personal spiritual voids and uncertainties as the country enters a period of economic change, and on the long history of popular personality cults and feudal superstition. [11h] Li Hongzhi is personally defamed as a deceiver, a meglomaniac, and a manipulator, having allegedly identified himself with an ancient hero, Yui Fei; all for comic effect. [4dx] An arrest warrant has been issued in respect of Li Hongzhi.[4az] Li Hongzhi is branded with many other labels, most recently as a guilt-ridden figure falling back on a secluded, luxurious life away from the consequences of his actions. [4lj,4lz,4mn] In contrast, Falun Dafa is keeping Li's location a secret because of possible death threats. [4nn]

The Banning of Falun Gong

5.133. A media offensive was launched mid-October to prepare for the banning of Falun Gong as a sect. [4bk, 4ep] A book was subsequently published on 30 October 1999, entitled *Falun Gong is a Cult*, highlighting the alleged dangers of Falun Gong, relating alleged medical cases, crimes committed, and other revelations. [4eo]

5.134. The banning of Falun Gong necessitated new legislation defining and outlawing sects. It was openly held to target Falun Gong as an "unprecedented" development, but conveniently rounded on other sects, outlined below in s 5.11. [4cy, 4ep] Cases of infringement of the new law are held to "especially serious" if involving trans-regional recruitment, overseas collaboration, large-scale publishing or causing death or injury. [4eq] It relies on Article 3000 of the Chinese Criminal law for penalties and a general proscription. [4cu]

5.135. The authorities have made a distinction between ordinary followers of Falun Gong, and its leading figures.[4ak] Of the many practitioners rounded up in July, many were released after 5 to 10 days. [4aw,4az] Cadres, Party members and army officials were urged to quit Falun Gong or face internal discipline or prosecutions.[4ao] A circular from the State Council issued 15 October has warned of dismissal or demotion for any state employee if they continued to take part in activities organised by the Falun Gong.[4cj] It was announced as a "solemn test" for civil servants - "We must strictly follow the provisions of the document ; seriously differentiate different circumstances; untie those who should be untied; educate those who should be educated; do not investigate and affix responsibility for those who should not be investigated and affixed responsibility." [4cs] The Party has also responded by concentrating on renewed political training of cadres, highlighting corruption and political incorrectness as major issues. [4gz]

5.136. Other groups were targeted: "Since Falun Gong was outlawed in July ... women followers have basically severed their ties with the group and turned to other types of exercise and social activities." [4ba] The mechanics of enforcing the ban on Falun Gong achieved by the police relying on neighbourhood committee informants. [4bg]

5.137. A renewed campaign was begun in response to the protests of 1 October 2000. [9ah] Two weeks previously, a literature campaign was initiated with the publication of a collection of articles attacking Falun Gong. [4io]

Demonstrations and Protests

5.138. In April 1999, more than 10,000 adherents of Falun Gong staged a demonstration outside Beijing's leadership compound, Zhongnamhai. The gathering was by far the largest since the 1989 Tiananmen Square protest, and took the authorities by surprise. It came a week after a large demonstration in Tianjin against a magazine that had denigrated the sect. The Tianjin demonstration had triggered five arrests, and the Beijing demonstration was to demand redress. The Beijing protesters, many of who were into middle or old age, dispersed peacefully after being promised a meeting between the organisers and the State Council. The demonstration was held by the government to be a surprising challenge, and at that point, Falun Gong was held to a threat to stability. [2e,9z,9ww,22a] The Falun Dafa Institute has been at pains to explain the movements of Li Hongzhi prior to the Beijing / Zhongnamhai protests. Li Hongzhi arrived on 22 April, and stayed in PRC for 44 hours. The PRC authorities claim he was behind the protests; Falun Dafa deny this charge. [3n,22a]

5.139. Beijing police prevented several thousand Falun Gong members from holding a mass protest three months later. Many practitioners were rounded up and taken to sports stadia in Beijing and around the country. On 22 July 1999, the authorities banned the Research Society of Falun Dafa and its organisation Falun Gong, classifying it as a 'cult' that threatened social chaos and cheated people. [4aq]. Millions of Falun Gong publications have been destroyed and the 'cult' has been widely condemned in official publications. [4aq]. The following activities were decreed illegal and liable to prosecution: distributing or promoting Falun Gong materials or gathering to carry out meditation exercises to promote or protect Falun Gong anywhere at any time; silent sit-ins, gatherings, marches or demonstrations to protect or promote Falun Gong; fabricating or spreading rumours to incite social disorder, organising or directing activities to protest relevant government decisions.[4am]

5.140. More recent demonstrations have clustered around the anniversary of the banning of Falun Gong (22 July 1999). In late June, 1,200 members were reported as having been detained after a series of protests in nine provinces. [4ha] On the 19 July 2000, more than 100 protesters were arrested in Tiananmen Square, and a further 90 detained on the 20 July. [4hh,4hj,9aa] Most detained were female and middle-aged. [4hi]

5.141. On 1 October 2000, the commemoration of the 51st year of the Communist State was overshadowed by Falun Gong protests in Tiananmen Square. Security was high, with police maintaining shoulder to shoulder barriers around the Square. Of the thousands of people that congregated in the Square, most were bystanders, but at 08:30, throngs of Falun Gong protesters emerged, unfurling banners and shouting slogans [9ai]. The police temporarily lost control of the Square, and all entrances were closed for half an hour. [4je] The police detained from 300 to up to 1,000 protesters (depending on varying reports), amongst mass expulsions from the Square for the sake of public order. [4jb,4jc,4jd,4je,9ad] The official account states that all the detentions were achieved within an hour, and all order restored. [4jr] The protesters were mainly middle-aged men and women, in some cases accompanied by children or elderly relatives. The demonstrations were sporadic, with small groups beginning protests as soon as the police ended others. [4jf]

Detentions, trials and sentences

5.142. Action taken by the authorities has been taken as a consequence of the July

banning, the declaration as 'an evil cult', and in response to protest by Falun Gong activists. Up to 70 organisers have been imprisoned and have or are likely to face prosecution.[4ar] Four key members were arrested on 20 October, named as Li Chang, Wang Zhiwen, Ji Liewu and Yao Jie in Beijing, on charges of breaching state security and running illegal businesses.[4eu] Other arrests include seven in Chengdu, Sichuan province; and five arrested on 1 October in Changchun, Jilin province, and sentenced on 12 October to one year's "re-education through labour" on charges of "disrupting social order". [4do] By 8 November, the Information Centre of Human Rights and Democratic Movement in China had estimated 500 or more followers have been sentenced to labour camps without trial. [10am] In mainland China, protest has often taken the form of silent sit down protests in Tiananmen Square with multiple arrests. [10af,10ah]

5.143. The ICHRDMC further claimed over 35,000 people detained since June 1999. However, the Chinese authorities have claimed the figure quoted represents the total number of acts of detention, including occasions when protesters are escorted away from, and diverted from joining, protests. They claim arrest on criminal charges amounts to 111 key Falun Gong activists, and 150 arrested under the anti-cult law (unclear whether the 111 arrests are part or separate to the 150 arrests). The ICHRDMC has claimed a further 500 have been sentenced to labour camps (under "re-education through labour") Other human rights groups have estimated over 1000 in labour camps, and an unspecified number of people in short term detention.

5.144. The official figures released in late August 2000 stated 151 criminal convictions in Falun Gong cases by the 15 August 2000. [4ic] Reports of demonstrations, arrests and trials have continued since 5 December 1999, mainly around 1 January 2000, along with other unregistered groups.[4ez] The authorities have been particularly sensitive to protest on the run up to the anniversary of the 25 April demonstrations of 1999. On 14 April 2000, a protest in Tiananmen Square was broken up by police. [4gm]

5.145. In February 2001, the Canadian IRB researched the question of whether Falun Gong detainees arraigned for trial have access to adequate legal representation (if any). The Falun Gong website resources allege that the Beijing Bureau of Justice issued a notice on 29 July 1999 that set out a procedure for reporting all requests of consultation and legal representation relating to Falun Gong. A Reuters report echoed this assertion, though a US academic source stated that the notice had not been seen by legal practitioners in Nanjing or Shanghai, i.e. outside Beijing. [3ay] Amnesty International have alleged that legal representatives have failed to give adequate defence of clients and are subject to detention if they appeal to the Standing Committee of the National People's Congress. [6s]

5.146. In October 1999, reports started to mention that Falun Gong activists have been sent to psychiatric institutions. [10ab,2e,2g] Likewise, the Falun Dafa Institute monitors reports of practitioners sent to mental hospitals. [22h]

5.147. Amnesty International have compiled a report recording nearly 2300 cases of detention, arrest or sentencing of Falun Gong practitioners from June 1999 to March 2000. [6s] News dated 28 June 2000 reported that police had detained 1,200 suspected Falun Gong members after Falun Gong protests in nine provinces. [4gx] A Hong Kong based group, The Information Centre for Human Rights and Democracy (ICHRD) have produced their own estimates of Falun Gong arrests. They claim 450 leaders have been sent to prison; 10,000 practitioners sentenced to

re-education through labour for up to three years; 25,000 in detention centres for up to one month; and 600 practitioners held in psychiatric units. The figures have not been confirmed by the Chinese government, or corroborated by other group's estimates. ICHRD and the Chinese authorities have claimed and counter-claimed over the number and nature of arrests. [4hi]

5.148. An article on *Index (on Censorship) Online* website, dated 8 May 2000 picks up on various cases listed in the Amnesty International report, illustrating human rights abuses claimed ranging from secret trials, forced abortion, retroactive charges, misuse of psychiatric treatment, and deaths and torture in custody. The report suggested that Falun Gong protests are continuing counter to the authorities' claim of "smashing' Falun Gong". [11c]

5.149. The Amnesty International annual report for the year 1999, published year 2000, reiterates the 111 cases of criminal charges by 4 November 1999, and the trial of the four key figures in Hainan, also in November 1999. The report puts detentions in thousands. [6t]

5.150. There were mass arrests after 1 Jan 2001, particularly so around Tiananmen square with over 100 activists arrested throughout the day; 41 activists were arrested in the square between noon and 14:00hrs. [4lc]

5.151. PRC authorities stated on 29 January that 242 core Falun Gong activists have been prosecuted. The actions of the authorities were "... we strike, according to law, harsh blows at an extremely (*sic*) few Falun Gong disciples who commit crimes." [4lp]

5.152. A second US green card holder was put on trial and sentenced on 12 December 2000. Teng Chunyan was jailed for three years on spying charges. The Teng trial and sentence provoked the US State Department to condemn the case as "deeply disturbing" and has called for her immediate release. [9bf]

5.153. On 19 August 2001, 45 activists were jailed, with a sentence of 13 years imposed on a printer of leaflets, and on five branded as organisers of demonstrations. [4qr,4qs,9cu] The US State Department expressed that found the sentences "disturbing". [4qt] In a separate case, a Falun gong practitioner was sentenced to a death sentence, suspended for two years, for murder. [4qu]

Prison camps

5.154 Masanjia re-education through labour camp, Liaoning province is one of a number of camps which have been accused by Falun Gong activists and human rights' watchers of torture. Allegedly it is practising a humiliating, degrading, violent regime based on torture and wilful neglect to "process" Falun Gong members from activists to broken conformers. [4pc] Treatment within prison camps has been a continuing concern. The Falun Gong put up a report about alleged conditions in Masanjia labor camp on the Falun Dafa InfoCenter website on 10 August 2001. 130 practitioners are said to be on hunger strike. The report relays accounts of torture and inhumane treatment. [22q]

5.155 Western journalists have been shown round re-education through labour camps by the authorities to dispel allegations, namely the Tuanhe Camp. [4pa, 4pb,4pc] and the Masanjia Camp. [4ot] On 29 August 2001, the PRC authorities issued a news report purporting that the hunger strike in Masanjia was a fabrication, and claimed the camp was well-run and humane, likening conditions to a hotel. [4qy,4qz] The PRC authorities are quick to deny torture claims. [4ox,4pc]

5.156 The prison system generally is about to embark on further internal reform,

outlined as part of the speech of the Procurator-General, Han Zhubin, to the fourth procuratorial conference on work related to prisons and reform-through-labour and reeducation-through-labour camps. Han Zhubin called for greater focus on strike-hard and rectification programme issues, with greater attention to release detainees as soon as their sentences expire, but also closer monitoring of detainees after release.[4ow]

5.157 In March 2001, a Ministry of Justice official announced that legislation was being planned to establish common ground rules for re-education through labour camps. [4om] This announcement was followed a few weeks later by a call from the Minister of Justice, Zhang Fusen, that all the institutions of the justice system should gear up to furthering the objectives of the strike-hard and rectification campaigns. [4on]

Deaths in custody

5.158. The first reported case was of an 18-year-old adherent of Falun Gong who died on 20 October 1999 from injuries sustained when she jumped from a train while under police escort. Falun Dafa alleged, via their US spokesperson, that she was intimidated and abused to the point of self-harm while in police custody. This denied by the police who claimed she wished to be a martyr. [4eg,2e]

5.159. The number of death has increased over time since the first death in October 1999. [4hg, 4hh, 4hi, 4ho, 4hp, 4hs, 4il, 4iw, 6t, pace9v, 22g]. In December 2000, Amnesty International reported in a rise in deaths, with 77 cases held to be confirmed. The Falun Dafa (North America) website places deaths at 155 by 23 February 2001, giving details of names and dates where known, but without AI's degree of confirmation.[22m] Both agree that since 1 January the death rate in detention has increased.[6x] A fairly typical death occurred in December 2000, with a woman academic dying from injuries sustained in a police beating six months previously.[9bg]

5.160. A profile of a typical Falun Gong activist who has died in custody can be drawn from the Falun Dafa information: female (66 cases), either in teens or early twenties or over 40 to 65, from the North Eastern provinces of either Jilin, Heilongjiang, Liaoning, Hebei or (particularly) Shandong (28 cases) or from Sichuan province (6 cases). Male cases tend to be over 35 years' old (47 cases) and more diffuse in province and manner of death, tending to more violent ends, with less details known. [22m] The list of deaths mirrors previous reports that point to typical Falun Gong activists being older males and females (typically 40 plus) from the Chinese heartland provinces, mainly the North East, or young female activists, typically of higher education age.

5.161. Suicides of "remorseful" Falun Gong practitioners continue to appear in the Chinese domestic press, such as the suicide of Yan Feng, reported on 5 September 2001, in Xinjiang Province. [4rd] Deaths in custody have continued with a report through the Information Center for Human Rights and Democracy of ten deaths of Falun Gong prisoners, bringing the total to over 200 deaths. [9cw] The Falun Dafa website puts the death toll at 228 (as of 21 June 2001) [22o] The PRC has recently (June 2001) openly admitted Falun Gong deaths occurring within the prison camp system, giving starvation through hunger strike as the cause of death. [4ov]

Key Development 1: the Hong Kong Issue

Background

5.162. Prior to year 2001, the key Falun gong issue in Hong Kong was the admittance of Falun Gong activists from outside PRC. Repeated denial of entry of known Falun Gong activists, most notably a heavily pregnant activist, Wendy Fang Wengqing, sparked controversy. Hong Kong immigration officials downplayed any targeting of Falun Gong. Hong Kong commentators however see the Falun gong entry issue as a test of Hong Kong's special status. [4gy,4hb,4hk,4hl,4hm] Falun Gong activists in Hong Kong in early October 2000 attempted to file a law suit against president Jiang Zemin, leading to the detention of two activists. [4jo,4jp,9ag] There were reports that Hong Kong police apprehended and detained three Japanese activists attempting to enter mainland China for the 1 October celebrations. [4iz]

5.163. Both association and practice of Falun Gong are legal in Hong Kong. Hitherto, Falun Gong has benefitted from the "one country, two systems" policy's recognition of Hong Kong as a Special Autonomous Region. Falun Dafa info Center has alleged that the PRC authorities are pressing Hong Kong SAR authorities to extend its persecution of Falun Gong adherents. [22k] Up and until 2001, there were no indications that Hong Kong authorities intended to change the status of Falun Gong in Hong Kong (legal, exercises permitted in public places, free speech.) However pro-Beijing factions have in 2001 been calling for a subversion law, sketched out in principle under Article 23 of the mini-constitution adopted after July 1997 but not developed or enacted upon. The adoption of a subversion law, and hence extending PRC's ban on Falun Gong is held by most commentators to be a great test of HK's autonomy. [4lw,4ml,4mo,4mp]

Falun Gong activities in Hong Kong

5.164. The Falun Gong have demonstrated in Hong Kong throughout October 2000, along with many other pressure groups - on one occasion they were ignored in favour of protesting pensioners. Falun Gong activists are permitted to practice exercises openly. [4ja,4jt] Before the crackdown on the mainland, Falun Gong was almost defiant from its vantage point in Hong Kong with mass demonstrations in public parks [9bj] and a large conference in mid-January [4lf,9bk] with a weekend filled with mass rallies and practice sessions. [9bl]

5.165. Since the Beijing immolations, the local Falun Dafa group has adopted a low profile. [4mz]

PRC pressure

5.166. Hong Kong was branded as a base of anti-China subversion on 3 February, adding external pressure to internal calls for the Chief Executive, Tung Chee-hwa, to use his "special executive powers" irrespective of the development of the subversion law. [4lw,4mj,9bp,9by]

HK FG resistance

5.167. There was a reported increased official uneasiness of Falun Gong in the period 1 January to 23 January. On 15 January, after Falun dafa had staged a major conference in the city, Falun Dafa stated that 13 members had been refused entry to Hong Kong, alleging for political reasons, though this was denied by Hong Kong immigration. Falun Dafa alleged that immigration officials were denying access on a blacklist supplied by Beijing. [4lf] Pro-Chinese elements of the media protested at

the conference's booking of the City Hall as a venue. [4lf]

5.168. Some elements of the Hong Kong and the international (particularly PRC) media have suggested that ordinary citizens in Hong Kong are very divided in their opinions of the Falun Gong, with many considering activists to be a nuisance, even to the point of being driven to violence. [4pf, 4pi] Other citizens see the Falun Gong as a test case and a symbol of how far Hong Kong will accept PRC's agenda. [22o]

5.169. After the Beijing burnings, the (Hong Kong) authorities announced that they were to keep an eye on developments and on the Falun Gong as a group. The secretary for security, Regina Ip, on 1 February, said that while Falun Gong members had done illegal in Hong Kong, the movement had developed a "higher profile" and would be monitored. [4mc,9bp] The Hong Kong Security department is to study other countries' legislation on cults as part of preparation for the subversion law. [4nk]

5.170. The Hong Kong Immigration Department admitted that it kept a "blacklist of unwanted people". [4pl] Regina Ip, head of the Hong Kong Ministry of Security, would not be drawn as to whether it included Falun Gong activists. [4pm] The Hong Kong Chief Secretary, Donald Tsang Yam-Kuen, was likewise oblique as to whether "undesirable elements" meant Falun Gong in talking about such lists. [4pg,4ph] It is akin to the black lists maintained by the PRC authorities at border entry points. [3az]

