

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

Are children born overseas (in Australia) in contravention of the PRC “one child policy”:

- 1. Effectively stateless?**
- 2. Unable to attend childcare, school, university or access medical services?**
- 3. Unable to obtain household registration?**
- 4. Parents required to pay a fine (150,000 RMB?) for each overseas born “black child”**
- 5. If the answer to 4 above is “yes” does such payment remove any or all of the other problems?**
- 6. Would such a child face discrimination for membership of the Mormon Church?**
- 7. Would such a child face discrimination on the basis of her mother’s religious and political beliefs (mother is a member of unknown underground church, Falungong practitioner)?**
- 8. Do “black children” face an increased risk of suicide?**

RESPONSE

Are children born overseas (in Australia) in contravention of the PRC “one child policy”

- 1. Effectively stateless?**

The Nationality Law of China clearly defines the status of overseas-born Chinese regarding claims to Chinese nationality and/or one’s ability to apply for Chinese nationality:

Article 5 states:

Any person born abroad whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality. But a person whose parents are both Chinese nationals and have both settled abroad, or one of whose

parents is a Chinese national and has settled abroad, and who has acquired foreign nationality at birth shall not have Chinese nationality.

Article 7 states:

Foreign nationals or stateless persons who are willing to abide by China's Constitution and laws and who meet one of the following conditions may be naturalized upon approval of their applications:

- (1) they are near relatives of Chinese nationals;
- (2) they have settled in China; or
- (3) they have other legitimate reasons.

Article 8 further states that:

Any person who applies for naturalization as a Chinese national shall acquire Chinese nationality upon approval of his application; a person whose application for naturalization as a Chinese national has been approved shall not retain foreign nationality.

The Nationality Law does not recognise dual nationality (Art. 3) ('Nationality Law of the People's Republic of China' 1980, Immigration Department The Government of the Hong Kong Special Administrative Region website, 10 September http://www.immd.gov.hk/ehtml/chnnationality_1.htm – Accessed 13 October 2008 – Attachment 1).

Regarding the status of children born to Chinese nationals living outside of China, the UK Home Office notes in its December 2007 report:

As reported by the Canadian IRB on 3 May 2002, no definitive answer could be found on whether a child born in a foreign country to Chinese nationals has an automatic right of abode in China. As reported by the Hong Kong government's website, accessed 30 July 2007, "Article 4 of the Chinese Nationality Law (CNL) states that any person born in China whose parents are Chinese nationals or one of whose parents is a Chinese national has Chinese nationality." The United States Office of Personnel Management Investigations Service in its paper entitled, *Citizenship Laws of the World* (March 2001), stated that so long as at least one parent is a Chinese citizen and the child has not acquired the citizenship of another country then that child is considered a citizen of China. (UK Home Office 2007, *Country of Origin Information Report: China*, 3 December, Paragraph 34.04 – Attachment 2).

Additional information regarding the status of out of plan children born overseas is covered in previous RRT research responses including:

- RRT Country Research 2007, *Research Response CHN31644*, 24 April – See Question 1/pages 1-4 – Attachment 3).
- RRT Country Research 2007, *Research Response CHN31574*, 13 April – See Question 3/pages 4 -5 – Attachment 4).

2. Unable to attend childcare, school, university or access medical services?

Divergent views on the ability of out of plan children born overseas to access educational and medical services are discussed comprehensively in several previous research responses:

- RRT Research & Information 2008, *Research Response CHN32836*, 18 February – See Questions 2D/pages 7-8, 2E/ pages 8-9, 2F/pages 9-11 – Attachment 5).
- RRT Research & Information 2007, *Research Response CHN32065*, 6 August – See Questions 4/pages 8-11 and 5/pages 11-13 – Attachment 6). Although this response makes specific reference to the situation in Shanghai, much of the information provided is relevant.
- RRT Country Research 2006, *Research Response CHN30673*, 25 September – See Question 2b/pages 5-6 – Attachment 7). Although this response makes specific reference to the situation in Fujian, much of the information provided is relevant.

The sources consulted did not provide any updates on the information provided in the latest RRT Research Response (RRT Research & Information 2008, *Research Response CHN32836*, 18 February) which addresses this issue.

3. Unable to obtain household registration?

The ability of children born overseas to obtain household registration, and the relationship between registration and access to education and medical services, is covered comprehensively in several RRT research responses including:

- RRT Research & Information 2008, *Research Response CHN32836*, 18 February – See questions 3I/pages 14-16, 3J/pages 18-19, and 3K/pages 19-20 – Attachment 5).
- RRT Country Research 2007, *Research Response CHN31644*, 24 April – See questions 1/pages 1-4 and 2/pages 4-11 – Attachment 3). Specific reference is made to the situation in Guangdong and Fujian provinces.
- RRT Country Research 2006, *Research Response CHN30673*, 25 September – See Question 2c/page 6 – Attachment 7). Although this response makes specific reference to the situation in Fujian, much of the information provided is relevant.

The sources consulted did not provide any updates on the information provided in the latest RRT Research Response (RRT Research & Information 2008, *Research Response CHN32836*, 18 February) which addresses this issue.

