COUNTRY OF ORIGIN INFORMATION REPORT

CHINA

16 APRIL 2009

UK Border Agency
COUNTRY OF ORIGIN INFORMATION SERVICE

Contents

The main text of this COI Report contains the most up-to-date publicly available information as at 20 March 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 April 2009.

The main text of this COI Report contains the most up-to-date publicly available information as at 20 March 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 April 2009.

Annexes

Preface

i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the Report includes information available up to 20 March 2009. The 'Latest News' section contains further brief information on events and reports accessed from 21 March to 16 April 2009. The Report was issued on 16 April 2009.

ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

Country of Origin Information Service
UK Border Agency
Apollo House
36 Wellesley Road
Croydon CR9 3RR
United Kingdom

Email: cois@homeoffice.gsi.gov.uk
Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI reviewed a number of UKBA's reports and published its findings on its website at www.apci.org.uk Since October 2008, the work of the APCI has been taken forward by the Chief Inspector of UKBA.

Return to contents

Go to list of sources

The main text of this COI Report contains the most up-to-date publicly available information as at 20 March 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 April 2009.

Latest News

Events in China from 21 March to 16 April 2009

16 April — The National Bureau of Statistics announced that annual growth in China's gross domestic product (GDP) slowed in the first quarter of 2009 to 6.1 per cent, but some analysts saw signs of a recovery.
BBC, Weak exports hit China's growth, 16 April 2009
http://news.bbc.co.uk/1/hi/business/8001315.stm
Date accessed 16 April 2009

14 April — China's leadership ordered local officials to step up efforts to address public grievances in their areas amid a surge in complaints that have been brought to the central government in Beijing.
Associated Press, China orders local gov'ts to listen to petitioners, 15 April 2009

http://www.google.com/hostednews/ap/article/ALeqM5gXPiNzpaGYOybEr3m9LKbCYayWTgD97IA4N84
Date accessed 15 April 2009

13 April — China released its first "action plan" on human rights, but made clear that its citizens' right to earn a living, educate their children and see a doctor would come before Western ideas of freedom of speech, assembly and a fair trial.
The Telegraph, China pledges to improve human rights - with Chinese characteristics, 13 April 2009
http://www.telegraph.co.uk/news/worldnews/asia/china/5148694/China-pledges-to-improve-human-rights---with-Chinese-characteristics.html
Date accessed 15 April 2009

12 April — Prime Minister Wen Jiabao said China's economy was showing some signs of recovery from the global financial crisis, stating that it was showing "positive changes" but still faced "very big difficulties".
BBC, China seeing 'gradual recovery', 12 April 2009
http://news.bbc.co.uk/1/hi/business/7995672.stm
Date accessed 15 April 2009

9 April — China said it had executed two ethnic Uighur Muslims, sentenced to death last year on terror-related offences. The pair were found guilty of killing 17 policemen in an attack in the western region of Xinjiang, four days before the Beijing Olympics in August 2008.
BBC, China executes Uighur 'militants', 9 April 2009
http://news.bbc.co.uk/1/hi/world/asia-pacific/7992464.stm
Date accessed 15 April 2009

8 April — Two Tibetans were sentenced to death for setting shops on fire during the protests in Lhasa in March 2008, which caused the death of the Chinese who ran them.
AsiaNews, Death sentence for Tibetans is a "state murder", 9 April 2009
http://www.asianews.it/index.php?l=en&art=14954&size=A
Date accessed 15 April 2009

3 April — It was reported that a Uighur Christian's health was deteriorating rapidly in a Chinese prison where he had been held for over a year without trial.

The Christian Post, Christian 'Spy' Suffering after 15 Months in Chinese Prison, 3 April 2009
http://www.christianpost.com/Intl/Persecution/2009/04/christian-spy-suffering-after-15-months-in-chinese-prison-03/index.html
Date accessed 15 April 2009

2 April — A man died after detonating a bomb in an office building in the capital of China's restive Xinjiang region, according to state media.
BBC, Bomb hits China's Xinjiang region, 2 April 2009
http://news.bbc.co.uk/1/hi/world/asia-pacific/7978871.stm
Date accessed 15 April 2009

2 April — China launched a three-month campaign to "eliminate unnatural deaths" of prison inmates. The campaign comes after the deaths of at least five prisoners in police custody in recent months.
BBC, China to investigate prison abuse, 2 April 2009
http://news.bbc.co.uk/1/hi/world/asia-pacific/7978320.stm
Date accessed 15 April 2009

30 March — As the Commission for the Catholic Church in China began its second meeting at the Vatican, in China members of the underground Catholic Church were subjected to further repression while there were also tighter controls on state-controlled churches.
AsiaNews, Persecution in China as Vatican meeting on China opens, 30 March 2009
http://www.asianews.it/index.php?l=en&art=14864&size=A
Date accessed 31 March 2009

28 March — The Second World Buddhist Forum opened in eastern China with more than 1,700 Buddhist monks and scholars from about 50 countries and regions gathering to discuss how Buddhism can contribute to building a harmonious world.
Xinhua, World Buddhist Forum discusses building of world harmony, 28 March 2009
http://english.sina.com/china/p/2009/0327/229614.html
Date accessed 31 March 2009

24 March — A recent string of inmate deaths raised new concerns over alleged prisoner abuse in Chinese jails, an official newspaper reported. The deaths prompted a new round of allegations of prisoner abuse.
Associated Press, Inmate deaths shine light on China detention abuse, 24 March 2009

http://www.google.com/hostednews/ap/article/ALeqM5ip_0LGJFWoGxVjQSrcupqmu9FsegD974L9100
Date accessed 31 March 2009

22 March — Almost 100 Tibetan monks were detained during a riot at a police station after a man detained for advocating independence 'disappeared' from jail.
The Telegraph, Nearly 100 Tibetan monks arrested as riots break out, 22 March 2009
http://www.telegraph.co.uk/news/worldnews/asia/tibet/5032157/Nearly-100-Tibetan-monks-arrested-as-riots-break-out.html
Date accessed 31 March 2009

Return to contents

Go to list of sources

Reports on China published or accessed between 21 March and 16 April 2009

The Telegraph
China announces plans for national health service, 9 April 2009
http://www.telegraph.co.uk/news/worldnews/asia/china/5128299/China-announces-plans-for-national-health-service.html
Date accessed 16 April 2009

Foreign & Commonwealth Office
Annual Report on Human Rights 2008, 26 March 2009
http://www.fco.gov.uk/resources/en/pdf/pdf15/human-rights-2008
Date accessed 31 March 2009

The Guardian
Almost twice as many people executed last year as in 2007 despite trend against death penalty, 24 March 2009
http://www.guardian.co.uk/world/2009/mar/24/capital-punishment-research-amnesty-international
Date accessed 31 March 2009

Return to contents

Go to list of sources

Background information

GEOGRAPHY

1.01 In its Country Profile for China, accessed on 12 February 2009, Europa World noted:

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

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

1.03 In its 2009 Country Profile for China, dated 19 December 2008, the Economist Intelligence Unit (EIU) stated:

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

1.04 As noted by the CIA World Factbook, dated 5 March 2009, "China considers Taiwan its 23rd province". **[30a]**

(See also sections 37 and 38: Taiwan, Hong Kong and Macao)

Return to contents

Go to list of sources

MAP

INCLUDEPICTURE "http://www.cia.gov/cia/publications/factbook/maps/ch-map.gif" * MERGEFORMATINET

Map courtesy of CIA World Factbook
https://www.cia.gov/library/publications/the-world-factbook/geos/ch.html

(See also Annex K: References to source material – maps)

LANGUAGES

1.05 As reported by the US State Department, in its Background Note for China dated January 2009:

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

POPULATION

1.06 The CIA World Factbook, dated 5 March 2009, estimated China's population at 1,330 million in July 2008. **[30a]** In its Country Profile for China, dated August 2006, the US Library of Congress noted, "Sixty-two percent of the population lived in rural areas in 2004, while 38 percent lived in urban settings. About 94 percent of population lives on approximately 46 percent of land." **[11a]**

(See also section 28: Family planning)

Naming conventions

1.07 As noted by the Foreign & Commonwealth Office (FCO) in information supplied to the Country of Origin Information (COI) Service:

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

Tibetan names

1.08 The FCO also noted:

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

(See also Annex J: Guide to Tibetan names)

Return to contents

Go to list of sources

ECONOMY

2.01 The CIA World Factbook, dated 5 March 2009, noted:

"China's economy during the past 30 years has changed from a centrally planned system that was largely closed to international trade to a more market-oriented economy that has a rapidly growing private sector and is a major player in the global economy. Reforms started in the late 1970s with the phasing out of collectivized agriculture, and expanded to include the gradual liberalization of prices, fiscal decentralization, increased autonomy for state enterprises, the foundation of a diversified banking system, the development of stock markets, the rapid growth of the non-state sector, and the opening to foreign trade and investment… After keeping its currency tightly linked to the US dollar for years, China in July 2005 revalued its currency by 2.1% against the US dollar and moved to an exchange rate system that references a basket of currencies. Cumulative appreciation of the renminbi against the US dollar

since the end of the dollar peg was more than 20% by late 2008… The restructuring of the economy and resulting efficiency gains have contributed to a more than tenfold increase in GDP since 1978. Measured on a purchasing power parity (PPP) basis that adjusts for price differences, China in 2008 stood as the second-largest economy in the world after the US, although in per capita terms the country is still lower middle-income. Annual inflows of foreign direct investment in 2007 rose to nearly $84 billion. By the end of 2007, nearly 7,000 domestic Chinese enterprises had made an aggregate $118 billion in direct investments in 173 countries and regions around the world." **[30a]**

2.2 The same source stated further, "In late 2008, as China commemorated the 30th anniversary of its historic economic reforms, the global economic downturn began to slow foreign demand for Chinese exports for the first time in several years. The government vowed to continue reforming the economy and emphasized the need to increase domestic consumption in order to make China less dependent on foreign exports for GDP growth in the future." **[30a]** On 28 January 2009 the BBC reported, "The global financial crisis has had 'a rather big impact' on China's economy, the country's Premier Wen Jiabao said in a major World Economic Forum speech… In China, he said, there was rising unemployment in rural areas and 'downward pressure on economic growth'… China's economy grew by 9% in 2008, but only by 6.8% in the final quarter of the year, as overseas demand for China's exports shrank." **[9x]**

POVERTY

2.03 In its Country Profile for China, dated 27 January 2009, the Foreign & Commonwealth Office (FCO) noted:

"President Hu's first term was spent consolidating his position and proceeding with economic reform. But he recognised the potential for instability caused by the previous strong focus on promoting high growth as the overriding policy priority. Examples of the imbalances this has caused in society include: wide income imbalances between rich, eastern coastal cities, and poorer inland cities; income differences between urban and rural dwellers – the average urban resident of Beijing earns around RMB 2000 a month (around £130), but 135 million people in China still live below the international poverty line of US$ 1 a day, and up to 500 million on US$ 2 a day…" **[31a]**

2.04 On 21 October 2008 *The Telegraph* reported, "The disparities in wealth are commonly assumed to be caused by development in the countryside simply having failed to 'catch up' with that in China's fast industrialising cities. But some analysts are challenging this, saying that figures show that after developing fast in the 1980s the countryside was actually made to suffer through higher taxes and less development in the 1990s to fund showpiece developments in cities like Shanghai and Beijing." **[25a]**

2.05 In an article dated 28 October 2008, the BBC stated:

"The latest report from China's statistics bureau suggests that it is no longer a low income country. It has progressed to become a lower middle income country, according to definitions provided by the World Bank, the bureau said. The latest report celebrates China's economic success in the past 30 years. The country's GDP of more than $3tn now makes up 6% of the world

economy. But it stresses that poverty remains one of the biggest challenges… China's growing middle class can now afford a house, a car, luxurious goods and foreign holidays, acquisitions many in the West take for granted. More Chinese families are sending their children to study abroad. But there are still more than 135 million Chinese who live on less than one US dollar a day. That is more than twice the total population of the UK. The staggering income gap between rich and poor, and between the prosperous coastal areas and the western regions, still poses a threat to the country's social stability." **[9k]**

2.06 On 16 November 2008 the BBC stated:

"A UN report on China says the lives of its people have been vastly improved over the last three decades. Poverty has fallen, adult literacy has climbed and Chinese people are now living longer than ever, it says. But despite rapid economic progress, new problems have emerged, such as the gap between rich and poor… Between 1978 and 2007, rural poverty fell from 30.7% to just 1.6%, according to the UN. But new problems have emerged, with not everyone benefiting equally from rapid economic expansion. Rural areas lag behind urban areas, the east coast is richer that the western hinterland and there is a large wealth gap between different social groups." **[9n]**

(See also section 27: Children Health issues)

(See also section 30: Medical issues)

CURRENCY

2.07 As noted by the CIA World Factbook, dated 5 March 2009, China's currency is the renminbi (RMB), also referred to by the unit yuan (CNY). The exchange rate in 2008 was US$1=RMB6.9385. **[30a]** As noted by the Economist Intelligence Unit (EIU) in its 2009 Country Profile for China, dated 19 December 2008, the exchange rate on 12 December 2008 was US$1=RMB6.85. **[4a]**

Return to contents

Go to list of sources

HISTORY

(From the US Library of Congress Country Profile for China dated August 2006. **[11a]**)

1949-1976: THE MAO ZEDONG ERA

3.01 "The communist takeover of the mainland in 1949 set the scene for building a new society built on a Marxist-Leninist model replete with class struggle and proletarian politics fashioned and directed by the CCP [Chinese Communist Party]. The People's Republic of China was barely established (October 1, 1949) when it perceived a threat from the United States, which was at war in North Korea, and elected to support its neighbor, the new communist state, the Democratic People's Republic of Korea. The Chinese People's Volunteer Army invaded the Korean Peninsula in October 1950 and, along with its North Korean ally, enjoyed initial military success and then a two-year stalemate, which culminated in an armistice signed on July 27, 1953. Meanwhile, China

seized control of Tibet. It also had embarked on a political rectification movement against 'enemies of the state' and promoting 'class struggle' under the aegis of agrarian reform as part of the 'transition to socialism'." **[11a]**

3.02 "Periods of consolidation and economic development facilitated by President Liu Shaoqi (1898–1969) and Premier Zhou were severely altered by disastrous anti-intellectual (such as the Hundred Flowers Campaign, 1957), economic (the Great Leap Forward, 1958–59), and political (the Great Proletarian Cultural Revolution, 1966–76) experiments directed by Mao and his supporters. During this time, China had broken with the Soviet Union by 1959, fought a border war with India in 1962, and skirmished with Soviet troops in 1969. In 1969 Mao anointed Lin Biao (1908–71), a radical People's Liberation Army marshal, as his heir apparent, but by 1971 Lin was dead, the result of an airplane crash in Mongolia following an alleged coup attempt against his mentor. Less radical leaders such as Zhou and Vice Premier Deng Xiaoping (1904–97), who had been politically rehabilitated after his disgrace early in the Cultural Revolution, asserted some control… The 1976 death of Mao ended the extremist influence in the party, and, under the leadership of Deng Xiaoping and his supporters, China began a period of pragmatic economic reforms and opening itself to the outside world." **[11a]**

1978-1989: CHINA UNDER DENG XIAOPING

3.03 "Reform-era activities began in earnest in 1978 and eventually made China one of the largest world economies and trading partners as well as an emerging regional military power. The Four Modernizations (agriculture, industry, science and technology, and national defense) became the preeminent agenda within the party, state, and society. The well-being of China's people increased substantially, especially along coastal areas and in urban areas involved in manufacturing for the world market. Yet, politics, the so-called 'fifth modernization,' occurred at too slow a pace for the emerging generation. China's incipient democracy movement was subdued in 1978–79 at the very time that China's economic reforms were being launched. As Deng consolidated his control of China, the call for political reform came to the fore again in the mid-1980s, and pro-reform leaders were placed in positions of authority: Zhao Ziyang (1919–2005) was appointed premier, and Hu Yaobang (1915–89) CCP general secretary. Deng himself, satisfied with being the 'power behind the throne,' never held a top position. The democracy movement, however, was violently suppressed by the military in the 1989 Tiananmen incident." **[11a]**

(See also section 14: Tiananmen Square activists)

1990-2000: POST-TIANANMEN SQUARE

3.04 "In the years after Tiananmen, conservative reformers led by Deng protégé Jiang Zemin (later to become president of China, chairman of both the state Central Military Commission and party Central Military Commission, and general secretary of the CCP) endured and eventually overcame world criticism. When Deng went into retirement, the rising generation of technocrats ruled China and oversaw its modernization. Political progress gradually occurred. Term limits were placed on political and governmental positions at all levels, succession became orderly and contested elections began to take

place at the local level. Tens of thousands of Chinese students went overseas to study; many returned to participate in the building of modern China, some to become millionaires in the new 'socialist economy with Chinese characteristics'." **[11a]**

2000 ONWARDS: A NEW GENERATION OF LEADERS

3.05 "As the twenty-first century began, a new generation of leaders emerged and gradually replaced the old. Position by position, Jiang Zemin gradually gave up his leadership role and by 2004 had moved into a position of elder statesman, still with obvious influence exerted through his protégés who were embedded at all levels of the government. The 'politics in command' of the Maoist past were subliminally present when technocrat Hu Jintao emerged – by 2004 – as the preeminent leader (president of China, chairman of both the state Central Military Commission and party Central Military Commission, and general secretary of the CCP) with grudging acceptance by Jiang and his supporters." **[11a]**

RECENT DEVELOPMENTS

4.01 On 14 August 2008 the BBC reported:

"China says almost $150bn (£75bn) is needed to rebuild the region devastated by the 12 May Sichuan earthquake. The sum, over one-fifth of government tax revenue in 2007, will be used to rebuild the 51 worst-hit areas, China's top economic planning agency said. It will be used to replace schools, hospitals and housing across the region, the agency said. More than 70,000 people were killed by the powerful earthquake, and another 18,000 remain missing. Five million people were made homeless, while infrastructure across a swathe of southwest China was damaged… Three million houses are needed in rural areas and almost one million urban apartments, the report said, while jobs need to be provided for one million people. China drew widespread praise for its initial response to the devastation caused by the earthquake. But millions of people are still living in temporary housing and reconstruction looks set to take several years. Aftershocks are continuing to rock the region and many people remain traumatised by the earthquake, correspondents say." **[9b]**

