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### CHINA COUNTRY ASSESSMENT

October 2002

Country Information and Policy Unit

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### 1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

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

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

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## 2. GEOGRAPHY

### Geographical Area

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

2.2. Under Article 30 of the Constitution the Provinces and Autonomous Regions are further divided into autonomous prefectures, counties, autonomous counties and cities; and the counties and autonomous counties are sub-divided into townships, nationality townships, and towns. [1a]

### Population

2.3. The total population was estimated in 1998 at 1.251 billion. The official population growth rate is 0.93%, with an average life expectancy of 70 years. Han Chinese make up 91.9% of the population. [2f] In January 2001, a national census was taken but the results are yet to be published. The year 2000 population estimate was of 1.261 billion people. [2]

### Names, surnames and clan names

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

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

#### Naming conventions

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

#### Languages

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

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

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

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

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

#### Regional language in Fujian Province



2.12. Languages in Fujian basically fall into three particular levels, namely "Mandarin" = Standard Modern Chinese for the purposes of official communication and instruction; Hokkien, (related to Minnan group of languages) the regional language of Fujian, Taiwan island, and all along the eastern coastal areas of China; and Hokchiu Oe or Fuzhouese spoken by people from the Fuzhou metropolitan area. **[20]** Hokkien / Hokchiu speakers, in the main and particularly if literate, are held to be adequately bilingual in Modern Standard Chinese, as all formal education is given in Modern Standard Chinese. **[20a]**

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### 3. ECONOMY

#### General overview

3.1. Since China's entry into the World Trade Organization in September 2001, the pace of economic restructuring that began in earnest a decade ago has quickened. [9fe] [9fi] The promise of new industrial development is starting to emerge, but mainly in the eastern coastal provinces, centred around Shanghai [9fe] [4vx], with Shanghai developing commercial growth to rival and soon to outstrip Hong Kong. [4vx] The old State industries of the north east are facing further problems as the State withdraws support, and are increasingly seen to be unprofitable and in terminal decline. [9fe] The disparity of decline and growth has lead many commentators to talk of "Two Chinas". [9fk] The agricultural sector is also liable to be effected adversely as import tariffs are abandoned as part of WTO trade agreements. [4vw] The Government however is however investing heavily in alternative industrial strategies, and poverty alleviation schemes in the northeast. [4vw]

#### Economic restructuring

3.2. Jiang Zemin's implementation of Deng Xiaoping's Theory of a socialist market economy is intended to restructure thousands of state owned non-viable enterprises through bankruptcy, merger and privatisation. Failing enterprises have used tactics to mask unemployment, such as reduced or minimal wages and forced early retirement. [9c] [16a] [10c] Further millions of jobs are to be lost in the slimming-down of the state bureaucracy and the army [4o]; one report of official statistics indicates a 17 percent unemployment rate in 1999 (11 percent urban, 5 percent rural). [4t] Economic reforms are raising living standards for many, strengthening entrepreneurs, diminishing central control over the economy, and creating new economic opportunities. [4j] The 15th National Congress authorised the sale and 'downsizing' of China's 300,000 state firms. The consequent loss of jobs, and the iron rice bowl welfare commitments linked to state sector employment have led to demonstrations, which have not so far coalesced into nationwide protests. [16c]

3.3. Chinese leaders have launched a re-employment project and have promised that a basic pension, medical and unemployment insurance system will be in place by the end of the year (1999) [2b,7i,9a] However, there is little progress on welfare reform on a national scale to date. [11d] Rural reform in March 2002, was admitted to be slow, with 800 million farmers seeing a reduction of income in real

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terms since 1999. [9ef]

3.4. More than 6 million workers in State enterprises have been laid off in the first five months of 2000. Estimates of projected redundancies for 2000 in total run at 12 million. 11 million workers were made redundant in 1999; 9 million in 1998. Re-employment rates for 1999 show only 4.9 million found employment again. Zhang Zuoji, Minister of Labour and Social Security, has claimed that 96% of redundant workers had registered at re-employment centres. [9w] Statistics released in February 2002 indicated an increase in urban unemployed to over 11.8 million, with five million urban state enterprise workers sacked in 2001. [9ds]

3.5. The majority of redundancies in state enterprises have occurred in the northeast of China, a "rust-belt" of state industrial enterprises. [9w] In March 2002, tens of thousands of sacked workers have protested about cuts in redundancy benefits, with 50,000 protesters assembling around the Daqing oil field, Heilongjiang Province. [9ee] By 18 March 2002, similar protests had also broken out in Liaoyang City, Heilongjiang Province. [9eg]

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

3.7. Another approach outlined in March 2002 is to increase central government borrowing and spending in order outspend the worldwide economic slowdown, maintaining a national growth rate of 7 percent. Thus, PRC has a projected budget deficit for 2002 of 40 billion US dollars. [9dz]

#### Current economic problems

3.8. By the spring of 2002, one effect of the WTO entry was beginning to make itself felt, with increased layoffs and other cost cutting measures in State industries. [9fe] Many State industries, in the face of global competition, are being revealed as unprofitable, with whole industries (the example given is the bicycle industry) trading in a saturated market. [9fe] Union leaders are starting to be branded as political agitators by the authorities as strikes are spilling over into more general demonstrations involving workers previously made redundant and still unemployed. [9er] Discontent is currently running at about 300 strikes a day. [4vv]

#### Chinese currency

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

#### Crime and corruption

3.10. In terms of Chinese Central Government Policy, official corruption and general crime are approached in similar ways, basically with an overarching policy objective, constantly stated and reaffirmed, turned into periodic campaigns and police actions.

#### Official corruption

3.11. Official corruption has always been a problem in such a traditionally bureaucratic society as China. Communist PRC has suffered a similar legacy of such abuses of position and various Governments attempted to correct these abuses between 1976 and the early reform period. Nevertheless, public disquiet over corruption within the CCP, state bureaucracy and economic enterprises (such as extorting money from businesses, embezzlement and taking bribes) remained and was finally fully acknowledged by the Party in 1993, when an anti-corruption campaign was launched. [1a][7c] The campaign continued over the following years and was intensified in 1997, during which it was top of the political agenda with a series of national meetings and regulations. [7c][9a] The CCP leadership has identified corruption as the single greatest threat to continued Party rule. Like the 'Strike Hard' campaign against crime, initiated in 1996, and other anti-crime operations, the anti-corruption campaign has resulted in thousands of executions. [1a][7c][9a]

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

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

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

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

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

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

3.18. Official figures of the results of the "strike hard" anti-corruption campaign were given in December as 23,000 cases in period January to August 2000, an increase of 12.7 percent. High level cases included the former Vice-governor of Jiangxi Province, Hu Changqing; and the former Vice-Chairman of the National

people's Congress, Cheng Kejie. [4ku] In September 2000, a multi-billion-dollar smuggling scandal, implicating over 200 officials, came to trial. Operations were based around the port of Xiamen in Fujian Province. [9ak]

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

3.20. On 5 March 2002, the Prime Minister, Zhu Rongji, delivered a further "fierce tirade" against government waste and corruption to the 3,000 deputies gathered in the Great Hall of the People. He urged further work against corruption as being essential now that China will both reap the benefits and feel the effects of joining the WTO. [9dv]

#### Criminal activity

3.21. Incidents of crime including bomb blasts and explosions, increased significantly in 1997-1999. Official sources blamed the increase on joblessness, widening income disparities and anger at rampant corruption. [4x][6m] In May 2001, Luo Gan, the Politburo member in charge of law and order, reaffirmed that tackling increasing crime was of the greatest importance, as he launched the next 90 day campaign. [9fj] Commentators were concerned that this new campaign was also a covert attack on dissenters, using charges of "leaking state secrets" to effect detentions. [9fj] (See below, *Terrorism*) The threat and fear of crime is very apparent in China, with high-profile executions for rape and robbery carried out in September 2002, and Beijing enforcing a late Summer, "get tough" campaign on prostitutes, illegal vendors and hawkers, and unregistered vagrants. [9fm]

#### Extortion

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

#### Triads

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

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



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

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### 3. HISTORY

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

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

#### The Cultural Revolution 1966-76

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

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

3.5. Although the worst abuses of the Cultural Revolution had subsided by 1970.

and generally regarded as having ended with the death of Mao in 1976, this phase of China's history only officially ended when final judgement on the Cultural Revolution took place at the Sixth Plenum of the Eleventh Central Committee in 1981. The Third Plenum in 1978 saw the beginning of the era of economic reform under Deng Xiaoping.[3a]

### 1978-1989 and economic reform

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

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

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

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

### Tiananmen Square 1989

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

3.11. On 13 May, a group of up to 3,000 students began a hunger strike as a way of pressurising the Chinese leadership to open a dialogue to discuss the

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

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

#### **Post - Tiananmen**

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

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

#### **1993 - PRESENT**

##### **Crime and corruption**

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

**3.16.** During 1998 and 1999, the regime continued to place emphasis on tackling through investigation and punishment the occurrence of corruption and dereliction of duty, including that perpetrated by senior communist officials.[7k] [10p] In 1999, for example, Shandong provincial authorities introduced new penalties for illegal imposing of taxes by corrupt officials. It specifically banned "special product taxes" and "slaughtering taxes", and the coercion of labour, measures of money for sending "government set targets" (Mad. Deducted)



resources or money for spurious government-set targets. [4er] Particularly important cases included those of Lin Youfang, the wife of the Beijing Communist Party secretary under investigation in January 2000; and the trial and execution of Hu Changqing, Jiangxi province's vice-governor in March 2000. [4fv][4fz]

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

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

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

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

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

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

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

**3.24.** On 5 March 2002, the Prime Minister, Zhu Rongji, delivered a further "fierce tirade" against government waste and corruption to the 3,000 deputies gathered in the Great Hall of the People. He urged further work against corruption as being essential now that China will both reap the benefits and feel the effects of joining the WTO. [9dv]

**3.25. Extortion.** In terms of state protection from extortionists, the general provision is given in Article 274 of the Criminal Law. Moves were proposed at the Ninth People's Congress to tighten these provisions. The Chinese authorities point to examples such as a successful three year campaign in Guangdong



Province as to effectiveness in tackling extortion rings. [3at]

### **Criminal activity**

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

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

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

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

### **Government leadership**

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

### **Economic reform**

**3.31.** Jiang Zemin's implementation of Deng Xiaoping's Theory of a socialist market economy is intended to restructure thousands of state owned non-viable enterprises through bankruptcy, merger and privatisation. Failing enterprises have used tactics to mask unemployment, such as reduced or minimal wages and forced early retirement. [9c][16a][10c] Further millions of jobs are to be lost in the slimming-down of the state bureaucracy and the army [4o]; one report of official statistics indicates a 17 percent unemployment rate in 1999 (11 percent urban, 5 percent rural). [4t] Economic reforms are raising living standards for many, strengthening entrepreneurs, diminishing central control over the economy, and creating new economic opportunities. [4j] The 15th National Congress authorised the sale and 'downsizing' of China's 300,000 state firms. The consequent loss of jobs, and the iron rice bowl welfare commitments linked to state sector employment have led to demonstrations, which have not so far coalesced into nationwide protests. [16c]

**3.32.** Chinese leaders have launched a re-employment project and have promised that a basic pension, medical and unemployment insurance system will be in place by the end of the year (1999) [2b,7i,9a] However, there is little progress on welfare reform on a national scale to date. [11d] Rural reform in March 2002, was admitted to be slow, with 800 million farmers seeing a reduction of income in real terms since 1999. [9ef]

3.33. More than 6 million workers in State enterprises have been laid off in the first five months of 2000. Estimates of projected redundancies for 2000 in total run at 12 million. 11 million workers were made redundant in 1999; 9 million in 1998. Re-employment rates for 1999 show only 4.9 million found employment again. Zhang Zuoji, Minister of Labour and Social Security, has claimed that 96% of redundant workers had registered at re-employment centres. [9w] Statistics released in February 2002 indicated an increase in urban unemployed to over 11.8 million, with five million urban state enterprise workers sacked in 2001. [9ds]

3.34. The majority of redundancies in state enterprises have occurred in the north-east of China, a "rust-belt" of state industrial enterprises. [9w] In March 2002, tens of thousands of sacked workers have protested about cuts in redundancy benefits, with 50,000 protesters assembling around the Daqing oil field, Heilongjiang Province. [9ee] By 18 March 2002, the protests had also broken out in Liaoyang City, Heilongjiang Province. [9eg]

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

3.36. Another approach outlined in March 2002 is to increase central government borrowing and spending in order outspend the worldwide economic slowdown, maintaining a national growth rate of 7 percent. Thus, PRC has a projected budget deficit for 2002 of 40 billion US dollars. [9dz]

#### Chinese currency

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

#### 1999: Anniversaries

3.38. 1999 saw a number of significant anniversaries, in particular the 10<sup>th</sup> anniversary of the Tiananmen Square incident (4<sup>th</sup> June) and 50 years of Communist rule (1 October). The authorities took a number of repressive measures to ensure that there was no social disruption. Known political dissidents were detained or placed under house arrest. Tiananmen Square was closed in June for refurbishment. Non-Beijingers were limited in their access to the city. Over 100,000 criminal fugitives were rounded between July and September. [4ay]

3.39. 1 October 1999 marked the 50<sup>th</sup> anniversary of the Communist takeover of China. Again, the preparations were extensive and tightly regulated. [4bm][10v] Australian papers called on China to look to political reform, rather than continuing to emphasise economic reform. [4bp] The UK press spent time and editorials matching Chinese achievements and concerns [10v][10w]

#### International relations

3.40. Nato forces bombed China's Embassy in Belgrade on 8 May 1999, killing three Chinese citizens. Nato described the attack as a tragic mistake. Chinese authorities and the public were outraged. A number of anti-US demonstrations

were held in major Chinese cities, condoned and encouraged by the authorities during the following days, after which the authorities called for stability and the protests ceased.[4ac][4ad][4ae] The US paid \$4.5 million in compensation.[4at]

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

### "One country, two systems" issues

#### Relations with Taiwan

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

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

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

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

#### HONG KONG

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

3.47. One source has highlighted the disputes over residency that were prominent in HKSAR in 1999. It mentions the controversial decision of the Chief Executive to refer to mainland PRC for an interpretation of the Basic Law

Executive to refer to mainland laws for an interpretation of the Basic Law. HKSAR's special status was further held to be eroded by the application of the Chinese Criminal Law in a murder trial. [6t]

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

#### Elections

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

#### Dissidence in HKSAR

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

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

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

#### Mainland-born children

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

**Vietnamese boat people**

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

**MACAO**

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

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



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### 5. STATE STRUCTURES

#### THE CONSTITUTION

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

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

#### Citizenship and Nationality

5.3. Citizens are defined in the 1982 Constitution, Article 33 as 'All persons holding the nationality of the People's Republic of China.' [1a] they are accorded attendant rights and duties as citizens, laid down in Articles 33 to 56.  
[1a]

#### Political System

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

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

5.6. Other political organisations such as the China Association for Promoting Democracy, the China Democratic League, and the China Democratic National

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

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

#### Grassroots political activity in China

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

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

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

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

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

#### Village Committee system

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

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

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

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

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

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

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



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

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

#### Neighbourhood Committees (*Jumin weiyuanhui*)

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

#### Democracy and representation in China

5.23. One article explains well the present discontent within rural China. Rapid change in the eastern coastal districts (including Fujian) since the mid-1980s has lead to dramatic improvements in the villagers' lives of those provinces. The central government has been keen to stimulate similar growth in the central and western belts of China. The local authorities in the centre / west have been under pressure to carry out developmental programs, but have had to rely upon their sole and usual source of tax revenue - the rural villager. So a cycle of discontent has evolved. [11m]

5.24. The article continues with a description of the tax burdens on rural villagers. Before 1991, the financial burden of peasants (*nongmin de fudan*) referred to a host of obligations, sometimes illegal or illicit, that in theory should not amount to more than 5 percent of the preceding year's village average income. In many cases this was exceeded. [11m]

5.25. Particularly hated were the fees, assessments and fundraising called the *sanluan* or "three unrulies", which sometimes also included fines. These registrations and issuing of licences were abused greatly by local officials, along with a structure of fines for minor infractions. In 1996, the central government cancelled many of these penalty payments (*fakuan xiangmu*). [11m]

5.26. Fundraising and assessments on household have, however, increased. The goal of universal nine years of education has been a particularly onerous burden, as it is close to central government's wishes but for which there has been no central funding granted. [11m]

5.27. The article examines the regressive nature of taxation: the poorest villages need the most development, have the most projects planned for them, and are taxed the hardest, yielding less tax over time, increasing the inequity of



the tax burden. Differences between the tax on income of the richest and the poorest villages studied were of an order of twelve times the relative burden on the poorest villages. The relative effect of a five percent flat rate also worked against the poorest villages, as the tax burden cut further into essential income. [11m]

5.28. The source also highlights that there is much tax evasion in PRC, with government at all levels only capturing 10-11 percent of GDP for taxation. There has also been a decline in the flow of revenue from local tax offices back to central government. The resulting central fiscal crisis and inadequate control of bureaucracy mean that the centre finds it easier to issue targets rather than support objectives. [11m]

5.29. The result of the burden has been both peaceful and violent protest. The source states "acts of collective protest and violence occurred fairly frequently but Chinese secrecy precludes a full-scale analysis." The central government is acutely conscious of rural unrest, and 1997 riots are studied within the article concluding that though discontent is widespread and chronic, the government will admit only occasional incidents, portraying them as local and acute. The Centre is basically in a difficult situation of expressing sympathy with the disaffected and having to accept riot and protest as a natural consequence. [11m]

5.30. In the late 1990s, the central government acted in a number of ways to combat violent situations. Firstly, the People's Armed Police and other response units were strengthened to increase police protection to cadres and officials in the face of angry crowds. Secondly, police intelligence was redirected to identifying ringleaders of discontent (who, as the article argues, may be disaffected cadres fed up with being cross-pressured by conflicting demands). [11m]

5.31. In order to ease tension, the Centre has developed the Village Committee system with elected officials. (See above). There are some indications that burden-management has been easier for cadres in villages where elections have been held. [11m] Further, other studies have concluded that the introduction of village elections has produced no traumatic cultural discontinuity. [11n] Currently there are proposals to develop a standard fee and tax structure (*feigaishui*), though this has hitherto been held to be too difficult to implement. [11m]

5.32. Another article explores the Chinese populace's understanding of democracy and the cultural values that underpin that understanding. The article develops an argument that the majority of the Chinese population are not disaffected with the political structure as such, but are discontent with the shortcomings of government. Democracy is not wanted at any price, but to secure future prosperity. [11n]

5.33. The article also argues that education and economic improvement has not brought changed political attitude:-

'Our findings indicated that citizen education is only weakly correlated with political efficacy, weakly supports political change, and negatively influences support for economic reform based on privatisation and reducing government management of the economy.' [11n]

5.34. The political value profile drawn in the article seems to indicate that both young and old people in PRC have a similar interest and knowledge in politics; likewise, similar interest in terms of gender. The rich and the urban poor, for differing reasons, still look to a state interventionist model for economic

improvement. The rural poor of the coastal and eastern provinces, however, who have benefited from relative improvement in living standards, are keener on economic reform than political reform, but not necessarily in terms of reduced state oversight. [11n]

5.35. The article draws interesting conclusions about cultural attitudes towards democracy in China. Interest in political change to democracy is held to be low - around 20 to 30 percent of respondents with attitudes favourable towards democracy - but this was a higher proportion than in control studies in some democratic countries. [11n] The study's findings show that people's attitudes towards power and authority in general are of low expectations and little trust; and that village elections and other grassroots democracy initiatives have had little effect on such political values so far, except in specific and local cases. Elections and local political debates, along with improved general education, have however allowed people to be more subtle and assertive in stating their political interests, and that officials were perceived as being more receptive. [11n]

5.36. The article concludes that "it is China's elites who will play a crucial role in whether political change takes place in the near future" and elite is not yet ready to move towards democracy as understood by Western nations. [11n]

#### JUDICIARY

5.37. The Supreme People's Court stands at the apex of the court system, followed in descending order by the higher, intermediate, and basic people's courts. [1a] Only courts can sentence prisoners to facilities managed by the criminal justice system. However, government authorities can assign persons accused of minor public order offences to reeducation-through-labour camps in an extra-judicial process (see below). [2b]

5.38. Below the Supreme People's Court are the Local People's Court system, comprising of higher courts, intermediate courts and basic courts; and the Special People's Courts, including all military, maritime and rail transport courts. [1a]

5.39. The basic principles behind the PRC judiciary and the criminal legal system are different from English law. Judges and the courts are primarily established to pronounce sentence on persons established as guilty and answerable by the People's Procuratorates, and courts are not a forum for the establishment of guilt or innocence as such. [2b] Integral to the Chinese system are the People's Procuratorates who undertake allegations and investigate not only whether there is a case to be answered but also whether the proof of evidence of guilt. On that basis an arrest is made (though there are other detention measures other than a full arrest - see below, *Arrests and Detention*) and the presumption is that the defendant is guilty from that point on in the process. [6b]

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

5.41. Most of the 200,000 plus judges in the PRC have had no legal training, the typical career path being military service followed by a Party appointment. In July 2002, the president of the Supreme People's Court, Xiao Yang, announced a five-year reform plan to bring judges into line with the professional qualifications of civil servants and to develop legal training. From 2002, new judges will be required to pass two exams and undergo professional training. [9ew]

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#### LEGAL RIGHTS/DETENTION

5.42. Chinese law, particularly in relation to the criminal code, has changed significantly since the mid-1990s. [7a] Arrest and detention has changed, moving away from some forms of administrative detention, but still operating on the premise that trials are for the establishment of sentence, and not of guilt or innocence. [2b]

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

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

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

5.46. Despite its revisions, the CPL permits long periods of detention without charge or trial, and grants wide powers to the police to restrict or detain people on their own authority, without judicial review. The police can issue "summons" (*juchuan*); "taking a guarantee and awaiting trial" (*qubao houshen*); "supervised residence" (*jianshi juzhu*) and "detention" (*julu*). All can be issued without any other body looking over the authorising document. Arrest (*daibu*) marks the time at which a suspect is formally charged with a crime, and an arrest warrant is issued, counter-authorised by the procuracy. Arrest is followed by a period of "investigation", usually by the police, which ends when the police file a request for prosecution with the procuracy. The procuracy then reviews the

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

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

5.48. Customs officers in the PRC have wide powers and are given great discretion in what they seize and when, both on items coming into the PRC and items leaving the PRC. Prohibited material is promptly destroyed. [3cf]

#### Arrest posters and arrest warrants

5.49. Information gathered by the Canadian IRB in late 2001 on arrest procedures and practice indicate that copies of arrest warrants are usually presented but not left with the families of those to be arrested. [3bo] When arrested, the detained person is required to sign the arrest warrant, and the signed warrant will go on file in the local police department. [3bo] The warrant must be approved by the Procuratorate (*jiancha jiguan*). [3bo]

5.50. Conversely, if a person is detained by the PSB, the PSB are obliged to produce a detention warrant and inform the detainee's family or work unit of the detention within 24 hours of detention. Likewise, in cases of arrest. [3bo] There are exceptions, such as where notification may hinder investigation or the family / unit cannot possibly be informed. [3bo] NGOs claim these exceptions are used routinely and safeguards regularly flouted. [3bo]

5.51. No information was given on summons documentation (*juchuan*). These are purportedly left with families when people who are required by police for questioning are unavailable to be brought in for detention.

5.52. When the police want fugitives from the law, they do employ wanted poster campaigns. These are pasted in public places, and often include a photograph. Example of Jin Ruchao's wanted poster, March 2001 given. [4tt]

#### State Compensation Law

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

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



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

5.56. The role of the defence lawyer is beginning to change, as the system takes on new aspects. [11p] Under the 1996 Criminal Procedural Law, defence lawyers are able to take earlier and a more extensive involvement in criminal trials. [11p] Chinese defence lawyers however still tend to develop weak defence arguments, and in the source's study, hardly ever produced the most vigorous defence of a case, that of disputing the facts of the case, but relied mainly on defences of procedural error, of capacity i.e. reduced responsibility, of previous good character, and of criminal circumstances i.e. whether the crime was just planned, carried out but foiled, or effected. [11p] The source regards the notion of Rule by Law and its attendant mechanisms for the defence of the accused to be developing very slowly, but surely, in the PRC: "... defence attorneys seem to be moving toward more aggressive and effective defence, to the credit of the legal reforms and the legal professionalization movement." [11p]

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

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

#### Land Law

5.59. All land in China is owned by the State, represented in rural areas by collectives. The Land Administration Law, amended in 1988, states that "When the state requisitions land for construction, the units whose land is requisitioned should subordinate their wishes to the needs of the state and shall not obstruct the requisition." Decisions on what plots should be requisitioned are generally made at local (county) level. County level officials are also responsible for rates of compensation, and the administrative sanctions to be imposed on those who make unlawful land transfers, constructions and excavations. Disputes over land use and ownership are also resolved at or above county level.[21f]

5.60. Provision is made for the payment of compensation and, where appropriate, resettlement subsidies when land is requisitioned. Article 27 of the Law states that "The compensation for requisition of cultivated land shall be 3 to 6 times the average annual output value of the requisitioned land for the 3 years preceding such requisition. Provinces, autonomous regions, and municipalities directly under the Central Government shall stipulate standards of land with reference to the standard of compensation for requisition of cultivated land." [21f]

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

aim of the reform is to standardise processes. [4xg]

### Land law issues relating to Rangeland

**5.62.** The Chinese authorities have problems with rangeland, i.e. land that is left as a common and natural resource. [11]

**5.63.** Rangelands were estimated in 1989 to cover 41.7 percent of the PRC landmass. Most rangelands are located in the north and west of the country, and their importance has hitherto been strategically as frontier zones. [11]

**5.64.** China is fast developing into a large meat producer and potentially may be a prime exporter of pork. Grazing animals have tripled since 1949, with 90 million in pastoral areas. This growth has had a number of effects, such as desertification through over-grazing, and the situation is regarded as needing improved control by the central authorities. [11]

**5.65.** Hitherto, the authorities had no comprehensive long-term policy, and thus the Rangeland Law of 1985 was innovative in Chinese law. The Rangeland Law starts from the principle that all land belongs to the State or collectives under State law. Therefore all land can be contracted "long term" to households, villages and collectives. In theory the Ministry of Agriculture has almost completed this change. [11]

**5.66.** However, the existing Rangeland Law has been held to be a failure; of symbolic value, where its essential principles have not been translated to the people affected by it. [11]

**5.67.** The Rangeland Law is held by commentators to have been weakened by its late codification. The Constitution of 1954 quickly homed in on the collectivization of mineral and other valuable rights, but did not specify on grazing rights. The need for codification emerged along with crises, starting with confusions over translating the law's provisions on to traditional social structures (see below). [11]

**5.68.** In the 1985 Rangeland Law, rangeland is held to be state-owned / collective-owned but crucially this ownership is not defined. Transition from feudal ownership happened in different ways in different places from 1947 to 1960, with rangelands finally being regarded as public property with the policy line "rangelands are public, grazing is free" (*muchang gongyou, fangmu ziyou*). [11]

**5.69.** However residual problems are now emerging as the grasslands are impoverished and needing management. Tensions are appearing between the State as "owner" and herdsmen as "owner/users" as to rights and responsibilities. [11] Likewise in terms of "collective" ownership, responsibility is being shuttled between the administrative village unit and the natural village unit in many places. [11]

**5.70.** Disputes have abounded in Inner Mongolia (*Nei Mongol*), Ningxia, and Gansu Provinces. Some of these provinces had developed their own rangeland regulations (Inner Mongolia - 1984; Ningxia - 1983) but not built in the transfer of rangeland rights. The Law of 1985, which is still vague in detail, disappointed these provinces. [11] There have been cases where the local and national rangeland laws have clashed. [11]

**5.71.** The 1985 Rangeland Law did however codify for the first time regulations to safeguard the grassland environment, and on this set of points, national and local legislation work together. [11]

5.72. A new rangeland law is currently being drafted, but has encountered competing interests between government ministries. There has also been dissension over how much rangeland policy should be devolved to the provinces and lower local level. [11i] Overall, it is an important issue in provinces in which the central authorities' grip is not strong, and it may contribute to the stability (or otherwise) of these areas.

### Death Penalty

5.73. The death penalty is greatly used as a punishment in China, with 65 crimes in the Criminal Code carrying the death sentence. [2i] Hundreds have been executed for drug-related crimes, and for separatist activities in Tibet and Xinjiang. [6b][6c][4m]

5.74. It has been estimated that in 1996 several thousand executions were carried out as part of the Strike Hard campaign (see above). Officials continue to hold mass public sentencing rallies and parades before executions. The revised CPL repealed a 1983 Decision, which provided for summary trials in some cases liable to the death penalty. During Strike Hard, numerous executions were carried out for non-violent and economic or relatively minor crimes such as theft, looting relics, luring people into prostitution, serious tax and insurance fraud and repeated petty offending. [2b]

5.75. During 1997 there were fewer executions, but still more than the rest of the world combined. [6k] In 1998, there continued to be numerous executions carried out after summary trials, although the number of death sentences was significantly less than in 1997. [2d] In September 1999, Amnesty International recorded 2,701 death sentences and 1,769 confirmed executions in China during 1998 (including 1997 sentences carried out in 1998). The report states that the national statistics on the death penalty remain a secret, and thus it is difficult to gauge the actual reduction of executions. [6n]

5.76. In 2000 and 2001, the number of executions rose. Between April and July of 2001, 2,960 people were sentenced to death, with 1,781 people executed in the same period. [6z] By the end of September, over 2,000 people were executed as a result of a particular crackdown begun in April 2001: the Chinese government regards the total number of executions as a state secret. [2i] The government has announced that it will be moving away from shooting criminals at the back of the head towards lethal injection as a means of execution. [9ed]

### INTERNAL SECURITY

5.77. The Public Security Bureau (PSB) has two major tiers to its organisation: there is the policy-making Ministry, the *Gong An Bu*, as differentiated from the provincial law enforcement agencies of the *Gong An Ju*, thus following the pattern of all ministries. Police uniforms were changed in September 2000 from drab olive military style uniforms to a blue uniform akin to most police forces in other countries. [9aj]

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

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

5.80. Economic reform has brought about two developments. Firstly, the police have begun to open up the Western concept of police as law enforcement agencies. However, in response to rising crime rates and the erosion of the previous strict but static form of community control, the police, in the early 1980s reverted to and re-developed the campaign style of policing used in the Maoist period. This campaign method, bereft of Party discipline instilling a main-line support from the populace, was seen to be breaking down by the late 1980s. [11]

### Community Policing

5.81. The Chinese understanding of the role of a community policeman works on different premises than in the UK and most other Western countries. [11o] With emphasis on moral infringement rather than legal infringement, the policeman at local level is empowered to intrude upon the personal lives of individuals, but is also expected to develop a closer relationship than is expected of Western police operatives. [11o] The local police have a community role comparable to a US sheriff, whereby they are visably part of and order the local community. [11o]

5.82. Within the local community structure, the local (professional) policeman usually heads the Security Defence Committee (SDC), a structure authorised under the 1952 Security Defence Committee Act. The SDC complements the Neighbourhood Committee, and increasingly in rural areas, the Village Committee. [11o] The SDC has three main policing functions: firstly to mediate (*tiaojie*) in disputes to prevent escalations into serious incidents; secondly to organise all local security defence, such as arranging police teams; and thirdly, to ensure proper registration of households and other registers (*moupai*), with the appointment of a household agent. [11o]

5.83. The relationship between the local police and the local community is held by the source to be dissolving in the face of economic restructuring and its impact upon the traditional small community. [11o]

### Terrorism

5.84. The Chinese response to the events of 11 September 2001 was swift. The paramilitary People's Armed Police (PAP), numbering 1.2 million officers stationed throughout PRC were immediately put on high alert. [9dg] Generally, there have been successive waves of increased security, with a heightened state of alert in October 2001 [9df] (also, see below, *Muslims*). In early December 2001, senior government ministers, Wei Jianxing and Luo Gan, announced that all insurgents "must be stopped" and heralded a new campaign against "terrorists". [4sw][4th][4tq-4tr] A Bin Laden connection, claiming that 1,000 Chinese "Muslims" had been trained in al Qaeda camps, ensured momentum to heightened security. [4tc] Such involvement with al Qaeda and the Taliban has not been proved, according to NGO groups. [12h][6y] In September 2002, it was reported that there is a continuing mutual mistrust of the definition of terrorism between the US and China, with China developing a further line linking Uighur nationalists with Chechen rebels. [9fb]

5.85. The PRC has a list of terrorist organisations that includes a number of groups not recognised by the United Nations, including Uighur nationalist groups. [4ta] However, on 12 September 2002 the UN did recognise that the



groups. [4tg] However, on 12 September 2001, the ONI did recognize that the East Turkestan Islamic Movement was a terrorist organisation, responsible for killing 160 people in the past decade in Xinjiang Province. [9ff] The Hong Kong Secretary of Security, Regina Ip Lau Suk-Yee, stated on 1 December that the Hong Kong SAR would adopt the Beijing list as part of Hong Kong's new anti-terrorism legislation. [4tg]

5.86. In addition to the new alert for PAP officers [9dg], a new Ministry of Public Security (MPS = Gong An Bu) bureau was announced in January 2002 to tackle terrorism. The unit is to be set up later in 2002, comprising of many elite police units, including a Sichuan PAP women's military unit trained in anti-terrorism tactics. [4sp] The unit will specifically monitor border crossings, visa applications and airline security, in order to prevent terrorist attacks and incursions. [4sp]

5.87. By 20 December 2001, the latest campaign, "Operation Fugitive Hunt", was held to have netted 128,000 fugitives in the past 70 days, having been launched on 20 September 2001. [4sw][4tg][4tr] Designed as part of the "strike Hard" campaign against corruption and criminal activity, the remit included "evil forces" such as the Falun Gong accused of "terrorist-style activities" and "inhumanity". [4tg][4tr]

5.88. Amnesty International has strongly criticised the anti-terror campaign, particularly in relation to arrests and execution of Uighur "ethnic separatists". [6y] The United States Government has also voiced some criticism over Chinese interpretations of "terrorist", and diplomatic difficulties have arisen over the US's refusal to hand over Uighur separatists found in Afghanistan over to the Chinese. [4tn]

5.89. In spite of the latest crackdowns, there has been some popular criticism in PRC of police detention and arrest methods. One particular case of police impunity captured the public attention in December 2001, where four policemen from Harbin city, Heilongjiang Province were tried for the torture and death of a detained suspect. In the trial, senior policeman were reported as stating that beating suspects was a normal part of detention, and the interrogation process. [4tm]

5.90. In March 2002, the Chinese authorities announced that they would be developing a corps of airline police to travel on all internal flights. By 2003, there should be 2,000 officers in action. 75 police are already operating, based in Shanghai. [9dy]



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#### PRISONS AND PRISON CONDITIONS

5.91. The US State Department report for year 2000 states that conditions in both the prison system and the administrative detention facilities are "harsh and frequently degrading". Facilities are often over-crowded, with poor sanitation and of poor constructional quality. Prisoners often rely upon food and medicine supplements from relatives, with a very low standard of medical care available. Prison discipline relies upon guards appointing "cell bosses" with many attendant abuses. Forced labour is common. [2g]

5.92. Amnesty International published a report in October 2001 based on the plight of a particular prisoner of conscience, Zhang Shanguang. Zhang's smuggled letter from prison is held by AI to be illustrative of the poor medical treatment within Chinese prisons. Tuberculosis is rife within the Chinese prison system, affecting both prisoners and prison staff. Withholding of medical treatment as punishment and torture by medical staff are alleged. The use of fetters, though banned by Rule 33 of the Chinese Prison Rules, are alleged to be used not only on healthy prisoners but ill prisoners as well. [6y]

