



Flygtningenævnets baggrundsmateriale

Bilagsnr.:	186
Land:	Kina
Kilde:	British Home Office
Titel:	"Country Report"
Udgivet:	November 2005
Optaget på baggrundsmaterialet:	21. november 2005

OCTOBER 2005 (revised November 2005)

CHINA

Country of origin reports are produced by the Science & Research Group of the Home Office to provide caseworkers and others involved in processing asylum applications with accurate, balanced and up-to-date information about conditions in asylum seekers' countries of origin.

They contain general background information about the issues most commonly raised in asylum/human rights claims made in the UK.

The reports are compiled from material produced by a wide range of recognised external information sources. They are not intended to be a detailed or comprehensive survey, nor do they contain Home Office opinion or policy.

Second edition (reformatted November 2005)

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1. Scope of document

- 1.01 This Country of Origin Information Report (COI Report) has been produced by Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 31 August 2005.
- 1.02 The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- 1.03 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- 1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- 1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- 1.06 As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- 1.07 The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent

documents. All sources contain information considered relevant at the time this Report was issued.

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

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ADVISORY PANEL ON COUNTRY INFORMATION

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

taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2. Geography

2.01 As reported by Europa World in their Country profile for China:

“The People’s Republic of China [PRC] covers a vast area [9.572 sq. km.] of eastern Asia, with Mongolia and Russia to the north, Tajikistan, Kyrgyzstan and Kazakhstan to the north-west, Afghanistan and Pakistan to the west, and India, Nepal, Bhutan, Myanmar (formerly Burma), Laos and Viet Nam to the south. The country borders the Democratic People’s Republic of Korea in the north-east, and has a long coastline on the Pacific Ocean... The principal language is Northern Chinese (Mandarin); in the south and south-east local dialects are spoken. The Xizangzu (Tibetans), Wei Wuer (Uygurs), Menggus (Mongols) and other groups have their own languages. The traditional religions and philosophies of life are Confucianism, Buddhism and Daoism. There are also Muslim and Christian minorities... The capital is Beijing (Peking).” **[1a] (Location, Climate, Language, Religion, Flag, Capital) (18a (map))**

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

2.03 As reported by the Economist Intelligence Unit (EIU) in their January 2005 country profile for China:

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

2.04 As noted by the CIA World Fact Book on China, last updated on 30 June 2005, “China considers Taiwan as its 23rd province”. **[30a] (p4)**

(See also Section 6.C: [Taiwan](#))

LANGUAGES

MANDARIN (PUTONGHUA)

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

“There are seven major Chinese dialects and many subdialects. Mandarin (or Putonghua), the predominant dialect, is spoken by over 70% of the population. It is taught in all schools and is the medium of government. About two-thirds of the Han ethnic group are native speakers of Mandarin; the rest, concentrated in

southwest and southeast China, speak one of the six other major Chinese dialects. Non-Chinese languages spoken widely by ethnic minorities include Mongolian, Tibetan, Uygur and other Turkic languages (in Xinjiang), and Korean (in the northeast).” [2g] (p2)

PINYIN TRANSLATION SYSTEM

2.06 As noted by the same source:

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

NAMING CONVENTIONS

2.07 As noted by the Foreign and Commonwealth Office (FCO) in information supplied to COIS:

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

TIBETAN NAMES

2.08 The FCO also noted:

“Tibetan names are generally easy to distinguish from Chinese, even when they are written in Chinese characters.

Tibetans use a distinctive set of names not used by Han Chinese... Tibetan names are generally longer. They generally include two components, each usually of two syllables, but Tibetans do not use family names. Members of the same family can therefore have completely different names. Examples of individual names include: Kesang Dekyi, Dawar Tsering and Tanzen Lhundup.

For administrative purposes (including on passports) Chinese characters are used to write the names, using characters with similar pronunciations to translate the names phonetically. When using Chinese characters there is usually no gap between the two components, but names written this way **usually have four characters.**

Some Tibetan names contain components reflecting the religious status of the individual. The most common of these is Rinpoche. This is added to a monks name as an honorific title. It is common for monks and nuns to change their

name when they enter a monastery or for them to have both a lay name and a name they use in the monastery.” [31h]

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

POPULATION

2.09 As reported by the official *People’s Daily* newspaper on 6 June 2005:

“China Thursday morning welcomed its 1.3 billionth citizen, but experts cautioned that the country should get prepared to address its still growing population, increasing employment pressure and rising sex ratio imbalance before celebrating... The National Population and Family Planning Commission (NPFPC) had determined in advance that the first baby born in this hospital after midnight would be the symbolic 1.3 billionth Chinese. Experts say China’s 1.3 billion population might have come four years earlier if it were not for the family planning policy the Chinese government adopted over three decades ago.” [12af]

(See also Section 6.B: [Family planning](#))

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3. Economy

3.01 As reported by the BBC on 20 April 2005:

“China’s breakneck growth has continued into 2005 despite official efforts to take the economy off the boil. “The latest figures show the Chinese economy was 9.5% bigger at the end of March than a year earlier. The expansion matches the wildfire pace of 2004, and remains well ahead of the official target of 8%... China has now been growing at an annual rate of more than 9% since the start of 2003.” [9l]

SHADOW BANKS

3.02 As reported by *Time Asia* on 22 November 2004, small businessmen in China often turn to informal moneylenders or shadow banks for finance. As noted here, “In the past, Beijing might have responded by cracking down and throwing a few people in jail for loan sharking. That hasn’t happened for the simple reason that the gray-market provides an efficient means of capital allocation in ways the country’s socialist-era financial system cannot.” [65f]

3.03 As noted by the Economist Intelligence Unit (EIU) in their January 2005 country profile for China, “The banking sector today is dominated by the Big Four, with these institutions accounting for around 60% of total banking assets. None of them, however, is in a particularly healthy state. This is because of continued government intervention and regulation. Officials have forced banks to lend to support struggling SOEs [State Owned Enterprises].” The source also noted that, “Since April 2002 some foreign banks have been able to provide local residents and businesses with foreign-currency transactions.” [4a] (Financial services)

POVERTY

3.04 As reported by the *Guardian* newspaper on 27 May 2004:

“China’s economic expansion has been on a scale and at a speed the world has never seen before. Since opening its economy in 1978, China has accounted for three-quarters of all the people in the world lifted out of abject poverty. According to the World Bank, the number of Chinese people subsisting on less than \$1 a day has fallen from 490 million in 1981 to 88 million. During this period the country’s output has increased more than eightfold and the average income has risen by 7% a year, passing \$1,000 (currently £551) for the first time in 2003.” [41h]

3.05 As reported by the BBC on 30 March 2004, 19 per cent of Chinese households earned more than £10,000 per year; 49 per cent of these are in urban areas. [9at]

3.06 On 20 July 2004, the official news agency Xinhua reported the first official rise in poverty for 25 years. This report stated, “The number of indigent Chinese with less than 637 yuan (77 US dollars) of annual net income rose by 800,000 in 2003. This is the first time the number increased since China began opening-up in the late 1970s, said a senior Chinese official.” [13k]

- 3.07 As reported in the *Guardian* newspaper on 20 July 2004, “The trickle-down benefits of spectacular economic growth of between 7 per cent and 9 per cent are questionable. Although the coastal manufacturing and financial centres are more prosperous than ever, the poorest in remote inland areas have seen fewer benefits.” [41i]
- 3.08 As reported by the official *People’s Daily* newspaper on 4 April 2005, “At the Conference on Scaling-Up Poverty Reduction held in 2004, China made a solemn pledge that it will basically meet the food and clothing needs of the poor population in 2010.” This report also noted that 36.1 million people were still living below the official poverty line. [12o]

THE ENVIRONMENT

- 3.09 As reported by BBC on 15 June 2004:
- “Nine out of ten of the world’s most polluted cities are in China. According to the World Bank, air pollution costs the Chinese economy \$25bn a year in health expenditure and lost labour productivity – largely because of the use of coal. There are ongoing environmental debates surrounding the country’s dams policy, especially the construction of the Three Gorges Dam in central Hubei province.” [9ax]
- 3.10 As reported by the *Guardian* newspaper on 8 June 2005:
- “Pollution and consumption of water in China are growing so fast that more than 100 of the country’s biggest cities could soon be unable to quench the thirst of their populations, a cabinet minister warned yesterday... While international attention has focused on economic growth rates of more than 9% a year, local concerns have increasingly centred on the decline in water and air quality.” [41v]

STATE OWNED ENTERPRISES (SOEs)

- 3.11 As reported by the BBC on their special website, Changing China (Key people and events), “Millions of workers have been laid-off as state-run firms have been restructured or shut down. This has sparked angry protests from their workers, who complain they have been left without the welfare benefits they were once promised.” [9e]
- 3.12 As reported by the Government White Paper, *China’s Employment Situation and Policies* (Section II), published in April 2004, “From 1998 to 2003, the accumulative total number of persons laid off from state-owned enterprises was 28.18 million... In 2003, with the concerted efforts of governments at all levels throughout the country, jobs were found for 4.4 million laid-off persons, of whom 1.2 million were men over 50 years of age and women over 40 years of age, who had been considered as having difficulties finding reemployment.” [5n] (p 4 of Section II)
- 3.13 As reported by the EIU in their January 2005 country profile for China, “To complement SOE reforms, the government has been trying to introduce a new social security system. This is an urgent task. SOEs have not just provided employment for large numbers of workers; these workers and their families have also been heavily dependent on the social benefits provided by SOEs,

such as housing, healthcare, education and pension payments.” [4a] (Economic policy)

- 3.14 As noted by the NGO China Labour Bulletin on their website (report undated), “Liaoning Province has the largest number of state-owned enterprise (SOE) employees in China, and therefore also the largest number of retrenched and retired SOE workers in the country.” This report also noted that, “In many cities, it is common to find that all residents work for one single industry and in some cases, one single state owned enterprise.” [34b]

- 3.15 As reported by the *Association for Asian Research (AFAR)* on 26 August 2005:

“These SOEs, which employ more than 100 million workers, are operating at a loss of about 1 percent of GDP each year. Many industrial workers receive only partial payment. The problem of underemployment and bankruptcy in state-owned enterprises is critical, and needs reform... The one million-plus soldiers and officers in the Chinese military’s reserve forces are primarily in SOEs. The closure of these SOEs in a drive for national economic efficiency would create more unemployment and social unrest.” [51h]

UNEMPLOYMENT

- 3.16 As reported by the official news agency Xinhua on 27 January 2005, “China’s registered unemployed fell 0.1 per cent to 4.2 in 2004.” [13u] As noted by the Ministry of Labor and Social Security, by the end of March 2004, 155.86 million people were covered by retirement insurance, 102.02 million by unemployment insurance and 112.39 million by medical insurance. [13e]
- 3.17 As reported by *Asia Times* on 22 January 2005, “Surplus manpower in the countryside may reach a staggering 450 million, according to the most alarmist predictions, with at least 26 million people annually trying their luck in the big cities.” [64d]

CURRENCY

- 3.18 As noted by Europa World in their Country profile for China, the Chinese currency is “[The] renminbiao (People’s Bank Dollar), usually called a yuan.” One renminbiao is made up of ten jiao (chiao) or 100 fen (cents). [1a] (Finance)
- 3.19 As reported by the BBC on 22 July 2005, “China has revalued its currency, the yuan, for the first time in a decade – a move welcomed by the US, a long-time critic of its exchange-rate policy...The yuan will no longer be pegged to the dollar, but will float against a basket of currencies... China’s currency had been pegged at 8.28 against the dollar, but the new move effectively strengthens it by 2.1%, to 8.11 to the dollar.” [9r]

CORRUPTION

- 3.20 According to the NGO Transparency International (TI) and their Corruption Perception Index 2004, China is in the bottom half of the table when it comes to its own citizens’ perceptions of the level of corruption – it scored 3.4 out of ten (ten being zero perception of corruption). According to TI a score of less than three out of ten indicates “rampant corruption.” [33a]

- 3.21 As reported by the *Guardian* newspaper on 17 April 2004, almost 15,000 corrupt officials absconded or disappeared in 2003. The same source noted, "In the past five years prosecutors are said to have recovered less than £100m of up to £3.8bn stolen money sent overseas. Many of those who flee are senior members of the Communist party who have abused their power to amass illegal fortunes." [41g]
- 3.22 As reported by the BBC on 24 August 2004, "The wife of a leading Chinese anti-corruption official has lost both her legs after a bomb exploded at their home." [9be]
- 3.23 As reported in the *Epoch Times* on 30 August 2004, "Huang Jingao, the secretary of the Lianjiang county committee in Fujian province, has been facing intimidation from his superiors and the underworld, but Huang claims that he won't ignore the corruption even if he may be sacked. Huang has worn a bulletproof vest for six years and has written his will twice." [40a]
- 3.24 As reported by the official *People's Daily* newspaper on 8 April 2005, "Corruption has triggered public fury in China. Some 4,000 corrupt officials are reported to have fled abroad, carrying 50 billion US dollars with them. Last year, 614 suspects involved in job-related crimes have been caught both in China and other countries." [12ak]
- 3.25 As reported by the same source on 11 August 2005:
- "Chu Huaizhi, law professor with Peking University said in an interview with Xinhua prior to the 22nd Congress on the Law of the World that China has signed extradition treaties with more than 20 countries and judicial assistance treaties with dozens of countries. However, China has not signed such treaties with countries where corrupt officials often go to, such as the United States, Japan and Canada. Some countries hesitated to sign extradition treaties with China, partially because Chinese courts can give death penalties to nonviolent crimes offenders, such as corrupt officials, he said. If corrupt officials were free from the death penalty, Western countries might cooperate with China to extradite fugitive corrupt officials, or they would not flee in the first place, he said." [12am]

GUANXI

- 3.26 As reported by the online Encyclopaedia Wikipedia in a page last updated on 31 August 2005:
- "Guanxi, describes the basic force that holds the personalised networks of influence...It can be literally translated as 'relationship'. It has been a central concept in Chinese society and describes a personal connection between two people in which one is able to prevail upon another to perform a favor or service... It could be a network of contacts which an individual can call upon when something needs to be done, and through [which] he or she can exert an influence...When a guanxi network violates bureaucratic norms, it can lead to corruption." [20a]
- 3.27 As reported by the Chinese Business Centre on their website, accessed on 21 September 2005, "Keep in mind that 'Guanxi' can take on many forms. It does

not have to be based on money. It is completely legal in their culture and not regarded as bribery in any way.” [21a]

PUNISHMENT OF CORRUPT OFFICIALS

3.28 As reported by the BBC on 23 January 2005, a former branch head with one of China’s four major state-owned banks has been sentenced to life imprisonment for embezzling 111m yuan (£7m). [9bw]

3.29 As reported by the official *People’s Daily* newspaper on 9 March 2005, “Six officials at provincial or ministerial level were sentenced after being convicted of corruption, bribe-taking, abuse of public funds and dereliction of duty last year, said Xiao Yang, president of the Supreme People’s Court (SPC), in a report Wednesday.” [12i]

3.30 As reported by the *People’s Daily* in another reported dated 22 March May 2005:

“Chinese procuratorates have approved the arrest of 20,425 suspects for economic crimes last year, up 6.3 percent on a year-on-year basis, according to a report Wednesday. Jia Chunwang, procurator-general of China’s Supreme People’s Procuratorate (CSPP), disclosed the figure in his report to the ongoing annual session of the National People’s Congress (NPC), China’s top legislature. According to the report, 21,440 suspects were prosecuted on charges such as smuggling, tax evasion and dodging, and financial fraud, up 3.4 percent year-on-year.” [12m]

3.31 On 9 March 2005 the *People’s Daily* also reported:

“Chinese procuratorates at various levels investigated 43,757 government officials for job-related crimes last year, said Jia Chunwang, procurator-general of China’s Supreme People’s Procuratorate, Wednesday. Among the investigated government employees, 35,031 involved in crimes concerning corruption, bribe-taking and embezzlement of public funds, and 8,726 probed for dereliction of duties and abuse of power.” [12a]

3.32 As reported by the *People’s Daily* on 26 April 2005:

“Sang Yuechun, 43, a former deputy to the Ninth National People’s Congress (NPC), China’s top legislature, was sentenced to death at the first trial for misappropriating huge public funds and property and defrauding banks by a local court in Jilin, northeast China’s Jilin Province, on Tuesday... Sang Yuechun and his sister and brother [both jailed alongside him] said they would appeal the decisions to a higher court.” [12ac]

3.33 On 19 May 2005 the *People’s Daily* reported, “Zhang Zonghai, former head of the Publicity Department of the Municipal Committee of the Communist Party of China (CPC) of Chongqing in southwestern China, was sentenced Wednesday to 15 years in prison for accepting bribes by the No.1 Intermediate People’s Court of Tianjin Municipality.” This reported also noted that Zhang had received a reduced sentence after helping to retrieve all the illicit money and confessing his behaviour thoroughly. [12ad]

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4. History

1949-1976: THE MAO ZEDONG ERA

4.01 As reported by Europa World in their Country profile for China:

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

4.02 As reported by the Economist Intelligence Unit (EIU) in their January 2005 country profile for China:

“In the Great Leap Forward of 1958 the government attempted to turn China into an industrial economy overnight. The policy failed in spectacular fashion, resulting in the world’s worst ever man-made famine, in which an estimated 30m people died. In a further bout of hysteria, during the Cultural Revolution of 1966-69, Mao attempted to rouse the student ‘red guards’ against ‘capitalist roaders’ within the party bureaucracy.” [4a] (Political background)

1978-1989: DENG XIAOPING AS PARAMOUNT LEADER

4.03 As reported by the EIU:

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

TIANANMEN SQUARE PROTESTS (1989)

4.04 As reported by Europa World:

“The death of Hu Yaobang in April 1989 led to the most serious student demonstrations ever seen in the People’s Republic. The students criticized the alleged prevalence of corruption and nepotism within the Government, and sought a limited degree of Soviet-style *glasnost* [openness] in public life. When negotiations between government officials and the students’ leaders had failed to satisfy the protesters’ demands, workers from various professions joined the demonstrations in Tiananmen Square, Beijing, which had now become the focal point of the protests. At one stage more than 1m. people congregated in the

Square, as demonstrations spread to more than 20 other Chinese cities.”
[1a] (Recent History)

4.05 As reported by the EIU:

“The ruling elite initially appeared unsure how to respond to these massive protests, but on May 24th Mr Hu’s successor, Zhao Ziyang, was removed from power, and on the night of June 3rd-4th the military moved to retake Tiananmen Square, at the political heart of China, which had formed the focus for the protests, killing several hundred unarmed civilians along the way.” [4a] (Political background)

4.06 As noted by Europa World, “Television evidence and eye-witness accounts estimated the total dead at between 1,000 and 5,000. The Government immediately rejected these figures and claimed, furthermore, that the larger part of the casualties had been soldiers and that a counter-revolutionary rebellion had been taking place.” [1a] (Recent History)

POST-TIANANMEN SQUARE

4.07 As reported by the EIU, “The massacre was followed by widespread arrests and executions, leadership changes – a low-profile mayor of Shanghai, Jiang Zemin, was promoted as Deng’s latest designated heir – and a period of economic and political retrenchment [followed].” [4a] (Political background)

4.08 Noted by the Europa World, “Arrests and executions ensued, although some student leaders eluded capture and fled to Hong Kong. In January 1990 martial law was lifted in Beijing, and it was announced that a total of 573 prisoners, detained following the pro-democracy demonstrations, had been freed. Further groups of detainees were released subsequently. In March Deng Xiaoping resigned from his last official post, that of Chairman of the State Central Military Commission, and was succeeded by Jiang Zemin.” [1a] (Recent History)

(See also Section 6.B: [Political activists](#))

JIANG ZEMIN AS CORE LEADER

4.09 As reported by the EIU:

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

HU JIANTAO: CHAIRMAN OF THE BOARD

4.10 As reported by the same source, “Mr Jiang retired as CCP general secretary at the party’s 16th five-yearly National Congress in November 2002, and as state president at the annual meeting of the full NPC in March 2003. He was replaced in both positions by the head of the fourth-generation leadership, Hu Jintao... The emphasis on social justice and good-quality public administration under Mr Hu and Mr Wen [Premier] has been described as China’s New Deal. But the

government has also been at pains to emphasise that the one-party state is not about to be dismantled.” [4a] (Political background)

(See also Section 5: [The leadership](#))

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5. State Structures

THE CONSTITUTION

- 5.01 As reported by Europa World in their Country profile for China, “A new Constitution was adopted on 4 December 1982 by the Fifth Session of the Fifth National People’s Congress.” It was amended in 1993, 1999 and 2004. Article 1 states:

“The People’s Republic of China is a socialist state under the people’s democratic dictatorship led by the working class and based on the alliance of workers and peasants. The socialist system is the basic system of the People’s Republic of China. Sabotage of the socialist system by any organization or individual is prohibited.” [1a] (Government and Politics)

- 5.02 As noted by the same source, Articles 1 to 32 set out the general principles of the Constitution and Articles 33 to 56 lay down a citizen’s fundamental rights and duties. [1a] (Government and Politics) [5a] (the constitution)

- 5.03 As reported by the official *People’s Daily* newspaper and Amnesty International (AI) on 15 March 2004, the second session of the 10th National People’s Congress (NPC) voted to “enshrine” human rights in the state Constitution. They also voted to include an amendment to protect private property. [12p] [6i] In response AI stated, “Amnesty International today welcomed the recent announcement by China’s National People’s Congress that it would enshrine human rights in the Constitution, but cautioned that these steps must be backed up by legal and institutional reforms to ensure the protection of human rights in practice.” [6i]

- 5.04 As reported by the US State Department Report (USSD) 2004, published on 28 February 2005, “At year’s end [2004], it remained unclear how these reforms would be implemented and what effect they would have.” [2i] (p1)

CITIZENSHIP AND NATIONALITY

- 5.05 As noted by the official *People’s Daily* newspaper on 15 March 2004, Article 33 of the Constitution now states:

“All persons holding the nationality of the People’s Republic of China are citizens of the People’s Republic of China. All citizens of the People’s Republic of China are equal before the law. Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law. [March 2004 addition] The State respects and preserves human rights.” [12p]

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

- 5.07 The same source also stated:

“It is possible to recover Chinese nationality after it has been lost. To recover Chinese nationality, a person must first renounce the other nationality they are holding and provide a report – for example, proof of renunciation of other

nationalities and request for reinstatement of Chinese nationality – to Chinese authorities. Acquisition, loss or recovery of Chinese nationality can be requested or processed through Chinese consulates or embassies outside China, or inside China through the Public Security Ministry. Besides holding another country's nationality, there is no reason why a person who originally held Chinese nationality would be denied its reinstatement. However, each case is different and must be evaluated on its specific circumstances and merits by the authorities.” [3p] (Based on a telephone interview with the PRC Embassy in Ottawa, Canada)

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

(See also Section 6.B: [Returning to China after having a child abroad](#))

THE POLITICAL SYSTEM

- 5.10 As noted by the Foreign and Commonwealth Office (FCO) on their country profile for China, last reviewed on 25 May 2005:

“There are three major hierarchies in China: the Chinese Communist Party (CCP), the government and the military. The supreme decision-making body in China is the CCP Politburo and its 9-member Standing Committee, which acts as a kind of ‘inner cabinet’, and is headed by the General Secretary of the Chinese Communist Party. The National People's Congress (NPC) is China's legislative body. It has a five-year membership and meets once a year in plenary session. However, in practice it is the CCP who takes all key decisions. [31a] (p1)

CHINESE COMMUNIST PARTY (CCP)

- 5.11 As reported by the official *People's Daily* newspaper on 23 May 2005, the CCP had 69.6 million members at the end of 2004. [12ae] As reported by the *Epoch Times* in a reported dated 31 March 2005, “The Chinese Communist Party generally does not permit its members to leave without punishment.” [51f]
- 5.12 As reported by *Time Asia* on 9 May 2005:

“China's 68 million Communist Party members have spent the past few months attending self-criticism meetings to address their personal and professional shortcomings as part of Party chief and China's President Hu Jintao's ‘Education Campaign of Maintaining Party Members' Advanced Nature.’ But the exercise isn't taken as seriously as it was during the Cultural Revolution, when self-criticisms could involve public humiliation or worse; these days, some cadres are finding it easier to download sample texts from websites like dangyuan.cn and submit them as their own.” [65h]

(See also Section 6 B: [Response to “Nine Commentaries”](#))

ELECTIONS

- 5.13 As noted by the Foreign and Commonwealth Office (FCO) on their country profile for China, last reviewed on 25 May 2005:

“China is in practice a one party state. The National People’s Congress (NPC) is indirectly elected. Direct elections for village leaders have also been conducted since 1988. They take place every three years, although it is unclear how genuine and effective they are. The legislature remains subject to Party leadership. However, since 1987 the NPC has been building its oversight capacity over the actions of the government.” [31a] (p3)

- 5.14 As reported by USSD Report 2004, “Foreign observers who monitored local village committee elections judged the elections they observed, on the whole, to have been fair. However, the Government estimated that one-third of all elections had serious procedural flaws. Corruption and interference by township-level officials continued to be a problem in some cases.” [2j] (Section 3)

(See also Section 6.B: [Political Activists](#))

THE LEADERSHIP (FOURTH GENERATION)

- 5.15 As noted by the FCO on their country profile for China, last reviewed on 25 May 2005:

“At the 16th Communist Party Congress in November 2002 Jiang Zemin stepped down from his position as Party General Secretary to make way for a new ‘fourth’ generation of leaders. Prior to this, he had pressed ahead with a major political campaign, the ‘Three Representatives’, which addresses key concerns surrounding the Party’s continuing role and relevance at a time of major domestic and international change. Jiang was succeeded as Party General Secretary by Hu Jintao.

The new State leadership positions were announced at the National People’s Congress (NPC), which met from 5-18 March 2003. Hu Jintao was named President and Wen Jiabao became Premier. Wu Bangguo replaced Li Peng as NPC Chairman. The new leadership have made it clear that they will continue the current policy main priorities of economic growth, internal stability and opening up to the world.

The leadership transition was completed in September 2004 with Jiang retiring from the Chairmanship of the Central Military Commission (CMC). Hu Jintao assumed the post of CMC Chairman to add to his roles as State President and Party General Secretary.” [31a] (p2-3)

- 5.16 As reported by the BBC on 11 January 2005:

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

JUDICIARY

5.17 As reported by Europa World, the Supreme People's Court (SPC) is the highest judicial organ of the State. Below the SPC there are Local People's Courts (higher, intermediate and basic) and Special People's Courts, which include military tribunals and maritime and railway transport courts. The general principles of the legal system are set out in Articles 123 to 135 of the Constitution. [1a] (**The Judicial System**) [5a] (**the constitution**)

5.18 As reported by the USSD Report 2004:

"The Constitution states that the courts shall, in accordance with the law, exercise judicial power independently, without interference from administrative organs, social organizations, and individuals. However, in practice, the judiciary was not independent. It received policy guidance from both the Government and the Party, whose leaders used a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases. At both the central and local levels, the Government frequently interfered in the judicial system and dictated court decisions. Trial judges decide individual cases under the direction of the trial committee in each court. In addition, the Communist Party's Law and Politics Committee, which includes representatives of the police, security, procuratorate, and courts, has authority to review and influence court operations at all levels of the judiciary; the Committee, in some cases, altered decisions. People's Congresses also had authority to alter court decisions, but this happened rarely. Corruption and conflicts of interest also affected judicial decision-making. Judges were appointed by the People's Congresses at the corresponding level of the judicial structure and received their court finances and salaries from those government bodies. This sometimes resulted in local authorities exerting undue influence over the judges they appointed and financed." [2j] (**Section 1a**)

5.19 As noted by the same source, "During the year, the conviction rate in criminal cases remained over 95 percent." Also noted here, 21 per cent of those convicted received a sentence of five years or more in prison. [2j] (**Section 1a**)

5.20 On 10 March 2005, Human Rights Watch (HRW) called on the UN Commission on Human Rights to adopt a resolution condemning China and calling on it to reform its judicial system. This report stated:

"China's flawed court system continues to compromise the rights of defendants through limits on lawyers' access to detainees and to evidence, the use of coerced confessions, and political interference with judicial decisions. In violation of international law, local police chiefs or Reeducation through Labor Management Committees may impose lengthy administrative sentences." [7n]

(See also Section 5: Administrative detention)

5.21 As reported by the official *People's Daily* newspaper on 9 March 2005, "Chinese procuratorates at various levels approved the arrest of 811,102 criminal suspects of various kinds in 2004 and prosecuted 867,186, up 8.3 percent and 9.3 percent respectively year-on-year, said a top procuratorate official Wednesday." [12f]

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

"China has cracked down on various criminal offenses in accordance with law to protect citizens' life and the safety of their property. From January to October 2004, the Chinese public security organs investigated and cracked 2.004 million criminal cases. The people's courts at all levels wound up 644,248 criminal cases of first instance, in which 767,951 criminals were sentenced, effectively protecting the victims' legitimate rights and interests." [5q] (Section III)

- 5.23 The same source continued:

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

- 5.24 As reported by United Nations Reports on China's Persecution of Falun Gong 2000-2003, published October 2003:

"By letter dated 22 August 2001, the Special Rapporteur advised the Government that he had received information according to which no presumption of innocence is incorporated in Chinese law, nor the right to remain silent, nor protection against self-incrimination. Evidence obtained through ill-treatment is said to be admissible in courts and defendants are believed to have few means to expose ill-treatment by the police before or during the trial, as judges are reported to have the power to limit arbitrarily a defendant's or defence lawyer's right to speak. Furthermore, a defendant who speaks out in court is said to open him/herself to retaliation by prison officials if he/she is convicted." [32a] (p50-52)

- 5.25 On 7 April 2005, the *Guardian* newspaper reported, "China's justice system is being haunted by a 'murdered' woman who has turned up alive and well 11 years after police tortured her husband [She Xianglin] into confessing to her supposed killing." [41p]

- 5.26 As reported by the official *People's Daily* newspaper on 5 April 2005, "In an exclusive interview with Xinhua, Li Guifang, vice director of the Beijing-based Criminal Committee of the All-China Lawyers Association, said She's case demonstrates the failure of the entire local legal system, which consists of the police bureau, procuratorates and courts." [12v]

CRIMINAL PROCEDURE LAW (1997)

- 5.27 As reported by the USSD Report 2004:

"The Criminal Procedure Law falls short of international standards in many respects. For example, it has insufficient safeguards against the use of evidence gathered through illegal means, such as torture, and it does not

prevent extended pre- and posttrial [sic] detention. Appeals processes failed to provide sufficient avenue for review, and there were inadequate remedies for violations of defendants' rights. Furthermore, under the law, there is no right to remain silent, no protection against double jeopardy, and no law governing the type of evidence that may be introduced. The mechanism that allows defendants to confront their accusers was inadequate; according to one expert, only 1 to 5 percent of trials involved witnesses. Accordingly, most criminal 'trials' consisted of the procurator reading statements of witnesses whom neither the defendant nor his lawyer ever had an opportunity to question. Defense attorneys have no authority to compel witnesses to testify. Anecdotal evidence indicated that implementation of the Criminal Procedure Law remained uneven and far from complete, particularly in politically sensitive cases." [2j] (Section 1a)

- 5.28 The same source continued, "The Criminal Procedure Law does not address the reeducation-through-labor system, which allows non-judicial panels of police and local authorities, called Labor Reeducation Committees, to sentence persons to up to 3 years in prison-like facilities. The committees can also extend an inmate's sentence for an additional year. Defendants legally were entitled to challenge reeducation-through-labor sentences under the Administrative Litigation Law. They could appeal for a reduction in, or suspension of, their sentences; however, appeals rarely were successful." [2j] (Section 1d)

(See also Section 5: [Administrative detention](#))

- 5.29 Article 3 of the Criminal Procedure Law states:

"The public security organs shall be responsible for investigation, detention, execution of arrests and preliminary inquiry in criminal cases. The People's Procuratorates shall be responsible for procuratorial work, authorizing approval of arrests, conducting investigation and initiating public prosecution of cases directly accepted by the procuratorial organs. The People's Courts shall be responsible for adjudication. Except as otherwise provided by law, no other organs, organizations or individuals shall have the authority to exercise such powers.

In conducting criminal proceedings, the People's Courts, the People's Procuratorates and the public security organs must strictly observe this Law and any relevant stipulations of other laws." [5h] (p2)

- 5.30 As reported by the official *People's Daily* newspaper on 18 July 2005, "China's top legislature has put the revision of the Criminal Procedural Law into its five-year legislation plan to prevent and control the widespread use of torture to extort confessions... The numerous judicial interpretations and regulations restrain each other, undermining the authority of the Criminal Procedural Law, said Chen Weidong, professor of the People's University." [12aj]

STATE SECURITY LAW (1993)

- 5.31 Article 4 of the State Security Law of the PRC states:

"Any organization or individual that has committed any act endangering the State security of the People's Republic of China shall be prosecuted according to law.