4. Parents required to pay a fine (150,000 RMB?) for each overseas born “black child”?

5. If the answer to 4 above is “yes” does such payment remove any or all of the other problems?

The question of whether the parents of children born overseas returning to China are required to pay a fine, the amount of such fines, to whom exemptions may apply, and, if payment of a fine is made, how this may impact on the situation facing overseas born “black children”, are addressed in the following RRT Research Responses:

- RRT Research & Information 2008, *Research Response CHN33835*, 26 September (a DFAT update regarding the situation for couples returning to China with more than one child) – Attachment 8).

- RRT Research & Information 2008, *Research Response CHN32836*, 18 February – see Questions 2D/pages 7-8, 2E/pages 8-9, 2F/pages 9-11, 3G/pages 11-12, 3I/pages 14-18, 3J/pages 18-19 and 3K/pages 19-20 – Attachment 5).
- RRT Research & Information 2007, *Research Response CHN32065*, 6 August – See Question 1/pages 1-4 and 6/pages 13-15 – Attachment 6). Although this response makes specific reference to the situation in Shanghai, much of the information provided is relevant.
- RRT Country Research 2007, *Research Response CHN31644*, 24 April – See Question 2/pages 4-11 – Attachment 3). This response makes specific reference to the situation in both Guangdong and Fujian provinces.
- RRT Country Research 2007, *Research Response CHN31574*, 13 April – See Question 3/page 4 and 5/pages 6-8 – Attachment 4).
- RRT Country Research 2006, *Research Response CHN30673*, 25 September – See Question 1/pages 1-4 – Attachment 7). Although this response makes specific reference to the situation in Fujian, much of the information provided is relevant.

The sources consulted did not provide any updates on the information provided in the latest RRT Research Responses (RRT Research & Information 2008, *Research Response CHN33835*, 26 September – Attachment 8; RRT Research & Information 2008, *Research Response CHN32836*, 18 February – Attachment 5).

6. Would such a child face discrimination for membership of the Mormon Church?

The sources consulted provided no information regarding whether a ‘black child’ or any other child might face persecution on account of his/her membership in the Mormon Church (the Church of Jesus Christ of Latter-day Saints).

While the sources consulted did not provide any recent updates on the status of the Mormon Church in China (the most recent dating back to 2002), they provide insights into the stance Chinese authorities have taken towards the Mormon Church and, in turn, the Mormon Church’s response to this. This may be useful in assessing the situation for Chinese Mormons living in China.

Mormonism is not one of the official five belief systems (i.e. Buddhism, Daoism, Islam, Catholicism and Protestantism) that qualify as lawful religions in China and the Mormon Church is not allowed to proselytize in China.

A report by the Immigration and Refugee Board of Canada (IRB), dated 14 March 2000, provides information on the situation for the Church of Jesus Christ of Latter-day Saints gained through separate telephone interviews with two Professors (the Professor of History and the Professor of Political Science) at Brigham Young University (BYU), both of whom specialise in China and have knowledge of the activities of the Church of Jesus Christ of the Latter-day Saints (LDS) in China. It states:

The LDS Church is not officially recognized by the Chinese government, which the Professor of Political Science explained as meaning that Chinese citizens cannot openly practise their faith. He said that they are free to believe and worship at home, but that they are prohibited from joining other Mormons in any form of religious activity. The professors said that all Chinese members of the LDS Church joined while outside of the PRC, with the Professor of History stating that many of them were students at the time. They stated that while the LDS

Church has congregations in several Chinese cities, including Beijing, these consist of only expatriate members and that citizens of the People's Republic of China (PRC) are prohibited by the government from participating in the religious activities of these congregations and that the Church does not challenge this, nor attempt to circumvent it.

...The professors also stated that proselytizing is forbidden in the PRC and that the LDS Church actively discourages this activity on the part of its members. The Professor of Political Science stated that Chinese members sometimes find adherence to this dictate difficult since some statements or actions fall into a grey area. For example, is answering a question, or telling someone, about your religious beliefs an act of proselytization? However, this professor stated that the LDS Church warns its Chinese members about proselytizing and advises against them bringing into China, or receiving, anything more than personal copies of religious materials.

Both professors stated that this advice from the Church is connected to its belief in respecting governments. The twelfth article of the 13 Articles of Faith of the Church of Jesus Christ of the Latter Day Saints (LDS) states: "We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the law" (LDS n.d.). Other sources have stated that members of the Church "are encouraged to support their governments, obey local laws and be good citizens" (*The Salt Lake Tribune* 5 Apr. 1997; *The Deseret News* 25 Oct. 1997). The professors said that the LDS Church has expended great effort in convincing Chinese authorities that this is not only a Mormon belief, but also an actual practice. The Professor of History stated that the President of the LDS has stated on several occasions that the only way the LDS Church will go into China is "through the front door," that is with the government's knowledge and permission. The Professor of Political Science stated that Chinese authorities have been impressed by this position of the church and that they know LDS members to be "hardworking people that respect the law of the land."