4.02 In a report dated 22 August 2008, Human Rights Watch stated:

"The hosting of the 2008 Beijing Olympics has set back the clock for the respect of human rights in the People's Republic of China… Over the past year Human Rights Watch has monitored and documented extensive human rights violations directly linked to the preparation and the hosting of the Games. 'The 2008 Beijing Games have put an end – once and for all – to the notion that these Olympics are a "force for good,"' said Sophie Richardson, Asia advocacy director at Human Rights Watch. 'The reality is that the Chinese government's hosting of the Games has been a catalyst for abuses, leading to massive forced evictions, a surge in the arrest, detention, and harassment of critics, repeated violations of media freedom, and increased political repression.'" **[7n]**

4.03 In a report dated 21 October 2008, *The Guardian* stated:

"China today issued a wanted list of eight alleged terrorists, calling for their arrest and extradition for plotting attacks on the Beijing Olympics. A spokesman for the public security ministry said the men, all Chinese citizens, were members of the East Turkestan Islamic Movement, which seeks independence for the restive north-western region of Xinjiang. The region saw its worst violence for years in August, with 33 people killed in a spate of attacks around and during the games. No one claimed responsibility but China blamed Uighur separatists." **[41f]**

4.04 On 12 January 2009 the BBC reported:

"Chinese lawyers, dissidents and academics who signed a document calling for political reform are being harassed by the authorities. Signatories to the Charter 08 document have been detained, questioned by the police and put under pressure at work. The charter calls for a radical overhaul of China's political system by introducing elections, a new constitution and an independent judiciary… Charter 08 was published last month on the 60th anniversary of the promulgation of the Universal Declaration of Human Rights." **[9r]**

4.05 A report by the BBC on 2 February 2009 stated, "China says 20 million migrant workers have lost their jobs during the economic downturn – three times greater than had been suggested previously. A survey carried out in 15 provinces suggests around 15% of the total migrant labour pool is now unemployed… There are fears that large numbers of unemployed workers could lead to social unrest." **[9p]**

4.06 On 11 February 2009 *The Guardian* stated, "China has sentenced 76 people and detained more than 950 since last year's deadly riots in Tibet, state media reported today… Last month, the authorities in Lhasa launched a 'strike hard' campaign in which at least 81 people were detained and thousands checked by security officials." **[41k]**

(See also section 8: Security forces Avenues of complaint)

(See also section 14: Political affiliation Civil disturbances)

(See also section 15: Freedom of speech and media)

(See also section 16: Human rights institutions, organisations and activists)

(See also section 20: Muslims Uighurs)

(See also section 23: Tibet Human rights in Tibet)

(See also section 31: Freedom of movement Internal migrants)

Return to contents

Go to list of sources

CONSTITUTION

5.01 Europa World, in its Country Profile for China, accessed on 12 February 2009, recorded, "A new Constitution was adopted on 4 December 1982 by the Fifth Session of the Fifth National People's Congress." It was amended in 1993, 1999 and 2004. Article 1 states that, "The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants. The socialist system is the basic system of the People's Republic of China. Sabotage of the socialist system by any organization or individual is prohibited." **[1a] (The Constitution)**

5.02 The same source noted that Articles 1 to 32 set out the general principles of the Constitution and Articles 33 to 56 lay down a citizen's fundamental rights and duties. **[1a] (The Constitution) [5a] (Text of the Constitution)** As reported by the US State Department, in its Background Note for China dated January 2009, "The Chinese constitution and laws provide for fundamental human rights, including due process, but these are often ignored in practice." **[2g]**

POLITICAL SYSTEM

6.01 In its Country Profile for China, dated 27 January 2009, the FCO noted, "China has all the structures a modern democratic state would expect to have, with in theory a separation of powers between the different functions of state similar to most western democracies. But all structures are subordinate to the leadership of the CCP [Chinese Communist Party]." **[31a]** In a report published in July 2008, Freedom House stated:

"Although the state has permitted the growth of private sector economic activity, Chinese citizens cannot democratically change their leaders at any level of government. As stipulated in the Chinese constitution, the CCP possesses a monopoly on political power. Party members hold almost all top national and local posts in government, the military, and the internal security services. A 3,000-member National People's Congress (NPC) is, in principle, China's parliament. While it has shown signs of independence, sometimes questioning proposed legislation before approving it, the NPC remains subordinate to the party. The only competitive elections are for village committees and urban residency councils, both of which are technically 'grassroots' rather than government organs. Citizens can also vote for local people's congress representatives at the county level and below." **[26a]**

6.02 The CIA World Factbook, dated 5 March 2009, stated that "no substantial political opposition groups exist", although the government has identified the China Democracy Party and the Falun Gong spiritual movement as subversive groups. **[30a]** As reported by *Asia Times* on 22 July 2006, "… in China, the masses always look to a strong central government to protect them from abuse of power at the local level." **[64h] (p4)**

(See also section 14: Opposition groups and political activists)

CHINESE COMMUNIST PARTY (CCP)

6.03 The CCP has 70.8 million members. (US Library of Congress) **[11a]** The Chinese Communist Youth League has 68.5 million members. (Europa) **[1a] (Chinese Communist Youth League)** Article 9 of the Party's Constitution states, "Party members are free to withdraw from the Party. When a Party member asks to withdraw, the Party branch concerned shall, after discussion by its general membership meeting, remove his name from the Party rolls, make the removal public and report it to the next higher Party organization for the record." **[5t] (Chapter 1)**

6.04 As recorded by the US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, in its opening section on China:

"The People's Republic of China, with a population of approximately 1.3 billion, is an authoritarian state in which the Chinese Communist Party (CCP) constitutionally is the paramount source of power. Party members hold almost all top government, police, and military positions. Ultimate authority rests with the 25-member political bureau (Politburo) of the CCP and its nine-member standing committee. Hu Jintao holds the three most powerful positions as CCP general secretary, president, and chairman of the Central Military Commission." **[2e]**

(See also section 17: Breaches of party discipline)

Return to contents

Go to list of sources

Human Rights

INTRODUCTION

7.01 As noted by the US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, in its opening section on China:

"The government's human rights record remained poor and worsened in some areas. During the year [2008] the government increased its severe cultural and religious repression of ethnic minorities in Tibetan areas and the Xinjiang Uighur Autonomous Region (XUAR), increased detention and harassment of dissidents and petitioners, and maintained tight controls on freedom of speech and the Internet. Abuses peaked around high-profile events, such as the Olympics and the unrest in Tibet. As in previous years, citizens did not have the right to change their government. Nongovernmental organizations (NGOs), both local and international, continued to face intense scrutiny and restrictions. Other serious human rights abuses included extrajudicial killings, torture and coerced confessions of prisoners, and the use of forced labor, including prison labor. Workers cannot choose an independent union to represent them in the workplace, and the law does not protect workers' right to strike. The government continued to monitor, harass, detain, arrest, and imprison journalists, writers, activists, and defense lawyers and their families, many of whom were seeking to exercise their rights under the law. A lack of due process and restrictions on lawyers further limited progress toward rule of law, with serious consequences for defendants who were imprisoned or executed following proceedings that fell far short of international standards. The party and state exercised strict political control of courts and judges, conducted closed trials, and carried out administrative detention. Individuals and groups, especially those deemed politically sensitive by the government, continued to face tight restrictions on their freedom to assemble, their freedom to practice religion, and their freedom to travel. The government continued its coercive birth limitation policy, in some cases resulting in forced abortion or forced sterilization. The government failed to protect refugees adequately, and the detention and forced repatriation of North Koreans continued to be a problem. Serious social conditions that affected human rights included endemic corruption, trafficking in persons, and discrimination against women, minorities, and persons with disabilities." **[2e]**

7.02 In its 2008 Report on China, published in May 2008, Amnesty International stated:

"Growing numbers of human rights activists were imprisoned, put under house arrest or surveillance, or harassed. Repression of minority groups, including Tibetans, Uighurs and Mongolians, continued. Falun Gong practitioners were at particularly high risk of torture and other illtreatment in detention. Christians were persecuted for practising their religion outside state-sanctioned channels. Despite the reinstatement of Supreme People's Court review of death penalty cases, the death penalty remained shrouded in secrecy and continued to be used extensively. Torture of detainees and prisoners remained prevalent. Millions of people had no access to justice and were forced to seek redress through an ineffective extra-legal petition system. Women and girls continued to suffer violence and discrimination. Preparations

for the 2008 Olympic Games in Beijing were marked by repression of human rights activists. Censorship of the internet and other media intensified." **[6g]**

7.03 Human Rights Watch, in its World Report 2009, published on 15 January 2009, commented:

"The Chinese government broke its promise to improve human rights in conjunction with its hosting of the 2008 Summer Olympic Games. The months prior to the Olympics were marked by a significant tightening of restrictions on freedom of association, expression, and religion. Fundamental rights and freedoms are not guaranteed in China, particularly as the government continues to control and direct judicial institutions and decisions. Such control raises serious concerns about the integrity of legal proceedings in controversial cases and has made courts a less attractive venue for citizens seeking redress for official corruption, illegal land seizures, labor rights violations, and other abuses." **[7i]**

7.04 In its Human Rights Annual Report 2007, published in March 2008, the Foreign & Commonwealth Office (FCO) stated:

"Despite the Chinese government's stated commitment to protecting human rights and fundamental freedoms, and significant progress over the past 20 years, the situation in China remains poor. While China's emergence as a global player has brought considerable economic and social benefits to many of its citizens, the Chinese authorities have been slow to match this progress elsewhere, particularly in civil and political rights. With only limited reforms introduced since autumn 2006, violations of basic human rights continue to overshadow China's otherwise remarkable development. As the 2008 Beijing Olympics draw closer, the world's attention is increasingly focused on China's human rights situation … Ongoing concerns include: the scope of the death penalty and lack of transparency in its use; torture; the lack of an independent judiciary; obstacles to fair trials; arbitrary detention, including reeducation through labour (RTL); unsatisfactory prison conditions and ill treatment of prisoners; failure to protect human rights defenders; harassment of religious practitioners; restrictive regimes in Xinjiang and Tibet; and limitations on freedom of expression and association. There have been some positive developments, most notably a new central review of the death penalty and the temporary lifting of reporting restrictions on foreign correspondents." **[31i] (p134)**

7.5 According to an article in the *International Herald Tribune*, attributed to the Associated Press and dated 12 February 2009:

"China claimed victory… after a U.N. panel examined its human rights record and found it to be on track, despite complaints over abuses including Beijing's use of labor camps and widespread allegations of police torture. Commenting on a U.N. human rights report published Wednesday, [Chinese] Foreign Ministry spokeswoman Jiang Yu said most countries had endorsed China's rights record – and those that did not were simply politicizing the process… Her comments came a day after China – in its first examination before the U.N. Human Rights Council – refused virtually every suggestion made by countries including Britain, Mexico and Germany. Rejected proposals – which were not mentioned in the report – included those to end torture and the sentencing of people to labor camps without trial, to abolish the death penalty, to guarantee freedom of religion and to respect ethnic minorities. China said it

did support proposals – mostly from developing countries – to improve social and economic rights such as creating jobs in rural areas and doing more to integrate people with disabilities. The newly established Human Rights Council had replaced an earlier body, the U.N. Human Rights Commission, in a procedure designed to open every country to scrutiny. Rights groups, however, expressed disappointment over the result, saying China had succeeded in avoiding confronting troubling issues. Chinese Human Rights Defenders, a network of activists within China and overseas, said in a statement e-mailed to news organizations that it was 'distressed by China's dismissive attitude toward critical comments by some U.N. member states and the general unwillingness of most member states to confront the human rights records of the Chinese government.'" **[44b]**

Return to contents

Go to list of sources

SECURITY FORCES

8.01 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded:

"The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army (PLA), and the state judicial, procuratorial, and penal systems. The Ministries of State Security and Public Security and the People's Armed Police were responsible for internal security… The PLA was responsible for external security but also had some domestic security responsibilities. The Ministry of Public Security (MPS) coordinates the country's law enforcement, which is administratively organized into local, county, provincial, and specialized police agencies. Some efforts were made to strengthen historically weak regulation and management of law enforcement agencies; however, judicial oversight was limited, and checks and balances were absent. Corruption at the local level was widespread. Security officials, including 'urban management' officials, reportedly took individuals into custody without just cause, arbitrarily collected fees from individuals charged with crimes, and mentally and physically abused victims and perpetrators." **[2e] (Section 1d)**

POLICE

8.02 In a report dated 26 January 2004, the Canadian Immigration and Refugee Board (IRB) stated that China's police comprised:

- "Public Security Police – the main police force in China (86%), accountable to the Ministry of Public Security (MPS);
- State Security Police – safeguard state security, prevent foreign espionage, sabotage and conspiracies, under the leadership of the Ministry of State Security;
- Prison Police – guard prisons and labour camps, accountable to the Ministry of Justice;

- Judicial Police – maintain security at courts and escort suspects to and from court. Also administer the death penalty, not directly attached to any Ministry;

- Armed Police – patrol border, guard VIPs, foreign embassies and important government buildings, accountable to MPS and Central Military Committee;

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

8.03 In its Country Profile for China, dated August 2006, the US Library of Congress observed:

"The Ministry of Public Security oversees all domestic police activity in China, including the People's Armed Police Force. The ministry is responsible for police operations and prisons and has dedicated departments for internal political, economic, and communications security. Its lowest organizational units are public security stations, which maintain close day-to-day contact with the public. The People's Armed Police Force, which sustains an estimated total strength of 1.5 million personnel, is organized into 45 divisions: internal security police, border defense personnel, guards for government buildings and embassies, and police communications specialists." **[11a]**

(See also section 14: Opposition groups and political activists)

Private security firms

8.04 As noted by Michael Dutton, writing in *Crime, Punishment and Policing in China* (2005):

"Chinese private security companies differ from those in the West, however, in that they are all wholly owned subsidiaries of the local branches of the Ministry of Public Security, and it is their bureaus that directly own and operate these businesses. Not only do the public security forces have a monopoly over this industry, but they also have complete control over staffing. Hence the police force has allocated all senior staffing positions within these companies to formerly high-ranking officials within either the provincial Public Security Bureau or from the Ministry of Public Security itself. It is estimated that these companies now cover about one-third of all police work in the cities, and it is from guarding banks, restaurants, and other such establishments that they derive most of their profits." **[50b] (p215-216)**

Torture

8.05 A BBC News article of 20 November 2006 quoted a Deputy Procurator General as saying that at least 30 wrong verdicts a year were handed down due to the continuing use of torture. **[9ad]**

8.06 In a report on his mission of November–December 2005, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Manfred Nowak) stated:

"The Special Rapporteur recalls that over the last several years his predecessors have received a number of serious allegations related to torture and other forms of ill-treatment in China, which have been submitted to the Government for its comments. He cautions that such information does not necessarily illustrate the state of torture and ill-treatment in a given country, but rather reflects the state of information brought to the attention of the Special Rapporteur. Nevertheless, over a period of time, the number and consistency of the allegations received may be informative. Since 2000, the Special Rapporteur and his predecessors have reported 314 cases of alleged torture to the Government of China. These cases represent well over 1,160 individuals. Over the past five years, the Special Rapporteur has received 52 responses from the Government of China relating to a total of 90 cases." **[32b] (p12-13)**

8.07 According to the Special Rapporteur's report, two-thirds of alleged torture victims were Falun Gong practitioners and almost half of alleged perpetrators were police and other public security officials. **[32b] (p13)**

(See also section 21: Falun Gong)

8.08 Commenting on the circumstances of his visit, the Special Rapporteur added:

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

8.09 The same report also stated:

"The Deputy Procurator-General informed the Special Rapporteur that only 33 law enforcement officials had been prosecuted for torture throughout the country during the first nine months of 2005… According to the 2005 SPP's report to the NPC presented on 9 March 2005 (covering the year 2004), 1595 civil servants had been investigated for suspected criminal activity in cases involving 'illegal detention, coercion of confessions, using violence to obtain evidence, abuse of detainees, sabotaging elections, and serious dereliction of duty resulting in serious loss of life or property.' The report goes on to note that this is a 13.3 percent increase over the previous year's totals and that the SPP personally investigated 82 of the most serious cases. No information is provided, however, on the number of convictions. When compared with other national statistics, the figures for 2005 as well as the earlier statistics are certainly the tip of the iceberg in a country the size of China." **[32b] (p38)**

8.10 Amnesty International observed in its 2008 Report on China, published in May 2008, "Torture in detention remained widespread." **[6g]**

8.11 In its concluding observations, dated 12 December 2008, the UN Committee Against Torture stated:

"Notwithstanding the State party's efforts to address the practice of torture and related problems in the criminal justice system, the Committee remains deeply concerned about the continued allegations, corroborated by numerous Chinese legal sources, of routine and widespread use of torture and ill-treatment of suspects in police custody, especially to extract confessions or information to be used in criminal proceedings… Furthermore, while the Committee appreciates that the Supreme Court has issued several decisions to prevent the use of confessions obtained under torture as evidence before the courts, Chinese Criminal procedure law still does not contain an explicit prohibition of such practice, as required by article 15 of the Convention [against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment]… The Committee is greatly concerned by the allegations of targeted torture, ill-treatment, and disappearances directed against national, ethnic, religious minorities and other vulnerable groups in China, among them Tibetans, Uighurs, and Falun Gong practitioners. In addition, the return of border-crossers and refugees from the Democratic People's Republic of Korea is also an area of concern for the Committee with regard to vulnerable groups… The Committee is deeply concerned that allegations of torture and/or ill-treatment committed by law enforcement personnel are seldom investigated and prosecuted. The Committee notes with great concern that some instances of torture involving acts which are considered as 'relatively minor offences' can lead to only disciplinary or administrative punishment." **[32a]**

Extrajudicial killings

8.12 The USSD Report 2008 stated:

"During the year security forces reportedly committed arbitrary or unlawful killings. No official statistics on deaths in custody were available. The outbreak of widespread unrest in the Tibet Autonomous Region (TAR) and other Tibetan areas in March and April resulted in significant loss of life, with many credible reports putting the number killed at over 200. On January 7, Wei Wenhua was beaten to death by municipal 'urban management' officials in Tianmen, Hubei Province, after he filmed their clash with local residents on his mobile phone. Authorities detained 41 officials and sentenced four to short prison terms for their role in Wei's death. On February 6, authorities reportedly instructed the family of Falun Gong practitioner Yu Zhou, who had been arrested in Beijing on January 26, to come to an emergency center to see him. Yu was dead when the family arrived, and authorities claimed he had died of diabetes. However, Yu's family stated that he was healthy at the time of his arrest and that authorities refused the family's request for an autopsy. On May 26, the family of Tibetan protester Paltsal Kyab was informed he died in custody, after he was detained in April for participating in a March 17 protest. Authorities claimed Paltsal Kyab had died from kidney and stomach problems, although relatives reported he was healthy at the time of his arrest. According to witnesses his body was covered with bruises and burn blisters. There were no reports of any official investigation into his death. On July 16, 100 individuals reportedly attacked police in Huizhou, Guangdong Province, after a motorcyclist died. Police reported the man died in a traffic accident but his relatives claimed he was beaten to death by security guards… Defendants in criminal proceedings were executed following convictions that sometimes took place under circumstances involving severe lack of due process and inadequate channels for appeal… Executions of Uighurs whom authorities

accused of separatism, but which some observers claimed were politically motivated, were reported during prior reporting periods." **[2e] (Section 1a)**