5.93. The authorities do not permit the independent monitoring of conditions inside prisons, labour camps, or any other part of the penal and associated systems. [2b][2g]

#### The Prison System

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

#### Re-education Through Labour

5.96. The emphasis given by the Chinese authorities on the need to maintain stability and social order has given rise to forms of administrative detention that have been widely used in China since the 1950s against many of those who may or may not have committed a crime. Government officials have been able

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to impose random and unreasonable penalties, lacking a legal basis, on those for whom there was little or no evidence to charge with a crime. To regulate the system of administrative sanctions which can be imposed by state officials, the Administrative Punishment Law was brought into force in October 1996.[6b]

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

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

#### Psychiatric Institutions

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

#### MILITARY

**5.100.** All the armed forces are grouped together in the People's Liberation Army (PLA) with forces totalling 2,470,000 personnel in August 2000. [1a] The PLA is sub-divided into seven major military administrative units. [1a] The number of military personnel in the PLA has been reduced from 4.2 million to the current 2.5 million over the past two decades. [9cc] Graduates are being encouraged to join the forces, and the existing officer regulations are being revised to expand the recruitment base at officer level. [4kq]

#### Conscientious Objectors & Deserters

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

**5.102.** There are different levels of conscription, e.g. students undergo 1 month's military training. Most conscripts only receive basic military training even

if called up. Not known how many are actually called-up and actually serve. The PLA is in the process of demobilizing many professional troops and concentrating on elite corps with reserve troops if needs be. [3ae]

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

## MEDICAL SERVICES

### General

**5.104.** The Chinese healthcare system is organised into two main streams, namely the rural healthcare system and the urban healthcare system, both of three tiers. The current system was designed to ensure swift referral from the primary level to any specialist consultation or treatment needed. However, the Chinese Medical Association (CMA) has highlighted that the healthcare delivery system is now in difficulties as it faces the challenges posed by the reform of the health protection system (see below). [22s][22ag]

**5.105.** Health Protection System reforms. After other state reforms in the 1980s, the healthcare system experienced financing and thus delivery problems. Financing problems were addressed firstly in the 1980s with the development of the urban employee protection system. In the first stage (1980-1991) cost containment and tighter control of the healthcare provider institutions were the key elements. [22u] After 1992, emphasis shifted to developing "risk-pooling", a more competitive approach to health insurance with emphasise on "shopping-around" by the insurance policy holder, with an expansion of the schemes in primarily urban areas in 1996. [22t][22u][22ah] Healthcare reforms within the rural healthcare system were announced in June 2001. [9da]

**5.106.** Since the 1980s, the central PRC authorities have encouraged local experiment, and have taken successful venture as models for further reform on a wider scale, e.g. urban health insurance as pioneered in Zhenjiang city, Jiangsu Province in the mid-1990s. [22v]

### Rural healthcare

**5.107.** Originally rural areas had a healthcare system based on community financing models, collectively called the rural "Cooperative Medical System". Self-sufficiency in financing demanded of the collectives akin to agricultural quotas. The CMS covered 90 percent of the rural population by the late 1970s. However, the CMS has since crumbled as a result of the economic reforms, poor management and demand outstripping resource input, [22t] with coverage estimated at less than 10 percent of the population by the late 1990s. [20q] By year 2000, it was estimated that fewer than 10 percent of villages had viable CMS services, and most had reverted to primitive private health care systems. For many rural Chinese, health care is no longer affordable - the average hospitalisation has been estimated to exceed the total annual income of over 50 percent of the rural population. [22u] Illness induced poverty is serious problem in rural areas. [22u]

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

**5.109.** The World Health Organisation (WHO) has been running a pilot project since 1994 to cover 8.7 million people in seven provinces with a new form of healthcare coverage, experimenting with trials forms of resuming universal coverage. [20q]

#### Urban healthcare

**5.110.** Under the reforms, urban residents are now expected to foot the initial healthcare bill themselves and then to claim back reimbursement from provincial healthcare funds up to a locally set ceiling. [22ah]

**5.111.** In Beijing, in year 2000, this ceiling was a 50,000 Yuan (US\$6,024 = £3,600) a year allowance. [22ah] The initial Beijing healthcare fund is now derived from a local direct tax of 2 percent gross income on all employees in Beijing. The registered members can choose between four main hospitals, a limited number of specialists and any doctor they wish, building in a market forces element that should reflect back into reimbursement claims. [22aj]

**5.112.** Previously, before the reforms, insurance was guaranteed under the Government Insurance Scheme (GIS) and the Labour Insurance Scheme (LIS). Both schemes insured all healthcare costs were reimbursed in total, mainly by the patient's work unit. [22t] The patient therefore, it is argued, had no incentive to moderate reimbursement demands. [22u][22aj] Likewise, as there was a fee-for-service basis between patient and hospital, the service provider was also tempted to inflate services given including drug prescriptions, with no penalty to the patient. [22t]

**5.113.** Groups excluded by their status (for example, pensioners, unemployed) from the main Beijing scheme are now covered by a central Social Security fund. No information as to limits or conditions attached of this fund is given. [22aj]

#### Health insurance

**5.114.** With the reforms, there has been the development of a health insurance sector, though uptake and coverage has been very limited. Reportedly, there are very few decent insurance products on the market. Poor communication and organisation between health care providers (hospitals, etc) and the health insurance companies has meant that insurance companies have been charging very high premiums to offset difficulties. [22ah]

**5.115.** One of the five largest insurance companies, Taikang Life Insurance Co., has however attempted to break the deadlock with a medical insurance package that it claims combines a high degree of protection with a low premium. [22ah]

#### Pharmaceutical products

**5.116.** *China Pharmaceuticals Guide* claims to comprehensively cover every aspect of regulation concerning pharmaceuticals, health systems reforms' impact on the pharmaceuticals market and the market sector generally in China. Includes traditional Chinese medicine sector as well. [5p]

**5.117.** In January, July and November 2000, the State Development Planning Commission insisted that Chinese pharmaceutical companies pass on savings in production. These savings had been achieved through economies of scale and as a drop in raw material prices. The prices of pharmaceuticals in the November push were to be cut on average by 20 percent and in some cases, by 60 percent on 120 categories of drugs. [22z] The January and July pushes reduced prices on 34 and 57 categories respectively. [22aa] All the lines are



home produced for the Chinese market. [22z]

5.118. China is currently reforming and developing its pharmaceutical sector as it prepares for the effects of joining the WTO. There are currently 6,300 pharmaceutical firms in PRC, but most are small and lacking competitive edge. The State Economic and Trade Commission (SETC) has announced a five year plan, developing two particular areas - traditional Chinese medicines and biotechnology. SETC intends to develop 200 biotechnology research institutes and 140 enterprises focusing on subsequent development. [22ad]

5.119. In November 2000, the Ministry of Health announced that it was going to crack down on fake and unsafe medical appliances and products, particularly illegally recycled syringes, unsafe and counterfeit cosmetics and inedible oils sold as edible. [22ae] 49 pharmaceutical manufacturers' licences have been revoked. [22af] UK medical commentators have stated that it is difficult to ascertain how to work out what "counterfeit" means as Chinese medical and pharmaceutical literature is highly localised and under-researched in the West. [20s]

#### **Medical profession and associated organisations**

5.120. Professional representation for healthcare professionals is mainly through the Chinese Medical Association. Originally founded in Shanghai in 1915, the CMA was moved to Beijing in 1950, employs 300 staff, and represents over 400,000 health professionals. [22s] The 76 professional subgroups are listed on the CMA website - all registered societies as national societies. [22y] Doctors in China take an oath at medical school on ethical standards that is held to be equivalent to the Hippocratic Oath. [3an]

5.121. The CMA is held to be little active on the international medical association stage: Western attempts at assistance to the CMA to register protests in matters such as organ harvesting from executions has faltered through lack of opportunity to assist. [20o]



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#### HEALTHCARE - SPECIFIC CONDITIONS

##### AIDS / HIV

5.122. The Chinese authorities have, reportedly, been under increasing pressure to tackle the country's AIDS / HIV problems. By March 2001, for example, the authorities of Guangdong Province acknowledged that prejudicial practices occurred in provincial institutions, such as the throwing out of HIV positive people from prisons and re-education-through-labour camps to fend for themselves. [4rf] AIDS treatment, it was held to be, was prohibitively expensive at about 10,000 Yuan (about £750) per patient per year in Guangdong Province. (see below at treatments) [4rf] Such figures were released as part of a regional bid for central funding of a series of treatment centres: a previous proposal in year 2000 for a treatment centre in Jiangmen, Guangdong Province had failed on grounds of cost. The building of the centre was set at 30 million Yuan (£2.1 million), with on-going costs of 10 million Yuan (£715,000) a year for 1,000 patients. [4rf]

##### Wenlou village scandal

5.123. Further, a particular "blood-for-money" scandal has brought AIDS into the political forefront. The scandal broke in year 2000, when high proportions of the populations of Wenlou and Donghu towns in Henan Province started to die from full-blown AIDS. [9cy] High rates of HIV infection were discovered with the source tracked down to a blood plasma transfusion company who operated with total disregard of safe practice. [4rg] Ignorance of AIDS / HIV in certain rural areas such as rural Henan and Guangdong [4rf] was almost universal, with the Henan villagers going down with a mystery only known as "strange disease" or "no-name fever". [4rg] AIDS sufferers were subject to panic reactions from fellow villagers, nearby townsfolk and local officials, being shunned and abused. [4rg]

5.124. Official practices regarding people with HIV / AID has since been held up to some scrutiny. A hospital was successfully sued after releasing false AIDS information about a patient in July 2001, in Shanxi Province, prompting the central Ministry of Health to call for more attention in the protection of the right to privacy of HIV/AIDS cases. [4rh] Senior health officials have echoed the call for respect and dignity to be given back to people with AIDS / HIV. [4rx]

5.125. Further, the government arranged the first national HIV/AIDS conference for 13-16 November 2001, which has adopted and passed a number of key messages and measures, as well as opening up debate. (see below) [4rq]

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### Experts outside PRC

5.126. A leading US AIDS expert, Helene Gayle, has warned that PRC must address HIV infection through sexual transmission rather than just reacting to blood transfusion scandals. [4rl] A two fold emphasis was suggested, with increased public awareness about AIDS in conjunction with sex education, and increased official surveillance with improved statistics and more open debate. [4rl] Another US expert has cautioned that China needs to develop better public awareness, accurate statistics and greater participation of the non-governmental sector in strategies to combat AIDS. [4rw]

### Internal debate

5.127. Has culminated in the first national conference, but prior to the conference, a number of regional officials and PRC experts have been able to air the issues around AIDS. One instance however has been of embarrassment to local and then central officials, with the case of a retired doctor, Dr Gao Yaoji, who spent her pension funding her work with the Henan villagers, to international acclaim. As she performed this assistance without any cooperation from local officials, and took on an advocacy role, she was denied a passport in June 2001 to attend the Global health Council awards ceremony. [4rg]

5.128. The 23<sup>rd</sup> Congress of Pediatrics, meeting in Beijing on 12 September, flagged up AIDS/HIV infection as a serious forthcoming risk to the birth rate in future years. (The birth rate of natal and neo-natal deaths to live births was given as 33 per 1,000 births, a decrease in infant mortality.) [4rm]

5.129. People with AIDS / HIV are starting to speak out openly for the first time, such as in the request to speak to the first national conference [4ro] and the launch on 6 November 2001 of Xiao Cai's personal website, as unofficial support website. [4rr]

### First National Conference

5.130. Key reforms came out of the conference held in Beijing, on 13 - 16 November 2001. It was held to a remarkably open international conference [4rq] [4ru][4ry] though it was marred by the decision to bar representatives (with AIDS) of the Henan villages affected by the blood transfusion scandals from speaking to conference [4ro][9cz]

### Statistics

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

5.132. Figures were released by the Ministry of Health in late August 2001, based on data for the period up to the end of June 2001. Yin Dakui, vice minister of Health, announced there had been 584 deaths of people with AIDS since the first case was reported in China in 1985. That the accumulated number of confirmed AIDS / HIV cases now stood at 26,058 cases, with 1,111 cases of fully blown AIDS. The official estimate of HIV-positive cases (as opposed to confirmed cases) was now over 600,000 people by the end of year 2000. [4jw][20e][20f]

2000. [4rk] intravenous drug use was held to be responsible for 69.6 percent of HIV infection cases. [4rk]

5.133. In September 2002, the PRC authorities admitted that there may be over one million HIV cases in China, and that a projection towards 2010 might see the development of over 10 million cases of people with HIV. [9ez]

#### Treatment

5.134. Directly out of the first national conference has come a commitment to develop a programme of Methadone treatment for heroin addicts, in order to increase control on the transmission habits of intravenous drug users. [4rz] A "low-cost" vaccine that stimulates the immune system was announced in the US in July 2001, along with the announcement that if successful after US laboratory trials, the vaccine would be subsidised and used in clinical trials in China. [4ri]

5.135. The typical cost of patent-protected retrovirals - AZT being the generic name - in PRC has been given as 870 Yuan (£62) for Videx and 3,110 Yuan (£225) for Zerit (both made by Bristol-Myers Squibb) for courses lasting fourteen days. [4rv]

5.136. There has been a general demand in China for the development of cheaper pharmaceutical treatments. [4rt][4rv][9cx] The Chinese state media has given wide coverage to such developments as South Africa's landmark judgement breaking pharmaceutical companies' restrictions. The Chinese authorities have noted that India is now able to produce drug treatments at a cost of US\$300 per patient per year, as opposed to the imported drug regimes of up to US\$10,000 per patient per year. The Chinese government has hitherto been very careful to respect US patents on drugs as part of its measures to qualify for WTO entry. [4rt] but, since gaining entry, warned in September 2002 that it will have no other choice but to do so in order to meet China's need. [9fa]

5.137. Two PRC pharmaceutical companies have announced they have plans to manufacture de-regulated "cocktail" therapies. [9cx] One firm, Shanghai Desano Co, has put forward two proposals that would reduce drug therapy down to 3,000 Yuan (US\$360 - £220) a year per patient. It admits that no international company could pitch so low, and only expects to break even. [4rv] In August 2002, the North East Pharmaceutical Group announced that it hopes to make AZT treatments for a tenth of the price of imported AZT as soon as September 2002. Chinese doctors are concerned that even the locally made, cheaper products will still be beyond the pocket of most Chinese HIV patients. [9ey]

#### Strategy

5.138. The State Council's AIDS prevention plan for years 2001 to 2005 was published in September 2001. It focused on the strengthening of the administration of blood collection stations and the development of the treatment of AIDS as a major Chinese research goal. [4rn][4rj] The plan also hopes to address ignorance about AIDS/HIV by improving the quality of media reporting of the issue. [4rj][4ru] There are the beginnings of a social turnaround, with state media beginning to show a sympathetic approach towards people with AIDS / HIV. [4rs][4ru] In September 2002, it was reported that middle schools are starting to experiment with sex education programmes for students. [9fc]

#### Tuberculosis

5.139. The PRC has reportedly the second largest TB problem after India. Deaths from TB are currently, again reportedly, around 250,000 a year. An adviser on China to the World Health Organisation (WHO) has estimated that 40 percent of the PRC population are carriers of TB. further estimation that 5

70 percent of the 1.3 billion population are carriers of TB, further estimating that 5 percent of the population will ultimately die from the disease. [22ak] Work is currently being undertaken by NGOs such as Medicin Sans Frontiers (MSF), developing the usage of a treatment known as Directly Observed Therapy, Short course (dots). It is a drug therapy given and monitored directly by the agency over an eight month period, at a cost of US\$30 per patient, with a claimed 95 percent success rate. [22ak]

### Mental illness

5.140. Psychiatric treatment for schizophrenia in China. There is a well-established system of psychiatric hospitals and institutes within China. Residential, long-stay institutions are known as psychiatric welfare institutions (*jingshenbingren fuliyuan*) and complement other welfare institutions (social welfare institutions - *shehui tuanti*; child welfare institutions - *ertong fuliyuan*). People with chronic mental illnesses may be found in the social welfare institutions, primarily because of the relative scarcity of the dedicated psychiatric welfare institutions. [12e]

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

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

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

5.144. Suicide is seen to be an increasing social problem, with the attendant health care concern of mental illness. China has a suicide rate of 250,000 suicides a year (287,000 in research released in February 2002) and an estimated 2 million attempted suicides. [4sc] [9ec]

5.145. Increasing rates of mental health problems has led to the introduction of the first local mental health legislation in China being formulated in Shanghai in June 2001, to enable local initiatives to work. [4sa] Likewise an overhaul of national legislation on mental health care was announced in October 2001. The review hopes to lessen the stigma felt by China's 16 million registered people with mental health problems. [4sb]

5.146. 30 million children under the age of 17 years are held to have behavioural and psychological problems. [4sd]

### Heart transplants

5.147. The current cost of a heart transplant in PRC is up to 400,000 Yuan (US\$ 50,000 = £28,500). There is a waiting list of over 250,000 patients. China Daily maintains that the limited supply of suitable organs is a main factor in the high price of transplants. [22ab]



### **Iodine Deficiency Disorder (IDD)**

**5.148.** IDD is a nutritional disorder that can cause mental problems, miscarriages and pre-mature births. IDD has previously been a challenge to healthcare in China, with the PRC claim that over 80 percent of the nation's 10 million cases of mental disability are reportedly a result of IDD. The PRC has taken part in UN joint initiatives throughout the 1990s to wipe out IDD by year 2000 globally. The state Council has issued several directives that have ensured that 93 percent of the population now have access to ionised salt to be added in cooking as a nutritional supplement. [22ac]

### **Health promotion initiatives**

**5.149.** Centring around 28 October 2000 as Men's Health Day, the PRC authorities launched a men's health awareness promotion in 16 main cities, particularly addressing rising rates of heart disease and diabetes. [22ai]

### **People with disabilities**

**5.150.** Rehabilitation programs for people with disabilities are in evidence organised by all the five tiers of administration in PRC (namely, at national, provincial, city/county, district/township and neighbourhood/village). [11k]

**5.151.** The disabled population numbers over 60 million; subdivided into six main categories - 1. Hearing loss (20.57) 2. Mental retardation (11.82) 3. Physical disabilities (8.77) 4. Visual disabilities (8.77) 5. Psychiatric disabilities (2.25) and Multiple disabilities (7.82). There is a 25 percent urban / 75 percent rural split in population. 45 percent of individuals were of working age and in 1997, 70 percent of that subgroup living in urban areas were in employment. [11k]

**5.152.** The key goal of the rehabilitation services is to bring the disabled person back into the workforce. In 1998, 53 percent of all disabled individuals were self-employed. [11k]

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

### **Organ removal**

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

**5.155.** The US State Department and others have revived debate over organ



5.155. The US State Department and others have revived debate over organ harvesting after Wang Guoqi, a former employee of the PAP General Division Hospital in Tianjin, claimed in June 2000 that skin and corneas of over 100 executed prisoners were harvested. [2i] [20o] The Chinese government retallated that Wang had fabricated the story in order to enhance his asylum claim in the US. [2i]

## EDUCATIONAL SYSTEM

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

## SOCIAL SOCIETIES IN CHINA

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

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

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

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

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

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

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

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

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

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

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

**5.168.** There also organisations operating whom do not bother with any part of the registration process. There has been a growth of such organisations, operating either as "clubs", "salons", or "forums", or as traditional philanthropic practices around clan, family, or village ties. The source argues that the tightening of the regulations might actually, paradoxically, spur the growth of

these non-organisations. The number estimated in 1996 was of around 20,000 nationally; Yunnan Province had for instance only 13 of 100 financial social organisations linked to the People's Bank of China in June 1995. [11g]

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

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

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

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

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

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## 6. HUMAN RIGHTS

### 6.A HUMAN RIGHTS ISSUES

#### OVERVIEW

**6.A.1.** The overall opinion of the US State Department of Vietnam's human rights record in year 2001 was 'The Government's poor human rights record worsened in some respects and it continued to commit numerous, serious abuses.' [1c] The key abuses seemed to be around particular pressure points (Montagnards; key dissidents, political and religious; prison conditions) rather than a general curbing of those liberties permitted to the general populace. [1c]

**6.A.2.** Previously, the Government claimed in March 2000 to have made strides in improving human rights. [4m] The government refuted charges of human rights abuse lodged by the US House of Representatives in April 2000 as unwarranted interference in Vietnam's domestic politics. [4o][4q] The year 2000 US State Department report (Feb. 2001) noted improvement in the level of intrusion into citizens' daily lives. [1b] It also stated that the security forces were still committing human rights abuses, in terms of beating up suspects during arrests, and harassing street children. [1b]

**6.A.3.** The visit of President Clinton to Vietnam in November 2000 was heralded as a major diplomatic bridge building exercise. NGOs pressed President Clinton to bring human rights issues to talks with the authorities, which he did. Trade talks were the more fruitful. [7f][7g] The Congressional committee on China has since complained that there has been some "slippage" on human rights in China since year 2000. [4xh]

**6.A.4.** Amnesty International has repeatedly complained about the PRC Government's constant refusal to permit any form of verification of human rights allegations by international NGOs. [2f]

#### Torture

**6.A.5.** The use of torture and degrading treatment in dealing with detainees is prohibited by law, but systemic weaknesses (such as the reliance on confession evidence) encourage its unofficial use. [2b][2g] There have been a number of reports alleging that confessions were obtained by torture, and of witness statements made under torture or duress. [4e]

6.A.6. In June 1998 it was reported that the Supreme People's Procuratorate published a series of books designed to improve police practices and further legal reforms. The books admitted that people have been tortured to death while in police custody. [4g][2d][2e][2g]

6.A.7. An Amnesty International report of 12 February 2001 has alleged that torture is widespread and systematic in PRC. The report alleged there was "a growing range of officials... being cited as perpetrators of torture", and many abusing powers of investigation for corrupt purposes. [6w][9bq] The PRC rebuttal claimed that the allegations were "groundless" and "rumour and hearsay" [4nf][9bq]

## FREEDOM OF SPEECH AND THE MEDIA

6.A.8. The Constitution states that freedom of speech and freedom of the press are enjoyed by all citizens. However, the government interprets CCP's leading role as circumscribing these rights. It does not permit citizens to publish or broadcast criticism of senior leaders or opinions that contradict basic CCP doctrine providing for a socialist state under the Party's leadership. The Law on the Protection of State Secrets gives a general and broad definition of state secrets, which includes the "secrets of political parties if they are deemed to affect the security and interests of the state." Since the affairs of the CCP are intricately linked to those of the state, this effectively bans public reporting or debate of any political issue that the CCP authorities decide should not be disclosed. [2b][2e][6g]

6.A.9. Overall, the Chinese publishing industry has grown by a about 25 percent in the period 1995 to 1999. [4jk][4jl][4js] China is also undergoing a communications revolution and despite government controls, information is flowing into China at an increasing rate. The use of shortwave radio is unrestricted; and Chinese language broadcasts of the BBC and Voice of America are widely listened to. Access to satellite television broadcasts and most sites on the Internet is spreading. China has announced curbs on electronic media designed to block pornography and other forms of spiritual pollution. [2b] In January 1999, Lin Hai was sentenced to 2 years in prison for "inciting subversion of state power". He had supplied a US-based dissident magazine with 30,000 mainland e-mail addresses. [10q] In October 2000, the PRC brought in tight regulation of internet development. The regulations limit international investment, requiring strict surveillance against 'subversive' content and have powers to close down unlicensed firms. [4jj][9ae]

6.A.10. In December 2000, the extradition laws and laws on Internet usage and regulation were brought in. It is now an offence under the Criminal Code to hack into government, defence and business sites. Likewise, to create and promulgate computer viruses. [4kz] Special police units have been set up and trained to monitor Internet content. [2g]

6.A.11. The trial of an Internet entrepreneur, Huang Qi, in Sichuan province has attracted international attention (through Human Rights Watch). He was charged with posting subversive material on China's democracy movement, Xinjiang nationalist movements, and the Falun Gong. [4nh] Falun Gong has been seen to be an Internet phenomenon, with its philosophy and its persecution accessible on a global front: PRC propaganda has developed an Internet twist. Many people in PRC, it is reported, are annoyed with the Falun Gong as their casual interest has lead to aggressive emailing by Falun Dafa to the point of overloading their pcs, and thus destroying a highly prized piece of personal property. [4mw]

**6.A.12.** In June 1998, US President Clinton made a nine-day tour of China. During his visit, he was given three opportunities to speak directly to the Chinese public through television and radio broadcasts.[10e] In February 2002, US President Bush visited China, but was given limited and partial coverage in news reports within PRC. During the visit, there was also included the arrest then release of 47 elderly Christians who sought Mr Bush's support over the enforced closure of their church / nursing home complex. [9du]

**6.A.13.** President Jiang has ordered senior officials to step up ideological vigilance and keep a tight grip on the media and other channels of mass communication during 1999.[4u] There has been particular attention to internet sites and web-publishing in conjunction with the post July crackdown on Falun Gong activity. New regulations about websites came into effect in October 1999, primarily banning links to foreign news services, but have been flouted since December 1999. Censorship of websites appears to be inconsistent, and some Internet service providers practice self-censorship. [2e] Academics have been under increased pressure to conform, as part of an ideological campaign in April 2000, resulting so far in four dismissals of senior academics at the Chinese Academy of Social Sciences. [4g] The Party is keen to step up its ideological campaign in universities and colleges, seeking to "reform the political loyalty" of the younger generation of college heads and principal academics. [4ig]

#### Journalists

**6.A.14.** Journalists are permitted to report in areas of economic and legal reform but are not free to report on political reform. Those who air their views in Hong Kong and Taiwan newspapers may be subject to petty sanctions, such as exit permits denied, housing entitlements revoked and periodic police detention and questioning. The formal charges brought against the dissident Wang Dan were based on public criticisms of the government; his sentence in 1996 to 11 years imprisonment was much harsher than was imposed for his pro-democracy activities in 1989. In the face of ideological controls, many intellectuals and scholars exercise self-censorship.[2b][3e]

#### FREEDOM OF RELIGION

**6.A.15.** Although the Constitution affirms tolerance of religious belief, the government seeks to restrict and control religious practice. Proselytizing is proscribed. All religious groups are required to register with government religious affairs bureaux and come under the supervision of official "patriotic" religious organisations. The police and religious officials have been responsible for shutting down unauthorised mosques, temples, seminaries and "house church" groups, and leaders of such groups have been subjected to detention for lengthy questioning. Since 1996 all registered groups are subject to annual inspection. The restrictions under which they operate vary by location.[17a] However, the government generally tolerates the existence and activities of unsanctioned churches as long as the services are small and there is no higher-level organising. In some areas registered and unregistered churches are treated similarly by the authorities and adherents worship in both types of churches. In general, individual worshippers are not harassed by the regime, whose sporadic efforts principally target leaders for harassment, detention and physical abuse.[2a][2b][2d]

**6.A.16.** The monitoring of religious activities is primarily undertaken by the state Council's Religious Affairs Bureau (RAB). The RAB is the arbiter of what is held to be a "true" religion, dealing with the registration of places of worship, and monitors such venues. [2a]

**6.A.17.** Since 1979 there has been a gradual relaxation of government policy towards religious activities, and churches, temples, mosques and lamaseries (Tibetan Buddhist monasteries and nunneries) closed or destroyed during previous decades were restored and reopened. According to the government, there are now more than 85,000 registered places of worship. Students at officially administered religious institutes must demonstrate "political reliability". Religious belief is considered to be incompatible with CCP membership, and participation in religious activity is forbidden to members of the People's Liberation Army. [2b][2d][6d]

**6.A.18.** China has invited an increasing number of foreign religious organisations to visit religious sites and talk to official religious figures and leaders. [2d]

**6.A.19.** The US State Department has declared China to be one of five nations that have "engaged in or tolerated particularly severe violations of religious freedom during the preceding 12 months." The annual report made under the Religious Freedom Act criticizes China for "seek(ing) to restrict religious practice to government-sanctioned organisations and registered places of worship and to control the growth and scope of religious groups." No sanctions have been announced. [4ca] The Chinese Government professed outrage, and each of the main registered religious bodies denied persecution, one after another. [4dg] [4di][4d][4dm] A senior Chinese politician, Zhang Xiufu, was reported as saying that Western misunderstandings of religious freedom in China were being extended to many of the human rights issues facing China. [4cv] A recent visit of the leaders of the 'official' religious groups to the US emphasised the official distinction between religious groups (recognised) and cults (unrecognised). [4le][4ik] The delegation also drew parallels between Li Hongzhi, founder of Falun Gong and the Dalai Lama, branding both as 'tainters of religion'. [4ik] One report drew parallels between the delegations' denial of religious persecution and the US Department of State's report on international religious freedom, published the week before (12 September 2000) [4is]

**6.A.20.** A key document to the understanding of the limits of religious freedom in China is the US Department of State International Religious Freedom Report, produced and released by the Bureau of Democracy, Human Rights, and Labor. It is the agency responsible for the annual reports on Country Report on Human Rights Practices. [2h] The latest report was issued 26 October 2001, reflecting developments up to mid-2001. [2h]

**6.A.21.** The report's main conclusion was of religious freedom remaining stable within the parameters set by the PRC authorities whilst worsening for groups outside those parameters. [2h] To quote:-

'During the period covered by this report, the Government's respect for freedom of religion and freedom of conscience worsened, especially for some unregistered religious groups and spiritual movements such as the Falun Gong... Nevertheless, the basic policy of permitting apolitical religious activity to take place relatively unfettered in Government-approved sites remained unchanged... Official sources, religious professionals, and members of both officially sanctioned and "underground" places of worship all report that the numbers of believers in the country continued to grow.' [2h]

**6.A.22.** The Chinese government's reaction to the report's publication was indignant and "firmly opposed the report". [4ta] Previously, in late September 2001, the US and Beijing were reportedly agreed in restarting talks on human



rights, [4sv][zh] which in turn followed a thaw in relations after the events of 11 September.

#### The role of religion in the state

6.A.23. In December 2001, state media sources reported a senior official from the Religious Affairs' Bureau calling for the party to relax rules on religion to allow Party members room for "philosophical" worship. [4si] Another news report on the conference where the above call for limited tolerance was made, stated that one concrete result of the conference was an announcement that it would be easier for religious groups to register with the Bureau. [4se] The registration process can be and usually is very laborious for applicant groups (See *China assessment, registration of groups*) and in the case of Protestant Christian groups, there is much antipathy between the Three Self Patriotic Association and protestant groups. The change in the rules is held to accommodate Protestants' denominational individuality rather than having to let the Three Self Association dominate. [4se] The report speculates that repression of unregistered groups that fail the new lower threshold of registration will be far more vicious. [4se]

6.A.24. There are new rules increasing the state control over publishing. Announced on 31 December 2001, the new rules will come into force on 1 February 2002. Emphasis is placed on controlling imported media, and the banning of material that promotes cults and what is deemed "superstitious". Fines for abuse of publishing licences will increase to five to ten times the amount of money made out of illegal transactions. [4sn]

6.A.25. In May 2002, the deputy director-general of the State Administration for Religious Affairs (elsewhere translated in other sources as the Religious Affairs Bureau - RAB), Wang Zuoran, intimated that there was a sea-change in approach going right through the Chinese Government, from President Jiang Zemin himself. [4vr] Jiang was quoted as having said, "While class and country may be abolished, religion will survive." Wang explained that in future, policy on religion will be "more and more open", again emphasising the line "we encourage religion and are against sects, such as Falun Gong." [4vr] Jiang has been pursuing in 2002 a strategy of strengthening ties with permitted religious groups in order to alienate "cults" further, for example in encouraging Buddhist monks to develop an interest in religion amongst the young to stop the "invasion of evil cults". [4vu]

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#### RELIGIOUS GROUPS

#### CHRISTIANS

#### General Information

**6.A.26.** In the 1950s the government, to curb perceived foreign domination of Christian groups, established the Catholic Patriotic Association (independent of the Vatican) and the (Protestant) Three-Self Patriotic Movement. In 1980 the (Catholic) National Bishop's Conference and the (Protestant) China Christian Council were established. These churches are the only ones authorised to operate openly. The government estimates that China has 4 million registered Catholics and 10-15 million registered Protestants. The oldest Catholic church in China, Xuanwumen Catholic Church in Beijing, was reopened after a 2 month refit, partially paid for by government grant. **[4bs]** Unregistered Catholics loyal to the Vatican were concerned after five bishops were ordained on 31 December 1999 by the Patriotic Catholic Church (the state-approved church not recognised by the Vatican) on the same day as 12 bishops worldwide were ordained by the Vatican. **[4fk]** Unregistered Christians in China, in addition to Vatican-orientated Catholics, include "house church" Protestants, of whom only a minority are registered. **[2c][2d]**

**6.A.27.** Over 20 million bibles have been published in the last two decades, according to the Three-Self Patriotic Movement. **[4v]** According to the Bureau of Religious Affairs, Bibles are being printed in China at a rate of 10,000 copies a day. **[3cg]** The main printer of Bibles in China is the Amity Printing Company Limited, Nanjing, Jiangsu Province. **[3cg]** Two versions of the Bible are used within Mainland Chinese churches - the Chinese Union Version, and the more contemporary, Today's Chinese Version. **[3cg]** Bibles may legally be sold through any outlet except state-run bookshops, which in effect means they are sold through the churches themselves. **[3cg]**

**6.A.28.** Another incident that has caused tension between the PRC and the Vatican authorities was the canonisation of 120 Chinese Christians on 1 October 2000. **[4jg][9af]** The PRC government reacted angrily. **[9ar]** Coincidentally, an elderly bishop, Zeng Jingmu, was arrested in September 2000, adding to recent arrests and detentions of unregistered churches' clergy. **[9an]**

**6.A.29.** The law is broken by religious groups from time to time. Foreign-based Christian groups are known to operate clandestinely. **[4in]** One UK author made the point in May 2002 that many of the leading Chinese dissidents are supported personally by strong religious, usually Christian, convictions. **[4vt]**

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**6.A.30.** Catholic Christians of the unregistered, Vatican-aligned churches were caught up in disputes between the Chinese authorities and the Vatican in September 2000. The Vatican announced the canonisation of 120 Chinese martyrs on 1 October 2000. [9ao]

#### **Protestant Christians**

**6.A.31.** Protestant groups can be divided into a number of categories. There are the official churches aligned to the Three Self Patriotic Movement / Chinese Christian Council axis. Secondly, there are Christian groups not aligned to the official church mechanism and attempting registration. Further, there are churches with no intention of going for registration; and there are groups held to be Christian-influenced but mutually antipathetic to other Protestant Christian groups (registered or unregistered.) [2h] There are tensions between the unofficial groups and the official mechanism; primarily, the unofficial groups are fundamentalist in theology, and object to representation by an organisation far more liberal and flexible in position. [2h]

**6.A.32.** The Canadian IRB produced document CHN33002 on the condition of both registered and unregistered Protestant Christian groups in Fujian province in April 2000. It draws upon news reports, NGO reports, and the opinion of expert witnesses. [3u]

**6.A.33.** The relationship of authorities and the protestant churches are outlined. It describes the Three-Self Patriotic Movement (a key link organisation required as a part of state recognition) and the Chinese [China] Christian Council (an organisation based around the internal and pastoral affairs of protestant churches). Three-Self refers to "self-administrating, self-supporting, and self-propagating". The report mentions previous mutual suspicions between the two link organisations. The CCC is seen to extend its links to the members of unregistered protestant churches and house groups. [3u]