However, both professors stated that they were unaware of any mistreatment, or harassment, of Chinese LDS members by the Chinese authorities. They both said that they have good contacts in the PRC and that no mistreatment of LDS members has been brought to their attention. The Professor of Political Science said the only incident that he was aware of was quite a while ago, possibly in 1989, when an American member was taken in for questioning after he had been actively telling others about the Church. The Professor of Political Science added though that there "is always a chance that individual members may do something" that would draw the attention of the authorities.

In other related information *The Deseret News* reported that during a meeting between President Jiang Zemin of China and an American Senator from Utah who is also a Mormon, the Senator,

said Chinese leaders also said they have been concerned with churches that use religion, in their view, to undermine the government. He told Jiang that members of his faith, The Church of Jesus Christ of Latter-day Saints, are taught to be good citizens wherever they live and to obey the laws there (22 Oct. 1997).

The Senator met with members of the church when he visited China in 1997 and "noted that foreign, non-Chinese LDS Church members are not allowed to meet and worship with Chinese Mormons; and about the only way Chinese Mormons can worship is at their own home with their own family" (ibid.). A 29 June 1998 report from U.S. News & World Report stated that "small Christian sects, such as Mormons" are banned (Immigration and Refugee Board of Canada 2000, CHN33806.E – China: Update to CHN15590.E of 3 November 1993 on the situation for the Church of Jesus Christ of the Latter-day Saints (Mormons/LDS), 14 March – Attachment 9).

Correspondence received by the IRB from the Asia Area President of the Church of Jesus Christ of Latter-day Saints, dated 15 March 2000, states:

We do not have a count of the number of Chinese citizens who are members of the church due to the fact that Chinese citizens, who are members of the church, are not allowed to meet for religious purposes and we are precluded from communicating with them as we would normally do. Therefore, we have only inexact information on the number, location or status of any who are members (Immigration and Refugee Board of Canada 2000, *CHN34185.E – China: Follow-up to CHN33806.E of 14 March 2000 on the situation of the Church of Jesus Christ of Latter-day Saints (Mormons)*, 6 April – Attachment 10).

On 17 January 2001, *Associated Press* recorded these comments made by the Asia Area President of the Church of Jesus Christ of Latter-day Saints, comparing the status of the Mormon Church in Hong Kong and China:

“[In Hong Kong] [t]here is open religious freedom,” said Kofford, the church’s Asia president. “We are allowed to proselytize.... We’re building a lot of buildings here and growing here.”

The Mormons stop their evangelism wherever authorities tell them to, including next door in China, where the officially atheist state tightly controls religious expression.

...The Mormon church stays out of trouble in mainland China, playing by the rules while using Hong Kong as a base for proselytizing wherever it is legal.

In Hong Kong, one of the world’s most expensive real estate markets, the Mormon church has some 20 buildings, and a skyscraper of around 25 stories planned to go up near the old red-light district of Wanchai.

On the mainland, the Mormon church can conduct services for foreigners, frequently with Chinese officials sitting in to watch. But not a word of the faith will be spoken to a Chinese, even one who converted to Mormonism overseas.

“The Chinese government doesn’t want us to,” Kofford said. “One of our tenets is we obey the law of the land. We hope obviously they would see fit to invite us into China.” (Beveridge, D. 2001, ‘Commercial paradise also a stronghold of religion’, *Associated Press*, 17 January – Attachment 11).

In March 2002, *Asian Week*, an English language newspaper serving the Asian/Pacific Islander American community from its base in San Francisco, reported:

Wang Dong, a post-doctoral fellow studying pharmacology at the University of Utah, discussed the status of the church in his native China and the nature of other underground Christian groups that have faced persecution by staunchly atheist Chinese authorities.

For Mormons, “I don’t think [the same persecution] will happen there,” Wang said, “because the church has to obey the laws of the country ... and [China] doesn’t allow proselytizing at all.”

...Wang expects he will return to China someday, but not as a Mormon missionary. When he returns, he will not be allowed to tell anyone publicly about his newfound faith, nor will he be allowed to worship in the Mormon church, which now exists in Beijing.

“It is only for foreigners,” he explained. “You have to show your passport at the door. Or if you’re white, that’s your passport. But [Chinese nationals] can’t go in.”

China’s religious laws have given rise to hundreds – possibly thousands – of underground churches, whose texts are mainly smuggled in through Hong Kong. Church president Gordon B. Hinckley has met with Chinese leaders, organizing English teaching exchange programs and coordinating the church’s humanitarian aid to China (Chow, A. and Kelley, E. 2002, ‘Perspectives on the changing complexion of the Mormon church’, *Asian Week*, 22-28 March – Attachment 12).

Additional information regarding the Mormon Church in China is provided in the following RRT Research Response:

- RRT Country Research 1996, *Research Response CHN20733*, 13 February – Attachment 13).

7. Would such a child face discrimination on the basis of her mother’s religious and political beliefs (mother is a member of unknown underground church, Falungong practitioner)?