(See also section 13: Death penalty)

(See also section 20: Muslims Uighurs)

(See also section 21: Falun Gong)

(See also section 23: Tibet Human rights in Tibet)

Protection of witnesses/organised crime

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

8.14 On 22 December 2008 the BBC reported:

"China plans to launch a special campaign to combat mafia-style gangs, according to a state newspaper. As well as tackling drug trafficking and prostitution, crimes caused by rising unemployment will be targeted, the China Daily newspaper reports. The paper says police will also focus on rooting out corrupt government officials who shelter gangsters. Analysts say China's economic downturn may lead to higher crime rates as thousands of people face unemployment… Organised crime is on the rise in China, and courts across the country saw a 160% annual increase in gang-related crime in 2007. 'Gang-related crimes have become a threat to our social stability and the economy,' one un-named official from the Public Security Bureau told the China Daily. 'Murder, rape, robbery, kidnapping, assault... they dare do anything,' the official said. He said the construction, transport and mining sectors were all areas that attracted gang crime, but warned that other industries were also increasingly being affected." **[9w]**

8.15 According to a report by *Asia Times* dated 21 October 2005, "Triad-like groups may be strong and have solid connections with some officials and police officers, but their reach does not go beyond their own province, and often their own city." **[64g]** As reported by *The Independent* on 15 July 2006, "Legal experts believe there could be as many as one million mobsters in China, but despite collusion with officials, most are local gangsters and none is yet led by a Mafia-type godfather in the style of the secret societies of yore." **[67b]** On 5 May 2006 the Canadian IRB recorded, "According to a 2005 article in *The Economist*, the ability of Chinese authorities to control 'village-level thuggery' is 'clearly limited' (13 Oct. 2005). However, several sources consulted by the Research Directorate report various efforts being made by the Chinese government to tackle organized crime." **[3k]**

AVENUES OF COMPLAINT

8.16 In its 2008 Annual Report, published on 31 October 2008, the US Congressional-Executive Commission on China (CECC) noted:

"Chinese law includes judicial and administrative mechanisms that allow citizens to challenge government actions, including administrative litigation in courts and administrative reconsideration in government agencies. Chinese law also permits citizens to petition the government through the xinfang ('letters and visits') system. Chinese authorities, however, impose punishments on local officials based on the mere existence of petitions in their jurisdiction. Local officials face heavier punishments for petitions involving greater numbers of people and petitions directed at higher levels, creating an incentive for petitioners to organize large-scale petitions to pressure local officials to act. At the same time, it gives local authorities an interest in suppressing mass petitions and preventing petitioners from approaching higher authorities…Chinese law provides methods for citizens to seek a remedy when they believe the government has violated their rights. These methods allow Chinese citizens limited legal recourse against individual officials or local governments who exceed their authority. Under the Administrative Reconsideration Law (ARL), Chinese citizens may submit an application to an administrative agency for administrative review of specific government actions. Under the Administrative Litigation Law (ALL), citizens may file a lawsuit in a people's court to challenge certain government actions. The State Compensation Law authorizes citizens to seek compensation for illegal government acts along with an ARL or ALL action, or present their claims directly to the relevant government bureau. Citizens face obstacles, however, in filing suits against local officials or government entities, particularly in 'sensitive' cases. Earlier this year, courts in Sichuan refused to hear cases against local officials brought by parents of children who were killed in school collapses during the May 12 Sichuan earthquake." **[28a] (p163 and 165)**

8.17 The same source stated further:

"Since the 1950s, xinfang ('letters and visits') offices have been an avenue outside the judicial system for citizens to present their grievances. Under the 2005 National Regulations on Letters and Visits, citizens may 'give information, make comments or suggestions, or lodge complaints' to xinfang bureaus of local governments and their departments. Although Chinese citizens have a legal right to petition and there is an extensive 'letters and visits' bureaucracy to handle petitions, the reality is that 'officials at all levels of government have a vested interest in preventing petitioners from speaking up about mistreatment and injustices they have suffered.'" **[28a] (p165-166)**

8.18 The USSD Report 2008 noted:

"Persons petitioning the government continued to face restrictions on their rights to assemble and raise grievances. Most petitions mentioned grievances about land, housing, entitlements, the environment, or corruption. Most petitioners sought to present their complaints at national and provincial 'letters and visits' offices. Efforts to rid Beijing of petitioners resulted in heightened harassment, detention, incarceration, and restrictions on rights to assemble and raise grievances. During the year police in Beijing stepped up a campaign to rid the capital of petitioners before the Olympics. As the Olympics approached, Beijing hotels reportedly were pressured by police not to rent rooms to petitioners. Police from provinces across the country dispatched officers to the capital to apprehend petitioners from their jurisdictions. During the Olympics police cars from numerous provinces were seen near the offices

of the State Bureau of Letters and Calls, the primary government agency responsible for receiving petitions. Police were also stationed outside the Beijing municipal letters and calls office. In December the Beijing News newspaper reported that authorities in Xintai, Shandong Province, had been abducting petitioners and confining them to mental hospitals and that some petitioners were reportedly force fed drugs. Officials from Nanyang City, Henan Province, reportedly operated a 'black' or illegal jail in Beijing to detain Nanyang petitioners arriving in the capital to press grievances for property claims, police brutality, and official corruption. An official at the 'black jail' reportedly stated that the detention site operated with central government permission. Although regulations banned retaliation against petitioners, reports of retaliation continued. This was partly due to incentives provided to local officials by the central government to prevent petitioners in their regions from raising complaints to higher levels. Incentives included provincial cadre evaluations based in part on the number of petitions from their provinces. This initiative aimed to encourage local and provincial officials to resolve legitimate complaints but also resulted in local officials sending security personnel to Beijing and forcibly returning the petitioners to their home provinces. Such detentions occurred before and after the enactment of the new regulations and often went unrecorded." **[2e] (Section 2b)**

8.19 On 8 March 2009 *The New York Times* reported:

"According to the state media, 10 million petitions have been filed in the last five years on complaints as diverse as illegal land seizures and unpaid wages. The numbers would be far higher but for the black houses, also called black jails, the newest weapon local officials use to prevent these aggrieved citizens from embarrassing them in front of central government superiors. Officially, these jails do not exist. In China's authoritarian state, senior officials tally petitions to get a rough sense of social order around the country. A successfully filed petition – however illusory the prospect of justice – is considered a black mark on the bureaucratic record of the local officials accused of wrongdoing. So the game, sometimes deadly, is to prevent a filing. The cat-and-mouse contest has created a sizable underground economy that enriches the interceptors, the police and those who run the city's ad hoc detention centers. Human rights activists and petitioners say plainclothes security officers and hired thugs grab the aggrieved off the streets and hide them in a growing constellation of unmarked detention centers. There, the activists say, the aggrieved will be insulted, roughed up and then escorted back to their home provinces. Some are held for weeks and months without charge, activists say, and in a few cases, the beatings are fatal. The police in Beijing have done little to prevent such abuses. They are regularly accused of turning a blind eye or even helping local thugs round up petitioners. That raises suspicions that the central government is not especially upset about efforts to undermine the integrity of the petition system… Rights advocates say that black houses have sprouted in recent years partly because top leaders have put more pressure on local leaders to reduce the number of petitioners reaching Beijing." **[21b]**

8.20 In a report dated 1 April 2008, Amnesty International stated, "Recent reports indicate that petitioners who had travelled to Beijing from various parts of China have been among those targeted in the 'clean up' of the city in the run-up to the Olympics… After they have been forcibly returned home, activists and petitioners risk further abuse, including being sentenced to terms of RTL

[re-education through labour] to punish them for their activities and prevent them from returning to Beijing." **[6p]** The CECC 2008 Annual Report stated:

"In its last Annual Report, the Commission noted the large 'cleanup' operation of petitioners in Beijing, which resulted in the detention of over 700 individuals, in advance of the annual March meeting of the National People's Congress. As Human Rights Watch suggested, this roundup of petitioners was a 'grand rehearsal' for the 2008 Beijing Summer Olympic Games. Chinese Human Rights Defenders concluded in March 2008 that 'illegal interception and arbitrary detention of petitioners' had become 'more systematic and extensive' during the past year, particularly in Beijing in the run-up to the Olympics." **[28a] (p166)**

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

"Petitioners told Human Rights Watch that provincial and local authorities send 'retrievers' to Beijing to either discourage people from their province from petitioning, or to detain them and bring them back. In many cases, arrests are conducted with the assistance of Beijing police. These arrests are often carried out with violence. After they are taken back to the home province, many petitioners are arbitrarily detained without trial in facilities where they face the risk of torture and the certainty of lengthy sentences of forced labor. Most petitioners who spoke to Human Rights Watch said that while a few retrievers who detained them wore police uniforms, the majority wore street clothes and did not identify themselves, perhaps in order to avoid jurisdictional conflicts with Beijing police or to prevent petitioners filing complaints about police abuse. Many Chinese police bureaus hire untrained civilians to assist in police work. Activists familiar with the issue, however, said that most retrievers were probably police officers in plain clothes." **[7b] (V Abuses against Petitioners in Beijing, The "Retrievers")**

8.22 As recorded by the Canadian IRB on 26 March 2004:

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

Return to contents

Go to list of sources

MILITARY SERVICE

9.01 Europa World, accessed on 12 February 2009, noted:

> "All armed services are grouped in the People's Liberation Army (PLA). As assessed at November 2007 by Western sources, the regular forces totalled 2,105,000, of whom approximately 800,000 were believed to be conscripts, and of whom some 136,000 were women: the army numbered 1,600,000, the navy 255,000 (including a naval air force of 26,000), and the air force 250,000. Reserves numbered some 800,000, and the People's Armed Police comprised an estimated 1.5m. Military service is by selective conscription, and lasts for two years in all services." **[1a] (Defence)**

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

9.03 On 17 November 2005 the BBC reported that members of the Xinjiang Production and Construction Corps or Bingtuan undertake 40 days' military training each year. The Bingtuan operates in Xinjiang and comprises 2.5 million Han settlers. **[9t]**

(See also section 27: Children Child soldiers)

POSTPONEMENT AND EXEMPTION

9.04 As stated in the Government White Paper, *China's National Defense in 2004* (Chapter V), "If a citizen qualified for enlistment is the only supporter of his or her family or is a student in a full-time school, his or her enlistment may be postponed." **[5v]** Article 3 of the Military Service Law of the People's Republic of China states, "Exemptions from military service shall be granted to persons unfit for it owing to serious physical defects or serious deformities. Persons deprived of political rights by law may not perform military service." **[5m]**

9.05 War Resisters' International (WRI), in its China report (1998), noted, "The right to conscientious objection is not legally recognized and there are no provisions for substitute service." **[37a]** The penalties for draft evasion are not specified in the Military Service Law.

DESERTION

9.06 The Military Service Law does not specifically address the issue of desertion. Instead it refers to Article 6 of the Interim Regulations of the People's Republic of China on Punishment of Servicemen Who Commit Crimes Contrary to Their Duties, effective from 1 January 1982. **[5m]** This states, "Any person who

deserts from the armed forces in violation of the military service law, if the circumstances are serious, shall be sentenced to imprisonment of not more than three years or criminal detention. Any person who commits the crime in the preceding paragraph during wartime shall be sentenced to imprisonment of not less than three years and not more than seven years." **[5s]**

9.07 Article 2 of the same regulations states, "Any act of a serviceman on active duty of the Chinese People's Liberation Army that contravenes his duties and endangers the state's military interests and is punishable with criminal penalties by law constitutes a crime in contravention of a serviceman's duties. However, if the circumstances are clearly minor and the harm is not great, the act shall not be considered a crime and shall be dealt with in accordance with military discipline." **[5s]**

9.08 The Interim Regulations (1982) and the Criminal Law (1997) stipulate that soldiers who endanger national security through desertion or who flee the battlefield may be sentenced to death. However, both make a distinction between crimes committed in peacetime and those committed in wartime. **[5s] [5i]**

9.09 Article 451 of the Criminal Law states, "The word 'wartime' as used in this Law means the time when the State declares the state of war, the armed forces receive tasks of operations or when the enemy launches a surprise attack. The time when the armed forces execute martial-law tasks or cope with emergencies of violence shall be regarded as wartime." **[5i]**

Return to contents

Go to list of sources

JUDICIARY

ORGANISATION

10.01 As noted by Europa World, accessed on 12 February 2009, the Supreme People's Court (SPC) is the highest judicial organ of the state. Below the SPC there are Local People's Courts (higher, intermediate and basic) and Special People's Courts, which include military and maritime courts and railway transport courts. The general principles of the legal system are set out in Articles 123 to 135 of the Constitution. **[1a] (Judicial System) [5a] (Text of the Constitution)**

INDEPENDENCE

10.02 In its World Report 2009, covering events in 2008 and published on 15 January 2009, Human Rights Watch stated, "Despite significant achievements over the past decade in strengthening legal institutions, the Chinese Communist Party's domination of judicial institutions and inconsistent enforcement of judicial decisions has meant that the legal system remains vulnerable to arbitrary and often politically-motivated interference. In 2008 the pace of legal reforms appeared to slow." **[7i]**

10.03 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded:

"The law states that the courts shall exercise judicial power independently, without interference from administrative organs, social organizations, and individuals. However, in practice the judiciary was not independent. It received policy guidance from both the government and the CCP, whose leaders used a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases. At both the central and local levels, the government and CCP frequently interfered in the judicial system and dictated court decisions." **[2e] (Section 1e)**

10.04 In its 2008 Annual Report, published on 31 October 2008, the US Congressional-Executive Commission on China (CECC) commented, "During the past year, Hu Jintao's administration appears to have enhanced the Communist Party's control over the judiciary. President Hu has ordered the courts, procuratorates, and public security bureaus to uphold the 'three supremes'– the Party's cause, the people's interest, and the constitution and laws." **[28a] (p166)**

FAIR TRIAL

10.5 The CECC 2008 Annual Report stated:

"Extremely high conviction rates in criminal cases are due in part to the lack of fairness of criminal trials, and the 'three difficulties' that hinder criminal defense lawyers' ability to defend their clients, discussed above [gaining access to detained clients, reviewing the prosecutors' case files, and collecting evidence]. Public security officers often deny suspects and defendants access to counsel and use lengthy pre-trial detention to extract confessions under duress or torture. They also use detention and intimidation to obtain statements from 'witnesses'. There is a strong presumption of guilt in criminal cases, and a guilty verdict is a virtual certainty in politically sensitive cases. The procedural rights of political dissidents and other targeted groups, such as Falun Gong adherents, house church pastors, and ethnic minority activists, are frequently violated." **[28a] (p39)**

10.06 The USSD Report 2008 recorded:

"Trials took place before a judge, who often was accompanied by 'people's assessors', lay persons hired by the court to assist in decision making. According to law, people's assessors had authority similar to judges, but in practice they deferred to judges and did not exercise an independent jury-like function. There was no presumption of innocence, and the criminal justice system was biased toward a presumption of guilt, especially in high-profile or politically sensitive cases. The combined conviction rate for first and second instance criminal trials was more than 99 percent in 2007; 933,156 defendants were tried, and 1,417 were found not guilty. In many politically sensitive trials, which rarely lasted more than several hours, the courts handed down guilty verdicts immediately following proceedings. Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. There was an appeals process, but appeals rarely resulted in reversed verdicts. Appeals processes failed to provide sufficient avenues for review, and there were inadequate remedies for violations of defendants' rights." **[2e] (Section 1e)**

10.07 The same report noted:

"The law gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation, although police frequently interfered with this right. Individuals who face administrative detention do not have the right to seek legal counsel… Government-employed lawyers often refused to represent defendants in politically sensitive cases, and defendants frequently found it difficult to find an attorney. When defendants were able to retain counsel in politically sensitive cases, government officials sometimes prevented effective representation of counsel… In practice criminal defendants often were not assigned an attorney until a case was brought to court. Even in nonsensitive criminal trials, only one in seven defendants reportedly had legal representation. The mechanism that allows defendants to confront their accusers was inadequate; the percentage of witnesses who came to court in criminal cases was less than 10 percent and as low as 1 percent in some courts. According to one expert, only 1 to 5 percent of trials involved witnesses. In most criminal trials, prosecutors read witness statements, which neither the defendant nor his lawyer had an opportunity to question. Approximately 95 percent of witnesses in criminal cases did not appear in court to testify, sometimes due to hardship or fear of reprisals. Although the criminal procedure law states pretrial witness statements cannot serve as the sole basis for conviction, officials relied heavily on such statements to support their cases. Defense attorneys had no authority to compel witnesses to testify or to mandate discovery, although they could apply for access to government-held evidence relevant to their case. In practice pretrial access to information was minimal, and the defense often lacked adequate opportunity to prepare for trial. Police and prosecutorial officials often ignored the due process provisions of the law, which led to particularly egregious consequences in death penalty cases." **[2e] (Section 1e)**

(See also section 13: Death penalty)

RESTRICTIONS ON LAWYERS

10.08 The CECC Report 2008 stated, "An estimated 70 percent of criminal cases proceed without a defense lawyer's involvement. When lawyers do defend criminal cases, they face substantial obstacles in preparing a defense. The 'three difficulties' that the Commission reported on last year – gaining access to detained clients, reviewing the prosecutors' case files, and collecting evidence – are endemic and undermine lawyers' ability to effectively defend their clients." **[28a] (p38)** The report also noted, "Lawyers were pressured not to take on politically sensitive cases..." **[28a] (p22)**