5.171. A political split is evident between senior officials. A move to repeal Falun Gong's registration under the Societies ordinance has also been mooted in conjunction with the subversion law move, and has been controversial. [4me] Legislation that would permit the banning of the Falun Gong and proscribing their activities has been debated. Many models of anti-cult legislation were apparently studied [4pj] but the model chosen is based on a recent French law. [22o]

5.172. There have been a number of off-hand comments from the Hong Kong establishment suggesting that Falun Gong is "a bit of a cult" [4pl] and yet, that the legislation proposed is firmly focused on the exclusion of dangerous cults and "Jonestown-style incident(s)". [4pl,4pn] Leung Chunying, the Executive Council Convenor, has called for "international scrutiny" of the Falun Gong. [4pk] The Falun Gong particularly objected at the branding of the group as "evil" by the SAR's Chief Executive, Tung Cheehwa on 10 June and demonstrated on 15 June. [4pf, 9ce]

5.173. The UNHCR has questioned the need for the proposed subversion law and further, has suggested that the best way for the Hong Kong executive to deal with the Falun Gong is to ignore the group. [4mr,4mx]

5.174. In early September 2001, pro-Beijing groups set up an anti-cult exhibition in Hong Kong, focusing on Falun Gong. [4rb] Hong Kong Falun Gong have continued to protest against the PRC banning, with a report of 24 August 2001 of a protest by 100 members. [4qv]

Peng Shanshan group

5.175. Hong Kong is the base for a group, of about thirty members, who has split with Falun Dafa. On 5 August 2000, Peng Shanshan, also known as Belinda Peng, a Hong Kong business woman, openly declared that Li Hongzhi should stand aside and let her take on the role of Master. Some commentators at the time saw her challenge as being engineered to purposely cause dissent. [4hr,9z] However, the group has developed a millenarian belief centred around the big Buddha statue on

Lantau Island, Hong Kong SAR, which they have the Temple of Heaven Buddha Statue. The group no longer seems to be active, though they still maintain a website. [23d]

Current situation

5.176. Other groups in Hong Kong have felt concern. Christian groups are worried by erosion of the freedom of religion. [4na,9bx] However, generally, the issue is currently (September 2001) being down-played by the Secretary for Security, Regina Ip Lua Sukyee, saying that Hong Kong has no urgent need to take action over sects. Mrs IP began a round Europe trip to look at European countries' anti-cult legislation. [4re]

Key Development 2: The Beijing Immolations

5.177. Of all the human rights issues facing the PRC, treatment of the banned group Falun Gong catapulted into becoming the prime issue in February 2001. The immolation in Beijing during the Spring Festival brought Falun Gong back into international media attention. [9bi] The deaths have coincided with a sensitive time, namely when Falun Gong's status in Hong Kong is under discussion. [9bi]

5.178. On Tuesday 23 February 2001, on the eve of Chinese New Year, four women and one man set themselves on fire in Tiananmen Square at 14:40hrs local time. The group had doused themselves with petrol. One woman died: the flame on the others was smothered and they were rushed to hospital, badly injured. [9bm] One of the injured was later identified as a twelve year old girl. [9bo]

PRC version of events

5.179. PRC official news sources were the first to release the story. They clearly identified the people as Falun Gong activists, setting fire to themselves in a suicide bid for international media attention. [9bm] The child aspect was quickly taken up as a propaganda tool, saying Liu Siying felt cheated by her mother Liu Chunling, who died from her injuries. [4lq, 9bo] A later report added that the male participant, Wang Jindong, was unrepentant and "not worried about his horrific burns because he is a Falun Gong disciple." [4mi] Further details put the original number of protestors at seven, but two protestors were intercepted before igniting. [4ls] Four alleged adherents of Falun Gong were sentenced on 17 August 2001 to custodial sentences. All four were alleged to have arranged the mass suicide attempt in Beijing in January 2001. Falun Gong (Hong Kong) has stated none of the four were members of any Falun Gong group or known to Falun Gong activists, and that its teachings do not condone suicide. [9cq]

Falun Gong version of events

5.180. Falun Gong were insistent from the first report that the protestors had acted independently, and that Falun Gong as corporate group of believers did not condone their actions. Falun Gong representatives soon turned around the charge of inspiring the incident by countercharging that the incidents had been fabricated in part, and alleged that the authorities may even have contrived the incident. [4lt,9bm]

PRC reaction's to these allegations was to brand them "feeble". [4ne]

5.181. The immolation of 23 January were compounded by a second incident, the death of lone male, Tan Yihui, on 16 February in Beijing's Wanshoulou district. [9bs] Again, Falun Gong representatives denied knowledge and association, while

the authorities claimed that was a clear trend towards fanatical martyrdom amongst the group's members. [9bu,9bv] The authorities continued the theme of such martyrdoms being directly inspired by Li Hongzhi's call to forbearance. [9bw]

Commentators

5.182. Professor Barend ter Haar produced a very interesting analysis of the situation:-

On January 23, five persons attempted to immolate themselves through burning, on Tianmen Square in Beijing. The timing is clearly connected to the New Year's celebrations according to the Chinese lunar calendar. The incident was witnessed by an CCN television team. Although their video was purportedly confiscated, video-images have reached the West nonetheless. The authorities claim that these were Falun Gong protesters, whereas the American-based Falun Dafa website denies this claim. At present I am not in a position to evaluate the validity of these claims. However, the act fits in a pattern of ongoing Falun Gong protest against their prohibition in the PRC. Furthermore, there is an old Buddhist tradition of self-immolation, whether of the complete body through burning as a kind of sacrifice to the Buddha, or only parts of the body. This tradition was taken up by Buddhist monks in Vietnam protesting against the war in the 1960s and 1970s, but actually has century-old Chinese roots. We also know that lay Buddhist believers have also joined the Falun Gong and have taken part of their original religious culture with them. Whether this interpretation also fits the present incident depends on the motivations of these five people, quite independent of what the Chinese state itself feels about it. The fact that the PRC state takes up this incident as evidence of their own position on the dangers posed by the Falun Gong to public health does not mean that these people could not have acted from a respectable and age-old Buddhist tradition. [23d]

5.183. Other commentators have talked of a PRC propaganda coup [4lu] and of "a giant fighting a ghost", meaning that the PRC authorities are faced with a dilemma of either opposing Falun Gong and meeting resistance, or not opposing and finding Falun Gong becomes a focus of popular dissent. [4ll] Media reports have increased talk about the nature of cults. [4ni]

The Crackdown

5.184. In the period before the renewed crackdown, political protest (e.g. The China Democracy Party) has been seen to be so greatly weakened as to be negligible as a vehicle of popular protest. [9ba,15l] A human rights milestone pact was achieved in November 2000 with the signing of an accord between the United Nations and the PRC government. [9bb]

5.185. As to the blacklisting of Falun Gong members, the Canadian IRB noted the different forms of "blacklisting" found in sources in relation to the PRC authorities. It noted blacklists of people exiled attempting to return on visits; a "most wanted" list of people on criminal charges; a list of "blacklisted" businessmen who are listed for fraud; and local PSB lists.[3au]

5.186. The Canadian IRB has produced a report that has collected reported

instances of PRC government efforts to restrict the movement of suspected Falun Gong activists within PRC, exiting and entering the PRC by PRC nationals, and entering the PRC by foreigners. Indications are that name lists ("black lists") of suspects are maintained. [3az; pace 4pm]

5.187. PRC authorities originally denied crackdown, saying that PRC was continuing with its on-going concern to ensure the public's safety from the Falun Gong. [4lk] Hong Kong then announced that it would monitor the activities of the Falun Gong in Hong Kong. [4lm] After the Beijing burnings, the authorities heralded Falun Gong as a "serious threat" and launched a new offensive. [4mi,10ao] The new offensive was announced as a "new phase" in the fight against Falun Gong. [4ng]

5.188. The second anniversary of the 25 April demonstrations (April 2001) was marked by a number of protests in Tiananmen Square, resulting in 33 detentions. [4oq] The protesters were filmed, though the security forces later accosted foreigners with cameras and detained a foreign film crew. [4op] The protesters were predominantly middle-aged and female. [4op]

5.189. Further curbs were announced on the 10 June 2001, with the issuing of a legal directive that hardens the crackdown on Falun Gong members. [4oz,9cd] A key theme of the latest articles on the Falun Dafa information website has been the intimidation and abuse of young female activists by police. [22o]

Mobilisation of Institutions

Party

5.190. Party members have again been urged to renew their efforts. It was stated that "the government is trying to educate and save the majority of the practitioners of the cult from the spiritual control of Falun Gong. [4mm]

5.191. The Party rules on resignation over religious affiliation and other matters of conscience have been investigated by the Canadian IRB. The Constitution of the Communist Party of China, Articles 9 and 38 - 42 are quoted. Of note is that Party members are free to withdraw from the Party, and the incompatibility of religious belief and Party membership, and therefore being a bar on progression in government careers. [3av]

Police

5.192. The PBS (Ministry level) have announced a reorganisation of riot-police units, trained and equipped to diffuse public disorder. Provinces are now expected to retain riot squads of 300 members per municipality and of 200 per provincial capital. [4ln]

5.193. Hong Kong police have been required to reform in order to upgrade surveillance of local and international groups. [4nm]

5.194. A police section in the PSB (Ministry level) called Bureau 610 has been identified by one news source as the lead police unit in the campaign against the Falun Gong. Since 1 January 2001, the unit has been issuing orders to neighbourhood committees and local police units to enforce restrictions on Falun Gong activists. One NGO that monitors human rights in China (ICHRD-C) has alleged that Bureau 610 has permitted any measure or method to ensure control of

known activists and to elicit information about possible activists. [9bd] The police service in Guangdong Province and in the provincial capital Guangzhou (Canton) has been included in the reorganisation of local government services in a plan to be implemented over the next five years. The police unit Section 601 is to assume a longer term role as a "specials tasks" unit. It draws from both local (*Gong An Ju*) and central (*Gong An Bu*) PSBs. [4oy]

5.195. One source has claimed that the police unit based in Tiananmen Square has been upgraded to a full unit of 500 officers. However, the unit is still unable to prevent Falun Gong protests and a brigade of "thousands of unemployed people" has been set up to patrol the Square. [4lr]

Academics

5.196. The Chinese Academy of Sciences organised a forum for academics on 31 January in response to the burnings: the academics issued statements condemning the group as "evil". [4lx]

Religious leaders

5.197. The five registered religious groups' representatives have reiterated their condemnations of Falun Gong. [4ma]

Human rights specialist

5.198. A human rights specialist, Yu Pinhua, a member of the China Human Rights Society and a research fellow with the Jiangxi Provincial Academy of Social Sciences, has devised an argument that Falun Gong "oppresses the human rights of the Chinese people":-

"Outlawing the cult Falun Gong is intended to protect the fundamental human rights of the general public including those who are following the Falun Gong," said the research fellow, who also lashed out at western countries for having a double standard on the issue of human rights and the treatment of cults." [4mb,9bu]

Overseas organisation

5.199. On 2 February 2001, there was a forum for overseas Chinese organisations - mainly liaison committees, where the main propaganda message was reiterated. Overseas communities were urged "to expose the sophistries and heresies of Li Hongzhi and his Falun dafa with ironclad facts." [4mf,4ms]

Lawyers

5.200. Jurists in Beijing have called for the law to be used as a weapon in the war on Falun Gong. [4mh]

Schools

5.201. Schoolchildren have been seen a key group for the propaganda campaign, and there has been a specific crackdown initiated mid-February in colleges and higher education establishments. [9br]

Protest outside China

5.202. 13,000 Falun Gong Taiwanese members sent a letter of protest to the Chinese leadership, stressing that the movement is not a religion or a cult, but a kind of traditional Chinese qigong, a blend of meditation and breathing exercise. [4dv] Falun Gong activists participated in protests in London, culminating in a candle-lit vigil in central London on the 19 October 1999.[4cr] Falun Gong members have been vocal in their concern about the fairness of trials for fellow members held in the mainland. [4ev] Australia Falun Gong has petitioned president Jiang Zemin [4ix]

5.203. A two day International Symposium on Destructive Cults was held in Beijing on the 9 / 10 November 2000, according to Chinese domestic news services, giving the impression that there was international concern over destructive cults and by extension, Falun Gong as well. [4jz] Likewise, domestic news services reported that the resident Chinese community in the United States was opposed to Falun Gong. [4ko] Similarly, the Overseas Chinese Council in Tokyo sent a petition on 1 September 2000 to the Japanese authorities urging them not to grant charitable status to the Japan Falun Dafa Society, according to official domestic news reports. [4ih] Similar pressure has lead to the cancellation of a Falun Gong conference in Thailand, originally organised for late April 2001, with the cancellation announced on 27 February 2001. [4oa]

5.204. On 15 August 2000, an Australian newspaper claimed that PRC security services were harassing Falun Gong members in Australia, with Australian Falun Gong groups adding to the claim. [4ht,4hu] The PRC denounced the newspaper's allegations as "deliberately slanderous". [4hx]

5.205. Falun Gong campaigns outside PRC. In Macao SAR, on 2 September 2001, four activists were detained after protesting outside the China Liaison Office. Three other protesters were reportedly permitted to carry on a 72-hour hunger strike in a nearby park unmolested. [4ra]

5.206. The Irish government raised the case of Zhao Ming with the Chinese premier, Zhu Rongji. Zhao was detained in PRC in 1999 as a Falun Gong activist and hitherto had been employed by the computer department of Trinity College Dublin. There is no information available as to his current well-being. [4rc]

5.207. On 26 August 2001, three activists held a silent protest outside the Chinese Embassy in Prague, Czech Republic. [4qw]

5.208. On 18 June 2001, Falun Gong practitioners handed in a letter of protest in Canberra, to request the support of the Australian government. [4pd]

The effect of the Falun Gong clampdown on qi-gong organisations, other well-being organisations, religious groups, etc.

5.209. In September 2000, the PRC authorities issued regulations tightening the practice of qigong and the operation of associated societies and groups. The China Qigong Science Research Association is still in operation at a national level. Local groups however are to register as exercise groups, and the rules (published by the *China Sports Daily*) expressly forbid any association with Buddhist or other religious practice. The rules discourage large groups and creating networks. [4ip] In March 2001, the CQSRA participated in promoting "the right way to do Qigong" in conjunction with the China Anti-Cult Association. [4ob]

Zhong Gong

5.210. The members of Zhong Gong, a qigong organisation has asked the United

States to grant its founder, Zhang Hongbao, with political asylum. Zhang applied for asylum in the US territory of Guam. [4hq,18b] The US courts have moved carefully over the case, deciding initially on 16 June to give Zhang a decision but postponing the final hearing after the Chinese embassy handed in a formal protest on 16 July 2000. [4if,4iq,4iu] A court finally gave Zhang the status of "a withholding of removal" i.e. permitting Zhang to live and work in the US but stopping short of granting asylum on 22 September 2000. [4iv] The Chinese claims are based on investigations begun in 1990, purportedly into three claims of rape leveled against Zhang. [4iv]

5.211. Zhong Gong, short for China Life Cultivation and Wisdom Enhancement Skill, was founded in 1987, and claims to have 38 million practitioners. [4hq,4iv,18b] The movement differs from Falun Gong in its nature of organisation, in that it was from its start rigid in its membership, organisation and hierarchy. [4iv]

5.212. President Jiang Zemin has ordered a thorough investigation of the Zhong Gong group, on his personal orders. [4ia]. There was sentencing of Zhong Gong members in Guangdong in late July. [4hw] On 9 October 2000, the 5th plenary session of the 15th CCP Central committee declared Zhong Gong an 'evil sect'. [4iy] On 11 October 2000, 2 further leading members were arrested and sentenced to jail and to re-education through labour. [4ju]

5.213. Zhong Gong supporters have rallied in Taiwan to press the US government to release Zhang Hongbao from detention in Guam. Zhang has been detained since 21 September 2000, while criminal charges laid against him by Beijing are investigated. His followers claim that such charges are "false statements". [4mg] Zhang Hongbao was granted asylum in the US, on appeal, on 13 June 2001. [4qo]

Other qigong groups

5.214. Qing Yang and Tain Tang Baolian qigong groups are other qigong groups that purportedly operated in Liaoning Province between 1993 and 1998. The Canadian IRB was unable to find information about these groups. The research report however reiterated that there were many qigong groups [3000 registered groups] operating before 1998 under that aegis of the Qi Gong Science Research Society; that qigong was encouraged by the Chinese government from the early 1980s onwards as a unique cultural asset and health-promotion system. [3al]

5.215. Qing Yang and Tain Tang Baolian qigong groups are listed in the Amnesty International list of targeted groups (March 2000). [3al,6u] Qigong groups listed in the report, besides Falun Gong and Zhong Gong, are Guo Gong ("nation gong") and Cibeigong ("Compassion gong"). [6u]

5.216. Guo Gong emerged in reports in November 1999, with the arrest of alleged leaders in Sichuan Province, founder given as Liu Jineng. [6u]

5.217. Cibeigong was reported after the arrest of the alleged founder, Xiao Yun, in Wuhan city, Hunan Province on 8 September 1999. Allegedly in 1997, Xiao Yun set up five practice stations in the provinces of Hubei, Hunan, and Jiangxi, attracting 900 followers. Cibeigong teachings are reportedly largely copied from Falun Gong teachings. [6u]

5.218. Ching Hai. Not a qigong group, but akin as a meditation practice, the "Guan Yin Method" was founded in 1988 by "Supreme Master Ching Hai" and introduced to mainland China in 1992. Stresses vegetarianism and five "noes" - no killing, no telling lies, no stealing, no lewdness and no drinking. Claims 500,000 followers in 20

municipalities in at least seven provinces. Ching Hai is now based in Taiwan, from a rich Vietnamese family, and active in Hong Kong before July 1997. In 1996, the PSB in Sichuan Province discovered a list of several thousand members; alarmed by the number of cadres involved, the Guan Yin Method was labelled a "reactionary religious organisation". Further labelled an evil cult after the Falun Gong ban of July 1999. [3aw]

Other unregistered religious organisations

5.219. An unregistered Christian group, the Fang-Cheng church, was subject to mass arrests in August 2000. The group claims 500,000 members. The August arrests numbered 130 members from central Henan province. [4id] 85 members were later prosecuted. [4ii,4ij] A total of 14 unregistered Christian groups have been branded as 'evil cults', using legislation prompted by the Falun Gong crackdown. [4ij]

5.220. Other groups have expressed concern about the crackdown on Falun Gong, particularly within Hong Kong. The Catholic Church in Hong Kong has been worried about erosion of religious freedom in the SAR, as well reports of the PRC authorities blowing up church buildings in Wenzhou. [2g,9bh,9bx] The recent crackdown effect has brought about increased vigilance of dissidents, reformers and unregistered groups generally.[4mq]