The sources consulted did not provide any information regarding whether a ‘black child’ might face any more or less persecution than any other child on account of a mother’s religious and political beliefs. However they do provide information which indicates that children may face persecution (directly or indirectly) on account of a parent’s religious and political beliefs. Examples of cases where this has occurred a) as a result of a parent’s membership in an underground church and b) as a result of a parent’s being a Falun Gong practitioner are provided below.

a) Would a child face discrimination on the basis of a parent’s involvement in an underground church?

The US State Department report on human rights covering the year 2007 comments on the freedom of religion experienced by children in China, stating:

The government supported atheism in schools. In March 2005 a Foreign Ministry spokesperson said the country had no national regulations preventing children from receiving religious instruction but said religion should not interfere with public education. In practice local authorities in many regions barred school-age children from attending religious services at mosques, temples, or churches and prevented them from receiving religious education outside the home (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – China (includes Tibet, Hong Kong, and Macau)*, March, Section 2(c) – Attachment 14).

Restrictions on the freedom of religion for Chinese children are similarly described in the Annual Report 2007 of the Congressional-Executive Commission on China, which states:

Although a Ministry of Foreign Affairs official stated in 2005 that no laws restrict minors from holding religious beliefs and that parents may give their children a religious education, recent legislation has not articulated a guarantee of these rights. Regulations from some provinces penalize acts such as “instigating” minors to believe in religion or accepting them into a religion. In practice, children in some parts of China participate in religious activities at registered and unregistered venues, but in other areas, they have been restricted from

participating in religious services. Ambiguities in the law and variations in implementation have created space for children in some parts of China to receive a religious education.... Some recent government campaigns against religion have targeted children. In 2004, authorities launched campaigns to educate children against the evils of government-designated cults and to encourage children to expose family members engaged in “illegal religious activities.” In 2006, Ye Xiaowen called for strengthening education in atheism especially among children (Congressional-Executive Commission on China 2007, *Congressional-Executive Commission on China Annual Report 2007*, One Hundred Tenth Congress, First Session, 10 October, p. 95 – Attachment 15).

The report further refers to penalties children may face as a result of their parents refusal to join registered churches:

Authorities have pressured both unregistered clergy and lay practitioners to join registered churches or face repercussions such as **restricting children’s access to school**, job dismissal, fines, and detention (Congressional-Executive Commission on China 2007, *Congressional-Executive Commission on China Annual Report 2007*, One Hundred Tenth Congress, First Session, 10 October, p. 96 – Attachment 15).

The US State Department’s report on religious freedom for 2008 states:

In some locations, local authorities reportedly forced unregistered Catholic priests and believers to renounce ordinations approved by the Holy See, join the official church, or face a variety of punishments including fines, job loss, detentions, and **having their children barred from school**. Ongoing harassment of unregistered bishops and priests was reported, including government surveillance and repeated short detentions. Numerous detentions of unofficial Catholic clergy were reported, in particular in Hebei Province, traditionally home to many unregistered Catholics (US Department of State 2008, *International Religious Freedom Report for 2008 – China (includes Tibet, Hong Kong, Macau)*, September, Section II – Attachment 16).

Although the sources consulted indicate that children have at times been the target of persecution by authorities, it is not always clear whether this is the direct result of a parent’s involvement in an underground church or the result of a general clamp-down on religious activities. Nevertheless, it appears that in cases where members of underground churches are persecuted on account of their religious beliefs and activities, children may be impacted directly or indirectly in the process (see examples below).

A report by the China Aid Association (CAA) and Christian Solidarity Worldwide released in June 2008, describes a tightening of laws regarding religious freedom prior to the Beijing 2008 Olympics, stating:

The approach of the Beijing 2008 Olympic Games has been accompanied by a significant deterioration in religious freedom for China’s unregistered Protestant Church, also known as the house church.

China continues to seriously restrict religious freedom, requiring religious activity to take place within the confines of the restrictive state-controlled bodies. Those practising their faith outside these bodies risk sanction, with penalties including discrimination, fines, confiscation and destruction of property, arrest, humiliating treatment, torture, imprisonment and forced labour. Alongside these punishments, meetings are raided, Bibles and religious materials are confiscated and churches are destroyed.

...As a result of the control exercised by the atheist government over TSPM churches, most Christians choose to worship in unregistered churches. However, those belonging to unregistered, and therefore illegal, groups can face many difficulties, including being harassed, humiliated, fined, tortured, imprisoned and subjected to forced labour. Physical assault has left Christians injured, hospitalised and disabled. Meetings have been forcefully dispersed, unofficial church buildings destroyed and property confiscated. New government regulations that came into force in March 2005 renewed the drive to enforce registration. Members of unregistered churches come under particular attack when they are accused of being part of a cult. As their faith is not recognised as belonging to an official religion, house churches can be classified as cults, along with other less conventional groups, and be subjected to harsh penalties.