10.9 The USSD Report 2008 stated:

"Officials deployed a wide range of tactics to obstruct the work of lawyers representing sensitive clients, including unlawful detentions, disbarment, intimidation, refusal to allow a case to be tried before a court, and physical abuse… According to the law, defense attorneys can be held responsible if their client commits perjury, and prosecutors and judges have wide discretion to decide what constitutes perjury. In some sensitive cases, lawyers had no pretrial access to their clients, and defendants and lawyers were not allowed to speak during trials." **[2e] (Section 1e)**

10.10 In a report dated April 2008, Human Rights Watch noted:

> "Chinese lawyers continue to face huge obstacles in defending citizens whose rights have been violated and ordinary criminal suspects. This report shows that lawyers often face violence, intimidation, threats, surveillance, harassment, arbitrary detention, prosecution, and suspension or disbarment from practicing law for pursuing their profession. This is particularly true in politically sensitive cases. Lawyers are often unable to seek redress for these threats and attacks as law enforcement authorities refuse to investigate abuses, creating a climate of lack of accountability for actions against members of the legal profession." **[7h]**

10.11 In its World Report 2009, covering events in 2008 and published on 15 January 2009, Human Rights Watch stated:

> "In March 2008 revisions to the Law on Lawyers were promulgated. These included some limited advances, such as affirmation of defense attorneys' procedural rights to meet their clients in detention, but failed to offer meaningful remedies for when these rights are violated. A top official from the Supreme People's Procuratorate (the public prosecution) announced in late April that defense attorneys' right to meet with criminal suspects in detention did not extend to cases involving 'state secrets.' The revisions also introduced a provision prohibiting lawyers from making statements in court that 'harm national security.' Party and government authorities often associate lawyers with their clients' causes, rendering the lawyers vulnerable to official reprisals and undercutting efforts to establish the rule of law." **[7i]**

CRIMINAL PROCEDURE LAW (1997)

10.12 According to the USSD Report 2004, published on 28 February 2005:

> "The Criminal Procedure Law falls short of international standards in many respects. For example, it has insufficient safeguards against the use of evidence gathered through illegal means, such as torture, and it does not prevent extended pre- and post-trial detention. Appeals processes failed to provide sufficient avenue for review, and there were inadequate remedies for violations of defendants' rights. Furthermore, under the law, there is no right to remain silent, no protection against double jeopardy, and no law governing the type of evidence that may be introduced. The mechanism that allows defendants to confront their accusers was inadequate; according to one expert, only 1 to 5 percent of trials involved witnesses. Accordingly, most criminal 'trials' consisted of the procurator reading statements of witnesses whom neither the defendant nor his lawyer ever had an opportunity to question. Defense attorneys have no authority to compel witnesses to testify. Anecdotal evidence indicated that implementation of the Criminal Procedure Law remained uneven and far from complete, particularly in politically sensitive cases." **[2j] (Section 1a) [5h] (Text of the Criminal Procedure Law)**

STATE SECURITY LAW (1993)

10.13 Article 4 of the State Security Law of the People's Republic of China provides that the following acts are considered as endangering state security and shall be prosecuted according to the law:

1 "... plotting to subvert the government, dismember the State or overthrow the socialist system;

2 joining an espionage organization or accepting a mission assigned by an espionage organization or by its agent;

3 stealing, secretly gathering, buying, or unlawfully providing State secrets;

4 instigating, luring or bribing a State functionary to turn traitor; or

5 committing any other act of sabotage endangering State security." **[5g] (p2)**

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

DOUBLE JEOPARDY

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

Article 8
"This law may be applicable to foreigners, who outside PRC territory, commit crimes against the PRC state or against its citizens, provided that this law stipulates a minimum sentence of not less than a three-year fixed term of imprisonment for such crimes; but an exception is to be made if a crime is not punishable according [to] the law of the place where it was committed." **[5i] (p3)**

Article 9
"This law is applicable to the crimes specified in international treaties to which the PRC is a signatory state or with which it is a member and the PRC exercises criminal jurisdiction over such crimes within its treaty obligations." **[5i] (p3)**

Article 10
"Any person who commits a crime outside PRC territory and according to this law bear criminal responsibility may still be dealt with according to this law even if he has been tried in a foreign country; however, a person who has already received criminal punishment in a foreign country may be exempted from punishment or given a mitigated punishment." **[5i] (p3)**

Article 11
"The problem of criminal responsibility of foreigners who enjoy diplomatic privileges and immunity is to be resolved through diplomatic channels." **[5i] (p3)**

Article 12
"If an act committed after the founding of the PRC and before the implementation of this law was not deemed a crime under the laws at that time, the laws at that time are to be applicable. If the act was deemed a crime under the laws at that time, and if under the provisions of Chapter IV, Section 8 of the general provisions of this law it should be prosecuted, criminal

responsibility is to be investigated according to the laws at that time. However, if this law does not deem it a crime or imposes a lesser punishment, this law is to be applicable.

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

10.16 In a letter dated 15 July 2005, the FCO stated:

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

Return to contents

Go to list of sources

ARREST AND DETENTION – LEGAL RIGHTS

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

11.02 In its 2008 Annual Report, published on 31 October 2008, the US Congressional-Executive Commission on China (CECC) stated:

"Arbitrary detention, a widespread problem in China, takes several forms, including extralegal detention such as 'soft detention' (ruanjin) – commonly referred to as 'house arrest' – which is most frequently used against petitioners and activists and occurs entirely outside the legal system; detention and imprisonment for the peaceful expression of civil and political rights; and administrative detention for which criminal procedure protections are not available. The Chinese authorities continue combating another form of arbitrary detention the Commission has reported on in previous years, illegal extended detention." **[28a] (p34)**

11.03 In its concluding observations, dated 12 December 2008, the UN Committee Against Torture stated:

"…the Committee notes with concern the lack of legal safeguards for detainees, including:
(a) Failure to bring detainees promptly before a judge, thus keeping them in

prolonged police detention without charge for up to 37 days or in some cases for longer periods;
(b) Absence of systematic registration of all detainees and failure to keep records of all periods of pretrial detention;
(c) Restricted access to lawyers and independent doctors and failure to notify detainees of their rights at the time of detention, including their rights to contact family members;
(d) Continued reliance on confessions as a common form of evidence for prosecution, thus creating conditions that may facilitate the use of torture and ill-treatment of suspects...;
(e) The lack of an effective independent monitoring mechanism on the situation of detainees." **[32a]**

11.04 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded:

"Arbitrary arrest and detention remained serious problems. The law permits police and security authorities to detain persons without arresting or charging them… Public security organs do not require court-approved warrants to detain suspects under their administrative detention powers. After detention the procuracy can approve formal arrest without court approval. According to the law, in routine criminal cases police can unilaterally detain persons for up to 37 days before releasing them or formally placing them under arrest. After a suspect is arrested, the law allows police and prosecutors to detain a person for up to seven months while public security organs further investigate the case. Another 45 days of detention are allowed where public security organs refer a case to the procuratorate to decide whether to file charges. If charges are filed, authorities can detain a suspect for an additional 45 day period between filing and trial. However, in practice the police sometimes detained persons beyond the time limits stipulated by law. In some cases, investigating security agents or prosecutors sought repeated extensions, resulting in pretrial detention of a year or longer. The criminal procedure law allows detainees access to lawyers before formal charges are filed, although police often limited such access." **[2e] (Section 1d)**

11.05 The same source stated:

"Detained criminal suspects, defendants, their legal representatives, and close relatives are entitled to apply for bail; however, in practice few suspects were released on bail pending trial. The government used incommunicado detention. The law requires notification of family members within 24 hours of detention, but individuals often were held without notification for significantly longer periods, especially in politically sensitive cases. Under a sweeping exception, officials were not required to provide notification if doing so would 'hinder the investigation' of a case. In some cases police treated those with no immediate family more severely. There were numerous reports of citizens who reportedly were detained with no or severely delayed notice." **[2e] (Section 1d)**

11.06 The USSD Report 2008 also recorded:

"During the year human rights activists, journalists, unregistered religious figures, and former political prisoners and their family members were among those targeted for arbitrary detention or arrest. The government continued to use house arrest as a nonjudicial punishment and control measure against

dissidents, former political prisoners, family members of political prisoners, petitioners, underground religious figures, and others it deemed politically sensitive. House arrest encompassed varying degrees of stringency but sometimes included complete isolation in one's own home or another location under lock and guard. In some cases house arrest involved constant monitoring, but the target of house arrest was occasionally permitted to leave the home to work or run errands. Sometimes those under house arrest were required to ride in the vehicles of their police monitors when venturing outside. When outside the home, the subject of house arrest was usually, but not always, under surveillance. In some instances security officials assumed invasive positions within the family home, rather than monitoring from the outside." **[2e] (Section 1d)**

11.07 Amnesty International noted on 12 May 2006 that the Public Order Administration Punishment Law (POAPL), effective from 1 March 2006, is designed to provide greater legal protection for people deprived of their liberty. However, Amnesty International "…remains concerned that the POAPL fails to meet international fair trial standards." **[6o] (p1)** The same source also stated:

"Amnesty International has long-standing concerns that many offences in Chinese legislation are either defined vaguely or worded in such a way as to allow for the detention of individuals for the peaceful exercise of their fundamental human rights, including freedom of expression, assembly and association… Many of the public order offences detailed in the POAPL are not clearly defined, potentially giving the police free rein to detain individuals in violation of their rights to freedom of expression, assembly and association. Such 'offences' include: 'spreading rumours' (Article 25), 'provoking quarrels' (Article 26) and 'instigating or plotting illegal gatherings, marches or demonstrations' (Article 55). Such provisions have regularly been used in the past to arbitrarily detain numerous individuals for the peaceful exercise of basic human rights, including petitioners and human rights defenders." **[6o] (p3)**

(See also section 12: Administrative detention/labour camps)

ARREST WARRANTS

11.08 Article 123 of the Criminal Procedure Law states:

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

11.09 On the basis of a number of sources, the Canadian IRB reported on 1 June 2004:

"…it is very common in China for the police authorities to leave a summons or subpoena with family members (or possibly close friends, though that is probably less common), instructing them to pass it along to the person named on the summons. The person accepting the summons would be expected to sign an acknowledgement of receipt. This is not actually the proper procedure, but it happens all the time, especially in cases when the person on the

summons is not easily locatable. ... [S]ome police officers themselves are not well versed in the proper procedures, and probably think that this is a perfectly acceptable practice (while others may simply be too idle to chase the person down, and rely on the public's sense of intimidation to do their work for them) (23 Apr. 2004)." **[3r]**

WANTED POSTERS

11.10 On 16 November 2005 the official *China Daily* newspaper reported that police in Henan had begun issuing US-style playing cards featuring the details of people wanted by the police. **[14c]**

11.11 In reply to a series of questions submitted by the Country of Origin Information (COI) Service, the Overseas Liaison Officer of the Serious Organised Crime Agency (SOCA), based at the British Embassy in Beijing, advised the following on 10 April 2006:

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

2) If so how widespread is their use?
A) Quite widespread. They 'post' them on official websites, in newspapers, public places (airports, railway/bus stations, public buildings etc.) They also circulate them internally within MPS and other PSBs. However in one way because of the size of the population they do not include 'all wanted suspects,' but tend to select the more imprtant [sic] 'wanted people.'

3) In your opinion how easy are these documents to forge?
A) In fairness, as with all official documentation within China, I am of the opinion that any document can be forged quite easily.

4) In your opinion could a "genuine" document be obtained from a corrupt police officer?
(A) Yes

5) Does the format vary between provinces or is it standard?
A) Most of the Provinces follow a nation standardised version [sic] of a wanted poster, which generally includes a photograph [when available], personal details of the suspect and brief details of the offence and who/where to contact." **[31k]**

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

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

RESISTING ARREST/HITTING AN OFFICIAL

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

11.14 On 8 October 2005 the official *People's Daily* newspaper reported that assaults on policemen are increasingly common in China. Statistics from the Ministry of Public Security showed that in the first half of 2005, 23 policemen were killed and 1,803 were injured while performing their duties. **[12p]**

PUNISHMENT OF MINOR OFFENCES

11.15 As recorded by Xinzhou Zhang in a dissertation entitled, 'A Restorative Justice Audit of the Chinese Criminal Justice System', published in the October 2005 edition of *Restorative Justice*:

"It appears to be taken for granted internationally that Chinese criminal justice is punitive and retributive. It is true that few offenders avoid criminal penalties, but not all deviances in China are criminal offenses. Wrongdoing is divided into two main categories: infringement of law (wei fa) and crime (fan zui). Criminal law deals with the most serious offenders. Those who are not serious offenders are subject to the Security Administration Punishment Regulations (SAPR) or re-education through labor (RTL). Punishments under the SARP are: warning, a fine up to 200 RMB and detention for 15 days. Servitude for the RTL is generally from one to three years, with a maximum of four years under special circumstances. SARP and RTL punishments are administrative orders decided by the police without trial. The RTL is controversial because it can be even more severe than some criminal sentences although it is considered an administrative sanction." **[78a] (p20)**

(See also section 12: Administrative detention/labour camps)

Return to contents

Go to list of sources

PRISON CONDITIONS

12.01 In a report dated 10 January 2008, the Laogai Research Foundation stated:

"A recent report by Xinhua, a state-controlled mouthpiece of the Communist regime in China, touts a recent campaign by the Ministry of Justice to reform prison administration nationwide. The key components of the program are the improvement of prison facilities and the expansion of a 'community correction' system, whereby non-violent offenders of minor crimes may be aided in their transition back into local communities. While improved facilities and increased efforts to repatriate offenders are certainly welcome changes, these reforms do not even acknowledge let alone address the most blatant and important instances of human rights abuses which are inherent to the laogai system, namely thought reform and forced labor. Thought reform, or 'reeducation', continues to be used in prisons as a tool to stifle elements that are considered

hostile to the Communist regime. Although the political study sessions common during Mao Zedong's reign no longer exist, other means are used to suppress political dissent and free religious practice, including forced confessions of crimes and renouncements of political and religious beliefs and special reeducation classes that may rely on peer pressure, humiliation, torture, and abuse by other prisoners. Efforts to essentially brainwash prisoners violate their basic rights much in the same way that they are violated outside of Chinese prisons… More so than thought reform, forced labor remains an integral tenet of prison administration in China. Prisoners are forced to perform tedious and exhausting labor for very long hours every day that is often dangerous or poses great risk to their health. They receive little or no compensation, inadequate food, and are not provided with proper safety equipment." **[35b]**

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

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

12.03 In its concluding observations, dated 12 December 2008, the UN Committee Against Torture stated:

"While the Committee takes note of the information from the State party on conditions of detention in prisons, it remains concerned about reports of abuses in custody, including the high number of deaths, possibly related to torture or ill-treatment, and about the lack of investigation into these abuses and deaths in custody. While the Committee notes that the Special Rapporteur on the question of torture has found the availability of medical care in the detention facilities he visited to be generally satisfactory, it also notes with concern new information provided about inter alia the lack of treatment for drug users and people living with HIV/AIDS and regrets the lack of statistical data on the health of detainees." **[32a]**

12.04 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded:

"Conditions in penal institutions for both political prisoners and common criminals generally were harsh and often degrading. Prisoners and detainees often were kept in overcrowded conditions with poor sanitation. Inadequate prison capacity was an increasing problem in some areas. Food often was inadequate and of poor quality, and many detainees relied on supplemental

food and medicines provided by relatives; some prominent dissidents were not allowed to receive such goods. Many inmates in penal and RTL facilities were required to work, with minimal or no remuneration. In some cases prisoners worked in facilities directly connected with penal institutions; in other cases they were contracted to nonprison enterprises. Former prison inmates reported that workers who refused to work in some prisons were beaten. Facilities and their management profited from inmate labor… Adequate, timely medical care for prisoners remained a serious problem, despite official assurances that prisoners have the right to prompt medical treatment… Many other prisoners with serious health concerns remained in prison at year's end. Prison officials often denied privileges, including the ability to purchase outside food, make telephone calls, and receive family visits to those who refused to acknowledge guilt… Political prisoners were segregated from each other and placed with common criminals, who sometimes beat political prisoners at the instigation of guards. Newly arrived prisoners or those who refused to acknowledge committing crimes were particularly vulnerable to beatings." **[2e] (Section 1c)**

12.5 The same source reported, "The government generally did not permit independent monitoring of prisons or RTL camps, and prisoners remained inaccessible to local and international human rights organizations, media groups, and the International Committee of the Red Cross (ICRC)." Also stated was that "Sexual and physical abuse and extortion occurred in some detention centers." **[2e] (Section 1c)**

PSYCHIATRIC CUSTODY (ANKANG SYSTEM)

12.06 As recorded by Human Rights Watch in its report entitled, *China: Political Prisoner Exposes Brutality in Police-Run Mental Hospital, Eyewitness Testimonies from Notorious Ankang Asylum*, published on 1 November 2005:

"Wang Wanxing [detained in June 1992] is the first known released inmate of China's notorious Ankang system, out of an estimated 3,000 or more political detainees held in police-run psychiatric custody since the early 1980s, to have left China and be in a position to speak out about his experiences. However, according to Wang, the last thing one of the Beijing Ankang officials said to him before he boarded his flight to Germany was, 'If you ever speak out about your experiences at our hospital, we'll come and bring you back here again.' … Wang told Human Rights Watch about the general conditions of his confinement at the Beijing Ankang asylum, and about how he and the other inmates were treated there… According to Wang, the extent of patient-on-patient violence in this ward was terrifying. He frequently had to force himself to stay awake all night to avoid sudden and unprovoked inmate attacks." **[7d] (p1)**

12.07 This report continued, "Since his initial detention in June 1992, Chinese authorities have consistently maintained that Wang suffered from either 'paranoid psychosis' or 'political monomania' – the later condition is not found in any internationally recognized list of psychiatric illnesses." **[7d] (p2)** The same report also noted:

"All staff at the Beijing Ankang, including medical and nursing personnel, are full-time officers in the Public Security Bureau, and all inmates are persons who have been detained for criminal offenses committed while allegedly under

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

12.08 As reported by Human Rights Watch on 17 March 2006, psychiatric experts examined Wang on 3 and 4 January 2006 and concluded there were no medical grounds for his incarceration. **[7e]**

12.9 The USSD Report 2008 recorded:

"According to foreign researchers, the country had 20 ankang institutions (high-security psychiatric hospitals for the criminally insane) directly administered by the Ministry of Public Security (MPS). Political activists, underground religious believers, persons who repeatedly petitioned the government, members of the banned Chinese Democracy Party (CDP), and Falun Gong adherents were among those housed with mentally ill patients in these institutions, and they had no mechanism for objecting to public security officials' determinations of mental illness. Patients in these hospitals reportedly were given medicine against their will and forcibly subjected to electric shock treatment. The regulations for committing a person to an ankang facility were not clear. Activists sentenced to administrative detention also reported they were strapped to beds or other devices for days at a time, beaten, forcibly injected or fed medications, and denied food and use of toilet facilities." **[2e] (Section 1c)**