Asylum Cases

5.221. Reuters reported in January 2001 that claimed membership of the Falun Gong was the principal claim to a growing number of asylum applicants to the US. Jack Lin of the U.S. INS Asia desk said: "Four years ago, they used reasons such as the one child policy most often. Later on, they thought that was not too feasible... so they changed it to Falun Gong... Some of them don't even understand the meaning of political asylum. Nine out of ten cases, they are coached." [4ld] The Chinese government agreed that illegal immigrants were becoming adept at using "hot button issues" to secure asylum. [4nj]

5.222. Two cases of asylum granted by the U.S. INS, one reported on 8 November, and other reported on 17 November. The first was granted in New York to a 17 year old practitioner.[2a] The second was granted to a female applicant in San Francisco.[9i] Both press reports were announced by the applicants' lawyers. The reaction of the Chinese authorities was swift after the first case, viewing the acceptance as an affront, alleging the U.S. IDS had disregarded "the basic facts" that "the Chinese government's handling of the Falun Gong problem has earned staunch support from the people across the country and the understanding of the international community". [4ew]

5.223. There are other, general allegations of torture, including the case of an applicant for asylum in the US, in August 2001. It is the first report to be found of the semi-official China News Service commenting on such asylum cases, in this case quoting police from Guangdong and Guangxi saying they have no record of holding the claimant, and denying the torture.[4qx] There are Falun Gong activists in the UK who have claimed to escaped torture and detention in PRC, with asylum claims currently pending. [9cf]

5.224. In Japan, in April 2001, six members of Falun Gong who tried to return to PRC, were turned away by the PRC immigration authorities, and were forced to travel back to Japan. The six have claimed political asylum in Japan. [4ql]

Views of commentators on future developments

5.225. A number of commentators, mainly academics, have probed aspects of the Falun Gong phenomenon. Topics on this discussion group vary in range and quality. Firstly, there is anecdotal evidence of outside (non-state) perceptions of the Falun Gong (that most PRC citizens up to July 1999 perceived Falun Gong as a variant of qi-gong, as a health promotion system and not as an ideological system.) Then, there is further speculation on Falun Dafa organisation, "validation" in PRC minds by the use of US cities "Certificates" and perceived differing political motivations of US and PRC FG communities. Further discussions centre on Falun Gong as a compensation in the face of economic change and part of a wider Chinese yearning for eclectic solutions. [23c]

5.226. The Chinese authorities are resigned to a long struggle with Falun Gong, grudgingly acknowledging the group's resilience, according to one news source.[9v] The Party newspaper *the People's Daily (Renmin Ribao)* states that a great victory has been won by the authorities, but "vigilance should be maintained as the struggle against Falun Gong would be a long one". [4hf] The Beijing immolations and the consequent crackdown, in the main, shock commentators. They see an inexorable escalation of tension between the two sides. [4my] They have talked of "the ghost and the giant", meaning Falun Gong is evading the PRC authorities and still organising effective peaceful protest, while the authorities respond ever more harshly. [4il] One commentator has speculated that Falun Gong is heading for mass suicide at the hands of the authorities. [4nb] The Mainland Affairs Council of the Taiwanese administration see Falun Gong as part of a general growth in social unrest in mainland China [4hz]. Where popular support lies may be a key factor in future developments. [4il,4lu,4lv,4mq] Meanwhile, the serious issue of Falun Gong persecution is being exploited by Chinese illegal migrants. [4ld,4nj]

Muslims

5.227. Islam in China is a complex issue, as religious-sociological issues, ethnic identity issues and political issues have overlaid Islam. In academic Siniological (the study of China) literature there have been many starting points leading to a number of conclusions. For the purposes of this country assessment, the starting point is that "Islam" has been defined as one of the five "official" religions tolerated within the People's Republic of China. [2g] As with the other four "recognised" faiths, there is a communication line of the State Council's Religious Affairs Bureau and the (Communist Party) United Front Work Department to the China Islamic Association (the national official "patriotic" association) and the Beijing Islamic Association (the local association for the Capital). [1a,2g]

5.228. Numbers. Officially, according to the PRC authorities' reckoning in the 1997 census, there are 18 million Muslims in China. [1a,2g] Other sources, working on unofficial estimates coming out of the 2001 census, put the Moslem population at 23 million people.

5.229. Identity - 1. "Official" identity. Out of the historical muddle of identity of Muslims in China outlined previously on the Hui people (**See Extended Bulletin 4/2001**), the official view outside recognition of Islam as a faith, is that it is part of an

ethnological package attached to some groups. There are overtones of "heritage" and "embracing the exotic diversity that is China" combined into tourist attraction developments, with the examples of the preservation of the old Muslim area of Niujie in Beijing (July 2000) [4pz] ; exhibitions reported in Ningxia Hui autonomous region of "Muslim food" (September 2000) [4qa] ; the popularity of learning Arabic and exploring Islamic identity amongst young Hui people (March 2001). [4pv]

5.230. identity - 2. Ethnic identity. The Hui people have developed from a Han colloquial label for Muslims to the official grouping as a *minzu*, an official ethnic grouping. However, the notion of being a *minzu* is not how the Hui view themselves.[4qd] Prior to state institutionalising as a *minzu*, Hui ethnic identity was localised and less fully articulated. Hui will now regard themselves throughout China as *Hui min* - a Hui person, but the notion of a Hui group is only slowly growing. [5n] Hui will tend to regard their sub-group as their ethnic group, such as the Na Hui groups of Ningxia Hui Autonomous Region in Northern central China. [5n]

5.231. The Hui, as an ethnic people, are spread throughout China, with a sizable community in Beijing and large communities in the Northwestern provinces. [5n] The Hui do have a phrase that sums up the loose understanding of Hui unity: *Tianxia Huihui shi yi jia* - "All Hui under Heaven are one family". [5n]

5.232. Outside the Hui, Muslims are strongly identified with ethnic groups, particularly non-Chinese groups, and part of the differences that promote separatist and nationalist tendencies. Among all the Muslim groups in China, there are elements that promote a Pan-Islamic understanding of grouping, and such tendencies are viewed with great suspicion by the PRC authorities. Such views combine the PRC's greatest threats of nationalist movements with international influence. [5n]

5.233. identity - 3. Religious identity. A whole range of religious grouping is found among the Muslims of China. Most Hui view themselves as *yisilan jiao* - of the Islam faith, and strongly resist *Hui jiao* - of Hui religion. [5n] The overwhelming majority of Muslims in China as Sunni Muslims: only the 26,000 Tajik nomads of southwestern Xinjiang province are Shi'ite. Practically, few Hui people in the northwest of China know of the difference between Sunni and Shi'i. However, the most compact and unified Hui communities follow Sufi traditions, with allegiance to a number of different orders. Some Sufi orders have developed fundamentalist standpoints, and are taking increasingly pivotal roles in local protest movements. [5n]

5.234. Practice and levels of commitment. Islamic practice is held to be the key factor amongst the Hui and other sinified groups as to who is a Muslim. Among the Hui, living the *qing zhen* - the pure life - is held to be the identifier. This mainly means keeping to Islamic dietary laws extending into personal propriety, rather than identification with a group or regular attendance of the mosque or Friday prayers. [5n]

5.235. Increasingly, dietary differences are the focus of difference and sometimes of conflict. The most serious clash involving Hui occurred in Yangxin county, Shandong Province, when police fired on protesters after a pig's head was hung outside a local mosque, in December 2000. Six people were killed. The conflict began after a Han pork butcher started advertising "Muslim pork". [4py,4qc]

5.236. As Islam is recognised as an official religion, there are some, limited opportunities for the training of clergy. For example, there were 150 graduates of religious schools in Ningxia Hui Autonomous Province in 1999, with over 5,000

serving imams in the province. [4qb] Muslims are permitted to make pilgrimages to Mecca [4qe,2f] and are permitted to celebrate Islamic festivals such as the Corban. [4qf] Overall, the authorities' concerns centre around non-sinified Islamic groups, and the Hui are held to be relatively peacefully integrated into Chinese society.[2f]

Buddhism

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

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

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

Taoism

5.240 General Background Taoism is one of the traditional "three religions" of ancient China - Buddhism, Taoism and Confucianism, in the English idiom; more properly, the ways of Guatama the Buddha; the Way (the Tao, pronounced with a "dt" sound, hence alternatively spelt as "Dao") and the teachings of Kung Chaio (Confucius). [20k]

5.241 The three religions have often cross-pollinated one another; such as the Chinese Buddhist tradition of Ch'an bridging Taoist spontaneity and the Zen Buddhist practice. All three were lumped together in disparagement by the PRC authorities after the Revolution as "backward superstition" and persecuted as such, particularly during the Cultural Revolution. [20k]

5.242 Taoism - beliefs and practice. The abstract thought and metaphysical reflections of Classical Taoism is centred around the perceiving and understanding of the Way (Tao), essentially to a form of spiritual "rightness" within the lifetime of the seeker of the way (as opposed to the many life-times of the Buddhist devotee). Very soon in the history of Taoism, there was the emergence of a Popular Taoism,

that used all sorts of existing animistic beliefs, local worship cults, and forms of divination as aids to perceiving the Way and the Way for the individual. [20k]

5.243 Historically, the Taoists and Chinese Buddhists have often been in bitter feud. Taoists and Buddhists coalesced into definite factions, and it is reflected in physical details such as differing classic designs for temples, eating habits, and so on. Many classics of Chinese literature are based around the mockery of the opposing group (e.g. *Monkey* mocks Taoists). This is in spite of the fact that many core beliefs, thoughts and theoretical understandings are so close that a Taoist and a Chinese Buddhist may essentially hold the same belief, differing on detail or simply disagreeing to disagree. "Confucianism" is another spiritual tradition of pre-revolutionary China that worked as a volatile factional element, with a history of contrast between the state-sanctioning (and later state-sanctioned) tradition of Kong Chaio and the spontaneous almost anarchic Taoism. [20k]

5.244. Taoism itself is very broad and factional: there are at least 86 sects within Taoism in modern PRC, and a very strong tradition of rejection of "organisation". [20k] Within the popular form of Taoism, the Taoist temple is a place where an individual will look to spiritual guidance in the form of divination (consulting the I Ching, Feng Shui, some more mystical elements of traditional Chinese medicine), and to officiate over rites of passage (marriage, funerals, etc). [20k]

5.245. Taoism in modern PRC. Officially PRC authorities estimate only 6 per cent of the population are Taoist, but if Taoism is extended to social adherence and occasional usage rather than "believers", the number should be much higher. Estimates of Taoist clergy (priests, nuns and recluses/holymen) range from 15,000 to 20,000. [20k]

5.246. As to the Classical form of Taoism, as a system of belief, it is accepted by the PRC authorities as one of the five "official" religions. [2g,17a] The US State Department report for the year 2000 (published February 2001) (source [2g]) summarises the position of Taoists as:-

"In the past official tolerance for religions considered traditionally Chinese, such as Buddhism and Taoism, has been greater than that for Christianity. However, as these non-western faiths have grown rapidly in recent years, there are signs of greater government concern and new restrictions, especially on syncretistic sects." [2g]

5.247. Reports on difficulties between Taoists and the PRC authorities centre around the pulling down of the buildings of unregistered Taoist congregations, e.g around Wenzhou, Zhejiang Province in November 2000.

[2g] Land law in PRC dictates that there is technically no private ownership of land as such, but land is held in the trust of the people by the State and distributed according to how the State sees fit to the maximum benefit of the people. (See land law). It is on this premise, coupled with the difficulty of registration for groups, which local authorities act against religious groups. [14,11g]

5.248. One area of concern to Human Rights Watch in their 1997 analysis of religious persecution in China [12h] was the on-going PRC authorities' campaign against "feudal superstition". The campaign covers many forms of popular religion. There are issues of ethnic minorities' practices and religious rites as cultural practices, where there are often Taoist and Buddhist glosses to a native, local belief and practice. The campaign has previously encroached upon the popular form of Taoism, as a source of superstition. [12h] Formerly the PRC authorities resented

the waste of resources on things other than "socialist reconstruction"; recently, authorities have been concerned about the emergence of "destabilising sects". [12h]

5.249. Overall, none of the reports so far consulted indicate that mainstream, Classical Taoism is targeted for persecution by local or central authorities in the PRC. There are reports of conflicts that arise with individual congregations that are not registered. The authorities are suspicious of breakaway groups that have populist agendas and arguably extraordinary claims. [2g,12h,20k]

Religious organisation in Fujian province.

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

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

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

Other Unregistered Religious Groups

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

5.254. The Baha'is are not recognised or registered by the government in China.

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

Ethnic minorities (general)

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

<> Ethnic minorities (specific groups)

Zhuang / Chuang

5.256. Though the largest ethnic minority in China, with 15.489 million people, the group is scarcely documented in English-language reports. [16a,16j,16z] mainly located in Guangxi Zhuang Autonomous Region and throughout Yunnan Province (south west China). [16z] Indications are that the Zhuang are well integrated with the Han population of Yunnan and Guangxi provinces. [16a] The Zhuang are also heavily commingled with the other ethnic nationality groups of Yunnan and Guangxi, such as the Miao, Dong, etc. [16j] Most Zhuang are still reliant upon agriculture as a way of life. [16j,16z]

5.257. Historically the Zhuang developed from a branch of the Yue people, who had a flourishing state of their own in ancient China. [16z] The Zhuang are known to use a number of other names to describe themselves. [16j] The Zhuang are held by the PRC central authorities to have a laudable tradition of revolutionary spirit; however, there are no reports of secessionist moves. [16j]

5.258. Culturally, the Zhuang are very similar to the Han. Traditionally they hold three festivals unique to their group in addition to Han festivals: namely, the Devil Festival (in August according to the Western Calendar), the Cattle Soul Festival (after the spring ploughing), and the Feasting Festival (in early Summer - only celebrated by Zhuang living in Southern Yunnan). [16j] Educational and medical facilities are held by the government to have empowered the Zhuang, along with other ethnic groups since the Revolution. The Guangxi Ethnic Institute is dedicated to the higher education of ethnic groups in Guangxi Province, and there are held to be over 20 universities within the Guangxi Zhuang Autonomous Region. [16j]

Miao (Hmong)

5.259. Known as the Hmong in Vietnam, the Miao people are spread throughout middle inland and southern inland China down to northern Vietnam. **[16b]** They number around 7.38 million people. **[16k]**

5.260. According to one Chinese source, the Miao traditionally sub-divided into groups such as the Long Skirt Miao, the Short Skirt Miao, the Red Miao, the Black Miao. **[16y]** The source also suggests that Miao also identify themselves with other minority groups, possibly because of relatively high inter-marriage between ethnic groups in Yunnan Province, and possibly to identify as an ethnic group member as opposed to a Han. **[16y]**

Manchu

5.261. Currently estimates vary from 4 million **[16e]** and 9.8 million **[16l]** (estimates vary so much because of the close integration of Manchus with the Han population). The Manchus inhabit the area of former Manchuria and adjacent provinces (Liaoning, Jilin, and Heilongjiang provinces, far north east China.) **[16e]** One source claims 46 percent of Manchus live in Liaoning Province. **[16l]**

5.262. Heavily associated with the last Chinese dynasty, and up to 1912, distinctions were preserved by the ruling Manchus. Since 1912, the ethnic group has been completely sinicized, i.e. completely integrated and indistinguishable from the Han majority of Chinese society. **[16e]** There is a separate Manchu language and script, but Manchus are essential bilingual and biliteral in Standard Chinese. **[16l]**

Mongols

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

5.264. Mongols within China are primarily located in Nei Mongol (Inner Mongolia) Province, but also extend down through Xinjiang Province on the extreme west to Yunnan Province. **[16g]** **[16m]**

5.265. Affected by poor weather conditions that have swept across northern Asia in the years 2000 and 2001, the Mongols of both the Republic of Mongolia and of Nei Mongol Province (Inner Mongolia) have been particularly hard hit as nomadic herders. **[9cg]** There is considerable crossing of the Mongolia / China border by herders: visas are not necessary for many Mongolian nationals to enter China. Chinese nationals do not require a visa if on official business, hold diplomatic or service passports, or travelling as part of an organised group on a group visa. **[3bb]**

5.266. Reports indicate that most separatist organisations agitating for Inner Mongolian independence have been heavily suppressed within Nei Mongol. There are reports from between 1994 and 1998 of arrests and suppression. **[3bc,3bd]** Buddhists in Huhhot, the regional capital, were under surveillance in 1993. **[3bd]** PRC has a bilateral arrangement with the Republic of Mongolia on returning PRC Inner Mongolian activists operating from the Republic. Inner Mongolians activists are now confined to groups such as the Inner Mongolian People's Party (IMPP) operating from Princeton, New Jersey, USA, with the IMPP chairman living in Germany. **[3ba]**

Uighur (Uygur)

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

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

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

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

5.271. The appellation "Uighur" as used by the Chinese authorities is held by academic commentators to be a Chinese misapplication. Many different groups are lumped together under the Uighur ethnic tag. [18m] As an ethnic group, the Uighurs are ethnically made up of a number of Turkic tribes, with the "uighur" being a recent appellation dating from the very brief period of Uighur independence in 1950, the word "uighur" meaning "unity". The Uighurs however point back to a twelfth century kingdom as the unified root of the Uighur peoples. [16h,16n,16x]

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

5.273. Since 1990, the government has encouraged further Han influx under a set of policies colloquially known as "mixing sand" (*chan shazi*). The operations of the *Bingtuan* and other Han influxes have stirred up widespread resistance and resentment among the Uighur. The allocation of water resources is a particular area of conflict. There is also conflict between recent and established Han settlers (*lao Xinjiang ren* - "old Xinjiang people"). Education is also held be discriminatory: ethnic

schools have seen funding fall, while schools offering a "regular education" (*zhenggui jiaoyu*) in Mandarin are increasing. Economic discrimination is also a feature of the region, since most good jobs require fluency in putonghua (Mandarin). [11i,6m]

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

5.275. There has been a history of Uighur resistance since the Uighur government of 1945 to 1949 was pushed out by the Chinese People's Liberation Army (PLA): there is a "East Turkmenistan" movement in exile, operating from Turkey. [12g] However, one academic commentator has pointed out "a profoundly practical people, Uighur and regional leaders actually invited the People's Liberation Army (PLA) into the region after the defeat of the Nationalists in 1949". [18m] Uighur resistance has been seen to show three main features since the early 1990s. Firstly, there has been protest and violent demonstrations, initially downplayed in official reports as sporadic, spontaneous protest by unorganised groups of Uighur farmers (*tufa shijian* - "sudden incidents"). Secondly, numerous violent incidents over the 1990s - in 1998, Party sources indicated over 70 serious incidents, causing over 380 fatalities. Occasionally, incidents such as the Urumqi bombings in 1997 received international attention. Finally, the existence and agitation of Uighur nationalist groups outside PRC, and China's diplomatic neutralising of their influence, means that the groups are small and isolated, but possibly influential rather than active. [11i,9aw,12g]