... The advent of the Beijing 2008 Olympic Games has been accompanied by a disturbing increase in persecution of unregistered Christians, including the largest mass sentencing of house church leaders in 25 years, a level of expulsion of foreign Christians not seen since the 1950s and targeted repression of the Chinese House Church Alliance. At the end of 2007 President Hu Jintao made statements that China has a policy of religious freedom. However, abhorrent abuse of religious believers and regular raids of Christian meetings continue to take place.

In May 2008 two independent sources informed China Aid Association (CAA) that the Ministry of Public Security has received funding from the Chinese Central Government to increase its campaign of eradicating house churches throughout China.

Reports have been received of planned intensified persecution, with greater control and prevention of large Christian gatherings also anticipated. It is feared that harsher persecution will take place after the Olympics ('China: Persecution of Protestant Christians in the Approach to the Beijing 2008 Olympic Games' 2008, Christian Solidarity Worldwide website, June, pp. 3-4 <http://dynamic.csw.org.uk/country.asp?s=id&urn=China> – Accessed 15 October 2008 – Attachment 17).

The report provides a number of examples where leaders and 'ordinary' members of unregistered churches have been targeted by the authorities in recent months, including Pastor Lou Yuanqi, who has been detained several times for organising a house church and was recently charged with 'inciting separatism' in Xinjiang (US Department of State 2008, *International Religious Freedom Report for 2008 – China (includes Tibet, Hong Kong, Macau)*, September, Section II – Attachment 16). His sixteen-year-old daughter, Lou Nan, was also detained for a day along with ten other minors when they were discovered attending a Bible study for children ('China: Persecution of Protestant Christians in the Approach to the Beijing 2008 Olympic Games' 2008, Christian Solidarity Worldwide website, June, pp. 7-8 <http://dynamic.csw.org.uk/country.asp?s=id&urn=China> – Accessed 15 October 2008 – Attachment 17).

A previous report by the China Aid Association (CAA) and Christian Solidarity Worldwide (CSW) describes an occasion when approximately 100 high school age children were arrested and interrogated for hours for having attended a Vocational Bible School that their Christian parents had organised in Wanzhuang Town, Langfang City, Hebei Province ('China: Current Developments and Cases of Concern' 2005, Christian Solidarity Worldwide website, November, p. 6 <http://dynamic.csw.org.uk/country.asp?s=id&urn=China> (link 'China report – November 2005') – Accessed 15 October 2008 – Attachment 18).

The Evangelical Fellowship of Canada has also reported a tightening of laws regarding children and religion prior to the Beijing 2008 Olympics, and provides examples of cases where children and students have been persecuted:

In attempt to stem the flow of new believers, the CPC has begun to strictly enforce laws regarding children and religion. According to the government, it is illegal to talk to a child about religion or for a child to enter a church, monastery or any other place of worship. In place of church services, a child's crucial formative years are defined by rigorous indoctrination of Marxist atheism through the education system. In recent years, this particular law has been picked up and executed with an extra measure of vigour. In 2007, two youth camps were attacked resulting in the arrest of the leaders of the camps. Four Sunday school teachers were arrested and several children were detained during raids of Sunday school classes. A Christian orphanage was deliberately harassed when authorities made inspections unnecessarily difficult and caused a power outage. In addition, several seminaries were harassed and students arrested in attempts to halt the further spread of Christianity. ('Broken Promises: The Protestant Experience with Religious Freedom in China in Advance of the 2008 Beijing Olympic Games' 2008, The Evangelical Fellowship of Canada website, pp. 9-10, June <http://files.efc-canada.net/si/Religious%20Freedom%20Internationally/RLC/EFC-China-Report-June-2008.pdf> – Accessed 14 October 2008 – Attachment 19).

On 15 January 2008, Asia News IT reported a group of orphans being arrested and evicted from the Christian orphanage in which they lived:

In the village of Sanhe, Hubei province, the police interrupted the Christmas festivities of a little orphanage run by a famous Christian leader, who has been arrested 12 times for his leading role in the life of China's unauthorised domestic churches.

Police in the central province of Hubei arrested, on Christmas Eve, a group of orphans and Christian volunteers who were preparing to celebrate the holiday with them. The agents confined the children to a hotel, and "convinced" the owner of the land that the orphanage stands on to evict the renters. This is the charge of the China Aid Association (CAA), a non-governmental organisation based in the United States that works for religious freedom in China.

According to the CAA, Protestant pastor Ming Xuan Zhang – who takes care of the orphans – spent the days after Christmas looking for a new location for his institute, with no success. This is because the director of public security for the village of Sanhe, together with officials of the Religious Bureau and United Work Front Department, threatened the landowners who "might have decided to help Ming".

...The Protestant leader has twice written to Chinese president Hu Jintao seeking justice, and asking for a stop to this campaign of persecution against himself and his orphans. He received no reply, and his orphans continue to live without a home of their own. ('Police arrest a group of orphans "guilty" of living with an underground Christian' 2008, Asia News IT website, 15 January <http://www.asianews.it/index.php?l=en&art=11256#> – Accessed 15 October 2008 – Attachment 20).