‘Act endangering State security’ as referred to in this Law means any of the following acts endangering the State security of the People’s Republic of China committed by institutions, organizations or individuals outside the territory of the People’s Republic of China, or, by other persons under the instigation or financial support of the afore-mentioned institutions, organizations or individuals, or, by organizations or individuals within the territory in collusion with institutions, organizations or individuals outside the territory:

- 1 plotting to subvert the government, dismember the State or overthrow the socialist system;
- 2 joining an espionage organization or accepting a mission assigned by an espionage organization or by its agent;
- 3 stealing, secretly gathering, buying, or unlawfully providing State secrets;
- 4 instigating, luring or bribing a State functionary to turn traitor; or
- 5 committing any other act of sabotage endangering State security.” [5g] (p2)

5.32 Articles 102 to 113 of the Criminal Law cover the crime of endangering national security. Penalties range from three to ten years’ imprisonment, as well as criminal detention, public surveillance or deprivation of political rights. If the crime is particularly serious then the person may be sentenced to death (see Article 113). [5i] (p18-20)

DOUBLE JEOPARDY

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

Article 8

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

Article 9

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

Article 10

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

Article 11

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

Article 12

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

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

- 5.34 As reported by the Canadian Immigration and Refugee Board (Canadian IRB) in a report dated 9 March 2001:

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

- 5.35 In a letter dated 15 July 2005, the Foreign and Commonwealth Office (FCO) stated the following:

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

LEGAL RIGHTS/DETENTION

- 5.36 Article 42 of the Criminal Law states, “The term of criminal detention is not less than a month and not more than six months.” [5i] (p8) Article 58 of the Criminal Procedures Law states, “The maximum period for release upon bail pending trial is by the people’s court procuratorate and public security organ may not exceed 12 months, and the maximum period for residential surveillance may not exceed six months.” [5h] (Chapter VI)
- 5.37 As reported by the Government White Paper, *China’s Progress in Human Rights in 2004* (III Judicial Guarantees for Human Rights), published in April 2005:

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

5.38 As reported by the USSD Report 2004:

“According to the Criminal Procedure Law, police may unilaterally detain a person for up to 37 days before releasing him or formally placing him under arrest. After a suspect is arrested, the law allows police and prosecutors to detain him for up to 6 and one-half [sic] months before trial while a case is being further investigated. In practice, pretrial detention in some cases lasted for a year or longer.” [2j] (Section 1d)

5.39 The same source continued:

“The Criminal Procedure Law does not address the reeducation-through-labor system, which allows non-judicial panels of police and local authorities, called Labor Reeducation Committees, to sentence persons to up to 3 years in prison-like facilities. The committees can also extend an inmate’s sentence for an additional year. Defendants legally were entitled to challenge reeducation-through-labor sentences under the Administrative Litigation Law. They could appeal for a reduction in, or suspension of, their sentences; however, appeals rarely were successful.” [2j] (Section 1d)

(See also Section 5: [Administrative detention](#))

5.40 As reported by Amnesty International (AI) in their 2005 Report on China, covering events from January to December 2004:

“People accused of both political and criminal offences continued to be denied due process. Detainees’ access to lawyers and family members continued to be severely restricted. Political trials fell far short of international fair trial standards. Those charged with offences related to ‘state secrets’ or ‘terrorism’ had their legal rights restricted and were tried *in camera*.” [6q] (p3)

PETITIONS

5.41 As noted by the USSD Report 2004:

“Citizens continued to use the court system to seek legal redress against government malfeasance. According to official statistics, 110,199 administrative lawsuits were filed against the Government in 2002, slightly fewer than in the previous year. Administrative actions were affirmed 18 percent of the time, transferred 23 percent of the time, and dismissed or rejected 59 percent of the time, according to those 2002 statistics. Decisions of any kind in favor of dissidents remained rare.” [2j] (Section 1e)

5.42 As reported by the BBC on 27 July 2004, over nine million petitions and appeals were lodged with central government bodies in 2003, many of them in person. As noted here, “Even the head of the State Bureau for Petitions and Appeals,

Zhou Zhanshan, has admitted that 80% of the complaints are reasonable. Yet the overburdened system gives few petitioners a sympathetic hearing. And even if they get sympathy, the offices have no legal powers to enforce their decisions.” [9bd]

- 5.43 On 11 November 2004 *Asia Times* reported, “The success rate of China’s petitioners is infinitesimal. Last year [2003], the government’s China Petition Office received more than 10 million petitions, but just two out of every 1,000 cases were resolved, according to a new survey published in the Guangzhou-based *Southern Weekend*.” [64b]
- 5.44 As reported by the *Epoch Times* on 28 September 2004, “Beijing residents are forbidden to rent houses to those appealing. Otherwise, a US\$600 fine will be charged for each person found renting. The plastic shanties in the appealer’s village were burned down and the underground channels are now raided frequently. Those who are lucky enough to survive the massive raids will be homeless once again.” [51e]
- 5.45 On 9 March 2005, the official *People’s Daily* newspaper reported a 23.6 per cent increase in the number of petition cases referred to the SPC in 2004. This report also noted that the regulations governing petitions were strengthened in January 2005 to stipulate that no organisation or individual is allowed to retaliate against a petitioner, and those that do will be held accountable for their actions. These new rules are effective from 1 May 2005. [12h]

(See also Section 6.A: [Police and official accountability](#))

STATE COMPENSATION LAW (1995)

- 5.46 As reported by USSD Report 2004, “Under the State Compensation Law, citizens also may sue officials who exceed their authority in implementing birth planning policy, and, in a few instances, individuals have exercised this right. The NPFPC has set up a hotline for use by UNFPA [UN Population Fund] project county residents to lodge complaints against local officials.” [2j] (Section 2f)
- 5.47 On 12 May 2004, the official *People’s Daily* newspaper reported that a farmer from Hebei province had been awarded 362,000 yuan (£26,000) compensation after his wife and daughter died as a result of receiving HIV-contaminated blood in July 1997. [12r] On 11 August 2004, the official *China Daily* newspaper reported that a businessman from Guangdong province had been awarded 170 million yuan (US\$20.56 million) in compensation after winning an 8 year legal battle against the illegal confiscation of his business by the local authorities. [14i]

HITTING AN OFFICIAL

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

ARREST WARRANTS

- 5.49 Article 123 of the Criminal Procedures Law states,

"If a criminal suspect who should be arrested is a fugitive, a public security organ may issue a wanted order and take effective measures to pursue him for arrest and bring him to justice.

Public security organs at any level may directly issue wanted orders within the areas under their jurisdiction; they shall request a higher-level organ with the proper authority to issue such orders for areas beyond their jurisdiction."
[5h] (Section 8)

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

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

DEATH PENALTY

5.51 Article 48 of the Criminal Law states:

"The death penalty is only to be applied to criminal elements who commit the most heinous crimes. In the case of a criminal element who should be sentenced to death, if immediate execution is not essential, a two-year suspension of execution may be announced at the same time the sentence of death is imposed.

Except for judgments made by the Supreme People's Court according to law, all sentences of death shall be submitted to the Supreme People's Court for approval. Sentences of death with suspension of execution may be decided or approved by a high people's court." [5i] (p8)

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

"The death penalty continued to be used extensively and arbitrarily, at times as a result of political interference. People were executed for non-violent crimes such as tax fraud and embezzlement as well as drug offences and violent crimes. The authorities continued to keep national statistics on death sentences and executions secret. Based on public reports available, AI estimated that at least 3,400 people had been executed and at least 6,000 sentenced to death by the end of the year, although the true figures were believed to be much higher. In March, a senior member of the National People's Congress announced that China executes around 10,000 people per year." [6q] (p3)

5.53 The same source continued:

“A lack of basic safeguards protecting the rights of defendants meant that large numbers of people continued to be sentenced to death and executed after unfair trials. In October, the authorities announced an intention to reinstate Supreme Court review of death penalty cases and to introduce other legal reforms aimed at safeguarding the rights of criminal suspects and defendants. It remained unclear, however, when these measures would be introduced.”

[6q] (p3)

- 5.54 As reported by AI in a report entitled: *The death penalty worldwide: developments in 2004*, published on 5 April 2005:

“Huang Songyou, Vice-President of the Chinese Supreme People’s Court, stated in October that China is to restore Supreme Court responsibility for approving all death sentences passed in China. Speaking at the annual conference of the China Law Society, Huan Songyou said that this reform had been listed in the legislative plan of the 10th National People’s Congress, which continues until March 2008.

Under China’s Criminal Procedural Law, the Supreme People’s Court should review all cases where a death sentence is passed in China. However, since 1980 the Supreme People’s Court has progressively delegated this authority to lower level courts, which currently review and approve around 90 per cent of death sentences. Under the proposed amendments, the Supreme People’s Court will be required to conduct a mandatory review of all death sentences passed. The reform could mean a reduction of up to one third in the number of executions according to one prominent academic in China, as well as greater consistency in sentencing patterns.” [6r] (p4-5)

- 5.55 14 March 2005 the official *China Daily* newspaper reported:

“After years of deliberating taking back the power, the Supreme Court is currently recruiting and training legal professionals to sit on a special death penalty review tribunal to handle the inevitable increased workload, said Li [Daomin, president of Henan Provincial High People’s Court], also an NPC deputy. But the timetable for the return of power to the Supreme Court is not yet clear, Li added.” [14s]

- 5.56 This report also stated, “More than 70 offences carry the death penalty under Chinese law, including many non-violent crimes such as smuggling and corruption.” [14s]

- 5.57 As reported by the USSD Report 2004, “The lack of due process was particularly egregious in death penalty cases.” Also noted, “Executions were often carried out on the date of conviction.” [2j] (Section 1d)

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

“When the criminal law was revised in 1997, many academics called for both a reduction of death penalty crimes and restricted use of the death penalty, but in the end China’s legislative bodies decided neither to increase nor reduce the stipulations regarding the death penalty. The 1997 criminal law changed the article regarding the application of the death penalty from ‘only use for the most

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

5.59 The report continued:

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

5.60 This report also stated:

"Suspended death penalty is unique to China, and its application is far from ideal. Originally, suspended death penalty was supposed to be applied if immediate execution was not deemed necessary. However, for certain crimes, courts can only apply it if there are legal grounds for leniency. During 'strike hard' campaigns, cases are judged on the principle of 'the facts being basically clear and the evidence basically sufficient', so if there are doubts in a case as to the facts or the evidence, a suspended death penalty is often given to avoid a miscarriage of justice. But this procedure runs counter to the principle of presumption of innocence." [77a]

PEOPLE EXEMPTED FROM THE DEATH PENALTY

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

CHILD EXECUTIONS

5.62 As reported by AI on 6 April 2004, "However, reports have indicated that people under 18 at the time of the offence have continued to be executed because the courts do not take sufficient care to determine their age." [6k] (p6)

5.63 As reported by AI in a report entitled: The death penalty worldwide: developments in 2004, published 5 April 2005, "Gao Pan, a farmer from Ligu Village, Gaoyang County, Hebei Province, was executed on 8 March [2004] for a crime committed on 9 August 2001, before he was 18 years old, despite efforts by his family and his lawyer to have his age verified by the courts." [6r] (p5)

FEMALE EXECUTIONS

- 5.64 In Their 2005 Report on China, covering events from January to December 2004, AI reported:

“Ma Weihua, a woman facing the death penalty on drugs charges, was reportedly forced to undergo an abortion in police custody in February, apparently so that she could be put to death ‘legally’ as Chinese law prevents the execution of pregnant women. She had been detained in January in possession of 1.6kg of heroin. Her trial, which began in July, was suspended after her lawyer provided details of the forced abortion. She was eventually sentenced to life imprisonment in November.” [6q] (p2)

ORGAN HARVESTING

- 5.65 According to a report by the *Epoch Times* dated 8 June 2004 and published on the website of the Laogai Research Foundation (an NGO), “According to reliable sources within the Shanghai Police department, some police officers are conspiring with greedy doctors to sell the organs of dead prisoners for large sums of money.” The same source continued, “In China, the removal of the organs of executed prisoners is a practice condoned by the government. Many Chinese policemen, judges, and doctors are all willing to discuss how to obtain organs from dead prisoners for commercial usage.” [35a]

INTERNAL SECURITY

- 5.66 As reported by the USSD Report 2004, “The security apparatus is made up of the Ministries of State Security and Public Security, the People’s Armed Police, the People’s Liberation Army (PLA), and the state judicial, procuratorial, and penal systems. Civilian authorities generally maintained effective control of the security forces. Security policy and personnel were responsible for numerous human rights abuses.” [2j] (p1)

POLICE AND PARAMILITARY BODIES

- 5.67 As reported by the Canadian IRB in a report dated 26 January 2004, China’s police force can be broken down as follows:
- Public Security Bureau (PSB) – the main police force in China (86%), accountable to the Ministry of Public Security (MPS);
 - Prisons Police – guard prisons and labour camps, accountable to the Ministry of Justice;
 - Judicial Police – maintain security at courts and escort suspects to and from court. Also administer the death penalty, not directly attached to any Ministry;
 - Armed Police – patrol border, guard VIPs, foreign embassies and important government buildings, accountable to MPS and Central Military Commission (CMC);

- Patrol Police – community police whose main job is to deter crime and safeguard major events, accountable to the MPS. [3aa]

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

PEOPLE’S ARMED POLICE (PAP)

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

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

(See also Section 5: [Military service](#))

POLICE JURISDICTION

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

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

(See also Section 6.A: [Police and official accountability](#))

PROTECTION OF WITNESSES

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

PRISONS AND PRISON CONDITIONS

- 5.72 As noted by the Laogai Research Foundation (an NGO) in their *Summer Report 2004* (Vol. 12, No. 2):

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

- 5.73 The same source continued:

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

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

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

MODEL PRISONS

- 5.75 As noted by the Dui Hua Foundation in the summer 2004 edition of their newsletter *Dialogue*:

“In September 1995, the MOJ published a list of standards for ministry-level modern and civilized prisons. There are a total of 58 criteria, grouped into seven sections. Modern and civilized prisons must have relatively more advanced and complete facilities and a sound, functioning reform system as their basis. They must implement scientific and civilized administration of prisoners and educational reform and must be a high-quality reform facility.” [36b] (p4)

- 5.76 The same source continued:

“Physical requirements for buildings, communications, transport, prison cells, and other facilities are set out. Prisons should have fair, open, and reasonable procedures for parole, sentence reduction, and release. Maximum rates for unusual deaths of inmates and prisoner escapes cannot be exceeded. Guangxi Women’s Prison, given model status by the MOJ in 1999, was recently praised in the press for granting 147 sentence reductions in January 2004, 39 of which resulted in immediate release. A key measure is the number of prisoners per cell. The maximum number for a prison to win model status is 20. [John] Kamm [the Foundation’s Executive Director] has seen model prisons having cells with as few as four prisoners and as many as 14. Sanitation standards and medical facilities are judged by inspectors, as is the system of education and reform. Prisoners must spend a certain number of hours in class.” [36b] (p4)

TREATMENT OF PRISONERS

5.77 As reported by the USSD Report 2004:

“Conditions in penal institutions for both political prisoners and common criminals generally were harsh and frequently degrading. Prisoners and detainees often were kept in overcrowded conditions with poor sanitation. Prison capacity became an increasing problem in some areas, including Guangdong Province. Food often was inadequate and of poor quality, and many detainees relied on supplemental food and medicines provided by relatives. Some prominent dissidents were not allowed to receive supplemental food and medicine from relatives. Political prisoners often were kept segregated from each other and placed with common criminals, who sometimes beat political prisoners at the instigation of guards.” [2] (Section 1c)

5.78 As noted by the same source, “Acknowledging guilt was a precondition for receiving certain privileges, including the ability to purchase outside food, make telephone calls, and receive family visits. Prison officials often denied privileges to those, including political prisoners, who refused to acknowledge guilt or obey other prison rules.” Also noted, “Sexual and physical abuse and extortion were reported in some detention centers. Forced labor in prisons and reeducation-through-labor camps was also common.” [2] (Section 1c)

5.79 As reported by Amnesty International (AI) in their 2005 Report on China, covering events from January to December 2004:

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

PRISONS IN FUJIAN

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

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

DRAPCHI PRISON (TIBET)

5.81 As reported by World Tibetan Network News on 26 September 2002, Drapchi prison has been the scene of widespread torture, with 15 deaths reported amongst its predominantly Tibetan detainees since 1998. [46a]

5.82 As reported in a report by AI (Issue 121) from September/October 2003:

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

5.83 As reported by the Tibetan Information Network (TIN) on 16 August 2002:

“Approximately 30 prisoners are reportedly held in Detention Area Nine [punishment block] at any one time. While some are new arrivals to the prison, the majority, including criminal prisoners, are reportedly undergoing the strict regime in Detention Area Nine as punishment. Prisoners in Detention Area Nine are reportedly not allowed to do any work. A tiny walled courtyard adjoins each cell in the block. Prisoners under the most severely restricted regime are not given access to that space or allowed any activity or exercise outside their cells.” [42b]

5.84 On 28 May 2002 the official *People’s Daily* newspaper reported:

“No Accidental Death in Tibet’s Prisons: Official Lu Bo is absolutely certain. ‘I’ve never heard of any case involving accidental death of prisoners in Tibet,’ said the warden of Tibet Autonomous Regional Prison, in an exclusive interview with Xinhua Monday. But Lu added: ‘Fifteen prisoners in the regional prison died of

illness in the past five years.’ Lu said that among the 15 prisoners who died since 1998, two were women, adding the number is very small when compared with total number of prisoners in Tibet.” [12b]

OTHER KNOWN PRISONS IN TIBET

5.85 In their Annual Report 2004 on the Human Rights Situation in Tibet the Tibetan Centre for Human Rights and Democracy (TCHRD) listed 16 prisons and detention centres in Tibet. The TCHRD regards the whole of the Tibetan Plateau as part of ‘Tibet’ and the list therefore includes prisons/labour camps outside the Tibetan Autonomous Region (TAR). The 16 penal institutions they listed are as follows:

- Tibet Autonomous Region Prison (Drapchi Prison);
- “TAR” PSB Detention Centre (Sangyip Prison);
- Lhasa City PSB Detention Centre (Gutsa Prison);
- “TAR” “re-education through labour centre” (Trisam Prison);
- Powo Tramo (formerly known as “TAR” No. 2 Prison);
- Lhasa Prison (formerly known as Outridu);
- Tibetan Military Detention Centre (military prison);
- Zethang “Reform through labour facility”;
- Maowan Prison (located in Sichuan province);
- Prefectural Detention Centres (PCD) seven in total, one for each region and one in the capital, Lhasa. [45a] (**Appendix 3: Known Prisons and Detention Centres in Tibet**)

(See also **Section 6.B: Political prisoners held in Tibet**)

ADMINISTRATIVE DETENTION

RE-EDUCATION THROUGH LABOUR (RTL)

5.86 As reported by the New York Times on 20 July 2004:

“Chinese law permits committees made up of police and local authorities to send prostitutes, drug addicts and others suspected of minor offenses to re-education through labor camps for up to three years without receiving a trial. Critics say the system locks up many who are innocent, denies due process, and is frequently used to punish political dissidents, labor organizers and others the Communist Party considers a threat to its authority... Because inmates are not formally considered criminals, they have little right to appeal their sentences.” [17h]

5.87 As reported by the USSD Report 2004:

“Arbitrary arrest and detention remained serious problems. The law permits authorities, in some circumstances, to detain persons without arresting or charging them, and persons may be sentenced administratively to up to 3 years in reeducation through-labor camps and other administrative detention facilities without a trial. Because the Government tightly controlled information, it was impossible to determine the total number of persons subjected to new or continued arbitrary arrest or detention.” [2j] (Section 1d)

5.88 The same source continued:

“According to 2003 official government statistics, more than 250,000 persons were in reeducation-through-labor camps. Other experts reported that more than 310,000 persons were serving sentences in these camps in 2003. According to published reports of the Supreme People’s Procuratorate, the country’s 340 reeducation-through-labor facilities had a total capacity of about 300,000 people. In addition, special administrative detention facilities existed for drug offenders and prostitutes. In 2002, these facilities held over 130,000 offenders, and the number reportedly has increased. An additional form of administrative detention for migrants and homeless persons, known as custody and repatriation, was abolished in 2003 and converted into a system of over 900 voluntary humanitarian aid shelters. According to official statistics, those facilities had served more than 670,000 people from August 1, 2003 to November 30, 2004. The Government also confined some Falun Gong adherents, petitioners, labor activists, and others to psychiatric hospitals.” [2j] (Section 1d)

5.89 As noted by the same source, “The committees can also extend an inmate’s sentence for an additional year.” [2j] (Section 1d)

(See also Section 5: [Criminal Procedures Law](#))

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

5.91 Article 8 of the Law on Administrative Penalty states:

“Types of administrative penalty shall include:

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

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

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

OTHER FORMS OF ADMINISTRATIVE DETENTION

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

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

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

(See also Section 6.A: Custody and repatriation/voluntary humanitarian aid shelters)

MILITARY SERVICE

5.95 As noted by Europa World:

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

5.96 As reported by the BBC on 21 February 2005, all high school children in China are required to undergo one week’s military training. [9cc]

CONSCIENTIOUS OBJECTORS AND DESERTERS

5.97 As reported by the NGO War Resister’s International (WRI) in their China Report (1998) conscription is compulsory under Article 55 of the State

Constitution. The same source continued, "Military service is normally performed in the regular armed forces, but the 1984 law [on Military Service] does allow for conscription into the reserve forces." [37a] (p1)

5.98 The same source also stated:

"The reserve forces comprise several categories of people:

- professional soldiers demobilized over the past decade, because of the reduction of the PLA;
- conscripts who have completed their military service;
- registered conscripts who were not called up for military service, who must register at their work-units as reserve soldiers;
- students who have undergone military training and who are listed as reserve officers.

It is not clear to what extent reserve duties are actually enforced. It appears to be government policy to concentrate on improving the calibre of the reserve forces and on carefully selecting and training their members, rather than on just increasing the number of these." [37a] (p1)

5.99 Article 23 of the Military Service Law states, "Persons serving in the soldiers [sic] reserve shall be aged between 18 and 35." [5m] (p6)

5.100 The penalties for violation of duty range from three to ten years' imprisonment and are set out in the Criminal Law. Those endangering national security through desertion or fleeing the battlefield may be sentenced to death. (See Articles 424 to 425, 430, 435 and 449 to 451). [5i]

MEDICAL SERVICES

5.101 As reported by the World Health Organization (Regional Office for the Western Pacific, Manila, Philippines) in their Country Profile for China – available via their website:

"By the end of 2003, there were 305,000 health care institutions in China, including 64,000 hospitals and health care stations, 3,058 maternal and child health care institutions, and 1,811 specialized health institutions or stations. Hospitals and health care institutions in China had a total capacity of 2.9 million beds. There were 4.24 million health workers in China, including 1.83 million practising doctors and assistant doctors and 1.24 million registered nurses." [53a]

5.102 The same source also stated:

"The Urban Employee Basic Medical Insurance System, established in 1998, now covers over 100 million people. Reforms are underway to expand the coverage of the urban insurance system and improve the efficiency of service delivery. In rural areas, the central Government has decided to establish a new Rural Cooperative Medical System (RCMS). The proposed system includes a health service network with basic health facilities and equipment, a professional

rural health service team and an efficient rural health management team. A number of pilot projects have been undertaken in selected poor countries in several central and western provinces.” [53a]

- 5.103 The World Health Organization (WHO) also noted that in real terms government expenditure on health as a proportion of GDP has been steadily falling for the last 20 years. [53a]
- 5.104 As noted by Europa World, Health expenditure as a proportion of GDP was 5.5 per cent in 2001. As noted by the same source, there were 2.38 hospital beds and 1.67 physicians per 1,000 people in 2002. [1a] (Country Statistics)
- 5.105 As reported by the BBC on 15 April 2003, “Until about twenty years ago, virtually all Chinese were given low-cost or free medical care by government hospitals. Today, only officials and state enterprise employees get government medical care. Everybody else must fend for themselves.” [9ae]
- 5.106 On 31 August 2004 the *Epoch Times* reported, “Dishonest medical practices are a serious problem in China. Lack of medical expertise in cosmetic surgery can cause severe disfigurement. Also, hospitals have been known to manufacture illegal medicine leading patients with minor illnesses to become seriously ill or die from lack of correct treatment plans. Many complain about the high fees hospitals charge.” [51c]
- 5.107 According to a nationwide survey carried out in 2003 and reported by the official news agency Xinhua on 22 November 2004, “36% of Chinese patients in cities and 39% in the countryside did not go and see a doctor because they could not afford the medical treatment.” The same source noted, “Doctors are inclined to give patients expensive prescriptions, because Chinese hospitals depend too much on the income from medicines instead of service.” [13p]

PSYCHIATRIC TREATMENT

- 5.108 As reported in the *South China Morning Post* on 15 January 2005, “According to Ministry of Health figures, China has 16,055 psychiatrists – one for every 87,500 people. This figure doesn’t reflect disparities in rural areas, where qualified psychiatric care is non-existent.” [17j]
- 5.109 According to the same source many hospitals don’t have real psychiatrists. Instead they have neurologists and other doctors who have been briefly retrained and then sit and listen to patients before writing prescriptions. [17j]
- 5.110 As reported by the official *People’s Daily* newspaper on 21 March 2005, China has less than 3,000 people engaged in psychological services whereas most developed countries have one psychological worker for every 1,000 people. [12n]
- 5.111 As noted by the WHO Project Atlas (a project of the Department of Mental Health and Substance Dependence, WHO, Geneva) in their Country Profile for China, available via their website:

“Among all the cities of China, Shanghai has the most developed psychiatric setup. It includes community follow-up programmes, *Guardianship* networks, work therapy stations, mental health services in factories, day hospitals, night

hospitals, family support groups. Services at each of the three levels-municipal, district and grass-root level are available" [53b]

5.112 The same source also noted:

"Prior to 1980s there were no psychiatric services in most general hospitals and patients were treated in mental hospitals. However, with increasing prevalence of psychiatric disorders the government called for developing psychiatric services including psychotherapy facilities in general hospitals. WHO has been involved in developing the services and mental health policy in Zhejiang province and one of the goal [sic] is to develop a 3 year mental health plan for that province." [53b]

5.113 As reported by the official *China Daily* newspaper on 1 September 2004, 287,000 people commit suicide in China every year. As noted by the same source, "In terms of suicide attempts, rural areas outnumber urban areas and males outnumber females." [14n]

5.114 As reported by the USSD Report 2004:

"According to foreign researchers, the country had 20 'ankang' institutions (high-security psychiatric hospitals for the criminally insane) directly administered by the Ministry of Public Security. Some dissidents, persistent petitioners, and others were housed with mentally ill patients in these institutions. 'Patients' in these hospitals were reportedly given medicine against their will and forcibly subjected to electric shock treatment. The regulations for committing a person into an ankang facility were not clear." [2j] (Section 1d)

HIV/AIDS

5.115 As documented by the UNAIDS website, "China has made good progress in responding to HIV and AIDS in 2004 on several key areas: leadership and political commitment; information and surveillance systems; HIV-prevention efforts; treatment care and support; investments in HIV and AIDS programmes and international collaboration..." This site also stated, "It is feared that the number of people living with AIDS in China could reach 10 million by 2010 if the epidemic is left unchecked." [54a]

5.116 As reported by the China AIDS Survey (a site that lists chronologically policy and regulations relating to HIV/AIDS control in China):

"The Chinese government currently estimates up to one million Chinese citizens may be infected with the AIDS virus. However, experts agree that these figures do not accurately reflect the actual number because China lacks the resources to carry out extensive surveillance in the countryside. Additionally, current surveillance protocols primarily cover only specific high risk groups. Because of these limitations, it is estimated that only five percent of HIV cases in China are reported. UN and World Health experts believe the real figure lies between 1.5 and two million, and the United Nations Program on AIDS (UNAIDS) projects China could have between 10 and 15 million HIV cases by the year 2010. Although this number represents only a small percentage of China's vast 1.2 billion population, the sheer numbers of people at risk is staggering." [55a]

- 5.117 As reported by the same source, “[On] 1 December 2003 Chinese Premier Wen Jiabao visited and shook hands with AIDS patients in Beijing’s Ditan Hospital. Wen’s visit marks a milestone in China [sic] top-level commitment to fight AIDS in China.” [55b]
- 5.118 As reported by the BBC on 12 July 2004, Premier Wen reiterated earlier demands for local officials to do more to help people living with AIDS on the eve of the global AIDS conference in Bangkok in July 2004. [9bb] As reported by the *Guardian* newspaper on 12 July 2004, “Whether Mr Wen’s words herald a new openness and the end of the persecution of Aids activists in China remains to be seen. Drug users, who are at the heart of the Asian epidemic, are a shunned group.” [41j]

AVAILABILITY OF ANTI-RETROVIRAL THERAPY

- 5.119 As reported by Human Rights Watch (HRW) on 11 November 2003, the Chinese government has begun making anti-retroviral drugs available free of charge to all rural residents and to those in urban areas unable to pay for the treatment themselves. [7g]
- 5.120 As reported by the official *China Daily* newspaper on 14 April 2004, to qualify for free medical treatment, patients must be rural residents or urban citizens who have economic difficulties and are not covered by any basic medical insurance. [14j]
- 5.121 On 15 April 2004, the official *People’s Daily* newspaper reported that the government had announced the introduction of free AIDS tests and consultations for all citizens. The report stated, “According to the regulation, the central government pay for the tests in the AIDS-stricken areas while the local governments in other areas pay themselves.” [12q]
- 5.122 As reported in the *Guardian* newspaper on the same date, “In theory yesterday’s announcement threw the clinic doors open to everyone, though it remains to be seen whether China’s underfunded health system will be able to cope with a surge in the demand for tests or treatment.” [41f]
- 5.123 As reported by the official news agency Xinhua on 1 December 2004, “More than 10,000 AIDS patients have been given free anti-retroviral therapy, a kind of anti-virus treatment, this year. The total central government investment on HIV/AIDS amounted to about 390 million yuan (US\$47 million) in 2003. The budget for 2004 was 810 million yuan (US\$98 million), while budgeted international support reached to 421 million (US\$51 million) in 2004.” [13q]
- 5.124 As reported by the official *People’s Daily* newspaper on 18 April 2005, the French NGO Médecins Sans Frontières (MSF) has provided free medical aid to 260 AIDS patients and HIV carriers in China since late 2003, including anti-retroviral therapy to 160 patients in Guangxi province. [12ab]

INTRAVENOUS DRUG USERS (IDUs)

- 5.125 As reported by the official news agency Xinhua on 1 December 2004, “According to Ministry of Health surveillance, the prevalence of HIV among IDUs is from 5 to 8 per cent.” It also stated, “China has built 34 clinics and 50 [treatment] spots to provide Methadone and clean syringes for drug users.” [13q]

- 5.126 On 4 October 2004, the official *People's Daily* newspaper reported that China has approximately 500,000 registered IDUs (this constitutes 60% of the people estimated to be infected with HIV/AIDS). [12y]
- 5.127 As reported by the BBC on 30 November 2004, "In Yunnan's provincial capital, Kunming, that [sic] increase [in government spending] is symbolised by a new needle exchange project. The centre also includes games rooms and a library about HIV/Aids. It only opened in March, but more than 1,000 heroin addicts now use its services." [9bp]

DISCRIMINATION

- 5.128 In September 2003, HRW published a report entitled, *Locked Doors: The Human Rights of People living with HIV/AIDS in China*, detailing the many obstacles that people faced when diagnosed as HIV positive in China. This report highlighted both the high level of ignorance about the disease, particularly in rural areas and the continued reluctance of local officials to fully implement central government initiatives. [7f]
- 5.129 In June 2005, HRW published a report entitled, *Restrictions on AIDS Activists in China*. This reported stated, "Even as NGO activity generally increases, activists and NGO staff continue to report constant state surveillance, a web of bureaucratic obstacles, and even open harassment in the course of doing their daily work." [7p] (Summary)
- 5.130 As reported by Global Health Council on 28 August 2004, "China's parliament passed a law Saturday banning the buying or selling of blood to prevent the spread of AIDS and outlawing discrimination against victims of infectious diseases, state media said." [56a]
- 5.131 In response to this announcement HRW stated, "This law is long overdue. Now the Chinese government needs to ensure that violations are effectively monitored and that the law is enforced, said Joanne Csete, director of the HIV/AIDS Program of Human Rights Watch [on 30 August 2004]." [7i]
- 5.132 According to the results of a survey reported by the official *China Daily* newspaper on 14 December 2004, "At least 80 percent of China's estimated 5 to 10 million gays mistakenly believe they are safe from HIV/AIDS, according to the country's first ever survey on the homosexual group." [14o]
- 5.133 As reported by the *Epoch Times* on 19 April 2005:
- "AIDS patients in the central Chinese province of Henan will soon be jailed for complaining about mistreatment at the hands of local officials, as revealed by a recent report by Radio Free Asia's Mandarin service. According to RFA, local sources have reported that the construction of a facility is well underway in Nagling County. There are also fears that a second facility being planned somewhere else in Henan, which has been struck by an HIV/AIDS epidemic after a blood-selling campaign in the 1980s and 1990s." [40c]
- 5.134 As noted by the same source:

“The Henan AIDS epidemic has long been a sensitive issue for the CCP which has struggled to conceal the outbreak since its public disclosure in the mid-1990s. Villagers were paid to give blood, which was then pooled with the blood of others, and used to extract plasma for hospitals. The remaining blood was then returned to the donors, creating an open door for the spread of disease. At least 25,000 people and perhaps as many as one million were infected during the scandal, with entire villages contracting HIV, the virus that causes AIDS.” [40c]

- 5.135 As reported by the official *China Daily* newspaper on 13 June 2005, “China has drafted a new law to protect people infected with the AIDS virus in a country where discrimination against those suffering from the condition is rife, a senior Chinese health official said in Shanghai on Monday.” [14u]

PEOPLE WITH DISABILITIES

- 5.136 As reported by the USSD Report 2004:

“Discrimination against physically and mentally disabled persons persisted in employment, education, and the provision of some public services. The Disability Discrimination Ordinance calls for improved building access and sanctions against those who discriminate. Also, the Buildings Ordinance was amended in 2003 to update design requirements. However, despite inspections and the occasional closure of noncompliant businesses, access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities.” [2j] (Section 5)

- 5.137 The same source continued:

“The Government offered an integrated work program in sheltered workshops and provided vocational assessment and training. No comprehensive statistics were available on the number of persons with disabilities in the work force, but the last government survey conducted in 2000 estimated that there were approximately 269,500 persons with one or more disabilities, including 225,600 persons with physical disabilities and 52,700 with mental disabilities. According to the survey, of the 269,500 persons with disabilities, 52,500 were employed and 59,700 were considered ‘economically active,’ including small business owners and street vendors. However, a consortium of organizations representing persons with disabilities reported in 2002 that approximately 700,000 residents were disabled, about half of whom were able to work.” [2j] (Section 5)

(See also Section 6.A: Employment rights)

EDUCATIONAL SYSTEM

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

- 5.139 As documented by the Economist Intelligence Unit (EIU) in their January 2005 country profile for China:

“The education system is beset with funding difficulties. In March 2004 the education minister, Zhou Ji, said that education spending as a share of GDP had risen from 2.5% in 1998 to 3.4% in 2002, and would rise to 4% by 2007. However, the state has had to call on the private sector to help expand educational provision... Interest-free loans are available to students from poorer households.” [4a] (Education)

- 5.140 As reported by the Government’s White Paper, *China’s Employment Situation and Policies* (Section III), published in April 2004, “In 2003, the attendance rate of school-age children in primary schools was 98.6 percent, and the gross enrolment rate of junior middle schools was 92.7 percent.” [5n] (p1 of Section III)

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

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

HIGHER EDUCATION

- 5.142 As reported by the EIU in their January 2005 country profile for China:

“There were 1,552 universities and institutions of higher education in 2003, up from 1,396 in 2002, with a total student enrolment of 11.1m (3.7m of whom were studying engineering and 1.8m of whom were studying management). In 1990 only 2.1m students had been enrolled in 1,075 institutions of higher education. The rapid rise in enrolments has been accompanied by a sharp rise in the student-teacher ratio.” [21a] (Education)

- 5.143 As noted by Europa World, “The numbers of Chinese students studying abroad were increasing in the early 21st century, with around 32,000 Chinese students reported to have been studying in British higher education institutions alone in 2002/03.” [1a] (Education)

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6. Human rights

6.A HUMAN RIGHTS ISSUES

OVERVIEW

- 6.01 According to the US State Department Report 2004 (USSD), published on 28 February 2005:

“The Government’s human rights record remained poor, and the Government continued to commit numerous and serious abuses. Citizens did not have the right to change their government, and many who openly expressed dissenting political views were harassed, detained, or imprisoned, particularly in a campaign late in the year against writers, religious activists, dissidents, and petitioners to the Central Government. Authorities were quick to suppress religious, political, and social groups that they perceived as threatening to government authority or national stability, especially before sensitive dates such as the 15th anniversary of the 1989 Tiananmen massacre and other significant political and religious occasions. However, the Constitution was amended to mention human rights for the first time.” [2j] (p2)

- 6.02 As reported by the UNHRC on 31 August 2005:

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

- 6.03 As reported by Amnesty International (AI) in their 2005 Report on China, published May 2005:

“There was progress towards reform in some areas, but this failed to have a significant impact on serious and widespread human rights violations perpetrated across the country. Tens of thousands of people continued to be detained or imprisoned in violation of their fundamental human rights and were at high risk of torture or ill-treatment. Thousands of people were sentenced to death or executed, many after unfair trials. Public protests increased against forcible evictions and land requisition without adequate compensation. China continued to use the global ‘war on terrorism’ to justify its crackdown on the Uighur community in Xinjiang. Freedom of expression and religion continued to be severely restricted in Tibet and other Tibetan areas of China.” [6q] (p1)

- 6.04 Human Rights Watch in their World Report 2005 for China (HRW 2005), published in January 2005 stated:

“The Party’s 2004 promise to uphold the rule of law has been compromised by continuing widespread official corruption, Party interference in the justice system, and a culture of impunity for officials and their families. Authorities continue to censor news media. Civil society is also constrained and most NGOs are government-controlled. China prohibits independent domestic human rights organizations and bars entry to international human rights organizations. Chinese citizens who contact international rights groups risk imprisonment.” [7m] (p1)

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

- 6.06 As reported by the *Guardian* newspapers on 12 May 2005:

“China should release those of its citizens imprisoned since the 1989 Tiananmen Square crackdown if it wants the European Union to end its arms ban, a senior EU delegation told their hosts in Beijing yesterday. The request for an amnesty, one of four areas in which the EU is seeking better human rights, raises the bar for lifting the 16-year embargo, making a change unlikely this year [2005].” [41s]

- 6.07 In April 2005, the Chinese Government published a White Paper entitled *China’s Progress in Human Rights in 2004*, this stated:

“Realization of full human rights is a common pursuit of all countries in the world. It is also an important target of China’s all-round construction of a well-off, harmonious socialist society. Together with the international community, China will, as always, make persistent efforts in promoting continuous progress of human rights in China and healthy development of international human rights.” [5q] (Section VII)

- 6.08 On 16 June 2004, the UN Special Rapporteur on Torture announced that they had postponed their two-week visit to China at the request of the Government, who had asked for more time to prepare. [60a] As noted by AI on 17 June 2004, “The last-minute postponement of the visit raises serious questions about the Chinese government’s stated commitment to open and transparent exchange on human rights issues with international monitors” [6m]

- 6.09 In testimony before the US Senate (Foreign Relations Committee) on 11 September 2003, Assistant US Secretary of State for East Asian and Pacific Affairs, James Kelly stated:

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

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

(See also Section 5: [The Constitution](#))

POLICE AND OFFICIAL ACCOUNTABILITY

- 6.11 As reported by the official *People’s Daily* newspaper on 9 March 2005, “China prosecuted a total of 1,595 people working for state and organs on charges related to human rights abuses last year [2004], up 13.3 percent on a year ago, China’s chief procurator told the parliament Wednesday.” [12c]

- 6.12 As reported by the *Epoch Times* on 28 September 2004, a petitioner from Gansu province was beaten to death by police on 17 August 2004 outside the offices of the Supreme Court’s Appeals Office in Beijing. This report stated that police covered up the death and agreed to compensate his wife on the condition that she signed a death certificate indicating that her husband died of a heart attack. [51e]

- 6.13 As reported by the USSD Report 2004, “During the year, police continued to use torture to coerce confessions from criminal suspects.” [2j] (Section 1c)

- 6.14 The same source continued:

“Police officers who tortured suspects faced dismissal and criminal prosecution in some cases. For example, in June two police officers in Bazhou, Hebei Province, were sentenced to life in prison and a suspended death sentence after torturing a suspect to death and hiding the body in 2001. In July, two Sichuan Province police officers were sentenced to 12 years and 1 year in prison, respectively, in another case in which a suspect died after being tortured.” [2j] (Section 1c)

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

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

- 6.16 As reported by the Canadian Immigration and Refugee Board (Canadian IRB) on 26 March 2004:

“No specific information on whether a Chinese citizen would have recourse against personal vendettas by law enforcement officials from outside his or her home province could be found among the sources consulted by the Research Directorate.

However, in a statement made in the Hong Kong-based *International Anti-Corruption Newsletter*, Wang Jianming, Deputy Director-General of the Anti-Corruption Bureau of China's Supreme People's Procuratorate stated that

[a]nti-corruption units are now established at all 4 levels of procuratorates throughout the country. For the Supreme People's Procuratorate, an anti-corruption general office is established. And anti-corruption offices are set up under the provincial people's procuratorates, municipal people's procuratorates and county people's procuratorates. At present, there are about 40,000 cadres and procurators from various procuratorates throughout the country taking part in the fight against corruption (2003).” [3ah]

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

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

6.18 As reported by the BBC on 8 January 2004, 30,000 police officers were sacked during a four-month campaign aimed at stamping out corruption and incompetence in 2003. According to this report the majority of those dismissed were PSB officials who had been collecting fines illegally from the public. According to the same source, the police force in many areas is over-stretched with one police station in Hebei province having only ten officers to cover 126,000 people. [9aq] On 2 August 2003, the BBC reported that the police had been ordered to end the practice of arrest quotas. According to this report, “State media said Zhou Yongkang [Minister for Public Security] told officers to refrain from actions that offend public morality, cause outrage, or violate human rights.” [9ah]

FREEDOM OF SPEECH AND THE MEDIA

6.19 The USSD Report 2004 stated:

“The Constitution states that freedom of speech and freedom of the press are fundamental rights to be enjoyed by all citizens; however, the Government tightly restricted these rights in practice. The Government interpreted the Party's ‘leading role,’ as mandated in the preamble to the Constitution, as circumscribing these rights. The Government continued to threaten, arrest, and imprison many individuals for exercising free speech. A wave of detentions late in the year appeared to signal a new campaign against writers. Internet essayists in particular were targeted. The Government strictly regulated the establishment and management of publications. The Government did not permit citizens to publish or broadcast criticisms of senior leaders or opinions that directly challenged Communist Party rule... Formal and informal guidelines continued to require journalists to avoid coverage of many politically sensitive topics. These public orders, guidelines, and statutes greatly restricted the

- freedom of broadcast journalists and newspapers to report the news and led to a high degree of self-censorship.” [2j] (Section 2a)
- 6.20 As reported by the NGO Reporters Without Border in its Worldwide Press Freedom index 2004, China was ranked 162 out of the 167 countries included in the index (one being the most free and 167 being the least free). [63i]
- 6.21 As reported by the BBC on 28 June 2005, China has 100 million internet users, secondly only to the United States. [9n]
- 6.22 On 6 June 2005, “Reporters Without Borders voiced alarm today at the Chinese government’s announced intention to close down all China-based websites and blogs that are not officially registered. The plan is all the more worrying as the government has also revealed that it has a new system for monitoring sites in real time and spotting those that fail to comply.” [63g]
- 6.23 The *Guardian* newspaper reported on 7 June 2005, “Private bloggers and websites must register the complete identity of the person responsible for the site...” This reports also noted that the penalty for commercial publishers and advertisers failing to comply with the 30 June 2005 deadline was a fine of up to 1m yuan. [41x]
- 6.24 On 25 March 2005, Reporters Without Borders condemned the detention of dissident journalist Zheng Yichun, who was arrested on 3 December and subsequently charged with “subverting state power.” [63d]
- “Reporters Without Borders said it was outraged by Zheng’s arrest and the subversion charge, as his only crime was to express his views in articles published abroad... His family was notified of the subversion charge by the Yingkou prosecutor’s office on 31 December. Relatives were warned that there would be reprisals if they informed the press or human rights organizations about his arrest. They only decided to talk about after his arrest was reported in a Yingkou daily newspaper on 24 February [2005].” [63d]
- 6.25 As noted by the BBC on 11 June 2004, “China’s authorities have shown an ambiguous attitude to the rise of internet use. On the one hand they see it as essential for remaining economically competitive to have a computer literate population. But on the other hand they fear the open access to information that the internet provides.” [9aw]
- 6.26 As reported by *Japan Today* on 28 December 2004:
- “China has shut down 1,287 websites which spread ‘harmful information’ on religious cults, superstition and pornography, a government Internet watchdog said Monday. Among those closed were 1,129 pornographic sites and another 114 ‘which promoted gambling, superstitious activities and cult propaganda,’ said the official Reporting Center for Illegal and Harmful Information.” [61a]
- 6.27 As reported by the official news agency Xinhua on 10 May 2004, “China has shut down more than 8,600 unlicensed Internet cafes for admitting juveniles since February [2004]. To bar minors from Internet cafes, local governments across China have been ordered not to approve any Internet cafe operations in residential areas or within 200 meters of primary and high schools.” [13f]

6.28 As reported by Reporters without Borders in their 2003 Annual report:

“Although jealously controlled by the Communist Party, the press is a dynamic sector. Publications for women were spreading fast and were not censored when they broke such taboos as homosexuality. The authorities also granted new foreign TV channels the right to broadcast their programming in the People’s Republic. *ATV*, the privately-owned channel based in Hong Kong, was authorised to broadcast to the millions of viewers in the southern province of Guangdong. These accords were conditioned on respect for ‘the current legislation on information content.’ Similarly, Australian press magnate Rupert Murdoch’s new Chinese channel followed the propaganda department’s orders. On the other hand, *BBC World’s* satellite broadcasting to China was suspended in July after it carried a report on the anniversary of Hong Kong’s return to China that referred to the banned Falun Gong spiritual movement.

The only challenge to the party’s monopoly of the news media came from the Falun Gong, which was persecuted as a “diabolic cult” by the authorities and which had no authorised access to the Chinese media. On at least five occasions, Falun Gong followers hijacked into cable or satellite TV services in order to transmit footage in support of their movement. Dozens of members were arrested for this and received long prison sentences.” [63a] (p1)

6.29 As reported by Reporters without Borders in their 2004 Annual report:

“The passing of power into the hands of a fourth generation of communist leaders, headed by President Hu Jintao, had little impact on press freedom in 2003. The authorities launched a massive reform of the media sector but control over the content of news remained the rule.

In July 2003, the government imposed radical reform on the Chinese media. Government and communist party bodies were banned from managing for-sale publications apart from the national official daily, the sole party’s theoretical review, two provincial publications and one municipal. All other publications had to fall in with the laws of the market – a revolution in China. The year 2003 also saw the emergence of major media groupings in the written press and broadcast media, expanding to 2,000 newspapers, 9,000 magazines and 2,000 television channels.” [63b] (p1)

6.30 The same source continued:

“Controlling the media remains an obsession for the Chinese government. The television sector is under its control through *Chinese Central Television (CCTV)* which runs 12 different channels. News programmes chiefly focus on national politics, activities of leaders and ideological campaigns. In February, the government launched a 24-hour news channel. *CCTV* provided live coverage of the US invasion of Iraq and dozens of correspondents were dispatched to the Gulf region. This was a first for Chinese television. But the commentaries only reproduced the official anti-war stance.” [63b] (p2)

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

“The British Broadcasting Company’s flagship political debate program, ‘Question Time’ was broadcasted from Shanghai on Thursday. The questions debated included the Taiwan question, the Hong Kong Special Administrative

Region, China's human rights and China's economic development. Chinese foreign ministry spokesman, Liu Jianchao, Secretary-general of the Bo'ao Forum, Long Yongtu, and other famous politicians, economists had been invited to join the panel to answer questions before a live studio audience. More than 160 people in Shanghai were invited to apply to join the studio audience... This is the first time such a program produced by a mainstream Western media outlet has been filmed in China." [13w]

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

JOURNALISTS

- 6.33 As reported by the Reporters without Borders in their 2004 Annual report:

"On several occasions, particularly during the Sars crisis, the authorities, through the Publicity Department (formerly propaganda) punished journalists who investigated the lies and inadequacies of the authorities in the face of the epidemic. During 2003, as never before, journalists, particularly the major media, pushed back the limits of censorship. It remained however strictly forbidden to publicly criticise the sole party system. At least 23 journalists and about 50 cyberdissidents are in jail, often serving long sentences, for having called for democracy or denouncing abuses on the part of the communist authorities. Throughout 2003, around a dozen other journalists were punished for raising sensitive issues." [63b] (p1)

- 6.34 The same source continued:

"Overall the press was modernising and journalists were taking more risks by investigating social issues. One proof of this was the growing number of physical attacks on journalists. One newspaper reported in October that more than 100 Chinese journalists had been assaulted while doing their jobs in 2003. Vigilantes, police and delinquents angered by their investigations carried out these attacks." [63b] (p1-2)

- 6.35 As reported by the Committee to Protect Journalists (CPJ) in their 2003 Report:

"In early April, whistle-blower Jiang Yanyong, a doctor at a Beijing military hospital, exposed the prevalence of SARS cases in Beijing to the international media, escalating pressure on the government to acknowledge the crisis. On April 17, President Hu admitted the SARS cover-up to the powerful Politburo and called for immediate and forceful action to fight the disease. Three days later, Health Minister Zhang and Beijing Mayor Meng Xuenong were fired for their role in the cover-up. By the time the epidemic abated in July, 774 people had died in 11 countries, including 349 in mainland China and 299 in Hong Kong, according to the WHO.

Following the government's delayed but candid response to SARS, many observers believed that China's leaders had learned an important lesson about the dangers of information control. But this optimism was tempered when authorities continued to censor stories about a number of sensitive issues, including AIDS, labor unrest, the retirement of outgoing Premier Zhu Rongji, a

wave of violent crime, North Korean refugees, and popular protests in Hong Kong against proposed anti-subversion legislation.” [62a] (p1)

6.36 As reported by the *Guardian* newspaper on 1 July 2005:

“The Communist party’s propaganda department lists stories which must not be published. Several journalists confirmed such lists exist, but warned that providing copies could be considered a breach of state security. In quiet weeks, lists contain few subjects: typically, Taiwan, Tibet or religious freedom. At other times, they stretch to 25 or more items: riots, strikes, and alleged affairs of senior leaders. No editor would disobey such orders, but the role of newspapers has become more adversarial... But the media’s assertiveness was apparent in an open petition this week by more than 2,000 journalists against the detention of former Nanfang editors Yu and Li. Their colleague, Cheng Yizhong, former editor-in-chief of the Southern Metropolitan Daily, has been released after an outcry. In April, he was awarded the World Press Freedom prize by Unesco. Stripped of his post, kicked out of the party, and refused permission to attend the prize-giving, Mr Cheng wrote an uncompromising acceptance speech.” [41w]

6.37 This report also noted that the Nanfang (Southern) Daily Press Group, which includes the Nanfang Weekend, the Southern Metropolitan Daily and the Beijing News amongst its titles, had been able to influence public debate by carrying stories on hitherto taboo subjects before the authorities had a chance to censor them. “As well as scoops about Sars and the Three Gorges dam, the Nanfang Weekly made the biggest splash of 2003 by investigating the case of Sun Zhigang, who died in police custody. Its coverage forced a change of national policy on detentions, and humiliated local police chiefs.” [41w]

(See also Section 6.A: Custody and repatriation/voluntary humanitarian aid shelters)

6.38 As reported by Reporters Without Borders on 20 May 2005:

“Reporters Without Borders reacted with horror to an attack on journalist Wen Chong in which unknown assailants attacked him in his home and cut off[f] the index and middle finger of his right hand. Two men burst into the home of the 30-year-old journalist with Nanfang Dushi Bao (Southern Metropolis Daily) on 18 May 2005 in Zhongshan, in the south of Guangdong province. The organisation urged the Chinese authorities to carry out a thorough investigation to find and punish the perpetrators of this ‘barbaric act’. The assailants, who began by raining blows onto the journalist, fled afterwards taking the journalist’s amputated fingers with them. He was immediately treated in hospital.” [63f]

6.39 As reported by Reporters Without Borders on 5 August 2005, Singapore-based Journalist Ching Cheong was formally charged with spying for Taiwan on 5 August. “The Chinese foreign ministry announced on 31 May that Ching had confessed to being a ‘spy in the pay of foreign agencies.’ Although based in Hong Kong, he is a resident of Singapore. He holds a ‘British National Overseas’ passport, a category of passport reserved for the citizens of Hong Kong. He was arrested on 22 April in the southern city of Guangzhou and is now held in Beijing.” [63h]

6.40 As reported by CPJ on 1 June 2005:

“Police have leveled a new accusation at imprisoned New York Times researcher Zhao Yan, which permits Chinese authorities to continue holding him for an additional unspecified period of months. Zhao, who was formally arrested in October 2004 under suspicion of leaking state secrets, is now accused of fraud, police informed his lawyer Mo Shaoping in April. The new accusation allows authorities to set back the clock on the legal investigation period for Zhao’s case and to continue detaining him without trial. Authorities have provided neither an explanation nor evidence to support their charge. It is unclear whether the new charge means that authorities will drop the ‘state secrets’ allegations against Zhao, which has denied him access to a lawyer and his family since his imprisonment in Shanghai on September 17, 2004.” [62b]

- 6.41 On 28 April 2005, “Reporters Without Borders noted the release on 12 April, of Chen Yanbin, co-editor of the dissident review Tielu (Iron Currents), after 14 years and seven months imprisonment in Beijing. The journalist remains deprived of his civil and political rights for the next four years... He and a colleague Zhang Yafei were sentenced in March 1991 to 15 years in prison for ‘incitement to rebellion’ and ‘spreading counter-revolutionary propaganda’ in an underground magazine that was distributed in Beijing.” [63e]

INTELLECTUALS

- 6.42 As reported by Asia Times on 10 March 2005:

“In the run-up to the transition to the fourth generation of Chinese leaders in 2002, intellectuals in Beijing were cautiously optimistic that Hu Jintao would be a force for reform... Hu is now supreme leader – CCP chairman, national president and head of the party’s powerful Central Military Commission. His predecessor, Jiang Zemin, stepped down from the commission last September [2004], leaving Hu with the reins of power.

During the first few months of Hu at the helm there were indeed signs of a flowering of intellectual life, as emboldened Chinese media went on the offensive. Unfortunately, this Beijing spring – a reference to the flowering in the late 1970s – was short-lived. Since the spring of 2003, freedom of expression has been on the ropes in China. Newspapers have been shut down, editors, journalists and Internet dissidents have been imprisoned, lawyers have had their licenses temporarily revoked, and intellectuals have come under attack.

Chinese intellectuals now openly admit they misread China’s new helmsman as Hu the reformer. In fact, they say the political situation is the worst in years. Some even yearn for the good old days under former [head] honcho Jiang Zemin.” [64e]

- 6.43 As reported by the BBC on 30 March 2005:

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

FREEDOM OF RELIGION

- 6.44 As reported by the US State Department's International Religious Freedom Report 2004 (USSD Religious Freedom Report 2004), published on 15 September 2004:

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

During the period covered by this report, the Government's respect for freedom of religion and freedom of conscience remained poor, especially for many unregistered religious groups and spiritual movements such as the Falun Gong. The extent of religious freedom varied widely within the country. Unregistered religious groups continued to experience varying degrees of official interference and harassment. Members of some unregistered religious groups, including Protestant and Catholic groups, were subjected to restrictions, including intimidation, harassment, and detention." [2f] (p1)

- 6.45 As reported by the USSD Religious Freedom Report 2004 and by the NGO Forum 18 in a report dated 29 September 2004, government officials who illegally deprive citizens of their religious freedom may be sentenced to up to two years in prison. [2f] (Section II) [66d] (p6) Forum 18 also stated, "However, no instance has become known of officials prosecuted for this type of violation. Without the sympathetic support of their superiors in higher levels of government, it is doubtful that these officials could have escaped prosecution." [66d] (p6)

- 6.46 As reported by the Government White Paper, *China's Progress in Human Rights in 2004* (II Civil and Political Rights), published in April 2005, "According to incomplete statistics, China has now more than 100 million religious adherents, more than 100,000 venues for religious activities, and about 300,000 clergy members... The accumulative print run of the Bible has reached 35 million." [5q] (Section II)

- 6.47 As noted by the USSD Religious Freedom Report 2004:

"The country has five officially recognized religions: Buddhism, Taoism, Islam, Catholicism, and Protestantism. The Russian Orthodox Church also operates in some regions and other religions exist in the country's expatriate community. Most of the country's population does not subscribe to any religious faith. Approximately 8 percent of the population is Buddhist, approximately 1.4 percent is Muslim, an estimated 0.4 percent belongs to the official Catholic Church, an estimated 0.4 to 0.8 percent belongs to the unofficial Vatican-affiliated Catholic Church, an estimated 0.8 to 1.2 percent is registered as Protestant, and at least 2.5 percent worships in Protestant house churches that are independent of government control." [2f] (p1)

(See also Section 6.A: [Banned spiritual groups](#))

- 6.48 As reported by Ian Johnson in his book *Wild Grass* (2004), “Defining what is religion in China, can be a tricky business. Unlike western religions, which often try to sharply distinguish themselves from one another, Chinese belief systems happily overlap, drawing on ancestor worship, popular beliefs in spirits, the indigenous religion of Taoism and the ideas of worldwide religions like Buddhism.” [50f] (p200)

REGISTRATION

- 6.49 As reported by the *Washington Post* on 10 March 2004, “The Chinese government allows people to worship only in party-run churches, mosques and temples, [and] considers any autonomous religious organization a threat and routinely imprisons priest, monks and others.” Also noted in this report, “There is rising interest in religion and spirituality – from Falun Gong to Christianity – as people struggle to cope with rapid social change and the vacuum left by the collapse of Maoist ideology.” [59c]

- 6.50 As reported by the USSD Religious Freedom Report 2004:

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

- 6.51 As reported by Forum 18 on 28 April 2004:

“The Communist party-state remains determined to maintain control over society, using over the past 20 years an increasing number of laws and regulations as a means to this end... The state claims the exclusive right to decide on what are ‘normal’ religious activities and is effectively pursuing a policy of divide-and-rule towards religious communities... The Chinese state’s relationship with religion can only improve if the state accepts that laws are supreme – even over the party – and protect individuals and society from arbitrary actions by those in power.” [66a] (p1)

- 6.52 The same continued:

“In May 1991, SARA and the Ministry of Civil Affairs issued a notice to all provincial and local religious affairs offices and civil affairs agencies regarding a document entitled ‘Implementing Measures on the Management and Registration of Religious Social Organisations,’ which was modelled on the 1989 ‘Regulations on the Management and Registration of Social Organisations’ that would eventually be updated in 1998.

Article 3 of ‘Implementing Measures’ required all religious organisations to first seek the approval of the relevant religious affairs offices before applying for

registration with the appropriate level of civil affairs agencies... Article 4 of the document stipulated a series of requirements that organisations must fulfil for registration. First, the applicant must supply to the authorities the name of the organisation, its office location and its 'responsible person'. Second, the organisation must provide by-laws that do not contradict the Constitution or other state laws. Third, it must demonstrate that it has a legal revenue source. Fourth, it must provide religious doctrines and teachings that can be verified, in accordance with the historical development of religion in China, and not in contravention of the organisation's by-laws. Finally, the membership of the organisations should have 'broad representation'." [66a] (p2-3)

6.53 As reported by the same source on 25 November 2004:

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

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

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

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

6.56 According to a report dated 18 January 2005 by Forum 18:

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

6.57 The same source continued:

"Other than Falun Gong practitioners' well-known public displays of civil disobedience in the early days of the state's repression against the movement,

and periodic protests by Uighur Muslims and Tibetan Buddhists, which also involve the important political issue of autonomy or independence vis-a-vis China, no significant public demonstrations are known to have been mounted in the name of religion or religious freedom within recent memory.” [66f]

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

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

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

6.60 As reported by Forum on 29 September 2004:

“In theory, the central government’s State Administration for Religious Affairs (SARA) oversees religious affairs in China. A key function of SARA and its subordinate offices is registering religious groups and venues. In general, these offices are tasked with ensuring that individual believers and groups comply with state regulations. To meet this objective, like most Chinese bureaucracies, there are provincial and local SARA offices, allowing the agency to keep an eye on all religious organisations, individuals and activities throughout the country.

However, it is important to note that SARA lacks enforcement powers. Once SARA has determined that religious groups are either illegal – meaning unregistered – or that they or individual believers are conducting illegal activities, the matter would then be turned over to the law enforcement agency – namely, the Public Security Ministry and its subordinate offices.” [66d] (p3)

RELIGIOUS GROUPS

BUDDHISTS

6.61 As reported by the USSD Religious Freedom Report 2004:

“Buddhists make up the largest body of organized religious believers. The Government estimates that there are more than 100 million Buddhists, most of whom are from the dominant Han ethnic group. However, it is difficult to estimate accurately the number of Buddhists because they do not have congregational memberships and often do not participate in public ceremonies. The Government reports that there are 16,000 Buddhist temples and monasteries and more than 200,000 nuns and monks.” [2f] (Section I)

TAOISTS

- 6.62 As reported by the same source, “Religious officials offer no official estimate of the number of Taoists, but academics place the number at several hundred thousand. According to the Taoist Association, there are more than 25,000 Taoist monks and nuns and more than 1,500 Taoist temples.” [2f] (Section I)
- 6.63 This report also noted, “Official tolerance for Buddhism and Taoism has been greater than that for Christianity, and these religions often face fewer restrictions.” [2f] (Section II)

(See also Section 6.B: [Tibetan Buddhism](#))

CHRISTIANS

- 6.64 As reported by the USSD Religious Freedom Report 2004:

“The unofficial, Vatican-affiliated Catholic Church claims a membership far larger than the 5 million persons registered with the official Catholic Church. Precise figures are impossible to determine, but Vatican officials have estimated that the country has as many as 10 million Catholics in both the official and unofficial churches. According to official figures, the government-approved Catholic Church has 69 bishops, 5,000 clergy, and over 5,600 churches and meetinghouses. There are thought to be some 37 bishops operating ‘underground,’ some of whom are likely in prison or under house arrest.