12.10 In a report dated 8 December 2008, *The Guardian* stated:

"Local officials in China appear to be increasingly using forcible psychiatric treatment to silence critics, a leading expert said today amid claims that at least 18 complainants were held in a mental hospital in Shandong province against their will. Authorities in Xintai district committed people who had pursued grievances ranging from police brutality to property disputes, according to the Beijing News, well known for its investigative journalism. Some were force-fed drugs. 'Until the early 90s, the practice of police forcibly sending people to mental asylums without justification was mainly carried out against political dissidents,' said Robin Munro, author of China's Psychiatric Inquisition: Dissent, Psychiatry and the Law in Post-1949 China. 'Since then we have seen a very different trend – fewer are of that variety, and more and more, they are petitioners or whistleblowers exposing corruption, or simply persistent complainants. 'It's a covert way to silence people ... There is no accountability or oversight. The person disappears, effectively; and with them, whatever evidence they have compiled against officials.' Once a police or civilian psychiatrist has certified someone as mentally ill, the patient loses all

legal rights and can be held indefinitely. Munro said that while it was impossible to tell how widespread the practice was, the authorities seemed to be using it more frequently." **[41i]**

ADMINISTRATIVE DETENTION/LABOUR CAMPS

Re-education Through Labour (RTL)

12.11 In its 2008 Annual Report, published on 31 October 2008, the US Congressional-Executive Commission on China (CECC) noted:

"The reeducation through labor (RTL) system operates outside of the judicial system and the Criminal Procedure Law (CPL); it is an administrative measure that enables Chinese law enforcement officials to detain Chinese citizens for up to four years. As Professor Jerome Cohen explained recently, RTL enables the police to 'punish anyone for virtually anything,' without the accused having the benefit of 'the modest protections' of the CPL. According to Chinese government statistics, more than 500,000 individuals were serving sentences in 310 RTL centers in 2005. The list of offenses punishable by RTL is vaguely defined, and RTL is frequently used against petitioners, activists, house church leaders, Falun Gong adherents, and others deemed to be 'troublemakers'. The Chinese authorities used RTL during this past year to punish and silence dissent." **[28a] (p36-37)**

12.12 On 5 February 2009 AsiaNews reported:

"…every year, hundreds of thousands of Chinese are confined to forced labor camps, without any charges, trial, or appeal, making China the world leader in arbitrary detentions. The 'reeducation through work [labour] (laodong jiaoyang)' system allows the police to sentence a person to up to 4 years of detention for 'minor crimes.' These include drug use and prostitution, but also presenting petitions, defending human rights, being a member of an illegal religious community, like the underground Christian communities, Muslim communities, the Falun Gong. 'Reeducation through work' is parallel to the system of the 'laogai,' reform through work. The only difference is that one must be formally sentenced to the laogai. 'Reeducation' is, instead, an 'administrative' matter, handled by the police force. The situation in the laogai and the laojiao is similar in every way. From the testimonies… a picture emerges of daily suffering for the detainees: torture; beatings on the part of policemen or kapos (other detainees instructed by the guards); up to 20 hours of work per day; withholding of their miserable salaries; dangerous working conditions, because of the use of toxic substances; insufficient food; complete lack of sanitation; medical care only in cases of emergency; prohibition of visits from family members… The Laogai Foundation, which publishes reliable statistics each year, says that in June of 2008 there were 319 camps for the laojiao, with a population of between 500,000 and 2 million. Of these, about 10% are political prisoners." **[58g]**

12.13 In a report dated 8 October 2007, Amnesty International stated:

"Administrative detention covers forms of detention which in China are imposed by the police without charge, trial or judicial review, as forms of punishment. Such practices in China include: Re-education Through Labour, the most common form of administrative detention in China, imposed for

periods up to four years for a wide variety of minor offences not considered serious enough to be punished under the Criminal Law… In May 2006, the Beijing city authorities announced their intention to extend the use of Re-education Through Labour as a way to control what they considered to be offending behaviour and to 'clean up' the city's image ahead of the Olympics… Hundreds of thousands of people are believed to be held in Re-education Through Labour facilities across China, many in harsh conditions. These include petty criminals, critics of the government or followers of banned beliefs. Those assigned to Re-education Through Labour are forced to work for long hours as part of their 're-education' in a manner similar to compulsory labour in prisons. Detainees are at high risk of torture or ill-treatment, particularly if they refuse to recant their 'offending behaviour' or attempt to appeal against their sentence." **[6i]**

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

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

12.15 As noted by the USSD Report 2008:

"Conditions in administrative detention facilities, such as RTL camps, were similar to those in prisons. Beating deaths occurred in administrative detention and RTL facilities… The law permits nonjudicial panels, called labor reeducation panels, to sentence persons without trial to three years in RTL camps or other administrative detention programs. The labor reeducation committee is authorized to extend a sentence [by] up to one year. Defendants could challenge RTL sentences under the administrative litigation law and appeal for a reduction in, or suspension of, their sentences. However, appeals rarely succeeded… Under the 'staying at prison employment' system applicable to recidivists incarcerated in RTL camps, authorities denied certain persons permission to return to their homes after serving their sentences. Some released or paroled prisoners returned home but were not permitted freedom of movement." **[2e] (Sections 1c, 1d and 2d)**

Other forms of administrative detention

12.16 In its report dated 8 October 2007, Amnesty International referred to two other forms of administrative detention:

"• Enforced Drug Rehabilitation, used to punish alleged drug addicts with terms of up to three to six months, often in harsh conditions. Beijing police have declared an intention to extend this to one year in an attempt to force drug addicts to give up their addictions before the Olympics.

• Custody and Education, used to punish alleged prostitutes and their clients with sentences of between six months and two years." **[6i]**

12.17 The USSD Report 2008 also observed:

"Many other persons were detained in similar forms [to reeducation through labour camps] of administrative detention, known as 'custody and education' (for women engaged in prostitution and those soliciting prostitution) and 'custody and training' (for minors who committed crimes). Administrative detention was used to intimidate political activists and prevent public demonstrations. On June 4, Chen Lianqing was detained while petitioning authorities in Beijing to investigate the murder of his father; he was later sent to RTL. Authorities used special reeducation centers to prolong detention of Falun Gong practitioners who had completed terms in RTL." **[2e] (Section 1d)**

12.18 In his book *Wild Grass* (2004), Ian Johnson wrote that Falun Gong practitioners were sometimes held in makeshift prisons run by neighbourhood committees. These can be a single room in the committees' offices and therefore not as secure as regular detention facilities. **[50f] (p196, 218-219)**

12.19 Article 8 of the Law on Administrative Penalty states:

"Types of administrative penalty shall include:

1 disciplinary warning;
2 fine;
3 confiscation of illegal gains or confiscation of unlawful property or things of value;
4 ordering for suspension of production or business;
5 temporary suspension or rescission of permit or temporary suspension or rescission of license;
6 administrative detention; and
7 others as prescribed by laws and administrative rules and regulations." **[5p] (p2)**

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

Return to contents

Go to list of sources

Death penalty

13.01 Article 48 of the Criminal Law states:

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

13.02 In its 2008 Annual Report, published on 31 October 2008, the US Congressional-Executive Commission on China (CECC) noted, "China's Criminal Law includes 68 capital offenses, many of which are for non-violent crimes such as drug trafficking, official corruption, and leaking state secrets abroad. The government does not publish official statistics on the number of executions, and this figure remains a state secret." **[28a] (p40)**

13.03 According to Roger Hood, writing in the Summer 2005 edition of the journal *China Review*:

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

Suspended death sentences

13.04 Roger Hood reported in the Summer 2005 edition of the journal *China Review*:

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

NUMBER OF EXECUTIONS

13.05 In its 2008 Report on China, published in May 2008, Amnesty International noted:

> "Death penalty statistics continued to be regarded as a state secret, making it difficult to assess official claims that the reinstatement of Supreme Court review had reduced the number of executions. Based on public reports, Amnesty International estimated that at least 470 people were executed and 1,860 people sentenced to death during 2007, although the true figures were believed to be much higher. Death sentences and executions continued to be imposed for 68 offences, including many non-violent crimes such as corruption and drug-related offences." **[6g]**

13.06 The CECC Report 2008 stated that "since January 1, 2007, when the Supreme People's Court resumed its review of death penalty cases to prevent miscarriages of justice and reduce the number of executions in China, the Chinese government reported a 30 percent decrease in the number of death sentences." **[28a] (p32)** According to the Swedish representative to the UN Human Rights Council, cited by Amnesty International in April 2007, more than 80 per cent of the total number of executions in the world took place in China. **[6h]**

JUDICIAL OVERSIGHT

13.07 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded:

> "Police and prosecutorial officials often ignored the due process provisions of the law, which led to particularly egregious consequences in death penalty cases… In 2007 the SPC [Supreme People's Court] reassumed jurisdiction to conduct final review of death penalty cases handed down for immediate execution (but not death sentences handed down with a two-year reprieve). In most cases the SPC does not have authority to issue a new decision or declare a defendant innocent if it discovers errors in the original judgment, and can only approve or disapprove lower court decisions. SPC spokesman Ni Shouming stated that, since reassuming the death penalty review power in January 2007, the SPC had rejected 15 percent of the cases it reviewed due to unclear facts, insufficient evidence, inappropriateness of the death sentence in some cases, and inadequate trial procedures. The SPC remanded these cases back to lower courts for further proceedings, although it did not provide underlying statistics or figures. Because official statistics remained a state secret it was not possible to evaluate independently the implementation and effects of the procedures. Following the SPC's reassumption of death penalty review power, executions were not to be carried out on the date of conviction, but only with the SPC's approval. On May 23, the chief judge of the third criminal law division of the SPC declared that since the implementation of this reform, the number of death sentences with a two-year reprieve surpassed the number of immediate-execution death sentences. Media reports stated that approximately 10 percent of executions were for economic crimes, especially corruption." **[2e] (Section 1e)**

13.8 In a report dated 30 April 2007, Amnesty International noted:

"Some commentators have drawn attention to limitations in the review process, namely that it is aimed more at ensuring that procedures have been followed correctly, rather than determining the facts of the case. One Beijing-based source reported to Amnesty International that the procedure seems to focus largely on ensuring that the death penalty is applied in a consistent, uniform manner across provinces, rather than effectively addressing potential miscarriages of justice in individual cases." **[6h]**

13.09 In its 2008 Report on China, published in May 2008, Amnesty International stated, "In June [2007], the Supreme People's Court stipulated that first-instance death penalty cases must be held in open court and that courts must move towards public trials for appeals in capital cases. However, death penalty trials continued to be held behind closed doors, police often resorted to torture to obtain 'confessions', and detainees were denied prompt and regular access to lawyers." **[6g]**

(See also section 10: Fair Trial)

People exempted from the death penalty

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

(See also section 26: Women)

Return to contents

Go to list of sources

Political affiliation

Freedom of political expression

14.01 As noted by the US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, "… the CCP [Chinese Communist Party] retained a monopoly on political power and forbade the creation of new political parties." **[2e] (Section 3)**

14.02 The report also stated:

"Government officials continued to deny holding any political prisoners, asserting that authorities detained persons not for their political or religious views, but because they violated the law; however, the authorities continued to confine citizens for reasons related to politics and religion. Tens of thousands of political prisoners remained incarcerated, some in prisons and others in RTL camps or administrative detention. The government did not grant international humanitarian organizations access to political prisoners. Foreign NGOs estimated that several hundred persons remained in prison for the repealed crime of 'counterrevolution,' and thousands of others were serving sentences under the state security law, which authorities stated covers crimes similar to counterrevolution… Many political prisoners remained in prison or under other forms of detention at year's end… Political prisoners obtained parole and sentence reduction much less frequently than ordinary prisoners.

Criminal punishments included 'deprivation of political rights' for a fixed period after release from prison, during which the individual is denied the already-limited rights of free speech and association granted to other citizens. Former prisoners sometimes found their status in society, ability to find employment, freedom to travel, and access to residence permits and social services severely restricted. Former political prisoners and their families frequently were subjected to police surveillance, telephone wiretaps, searches, and other forms of harassment, and some encountered difficulty in obtaining or keeping employment and housing… Some citizens were under heavy surveillance and routinely had their telephone calls monitored or telephone service disrupted. The authorities frequently warned dissidents and activists, underground religious figures, former political prisoners, and others whom the government considered to be troublemakers not to meet with foreign journalists or diplomats, especially before sensitive anniversaries, at the time of important government or party meetings, and during the visits of high-level foreign officials." **[2e] (Sections 1e and 1f)**

14.03 The report noted further, "Security personnel also harassed and detained the family members of political prisoners, including following them to meetings with foreign reporters and diplomats and urging them to remain silent about the cases of their relatives… Family members of activists and rights defenders… and former political prisoners were targeted for arbitrary arrest, detention, and harassment." **[2e] (Section 1f)** The same source stated:

"The government also frequently monitored gatherings of intellectuals, scholars, and dissidents where political or sensitive issues were discussed. Those who aired views that disagreed with the government's position on controversial topics or disseminated such views to domestic and overseas audiences risked punishment ranging from disciplinary action at government work units to police interrogation and detention. To commemorate human rights day on December 10 [2008], a group of 303 intellectuals and activists released a petition calling for human rights and democracy. Security forces questioned or detained several signatories to the document. At year's end one signer, writer Liu Xiaobo, remained in detention." **[2e] (Section 2a)**

14.04 On 12 January 2009 the BBC reported:

"Chinese lawyers, dissidents and academics who signed a document calling for political reform are being harassed by the authorities. Signatories to the Charter 08 document have been detained, questioned by the police and put under pressure at work. The charter calls for a radical overhaul of China's political system by introducing elections, a new constitution and an independent judiciary… Charter 08 was published last month on the 60th anniversary of the promulgation of the Universal Declaration of Human Rights… But even before the document was published, the police started visiting some of the 300 or so original signatories. Writer and dissident Liu Xiaobo… is believed to be the only signatory being held by the police, but others have experienced other kinds of harassment… The document that appears to be causing so much concern among senior Chinese leaders is one of the most important published in several years… Charter 08 says the Chinese government's approach to modernisation has been 'disastrous'. It 'deprives humans of their rights, corrodes human nature, and destroys human dignity,' the document says. It calls for a political system that guarantees human rights, freedom of expression and protection for private property…

President Hu made it clear in a speech to mark the 30th anniversary of the country's reforms that China would not adopt Western-style democracy. Willy Lam, of the Chinese University of Hong Kong, said China's leaders are nervous about calls for political change. This nervousness has increased with the country's economic problems, which could create a restless population receptive to calls for political change." **[9r]**

(See also section 10: State Security Law)

(See also section 12: Administrative detention/labour camps)

14.05 On 19 June 2005 Rupert Wingfield-Hayes, the BBC's Beijing correspondent, writing for the Association for Asian Research (AFAR), reported:

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

Return to contents

Go to list of sources

Freedom of association and assembly

14.06 The USSD Report 2008 recorded:

"The law provides for freedom of peaceful assembly; however, the government severely restricted this right in practice. The law stipulates that such activities may not challenge 'party leadership' or infringe upon the 'interests of the state.' Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly suppressed demonstrations involving expression of dissenting political views. All concerts, sports events, exercise classes, or other meetings of more than 200 persons require approval from public security authorities. Although peaceful protests are legal, in practice police rarely granted approval… The law provides for freedom of association, but the government restricted this right in practice. CCP policy and government regulations require that all professional, social, and economic organizations officially register with, and be approved by, the government. In practice these regulations prevented the formation of truly autonomous political, human rights, religious, spiritual, labor, and other organizations that might challenge government authority. The government maintained tight controls over civil society organizations and in recent years heightened legal restraints and surveillance aimed at controlling them, particularly in the run-up to the Olympics." **[2e] (Section 2b)**

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

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

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

14.08 Article 30 of the Regulations for the Implementation of the Law of Assembly, Procession and Demonstration of the People's Republic of China (promulgated on 1 June 1992) states, "When foreigners want to participate in an assembly, procession or demonstration held by Chinese citizens, the responsible individual of the assembly, procession or demonstration shall clearly state this in the application. Without the expressed approval of the competent public security organs, they will not be allowed to participate." **[5c] (p7)**

Civil disturbances

14.09 Human Rights Watch, in its World Report 2009 covering events in 2008, published on 15 January 2009, stated:

"With nowhere else to turn, people increasingly are taking to the streets, with tens of thousands of public protests, at times violent, now taking place across China each year… That tens of thousands of public protests – a fraction of them violent that erupt each year highlight the inherent dangers of not providing meaningful avenues for expression and redress for official misconduct. In one of several similar incidents in 2008, up to 30,000 people rioted in Weng'An county (Guizhou province), following suspicions that the police had tried to cover up the murder of a 15-year-old girl. The crowds torched a police station, ransacked government buildings, and overturned police cars. Chinese media disclosed shortly after the unrest that the number of such 'mass incidents' had reached 90,000 in 2006 – the highest number ever reported." **[7i]**

14.10 According to a Freedom House report, published in July 2008, "One of the major sources of discontent is the confiscation of land without adequate compensation, often involving collusion between local government and rapacious developers. Local authorities continue to employ excessive force to quell the disturbances." **[26a]**

14.11 On 3 June 2006 *Asia Times* reported:

"According to Chinese media reports, 16 million people across the country have already been displaced as a result of constructing large dams... of the millions of people who have been displaced by the construction of large hydroelectric projects, the majority continue to live in poverty… More than a million people have already been relocated for the construction of the Three

Gorges Dam. Although all of these were promised compensation, including new houses and livelihoods, many displaced families have complained from the beginning that their compensation was siphoned off by corrupt local officials and that they cannot make a living in their new locations." **[64c]**

14.12 On 19 September 2008 *The Guardian* reported:

"Official figures report that there were 90,000 protests last year [2007]. Some recent demonstrations have shown the scale and volatility that such outbreaks can assume… The protests are single-issue affairs, and do not represent organised opposition to communist rule. Still, for a regime that puts great store in stability, such grassroots sentiment cannot be ignored, particularly when it is prompted by anger against local officials or when it spills over into attacks on government and party offices." **[41a]**