If the Member is interested in gaining a better understanding of the situation facing unregistered churches and their members in general, the following RRT research responses may also be useful:

- RRT Research & Information 2008, *Research Response CHN33718*, 5 September, which provides an update on the situation facing churches in Guangdong – Attachment 21).
- RRT Research & Information 2007, *Research Response CHN32722*, 17 December, which provides information on Protestants in China (see question 1.4/pages 6-9) while making further comments on the situation facing Christians in Zhejiang province – Attachment 22).
- RRT Research & Information 2007, *Research Response CHN32059*, 19 July, which provides information regarding the situation facing registered and unregistered Protestants in China (see pages 1-3) while making specific reference to the treatment of underground Christians in Hunan – Attachment 23).
- RRT Country Research 2007, *Research Response CHN31675*, 7 May, which provides information regarding the situation for ordinary congregation members of underground Catholic churches in China (see question 1/pages 1-5) as well as making further comment on the situation in Fujian province – Attachment 24).

The following reports issued by the Immigration and Refugee Board of Canada may also be of use:

- Immigration and Refugee Board of Canada 2005, *CHN100387.E – China: Situation of Protestants and treatment by authorities, particularly in Fujian and Guangdong (2001-2005)*, 7 September – Attachment 25).
- Immigration and Refugee Board of Canada 2005, *CHN100386.E – China: Situation of Catholics and treatment by authorities, particularly in Fujian and Guangdong (2001-2005)*, 7 September – Attachment 26).

b) Would a child face discrimination on account of one of their parent's being a Falun Gong practitioner?

An RRT Research Response dated 19 February 2007 examines the situation facing children whose parents are Falun Gong practitioners and states:

Most specific reports on the treatment by the government authorities of children whose parents are Falun Gong practitioners come from Falun Gong sources. These reports include abductions, expulsion from school, harassment, ill-treatment and death in custody. Chinese government sources refer to the Falun Gong as an evil cult which maltreats children and present the government as one that protects children against the Falun Gong. Other sources have expressed concern at reports on harassment, threats and negative actions taken by the government towards the children (Country Research 2007, *Research Response CHN31384*, 19 February, p.2 – Attachment 27).

A range of examples are provided in the response, which demonstrate diverging views on this subject (RRT Country Research 2007, *Research Response CHN31384*, 19 February – see Question 1/pages 1-6 – Attachment 27).

Information presented below draws on additional source materials which make specific reference to claims of children having been persecuted (directly or indirectly) on account of a parent being a Falun Gong practitioner.

In October 2004 Human Rights in China (HRIC) released the following report:

A recent report by the Global Mission to Rescue Persecuted Falun Gong Practitioners provides the details of the deaths of at least five children ranging in age from eight months to 17 years who have died as a result of persecution of the Falun Gong spiritual group in China.

The report also describes the experiences of many more children who through the incarceration or death of their parents under official persecution have become orphans or have lost the care of their parents, and have lost their rights to education and other social services and basic human rights. The report also provides information on underage Falun Gong practitioners who have been forced to submit to brainwashing and to renounce their beliefs, and others who have been detained in Reeducation Through Labor (RTL) camps.

...According to the report, as of September 18, 2004 some 1,047 Falun Gong practitioners had died in relation to official persecution, with many more detained for their beliefs. Many of these practitioners have left behind children who suffer a less visible form of persecution. The report provides details of several such cases.

...Wang Zhe was expelled from the No. 1 Senior High School in Changtu County, Liaoning Province in February 2004 after openly objecting to the persecution of Falun Gong practitioners. Wang Zhe and his mother went to the school on April 6 requesting that Wang Zhe be readmitted to the school, but the school headmaster reported the matter to the police, after which Wang Zhe was detained.

Kang Jiaqi attended the Hengshui City Second Middle School in Hebei Province, where her mother was a teacher. But after Jiaqi's father was detained for his Falun Gong beliefs, Jiaqi's mother left home to avoid arrest, and Jiaqi was forced to withdraw from school.¹

..."Persecuting children on the basis of their or their parents' beliefs is a fundamental violation of the rights of the child under international law," said HRIC president Liu Qing. "The Chinese government should demonstrate its compliance with the Convention by ensuring that no child is subjected to torture, detention or loss of basic human rights because of the religious beliefs of themselves or their parents," Liu Qing said. (Human Rights in China 2004, 'Children Reported among Victims of Chinese Government's Persecution of Falun Gong', 12 October http://www.hrichina.org/public/contents/press?revision_id=15967&item_id=15965 – Accessed 14 October 2008 – Attachment 28).

On 27 September 2007, *The Epoch Times* published an open letter written by defence lawyer and human rights activist Gao Zhisheng to the United States Congress. In this letter, Gao draws attention to the large number of children who have been expelled from school due to their parents being practitioners of Falun Gong, or have been left homeless after their parents' arrest. In the same letter, Gao describes the experiences of his wife and children who have suffered as a result of his own political activism. He writes:

As if to prove its determination to destroy human feelings and conscience at all cost, the regime ordered at least four secret police to maintain continuous intimate man-to-man surveillance on my less-than-3-year-old son. My 12-year-old daughter was "privileged" to an even higher level of treatment with six to ten male and female secret police at her heels day and night, month after month, even when she was in the classroom. All my family members have been followed around by secret police and have been illegally detained at will many times.