The Government maintains that the country has more than 15 million registered Protestants, 20,000 clergy, more than 16,000 churches, and approximately 25,000 registered Protestant meeting places. Protestant church officials have estimated that at least 20 million Chinese worship in official churches. Foreign and Chinese sources estimate that at least 30 million persons worship in Protestant house churches that are independent of government control. Some foreign academics estimate that the country’s Protestants may number as many as 90 million. Domestic and foreign experts agree that the number of Protestants in the country is growing.” [2f] (Section 1)

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

even each others' homes – hence their description as 'house churches' – risking fines, imprisonment, torture and even, in some cases, death." [9bn]

- 6.68 As reported by the Canadian IRB on 28 November 2003, Protestant house church leaders contacted by the IRB stated that officially sanctioned bibles differ very little from other versions available outside China and that, "The Bible text remains sound and intact." [3w]
- 6.69 As reported by the same source on 28 February 2003, "It is normal for Patriotic churches to display crosses, crucifixes and portraits of Jesus... It is similarly legal for Chinese citizens to possess these and display them in their homes." [3t]

CATHOLICS

- 6.70 As reported by the USSD Religious Freedom Report 2004:

"In Hebei, where an estimated half of the country's Catholics reside, friction between unofficial Catholics and local authorities continued. Hebei authorities reportedly have forced underground priests and believers to choose between joining the official Church or facing punishment such as fines, job loss, periodic detentions, and having their children barred from school. Some Catholics have been forced into hiding. Numerous detentions of unofficial Catholic clergy were reported." [2f] (Section II)

- 6.71 As reported by the United States Commission on International Religious Freedom (USCIRF) Annual Report 2005, published in May 2005:

"The government also continues its repression of the unregistered Roman Catholic Church in China, which maintains its allegiance to the Vatican. There are at least 20 Catholic bishops or priests under arrest, imprisoned or detained, including Bishop Su Zhimin, who has been in prison, in detention, under house arrest, or under strict surveillance since the 1970s. Clergy in Hebei, Fujian, and Heilongjiang provinces were harassed, detained, and arrested during the past year. In October 2003, Hebei provincial officials reportedly arrested 12 Catholic priests and seminarians attending a religious retreat. In August 2004, Bishop Gao Kexian died of unknown causes in a prison where he had been since 1997. In September 2004, the Vatican issued a statement condemning the arrest of eight priests and two seminarians during a religious gathering in Hebei. In April 2005, one week after the death of Pope John Paul II, authorities in Hebei arrested a bishop and two priests, reportedly for their continued refusal to register with the Patriotic Catholic Church." [70a] (p58)

- 6.72 As reported by the BBC on 8 April 2005:

"China broke off ties with the Holy See in 1951, and even today the nation's Catholics face the choice of attending state-sanctioned churches, acknowledging Beijing as their ultimate authority, or worshipping in secret 'underground' congregations... The Vatican insisted it must have final say on the appointment of bishops – as it does in an agreement with communist-controlled Vietnam – but China found the demand unacceptable." [9u]

- 6.73 On 18 April 2005 *Time Asia* reported that both official and unofficial churches united in mourning for the late Pope, John Paul II (died 4 April 2005). According to the same source, "This was the first time since Beijing severed relations with

the Vatican in 1951 that worshippers in state-approved churches were allowed to commemorate a Pope's death." The same source also quoted Father Benedictus from Shijiazhuang parish in Hebei province as saying, "As long as we don't protest or set off firecrackers, we're basically left alone..." [65g]

6.74 On 4 April 2005, the official *People's Daily* reported:

"Chinese Catholics Sunday joined their counterparts in other countries to grieve over the death of Pope John Paul II, while the Chinese Foreign Ministry extends governmental condolence over the loss of the pontiff, hoping for improving relations between China and Vatican... In their Sunday mass, Catholics in Beijing, Tianjin, Shanghai and other cities mourned for the Pope. Nearly 10,000 Catholics attended masses held in five major Catholic churches in the national capital." [12w]

6.75 As reported by *Catholic News* on 14 March 2005, Donald Tsang, Hong Kong's [then] acting Chief Executive is a devout Roman Catholic and attends church every morning before work. [67a]

6.76 According the website of Cardinal Kung Foundation (an NGO), accessed on 11 August 2005:

"Currently, every one of the approximately 50 bishops of the underground Roman Catholic Church is either in jail, under house arrest, under strict surveillance, or in hiding. Bishop Wei Jingyi, the underground Roman Catholic Bishop of Quqihar, Heilongjiang was arrested by the Chinese authorities in September 2002. Bishop Jia Zhiguo, the underground Roman Catholic Bishop of Zhengding, Hebei was arrested six times from January 2004 to July 4 2005. Bishop Wei and Bishop Jia have all been released as of today" [68a]

6.77 As reported by the Canadian IRB on 8 June 2004:

"During a 4 June 2004 telephone interview with the Research Directorate, a representative of the Cardinal Kung Foundation stated that there are no standardized baptismal certificates within underground Catholic churches in China nor are baptismal certificates issued as a matter of course. Instead, if a baptismal certificate were requested at the time of baptism, the priest might issue an informal document that would most likely be written in Chinese." [3ac]

PROTESTANTS

6.78 As reported by the USSD Religious Freedom Report 2004:

"Nearly all local RAB [Religious Affairs Bureau] officials require Protestant churches to affiliate with the (Protestant) Three-Self Patriotic Movement/Chinese Christian Council (TSPM/CCC). Credentialing procedures also can effectively require clergy to affiliate with the TSPM/CCC, since the experts who vet clergy qualifications are drawn from the TSPM/CCC. Many unregistered evangelical Protestant groups refuse to affiliate with the TSPM/CCC because they have theological differences with the TSPM/CCC. Some groups disagree with the TSPM/CCC teachings that all Protestant beliefs are compatible and that differences between Protestant denominations are irrelevant." [2f] (Section II)

6.79 The same source continued:

“In a few regions, Protestant groups have registered without affiliating with the TSPM/CCC. These exceptions include the Local Assemblies Protestant churches in Zhejiang Province, where no significant TSPM/CCC community exists, and the (Korean) Chaoyang Church in Jilin Province, both of which operate openly without affiliating with the TSPM/CCC. Additionally, the (Russian) Orthodox Church in Heilongjiang Province has been able to operate without affiliating with a government organization, in part because the PRC has not created an Orthodox organization. In other regions, official Protestant churches informally aligned themselves with Protestant denominations. Some pastors in official churches said that denominational affiliation was an important way of drawing parishioners.” [2f] (Section II)

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

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

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

6.82 The same source continued:

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

- 6.83 As reported by the Canadian IRB on 17 August 2004,

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

- 6.84 As reported by *The Times* newspaper on 23 December 2003:

“Independent Christian communities are suppressed to varying degrees across the country. In response, they have built elaborate networks, usually in cell structures in which only the leaders know the locations of underground meeting places. The Government alternates between persecution and turning a blind eye. It is overwhelmed by Christianity’s popularity and aware of the benefits in terms of education and social stability, but worried about new centres of power.” [17f]

- 6.85 As reported by the USSD Religious Freedom Report 2004:

“During the period covered by this report, local officials destroyed several unregistered places of worship around the country, although there were no reports of the widespread razing of churches. In Zhejiang Province, for example, there were reports that a few churches and hundreds of shrines were destroyed in the period from July to October 2003. Zhejiang authorities often claimed that destroyed buildings were not zoned for religious activities and thus unsafe.” [2f] (Section II)

- 6.86 As reported by Forum 18 on 25 November 2004, “According to Bob Fu, a former house church leader, in the first nine months of 2004, 400 arrests were made of house church leaders. Individuals have been beaten to death by public security officials for distributing Bibles and other biblical tracts. Others have been detained and arrested for printing Bibles and other religious literature.” [66e] (p4)

RUSSIAN ORTHODOX CHURCH

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

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

EVANGELICAL CHRISTIAN GROUPS

THE SHOUTERS (HUHAN PAI) OR LOCAL CHURCH

- 6.88 As reported by Belief.net on 9 January 2002, "The Shouters have been targeted by China as an anti-government group since the early 1980s and were banned in 1995. According to a 1994 report by Human Rights Watch-Asia, the Shouters were targeted as a cult because their strong evangelical belief in the second coming of Christ challenged the idea of a future communist utopia." [71b]
- 6.89 As reported by the 'Local Church' Information Site in a report dated 4 October 2003:
- "The 'Local Church' of Witness Lee is a religious movement whose teachings are rooted in Biblical Christianity, but with several unique elements that have led many observers to label the group a cult. The current movement began in the 1960s in southern California, U.S.A. with the teachings of Chinese-American preacher Witness Lee, and it has since spread through much of North America and parts of Europe and Asia. Churches affiliated with the movement can usually be identified by their name, which almost always follows the pattern 'The Church in [city name]'. Members typically claim that the movement has no official name, although the term 'The Lord's Recovery' is often used internally as a descriptive name. The term 'Local Church' is generally used by outsiders, and refers to the movement's belief that the church should be organized by city, and that individual churches should take the name of the city in which they are located. Other names sometimes used include 'Church of Recovery' (Philippines) and 'Shouters' (China)." [72a]
- 6.90 The same source continued, "Estimates of the size of the 'Local Church' hover around several hundred thousand members worldwide. However, it is difficult to produce precise numbers, largely because it is difficult to gauge the number of adherents and partial adherents to the group's teachings within mainland China itself, where the movement appears to thrive but has been driven underground by government persecution." [72a]
- 6.91 As reported by the BBC on 28 January 2002, "It is one of the fastest-growing underground religious organisations in China and is believed to have around 500,000 followers." As reported by the same source, Li Guangqiang, a Hong Kong businessman was arrested in May 2001 while attempting to deliver 16,000 bibles to Shouters in Fujian province. [9ab]
- 6.92 Li's wife, quoted in a report by *Time Asia* dated 21 January 2002, stated:
- "By using Lai's edition [of the bible], underground evangelical worshippers can further their understanding of Christianity without the aid of preachers. That might sound innocuous enough, but not in the Chinese context. If you want to study the Bible in China, you are supposed to do so through either the Protestant Three-Self Patriotic Movement or the Catholic Patriotic Association, which follow state-sponsored liturgy. If you have doctrinal questions, those churches provide the only approved answers. If you're interested in such taboo topics as the Second Coming of Christ, you are defying the state." [65c]
- 6.93 As reported by the *Christian Post* on 10 March 2004:

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

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

(See also Section 6.A: [Banned spiritual groups](#))

SOUTH CHINA CHURCH

- 6.95 As reported by CSW on 17 January 2002:

“Two founding members of the South China Church have been sentenced to death following a secret trial. Gong Sheng Liang, 46, and his niece Li Ying, 36, were sentenced after a secret trial held on December 18 2001 at the Jing Men Court in Hubei Province. Gong was sentenced to death for ‘using an evil cult to undermine law enforcement’, causing bodily harm with intent, and rape, according to reports from the Hong Kong-based Information Centre for Human Rights and Democracy (ICHRD). Li Ying was also given a death sentence, suspended for two years, for ‘using an evil cult to undermine law enforcement’ and causing bodily harm with intent.” [74a]

- 6.96 The same source continued:

“According to reports, Gong’s female co-workers were arrested and mutilated by the Public Security Bureau to make it look like they had been raped, then forced to make false confessions. The rape charge follows a pattern which has been used against other alleged cult leaders who have been sentenced to death, including Supreme Spirit Sect leader Liu Jia Guo and leader of the Established King Sect, Wu Yung Ming, sentenced to death in 1999 and 1995 respectively.” [74a]

- 6.97 As reported by AI on 11 June 2003, Gong’s death sentence was commuted to life imprisonment in October 2003. [6d] As reported by the USSD Religious Freedom Report 2004, “Gong Shengliang and several other leaders of the unregistered South China Church reportedly continued to suffer abuse in prison during the period covered by this report.” [2f] (Section II)

THREE SERVANTS CHURCH

- 6.98 As reported by the Centre for Religious Freedom on 19 May 2004:

“According to the Flushing, NY-based Committee for Investigation on Persecution of Religion in China (CIPRC), Chinese officials are waging an

offensive begun last month to eradicate one of that country's most massive Christian house churches, one that – along with the Buddhist offshoot Falun Gong – is banned under the state's anti-cult laws. The church known as the Three Class Servants Church has attracted several million members throughout the country, though official records are not kept for security reasons. The crackdown on the Protestant house church started on April 17, 2004, when its founder and leader, 59-year-old Xu Shuangfu, was kidnapped by gun-wielding men in a police car while visiting congregation members in neighboring Haerbin, Heilongjiang Province.” [75a]

- 6.99 This report continued, “On April 26, more than 90 of Xu's co-workers and fellow believers in Haerbin were arrested, according to CIPRC. One church member, 28-year-old Gu Xianggao of Shandong Province, was reportedly tortured and beaten to death; his parents were offered hush money by the police and, when they refused it, the police incinerated Gu's body.” [75a]

EASTERN LIGHTENING/LIGHTENING FROM THE EAST (DONGFANG SHANDIAN)

- 6.100 As reported by *TIME Asia* on 5 November 2001:

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

- 6.101 As reported by Forum 18 on 25 November 2004, house church groups have co-operated with local police forces in tracking down Eastern Lightning. [66e] (p6)

(See also Section 6.A: [Banned spiritual groups](#))

MUSLIMS

- 6.102 As reported by the USSD Religious Freedom Report 2004:

“According to government figures, there are 20 million Muslims, more than 40,000 Islamic places of worship (at least half of which are in Xinjiang), and more than 45,000 imams nationwide. The country has 10 predominantly Muslim ethnic groups, the largest of which are the Hui, estimated to number nearly 10 million... The country also has over 1 million Kazakh Muslims and thousands of Dongxiang, Kyrgyz, Salar, Tajik, Uzbek, Baoan, and Tatar Muslims.” [2f] (Section I)

- 6.103 The same source continued:

“Government sensitivity to Muslim communities varied widely. In some predominantly Muslim areas where ethnic unrest has occurred, especially in Xinjiang among the Uighurs, officials continued to restrict or tightly control religious expression and teaching. Police cracked down on Muslim religious activity and places of worship accused by the Government of supporting separatism. The Government permits, and in some cases subsidizes, Muslim citizens who make the hajj (pilgrimage) to Mecca. In the first half of 2004, a record of over 10,000 Chinese Muslims made the hajj, half of them on government-organized delegations.” [2f] (Section II)

- 6.104 This report also noted, “Generally speaking, the country’s Hui Muslims, who often live in Han Chinese communities throughout the country, have greater religious freedom than Turkic Muslims such as the Uighurs, who are concentrated in the western part of the country.” [2f] (Section II)

UIGHUR(S) (UYGUR, UYGHUR)

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

- 6.106 As reported by the *Washington Post* on 15 September 2000, “Since the early 1950s, the Xinjiang Production and Construction Corps, a paramilitary organization that operates farms and factories, has moved 2.4 million people, 90 percent Han [Chinese], into Xinjiang and opened up millions of acres of desert for farming. In 1948, 75 percent of Xinjiang’s population was Uighur and 15 percent was Han. Today, 40 percent of Xinjiang’s 16 million people are Han.” [59a]

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

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

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

RELIGIOUS FREEDOM IN XINJIANG (SINKIANG)

- 6.108 In April 2005, HRW published a report entitled, *Devastating Blows Religious Repression of Uighurs in Xinjiang*. This report stated:

“The Uighurs have long practiced a moderate, traditional form of Sunni Islam, strongly infused with the folklore and traditions of a rural, oasis-dwelling population. Today most Uighurs still live in rural communities, although large cities have emerged in the region. Their history as commercial and cultural brokers between the different people connected by the Silk Road (through

which Buddhism was introduced to China from India two millennia ago) gave rise to a markedly tolerant and open version of Muslim faith and a rich intellectual tradition of literature, science, and music. Nineteenth-century travelers to Kashgar noted that women enjoyed many freedoms, such as the right to initiate divorce and run businesses on their own.

Sufism, a deeply mystical tradition of Islam revolving around the cult of particular saints and transmitted from master to disciples, has also had a long historical presence in Xinjiang. In daily life, Islam represents a source of personal and social values, and provides a vocabulary for talking about aspirations and grievances. The *imam* is traditionally a mediator and a moderator of village life, and performs many social functions as well as religious ones.” [7o] (p12)

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

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

6.110 The same report continued:

“Since September 11, 2001, the government has used concerns about international terrorism as a pretext for the ongoing crackdown on Muslim religious leaders and activities. Uighur Muslim clerics and students have been detained for ‘illegal’ religious activities, ‘illegal religious centers’ have been closed, and minors have been banned from attending mosque. Growing numbers of religious leaders have received death sentences and prolonged prison terms on charges of ‘separatism’ and ‘endangering social order.’ All imams in Xinjiang are required to undergo yearly political training seminars, and local security forces maintain a dossier on each [t]o make sure they meet political requirements.” [70a] (p56)

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

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

6.112 The same source continued:

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

6.113 As reported by the same organisation on 28 September 2004:

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

UIGHUR TERRORIST GROUPS

6.114 As reported by the BBC on 15 December 2003, “China has issued its first ‘terrorist’ wanted list, blaming four Muslim separatist groups and 11 individuals for a string of bombings and assassinations [carried out in the 1990s] and calling for international assistance to track them down.” The groups identified were the Eastern Turkestan Islamic Movement (ETIM), the Eastern Turkestan Liberation Organization (ETLO), the World Uighur Youth Congress (WUYC) and the East Turkestan Information Centre (ETIC). [9ao]

6.115 This report also noted, “Chinese authorities have blamed ETIM for many of the 200 or more attacks reported in Xinjiang since 1990 and have banned the group for more than a decade. Beijing accuses ETIM of having links to the Taleban in neighbouring Afghanistan and Osama bin Laden’s al-Qaeda network, but has produced no supporting evidence.” [9ao]

6.116 According to Justin Rudelson and William Jankowiak writing in *Xinjiang China’s Muslim Borderland*; a collection of academic articles on Xinjiang published in 2004, the Chinese government named eight Uighur terrorist forces it says were operating within Xinjiang in August 2002. The groups it named are listed below:

Islamic

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

Secular

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

6.117 As reported by the same source,

“On August 26, 2002, the US State Department, China and the United Nations announced that one of the eight Uyghur militant groups, the ETIM, would be placed on the list of international terrorist organizations. Slowly more information about this militant group organization came out. The ETIM Uyghur resistance began after the 1990 Baren uprising. Seeing the government’s readiness to use force against apparently peaceful students, Uyghur activists from the south of Xinjiang fled to a base at a religious school (madrassah) in Pakistan and there they founded the ETIM. ETIM fighters dedicated themselves to fighting a ‘holy war’ in Central Asia and to fighting against Chinese invaders. The ETIM’s leadership is purported to have had close links to Osama bin Laden and to have sent agents and weapons into Xinjiang beginning in 1998. At least two of the Al-Qaeda fighters captured in Afghanistan and sent to Guantanamo [Bay], Cuba were Uyghurs from the ETIM.” [50d] (p317-318)

OTHER UIGHUR OPPOSITION GROUPS

6.118 In April 2005, HRW published a report entitled, *Devastating Blows Religious Repression of Uighurs in Xinjiang*. This report noted:

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

There is no evidence that Salafism, the radical Islamic ideology connected to many *jihadist* movements around the world, has taken root to any significant extent in Xinjiang. Proponents of rebellion against Chinese rule have used the vocabulary of Islam and religious grievances against Beijing to justify their actions. These are not, however, mainstream views.

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

6.119 This reports also noted:

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

- 6.120 Further to this HRW also reported, “Xinjiang leads the nation in executions for state security ‘crimes,’ with over 200 people sentenced to death since 1997.” [7o] (p8) The report also noted, “A rare documentary source obtained by Human Rights Watch, a scholarly paper from a Ministry of Justice compendium, shows that in 2001 9.2 percent of convicted Uighurs – one out of eleven, – were serving prison time for alleged ‘state security crimes.’ This probably amounts to more than 1,000 Uighur prisoners.” [7o] (p71)

As reported in Volume 5, Issue 13 (June 7, 2005) of *China Brief* – available via the Jamestown Foundation’s website, “The Chinese and Kazakh government cannot secure the entire border, so insurgents could establish bases in these remote mountainous areas in much the same way that the Red Army used mountainous areas to create its Soviets in the 1930s.” [78d]

- 6.121 The same report concluded:

“The new infrastructure, including oil refineries, the pipeline, railways, power stations and the power grids are vulnerable to attack by insurgents who could cause vast damage to China’s economy with little effort. Reuters reported on September 13, 2004 that security forces in Xinjiang had prosecuted 22 cases of groups and individuals for alleged ‘separatist and terrorist activities’ in the period from January to August 2004. A Chinese military newspaper noted that Chinese forces have recently used tanks in a combat zone. Given that the only area in China where combat operations have occurred recently is Xinjiang, then tanks were probably employed against Uighur insurgency.” [78d]

HUI (HUIHUI)

- 6.122 As noted by Europa World in their Country profile for China, there are 9.8 million Hui in China, accounting for 0.79 per cent of the population. As noted by the same source the total population of the Ningxia Hui Autonomous Region is 5.48 million (based on the 2000 census). [1a] (Country Statistics)

- 6.123 As reported by the Encyclopaedia of the Peoples of the World (1993):

“Concentrated mainly in the Ningxia Hui Autonomous Region, they are perhaps the most scattered ethnic group in the country, intermingled with Han Chinese and other minorities. Speaking only Chinese, the Hui have so well assimilated into Chinese society that they are almost indistinguishable, except in dietary and religious aspects, from the Han.” [76] (p247)

- 6.124 As reported in the official *China Daily* newspaper on 2 February 2004, “In the Ningxia Hui Autonomous Region, over 1.91 million Muslims went to about 3,400 mosques in the region to offer Eid prayers before visiting their ancestors’ tombs and meeting relatives to exchange festival greetings.” [14g]

On 15 November 2004, the official *People’s Daily* newspaper reported that the same number of people celebrated the end of Ramadan in the region’s mosques. [12aa]

HAN VERSES HUI VIOLENCE (NOVEMBER 2004)

- 6.125 As reported by the BBC on 1 November 2004, “Martial law has been imposed in parts of the Chinese province of Henan after ethnic clashes in which at least

seven people were killed.” The report continued, “Residents are quoted as saying that houses were set alight, and people were fighting using farm tools.” [9bk]

6.126 On 4 November 2004, *Time Asia* reported that it took four days and a deployment of 10,000 armed police to restore order on 31 October 2004. According to this report 148 people died during what was described as the worst ethnic clashes in years. [65e]

6.127 As report by the magazine *In These Times* on 28 December 2004,

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

6.128 This report continued:

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

BANNED SPIRITUAL GROUPS

6.129 As reported by the USSD Religious Freedom Report 2004:

“In 1995, the State Council and the CCP’s Central Committee issued a circular labeling a number of religious organizations ‘cults’ and making them illegal. Among these were the ‘Shouters’ (founded in the United States in 1962), Eastern Lightning, the Society of Disciples (Mentu Hui), the Full Scope Church, the Spirit Sect, the New Testament Church, and the Guan Yin (also known as Guanyin Famin, or the Way of the Goddess of Mercy).

In 1999, the Standing Committee of the National People’s Congress adopted a decision, under Article 300 of the Criminal Law, to ban all groups the Government determined to be ‘cults,’ including the Falun Gong. The Supreme People’s Court and the Supreme People’s Procuratorate also provided legal directives on applying the existing criminal law to the Falun Gong. The law, as applied following these actions, specifies prison terms of 3 to 7 years for ‘cult’ members who ‘disrupt public order’ or distribute publications. Under the law, ‘cult’ leaders and recruiters may be sentenced to 7 years or more in prison.” [2f] (Section II)

6.130 As reported by the previous year's USSD Report (2003), "Subsequent orders in later years also banned the Lord God Sect, the Established King Church, the Unification Church, the Family of Love, the Dami Mission and other groups." [2c] (Section II)

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

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

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

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

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

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

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

FALUN GONG

6.133 According to the USSD Religious Freedom Report 2004:

"The Government continued its repression of groups that it categorized as 'cults' in general and of the Falun Gong in particular. The arrest, detention, and imprisonment of Falun Gong practitioners continued. Practitioners who refuse to recant their beliefs are sometimes subjected to harsh treatment in prisons and reeducation-through-labor camps and there have been credible reports of deaths due to torture and abuse." [2f] (p1)

6.134 As noted by the same source:

"Estimates of the number of Falun Gong (or Wheel of the Law, also known as Falun Dafa) practitioners have varied widely; the Government claimed that prior

to its harsh crackdown on the Falun Gong beginning in 1999, there may have been as many as 2.1 million adherents of Falun Gong in the country. Some estimate that the true number of Falun Gong adherents in the country before the crackdown was much higher. The number has declined as a result of the crackdown, but there are still hundreds of thousands of practitioners in the country, according to reliable estimates.” [2f] (Section I)

- 6.135 As reported by Amnesty International (AI) in their 2005 Report on China, published May 2005:

“The Falun Gong spiritual movement remained a key target of repression, which reportedly included many arbitrary detentions. Most of those detained were assigned to periods of ‘Re-education through Labour’ without charge or trial, during which they were at high risk of torture or ill-treatment, particularly if they refused to renounce their beliefs. Others were held in prisons and psychiatric hospitals. According to overseas Falun Gong sources, more than 1,000 people detained in connection with the Falun Gong had died since the organization was banned in 1999, mostly as a result of torture or ill-treatment.” [6q] (p3)

- 6.136 As reported by the United States Commission on International Religious Freedom (USCIRF) Annual Report 2005, published in May 2005:

“Given the lack of judicial transparency, the number and treatment of Falun Gong practitioners in confinement is difficult to confirm. Nevertheless, there is substantial evidence from foreign diplomats, international human rights groups, and human rights activists in Hong Kong that the crackdowns on the Falun Gong are widespread and violent. In addition, the Chinese government has reportedly continued to pressure foreign businesses in China to sign statements denouncing the Falun Gong and to discriminate against its followers in hiring. Local officials in foreign countries have also stated that they were warned by Chinese diplomatic personnel about the loss of potential business contacts if they continued to advocate on behalf of Falun Gong.” [70a] (p57)

- 6.137 As reported by the UNHRC in their position paper on Falun Gong dated 1 January 2005:

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

- 6.138 As reported by the Falun Gong website Clear Harmony: Falun Gong in Europe, accessed on 17 August 2005, “... there are at least 6,000 Falun Gong practitioners who have been illegally sentenced to prison. Over 100,000 practitioners have been sentenced to forced labor camps... Large groups of Falun Gong practitioners have been forcefully sent to local brainwashing

classes, where they have been subjected to both physical and mental torture.” [82a]

- 6.139 According to the same source and another Falun Gong website called the Falun Gong Information Centre, both accessed on 17 August 2005, practitioners have been subjected to prolonged beatings, scalding with hot irons and long-term sleep deprivation. Other forms of abuse have included being force-fed human faeces or being made to drink isopropyl alcohol (rubbing alcohol used to disinfect wounds). In addition to this practitioners have been made to stand or squat in uncomfortable “stress positions”, have had irritants applied to their skin and have been sexually abused by guards or other prisoners acting on their instructions. [82b] [83a]
- 6.140 On 29 December 2004 Reporters Without Borders condemned the arrest of 11 Falun Gong practitioners for using the Internet to publish photographs of the torture some of them had undergone in prison. This report stated, “Reporters Without Borders calculates that at least 30 people are currently detained for posting or viewing documents on the Internet that support the Falun Gong or criticise the systematic torture its followers undergo in Chinese prisons.” [63c]
- 6.141 As reported by AI in their January 2004 report, *Controls tighten as Internet activism grows*, of the 54 people detained and sentenced for Internet activism, 29 were Falun Gong practitioners/sympathisers (figures accurate up to 7 January 2004). [6h]
- 6.142 As reported by the Canadian IRB in a report dated 25 October 2001, the Chinese authorities had confiscated 1.55 million copies of Falun Gong material by the end of July 1999. The IRB also reported the arrest of a number of people for illegally printing, selling and publishing Falun Gong material. The latest of these arrests was in November 2000. Sentences ranged from five years to life imprisonment. [3e]
- 6.143 As reported in Issue 5 of 2004 of *Compassion*, a Journal for Falun Dafa around the World in an article entitled *documenting Four Years of State Terror*, “Falun Gong practitioners in China operate thousands of home-based centers for printing flyers and posters exposing human rights abuses, and distribute these in cities and villages throughout China. Some villages report waking up to see Falun Gong flyers in every mailbox and posted in walkways.” [80] (p47)
- 6.144 As reported by Ian Johnson in his book *Wild Grass* (2004), Falun Gong practitioners are sometimes held in makeshift prisons run by neighbourhood committees. These can be a single room in the committee’s offices and therefore not as secure as regular detention facilities. [50f] (p196, 218-219)

ORIGINS AND SUPPORT

- 6.145 As documented by Maria Hsia Chang in her book *The End of Days: Falun Gong* (2004), Falun Gong/Falun Dafa was founded in 1992 by Li Hongzhi. In the early 1990s Li took advantage of a relaxation in the rules governing the regulation and formation of social groups to formulate his own distinctive brand of the ancient Chinese art of qigong (qi gong) or energy cultivation. He fused this with elements of other religions to create a quasi-religious movement, which encompassed a loose hierarchical structure (technically there are no members only enthusiastic volunteers) and emphasised high moral standards and good

health amongst its followers. Pre-ban (July 1999) followers would gather in public parks and squares to practise the five exercises/movements (see below) which are central to the teachings of Li Hongzhi also known to his followers as Master Li. [50c] (p3-8, 60-94)

6.146 The same source also noted, “Reportedly, the middle-aged and those from the middle class comprised the sect’s main following, although its ranks also included students and the elderly, as well as peasants. They came from all walks of life: teachers, physicians, soldiers, CCP cadres, diplomats posted in foreign countries, and other government officials.” [50c] (p5)

6.147 Li Shao writing in the journal *Faith and Freedom*, Spring and Summer edition 2003 stated, “Up to 70 per cent of Falun Gong practitioners are women and they have borne the brunt of the persecution.” [50b] (p36)

6.148 As reported by Global Security Org in a report dated 3 August 2001 and prepared by the Congressional Research Service (CRS):

“The ‘Falun Gong’ movement has led to the largest and most protracted public demonstrations in China since the democracy movement of 1989. On April 25, 1999, an estimated 10,000 to 30,000 adherents assembled in front of *Zhongnanhai*, the Chinese Communist Party leadership compound, and participated in a silent protest against state repression of their activities. On July 21, 1999, the People’s Republic of China (PRC) government, fearful of the spread of social unrest, outlawed the movement and began to arrest Falun Gong protesters. Despite the crackdown, Falun Gong adherents have continued to stage demonstrations and to defy authorities. The government has vowed to ‘crush’ the movement before the 16th Communist Party Congress is held in 2002.” [92a]

6.149 As reported by United Nations Report on China’s Persecution of Falun Gong 2000-2003, published October 2003:

“The benefits of Falun Gong practice to people and society were originally recognized and commended by various levels of Chinese government. In fact, the authorities’ positive regard facilitated the spread of Falun Gong in the early 1990s. The state-controlled media – including national and local newspapers, TV, and radio stations – frequently covered activities and benefits of Falun Gong practice. The increasing popularity of Falun Gong, however, proved to be too much for a few officials within the Chinese government. From clandestine undermining in early 1994, to the orchestrated smear campaign and banning of Falun Gong books in 1996, to police harassment in 1997, certain power blocs within Chinese government gradually escalated their underhand persecution to overt assault.” [32a] (pIV)

6.150 As reported by the United Nations Report on China’s Persecution of Falun Gong 2004, published November 2004:

“At the beginning, various levels of government recognized and commended the benefits of Falun Gong practice to people and to society, and their support facilitated the spread of Falun Gong in the early 1990’s. In fact, over one third of the 60 million Communist Party members and a large number of high-ranking government officials practiced Falun Gong. A few party ideologists, however, were affronted by the increasing popularity of Falun Gong. These atheist Party

vanguards could not accept that after 40 years of Marxist indoctrination so many people, including Communist Party members, would look elsewhere for moral and spiritual guidance... Amongst them was Luo Gan, the Secretary General of the State Council, and close friend of Jiang Zemin, the Party's General Secretary at the time." [32b] (pVI)

GUIDING PRINCIPLES

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

"Falun Gong – which is also referred to as Falun Dafa – is an ancient advanced form of the qigong. Falun Gong consists of gentle exercises combined with a meditation component. Aside from its popularity (100 million people in 60 countries), what is usually said to distinguish Falun Gong is its emphasis on the practice of refining ones moral character in accordance with three principles, Truthfulness, Compassion, Tolerance. These three principles form the backbone of Falun Gong's philosophy practitioners of the discipline aspire to live by them in their daily lives, striving to achieve, over time, a state of kindness, selflessness and inner balance." [80] (p40)

- 6.152 The source continued:

"The principles of Falun Gong are captured in two main books written by Mr. Li Hongzhi: *Falun Gong* (Law Wheel Qigong) and *Zhuan Falun* (Turning the Law Wheel). *Falun Gong* (the book) is a systematic, introductory book that discusses qigong, introduces the principles of practice, and provides illustrations and explanations of the exercises... Organized in the form of nine lectures, *Zhuan Falun* is the most comprehensive and essential work of Falun Gong... Both books are available free on the internet." [80] (p40-41)

- 6.153 The source also noted, "Falun Gong is correctly identified as a spiritual practice. It does not have any religious forms – there are no temples, rituals, clergy, or initiation... There are [sic] no membership, and no fees collected." [80] (p41)

EXERCISES/MOVEMENTS

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

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

Movement Exercises

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

Sitting Exercise/Meditating Exercise/Tranquil Exercise

5 Way of Strengthening Devine Powers [81a]

610/6-10 OFFICE

6.156 As reported by the Canadian IRB on 10 December 2003, “The ‘610 Office’ is a bureau specifically created by the Chinese government to persecute Falun Gong, with absolute power over each level of administration in the Party, as well all other political and judiciary systems.” [3x] (Based on information supplied by the Falun Dafa Information Center)

6.157 As reported by the *Epoch Times* on 13 January 2005:

“At every level of administration, the 6-10 Offices have higher authority than normal government agencies. In particular, they have authority over the Chinese public security organizations, judicial system, and the media. The 6-10 Offices’ mandated responsibilities are to direct and coordinate ‘the struggle with Falun Gong.’ These loosely defined responsibilities give the officials of the 6-10 Offices virtual free rein, so long as they can justify what they do as being against Falun Gong.” [40b]

NATURE OF RESISTANCE

6.158 In January 2002, HRW stated, “As of this writing [January 2002], it appears that the Chinese government has succeeded in thinning the numbers of Falungong practitioners within China. Those still committed to keeping the movement alive have, for the most part, gone underground.” [7c] (p3)

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

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

TREATMENT OF FALUN GONG PRACTITIONERS’ RELATIVES

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

“According to outside observers, Chinese authorities at times have pressured family and relatives of Falun Gong practitioners to isolate the practitioners from other adherents, sometimes harassing family members who refuse to comply. At the same time, these sources tend to have little independent information on

the extent to which Chinese officials resort to this tactic as they seek to repress the spiritual movement, which formally became state policy in 2001.” [84e]

6.161 The same source continued:

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

6.162 This report concluded by stating:

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

MONITORING OF ACTIVISTS ABROAD

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

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

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

6.166 This report stated:

“On March 17, just ten days after Jiang’s return to China, police officers appeared at the house of Jiang’s father. As they did not find Jiang, they asked his father, ‘Do you see what we have with us?’ The police showed him several of a very widely used torture device in China, the electric shock club. The father was terrified, and upon his son’s return home, asked him to stop practicing

Falun Gong. Jiang refused. The police officers kept visiting, and soon undertook the first of several severe interrogations of Jiang and the 54 year old father. The first one lasted 12 hours, from four p.m. to four a.m. The officers pressured Jiang and, among other things, demanded he write down what activities he took part in as a Falun Gong practitioner living abroad. In fact, the police officers were obviously already well informed about Jiang's activities, according to their own admission, from information supplied by the German authorities. They demanded he stop practicing Falun Gong." [40d]

OTHER QIGONG GROUPS

- 6.167 As reported by Belief.net on 24 April 2000, in addition to Falun Gong, action was also taken against five other qigong (qi gong) groups towards the end of 1999. These were Zhong Gong, Cibeig Gong, Guo Gong, Xiang Gong and Bodhi Gong. [71a]
- 6.168 As reported by the USSD Religious Freedom Report 2004, "The authorities also continued to oppose other groups considered 'cults,' such as the Xiang Gong, Guo Gong, and Zhong Gong qigong groups, some of which reportedly had followings comparable to that of the Falun Gong." [2f] (Section II)