14.13 In a report dated 14 March 2007, Human Rights Watch stated:

"Protests in Hunan and Guangdong provinces were violently suppressed on March 11 and March 12 [2007] respectively. In both cases, specially dispatched riot police attacked the crowds, according to eyewitnesses cited in international news reports. In Beijing, hundreds of petitioners have been rounded up over the past two weeks, in the largest 'clean-up' operation by the police in recent years. Dozens of rights activists across the country are being held under house arrest or being so closely monitored that their freedom has been significantly impaired… Human Rights Watch said that these latest attacks on freedom of expression and assembly come during an explosion of social unrest in recent years. Problems such as corruption, illegal-land seizures, forced evictions, the forced relocation of entire communities in the name of economic development and modernization, unchecked pollution, and the collapse of the welfare state have become burning social issues. According to official Chinese government statistics, an average of 200 protests take place every day – quadruple the number a decade ago." **[7l]**

14.14 The USSD Report 2008 noted:

"Forced relocation because of urban development continued and in some locations increased during the year. During the year protests over relocation terms or compensation, some of which included thousands of participants, were increasingly common and some protest leaders were prosecuted. There were numerous reports that evictions in Beijing were linked to construction for the Olympics. In rural areas relocation for infrastructure and commercial development projects resulted in the forced relocation of millions of persons… Despite restrictions, during the year there were many demonstrations, but those with political or social themes were broken up quickly, sometimes with excessive force. Social inequalities and uneven economic development, combined with dissatisfaction over widespread official corruption, increased social unrest. As in past years, the vast majority of demonstrations concerned land disputes, housing issues, industrial, environmental, and labor matters, government corruption, taxation, and other economic and social concerns. Others were provoked by accidents or related to personal petition, administrative litigation, and other legal processes." **[2e] (Sections 1f and 2b)**

Return to contents

Go to list of sources

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

14.15 The CIA World Factbook, dated 5 March 2009, stated that "no substantial political opposition groups exist", although the government has identified the China Democracy Party and the Falun Gong spiritual movement as subversive groups. **[30a]**

14.16 In an article dated 4 July 2003 and reproduced by the Dui Hua Foundation on its website, the *Washington Post* reported:

> "The best sources of information about human rights violations in China are often Chinese officials themselves, speaking through officially sanctioned publications or directly to foreigners in the dozen or so official rights dialogues between China and foreign governments… Many of the names Dui Hua uncovers are connected to illegal political and religious groups. The sheer number of such groups is staggering. It is not uncommon to find, in a county gazette, the names of a half-dozen illegal political parties or religious bodies that have been operating under the noses of the local authorities for years. Most opposition groups are small and localized, but from time to time groups that have developed national networks are uncovered in official publications." **[59b]**

China Democracy Party (CDP)

14.17 The USSD Report 2008 stated that the CDP was "…an opposition party founded in 1998 and subsequently declared illegal." **[2e] (Section 3)** The same report noted further:

> "Dozens of CDP leaders, activists, and members have been arrested, detained, or confined. One of the CDP's founders, Qin Yongmin, who was imprisoned in 1998, remained in prison at year's end [2008], as did others connected with a 2002 open letter calling for political reform and reappraisal of the 1989 Tiananmen massacre. More than 30 current or former CDP members reportedly remained imprisoned or held in RTL camps, including Chen Shuqing, Zhang Lin, Sang Jiancheng, He Depu, Yang Tianshui, Wang Rongqing, and Jiang Lijun." **[2e] (Section 3)**

14.18 As noted by Freedom House in a report published in July 2008, "Opposition groups, such as the China Democracy Party, are suppressed." **[26a]**

14.19 The China Democracy Party's website, accessed on 11 March 2009, noted that the CDP has held over 100 protests in the US. It aims to attract Chinese Americans and build a mass movement in the US with the eventual aim of going back to China and establishing a democratic system of government there. The Party's flag is a red, yellow and blue circle on a blue and red background. The circle is red on top, yellow in the middle and blue at the bottom. It is surrounded by eight yellow stars. The background is blue at the top and red at the bottom. **[20a]**

UK Branch of the China Democracy Party

14.20 According to its website, accessed on 11 March 2009, an organisation calling itself the 'UK Branch of the China Democracy Party' operates in London and campaigns for democracy in China as well as offering free legal information to its members and 'fellow countrymen'. **[16a]**

(See also Annex E: Known dissident groups)

Tiananmen Square activists

14.21 In September 1990 Amnesty International published a detailed report on the Tiananmen Square protests and their aftermath. This report highlighted both the indiscriminate nature of the killings and thoroughness of the crackdown that preceded it. **[6a]** In a report dated 1 June 2007, Human Rights Watch stated:

"Eighteen years after Chinese government troops initiated a massacre of an estimated 2,000 unarmed citizens in and around Tiananmen Square and other Chinese cities on and after June 4, the Chinese government has wholly failed to account for those killings and bring justice to the victims. Instead, the government continues to harass the survivors, their families and those who dare to challenge the official whitewash of the events at Tiananmen Square… In the run-up to each anniversary of the June 3–4 massacres, survivors and victims' families are subjected to intrusive scrutiny by public security officials, while known dissidents are frequently put under house arrest during the same period. In Tiananmen Square itself, the normally tight security narrows to a stranglehold to prevent spontaneous protests or efforts by relatives to mourn their dead family members." **[7k]**

14.22 On the nineteenth anniversary of the Tiananmen Square massacre (3 June 2008), the US State Department released a press statement in which it said:

"The time for the Chinese government to provide the fullest possible public accounting of the thousands killed, detained, or missing in the massacre that followed the protests is long overdue. The families of the victims, as well as ordinary Chinese citizens, deserve such an accounting. We also join others in the international community to urge China to release all those still serving sentences for participating in the nationwide protests. It is estimated that between 50 and 200 Chinese citizens are still languishing in jail. Virtually all of them have served well over half of their sentences and are eligible for parole under Chinese law. We urge the Chinese government to move forward with a reexamination of Tiananmen, to release all Tiananmen-era prisoners, and to cease harassment of the families of the victims of Tiananmen." **[2c]**

14.23 On 1 June 2007 Amnesty International reported:

"While the authorities have moved away from branding the incident a 'counter-revolutionary rebellion' towards labelling it a 'political incident', they have refused to respond to long-standing calls for justice by the victims or their families… So far, the authorities have failed to carry out any independent inquiry into the events of 4 June 1989 with a view to prosecuting those responsible for human rights violations and providing compensation for the victims or their families. In May 2006 it was reported that local authorities had

paid 70,000 Yuan (approx. US$8,700) to the mother of Zhou Guocong, a 15-year-old boy who was beaten to death by police in Chengdu, Sichuan province on 7 June 1989. He had been detained for joining pro-democracy protests. Significantly, however, the payment was described as 'hardship assistance' rather than 'compensation'. It is possible that other families may also have been privately 'compensated', but asked to keep it quiet. The Chinese government continues to stifle public debate over the issue, which remains erased from magazines, newspapers, school text-books and Internet sites in China. Over the last year in particular, official policies on media control and censorship have been intensified, preventing any public analysis or discussion of 4 June 1989 or any other politically sensitive periods in China's recent history." **[6j]**

14.24 The same source stated further:

"The organization [Amnesty International] continues to call for the immediate and unconditional release of those imprisoned more recently for urging a greater public debate on the events of 4 June 1989 or for criticising official policy on the issue… Amnesty International also urges the Chinese authorities to stop the police harassment, surveillance and arbitrary detention of peaceful human rights defenders, many of whom have sought to commemorate the victims of the 1989 crackdown and call for redress." **[6j]**

Return to contents

Go to list of sources

FREEDOM OF SPEECH AND MEDIA

15.01 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded:

"The law provides for freedom of speech and of the press, although the government generally did not respect these rights in practice. The government interpreted the CCP's 'leading role', as mandated in the constitution, as superseding and circumscribing these rights. The government continued to control print, broadcast, and electronic media tightly and used them to propagate government views and CCP ideology. During the year the government increased censorship and manipulation of the press and the Internet during major events, including the Tibetan protests in March through June, the May 12 Sichuan earthquake, and the Olympic games. All media were expected to abide by censorship guidelines issued by the party. In a June 20 speech on propaganda work, CCP General Secretary Hu Jintao reiterated local media's subordinate role to the party, telling journalists they must 'serve socialism' and the party." **[2e] (Section 2a)**

15.02 The same source continued:

"So long as the speaker did not publish views that challenged the CCP or disseminate such views to overseas audiences, the range of permissible topics for private speech continued to expand. Political topics could be discussed privately and in small groups without punishment, and criticisms of the government were common topics of daily speech. However, public speeches, academic discussions, and speeches at meetings or in public

forums covered by the media remained circumscribed, as did speeches pertaining to sensitive social topics." **[2e] (Section 2a)**

15.03 Reporters Without Borders, in its Press Freedom Index 2008, ranked China 167 out of the 173 countries included in the index (one being the most free and 173 being the least free). The same source stated, "China still leads the 'Internet black hole' ranking worldwide, deploying considerable technical resources to control Internet users…" **[63a]**

15.04 In its 2008 Annual Report, Reporters Without Borders stated:

"The Chinese Net is one of the most controlled in the world. In 2007, more than 20 companies, some American, were forced to sign a 'self-discipline pact' which forces them to censor the content of the blogs they host in China and to ask bloggers to provide their real identities. Many website[s] were closed during the 17th Communist Party Congress in Beijing in October. The best-known forums on news websites were closed 'as a precaution' for the duration of the Congress so that no news should indicate the official line fixed by the authorities. Reporters Without Borders marked the occasion by releasing a report, compiled by a Chinese Internet technician, detailing the censorship system on the Net in China. Five government offices have services dedicated to surveillance of the content of websites and emails. At least 51 cyber-dissidents are currently in jail in China for exercising their right to freedom of expression online." **[63b]**

15.05 As noted by Reporters Without Borders in an article dated 26 September 2005, online editors are banned from putting out news that:

- "violates the basic principles of the Chinese constitution;
- endangers national security, leaks national secrets, seeks to overthrow the government, endangers the unification of the country;
- destroys the country's reputation and benefits;
- arouses national feelings of hatred, racism, and endangers racial unification;
- violates national policies on religion, promotes the propaganda of sects and superstition;
- spreads rumours, endangers public order and creates social uncertainty;
- spreads information that is pornographic, violent, terrorist or linked to gambling;
- libels or harms people's reputation, violates people's legal rights;
- includes illegal information bounded by law and administrative rules.
- It is forbidden to encourage illegal gatherings, strikes, etc to create public disorder.
- It is forbidden to organise activities under illegal social associations or organisations." **[63c]**

15.06 On 6 March 2007 the BBC reported:

"China will not allow any more internet cafes to open this year, according to a government order obtained by the state news agency Xinhua… Xinhua said the new restrictions were part of a campaign to combat the rising problem of internet addiction… The number of people using the internet in China has grown by 30% over the last year, to 132 million, the state Internet Network Information Centre announced in December [2006]. That figure puts China on

track to surpass the US online population in the next two years. In January [2007], President Hu Jintao ordered Chinese internet regulators to promote a 'healthy online culture' to protect the government's stability. The government encourages internet use for education or business purposes, but has been criticised for censoring items it deems subversive or offensive." **[9ae]**

15.07 In October 2005 Reporters Without Borders published a report entitled, *Xinhua: The World's Biggest Propaganda Agency*, which stated:

"Xinhua's goal is to maintain the CCP's news monopoly. It is, according to the official definition, 'the eyes, ears and voice of China'. It is the de facto largest centre of news gathering and distribution in the country. No news, especially on sensitive issues, should reach the media without the say-so of the all-powerful Xinhua… According to official figures, the agency employs 8,400 people (Agence France-Presse by contrast has a staff of 2,000) of whom 1,900 are journalists and editors. Its president, Tian Congming, has the rank of a minister." **[63f] (p1)**

15.08 The same report also stated:

"In the service of the communist party, the agency produces two types of news: that intended for the general public and news destined for the regime leaders… The agency's first priority is to handle news produced by the Propaganda Department, now named the Publicity Department, that comes under the CCP Central Committee… Xinhua is de facto run by the Propaganda Department. The agency gets its editorial line from this organ of the CCP and sticks to it slavishly." **[63f] (p5-7)**

JOURNALISTS

15.09 In its annual report entitled, *Attacks on the Press in 2008*, the Committee to Protect Journalists (CPJ) stated, "As the year began, press advocates hoped the approaching Olympics might prompt authorities to free some imprisoned journalists. Instead, China continued to operate a revolving prison door... When CPJ conducted its annual census on December 1 [2008], China was the world's leading jailer of journalists for the 10th consecutive year." **[62a]**

15.10 In its 2008 Annual Report, Reporters Without Borders stated, "China is still the country which jails the largest number of journalists, cyber-dissidents, Internet-users and freedom of expression campaigners. They frequently endure harsh prison conditions: they share overcrowded cells with criminals, are condemned to forced labour and are regularly beaten by their guards or by fellow prisoners. Ill-treatment is at its worst in the first weeks in custody when police try to extract confessions. At least 33 journalists were in prison in China as at 1st January 2008." **[63b]**

15.11 Human Rights Watch, in its World Report 2009, published on 15 January 2009, commented:

"The Chinese government continues to strictly control journalists, and sanctions individuals and print and online media which fail to comply with extremely restrictive but unpredictably enforced laws and regulations. Potential punishments for journalists, webmasters, writers, bloggers, and editors who write or post articles critical of the political system or send news

outside China range from instant dismissal to prosecution and lengthy imprisonment. At this writing, at least 26 Chinese journalists remain in prison due to their work, many on ambiguous charges including 'revealing state secrets' and 'inciting subversion.'" **[7i]**

Return to contents

Go to list of sources

HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

16.01 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded:

"The government sought to maintain control over civil society groups, halt the emergence of independent NGOs, and prevent what it has called the 'westernization' of the country. The government did not permit independent domestic NGOs to monitor openly or to comment on human rights conditions; existing domestic NGOs were harassed. The government tended to be suspicious of independent organizations and increased scrutiny of NGOs with links overseas. Most large NGOs were quasigovernmental, and all NGOs had to be sponsored by government agencies. An informal network of activists around the country continued to serve as a credible source of information about many human rights violations. The information was disseminated through organizations such as the Hong Kong-based Information Center for Human Rights and Democracy and the foreign-based Human Rights in China." **[2e] (Section 4)**

16.02 As noted by Amnesty International in its 2008 Report on China, published in May 2008:

"While space for civil society activities continued to grow, the targeting of human rights defenders who raised issues deemed to be politically sensitive intensified. The authorities criminalized the activities of human rights activists by charging them with offences such as damaging public property, extortion and fraud. Human rights defenders and their relatives, including children, were increasingly subject to harassment, including surveillance, house arrest and beatings by both government officials and unidentified assailants. Lawyers were particularly targeted, and an increasing number had their licence renewal application rejected… Several activists died either in detention or shortly after their release." **[6g]**

16.03 Human Rights Watch, in its World Report 2009, published on 15 January 2009, stated:

"Human rights defenders faced greater than usual difficulties in 2008 as the government strove to present a picture of 'harmony' to the world ahead of the Olympics. Police warned defenders and dissidents not to talk to foreign media, monitored their phone and internet communications, tracked their movements, and subjected them to varying degrees of house arrest. Other independent observers – NGO leaders, intellectuals, civil rights lawyers – were also subjected to unprecedented surveillance and monitoring." **[7i]**

Return to contents

Go to list of sources

CORRUPTION

17.01 In Transparency International's (TI) Corruption Perceptions Index 2008, released in September 2008, China was placed at 72 out of 180 countries, based on perceived levels of corruption in the public and political sectors, as determined by expert assessments and opinion surveys. China scored 3.6 out of ten, ten representing zero perception of corruption. **[33a]**

17.02 As reported by the Economist Intelligence Unit (EIU) in its 2009 Country Profile for China, dated 19 December 2008:

"Once Mr Hu's [the President's] position was cemented, he launched several anti-corruption campaigns among government officials. However, in the absence of systemic reforms to establish real checks and balances on politicians, anti-graft efforts more often appear to be at least partly connected with attempts by senior CCP officials to remove factional rivals in the ruling bureaucracy. One of Mr Hu's main antagonists fell in such a manner in mid-2006, when the Shanghai party secretary, Chen Liangyu, was arrested." **[4a] (Recent political developments)**

17.3 In a report dated 11 October 2007, the BBC noted:

"Corruption is one of the most serious threats to China's political stability, a US-based think-tank has warned. A report by the Carnegie Endowment for International Peace says it costs the Chinese economy $86bn (£42bn) a year. The report says bribery and theft by officials are rising and cost China more than its annual education budget… The Washington-based think-tank concedes that party bosses have taken many measures to tackle the problem. But the report says the leaders have not gone far enough because they fear losing their grip on power… The report's author, Minxin Pei, estimated that 10% of the government's procurement budget and administrative spending was used as illicit payments or bribes or was simply stolen… Mr Pei said the vast scale of corruption was possible because of extensive state involvement in the economy, and the party's reluctance to adopt necessary reforms. Citing the city of Fuyang, the report states: 'In the worst instance, collusion has transformed entire jurisdictions into local mafia states.' Communist Party leaders have repeatedly warned that corruption threatens social stability. Earlier this year, the party's watchdog announced that almost 1,800 officials had confessed to corruption in June alone." **[9o]**

BREACHES OF PARTY DISCIPLINE

17.04 Articles 37 to 45 of the Constitution of the Communist Party of China deal with Party discipline. Article 39 states, "There are five measures for enforcing Party discipline: warning, serious warning, removal from Party posts, probation within the Party, and expulsion from the Party." **[5t] (Chapter VII)**

17.05 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded:

"The CCP used a form of discipline known as shuang gui for violations of party discipline, but there were reports of its use against nonparty members.