¹ Further examples included in the report can be viewed in the attached document.

During this period, my wife and children suffered repeated brutal assaults ('Gao Zhisheng's Open Letter to the United States Congress' 2007, *The Epoch Times*, 27 September <http://en.epochtimes.com/news/7-9-27/60173.html> – Accessed 14 October 2008 – Attachment 29).

In recent months there have been reports that Gao Zhisheng and his wife and children have since been imprisoned ('Chinese regime incarcerates, tortures renowned human rights lawyer' 2008, *The Epoch Times*, 8 October <http://en.epochtimes.com/n2/china/china-tortures-gao-zhisheng-imprison-5367.html> – Accessed 16 October 2008 – Attachment 30; US Department of State 2008, *International Religious Freedom Report for 2008 – China (includes Tibet, Hong Kong, Macau)*, September, Section II – Attachment 16; Amnesty International 2008, *Annual Report People's Republic of China 2008*, 29 May - Attachment 31).

A recent report by the Immigration and Refugee Board of Canada (IRB), dated 26 June 2008, states:

In November 2005, the United Nations (UN) Committee on the Rights of the Child published a report in which it notes its concern "at reports that children of families practising their religion, notably the Falun Gong, are subject to harassment, threats and other negative actions, including re-education through labour" (UN 24 Nov. 2005, Para. 44).

Two reports released in 2005 by Falun Gong sources also indicate that children of Falun Gong practitioners in China are mistreated (GMR 20 Mar. 2005; FoFG USA 15 Jan. 2005). A 20 March 2005 report by the Global Mission to Rescue Persecuted Falun Gong Practitioners (GMR), an international non-governmental organization established in 2002 to raise awareness of the "persecution" of Falun Gong practitioners, states that

many children [of Falun Gong practitioners] have been directly targeted and tortured to death or thrown into prisons and labor camps. Hundreds of thousands of children have been forced to slander Falun Gong or, upon refusal, [have been] expelled from school. (GMR 20 Mar. 2005, 1)

A 15 January 2005 article by Friends of Falun Gong USA, a "US-based non-profit human rights organization founded in the year 2000 by Americans concerned about the persecution of Falun Gong" (FoFG USA 20 Feb. 2007), similarly indicates that children of practitioners have been "persecuted" at school, as well as incarcerated, "tortured," and killed by the authorities (ibid. 15 Jan. 2005).

On its website, the Falun Dafa organization in Europe, Clear Harmony, cites a 2005 statement of the United Nations Association of the USA San Diego Chapter (UNA-San Diego Chapter) on the "People's Republic of China's Violation of the Rights of the Child." In its statement, the UNA-San Diego Chapter says that children of Falun Gong practitioners "have become direct targets of police" and that, according to its information "at least five children, as young as 8 months old, have died from police mistreatment, dozens have been incarcerated, tortured, or subjected to forced labor, and hundreds have been expelled from schools" (UNA-San Diego Chapter 23 Apr. 2005).

The US-based Falun Gong Human Rights Working Group (FGHRWG), an organization that publicizes cases of "human rights violations" against Falun Gong practitioners (FGHRWG n.d.a), reports that the Chinese government "torments" family members of Falun Gong practitioners to pressure them to renounce the practice (ibid. n.d.b). In an undated article on its website, the FGHRWG states that "brothers and sisters are fired from their jobs, elders are stripped of retirement benefits, and children are expelled from school" (ibid.).

Further or corroborating information from non-Falun Gong sources could not be found among the sources consulted by the Research Directorate (Immigration and Refugee Board of Canada 2008, *Treatment of children of Falun Gong practitioners; whether children of Falun Gong practitioners are subject to sanctions, including reduced access to education and to health care*, 26 June – Attachment 32).

The US Department of State's International Religious Freedom Report for 2008 also makes reference to reports that children are suffering as a result of the Chinese government's crackdown on Falun Gong practitioners:

According to Falun Gong practitioners abroad, since 1999 more than 100,000 practitioners have been detained for engaging in Falun Gong practices, admitting that they adhere to the teachings of Falun Gong, or refusing to criticize the organization or its founder. The organization reported that its members have been subject to excessive force, abuse, rape, detention, forcible psychiatric commitment and treatment (including involuntary medication and electric shock treatment), and torture, and that **some members, including children, have died in custody**. Practitioners who refused to recant their beliefs were sometimes subjected to extrajudicial "legal education" centers after the expiration of their criminal sentences (US Department of State 2008, *International Religious Freedom Report for 2008 – China (includes Tibet, Hong Kong, Macau)*, September, Section II – Attachment 16).

Several RRT Research Responses address the question of whether family members of Falun Gong practitioners are targeted for punishment but do not specify whether this includes children. These include:

- RRT Research & Information 2008, *Research Response CHN33531*, 11 July - Attachment 33).
- RRT Country Research 2004, *Research Response CHN16971*, 9 September – Attachment 34).