ZHONG GONG (CHINA GONG)

- 6.169 As reported by the *Guardian* newspaper on 26 April 2000, Zhong Gong is one of five other qigong (energy cultivation) groups targeted by the Chinese government around the same time as Falun Gong (banned July 1999). [41a]

As reported by the China Support Network (an NGO) on 29 August 2002, "Like the more widely-known Falun Gong, a spiritual group coming under persecution, Zhong Gong is a qi gong practice. The two are not directly related. Where, Falun Gong is known for meditating, Zhong Gong is known for deep breathing exercises." [25a]

- 6.170 As reported by the *Guardian* newspaper on 26 April 2000 and by the Russian news agency Prima on 19 September 2001, the movement was founded by Zhang Hongbao and prior to its banning in September 1999 claimed to have 38 million members in China. [41a] [88a]
- 6.171 As noted by Belief.net on 24 April 2000, "Like Falun Gong followers, Zhong Gong members refer to their founder as 'master' and themselves as 'disciples.' They said they use Zhong Gong to open energy channels in their bodies, promoting health and vitality. They also said Zhang's teachings promote moral living." The same source also noted, "Within months, his [Zhang's] school and more than 3,000 businesses and teaching and treatment centers belonging to the Zhong Gong group had been closed, its millions of followers dispersed, practitioners said." [71a]
- 6.172 According to a report by Worldwide Religious News (WWRN) dated 19 February 2001, "Since September 1999, some 600 leading Zhong Gong members have been detained and 3,000 of its bases and branches have been closed, the centre said." [89b] The *Guardian* newspaper gave the same figure for the number of people detained in a report dated 26 April 2000. It also reported that 400,000 people had lost their jobs as a result of these closures. [41a]

6.173 As reported WWRN on 10 July 2001:

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

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

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

CIBEI GONG (COMPASSION GONG)

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

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

GUO GONG (NATION GONG)

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

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

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

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

XIANG GONG (FRAGRANT GONG)

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

BODHI GONG (WAKEFULNESS/AWAKENING GONG)

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

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 6.184 As reported by the USSD Report 2004:

“The Constitution provides for freedom of peaceful assembly; however, the Government severely restricted this right in practice. The Constitution stipulates that such activities may not challenge ‘Party leadership’ or infringe upon the ‘interests of the State.’ Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly moved to suppress demonstrations involving expression of dissenting political views.” [2j] (Section 2b)

- 6.185 The same source continued, “At times, police used excessive force against demonstrators. Demonstrations with political or social themes were often broken up quickly and violently. The vast majority of demonstrations during the year concerned economic and social issues such as land, housing, health, and welfare.” [2j] (Section 2b)

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

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

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

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

CIVIL DISTURBANCE

- 6.188 As reported in *Asia Times* on 22 January 2005:

“In 2003 – the latest data available – there were no fewer than 58,000 ‘civic disturbances’ involving more than 3 million people. A mob of 10,000 torch police cars in Chongqing, 100,000 demonstrators force the postponement of a dam project in Sichuan, 20,000 miners and their families riot against layoffs and loss of pensions at a bankrupt mine in the depressed northeast. Thunderous silence is the official media’s norm. It’s taken for granted that every city except ultra-policed Beijing has been facing demonstrations or eruptions of spontaneous violence.” [64d]

- 6.189 According to a report in *Asia Times* dated 16 November 2004, in response to this upsurge in popular discontent, “The central government has reinforced its role as a saviour by using what some have called a ‘fire brigade’ approach, or buy-off strategies.” According to the report this usually involves making some concessions to the protestors while at the same time picking off their leaders one by one. [64c]

- 6.190 As reported by the *Guardian* newspaper on 15 April 2005:

“In driving off more than 1,000 riot police at the start of the week, Huankantou village in Zhejiang province is at the crest of a wave of anarchy that has seen millions of impoverished farmers block roads and launch protests against official corruption, environmental destruction and the growing gap between urban wealth and rural poverty... Initial reports suggested that it started after the death of two elderly women, who were run over when police attempted to clear their protest against a chemical factory in a nearby industrial park.” [41q]

6.191 The same source continued:

“Accounts of the conflict differ. Residents say 3,000 police stormed the village, several people – including police – were killed, dozens wounded and 30 police buses destroyed. But the Dongyang government says about 1,000 police and local officials were attacked by a mob, which led to 36 injuries and no deaths. The outcome is also unclear. Locals say the village chief has fled. In his place, they have established an organising committee, though its members are a secret. This suggests a fear of recriminations, but the public mood is one of bravado.” [41q]

6.192 As reported by the BBC on 21 July 2005, violent disputes over land are common in China, where competition for useable land is fierce. [9q]

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

6.193 As reported by BBC on 10 April 2005:

“Japan has protested to China after stone-throwing protesters attacked Japan’s embassy in Beijing on Saturday. About 10,000 demonstrators marched in the Chinese capital in protest at a new Japanese history textbook they believe plays down Japanese wartime atrocities. Japanese businesses were also attacked, even though China says it mobilised a huge police force to maintain order. On Sunday, some 3,000 people gathered outside Japan’s consulate in the southern city of Ghangzhou.” [9j]

6.194 As reported by the same source on 11 April 2005, “The weekend’s marches are the biggest to take place in China for many years, according to the BBC correspondent in Beijing, Louisa Lim – a fact which she says indicates official approval.” [9k] As reported by the BBC on the same day Japanese department stores were attacked by mobs in Shenzhen and Chengdu on 4 April 2005, apparently in protests at Japan’s bid for a permanent seat on the UN Security Council. [9h]

6.195 As reported by the *Guardian* newspaper on 5 May 2005:

“Chinese authorities clamped down on public demonstrations yesterday with a spate of detentions, mobile phone warnings and a heavy police presence to prevent a planned anti-Japanese protest. The moves heightened suspicions that the communist government manipulated previous displays of public unrest to score diplomatic points. Patriotic groups had called for fresh demonstrations on May 4 to mark the anti-Japanese protests in 1919 that became a symbol of resistance to foreign domination... With the protests starting to threaten important trade links, the government appears to have decided to turn off the nationalist tap it opened last month.” [41r]

6.196 As reported by *Asia Times* on 3 May 2005, “Anti-Japan violence, statements and other developments in China suggest the recent political situation in Beijing has been less stable than outward appearances indicate and that a hidden power struggle may have occurred during the past few weeks of unrest.” [64f]

(See also Section 6.B: [Political activists](#))

EMPLOYMENT RIGHTS

6.197 As reported by the USSD Report 2004:

“The Constitution provides for freedom of association. However, in practice, workers were not free to organize or join unions of their own choosing. The All-China Federation of Trade Unions (ACFTU), which was controlled by the Communist Party and headed by a high-level Party official, was the sole legal workers’ organization. The Trade Union Law gives the ACFTU control over the establishment and operation of all subsidiary union organizations and activities throughout the country, including enterprise-level unions. The Trade Union Law also allows workers to decide whether to join official unions in their enterprises. There were no reports of repercussions for the small percentage of workers in the state-owned sector that had not joined. Independent unions are illegal.” [2]] (Section 6a)

6.198 The same source continued:

“The Labor Law provides for mediation, arbitration, and court resolution of labor disputes. Under these procedures, cases are to be dealt with first in the workplace, through a mediation committee, then, if unresolved, through a local arbitration committee under government sponsorship. If no solution is reached at this level, the dispute may be submitted to the courts. According to the Ministry of Labor and Social Security, 134,700 disputes involving 477,000 workers were submitted to arbitration during the first half of the year. The Ministry’s yearly statistical report stated that 226,391 disputes involving 800,000 workers were handled during the year, increases of approximately 22.8 percent and 31.7 percent, respectively, over the previous year. The vast majority of cases, 223,503 (98 percent) were resolved. Of these, 67,765 cases (30 percent) were resolved by mediation, 95,774 (43 percent) were resolved by arbitration and 59,954 (27 percent) were resolved by other means.” [2]] (Section 6a)

6.199 As reported by the Government White Paper, *China’s Employment Situation and Policies* (Section II), published April 2004, “Chinese law stipulates that workers must not be discriminated against in the matter of employment because of ethnic identity, race, sex or religious belief. Chinese law strictly prohibits the employment of people under the age of 16. The state strictly investigates and deals with the illegal use of child laborers and the recommendation of children for work.” [5n] (p7 of Section II)

6.200 As reported by the official news agency Xinhua on 24 September 2004, “The latest ACFTU statistics indicate that China has approximately 400,000 foreign companies, but only a fifth have set up trade unions. About 40 per cent of 2 million private enterprises have set up trade unions.” [13I]

INDUSTRIAL UNREST

6.201 According to a report by the NGO China Labour Bulletin on 14 July 2004:

“Almost every week in Hong Kong and mainland China, newspapers bring reports of some kind of labour action: a demonstration demanding pensions; a railway line being blocked by angry, unpaid workers; or collective legal action against illegal employer behaviour such as body searches or forced overtime.

The mere fact that the Chinese media is reporting selected cases of worker action is testament to how widespread the phenomenon has become. The Public Security Bureau reported that 198,000 labour disputes took place in 1999 and the state-controlled All China Federation of Trade Unions (ACFTU) has been training thousands of experts in labour law to deal with the increasing amount of litigation. The 'union' also has a small army of enterprise-based officials to deal with disputes as they occur and prevent them from escalating into strikes." [34c]

6.202 The same source continued:

"Many commentators, both inside and outside China, put the unrest down to the shift away from a planned economy and the introduction of market forces and capitalist labour relations. Others would point to at least six outbreaks of unrest dating back to the 1950s as evidence that the Chinese working class has a tradition of militancy that makes little distinction as to whether the boss wears a red star on his cap or an old school badge on his western suit." [34c]

WORKPLACE SAFETY

6.203 According to a report by USA Today dated 7 July 2003 and reproduced by the NGO China Labour Bulletin on their website:

"Far from the soaring glass towers of Shanghai and Beijing, China's often-primitive coal mines epitomize the human cost of the nation's rising living standards. Last year [2002], 6,995 coal miners were killed in explosions, roof collapses and floods, according to government statistics. (By comparison, 27 American coal miners lost their lives in 2002.) Independent experts say China's death toll is actually closer to 10,000, because some mine owners routinely minimize casualty figures and pay victims' families to keep quiet." [34d]

6.204 As reported by the BBC on 23 October 2003, "Accidents in mines and factories killed 11,449 people in the first nine months of 2003, despite a nationwide safety crackdown." [9ak]

6.205 As reported by the BBC on 18 March 2005, "China's government has set up a special department to try and cut the country's high number of coal mining accidents. The office will bring together experts from different departments to oversee a budget of \$361m allocated to safety and improvement projects." [9f]

PEOPLE TRAFFICKING

6.206 As reported by the USSD Report 2004 stated:

"The law prohibits trafficking in women and children; however, trafficking in persons and the abduction of women for trafficking remained serious problems. The country was both a source and destination country for trafficking in persons. Most trafficking was internal for the purpose of providing lower middle income farmers with brides or sons. Some cases involved trafficking of women and girls into forced prostitution in urban areas, and some reports suggested that certain victims, particularly children, were sold into forced labor. Internal trafficking was a significant problem. The Ministry of Public Security estimated

that at least 9,000 women and 1,000 children were kidnapped and sold illegally each year.” [2j] (Section 5)

(See also Section 6.B: [Women](#))

- 6.207 As reported by the US State Department Trafficking in Persons Report 2004 (USSD Trafficking Report 2005), published on 3 June 2005:

“The Peoples’ Republic of China is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. A significant number of Chinese women and children are trafficked internally for forced marriage and forced labor. Chinese women are at times lured abroad with false promises of legitimate employment and then trafficked for commercial sexual exploitation to destinations throughout Asia, the Middle East, Africa, Europe, and North America, while Chinese men have been trafficked for forced labor to Europe, South America, and the Middle East. A large number of Chinese men and women are smuggled abroad at enormous personal financial cost and, upon arrival in the destination country, are subjected to commercial sexual exploitation or other forms of exploitative labor to repay their debts. They often face exploitative conditions that meet the definition of involuntary servitude. Women from Burma, North Korea, Russia, Vietnam, and Mongolia are trafficked to China for labor and commercial sexual exploitation and forced marriage.” [2l] (China)

- 6.208 The same source also stated:

“The Chinese Government continued its anti-trafficking law enforcement efforts in 2004, actively arresting and prosecuting traffickers. China has a law that specifically outlaws the trafficking or kidnapping of women and coercion into prostitution. Penalties for trafficking carry sentences of up to ten years’ imprisonment. ‘Snakeheads’ or traffickers who smuggle victims overseas can be fined, have their property confiscated, be imprisoned for terms up to life, or be executed. China’s criminal code imposes the death penalty for traffickers who coerce girls under 14 into prostitution. Over the past year, the police reportedly investigated 309 trafficking gangs and arrested 5,043 suspected traffickers, referring 3,144 for prosecution. While the Chinese Government did not provide statistics on the number of convictions, media reports indicated that 36 members of a child trafficking ring were given sentences ranging from two years’ imprisonment to the death penalty. There do not appear to be adequate efforts to focus law enforcement resources on the problem of forced or coercive labor that meet the definition of involuntary servitude. Several police officials, including those that reportedly profited from trafficking, were convicted of commercial sexual exploitation and issuing visas to facilitate trafficking.” [2l] (China)

- 6.209 As reported by the BBC on 24 September 2004, “The leader of a gang convicted of running one of the China’s largest baby trafficking rings has been executed. Li Guoju, a farmer from Henan province, was executed on Thursday for his part in trafficking and selling 76 babies, the Beijing Times reported. Li’s gang was caught after 28 baby girls were found on a bus in 2003.” [9b]
- 6.210 On the 4 September 1991 the Standing Committee of NPC adopted the following decree regarding the Severe Punishment of Criminals who abduct and Traffic in or Kidnap Women or Children. Article one of this decree is as follows:

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

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

SNAKEHEADS (PEOPLE SMUGGLERS)

6.211 As noted by the US State Department in its December 2002 paper, *A Brief Overview of Chinese Migration*:

“Nineteenth century Chinese migrations came from areas in China where contact with outsiders had been most intense – the coastal provinces of Guangdong (Canton), Fujian and Zhejiang. These areas still provide the most significant numbers of illegal immigrants today. In each sending area there is both ready access to ports of departure and enough prosperi[t]y to make travel to overseas destinations economically viable. Today this wide network of overseas eth[n]ic Chinese is of critical importance to mainland Chinese wishing to immigrate: it serves to ease the logistics of traveling to and settling in a foreign country, and it lowers the psychological barriers to leaving the homeland.” [2a] (p1-2)

6.212 According to a report by CEME (Cooperative Efforts to Manage Emigration), which brought together the findings of a weeklong visit to Fujian undertaken in June 2004 economic growth in Fujian stimulates outward migration. According to the CEME most migrants leave using official documents but then either overstay once abroad or enter via the asylum system. [97]

6.213 The CEME report also stated:

“There are more than 80 counties in Fujian, but only 2-3 are sources for other countries’ irregular immigrants. Each comprises more than 20 towns, and each town covers up to 20 administrative villages; and can vary in approach. It is difficult to gauge the exact number of exits/entries of the province. Policy and practice are divided between the Entry/Exit Bureau of the MPS and the Border Defence Force of the same Ministry. With 3,000 kilometers of coastline and many thousands of boats, it is difficult to monitor and record all entries and exits.” [97] (p5)

6.214 As reported by *Channel News Asia* on the 13 February 2004:

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

6.215 As reported by the BBC on 4 November 2004, “In February [2004] 23 Chinese workers drowned when they were trapped by the incoming tide [off Morecambe Bay]. Two bodies are still missing.” As noted by this report, “Twenty of the victims [that] were identified by detectives were from the Fujian province of China, and one was from Liaoning province.” [9b1]

6.216 As reported by the official *People’s Daily* newspaper on 10 November 2004, police in Yunnan province arrested one snakehead and 58 illegal emigrants from Fujian in early November 2004. [12z]

6.217 According to this report:

“The Chinese snakehead, surnamed He, faked passports and visas and mobilized 58 people from Fuqing City in Fujian to leave China via Kunming Airport and ground transport terminals. The group planned to go to Britain via Myanmar and Brazil with the help of international snakeheads, local police announced Tuesday in Kunming, capital of Yunnan Province. The payment that the snakehead received from individual emigrants ranges from 160,000 to 250,000 yuan (approximately 19,350 to 30,230 US dollars).” [12z]

6.218 As reported by in the *Guardian* newspaper on 7 February 2004, “People from Fujian have a long history of seeking their fortune overseas. In extreme cases some villages have 80% of families with someone living overseas.” [41c]

6.219 On 12 April 2004, the official *China Daily* newspaper published a frank account of a Fujianese woman’s journey to America. In it the 37-year-old mother of two from Lianjiang City describes the pressure to leave China “Everyone in my village was asking me when I’d take off, or why I had not already left. They were confused as to how I could sit still. I’m not the heady type. I don’t want to take too many risk[s].” (Wu Ying, trafficked person) [14i]

- 6.220 The report went on to detail how the woman concerned, Wu Ying, had approached snakeheads in Fujian who had arranged her passage to America for a fee of US\$ 50,000, half of which was to be paid upon safe arrival there. [14i]
- 6.221 According to the report, once in the US, Wu was persuaded to apply for asylum by a local lawyer who it was alleged concocted a fraudulent claim based on association with Falun Gong. Having been refused asylum Wu and her husband's job prospects were reportedly grim due a surplus of illegal Chinese workers in New York. [14i]
- 6.222 As reported by the official news agency Xinhua on 18 November 2004, "Statistics showed that 525,000 Chinese labourers have worked in other economies by the end of 2003. There are currently more than 330 intermediary bodies whose business involves sending Chinese workers abroad. All of them obtain business licenses from the Ministry of Labour and Social Security." This report also stated, "China also suffers from illegal immigration. A total of 18,773 foreigners illegally entered and stayed in China in 2003." [13o]
- 6.223 As reported by the official *People's Daily* newspaper on 24 June 2005,
- "According to a report titled Chinese Immigrants Victims of Labour Exploitation in Paris released by International Labour Organisation (ILO) on June 21, tens of thousands of Chinese illegal immigrants hide themselves in Paris, capital of France, where many live and work in conditions of utter poverty and isolation... Since it is almost impossible to get French visas, the Chinese illegal immigrants mainly rely on underground networks of people-smugglers who charge 14,500 to 24,000 US dollars for the journey and the immigrants need [to] spend two to ten years to pay it off. People-smugglers take the ID cards away from the illegal immigrants at the beginning of the voyage and hand them to their employers in Paris. The traffickers will take part of immigrants' salary of the immigrants as their rewards." [12ah]

CHARACTERISTICS OF SNAKEHEADS

- 6.224 The US National Institute of Justice in their August 2004 report entitled *Characteristics of Chinese Human Smugglers* (published by the US Department of Justice) identified several highly specialised roles within a smuggling operation. These are listed below:

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

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

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

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

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

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

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

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

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

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

- 6.226 According to a report in the *Telegraph Magazine* dated 26 April 2001, trust and confidence are essential credentials for a snakehead. [96a] (p2)

FACT FINDING MISSION TO FUJIAN, NOVEMBER 2003

- 6.227 In November 2003, officers from the Metropolitan Police Chinatown Unit visited the Fujian Province. The purpose of the visit was to gain a better understanding of the reasons for migration from Fujian to the UK, and to obtain first hand knowledge and experience of the way of life and conditions in the Province. [98]
- 6.228 The officers met senior police and public officials from Fuzhou, Fuqing City and Changle. Fuqing City has a population of 2 million and there are believed to be 700,000 living overseas, mainly in the USA and Canada. The officers also visited the villages of Longtian and Jiangjing, the areas where the majority of the mainland Chinese gangs in London originate. These two villages are only a 20-minute drive away from each other, which helps to explain the rivalry that exists between them in the UK. [98]

- 6.229 In Fujian unskilled workers can earn up to 400 yuan per month, (£32). Even a very poorly paid job in the UK would pay wages of £100 per week. Most of these migrants aim to work hard in the UK for a few years in order to earn enough money to build a large house in China, and to set themselves and their families up for the future. [98]
- 6.230 There is a great deal of pressure placed on individuals to go abroad and 'do well'. This means earning as much money as possible in the shortest amount of time and migrants will often work 12 hours a day, 6 or 7 days a week. The need to earn money creates desperation to gain any type of employment, as recently witnessed in the Morecambe Bay tragedy. [98]
- 6.231 Many overseas Chinese nationals feel unable to return to China until such time as they have made their fortune, as this would be a severe loss of face, both for themselves and their family. [98]
- 6.232 The officers found Fujian to be a prosperous and thriving Province. On the outskirts of the cities, and in the villages, hundreds of new 5 storey houses have been built at a cost of between £70,000 to £130,000. These houses have been built with remittances sent back from overseas. What was noticeable was that many of these houses were unlivd in and the villages were deserted. The few inhabitants that were seen were either very old or very young. [98]
- 6.233 The visit to Fujian did not include visits to prisons or other detention facilities. [98]

(See also Section 6.C: [Treatment of asylum seekers/refugees](#))

FREEDOM OF MOVEMENT

HOUSEHOLD REGISTRY (HUKOU)

- 6.234 As reported by the USSD Report 2004:

"The Government's 'hukou' system of national household registration underwent further liberalization during the year, as the country responded to economic demands for a more mobile labor force. Nonetheless, many persons could not officially change their residence or workplace within the country. Government and work unit permission were often required before moving from city to city. It was particularly difficult for peasants from rural areas to obtain household registration in some economically more developed urban areas. There remained a 'floating population' of between 100 and 150 million economic migrants who lacked official residence status in cities. Without official residence status, it was difficult or impossible to gain full access to social services, including education. Further, migrant workers were generally limited to types of work considered least desirable by local residents, and they had little recourse when subject to abuse by employers and officials." [2j] (Section 2d)

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

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

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

6.238 The same source continued:

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

6.239 Furthermore the IBR stated:

"The *hukou* document is a booklet resembling a passport (Wang 16 Feb. 2005). Its cover is plastic or laminated (ibid.), of a reddish brown colour, bearing the China national emblem printed in gold (Canadian Consulate General in Hong Kong 18 Feb. 2005). Some booklets, issued mainly prior to 1990, may be larger and have a manila paper cover (Wang 16 Feb. 2005). The inside pages are not numbered, and are of a 'bluish colour,' although the blue may vary slightly depending on the age of the booklet (Canadian Consulate General in Hong Kong 22 Feb. 2005).

In a report received on 18 February 2005, the Canadian Consulate General in Hong Kong described the *hukou* booklet as follows:

... The second page of the *hukou* is the 'Address Page' and contains the following items:

- Type of Household
- No. of Household
- Name of Household
- Address
- Household Special Seal from the Provincial Public Security Department
- Household Special Seal from the local issuing authority (right seal)
- Handling Person's signature/seal
- Date of Issue

The third page of the *hukou* booklet is the 'Principal Holder Page' and contains the following items:

- Name
- Householder or relationship with householder
- Former Name

- Sex
- Place of Birth
- Ethnic Group
- Place of Origin
- Date of Birth
- Other address in the city
- Religion
- Identity card number
- Height
- Blood Type
- Education Level
- Marital Status
- Work Place
- Position
- When and from where moved in to this city
- When and from where moved in to this address
- Handling person's signature/seal
- Registration Date

The subsequent pages of the booklet contain the same information, but for other members of the household; the only difference is that the top right hand corner indicates the relationship between the individual named on this page and the principal householder (Canadian Consulate General in Hong Kong 18 Feb. 2005). All altered or deleted items on the *hukou* must be stamped by the issuing authority (ibid.).

Although *hukou* booklets are normally printed, hand-written booklets still exist, either because they had to be issued urgently, or because the PSB office does not have computers (ibid. 6 Jan. 2005). Manual entries remain common (ibid.; Wang 16 Feb. 2005), but not in urban or fairly developed rural areas (ibid.).”
[3af] (Section 7)

2.240 This report also noted:

“Generally, with the exception of minors or the medically disabled, one must apply in person to the PSB office to obtain a *hukou* or a personal identity card (Wang 9 Jan. 2005). According to Wang, with the right connections and possibly a power of attorney, duplicate documents may be issued to a person via a relative or a friend (ibid.). With a valid reason, and a small fee paid to the local police station, a person may obtain a duplicate *hukou* booklet (ibid.).”
[3af] (Section 7)

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

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

CUSTODY AND REPATRIATION/VOLUNTARY HUMANITARIAN AID SHELTERS

6.242 As documented by the USSD Report 2004:

“The March 2003 death of university graduate Sun Zhigang in a custody-and-repatriation camp designed to hold illegal migrants focused public attention on abuses in the administrative detention system. Under the custody-and-repatriation system, police detained and forcibly repatriated to their home provinces migrants, petitioners, and political activists caught without an identification card, work permit, or temporary residence permit. Public outcry following Sun’s death played an important role in the State Council’s decision, in June 2003, to abolish the custody-and-repatriation system and convert custody-and-repatriation camps across the country into voluntary humanitarian aid shelters for the homeless. Initial reports indicated that most current residents of the camps are indeed there voluntarily. In June, a facility employee who urged inmates to beat Sun was sentenced to death. During the year, one inmate was given a suspended death sentence, and 17 others received prison sentences in connection with Sun’s death.” [2j] (Section 1c)

(See also Section 5: [Administrative detention](#))

IDENTITY CARDS

6.243 As reported by the official Xinhua news agency on 7 April 2004, China began issuing new computerised (second generation) ID cards to residents in Beijing on the same day. [13d]

6.244 The report stated that:

“According to Miao [an official from the MPS], unlike before, young people aged below 16 are also entitled to apply for a second-generation ID card through their Guardians’ agency. The second-generation ID card has varying expiration periods ranging from 10 years for people aged between 16 and 25, 20 years for people aged between 26 and 45 and long-term for people older than 46. In addition to Beijing, Shanghai and Shenzhen, the new ID cards will be officially distributed nationwide in 2005 as the issuing of the first-generation cards halts. The shift is expected to finish by the end of 2008.” [13d]

6.245 As reported by the Canadian IRB on 13 March 2002, “The new card will replace the current paper laminated identification card that contains a person’s name, photo, birth date and identification number and is purportedly relatively easy to counterfeit.” As noted by the same source, opinion is divided over whether or not a viable national-wide computer system for checking first generation ID cards exists. [3i]

6.246 Another report by the Canadian IRB dated 20 April 2004 stated:

“With respect to the procedures for replacing a lost or stolen identity card, a representative at the Canadian immigration office in Beijing stated that if a PRC citizen loses an [identification] ID card, they will go to their local police substation that is responsible for issuing the Family Registration Booklets (‘hukou’) and ID cards. The police substation is responsible for registering all people (foreigners too) that are living in their jurisdiction, including temporary residents. If one moves, then one is required to register the change of address. As a result, when a PRC citizen loses an ID card, they have to pay a nominal handling fee, and bring a couple of photos along for a re-issuance (the records

of the citizen's hukou and previous ID applications will all be kept there). A person doesn't have to come in themselves with the photo, a relative may come in their place. A new ID card should have the new date of issue, with a new period of validity from that new issuance date." [3ab]

PASSPORTS

6.247 According to the USSD Report 2004, "The Government permitted legal emigration and foreign travel for most citizens. Passports were increasingly easy to obtain in most places, although those whom the Government deemed to be threats, including religious leaders, political dissidents, and some ethnic minority members continued to have difficulty obtaining passports." [2j] (Section 2d)

6.248 As noted in the previous year's USSD Report (2003) report:

"During the year [2003], the Government expanded from 25 to 100 the number of cities in which residents can apply for a passport. Many local governments abolished regulations requiring residents to obtain written permission from police and employers before applying for a passport. The Government continued to use political attitudes as criteria for selecting persons for government-sponsored study abroad; however, the Government did not control privately sponsored students, who constituted the majority of citizens studying abroad. Business travelers who wished to go abroad could obtain passports relatively easily." [2d] (Section 2d)

6.249 As reported by the official *People's Daily* newspaper on 28 October 2003, biometric information such as fingerprints and DNA will be added to new Chinese passports. The source gave no date for implementation. [12j]

6.250 As reported by the Canadian IRB on 6 February 2001:

"The exit control system at Beijing Airport is computerised and all names are supposed to be checked through the computer system. Like any system, errors can be made or names not entered correctly so, people who are wanted should not be able to depart, but it could happen (5 Feb. 2001)." [3d] (Based on information from an official at the Canadian Embassy in Beijing)

6.251 As reported by the BBC on 24 July 2005, "New relaxed rules now mean anyone [from China] able to afford the costs can buy a holiday from an approved tour operator. In 2004, 135,000 Chinese citizens travelled to the UK, mainly for business or study reasons or to visit family." [9s]

6.252 As reported by the official *People's Daily* newspaper on 19 April 2005:

"China opened outbound travel in 1997, when 5.32 million people made their trips overseas. By April 1 this year, China has already acquired ADS [approved destination status] with 64 countries and regions, with 30 in Europe, 18 in Asia, 10 in Africa, three in Oceania and one in America, said Gu in a presentation at the conference. He said that the signing of ADS agreements will gather speed this year to meet the market expectations both at home and abroad. The number is expected to increase to 100 by the yearend." [12s]

(See also Section 6.C: [Hong Kong SAR](#))

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6.B HUMAN RIGHTS – SPECIFIC GROUPS

ETHNIC GROUPS

6.253 As noted by Europa World in their Country profile for China, ethnic minorities make up 8.47 per cent of the population. The remaining 91.54 per cent are Han Chinese (based on the 2000 census). [1a] (Country Statistics)

6.254 As reported by the official *People's Daily* newspaper (report undated):

“The minority nationalities inhabit 60 percent of the country’s total area, and they live mainly in the border regions. All nationalities in China are equal, as stipulated by the Constitution of the People’s Republic of China. They take part in the administration of state affairs as equals, irrespective of their numbers or the size of areas they inhabit. Every minority nationality is represented in the National People’s Congress, which is the highest organ of state power of the People’s Republic of China.” [12a]

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

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

6.256 As reported by the US State Department Report (USSD) 2004, published on 28 February 2005:

“The Government’s avowed policy on minorities calls for preferential treatment in marriage regulations, birth planning, university admission, and employment. Programs have been established to provide low interest loans, subsidies, and special development funds for minority areas. Nonetheless, in practice, minorities faced discrimination by the majority Han culture. Most of the minorities in border regions were less educated than the national average, and job discrimination in favor of Han migrants remained a serious problem. Racial

discrimination was the source of deep resentment by minorities in some areas, such as Xinjiang, Inner Mongolia, and Tibetan areas. For example, ethnic Uighurs in Xinjiang did not have equal access to newly created construction jobs associated with development projects; Han workers were brought in from Sichuan and elsewhere to work, particularly on technical projects such as oil and gas pipelines. The Government did not openly recognize racism against minorities or tension among different ethnic groups as problems.” [2j] (Section 5)

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

KOREANS

- 6.258 As noted by Europa World in their Country profile for China, there are 1.9 million Koreans in China, accounting for 0.16 per cent of the population (based on the 2000 census). [1a] (Country Statistics)
- 6.259 As reported by the Canadian Immigration and Refugee Board (Canadian IRB) on 12 February 2003, “There are an estimated 1,920,000 Chaoxian (Korean) people living in the Chinese provinces of Jilin, Heilongjiang and Liaoning; however the majority of Chaoxian people live in the Yanbian Chaoxian Autonomous Region of Jilin.” [3s] (Based on information supplied by the China Folklore Photographic Association – CFPA)

NORTH KOREAN REFUGEES

- 6.260 As reported by the BBC on 28 June 2004, “Between 100,000 and 300,000 North Korean refugees are thought to have fled to China in recent years. Some have sought asylum in foreign embassies, but most have been trying to make a living in northeast China.” [9az]
- 6.261 On 28 July 2004 the *Guardian* newspaper reported:
- “Aid workers believe that since the late 1990s perhaps hundreds of thousands of North Koreans have fled famine, economic hardship and political repression by crossing the Tumen and Yalu rivers, which mark the border with China. Beijing refuses to recognise them as political refugees. Those that are caught are repatriated to North Korea, where they face punishments ranging from a few days in re-education camps to the death penalty, depending on their rank and the extent to which they are considered to have damaged national security. Many stay close to the border, setting up secret camps in the densely wooded mountains. Desperate and vulnerable, many of the men become bandits and countless women are sold as brides or prostitutes.” [41n]
- 6.262 On 30 January 2005, The Sunday Times reported, “... North Koreans confirmed that they knew that escapers to China should look for buildings displaying a Christian cross and should ask among Korean speakers for people who knew the word of Jesus.” [17k]
- 6.263 On 25 November 2003, a Foreign Ministry spokesperson, Liu Jianchao told the official *People’s Daily* newspaper that, “China has stated on many occasions

that ‘those people [North Korean refugees] are simply illegal immigrants because they flee to China for economic reasons,’ Liu said.” [12k]