**6.A.34.** Since late 1998, unregistered Christians in PRC generally have been subject to increased pressure from authorities to register. Protestants have been targeted in Beijing, Henan Province and Shandong Province, all areas with growing numbers of unregistered Protestants. There has been similar targeting in Hebei province of unregistered Catholic Christians. [3u]

**6.A.35.** In Fujian Province, the situation differs from the main areas of anti-Christian activity. Registered and unregistered churches operate side by side: unregistered churches are not very "underground". For example, two groups, True Jesus church and Little Flock church groups operate openly, the former with a large prominent church building in Fuzhou. Unregistered churches in Fujian are reported to be in contact with the Three Self Patriotic Movement and the CCC. [3u] There is reportedly much evidence of the construction of new church buildings in Fuzhou, in response to a current rapid growth in religious adherence. [3r]

**6.A.36.** Concern has been expressed about unofficial house churches falling foul of anti-Falun Gong legislation, and being branded as sects. [2e,17c] Examples of arbitrary arrest include the following: in August 1999, 30 Protestant House Church leaders were arrested at a private home in Henan Province. An official source said that most of those detained had been released after receiving "re-education." [4au,17bb] Eight house church (unofficial Protestant church) leaders, who were still under arrest from 23 August, were under threat of execution on 29 September, according to source [17c] Two detainees were later released on 5 October. [17d] Christians belonging to such an unofficial church in Huadu city were reported as suffering police harassment, with the repeated arrest of Li Dexian, a local preacher. [4dp,2e,17e] Fourteen members

or the Men t u Hui (Disciples Society) were detained by police on 25 September, with 71 members previously rounded up in Chongqing [4bt,4aj]. Recent arrests have included the overnight detention of 300 unregistered Christian church members in Beijing on 2 January 2000 [4fa] later released on 5 January 2000 [4fd]

**6.A.37.** The Christian Reformed Church operated in China before the Communist takeover, but the North American organisation is now unconnected with any Chinese remnant, and the CRC is not known to operate in Guangdong. [3ar]

**6.A.38.** Documents have been smuggled of China in February 2002 that purport to be orders to police chiefs to use "forceful methods" on female Christians of unregistered churches. A Christian campaign group, the Jubilee Campaign, claims that methods are designed to extract false claims of rape and other sexual abuse to incriminate pastors. Other claims include prison guards intimidating female prisoners with impunity; sexual abuse of prisoners; and intrusive medical examinations. [10bf] Other unregistered group leaders, such as Zhang Hongbao of the Zhong Gong, are often indicted on rape and sexual abuse charges. (See below, Zong Gong)

#### **Catholic Christians**

**6.A.39.** The Canadian IRB produced a document dated 27 January 2000, CHN 33598.EX, outlining general conditions and practice of Chinese Catholic Christians, making mention of conditions within Fujian Province. [3z]

**6.A.40.** A distinct split exists between the registered and unregistered catholic churches. The unregistered church is loyal to the Vatican, and refuses to cut ties with the Vatican or to accept local election of bishops without Papal appointment. The Chinese authorities view such points as political matters, but many Catholics see them as points of principle, and therefore there is a high rate of non-registration. Relations between registered and non-registered Catholics depend on locality - in some areas, deeply divided; in others, not. [3z]

**6.A.41.** In Fujian, in Changle County for instance, only 10 out of 80 Catholic parishes are affiliated with the Catholic Patriotic Association (equivalent to the protestant Three Self Patriotic Movement). There is currently rapid growth in Catholic Christian adherents and no harassment of unofficial congregations by the Fujian authorities at the moment. [3r]

**6.A.42.** The case of Yang Shudao, Archbishop of the Fuzhou Archdiocese is however still on-going. Archbishop Yang has spent nearly 30 years in detention since his first arrest in 1955. He has consistently refused to cooperate with the CPA. His stance has, however, not seemed to have impacted upon the Fuzhou unregistered Catholic community at large. [3r]

**6.A.43.** In September 2000, a number of clerics of the unregistered church were arrested. [4it]

**6.A.44.** There has been one UK news article in December 2002 that has talked about increased tolerance for Catholic Christians in China, and reports the acceptance by the PRC authorities of the Pope as a "spiritual head". [10be] This article stands out from other articles discussing the position of Catholics in China, such as reports of the high-level working conference on religious affairs, Beijing, 10 December 2002. [4se] The UK news article seems to have extended the call for the notion of religion as a "philosophical" adjunct to life raised at the conference. It also seems to be based on information given during an official tour of an registered Catholic cathedral. Further, it seems to miss some of the subtleties of issues of registration / non-registration for religious groups. [4se]



[10be][3bl]

**6.A.45.** Other reports indicate that relations with the Vatican have now stalled. [4se] Relations had deteriorated badly over the canonisation of 120 Chinese martyrs by the Vatican in October 2000 (see China assessment), with priests and bishops disciplined by the official church if they did not overtly support official criticism of the Pope's canonisations. [2h] There was some mending of relations around the 400<sup>th</sup> anniversary of Matteo Ricci's mission to China. [4se] Contacts between the official Catholic patriotic association and the unregistered churches have been more fruitful, with the Vatican urging unregistered, Vatican-aligned churches to develop such relations, despite deep antipathy towards the official association held by some members and clerics. [4se]

**6.A.46.** There are reports of local intimidation of the unregistered Catholics. [2h] [3bl] For example, the local religious Affairs Bureau in northern Shaanxi has run a two year operation, code-named Operation 816, to corral unregistered Catholics into the official churches. The campaign has been intensified in October / November 2001. [4ts] The County of Fenxiang in northern Shaanxi is a key area of Catholic activity, with Fenxiang as the only unregistered Catholic diocese without a registered church alternative diocese in the area. It has 16 priests and about 20,000 believers in the diocese. In other words, Catholics in Fenxiang are overwhelmingly non-registered. [4ts]

**6.A.47.** According to the main Chinese Catholic NGO (the Cardinal Kung Foundation) the activities of the official church clergy are held to be tightly monitored and curtailed by the authorities, and unofficial church bishops, such as Bishop Fan Zhongliang of Shanghai, are "so tight that it is tantamount to house arrest." [3bl]

## MINOR CHRISTIAN-INFLUENCED GROUPS IN PRC

### General Background

**6.A.48.** The idea of breakaway Chinese churches goes a long way back, arguably to the Tai Ping movement of the mid-nineteenth century. Likewise, the True Jesus Church, founded around 1917. A more recent model is the example of the Little Flock. This group, founded in 1922 by Ni Tuosheng (Watchman Nee), was one of the most successful breakaway movements that abounded in the 1920s and 1930s. It grew in the 1940s, and effectively dissolved in China in 1952 after the arrest of Ni by the PRC authorities. Notably, it developed overseas connections, in Taiwan and other parts of Asia. [20k]

**6.A.49.** The defining features of the groups listed below are: a) a rejection of the official Protestant church and its various attendant structures (The Three-Self Movement; the Chinese Christian Council; the Ministry of Religious Affairs) and b) a tendency to develop an "authentic" Chinese interpretation of Christianity or variants, and dismissal of Western churches' theology. [20k]

**6.A.50.** Many of the new Church groups are based in Henan province, and many reported arrests have also been in Henan. For example the arrests in June 1995 in Zhoukou city, Henan show that many of the sects below are operating in the same areas and within the same populace (with the arrest of 68 Christians, and three groups named - the Shouters, the Born Again movement, and the Disciples Association. [4ol]

### The Shouters (*Huhan Pai*)

**6.A.51.** Since the early 1980s, the authorities have detained, fined or imprisoned members of an underground evangelical sect called the Shouters (a branch of a

pre-1949 indigenous protestant group).[2a][2e] One source lists the Shouters as being the successors to the Little Flock. [4oh] Other sources place the Shouters as having begun in China in Henan province in the 1960s, having been an import from South Korea. The South Korean sect is led by Li Changshou, who has a semi-divine status amongst the Shouters.[4ok] Most sources put the number of Shouters at 200,000 in the 1980s before and during the 1983 crackdown. [4oh][4ok] The Shouters were so called as members engaged in public shouting as part of their worship. [4ok]

**6.A.52.** Labelled a "counter-revolutionary organisation" in 1983, there was a crackdown on the Shouters with up to 2,000 arrests. On 3 July 1983, the "worst elements" of the Shouters were paraded publically, and given sentences of up to 15 years imprisonment. [4og] Officially condemned as a "sect" in a Public Security Bureau circular issued sometime between April and August 1996. [12h]. In the period 1983-1994, 70 members were imprisoned, with 13 still in prison by 1994. [4og][4oh] Human Rights Watch keenly observed their situation in the mid-1990s. [40h][12h] Most recently, Wang Jincal, a leader of the Shouters, was detained in a raid in 1999, only five days after serving a three-year sentence in a labour camp. [4as]

**6.A.53.** In December 2001, a Hong Kong businessman was indicted with smuggling bibles to two leaders of churches branded Shouter churches in Hubei Province. [4ss] Li Guangqiang attempted to deliver 16,000 Bibles to two alleged Shouter leaders. The bibles themselves did not differ greatly from the permitted Chinese translation, and the authorities were keen to stress that the offence was to whom (namely a banned organisation) they were delivered. [4ss][9dl] This was the first news report with the Shouters mentioned to be seen since Wang, Jincal's detention in 1999. [4as]

**6.A.54.** Li Guangqiang, the Hong Kong businessman sentenced in December 2001 for attempting to deliver bibles to two ministers of purportedly Shouter churches, was released from prison in 9 February 2001. He was permitted to serve his sentence under house surveillance instead, and has since been permitted to return to Hong Kong. Commentators suspect US Government pressure might have influenced the change. [9dm]

**Born Again Movement (*Cong Sheng*). Also known as New Birth; Total Church; Holistic Church (*Quanfanwei Jiao*) and the Crying Faction (*Ku Pai*)**

**6.A.55.** In 1998, it reportedly embraced over 3 million adherents. [20k] A Public Security Bureau document put the number in 1996 as 500,000 and accuses them of subversion, with an alleged plan of first undermining existing church structures and then moving on to political structures. [12h]

**6.A.56.** A key event for the Born Again Movement was the arrest of the leader Xu Yongze. Xu was reputedly the leader of a network of 3,500 house-churches centred within Henan province, and going by the names of New Birth or Total Church or Born Again. The network was reputedly active in 20 provinces in 1994. [20k] Xu was arrested on 16 March 1997, along with leaders of the Shouters and the True Jesus Church. [12h]

**6.A.57.** Doctrines of the Born Again Movement include an imminent apocalypse. Practices include a three day period of repentance for all converts, of open wailing and crying, hence the colloquial name, the Crying Faction. [6u]

**6.A.58.** There is some confusion in the sources as to whether the Holistic Church (*Quanfanwei Jiao*) is part of the Born Again Movement or actually a separate group. [6u]

### **The Blood and Water Holy Spirit**

**6.A.59.** A group mentioned in 1996 as having been started by visiting Taiwanese Christians. Subject to a crackdown on 9 May 1996, with Jiangxi Province police arresting the leader, Zhang Guihua, and twelve others for administrative sentences. Zhou Zuoyan, another church leader, was sentenced to two years' re-education through labour and then on the run after his release in 1995. [12h]

### **Spirit Church (*Lingling Jiao*)**

**6.A.60.** Reportedly founded in the mid 1980s by Hua Xuehe. Hua pronounced himself a second Jesus, with attendant healings and miracles. [6u]

### **Wilderness Narrow Door (*Kuangye Zhaimen*)**

**6.A.61.** Founded by Ji Sanbao in 1989 in Shaanxi Province. [6u] (see directly below, *Disciples Association*)

### **Disciples Association (*Mentu Hui*)**

**6.A.62.** Reportedly the successors to the Wilderness Narrow Door. There are reports of detention, and administrative sentences of assigned re-education through labour throughout 1998 and 1999. Mentu Hui are chiefly investigated on the grounds of their rejection of medical treatment in favour of divine intervention and healing. [6u]

### **Oriental Lightning (*Dongfang Shandian*)**

**6.A.63.** The believers of this group see a woman leader surnamed Deng from Zhengzhou, Henan Province as the promised return of Jesus Christ incarnate. Reportedly they target established Protestant congregations aggressively, a technique they call "liberate the church by truth". In the early 1990s they were spread across several provinces. 4 arrests have been noted all in 1999. [6u]

**6.A.64.** A news report in June 2002 talked of further allegations against Oriental Lightning. [10bg] 34 members of a Protestant group claimed that Oriental Lightning members kidnapped them, drugged and psychologically abused them. [10bg] The report mentioned a leaked PRC security report of 2001 that stated that 2000 members of Oriental Lightning had been arrested over the 1990s but that the group still posed a problem and a danger. [10bg]

### **Elijah Church (*Yiliya Jiao*)**

**6.A.65.** A very small group (40 adherents) living communally in Yilan county, Heilongjiang Province. On 15 July 1999, the police broke up and dispersed the commune, with three arrests. Other Yiliya Jiao groups may have been active in other parts of Heilongjiang from 1994 to 1999. [6u]

### **Fangcheng Church**

**6.A.66.** Numbers up to 500,000 members, and though named after a county in Henan Province, it is based Xihua county, Henan. The founder, Zhang Rongliang, was sentenced in December 1999 to two years' re-education through labour. Linked by source to Falun Gong crackdown, after Falun Gong was declared an evil cult (*xiejiao*) in October 1999. [4o]

### **South China Church**

6.A.67. The founder of the South China Church, Gong Shengliang, was sentenced to death on 30 December 2001.[9dj] His niece, Li Ying, was also sentenced to death at the same time, and it is likely that these sentences will be commuted to life imprisonment. Altogether 17 church organisers were sentenced at the trial in Hubei Province, with other sentences ranging from two years to life. [4sm][9dj] The South China Church numbered 50,000 members, and was a splinter church from another Christian group, the Total Scope Church. Both are held to be fundamentalist, evangelical churches. [4sm][9dj]

## SECTS

*(note definition of 'sect' given below)*

6.A.68. The government makes a distinction between the five officially recognised religions (Catholicism, Protestantism, Buddhism, Islam and Taoism) and those which it claims are heterodox and thus classified as 'cults' or 'sects'. In practice, little effort is made generally to distinguish between unregistered house churches and less conventional groups.[17a] However, those that preach beliefs outside officially approved doctrine - such as the coming of the Apocalypse - are often singled out for harassment, such as the Shouters (see above).

6.A.69. In Hunan province, 15 October, the Xiangtan City Intermediate People's Court convicted Liu Jiaguo of rape, fraud and organising a subversive "evil" religious organisation. He was shot after sentence passed. Liu Jiaguo was a leader of the "Principal God Cult", the Zhu Shen Jiao. [4ai][4ct][4db] One source places the date of the cult's beginning as 1993, as an offshoot of a previous group "the Appointed King Cult" (the *Bei Li Wang*), alleging Jiaguo set himself up as the "principal god". When, in 1995, the "Appointed King" Wu Yangming was executed by the Anhui province authorities, the Principal God Cult took over. It peaked at 10,000 followers. [4db]



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### FALUN GONG

*Detailed Information on the Falun Gong has now been transferred to the CIPU document Revolution of the Wheel and the following paragraphs are a summary for the purposes of gaining a quick understanding and current information.*

#### Overview of belief and practice

**6.A.70.** The practice / philosophy that is loosely known as Falun Gong was founded in 1992 in China by Li Hongzhi as a development from the ancient Chinese self-realisation and development regime known as qigong (pronounced "chee-gong"). **[3g]** While the practice of qigong is a tradition within China, Falun Gong is novel in its blending of qigong with elements of Buddhist and Taoist philosophy. **[3g][20h]**

**6.A.71.** Many terms such as Falun Dafa, Falun Gong, and Falungong are used in relation to the movement. The Canadian IRB document CHN33180.DOC details how and where these terms have been used. **[3g]** In short, the term Falun Dafa is preferred by practitioners themselves to refer to the overarching philosophy and practice **[3g]**

**6.A.72.** Traditionally, qigong masters have been accredited with extraordinary powers. Some "gongs" particularly emphasis this miraculous element, but it is not a defining feature of Falun Gong. Falun Gong promises better health and happiness, but not extraordinary powers. **[15e]**

**6.A.73.** There are five main exercises within the exercise regime element of the movement. They are in turn broken down to about twenty specific physical movements in all. The five exercises are:-

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

**6.A.74.** The symbol of the Falun Gong is the *Wan* symbol. The *Wan* of Falun

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Gong is a golden-yellow right-hand swastika-like symbol on a red circular background, within a larger circle with further *wan* at the cardinal compass points followed by *taiji* (Yin-Yang) symbols in between. Adepts are said to see that the wheel symbol is turning. [22f]

### Overview of organisation

**6.A.75.** Li Hongzhi is the key figure in Falun Gong. As re-discoverer of the Way, he has a unique status as the principal teacher, final arbiter of doctrine, and his pronouncements are taken as guiding principles. His symbolic role is important to both the Falun Gong as a movement, and the Chinese authorities. Therefore his life story is a battle ground for propaganda, and where he is and what he says is vital for both sides. The last time he was sighted was in July 2000 in New York State, and is said by Falun Gong activists to be in hiding in the US. [4nn] [22as] The development of Li Hongzhi as a hate figure is a key element of the PRC propaganda campaign. They are particularly interested in Li's early life and activities in PRC to portray him as a confidence trickster with an inflated ego. [3g] [11h]

**6.A.76.** Technically there is no formal organisation amongst the Falun Gong. However, standardisation of websites, information flows and the nature of protest initially inside, and now outside PRC indicate levels of activism and informal organisation, if not some controlling group. [23a]

**6.A.77.** Membership in terms of organisation is held by the Falun Dafa Institute to be non-existent. Anyone can practice Falun Gong exercises. Practitioners practice the exercises together because they enjoy each others company. Conferences, and conference organisation, are portrayed as the efforts of enthusiastic volunteers. [22a]

**6.A.78.** The profile of the typical Falun Gong practitioner can be validated against an official survey of 12,500 practitioners in Guangdong Province, taken in 1998 and quoted by the Falun Dafa Institute. The findings were that 72.1% of the sample were female and 51.6% were over 50 years in age. The Falun Dafa Institute has extended the profile to claim that the elderly, pregnant and women with children, children, and the infirm have taken the brunt of the authorities' brutalities. [22a]

**6.A.79.** Practitioners reportedly eschew medical treatment, and use faith healing. Most are middle-aged and middle-class. Until the crackdown they gathered in parks and open spaces to practice traditional meditation and breathing exercises. [4an][11f][10t][10u]

**6.A.80.** The Human Rights Watch of January 2002 [12i] teases out interesting profiles of groups typically attracted to Falun Gong. One section of the pre-ban Falun Gong population was drawn from the professional elites, adding a certain cachet and respectability (and who were often co-incidentally Party members and thus alarming to the Party leadership.) Another group was of computer-literate technocrats and students, who have facilitated Falun Gong's quick spread and leap overseas by use of the Internet. [12i]

**6.A.81.** There are no known membership lists, but there have been press reports claiming the Chinese authorities have assembled a list of a thousand names of activists and organisers operating outside the PRC.[9] The Falun Gong also maintain a site where mainland practitioners, having been forced to recant as part of their re-education, can, when able, make a "solemn declaration" pledging their allegiance once more to Falun Gong, with 208 declarations as of 14 March 2002. [22an]

**6.A.82.** Before being obliged to leave PRC in February 1997, transmission was

initially by teaching delivered by Li, but soon after 1992, primary transmission became by word of mouth, through public practice sessions and through written material distributed at little more than cost price. [5q]

**6.A.83.** Falun Gong has been identified as a movement that has been a prime beneficiary of the Internet. The Falun Gong websites, once Li was displaced to the US, have been the core of the transmission of Falun Gong and its documents. [3g] Current and future print licensing restrictions affect and will affect the dissemination of Falun Gong materials in the PRC. [3bg][3bm][4sn] Most reports of arrests and detentions for printing Falun Gong materials relate to the period in 1999 shortly after the July ban [3bm]; more recent cases of dissemination relate to use the internet and electronic media [4sk], so the Internet is increasing the key method of dissemination: (this is despite bizarre contraptions found purportedly by the Chinese authorities around PRC in October 2001. [4tb])

**6.A.84.** The Falun Gong is a faith group that does not readily fit in with established faith groups, in or outside China. [23a] The Chinese authorities have formally branded Falun Gong as an "evil cult", and draw parallels to new religious movements outside the PRC that have presented problems to other governments. However, Falun Gong cannot be understood in terms of a "cult" in the Western understanding of the term, lacking a number of key essential features; nor as a religious faith, in Western terms. It is a phenomenon that makes sense in its Chinese context, while attractive in its all-encompassing vagueness and strangeness to Western practitioners and potential converts. It is still a debatable point as to whether it is a religion in terms of the 1951 Convention, though strong arguments have been produced that the Falun Gong are a "social group". Falun Gong is best described as a PRC cultural and now political phenomenon with religious group aspects. [23a]

#### **Key Events in the history of the Falun Gong movement**

**6.A.85.** Up to December 1999 is based on *A Chronological List of Events for the Falun Gong Movement* produced on 5 December 1999 by the United States Immigration and Naturalization Service. [3h] This is corroborated with the chronology of a commentator, Danny Schlechter, and Schlechter's chronology is used for December 1999 to June 2000 [5q] Other dates and events have been added up to February 2002.

**6.A.86.** Basic dates are as follows:-

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

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

22 May 1992 - Li Hongzhi founds Falun Gong

August 1993 - Falun Gong accepted as an associated sub-group into the China Qigong Science Research Association

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

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

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

February 1997 - Li Hongzhi and family apply for asylum in New York, leaving at

apparent urging of the authorities.

18 April 1999 - Tianjin protests.

22 April 1999 - Beijing protests

25 April 1999 - Zhongnanhai protest.

22 July 1999 - Falun Gong banned.

29 July 1999 - Arrest order for Li Hongzhi issued.

30 October 1999 - Law outlawing cults passed.

February 2000 - Zhong Gong declared a cult and banned.

25 April 2000 - First anniversary of the Zhongnanhai protests; 100 protesters arrested in Beijing.

26 June 2000 - period of increased protest by Falun Gong; 1,200 practitioners arrested in 1 week.

23 January 2001 - The Beijing immolations and subsequent crackdown

25 April 2001 - Second anniversary of the Zhongnanhai protests; some public protest in Beijing; mainly protests outside PRC.

21 September 2001 - first reports of actions taken against "terrorists" in China, in the wake of 11 September.

1 October 2001 - National Day: no reported protests.

5 March 2002 - Falun Gong interrupt cable signal in ChangChun, broadcast pro-Falun Gong programmes for an hour.

13 March 2002 - Police orders allegedly escalated to shoot Falun Gong protesters on sight.

**6.A.87.** The official reasons for banning in light of the above are interesting. Falun Gong is held to be a cult, undermining the ancient spiritual discipline of qigong and posing as a religious organisation [11h]. Details from the banning regulations of 30 October 1999, banning "evil cults", outline the following reasons for the legislation. They talk of protecting social stability, safeguarding the people and the reform process. The regulations talk of "the principle of combining education with punishment" and of punishing "the handful of criminals". Specifically, "the majority of the deceived members shall not be prosecuted, while those organisers, leaders, and core members who committed crimes shall be investigated for criminal conduct". Those who voluntarily surrender will receive lesser punishments. "Long-term, comprehensive education" should be carried out. Banning cults "... goes hand-in-hand with protecting the normal religious activities and people's freedom of belief." A "comprehensive management system" should be put in place and ends, "this is an important, long-term task that will ensure social stability". [21d]

**6.A.88.** In late 2001, Falun Gong has been close to being branded a terrorist organisation by Beijing, according to press reports on the three-day national conference on religion. [4tl] Beijing has preferred to refer to the Falun Gong as an "evil cult" with "terrorist-like features and activities". [4tr]



## Demonstrations

**6.A.89.** The nature of Falun Gong protest has developed since the first protests in 1999. There seems to have been an escalation of tension and desperation in protests, with the authorities moving away from being surprised, occasionally overwhelmed and acting with no more than usual heavy-handedness, to an iron vigilance and ruthless movement. Whereas the ordinary Chinese practitioners peacefully presenting themselves have entirely disappeared and iron-willed, well co-ordinated foreign protesters are the activist face of Falun Gong in 2002. [10af][10ah] [9do] [22ax]

**6.A.90.** On Tuesday 23 February 2001, on the eve of Chinese New Year, four women and one man set themselves on fire in Tiananmen Square at 14:40hrs local time. The group had doused themselves with petrol. One woman died: the flame on the others was smothered and they were rushed to hospital, badly injured. [9bm] One of the injured was later identified as a twelve year old girl. [9bo]

## Arrests

**6.A.91.** The Human Rights Watch, as other commentators previously, found that with regards to information about arrests, detentions, and deaths in custody, there were no sources other than the Falun Gong's and the Chinese authorities' accounts. Their January 2002 report attempts to take a cautious line on available data. [12i]

**6.A.92.** However, key demonstrations have had the advantage of being staged to, initially, a primed and alert media, and then as part of orchestrated media events, so the initial arrests in reported demonstrations can be viewed and analysed. Arrests are clearly seen to be performed with force on unresisting protesters, and there are instances of brutality (hitting, punching, throwing to the ground) in a number of cases before the arrest is completed. The brutal tactics are not moderated on the basis of the individual's gender, age or whether they have children in tow. [5q]

**6.A.93.** Protests in Tiananmen Square are fast becoming an activity only taken on by Western activists. On 11 February 2002, two young men, a Canadian citizen and an American citizen, were arrested after unfurling Falun Gong banners and shouting slogans. [9do] The Human Rights Watch has concluded that since September 2001 the Falun Gong have been forced totally underground. [12i]

**6.A.94.** The Amnesty International annual report for the year 1999, published year 2000, puts detentions in thousands. [6t] Amnesty International subsequently compiled a report recording nearly 2300 cases of detention, arrest or sentencing of Falun Gong practitioners from June 1999 to March 2000. [6s] News dated 28 June 2000 reported that police had detained 1,200 suspected Falun Gong members after Falun Gong protests in nine provinces. [4gx]

**6.A.95.** A Hong Kong based group, the Information Centre for Human Rights and Democracy (ICHRD), has produced their own estimates of Falun Gong arrests. The ICHRD in June 2000 claimed over 35,000 people detained since June 1999. However, the Chinese authorities have claimed the figure quoted represents the total number of acts of detention, including occasions when protesters are escorted away from, and diverted from joining, protests. They claim arrest on criminal charges amounts to 111 key Falun Gong activists, and 150 arrested under the anti-cult law (unclear whether the 111 arrests are part or separate to the 150 arrests). The ICHRD has claimed a further 500 have been sentenced to labour camps (under "re-education through labour")

[5q] Other human rights groups, in June 2000, have estimated over 1000 in labour camps, and an unspecified number of people in short term detention. [5q]

6.A.96. They claim 450 leaders have been sent to prison; 10,000 practitioners sentenced to re-education through labour for up to three years; 25,000 in detention centres for up to one month; and 600 practitioners held in psychiatric units. The figures have not been confirmed by the Chinese government, or corroborated by other group's estimates. ICHRD and the Chinese authorities have claimed and counter-claimed over the number and nature of arrests. [4hl]

6.A.97. Falun Gong community outside PRC has monitored how Falun Gong has been included in the Chinese anti-terrorist clampdown, post 11 September. [4sy] It has claimed that there have been sharp increases in anti-falun Gong activity, particularly in deaths in custody, with the Falun Dafa Information Center reporting that 24 deaths were reported in the past 26 days (up to 16 January 2002). [22an]

#### **Trials and sentences**

6.A.98. Trials are rare (see numbers below), with Falun Gong defendants being arraigned on charges that are in addition to membership of a banned organisation and / or evil cult. Further charges usually relate to public order offences under the Criminal Code. There is a noticeable trend of rape and fraud allegations to be brought, with the taint of witnesses who seem to have been subject to pressure to testify. [3ay] [6t] [6s]

6.A.99. The Amnesty International annual report for the year 1999, published year 2000, reiterates the 111 cases of criminal charges by 4 November 1999, and the trial of the four key figures in Hainan, also in November 1999. [6t] PRC authorities stated on 29 January 2000 that 242 core Falun Gong activists have been prosecuted. The actions of the authorities were "... we strike, according to law, harsh blows at an extremely (sic) few Falun Gong disciples who commit crimes." [4lp]

6.A.100. The official figures released in late August 2000 stated 151 criminal convictions in Falun Gong cases by the 15 August 2000. [4lc] Since then, the number of sentences given other than administrative sentences has been about 300 [12i] but the sentences handed out have been between seven and twelve years. Sentences that been pronounced on Falun Gong detainees convicted of "crimes against the state" have been held by commentators to be harsh compared to non-Falun Gong convicted prisoners. [5q] Since 13 March, there has been a report alleging that convicted Falun Gong activists are to be given life imprisonment. [22ax]

#### **Prison camps, torture and deaths in custody**

6.A.101. The operations of the Chinese prison system are covered in the CIPU China Assessment. At best (Chinese government visits of 'model' institutions notwithstanding), the Falun Gong detainees are subject to the standard conditions found within the Laogai (prison camps for convicted prisoners) and the Laojiao (administrative sentence determined, re-education through labour camps). Falun Gong ex-prisoner accounts talk of further degradations and routine tortures particularly twisted towards break female detainees. These are recounted graphically and fully in Falun Gong and Falun Gong sympathetic sources. [22 ] [22 ] [22 ] [5q]

6.A.102. Torture occurs in accounts of interrogation and police detention, and many of the deaths that are listed on the various deaths lists relate to violence during arrest or in police custody. Ill-treatment during investigation appears in

being arrested or in police custody, in connection with the investigation appears in the accounts of foreign nationals.

**6.A.103.** In October 1999, reports started to mention that Falun Gong activists have been sent to psychiatric institutions. [10ab][2e][2g] Likewise, the Falun Dafa Institute monitors reports of practitioners sent to mental hospitals. [22h] Likewise, an article on *Index (on Censorship) Online* website, dated 8 May 2000 picked up on various cases listed in the Amnesty International report, illustrating human rights abuses claimed ranging from secret trials, forced abortion, retroactive charges, misuse of psychiatric treatment, and deaths and torture in custody. [11c] The use of inhumane punishments and degrading practices in psychiatric hospitals have been corroborated by the report written by Robin Munro [9cv] and by extension these practices happen to Falun Gong inmates.

**6.A.104.** The first reported death was of an 18-year-old adherent of Falun Gong who died on 20 October 1999 from injuries sustained when she jumped from a train while under police escort. Falun Dafa alleged, via their US spokesperson, that she was intimidated and abused to the point of self-harm while in police custody. This was denied by the police who claimed she wished to be a martyr. [4eg][2e] The number of death has increased over time since the first death in October 1999. [4hg][4hh][4hi][4ho][4hp][4hs][4il][4iw][6t][pace 9v][22g]

**6.A.105.** The number of 370 plus deaths (477 in September 2002) refers to deaths that have been counted as confirmed by the Falun Gong themselves. There are many other reports of deaths that the Falun Gong cannot confirm, and estimate as many as 1,600 may have occurred in the past three years.

**6.A.106.** A profile of a typical Falun Gong activist who has died in custody can be drawn from the Falun Dafa information. Females (66 cases), are either in teens or early twenties or over 40 to 65, from the North Eastern provinces of either Jilin, Heilongjiang, Liaoning, Hebei or (particularly) Shandong (28 cases) or from Sichuan province (6 cases). Male cases tend to be over 35 years' old (47 cases) and more diffuse in province and manner of death, tending to more violent ends, with less details known. [22m] The list of deaths mirrors previous reports that point to typical Falun Gong activists being older males and females (typically 40 plus) from the Chinese heartland provinces, mainly the North East, or young female activists, typically of higher education age.

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#### Other qigong groups

##### Traditional, registered qi-gong

**6.A.107.** In September 2000, the PRC authorities issued regulations tightening the practice of qigong and the operation of associated societies and groups. The China Qigong Science Research Association is still in operation at a national level. Local groups however are to register as exercise groups, and the rules (published by the *China Sports Daily*) expressly forbid any association with Buddhist or other religious practice. The rules discourage large groups and creating networks. **[4ip]** In March 2001, the CQSRA participated in promoting "the right way to do Qigong" in conjunction with the China Anti-Cult Association. **[4ob]**

##### Zhong Gong

**6.A.108.** The members of Zhong Gong, a qigong organisation has asked the United States to grant its founder, Zhang Hongbao, with political asylum. Zhang applied for asylum in the US territory of Guam. **[4hq][18b]** On 9 October 2000, the 5<sup>th</sup> plenary session of the 15<sup>th</sup> CCP Central committee declared Zhong Gong an 'evil sect'. **[4iy]** On 11 October 2000, 2 further leading members were arrested and sentenced to jail and to re-education through labour. **[4ju]** Zhang has since been granted asylum by the US, thought the US state Department report for 2000 just states he "resides abroad". **[2i]**

**6.A.109.** Two activists from Henan province were sentenced on subversion charges, according to ICHRD reports dated 19 September 2001. The reports claim 6000 Zhong Gong leaders and activists have been arrested nationally since September 1999. **[4su]**

##### Other unregistered qigong groups

**6.A.110.** Qing Yang and Tain Tang Baolian qigong groups are other qigong groups that purportedly operated in Liaoning Province between 1993 and 1998. The Canadian IRB was unable to find information about these groups. The research report however reiterated that there were many qigong groups [3000 registered groups] operating before 1998 under that aegis of the Qi Gong Science Research Society; that qigong was encouraged by the Chinese government from the early 1980s onwards as a unique cultural asset and health-promotion system. **[3af]**

**6.A.111.** Qing Yang and Tain Tang Baolian qigong groups are listed in the Amnesty International list of targeted groups (March 2000). **[3af 6u]** Qigong

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Annex 1: International list of targeted groups (March 2000). [6a] Qigong groups listed in the report, besides Falun Gong and Zhong Gong, are Guo Gong ("nation gong") and Cibeigong ("Compassion gong"). [6u]

**6.A.112.** Guo Gong emerged in reports in November 1999, with the arrest of alleged leaders in Sichuan Province, founder given as Liu Jineng. [6u]

**6.A.113.** Cibeigong was reported after the arrest of the alleged founder, Xiao Yun, in Wuhan City, Hunan Province. Allegedly in 1997, Xiao Yun set up five practice stations in the provinces of Hubei, Hunan, and Jiangxi, attracting 900 followers. Cibeigong teachings are reportedly largely copied from Falun Gong teachings. [6u]

**6.A.114.** Not a qigong group, but akin as a meditation practice, the "Guan Yin Method" was founded in 1988 by "Supreme Master Ching Hai" and introduced to mainland China in 1992. Stresses vegetarianism and five "noes" - no killing, no telling lies, no stealing, no lewdness and no drinking. Claims 500,000 followers in 20 municipalities in at least seven provinces. Ching Hai is now based in Taiwan, from a rich Vietnamese family, and active in Hong Kong before July 1997. In 1996, the PSB in Sichuan Province discovered a list of several thousand members; alarmed by the number of cadres involved, the Guan Yin Method was labelled a "reactionary religious organisation". Further labelled an evil cult after the Falun Gong ban of July 1999. [3aw]

**6.A.115.** Another qigong group has come to light in 2001, courtesy of the Canadian IRB, namely, "Human Body Science". The leader, Shen Chang, was arrested in 2000 for "using an evil cult to breach the law", a cult "with many anti-scientific elements" and held by the prosecutors to be as dangerous as Li Hongshi. He was sentenced under tax evasion and illegal business practices in September 2001. [3bn]

**6.A.116.** The IRB were unable to find reports relating to another purported group, the Hui Ling Qigong masters. [3bn]

#### Asylum Cases

**6.A.117.** Reuters reported in January 2001 that claimed membership of the Falun Gong was the principal claim to a growing number of asylum applicants to the US. Jack Lin of the U.S. INS Asia desk said: "Four years ago, they used reasons such as the one child policy most often. Later on, they thought that was not too feasible... so they changed it to Falun Gong... Some of them don't even understand the meaning of political asylum. Nine out of ten cases, they are coached." [4ld] The Chinese government agreed that illegal immigrants were becoming adept at using "hot button issues" to secure asylum. [4n]

**6.A.118.** Two cases of asylum granted by the U.S. Immigration and Naturalization Service (INS), one reported on 8 November, and other reported on 17 November. The first was granted in New York to a 17 year old practitioner. [2a] The second was granted to a female applicant in San Francisco. [9i] Both press reports were announced by the applicants' lawyers. The reaction of the Chinese authorities was swift after the first case, viewing the acceptance as an affront. They alleged the U.S. INS had disregarded "the basic facts" that "the Chinese government's handling of the Falun Gong problem has earned staunch support from the people across the country and the understanding of the international community". [4ew]

**6.A.119.** There are other, general allegations of torture, including the case of an applicant for asylum in the US, in August 2001. It is the first report to be found of the semi-official China News Service commenting on such asylum cases, in this case quoting police from Guangdong and Guangxi saying they have no

record of holding the claimant, and denying the torture. [4qx] There are Falun Gong activists in the UK who have claimed to escaped torture and detention in PRC, with asylum claims currently pending. [9cf]

**6.A.120.** In Japan, in April 2001, six members of Falun Gong who tried to return to PRC, were turned away by the PRC immigration authorities, and were forced to travel back to Japan. The six have claimed political asylum in Japan. [4ql]

#### **Update: April to September 2002**

**6.A.121.** The tenth anniversary of Falun Gong's "founding" in 1992 was marked on 13 May 2002, with some protests in Hong Kong, but none in Mainland China, bar a very brief attempt by an individual to unfurl a banner in Tiananmen Square. [9es] [4vs] Since April 2002, the number of deaths in custody has increased to 477. Falun Gong activists in the US are particularly concerned by the increasing influence of the Chinese Government over other government's treatment and attitude towards Falun Gong. [22br] They alleged in June 2002 that Falun Gong members were being impeded and turned away at many airports, particularly in Iceland, purportedly because the members were on a "blacklist" circulated by the Chinese Government as part of international efforts to limit terrorism. [22br] The first prosecutions of Falun Gong members in Hong Kong - for obstruction during demonstrations - were reported on 15 August 2002. [9ex]

### **MUSLIMS**

**6.A.122.** Islam in China is a complex issue, as religious-sociological issues, ethnic identity issues and political issues have overlaid Islam. In academic Siniological (the study of China) literature there have been many starting points leading to a number of conclusions. For the purposes of this country assessment, the starting point is that "Islam" has been defined as one of the five "official" religions tolerated within the People's Republic of China. [2g] As with the other four "recognised" faiths, there is a communication line of the State Council's Religious Affairs Bureau and the (Communist Party) United Front Work Department to the China Islamic Association (the national official "patriotic" association) and the Beijing Islamic Association (the local association for the Capital). [1a,2g]

#### **Numbers**

**6.A.123.** Officially, according to the PRC authorities' reckoning in the 1997 census, there are 18 million Muslims in China. [1a,2g] Other sources, working on unofficial estimates coming out of the 2001 census, put the Moslem population at 23 million people.