An update on the current attitude of authorities to Falun Gong practitioners in Guangdong is provided in RRT Research & Information 2008, *Research Response CHN33784*, 24 September – See Question 1/pages1-4 – Attachment 35).

8. Do “black children” face an increased risk of suicide?

In the sources consulted no information was found regarding the risk of suicide among “black children”. However, the sources consulted do indicate that there is a high risk of suicide generally amongst China's youth generally.

Referring to a report by the Chinese Association for Mental Health, the *China Daily* states:

Suicide is the leading cause of death for Chinese people aged 15 to 34, and the fifth biggest killer – after cardiovascular disease, cancer, respiratory disease and accidental death – among all age groups, a report by the Chinese Association for Mental Health said Tuesday. Suicide is the leading cause of death for Chinese people aged 15 to 34, and the fifth biggest killer – after cardiovascular disease, cancer, respiratory disease and accidental death – among all age groups, a report by the Chinese Association for Mental Health said Tuesday.

On average there is one suicide and eight attempts every two minutes on the mainland, leading to more than 250,000 deaths a year, it said.

...A recent study by health authorities in Foshan, Guangdong province, found that 17 percent of junior high schoolgirls had contemplated suicide, Nanfang Daily reported Tuesday.

Pressure to do well at school, and feelings of isolation and loneliness were the main reasons given, the report said ('In China: young people most prone to suicide' 2008, *China Daily* website, 11 September http://www.chinadaily.net/life/2008-09/11/content_7017733.htm – Accessed 14 October 2008 – Attachment 36).

In 2005, *The Guardian* reported:

Suicide is the main cause of death among young adults in China, the state media said yesterday in a report that highlights the growing pressures to succeed in love, work and education in one of the world's fastest changing societies. Increasing stress, loneliness and a lack of medical support for depression are thought to have contributed to an annual suicide toll that is estimated at 250,000 people a year.

According to the China Daily, an additional 2.5 million to 3.5 million make unsuccessful attempts to kill themselves each year.

Referring a recent survey by the health ministry, the paper said that suicide was the fifth most common cause of death in China after lung cancer, traffic accidents, heart disease and other illnesses.

But it is most prevalent among young urban intellectuals and rural women. Exam stress, career worries and relationship problems are named as the main reasons why suicide has become the main killer of people aged between 20 and 35.

..."Society is full of pressure and competition, so young people, lacking experience in dealing with difficulties, tend to get depressed," Liu Hong, a Beijing psychiatrist, told the paper.

Such concerns have reached the highest levels of government. Last September, the State Council issued its first mental health policy document, aimed at targeting resources at high-risk groups and making it easier for people to receive treatment.

But the response has been slow. Investment in China's healthcare system has fallen far behind the country's economic growth, particularly in the area of psychology.

According to Norman Sartorius, former director of the World Health Organisation's mental health programme, China has one psychiatrist for 100,000 people – about 20 to 30 times lower than the rate in Europe.

One reason is the cultural stigma attached to depression, which is seen as a character flaw rather than as a medical ailment. In the past it was also associated with decadent western societies, but now that China is growing wealthier it is starting to face up to the problem.

Two years ago, the first national suicide prevention centre was established in Beijing. It has been flooded with more than 220,000 calls, but only one in 10 of those seeking support has been able to get through first time. (Watts, Jonathon 2005, 'Suicide blights China's young adults: Survey reveals main cause of death of people under 35', *guardian.co.uk* website, 26 July <http://www.guardian.co.uk/world/2005/jul/26/china.jonathanwatts> – Accessed 14 October 2008 – Attachment 37).

List of Sources Consulted

Internet Sources:

Government Information & Reports

Immigration & Refugee Board of Canada <http://www.irb-cisr.gc.ca/>

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

UN

UNHCR Refworld <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

Non-Government Organisations

Human Rights Watch <http://www.hrw.org/>

Amnesty International <http://www.amnesty.org>

Topic Specific Links

Immigration Department: The Government of the Hong Kong Special Administrative Region website http://www.immd.gov.hk/ehtml/chnnationality_1.htm

Asia News IT www.asianews.it/

China Daily <http://www.chinadaily.com.cn/index.html>

guardian.uk.co <http://www.guardian.co.uk/>

Human Rights in China (HRIC) <http://hrichina.org/public/index>

Christian Solidarity Worldwide <http://www.csw.org.uk/>

The Evangelical Fellowship of Canada www.evangelicalfellowship.ca/

The Epoch Times <http://en.epochtimes.com/>

Search Engines

Google search engine <http://google.com.au/>

Google Scholar <http://scholar.google.com.au/>

Copernic <http://www.copernic.com/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

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16. US Department of State 2008, *International Religious Freedom Report for 2008 – China (includes Tibet, Hong Kong, Macau)*, September. (CISNET)
17. 'China: Persecution of Protestant Christians in the Approach to the Beijing 2008 Olympic Games' 2008, Christian Solidarity Worldwide website, June <http://dynamic.csw.org.uk/country.asp?s=id&urn=China> – Accessed 15 October 2008.
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