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

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

- 6.265 The same report continued:

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

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

- 6.267 Furthermore this report stated:

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

TIBETANS

- 6.268 As noted by Europa World in their Country profile for China, there are 5.4 million Tibetans within China, accounting for 0.44 per cent of the population. As noted by the same source the total population of Tibet is 2.6 million (based on the 2000 census). [1a] (Country Statistics) [18b] (map)
- 6.269 As noted by the Encyclopedia of the People's of the World (1993), "Tibetans also live in the Qinghai, Sichuan and Yunnan provinces." [76] (p597)
- 6.270 As reported by Europa World, "Tibet (Xizang), a semi-independent region of western China, was occupied in October 1950 by Chinese Communist forces. In March 1959 there was an unsuccessful armed uprising by Tibetans opposed to Chinese rule. The Dalai Lama, the head of Tibet's Buddhist clergy and thus the region's spiritual leader, fled with some 100,000 supporters to Dharamsala, northern India, where a government-in-exile was established. The Chinese ended the former dominance of the lamas (Buddhist monks) and destroyed many monasteries. Tibet became an 'Autonomous Region' of China in September 1965, but the majority of Tibetans have continued to regard the Dalai Lama as their 'god-king', and to resent the Chinese presence... The Dalai Lama, however, renounced demands for complete independence, and in 1988 proposed that Tibet become a self-governing Chinese territory, in all respects except foreign affairs." [1a] (Recent History)

(See also Section 2: Naming conventions – [Tibetan Names](#))

HUMAN RIGHTS IN TIBET

- 6.271 As reported by the USSD Report 2004:

"The Government's human rights record in Tibetan areas of China remained poor. However, in positive developments, the Government permitted a third visit to the country by the Dalai Lama's representatives and released some political prisoners, including Tibetan Buddhist nun Phuntsog Nyidrol. The Government controlled information about all Tibetan areas, and in addition, strictly controlled access to the TAR, making it difficult to determine accurately the scope of human rights abuses. Authorities continued to commit serious human rights abuses, including extra-judicial killing, torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetans for peacefully expressing their political or religious views. The overall level of repression of religious freedom in the TAR remained high. Conditions generally were less restrictive in Tibetan areas outside of the TAR, although there were some exceptions. Individuals accused of political activism faced ongoing harassment during the year. There were reports of imprisonment and abuse of some nuns and monks accused of political activism. Security was intensified during sensitive anniversaries and festival days in some areas, and activities viewed as vehicles for political dissent, including celebration of some religious festivals, were suppressed. There were reports of small-scale political protests in a number of Tibetan areas." [2j] (Tibet)

- 6.272 In their Annual Report 2004 on the Human Rights Situation in Tibet the Tibetan Centre for Human Rights and Democracy (TCHRD) stated, "Questioning government policies could have serious consequences. Acquiring accurate

information from the so-called ethnic minority regions of Tibet and Xinjiang has become extremely difficult due to the secretive nature of operations and total lack of transparency.” [45a] (Executive Summary)

6.273 This report also stated:

“Human rights situation in Tibet did not improve in 2004. There was no let-up on many unpopular measures of control that went to describe the anxious nature of the political atmosphere. The resumption of the Strike Hard Campaign, the renewed emphasis on the Patriotic re-education campaign and the establishment of a re-education-through-labour camp in Ngari County in the Tibet Autonomous Region to check refugee flow, are clear indications of continued suppression of the Tibetan people.” [45a] (Executive Summary)

6.274 As reported by the Australia Tibet Council on 23 September 2004, “Authorities in China have sentenced two monks and a layman to three-year jail terms, apparently they were involved in putting up posters advocating Tibetan independence, Radio Free Asia (RFA) reports.” [44b]

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

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

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

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

6.277 The Dalai Lama in an interview with *Time Asia* on 25 October 2004 stated:

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

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

6.278 On the question of his reincarnation the Dalai Lama said:

"The purpose of reincarnation is to fulfill the previous life task. My life is outside Tibet, therefore my reincarnation will logically be found outside. But then, the next question: Will the Chinese accept this or not? China will not accept. The Chinese government most probably will appoint another Dalai Lama, like it did with the Panchen Lama. Then there will be two Dalai Lamas: one, the Dalai Lama of the Tibetan heart, and one that is officially appointed." [65d]

6.278 On 14 April 2005, the official Panchen Lama (Bainqen Erdini Quigyijabu) gave a rare interview to the official *People's Daily* newspaper. In this he stated, "I will strive for the reunification of the motherland, [China] the unity of various nationalities and the happiness of people, as well [a]s for the healthy development of Tibetan Buddhism on the road of compatibility with socialist society." [12x]

POLITICAL PRISONERS HELD IN TIBET

6.280 According to the Tibetan Information Network (TIN) in a report dated 6 February 2004, "TIN's political prisoner database records 145 Tibetans as in (or likely to be in) a prison or detention centre as of January 2004." The same source also stated, "Two thirds of the 136 male Tibetans political prisoners documented by TIN as currently imprisoned are monks, former monks, or reincarnated lamas (trulku)." [42c] (p1)

6.281 Further to this the same source stated, "After reaching a peak of approximately 800 Tibetan political prisoners by 1996, there was a rapid decline in their numbers from 1997 to 2001." [42c] (p1)

6.282 As reported by TIN on 8 July 2004:

"Based on the new information, TIN records now indicate that there are four current cases of known or presumed political imprisonment in Qinghai Province and none in Gansu. These levels – which obviously cannot reflect undetected cases – are the lowest TIN has documented since 1987–88. TAR Prison (a.k.a. Drapchi Prison, and formerly known as TAR Prison No. 1), Pome Prison (a.k.a. Bomi Prison or Powo Prison), and Lhasa Prison (formerly known as Utritru) are the TAR's three formally designated prisons (jianyu). According to authorities, they currently hold a total of approximately 2,500 prisoners. The majority (86 percent) are sentenced for property crimes. Three percent, or about 75 inmates, have convictions that include the charge of 'endangering state security' or 'counterrevolution.' Most are in TAR Prison." [42d]

(See also Section 5: [Drapchi prison](#))

TIBETAN BUDDHISM

6.283 As reported by the Chinese Government White Paper, *Regional Ethnic Autonomy in Tibet*, published in May 2004:

“At present, there are over 1,700 venues for Tibetan Buddhist activities, with some 46,000 resident monks and nuns; four mosques and about 3,000 Muslims; and one Catholic church and over 700 believers in the region. Religious activities of various kinds are held normally, with people’s religious needs fully satisfied and their freedom of religious belief fully respected.” [50] (p3 of Section IV)

6.284 As reported by the USSD Internal Religious Freedom Report 2004:

“The Government continued to oversee the daily operations of major monasteries. The Government, which did not contribute to the monasteries’ operating funds, retained management control of monasteries through the DMCs [Democratic Management Committees] and local religious affairs bureaus. Regulations restricted leadership of many DMCs to ‘patriotic and devoted’ monks and nuns and specified that the Government must approve all members of the committees. At some monasteries, government officials also sat on the committees.” [2f] (Tibet)

6.285 The same source continued:

“The Government remains suspicious of Tibetan Buddhism in general and its links to the Dalai Lama, and it maintains tight controls on religious practices and places of worship in Tibetan areas. Although the authorities permit many traditional religious practices and public manifestations of belief, they promptly and forcibly suppress those activities viewed as vehicles for political dissent, such as religious activities that are perceived as advocating Tibetan independence. Officials confirm that monks and nuns continue to undergo political training known as ‘patriotic education’ on a regular basis at their religious sites. Political training has become a routine, and officially mandatory, feature of monastic life. However, the form, content, and frequency of such training appear to vary widely from monastery to monastery.” [2f] (Tibet)

6.286 Further to this the USSD also stated:

“Government officials maintained that possessing or displaying pictures of the Dalai Lama is not illegal. However, authorities appeared to view possession of such photos as sufficient evidence of separatist sentiment when detaining individuals on political charges. Pictures of the Dalai Lama were not openly displayed in major monasteries and could not be purchased openly in the TAR. Diplomatic observers saw pictures of a number of Tibetan religious figures, including the Dalai Lama, openly displayed in Tibetan areas outside the TAR.” [2f] (Tibet)

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

6.288 In their Annual Report 2004 on the Human Rights Situation in Tibet the Tibetan Centre for Human Rights and Democracy (TCHRD) stated, “The state of religious freedom in Tibet in the year 2004 continues to be of concern with religious repression affecting many levels of Buddhist life and practice. Despite

the fact that, the Constitution of the People's Republic of China promises freedom of religious beliefs for all people, where in reality Chinese authorities continue to violate religious freedom in Tibet." [45a] (Freedom of Religion)

6.289 The same source also noted, "Due to the falling standards of religious instructions in Tibet, many monks and nuns come to India to pursue religious studies. However, upon return to Tibet, DMC [Democratic Management Committee] officials who suspect them of having ties with 'Dalai Clique', or the Tibetan Government in Exile expel many monks and nuns from their home monasteries." [45a] (Freedom of Religion)

6.290 This section of the report concluded:

"In 2004 there has been no significant change in China's religious policies, with no major improvements in China's handling of religious rights in Tibet. As the Tibetan people continue to face varying, and sometimes fluctuating degrees of religious repression and persecution at the hands of the Chinese State. It would seem that religious persecution will remain unabated in Tibet as long as the Chinese government continues to view the Dalai Lama and expressions of Buddhist belief and practice as an inherent threat to the legitimacy of Chinese rule in Tibet." [45a] (Freedom of Religion)

(See also Annex O: [Tibetan festivals](#))

TIBETAN REFUGEES IN INDIA

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

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

"Each Tibetan refugee settlement in India is headed by a settlement officer appointed by the Central Tibetan Administration. The Central Tibetan Administration is the network of Tibetan-run agencies in Dharamsala that effectively functions as a government-of-Tibet-in-exile. The number two official in each settlement is a camp leader elected by the refugees (Liaison Officer 19 Mar 2003).

While the Indian Government has ultimate authority over the settlements and takes charge in any criminal matters, in practice the Tibetan administrators work to maintain good relations with local communities and generally are given a free hand to run the day-to-day affairs of the settlements (Liaison Officer 19 Mar 2003)." [84c]

LEGAL STATUS OF TIBETANS IN INDIA

- 6.293 As reported by the Indian Ministry of Home Affairs on their website (accessed on 13 March 2005), under the 1955 Citizenship Act, "Citizenship of India by naturalisation can be acquired by a foreigner who is ordinarily resident in India for twelve years (continuously for the twelve months preceding the date of application and for eleven years in the aggregate in the fourteen years preceding the twelve months)." [85a]
- 6.294 As reported by the US Defense Security Services on their website, (accessed on 24 August 2005), "Indian citizenship may be acquired upon fulfillment of the following conditions: Person has resided in country for the last five years and has renounced previous citizenship." [95] (India)
- 6.295 As reported by the US Citizenship and Immigration Services on 30 May 2003, "Tibetan refugees who have Indian residence permits must renew them every year, according to a liaison officer at the Office of Tibet in New York, which represents the Dalai Lama in the Americas (Liaison Officer 19 Mar 2003). Tibetans normally do not have trouble renewing their permits, although renewal is entirely at the discretion of the Indian Government (Liaison Officer 19 Mar 2003)." [84c]

TIBETAN REFUGEES IN NEPAL

- 6.296 As noted by the Nepalese news portal *KuraKani* on 20 January 2004, "Nepal is home to an estimated 20,000 or more Tibetan's many of whom arrived in 1959–60 around the time the Dalai Lama fled there from Tibet. For more than a decade the Government of Nepal has barred Tibetans who flee there from remaining in the country. Tibetans currently living in Nepal are only allowed to transit through the Himalayan country on their way to India or another country willing to take them." [47a]
- 6.297 Based on information supplied by the Tibetan government in exile the same report lists 11 Tibetan settlements in Nepal. These are as follows:
- 1 Delekling Tibetan Settlement (Salleri, Solukhumbu Region)
 - 2 Dorpatan/Norzinling Tibetan Settlement (Dorpatan, Baglung District)
 - 3 Jampaling Tibetan Settlement (Pokhara)
 - 4 Namgyaling Tibetan Settlement (Chairok, Mustang Region)
 - 5 Paljorling Tibetan Handcraft Centre (Pokhara)
 - 6 Samdupling Tibetan Handcraft Centre (Jawalakhel, Kathmandu)
 - 7 Swayambu Handcraft Centre (Kathmandu)
 - 8 Tashiling Tibetan Settlement (Pokhara)
 - 9 Tashi Palkhel Tibetan Settlement (Pokhara)
 - 10 Tibetan Settlement (Dunche)
 - 11 Tibetan Settlement (Walung, Taplizong) [47a]
- 6.298 As reported by the BBC on the same day, the Nepalese government deported 18 Tibetan refugees back to Tibet on 31 May 2003. [9af] On 2 June 2003, AI strongly condemned these deportations and stated, "We fear that these people could be at risk of torture or other serious human rights violations and are calling on the Chinese authorities to provide immediate guarantees for their safety." [6e]

- 6.299 According to a report dated 24 January 2004 by the NGO the International Campaign for Tibet (ICT) and reproduced by the Tibetan newspaper *Phayul* on their website:

“Former inmates from the prison cells in Shigatse, Tibetan Autonomous Region (TAR), have recounted incidents where the 18 deportees were shocked with electric batons, repeatedly kicked in the genitals and forced to stand naked outside for four to five hours at a time, three to four times a week. One former inmate recalled prison guards beating members of the group of 18 Tibetans while yelling, ‘Think about why you tried to go and see the Dalai Lama.’” [43b]

- 6.300 As reported by the Australia Tibet Council on 27 August 2003, “In August 2003, the Nepalese government signalled its willingness to work with the UNHCR to help ensure that Tibetans could continue to use Nepal as a safe transit point on rout[e] to Northern India.” Mary Beth Markey (U.S. Executive Director of the ICT) stated, “This is a significant achievement for the Tibet movement and the rights of vulnerable Tibetan refugees... Safe transit through Nepal is the linchpin in the flight to freedom for Tibetans refugees...” [44a]

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

LEGAL STATUS OF TIBETANS IN NEPAL

- 6.302 Article 9 of the Nepalese Constitution states:

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

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

- 6.303 In response to the following three questions the British Embassy in Kathmandu gave the following reply on 25 May 2005.

- 1 Are Tibetans refugees able to apply for Nepal citizenship?
- 2 Are Tibetans refugees able to apply for legal status in Nepal, if so what rights does this give them?
- 3 Is 1990 the cut off point for a) applying for citizenship and b) applying the granting of legal status?

“The information I have managed to gather in answer to the three questions is that there is no provision for Tibetan refugees to apply for Nepalese citizenship [sic]. Furthermore they do not really have any defined legal status in Nepal. Some have been issued Refugee certificates but this has been a random process and these certificates do not give them any legal status.

With regard to a cut off point for applying for citizenship [sic] believe that there was a one month window for Tibetan refugees to apply for citizenship [sic] back in 1974 or 1975.

... nobody can get Nepali citizenship [sic] unless their father was a Nepali citizen.” [31f]

PENALTIES FOR RETURNING TIBETANS

6.304 According to a report by the ICT dated 23 December 2003 and re-produced by Tibetan newspaper *Phayul* on their website, Tibetan refugees caught returning from India or Nepal are reportedly treated much more severely than those caught trying to leave Tibet. [43a] According to another report by the ICT dated 24 January 2004, the typical sentence for those trying to re-enter Tibet (illegally) ranges from three to five months in addition to a fine of 1,700 to 5,000 yuan (US\$212-625). This report was also reproduced by *Phayul* on their website. [43b]

6.305 As reported by USSD Report 2005:

“There were reports of arbitrary detention of persons, particularly monks, returning to China from Nepal. Detentions generally lasted for several months, although in most cases no formal charges were brought. In January [2004], and again in September [2004], there were reports that the Nepali government cooperated with Chinese authorities to repatriate Tibetans who crossed the border. NGOs reported that some individuals were detained and mistreated upon their return to China. For example, the Tibetan Centre for Human Rights and Democracy stated that when monks Gedun Tsundue and Jamphel Gyatso crossed back into China in February after studying in India, they were detained for 4 months and fined \$545 (RMB 4,500) each. In July, RFA reported that Tibetan Buddhist monks Tenzen Samten and Thubten Samdup remained in detention at Shigatse’s Nyari Prison 5 months after being arrested while attempting to cross the border from Nepal into China. According to RFA, the two monks were arrested with two other individuals, Sherab and Nawang Namgyal, in February.” [2j] (Tibet)

WOMEN

6.306 As reported by the USSD Report 2004:

“Violence against women was a significant problem. There was no national law criminalizing domestic violence, but Articles 43 and 45 of the Marriage Law provide for mediation and administrative penalties in cases of domestic violence. Over 30 provinces, cities, or local jurisdictions have passed legislation specifically to address domestic violence... In response to increased awareness of the problem of domestic violence, there were a growing number of shelters for victims. Rape is illegal, and some persons convicted of rape were executed. The law does not expressly recognize or exclude spousal rape.” [2j] (Section 5)

(See also Section 6.A: [People trafficking](#))

6.307 According to a report published by the state sponsored All China Women’s Federation (ACWF) in December 2003, 38.4 per cent of people surveyed admitted resorting to violence to resolve disagreements with their spouses,

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

6.308 16 per cent of married women questioned in a 2002 survey by the ACWF said that their husbands had beaten them and 2.6 per cent said they had been hurt sexually by them. The findings of this survey were reported by the official news agency Xinhua on 30 November 2003. [13b]

6.309 As reported by the official *China Daily* newspaper on 26 November 2003:

“Currently, women’s federations at various levels have opened 6,181 hotlines and 8,958 special organizations in China to provide consultation and legal aid for women’s rights protection. The China Law Society has established a nationwide network for fighting domestic violence, and many provincial authorities have enacted local regulations for preventing domestic violence.” [14e]

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

6.311 Women’s rights are protected by the Law on the protection for women’s rights and interests, effective as of 1 October 1992 [5f]

MARRIAGE

6.312 As reported by the USSD Report 2004, “In order to delay childbearing, the Marriage Law sets the minimum marriage age for women at 20 years and for men at 22 years.” [2j] (Section 1f)

6.313 On 19 August 2003, the official *People’s Daily* newspaper reported:

“Chinese couples planning to get married may soon do so without a letter from their employers testifying to their unmarried status and without first having a health examination, according to a new regulation issued by the State Council Monday. The regulation, to take effect Oct. 1, consists of six chapters, or 22 items, which will annul the old version that was in effect for nine years. An adult male and female will be able to marry each other legally by only providing their ID cards and residence documents, and by signing a statement that they are single and not related, the new regulation said. For the past several decades, government marriage offices required people to show letters provided by their employers to guarantee that they were qualified for marriage. The new regulation says that people may take a health examination before marriage, but will not be forced to do so.” [12g]

6.314 This report also stated, “Couples will receive divorce certificates at once if they both agree to get divorced and settle amicably their property, any debts and care of any children, the new rules say.” [12g]

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

DIVORCE

- 6.317 On 28 April 2003, the Standing Committee of the NPC voted to amend the Marriage Law. In addition to making bigamy a criminal offence punishable by two years imprisonment it made the following pronouncement on divorce, "In divorce cases, property division should be determined under contract by both parties. Should they fail, the people's court will make decisions in favor of the offspring and the female." The official *People's Daily* newspaper reported these amendments on the same day. [12d]

CHILDREN

- 6.318 As reported by the USSD Report 2004, "The Constitution prohibits maltreatment of children and provides for compulsory education. The country has outlawed child labor and trafficking in children, but serious problems in those areas persisted." [2j] (Section 4)
- 6.319 On 11 October 2004 the BBC reported the findings of a survey carried out in China:

"The Beijing University survey found up to 22% of children suffered emotional problems like depression and showed problematic behaviour like lying. These children, sometimes known as 'little emperors', were born under the one child policy so have no siblings. Psychologists say they are often spoilt and sheltered from problems by their parents, so are unable to cope with difficulties." [9bi]

(See also Section 5: [Educational system](#))

CHILDCARE ARRANGEMENTS

- 6.320 As reported by the USSD Report 2004:

"The Law on the Protection of Juveniles forbids the mistreatment or abandonment of children. According to the latest available figures, compiled in 1994, the number of children abandoned annually was approximately 1.7 million, and the number may have grown over the subsequent decade despite the fact that, under the law, child abandonment is punishable by a fine and a 5-year prison term. The vast majority of children in orphanages were female, although some were males who were either disabled or in poor health. Medical professionals frequently advised parents of children with disabilities to put the children into orphanages. The Government denied that children in orphanages

were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems. A 1997 revision of the adoption law made it easier for couples to adopt. However, adopted children were counted under the birth limitation regulations in most locations. As a result, couples who adopted abandoned baby girls, for example, were sometimes barred from having additional children.” [2j] (Section 5)

- 6.321 As reported by the official news agency Xinhua on 22 April 2004, “China now has nearly 600 orphanages that are taking care of more than 54,000 orphans or infants abandoned by their parents for various reasons.” [17g] As reported by the Daily Mirror in a special report on adoption in China dated 9 August 2005, “China has a million orphans in 1,000 state-run orphanages.” [17i]
- 6.322 As reported by the NGO SOS Children’s Villages on their website in a report dated 16 June 2005, “Twenty years ago, an SOS Children’s Village association was founded in the world’s most populated country. Today one can speak of the successful work being carried out in 31 facilities in China. Celebrations and meetings of government representatives and representatives of SOS Children’s Villages will honour this important anniversary... The existing 31 SOS Children’s Village facilities (villages, kindergartens, youth facilities, schools, vocational training centres) are geographically widely scattered, from Qiqihar in the north-east, through Lhasa in the autonomous province of Tibet, up to Urumqi in the north-western Uiguric autonomous region of Xinjiang.” [87a]

BLACK CHILDREN (HEI HAZI)

- 6.323 As noted by *TIME Pacific* on 29 January 2001, children born contrary to the “one-child policy” are called “black children” (hei haizi). Officially they do not exist and therefore do not qualify for government assistance. According to the report officials can usually be “persuaded” to add or issue them a hukou (household registration document), but a bribe is often required to facilitate this. [65a]
- 6.324 As reported by the *Asian Sex Gazette* on 16 December 2004, “Because of the stiff financial penalties for second children, many couples have unregistered babies. There may be as many as a 100 million of these ‘illegal children’” [100c]

FEMALE INFANTICIDE

- 6.325 According to the USSD Report 2004, “Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the birth limitation policy. Many families, particularly in rural areas, used ultrasound to identify female fetuses and terminate pregnancies.” [2j] (Section 5)
- 6.326 As reported by the *Asian Sex Gazette* on 21 June 2005, “There are approximately 7 million abortions annually in China and the International Planned Parenthood Federation indicates that more than 70 percent are female unborn children. The female babies are often aborted in the late stages of pregnancy when an ultrasound reveals their gender. The Chinese government has tried to crack down on the non-medical usage of ultrasound.” [100d]

- 6.327 As reported by the *Guardian* newspaper on 9 March 2004, the traditional preference for boys has led to a gender imbalance of 117 boys to every 100 girls born. In some rural areas the figure is as high as 130 to 100. [41d] The BBC quoted the same figures on 15 July 2004. [9bc]
- 6.328 On 2 August 2004, the official *People's Daily* newspaper reported, "Beginning from this year [2004], rural families who have only one child or two girls will receive award and support from government." [12u]
- 6.329 This report went on to say:
- "The pilot work will be launched this year in five provinces and municipality in west China (Sichuan, Yunnan, Gansu, Qinghai and Chongqing), nine cities in nine central provinces (Hebei, Shanxi, Heilongjiang, Jilin, Jiangxi, Anhui, Henan, Hunan, and Hubei) as well as in Zunyi City, Guizhou Province. Work has been started earlier in some provinces where farmers have received award money." [12u]
- 6.330 As reported by the *Asian Sex Gazette* on 1 September 2004:
- "Last year, 117 boys were born for every 100 girls in China, compared with a global average of 105 to 100... To reverse the trend, pilot programmes are already under way in China's poorest provinces. In some areas, couples with two daughters and no sons have been promised an annual payment of R430 (about \$80 US) once they reach 60 years of age. The money, which is a significant sum in areas where the average income is about R5 (less than \$1.00 US) a day, will also be given to families with only one child to discourage couples with a daughter from trying again for a boy. Some regions have gone further. In parts of Fujian province, local governments have given housing grants of approximately R11000 (\$1700 US) to couples with two girls." [100a]
- 6.331 As reported by the official *China Daily* newspaper on 3 June 2005:
- "Starting from 2004, 'China began to implement a pilot project of 'rewarding some rural households practicing family planning...' The pilot project is expected to be extended to 23 provinces this year and cover the whole country next year. According to the new family planning policy, rural couples with only one child or two daughters become eligible for a cash reward of no less than 600 yuan each year when they turn 60 years old. The reward will last for the rest of their lives." [14t]

FAMILY PLANNING ("ONE CHILD POLICY")

- 6.332 Article 25 of the State Constitution (adopted on 4 December 1982) states, "The State promotes family planning so that population growth may fit the plans for economic and social development." Article 49 states, "Both husband and wife have the duty to practise family planning." [5a]
- 6.333 As reported by the USSD Report 2004:
- "Under the country's family planning law and policies, citizens in 6 of the country's 31 provinces still were required to apply for government permission before having a first child, and the Government continued to restrict the number of births. Penalties for out-of-plan births still included social compensation fees

and other coercive measures... UNFPA [UN Population Fund] reports that only Fujian, Henan, Jiangxi, and Yunnan Provinces and the Xinjiang Uighur Autonomous Region still required birth permits.” [2j] (Section 2f)

- 6.334 According to Henry Wu from the NGO the Laogai Research Foundation speaking on 27 July 2004:

“Under China’s family-planning policy each couple may have only one child; in rural areas a couple may have a second child if the first child happens to be a girl; a national minority couple may have two children. All births must be approved in advance, with the state allotting birth quotas in a unified way; children in all areas of the nation should be borne by the quotas allotted for the given year; offenders shall be punished. This Chinese version of family planning – thoroughly manipulated by the state – deprives Chinese citizens of fundamental rights.” [51b]

- 6.335 As reported by the Daily Mirror in a special report on adoption in China dated 9 August 2005, China has 200,000 “child-catchers”, officials whose job it is to enforce the nation’s rigorous one-child policy. “People who break the rule are fined up to £2600. Government workers are thrown out of their jobs, communists expelled from the Party.” [17i]

POPULATION AND FAMILY PLANNING LAW (2002)

- 6.336 As reported by the Canadian IRB on 17 September 2003, the new Population and Family Planning Law was enacted on 1 September 2002. As noted by the IRB, “The new law stipulates the legal rights of people and states that the government should create conditions for the people and provide them with suitable, safe and effective family planning services. The government should encourage and reward those people who carry out family planning according to policy.” [3z]

- 6.337 Article 2 of the Act stated,

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

- 6.338 Article 7 states, “Public organizations such as Trade Unions, Communist Youth Leagues, Women’s Federations, and Family Planning Associations, as well as enterprises, institutions, and individual citizens shall assist the people’s governments in carrying out the population and family planning programs.” Article 8 states, “The States gives rewards to organizations and individuals that have scored outstanding achievements in population programs and family planning.” [5j] (p10)

- 6.339 As reported by the USSD Report 2004:

“The law delegates to the provinces the responsibility for drafting implementing regulations, including establishing a scale for assessment of social compensation fees. The National Population and Family Planning Law requires

family planning officials to obtain court approval for taking 'forcible' action, such as confiscation of property, against families that refuse to pay social compensation fees." [2j] (Section 2f)

6.340 The same source continued:

"The one-child limit was more strictly applied in the cities, where only couples meeting certain conditions (e.g., both parents are only children) were permitted to have a second child. In most rural areas (including towns of under 200,000 persons), where approximately two-thirds of citizens lived, the policy was more relaxed, generally allowing couples to have a second child if the first was a girl or disabled. Local officials, caught between pressures from superiors to show declining birth rates, and from local citizens to allow them to have more than one child, frequently made false reports. Ethnic minorities, such as Muslim Uighurs and Tibetans, were subject to much less stringent population controls. In remote areas, limits often were not enforced, except on government employees and Party members." [2j] (Section 2f)

6.341 The USSD Report 2004 also noted:

"Seven provinces – Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin, and Ningxia – require 'termination of pregnancy' if the pregnancy violates provincial family planning regulations. An additional 10 provinces – Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan Shanxi, Shannxi, and Yunnan – require unspecified 'remedial measures' to deal with out-of-plan pregnancies. Article 33 of the 2002 law states that family planning bureaus will conduct pregnancy tests and follow-up on married women. Some provincial regulations provide for fines if women do not undergo periodic pregnancy tests." [2j] (Section 2f)

6.342 As reported by the Canadian IRB on 13 January 2003, opinion is divided over what constitutes coercion, "The United States Department of State's 29 May 2002 'Report of the China UN Population Fund (UNFPA) Independent Assessment Team' maintains that charging couples who have 'out of plan' births with a 'social compensation fee,' which is often double or triple the couple's annual salary, amounts to coercion." [3r]

6.343 According to the IRB, "Ann Noonan, policy director of the Laogai Research Foundation, states that for officials to meet strict population quotas, poor women in rural regions of China will suffer forced sterilizations and abortions (National Review 16 August 2001)." [3r]

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

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

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

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

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

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

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

6.345 As reported by the UNFPA, United Nations Population Fund on 16 July 2004, “The U.S. administration’s decision not to release \$34 million appropriated by Congress for UNFPA, the United Nations Population Fund, is regrettable, UNFPA said today. The money is urgently needed to slow the spread of HIV/AIDS, prevent maternal deaths, provide family planning and reduce recourse to abortion. The administration’s stated reason for continuing to withhold funding for a third year, an assertion that UNFPA supports coerced abortions in China, is baseless, the Fund added.” The reports also noted, “The United States is the only country to deny funding to UNFPA for non-budgetary reasons.” [24a]

6.346 In testimony before the US House of Representatives on 14 December 2004, Assistant Secretary Arthur E. Dewey (Bureau of Population, Refugees and Migration) stated:

“The law specifies a number of birth limitation measures by the government that amount to coercion. Party members and civil servants who parent an ‘out-of-plan’ child are very likely to face administrative sanction, including job loss or demotion. Couples who give birth to an unapproved child are likely to be assessed a social compensation fee, which can range from one-half the local average annual household income to as much as ten times that level.” [2h] (p5)

6.347 Mr Dewey also stated:

“In our two years of negotiations, we have seen encouraging movement in China’s approach to population issues, and the reduction of coercion in birth planning programs. For example, provincial legislation in 25 of China’s 31 provinces, municipalities, and autonomous regions, has been amended to eliminate the requirement that married couples must obtain government permission (‘birth permits’) before the woman becomes pregnant. This may prove to be an important change. Without birth permits there may be no effective overall mechanism for systematically enforcing birth targets and quotas in each county. We hope that the elimination of this repressive mechanism of control and interference in family life will be extended throughout all of China, and, as I have said, we will be monitoring this issue very closely.” [2h] (p3)

6.348 In conclusion Mr Dewey said:

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

6.349 As reported by AI on 6 January 20005, “Mao Hengfeng, a mother of two, was forced to have an abortion and dismissed from her job when she became pregnant for a third time 15 years ago, in contravention of China’s family-planning policies... In April 2004 Mao Hengfeng was sent to 18 months’ ‘re-education through labour’ because of her persistence in petitioning the authorities.” [6o]

FAMILY PLANNING REGULATIONS IN FUJIAN

6.350 As reported by the Canadian IRB on 18 October 1999, according to Dr. Edwin Winckler, a political scientist and research associate of the East Asia Institute at Columbia University, there are at least four channels of appeal existing for complaints of excesses by local officials in Fujian province. [3a]

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

6.352 Article 11 states:

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

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

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

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

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

- 6.353 As reported by the *Guardian* newspaper on 10 March 2005, “Men who[se] wives are forcibly sterilised under China’s coercive population control policies are entitled to political asylum in the US, the federal appeals court in San Francisco had ruled... In 1996 Congress passed a bill granting refugee status to up to 1,000 people a year who could prove that their country’s population control policies had coerced them. Susan Greenhalgh, an expert on China’s population policies at the University of California, Irvine, said that since then the bureau of citizenship and immigration services (formerly the immigration and naturalisation service) had been ‘flooded’ with asylum claims, and there had been ‘little consistency’ in the resolution of the cases.” [41o]

FAMILY PLANNING REGULATIONS IN GUANGDONG

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

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

- 6.355 Article 49 states:

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

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

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

FAMILY PLANNING REGULATIONS IN BEIJING AND SHANGHAI

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

6.357 The same source continued:

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

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

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

UNMARRIED MOTHERS

6.360 As reported by the USSD Report 2004:

“In order to delay childbearing, the Marriage Law sets the minimum marriage age for women at 20 years and for men at 22 years. It continued to be illegal in almost all provinces for a single woman to bear a child, and social compensation fees have been levied on unwed mothers. The Government stated that the practice of levying social compensation fees for ‘pre-marriage’ births was abolished on an experimental basis in some counties during the year and was relaxed in cases where couples promptly registered their marriages. In 2002, Jilin Province passed a law making it legal, within the limits of the birth limitation law, for an unmarried woman who ‘intends to remain single for life’ to have a child.” [2j] (Section 1f)

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

6.362 The report also stated:

“According to a professor of Sociology at Brown University whose area of research includes China’s one-child policy, each local region in China is subject

to birth quotas (31 Oct. 2001). As unmarried women are ineligible for the quota, the professor felt that, if such a woman were to become pregnant then an abortion would most probably be encouraged. The professor also noted that, as in many cultures, there is some shame involved in pregnancies outside of marriage and that because of the economic difficulties of raising a child alone, many women would seek an abortion as a matter of choice.” [3f]

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

- 6.364 As reported by the website Women of China on 11 January 2005:

“China’s family planning policy is aimed mainly at married women, and it emphasizes long-term or permanent methods of contraception. A study conducted in 2004 by the Medical Center of Fudan University in Shanghai and the International Health Research Group found premarital sex among China’s urban youth was becoming more common. It also found that the abortion rate among unmarried women was alarmingly high.” [58a]

(See also Section 6.C: [Returning to China after having a child abroad](#))

HOMOSEXUALS

- 6.365 As reported by the US Citizenship and Immigration Services on 1 March 2001, homosexuality is not illegal in China and sodomy was decriminalised in 1997. [84a] But as reported by the official People’s Daily newspaper on 20 August 2003, same sex marriages are not permitted. [12i]

- 6.366 According to a report by the Canadian IRB dated 6 March 2002, “The general public’s understanding towards homosexuality can be divided into three stages: in the first stage homosexuals are sinful; in the second stage homosexuals are sick; in the third stage homosexuals are normal. Now China is somewhere between stage one and stage two.” [3k] (Based on information from the China Information Center)

- 6.367 On 13 January 2004 the BBC reported, “As China opens up, the country’s urban gays are slowly coming out. China officially struck homosexuality off the list of mental illnesses two years ago and even smaller cities now boast gay bars and meeting places. Through the internet Chinese gays now have unprecedented access to information about developments in gay rights from overseas sources.” [9ar]

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

“China has released an official estimate of its gay population for the first time, in what many see as the first steps towards improving treatment of lesbian, gay and bisexual people in the Asian country. The government-sanctioned press agency Xinhua reported that official figures suggest there are 5-10 million gay

men in the country at the moment, a corresponding figure of 2-4 percent of the male population. Additionally, the agency reported that 1.35 percent of this segment is infected with HIV, making gay men the second highest risk group after intravenous drug users.” [100b]

6.369 As reported by the Kaiser Network on 19 May 2005:

“The Chinese government last month began blocking a popular Web site targeted at gay, lesbian, bisexual and transgender people that includes information about how to prevent the spread of HIV... The Chinese language site, gaychinese.net, had been receiving 50,000 to 65,000 hits each day – mostly from mainland China -- and contains no sexually explicit or political content, according to site manager Damien Lu, a theater professor at the University of California-Los Angeles...” [101a]

POLITICAL ACTIVISTS

6.370 As noted by the USSD Report 2004, the authorities use a range of measures to silence public dissent, criticism and protest in China. These can include the imposition of prison terms, administrative detention, house arrest, close surveillance and in extreme cases internal or external exile. [2j]

6.371 The same source also reported, “The number of individuals serving sentences for the now-repealed crime of counterrevolution was estimated at 500 to 600; many of these persons were imprisoned for the nonviolent expression of their political views. Nongovernmental organizations (NGOs) estimated that as many as 250 persons remained in prison for political activities connected to the 1989 Tiananmen demonstrations.” [2j] (p1) This compares with figures of 2,000 in the previous year’s USSD Report (2003) report. [2d] (p2)

6.372 The USSD Report (2004) also noted that the State Security Law covers similar crimes to those previously deemed as counter-revolutionary. [2j] (Section 1e)

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

6.374 As reported by AI in a report published in December 2004:

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

(See also Section 6: [Civil disturbances](#))

6.375 As reported by AI on 3 June 2004, “Amnesty International has records of more than 50 people it believes are still imprisoned for their part in the [Tiananmen

Square] protests. This number is a fraction of the true figure, which has never been released by the authorities.” [6i]

- 6.376 As reported by HRW on 4 June 2004, “In the days leading up to the [4 June] anniversary, Chinese security forces have warned, harassed, and intrusively monitored dissidents, writers, academics, and long-time pro-democracy activists. Over the past week, police have ordered some of its critics to leave Beijing. At least one critic was beaten when he tried to leave his home.” [7j]

- 6.377 On 3 June 2005 AI reported on the situation of people who speak out on Tiananmen Square. They stated:

“Chinese leaders have taken the position that foreign concerns regarding the 1989 crackdown on unarmed citizens are ‘outdated’.