#### **Identity - 1. "Official" identity.**

**6.A.124.** Out of the historical muddle of identity of Muslims in China outlined previously on the Hui people, the official view outside recognition of Islam as a faith, is that it is part of an ethnological package attached to some groups. There are overtones of "heritage" and "embracing the exotic diversity that is China" combined into tourist attraction developments, with the examples of the preservation of the old Muslim area of Niujie in Beijing (July 2000) [4pz] ; exhibitions reported in Ningxia Hui autonomous region of "Muslim food" (September 2000) [4qa] ; the popularity of learning Arabic and exploring Islamic identity amongst young Hui people (March 2001). [4pv]

#### **Identity - 2. Ethnic identity**

#### Identity - 2. Ethnic identity.

**6.A.125.** The Hui people have developed from a Han colloquial label for Muslims to the official grouping as a *minzu*, an official ethnic grouping. However, the notion of being a *minzu* is not how the Hui view themselves. **[4qd]** Prior to state institutionalising as a *minzu*, Hui ethnic identity was localised and less fully articulated. Hui will now regard themselves throughout China as *Hui min* - a Hui person, but the notion of a Hui group is only slowly growing. **[5n]** Hui will tend to regard their sub-group as their ethnic group, such as the Na Hui groups of Ningxia Hui Autonomous Region in Northern central China. **[5n]**

**6.A.126.** The Hui, as an ethnic people, are spread throughout China, with a sizable community in Beijing and large communities in the northwestern provinces. **[5n]** The Hui do have a phrase that sums up the loose understanding of Hui unity: *Tianxia Huihui shi yi jia* - "All Hui under Heaven are one family". **[5n]**

**6.A.127.** Outside the Hui, Muslims are strongly identified with ethnic groups, particularly non-Chinese groups, and part of the differences that promote separatist and nationalist tendencies. Among all the Muslim groups in China, there are elements that promote a Pan-Islamic understanding of grouping, and such tendencies are viewed with great suspicion by the PRC authorities. Such views combine the PRC's greatest threats of nationalist movements with international influence. **[5n]**

#### Identity - 3. Religious identity.

**6.A.128.** A whole range of religious grouping is found among the Muslims of China. Most Hui view themselves as *yisilan jiao* - of the Islam faith, and strongly resist *Hui jiao* - of Hui religion. **[5n]** The overwhelming majority of Muslims in China as Sunni Muslims: only the 26,000 Tajik nomads of southwestern Xinjiang province are Shi'ite. Practically, few Hui people in the northwest of China know of the difference between Sunni and Shi'i. However, the most compact and unified Hui communities follow Sufi traditions, with allegiance to a number of different orders. Some Sufi orders have developed fundamentalist standpoints, and they are taking increasingly pivotal roles in local protest movements. **[5n]**

#### Practice and levels of commitment

**6.A.129.** Islamic practice is held to be the key factor amongst the Hui and other sinified groups as to who is a Muslim. Among the Hui, living the *qing zhen* - the pure life - is held to be the identifier. This mainly means keeping to Islamic dietary laws extending into personal propriety, rather than identification with a group or regular attendance of the mosque or Friday prayers. **[5n]**

**6.A.130.** Increasingly, dietary differences are the focus of difference and sometimes of conflict. The most serious clash involving Hui occurred in Yangxin county, Shandong Province, when police fired on protesters after a pig's head was hung outside a local mosque, in December 2000. Six people were killed. The conflict began after a Han pork butcher started advertising "Muslim pork". **[4py][4qc]**

**6.A.131.** As Islam is recognised as an official religion, there are some, limited opportunities for the training of clergy. For example, there were 150 graduates of religious schools in Ningxia Hui Autonomous Province in 1999, with over 5,000 serving imams in the province. **[4qb]** Muslims are permitted to make pilgrimages to Mecca **[4qe,2f]** and are permitted to celebrate Islamic festivals such as the Corban. **[4qf]** Overall, the authorities' concerns centre around non-sinified Islamic groups, and the Hui are held to be relatively peacefully integrated into Chinese society. **[2f]**

**6.A.132.** The issues surrounding persecution of "Muslims" in China are *not* based on religious affiliation as such. In the words of a Human Rights Watch report of October 2001: "Whether secular or religious, the pro-independence groups in Xinjiang are overwhelmingly ethno-nationalist movements, that is, articulated along ethnic lines, not religious ones." [12h] This definition has been muddled by some reports ("Chinese police have arrested nine Muslims for preaching illegally ... as part of a broad clampdown on separatists."). [4sh]

**6.A.133.** Reports of Chinese Muslim terrorists trained by al 'Qaeda in late 2001 [4tc] masks the disparate nature of the Muslim groups, with Uighur national / ethnic groups working independently from one another and Xinjiang groups being necessarily very local and disconnected in nature. [12h]

**6.A.134.** There are reports of religious freedom being curtailed within Xinjiang Province wherever the PRC authorities find an association with separatist tendencies. [6y][12h]

## BUDDHISM

**6.A.135.** Buddhism is practiced in many forms by an estimated 100 million people in China. Most Buddhists are from the Han ethnic group. Han Buddhist leaders generally cooperate with the government. Local authorities enforce regulations on places of worship, particularly illegally constructed temples and shrines. [2b][2c][6d]

**6.A.136.** Buddhists make up the largest body of organised religious believers in China. Government estimates are of over 1000 million Buddhists, of mainly Han ethnicity. Such is difficult to estimate accurately as there are no congregational memberships and many believers do not participate in ceremonies. The PRC government estimates there are 13,000 Buddhist temples and 200,000 nuns and monks. [2h] [3ce]

**6.A.137.** However, Tibetan Buddhism is closely associated with proindependence activism. Chinese officials claim that there are about 1,400 monasteries in Tibet. Tibetan Buddhism is closely associated with proindependence activism. Non-political forms of worship are tolerated but since May 1996 there has been a "patriotic" campaign to "reeducate" dissident monks in lamaseries. The authorities see lamaseries as a drain on local resources and a conduit for political infiltration by the Tibetan exile community under the Dalai Lama, the highest figure in Tibetan Buddhism who has lived in exile in India since 1959. Monks and nuns have been among the thousands of Tibetans detained for advocating separatism since 1987. The government maintains management and operational control of the lamaseries and enforces limits on the numbers of monks. [2a][2d][6d][7f] The US State report on religious freedom (October 2001) [2h] has a separate assessment of the situation of Tibetan Buddhists.

## Tian Dao

**6.A.138.** This unofficial Buddhist group has been outlawed in PRC since the 1950s, with many followers being murdered at that time. [3bi] Since then the main focus of Tian Dao activity has been in Taiwan, and academic sources in Taiwan confirm that Taipei groups have links with the PRC mainland. [3bi] Tian Dao is known by other names, the main alternative being Yiguandao. [3bh][3bi] [3b] The basic beliefs incorporate many widespread Chinese folk beliefs (the Venerable Mother, use of Chinese lunar calendar) and adopted Buddhist features (the three treasures concept). [3hh] Before the 1950s Tian Dao was



strongest in Northern China, but has been practically eradicated. No information could be found by the Canadian IRB that Tian Dao was being practiced in Shenyang, Liaoning Province (Northern China). [3b]

**6.A.139.** There were no reports of recent persecution or that they have been targeted for persecution until September 2000. [3aa,4im] Two key members were apparently sentenced on 18 July 2000. The number of adherents in PRC was held by the source to be about 200,000; and the group was stated as having been founded in Taiwan in 1988, and to have spread to PRC in 1992. [4im]

## TAOISM

### General Background

**6.A.140.** Taoism is one of the traditional "three religions" of ancient China - Buddhism, Taoism and Confucianism, in the English idiom; more properly, the ways of Guatama the Buddha; the Way (the Tao, pronounced with a "dt" sound, hence alternatively spelt as "Dao") and the teachings of Kung Chaio (Confucius). [20k]

**6.A.141.** The three religions have often cross-pollinated one another; such as the Chinese Buddhist tradition of Ch'an bridging Taoist spontaneity and the Zen Buddhist practice. All three were lumped together in disparagement by the PRC authorities after the Revolution as "backward superstition" and persecuted as such, particularly during the Cultural Revolution. [20k]

### Taoism - beliefs and practice

**6.A.142.** The abstract thought and metaphysical reflections of Classical Taoism is centred around the perceiving and understanding of the Way (Tao), essentially to a form of spiritual "rightness" within the lifetime of the seeker of the way (as opposed to the many life-times of the Buddhist devotee). Very soon in the history of Taoism, there was the emergence of a Popular Taoism, that used all sorts of existing animistic beliefs, local worship cults, and forms of divination as aids to perceiving the Way and the Way for the individual. [20k]

**6.A.143.** Historically, the Taoists and Chinese Buddhists have often been in bitter feud. Taoists and Buddhists coalesced into definite factions, and it is reflected in physical details such as differing classic designs for temples, eating habits, and so on. Many classics of Chinese literature are based around the mockery of the opposing group (e.g. *Monkey* mocks Taoists). This is in spite of the fact that many core beliefs, thoughts and theoretical understandings are so close that a Taoist and a Chinese Buddhist may essentially hold the same belief, differing on detail or simply disagreeing to disagree. "Confucianism" is another spiritual tradition of pre-revolutionary China that worked as a volatile factional element, with a history of contrast between the state-sanctioning (and later state-sanctioned) tradition of Kong Chaio and the spontaneous almost anarchic Taoism. [20k]

**6.A.144.** Taoism itself is very broad and factional: there are at least 86 sects within Taoism in modern PRC, and a very strong tradition of rejection of "organisation". [20k] Within the popular form of Taoism, the Taoist temple is a place where an individual will look to spiritual guidance in the form of divination (consulting the I Ching, Feng Shui, some more mystical elements of traditional Chinese medicine), and to officiate over rites of passage (marriage, funerals, etc). [20k]

### Taoism in modern PRC

**6.A.145.** Officially PRC authorities estimate only 6 per cent of the population are Taoist, but if Taoism is extended to social adherence and occasional usage rather than "believers", the number should be much higher. Estimates of Taoist clergy (priests, nuns and recluses/holymen) range from 15,000 to 20,000. [20k]

**6.A.146.** As to the Classical form of Taoism, as a system of belief, it is accepted by the PRC authorities as one of the five "official" religions. [2g,17a] The US State Department report for the year 2000 (published February 2001) (source [2g]) summarises the position of Taoists as:-

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

**6.A.147.** Reports on difficulties between Taoists and the PRC authorities centre around the pulling down of the buildings of unregistered Taoist congregations, e.g around Wenzhou, Zhejiang Province in November 2000. [2g] Land law in PRC dictates that there is technically no private ownership of land as such, but land is held in the trust of the people by the State and distributed according to how the State sees fit to the maximum benefit of the people. (See land law). It is on this premise, coupled with the difficulty of registration for groups, which local authorities act against religious groups. [14,11g]

**6.A.148.** One area of concern to Human Rights Watch, in their 1997 analysis of religious persecution in China [12h], was the on-going PRC authorities' campaign against "feudal superstition". The campaign covers many forms of popular religion. There are issues of ethnic minorities' practices and religious rites as cultural practices, where there are often Taoist and Buddhist glosses to a native, local belief and practice. The campaign has previously encroached upon the popular form of Taoism, as a source of superstition. [12h] Formerly the PRC authorities resented the waste of resources on things other than "socialist reconstruction"; recently, authorities have been concerned about the emergence of "destabilising sects". [12h] Widespread traditional folk religions have been revived and are tolerated to varying degrees. Usually identified as loose variants of Taoism or ethnic folk beliefs. [2h] [2i]

**6.A.149.** Overall, none of the reports so far consulted indicate that mainstream, Classical Taoism is targeted for persecution by local or central authorities in the PRC. There are reports of conflicts that arise with individual congregations that are not registered. The authorities are suspicious of breakaway groups that have populist agendas and arguably extraordinary claims. [2g][12h][20k]

### Religious organisation in Fujian province.

**6.A.150.** On 8 October 1999, the Canadian IRB posted a report on religious practice and freedom in Fujian Province. [3i] On China generally, it refers to the US State Department report of 9 September 1999, *Annual Report on International Religious Freedom for 1999: China*, noting a resurgence of religious activity since the Cultural Revolution, with 180 million adherents of a variety of beliefs and faiths. Fujian has in particular experienced an open and vibrant revival of religious belief and practice, according to experts consulted by the IRB (Dr. Daniel Overmyer). [3i] Most of the experts consulted and quoted

have warned about variation in local practice as to tolerance, but most stated that "religious activities at the local level were generally tolerated, even if they were unregistered, provided they kept a low profile and did not try to organize on too large a scale." [3i]

**6.A.151.** Another expert (Dr. John Lagerwey) in October 1999 referred to the status of religious freedom in Fujian as "a fluid situation", and "it is fair to say in a general way that, as long as a movement - house church or other - does not take a political turn, the authorities leave it alone." Cases of sudden repression, he held, were inextricable from local politics, and thus "something virtually impossible (to know about) on the outside". A rare example of such activity was the report of *Fujian Ribao*, a Fuzhou city newspaper, on 8 August 1998 of a "checking-up" of registration between August 1998 and February 1999. [3i]

**6.A.152.** Estimates of the size of the Christian community in Fujian for 1997 have been given as between 640,000 and 900,000 (Sept 1997) out of a provincial population of 32,820,000 (1998). [3i] The Australian Country Information Service have estimated the Catholic population of Fujian as "several hundred thousand" and both Protestant and Catholic (both registered and unregistered) as being vigorous and active in church building. [3i] With regards to the demolition of unregistered churches, Bishop Zheng, the bishop of the state-recognised Patriotic Catholic Church has stated "According to the law, churches built without government approval must be demolished but that authorities have not set any definite enforcement plan." [3i]

#### **Other Unregistered Religious Groups**

**6.A.153.** Jewish groups, though not an official religion, are permitted to meet. The foreign Jewish community in Beijing has been able to hold weekly services since 1995. [2h]

**6.A.154.** Jehovah's Witnesses in China are an unregistered group, that the authorities consistently refuse to register. There have been reports in the past that members have been arrested and detained for participating in prayer study. According to the international organisation, there are Jehovah's Witnesses in many parts of the country. [3ag]

**6.A.155.** Church of Latter Day Saints likewise permitted to meet in many large Chinese cities, but strictly limited to foreigners. [2h]

**6.A.156.** The Baha'is are not recognised or registered by the government in China. The Baha'i community is not organised and has not sought recognition or registration from the government. The Baha'i are held not to proselytise and are generally well regarded by the authorities because of their philosophy of obedience to government. [3ak]

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#### FREEDOM OF ASSEMBLY & ASSOCIATION

**6.A.157.** While the Constitution has provisions for freedom of peaceful assembly and association, the government severely restricts these rights in practice. Such activities must not infringe upon the interests of the State, or protest against the political system or its leaders. Authorities deny permits and quickly move to suppress demonstrations involving expression of dissident political views. Demonstrations about non-political grievances are tolerated; unauthorized protests (assembly, demonstration marches and petitions) on non-political subjects are on the increase and are not automatically disrupted.[10n][9ee] [9eg] However, it is not always possible to draw a clear distinction between political and non-political demonstrations; often the decision is left to local authorities who can react in varying ways.[2b]

**6.A.158.** The Chinese government estimates that there are around a million organisations in the country working in a range of fields. The authorities tolerate them as long as they avoid what the Communist Party considers to be direct challenges to CCP authority or government policy. In October 1998, the fledgling China Development Union, which had organised seminars on China's politics and economy, was shut down.[19]

**6.A.159.** China's sole officially recognised workers' organisation, the All China Federation of Trades Unions (ACFTU), is controlled by the Communist Party. Independent trades unions are illegal. Since October 1997, when China signed the International Convention on Economic, Social and Cultural Rights (which provides for the right to form independent trades unions, to strike and to demonstrate) a group of activists has started a campaign to promote independent trades unions. The convention has not yet been ratified by the NPC.[2d] Central government has called for the growth of official trade unions, working under the All-China federation of Trade Unions, within new enterprises. [4jy]

**6.A.160.** The international labour movement has been critical of the Chinese state monopolizing of labour relations. In 1996, the International Labour Organization (ILO) ruled against PRC on grounds of "anti-union discrimination" when the PRC punished three Chinese sailors for complaining to the International Transport Workers' Federation (ITF) while working outside PRC. ITF have recorded a number of incidents of intimidation by the PRC authorities since the 1996 ruling. [3ax]

**6.A.161.** In February 2001, the PRC partially ratified the United Nations' International Covenant on Economic, Social and Cultural Rights. The partial



international Covenant on Economic, Social and Cultural Rights. The partial ratification came four years after the signing of the treaty, and the abstention from Article 8 still means that still only State created and linked trade unions may exist. [10aq]

### Political Activists

**6.A.162.** Political dissent is tightly controlled. Public dissent, criticism and protest in China have been silenced by intimidation, exile, the imposition of prison terms, administrative detention and house arrest. Government officials deny that China holds political prisoners, asserting that persons are detained not for the political or religious view they hold but because they have taken some action that violates the Criminal Law. Prior to revision, Articles 90-104 of the Criminal Law provided for "counter-revolutionary crimes". These articles have been used to punish persons who organised demonstrations, disrupted traffic, disclosed information to foreigners, or formed unauthorised organisations. The revised version does not refer to counter-revolution, but continues to proscribe 'acts that endanger national security'. Article 105 of the revised Criminal Law, for example, provides for sentences of up to five years' imprisonment for 'whoever instigates the subversion of the political power of the state and overthrow the socialist system.' [2b][2d][7a] The cases of people still serving sentences for "counter-revolutionary offences" have not been reviewed.[6h]

**6.A.163.** Conditions for all inmates of penal institutions are generally harsh and frequently degrading. [2b] There are reports that some political prisoners have been unable to obtain adequate medical care; and reports of beatings by guards and fellow inmates, electric shocks and solitary confinement.[2d][2g]

**6.A.164.** Many of those arrested for participation in the pro-democracy movement in Beijing (but not in other locations) have been released. Security officials have stated that all cases from the period of the Tiananmen demonstrations have been concluded.[6o] However, Amnesty International maintains that 211 people remain imprisoned in connection with the 1989 protests.[2g][6h] Those who have been released and continue to make political protest in China remain liable to further detention and harassment for subsequent "crimes", such as signing petitions or participating in Tiananmen Square massacre commemorative events around 4 June.[2a][6h]

**6.A.165.** Information about the arrests and government activities around the 10 years' commemoration of Tiananmen Square was published by the IRB in July 2000. A new police section, the Tiananmen District PSB, was created out of four existing squads in the run up to the 4 June 1999, and were charged with public order during the 50<sup>th</sup> anniversary celebrations in October 1999 as well. In April 1999, known dissidents were rounded up, detained for questioning about planned activities, and warned. Most detentions were for a matter of hours, but one activist, in May 1999, was formally arrested in Guangzhou after two weeks' detention.[3am]

**6.A.166.** Commemorative activities were attempted. The official response was mixed, with 100 activists able to distribute leaflets in a park in Hangzhou without interference in early June 1999, to reports of arbitrary detentions of CDP members on 2 June 1999. [3am] On 4 June 1999, there were only two individual attempts to commemorate in Tiananmen Square itself. 130 activists were questioned and 42 detained by the police on the day itself. A number of individual arrests took place across the country, with sentences of people formally charged emerging from September to December 1999. Most sentences were between one and three years. [3am]

**6.A.167.** There are several examples in which the Chinese government apparently timed the release or detention of well-known dissidents to coincide with events of international significance to the country.[12f] The pro-democracy

activist Wei Jingsheng was given medical parole and effective exile to USA in November 1997, following President Jiang's state visit to Washington. Bao Ge (now in the US), who went on a hunger strike in 1993 to demand the release of another dissident, was himself detained five times briefly in the next year during high-level visits from US, Japanese and French representatives.[3f][9b]

### Dissident organisations

**6.A.168.** A number of dissident groups emerged in 1991, including the Liberal Democratic Party of China (LPDC, Zhongguo Ziyou Minzhu Dang, or Freedom and Democracy Party); the China Progressive Alliance (CPA, or Zhonghua Jinbu Tongmeng); the Free Labour Union of China (FLUC, or Zhongguo Ziyou Gonghui); and the Social Democratic Party of China (SDPC, or Zhongguo Shihui Minzhu Dang.) During 1992, the authorities put a stop to their activities by arresting scores of activists and suspected supporters. [6j] Typically, these 1991 organisations were very local and very small, usually of less than a dozen activists in each group. [12f] (please refer to Annex B, part three for a listing of known dissident organisations)

**6.A.169.** Between September 1997 and mid-November 1998, there was a period of political relaxation that some sources have referred to as a "Beijing Spring". The thaw may have been aided by the trouble-free passing of three key events: the death of Deng Xiaoping (February 1997), the return of Hong Kong (July 1997) and the 15<sup>th</sup> Party Conference (September 1998). [12f]

**6.A.170.** In this period of openness, Foreign Minister Qian Qichen formally announced that the PRC would sign the UN International Covenant for Civil and Political Rights (ICCPR). This announcement spurred a number of political dissidents to action. In March 1998, veteran dissident Xu Wenli applied in Beijing to register a human rights organisation, China Human Rights Watch (*Zhongguo renquan guancha*); Mao Guoliang and Wang Donghai tried to register a newsletter in Anhui Province called *China Human Rights News* (*Zhongguo renquan*). In Wuhan city, Hubei Province, Qin Yongmin set up a human rights fax-letter called *Human Rights Watch (Renquan guancha)* that ran for 86 reports before termination by the authorities in May 1998. [12f]

### China Democratic Party

**6.A.171.** (See also Annex B, part three) On 10 July 1998, Wang Youcai tried to register a China Democratic Party with Zhejiang provincial authorities, the first open attempt to gain government approval for an opposition party. The CDP had previously announced its presence on 25 June 1998 with an "Open declaration" setting out its agenda to establish a democratic opposition party. [12f] It was reported that Yang was turned away, and detained for six hours by the police. Another member of the group, Zhu Yufu, was detained for 47 hours for handing out copies of the manifesto during President Clinton's visit. The activists announced that they had shelved the attempt to register the political party after one week, when Clinton's visit was coming to an end.[4f] Nevertheless, Wang Youcai and up to 4 others were subsequently arrested and detained.[18] A number of other dissidents were detained or had their movements restricted during Clinton's visit.[4q] One source has claimed that CDP members are still being arrested, with more than 20 leading members sentenced to prison terms during 1999 / 2000. [6t]

**6.A.172.** The background to the founding of the CDP began in late 1997, with the beginnings of concrete ideas for an opposition party proposed by Wang Youcai and a group of student activists. The initial working name was China Justice Party (*Zhongguo zhengyi dang*) but was dropped as Wang thought people would understand "democracy" better than the term "justice". The core philosophy of the party was of "openness, peace, reason and legality" (*gongkai*,

*heping, lixing, and an falu*) and its main objectives were to press for direct elections and the formation of a multiparty system. [12f]

**6.A.173.** Subsequent attempts to set up the China Democratic Party have led to a number of arrests in Beijing and the provinces.[4s] In some places, activists were harassed or temporarily detained, while in others local officials met with dissidents and explained the requirements for registering social organisations. However, the applications would be approved.[2d] In December 1998 Xu Wenli, Qin Yongmin and Wang Youcai were sentenced to 13, 12 and 11 years in prison respectively, on subversion charges.[16a] President Jiang has told officials to "pay particular attention to social order and stability" during 1999, when a number of sensitive anniversaries will occur (50 years since the founding of PRC, 40 years since a Tibetan uprising, 10 years after Tiananmen Square demonstration).[4u] By the end of 1999, almost all of the key leaders of the China Democracy Party were serving long prison terms or were in custody without formal charges. Only a handful of activists remained publicly active in 1999. [2e] In March 1999, Amnesty International reported that many scores of people had been detained, harassed and imprisoned solely for peacefully exercising the rights protected by the two UN Covenants on Human Rights that China had recently signed.[6j]

**6.A.174.** The China Democracy Party (CDP) in February 1999 called for the registration of a national party. The national committee of the party called for increased involvement from the provincial organisations of the party. Xinjiang Province was not mentioned in any reports as having any CDP organisations. [3at]

**6.A.175.** CDP members were active in the 4 June commemorative protests around June 1999. Four CDP members were sentenced in December 1999, in Hangzhou, for various activities, with sentences between five and eleven years. [3am]

**6.A.176.** The international human rights organisation, Human Rights Watch, concluded in September 2000, that "for all practical purposes, CDP activities had been silenced by January 2000." [12f]

**6.A.177.** The families of notable dissidents, particularly those who become spokespeople, are often kept under heavy surveillance and may be subjected to frequent police questioning and visits.[3f][4b][6f] For example, the mother of exiled dissident Wang Dan was briefly detained by the police on 15 October to prevent foreign journalists interviewing her, amid speculation that Wang Dan was to receive the Nobel Peace prize. [4ci]

**6.A.178.** The Canadian Embassy Political Counsellor noted that in Fuzhou, there was no evidence of activity by "illegal" political parties, trade unions, or other "illegal" social organisations. [3r][3w]

**6.A.179.** Information posted on the IRB site indicates that discrimination of suspected supporters of the 1989 Pro-democracy Movement in the early 1990s was limited to breakdown of academic exchanges, and a campaign against pornography that served as cover for purging authors such as Yan Jiaqi. [3v]

## EMPLOYMENT RIGHTS

**6.A.180.** There is a two tier minimum wage structure, one (\$40 a month, scaled on exemptions down to not less than \$30) for joint venture industries, and \$12 a month for domestic, non-foreign venture operations. \$12 a month is inadequate to provide a worker and family a decent standard of living. Many

inadequate to provide a worker and family a decent standard of living, many households have side-enterprises, and include more than one wage earner. [1c]

**6.A.181.** Government provision for industrial health and safety monitoring is held to be inadequate, but some reforms have been achieved through employees' trade unions. [1c] Amnesty International expressed concern in May 2002 that union officials were starting to be targeted as potential dissidents in some disputes. [9er]

**6.A.182.** Child workers are defined as workers under the age of 18 years. With certain exceptions of persons between 15 and 18 years, child labour is technically illegal. However, one survey held that about 40,000 children between the ages of 8 and 14 years were working in violation of the law. [1c] Rural areas have high rates of child labour, mainly as agricultural workers working from the age of 6 years. [1c]

## PEOPLE TRAFFICKING

**6.A.183.** The main, specific problem with regards to people-trafficking, namely the activities of snakeheads is discussed at length below. (See *Chinese Migration Issues*) With regards to criminal activities where people are viewed more directly as commodities, and are forcibly abducted or coerced with a view to being trafficked, most activities are within the PRC and the near-China region. For instance, most of the sex industries based in the large cities, particularly of the eastern coastal regions, are catered for by the trafficking of women from rural areas and Vietnam. [2g] (See *Women - Abduction*)

## FREEDOM OF MOVEMENT

### *Hukou System*

**6.A.184.** The "iron rice bowl" work unit system has, since the 1950s, provided a means by which the CCP has controlled and restricted the Chinese population. Under the system, individuals are issued with a registration card (*hukou*), which records permission to work and reside in an area, and also allocation of various benefits. Another factor in the control system is the work unit (*danwei*) attached to every state enterprise or collective, including schools, factories, research institutes and offices. The CCP officials of the *danwei* control access to tickets for out of town travel, authorise passports and marriages, and allocate state-insured benefits. [3a]

**6.A.185.** The need for a supplemental work force in the areas of fastest economic growth has led to tolerance of a large itinerant population that is not in compliance with formal requirements to obtain permission to change residence. Since this population lacks legal status, access to housing, schooling and the full range of employment opportunities is restricted. National and regional authorities have been encouraged to regulate and manage the transient population. [2a][2c][7h]

**6.A.186.** Nevertheless, booming coastal cities have attracted a "floating" population of 80-130 million, and private firms and foreign joint ventures have drawn over four million workers from state-run enterprises. The floating population includes many unskilled rural workers, and a growing number of middle-class professionals. Some cities, such as Beijing, are beginning to offer social services free of charge. In August 1998, the PSB issued revised regulations that allow persons from the countryside to apply for permanent



residence in a city.[2d]

**6.A.187.** The Western (Gregorian) calendar has been in use in official documents since 1911. The Chinese calendar is used for unofficial and popular purposes in the main. There are a number of instruments for conversion between the two, such as *The Book of Calendars* and a number of online conversion sites. It is unlikely that official documents such as identity cards will cite dates by the Chinese calendar and not the Western calendar. [3a]

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

**6.A.188.** One academic source has noted that the *hukou* system is not merely a personal identification device and for gathering population statistics, but has served as a method of state control of individuals and populations. The source argues the *hukou* system signifies the rural-urban divide within modern Chinese society. The process of *nongzhuanfei* (conversion from agricultural to non-agricultural *hukou*) is highly sought after, and exemplifies a major "class" rift in modern Chinese mainland society. [11e]

**6.A.189.** The *hukou* comprises two components: a residential location and a socio-economic eligibility factor. Place of registration (*hukou suozaidi*) is limited to one place only, dividing into different urban / rural place categories. The urban / rural divide is furthered by the 'status' of the *hukou* (*hukou leibie*). An important differential used to be whether the type of *hukou* entitles the holder to state-subsidised food grain or "community grain" as opposed to a demand for self-sufficiency in growing grain crops. Until 1998, *hukou* residency was inherited from a person's mother; now *hukou* inheritance can be from either parent. [11e]

**6.A.190.** The *hukou* is unlikely to be granted to minors. The only circumstance in which a minor would hold their own *hukou* would be if they had established their own household, and ipso facto became the head of the household. [3ab]

#### **The mechanism of *nongzhuanfei*.**

**6.A.191.** *Nongzhuanfei* is regulated by two means: "policy" (*zhengce*) and "quota" (*zhibiano*). The latter is a straight-forward regulator by numbers; the former refers to the conditions that an applicant must achieve to be qualified for change of status. There are two further considerations: a "regular" channel, usually through promotion or special skills development at work, all fitting into state productivity plans; and a "special" channel, a flexible measure for the state originally reserved for unusual cases and contingencies, with overtones of an honours system. [11e]

**6.A.192.** Key dates in the total use of the *hukou* system as an internal migration control include 1962 with increased rigorous policing by the MPS (Ministry of Public Security), and further limitations in 1977. At the height of the *hukou*'s regulatory power (1950s - 1980s), the source claims "past experience shows that illegal migration (without a migration certificate) was seldom punished by real prosecution but simply by extradition." Neighbourhood committees and other state entities easily found out violations of *hukou* status, but there were cases of long term undocumented migrants (so-called "black households"). Before the reform period of the 1980s the *hukou*, and particularly *nongzhuanfei*, produced many dire cases of injustice. [11e]

**6.A.193.** Reform began in the late 1970s, and the past two decades have seen the *hukou*'s decline in effectiveness and application. Six main issues are discussed by the source, summarised below.[11e]

### Temporary residence certificate

**6.A.194.** Originally started in Wuhan in 1993, a nationwide version in urban areas appeared in 1985. The TRC (*jizhu zheng* or *zanzhu zheng*) originally was issued to temporary workers over 16 years who were intending to stay in urban areas outside their *hukou* residence for over three months. It was intended to reduce the burden on police registration (formerly, to register with the police if the stay was to be longer than three days and then renewed after three months). In 1995 the TRC was extended to rural areas as well, but period of stay changed to stays of longer than one month, and the permit was valid for one year's residence. The TRC may be renewed. In 1995, 44 million of the floating population of 80 million were held to be registered with a TRC. [11e]

**6.A.195.** Rural migrant workers are the main applicants for TRCs. A distinction is made between "conventional" temporary population (*changgui zanzhu renkou*) of people with definite work / family commitment objectives, and the job-seeking temporary population (*mousheng zanzhu renkou*) of migrant casual labour. Many applicants are deterred by the paperwork associated with the application. The TRC does not confer full urban *hukou* benefits. [11e]