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

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

Koreans

5.278. Apart from the influxes of North Korean refugees (see country assessment), there are sizeable communities of ethnic Koreans in Jilin, Liaoning and Heilongjiang Provinces (all the provinces close to the Korean peninsular border]. The ethnic Koreans have a distinct identity from the Han, using standard Korean as well as standard Chinese in both speech and in writing. They are primarily Buddhists. [16o]

5.279. North Koreans The UNHCR over the past two years have monitored the plight of North Korean refugees in China. Reports of mass deportation have emerged [18c] and crackdowns [18d,18g] UNHCR has been pressing for the matter to receive international attention [18h,18d] Amnesty international produced a report in December 2000, outlining the background, case histories, and urging China /

North Korea to abandon reciprocal agreements, and recognise and adhere to the principle of non-refoulement. [6v,18i]

5.280. In terms of granting asylum to refugees from other states, the Chinese authorities faced a difficult situation in June 2001, when seven North Korean nationals asked for asylum in South Korea by entering the UNHCR office in Beijing. [9c] The situation brought the plight of North Koreans in PRC to the fore. [9c]

Hui (Huihui)

5.281. The second largest majority, estimated at between 7.5 million and 8.6 million. [16f,16p] The Hui are spread throughout China, with a large community within Beijing. [16p]

5.282. Highly identified with Islam, they are also known as Chinese Muslims. [16f] In the early Communist period, officials continued the practice of referring to Islam as *hui jiao* - "faith of the Hui [people]". The Hui have now correctly been identified as a people in their own right. [5n] Most sources say that the Hui are highly sinicised, and little distinguishes Hui from Han. As part of their Islamic adherence, the Hui are known to abstain from pork, usually referring to this practice as living the *qing zhen* - "pure, clean life". Qur'anic Arabic is used during ritual, but has never been a common language for communication. There are loan words from central Asian languages that are unique to the Hui and unintelligible to Han, known as *Huihui hua*. [5n]

5.283. For a full account of Hui, Chinese Muslims and the search and emergence of Hui identity, a very good introduction is *Ethnic identity in China: the making of a Muslim minority nationality* by Dru C. GLADNEY, Fort Worth: Harcourt Brace College Publishers, 1998, ISBN 0155019708. 195 pages. (Cannot be reproduced as hardcopy source in its entirety for copyright reasons). [5n]

Yi (Lolo)

5.284. Estimated at between 5.5 million people [16q] and 6.572 million [16aa]. The Yis are another ethnic group located over Yunnan, Sichuan and Guizhou provinces (south western China) [16aa] but they mainly inhabit the mountainous areas of south west China, primarily in the Liangshan Yi autonomous prefecture, Sichuan province. [16d] The Yi are made up many tribal groupings and have many names for themselves, primarily the Lolo, Nosu, Misa, Lasu, with the name Panduo used by the Yi to indicate the ethnic group as a whole (as opposed to the Han name of Yi). [16aa]

5.285. One source has taken the Yi's experience as an example of the experience of many of China's ethnic minority groups. The Yi are primarily agriculturists who supplement their diet with hunting, with literacy traditionally in an ancient Yi script and limited to the *bimo* (shaman priest) of the tribe. Thus the PRC authorities have identified education (in standard modern Chinese) as a priority, though little has been achieved. Only in the past two decades has instruction in Yi language and translation of Chinese modern information into Yi been achieved. The Yi are keen to preserve the Yi language and script as a focal point of Yi culture. They wish to take on the autonomy offered by the PRC authorities, but are lacking in resources to do so effectively. [20j]

5.286. The Yi, however, have not developed a dependency pattern that has happened to other groups, particularly the Miao. This is whereby the PRC

authorities permit and indeed encourage displays of ethnic culture for tourist purposes; the group finds the income outstrips income from agriculture, and thus is financially "caught" in a caricature ethnicity. [20j]

Tujia

5.287. The Tujia are an ethnic group of about 2.8 million people. [16r]

They occupy much the same range as the Northern Miao, namely central China, principally Hubei and Hunan Provinces, and are not only known to live side by side the Miao but also have traditions of intermarriage with the Miao as well. [16c,16r]

She

5.288. The She are a group of 634,700 people located in the middle Chinese coastal provinces of Fujian, Zhejiang, but also in Jiangxi and Guangdong.[16s] The She also refer to themselves as Shan Ha and the Ha, working mainly as agriculturists. [16v]

5.289. Originally an aboriginal group (i.e. native to that location long before other ethnic groups), the She are held by most Chinese commentators to have lost their separate identity from the Han, akin to the sinification of the Manchus and Zhuang. [5n]

Uzbeks

5.290. The Uzbeks are a Turkic people, found in the Xinjiang Uighur Autonomous Region. They number 14,000, and representative of many central Asian peoples found in the extreme west of China, such as the Kazakhs, Tajiks, and Kirgizs. [16w]

Tibetans

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

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

alarmed the Chinese authorities and all concerned are awaiting to see if the Indian Government will grant the lama asylum. [4gk]

5.293. One source in July 2000 has claimed continuing ethnic unrest in Xinjiang Uighur Autonomous Region (XUAR). Likewise, gross human rights abuses in Tibet Autonomous Region, particularly against Tibetan Buddhists and nationalists. [6t]

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

Women

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

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

Abduction

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

In 1999, police claimed that they had rescued 23,000 women and 4,260 children who were kidnapped, broke up 8,000 kidnapping gangs, and arrested 26,000 people between 1996 and 1998.[4ag]

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

Marriage

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

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

Divorce

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

All China Women's Federation

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

Children

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

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

Orphanages and child welfare system in China

5.305. A number of children are abandoned each year, despite the penalty under law of fines and 5 years in prison. Most of the children in orphanages are female although some are disabled or in poor health. The treatment of children in these institutions varies from adequate to deplorable. Infant mortality rates appear to be very high. Bureaucratic indifference and corruption on the part of orphanage administrators appear to be significant factors in such cases. **[2d]**

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

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

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

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

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

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

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

5.313. Out-of-country adoption was and is very liberal, allowing adoption by single

adults as much as by married couples. [3n] This aspect adoption regulation has been so loose as to attract traffickers dealing in babies for export. In 1999, controversy broke out in Australia over the flow of babies from PRC to Australian recipients. [4gr - 4gv]

Educational System

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

Homosexuals

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

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

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

5.318. Homosexuality is known by the phrase *tong xing lian* - "same sex love". An 1998 report indicates that the gay community is still covert, and loosely organised in PRC, with the lesbian community even less apparent. [22r]

Healthcare

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

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

5.321. Psychiatric treatment for schizophrenia in China. There is a well-established system of psychiatric hospitals and institutes within China. Residential, long-stay institutions are known as psychiatric welfare institutions (*jingshenbingren fuliyuan*) and complement other welfare institutions (social welfare institutions - *shehui tuanti*; child welfare institutions - *ertong fuliyuan*). People with chronic mental

illnesses may be found in the social welfare institutions, primarily because of the relative scarcity of the dedicated psychiatric welfare institutions.[12e]

5.322. The Public Security Bureau maintains twenty psychiatric institutions, known as Ankang ("peace and health") institutions, for inmates deemed to be criminally insane. PRC claims ten to twenty per cent of all mentally ill people in China pose a "serious danger" to society, and thus need institutional care. [4ps]

5.323. The Chinese psychiatric hospital community has a low ratio of professional psychiatrists to head of population, with 13,000 psychiatrists serving a population of 1.3 billion. [4pu] Other figures are put at 3,000 serving 1.3 billion. [9cv] Mentally ill patients are held officially by PRC to number 16 million, but non-PRC commentators estimate the number may be as high as 48 million. [4pu] Societal disinclination to seek help for mental illness is gradually changing. [4pt]

5.324. The Chinese pharmaceutical industry does produce many generic drugs found in the UK under licence (and sometimes, without licence). The generic atypical anti-psychotic olanzapine has been approved for marketing in China since December 1999, under the Eli Lilly brand name of Zyprexa. [4pr] The generic had been available for research and development under licence, as a compound, in Hong Kong since November 1998. [4pq]

5.325. Abuse of mental health system as an alternative detention system was highlighted again by Robin Munro, a London researcher, in February 2001. His research showed the amount of such abuse had fallen by the early 1990s but is still used in a number of cases, most recently and particularly in Falun Gong cases, estimating that 600 Falun Gong practitioners have been sent for psychiatric treatment. [9cv] There are alleged cases of patients force-fed psychiatric drugs. [9cv]

People with disabilities

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

AIDS and HIV

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

6. HUMAN RIGHTS: OTHER ISSUES

Penal conditions: (see also paragraphs 5.1 and 5.6)

6.1. The prison system - the *laogai*. Dr Harry Wu is a campaigner against the Chinese prison system, which he terms collectively the *laogai*. He is Executive Director of the Laogai Research Foundation (an NGO, based Milpitas, California) and previously assisted in presenting arguments of Chinese human rights abuses - see the Gao testimony on birth control policy enforcement in 1998 (see One -Child policy,). He has argued the Chinese prison system stands as fundamentally unchanged from the Maoist period, and is a unified mechanism of state control designed to crush any resistance to an overarching Communist ideology. He refers to organ harvesting and forced labour. He puts the number of forced-labour camps to be in excess of 1,100. Dr Wu himself spent 19 years in Chinese labour camps between 1960 and 1979, and became a US citizen in 1994. [9u,22e]

6.2 The US State Department report for year 2000 states that conditions in both the prison system and the administrative detention facilities are "harsh and frequently degrading". Facilities are often over-crowded, with poor sanitation and of poor constructional quality. Prisoners often rely upon food and medicine supplements from relatives, with a very low standard of medical care available. Prison discipline relies upon guards appointing "cell bosses" with many attendant abuses. Forced labour is common. The PRC authorities do not permit independent monitoring of any part of the penal system. [2g]

Torture

6.3. The authorities do not permit the independent monitoring of conditions inside prisons and labour camps. The use of torture and degrading treatment in dealing with detainees is prohibited by law, but systemic weaknesses (such as the reliance on confession evidence) encourage its unofficial use.[2b,2g] There have been a number of reports alleging that confessions were obtained by torture, and of witness statements made under torture or duress.[4e]

6.4. In June 1998 it was reported that the Supreme People's Procuratorate published a series of books designed to improve police practices and further legal reforms. The books admitted that people have been tortured to death while in police custody.[4g,2d,2e,2g]

Torture allegation

6.5. An Amnesty International report of 12 February 2001 has alleged that torture is widespread and systematic in PRC. The report alleged there was "a growing range of officials... being cited as perpetrators of torture", and many abusing powers of investigation for corrupt purposes. [6w,9bq] The PRC rebuttal claimed that the allegations were "groundless" and "rumour and hearsay" [4nf,9bq]

Death penalty

6.6. It has been estimated that in 1996 several thousand executions were carried out as part of the Strike Hard campaign (see paragraph 3.15). Officials continue to hold mass

public sentencing rallies and parades before executions. The revised CPL repealed a 1983 Decision which provided for summary trials in some cases liable to the death penalty. During Strike Hard, numerous executions were carried out for non-violent and economic or relatively minor crimes such as theft, looting relics, luring people into prostitution, serious tax and insurance fraud and repeated petty offending. Hundreds have been executed for drug-related crimes, and for separatist activities in Tibet and Xinjiang.[2b,6b,6c,4m] During 1997 there were fewer executions, but still more than the rest of the world combined.[6k] In 1998, there continued to be numerous executions carried out after summary trials, although the number of death sentences was significantly less than in 1997.[2d] In September 1999, Amnesty International recorded 2,701 death sentences and 1,769 confirmed executions in China during 1998 (including 1997 sentences carried out in 1998). The report states that the national statistics on the death penalty remain a secret, and thus it is difficult to gauge the actual reduction of executions.[6n]

Organ removal

6.7. In recent years, credible reports have alleged that organs from some executed prisoners are removed and transplanted. [2g] Officials have confirmed that executed prisoners are among the sources of organs for transplant, but deny that their trade exists. [4fr] There is no national legislation governing organ donations, but officials assert that consent is required from prisoners or their relatives before organs are removed.[2b,10e]

One Child Policy

Policy

6.8. Since the 1970s the government has been implementing the one child policy, with the aim of reducing pressures on the country's resources and infrastructure aggravated by the rate of population growth. The policy consists of four basic demands; few births, late marriage, late childbearing, and eugenic births. The central government has been responsible for initiating the policy and for setting an annual nationwide target for population growth, co-ordinated by the State Planning Commission, but its interpretation and implementation are left to provincial and municipal regulators to adapt according to local conditions.[3d,3a] Family planning has been lauded by the government as a major achievement in the past 50 years. Statistics given to support a population slow-down of 300 million with attendant resource implications. (An actual population of 1.284 billion rather than projected 1.500.) [4bh]

6.9. The policy provides for minimum marriage ages for men (22) and women (20), an "encouraged minimum child-bearing age (24), the widespread promotion of birth control and abortion, and for one child per couple except in certain circumstances (see paragraph 6.7). It is implemented through education, propaganda, and a combination of incentives such as health subsidies and financial bonuses, and disincentives, such as additional taxes and legal discrimination.[3c,3a]

6.10. The emphasis of the current family planning policy is summarised as a 'three-three' approach. Firstly, there are three guiding policies - the overall family planning policy, the national population target, and the responsibility of top Party and government leaders for family planning efforts. The State Family Planning Commission is responsible for the 'three priorities' governing working methods -

regular promotional work in lieu of shock methods; contraception in lieu of abortion; and propaganda and education in lieu of economic penalties. This change in working methods began under Wang Wei's directorship of the Commission in the 1980s. Finally, there are "three combinations" - financial incentives for rural families who opt to have less children of advantageous loans for farming and industrial equipment, better housing, and better pensions. [5f]

6.11. The one-child policy not only restricts numbers of births and their timing, but also is based on eugenics. Government representatives will often make references to maintaining population "quality". Women with identified hereditary conditions can face forced abortions. The marriage regulations, e.g, the 1998 Yunnan Province regulations, dictated that the marriage of people with schizophrenia, AIDS, venereal diseases, and leprosy "should be postponed". [3ad]

Implementation of policy

6.12. There are regional and urban/rural differences in the implementation of the family planning regulations. [3m] There is a difference in rural versus urban implementation, as the urban work units have declined in influence. (*see above for urban neighbourhood committees*). [3ad] Urban couples, up to 1998, seldom obtained permission to have a second child, although urban couples who were themselves only children were allowed to have two children. In 1999, there have been signs that the Government is beginning to relax its policies in the cities.[2e] Exceptions are allowed for many of the 70% of Han who live in rural areas, all of whom in some provinces are permitted two children, and ethnic minorities are subject to less stringent population controls. Minorities in some rural areas are permitted to have four children. In Fujian, in 1998, remarried couples are permitted to have one more child if the sum of the children from previous marriages do not exceed two. [2b,2d,3m]

6.13. Disciplinary measures against those who violate the policy include fines, withholding of social services, demotion, and other administrative punishments that sometimes result in loss of employment.[2a,3a,3c] Levels of fines vary by region; in Shanghai, the fine for violating birth quotas is three times the combined annual salary of the parents, while in Zhejiang province it is 20% of the parents' salary paid over 5 years. Unpaid fines have sometimes resulted in confiscation or destruction of homes and personal property by local authorities.[2d]

6.14. Each work unit (factory, office, village etc.) is allocated a target of 'authorised' births for the following two or three years. The effect of these targets can be to regulate not only the number of births per couple, but also the timing of births. The government opposes the use of force or coercion in implementing family planning regulations, but the imposition of penalties on local officials failing to meet the targets of the birth quota system puts them under intense pressure.[3d] On the 1 January 1999, new national regulations on "methods of management of family planning among the floating population" came into force. They put the onus on employing workplace units to ensure the policy was carried out. [3ad]

6.15. Women with unauthorised pregnancies used to be placed under extreme psychological pressure to take "remedial measures" from other members of their work units, and in ideological work sessions with family planning agents.[3d,2a] Neighbourhood committees still carry out promotion of the one-child policy. Now, however, there is a programme of encouragement and free contraception rather than fining, informing, and crude enforcement. [4bg]

6.16. Documentation The Division Director, Department of International

Cooperation of the Chinese State Family Planning Commission has clarified which organisation issues which documentation in China. "Certificates" for sterilization, abortion, and insertion of IUD are issued by family planning clinics and hospitals. They are not standardised, and used to ensure paid leave from work. "One child certificates" are issued by the neighbourhood community committee (see 4.4 of April 2000 assessment), township government or mother's workplace unit. [3s] Selling on and forgery of family documents occurs and is subject to a 1,000 yuan fine (circa £75) [3ad]

Actual Implementation and Practice

6.17. Government officials have acknowledged that there have been instances of forced abortions and sterilisations, and there are anecdotal accounts of raids on rural villages by task forces rounding up women for forced sterilisation or abortion.[3d,17b] There are still, in 1999, routine allegations of enforced sterilisations, particularly in rural areas, and regular re-enforcement of regulations. [4bz] The 1989 Administrative Procedure Law, enacted in October 1990, allows citizens to sue family planning officials for misdeeds.[3d]

6.18. The example of Fujian province in the late 1990s show that sources can conflict about the operation of the one child policy. The Fujianese authorities in 1997 lauds the work of the Family Planning Association as a "'mass organisation' which disseminates information regarding birth control and birth control policy, population and healthy child-bearing". In 1998 a former official of the Family Planning Association testified before the US Congress Committee on International Relations that the organisation used threats, coercion, and forced sterilization and abortion. [2e,3n] One source [3n] outlines the views of two American academics who stated in October 1999 that there was a trend towards democratisation and professionalism within the Fujian State Family Planning Commission, with at least four channels of appeal existing for complaints of excesses.[3n]

6.19. Fujian province. Provincial adoption and application of the one-child policy varies as well. Of particular interest has been Fujian Province's application. In June 1998, evidence was given to the United States Committee on International Relations, House of Representatives by Harry Wu, Executive Director of the Laogai Research Foundation (an NGO, based Milpitas, California) and by Gao Xiao Duan (former (Chinese) State Family Planning Commission official) regarding sterilization and other aspects of family planning practice in Fujian Province. The main claims were that women who miss quarterly gynaecological examinations for six months are subject to sterilization; that women who get pregnant before the legal marriage age of 20 years old will be fined, and subject to abortion and sterilization; and both parents to be sterilized in the case of early births, i.e. births before the permitted age / time in marriage. [3ad]

6.20. Miss Gao was the principal witness to the Committee in June 1998. In a following document, the response of the (Chinese) State Family Planning Commission was denial of such practice. Experts contacted by the IRB also modified the context of Miss Gao's testimony, concluding that "senarios such as those described in Miss Gao's testimony were increasingly improbable in the late 1990s." (Dr Edwin Winckler, East Asia Institute, Columbia University). [3n]