Shuang gui is similar to house arrest and can be authorized without judicial involvement or oversight. Shuang gui requires the CCP party member under investigation to submit to questioning at a designated place and time. According to regulations of the Central Discipline Inspection Commission (CDIC) governing shuang gui, corporal punishment is banned, the member's dignity must be respected, and he or she is regarded as a comrade unless violations are proved. Absent any legal oversight, it is unclear how these regulations were enforced in practice." **[2e] (Section 1e)**

GUANXI (SOCIAL CONNECTIONS)

17.06 As reported by the BBC on 1 October 2005, "If you want to understand who runs China today you have to understand the meaning of the word 'guanxi'. Literally translated, guanxi means connections. But it is much more than having the same old school tie. In Europe or America who you know might help you get a job, or get your child into a decent school. In China who you have guanxi with can mean the difference between freedom and jail, justice or discrimination, wealth or poverty." **[9s]**

Return to contents

Go to list of sources

FREEDOM OF RELIGION

18.01 As noted by the US State Department's (USSD) International Religious Freedom Report 2008, published on 19 September 2008:

"The Constitution and laws provide for freedom of religious belief and the freedom not to believe, although the Constitution only protects religious activities defined by the state as 'normal.' The Constitution states that religious bodies and affairs are not to be 'subject to any foreign domination,' and that the individual exercise of rights 'may not infringe upon the interests of the state.' The Constitution also recognizes the leading role of the officially atheist Chinese Communist Party. The Government restricted legal religious practice to government-sanctioned organizations and registered religious groups and places of worship, and sought to control the growth and scope of the activity of both registered and unregistered religious groups, including 'house churches'… During the period covered by this report, the Government's repression of religious freedom intensified in some areas, including in Tibetan areas and in the Xinjiang Uighur Autonomous Region (XUAR)." **[2a] (Introduction to China)**

18.02 This section of the report concluded by stating, "Since 1999, the [US] Secretary of State has assigned the 'Country of Particular Concern' (CPC) designation to the country under the International Religious Freedom Act (IRFA) for particularly severe violations of religious freedom." **[2a] (Introduction to China)** The same source noted, "The Government officially recognizes five main religions: Buddhism, Taoism, Islam, Catholicism, and Protestantism. There are five state-sanctioned 'Patriotic Religious Associations' (PRAs) that manage the activities of the recognized faiths." **[2a] (Section I. Religious Demography)**

(See also section 21: Banned spiritual groups)

18.03 On 7 February 2007, the official *People's Daily* reported:

> "China's religious followers are three times more than the official estimate, according to the country's first major survey on religious beliefs. The poll of about 4,500 people, conducted by professors Tong Shijun and Liu Zhongyu of Shanghai-based East China Normal University from 2005 till recently, found that 31.4 percent of Chinese aged 16 and above, about 300 million, are religious. This is much more than the official figure of 100 million, which has remained largely unchanged for years, Wednesday's China Daily reported. According to the report, Buddhism, Taoism, Catholicism, Christianity [Protestantism] and Islam are the five major religions, having about 67.4 percent of China's religious believers. A striking feature is the re-vitalization of traditional Chinese religions, the report said. About 200 million people are Buddhists, Taoists or worshippers of legendary figures such as the Dragon King and God of Fortune, accounting for 66.1 percent of all believers. Followers of Christianity also increase rapidly. Official figures estimate the number rose from less than 10 million in the late 1990s to 16 million in 2005, but the survey finds 12 percent of all believers, or 40 million, are Christians." **[12ah]**

18.04 In his book *Wild Grass* (2004), Ian Johnson wrote, "Defining what is religion in China, can be a tricky business. Unlike western religions, which often try to sharply distinguish themselves from one another, Chinese belief systems happily overlap, drawing on ancestor worship, popular beliefs in spirits, the indigenous religion of Taoism and the ideas of worldwide religions like Buddhism." **[50f] (p200)** As reported by *TIME* on 24 April 2006, "Seeking personal salvation is fine, but public displays of religiosity outside the confines of state-controlled institutions are not." **[65c]**

Return to contents

Go to list of sources

REGISTRATION

18.05 As noted by the USSD International Religious Freedom Report 2008:

> "Government officials at various levels have the power to determine the legality of religious activities by deciding whether they are 'normal.' Public Security Bureau (PSB) and Religious Affairs Bureau (RAB) officials monitor unregistered facilities, check to see that religious activities do not disrupt public order, and take measures directed against groups designated as cults. Registered religious groups enjoy legal protections of their religious practices that unregistered religious groups do not receive, and unregistered groups are more vulnerable to coercive and punitive state action. The five PRAs [Patriotic Religious Associations] are the only organizations registered with the Government at the national level as religious organizations under the Regulations on Social Organizations (RSO), administered by the Ministry of Civil Affairs (MCA). Leaders of the five PRAs sometimes serve in the Chinese People's Political Consultative Conference (CPPCC), an advisory forum that is led by the CCP and consults with social groups outside the Party or the National People's Congress (NPC). The State Administration for Religious Affairs (SARA) and the CCP United Front Work Department (UFWD) provide policy 'guidance and supervision' on the implementation of regulations

regarding religious activity, including the role of foreigners in religious activity. Employees of SARA and the UFWD are primarily Communist Party members who are directed by Party doctrine to be atheists. The 2005 Regulations on Religious Affairs (RRA) protect the rights of registered religious groups to possess property, publish literature, train and approve clergy, and collect donations. The Government had not issued implementing regulations by the end of the period covered by this report, and there was little evidence that the new regulations have themselves expanded religious freedom, in part because unregistered religious organizations have not been able to register under the RRA without first affiliations with a PRA." **[2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)**

18.06 In its Annual Report 2008, published in May 2008, the United States Commission on International Religious Freedom (USCIRF) noted:

"As in past years, the Chinese government continued to implement the National Regulations on Religious Affairs (NRRA), issued officially in March 2005. The regulations include provisions that require all religious groups and religious venues to affiliate with one of seven government-approved religious associations. When registered, religious communities can apply for permission to possess property, provide social services, accept donations from overseas, conduct religious education and training, and host inter-provincial religious meetings. Within the bounds of the Chinese legal system, the NRRA can expand protections for the registered religious communities. However, it remains the Commission's conclusion that the NRRA, by stipulating registration in government-sanctioned religious associations and requiring permission for many routine religious activities, strengthens governmental management or supervision of religious affairs, thereby offering Party officials extensive control over religious practice and related activities. In addition, the NRRA only protects what the government considers 'normal' religious activity, making unregistered religious groups illegal and subject to restriction or other punishments. Vague national security provisions in the NRRA override stated protections if a religious group is deemed to disrupt national unity or solidarity." **[70a] (p170-171)**

18.07 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted that family members of unregistered religious individuals were targeted for arbitrary arrest, detention and harassment. **[2e] (Section 1f)**

BUDDHISTS

18.08 The USSD International Religious Freedom Report 2008 noted:

"It is difficult to estimate the number of Buddhists and Taoists, because they do not have congregational memberships and many practice exclusively at home. The Government estimated that there are 16,000 Buddhist temples and monasteries, 200,000 Buddhist monks and nuns, more than 1,700 reincarnate lamas, and 32 Buddhist schools. Most believers, particularly ethnic Han Buddhists, practice Mahayana Buddhism, while the majority of Tibetans and ethnic Mongolians, as well as a growing number of ethnic Chinese, practice Tibetan Buddhism, a Mahayana adaptation. Some ethnic minorities in southwest Yunnan Province practice Theravada Buddhism, the dominant

tradition in parts of neighboring Southeast Asia." **[2a] (Section I. Religious Demography)**

18.09 The report also stated, "Official tolerance for groups associated with Buddhism and Taoism has been greater than that for groups associated with other religions." **[2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)**

(See also section 23: Tibetan Buddhism)

TAOISTS

18.10 The USSD International Religious Freedom Report 2008 noted, "According to the government-sanctioned Taoist Association, there are more than 25,000 Taoist priests and nuns, more than 1,500 Taoist temples, and 2 Taoist schools." **[2a] (Section I. Religious Demography)** The report also stated, "Official tolerance for groups associated with Buddhism and Taoism has been greater than that for groups associated with other religions." **[2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)**

FOLK RELIGIONS

18.11 As noted by the USSD International Religious Freedom Report 2008, "Traditional folk religions (worship of local gods, heroes, and ancestors) are practiced by hundreds of millions of citizens and are often affiliated with Taoism, Buddhism, or ethnic minority cultural practices." **[2a] (Section I. Religious Demography)** The same source stated, "The Government labeled folk religions as 'feudal superstition,' and in the past there were reports that followers sometimes were subject to harassment and repression." **[2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)**

Return to contents

Go to list of sources

CHRISTIANS

19.01 An article by *The Economist*, dated 2 October 2008, cited an estimate of up to 130 million Christians in China. The article stated, "This is far larger than previous estimates. The government says there are 21m (16m Protestants, 5m Catholics). Unofficial figures, such as one given by the Centre for the Study of Global Christianity in Massachusetts, put the number at about 70m… And according to China Aid Association (CAA), a Texas-based lobby group, the director of the government body which supervises all religions in China said privately that the figure was indeed as much as 130m in early 2008." **[19a]**

19.2 The report continued:

"In the 1950s, the Catholic and main Protestant churches were turned into branches of the religious-affairs administration. House churches have an unclear status, neither banned nor fully approved of. As long as they avoid neighbourly confrontation and keep their congregations below a certain size (usually about 25), the Protestant ones are mostly tolerated, grudgingly. Catholic ones are kept under closer scrutiny, reflecting China's tense relationship with the Vatican… Most Christians say that theirs is not a political

organisation and they are not seeking to challenge the party. But they also say clashes with public policy are inevitable: no Christian, one argues, should accept the one-child policy, for example. Formally, the Communist Party forbids members to hold a religious belief, and the churches say they suffer official harassment." **[19a]**

Availability of Bibles

19.03 The USSD International Religious Freedom Report 2008 stated:

"The 1994 Provisions Regarding the Administration of Contracts to Print Bible Texts named the Nanjing Amity Printing Company (Amity Press) as the sole printer for domestic Bibles. A few CPA [Catholic Patriotic Association] dioceses which have their own presses reportedly print the Catholic Bible. Amity Press is a nonprofit organization, and Bibles are sold through TSPM [Three-Self Patriotic Movement] and CPA churches, which are also nonprofit organizations. Several other officially designated printing companies print other Catholic religious materials… The five PRAs [Patriotic Religious Associations] publish religious literature and state-run publishing houses published religious materials. However, the Government limited printing of the Bible to Amity Press and to a few presses affiliated with CPA dioceses which publish the Catholic Bible. Bibles so produced could be purchased only at TSPM or CPA churches. The Government authorized publishers (other than Amity Press) to publish at least a thousand Christian titles. Amity has published more than forty million Bibles for the Chinese readership and distributes them through a network of 70 urban distribution points and a mobile distribution network that travels to rural areas. Increasing interest in Christianity produced a corresponding increase in demand for Bibles and other Christian literature, and members of unregistered churches reported that the supply and distribution of Bibles was inadequate, particularly in rural locations. Individuals could not order Bibles directly from publishing houses, and distributors were sometimes wary of unfavorable attention that might attend orders for purchases of large volumes of Bibles… Under the RRA and regulations on publishing, religious texts published without authorization, including Bibles and Qur'ans, may be confiscated and unauthorized publishing houses closed. Religious adherents are subject to arrest and imprisonment for illegal publishing. Authorities often confiscated Bibles in raids on house churches. Customs officials continued to monitor the importation of Bibles and other religious materials." **[2a] (Section II. Status of Religious Freedom)**

19.04 An article in *The Guardian* on 2 May 2008 reported:

"China will become one of the biggest Bible producing countries in the world when a new printing press opens this month… The Amity Printing Company, a joint venture with the British Bible Society, printed its 50 millionth Bible last December and its new press, opening on May 19, will double annual production to 12m… Peter Dean, a consultant for the Bible Society in Nanjing, said…'There are differing views on how many Christians there are but everyone agrees there is a lot of growth in the church.' At least 7% of the population are estimated to be believers. Although authorities lifted the ban on Christianity 30 years ago, restrictions remain. Smuggling unauthorised Bibles can still lead to a jail sentence." **[41d]**

19.05 A report by Christian Solidarity Worldwide, dated 1 June 2008, stated:

"The Chinese Government allows the official printing of a limited number of Bibles. However, supply is insufficient to meet the needs of the house churches. China allows only one publisher, The Amity Foundation in Nanjing, to print Bibles and a limited selection of Christian materials, but production is insufficient to meet the needs of the burgeoning Christian population. The Bibles are only distributed through the official TSPM churches making it difficult for house church Christians to obtain Christian materials. It is illegal to sell Bibles at public bookstores and other public facilities. Pastors who have printed Bibles and Christian literature to fill unmet needs have been arrested and imprisoned for operating illegal business practices." **[74b]**

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

PROSELYTISING

19.07 The USSD International Religious Freedom Report 2008 noted:

"Government authorities limited proselytism, particularly by foreigners and unregistered religious groups, but permitted proselytism in state-approved religious venues and private settings… Offenses related to membership in unregistered religious groups are often classified as crimes of disturbing the social order. Religious leaders and worshippers, however, faced criminal and administrative punishment on a wide range of charges, including those related to the Government's refusal to allow members of unregistered groups to assemble, travel, and publish freely or in connection with its ban on public proselytizing." **[2a] (Introduction to China and Section II. Status of Religious Freedom, Abuses of Religious Freedom)**

CATHOLICS

19.08 The USSD International Religious Freedom Report 2008 noted:

"The Catholic Patriotic Association (CPA) reports that 5.3 million persons worship in its churches and it is estimated that there are an additional 12 million or more persons who worship in unregistered Catholic churches that do not affiliate with the CPA. According to official sources, the government-sanctioned CPA has more than 70 bishops, nearly 3,000 priests and nuns, 6,000 churches and meeting places, and 12 seminaries. There are thought to be approximately 40 bishops operating 'underground,' some of whom are in prison or under house arrest. During the reporting period, at least three bishops were ordained with papal approval. In September 2007 the official media reported that Liu Bainian, CPA vice president, stated that the young bishops were to be selected to serve dioceses without bishops and to replace older bishops. Of the 97 dioceses in the country, 40 reportedly did not have an acting bishop in 2007, and more than 30 bishops were over 80 years of age." **[2a] (Section I. Religious Demography)**

19.09 As noted by AsiaNews on 27 September 2005, "Hebei is the region with the largest number of Catholics (more than 1.5 million), where clandestine Catholics (not recognised by the government) are in strong majority." **[58b]** On 15 May 2006 *The Times* noted that the Catholic Church is also particularly strong in Fujian province where most of the faithful are loyal to Rome. **[90c]**

19.10 The USSD International Religious Freedom Report 2008 observed:

"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. In September 2007 underground Catholic bishop Han Dingxiang, who reportedly suffered from cancer, and had been under house arrest and other forms of detention for nearly 8 years, died at a hospital while under police custody. In August 2007 Bishop Jia Zhiguo was reportedly detained and held without charge until December 14, 2007; he has been detained more than ten times since 2004. The whereabouts of Zhouzhi bishop Wu Qinjing remain unknown. Auxiliary Bishop of Xiwanzi diocese, Hebei Province, Yao Liang, remained in detention during the reporting period. Father Li Huisheng who was reportedly tortured by police in August 2006 remained in custody serving a 7-year term of imprisonment for 'inciting the masses against the Government.'" **[2a] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)**

19.11 In its Annual Report 2008, published in May 2008, the USCIRF noted:

"Relations between unregistered Roman Catholic congregations and the officially-recognized Chinese Patriotic Catholic Association (CPA) are strained, due to past government repression and the growing number of CPA bishops and priests secretly seeking ordination and approval of the Vatican… Harassment, surveillance, and detention of 'unregistered' Catholic priests and bishops continued in the last year… There remain at least 30 Roman Catholic bishops or priests under arrest, imprisonment, or in detention, including the elderly Bishop Su Zhimin, who has been in prison, in detention, under house arrest, or under strict surveillance since the 1970s." **[70a] (p175-176)**

19.12 In July 2008 the Cardinal Kung Foundation reported that "every one of approximately 35 underground bishops, together with many priests and faithful, are either in prison, disappeared, under house arrest or under surveillance." **[68a]** On 11 August 2006 AsiaNews reported that police detained 90 Catholics in Hebei province after protesters confronted the police whom they believed had tortured a bishop. **[58c]**

19.13 As reported by the Canadian IRB on 8 June 2004, "During a 4 June 2004 telephone interview with the Research Directorate, a representative of the Cardinal Kung Foundation stated that there are no standardized baptismal certificates within underground Catholic churches in China nor are baptismal certificates issued as a matter of course. Instead, if a baptismal certificate were requested at the time of baptism, the priest might issue an informal document that would most likely be written in Chinese." **[3o]**

Relations with the Vatican

19.14 On 30 June 2007 the BBC reported:

> "Pope Benedict has addressed a message of reconciliation to millions of his faithful in China, whose loyalties are divided between Rome and Beijing… He is up against a state political ideology of atheism and half a century of sporadic persecution of Catholics… In an effort to bring order to this chaotic situation, and to improve the prospects of a return to normal diplomatic relations with Beijing which were broken off in 1951, the Pope goes out of his way in his message to praise the recent social and economic achievements of the Chinese people. He offers sincere dialogue with the civil authorities, in a spirit of friendship and peace. It remains to be seen, however, just how his message is going to be received in Beijing… As far as the Vatican is concerned, he says, there is only one Catholic Church in China." **[9l]**

19.15 A report by Aid to the Church in Need, accessed on 11 March 2009, referred to "increased cooperation between 'Official' and 'Underground' Church communities." **[22a]** The USSD International Religious Freedom Report 2008 noted:

> "The Government and the Holy See have not established diplomatic relations, and there was no Vatican representative in the country. The role of the Pope in selecting bishops, the status of underground Catholic clerics, and Vatican recognition of Taiwan remained obstacles to improved relations. A Ministry of Foreign Affairs spokesperson stated that the Government advocated improvement in relations. The CPA does not recognize the authority of the Holy See to appoint bishops; however, it allowed the Vatican's discreet input in selecting some bishops. In September 2007 Xiao Zejiang, a member of the Guizhou Provincial People's Political Consultative Congress, was ordained as coadjutor bishop of the Guizhou Diocese. Bishop Xiao's ordination was the first of five ordinations approved both by Beijing and the Vatican following the June 2007 letter of Pope Benedict XVI to the Catholic Church in China on reconciliation. An estimated 90 percent of official Catholic bishops have reconciled with the Vatican. Likewise, the large majority of Catholic bishops appointed by the Government have received official approval from the Vatican through 'apostolic mandates'. The distinction between the official Catholic Church, which the Government controls politically, and the unregistered Catholic Church has become less clear over time. In some official Catholic churches, clerics led prayers for the Pope, and pictures of the Pope were displayed." **[2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)**

PROTESTANTS (INCLUDING 'HOUSE CHURCHES')

19.16 The USSD International Religious Freedom Report 2008 stated:

> "Officials from the Three-Self Patriotic Movement/China Christian Council (TSPM/CCC), the state-approved Protestant religious organization, estimated that at least twenty million citizens worship in official churches. Government officials stated that there are more than 50,000 registered TSPM churches and 18 TSPM theological schools. The Pew Research Center estimates that between 50 million and 70 million Christians practice without state sanction.