### Citizen identity card

**6.A.196.** The photo identity card (IDC) was devised by the Ministry of Public Security (MPS). Proposed in 1983, tested in Beijing in 1984, and applied nationally in 1985, the emphasis of identification was placed on the individual rather than the household. With the reforms of the 1990s - liberalisation of the economy, increased privatisation, increased ability for individuals to decide how they want to earn a living - the individual identity card (*jumin shenfenzheng*) is regarded by the authorities as a superior means of social control. [11e] Tickets may now be purchased without any ID card. There is also a burgeoning market in counterfeit identity cards. The government has announced it intends to assign individual identification numbers to all of its 1.248 billion people. [4br] The existing resident's ID card is to be the legal basis of the next card issue. The Ministry of Public Security will oversee the issue. The encoding and numbering of the cards has been given a one year target date. [4br]. In 1998, the Canadian IRB obtained information as to indicators of genuine resident identity cards, with five tests:-

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

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

### Residency permits

**6.A.197.** Information on Changle residence permits, and the meaning of the fifteen-digit serial number, was posted on the IRB website on 24 February 2000. [3y]

**6.A.198.** The IDC comprises of a control code, a registered regular address, and a stamp endorsed by the police unit local to the registered address. IDCs are held to have a greater degree of integrity as they are not as easily counterfeited as letters of introduction or *hukou* booklets (both of which may be

counterfeited as letters of introduction or *hukou* booklets (both of which may be purchased illegally). The IDC has assisted in *hukou* rectification programmes. [11e]

### Employment Record

**6.A.199.** Further control of individuals is exercised through employment documentation. Under the existing system, the individual's work unit (*danwei*) keeps employment history records, not the individual, in a personal record or archive called a *dangan*. The *dangan* can be referred to, annotated and added to by Party chiefs, but is not open to the individual. Until recently, the *dangan* was instrumental in controlling the lives of most of the urban population of China. The system has started to crumble in recent times, for example, the *dangan* of employees of foreign companies are transferred to the Ministry of Foreign Trade. [3bf]

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#### Changes in *nongzhuanfei* policy

**6.A.200.** Since the late 1970s, the "special" category of *nongzhuanfei* has been relaxed to cover all sorts of contingencies. They have included rehabilitating purged cadres and intellectuals in the late 1970s, reintegrating young people sent to the country in the Cultural Revolution, and spouse-inclusion programmes for skilled and professional workers. Thus in the years 1979 to 1995, the non-agricultural population grew by an average of 7.8 million (3.7 percent) each year. [11e]

#### Households with "self-supplied food grain" in towns

**6.A.201.** Another development emerging in the 1980s was the granting of a *hukou* if the applicant could show that they would not call upon community resources. This type of *hukou* died out in the early 1990s as new opportunities for "urban" *hukou* started to emerge. [11e]

#### Sales of *hukou* and "blue seal" status

**6.A.202.** Sales of urban *hukou* by local authorities by the late 1980s were disapproved of by central government, but unstoppable. The "blue seal" status (also known as "blue chop" or "blue stamp") introduced in 1992 regularised inward payments to the local authorities, conferring a new urban status to those who could pay by any of a number of means. It was called "blue seal" as it was distinguished from the non-agricultural *hukou*'s red endorsing stamp with a blue stamp. [11e]

**6.A.203.** The actual benefits of the blue seal *hukou* depend on the local government, and not central government. There is a market-related pricing for blue-seal *hukou*, with different cities and even districts of cities charging "urban infrastructural construction" (*chengshi zengrongfei*). This commodification of the *hukou* has prompted cities such as Shanghai to view blue seal holders as "provisional" or "preparatory" citizens, open to apply for full urban *hukou* status in time. [11e]

**6.A.204.** The one effect of such commodification has been the reduction of actual bribery of officials as a means of securing and changing status. Central government has been against such developments but increasingly has been ignored as the revenue base of local government has broadened through *hukou* sales. [11e]

#### *Hukou* reform in market towns

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**6.A.205.** Pilots are currently underway to regularise "stable" workers i.e. those with regular non-agricultural work / living support as a small town urban *hukou*, after a two year residency period. Unlike blue-seal *hukou*, there would be no fee involved. Little information has emerged about the pilots, but they may be viewed by local government as a direct competitor with blue-seal status. [11e]

**6.A.206.** The academic source concludes that the new distinctions of *hukou* have added further complexities to PRC social stratification. Social movement has mirrored flexibility for individuals to move around the country. The state is reluctant to drop the *hukou* system as a tool of political control, but has had to adapt as it embraces economic reforms. The two aspects of the *hukou* system, registering residency and determining status, may be easily disassembled if the system becomes politically obsolete. [11e] Some newspaper reports have misunderstood and misreported these relaxations as a "scrap(ping) of a decades-old system". [9fk]

### The Floating Population

**6.A.207.** One expert source has recently put the "floating population" (*liudong renkou*) of internal migrant workers as having seriously undermined the command economy on which the PRC is based. The source looks closely at the *hukou* system (of household unit registration) as a means of understanding the flow of internal migrants. [5a]

**6.A.208.** Figures of official residence changes, by *hukou*, in PRC were running at 18.5 million changes per annum in 1995. Unofficial estimates put the migrant workforce in 1995 at 80-100 million. [5a]

**6.A.209.** The mid-1990s data has, however, provided two profiles of *hukou* and non-*hukou* migrants. *Hukou* migrants are typically either well-educated professionals moving for career purposes, or farm / industrial workers sanctioned to move often for marriage in a rural to rural migration. *Hukou* migrants comprised, in 1995, 53% of the officially recognised migrant workforce (and about 15% of estimated rural migrant labour.) Non-*hukou* migrants were typically less well-educated, 'self-employed' farm or industrial workers moving from rural areas to major cities and export processing centres. Few migrants of any kind are over the age of 40. [5a]

**6.A.210.** The annual mobility rate has been estimated by the source to be circa 4 percent of total population per annum in 1995 (two-thirds of Western European countries). The criteria for registering a change excludes many minor movements, namely changes of less than 1 years' residence elsewhere, and hides the fluidity of the workforce as it follows seasonal patterns. Only the beginning of the phenomenon, the years 1980-95, have so far yielded data in terms of official figures. The debate amongst commentators as to how much of the migratory phenomenon is permanent resettlement continues. [5a][5c]

**6.A.211.** In August 2001, there were news reports that the PRC is planning to ditch the *Hukou*, the residency permit system, within the next five years. Alternative registration is proposed by the State Development Planning Commission, based on a scheme of employment registration. [9ct]

**6.A.212.** The move has apparently been in response to the possible effect of China's entry into the WTO. Entering the global market will demand further flexibility of the workforce to relocate, with 50 million of the current 150 million rural unemployed moving to urban areas in the next five years. The *Hukou* system is held to be an obstacle to a more sophisticated labour force, but its demise will be unpopular with resident urban populations. [9ct]

## CHINESE EMIGRATION ISSUES

### INTRODUCTION: CASES AND JOURNALISTS' INVESTIGATIONS

**6.A.213.** Chinese emigration has been in process for many hundreds of years, and in its current form to the West for decades, but a number of events and media highlighting have developed the idea that such emigration, particularly illegal immigration (into recipient countries) is a new, dangerous, disturbing, growing trend. Two academic studies, both in conjunction with the International Organization for Migration (IOM), have explored the lack of reliable information associated with the miscasting and the misunderstanding by most media sources of Chinese migratory trends. [19g][19h] One report, by Ronald Skelton in 2000, [19g] draws mainly from the US experience and corrects some media misunderstandings that were apparent in 1999. [19g] The other report, by Frank N. Pieke in March 2002, reports on the findings of the first major academic initiative to understand Chinese trans-border people flows in relation to the European experience. [19h] The Pieke group's findings reflect the situation in Fujian and Europe in 2001. [19h]

**6.A.214.** The purpose of this particular bulletin is incorporate these findings and their comment into the existing CIPU information about Chinese emigration, to clarify the understanding of Chinese irregular migration. This document is intended to develop a more cogent understanding of the issues. The misconceptions and their variance with more reliable information were very pertinent to the human rights issues that came up in the Bin Hou determination, heard in June 2001. [24a]

**6.A.215.** Principally, the new research moderates the understanding of a Snakehead from typically being a hardened criminal from an organised criminal gang to someone operating on a more occasional basis, with an eye for an opportunity to circumvent legal immigration for others' benefit and personal profit. To give an understanding of the sensational media reporting that has arguably placed artificial weightings on the issues, four key cases picked up by the media and a typical media exposé are outlined below.

#### The deaths in Dover, 19 June 2000

**6.A.216.** Just before midnight, 18 June 2000, a customs officer inspected a refrigerated lorry at the docks, Dover East, and discovered 60 bodies - 58 dead and two survivors. The Dutch-registered vehicle had previously aroused the suspicion of UK Customs and Excise, and was intercepted on arrival from Zeebrugge. The deaths were through suffocation not hypothermia, as first surmised; it was a deliberate attempt to smuggle people into the UK, as the refrigeration unit had been turned off and a cargo of tomatoes was arranged as a screen. Suffocation occurred when vents were closed. [9o][9s]

**6.A.217.** The 58 dead and two survivors were without any official documentation. The two survivors were male, as were 54 of the dead; the remaining four were female. Their gender / age profile fitted the typical profile of claimants from Fujian (male and between 15 to 45 years old), which was subsequently confirmed. [9o][9s] The two survivors were placed under police protection, and an investigation by the Kent Police was undertaken in conjunction with the National Crime Squad. [9n][9o] In September 2000, three British detectives went to Fujian for DNA samples and by 20 September 2000, all of the 58 dead people had been identified. [4jy][4ka] On 12 September 2000, police announced that several key suspects were arrested, [4jz] and in April 2001, brought to trial. [4qm]

6.A.218. The incident was internationally reported and it was the first major incident reported in the UK press, though issues had first been uncovered in the UK press during the snakehead trials of October 1999. Similar information and emphases about the issues were repeated during and after the trial of Perry Wacker (the driver) and Ying Guo (the contact) in 2001. [4qm] (See below, *Snakehead gang members outside PRC*)

#### The Golden Venture

6.A.219. The American media experience of snakehead activities dates further back than 2000, namely to 1993, when the ship, *the Golden Venture*, ran aground just outside New York harbour. [19g] It was the culminating act of a particular snakehead, Cheng Chui Ping - "Big Sister Ping", and her ultimate undoing (see below), but her involvement was little understood in the initial reporting of the incident. [9ap][10ay]

6.A.220. The *Golden Venture* was a rundown freighter that Ping and a conglomerate of other snakeheads used in an unusually large and "audacious" shipment of 300 Fujianese would-be immigrants. The *Golden Venture* ended her journey in a spectacular fashion on 6 June 1993, when the ship was run aground on the Rockaway peninsula, in the New York borough of Queens. Immigrants were then forced to abandon ship and swim for shore, with ten people dying as a result. 'The Golden Venture disaster provided a wake-up call for the US authorities' [10ay] and, in the words of Ronald Skeldon, 'This incident has perhaps done more to crystallize thinking on the irregular migration of Chinese to the West than any other single event.' [19g]

#### Pacific Coast cases, 1999

6.A.221. In June and July 1999, boatloads of Chinese immigrants began arriving on the western seaboard of US / Canada, and the incidents started attracting considerable media attention. All passages had been arranged by snakeheads. Most boats intercepted were either heading for the US but diverted to Canada, or, on interrogation of claimants, were to drop the immigrants in Canada who would then proceed to the US using land routes. [18] 203 people were caught as container stowaways in 1999, in western seaboard ports. [9l] 136 people on eight ships were detained by the Canadian and US authorities in the period 25 December 1999 to 14 January 2000. [9k] On 6 January 2000, 10 Chinese teenaged women were detained by the Canadian authorities about to cross to the US. [4fi] The US authorities found a further boatload of 15 immigrants in Seattle on 9 January 2000: they also found three corpses in the same container. The 15 immigrants were malnourished and dehydrated. They are the first deaths to be discovered by authorities, and later held to have died from dehydration caused by seasickness. [4fp][4gb][9l]

6.A.222. In the last week of December 1999, the US authorities found 30 immigrants at Long Beach / Los Angeles (4 January 2000). [4fb] The authorities were able to arrest three men waiting near the ship. [4fe][9m] The US INS detained 14 stowaways in Seattle on 5 January 2000. [4ff] At the beginning of January 2000, Canada intercepted one ship with two containers containing 25 immigrants in total (in a news report dated 5 January 2000). [4fg] The container ship had been diverted from Seattle because of port overload on 6 January 2000. The incident prompted Elinor Caplan, the Canadian Minister of Immigration, to announce a trip to China in April, starting on 20 April 2000, to discuss immigration matters. [4fh][4gl]

#### The Cape May case of 2001

6.A.223. The *Cape May* case, in which three of seventeen stowaways died in a US-bound container ship from Hong Kong, gave more details about

arrangements en route. A junior snakehead was with the group and was equipped with two mobile phones to communicate with gangs at both ends of the journey. [4um] Once in Seattle, another snakehead was to escort the group on public transport from Seattle to New York. [4un] The same smuggling ring included a car mechanic who regularly went to Fujian to give "a sales pitch about the glories of the United States" but also assisted with facilitation. [4uo] A New York asylum law firm was also involved, with Robert Porges, its head, and his wife admitting constructing false asylum claims whilst knowing the claimants were being kept as slave labour. [4uu] The Porges and four members of staff are currently facing eight years in jail. [4uu]

### The Alpert interviews

**6.A.224.** A documentary programme, produced by Globalvision for US television in April 1996, combines most of the elements that are to be found in media reporting of snakehead activity. [23f] It suggests that snakehead activity has "recently" arisen; that the snakeheads are Chinese gangsters; that the Chinese Government colludes with snakehead activities; it details the high price of the snakehead passages and the debt burdens; the deceptions and the miserable slavery of illegal entrants once in the US. [23f]

### The resulting perceptions from media reports

**6.A.225.** The Alpert interview (above) is typical of media coverage that, in the words of Ronald Skelton, "...give the misleading impression that the world's most developed countries are under the threat of a wave of irregular migration from the world's most populous country. Such a conclusion is, however, far too simplistic." [19g]

**6.A.226.** Skelton continues to outline misunderstandings regarding potential growth of migrants from China; motivation for emigration; involvement of criminal gangs, particularly triads; the reported abuse and exploitation of Chinese irregular migrants; and the large sums of money involved. [19g] Frank Pieke's researchers also found that the nature of Chinese emigration was far more complex than initial media outbursts had allowed for, and particularly underpinned a more subtle and culturally-aware understanding of criminal gang involvement at the point of recruitment of victims. [19h]

**6.A.227.** Therefore, the above cases will be referred to, in following sections, in terms of adding details to explanatory information, incorporating the findings and understandings of Skelton and Pieke. However, as Pieke points out, there are great gaps in what is known of snakeheads' operations and their societal context, at just about every juncture: 'policymakers also remain almost wholly in the dark regarding vital issues, such as the economic and fiscal contributions and the welfare and infrastructure costs of the Chinese communities... further research is urgently required.' [19h]

## THE PATTERN OF CHINESE EMIGRATION

### General information on Chinese emigration patterns

**6.A.228.** Most of the Chinese asylum seekers in the United Kingdom are from Fujian province. Some areas in Fujian and neighbouring coastal provinces have a long tradition of migration and may have over 10% of their population living abroad, substantial foreign exchange earnings, access to high seas transport and large numbers of returned migrants living in the community. [2a][11c] The snakehead operation begins in Fujian, and is mainly centred around Changle City, drawing clients largely from the ten metropolitan counties of Fuzhou



métropolitan area (Changé is part of this conurbation). [10ay] In September 1999, the Economic and Social Research Council, as part of their transnational communities project, commissioned a three year research project on the Fuzhou diaspora in Europe, under the direction of Dr Frank Pieke of the Institute of Chinese Studies, University of Oxford. [19a][19h]

**6.A.229.** Chinese emigration outside China is both an old phenomenon and a new one. Old in that emigration happened throughout the Qing dynasty, and nationalist eras, prior to 1949; new in that an unprecedented wave began in the late 1980s. [19g] [5h] A new development in the latest increase has been emigration to ex-patriot Chinese communities irrespective of family / village / same province links, primarily because of the use of people-traffickers. [5h]

**6.A.230.** One aspect of Chinese migratory patterns is that some areas of China have had traditions of migration to both other parts of China and to Chinese communities outside China. One example is of the cities of Wenzhou and Qingtian, Zhejiang Province, providing migrant communities in both Beijing and continental European countries (notably, in Italy and Hungary). Fujian Province, especially the 10 metropolitan counties of Fuzhou City, has developed its own tradition and patterns in the latter 20<sup>th</sup> century. To quote Frank N. Pieke: -

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

**6.A.231.** Five main migrations to Europe in the 20<sup>th</sup> century have been identified.

1. From Southern Zhejiang ("the Wenzhou community"), arriving early 20<sup>th</sup> century, mainly in Moscow and Paris and so to rest of continental Europe.
2. Cantonese from Pearl River delta, arriving circa 1940s, then 1950s from the Hong Kong new territories, to North-Western Europe, and later to continental Europe.
3. Ethnic Chinese from Indochina region circa Vietnam war, to mainly the North-Western European region.
4. From northern Fujian Province, from the late 1980s to date, to Western Europe as "second choice" to the US.
5. From North-East China to Eastern Europe and Former Soviet States in Europe, mid 1990s to date. [5h]

**6.A.232.** The latest Pieke report is keen to stress that there are patterns within each individual wave, and the waves often move within one another. [19h] The March 2001 research in Fujian draws a distinction between Mingxi county, a poor, backward county with no contacts in Western countries and little experience of other emigration (thus representing a nascent snakehead scenario); and Fuqing county, a coastal county where contacts and experience is mature to the point of exhausting the supply of migrants. [19h]

**6.A.233.** The establishment of a recipient community with good trade links with home communities is an important migratory factor outside mainland China, in expert sources' opinion. A process of chain migration occurs. Immigrant entrepreneurs have a competitive advantage with strong trade links with home communities, and from that basis, *guanxi* - "favour through social connections"

builds up the community. [5b]

**6.A.234.** A feature of Chinese migration is the development of Chinese transnational voluntary associations. Such associations have been relatively few in number in Europe compared to other areas of Chinese migration. It is held to reflect a transnational outlook by Chinese migrants: -

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

**6.A.235.** Social networks are a key consideration when looking at Chinese migratory patterns. Academic interest in the subject is particularly keen on future analysis of ethnicity and changing identities through networks. How far do family / village / clan ties assist migrants in recipient communities, be they in China or outside China, and do they play a role in assisted migration i.e. do the people-traffickers use such ties? [5c] The Mingxi "pioneers" to the West are interesting in this respect to the Pieke researchers: pure luck seems to be an element of whether a seed community begins or not. [19h]

**6.A.236.** In the more established communities, akin to both transnational organisations and to *guanxi* related links of family / clan / village, are the *tongxianghui*, regional community organisations. They have trading links with the home communities, but also are establishing, or at least purporting to establish a voice for specific regional communities within the recipient nation's Chinese communities. [5i] Local factors dictate whether the *tongxianghui* succeed or not, for instance with the short-lived London Fujian *tongxianghui*, which ceased in 2001 after about one year's existence.

**6.A.237.** Thus an attractive recipient community will provide links to an employment or entrepreneurial market; ways of securing accommodation; the security of, or the hope of, being with people from your own area; and above all the hope that any discomfort will be temporary, preferably for the shortest possible time. All these needs can be met within the recipient community, at varying levels of profit to the facilitators; the facilitators can all be nebulously described as 'snakeheads'. Such a definition is important as snakeheads range over both legal and illegal methods of facilitation, be it money-lending / loan-sharking, ensuring regularised entry into a country / people-smuggling. Skelton in particular emphasises the broad spectrum of facilitation, in preference to the "criminal threat" of snakeheads. [19g] Skelton draws out the difference of "people-smugglers" who use irregular and illegal ways of smuggling people over national borders, and "people-traffickers" who may use people-smuggling as one method, but are operating as wider facilitators. [19g] "Criminal master-minds" are hard to identify in the process, and may be misleading targets for law-enforcement disruption of snakehead networks. [19h]

**6.A.238.** It is important to note that most routes for Chinese migrants to the European Union (EU) are piecemeal, as opposed to direct sea-crossings across the Pacific (irrespective of Canada / US border issues). So, particularly in the EU scenarios, legal emigration from China can then develop en route (or eventually, if no firm initial destination is in mind) into illegal entry into the EU. [19h] [5i] Legal Chinese emigration is therefore a lesser factor in EU emigration than in immigration to Canada / US / Australia.

#### Legal Chinese Emigration

**6.A.239.** The Chinese Government routinely permits most legal emigration, most recently in 2000 to Serbia [4nu], and most private foreign travel.

individuals are often required to obtain a passport, an exit permit, a visa and a second exit permit. Both exit permits are issued by the Public Security Bureau. Written permission from the work unit is a pre-requisite. The purpose of the second exit permit has seemed not to be to "control exit" (the stated purpose of the first form) but rather to allow for an exiting emigrant to be de-registered from neighbourhood, work unit and other records. [2a][4gg]

**6.A.240.** Special exit permit requirements imposed after the 1989 Tiananmen massacre were lifted after a couple of years. Regulations adopted in 1994 permit a Chinese citizen to exit the country without an exit permit if the traveller has travelled abroad at least once before for the same purpose. [2a] The US Government's response to the post-Tiananmen special exit permit requirements (in short, of a readier acceptance of People's Republic of China [PRC] claimants, and a 1991 amnesty for Chinese irregulars in the US) was arguably a factor in the growth of people-trafficking from Fujian. (10ay)

**6.A.241.** In March 2000, the exit procedures for private citizens for leaving PRC were simplified, in line with a relaxation of application to exit conditions in April 1999. The range of people permitted to visit friends and family abroad has been widened. 'Laid off employees of state enterprises ... may apply for a passport if they can submit a photocopy of a letter of invitation from abroad and a photocopy of a valid piece of identification belonging to the person making the invitation or submit a foreign employer's written job offer.' The regulations surrounding passport replacement have been simplified as well. [3ac]

**6.A.242.** In the Far East, Hong Kong, Bangkok, and Kuala Lumpa are all nodal points for a pattern of legal entry to and then illegal exit from. [19g] Legal emigration is being and has been abused, most notably emigration to Serbia in the late 1990s, with illegal emigration to the EU. One route is a land route via Hungary, with Hungarian police picking up 100 to 150 illegal immigrants per month. [4nu]

#### Illegal Chinese Emigration

**6.A.243.** Illegal emigration in this context means the exiting of the PRC without the Chinese authorities' authorisation. This is a condition routinely claimed by UK and other recipient country asylum claimants, who typically present themselves as being without any official documentation. Technically, the act of exiting mainland China without permission is an offence. If this is the only unlawful act committed by the emigrant, then they are punished under Article 14 of the *Law of the People's Republic of China on the Exit and Entry of Citizens* (1981) and thus "may be given a warning or placed in detention for not more than ten days by a public security organ". [3i] Confusion over the penalties and conditions awaiting returnees is one of the difficulties faced by recipient countries' governments in returning to the PRC (see *Returnees*) and is exploited by the snakeheads as being as much a facilitation device as legal emigration from China.

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## THE CHINA SIDE OF SNAKEHEAD OPERATIONS

**6.A.244.** A key feature of snakehead operations is that the areas of China from which they recruit are very localised. (See above, *General information on Chinese Emigration Patterns*) In the case of the UK, northern Fujian Province, particularly around Fuzhou city is of interest, though increasingly Liaoning Province in the northeast, particularly around Shenyang City, is an important point of origin. [19h]

**6.A.265.** The growth of sending areas is not purely down to the conditions of the PRC as a whole. Snakeheads and their operations have not grown up independently of the conditions in Fujian, but, as Skelton writes, '...the principal reasons for the irregular migration are not to be found in absolute poverty but in the increased knowledge of opportunities available elsewhere - the very product of development. While standards of living in [Fujian] may be the envy of many within China, the capacity to earn money is low compared with the developed countries in the West.' [19g][3br]

**6.A.266.** The nature of the Liaoning rings is not yet understood. Liaoning Province is in China's 'rust belt' of state owned heavy industrial enterprises that are slowly grinding to a halt, and where millions of lay-offs have been effected. Dalian city and Shenyang city have seen large-scale demonstrations of redundant workers. Changchun city has been the centre of Falun Gong arrests in March 2002. Thus Liaoning Province represents a rather different background to the relatively prosperous Fujian Province. It is not known at this point (July 2002) whether Liaoning snakeheads operate differently from Fujian snakeheads.

### Snakeheads in Fujian

**6.A.247.** In terms of who are the Fujian snakeheads, the Canadian IRB posted an informative response on 28 September 1999 concerning snakeheads, with information about loan sharks and snakeheads, activities in Fujian province, and treatment of returnees. [3f]

**6.A.248.** From expert witnesses, it related a number of loose, hierarchical structures, with roles such as "big snakehead" overall manager and investor in the operation; "little snakehead" or "snaketail" - usually a mainland based middleman between customers and main operators. Other roles include: transporters, guides, and crew members/drivers (couriers transporting customers over borders, from one transit point to another); corrupt public



officials (for document and exit entry facilitation); enforcers (group leaders appointed by operators from customers themselves to maintain order); support personnel (locals operating safe houses, etc); and debt collectors (will usually detain customers until smuggling fee is paid by families). In short, such rings involve many people, and many complex connections. [3l][5k] Skelton mentions that "big snakeheads" go to great lengths to avoid disclosing their identities to potential clients. [19g]

**6.A.249.** Snakeheads, and their users, view snakehead operations as business ventures. Skelton talks of 'a business that, like capitalist enterprise, involves risk, exploiting the opportunity and, ultimately, profit.' [19g] Pieke conversely refers to the snakehead clients' view of the process as a business, 'migration is an opportunity for people to invest resources... in a venture that potentially will pay back many times the original investment.' [19h]

**6.A.250.** Fujianese people-trafficking has changed since the early 1990s. Most of the early trafficking was done to supply labour-brokerage, where a particular business owner in the receiving country arranged for the import of cheap labour in order to reduce overheads and increase profit / under-cut competition. [19g] By the late 1990s, the snakeheads inverted the process and developed a user-led market, hooking clients with tales of wealth and evidence of earlier migrants' remittance back home ( remittances being money saved and send back home to relatives, either for their use or for safe-keeping). [9n]

#### **Motivations of snakehead clients**

##### **Remittances and financial success**

**6.A.251.** The economic gains of going abroad are legendary in Fujian Province. Indeed, migration has been highly regarded in other parts of China for centuries, particularly in the nineteenth century to America (America is known in Chinese as *meiguo*, "the beautiful (or golden) country".) To be able to achieve a materially better life is one part of the motivation: that to be seen by the home community to have achieved such a life is just as important. [19h] Remittancing back to Fujian, as proof of success, was seen as the driving force of emigration by most commentators. [4gu]

**6.A.252.** Since the mid-1990s, the effect of remittances has been tremendous, and in an immediate sense, highly visible in established migrant areas such as Changle. Many new residential buildings have been built, and community facilities, particularly churches and temples, have received refurbishments. However, press reports indicate that a whole of section of society is missing from such established migrant communities, mainly the male working population between 16 and 50 years of age, and increasingly many young women. [10ar]

**6.A.253.** Academic experts also raise concerns about the benefit of migrants' remittances back to the communities of origin. Migration undermines the rural economies, with local agriculture replaced with consumer services. It is debatable as to whether remittances produce any capital for reinvestment in traditional industries. [5c] In the case of Mingxi, researchers found that the community had been based on large-scale state enterprise (logging and timber processing) that had effectively ceased. Likewise, in Fuqing, there was no active entrepreneurial base to feed investment back into. [19h]

**6.A.254.** One source has stated in February 2001, during the Perry Wacker (the Dutch driver charged with the manslaughter of the Dover 58) trial, that the new building developments in Changle were not the tangible result of remittances back from China, as popular belief had it. They were actually from the profits of the snakeheads, to encourage the belief that victims can strike it rich in "the beautiful country". [5k][10ar] Likewise, Cheng Chui Ping, the snakehead who arranged the Golden Venture (See above, the Golden Venture) had

arranged the *Golden Venture*, (see above, the *Golden Venture*) had considerable property holdings in Fujian. [10ay]

**6.A.255.** Recent research by the Pieke group has however found a more complex pattern regarding remittances than as a simple deception device by snakeheads. [19h] Individual emigrants really do remit back, and there is a culture in established sending towns such as Fuqing of ostentatious building and cultural investment to increase 'face' in the home community. In many cases, the houses serve no actual purpose, with the emigrant giving no indication of ever returning back to Fujian. [19h] Still, there is no hard information as to where, in terms of from which community abroad, or the circumstances of remitees. Indications are that most UK Fujianese are still in the early part of their careers and may not be amongst the more ostentatious remitees.

#### Family pride and status

**6.A.256.** Another driving force, a push factor, is the social prestige aspect of having a relative "doing well abroad". [4nv][15h] The social dynamic of parents keen to see their children (particularly sons) "get away and get on", with the hope that one day they will return heavily-laden with the fruits of success (or at least send photographs) has been self-perpetuating as more and more young people disappear. The darker side of this aspect is that families are willing to accept no communication or limited communication with their relative in the belief that so doing protects their identity and aids them in achieving their goal. The deliberate manipulation of family pride, *mianzi* ('face', pride, sense of self-worth), and community pressure is a snakehead characteristic. (See below, *Financing the trip*) [15h]

**6.A.257.** Experts point out that in the migrant frame of reference travel and distance represent travel and distance up or down the social hierarchy. There are three main types of migration - a small number of educated professionals trading on their qualifications, a larger number of small-scale entrepreneurs entering via family connections, and those entering via low-status, low-paid jobs eschewed by the rest of the community or communities. Those who enter at the lowest level do so in the hope that a new community will bring opportunities to leave such jobs. [5b][5c] One newspaper commentator has stated that many snakehead victims come from relatively well-off families and have little idea of what they might encounter. [4nv][15h]

**6.A.258.** A main London Chinatown website has identified this overarching sense of family pride as a cultural prejudice that should be moderated in the face of the danger of using snakeheads. [22p] Kwong has mentioned a curious moral inversion at play. Families will expect migrants to get on, work hard, and pay off the snakeheads as soon as possible: those who do not rise to the challenge are considered *mei zu shi* - "useless, worthless, lacking in ambition" [5l] or *mei chu xi* - "no great future" [3br], and a disgrace to the family. Many migrants have a vague expectation along these lines, and are thus further inhibited from telling anyone, including their families, about their predicament. [5l] Emigration is particularly perceived as being something that young people should do. [3br]

#### Profiles of Fujian emigrants

**6.A.259.** Information about the typical migrant profile from Fujian is difficult to obtain. This is partly because there are divergences in the profile of receiving countries, but mainly because the activity in Fujian is illegal, and thus hidden from researchers. As referred to before, snakeheads use all sorts of means of facilitation. Pal Nyiri, a Hungarian researcher based in Oxford, has shown that in eastern Europe, outside the EU, there are large migrant Fujian communities of young people, typically 20 to 30 years of age, who have gained initial entry legally, and are scouting around for possibilities. Many regard themselves as

being in transit. [5i] [19h] The only visible feature of the emigration to the UK is through asylum claimants and through detection of illegal entries, and this gives a rather changed profile, as a desperation factor brings forth older claimants (who have not slotted into the labour black market as easily) or claimants who have massaged their purported ages down from 20 to under 18 to take advantage of the benefit of being treated as an unaccompanied minor.

## SNAKEHEAD EXPLOITATION OF MOTIVATIONS

### Development of trust

**6.A.260.** One article [10ay] is interesting in that it traces most snakehead activity back to the activities of Cheng Chui-Ping "Big Sister Ping" in the 1980s. Through tracing Ping's career as a snakehead it throws up a number of interesting observations, the substance of the article backed up by Professor Ko-Lin Chin's understanding of the situation. [10ay] Such individuals fostered both an emigration mind-set and complacency towards snakehead activities within the Fuzhou community.

**6.A.261.** As far as "big snakeheads" go, the case of Cheng Chui-Ping - "Big Sister Ping" - holds certain trace characteristics. Firstly, the overriding factor is that these facilitation agents are trusted by their clients. Ping, and by extension Fujian emigration, started in a small way in the mid to late 1980s. In the New York scenario at that time, and presumably in other established Chinatown communities in "Western" countries, a simple equation of supply to meet direct demand was operated. It involved fixing the entry of immigrant workers for the restaurant trade on a direct contract from restaurant owner to the snakehead to supply workers. Ping was one of the most successful brokers of contracts, having developed a comprehensive network of contacts and a great manipulator of *guangxi* (the art of networking). The shock of her arrest to the New York Fujianese community is testimony to how persuasive and deeply rooted her networking powers were. [10ay]

**6.A.262.** There is a careful cultivation of "good side / nasty side" in operations: any criminal connections are kept firmly out of sight, with Ping herself held by most sources to have been "very ordinary". [10ay] Further, there has been the deliberate re-investment of money into the community to foster the belief that illegal emigration pays. Snakeheads have given out that the ostentatious luxury apartments that have sprung up in Fuzhou since the mid-1990s are the result of remittances sent back home; the properties actually belong in the main to snakeheads and those they pay off, and the Fuzhou community are becoming aware of this. [10ay] This is irrespective of the Pieke group's finding that genuine remittance occurs widely. [19h]

**6.A.263.** "Success" is measured in two ways: safe illegal entry initially, plus independence from snakehead ties ultimately (for the customer); and payment (irrespective of source, be it from the customer or their families) for the snakehead. Experts consulted by the IRB say payment is usually broken down into a deposit (typically of about US\$1,000 to 3,000) and a final payment (usually US\$33,000) payable on a "safe" (i.e. undetected) arrival in the US. [3i] The experts consulted by the IRB gave similar accounts of how the snakehead will discount part or the full final payment if the arrival is "unsafe" i.e. the customer is detected by immigration authorities and returned to China. One expert (Dr Chin) has stated that the snakeheads will even pay fines for deportees if they think it will secure their anonymity from the Chinese authorities. The experts have found no cases of harassment of deportees by snakeheads upon return, but have also stated that any harassment is unlikely to be reported to the authorities, on the grounds of being involved in a crime (illegal exit) in the first place. Another expert has pointed out that harassing returnees is 'bad for

problem. Another expert has pointed out that harassing returnees is bad for business' and deters prospective customers. [31]

**6.A.264.** Snakeheads that have built their businesses on the trust of clients and perhaps the wider community are not willing to see that goodwill broken by the return of unhappy clients. There have been some reports of snakeheads arranging discounted or free passages for second attempts, or no payment necessary. [10bd] Ping seems to have played on acts of compassion, both in New York and in Fujian, and distanced herself effectively from her "enforcement agents". [10ay]

**6.A.265.** Because of the above factors, the relationship between the snakeheads and their clients has been described thus:-

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

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

**6.A.266.** Since the Dover tragedy, there have been anecdotal reports via the media that users of snakeheads are only interested if entry is by air, i.e. less dangerous and 'more legal'. Such requests and subsequent promises mean little further down the migration routes (see below, *Snakehead gang members outside PRC*) but indicate some concern trickling back into the sending communities. [22p]

#### Cultural manipulations

**6.A.267.** Snakeheads, having emerged from the communities in which they ply their services, indeed often having been emigrants themselves (such as Ping), know how to entice. Conversely, the snakeheads depend upon the complicity of the sending communities: there were media reports of snakeheads, having lost "face", being set upon and looking for police protection from angry crowds. [10bd]

**6.A.268.** One cultural aspect that snakeheads play upon is the hope of sending families that the individual will be lucky. Tragedies are emphasised as happening to other people, through other operators. [9n] As communication can be difficult, in cases made deliberately so by snakeheads, who has been lucky is difficult to ascertain, and perpetuates a reluctance to pass on bad experiences as warning. [9p] To quote Dr Peter Kwong, 'In all the conversations I had in China with different people, I have yet to convince a single individual that illegals in the United States are facing tough times.' [51]

#### Financing the trip

**6.A.269.** The basic financing, or more accurately the promise of financing, of customers' trips is usually secured through the customers' family networks rather than through loan sharks. One expert (Dr Chin) says family arrangements account for up to 90% of cases. [31] Another expert (Dr Pieke) has pointed out that whatever costs are incurred - snakehead fee, deposit, or fines levied on return - are crippling for the individual and often for the family; and most experts agree that such debts lead to a high degree of recidivism, with



migrants trying to emigrate again to earn hard currency overseas. [31]

### Connections with organised crime

**6.A.270.** In the 1990s, as the Fujian phenomenon unfolded, many commentators were keen to know whether the snakehead gangs were part of or linked to existing criminal organisations, particularly in relation to the triads. Skelton identifies this as the main myth that has grown up around the snakeheads. [19g] The main misconception is that a single triad can exert influence throughout the whole route, or that there are criminal "Mr. Bigs" controlling the whole trade. Skelton points out that 'there appears to be no question that triads are involved in trafficking but the degree of their involvement... is not at all clear'. [19g]

**6.A.271.** As a crude generalisation, criminals in terms of triad (criminal gangs in China, Hong Kong and Taiwan) or tong (criminal gangs in the US) members tend to involve themselves at points where there is the maximum profit for the minimum interference, and leave the snakeheads to run most of the operations. Hence triads are not held to be involved in recruitment of migrants, as they are not trusted. (see above, *Development of trust*) The snakeheads in turn will look to local suppliers of services, such as the Dutch driver hired by the Dutch / Turkish gang of traffickers in the Dover 58 deaths tragedy. [9co][9cs]

**6.A.272.** Whether the snakeheads are gangs of organised criminals themselves is also a debatable point on which no-one has clear information. Skelton points out that the nature of the trade itself limits the development of formal gangs. [19g] The incidents seems to indicate that many successful bit players such as Porges the lawyer (Cape May); Ying Guo (Dover tragedy); and Ping Ching-Chui (Golden Venture) all had successful track records in their particular roles. They were all parts of packages put together with their active agreement, but were mainly caught out by bad luck and over-reaching themselves. (see above)

**6.A.273.** Criminals are attracted by the gains that snakeheads make, and are apt to push for large number / high risk / high gain gambles. For example, the use of the freighter *the Golden Venture* owned by the criminal gangster Ah Kay, head of the Fuk Ching gang (reportedly won in a game of poker). [10ay] In short, criminals seem to muscle into people-trafficking as they do into other dubious activities, such as prostitution and drug-trafficking, rather than running the operations. There are points where they are conspicuously absent, and others where they dominate (such as the non-Chinese Channel gangs that Chinese migrants use to enter the UK).