However, there is, unfortunately, no better testimony to the on-going passion surrounding the issue than the continuous string of detentions and sentencing of citizens who seek to post information on the internet regarding the dead or missing from 1989, to facilitate communication among citizens with regard to the events of 1989, and who in other ways keep the issue alive in the minds of Chinese citizens.

Numerous Chinese citizens have been detained and imprisoned for such activities. To name only a few:

Shi Tao: a writer and journalist, was sentenced on April 30, 2005 to 10 years imprisonment for providing an overseas Web site with an official document alerting journalists to possible social instability around the 15th anniversary of the Tiananmen crackdown. He was charged with ‘illegally revealing state secrets abroad.’

Kong Youping, a former trade union activist was sentenced to 15 years imprisonment in September 2004 after he had posted articles and poems on the internet calling for a reassessment of the 1989 pro-democracy movement.

Huang Qi, was sentenced in 2003 to 5 years imprisonment for hosting an online discussion forum on Tiananmen and human rights abuses by the Chinese government.” [6s]

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

- 6.379 As reported by the NGO Human Rights in China (HRIC) on 27 May 2005, “Human Rights in China (HRIC) has received a copy of an open letter written by Ding Zilin and more than 100 other family members of those killed and injured in June 1989, calling for the Chinese government to recognize the same need for accountability and redress regarding June 4th as it is demanding from the Japanese government regarding the Nanking Massacre.” [91a]

- 6.380 As reported in Volume 5, Issue 13 (7 June 2005) of *China Brief* – available via the Jamestown Foundation’s website:

“Beijing sources close to the security apparatus said apart from the now-familiar demonstrations by laid-off workers and peasants who had been evicted from their homes to make way for developmental projects, the Politburo Standing Committee (PSC) had cited two instances as worthy of particular attention. One was the fact that during the three-week long anti-Japan protests recently, ‘anti-government hooligans’ had mixed with the nationalistic protestors and had chanted anti-party slogans. The other was turmoil in Central Asian countries in China’s northwestern backyard, particularly the insurrection in Kyrgyzstan, which led to the fall of the pro-Beijing regime of former president Askar Akayev. After the Kyrgyz crisis, Hu indicated in a Politburo meeting that to prevent similar disasters in China, state security and police must raise their guard against ‘underground organizations as well as NGOs’ in the country that might be in a position to undermine the party and government’s rule.” [78c]

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

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

- 6.382 As reported by CNN on 21 July 2004, Dr Jiang Yanyong was detained on 1 June 2004 after he wrote a strongly worded letter to the NPC in February 2004 calling for a reappraisal of the pro-democracy demonstrations in Tiananmen Square (4 June 1989). [10a]

- 6.383 As reported by the same source along with the *Guardian* newspaper on 21 July 2004 and by AI on 20 July 2004, Dr Jiang was detained for approximately seven weeks, during which time he was forced to undergo political re-education (forced study sessions). [10a] [41m] [6n]

- 6.384 On 21 July 2004, the *Guardian* newspaper reported:

“It was unclear last night whether he had signed a letter of contrition to secure his freedom. Dr Jiang’s family said he was in good health, but forbidden to talk to the media without the prior approval of his superiors at the No 301 military hospital in Beijing. Dr Jiang and his wife, Hua Zhongwei, were detained on June 1 while going to the US embassy, where they were applying for visas to visit their California-based daughter. They were among dozens of dissenters who were removed from public view or held under house arrest in the run-up to the politically sensitive 15th anniversary of the Tiananmen Square crackdown on June 4. Ms Hua and most of the others were released within two weeks, but Dr Jiang was held for what sympathisers called ‘brainwashing’, which would have

required authorisation by Jiang Zemin, the head of the military [at the time].” [41m]

(See also Section 6.A: [Freedom of speech and the media](#))

RESPONSE TO “NINE COMMENTARIES”

6.385 As reported by the Canadian IRB on 3 June 2005, the *Epoch Times* published its *Nine Commentaries on the Chinese Communist Party* (Nine Commentaries) on 18 November 2004. As noted here, “The ‘Nine Commentaries’ is a series of essays claiming that the Chinese Communist Party [CCP] has engaged in corruption and ‘oppression’ in the past six decade.” As noted by the IRB the *Nine Commentaries* is alleged to have prompted mass registrations from the CCP but it is unclear how many of these resignations are from expatriates and how many from CCP members resident in China. [3y]

6.386 According to a report by the *Epoch Times* dated 28 August 2005, nearly 4 million people have left the CCP since publication of the “Nine Commentaries”. [40e] According to a report by the official *People’s Daily* newspaper dated 23 May 2005, the CCP had 69.6 million members at the end of 2004. [12ae]

(See also Section 5: [Chinese Communist Party](#))

THE DEATH OF ZHAO ZIYANG

6.387 As reported by the official news agency Xinhua on 17 January 2005, “Comrade Zhao Ziyang died of illness in a Beijing hospital Monday. He was 85.” [13t] On the same date the BBC reported, “The deaths of other liberal leaders in China have tapped latent public frustration at the country’s slow pace of democratic reform. Protests flared when former Premier Zhou Enlai died in 1976, and pro-reform party leader Hu Yaobang’s death in 1989 sparked the Tiananmen Square protests that ended Zhao’s political era.” [9bv]

6.388 As reported by the BBC on 29 January 2005, “Hundreds of people have attended a tightly controlled funeral service in Beijing for purged Chinese Communist Party leader Zhao Ziyang. Mourners filed past Zhao’s body and paid their respects, before his cremation at the Babaoshan cemetery.” [9bx]

6.389 Zhao’s obituary, published by the official news agency Xinhua on 29 January 2005 stated:

“In the early years of China’s reform and opening-up drive, he successively held important leading positions of the CPC Central Committee and the State, making contribution to the cause of the Party and the people. In the political turbulence which took place in the late spring and early summer of 1989, Comrade Zhao committed serious mistakes.” [13v]

6.390 As reported in Volume 5, Issue 3 (February 1, 2005) of *China Brief* – available via the Jamestown Foundation’s website:

“Friends of the Zhao family said an estimated 4,000 people – many from Henan, Zhao’s home province, as well as Guangdong, one of his power bases – showed up at the Fu Qiang house to mourn the reformer the first three days after his death. This occurred despite instructions given by CCP authorities to

many departments that cadres and party members should refrain from taking part in Zhao-related activities. Probably because of the unexpectedly large turnout, Beijing decided to restrict access to the Zhao home by entirely cordoning off Fu Qiang Lane with dozens of police and state security officers. Only mourners who could prove their association with Zhao – or whose names had been given to the police by family members – could go in.” [78b]

OPPOSITION GROUPS

- 6.391 As reported by the *Washington Post* in an article dated 4 July 2003 and re-produced by the Dui Hua Foundation (an NGO) on their website:

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

THE CHINA DEMOCRACY PARTY (CDP)

- 6.392 As reported by the USSD Report 2004:

“The Government continued efforts to suppress the China Democracy Party (CDP), an opposition party that had attracted hundreds of members nationwide within a few months of its founding in 1998. Public security forces had previously arrested nearly all of the CDP’s leaders: Xu Wenli, Wang Youcai, and Qin Yongmin were sentenced in 1998 to prison terms of 13, 12, and 11 years, respectively. Xu Wenli and Wang Youcai were released on medical parole to the United States in December 2002 and March 2004, respectively, but Qin remained in prison. At the time of the 16th Party Congress in 2002, authorities targeted many remaining activists for signing an open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre. More than 40 current or former CDP members remained imprisoned or held in reeducation-through-labor camps during the year, including Zhao Changqing, Sang Jiancheng, He Depu, Yao Zhenxiang, Han Lifa, Dai Xuezhong, and Jiang Lijun. In December, Zhejiang and Jiangsu Province activists were interrogated and a few, including Yang Tianshui and Wang Rongqing, were detained after they publicly proposed that the NPC draft a political party law.” [2j] (Section 3)

- 6.393 As reported by the HRW in September 2000, “Concrete ideas for creating an opposition party originated in late 1997. Wang Youcai, a former student activist who had been jailed for two years for involvement in the 1989 pro-democracy movement, discussed the formation of an opposition party with a group of other dissidents.” [7a] (p1-2 of section III)
- 6.394 As noted by HRW, “The CDP was to be based on the principles of ‘openness’ (gongkai), ‘peace’ (heping), ‘reason’ (lixing), and ‘legality’ (an falu). Its aim was

to establish direct elections and the formation of a multi-party system.” [7a] (p1-2 of section III)

- 6.395 As reported by the official *People’s Daily* newspaper on 10 May 2003, the Intermediate People’s court in Lianoyang City sentenced two former steel workers to seven and four years imprisonment for attempting to overthrow state power and trying to set-up the Lianoyang branch of the China Democratic Party. [12e]
- 6.396 According to the report, “The court ruled that evidence proved that the two [Yao Fuxin and Xiao Yunliang] were guilty of crimes of subversion in accordance with articles 105 and 106 of the Criminal Law.” [12e]
- 6.397 As reported by AI in their January 2004 report, *Controls tighten as Internet activism grows*, of the 54 people detained and sentenced for Internet activism eight were CDP members/sympathisers (figures accurate up to 7 January 2004). [6h]

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

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6.C HUMAN RIGHTS – OTHER ISSUES

TREATMENT OF ASYLUM SEEKERS/REFUGEES

- 6.398 Article 322 of the Criminal Law covers the penalties for illegal emigration. It states, “Whoever violates the laws and regulations controlling secret crossing of the national boundary (border), and when the circumstances are serious, shall be sentenced to not more than one year of fixed-term imprisonment and criminal detention or control.” [5i]
- 6.399 Articles 52 and 53 cover financial penalties for returnees. They state:
- “**Article 52.** In imposing a fine, the amount of the fine shall be determined according to the circumstances of the crime.
- Article 53.** A fine is to be paid in a lump sum or in installments [sic] within the period specified in the judgment [sic].
- Upon the expiration of the period, one who has not paid is to be compelled to pay. Where the person sentenced is unable to pay the fine in full, the people’s court may collect whenever he is found in possession of executable property.
- If a person truly has difficulties in paying because he has suffered irresistible calamity, consideration may be given according to the circumstances to granting him a reduction or exemption.” [5i]
- 6.400 On 18 November 2004, the official news agency Xinhua reported, “In 2003, about 26,000 Chinese people illegally entering other countries were repatriated, with a further 12,000 being sent back to China in the first half of this year.” [13o]
- 6.401 As reported by the US State Department Report on Human Rights (Taiwan) 2004 (USSD Report Taiwan 2004), published on 28 February 2005:

“While the [Taiwanese] authorities were reluctant to return to the mainland those who might suffer political persecution, they regularly deported to the mainland, under provisions of the MRA [Mainland Relations Act], mainlanders who illegally entered the island for what are assumed to be economic reasons.” [2i] (Section 2d)

6.402 As reported by the Canadian IRB on 9 August 2000, “Leaving China without exit permission or a passport is a criminal offence in China punishable of [sic] up to one year in prison. Only repeat offenders would get a sentence approaching the maximum. Most first time offenders would get a short sentence, depending on the circumstances of their case but probably with sentences of 3 months.” [3b] (Based on information supplied by a Program Analyst with Citizenship and Immigration Canada – CIC and related to the repatriation of 90 Chinese illegal emigrants from Canada to Fuzhou in May 2000)

6.403 The same source continued:

“The detention centre [in Fuzhou] is a rectangular, four storey building with a large enclosed courtyard. It can accommodate a maximum of 100 detainees. The cells are all around the building with recreation facilities such as a ping pong table in the courtyard. On the first floor, there are several rooms for questioning deportees. Those rooms are fairly small with a plexiglass divider separating the detainee and the interviewer. We recognized one of the deportees of the previous day being questioned as we walked by. Each cell can accommodate up to 10-12 people. The cells are large rectangular rooms with an elevated floor on each side where mattresses are set at night and rolled up during the day. Each cell has it’s own bathroom, television, and window. From what we could see most of the inmates were sleeping, watching television or playing cards. A larger room is used as a cafeteria and ‘re-education’ room. The whole detention centre is very clean and the living conditions did not appear to be particularly harsh, almost comparable to the equivalent in Canada.” [3b] (Based on information supplied by a Program Analyst with Citizenship and Immigration Canada – CIC and related to the repatriation of 90 Chinese illegal emigrants from Canada to Fuzhou in May 2000) [3b]

6.404 The above information was still held to be current by the IRB on the 3 April 2003. [3u]

6.405 According to a report by CEME (Cooperative Efforts to Manage Emigration), which brought together the findings of weeklong visit to Fujian undertaken in June 2004:

“The team visited the main Fujian detention centre just outside Fuzhou, which can accommodate up to 300 persons – both foreigners caught entering the country illegally and Chinese returning from illegal migration activities abroad. Managed by the Border Defense Force, the centre is intended to detain persons returned and those awaiting the outcome of administrative investigation for up to 15 days. It offers information, awareness raising through newspapers, TV and discussions, recreation, medical attention and individualized ‘ideological education’. The team was told that detainees are allowed 1-3 hours ‘free activity’ every day, and that their dietary needs are taken into account.

The centre has on a number of occasions been presented as a model to immigration officials (including Ministers) from Australia, Canada and the US. It appeared clean, well kept and managed; but was unoccupied at the time of the CEME visit (indeed seemed only to have housed some 200 occupants in the year). It offers excellently presented displays of its history, including distinguished visits from other countries, and a rousing documentary video of its purpose, history and operation.

The team found the centre to be a conspicuous demonstration by the government to the world of how heavily it is investing in combating irregular forms of migration. However, given that the centre was unoccupied, the team speculated about how much it was actually used for the purposes and to the extent claimed.” [97] (p9)

6.406 As reported by the USSD Report 2004, “Persons who were trafficked from the country and then repatriated sometimes faced fines for illegal immigration upon their return; after a second repatriation, such persons could be sentenced to reeducation through labor. Alien smugglers were fined \$6,000 (RMB 49,600), and most were sentenced to up to 3 years in prison; some have been sentenced to death.” [2j] (Section 5)

6.407 As reported by the CEME report (see above) “Persons convicted of organizing smuggling or trafficking can be fined or, if convicted, sentenced to 2, 5, 10 years or life imprisonment.” [97] (p7)

(See also Section 6.B: North Korean refugees and Penalties for retuning Tibetans)

RETURNING TO CHINA AFTER HAVING A CHILD ABROAD

6.408 As reported by the US Citizenship and Immigration Services on 21 January 2004:

“Relatively little information is available to the Resource Information Center (RIC) within time constraints on the treatment of rural Chinese women who return to China with children born outside the country. For this reason, it is unclear whether the fact that the children are U.S. citizens makes any difference.” [84d]

6.409 This report also stated:

“A China specialist at the U.S. State Department told the RIC that his office presently had little information on the treatment of returning Chinese who had children while abroad. The specialist added that actual implementation of China’s population control policy varies considerably throughout the country, and that some people in southern Fujian and Guangdong provinces had reported no problems in returning after having children abroad (U.S. DOS/DRL 20 Jan 2004).” [84d]

6.410 An earlier report dated 12 June 2002 by the same source stated:

“According to sources contacted by the Resource Information Center (RIC), Chinese authorities seem to be dealing relatively leniently with citizens who return to China with two or more children, particularly students and

professionals. If they are punished at all for violating family planning policies, it is generally with fines rather than more severe measures, although the fines can be steep. Experts consulted by the RIC had little information about whether this lenience extends to workers and peasants.” [84b]

6.411 This report also stated:

“A University of California (Irvine) anthropologist who is an expert on China’s family planning program, and who co-wrote a 2001 RIC report on the topic, said she has little information about whether returning workers and peasants who violated birth control policies while abroad receive the same lenient treatment as students and professionals. She noted that, in general, Chinese citizens who have ‘above-quota’ children while abroad generally are treated more leniently than those who violate quotas inside China (Expert 11, 12 Jun 2002).” [84b]

6.412 The rights of returning overseas Chinese are protected by the Law of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese, effective as of 1 January 1991. [5d]

6.413 Article 3 of this Act states:

“Returned overseas Chinese and the family members of overseas Chinese shall be entitled to the citizen’s rights prescribed by tile [sic] Constitution and the law and at the same time shall perform the citizen’s duties prescribed by the Constitution and the law. No organization or individual may discriminate against them.

The State shall, in accordance with the actual conditions and the characteristics of returned overseas Chinese and the family members of overseas Chinese, give them appropriate preferential treatment, and the specific measures thereof shall be formulated by the State Council or the relevant competent departments under the State Council.” [5d]

(See also Section 5: [Citizenship and nationality](#))

1951 CONVENTION

6.414 As reported by the US State Department (USSD) Report 2004, published on 28 February 2005, “China is a signatory to the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol. However, there are no laws or regulations authorising the Government to grant asylum.” [2j] (Section 2d)

MEMBERSHIP OF INTERNATIONAL ORGANISATIONS

6.415 As noted by the FCO on their country profile for China, last reviewed on 25 May 2005, China is a member of ASEAN Regional Forum (ARF); Asia-Pacific Economic Co-operation Forum (APEC); Asian Development Bank (ADB); Shanghai Co-operation Organisation; and World Trade Organisation (WTO). As noted by the same source it is also a permanent member of the UN Security Council. [31a]

DISPUTED TERRITORIES

TAIWAN

- 6.416 As reported by Europa World in their Country profile for China (Taiwan), The Republic of China (ROC) more commonly called Taiwan occupies a total land area of 36.188 sq. km and has a population of 22.56 million people. [1b] [18c] (map)
- 6.417 As noted by the BBC on their country profile for Taiwan, last updated on 15 June 2005, "The Chinese nationalist government [KMT] of President Chiang Kai-shek fled to Taiwan [island] ahead of the advance of Communists under Mao Zedong in 1949. The government-in-exile established Taipei as its capital and for decades hoped to reclaim control over the mainland." [9c]
- 6.418 In their country profile for Taiwan, last reviewed on 20 September 2005, the Foreign and Commonwealth Office (FCO) describes Taiwan as a "Multi-party democracy with directly-elected President." [31b]
- 6.419 As noted by the same source:
- "China has been highly critical of [President] Chen Shui-bian and his predecessor Lee Teng-hui because of their pro-independence leanings. China refuses to resume direct political contacts with Taiwan until it accepts a 'One China' formula as a precondition for negotiations. Taiwan's political parties have different positions on how to approach negotiations with the mainland, but all insist that the 'Republic of China' is a separate political entity from the PRC Government. Although China has sought reunification through negotiation, the Chinese have not renounced the threat of military action against Taiwan... China enacted its anti-secession law on 14 March 2005 to, 'oppose and check' Taiwanese independence. The anti-secession law reiterates the 'one-China' policy and sets out certain measures to maintain peace and stability in the Taiwan Strait and to promote cross-strait relations. But it also authorises the use of 'non-peaceful' means if peaceful reunification fails." [31b] [13x] (text of anti-secession law)
- 6.420 As reported by the BBC on 1 May 2005, "Taiwan President Chen Shui-bian has urged the Chinese government to open talks with his administration. The call comes as Taiwanese opposition leader, Lien Chan, continues a visit to China, where he has held historic talks with President Hu Jintao... Mr Lien heads the KMT, who were driven out by the Communists in 1949." [9m]
- 6.421 As noted in the same report, "Beijing's strategy has been to reach out to Taiwan's opposition politicians, in a bid to isolate Mr Chen and force him to moderate his pro-independence stance, says the BBC's Louisa Lim in Beijing. But big obstacles still remain to cross-strait ties, our correspondent says. China refuses to talk to Mr Chen until he signs up to their one-China policy – something which would be political anathema for him, she says." [9m]
- 6.422 As reported by BBC on 17 July 2005, "Taiwan's largest opposition party, which favours closer ties with China, has elected Taipei Mayor Ma Ying-jeou as its new leader. He beat legislative speaker Wang Jin-pyng to take over as head of the nationalist Kuomintang party (KMT)." [9p]
- 6.423 According to a report by *Asia Times* dated 19 August 2004:

“Today, many accept China’s claim to Taiwan – a Chinese province, the CCP claims, since time immemorial – without question. But in the first two decades of the CCP’s existence (1921-42) Taiwan was of only passing interest to both the CCP and the former Republic of China (ROC) government. Taiwan was an area defined both visually and rhetorically as beyond the margins of the Han Chinese world. In documents, speeches, maps and even postage stamps, Taiwan and the Taiwanese were characterized as a region and a regional national minority, not a province. Taiwan was only later declared an integral part of China when it was politically expedient to do so.” [64a]

- 6.424 As reported by the US State Department Report on Human Rights (Taiwan) 2004 (USSD Report Taiwan 2004), published on 28 February 2005, “The [Taiwanese] authorities generally respected the human rights of citizens; however, there were problems in some areas. Instances of police abuse of persons in custody, official corruption, violence and discrimination against women, child prostitution and abuse, and trafficking in women and children occurred.” [2i] (p1)
- 6.425 As reported by CNN Election Watch on 12 December 2004, in the general election held on December 11 2004, the ruling Pan-Green coalition led by President Chen Shui-ban’s Democratic Progressive Party (DPP) failed to gain a majority in the 225-seat Legislature (Yuan). The Pan-Blue coalition, led by the Nationalist KMT won 114 seats compared to 101 by the Green’s. [10b]

(See also Annex E: [Taiwanese general election](#))

SPECIAL ADMINISTRATIVE REGIONS (SARs)

HONG KONG (SAR)

- 6.426 As reported by Europa World in their Country profile for Hong Kong, Hong Kong is a special administrative region of China and occupies a total land area of only 1.093 sq. km; by comparison China as a whole occupies 9.572 sq. km. It has a population of 6.8 million people. It is situated off the south eastern coast of Guangdong province and comprises Hong Kong Island, the Kowloon peninsula and the New Territories, which were leased to the UK for 99 years in 189. [18d] (map)
- 6.427 As noted by the same source Hong Kong reverted back to China on 1 July 1997. Under its mini constitution (the Basic Law) it is allowed a high degree of autonomy under a policy known as “One Country, Two Systems”. [1c]
- 6.428 As noted by the FCO on their country profile for Hong Kong, last reviewed on 15 July 2005, Hong Kong is governed by a partially elected Legislative Council (the LegCo), which comprises 60 members. The head of government is Donald Tsang (Chief Executive) and the Head of State is Hu Jintao (President of China). [31c]
- 6.429 The same source continued:
- “There are about 3.6m British passport-holders in Hong Kong. The majority (3.44m) are British Nationals (Overseas) (BN(O)s). This form of British nationality accords visa-free access to the UK for short visits but no right of abode in the UK. BN(O) passport holders enjoy British consular protection when

in third countries (and, in the case of non-Chinese BN(O) passport holders, in Hong Kong and Mainland China).” [31c]

5.430 As reported by the Hong Kong government’s website (accessed on 26 August 2005), “Article 4 of the Chinese Nationality Law (CNL) states that any person born in China whose parents are Chinese nationals or one of whose parents is a Chinese national has Chinese nationality.” [86a]

5.431 As noted by the same source, “Hong Kong Certificate of identity (C of I) will not be issued after June 1997. If your Hong Kong C of I is still valid, you may continue to travel on it until its expiry date or you may apply for a HKSAR passport.” [86a]

(See also Section 5: [Citizenship and nationality](#))

6.432 As reported by the USSD Report 2004:

“The [Hong Kong] Government generally respected the human rights of residents, and the law and judiciary provided effective means of dealing with individual instances of abuse... Human rights problems included: Limitations on residents’ ability to change their government and limitations on the power of the legislature to affect government policies; allegations of intimidation of journalists and other media figures; violence and discrimination against women; discrimination against ethnic minorities; restrictions on workers’ rights to organize and bargain collectively; and trafficking in persons for the purposes of forced labor and prostitution.” [2j] (Hong Kong)

6.433 As reported by the BBC on 1 July 2003 and 5 September 2003, the Hong Kong government unsuccessfully tried to implement new anti-subversion legislation (Article 23) in 2003. After a mass demonstration involving upwards of 500,000 people on 1 July 2003 the proposals were shelved indefinitely. [9aj] [9ai]

6.434 As reported by the BBC on 6 April 2004:

“Democracy campaigners in Hong Kong have reacted angrily to a ruling that gives China the final say over the territory’s political future. Pro-democracy leaders said the move undermined Hong Kong’s autonomy. They were responding to a decision by a committee of China’s parliament that it has a veto over how Hong Kong’s leader and legislature should be elected. It said that while Hong Kong can change its election laws from 2007, it first must obtain approval from Beijing.” [9au]

6.435 According to a Foreign Ministry spokesperson, quoted in the official *People’s Daily* newspaper on 22 July 2004, the Standing Committee of the NPC is fully mandated to interpret the Basic Law as it sees fit. In choosing to exercise its veto over any future electoral changes in Hong Kong it was not departing from the principles of “One Country, Two Systems”. [12t]

6.436 As reported by the BBC on 27 May 2004, “A veteran Hong Kong politician has told legislators he quit his radio talk show because of warnings he would be in danger unless he toned down his anti-Beijing views. Allen Lee, who is also a member of China’s parliament, the National People’s Congress, said he quit after a number of people pressured him to keep quiet.” [9av]

- 6.437 On 1 July 2004, the *Guardian* newspaper reported, "Democratic members of the Hong Kong legislative council have had faeces smeared on their doors and been subjected to intimidating threats. And three campaigning radio disc jockeys have disappeared from public view since threats were made against their families." [41i]
- 6.438 As reported by Asia News on 16 June 2005, "Donald Tsang, 60, the first ethnic Chinese appointed Finance Secretary of the British Crown colony of Hong Kong, becomes the new Chief Executive of the Hong Kong Territory...He got the job without being elected though. Some 710 delegates from the 800, mostly Beijing-nominated election committee members pledged their support for his nomination." [93c]
- 6.439 The same report continued:
- "Following the resignation a few months ago of former Chief Executive Tung Chee-hwa, ostensibly on health grounds, mainland China had endorsed Mr Tsang. In reality, Mr Tung's erratic and unpopular policies had turned the Beijing-dominated population of Hong Kong against him. For some analysts, Tsang's choice can thus be construed as Beijing trying to regain some popular support... Mr Tsang's only real challenger in the leadership race was Lee Wing-tat, president of the Democratic Party (DP), who only got 51 endorsements." [93c]

MACAO (SAR)

- 6.440 As reported by Europa World in their Country profile for Macao, Macao is a special administrative region of China and occupies a total land area of only 27.3 sq. km. It has a population of 444,000. It is situated approximately 60 km west of Hong Kong on a narrow peninsula on the south eastern coast of Guangdong province. It also encompasses two small Islands, Taipa and Coloane. Together with the peninsula these territories were ceded to Portugal in 1887. [1d] [18e] (map)
- 6.441 As noted by the same source Macau reverted back to China on 20 December 1999. Under a policy known as "One Country, Two Systems" it is allowed a high degree of autonomy in areas other than foreign policy and defence. [1d]
- 6.442 As noted by the FCO on their country profile for Hong Kong, last reviewed on 28 April 2005, Macao is governed by a partially elected Legislative Council, which comprises 27 members. The head of government is Mr Edmund Ho Hau Wah (Chief Executive) the Head of State is Hu Jintao (President of China). [31d]
- 6.443 As reported by the USSD Report 2004, "The Government generally respected the human rights of its citizens; however, there were problems in some areas. These problems included the limited ability of citizens to change their government, limits on the legislature's ability to initiate legislation, and a lack of legal protection for strikes and collective bargaining rights." [2j] (Macao)
- 6.444 As reported by the BBC 29 August 2004, Edmund Ho Hau-wah Ho was re-elected as Chief Executive on 28 August 2004. He polled 296 out of 300 possible votes in the Election Committee, whose job it is to select the Chief Executive. [9bf]

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Annex A: Chronology of events – China post-1949

Based on BBC Timeline last updated on 29 April 2005 [9a] and Europa World, Country Profile: China [1a]

- 1949** **1 October:** The People's Republic of China (PRC) proclaimed by Chinese Communist Party (CCP) leader, Mao Zedong.
- 1950** Land reform started.
- 1954** First constitution adopted.
- 1959** "Great Leap Forward" started – China attempted rapid industrialisation at the expense of agricultural output. An estimated 30 million people died of famine during this period.
- 1961** "Great Leap Forward" abandoned.
- 1966** Start of the Cultural Revolution, Red Guards fanatically loyal to Mao were given free rein to destroy the "four olds" (old ideas, old customs, old culture, old habits) – this led to social disintegration and Mao was forced to call upon the army (PLA) to restore order.
- 1975:** New Constitution adopted.
- 1976** **8 January:** Premier Zhou Enlai died.
9 September: Mao died. End of Cultural Revolution.
October: Hu Guofeng replaced Mao as CCP Chairman having previously taken over from Zhou as Premier.
- 1978** New (third) Constitution adopted. Beginning of Democracy Wall Movement. Start of economic reforms.
- 1979** **March-December:** Democracy Wall Movement suppressed.
- 1980** Hua Guofeng replaced as Premier by Zhao Ziyang. Deng Xiaoping emerged as China's paramount leader.
- 1982** Hua replaced as CCP General Secretary by Hu Yaobang. New (fourth) Constitution adopted. Post of CCP Chairman abolished and remaining Maoists purged from the party.
- 1986** Revival of Hundred Flowers movement of the 1950s suppressed.
- 1987** CCP General Secretary, Hu, forced to resign after failing to stop student demonstrations.
- 1989** **15 April:** Hu died and news of his death sparked angry protests by students and workers in Tiananmen Square (TS). Calls for his posthumous rehabilitation quickly escalated into demands for greater democracy, an end to official corruption and finally the overthrow of the Communist Party. Beijing was placed under martial law as protests spread to other parts of China.