6.21. For differing reasons, most authorities agree that Fujian Province is lax in implementing the birth control policies. "According to Wu, the birth control policy is less strict in Fujian than in any other province except Guangdong. The United States

Embassy in Beijing listed Fujian Province as among those areas that did not meet family planning quotas (June 1998)" **[3ad]**

6.22. In Fujian, The Canadian Embassy Political Counsellor found that there was a less effective enforcement of one child policy than in other parts of PRC. The authorities work by incentive schemes rather than coercion, with forced abortion and sterilization no longer tolerated, and efforts to increase the professionalism of family planning workers. Enforcement of sanctions has proved ineffective - one third of families have three children or more. **[3r]**

6.23. "Fines" are held to be "social subsidy fees" by the Fujian authorities to offset the extra social costs of extra, 'out of plan' children. Typically, the parents of 'out-of-plan' children were fined 60-100% of the family's annual income. The authorities noted that extracting such fines from villagers was difficult. **[3r]**

6.24. The Political Counsellor concluded that the local Fujian authorities in Fuzhou lacked both capacity and will to fully implement the central Government's national birth control policy. **[3r]**

6.25. According to an expert witness quoted by the IRB, reports of attacks on officials, often in relation to family planning policy, do occur in the local press. In Fujian, family planning officials are backed up with Article 43 of the "Fujian Province Family Planning Regulations", which constitutes any obstruction as a matter "to be dealt with in a timely manner by the public security authorities". Those offences deemed to be a crime are dealt with under the criminal law (see below at 5.1) **[3t]**

6.26. Nevertheless, Chinese women are averaging over two births each. In the larger cities, many people would opt to have only one child without government pressure, for economic and employment reasons. Those less reliant on the benefits of the work unit, such as transients (see paragraph 6.21-6.22) and farmers in remote rural areas are typically able to have two or more children.**[3d,9a,2c]** Official figures from a 1995 survey indicated that 25% of women of child-bearing age have 3 or more children.**[2d]**

6.26a Uighur and other ethnic groups have long standing worries about the PRC family planning regulations, even though such birth control regulations are relaxed for ethnic minorities. **[9av]**

Female infanticide

6.27. The one child policy has been seen to exacerbate the traditional preference for male children, and after three decades of operation, demographic imbalances and anomalies have emerged. **[4go-4gq]**

6.28. The Gendercide Watch focus on China in a report on their website. The report outlines the decline of female infanticide in PRC between 1949 and 1980, and then the sharp rise post-1980 with the introduction of the one-child policy. The report states sex-ratios within planned births has run at 105 / 106 male to 100 female, but may be as high as 115 / 118 male in births outside official family birth plans. In 1999, it was estimated that there was a sexual imbalance of 111 million men more than women. 50 million women are therefore held to be "missing" from the population. **[19c]**

6.29. The report outlines different positions in the debate of the "missing" women. One commentator argues that under-reporting of female births and abortion after pre-natal scanning reduce the actual amount of female infanticide that occurs, further arguing that Chinese society cannot afford the financial and psychological expense of mass infanticide. Other commentators account for the difference in sex ratio in terms of unofficial adoption and abandonment into state orphanages. Other

commentators argue that female infanticide does occur and is largely unreported. [19c]

6.30. Finally, the gender ratio has been severely disrupted by traditional prejudice reacting to the one child policy. Female infanticide has been exacerbated by abortion on the basis of sex determination through ultrasound scans, and willful limitation of medical care of female infants by some parents. The imbalance is held to be now circa 100 million males in excess of the number of females (the 1990 census results previously gave a gender imbalance of 40 million). Females however comprise 51.8% of the population over 60 years of age. Female and male child trafficking has increased in China in response to such pressures. [2e,2g,4gp,4gq]

Other social problems associated with policy

6.31. Firstly, there has been an imbalance in rural / urban demographics: families in urban areas are increasingly becoming smaller, but rural families are still 'over target', fuelling drift to urban areas. Young urban couples are increasingly inclined to forego children altogether, as the financial and lifestyle cost of children is deemed too expensive. [4gp]

6.32. Secondly, an increasing number of people over 60 years of age (128 million in total at present), with a growth rate of 3.32% per year, is placing a strain on decreasing younger generations. Fifty years after the institution of old age pensions as part of the "iron rice bowl" system of collectivisation, 19% of OAPs are still unprovided for and are dependent on family support. [4go]

6.33. The Chinese central government has therefore officially relaxed family planning regulations for urban couples, permitting two children for a couple that is made up of two only children. [4gp] Reports in June 2000 in the *Vancouver Sun* reported an official relaxation of the local Shanghai regulations.[3aj] The view that relaxations were on the way were developed by other news agencies. [4kf] Held by the Canadian IRB to be a misunderstanding of current concessions to urban couples where the parents are both from one-child families (see section 6.11 of the assessment). [3aj] The Shanghai regulations date from August 1990, amended 17 October 1992, are notable for their articles regarding migrant families. In 1998, the Shanghai authorities were active in discouraging second children. [3ah] Shanghai has been held to be a comparatively rigorous enforcer of the birth control policies. [3aj]

6.34. Revision of policy has been mentioned over the latter part of year 2000. In September 2000, official news reports hinted at a drive to reinforce implementation of the policy as it stands. [9aq] By December 2000, the central government authorities announced targets for five year, ten year and fifty year periods, in a white paper. The minister in charge of the State Family Planning Commission, Zhang Weiqing, has announced that local regulations will be brought together under one national body of legislation, as will all the apparatus of the policy's implementation, such as local agencies and local regulations. [4kr, 21c] Commentators have inferred from Zhang's presentation that there will be changes to enforcement practices, with emphasis upon incentives rather than proscriptions. [15f]

6.35. Hubei province authorities in September 2000 have promised to punish Wuhan city, Hubei Family planning officials after the murder of an infant in front of his parents. The child was the couple's fourth child. The case has sparked a nationwide examination of provincial family planning bureau practices. [9ap] The prosecutions of the three Wuhan officials was confirmed in December 2000 by

Zhang Weiqing, director of the State Family planning Commission, who also announced that family planning officers were undergoing a massive re-education programme, and incentives were to be the main plank of family planning policies in the future. [15f]

6.36. Exercises in easing birth control policy requirements were undertaken in 32 counties in February 1998. They included Dali and Yuxi counties, Yunnan Province. [4jv,4jx] Other experiments have been tried in Yi Chun county, Shanxi Province; Chude in Hubei province; and Longshen, Gaunxi Autonomous Province. [2g]

'Black children'

6.37. Children born outside the permitted birth plan of a couple are known in China, colloquially, as 'black' children (*hei haizi*). A case in the High Court of Australia in April 2000 [15d,18e] led to a ruling that such children may be considered a social group under the 1951 Convention, and discussed in an inquiry into Australia's refugee program, in the Australian Senate. The Australian Department of Foreign Affairs and Trade report in followup reported that "black children" was not an official PRC term, but if meant in terms of identifying colloquially children born in excess or outside birth control policy, then it was used as a term of identification. [15b] Any problems with officials over non-registered status that would logically be the case are, in practice, rarely meaningfully enforced, with the situation being particularly unclear in rural areas. [15b] The question of lack of registration limiting access to services such as health and education is misleading: health services in rural areas have never been free of charge; likewise education is increasingly fee-paying at all levels. Such services are accessible upon payment. [15b] The (PRC) State Council has stated that unregistered children will be registered unconditionally as part of the fifth national census in January 2001. [15c]

Population Census

6.38. The national census begun in October 2000, quickly centred on the issue of whether birth control policies had been implemented, and how far Provinces had falsified past population returns. In order to achieve maximum compliance of the 350 million households involved in the census, and therefore accuracy, the government has given an assurance of "full secrecy" with no penalties for couples who have exceeded their birth plan programmes. Registering the migrant population of 80 to 120 million people is another problem faced by the census-takers. [9al,9ay]

6.39. By mid-November 2000, there were accusations that the census had already been compromised, as census-takers were accused of being susceptible to corruption. [9au,9ax] Conversely, census-takers were also accused of reneging on the promise of no prosecutions or punishments for couples infringing the birth control laws. [9ax] The 15 day census period ended on 15 November 2000, but the collation of returns will finish in March 2001 and the counting will continue until 27 March 2001, with the publication of the results later in 2001. [4nz,9ax,9ay] Five million census-takers and one million administrators administered the census. [9ay]

6.40. On 9 March it was reported that the period of the completion of collation was extended by five days. This is in order to straighten out anomalies that have occurred, with Hunan province missing 10 million of the 65 million residents, and Shaanxi Province reporting more deaths than was probable. [4ny] The count now

begins, lasting between 15 and 27 March. In Hong Kong SAR alone, 1,3000 teachers and 20,000 secondary school students will be employed to count data. [4nz]

Freedom of speech and press

6.41. The Constitution states that freedom of speech and freedom of the press are enjoyed by all citizens. However, the government interprets CCP's leading role as circumscribing these rights. It does not permit citizens to publish or broadcast criticism of senior leaders or opinions that contradict basic CCP doctrine providing for a socialist state under the Party's leadership. The Law on the Protection of State Secrets gives a general and broad definition of state secrets, which includes the "secrets of political parties if they are deemed to affect the security and interests of the state." Since the affairs of the CCP are intricately linked to those of the state, this effectively bans public reporting or debate of any political issue that the CCP authorities decide should not be disclosed. [2b,2e,6g]

6.42. Journalists are permitted to report in areas of economic and legal reform but are not free to report on political reform. Those who air their views in Hong Kong and Taiwan newspapers may be subject to petty sanctions, such as exit permits denied, housing entitlements revoked and periodic police detention and questioning. The formal charges brought against the dissident Wang Dan were based on public criticisms of the government; his sentence in 1996 to 11 years imprisonment was much harsher than was imposed for his pro-democracy activities in 1989. In the face of ideological controls, many intellectuals and scholars exercise self-censorship. [2b,3e] Overall, the Chinese publishing industry has grown by about 25 percent in the period 1995 to 1999. [4jk,4jl,4js]

6.43. China is undergoing a communications revolution and despite government controls, information is flowing into China at an increasing rate. The use of shortwave radio is unrestricted; and Chinese language broadcasts of the BBC and Voice of America are widely listened to. Access to satellite television broadcasts and most sites on the Internet is spreading. China has announced curbs on electronic media designed to block pornography and other forms of spiritual pollution. [2b] In January 1999, Lin Hai was sentenced to 2 years in prison for "inciting subversion of state power". He had supplied a US-based dissident magazine with 30,000 mainland e-mail addresses. [10q] In October 2000, the PRC brought in tight regulation of internet development. The regulations limit international investment, require strict surveillance against 'subversive' content and powers to close down unlicensed firms. [4jj,9ae]

6.44. In December 2000, the extradition laws and laws on internet usage and regulation were brought in. It is now an offence under the Criminal Code to hack into government, defence and business sites. Likewise, to create and promulgate computer viruses. [4kz] Special police units have been set up and trained to monitor internet content. [2g]

6.45. The trial of an Internet entrepreneur, Huang Qi, in Sichuan province has attracted international attention (through Human Rights Watch). He was charged with posting subversive material on China's democracy movement, Xinjiang nationalist movements, and the Falun Gong. [4nh] Falun Gong has been seen to be an Internet phenomenon, with its philosophy and its persecution accessible on a global front: PRC propaganda has developed an Internet twist. Many people in PRC,

it is reported, are annoyed with the Falun Gong as their casual interest has lead to aggressive emailing by Falun Dafa to the point of overloading their pcs, and thus destroying a highly prized piece of personal property. [4mw]

6.46. In June 1998, US President Clinton made a nine day tour of China. During his visit, he was given three opportunities to speak directly to the Chinese public through television and radio broadcasts.[10e]

6.47. President Jiang has ordered senior officials to step up ideological vigilance and keep a tight grip on the media and other channels of mass communication during 1999.[4u] There has been particular attention to internet sites and web-publishing in conjunction with the post July crackdown on Falun Gong activity. New regulations about websites came into effect in October 1999, primarily banning links to foreign news services, but have been flouted since December 1999. Censorship of websites appears to be inconsistent, and some Internet service providers practice self-censorship. [2e] Academics have been under increased pressure to conform, as part of an ideological campaign in April 2000, resulting so far in four dismissals of senior academics at the Chinese Academy of Social Sciences. [4gi] The Party is keen to step up its ideological campaign in universities and colleges, seeking to "reform the political loyalty" of the younger generation of college heads and principal academics. [4ig]

Freedom of assembly

6.48. While the Constitution has provisions for freedom of peaceful assembly and association, the government severely restricts these rights in practice. Such activities must not infringe upon the interests of the State, or protest against the political system or its leaders. Authorities deny permits and quickly move to suppress demonstrations involving expression of dissident political views. Demonstrations about non-political grievances are tolerated; unauthorized protests (assembly, demonstration marches and petitions) on non-political subjects are on the increase and are not automatically disrupted.[10n] However, it is not always possible to draw a clear distinction between political and non-political demonstrations; often the decision is left to local authorities who can react in varying ways.[2b]

6.49. The Chinese government estimates that there are around a million organisations in the country working in a range of fields. They are tolerated by the authorities as long as they avoid what the Communist Party considers to be direct challenges to CCP authority or government policy. In October 1998, the fledgling China Development Union, which had organised seminars on China's politics and economy, was shut down.[19]

6.50. China's sole officially recognised workers' organisation, the All China Federation of Trades Unions (ACFTU), is controlled by the Communist Party. Independent trades unions are illegal. Since October 1997, when China signed the International Convention on Economic, Social and Cultural Rights (which provides for the right to form independent trades unions, to strike and to demonstrate) a group of activists has started a campaign to promote independent trades unions. The convention has not yet been ratified by the NPC.[2d] Central government has called for the growth of official trade unions, working under the All-China federation of Trade Unions, within new enterprises. [4jy]

6.51. The international labour movement has been critical of the Chinese state monopolizing of labour relations. In 1996, the International Labour Organization (ILO) ruled against PRC on grounds of "anti-union discrimination" when the PRC

punished three Chinese sailors for complaining to the International Transport Workers' Federation (ITF) while working outside PRC. ITF have recorded a number of incidents of intimidation by the PRC authorities since the 1996 ruling. [3ax]

6.52 In February 2001, the PRC partially ratified the United Nations' International Covenant on economic, Social and Cultural Rights. The partial ratification came four years after the signing of the treaty, and the abstention from Article 8 still means that still only State created and linked trade unions may exist. [10aq]

Freedom of movement

***Hukou* System**

6.53. The "iron rice bowl" work unit system has, since the 1950s, provided a means by which the CCP has controlled and restricted the Chinese population. Under the system, individuals are issued with a registration card (*hukou*), which records permission to work and reside in an area, and also allocation of various benefits. Another factor in the control system is the work unit (*danwei*) attached to every state enterprise or collective, including schools, factories, research institutes and offices. The CCP officials of the *danwei* control access to tickets for out of town travel, authorise passports and marriages, and allocate state-insured benefits.[3a]

6.54. The need for a supplemental work force in the areas of fastest economic growth has led to tolerance of a large itinerant population that is not in compliance with formal requirements to obtain permission to change residence. Since this population lacks legal status, access to housing, schooling and the full range of employment opportunities is restricted. National and regional authorities have been encouraged to regulate and manage the transient population. [2a,2c,7h]

6.55. Nevertheless, booming coastal cities have attracted a "floating" population of 80-130 million, and private firms and foreign joint ventures have drawn over four million workers from state-run enterprises. The floating population includes many unskilled rural workers, and a growing number of middle-class professionals. Some cities, such as Beijing, are beginning to offer social services free of charge. In August 1998, the PSB issued revised regulations that allow persons from the countryside to apply for permanent residence in a city.[2d]

6.56. The Western (Gregorian) calendar has been in use in official documents since 1911. The Chinese calendar is used for unofficial and popular purposes in the main. There are a number of instruments for conversion between the two, such as *The Book of Calendars* and a number of online conversion sites. It is unlikely that official documents such as identity cards will cite dates by the Chinese calendar and not the Western calendar. [3ai]

***Hukou* (residency status documentation)**

6.57. One academic source has noted that the *hukou* system is not merely a personal identification device and for gathering population statistics, but has served as a method of state control of individuals and populations. The source argues the *hukou* system signifies the rural-urban divide within modern Chinese society. The process of *nongzhuanfei* (conversion from agricultural to non-agricultural *hukou*) is highly sought after, and exemplifies a major "class" rift in modern Chinese mainland society. [11e]

6.58. The *hukou* comprises two components: a residential location and a socio-economic eligibility factor. Place of registration (*hukou suozaidi*) is limited to one

place only, dividing into different urban / rural place categories. The urban / rural divide is furthered by the 'status' of the *hukou* (*hukou leibie*). An important differential used to be whether the type of *hukou* entitles the holder to state-subsidised food grain or "community grain" as opposed to a demand for self-sufficiency in growing grain crops. Until 1998, *hukou* residency was inherited from a person's mother: now *hukou* inheritance can be from either parent. [11e]

6.59. The *hukou* is unlikely to be granted to minors. The only circumstance in which a minor would hold their own *hukou* would be if they had established their own household, and ipso facto became the head of the household. [3ab]

6.60. The mechanism of *nongzhuanfei*. *Nongzhuanfei* is regulated by two means: "policy" (*zhengce*) and "quota" (*zhibiano*). The latter is a straight-forward regulator by numbers; the former refers to the conditions that an applicant must achieve to be qualified for change of status. There are two further considerations: a "regular" channel, usually through promotion or special skills development at work, all fitting into state productivity plans; and a "special" channel, a flexible measure for the state originally reserved for unusual cases and contingencies, with overtones of an honours system. [11e]

6.61. Key dates in the total use of the *hukou* system as an internal migration control include 1962 with increased rigorous policing by the MPS (Ministry of Public Security), and further limitations in 1977. At the height of the *hukou*'s regulatory power (1950s - 1980s), the source claims "past experience shows that illegal migration (without a migration certificate) was seldom punished by real prosecution but simply by extradition." Neighbourhood committees and other state entities easily found out violations of *hukou* status, but there were cases of long term undocumented migrants (so-called "black households"). Before the reform period of the 1980s the *hukou*, and particularly *nongzhuanfei*, produced many dire cases of injustice. [11e]

6.62. Reform began in the late 1970s, and the past two decades have seen the *hukou*'s decline in effectiveness and application. Six main issues are discussed by the source, summarised below. [11e]

6.63. Temporary residence certificate. Originally started in Wuhan in 1993, a nationwide version in urban areas appeared in 1985. The TRC (*jizhu zheng* or *zanzhu zheng*) originally was issued to temporary workers over 16 years who were intending to stay in urban areas outside their *hukou* residence for over three months. It was intended to reduce the burden on police registration (formerly, to register with the police if the stay was to be longer than three days and then renewed after three months). In 1995 the TRC was extended to rural areas as well, but period of stay changed to stays of longer than one month, and the permit was valid for one year's residence. The TRC may be renewed. In 1995, 44 million of the floating population of 80 million were held to be registered with a TRC. [11e]

6.64. Rural migrant workers are the main applicants for TRCs. A distinction is made between "conventional" temporary population (*changgui zanzhu renkou*) of people with definite work / family commitment objectives, and the job-seeking temporary population (*mousheng zanzhu renkou*) of migrant casual labour. Many applicants are deterred by the paperwork associated with the application. The TRC does not confer full urban *hukou* benefits. [11e]

6.65. Citizen identity card. The photo identity card (IDC) was devised by the MPS. Proposed in 1983, tested in Beijing in 1984, and applied nationally in 1985, the emphasis of identification was placed on the individual rather than the household.