### Relations with the PRC authorities

**6.A.274.** There seem to be three identifiable possibilities at work when snakeheads approach the Chinese authorities: there are cases of individual compromise; of a culture of quiet acceptance by central and local government and their officials; and of officials compromised by and involved in wider criminal activities. Again, concrete evidence is lacking. Further, the snakeheads are flexible in their use of all three possibilities, and any variant is possible.

**6.A.275.** The most direct approach is a drip by drip compromising of key officials. Ping achieved a position of influence with individual officials through a slow and deliberate process of compromise, until officials were implicated. The extent of her influence is not known. [10ay] Other snakeheads play upon family and clan loyalties, and a variety of deceptions on susceptible individuals.

**6.A.276.** The experts contacted by the IRB state that governmental corruption plays a part in snakehead operations, mostly facilitating exit with documentation and influence. [31]

**6.A.277.** One expert (Dr. Kwong) sees a link between government officials and underground criminal elements. [3l]

**6.A.278.** Another expert (Dr. Pieke) has taken a different tack, pointing out that the Chinese Government will simply issue passports to Chinese who wish to emigrate and have a valid letter of invitation from a direct relative abroad. It is then up to the recipient to obtain a visa and to travel legally, or to use the services of a snakehead. [19h] 'De facto, China (and particularly the Fujian authorities) have a pro-emigration policy.' [3l] Pieke has continued in his 2002 study, 'Increasingly, the Chinese Government has become aware of the potential benefits of the "new migration", and there is even talk of "new migrants" becoming the "new overseas Chinese", a cash cow potentially on par with the established overseas Chinese.' [19h]

**6.A.279.** Lax enforcement, rather than active involvement, is another aspect relating to officials. Whereas the Chinese (Central) Government hotly denies that it promotes an illegal emigration out lined by Pieke above, it is sensitive to the criticism of letting snakeheads abuse weaknesses in border enforcement. [19h] (See below, *Chinese Government responses*)

#### Documentation

**6.A.280.** In Fujian, there are documentation rackets, selling false and fraudulent emigration documentation and any other documents required. One article reports advertisements put up by forgers around Fujian villages. [10bd] Another article talks of the "immaculate" visas permitting travel out of PRC to Hungary. [10bb]

**6.A.281.** Information posted on the Canadian IRB website from the Investigative Division, Immigration Department of the Government of Hong Kong Special Administrative Region (given 28 March 2000) indicated a steady level in the number of forged travel documents intercepted (3,594 in 1998; 3,530 in 1999). The IRB reported an increase in the usage of forged documents by PRC nationals in 1999. The report lists top overseas destinations and top ten types of documents forged for the two years, arguably showing the versatility of agents in switching routes, methods and means. [3q][3x]

**6.A.282.** In addition to forged documents, the term "fraudulent documents" can be extended to authentic documents obtained illegally, and altered documents. All are extensively documented as being used by people-smuggling rings, and there being a black market for fraudulent documentation, particularly in Fujian Province. Fraudulent documentation used by people-smugglers is very diverse, including anything that will facilitate entry. [3x]

**6.A.283.** One expert who gave evidence to an Australian Parliamentary Committee, Dr John Aird, a specialist on the population of China, stated:-

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

**6.A.284.** The US INS have noted a recent addition of purported Falun Dafa (Falun Gong) related papers to the range of fraudulent documentation. [3x]

**6.A.285.** Beijing authorities have claimed that Chinese illegal migrants are  
~~abandoning destination for Europe as alternative to their homeland~~ [3x]

changing destination for Europe as other countries tighten their borders. [4n] A fraudulent documentation ring based on forged Japanese passports, with "Japanese" visitors entering the U.S. and Canada, was smashed in January 2001. [4lo]

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#### WIDER SNAKEHEAD OPERATIONS

##### Routes out of PRC

**6.A.286.** With regards to the snakeheads' air and land routes out of mainland China to the UK, Bangkok and Kuala Lumpur have been identified as key staging posts. The UK has joined the US, Canada and Australia in Operation Foursight to combat forged documentation and snakehead couriers in 9 major airports in the Far East. **[4an]** Cambodian police intercepted 56 Chinese emigrants bound for an undisclosed "western third country". Vietnam was believed to be part of the route. **[4fo]** The reports of the routes used by snakeheads have increased. The islands of St Thomas and St John in the U.S. Virgin islands have been used as final staging posts, obliging the U.S. INS to fly claimants to the U.S. mainland for processing. **[9x]** The INS has recently broken up a people-smuggling ring in the Caribbean. **[9y]** In an article about Los Angeles International airport (LAX), the challenge of Chinese illegal emigration to the US INS is highlighted and claims there has been a change away from one-child policy persecution towards involvement with Falun Gong in asylum claims. The US approval rate is stated as being about 13% of cases. **[4hc]**

##### 'Europe' and beyond

**6.A.287.** In Pieke's words, 'To many Fujianese migrants, migration is an open-ended experience and process... Once on the move, many migrants, even those who have returned home, never reach a final destination, but can always move on if the conditions are right.' **[19h]**

**6.A.288.** This would fit into previous information found that suggests clients of snakeheads are sold a passage to "Europe", that they then find snakeheads deliver them into communities in Hungary and other Eastern European countries, with further progress west coming at an additional price. **[10bb]** Different destinations are understood by irregular migrants to command different prices, with the vague understanding that some places are less desirable than others, **[3i]** but the actual country conditions can come as an initial shock. **[19h]**

**6.A.289.** One victim (one of the two survivors of Dover June 2000) was accepted to travel by the snakeheads on payment of 5 percent of the agreed total price, with an understanding of bonded labour to clear the debt. **[10bc]**

##### Snakehead gang members outside PRC

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**6.A.290.** Apart from front organisations and "enforcers", other operatives in the snakehead operations, such as solicitors, "fixers", drivers, etc are either placed into the chain or are lured into it. The driver Wacker who was tempted into driving as a "one-off" crime, was a known criminal, and was hired by a company set up specifically as a cover and for that particular operation. [4qm][9cm][9cn] The key operative Ping and the translator Ying both were long-time operatives and had developed their roles from their fortuitous positions. [4qm][10ay][9cn]

**6.A.291.** The customer will have to endure typically a long, difficult, and uncomfortable if not dangerous journey out of China and to the target or third countries. [5k] The sea routes in particular can leave great psychological scars on the victims. [5k] A recent development has been the use of soft top containers with up to 13 people in a container, "roughly ten by 40 feet" [10fc]

**6.A.292.** Evidence given at the Wacker trial suggests Fujian to London snakehead-class is £17,000 for a six month journey. [10ba] There are indications that the cross Channel leg of a migration to the UK might be one of the more expensive options in transnational migration (Perry Wacker, the driver, was lured into driving by the fee of £500 per head). [9cr][10bb]

**6.A.293.** Snakehead clients / victims have indicated that once *en route*, there is no way of dropping out, that fear of violence and fear of detection is used to corral the victims, and victims are totally dependent upon snakeheads for further movement, moving as and when the snakehead tells them. [9cm] Groups of victims become commodities and are passed from gang to gang, often of non-Chinese members, the further west of Hungary the group is taken. [9cm] In the case of the Dover 60, the final leg of the journey was arranged by a gang of Dutch and Turkish criminals. The gang was tried in March-May 2001, and eight members were convicted of manslaughter and belonging to a criminal organisation involved in people trafficking; a further member of the gang was convicted of forgery. [9co][9cs]

#### On and after arrival

**6.A.294.** Snakeheads will use any form of extortion to secure payment if the entry is undetected, usually by holding the customer hostage in forced labour. [5i] In UK cases that came to court in October 1999, the screams of victims under torture were relayed to their families by phone, as 'reminders' of payment due. Accounts of intimidation, violence, rape and other crimes are well documented; though it is still unclear as to whether these extreme cases are typical. [3i]

**6.A.295.** There have been reports of increased debt collection crime from Hong Kong. This particular development has been linked to the economic downturn. There are no reports of this debt collection crime being in relation to illegal emigration. [4fm][3i]

**6.A.296.** The victims in some reports claim that the snakeheads grossly misled them as to how they would enter the UK [10az] and on the living conditions once in the country [9cm]. Many snakehead victims talk of having been misled about employment, money to be made, and general opportunities.

**6.A.297.** Both New York and London Chinatowns are held to be saturated with migrant workers. Those in work are usually bonded, and are faced with impossible debts to snakeheads. [5k][5i][5m][10ar][15g] Often part of the real price of using snakeheads is a great social cost: workers with spouses and children in China will invariably lose touch, with relationships destroyed by debt cycles and distance. [15h]

**6.A.298.** In terms of employment, Pieke characterises Chinese workers as remaining within Chinese-developed sectors of work, such as the leather and garments trade in Italy, import / export and retail in eastern Europe, garments in New York, and the Chinese restaurant trade everywhere. [19h] They rarely individually compete against non-Chinese; but different Chinese groups will compete against one another within these markets. [19h]

#### Asylum claims

**6.A.299.** The UK has a relatively high level of asylum claimants in relation to the EU but not necessarily a higher number of Chinese migrants, as the asylum system is one of two main entry / regularisation of status mechanisms used by the snakeheads (the other being student visas). [19h]

**6.A.300.** In accounts of the operations surrounding the Dover 60, once in the UK, Ying Guo was to act as a go between for the victims and various London solicitors, and was to furnish the Dover 60 with asylum claims, primarily that they belonged to the Falun Gong. [4qm][4qn] The involvement of solicitors in furnishing of information to, and the coaching of, claimants is left unclear. One report stated that 'there was no suggestion' that the firms of solicitors that Ying Guo had dealt with knew of her snakehead activities. [4qm] Legal firms 'had complained that they were overwhelmed by the numbers she brought to them with stories that they had been persecuted as members of the banned Falun Gong sect.' [4qn]

**6.A.301.** The fraudulent use of Falun Gong claims is a trend recognised by the US INS:-

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

**6.A.302.** The Chinese authorities have also talked about fraudulent claims, "illegal immigrants were adept at using 'hot button issues' to secure asylum, including Falun Gong claims. [4pk] The Chinese authorities in December 2001 also warned that many more Mainland citizens may well attempt to leave PRC as a consequence of China's entry into the WTO. They have opined that after the Dover deaths, illegal migrants and snakeheads were turning to developing counterfeit passports and visas rather than clandestine entry. [4uq]

#### OFFICIAL RESPONSES

##### Chinese Government responses

**6.A.303.** The act of exiting mainland China without permission is an offence. However, if this is the only unlawful act committed by the emigrant, then they are punished under Article 14 of the *Law of the People's Republic of China on the Exit and Entry of Citizens* (1981). They thus "may be given a warning or placed in detention for not more than ten days by a public security organ". [3i]

**6.A.304.** However an overlapping article, Article 322 (formerly Article 176) of the Criminal Procedure Law can be invoked for the same offence, and fines levied under Articles 52 and 53 of the same code. Fines are levied by local authorities

and can vary. [3f] Legally, the standard fine should be between 1,000 and 5,000 *yuan* (£75 - £350) In 1993, one expert (Dr Chin) found fines to vary according to locality (eg. Changle City - 25,000 *yuan* (£1860) to Ping Tan - 6,000 *yuan* (£425)). Fines also varied on where the returnee had been returned from (eg. from Taiwan, the fine was between 5,000 - 8,000 *yuan* (£350 - £575) with Japan and the US commanding higher rates.) [3f]

**6.A.305.** One expert noted that the Chinese Government does not generally mistreat returnees, unless the person has been deported to China more than once. [3f] If a returnee is held to be involved as a snakehead, then they are charged under the Criminal Code and subject to the Criminal Procedure Law. [3f]

**6.A.306.** The Chinese authorities have reportedly stepped up a media campaign to heighten awareness of the dangers of people-smuggling. The messages to potential users of such agents include interviews with returnees, emphasising the atrocious conditions experienced by users when in transit. An example of facts presented and arguments put forward can be found in the transcript of a Central China TV news article, placed on the Canadian IRB website, document CHN34242.E. [3p]

**6.A.307.** In addition, 'Chinese media reports indicate that the central government in China, the Fujian provincial government and public security officials at both levels have publicly committed themselves to combating snakehead operations.' [3f] In June 1999, the Chinese press reported that 224 people smugglers had been arrested over the preceding 5 months. [3f] On 27 February 2001, Fujian authorities reported that in year 2000 they had arrested more than 400 snakeheads, with 98 cases sentenced. [4nw] The Chinese police have initiated a campaign against illegal migration, targeting Fujian, Guangdong, Zhejiang, Guangxi and northern Liaoning. [4af]

**6.A.308.** One report has talked of the central authorities putting pressure on the local Public Security Bureau to act. [9cl] The local police have announced 800 snakeheads have been arrested and 4000 would-be migrants "seized" in an unspecified period. [9cl] The report anticipated further arrests during the Spring Festival of 2001 (April 2001). [9cl] Another report claims some of the arrest campaigns were largely cosmetic. [10bd]

**6.A.309.** The names of the 58 people who died were released and widely circulated through the UK Fujianese community, so that relatives and friends might come forward and receive help. [22p - gives a full list of names] In April 2001, the bodies of the 58 victims were returned to their families in PRC. [9cl] One report from Fujian has stated that the deaths of the Dover 58 have had little effect on diminishing the desire to emigrate in Changle. [10bd]

#### Other governments' responses

**6.A.310.** The European Union and PRC authorities have announced closer cooperation on snakehead issues, according to the Swedish Presidency of the EU, March 2001, with a joint publicity campaign in the planning stage. [4nx] The EU has announced in May 2002 that it will re-engage in readmission talks with the PRC, for a general readmission agreement. [4vx]

**6.A.311.** The UK trial held in April 2001 of Perry Wacker, a Dutch lorry driver, and of Ying Guo, a Chinese translator, has coloured in details about snakehead operations. Wacker was the driver of the lorry transporting the 60 stowaways involved in the events of Dover, 19 June 2000, that lead to the death of 58 people. Ying Guo, a Chinese translator based in London, was charged with being a contact between illegal arrivals and various firms of London solicitors. [4qm] Other members of the same operation stood trial and were found guilty of

people trafficking offences in May 2001 in the Netherlands. [9co][9cs]

**6.A.312.** The investigation of Cheng Chui Ping, a suspected trafficker based in New York city, started after her arrest at Chep Lap Kok airport, Hong Kong, in April 2000. It has brought to light a number of features of the US branch of snakehead activities starting from Fujian. [10ay] In June 2001, Hong Kong agreed to extradite Ping to the US, though when is still unclear. [9cp] In December 2001, Ping was held by judicial review to have run out of time for appealing against her extradition and will be extradited. [4ur][4us][4ut] Ping was involved in the smuggling operations surrounding the freighter "Golden Venture" which ran aground off New York on 3 June 1993, with the deaths of ten snakehead victims. [9ap][10ay]

**6.A.313.** In addition to the Canadian arrests on 14 January 2000, a US federal grand jury indicted two Chinese illegal immigrants arrested on 2 January 2000 as people smugglers. Both face up to 40 years' imprisonment each. [9k]

**6.A.314.** The US INS have been talking openly (in January 2001) with the Hong Kong SAR authorities with regards to people smuggling operations, where again they talked of nine out of ten claims being manufactured and fraudulent. [4pj]

#### **Pieke / Skelton recommendations**

**6.A.315.** Skelton in his final recommendations warns that a solution to irregular Chinese migration cannot be found if left to market forces alone. 'Border control, interdiction and all the operations of law enforcement (which, in a sense are the migration business operations of the state) still have critical roles to play in the attempts to suppress trafficking.' [19g] Pieke is more sanguine about market forces reducing emigration, but concurs with Ko-lin Chin that this is a long way off in the future, and inequality of employment reward is just too great to effect a reversal in the short term. [19h] Pieke also recognises that 'stepping up efforts to stem the tide of illegal immigration and reform of the asylum system are essential and overdue' but he goes further, adding 'but on their own will never be enough and will have to be matched by measures that increase the opportunities to migrate legally.' [19h]

**6.A.336.** Demand for cheap labour in potential destination countries is held by Skelton to be a key factor, with people-trafficking having grown up to service that demand. [19g] Pieke takes this further. He shows that the Chinese migration cannot be addressed through a special skills employment concession, as 'many immigrants actually work in jobs that require few skills, their chief selling point being low wages, ease of termination of employment and quite often a cultural and linguistic background similar to their employer.' [19h] Skelton also states that development programmes and other initiatives inside the country of origin are unlikely to be effective: '(they) are more likely to intensify than diminish the pressures to emigrate over the short term.' [19g] Both Pieke and Skelton therefore develop the line that by taking away the market by regularising it, 'a sufficient number of snakeheads (will) abandon their trade for something less risky and more profitable.' [19h]

**6.A.337.** Both commentators see greater participation and cooperation by all concerned parties (except snakeheads) as being crucial to developing a solution. [19g][19h] Pieke concludes that 'by building in a feedback mechanism, we might find a way to transcend the deadlock between the two traditional positions of either in favour or against immigration, while also avoiding the alternative of a quota-points system that mainly caters for short-term interests of the receiving country.' [19h] Skelton goes further and calls for "the two objectives, to modify migration policy in the context of rapidly ageing societies, and the extension to migrant groups of protection and basic rights equal to those of citizens, are critical steps towards the elimination of the



trafficking in human beings.' [19g]

6.A.338. At the moment (July 2002), at a rather banal level, market forces and greater information of conditions filtering back to PRC seems to be having some short-term effect. Reports are that London, Paris and New York Chinese communities have reached saturation point as far as employment goes. [4vy] Asylum claim figures show a drop, year on year, of 20 percent between 2000 and 2001, but such figures give little information as to actual flows of Chinese migrants. [25a]

## RETURNS

6.A.339. The Chinese Government accepts the repatriation of citizens who have entered other countries or territories illegally. Returnees generally are fined. Those who have been repatriated a second time typically are sent to labour camp in addition to being fined again. Those who are identified as people smugglers are liable to criminal prosecution. [2a]

6.A.340. In January 2000, the Political Counsellor of the Canadian Embassy visited Fuzhou city in Fujian Province on a fact finding mission, to ascertain conditions of returnees, and allied general conditions of life in Fujian Province. All meetings were conducted in Mandarin. The Canadian Embassy's requests for access were fully granted, and the Political Counsellor was permitted one-to-one unsupervised meetings with villagers and returnees. [3r]

6.A.341. The main conclusion of the Political Counsellor's fact-finding report with regards to returning is:-

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

6.A.342. On the methodology of the Dr Charles Burton report, *Heaven is high, and the emperor far away*, (June 2000 - [3r]) Dr Burton has stated that he was not limited in any way as to who he was allowed to meet or where allowed to go, both in relation to rural villagers and returnees. He has native fluency in the Chinese language, and no trouble in communicating in the rural parts of Fujian visited. [3ap]

## Returnees

6.A.323. The returnees referred to in the above report were returned from Japan and the US; Japanese returnees were interviewed. However, no actual detainees were interviewed as all had been, purportedly, speedily processed and returned to their homes on return. [3r]

6.A.324. The Canadian IRB issued an update on treatment of returnees in August 2000, following on from the Burton report of May 2000 ([3r]) [3ao]. A program analyst from Citizenship and Immigration, Canada, followed the 90 returnees deported from Canada in May 2000 [3ao][18].

6.A.325. The CIC was told that minors are processed quickly and released into

the custody of their families within a day of their arrival [3ao]. The prosecution and judging of cases is undertaken by the Procuratorate (*jiancha jiguan*). Detention is normal until the trial is over (previously given [in 3r] as being typically ten to twelve days.) [3ao]

6.A.326. One academic expert has added further details about returnee's treatment in Fujian province. Dr. Ko-lin Chen states that returnees are usually taken to the Border Patrol Education Camp, and questioned on how they were smuggled out of the country. Most are then fined between 10,000 and 20,000 Yuan [£700 - £1400] (*but see below*). Those who pay the fine are released immediately; non-payers are sent for "re-education through labour" for up to 1 year at the prison complex outside Mawei city, just outside Fuzhou city, Fujian. [3ao]

6.A.327. There is however a range of opinion on penalties. One report is that first offenders, of leaving without an exit permit and a Chinese passport, are typically given an administrative sentence of three months. [3ao] Most agree on around the 5000 Yuan mark [£350] for the first offence, with one expert saying such fines are rarely imposed in practice anyway, with another expert saying that usually 2 days' detention is imposed instead and added that the fine for a second offence is between 200 and 500 Yuan [£15 - £40]. [3ao]

6.A.328. On the question of threat from organised crime elements that may have funded emigrants' journeys, the experts consulted were of the opinion that there was no threat, with one expert adding that the snakeheads would be more likely to encourage returnees to try again as a business ploy. [3ao] (*See above, Development of trust*)

6.A.329. On the long-term repercussions for returnees the same group of experts were in agreement in the main that there were no long term repercussions (one expert had no evidence on the matter). There are no reports that returnees are treated differently depending on where they are returned to (e.g. Beijing or Fuzhou). [3ao]

6.A.330. The experts gave further information about different countries' return procedures and limitations on follow-up of returnees; they had no substantial information about minors and media coverage of returns. [3ao]

6.A.331. The Canadian Government in December 2001 was faced with a claim by a group of ten applicants, all minors, that Canada could not return them to PRC on the grounds that their anonymity had been compromised through surrounding media attention. [4up] Media and legal experts were concerned that free and fair reporting of such cases would be thus disallowed. [4up] In the initial case, a federal court in Montreal ruled that the group had to prove that the media attention had brought them to the attention of the PRC mainland authorities, but did grant appeal rights. [4up]

6.A.332. Background information to questions about minors and young adult returnees was posted on the Canadian IRB website, dated 22 March 2002. [3br] It considered the question of whether young adults, pressured to go abroad by their families, could go to other parts of PRC. It explained that within the context of the migratory culture outlined above (*see above, Motivations*) protestations have little basis in terms of a genuine fear of harm, and suggest that any possible social ridicule should not be a barrier to return. [3br]

6.A.333. The US held talks on 3 July 2000 with Beijing regarding the quicker return of intercepted Chinese migrants. [18k] The first batch of the 1999 sea-container illegal emigrants were flown from the US to Fuzhou city, Fujian Province on 8 January 2000. 246 individuals were returned. [4fn] Acceptance rate in US asylum cases by Chinese claimants is currently running at 13 percent

in 1999 / 2000. [18k]

**6.A.334.** On 29 April 2000, Elinor Caplan visited Hong Kong to talk to port authorities about people-smuggling. Most of the container ships had sailed from Hong Kong, and the latest cases alarmed the Hong Kong SAR authorities to consider the matter. [4gn] Choy Ping-tai, the Deputy Director of Immigration in Hong Kong, said he wished to bring in the same level of control operating at the airport. [4fj] She called on mainland PRC to speed up documenting people for return to PRC, otherwise "the snakeheads will win, and that's unacceptable", which is still the message of the governments of all receiving countries. [4gn]

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### 6.B HUMAN RIGHTS - SPECIFIC GROUPS

#### ETHNIC MINORITIES (GENERAL)

6.B.1. The majority population of PRC is constituted by the Han ethnic group. 55 officially-designated ethnic minorities constitute just over 8% of China's total population. Most minority groups live in areas they have traditionally inhabited, with standards of living often well below the national average. Ethnic minorities generally do not populate the south and east of China, but there are isolated pockets of minorities throughout these areas. Various minorities are affected by local prejudice, but government policy is non-discriminatory, except for special treatment in some areas (eg. looser family planning controls - see paragraph 6.7). According to the authorities, there are 2.4 million minority cadres. Many members of minorities occupy local leadership slots, and a few have positions of influence at the national level. However, in most areas, ethnic minorities are shut out of positions of real political power, and a tight control over separatist activities is maintained. Opposition to Communist Party rule in minority regions is met with force and heightened security measures. [2b][6e]

#### ETHNIC MINORITIES (SPECIFIC GROUPS)

6.B.2. Please note that "guo shan" simply means "hill people" and the phrase does not refer to an ethnic grouping as an identifiable tribe. Sources appear to indicate that the only time when "guo shan" or variants is of use, is in Taiwan, where the phrase is used by the Chinese population to describe the original indigenous peoples of Taiwan. The Gaoshan (alt. Kaoshan) of Taiwan are ethnically a historical mix of Indonesian and early Chinese peoples in an agriculturist village-based society. [16ac]

#### Zhuang / Chuang

6.B.3. Though the largest ethnic minority in China, with 15.489 million people, the group is scarcely documented in English-language reports. [16a][16j][16z] mainly located in Guangxi Zhuang Autonomous Region and throughout Yunnan Province (south west China). [16z] Indications are that the Zhuang are well integrated with the Han population of Yunnan and Guangxi provinces. [16a] The Zhuang are also heavily commingled with the other ethnic nationality groups of Yunnan and Guangxi, such as the Miao, Dong, etc. [16j] Most Zhuang are still reliant upon agriculture as a way of life. [16j][16z]

6.B.4. Historically the Zhuang developed from a branch of the Yue people, who

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

**6.B.5.** Culturally, the Zhuang are very similar to the Han. Traditionally they hold three festivals unique to their group in addition to Han festivals: namely, the Devil Festival (in August according to the Western Calendar), the Cattle Soul Festival (after the spring ploughing), and the Feasting Festival (in early Summer - only celebrated by Zhuang living in Southern Yunnan). [16j] Educational and medical facilities are held by the government to have empowered the Zhuang, along with other ethnic groups since the Revolution. The Guangxi Ethnic Institute is dedicated to the higher education of ethnic groups in Guangxi Province, and there are held to be over 20 universities within the Guangxi Zhuang Autonomous Region. [16j]

#### **Miao (Hmong)**

**6.B.6.** Known as the Hmong in Vietnam, the Miao people are spread throughout middle inland and southern inland China down to northern Vietnam. [16b] They number around 7.38 million people. [16k]

**6.B.7.** According to one Chinese source, the Miao traditionally sub-divided into groups such as the Long Skirt Miao, the Short Skirt Miao, the Red Miao, the Black Miao. [16y] The source also suggests that Miao also identify themselves with other minority groups, possibly because of relatively high inter-marriage between ethnic groups in Yunnan Province, and possibly to identify as an ethnic group member as opposed to a Han. [16y]

#### **Manchu**

**6.B.8.** Currently estimates vary from 4 million [16e] and 9.8 million [16l] (estimates vary so much because of the close integration of Manchus with the Han population). The Manchus inhabit the area of former Manchuria and adjacent provinces (Liaoning, Jilin, and Heilongjiang provinces, far north east China.) [16e] One source claims 46 percent of Manchus live in Liaoning Province. [16l]

**6.B.9.** Heavily associated with the last Chinese dynasty, and up to 1912, distinctions were preserved by the ruling Manchus. Since 1912, the ethnic group has been completely sinicized, i.e. completely integrated and indistinguishable from the Han majority of Chinese society. [16e] There is a separate Manchu language and script, but Manchus are essential bilingual and biliteral in Standard Chinese. [16l]

#### **Mongols**

**6.B.10.** Han have outnumbered Mongols in Inner Mongolia since the 1950s (16 million to 2 million). Mongols suffered from violent persecution through the massive purges of the Cultural Revolution. During 1989, major protests occurred in Inner Mongolia as well as in other parts of China, leading to a number of arrests.[3a]

**6.B.11.** Mongols within China are primarily located in Nei Mongol (Inner Mongolia) Province, but also extend down through Xinjiang Province on the extreme west to Yunnan Province. [16g] [16m]

**6.B.13.** Affected by poor weather conditions that have swept across northern Asia in the years 2000 and 2001, the Mongols of both the Republic of Mongolia

and of Nei Mongol Province (Inner Mongolia) have been particularly hard hit as nomadic herders. [9cg] There is considerable crossing of the Mongolia / China border by herders: visas are not necessary for many Mongolian nationals to enter China. Chinese nationals do not require a visa if on official business, hold diplomatic or service passports, or travelling as part of an organised group on a group visa. [3bb]

**6.B.14.** Reports indicate that most separatist organisations agitating for Inner Mongolian independence have been heavily suppressed within Nei Mongol. There are reports from between 1994 and 1998 of arrests and suppression. [3bc][3bd] Buddhists in Huhhot, the regional capital, were under surveillance in 1993. [3bd] PRC has a bilateral arrangement with the Republic of Mongolia on returning PRC Inner Mongolian activists operating from the Republic. Inner Mongolians activists are now confined to groups such as the Inner Mongolian People's Party (IMPP) operating from Princeton, New Jersey, USA, with the IMPP chairman living in Germany. [3ba]

#### Uighur (Uygur)

**6.B.15.** As in Tibet, nationalism in the Xinjiang Uighur Autonomous Region is a source of tension between the ethnic population and government. There have been a series of anti-Chinese demonstrations and riots in recent years, and in 1998 bombings and killings of policemen by separatists, leading to crackdowns which have involved the deaths of some protesters and massive arrests. [1][2d] [3a][6m]

**6.B.16.** Xinjiang has become of greater importance to Beijing in the 1990s. The emergence of the Central Asian States after the collapse of the Soviet Union, and threat of Islamic nationalism has prompted Beijing to attend the problems posed to Beijing by Xinjiang Province. Three general developments: the regularisation of relations by Beijing with the newly emerged states; the renewed pledge by Beijing to encourage economic growth in Xinjiang; and immigration of Han Chinese into Xinjiang, are discussed in the article. [11i]

**6.B.17.** Economic developments include a cotton growing strategy and oil exploitation. Large scale land reclamation for cotton growing has attracted criticism based on environmental concerns. [11i] Interstate relations have included moves by PRC to ensure bi-lateral extradition agreements are imposed to prevent the establishment of separatist / nationalist causes on Xinjiang's borders. [11i]

**6.B.18.** The Han population of Xinjiang mostly arrived after the founding of the people's Republic in 1949, and were 37 percent of the population out of a total population of 17 million in 1997. The Uighur number 8 million and represent 47 percent of the population. There were 1.2 million Kazakhs and another million of people of various ethnic backgrounds, mainly Uzbeks, Kyrgyzs, Tajiks and Mongols. [11i]

**6.B.19.** The appellation "Uighur" as used by the Chinese authorities is held by academic commentators to be a Chinese misapplication. Many different groups are lumped together under the Uighur ethnic tag. [18m] As an ethnic group, the Uighurs are ethnically made up of a number of Turkic tribes, with the "uighur" being a recent appellation dating from the very brief period of Uighur independence in 1950, the word "uighur" meaning "unity". The Uighurs however point back to a twelfth century kingdom as the unified root of the Uighur peoples. [16h][16n][16x]

**6.B.20.** Han in-migration has been promoted since 1949. The main structure assisting migration was the *Bingtuan*, the Xinjiang Production and Construction Corps. The organisation was paramilitary in as much as it was initially based on

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

6.B.21. Since 1990, the government has encouraged further Han influx under a set of policies colloquially known as "mixing sand" (*chan shazi*). The operations of the Bingtuan and other Han influxes have stirred up widespread resistance and resentment among the Uighur. The allocation of water resources is a particular area of conflict. There is also conflict between recent and established Han settlers (*lao Xinjiang ren* - "old Xinjiang people"). Education is also held be discriminatory: ethnic schools have seen funding fall, while schools offering a "regular education" (*zhenggui jiaoyu*) in Mandarin are increasing. Economic discrimination is also a feature of the region, since most good jobs require fluency in putonghua (Mandarin). [11i][6m]

6.B.22. As well as a growth in the Han population, Muslim groups have emerged from the Uighur misnaming, and have grown both in numbers and as a proportion of the population of Xinjiang. Such groups are more akin to the Chinese Muslim population, the Hui. Hui from other parts of China have also migrated westwards to Xinjiang. [18m]

6.B.23. There has been a history of Uighur resistance since the Uighur government of 1945 to 1949 was pushed out by the Chinese People's Liberation Army (PLA): there is a "East Turkmenistan" movement in exile, operating from Turkey. [12g] However, one academic commentator has pointed out "a profoundly practical people, Uighur and regional leaders actually invited the People's Liberation Army (PLA) into the region after the defeat of the Nationalists in 1949". [18m]

6.B.24. Uighur resistance has been seen to show three main features since the early 1990s. Firstly, there has been protest and violent demonstrations, initially downplayed in official reports as sporadic, spontaneous protest by unorganised groups of Uighur farmers (*tufa shijian* - "sudden incidents"). Secondly, numerous violent incidents over the 1990s - in 1998, Party sources indicated over 70 serious incidents, causing over 380 fatalities. Occasionally, incidents such as the Urumqi bombings in 1997 received international attention. Finally, the existence and agitation of Uighur nationalist groups outside PRC, and China's diplomatic neutralising of their influence, means that the groups are small and isolated, but possibly influential rather than active. [11i][9aw][12g]

6.B.25. The PRC government is a founder member of an informal group of Central Asian countries. Since June 2001, this forum has been called the Shanghai Cooperation Organization, previously having been called the Shanghai Five (from inception in 1996 to June 2001). [12h] Uzbekistan joined in June 2001, other members being China, Kazakhstan, Kyrgyzstan, Tajikistan and Russia. [12h] A key focus for the group is the suppression of militant Islamic groups within the member countries. [12h]

6.B.26. The Uighur are Sunni Muslims "practising Islamic traditions similar to their co-religionists in the region" and "Islam (has become) an important, but not exclusive, cultural marker of Uighur identity." Though portrayed by many in the region as united, Uighur continue to be divided along Sufi non-Sufi Muslim factions, territorial regions, linguistic differences, class (commoner-elite) divisions, and political loyalties. [18m]



**6.B.27.** The case of Rebiya Kadeer, a wealthy Uighur businesswoman arrested on as yet unproven corruption and narcotics charges, and whose case has been highlighted by NGOS, particularly Amnesty International, is held to illustrate the Chinese central government's attempts to produce a Uighur leadership amenable to Beijing's aims, but one that has ultimately caused a rapid reversal of policy. [2g][6m][9aw][12g]

**6.B.28.** Since September 2001, the Xinjiang crackdown is under way in many parts of Xinjiang province. For example the public security organs of Bayinguoleng Mongol autonomous prefecture have issued a notice on 3 January 2002 announcing a deadline of 10 February 2002 for "terrorists" and "separatists" to hand themselves in "to make a clean breast of things". [4so]

**6.B.29.** Religiously-orientated groups in Xinjiang are very local (mainly in Kashgar and Hetian areas) and intermittent in their presence. Main groups include the Party of Allah and the Islamic Uighur Party, but no details known of these groups. [12h] One report made reference to a sect, presumably Islamic based, called Tebrik (in Chinese original, tai bi le ke) as an illegal organisation. [4so] Nothing else is known, currently, about this group either.