19 May: CCP General Secretary, Zhao Ziyang pleaded with demonstrators to disperse.

30 May: Students erected “Goddess of Democracy” statue in TS.

4 June: Party elders, including Deng ordered TS cleared and the Army (PLA) together with the People’s Armed Police (PAP) moved against protesters using tanks and armoured cars. Several hundreds of people were killed as troops lost control and fired on unarmed protestors, mostly in the side streets around the Square. The official death toll was put at 200. International outrage led to the imposition of sanctions.

November: Deng resigned from his last government position.

1992 Jiang Zemin became President.

1997 Deng Died.

1 July: Hong Kong reverted back to China.

1998 China began restructuring State Owned Enterprises (SOEs). This would lead to tens of millions of job losses.

1999 NATO accidentally bombed the Chinese embassy in Belgrade, Yugoslavia.

July: Falun Gong “cult” banned.

20 December: Macau reverted back to China.

2001 **April:** US spy plane shot down and crew detained.

November: China admitted to World Trade Organisation (WTO).

2002 **November:** Hu Jintao replaced Jiang Zemin as CCP General Secretary.

2003 **15 March:** Hu Jintao elected President with Wen Jiabao as Premier.

March-April: Outbreak of SARS (Severe Acute Respiratory Syndrome).

June: SARS brought under control.

1 July: Mass demonstrations in Hong Kong against plans to introduce a new anti-subversion bill (Article 23).

September: Article 23 shelved indefinitely by the Hong Kong Government.

2003 **October:** Launch of China’s first manned spacecraft. Its pilot, Yang Liwei became a national hero overnight.

2004 **April:** NPC ruled out direct elections for Hong Kong’s leader (Chief Executive) in 2007.

September: Hu Jintao replaced Jiang Zemin as head of the military.

2005 **17 January:** Purged Chinese leader Zhao Ziyang died.

March: New law enacted calling for the use of force should Taiwan declare independence from the mainland.

April: Anti-Japanese protests reported in many large Chinese cities.

Taiwanese opposition leader Lie Chan visited the mainland; the first meeting between Nationalists and Communists since 1949.

(See also Section 4: [History](#))

Annex B: Chronology of events – Tibet post-1910

Based on The World Guide 2003/2004 [57a] (p182-183) and Annex1: Important Dates and Anniversaries (Tibet), Courtesy of the Foreign and Commonwealth Office (FCO). [31e]

- 1910** Chinese troops entered the Tibetan capital, Lhasa.
- 1912** **June:** Tibetans expelled Chinese troops. Dalai Lama proclaimed Tibetan independence.
- 1922** Panchen Lama fled to Beijing.
- 1938** His successor is anointed.
- 1949** **1 October:** Communists came to power in China.
- 1950** Communists declared their intention to “liberate” Tibet from feudalism.
7 October: Eastern Tibetan province of Kham invaded by Chinese troops.
19 October: Eastern city of Qamdo occupied by the Chinese army (PLA).
17 November: Dalai Lama assumed full temporal and spiritual powers.
- 1951** **23 May:** Dalai Lama signed 17-point agreement with China.
[42a] (text of the agreement)
26 October: PLA entered Lhasa.
- 1952** Panchen Lama entered Tibet under Chinese military escort and is enshrined as head monk at the Tashilhunpo Monastery, west of Tibet’s second city Shigatse.
- 1959** **10 March:** Nationalist uprising put down by Chinese troops. Chinese figures recorded 87,000 deaths. Tibetan sources suggested as many as 430,000 were killed. Dalai Lama fled to India while Panchen Lama remained but refused to denounce him as a traitor – he was later jailed (1964).
- 1965** **9 September:** Tibetan Autonomous Region (TAR) established.
- 1987** **1 October:** Riot in Lhasa.
- 1988** **5 March:** Riot in Lhasa (final day of Monlam festival).
- 1989** **28 January 1989:** Death of the Panchen Lama in Lhasa.
5 March: Riot in Lhasa.
7 March: Martial Law imposed in Lhasa.
- 1990** **1 May:** Martial law lifted in Lhasa.
- 1994** Successor to the Panchen Lama anointed. Dalai Lama refused to recognise the child “chosen” by Beijing.
- 1999** Karmapa Lama fled to India.

- 2000** **April:** Dalai Lama publicly stated that he was seeking only genuine autonomy from China and not full independence.
- 2001** Chinese engineers discovered an oilfield estimated to hold 100 million tonnes of crude oil.
- 2002** Chinese Government announced the construction of a 1,000-km railway across the Himalayas.
- April** Monument to the “peaceful liberation” of Tibet erected opposite the Dalai Lama’s winter residence in Lhasa.

Annex C: Chronology of events – Xinjiang (Eastern Turkmenistan)

Based on *Xinjiang China's Muslim Borderland* edited by S. Fredrick Star, published 2004. [50d]

- 1884** Xinjiang (meaning New Frontier or Territory) became a province of China. (p27, 62)
- 1911** Fall of the Qing Dynasty. (p72)
- 1911-1912** Yang Zengxian backed up by Tungan (Hui) officers seized control of the capital, Urumchi. (p67-69)
- 1912-1928** Yang ruled Xinjiang and even printed his own currency, as he paid only lip service to a weak Chinese Emperor (Manchu Dynasty). (p68-70)
- 1928-1933** Jin Shuren ruled Xinjiang (Yang was assassinated 1928) until overthrown by Han officers angry at his misrule in April 1933. Succeeded by Sheng Shicai. (p71)
- Early 1930s** Series of rebellions against Chinese rule. (p73-77)
- 1933** **November:** Eastern Turkmenistan Republic (ETR), also referred to as the Republic of Uyghuristan or the Eastern Turkistan Islamic Republic, was proclaimed. (p78)
- 1934** ETR crushed by an alliance of Chinese and Russian troops. Tungan (Hui) troops play a prominent role in suppressing Uighur rebellions. (p78-89)
- 1934-1941** Xinjiang ran as a Soviet satellite state with Sheng as its leader. During this time fourteen ethnic groups were recognised: Uyghurs/Uighurs, Taranchi (Uighurs in Ili), Kazaks, Kyrgyz, Uzbeks, Tatar, Tajiks, Manchu, Sibw (Xibo), Solon, Han, Hui (Tungan), Mongol and Russia with government posts shared out along ethnic lines. (p79-80)
- 1944** **September:** The Chinese Nationalists (KMT) orchestrated Sheng's removal from Xinjiang. (p80)
October: Discontent with high taxes and Han migration led to the "Three Districts Revolt" and the formation of the second ETR in November 1944, though the KMT kept control of the capital, Urumchi. (p82-83)
- 1946** **July:** Agreement reached over a coalition government. However, Xinjiang remained divided, split between the Uighur-controlled south and the KMT-administered north. (p82-85)
- 1949** **Mid-October:** PLA occupied southern Xinjiang. (p86)
December: PLA occupied northern Xinjiang. CCP announced that the "Three Districts Revolt" was part of the Communist revolution and that all of Xinjiang fell within the PRC. (p86)

- 1950-51** Islamic taxes abolished and clerics co-opted within the Chinese Islamic Association. (p89)
- Late 1951-52** Turkic leaders linked to the ETR purged. (p87)
- 1955** **1 October:** Xinjiang Uyghur Autonomous Region (XUAR) created. (p108)
- 1967-68** Violent clashes between Maoists and regular PLA troops. (p95)
- 1990-2001** Over 200 militant actions, leading to 162 deaths are reported by the Chinese government. (p317)
- 1990** **5 April:** Up to 3,000 Uighur are killed in clashes with Chinese police in the town of Baren, near Kashgar. (p316)
- 1995** Hundreds of Uighur are killed during clashes with the police in Khotan. (p317)
- 1997** **February:** Riot in Yining, at least nine Uighur are killed and hundreds are detained. (p116)
25 February: Three bombs exploded in Urumchi, killing nine people. (p317)
- 2002** **August:** Chinese government named eight Uighur terrorist forces it says are operating within Xinjiang. The UN added one of these groups, the Eastern Turkistan Islamic Movement (ETIM) to the list of international terrorist groups (26 August 2002). (p317-318)

Annex D: Prominent organisations

All-China Federation of Trade Unions (ACFTU)

Government sponsored Trade Union group [2j] (Section 6a)

All China Women's Federation (ACWF)

Government sponsored women's group [2j] (Women)

Catholic Patriotic Association

Government sponsored Catholic group [2f] (Section II)

Chinese Christian Council (CCC)

Government sponsored Protestant group [66a] (p3)

Chinese Communist Party (CCP) (Zhongguo Gongchan Dang)

Ruling Party [2j] (p1) membership 69.6 million [12ae]

Wheel of the Law (Falun Gong)

Banned cult, also known as Falun Dafa [2f] (p1) See also Li Hongzhi (founder)

National People's Congress (Quanguo Renmin Daibiao Dahui) NPC

Chinese Parliament [1a]

National Population and Family Planning Commission of China (NPFPC)

Government department responsible for overseeing population control, formerly known as the State Family Planning Commission [3j] (Children)

People's Armed Police (PAP)

Paramilitary branch of the police [52a]

People's Liberation Army (PLA)

Chinese Army [1a] (Defence)

State Administration for Religious Affairs (SARA)

Government Department which registers and monitors religious groups [66d] (p3)

State Bureau for Petitions and Appeals

Government Department responsible for looking into complaints from the public [9bd]

Taoist Association

Government sponsored Taoist group [2f] (Section I)

Three-Self Patriotic Movement (TSPM)

Government sponsored Protestant group [66a] (p3)

Xinjiang Production and Construction Corporation (XPCC) (Xinjiang shengchan jianshe bingtuan)

Paramilitary agro-industrial agency, which employs millions of Han migrants in Xinjiang [59a]

Annex E: Taiwanese general election (11 December 2004)

Name of Party	Seats
<i>Pan-Blue Alliance</i>	
Kuomintang (KMT)	79
People First Party (PFP)	34
New Party (NP)	0
<i>Pan-Green Alliance</i>	
Democratic Progressive Party (DPP)	89
Taiwan Solidarity Union (TSU)	12

[10b]

Annex F: Hong Kong political organisations

April Fifth Action

Socialist group, anti-Beijing.

Spokesperson: Leung Kwok-hung. [1c] (Government and Politics)

Article 45 Concern Group

Pro-democracy, supports election of Hong Kong's Chief Executive by universal suffrage. [1c] (Government and Politics)

Association for Democracy and People's Livelihood (ASPL)

Advocates democracy.

Chair. Frederick Fung Kin-kee.

Gen. Sec: Tam Kwok-kiu. [1c] (Government and Politics)

Citizens Party

Founded 1997; urges mass participation in politics; established by Christine Loh, Chairwoman 1997–2000.

Chair: Alex Chan. [1c] (Government and Politics)

Democratic Alliance for the Betterment and Progress of Hong Kong (DAB)

Founded 2005; pro-Beijing; formed by merger of the Democratic Alliance for the Betterment of Hong Kong (f. 1992, supported return of Hong Kong to the motherland and implementation of the Basic Law) and the Hong Kong Progressive Alliance (f. 1994, supported by business and professional community).

Chair: Ma Lik.

Sec-Gen: Kan Chi-ho.

[1c] (Government and Politics)

Democratic Party

Founded 1994; by merger of United Democrats of Hong Kong (UDHK – declared a formal political party in 1990) and Meeting Point; liberal grouping; advocates democracy.

Chair: Lee Wing Tat.

Sec-Gen: Cheung Yin-tung.

[1c] (Government and Politics)

The Frontier

Founded 1996; pro-democracy movement, comprising teachers, students and trade unionists.

Spokesperson: Emily Lau.

[1c] (Government and Politics)

Hong Kong Confederation of Trade Unions

Pro-business.

[1c] (Government and Politics)

Hong Kong Democratic Foundation

Advocates democracy.

Chair: Alan Lung.

[1c] (Government and Politics)

Hong Federation of Trade Unions

Pro-business.

[1c] (Government and Politics)

Hong Kong Voice of Democracy

Pro-democracy movement.

Dir: Lau San-ching.

[1c] (Government and Politics)

Liberal Party

Founded 1993; by members of Co-operative Resources Centre (CRC); business-orientated; pro-Beijing.

Leader: Allen Lee Peng-fei.

Chair: James Tien.

[1c] (Government and Politics)

Neighbourhood and Worker's Service Centre

www.nwsc.org.hk

[1c] (Government and Politics)

New Hong Kong Alliance

Pro-China.

[1c] (Government and Politics)

Annex G: Democratic parties

Political organisations existing prior to the establishment of the PRC (1949) who subordinate themselves to the will of the CCP

- China Association for the Promotion of Democracy
- China Democratic League
- China National Democratic Construction Association
- China Zhi Gong Dang (Party for Public Interest)
- Chinese Peasants and Workers Democratic Party
- Jui San (3 September) Society
- Revolutionary Committee of the Chinese Kuomintang
- Taiwan Democratic Self-Government League [1a] (Government and politics)

Annex H: Dissident groups

This is not an exhaustive list.

(See also Section 6.A: [Political activists](#))

China Democracy Party (CDP) (Zhongguo Mains Dang)

Set up by dissidents in 1998 the CDP was the first attempt to legally register an opposition party. The Communist Party quickly crushed it and at least 30 members were sentenced to jail terms of up to 13 years. [9as]
 Leaders: Wang Youcai (founder), Xu Wenli and Qin Yongmin. Key leaders all detained by the end of 1999. [2j] (Section 3)

The China Progressive Alliance (CPA) (Zhonghau Tongmeng)

Founded mid-1991 by supporters of 1989 democracy movement. Members met in May 2001 and agreed 11-point manifesto – committed to fighting dictatorship, but also working with progressive elements of the CCP. [6c] (p3)

The Free Labour Union of China (FLUC) (Zhonggou Ziyou Gonghui)

Founded late-1991. In January 1992 distributed leaflets encouraging the formation of independent trade unions. After some of its members were secretly arrested in June 1992 the group sent a letter of appeal to the International Labour Organisation (ILO) in Geneva. [6c] (p4)

The Liberal Democratic Party of China (LDPC) (Zhongguo Ziyou Minzhu Dang)

First surfaced in November 1991, posting a statement critical of human rights violations in China at Beijing university. Made similar statements in March 1992. [6c] (p3)

The Social Democratic Party of China (SDPC) (Zhonggou Shihui Minzhu Dang)

Founded in 1991 and based in Lanzhou, Gansu province. “It claimed to have over 100-members, including students, workers, intellectuals and government cadres, most of whom had participated in the 1989 democracy movement.” Issued its manifesto in April 1992, calling on other parties to join together to advance democracy. By May 1992, 50 members had been arrested. [6c] (p4)

The Chinese Nation’s People’s Party

Founded in mid-1990s by Li Wenshan and Chen Shiqing, two middle-aged farmers in Gansu province. It advocated democracy, human rights and prosperity and had 1000 members by early 1999. Li and Chen along with 10-12 members were tried on 30 August 2000. Li and Chen received 13 and eight year prison terms respectively. Eight others were sent to re-education through labour camps. [59b]

Chinese Plum Nation Party

Founded in late 1980s by 50 year old farmer Fen Zhengming. Operating in 17 provinces by early 1990s. Fen detained in April 1992 and given 15-year sentence. [59b]

Annex I: Prominent people

Chen Shui-bian

President of Taiwan. Elected 18 March 2000. Re-elected 20 March 2004. [1b]

Chiang Kai-shek

Nationalist (KMT) leader who lost civil war. Fled to Taiwan 1949. [1b] Died 1975.

Dalai Lama

Spiritual and political leader, to whom most Tibetans look to for guidance, Heads government in exile, based in Dharamsala (Northern India). Left Tibet in 1959. [57] (p183)

Deng Xiaoping

Paramount leader for most of 1980 and early 1990s. Architect of economic reforms. Also ordered troops into Tiananmen Square. Died 1997. [1a]

Edmund Ho H.W. Ho

Chief Executive of Macau SAR. [1d]

Hu Jintao

President of China, elected 15 March 2003. Also General Secretary of the CCP (November 2002) and head of the military (September 2004). [31a] (2-3)

Hu Yaobang

Liberal party leader whose death sparked Tiananmen Square protests. Died 1989. [1a] (history)

Li Hongzhi

Founder of banned "cult" Falun Gong. [50c] (p3-8)

Jiang Zemin

Succeeded Deng Xiaoping as core leader. Stepped down as head of the army in September 2004, having already relinquished the Presidency and leadership of the CCP to Hu Jintao. [1a] (history)

Mao Zedong

Founded PRC on 1 October 1949. Presided over disastrous "Great Leap Forward" and instigated Cultural Revolution. Died in 1976. [1a]

Panchen Lama

Next most senior Lama after the Dalai Lama (see above). [57] (p183)

Donald Tsang Yam-keun

Chief Executive of Hong Kong SAR. [1a]

Wei Jiangsheng

Exiled leader of the Democracy Wall movement (1978/79). [9d]

Wen Jiabao

Premier of China, elected September 2003. [31a] (2-3)

Wu Bangguo

Chairman of the Standing Committee of the NPC, elected March 2003. [31a] (2-3)

Zhao Ziyang

Former party leader who opposed Tiananmen Square crackdown. Purged from the Party shortly afterwards. Died 17 January 2005. [13t] [9bv]

Annex J: The Government

President: Hu Jintao (elected 15 March 2003).

Vice President: Zeng Qinghong (elected 15 March 2003).

State Council (April 2005)

Premier: Wen Jiabao.

Vice-Premiers: Huang Ju, Wu Yi, Zeng Peiyan, Hui Liangyu.

State Councillors: Zhou Yongkang, Gen. Cao Gangchuan, Tang Jiaxuan, Hua Jianmin, Chen Zhili.

Secretary-General: Hua Jianmin.

Minister of Foreign Affairs: Li Zhaoxing.

Minister of National Defence: Gen. Cao Gangchuan.

Minister of State Development and Reform Commission: Ma Kai.

Minister of Education: Zhou Ji.

Minister of Science and Technology: Xu Guanhua.

Minister of State Commission of Science, Technology and Industry for National Defence: Zhang Yunchuan.

Minister of State Nationalities Affairs Commission: Li Dezhu.

Minister of Public Security: Zhou Yongkang.

Minister of State Security: Xu Yongyue.

Minister of Supervision: Li Zhilun.

Minister of Civil Affairs: Li Xueju.

Minister of Justice: Zhang Fusen.

Minister of Finance: Jin Renqing.

Minister of Personnel: Zhang Bailin.

Minister of Labour and Social Security: Zheng Silin.

Minister of Land and Natural Resources: Sun Wensheng.

Minister of Construction: Wang Guangtao.

Minister of Railways: Liu Zhijun.

Minister of Communications: Zhang Chunxian.

Minister of Information Industry: Wang Xudong.

Minister of Water Resources: Wang Shucheng.

Minister of Agriculture: Du Qinglin.

Minister of Commerce: Bo Xilai.

Minister of Culture: Sun Jiazheng.

Minister of Public Health: Wu Yi.

Minister of Population and State Family Planning Commission: Zhang Weiqing.

Governor of the People's Bank of China: Zhou Xiaochuan.

Auditor-General of the National Audit Office: Li Jinhua. [1a] (Politics)

Chinese Communist Party (CCP)

General Secretary: Hu Jintao

Politburo Standing Committee Members

Hu Jintao, Wu Bangguo, Wen Jiabao, Jia Qinglin, Zeng Qinghong, Huang Ju
Wu Guanzheng, Li Changchun and Luo Gan [1a] (Politics)

Annex K: Glossary – Chinese terms

danwei	work unit
Fie Ch'ien	"flying money" underground banking system
getihu	family run business
Guanxi	social connections, used to obtain favours
guojia	mass religious organisation, sponsored by the State
hei haizi	"black children" children born contrary to the "one child policy"
huafeng	"Chinese ways"
Huayi	"Chinese overseas"
Huaqiao	"people abroad" = overseas Chinese
hukou	household registration document
hutongs	Traditional Chinese neighbourhoods
laodong jiaoyang	"re-education through labour" (RTL); main form of administrative detention
Laogai	labour camps
mingong	Chinese migrant peasant
Mianzi	"face", prestige or respect
nongzhuanfei	hukou conversion i.e. from rural to urban resident
qigong	ancient form of energy cultivation/ relaxation technique
renshe	the "customers" of Snakeheads (people smugglers)
shourong shencha	"Custody and Investigation" form of administrative detention now abolished
shourong qiansong	"Custody and Repatriation" another form of administrative detention now abolished
Tiananmen	"gate of heavenly peace"
tongxianghui	association of people with the same birth place
wai shi	system used for managing foreigners in China
xiangang	"off post" redundant state workers
Xinjiang	"New Frontier" also see XUAR
Xiaokang	relatively prosperous
xiejiao	"evil cult"
Xizang	Chinese name for Tibet
Zanzhu Zheng	Temporary Residents Permit
Zhonghua Renmin Gongheguo ...	Peoples Republic of China, official name of the country
Zhongnanhai	Headquarters of the CCP in Beijing

Annex L: Glossary – English terms

Basic Law	Hong Kong's mini constitution
'Bare Branches'	Term used to denote unattached males
CCP	Chinese Communist Party
Executive Council	Hong Kong's top decision making body
HK	Hong Kong
IMAR	Inner Mongolia Autonomous Region
LegCo	Hong Kong and Macau Legislative Councils
MPS	Ministry of Public Security
"Mixing Sand"	Name given to Han migration to Xinjiang
NHAR	Ningxia Hui Autonomous Region
Procuracy	Responsible for investigating and prosecuting criminal cases
PRC	People's Republic of China
PSB	Public Security Bureau, local police force
ROC	Republic of China, official name for Taiwan
SAR	Special Administrative Region – Hong Kong and Macau
SARG	Special Administrative Region Government
Snakeheads	People smugglers
TAR	Tibetan Autonomous Region
'Three Represents' theory....	Perplexing personal philosophy of former President Jiang Zemin
XUAR	Xinjiang Uygur Autonomous Region

Annex M: Glossary – Tibetan terms

Democratic Management	
Committees (DMC)	Committees which oversee the running of Buddhist temples in Tibet
Geshe	Monk or lama who has completed the highest form of monastic studies.
Lamas	“superior ones” most revered Tibetan Monks reincarnation of the Buddha.
Lamaseries	monasteries
Lhasa	Tibetan capital
Potala Palace	Official residence of the Dalai Lama in Lhasa
Rinpoche	honorific title given to monks
Tibet	“rooftop of the world”

Annex N: Guide to Tibetan names

Name.....	Pronunciation	Meaning
Chodak	CHO-dak	Dharma Spreader
Choden	CHO-den	One who is devout, religious
Choegyal	CHO-gyal	Dharma king
Chophel	CHO-pel	The flourishing of the Dharma
Dhargey	DAR-gye	Progress, development, spreading
Dorje	DOR-je	Vajra, which means indestructible
Gyaltsen	GYEL-tsen	Victory banner
Jampa	JAM-pah	Loving-kindness
Jamyang	JAM-yang	Gentle voice
Kalsang	KAL-sang	Good fortune
Karma	KAR-ma	Action, deed
Kunchen	KUN-chen	All-knowing
Lhundup	LUN-d(r)oop	Spontaneously accomplished
Lobsang	LOB-sang	Noble-minded
Ngawang	NAR-wang	Powerful speech
Ngodup	NOD-oop	Attainment, accomplishment
Norbu	NOR-bo	Jewel
Palden	PAL-den	Glorious
Pema	PEM-a	Lotus
Phuntsok	Poon-tsok	Excellence
Rabten	RAB-ten	Steadfast
Rinchen	RIN-chen	Precious, gem (great value)
Samdup	SAM-d(r)oop	Fulfillment (of one's wishes)
Sangye	SANG-gye	Buddha
Sonam	SON-am	Merit
Tenzin	TEN-zin	Holder of the teachings
Thekchen	TEK-chen	Mahayana
Thokmay	TOK-me	Unobstructed, unhindered
Thubten	TOOB-ten	The Buddha's teaching
Tinley	T(R)IN-ley	Enlightened activity
Tsering	TSER-ing	Long life
Tseten	TSET-en	Stable life
Tsewang	TSE-wang	Life empowerment
Wangchuk	WANG-chook	Lord, mighty
Wangdak	WANG-dak	
Wangdue	WANG-doo	Subduer
Yonten	YON-ten	Good qualities

[31h]

Annex O: Tibetan festivals

Based on information supplied by the FCO [31i]

“Gutor = Day before New Year’s Eve (29th day of the 12th lunar month)

Preparations for New Year start about two weeks before the day and people arrange their religious offerings, buy new dress clothes, food and drink for the feasts etc. The feasts include a substantial amount of ‘Dresi’ a sweet buttered rice with added raisins, ‘Droma’, which is rice boiled with small potatoes, various meats, fruits, breads, chang, butter tea among others. ‘Kapse’, a fried sweet that comes in different shapes and forms, are a must. Tibetans are supposed to see in the New Year with these sweets piled high on their tray.

On ‘Gutor’, Tibetan families eat ‘Guthuk’ a soup with dumplings, in the evening. The dumplings contain beans, broken pieces of wood, chillis, wool, charcoal, or pieces of paper on which various words are written. People eat them in turn and they tell their New Year’s fortune by checking what the ingredients of the one they chose. There is also a game played at this time where some of the family members decide on an unlucky mark in advance and the one who picks it has to do a forfeit.

Following this everyone participates in the original purpose of ‘Gutor’, which is to exorcise the evil spirits from the previous year by running around with a doll representing a fierce god, setting off fireworks, and hand-held fire crackers. On the 30th, New Year’s Eve, Tibetans clean their houses and then wait in anticipation for the following days festivities.

Losar (1st-3rd day of the 1st lunar month)

The Tibetan New Year is known as ‘Losar’, the most popular of all the festivals of the year, when even young Tibetans wear chuba and pay their first visit of the year to a temple with their family early in the morning. On New Year’s Day, Tibetans are supposed to offer ornaments called ‘Chemar’ and chang beer to their households deity and to the water dragon who takes care of their water supply...

After saying ‘Tashi Delek’ and exchanging greetings with neighbors, Tibetans do nothing but feast on the food and drink that they have painstakingly prepared. They visit each others feasts and have parties full of drinking and singing. The men don’t miss an opportunity to enjoy gambling, with games of ‘Sho’ (dice), ‘Pakchen’ (mah-jong), etc. On New Year’s Day everyone spends time with their family or neighbors and then start paying visits to their relatives on the second day. Children also have a good time New Year’s gifts of candies, etc.

On the 3rd day they replace the year old tar-choks and dar-shings on the roof of their houses with new ones and burn thick bunches of ‘Sang’ (fragrant grasses)...

Monlam= Prayer Festival (4th-11th day of the 1st lunar month)

‘Monlam’ means ‘Prayer’ and at monasteries a great Buddhist service is held and ‘Cham’ (Buddhist dances) are performed. From New Year’s day until the end of ‘Monlam’, people continue to eat, drink and make merry.

In Lhasa, an offering carefully crafted from butter and over 10m-high was put in the Jokhang Temple, where most of the monks from the monasteries around Lhasa would gather and hold the ‘Monlam Chenmo’ or ‘Great Prayer Festival’. This festival was banned during the Cultural Revolution and although it was revived once in 1985, it has

was once again prohibited in 1990, maybe because the festival encourages Tibetan identity too strongly.

Chunga Choepa=Memorial Service on the 15th (15th day of the 1st lunar month)

Also called the 'Butter Lamp Festival'. On the day of 'Chunga Choepa' the Barkhor Square in Lhasa turns into a grand exhibition site for huge 'Tormas' sculpted from butter in the form of various auspicious symbols and lamps. It is a fantastic night.

'Chunga Choepa' used to be the highlight of 'Monlam' in Lhasa and in the past the Dalai Lamas would come to the Jokhang Temple and perform the great Buddhist service. The question and answer test for the highest-ranking monk of 'Lharampa Geshe' was also held before the Dalai Lama during this festival. These events are now carried out in Dharamsala where the Dalai Lama's government is in exile.

Tibetan Uprising Day (Mar 10, Western calendar)

To commemorate the people's uprising in Lhasa, on March 10, 1959, demonstrations and Buddhist memorial services are held in the countries where Tibetans have sought refuge, other than China. The Dalai Lama makes a statement at this time every year.

Saka Dawa Festival (15th day of the 4th lunar month)

The most important festival for Tibetan Buddhism, the 'Saka Dawa Festival' commemorates Shakyamuni's Buddhahood and the death of his mortal body. At every monastery sutras are recited and 'Cham' dances are performed. It is said that good deeds in the month of this festival deserve 300 fold in return and this leads many people to donate large sums to the religious orders, monasteries and to the beggars that gather at this time of year.

Horse Racing Festival in Gyantse (18th day of the 4th lunar month)

The Unveiling of the Great Thangka at Tashilhunpo Monastery (15th day of the 5th lunar month)

Birthday of the 14th Dalai Lama (July 6, Western calendar)

Of course, this is not a recognised, official event in main Tibetan areas under Chinese control, however Tibetans everywhere continue to celebrate it unashamedly. They do not have the custom to celebrate the birthday of ordinary people and although people remember their own birth sign and the day of the year, few Tibetans actually know the date on which they were born.

Zamling Chisang =Universal Prayer Day (15th day of the 5th lunar month)

'Zamling Chisang' was originally meant to commemorate Guru Rinpoche's subjugation of the local deities and the founding of Samye Monastery. In Lhasa, there is the spectacle of large amounts of 'Sang' being burned up on the hills of Chakpori, Bumpari (on the southern side of the Kyi-chu) and Gephelri (behind Drepung Monastery), etc.

Choekhor Duechen (4th day of the 6th lunar month)

Also called 'Drukpa Tsezhi' or 'June 4', 'Choekhor Duechen' is a commemoration of Shakyamuni's first teachings at Buddha Gaya that he gave at the age of 35. After paying a visit to the temple, Tibetans then proceed to enjoy a picnic.

Guru Tsechu (10th day of the 6th lunar month)

This festival is to celebrate the birthday of Guru Rinpoche. This festival is held in higher regard in the outlying Tibetan areas of Bhutan and Ladakh.

Zhoton (30th day of the 6th lunar month)

When the summer retreat for their intensive training is over, monks are served with yoghurt. That is said to be the origin of 'Zhoton', which is also called the 'Yoghurt Festival'. At Drepung Monastery there are 'Cham' dances and the grand thangka is unveiled early in the morning. After devoutly viewing the thangka, the people go onto the Norbulingka and other popular spots for a lingka (picnic). 'Zhoton' is also known as the 'Tibetan Opera Festival' due to the competitive performances of Ache Lhamo (Tibetan Opera) that are held at the Norbulingka.

Bathing Festival (27th day of the 7th lunar month)

On this starlit night Tibetan people take a ceremonial wash in the waters of their local rivers or natural springs. This is a seductive and tranquil festival.

Horse Racing Festival at Damzhung (30th day of the 7th lunar month)**Harvest Festival (Early in the 8th lunar month)**

These [two] festivities are not related to Buddhism and the date of them is dictated by the ripening of the crops. The most lively places to catch this festival are in farming villages.

Labab Duechen (22nd day of the 9th lunar month)

Celebrating Shakyamuni's descent from the God Realms into his mother Maya's womb. On the day of the festival the number of pilgrims to the sacred places increases substantially as this also corresponds with the agricultural off-season.

Palden Lhamo Festival (15th day of the 10th lunar month)

Tibet's protector deity Palden Lhamo's festival. A Palden Lhamo float is paraded through the Barkhor.

Ngachu Chenmo =Tsongkapa Butter Lamp Festival (25th day of the 10th lunar month)

The anniversary of the death of Tsongkhapa, the founder of the Gelukpa order. Houses, streets, and temples are lit by numerous lamps and it is also known as the 'Tsongkhapa Butter Lamp Festival'." [311]

[\[Back to Contents\]](#)

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