With the reforms of the 1990s - liberalisation of the economy, increased privatisation, increased ability for individuals to decide how they want to earn a living - the individual identity card (*jumin shenfenzheng*) is regarded by the authorities as a superior means of social control. [11e] Tickets may now be purchased without any ID card. There is also a burgeoning market in counterfeit identity cards. The government has announced it intends to assign individual identification numbers to all of its 1.248 billion people. [4br] The existing resident's ID card is to be the legal basis of the next card issue. The issue will be overseen by the Ministry of Public Security. The encoding and numbering of the cards has been given a one year target date. [4br].

In 1998, the Canadian IRB obtained information as to indicators of genuine resident identity cards, with five tests:-

1. The rounded corners of the paper card are machine cut.
2. The laminate does not contain any design separate from the paper card itself.
3. The edges of the paper card should be perfectly straight.
4. The Chinese characters on the back of the card should be perfectly horizontal.

The coloured design on both sides should go right to the edge of the card. [3be]

6.66. Residency permits Information on Changle residence permits, and the meaning of the fifteen-digit serial number, was posted on the IRB website on 24 February 2000. [3y]

6.67. The IDC comprises of a control code, a registered regular address, and a stamp endorsed by the police unit local to the registered address. IDCs are held to have a greater degree of integrity as they are not as easily counterfeited as letters of introduction or *hukou* booklets (both of which may be purchased illegally). The IDC has assisted in *hukou* rectification programmes. [11e]

6.68. Employment Record. Further control of individuals is exercised through employment documentation. Under the existing system, employment history records are kept by the individual's work unit (*danwei*), not the individual, in a personal record or archive called a *dangan*. The *dangan* can be referred to, annotated and added to by Party chiefs, but is not open to the individual. Until recently, the *dangan* was instrumental in controlling the lives of most of the urban population of China. The system has started to crumble in recent times, for example, the *dangan* of employees of foreign companies are transferred to the Ministry of Foreign Trade. [3bf]

6.69. Changes in *nongzhuanfei* policy. Since the late 1970s, the "special" category of *nongzhuanfei* has been relaxed to cover all sorts of contingencies. They have included rehabilitating purged cadres and intellectuals in the late 1970s, reintegrating young people sent to the country in the Cultural Revolution, and spouse-inclusion programmes for skilled and professional workers. Thus in the years 1979 to 1995, the non-agricultural population grew by an average of 7.8 million (3.7%) each year. [11e]

6.70. Households with "self-supplied food grain" in towns. Another development emerging in the 1980s was the granting of a *hukou* if the applicant could show that they would not call upon community resources. This type of *hukou* died out in the early 1990s as new opportunities for "urban" *hukou* started to emerge. [11e]

6.71. Sales of *hukou* and "blue seal" status. Sales of urban *hukou* by local authorities by the late 1980s were disapproved of by central government, but unstoppable. The "blue seal" status (also known as "blue chop" or "blue stamp") introduced in 1992 regularised inward payments to the local authorities, conferring a new urban status to those who could pay by any of a number of means. It was called

"blue seal" as it was distinguished from the non-agricultural *hukou*'s red endorsing stamp with a blue stamp. [11e]

6.72. The actual benefits of the blue seal *hukou* depend on the local government, and not central government. There is a market-related pricing for blue-seal *hukou*, with different cities and even districts of cities charging "urban infrastructural construction" (*chengshi zengrongfei*). This commodification of the *hukou* has prompted cities such as Shanghai to view blue seal holders as "provisional" or "preparatory" citizens, open to apply for full urban *hukou* status in time. [11e]

6.73. The one effect of such commodification has been the reduction of actual bribery of officials as a means of securing and changing status. Central government has been against such developments but increasingly has been ignored as the revenue base of local government has broadened through *hukou* sales. [11e]

6.74. *Hukou* reform in market towns. Pilots are currently underway to regularise "stable" workers i.e. those with regular non-agricultural work / living support as a small town urban *hukou*, after a two year residency period. Unlike blue-seal *hukou*, there would be no fee involved. Little information has emerged about the pilots, but they may be viewed by local government as a direct competitor with blue-seal status. [11e]

6.75. The academic source concludes that the new distinctions of *hukou* have added further complexities to PRC social stratification. Social movement has mirrored flexibility for individuals to move around the country. The state is reluctant to drop the *hukou* system as a tool of political control, but has had to adapt as it embraces economic reforms. The two aspects of the *hukou* system, registering residency and determining status, may be easily dis severed if the system becomes politically obsolete. [11e]

6.76. The Floating Population. One expert source has recently put the "floating population" (*liudong renkou*) of internal migrant workers as having seriously undermined the command economy on which the PRC is based. The source looks closely at the *hukou* system (of household unit registration) as a means of understanding the flow of internal migrants. [5a]

6.77. Figures of official residence changes, by *hukou*, in PRC were running at 18.5 million changes per annum in 1995. Unofficial estimates put the migrant workforce in 1995 at 80-100 million. (*For an update of figures, see the April 2000 assessment, 'floating population'.*) [5a]

6.78. The mid-1990s data has, however, provided two profiles of *hukou* and non-*hukou* migrants. *Hukou* migrants are typically either well-educated professionals moving for career purposes, or farm / industrial workers sanctioned to move often for marriage in a rural to rural migration. *Hukou* migrants comprised, in 1995, 53% of the officially recognised migrant workforce (and about 15% of estimated rural migrant labour.) Non-*hukou* migrants were typically less well-educated, 'self-employed' farm or industrial workers moving from rural areas to major cities and export processing centres. Few migrants of any kind are over the age of 40. [5a]

6.79. The annual mobility rate has been estimated by the source to be circa 4% of total population per annum in 1995 (two-thirds of Western European countries). The criteria for registering a change excludes many minor movements, namely changes of less than 1 years' residence elsewhere, and hides the fluidity of the workforce as it follows seasonal patterns. Only the beginning of the phenomenon, the years 1980-95, have so far yielded data in terms of official figures. The debate amongst commentators as to how much of the migratory phenomenon is permanent

resettlement continues. **[5a,c]**

6.80. In August 2001, there were news reports that the PRC is planning to ditch the Hukou, the residency permit system, within the next five years. Alternative registration is proposed by the State Development Planning Commission, based on a scheme of employment registration. **[9ct]**

6.81. The move has apparently been in response to the possible effect of China's entry into the WTO. Entering the global market will demand further flexibility of the workforce to relocate, with 50 million of the current 150 million rural unemployed moving to urban areas in the next five years. The Hukou system is held to be an obstacle to a more sophisticated labour force, but its demise will be unpopular with resident urban populations. **[9ct]**

EMIGRATION

General information on Chinese emigration patterns

6.82. Most of the Chinese asylum seekers in the United Kingdom are from Fujian province. Some areas in Fujian and neighbouring coastal provinces have a long tradition of migration and may have over 10% of their population living abroad, substantial foreign exchange earnings, access to high seas transport and large numbers of returned migrants living in the community. **[2a,11c]** The Economic and Social Research Council, as part of their transnational communities project, have commissioned a three year research project on the Fuzhou diaspora in Europe, under the direction of Dr Frank Pieke of the Institute of Chinese Studies, University of Oxford. **[19a]**

6.83. Chinese emigration outside China is both an old phenomenon and a new one. Old in that emigration happened throughout the Qing dynasty, and nationalist eras, prior to 1949; new in that an unprecedented wave began in the late 1980s. A new development in the latest increase has been emigration to ex-patriot Chinese communities irrespective of family / village / same province links, primarily because of the use of people-traffickers. **[5h]**

6.84. One aspect of Chinese migratory patterns is that some areas of China have had traditions of migration to both other parts of China and to Chinese communities outside China. An example is the cities of Wenzhou and Qingtian, Zhejiang Province, providing migrant communities in both Beijing and continental European countries (notably, in Italy and Hungary). Fujian Province, especially the 10 metropolitan counties of Fuzhou city, has developed its own tradition and patterns in the latter 20th century. To quote Frank N. Pieke:-

"... Examples vividly illustrate that most forms of migration do not bring the most destitute to the cities: migration requires a certain mind set and access to opportunities and knowledge that are only found in communities that have specialized in migration" **[5b]**

6.85. Five main migrations to Europe in the 20th century have been identified.

1. From Southern Zhejiang ("the Wenzhou community"), arriving early 20th century, mainly in Moscow and Paris and so to rest of continental Europe.
2. Cantonese from Pearl River delta, arriving circa 1940s, then 1950s from the Hong Kong new territories, to North-Western Europe, and later to continental

Europe.

3. Ethnic Chinese from Indochina region circa Vietnam war, to mainly the North-Western European region.
4. From northern Fujian Province, from the late 1980s to date, to Western Europe as "second choice" to the US.
5. From North-East China to Eastern Europe and Former Soviet States in Europe, mid 1990s to date. [5h]

6.86. The establishment of a recipient community with good trade links with home communities is an important migratory factor outside mainland China, in expert sources' opinion. A process of chain migration occurs. Immigrant entrepreneurs have a competitive advantage with strong trade links with home communities, and from that basis, *guanxi* - "favour through social connections" builds up the community. [5b]

6.87. A feature of Chinese migration is the development of Chinese transnational voluntary associations. Such associations have been relatively few in number in Europe compared to other areas of Chinese migration. It is held to reflect a transnational outlook by Chinese migrants:-

"Before leaving China, most migrants look to 'Europe' rather than to any specific European country as their destination. After arriving in Europe, it is quite common for them to transfer from one country to another, and then to a third or fourth country, especially just after arrival." [5g]

6.88. Social networks are a key consideration when looking at Chinese migratory patterns. Academic interest in the subject is particularly keen on future analysis of ethnicity and changing identities through networks. How far do family / village / clan ties assist migrants in recipient communities, be they in China or outside China, and do they play a role in assisted migration i.e. do the people-traffickers use such ties? [5c]

6.89. Akin to both transnational organisations and to *guanxi* related links of family / clan / village, are the *tongxianghui*, regional community organisations. They have trading links with the home communities, but also are establishing, or at least purporting to establish, a voice for specific regional communities within the recipient nation's Chinese communities. [5i]

Legal Chinese Emigration

6.90. The government routinely permits most legal emigration, most recently in 2000 to Serbia [4nu], and most private foreign travel. Individuals are often required to obtain a passport, an exit permit, a visa and a second exit permit. Both exit permits are issued by the Public Security Bureau. Written permission from the work unit is a pre-requisite. The purpose of the second exit permit has seemed not to be to "control exit" (the stated purpose of the first form) but rather to allow for an exiting emigrant to be de-registered from neighbourhood, work unit and other records. [2a, 4gg]

6.91. Special exit permit requirements imposed after the 1989 Tiananmen massacre were lifted after a couple of years. Regulations adopted in 1994 permit a Chinese citizen to exit the country without an exit permit if the traveller has travelled abroad at least once before for the same purpose. [2a]

6.92. In March 2000, the exit procedures for private citizens for leaving PRC had been simplified, in line with relaxation of application to exit conditions in April 1999. The range of people permitted to visit friends and family abroad has been widened. "Laid off employees of state enterprises ... may apply for a passport if they can submit a photocopy of a letter of invitation from abroad and a photocopy of a valid piece of identification belonging to the person making the invitation or submit a foreign employer's written job offer." The regulations surrounding passport replacement have been simplified as well. [3ac]

Illegal Chinese Emigration

The deaths in Dover, 19 June 2000

6.90. Just before midnight, 18 June 2000, a customs officer inspected a refrigerated lorry at the docks, Dover East, and discovered 60 bodies - 58 dead and two survivors. The Dutch-registered vehicle had previously aroused the suspicion of UK Customs and Excise, and was intercepted on arrival from Zeebrugge. The deaths were through suffocation not hypothermia, as first surmised; it was a deliberate attempt to smuggle people into the UK, as the refrigeration unit had been turned off and the cargo of tomatoes were arranged as a screen. Suffocation occurred when vents were closed. [9o-9s]

6.91. The 58 dead and two survivors were undocumented. The two survivors were male as were 54 of the dead; four of the dead were female. Their gender / age profile fitted the typical profile of claimants from Fujian, and their origin was later confirmed as such. The two survivors are under police protection, and an investigation by the Kent Police is on going, in conjunction with the National Crime Squad. [9n,9o] In September 2000, three British detectives went to Fujian for DNA samples and by 20 September, all 58 of the dead were identified. [4jy,4ka] On 12 September, police announced that several key suspects were arrested. [4jz]

6.92. Of interest for country background information purposes are those articles that concentrated on conditions in Fujian province. Little substantive information was added to the information previously referred to in the April 2000 assessment and Bulletin 9 (May 2000), mainly from the Canadian IRB. One aspect that was raised was the practice of remittancing back to Fujian: this was seen as the driving force of emigration by most commentators. [4gu]

6.93. Academic experts also raise concerns about the benefit of migrants' remittances back to the communities of origin. Migration undermines the rural economies, with local agriculture replaced with consumer services; it is debatable as to whether remittances back produce capital for reinvestment in traditional industries. [5c] One source has stated in February 2001, during the Perry Wacker (the Dutch driver charged with the manslaughter of the Dover 58) trial, that the new building developments in Changle were not the tangible result of remittances back from China, as popular belief had it. They were actually from the profits of the snakeheads, to encourage the belief that victims can strike it rich in "the Beautiful country". [5k,10ar] Another driving force, a push factor, is the social prestige aspect of having a relative "doing well abroad". One newspaper commentator has stated that many snakehead victims' come from relatively well-off families and have little idea of what they might encounter. [4nv,15h]

6.94. Experts point out that in the migrant frame of reference travel and distance represent travel and distance up or down the social hierarchy. There are three main

types of migration - a small number of educated professionals trading on their qualifications, a larger number of small-scale entrepreneurs entering via family connections, and those entering via low-status, low-paid jobs eschewed by the rest of the community or communities. Those who enter at the lowest level do so in the hope that a new community will bring opportunities to leave such jobs. [5b,5c]

Pacific Coast cases, 1999

6.95. People-smuggling on western seaboard of US / Canada. In June and July 1999, boatloads of Chinese immigrants began arriving on the western seaboard of US / Canada. All passages had been arranged by people smugglers ("snakeheads"). Most boats intercepted were either heading for the US but diverted to Canada, or, on interrogation of claimants, were to drop in Canada and proceed to the US using land routes.[18] 203 people were caught as container stowaways in 1999, in western seaboard ports. [9l] 136 people on eight ships were detained by the Canadian and US authorities in the period 25 December 1999 to 14 January 2000. [9k] On 6 January 2000, 10 Chinese teenaged women were detained by the Canadian authorities about to cross to the US.[4fi] The US authorities found a further boatload of 15 immigrants in Seattle on 9 January 2000: they also found three corpses in the same container. The 15 immigrants were malnourished and dehydrated. They are the first deaths to be discovered by authorities, and later held to have died from dehydration caused by seasickness. [4fp,4gb,9l]

6.96. Since the beginning of January, Canada has intercepted one ship with two containers containing 25 immigrants in total (5 January 2000). [4fg] In the last week of December 1999, the US authorities found 30 immigrants at Long Beach / Los Angeles (4 January 2000). [4fb] The authorities were able to arrest three men waiting near the ship. [4fe,9m] The US INS detained 14 stowaways in Seattle on 5 January 2000.[4ff] The Canadian authorities then discovered 25 immigrants in a container ship diverted from Seattle because of port overload on 6 January 2000, prompting Elinor Caplan, the Canadian Minister of Immigration, to announce a trip to China in April, starting on 20 April 2000, to discuss immigration matters.[4fh,4gl]

6.97. Most of the container ships had sailed from Hong Kong, and the latest cases alarmed the Hong Kong SAR authorities to consider the matter. Choy Ping-tai, the Deputy Director of Immigration in Hong Kong, said he wished to bring in the same level of control operating at the airport. [4fj]

6.98. The first batch of returnees were flown from the US to Fu Zhou city, Fujian Province on 8 January 2000. 246 individuals were returned. [4fn]

6.99. In addition to the Canadian arrests on 14 January 2000, a US federal grand jury indicted two Chinese illegal immigrants arrested on 2 January 2000 as people smugglers. Both face up to 40 years' imprisonment each. [9k]

People Smugglers (Snakeheads)

6.100. The Canadian IRB posted a response on 28 September 1999 concerning snakeheads, with information about loan sharks and snakeheads, activities in Fujian province, and treatment of returnees. [3l]

6.101. From expert witnesses, it related a number of loose, hierarchical structures, with roles such as "big snakehead" overall manager and investor in the operation; "little snakehead" or "snaketail" - usually a mainland based middleman between customers and main operators. Other roles include: transporters, guides, and crew members/drivers (couriers transporting customers over borders, from one transit

point to another); corrupt public officials (for document and exit/entry facilitation); enforcers (group leaders appointed by operators from customers themselves to maintain order); support personnel (locals operating safe houses, etc); and debt collectors (will usually detain customers until smuggling fee is paid by families). In short, such rings involve many people, and many complex connections. [3l,5k]

6.102. "Success" is measured in two ways: safe illegal entry initially, plus independence from snakehead ties ultimately (for the customer); and payment (irrespective of source, be it from the customer or their families) for the snakehead. Experts consulted by the IRB say payment is usually broken down into a deposit (typically of about US\$1,000 to 3,000) and a final payment (usually US\$33,000) payable on a "safe" (i.e. undetected) arrival in the US. [3l] The experts consulted by the IRB gave similar accounts of how the snakehead will discount part or the full final payment if the arrival is "unsafe" i.e. the customer is detected by immigration authorities and returned to China. One expert (Dr Chin) has stated that the snakeheads will even pay fines for deportees if they think it will secure their anonymity from the Chinese authorities. The experts have found no cases of harassment of deportees by snakeheads upon return, but have also stated that any harassment is unlikely to be reported to the authorities, on the grounds of being involved in a crime (illegal exit) in the first place. Another expert has pointed out that harassing returnees is 'bad for business' and deters prospective customers.[3l]