#### Koreans

**6.B.30.** Apart from the influxes of North Korean refugees (see country assessment), there are sizeable communities of ethnic Koreans in Jilin, Liaoning and Heilongjiang Provinces (all the provinces close to the Korean peninsular border]. The ethnic Koreans have a distinct identity from the Han, using standard Korean as well as standard Chinese in both speech and in writing. They are primarily Buddhists. [16o]

#### North Koreans

**6.B.31.** The UNHCR over the past two years have monitored the plight of North Korean refugees in China. Reports of mass deportation have emerged [18c] and crackdowns [18d][18g] UNHCR has been pressing for the matter to receive international attention [18h][18d] Amnesty international produced a report in December 2000, outlining the background, case histories, and urging China / North Korea to abandon reciprocal agreements, and recognise and adhere to the principle of non-refoulement. [6v][18i]

**6.B.32.** In terms of granting asylum to refugees from other states, the Chinese authorities faced a difficult situation in June 2001, when seven North Korean nationals asked for asylum in South Korea by entering the UNHCR office in Beijing. [9c] The situation brought the plight of North Koreans in PRC to the fore. [9c] Likewise, 25 North Koreans evaded the Chinese police to seek sanctuary in the Spanish Embassy in Beijing in March 2002. [9eh] They were permitted permission to proceed to the Philippines to claim protection. [9eh]

**6.B.33.** In May 2002, another mass break-in occurred, when 5 North Koreans rushed into the Japanese consulate in Shenyang, Liaoning Province. [9et] To the indignation of the Japanese, the Chinese police broke with international law and chased after the North Koreans within the compound. [9et] The Chinese police agreed two days later to release all of the North Koreans so apprehended in that incident. [9eu] By 12 September 2002, 36 North Koreans from various embassies were flown to Seoul, South Korea, to bring the refugee total to over 100 flown out so far in 2002. [9fd] Beijing is however very worried about the trend of people seeking sanctuary, and ringed many embassies with police guards and other deterrents. [9et]

#### Hui (Huihui)

**6.B.34.** The second largest majority, estimated at between 7.5 million and 8.6 million. **[16f][16p]** The Hui are spread throughout China, with a large community within Beijing. **[16p]**

**6.B.35.** Highly identified with Islam, they are also known as Chinese Muslims. **[16f]** In the early Communist period, officials continued the practice of referring to Islam as *hui jiao* - "faith of the Hui [people]". The Hui have now correctly been identified as a people in their own right. **[5n]** Most sources say that the Hui are highly sinicised, and little distinguishes Hui from Han. As part of their Islamic adherence, the Hui are known to abstain from pork, usually referring to this practice as living the *qing zhen* - "pure, clean life". Qur'anic Arabic is used during ritual, but has never been a common language for communication. There are loan words from central Asian languages that are unique to the Hui and unintelligible to Han, known as *Huihui hua*. **[5n]**

**6.B.36.** For a full account of Hui, Chinese Muslims and the search and emergence of Hui identity, a very good introduction is *Ethnic identity in China: the making of a Muslim minority nationality* by Dru C. GLADNEY, Fort Worth: Harcourt Brace College Publishers, 1998, ISBN 0155019708. 195 pages. (Cannot be reproduced as hardcopy source in its entirety for copyright reasons). **[5n]**

#### Yi (Lolo)

**6.B.37.** Estimated at between 5.5 million people **[16q]** and 6.572 million **[16aa]**. The Yis are another ethnic group located over Yunnan, Sichuan and Guizhou provinces (south western China) **[16aa]** but they mainly inhabit the mountainous areas of south west China, primarily in the Liangshan Yi autonomous prefecture, Sichuan province. **[16d]** The Yi are made up many tribal groupings and have many names for themselves, primarily the Lolo, Nosu, Misa, Lasu, with the name Panduo used by the Yi to indicate the ethnic group as a whole (as opposed to the Han name of Yi). **[16aa]**

**6.B.38.** One source has taken the Yi's experience as an example of the experience of many of China's ethnic minority groups. The Yi are primarily agriculturists who supplement their diet with hunting, with literacy traditionally in an ancient Yi script and limited to the *bimo* (shaman priest) of the tribe. Thus the PRC authorities have identified education (in standard modern Chinese) as a priority, though little has been achieved. Only in the past two decades has instruction in Yi language and translation of Chinese modern information into Yi been achieved. The Yi are keen to preserve the Yi language and script as a focal point of Yi culture. They wish to take on the autonomy offered by the PRC authorities, but are lacking in resources to do so effectively. **[20j]**

**6.B.39.** The Yi, however, have not developed a dependency pattern that has happened to other groups, particularly the Miao. This is whereby the PRC authorities permit and indeed encourage displays of ethnic culture for tourist purposes; the group finds the income outstrips income from agriculture, and thus is financially "caught" in a caricature ethnicity. **[20j]**

#### Tujia

**6.B.40.** The Tujia are an ethnic group of about 2.8 million people. **[16r]**

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

**She**

**6.B.41.** The She are a group of 634,700 people located in the middle Chinese coastal provinces of Fujian, Zhejiang, but also in Jiangxi and Guangdong. **[16s]** The She also refer to themselves as Shan Ha and the Ha, working mainly as agriculturists. **[16v]**

**6.B.42.** Originally an aboriginal group (i.e. native to that location long before other ethnic groups), the She are held by most Chinese commentators to have lost their separate identity from the Han, akin to the sinification of the Manchus and Zhuang. **[5n]**

**Uzbeks**

**6.B.43.** The Uzbeks are a Turkic people, found in the Xinjiang Uighur Autonomous Region. They number 14,000, and representative of many central Asian peoples found in the extreme west of China, such as the Kazakhs, Tajiks, and Kirgizs. **[16w]**

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### TIBETANS: SUMMARY

**6.B.44.** Like other minority ethnic groups, Tibetans receive nominal preferential treatment in marriage policy, university admission and employment. However in practice discrimination against Tibetans is widespread, especially in the area of employment. Central government policies, while helping to raise the economic living standards of many Tibetans, have encouraged a massive influx of Han Chinese into Lhasa and other urban areas. Government determination to suppress all separatist activity has led to the violent repression of protest and the detention of numerous Tibetans. [2b][6e]

**6.B.45.** One source in July 2000 has claimed continuing ethnic unrest in Xinjiang Uighur Autonomous Region (XUAR). Likewise, gross human rights abuses in Tibet Autonomous Region, particularly against Tibetan Buddhists and nationalists. [6t]

**6.B.46.** Poverty alleviation is seen as a key government goal for the year 2001. Autonomous regions such as Xizang province (Tibet) are identified as areas for modernisation, as part of a huge "developing the west" strategy. [4kd]

### DEFINITION OF TIBET

**6.B.47.** Tibet as an independent, sovereign state does not exist. The Government of the People's Republic of China, who have occupied since 1951 about half of the territory regarded as Tibet by the Tibetan diaspora, regard the territory as the Xizang Autonomous Region of the PRC. [2k] The US State Department regards Tibet as the Tibetan Autonomous Region to be part of the PRC, but 'the preservation and development of Tibet's unique religious, cultural, and linguistic heritage and protection of its people's fundamental human rights continue to be of concern.' [2k]

**6.B.48.** For the purpose of this document, "Tibet" is used as a loose term to cover the Tibetan Autonomous Region, and "Tibetan" to indicate those people who look to their Tibetan ethnicity as a defining feature. The use of "Tibet" as a term is not intended as an endorsement or otherwise of any territorial claim. To fully explore related issues, this bulletin therefore geographically ranges over the TAR, Nepal and northern India, and looks at Tibetans irrespective of their actual citizenship.

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**6.B.49.** Sources of information on conditions in the TAR are very limited. The area is closed to independent observers and most information in openly available sources is dependent upon Tibetans in exile campaigning organisations, namely the Tibetan Government in Exile [25a-b], and the Tibet Information Network. [25c-g]

## BRIEF HISTORY AND GEOGRAPHY OF TIBET

**6.B.50.** Tibet as a geographical area is currently defined as being the area of the PRC Tibetan Autonomous Region. It is predominantly mountainous, landlocked, bordering Yunnan, Sichuan, Qinghai, and Xinjiang provinces within PRC, and has national borders with India, Nepal, Bhutan and Burma. [1a]

**6.B.51.** The population of Tibet is traditionally relatively ethnically homogenous in as much as most Tibetan sub-tribes (the Upa, the Khampa, and the Amdo) are willing to be identified as Tibetan. The Khampa are keen to preserve their own dialect and cultural differences, but that is within the ambit of the Government of Tibet in Exile's cultural preservation policy. [4vo] [25a] Official Han Chinese settlement and other cultural infiltration is detailed throughout below.

**6.B.52.** The modern history of Tibet begins in 1904 with a British invasion (to thwart Russian colonial plans). In 1909 the Chinese Imperial Government invaded Kham, eastern Tibet, then Lhasa in 1910. The British intervened and the Tibetans repulsed the Chinese, leading to the 1914 Simla Convention. After 1920, the Tibetan rulers (the Lamas, a monarchical theocracy) pursued a policy of self-determination, leading to a neutral stance in the Second World War. Tensions between the Lamas escalated until the Panchen Lama requested Chinese protection in 1949, and the People's Liberation Army of Communist China invaded Tibet on 7 October, 1950. [25c]

**6.B.53.** The Chinese consolidated their control in 1951, with the Tibetan authorities required to sign the 17-point agreement relinquishing independence. [25c] Chinese collectivisation of land in eastern Tibet, in the 1950s, provoked uprisings, culminating in a second Chinese invasion in 1959. In late March 1959, all local Tibetan government is dissolved, Tibet is ruled directly by Beijing under martial law, and, on 30 March 1959, the Dalai Lama seeks political asylum in northern India. [25d] Tibetan rebels continue to operate from Mustang region until 1974, when guerrilla resistance effectively ceases, by order of the Dalai Lama. [25d]

**6.B.54.** Tibet culture suffered greatly during the Chinese Cultural Revolution of the 1960s and 1970s, with a systematic destruction of 98 percent of Tibetan monasteries. In 1979, in an era of post-Mao reform, the Dalai Lama was invited to return to Lhasa (capital of Tibet), and duly sent a fact-finding mission to Tibet. The mission was enthusiastically received, spilling over into demonstrations for independence, which in turn panicked the Chinese authorities. The resultant arrests began a period of demonstration and arrest, of moderate liberalisation and reversal, which then continued throughout the 1980s. The Dalai Lama and the Chinese authorities embarked upon a series of different proposals, but have still yet to reach a point of dialogue. [25c] Martial law was lifted on 1 May 1990. [25c] Since 1990, the process of Chinese colonisation and political control has continued (outlined below, in Sections *Current conditions in Xizang province* and *Current issues*.)

## CURRENT CONDITIONS IN XIZANG PROVINCE

### Education

**6.B.55.** Education is mainly limited to primary level for most Tibetans, with Tibetan primary schools usually supplying only two or three years of education (the monasteries having hitherto been the mainstay of Tibetan education). [2k] Literacy rates are low amongst ethnic Tibetans, with 42 percent of the population in TAR illiterate or semi-literate. [2k]

**6.B.56.** Education is a key issue for Tibetans in the preservation of their cultural heritage. [2k] [25e] [25f] [25g] The Chinese authorities have increasingly encourage the displacement of the Tibetan language as the written language and the medium of education, with ethnic Tibetans resentful that the majority of the students at the Tibet University (student body of 3000) are ethnically Han Chinese, as Mandarin is the medium of higher education, which also affects the 13,000 other students in less prestigious institutions in the TAR. [2k]

**6.B.57.** Tibetan exile sources have also pointed to a recent (dated February 2001) increase in an official suppression of religious expression in Tibetan middle and some primary schools, with outward expressions of faith such as wearing protection cords (*srung mdud*) specifically banned. [25e]

### Women

**6.B.58.** There seem to be no special issues regarding women outside the issues surrounding women in the PRC, with the exception that, technically, Tibetan women have less family planning restrictions placed upon them. [2k] (see directly below, *Children*)

**6.B.59.** The Tibetan Women's Association is an exiled Tibetans' organisation working in Dharamsala and other parts of Northern India. [3a]

### Children

**6.B.60.** The Tibetans, as one of the 55 recognised minorities in PRC, are technically accorded preferential treatment in terms of marriage and family planning policies. [2k] As malnutrition and nutritional deficiency ailments are high in Tibetan children, particularly in rural areas, such policies of laissez-faire may be more pragmatic than a concession. [2k]

**6.B.61.** The many cases of minors being smuggled over the border to Dharamsala and Northern India, for a combination of reasons that include continuing education in a culturally Tibetan environment and better economic prospects. [4b]

### Health care

**6.B.62.** Chinese official sources stress the development of the healthcare sector as a benefit brought by Chinese investment to Tibet: '... there were only two hospitals in Tibet before the region's peaceful liberation in 1950, and the few doctors served only the ruling class and not the ordinary people. However, today (February 2001), a Medicare network consisting of more than 1,200 hospitals and staffed by over 10,300 medical professionals has been built over the region.' [4f]

**6.B.63.** 1997 official figures state there were 1,324 'medical and healthcare

establishments' with 6,246 hospital beds and 10,929 healthcare personnel. There are 14 Tibetan traditional medical establishments. [4o] In 1999, it was reported that from 1994, there has been a foreign-aided healthcare initiative to develop rural healthcare workers, known as *pendebas* in Tibetan. The *Pendeba* scheme has been reportedly a great success, with infant mortality down by 50 percent in the villages where the 224 *pendebas* work. [4n]

**6.B.64.** Healthcare issues associated with prostitution (AIDS / HIV and STDs) are of growing concern, as prostitution increases in the TAR. [2k] However, most prostitutes are Han Chinese from Sichuan Province, and most clients are Han workers from major government project sites, the army and other such Han-dominated institutions, so Tibetan prostitutes are rare. [2k] No information could be found on trafficking of Tibetan women or children for prostitution or associated sex industries.

### Cultural rights

**6.B.65.** The preservation of a distinctive Tibetan culture is a paramount issue in TAR. Lhasa, the provincial capital / old capital, has been progressively sinicized, so that now over half the population are Han Chinese, new buildings are in a Chinese architectural style, Chinese characters are used in commercial signs, and Standard Modern Chinese is spoken widely. Likewise, regional and town governments are heavily influenced by central Chinese government policy, and many positions of power and influence are held by ethnic Han settlers. [2k] In rural areas, however, Han influence is still held to be negligible. [2k]

**6.B.66.** The Tibetan Government in Exile in Dharamsala has consistently raised the concerted efforts of the Chinese Government to eradicate Tibetan culture, and many of its attached institutions in Dharamsala are expressly dedicated to retaining aspects of that culture. [3a][3b] The Chinese Government has objected to claims of attempting to bring Tibetan culture to "extinction", retorting along ideological lines, that the only extinction is of Tibetan ruling classes' influence and feudalism. [4m] There were initially greater restrictions in 2001, in terms of Tibetans prevented from making pilgrimage trips (*lingkor*) and private homes searched for photographs and religious painting (*thangkas*) [2k] (see below, *lamas*) though the US State Department report indicates that this campaign lessened in intensity as the year progressed. [2k]

**6.B.67.** The Chinese Central Government makes great play of the amount of restoration and rebuilding of religiously-significant sites [4m][2k] damaged during the Cultural Revolution. However, in the words of the US State Department report (published March 2002), 'repressive social and political controls continue to limit the fundamental freedoms of ethnic Tibetans and risk undermining Tibet's unique cultural, religious, and linguistic heritage.' [2k]

### CURRENT ISSUES

**6.B.68.** The general conditions of Tibet as a Chinese Province are no better than any other province, but Tibet has its own set of problems which means the TAR's human rights record should be considered as particular area of concern. [2k]

**6.B.69.** The economy of the Tibetan region is heavily subsidised by the Chinese central government and the productivity of other provinces of China. [2k] The Chinese government has developed an economic policy that intends to open up the TAR as an area of industrial and economic importance. Mineral resources, namely oil, have been found [1b] and an infrastructure to exploit these resources is being developed, such as the development of a major rail link [4a]

resources is being developed, such as the development of a major railway [1a]. Government grants and land deals have induced large migratory flows of Han and Hui (Chinese Muslim) populations from neighbouring provinces, such as small-scale farmers [4i]. Such migratory flows have displaced the economic position of the Tibetans with TAR, and the economic benefits that the Chinese Government has brought to TAR have only been tangential in benefit to the Tibetans, such as in better transportation and communication facilities. [2k]

**6.B.70.** The Tibetans argue that some developments are deliberate shows of force, for instance, the building, in 2001, of the monument commemorating the "Chinese liberation" in the main square of Lhasa, [1c] and in the commemoration of the take-over of administration. [1d] Critics of the commemoration say that most of the participants were forced to take part. [1d]

### The Lamas

**6.B.71.** The pre-Communist government of Tibet was a loose network of theocratic allegiances, whereby the pre-eminence of the Dalai Lama was accepted on the basis that the Panchen Lama, the "second" chief lama, balanced the appointment, and likewise, the Karmapa Lama "third in line" exerts a checking influence. [2k] So, crudely put, the Dalai Lama will approve the "finding" of a new Panchen Lama upon the death of the old lama; the existing Panchen Lama will "seek out" the new Dalai Lama upon the Dalai Lama's death. The lamas are in their physical presence very important to the Tibetan theocracy.

**6.B.72.** The current Dalai Lama has been in exile since 1959, and is a vociferous opponent to the Chinese authorities, and in turn, has been subjected to particular vilification by the Chinese Government at all levels. [2k] Photographs of the Dalai Lama are not permitted to be sold in the TAR, though some monasteries and many individuals display photographs in private. In early 2001, the neighbour committees in Lhasa started cracking down on such individual displays. [2k] The brother of the Dalai Lama, Jiale Dunzhu, has been permitted in July 2002 to return to Tibet in a private capacity. [4j]

**6.B.73.** The Dalai Lama visited Rome, and reaffirmed on 26 October 2000 his call for autonomy for Tibet within a stable and united China, rather than full independence. He maintained it coincided with China's "one country, two systems" policy. [4ed] The Chinese replied "with strong displeasure"; that the Dalai Lama knew its conditions for dialogue, and he was really pursuing independence, and not autonomy. [4es] The central Chinese leadership were stated later as always having "a door open for constitutional talks" but on the long-standing terms that the Dalai Lama must stop advocating independence and admit that Tibet and Taiwan are part of China. [4dq] In September 2002, the Chinese Government also announced that the chairman of Xizang Provincial Government, Leg Qog, had met the Dalai Lama's envoy for discussions about the region's economic development. [9fh]

**6.B.74.** The current position of the Panchen Lama is a key Tibetan issue. In 1995, the TAR Government, at Chinese instigation, recognised and enthroned the boy Gyaltsen Norbu as the 11th instigation of the Panchen Lama, the previous Panchen Lama having died in 1989. This was in conflict with the Panchen Lama recognised by the Dalai Lama, the boy Gendun Choekyi Nyima. [2k] Chinese authorities have denied that the Panchen Lama, has died in police custody. They have declared him alive, safe and healthy but refused to disclose his whereabouts. [3m] The "official" Panchen Lama (Norbu) has been paraded by the Chinese authorities in Lhasa in June 2002. [4h]

**6.B.75.** Karmapa Lama, leader of the Karma Kargyu school of Tibetan Buddhism, and third highest lama, caused a major upset to the Chinese authorities with his dramatic flight to India in January 2001. [1d] [2k] The



defection of the Karmapa Lama on 5 January 2000 to India alarmed the Chinese authorities and all concerned are awaiting to see if the Indian Government will grant the lama asylum. [4gk]

6.B.76. The Chinese authorities are in custody of two other young children appointed as clerics. The Government approved the selection of 2 year-old Sonam Phuntsog on 16 January 2001 as the seventh reincarnation of the Reting Rinpoche (but not recognised as such by the Dalai lama or many of the Reting monastery clergy). [2k] In the summer, 2001, the 7year-old Pawo Rinpoche, a leading Karma Kargyu figure after the Karmapa Lama, was taken by the authorities away from Lhasa to Nenang monastery. [2k]

#### Demonstration and Protest

6.B.77. A ban on public demonstrations in any way appertaining to political discontent is tightly enforced. [2k] There is very little by way of free speech, and the Government strictly controls access to and information about Tibet. [2k] Traditional ceremonies and many public manifestations of belief are banned in urban areas. [2k]

#### Arrest, detention, and prison conditions

6.B.78. The actual nature of prison conditions generally is unknown. There is no access given to any international monitors; many allegations of torture are dependent upon descriptions given by refugees, though the US State Department reports state "there are many credible reports that prisoners are tortured and mistreated." [2k]

6.B.79. There have been incidents in Tibetan prisons, which have provoked harsh responses from the Chinese authorities. On 1 May 1998, the authorities in Drapchi prison ordered hundreds of prisoners to partake in a Chinese-flag raising ceremony. Two prisoners shouted slogans in support of the Dalai Lama, and chaos ensued. The prison guards then turned on the prisoners; some prisoners in turn took on hunger strikes in protest at the beatings. Another ceremony was attempted on 4 May, again protest slogans were shouted, and the guards' reprisals were vicious and sustained throughout the day, with one prisoner shot and another very badly beaten (both Buddhist monks). On 3 June, female prisoners (all Buddhist nuns) were forced to sing 'patriotic' songs, and when they refused, were tortured. [7b]

6.B.80. The Chinese authorities took great pains to cover up the incidents. [7b] In total, nine prisoners died as a direct result of beatings suffered during and after the protests. [7b] Five females prisoners died, dismissed as suicides by the authorities; and four male prisoners, whose circumstances of death remain unclear. [7b]

6.B.81. The Choephel case has been a celebrated case in Tibet. [7a][4e] Ngawang Choephel's release in January 2002 after six years' imprisonment was welcomed by Tibetan NGOs, international NGOs, and other international observers. [7a] [4e] Choephel is a musicologist specialising in traditional Tibetan music, who lived in Dharamsala from 1987 until 1995, when he left to go back to Tibet to take recordings of traditional songs. [4e] It was a year after his disappearance that the Chinese authorities announced that he had been arrested and tried on spying charges, and was currently serving an 18-year sentence. [4e] Choephel was released directly into the care of the United States. [4e]

6.B.82. The authorities have keen to stress in the Chinese domestic press that prison medical care in Tibet is reasonably good, with no recorded deaths from lack of medical attention. [4b] The director Wang Luchang did admit that the

lack of medical attention. [4k] The director, Wang Huangong, did admit that the prison hospitals in Tibet were not as good as in other parts of China. [4k]

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### TIBETAN REFUGEES

#### Documentation in Tibet

6.B.83. The question of nationality is complex. [6c] The Chinese authorities regard Tibetans as citizens of the PRC for administrative purposes (so are issued with Chinese identity cards, *hukou* and other documentation). [3bv] The Chinese Government will recognise Tibetans who have fled from the TAR as Chinese citizens on the proviso that they have not obtained a second citizenship, as China does not recognise dual nationality in principle. [3bv] In general, children acquire the citizenship of their parents, and are considered Chinese citizens if their parents have not obtained another nationality status. [3bv] Again, many Tibetans do not regard themselves as being Chinese citizens, but as refugees from an invading force, but are considered Chinese citizens by the international community for practical purposes. [3bv] (See above, 1. *Definition of Tibet*.)

6.B.84. Tibetans who have applied for documentation from the Government in Exile, particularly the Green Book (See below, *Tibetan Government in Exile, Dharamsala*), may be persecuted by the Chinese authorities if the Tibetan was to return to the TAR and have the document found upon them. [3bs]

#### Exit out of Tibet

6.B.85. Exit documentation in the form of Chinese passports is available, and is respected as a legal exit by the Chinese authorities. Chinese passports are, however, very difficult to obtain. [2k]

6.B.86. In terms of illegal exit, the main routes out are in terms of crossing through or near to mountain passes. The crossing from Tibet to Nepal is described as 'dangerous'. [6h] and, to both Nepal and northern India, "the path is littered with risk" [4b] The Karmapa Lama, a 16 year-old, managed to walk over the mountains from Tibet into northern India, though he was in poor physical shape afterwards. [7c] Other minors have given similar accounts of arduous journeys on foot, with "days without water or food". [4b] One source refers to a journey on foot that took 20 days from the TAR to northern India. [4b]

6.B.87. The risks run during the illegal exits include being shot at by Chinese border guards; frostbite; dehydration, exhaustion and hypothermia; rape and molestation (presumably by agents rather than fellow refugees) during the journey. [4b] Often escapes are effected during the winter months, as border patrols are fewer, but with increased risk from hazardous weather conditions.

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[6h] Other sources talk of difficulties with Nepalese border guards, including bribery and instances of non-admittance. [6j]

**6.B.88.** No information could be found about organised people-smuggling operations. Most reports hint at family / village / altruistic local contacts as agents, with refugees keeping in touch with family in the TAR through 'messengers who shuttle across the border on the sly.' [4b]

#### **Movement outside Tibet**

**6.B.89.** Most escapees from the TAR go to either Nepal or India initially. Most Tibetans who proceed to European or American destinations travel from northern India. Most new arrivals from the TAR go to northern India, with the Nepalese community being primarily second and third generation refugees. [6h]

#### **Tibetan Diaspora**

**6.B.90.** In TAR, there are 6.1 million ethnic Tibetans; outside TAR, there are as many as 250,000 ethnic Tibetan people in exile. [3a]

#### **Nepal**

**6.B.91.** The number of Tibetans in Nepal is estimated variously between 18,000 and 20,000 people. Most are second or third generation from refugees exiled in the 1950s. [6h][2k] In the 1990s, Tibetan refugees increased in number, mainly nuns and monks as religious persecution was stepped up by the Chinese authorities. [6h]

**6.B.92.** The Government of Nepal officially does not return Tibetan refugees to the TAR. The Nepalese Government permits the Office of Tibet to run reception centres and allied facilities. [6h] The last time there were any official returns was during the short-lived Communist government in 1995, but the policy of return was revoked with fall of government later that year. [6j]

**6.B.93.** Some Nepalese border guards have, illegally, demanded bribes from Tibetan refugees; there may also be a number of unofficial returns, with questions raised by NGOs in 1997 over alleged returns of 50 refugees. [6h] The questionable status of Tibetan refugees in Nepal, and Nepal's refusal of citizenship, is referred to by some sources as a continuing worry to the Tibetan community. [6h]

**6.B.94.** Tibetan refugees in Nepal are known to buy false Nepalese passports, usually in Sherpa, Lama, or Shrestha ethnic minority names, and often as a means of quickly exiting the country. [3bs]

#### **Bhutan**

**6.B.95.** No information has been found with regards to Tibetan refugees in Bhutan. Bhutan is unlikely to be a preferred destination given the Bhutanese attitude to other minorities, such as Bhutan's ethnic Nepalese. The Bhutanese are technically an ethnically related race to the Tibetans. The Tibetan Government in Exile website does however mention a figure of 1,500 Tibetans in Bhutan. [3a]

#### **India, particularly Northern India**

**6.B.96.** Reports differ as to the size of the Tibetan community in India. Some say the population of ethnic Tibetans is circa 130,000. [4b] Other reports quote



1996 Government of Tibet in Exile figures of 105,000 people, 60 percent in Tibetan settlements and the rest scattered within the general population. [6f] The Government in exile website itself states 30,000 Tibetans in southern India, 8,000 in central India, and 60,000 in northern Indian states (total circa 100,000). [3a]

**6.B.97.** Generally the exiled Tibetans have been accepted within India, with the Government taking a flexible approach to the refugees. [6f] Since 1950, and particularly in the 1960s and 70s, India had an excellent record of accepting Tibetan refugees. Technically, India no longer admits new arrivals from Tibet, as part of policy to develop better relations with China, but new arrivals have, reportedly, ways of being able to circumvent this. [3bs] The Canadian IRB, consulting the US State Department, concluded 'stories of (Indian) government mistreatment contained in asylum applications are not consistent with country conditions.' [6k]

**6.B.98.** According to the US State Department, 'while there have been isolated anti-Tibetan incidents (usually in the form of attacks by Indian criminals), Tibetan refugees in India are generally able to lead productive, peaceful lives in India.' [6k] A cotton ginning project run through a Tibetan co-operative is a recent example of such peaceful incorporation. [4g]

**6.B.99.** All Tibetan residents in India, over 18 years old, are obliged to obtain an 'RC' - Residential Certificate. This certificate has to be renewed each year. [3bs]

**6.B.100.** In order to travel, resident non-Indians have to be granted an 'IC' - an Identity Certificate, and to travel abroad an IC with 'NORI' - No Objection to Return to India - needs to be obtained. [3bs] An IC will take a couple of months to obtain; an IC with NORI certification will take longer. Both may be hastened or granted upon receipt of bribes. [3bs]

**6.B.101.** Generally, Indian citizenship is not available to Tibetan refugees. [6e] There are however some exceptions to this rule, whereby second-generation Tibetans who are born in India may apply for Indian nationality. [6e] Some sources, however, suggest that there are no formal barriers to Tibetan refugees applying for nationality, as with all other foreign residents, but the application is likely to be refused. [6e][6f][6g]

#### **Tibetan Government in Exile, Dharamsala**

**6.B.102.** The community in Dharamsala, in the Kangra Valley, dates from 1960, when the Indian Prime Minister, Jawaharlal Nehru, offered refuge to the Dalai Lama's entourage. [3a] From a very small abandoned hill station, the area has grown into a community of about 80,000 Tibetans who regard it as their 'second' home. [3a]

**6.B.103.** The Tibetan Government in Exile is run from Dharamsala. The nature of the Government is based on a democratic model, with Tibetans permitted to vote, irrespective of where they live, if they have a fully paid-up Green Book. [4c] [3bs] (See below) The offices of the government are varied and numerous, [3a] but the attendant businesses set up to employ Tibetan refugees and fund the Government in Exile are not paying their way. [1e]

**6.B.104.** The Government in Exile has a role in external representation, with the Dalai Lama personally taking on an ambassadorial role. [4f] [4c] The Dalai Lama has softened his demands for total independence for Tibet to a position of demanding "true" autonomy for Tibetans in the running of the Chinese province, and a genuine respect for Tibetan cultural traditions. [2k]

**6.B.105.** 2,319 refugees were received in year 2000, which included 397 minors. **[4b]** At the reception centres in Dharamsala, refugees are given a letter of reception for all "new" arrivals, that is all arrivals post-1980. **[3bs]** The Office of Tibet and the Tibetan reception centre in Kathmandu also register the Tibetan refugees who pass through their system. **[3bs]**

**6.B.106.** The Green Book is a document produced by the Government in Exile in Dharamsala since 1971 for two purposes "as [a] show of solidarity and to financially support the Tibetan Government in Exile in meeting its various expenses." **[6b]** It is called the Green Book because of its dark green protective jacket. **[3bs]**

#### UK Tibetan issues

**6.B.107.** London is a key centre of Tibetan campaigning, with the Free Tibet Campaign and the International Campaign for Tibet campaigning alongside environmental groups over multinational companies' infrastructure projects in the TAR.

#### WOMEN

**6.B.108.** Article 48 of the 1982 Constitution states that "Women in the PRC enjoy equal rights with men in all spheres of life, political, economic, cultural and social, including family life. The state protects the rights and interests of women, applies the principle of equal pay for equal work for men and women alike and trains and selects cadres from among women." The Communist regime has consistently articulated the ideal of gender equality and has enacted a series of laws to protect women's rights. However, the persistence of traditional views on the position of women, the government's family planning policies (see below, Family Planning Policies) and the preference for sons, and the economic reform programme (see paragraph 3.18) are obstacles to the effective application of these laws. **[3c]**

**6.B.109.** Deeply entrenched social habits and customs that mitigate against gender equality are the major cause of the continuing violence against women in China, especially in the rural areas. The roots of this discrimination against women lie in Chinese philosophy, religion and popular culture. The social organisation of rural society, which views women as temporary residents in their natal families until they move to their husband's residence, is also a significant factor. Domestic abuse reportedly is more frequent in rural areas. Women in urban areas are usually more educated and tend to have a better understanding of their rights, although there is no national spousal abuse law. Some localities (eg. Hunan province) have passed legislation to address the problem. **[3c][2d]** The central authorities have pledged to tackle injustices in rural areas, particularly in the fight against domestic violence and in trafficking of women. **[4ek]** New economic pressures have fuelled early retirement amongst female workforce. The economic downturn has seen an increased domestic violence, coercion into prostitution, and a marked difference between men and women in suicide figures. **[4ba]**

#### Abduction

**6.B.110.** The abduction and sale of women is on the rise in China. These practices, which occurred in traditional Chinese society, have seen a resurgence as a result of the economic reform programme which has loosened strict communist moral controls at the same time that it has unleashed the profit motive; the growing shortage of women; and the increase in cost of betrothal

gifts. Chinese authorities have consistently condemned the practise of the abduction and sale of women. In 1991 tougher penalties were enacted, imposing sentences of between 10 years in prison and death for gang leaders, up to 3 years in prison for those who buy women and children, and 2-7 years in prison for government cadres who obstruct who obstruct rescue attempts. Campaigns to catch and convict those involved in the abduction of women are regularly organised.[3c][10o] In 1999, police claimed that they had rescued 23,000 women and 4,260 children who were kidnapped, broke up 8,000 kidnapping gangs, and arrested 26,000 people between 1996 and 1998.[4ag]

6.B.111. The trafficking of women, for the sex trade, and children for adoption rackets has increased in year 2000. [4km][4kp]

### Marriage

6.B.112. The documentation needed to marry a foreigner is as follows: a certificate of marriageability (obtainable from the office which has physical control of his or her file); a certificate of birth; household registration book (*hukou*); health certificate (obtainable from a regional level local hospital); and a letter from the parents of the local partner giving their permission for their child to marry a foreigner (this letter should include the index fingerprint of both parents below their signature and date). [15i]

6.B.113. The marriage registration procedures are administered by the local civil affairs office (*minzhengju*). [15i]

### Divorce

6.B.114. It is relatively easy for a woman to get a divorce under China's Marriage Law (1980). Women, however, may be discouraged from applying for a divorce because of the housing shortage in China. During marriage women usually live in a house belonging to their husbands' work unit. After divorce, if a woman's own unit does not assign her a house, she is forced to seek housing with family and friends.[3c]

### All China Women's Federation

6.B.115. The government-sponsored All China Women's Federation (ACWF) plays a key role in promoting and safe-guarding women's rights and interests. The ACWF is a mass organisation, with branches at each government level, and has 89,000 professionals specialised in working with women. Since 1980, the ACWF has sponsored a nationwide effort to develop family planning education, including counselling services. The organisation actively protests cases in which women are discriminated against by the hiring practices of companies and factories. Women's protection committees, medical schemes, domestic abuse hotlines and emergency centres been set up in some areas. [3c][7g][4p]

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### FAMILY PLANNING POLICIES ("ONE CHILD POLICY")

#### Policy

**6.B.116.** Since the 1970s the government has been implementing the a range of family planning policies popularly known by its main feature as the "one child policy". **[3a]** It has the aim of reducing pressures on the country's resources and infrastructure aggravated by the rate of population growth. The policy consists of four basic demands; few births, late marriage, late childbearing, and eugenic births. The central government has been responsible for initiating the policy and for setting an annual nationwide target for population growth, co-ordinated by the State Birth Planning Commission, but its interpretation and implementation are left to provincial and municipal regulators to adapt according to local conditions.**[3d][3a]** Family planning has been lauded by the government as a major achievement in the past 50 years. Statistics are given to support a population slow-down of 300 million with attendant resource implications. (An actual population of 1.284 billion rather than projected 1.500.) **[4bh]** The issue of the family planning policies' approach has been brought to the forefront of debate again, when, in July 2002, the United States dropped its financial support of United Nation's agencies programmes in China. **[9fi]** This was on the grounds of the programmes lending legitimacy to the PRC's existing family planning policies, but was criticised by opponents of the cut as a domestically-inclined political sop to US anti-abortionists. **[9fi]**

**6.B.117.** The Chinese policy provides for minimum marriage ages for men (22) and women (20), an "encouraged minimum child-bearing age (24), the widespread promotion of birth control and abortion, and for one child per couple except in certain circumstances (see paragraph 6.7). It is implemented through education, propaganda, and a combination of incentives such as health subsidies and financial bonuses, and disincentives, such as additional taxes and legal discrimination.**[3c][3a]**

**6.B.118.** The emphasis of the current family planning policy is summarised as a 'three-three' approach. Firstly, there are three guiding policies - the overall family planning policy, the national population target, and the responsibility of top Party and government leaders for family planning efforts. The State Family Planning Commission is responsible for the 'three priorities' governing working methods - regular promotional work in lieu of shock methods; contraception in lieu of abortion; and propaganda and education in lieu of economic penalties. This change in working methods began under Wang Wei's directorship of the Commission in the 1980s. Finally, there are "three combinations" - financial incentives for rural families who opt to have less children of advantageous loans for farming and industrial equipment, better housing, and better pensions. **[5f]**

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**6.B.119.** The one-child policy not only restricts numbers of births and their timing, but also is based on eugenics. Government representatives will often make references to maintaining population "quality". Women with identified hereditary conditions can face forced abortions. The marriage regulations, e.g., the 1998 Yunnan Province regulations, dictated that the marriage of people with schizophrenia, AIDS, venereal diseases, and leprosy "should be postponed". [3ad]

#### Implementation of policy

**6.B.120.** There are regional and urban/rural differences in the implementation of the family planning regulations. [3m] There is a difference in rural versus urban implementation, as the urban work units have declined in influence. (*see above for urban neighbourhood committees*). [3ad] Urban couples, up to 1998, seldom obtained permission to have a second child, although urban couples who were themselves only children were allowed to have two children. In 1999, there have been signs that the Government is beginning to relax its policies in the cities. [2e] Exceptions are allowed for many of the 70% of Han who live in rural areas, all of whom in some provinces are permitted two children, and ethnic minorities are subject to less stringent population controls. Minorities in some rural areas are permitted to have four children. In Fujian, in 1998, remarried couples are permitted to have one more child if the sum of the children from previous marriages do not exceed two. [2b][2d][3m]

**6.B.121.** Disciplinary measures against those who violate the policy include fines, withholding of social services, demotion, and other administrative punishments that sometimes result in loss of employment. [2a][3a][3c] Levels of fines vary by region; in Shanghai, the fine for violating birth quotas is three times the combined annual salary of the parents, while in Zhejiang province it is 20% of the parents' salary paid over 5 years. Unpaid fines have sometimes resulted in confiscation or destruction of homes and personal property by local authorities. [2d]

**6.B.122.** Each work unit (factory, office, village etc.) is allocated a target of 'authorised' births for the following two or three years. The effect of these targets can be to regulate not only the number of births per couple, but also the timing of births. The government opposes the use of force or coercion in implementing family planning regulations, but the imposition of penalties on local officials failing to meet the targets of the birth quota system puts them under intense pressure. [3d] On the 1 January 1999, new national regulations on "methods of management of family planning among the floating population" came into force. They put the onus on employing workplace units to ensure the policy was carried out. [3ad]

**6.B.123.** Women with unauthorised pregnancies used to be placed under extreme psychological pressure to take "remedial measures" from other members of their work units, and in ideological work sessions with family planning agents. [3d][2a] Neighbourhood committees still carry out promotion of the one-child policy. Now, however, there is a programme of encouragement and free contraception rather than fining, informing, and crude enforcement. [4bg]

#### Documentation

**6.B.124.** The Division Director, Department of International Cooperation of the Chinese State Family Planning Commission has clarified which organisation issues which documentation in China. "Certificates" for sterilization, abortion, and insertion of IUD are issued by family planning clinics and hospitals. They are not standardised, and used to ensure paid leave from work. "One child certificates" are issued by the neighbourhood community committee (*see 4.4 of*

April 2000 assessment), township government or mother's workplace unit. [3s]  
Selling on and forgery of family documents occurs and is subject to a 1,000 yuan fine (circa £75) [3ad]

### Actual Implementation and Practice

**6.B.125.** Government officials have acknowledged that there have been instances of forced abortions and sterilisations, and there are anecdotal accounts of raids on rural villages by task forces rounding up women for forced sterilisation or abortion. [3d][17b] There are still, in 1999, routine allegations of enforced sterilisations, particularly in rural areas, and regular re-enforcement of regulations. [4bz] The 1989 Administrative Procedure Law, enacted in October 1990, allows citizens to sue family planning officials for misdeeds. [3d]

**6.B.126.** The example of Fujian province in the late 1990s show that sources can conflict about the operation of the one child policy. The Fujianese authorities in 1997 lauds the work of the Family Planning Association as a "mass organisation" which disseminates information regarding birth control and birth control policy, population and healthy child-bearing". In 1998 a former official of the Family Planning Association testified before the US Congress Committee on International Relations that the organisation used threats, coercion, and forced sterilization and abortion. [2e][3n] One source [3n] outlines the views of two American academics who stated in October 1999 that there was a trend towards democratisation and professionalism within the Fujian State Family Planning Commission, with at least four channels of appeal existing for complaints of excesses. [3n]

### Fujian province

**6.B.127.** Provincial adoption and application of the one-child policy varies as well. Of particular interest has been Fujian Province's application. In June 1998, evidence was given to the United States Committee on International Relations, House of Representatives by Harry Wu, Executive Director of the Laogai Research Foundation (an NGO, based Milpitas, California) and by Gao Xiao Duan (former (Chinese) State Family Planning Commission official) regarding sterilization and other aspects of family planning practice in Fujian Province. The main claims were that women who miss quarterly gynaecological examinations for six months are subject to sterilization; that women who get pregnant before the legal marriage age of 20 years old will be fined, and subject to abortion and sterilization; and both parents to be sterilized in the case of early births, i.e. births before the permitted age / time in marriage. [3ad]

**6.B.128.** Miss Gao was the principal witness to the Committee in June 1998. In a following document, the response of the (Chinese) State Family Planning Commission was denial of such practice. Experts contacted by the IRB also modified the context of Miss Gao's testimony, concluding that "scenarios such as those described in Miss Gao's testimony were increasingly improbable in the late 1990s." (Dr Edwin Winckler, East Asia Institute, Columbia University). [3n]

**6.B.129.** For differing reasons, most authorities agree that Fujian Province is lax in implementing the birth control policies. "According to Wu, the birth control policy is less strict in Fujian than in any other province except Guangdong. The United States Embassy in Beijing listed Fujian Province as among those areas that did not meet family planning quotas (June 1998)" [3ad]

**6.B.130.** In Fujian, The Canadian Embassy Political Counsellor found that there was a less effective enforcement of one child policy than in other parts of PRC. The authorities work by incentive schemes rather than coercion, with forced abortion and sterilization no longer tolerated, and efforts to increase the professionalism of family planning workers. Enforcement of sanctions has proved ineffective - one third of families have three children or more. [3d]

proved ineffective - one third of families have three children or more. [3r]

**6.B.131.** "Fines" are held to be "social subsidy fees" by the Fujian authorities to offset the extra social costs of extra, 'out of plan' children. Typically, the parents of 'out-of-plan' children were fined 60-100% of the family's annual income. The authorities noted that extracting such fines from villagers was difficult. [3r]

**6.B.132.** The Political Counsellor concluded that the local Fujian authorities in Fuzhou lacked both capacity and will to fully implement the central Government's national birth control policy. [3r]

**6.B.133.** According to an expert witness quoted by the IRB, reports of attacks on officials, often in relation to family planning policy, do occur in the local press. In Fujian, family planning officials are backed up with Article 43 of the "Fujian Province Family Planning Regulations", which constitutes any obstruction as a matter "to be dealt with in a timely manner by the public security authorities". Those offences deemed to be a crime are dealt with under the criminal law (see above)[3t]

**6.B.134.** Nevertheless, Chinese women are averaging over two births each. In the larger cities, many people would opt to have only one child without government pressure, for economic and employment reasons. Those less reliant on the benefits of the work unit, such as transients (see paragraph 6.21-6.22) and farmers in remote rural areas are typically able to have two or more children.[3d][9a][2c] Official figures from a 1995 survey indicated that 25% of women of child-bearing age have 3 or more children.[2d]

**6.B.135.** Uighur and other ethnic groups have long standing worries about the PRC family planning regulations, even though such birth control regulations are relaxed for ethnic minorities. [9av]

#### Female infanticide

**6.B.136.** The one child policy has been seen to exacerbate the traditional preference for male children, and after three decades of operation, demographic imbalances and anomalies have emerged. [4go-4gq]

**6.B.137.** The Gendercide Watch focus on China in a report on their website. The report outlines the decline of female infanticide in PRC between 1949 and 1980, and then the sharp rise post-1980 with the introduction of the one-child policy. The report states sex-ratios within planned births has run at 105 / 106 male to 100 female, but may be as high as 115 / 118 male in births outside official family birth plans. In 1999, it was estimated that there was a sexual imbalance of 111 million men more than women. 50 million women are therefore held to be "missing" from the population. [19c]

**6.B.138.** The report outlines different positions in the debate of the "missing" women. One commentator argues that under-reporting of female births and abortion after pre-natal scanning reduce the actual amount of female infanticide that occurs, further arguing that Chinese society cannot afford the financial and psychological expense of mass infanticide. Other commentators account for the difference in sex ratio in terms of unofficial adoption and abandonment into state orphanages. Other commentators argue that female infanticide does occur and is largely unreported. [19c]

**6.B.139.** Finally, the gender ratio has been severely disrupted by traditional prejudice reacting to the one child policy. Female infanticide has been exacerbated by abortion on the basis of sex determination through ultrasound scans, and willful limitation of medical care of female infants by some parents. The imbalance is held to be now circa 100 million males in excess of the

number of females (the 1990 census results previously gave a gender imbalance of 40 million). Females however comprise 51.8% of the population over 60 years of age. Female and male child trafficking has increased in China in response to such pressures. [2e][2g][4gp][4gq]

#### Other social problems associated with policy

**6.B.140.** Firstly, there has been an imbalance in rural / urban demographics: families in urban areas are increasingly becoming smaller, but rural families are still 'over target', fuelling drift to urban areas. Young urban couples are increasingly inclined to forego children altogether, as the financial and lifestyle cost of children is deemed too expensive. [4gp]

**6.B.141.** Secondly, an increasing number of people over 60 years of age (128 million in total at present), with a growth rate of 3.32% per year, is placing a strain on decreasing younger generations. Fifty years after the institution of old age pensions as part of the "iron rice bowl" system of collectivisation, 19% of OAPs are still unprovided for and are dependent on family support. [4go]

**6.B.142.** The Chinese central government has therefore officially relaxed family planning regulations for urban couples, permitting two children for a couple that is made up of two only children. [4gp] Reports in June 2000 in the *Vancouver Sun* reported an official relaxation of the local Shanghai regulations. [3aj] The view that relaxations were on the way were developed by other news agencies. [4kf] Held by the Canadian IRB to be a misunderstanding of current concessions to urban couples where the parents are both from one-child families (see section 6.11 of the assessment). [3aj] The Shanghai regulations date from August 1990, amended 17 October 1992, are notable for their articles regarding migrant families. In 1998, the Shanghai authorities were active in discouraging second children. [3ah] Shanghai has been held to be a comparatively rigorous enforcer of the birth control policies. [3aj]

**6.B.143.** Revision of policy has been mentioned over the latter part of year 2000. In September 2000, official news reports hinted at a drive to reinforce implementation of the policy as it stands. [9aq] By December 2000, the central government authorities announced targets for five year, ten year and fifty year periods, in a white paper. The minister in charge of the State Family Planning Commission, Zhang Weiqing, has announced that local regulations will be brought together under one national body of legislation, as will all the apparatus of the policy's implementation, such as local agencies and local regulations. [4kr] [21c] Commentators have inferred from Zhang's presentation that there will be changes to enforcement practices, with emphasis upon incentives rather than proscriptions. [15f]

**6.B.144.** Hubei province authorities in September 2000 have promised to punish Wuhan city, Hubei Family planning officials after the murder of an infant in front of his parents. The child was the couple's fourth child. The case has sparked a nation-wide examination of provincial family planning bureau practices. [9ap] The prosecutions of the three Wuhan officials was confirmed in December 2000 by Zhang Weiqing, director of the State Family planning Commission, who also announced that family planning officers were undergoing a massive re-education programme, and incentives were to be the main plank of family planning policies in the future. [15f]

**6.B.145.** Exercises in easing birth control policy requirements were undertaken in 32 counties in February 1998. They included Dali and Yuxi counties, Yunnan Province. [4jv][4jx] Other experiments have been tried in Yi Chun county, Shanxi Province; Chude in Hubei province; and Longshen, Guanxi Autonomous Province. [2g]



**'Black children'**

**6.B.146.** Children born outside the permitted birth plan of a couple are known in China, colloquially, as 'black' children (*hei haizi*). A case in the High Court of Australia in April 2000 [15d][18e] led to a ruling that such children may be considered a social group under the 1951 Convention, and discussed in an inquiry into Australia's refugee program, in the Australian Senate. The Australian Department of Foreign Affairs and Trade report in followup reported that "black children" was not an official PRC term, but if meant in terms of identifying colloquially children born in excess or outside birth control policy, then it was used as a term of identification. [15b] Any problems with officials over non-registered status that would logically be the case are, in practice, rarely meaningfully enforced, with the situation being particularly unclear in rural areas. [15b] The question of lack of registration limiting access to services such as health and education is misleading: health services in rural areas have never been free of charge; likewise education is increasingly fee-paying at all levels. Such services are accessible upon payment. [15b] The (PRC) State Council has stated that unregistered children will be registered unconditionally as part of the fifth national census in January 2001. [15c]

**Population Census**

**6.B.147.** The national census begun in October 2000, quickly centred on the issue of whether birth control policies had been implemented, and how far Provinces had falsified past population returns. In order to achieve maximum compliance of the 350 million households involved in the census, and therefore accuracy, the government has given an assurance of "full secrecy" with no penalties for couples who have exceeded their birth plan programmes. Registering the migrant population of 80 to 120 million people is another problem faced by the census-takers. [9a1][9ay]

**6.B.148.** By mid-November 2000, there were accusations that the census had already been compromised, as census-takers were accused of being susceptible to corruption. [9au][9ax] Conversely, census-takers were also accused of reneging on the promise of no prosecutions or punishments for couples infringing the birth control laws. [9ax] The 15 day census period ended on 15 November 2000, but the collation of returns will finish in March 2001 and the counting will continue until 27 March 2001, with the publication of the results later in 2001. [4nz][9ax][9ay] Five million census-takers and one million administrators administered the census. [9ay]

**6.B.149.** On 9 March it was reported that the period of the completion of collation was extended by five days. This is in order to straighten out anomalies that have occurred, with Hunan province missing 10 million of the 65 million residents, and Shaanxi Province reporting more deaths than was probable. [4ny] The count now begins, lasting between 15 and 27 March. In Hong Kong SAR alone, 1,3000 teachers and 20,000 secondary school students will be employed to count data. [4nz]

**CHILDREN**

**6.B.150.** The 1992 Law on the Protection of Juveniles forbids infanticide, as well as mistreatment or abandonment of children. Physical abuse of children can be grounds for criminal prosecution. The Constitution provides for 9 years of compulsory education. [2d]

**6.B.151.** There have been reports of female infanticide. A World Health Organisation paper in 1997 recorded that the national ratio of male to female

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

### Child Care Arrangements

**6.B.152.** A number of children are abandoned each year, despite the penalty under law of fines and 5 years in prison. Most of the children in orphanages are female although some are disabled or in poor health. The treatment of children in these institutions varies from adequate to deplorable. Infant mortality rates appear to be very high. Bureaucratic indifference and corruption on the part of orphanage administrators appear to be significant factors in such cases.[2d]

**6.B.153.** Information circa 1993 (published 1995) with regards to orphanages identifies three types of institution, illustrating "orphanage" in the Chinese context to be a very wide term, as follows. [12e]

**6.B.154.** The main type of institution for all sorts of conditions and categories of people needing institutional care is the Social Welfare Institution (*shehui fuliyuan*). Run by the Ministry of Civil affairs, these general-purpose institutions were still (in early 1990s) the mainstay of the institutionalised welfare system. They were characterised by large scale institutes accepting where possible "self-paying" inmates and gaining revenues from inmates' productive labour, that fanned out to smaller associate institutions more closely linked (and dependent) upon local communities. In 1992, according to official figures, there were 950 such institutes within the PRC; 43 were in Fujian Province, housing 80.9% of Fujian's institutionalised minors. [12e]

**6.B.155.** The Chinese authorities have had a long term aim (since 1956) to segregate groups needing institutional care. Child Welfare Institutions (*ertong fuliyuan*) have been introduced, but have developed unevenly. They are located mainly in the more progressive regions; in 1993, eight Provinces / Autonomous Regions did not possess such an institution, and Fujian Province had 2, taking 19.1% of total institutionalised minors in Fujian. In Beijing and Shanghai, the percentage of minors in Child Welfare Institutions was 99.2% and 94.5% respectively in 1993. [12e]

**6.B.156.** The Child Welfare Institutions have been criticised for employing discriminatory levels of care, leaving female infants to perish from neglect in the "dying rooms". [12e]

**6.B.157.** More effort has been put into the segregation of mentally-ill inmates. The development of Psychiatric Welfare Institutions (*jingshenbingren fuliyuan*) has meant that at the end of 1992, there were 129 psychiatric welfare institutions as opposed to 67 Child welfare Institutions nationally. 327 minors were confined to the psychiatric institutes. [12e]

**6.B.158.** The official 1993 figures account for only 17,000 orphans; the source states that other official statistics hint that the figure is nearer 80,000, with over 60,000 being rural orphans mixed into locally run and financed "respecting-the-aged" homes i.e. old people's homes. However, the source doubts the accounting of orphans by this explanation, and argues there are orphans who are unaccounted for, or worse, the mortality rate of infants in orphanages accounts for the discrepancies.[12e]

**6.B.159.** Adoption is regulated by the 1991 Adoption Law. This law used to make adoption very difficult in terms of PRC couples adoption of institutionalised infants, but promoted the adoption of children by Chinese living abroad. In-country adoption was limited to childless couples aged over 35 years old, and

country adoption was limited to married couples aged over 30 years old, and from the stock of *gu'er*, namely children whose natural parents are dead. An adoption was treated as part of a couple's birth plan regime. [12e] These regulations were relaxed in 1999, to allow the adoption of more than one orphan. [3n]

**6.B.160.** Out-of-country adoption was and is very liberal, allowing adoption by single adults as much as by married couples. [3n] This aspect adoption regulation has been so loose as to attract traffickers dealing in babies for export. In 1999, controversy broke out in Australia over the flow of babies from PRC to Australian recipients. [4gr - 4gv]

## HOMOSEXUALS

**6.B.161.** Legal provisions criminalising homosexuality in China were repealed in 1992. Although sporadic instances of police harassment against homosexuals continue to occur, this reflects traditional social taboos and homophobia rather than systematic official harassment. Gay and lesbian groups, like other social organisations, are monitored for possible political activities.[2a]

**6.B.162.** A legal loophole allowed the acquittal of a homosexual brothel owner, and the source states that discreet homosexual bars and clubs exist in the largest cities, with the tacit agreement of local police. [10aa] A March 2002 IRB report states that there are conflicting reports as to whether police do or do not prosecute gay clubs or gay club patrons: the later reports indicate a discrete gay scene is tolerated in the larger cities. [3cd]

**6.B.163.** In March 2001, PRC authorities, through the Chinese Psychiatric Association, announced that homosexuality was no longer to be classed as a psychiatric disorder, but part of a "normal life". [10as] This has been held to be a great step forward, in the opinion of commentators. [3cd]

**6.B.164.** Homosexuality is known by the phrase *tong xing lian* - "same sex love". An 1998 report indicates that the gay community is still covert, and loosely organised in PRC, with the lesbian community even less apparent. [22r] Family and general societal attitudes are held to be the most apparent opposition to people who are gay. [3cd]

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#### 6.C HUMAN RIGHTS - OTHER ISSUES

##### INTERNATIONAL RELATIONS

##### Other countries in relation to human rights issues

**6.C.1.** Nato forces bombed China's Embassy in Belgrade on 8 May 1999, killing three Chinese citizens. Nato described the attack as a tragic mistake. Chinese authorities and the public were out raged. A number of anti-US demonstrations were held in major Chinese cities, condoned and encouraged by the authorities during the following days, after which the authorities called for stability and the protests ceased.[4ac][4ad][4ae] The US paid \$4.5 million in compensation.[4af]

**6.C.2.** Jiang Zemin visited several western countries in October 1999. During the UK visit, there was criticism in the media over the limiting of protest in the direct sight of the Chinese delegation, and after the visit, in the police handling of protest. [10ac][10aj][10ae][10ai] The Chinese foreign ministry warned the UK government not to let the human rights issues overshadow the state visit. The UK government answered its domestic critics by insisting that such issues were on the agenda for private talks, and that it wished to pursue a policy of quiet diplomacy. The UK press was sceptical of the efficacy of noisy protest and private diplomacy in approximately equal measure. [10ac][10ae] Most major human rights organisations with an interest in PRC put out press statements and reports to remind the media of their agendas and concerns.[6o][12c][12d]

**6.C.3.** Since 2000, when the initial moves towards China's membership of the World Trade Organization (WTO) began in earnest after US objections were removed, the US Congress has considered China to have "slipped" in its human rights record. [4xh] Congress has called for further pressure to be put on China to honour its commitments on civil and political rights. [4xh]

##### Relations with Taiwan

**6.C.4.** The PRC's policy with regards to Taiwan is not to recognise Taiwan as anything approaching a separate state, but as part of Chinese territory as yet unrecovered by the PLA, though entitled under the "one country, two systems" policy to the same special autonomous status as Macau and Hong Kong. [2g]

**6.C.5.** In July 1999, tensions (relations never being very good) between China

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

6.C.6. An army colonel and a retired general were executed in September 1999 for selling military secrets to Taiwan.[4ax] Wang Ping, a local government officer in Nanchong, Sichuan province, was convicted of spying for Taiwan on 18 October 1999. He was sentenced to 10 years in prison.[4dr]

6.C.7. Jiang Zemin on Taiwan during the 50<sup>th</sup> Anniversary speech stated "We will continue to pursue the policy of peaceful reunification and 'one country, two systems.... We will ultimately accomplish the national reunification of Taiwan, after the handover of Hong Kong and Macau." [4bf] The views outlined by the military are held to be more hawkish than President Jiang Zemin's views. The military, according to one source, have spent a lot of time studying the "Kosovo model", namely how NATO's air strike methods against Yugoslavia could be applied against Taiwan. [4cx] The relations between the PRC and Taiwan remain strained after the return of Macao, with Beijing now claiming American interference as the main obstacle to cordial relations with Taiwan [4fy] The US is obliged under the Taiwan Relations Act to make available sufficient arms for the ROC to defend itself against mainland China, and is currently deciding what arms to sell to Taiwan in April 2001. PRC has in readiness increased the military's budget by 17.7 percent, and warned the US of "serious dangers" involved. [9cc]

6.C.8. The adoption of Hanyu Pinyin, promoted by the Taiwanese Education Ministry, has opened up a dispute in Taiwan, with a resistance to Pinyin being adopted as the standard. [9as]

6.C.9. A new twist in Taiwan / PRC tensions has occurred with the use of Taiwan's proximity to mainland China by Falun Gong activists to break in and broadcast Falun Gong messages on Chinese satellite television. (see below, Hong Kong) [4xk]

## HONG KONG SPECIAL AUTONOMOUS REGION

6.C.10. Hong Kong reverted to China on 1 July 1997 under the Sino-British Joint Declaration signed in 1994. The Joint Declaration provides for a high degree of autonomy in the Special Administrative Region and to be allowed to keep its capitalist system and lifestyle unchanged for 50 years.[1a][4c]

6.C.11. One source has highlighted the disputes over residency that were prominent in HKSAR in 1999. It mentions the controversial decision of the Chief Executive to refer to mainland PRC for an interpretation of the Basic Law. HKSAR's special status was further held to be eroded by the application of the Chinese Criminal Law in a murder trial. [6t]

6.C.12. The UN Human Rights Committee affirmed that deportation procedures in Hong Kong "should provide effective protection against the risk of imposition of the death penalty". [6t]

## Elections

6.C.13. Turnout to the elections to the 60-seat Legislative Council (Legco) in May 1998 was higher than had been anticipated. Only 20 seats were directly elected; 30 were indirectly elected by corporate voters in functional constituencies

representing professional and business bodies, and 10 by an electoral committee dominated by Beijing-affiliates. The pro-democracy Democratic Party led by Martin Lee took 13 seats; the pro-Beijing Democratic Alliance for the Betterment of Hong Kong took 9. Other parties with seats were Liberal Party (9), HK Progressive Alliance (5), Frontier (3), Citizens Party (1) and independents (20). [20a]

#### Dissidence in HKSAR

6.C.14. During 1997-1998, Beijing respected its "one state, two systems" undertaking, although Hong Kong's Democracy Party was excluded from the Provisional Legislature. [4c][6l] Tighter restrictions were imposed on public gatherings, but the Hong Kong administration did not reject any applications for demonstrations or rallies. Tens of thousands attended a demonstration on the anniversary of the 1989 Tiananmen incident, organised by the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China. Video messages were relayed to the demonstrators from Wei Jingsheng and Wang Dan in USA. There were no arrests. [13d]

6.C.15. Freedom of speech and judicial independence were reported to have been maintained. [4i] There were no reports of official interference in the activities of Hong Kong-based dissidents. [4d]

6.C.16. In October 1999, the April 5<sup>th</sup> Action Group planned to protest in Hong Kong's anniversary celebrations, in spite of possible police action against any disruption of the celebrations. Hong Kong police and protesters tried to agree on a "protest zone": officers instructed to give verbal advice and warnings before action. [4bi] Two April 5<sup>th</sup> activists were later arrested for disruption shouting from the public gallery of Legislative Council during a debate. [4bz] Martin Lee Chu-ming has expressed his fears for the rule of law in Hong Kong. "(The rule of law) is going downhill and the Chinese crackdown on the Falun Gong will spread to other groups in China, including the practice of Tai Chi." [4bp]

6.C.17. On 1 July 2002, the fifth anniversary of the handover, there were articles that claimed that the Rule of Law in Hong Kong had diminished, and that many freedoms within the SAR were fast disappearing. [9ev]

6.C.18. One area of concern to dissident groups within Hong Kong has been the attempted coordination of the two systems security legislation. [4xi] Article 23 of the Hong Kong Basic Law protects the independence of legislation passed in Hong Kong, according to commentators in Hong Kong. [4xj] However the Basic Law has been challenged with subtlety since 1997 by pro-Beijing elements in the Hong Kong Government, and the Hong Kong Government executive has waited until October 2002 to unveil security laws that approximate to the Mainland's security regulations. [4xj] This the second change to security regulations in 2002, with Hong Kong internal security regulations amended and effected in July 2002. [4xi] Falun Gong activists in Hong Kong are particularly alarmed. [4xk]

#### Mainland-born children

6.C.19. On 29 January 1999, a landmark Court of Final Appeal (CFA) ruling interpreted the Basic Law (HKSAR's constitution) to give a right of abode to children of Hong Kong residents. Previous controls excluded illegitimate children and those born before one parent had become resident in Hong Kong. [4w] Mainland legal experts, quoted widely in the official media, condemned the CFA for claiming jurisdiction over "constitutional" matters. [4q][20d] The judgement lead to widespread concern in HKSAR: an official survey estimated that around 1.6 million mainlanders would be eligible to settle in Hong Kong. [9bb] Following an approach by the Hong Kong government, the National Peoples Congress in Beijing overruled the CFA and issued a judgement interpreting the Basic Law.

[4ah].

#### Vietnamese boat people

**6.C.20.** In January 1998, the Provisional Legislative Council announced the end of the Port of First Asylum policy for Vietnamese boat people. Vietnamese were to be treated in the same way as other illegal entrants and would be repatriated. The remaining 1,200 Vietnamese refugees were encouraged to become self-reliant in Hong Kong while awaiting resettlement. In February 2000, 1,400 people were allowed to apply for identity cards, and the matter finally closed. [4ga][17]

#### MACAO SPECIAL AUTONOMOUS REGION

**6.C.21.** The Portuguese colony of Macao was returned to China on the 20 December 1999. It was effected peacefully. [4ex]

**6.C.22.** A concern within Macao leading up to the handover was the amount of escalating crime. Legitimate recognition of gambling had allegedly attracted Triad gangs in recent years, and there had been a corresponding increase in crime [4ff]. After the handover, Hong Kong and Thailand were according to Hong Kong press reports, on guard for a mass exodus of such criminals. [4ff]

#### Conditions in Jiangxi Province, PRC

**6.C.23. *Economic difficulties.*** Jiangxi Province, located in Central Eastern China, is held to be one of the poorest provinces of the Chinese heartland. Population of about 41.5 million (1997), the provincial capital in Nanchang. Principle economic activity is agriculture. The average disposable income of each individual, per annum, is around Yuan 2,000 (£150). [13b] The city of Shanghai has started to run "hardship summer camps" for relatively wealthy urban children, to learn "discipline" from the rural poor, with the camps set up in Jiangxi Province. [10av]

**6.C.24.** The combination of poverty and agricultural dependence of the province has meant that the area has been very sensitive to the economic restructuring of PRC and current downturn. Three effects of this can be identified as a) migration out of Jiangxi b) a period of socio-economic re-adjustment, and c) measures taken by local officials and local reactions, with the three strands closely interwoven.

**6.C.25. *Migration.*** There has been a long history of internal migration from Jiangxi to the coastal provinces, particularly Fujian. Jiangxi migrants in the 1990s formed part of the "floating population" of the coastal provinces, and seen as both necessary and socially destabilising by the authorities. [20j]

**6.C.26.** Jiangxi has been accused of being a "dumping ground" for people displaced the Three Dams project. There has been further displacement within Jiangxi with large scale dam and flood relief projects. [10au]

**6.C.27. *Farmers.*** Agriculture, the mainstay of Jiangxi, has been hit by a spate of crop failures, haphazard flood / drought relief that has resulted in disaster for individuals, and general disenchantment with rural life. In August 2000, it led to a farmers' tax revolt, where 20,000 withheld taxes as a complaint against arbitrary local taxes. [4od]

**6.C.28.** Farmers have staged similar protests in the year 2000. For instance

October 1 farmers have staged similar protests in the past years. For instance, 1000 banana farmers in Fujian withheld taxes in November 2000. [40d]

**6.C.29. Local officials.** have had a long history of squeezing farmers, pre-dating the revolution, when local landlord families would also control the lower levels of the Civil Service. In rural areas, this type of arrangement translated into a Party cadre / farmer relationship that was essentially as abusive of responsibility. [40c] There is a history of abuse of many policies, particularly provincial rather than central policies. Land allocation, planning laws, and birth control regulations ("one child policy") have been abused, ostensibly to raise taxes, but with many instances of personal enrichment. [40c][40e][10au]

**6.C.30.** Officials in other rural areas have been even more flagrant in abuse of power. In Anhui Province, directly north of Jiangxi, 200 peasant farmers were held hostage by local officials in a private illicit jail. Hostages were typically held until their families paid illegal fines, all relating to "various strange and unheard-of" charges relating to the birth control policies. Three officials were given administrative sentences of three years' imprisonment in November 2000. There were local protests over the perceived light sentences. [40d]

**6.C.31.** Many officials, including the former Vice-Governor Hu Changqing, have been executed or punished for corruption. [40d][40f] The central Chinese authorities are keen to make examples of such corrupt officials, to speed up the "strike hard" campaigns against corruption, and to win back the trust of the farmers. [40f]

**6.C.32.** News reports indicate that protesting farmers see the problem being with local officials, and still trust Beijing to rectify the situation. [40e] The Jiangxi Province protests in August 2000 began with the publication of a handbook on rural taxes with listings of proper rates, etc, published in July 2000 by a government-run magazine. [40e]

**6.C.33. Diversification of the local economy.** Examples of desperate local enterprise have included the illegal manufacture of fireworks by schoolchildren, ostensibly as a mutually beneficial scheme of income generation (for the school) and work experience (for the pupils). This practice was highlighted after the deaths of 42 people in a Jiangxi school in March 2001. [40a]

**6.C.34. Population issues.** Akin to the child-labour practices operating in the state school system, there is also highly organised baby farming in Jiangxi orphanages, operating with local official sanction. There is also higher level sanction as many female infants are adopted to go abroad. [10at] In the United States, there is a network of parents who have adopted from Jiangxi orphanages dedicated to maintaining links with their children's birth country. [22n]

**6.C.35.** The illegal trafficking of females and male infants has escalated in Jiangxi, the victims being transported to wealthier Chinese provinces. [40b]

**6.C.36.** Jiangxi Province had one of the highest total fertility rates in China until a 1990s family planning campaign stabilised the birth rate to a slight decrease by the end of the decade. Family size varies between rural and urban areas, with the proportion of three-generation or larger households higher in rural areas; a two generation, four person family is the typical norm (two parents, two children). [13b]

**6.C.37.** Ultrasound scanning for sex identification was banned in 1999 in Jiangxi Province. [10aw] Though mainly rural, and typically more susceptible to traditional female infanticide, the sex ratio of the Jiangxi population accords with the national average of 106/107 males to 100 females. [13b]