6.103. The basic financing, or more accurately the promise of financing, of customers' trips is usually secured through the customers' family networks rather than through loan sharks. One expert (Dr Chin) says family arrangements account for up to 90% of cases. Another expert (Dr Pieke) has pointed out that whatever costs are incurred - snakehead fee, deposit, or fines levied on return - are crippling for the individual and often for the family; and most experts agree that such debts lead to a high degree of recidivism, with migrants trying to emigrate again to earn hard currency overseas. [3l]

6.104. Two aspects of snakehead practice are well-documented. The customer will have to endure typically a long, difficult, and uncomfortable if not dangerous journey out of China and to the target or third countries.[5k] The sea routes in particular can leave great psychological scars on the victims. [5k] A recent development has been the use of soft top containers up to 13 people in a container "roughly ten by 40 feet" [10fc] Secondly, snakeheads will use any form of extortion to secure payment if the entry is undetected, usually by holding the customer hostage in forced labour. [5l] In UK cases that came to court in October 1999, the screams of victims under torture were relayed to their families by phone, as 'reminders' of payment due. Accounts of intimidation, violence, rape and other crimes are well-documented.[3l] Many snakehead victims talk of having been misled about employment, money to be made, and general opportunities. Both New York and London Chinatowns are held to be saturated with migrant workers. Those in work are usually bonded, and are faced with impossible debts to snakeheads. [5k,5l,5m,10ar,15g] Often part of the real price of using snakeheads is a great social cost: workers with spouses and children in China will invariably lose touch, with relationships destroyed by debt cycles and distance. [15h]

6.105. Official response to snakeheads and illegal emigrants. The act of exiting mainland China without permission is an offence, and if this is the only unlawful act committed by the emigrant, then they are punished under Article 14 of *the Law of the People's Republic of China on the Exit and Entry of Citizens* (1986) and thus

"may be given a warning or placed in detention for not more than ten days by a public security organ". [3I]

6.106. However an overlapping article, Article 322 (formerly Article 176) of the Criminal Procedure Law can be invoked for the same offence, and fines levied under Articles 52 and 53 of the same code. Fines are levied by local authorities and can vary. [3I] Legally, the standard fine should be between 1,000 and 5,000 *yuan* (£75 - £350) Note: £1 = 13.37 *yuan* in January 2000 at IMF rates of equivalence. In 1993, one expert (Dr Chin) found fines to vary according to locality (eg. Chang Le City - 25,000 *yuan* (£1860) to Ping Tan - 6,000 *yuan* (£425)). Fines also varied on where the returnee had been returned from (eg. From Taiwan, the fine was between 5,000 - 8,000 *yuan* (£350 - £575) with Japan and the US commanding higher rates.) [3I]

6.107. One expert noted that the Chinese government does not generally mistreat returnees, unless the person has been deported to China more than once. [3I] If a returnee is held to be involved in the smuggling operation, then they are subject to the Criminal Procedure Law. [3I]

6.108. There have been reports of increased debt collection crime from Hong Kong SAR. This particular development has been linked to the economic downturn. There are no reports of debt collection crime in relation to illegal emigration. [4fm,3I]

6.109. Snakehead / FP officials collusion. The experts contacted by the IRB state that governmental corruption plays a part in snakehead operations, mostly facilitating exit with documentation and influence. One expert (Dr. Kwong) sees a link between government officials and underground criminal elements. Another expert (Dr. Pieke) has stated "*De facto*, China (and particularly the Fujian authorities) have a pro-emigration policy." [3I]

6.110. Chinese authorities' approach However, "Chinese media reports indicate that the central government in China, the Fujian provincial government and public security officials at both levels have publicly committed themselves to combating snakehead operations." [3I] In June 1999, the Chinese press reported that 224 people smugglers had been arrested over the preceding 5 months. [3I] On 27 February 2001, Fujian authorities reported that in year 2000 they had arrested more than 400 snakeheads, with 98 cases sentenced. [4nw] The Chinese police have initiated a campaign against illegal migration, targeting Fujian, Guangdong, Zhejiang, Guangxi and northern Liaoning. [4af]

6.111. The Chinese authorities have reportedly stepped up a media campaign to heighten awareness of the dangers of people-smuggling. The messages to potential users of such agents include interviews with returnees, emphasising the atrocious conditions experienced by users when in transit. An example of facts presented and arguments put forward can be found in the transcript of a Central China TV news article, placed on the Canadian IRB website, document CHN34242.E. [3p]

6.112. The European Union and PRC authorities have announced closer cooperation on snakehead issues, according to the Swedish Presidency of the EU, March 2001, with a joint publicity campaign in the planning stage. [4nx]

6.113. Fraudulent Documentation. Information posted on the Canadian IRB website from the Investigative Division, Immigration department of the Government of Hong Kong special Administrative region (given 28 March 2000) indicated a steady number of forged travel documents intercepted (3,594 in 1998; 3,530 in 1999). An increase in usage of such documents by PRC nationals in 1999. It lists

top overseas destinations and top ten types of documents forged for the two years, arguably showing the versatility of agents in switching routes, methods and means. [3q,3x]

6.114. In addition to forged documents, the term "fraudulent documents" can be extended to authentic documents obtained illegally, and altered documents. All are extensively documented as being used by people-smuggling rings, and there being a black market for fraudulent documentation, particularly in Fujian Province. Fraudulent documentation used by people-smugglers is very diverse, anything that will facilitate entry. [3x]

6.115. One expert who gave evidence to an Australian Parliamentary Committee, Dr John Aird, a specialist on the population of China, stated:-

"In the case of Chinese asylum applicants, some skepticism is warranted. There is evidence of a lively industry in China of fabricating "official" documents including false sterilisation and abortion "certificates" for departing asylum seekers, and in some US cities there are Chinese entrepreneurs who for \$100 will supply an asylum applicant with an affidavit in English in which all of the answers are sheer invention (September 1999)" [3x]

6.116. The US INS have noted a recent addition of purported Falun Dafa (Falun Gong) related papers to the range of fraudulent documentation. [3x]

6.117. Beijing authorities have claimed that Chinese illegal migrants are changing destination for Europe as other countries tighten their borders. [4nj] A fraudulent documentation ring based on forged Japanese passports, with "Japanese" visitors entering the U.S. and Canada, was smashed in January 2001. [4lo]

6.118. Routes operated out of PRC. With regards to the snakeheads' air and land routes out of mainland China to the UK, Bangkok and Kuala Lumpur have been identified as key staging posts. The UK has joined the US, Canada and Australia in Operation Foursight to combat forged documentation and snakehead couriers in 9 major airports in the Far East. [4an] Cambodian police intercepted 56 Chinese emigrants bound for an undisclosed "western third country". Vietnam was believed to be part of the route. [4fo] The reports of the routes used by snakeheads have increased. The islands of St Thomas and St John in the U.S. Virgin islands have been used as final staging posts, obliging the U.S. INS to fly claimants to the U.S. mainland for processing. [9x] The INS has recently broken up a people-smuggling ring in the Caribbean. [9y] In an article about Los Angeles International airport (LAX), the challenge of Chinese illegal emigration to the US INS is highlighted and claims there has been a change away from one-child policy persecution towards involvement with Falun Gong in asylum claims. The US approval rate is stated as being about 13% of cases. [4hc]

6.119. Legal emigration is being abused, most notably emigration to Serbia, and then illegal emigration to the EU. One route is a land route via Hungary, with Hungarian police picking up 100 to 150 illegal immigrants per month. [4nu]

6.120. People-smugglers and Fujian Province In January 2000, the Political Counsellor of the Canadian Embassy visited Fuzhou city in Fujian Province on a fact finding mission, to ascertain conditions of returnees, and allied general conditions of life in Fujian Province. All meetings were conducted in Mandarin. The Canadian Embassy's requests for access were fully granted, and the Political

Counsellor was permitted one-to-one unsupervised meetings with villagers and returnees. [3r]

Additional Information stemming from investigations and trials relating to the Dover and Pacific Coast cases.

6.121. Newspaper accounts of the Perry Wacker / Ying Guo trial [9cm-9co,10az-10bc] and the investigation in the US of Cheng Chui-Ping [9cp,10ay] have added a more details about snakehead operations. Generally, Chinese people-trafficking gangs are one of the three main criminal groupings involved in people trafficking into and within Europe, along with the Italian Mafia and Albanian clans, attempting to facilitate up to 2,000 stowaways a month through the Channel Tunnel alone. [9ck,10ax]

6.122. Perry Wacker / Ying Guo trial. The UK trial held in April 2001 of Perry Wacker, a Dutch lorry driver, and of Ying Guo, a Chinese translator has coloured in details about snakehead operations. Wacker was the driver of the lorry transporting the 60 stowaways involved in the events of Dover, 19 June 2000, that lead to the death of 58 people. Ying Guo, a Chinese translator based in London and charged with being a contact between illegal arrivals and various firms of London solicitors. [4qm] Other members of the same operation stood trial and were found guilty of people trafficking offences in May 2001 in the Netherlands. [9co,9cs]

6.123. 'Big Sister Ping'. The investigation of Cheng Chui-Ping, a suspected trafficker based in New York city, started after her arrest at Chep Lap Kok airport, Hong Kong in April 2000. It has brought to light a number of features of the US branch of snakehead activities starting from Fujian. [10ay] In June 2001, Hong Kong agreed to extradite Ping to the US, though when is still unclear. [9cp] Ping was involved in the smuggling operations surrounding the freiter "Golden Venture" which ran aground off New York on 3 June 1993, with the deaths of ten snakehead victims. [9ap,10ay]

6.124. Fujian side of operations. The snakehead operation begins in Fujian, and is mainly centred around Changle City, drawing clients mainly from the ten metropolitan counties of Fuzhou metropolitan area (Changle is part of this conurbation). One article [10ay] is interesting in that it traces most snakehead activity back to the activities of Cheng Chui-Ping "Big Sister Ping" in the 1980s. Through tracing Ping's career as a snakehead it throws up a number of interesting observations, the substance of the article backed up by Professor Ko-Lin Chin's understanding of the situation. [10ay]

6.125. The attraction. Fujian emigration started in a small way in the mid to late 1980s. In the New York scenario, and presumably in other established Chinatown communities in "Western" countries, a simple equation of supply to meet direct demand was operated. It involved fixing the entry of immigrant workers for the restaurant trade on a direct contract from restaurant owner to the snakehead to supply workers. Ping was one of the most successful brokers of contracts, having developed a comprehensive network of contacts and a great manipulator of *guangxi* (the art of networking). The shock of her arrest to the New York Fujianese community is testimony to how persuasive and deeply-rooted her networking powers were. [10ay]

6.126. Such individuals fostered both an emigration mind-set and complacency towards snakehead activities within the Fuzhou community. This was achieved through a number of ways.

6.127. a. Trust. Firstly, the personal trust of brokers (any criminal connections kept firmly out of sight): Ping herself is held by most sources to be "very ordinary". [10ay] There is a careful cultivation of "good side / nasty side" in operations:

6.128. b. The Rewards. Further, there has been the deliberate re-investment of money into the community to foster the belief that illegal emigration pays. Snakeheads have given out that the ostentatious luxury apartments that have sprung up in Fuzhou since the mid-1990s are the result of remittances sent back home; the properties actually belong in the main to snakeheads and those they pay off, and the Fuzhou community are becoming aware of this. [10ay]

6.129. c. Key weak points. There has been a drip by drip compromising of key officials. Ping achieved a position of influence with individual officials through a slow and deliberate process of compromise, until officials were implicated. The extent of her influence is not known. [10ay]

6.130. d. Family pride. The deliberate manipulation of family pride, *mianzi* ('face', pride, personal sense of self-worth), and community pressure is a key factor. The social dynamic of parents keen to see their children (particularly sons) "get away and get on", with the hope that one day they will return heavily-laden with the fruits of success (or at least send photographs) has been self-perpetuating as more and more young people disappear. The darker side of this aspect is that families are willing to accept no communication or limited communication with their relative in the belief that so doing protects their identity and aids them in achieving their goal.

6.131. e. Pressure used sparingly in PRC. Snakeheads that have built their businesses on the trust of clients and perhaps the wider community are not willing to see that goodwill broken by the return of unhappy clients. There have been some reports of snakeheads arranging discounted or free passages for second attempts, or no payment necessary. [10bd] Ping seems to have played on acts of compassion, both in New York and in Fujian, and distanced herself effectively from her "enforcement agents". [10ay]

6.132. Because of the above factors, the relationship between the snakeheads and their clients has been described thus:-

"The Chinese do not normally fear the people who arrange the trip. They are providing a service. Yes, it is expensive and sometimes dangerous, but it is an investment the Chinese think they can recoup from working in a better economy. Few Chinese are surprised at being threatened when they don't pay up. In their minds, they have reneged on the deal. After all, it was not the snakeheads who killed the 58 people, it was the man who closed the vent."

Pal Nyiri, Senior Research Fellow, Department for Chinese Studies, University of Oxford. [10bb]

6.133. There is little new information about the financing of passages: evidence given at the Wacker trial suggests Fujian to London snakehead-class is £17,000 for a six month journey. [10ba] There are indications that the cross Channel leg of a migration to the UK might be one of the more expensive options in transnational migration (Perry Wacker, the driver, was lured into driving by the fee of £500 per head). [9cr,10bb] This would fit into previous information found that suggests clients of snakeheads are sold a passage to "Europe", that they then find snakeheads deliver them into communities in Hungary and other Eastern European countries, with further progress west coming at an additional price. [10bb] One victim (one of the two survivors of Dover June 2000) was accepted to travel by the snakeheads on payment of 5 percent of the agreed total price, with an understanding of bonded labour to clear the debt. [10bc]

6.134. Snakehead clients / victims have indicated that once en route, there is no way of dropping out, that fear of violence and fear of detection is used to corral the victims, and

victims are totally dependent upon snakeheads for further movement, moving as and when the snakehead tells them. [9cm] Groups of victims become commodities and are passed from gang to gang, often of non-Chinese members, the further west of Hungary the group is taken. [9cm] In the case of the Dover 60, the final leg of the journey was arranged by a gang of Dutch and Turkish criminals. The gang was tried in March-May 2001, and eight members were convicted of manslaughter and belonging to a criminal organisation involved in people trafficking, and further member of forgery. [9co,9cs]

6.135. The victims in some reports claim that the snakeheads grossly misled them as to how they would enter the UK [10az] and on the living conditions once in the country [9cm].

6.136. Snakeheads and snakehead gang members. Apart from front organisations and "enforcers", other operatives in the snakehead operations, such as solicitors, "fixers", drivers, etc are either placed into the chain or are lured into it. The driver Wacker was tempted into driving as a "one-off" crime, was a known criminal, and was hired by a company set up specifically as a cover and for that particular operation. [4qm,9cm,9cn] The key operative Ping and the translator Ying both were long-time operatives and had developed their positions from their fortuitous positions. [4qm,10ay,9cn]

6.137. Documentation. In Fujian, there are documentation rackets, selling false and fraudulent emigration documentation and any other documents required. One article reports advertisements put up by forgers around Fujian villages. [10bd] Another article talks of the "immaculate" visas permitting travel out of PRC to Hungary. [10bb]

6.138. Asylum claims. In accounts of the operations surrounding the Dover 60, once in the UK, Ying Guo was to act as a go between the victims and various London solicitors, and was to furnish the Dover 60 with asylum claims, primarily that they belonged to the Falun Gong. [4qm,4qn] The involvement of solicitors in furnishing and coaching of claimants is left unclear, and one report stated that "there was no suggestion" that the firms of solicitors that Ying Guo had dealt with knew of her snakehead activities. [4qm] Legal firms "had complained that they were overwhelmed by the numbers she brought to them with stories that they had been persecuted as members of the banned Falun Gong sect." [4qn]

6.139. The fraudulent use of Falun Gong claims is a trend recognised by the US INS:-

"Four years ago, they [snakeheads behind fraudulent claimants to the US] used reasons such as the one child policy most often. Later on, they thought that was not too feasible... so they changed it to Falun Gong... Some of them [the victims posing as claimants] don't even know the meaning of political asylum. Nine out of ten cases, they are coached." (*Jack Lin, US IND Asia Desk*) [4qi]

6.140. The US INS have been talking openly (in January 2001) with the Hong Kong SAR authorities with regards to people smuggling operations, where again they talked of nine out of ten claims being manufactured and fraudulent. [4pj]

6.141. The Chinese authorities have also talked about fraudulent claims, "illegal immigrants were adept at using 'hot button issues' to secure asylum, including Falun Gong claims. [4pk]

6.142. The effect of Dover 58 deaths. The names of the 58 people who died were released and widely circulated through the UK Fujianese community, so that relatives and friends might come forward and receive help. [22p - gives a full list of names] In April 2001, the bodies of the 58 victims were returned to their families in PRC. [9cl] One report from Fujian has stated that the deaths of the Dover 58 have had little effect on

diminishing the desire to emigrate in Changle. [10bd]

6.143. PRC authorities' operations. One report has talked of the central authorities putting pressure on the local PSB to act. [9cl] The local police have announced 800 snakeheads have been arrested and 4000 would-be migrants "seized" in an unspecified period. [9cl] The report anticipated further arrests during the Spring Festival of 2001 (April 2001). [9cl] Another report claims some of the arrest campaigns were largely cosmetic. [10bd]

Returnees

6.144. The government accepts the repatriation of citizens who have entered other countries or territories illegally. Returnees generally are fined. Those who have been repatriated a second time typically are sent to labour camp in addition to being fined again. Those who are identified as people smugglers ("snakeheads") are liable to criminal prosecution.[2a]

6.145. The main conclusion of the Political Counsellor's fact-finding report with regards to returning is:-

"There is evidence of wilful deception of foreign governments as to sanctions against returned illegal migrants. Much touted policies of prison sentences and extensive reeducation programs are apparently mostly not implemented. Rather we have become aware of preferential economic policies and business loans made available to returnees by local governments. We are assured that children under 16 returned to China would not be subject to incarceration under any circumstances." [3r]

6.146. On the methodology of the Dr Charles Burton report, *Heaven is high, and the emperor far away*, (June 2000 - [3r]) Dr Burton has stated that he was not limited in any way as to who he was allowed to meet or where allowed to go, both in relation to rural villagers and returnees. He has native fluency in the Chinese language, and no trouble in communicating in the rural parts of Fujian visited. [3ap]

6.147. The returnees referred to in the above report were returned from Japan and the US; Japanese returnees interviewed. No detainees were shown as all had been speedily processed and returned to their homes on return. [3r]

6.148. The Canadian IRB issued an update on treatment of returnees in August 2000, following on from the Burton report of May 2000 ([3r]) [3ao]. A program analyst from Citizenship and Immigration Canada followed the 90 returnees deported from Canada in May 2000 [3ao,18l].

6.149. The CIC were told that minors are processed quickly and released into the custody of their families within a day of their arrival [3ao].

6.150. First offenders, of leaving without an exit permit and a Chinese passport, are typically given a sentence of three months. The prosecution and judging of cases is undertaken by the Procuratorate (*jiancha jiguan*). Detention is normal until the trial is over (previously given in [3r] as being typically ten to twelve days.) [3ao]

6.151. One academic expert has added further details about returnee's treatment in Fujian province. Dr. Ko-lin Chen states that returnees are usually taken to the Border Patrol Education Camp, and questioned on how they were smuggled out of the country. Most are then fined between 10,000 and 20,000 Yuan [£700 - £1400] (*but see below*). Those who pay the fine are released immediately; non-payers are sent for "re-education through labour" for up to 1 year at the prison complex outside Mawei city, just outside Fuzhou city, Fujian. [3ao]

6.152. There is however a range of opinion on penalties. Most agree on around the 5000 Yuan mark [£350] for the first offence, with one expert saying such fines are rarely imposed in practice anyway, with another expert saying that usually 2 days' detention is imposed instead and added that the fine for a second offence as between 200 and 500 Yuan [£15 - £40]. **[3ao]**

6.153. On the question of threat from organised crime elements that may have funded emigrants' journeys, the experts consulted were of the opinion that there was no threat, with one expert adding that the snakeheads would be more likely to encourage returnees to try again as a business ploy. Please read the assessment above regarding snakehead PRC-side operations. **[3ao]**

6.154. On the long term repercussions for returnees the same group of experts were agreement in the main that there were no long term repercussions (one expert had no evidence on the matter). There are no reports that returnees are treated differently depending on where they are returned to (e.g. Beijing or Fuzhou). **[3ao]**

6.155. The experts gave further information about different countries return procedures and limitations on follow-up of returnees; they had no substantial information about minors and media coverage of returns. **[3ao]**

6.156. The US held talks on 3 July 2000 with Beijing regarding the quick return of intercepted Chinese migrants. Acceptance rate in US asylum cases by Chinese claimants is currently running at 13 percent. **[18k]** On 29 April 2000, Elinor Caplan visited Hong Kong to talk to port authorities about people-smuggling. She called on mainland PRC to speed up documenting people for return to PRC, otherwise "the snakeheads will win, and that's unacceptable", which is still the message of all "western" governments. **[4gn]**

Annex A: PROMINENT PEOPLE

Political leaders:

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

Political dissidents:

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

Political dissident Groups

Chinese name (in Pinyin)	English translation of name	Date, place founded	General Notes <i>From Nipped in the Bud, HRW, September 2000 [12f]</i>
Minzhu Qingnian Dang	Democratic Youth Party	1993	"With 179 members Ceased to be active in 1992.

Zhonggou Renmin Dang	Chinese People's Party (CPP)		Ceased to be active in 1992.
Zhonggou Renmin Minzhu Dang	Chinese People's Democratic Party (CPDP)	1987, Fujian Province	Ceased to be active in 1992.
Zhongguo Shihui Minzhu Dang	Social Democratic Party of China (SDPC)		Ceased to be active in 1992.
Zhongguo Ziyu Gonghui	the Free Labour Union of China (FLUC)		Ceased to be active in 1992.
Zhonggou ziyu minzhu dang	Liberal Democratic Party of China <i>Also known as the Freedom and Democracy Party</i>		Ceased to be active in 1992.
Zhonghau jinbu tongmeng	China Progressive Alliance (CPA)	27 June, 1991	Ceased to be active in 1992.

Annex B: CHRONOLOGY

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

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

1954 : The first Constitution adopted.

1957

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

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

1958 : The Great Leap Forward launched.

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

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

1975: New Constitution adopted. Deng Xiaoping rehabilitated.

1976

8 January: Death of Premier Zhou Enlai.

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

9 September: Death of Mao Zedong.

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

1977 July: Deng Xiaoping rehabilitated.

1978: China's third constitution introduced. Beginning of Democracy Wall movement, with large posters and demonstrations calling for reform and democracy. Third plenum of the Eleventh Central Committee marked the beginning of Deng's era, with repudiation of the mistakes of the Cultural Revolution and launch of economic reforms.

1979

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

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

6 December: Democracy Wall closed down.

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

1982: Fourth Constitution promulgated.

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

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

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

1989

15 April: Death of Hu Yaobang.

18 April: 4,000 students place a banner in Tiananmen Square commemorating Hu.
22 April: Amid spreading protests, 50,000 students occupy Tiananmen Square overnight for Hu's funeral. Up to 150,000 students march into Tiananmen Square.
13 May: Beginning of hunger strike in Tiananmen Square for several hundred students.
17 May: Protests spread to other cities. Zhao Ziyang unsuccessful in persuading students to leave Tiananmen Square. Hunger strikers now numbered 3,000. Mass marches in Beijing include one million citizens.
20 May: Martial law in Beijing announced.
3-4 June: Soldiers clash with demonstrators, killing hundreds and clearing Tiananmen Square. Arrests and detentions across the country number in the thousands.
24 June: Zhao Ziyang ousted and replaced by Jiang Zemin.
October: New regulations compelled legal registration of all social organisations; other regulations required prior approval of the Public Security Bureau of all assemblies, demonstrations and parades.
November: Resignation of Deng Xiaoping from his last government position (Chairman of Central Military Commission); replaced by Jiang Zemin.

1990

10 January: Martial law lifted in Beijing.
18 January: Release of 573 dissidents.
10 May: Release of 211 dissidents.
December: Beginning of trials for numerous prominent dissidents.

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

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

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

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

1997

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

February: Death of Deng Xiaoping.

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

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

1998

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

April: Wang Dan paroled to USA.

May: Legco elections.

June: Clinton visit, televised live. Dissidents fail in attempt to register legitimate opposition party. Demonstration commemorating Tiananmen Square passes without obstruction in Hong Kong.

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

1999

May: Nato forces bombed Chinese embassy in Belgrade.

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

22 July: Falun Gong banned

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

2000

Annex C:

Glossary of Chinese terms

Useful in the study of Chinese social issues.

Using Pinyin transliteration

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

baihua	Vernacular language
bao	Reciprocity
baojia	<i>Arch.</i> Pre-Communist identification system
Bei Li Wang	"The Appointed King Cult", a banned religious sect.
biaoxian	<i>Comm.</i> Lit. "display"; in Communist usage it means displaying the right politically-correct attitude, commitment or enthusiasm
Bingtuan	<i>Off./ Comm.</i> Xinjiang Production and Construction Corp, a paramilitary based pioneer movement.
bu	<i>Off.</i> Ministry (administrative rank) <i>See also chu</i>
chan shazi	<i>Off. / Comm.</i> "mixing sand" colloquial name for policy of encouraging Han influx and integration in Xinjiang Province.
changgui zanzhu renkou	<i>Off.</i> 'Conventional' temporary population - refers to migrant workers who have definite jobs / reasons for moving area
chao gupiao	'stir-fry shares', day-trading, managing one's portfolio, actively dealing in shares
cheng guan qu	<i>Off.</i> Metropolitan district, smaller than a municipality (Shi) typically with a city and outskirts. <i>See also shi</i>
chengshi zengrongfei	<i>Off.</i> Urban infrastructural construction - an urban residence entry fee
cheng zhen	Urban hukou (see also hukou bu)
cho hai	<i>Sl.</i> Grass Sandal, Grass Slipper, triad messenger, number 432, working on liasons with pay-off victims, other branches of the triad, and other gangs. <i>See also shan chu</i> and following references.
chu	Division (administrative rank) <i>See also bu</i>
Cibei Gong	Qigong group, operating in Hunan, Hubei, and Jiangxi Provinces.
Cong Sheng	"Born Again (Movement)" Unregistered Christian group, Henan Province. Also

	known as New Birth; Total Church; the Crying Faction (Ku Pai); and possibly the Holistic Church (Quanfanwei Jiao)
cun	Village
dang zheng jun zuzhi	<i>Comm.</i> "Party-government-army unit" A pioneer corps, most notable being the Bingtuan. <i>See</i> Bingtuan
dang zhong yang	<i>Comm.</i> Central Committee of the Chinese Communist Party
dang'an	Personal dossier containing data on an individual's work, qualifications, seniority, party membership, etc
danwei	Work/welfare unit; <i>also</i> gongzuo danwei
dengji guanli jiguan	Registration management agency; used in relation to the registration of a society
ding'e buzhu	"fixed term subsidy"
Dongfang Shandian	"Oriental Lightning" A christian influenced unregistered group
duozi duofu	"many sons (to bring) much happiness"
ertong fuliyuan	Child welfare institution. <i>See also</i> jingshenbingren fuliyuan ; shehui fuliyuan
fa	Law (formal, public, written); also law in the sense of formulated doctrine (as used in Falun Gong)
fenjia	<i>Arch.</i> Division of the family or the family estate
fenshuizhi	<i>Off.</i> Tax-sharing arrangements - whereby provinces are able to keep and utilize substantial amounts of locally raised taxation
fu shan chu	<i>Sl.</i> "Number 438" the title given to a sub-boss of a triad organisation. <i>See also</i> shan chu and following references.
ganbu	<i>Comm.</i> Cadre - usually refers to any party member holding a responsible position; technically, also includes non-party government officials in responsible positions.
getihu	Individual household enterprise (less than 8 employees)
Gong An Bu	Public Security Bureau (PSB) - the national level ministry.
Gong An Ju	Public Security Bureau (PSB) - the local level force. <i>See also</i> Gong An Bu
gongkai, heping, lixing, an falu	"openness, peace, reason, legality" watchwords of the China Democracy Party, a dissident organisation, in 1998.
guan	Official, bureaucratic

guanxi	Social connections, used to obtain favours <i>See also</i> guanxixue , guanxiwang
guanxiwang	Network of connections <i>See also</i> guanxi , guanxixue
guanxixue	The art of social connections, guanxi practices. <i>See also</i> guanxi , guanxiwang
gu'er	"true" orphans, with both parents dead, as opposed to abandoned.
Guo Gong	Qigong group, operating in Sichuan Province.
guoqing	National characteristics (in terms of cultural identity)
haixuan	"sea election" experimental electoral innovation for village elections, piloted in Jilin Province.
Hanyu	"The language of the Han people" = 'Mandarin', standard modern Chinese = putonghua
hei haizi	"'black' children" children born to couples outside the permitted birth plan, under family planning regulations.
heung chu	"The Incense master" & also "Number 438" the title given to the officer of a triad who oversees the 'spiritual' side of the triad, overseeing rituals etc. Equal to the sub-boss of a triad organisation. <i>See also</i> shan chu and following references.
Hokkien	Regional language of Fujian and Taiwan, also known as North and South Min
Hua Gong	A traditional form of Qigong, taught outside PRC
Huhan Pai	"The Shouters" A christian influenced unregistered group
hukou	Household registration booklet
hukou bu (or hukoushu or hukoubu)	Household booklet used for identification of urban residents; see also chengzhen
hukou dengji bu	Household registration booklet kept by the PSB to verify legitimate urban dwellers
hukou leibie	"Status" of <i>hukou</i> i.e. agricultural or 'urban'
hukou suozaidi	Place of <i>hukou</i> registration
huji bu	Alternative name for hukou bu
hung kwan	Sl. "Red Pole" or "number 426" - the military commander of a triad, organising defence and acquisition of 'turf'. Equal to the sub-boss and the Incense Master. <i>See also</i> shan chu and following references.
jiancha jiguan	Procuracy - a Chinese judicial agency responsible for investigating and prosecuting criminal cases.

jihua danlie	Off. "Stand-alone planning Unit" an institution directly and only responsible to the State Council, bypassing ministry and provincial government control.
jingshenbingren fuliyuan	Psychiatric welfare institutions. <i>See also ertong fuliyuan; shehui fuliyuan</i>
jishi	Private markets
jituan gongsi	Corporation - an economic state entity.
jumin shenfenzheng	Individual registration card
kexue	Science, as in "scientific or systematic method"
Kuangye Zhaimen	"Wilderness Narrow Door", A christian influenced unregistered group
Ku Pai	"the crying faction" - another name for Cong Sheng , the (Christian unregistered) Born Again Movement
laogai	Reform through labour (camp), equivalent to prison. Inmates have been sentenced by a court under the Criminal code.
laojiao	Lit. education through labour (camp). Inmates receive administrative sentences, by a committee without trial.
lian	'face', moral reputation. <i>See also mianzi</i>
lieshen	<i>Arch.</i> "bad gentry" oppressive, absent, and/or neglectful landlords and superiors.
lingdao	"leadership" as in a tight form of control over Village Committees. <i>See also zhidao</i>
Lingling Jiao	"Spirit Church" A christian influenced unregistered group
liudong renkou	Floating population
mangliu	Blind vagrant, blind drifter - one of the floating population (essentially an 1950s term)
Matsu	Taoist school still active in PRC
meizushi	<i>Coll.</i> "useless, lacking in ambition" perjorative label attached to migrants who do not "make it" in the West
Mentu Hui	"Disciples Association" A christian influenced unregistered group
mianzi	'face', prestige, sense of one's own public worth
minbing	Militia <i>see also minbing yinji fendui</i>
minbing yinji fendui	Emergency Militia Units - elite militia forces.
minkaohan	<i>Coll.</i> Students from ethnic minority backgrounds who have had a regular education <i>See zhenggui jiaoyu</i>
minzhengju	Off. Local Civil Affairs Office (for registering marriages)

minzhu gaige	<i>Comm.</i> Democratic reforms. Partic. Radical changes introduced in Tibet in the 1950s.
minzu jiaoyu	Schools for local ethnicities as opposed to schools offering a regular education See zhenggui jiaoyu
mousheng zanzhu renkou	Job-seeking migrant workers (in relation to the floating population) see also changgui zanzhu renkou
mu	A measurement of land, usually one-fifteenth of a hectare; one-sixth of an acre. <i>Also Arch.</i> distance. Traditionally, not necessarily a standard length or area e.g. in travel, a unit that may also include the degree of difficulty of travel with a <i>mu</i> on a mountainous path being shorter than a <i>mu</i> over a flat distance.
nei wai zhanlue	<i>Off.</i> "internal and external strategy" Beijing central government's approach to isolate and weaken cross border separatist / nationalist movements in Xinjiang Province.
nengren	"Competent people" (in relation to skilled managers brought into State industries)
nongmin	<i>Arch.</i> peasant
nongzhuanfei	Process of converting from agricultural to non-agricultural <i>hukou</i>
pak tsz sin	<i>Sl.</i> "White Fan" or "Number 415": the accountant officer of a triad organisation. See also shan chu and following references.
Peng Shanshan	A breakaway Falun Gong group based in Hong Kong
pinyin	Internationally recognised system of transliterating Chinese characters into romance lettering
putonghua	"the language that everyone speaks" = 'Mandarin', standard modern Chinese. See also Hanyu
qigong, or qi-gong	An ancient system of meditation and exercise leading to physical and spiritual well-being. See also falun gong; falun dafa; zhong gong; t'ai chi; Qing Yang; Tian Ting Baolian
Qing Yang	Purported qigong group operating in PRC.
qu	District - Administrative area larger than a township xiang but smaller than a county xian . <i>Coll.</i> Can refer to any sized district.
Quanfanwei Jiao	

renmibi (RMB)	"The people's currency"; "official" exchange rate Chinese currency and general name for Chinese currency, see yuan
renmin fating	People's tribunals
<i>Renmin Ribao</i>	<i>The People's Daily</i> , the official newspaper
renshe	"Human snakes" - the victims of snakeheads
shehui fuliyuan	social welfare institution. <i>See also</i> ertong fuliyuan; jingshenbingren fuliyuan
shan chu	<i>Sl.</i> "Number 489" - the title of the head of a triad organisation <i>See also</i> fu shan chu; tai-lo; I-lo; heung chu; sing feng; hung kwan; pak tsz sin; cho hai; sze kau
shehui tuanti	Social associations, social organisations - new social organisations operating under registration of a national controlling body.
shexue	Community / public / state schools <i>See also</i> sishu
shoushengsou	Police lock-ups
shuji	<i>Comm.</i> Secretary; term used only to mean the secretary or leading member of a committee in the CCP at any level.
sing feng	<i>Sl.</i> In a triad, The Vanguard, third in rank, equal to the Hueng Chu , Incense Master, and responsible for establishing new sub-groups of the triad. <i>See also</i> shan chu and following references.
sishu	Private schools <i>See also</i> shexue
sze kau	<i>Sl.</i> A common gang member or "soldier" of a triad organisation. Also known as a "Number 49". <i>See also</i> shan chu and following references.
taiji	Yin-Yang symbol
taijiquan (= T'ai Chi in non-pinyin)	Widely practised system of spiritual discipline and exercise <i>See also</i> qigong
tai-lo	<i>Sl.</i> "Elder Brother" Triad alternative name for triad boss.
Tian Ting Baolian	Purported qigong group operating in PRC.
ting	A government department or office at provincial or autonomous region level, between a bu (ministry) and a ju (local office, department.)
tongxianghui	Association of people with the same birth place e.g. London Fujian Tongxianghui - an association for Fujianese in London.
tongzhanbu	<i>Comm.</i> The organ of the Party devoted to

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

Yiliya Jiao	"Elijah church" A christian influenced unregistered group from Heilongjiang Province
yin	<i>Arch.</i> (hereditary) privilege of upper rank officials
youhui zhengce	"preferential policies" policies that establish economic zones and other mechanisms to aid development.
yuan	The particular name of Chinese currency see Renmibi
zhang	Leader or head of organisation e.g. buzhang is a Minister in the Chinese government.
zhaogong	State-owned enterprise
zhaosheng	Higher education
zhen	Town, officially designated as such for urban hukou.
Zhen, shan, rhen	"Truthfulness, Benevolence and Forbearance"
zhengce	"policy" in relation to Hukou transference <i>See also nongzhuanfei</i>
zhenggui jiaoyu	"regular education" taught in Mandarin to an approved curriculum <i>See also minzu jiaoyu</i>
zhibiao	"quota" in relation to Hukou transference <i>See also nongzhuanfei</i>
zhidao	"advice" as in a loose form of control of Village Committees. <i>See also lingdao</i>
zhongguo benwei wenhua	"On a Chinese foundation" (in relation to cultural adaption and adoption)
Zhongguo gong chan dang	<i>Comm.</i> The Chinese Communist Party (CCP)
Zhonggou mains dang	China Democracy Party (CDP); dissident party that attempted registration in June 1998 as an opposition party, led by Wang Youcai
Zhongguo renquan guancha	"China Human Rights Watch", dissident attempt at registration of a human rights organisation in March 1998, in Beijing by Xu Wenli.
Zhonggou zhengyi dang	"China Justice Party" - original working title of dissident party that became the China Democracy Party
zhuxi	Chairman or Governor - the highest level official at any level.
zili kouliang	'Self-supplied food grain' relates to hukou and nongzhuanfei
zizhizhou	Prefecture - administrative area one level below a province or region, and above the

	level of a county.
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Annex D: GLOSSARY 2 : English terms

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

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