The World Christian Database estimates that there are more than 300 unofficial house church networks." **[2a] (Section I. Religious Demography)**

19.17 An article by *The Economist*, dated 2 October 2008, stated, "Because most Protestant house churches are non-denominational (that is, not affiliated with Lutherans, Methodists and so on), they have no fixed liturgy or tradition. Their services are like Bible-study classes." **[19a]** As reported by the USSD International Religious Freedom Report 2008:

"There were reports of repression of unregistered Protestant church networks and house churches during the reporting period. In some areas, government authorities pressured house churches to affiliate with one of the PRAs and to register with religious affairs authorities by organizing registration campaigns and by detaining and interrogating leaders who refused to register. In other parts of the country unregistered groups grew rapidly and the authorities did not pressure them to register. The website of SARA states that family and friends holding meetings at home (as distinct from formal worship services in public venues) need not register with the Government (the 'Family and Friend Worship Policy'). However, there were many reports that police and officials of local Religious Affairs Bureaus (RABs) disrupted home worship meetings claiming that participants disturbed neighbors or social order, or belonged to an 'evil cult.' Police sometimes detained worshippers attending such services for hours or days and prevented further worship activities. Police interrogated church leaders and laypersons about their worship activities at locations including meeting sites, hotel rooms, and detention centers. NGOs reported that church leaders faced harsher treatment than members, including greater frequency and length of detention, formal arrest, and reeducation-through-labor or imprisonment. According to NGO and media reports, in some cases local officials also confiscated and destroyed the property of unregistered religious groups. Some unregistered religious groups had significant membership, properties, financial resources, and networks. House churches encountered difficulties when their membership grew, when they arranged for the regular use of facilities for the purpose of conducting religious activities, or when they forged links with other unregistered groups or with coreligionists overseas. Urban house churches were sometimes limited to meetings of a few dozen members or less, while meetings of unregistered Protestants in small cities and rural areas could number in the hundreds openly and with the knowledge of local authorities." **[2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)**

19.18 The report stated further:

"A number of Protestant Christians who worshipped outside of government-approved venues, including in their homes, continued to face detention and abuse, especially for attempting to meet in large groups, traveling within and outside of the country for religious meetings, and otherwise holding peaceful religious assemblies in unregistered venues. According to overseas NGOs, raids by police and other security officials on Protestant religious meetings intensified during the reporting period. In June 2008 several prominent religious leaders were harassed, placed under surveillance, restricted to their homes, or forced to leave Beijing during the visit of a delegation of foreign officials. These leaders included religious freedom attorneys Li Baiguang and Li Heping and Christian writer Yu Jie. Police also forced Pastor Zhang Mingxuan, president of the China House Church Alliance (CHCA), a network

of house church groups that reportedly has 300,000 members, and his wife to relocate from Beijing to Hebei Province after they met with members of the visiting delegation. Authorities also reportedly ordered several Christian leaders to leave Beijing until after the Olympics." **[2a] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)**

19.19 The USCIRF Annual Report 2008, published in May 2008, noted:

"Any religious group that refuses to register is technically illegal and subject to various forms of punishment, though in 2007, the response by local officials varied from region to region. In some areas of China, large Protestant 'house church' groups met openly and with the knowledge of local officials; in other areas even small, independent gatherings faced detention, closure, beatings, confiscation of personal property, fines, or, in some cases, criminal prosecution. Though there were problems throughout China, unregistered religious groups experienced the most abuses and harassment in Anhui, Hebei, Henan, Shanxi, and Xinjiang provinces.… Unregistered Protestant groups in China continued to face harassment, detention, fines, beatings, confiscation of property, and arrest during the last year. A secret provincial document reportedly issued in Hubei province in July 2007 reveals that the Chinese government is conducting a nationwide campaign to 'normalize' unregistered Protestant churches by giving them the option of either joining the Three Self-Patriotic Association or being suppressed. In the last year, an estimated 693 Protestant leaders and adherents were arrested, 38 of whom received sentences of one or more years, including in China's infamous 're-education through labor' system. In addition, the State Department estimates that 'thousands' of house church members were detained for short periods in the last year." **[70a] (p171 and 176)**

19.20 A report by Christian Solidarity Worldwide, dated 1 June 2008, stated:

"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." **[74b]**

19.21 The same source noted:

"In April 2008 CAA [China Aid Association] reported that Chinese government officials had launched a strategic campaign, called the 'Anti-illegal Christian Activities Campaign', against house church members in Xinjiang. While both Han and Uyghur Christians have been targeted, the plight of the minority Uyghur Christian population is especially harsh as they face persecution on the grounds of both their unusual religious faith and the broader ethnic persecution of the Uyghur people in Xinjiang. Even the limited religious freedoms protected elsewhere in China are further restricted in Xinjiang and there have been repeated arrests and mistreatment of Christians in Xinjiang

over an extended period. Of particular concern is the use of national security and separatism charges against religious believers." **[74b]**

(See also section 20: Muslims Uighurs)

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

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

RUSSIAN ORTHODOX CHURCH

19.23 The USSD International Religious Freedom Report 2008 noted, "The Russian Orthodox Church operates in some regions, particularly those with large populations of Russian expatriates or with close links to Russia." **[2a] (Section I. Religious Demography)** The same report stated, "The (Russian) Orthodox Church has been able to operate without affiliating with a PRA [Patriotic Religious Association] in a few areas." **[2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)**

19.24 On 27 April 2008 Orthodoxy in China reported, "The Autonomous Orthodox Church of China, formed in 1957, at the present moment does not have serving clerics. Approximately 13,000 citizens of China consider themselves Orthodox, mainly members of the Russian ethnic minority living in PRC, as well as Chinese. In accordance with the laws of PRC, foreign clerics are limited in the possibilities of performing services for the citizens of China on her territory." **[69a]**

Return to contents

Go to list of sources

MUSLIMS

20.01 The USSD International Religious Freedom Report 2008 recorded:

"According to official figures, there are as many as twenty million Muslims. Independent estimates range as high as fifty million or more. There are more than 40,000 Islamic places of worship (more than half of which are in the XUAR) [Xinjiang Uighur Autonomous Region], more than 45,000 imams nationwide, and 10 Islamic schools. The country has ten predominantly Muslim ethnic groups, the largest of which is the Hui, estimated to number more than ten million… Hui Muslims slightly outnumber Uighur Muslims, who live primarily in the XUAR. According to an official 2005 report, the XUAR had 23,900 mosques and 27,000 clerics at the end of 2004, but fewer than half of the mosques were authorized to hold Friday prayer and holiday services. The country also has more than one million Kazakh Muslims and thousands of

Dongxiang, Kyrgyz, Salar, Tajik, Uzbek, Baoan, and Tatar Muslims."
[2a] (Section I. Religious Demography)

UIGHUR(S) (UYGUR, UYGHUR)

20.02 In a report dated 8 February 2007, Radio Free Asia (RFA) stated, "Uyghurs constitute a distinct, Turkic-speaking, Muslim minority in northwestern China and Central Asia. They declared a short-lived East Turkestan Republic in Xinjiang in the late 1930s and 40s but have remained under Beijing's control since 1949." **[73j]**

20.03 As noted by Europa World in its Country Profile for China, accessed on 12 February 2009, there are 8.39 million Uighur in China, accounting for 0.68 per cent of the population. As noted by the same source, the total population of Xinjiang Uygur Autonomous Region is 18.45 million (based on the 2000 census). **[1a] (Area and Population) [18f] (map of Xinjiang)**

20.04 On 17 November 2005 the BBC reported that Han settlers have "… overwhelmed the indigenous Uighurs, Kazakhs and Mongolians." **[9t]** As recorded by the US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009:

"The government's policy to encourage Han Chinese migration into minority areas has significantly increased the population of Han in the XUAR [Xinjiang Uighur Autonomous Region]. In recent decades the Han-Uighur ratio in the capital of Urumqi has shifted from 20 to 80 to 80 to 20 and was a deep source of Uighur resentment. Discriminatory hiring practices gave preference to Han and discouraged job prospects for ethnic minorities. According to 2005 statistics published by XUAR officials, eight million of the XUAR's 20 million official residents were Han. Hui, Kazakhs, Kyrgyz, Uighur, and other ethnic minorities comprised approximately 12 million XUAR residents. Official statistics understated the Han population, because they did not count the tens of thousands of Han Chinese who were long-term 'temporary workers'. While the government continued to promote Han migration into the XUAR and fill local jobs with migrant labor, overseas human rights organizations reported during the year that local officials under direction from higher levels of government have deceived and pressured young Uighur women to participate in a government sponsored labor transfer program. The XUAR government took measures to dilute expressions of Uighur identity, including measures to reduce education in ethnic minority languages in XUAR schools and to institute language requirements that disadvantaged ethnic minority teachers."
[2e] (Section 5)

Human rights in Xinjiang (East Turkestan)

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

20.06 The USSD Report 2008 noted:

> "During the year [2008] authorities increased repression in the XUAR, and targeted the region's ethnic Uighur population. In August officials in XUAR reiterated a pledge to crack down on the government-designated 'three forces' of religious extremism, 'splittism,' and terrorism. In September XUAR CCP Chair Wang Lequan stated that 'this winter and next spring we will launch a concentrated antiseparatist reeducation campaign across the whole region.' It was sometimes difficult to determine whether raids, detentions, and judicial punishments directed at individuals or organizations suspected of promoting the 'three forces' were instead actually used to target those peacefully seeking to express their political or religious views. The government continued to repress Uighurs expressing peaceful political dissent and independent Muslim religious leaders, often citing counterterrorism as the reason for taking action." **[2e] (Section 5)**

20.07 The same source recorded:

> "Uighurs were sentenced to long prison terms, and in some cases executed, on charges of separatism… Possession of publications or audiovisual materials discussing independence or other sensitive subjects was not permitted. According to reports, those possessing such materials received lengthy prison sentences… During the year XUAR officials defended the campaign against separatism as necessary to maintain public order and continued to use the threat of violence as justification for extreme security measures directed at the local population and visiting foreigners. Han control of the region's political and economic institutions also contributed to heightened tension. Although government policies brought economic improvements to the XUAR, Han residents received a disproportionate share of the benefits." **[2e] (Section 5)**

Religious freedom in Xinjiang (East Turkestan)

20.08 In its report of April 2005, Human Rights Watch stated:

> "The Uighurs have long practiced a moderate, traditional form of Sunni Islam, strongly infused with the folklore and traditions of a rural, oasis-dwelling population. Today most Uighurs still live in rural communities, although large cities have emerged in the region. Their history as commercial and cultural brokers between the different people connected by the Silk Road (through which Buddhism was introduced to China from India two millennia ago) gave rise to a markedly tolerant and open version of Muslim faith and a rich intellectual tradition of literature, science, and music. Nineteenth-century travelers to Kashgar noted that women enjoyed many freedoms, such as the right to initiate divorce and run businesses on their own. Sufism, a deeply mystical tradition of Islam revolving around the cult of particular saints and transmitted from master to disciples, has also had a long historical presence in Xinjiang. In daily life, Islam represents a source of personal and social values, and provides a vocabulary for talking about aspirations and grievances. The imam is traditionally a mediator and a moderator of village life, and performs many social functions as well as religious ones." **[7a] (p12)**

20.09 As reported by Forum 18 on 15 August 2006:

"Sufism is found mostly in southern Xinjiang (in Hotan and Kashgar). The Sufi zikr ceremony (ritual songs and dances) is banned, as are rituals at the graves of devout Muslims. Books by Sufi authors are banned and Chinese scholars assert in their research that Sufism is a distortion of Islam… Some Muslims in southern Xinjiang are sympathetic to Wahhabism, Forum 18 found, but unlike in Tajikistan and Uzbekistan they have been frightened into inactivity by the Chinese government's strict policy. As a result, unlike in Uzbekistan, in Xinjiang there are no recorded cases of criminal prosecutions against Wahhabis." **[66e] (p2)**

20.10 The USCIRF Annual Report 2008, published in May 2008, noted:

"During the last year, Uighur Muslim clerics and students have been detained for various 'illegal' religious activities, 'illegal religious centers' have been closed, and police continue to confiscate large quantities of 'illegal religious publications.' The government continues to limit access to mosques, including the participation of women, children, communist party members, and government employees. All imams in Xinjiang are required to undergo annual political training seminars to retain their licenses, and local security forces monitor imams and other religious leaders. Imams at Uighur mosques are reportedly required to meet monthly with officials from the Religious Affairs Bureau and the Public Security Bureau to receive advice on the content of their sermons. Failure to report to such meetings can result in the imam's expulsion or detention. Religious leaders and activists who attempt to publicize or criticize human rights abuses in the XUAR have received prolonged prison terms, on charges of 'separatism,' 'endangering social order,' and 'incitement to subvert state power.' Officials in the XUAR continue to restrict the teaching of Islam to minors… There are reports that in some areas, individuals under the age of 30 are prohibited from attending mosque. Throughout Xinjiang, teachers, professors, university students, and other government employees are prohibited from engaging in religious activities, such as reciting daily prayers, distributing religious materials, observing Ramadan, and wearing head coverings, and are reportedly subject to fines if they attempt to do so. Such standards are reportedly enforced more strictly in southern Xinjiang and in other areas where Uighurs account for a higher percentage of the population." **[70a] (p174-175)**

20.11 The USSD International Religious Freedom Report 2008 noted that officials in Xinjiang tightly controlled religious activity and that Uighur Muslims experienced societal discrimination not only because of their religious beliefs but also because of their status as ethnic minorities with distinct languages and cultures. **[2a] (Introduction to China)** The report stated:

"XUAR authorities continued to restrict Muslim religious activity, sometimes citing counterterrorism as the basis for taking repressive action. In recent years XUAR authorities detained and formally arrested persons engaged in unauthorized religious activities and charged them with a range of offenses, including state security crimes. They often charged religious believers with committing the 'three evils' of terrorism, separatism, and extremism. Because authorities often did not distinguish carefully among those involved in peaceful activities in support of independence, 'illegal' religious activities, and violent terrorism, it was often difficult to determine whether particular raids, detentions, arrests, or judicial punishments targeted those peacefully seeking

political goals, those seeking to worship, or those engaged in violence. The Government reportedly continued to detain Uighur Muslim citizens for possession of unauthorized religious texts, imprison them for religious activities determined to be 'extremist,' and prevent them from observing certain sacred religious traditions. Compared to other provinces and autonomous regions, the XUAR government maintained the severest legal restrictions on a child's right to practice religion, and XUAR authorities in a few areas prohibited women, children, CCP members, and government workers from entering mosques. Tight controls on religion in the XUAR reportedly affected followers of other religions as well. The Government of the XUAR often prohibited public expressions of faith by teachers, professors, and university students, including during Ramadan. Some local officials reportedly called on schools to strengthen propaganda education during Ramadan and put a stop to activities including fasting and professing a religion." **[2a] (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)**

(See also section 26: Women)

(See also section 27: Children)

20.12 In an article dated 9 September 2008, *The Guardian* reported:

"Officials in China's turbulent north-western region of Xinjiang are tightening restrictions on Muslim practices including mass prayers during Ramadan, according to government notices. Government employees and Communist party members are banned from fasting, wearing veils or growing beards, said circulars posted on several official websites. Other measures – which appear to vary area to area – include forcing restaurants to maintain their usual opening hours instead of shifting them in light of dawn-to-dusk fasting. Religious controls are usually stricter during Ramadan but experts say this year's are noticeably stronger and believe it is the first time they have been published rather than passed on orally. A notice on the Zhaosu county website said that ideological education had to be stepped up in the face of 'violent and disruptive activities by religious extremists, separatists and terrorists'." **[41b]**

(See also section 19: Christians Protestants)

Uighur 'terrorist' groups

20.13 In a report dated 21 October 2008, *The Guardian* stated:

"China today issued a wanted list of eight alleged terrorists, calling for their arrest and extradition for plotting attacks on the Beijing Olympics. A spokesman for the public security ministry said the men, all Chinese citizens, were members of the East Turkestan Islamic Movement, which seeks independence for the restive north-western region of Xinjiang. The region saw its worst violence for years in August [2008], with 33 people killed in a spate of attacks around and during the games. No one claimed responsibility but China blamed Uighur separatists… Few details were given of the alleged activities of the men named today. 'The eight are all key members of the ETIM, and all participated in the planning, deployment and execution of all kinds of violent terrorist activities targeting the Beijing Olympics,' said Wu Heping, a spokesman with the ministry of public security. He gave no indication of where the men might be, but called on foreign countries to arrest and extradite them

to China, adding that they posed a threat to security and stability across the region as well as domestically. The list identified 37-year-old Memetiming Memeti as the head of ETIM. Another man has the alias Saifula, which was used in a videotaped message released in July, in which a group calling itself the Turkestan Islamic Party threatened anti-Olympic attacks. Terrorism analysts were sceptical about the video. The UN and US have listed ETIM as a terrorist organisation and there is some evidence of links to al-Qaida, but some analysts believe the connections are exaggerated and largely historic. They have questioned the capacity of separatists to launch attacks outside Xinjiang. Uighur activists overseas accused the government of issuing the list to provide legal cover for a government crackdown in Xijiang. Dilxat Raxit, a spokesman for the Germany-based World Uighur Congress, said China's refusal to release evidence or allow an independent investigation into the recent attacks undercut its accusations of terrorism." **[41f]**

20.14 As reported by the BBC on 15 December 2003, "China has issued its first 'terrorist' wanted list, blaming four Muslim separatist groups and 11 individuals for a string of bombings and assassinations [carried out in the 1990s] and calling for international assistance to track them down." The groups identified were the Eastern Turkestan Islamic Movement (ETIM), the Eastern Turkestan Liberation Organization (ETLO), the World Uighur Youth Congress (WUYC) and the East Turkestan Information Centre (ETIC). This report also noted, "Chinese authorities have blamed ETIM for many of the 200 or more attacks reported in Xinjiang since 1990 and have banned the group for more than a decade. Beijing accuses ETIM of having links to the Taleban in neighbouring Afghanistan and Osama bin Laden's al-Qaeda network, but has produced no supporting evidence." **[9g]**

20.15 In its Country Profile for China dated August 2006, the US Library of Congress stated:

"In 2003 Beijing published an 'East Turkistan Terrorist List,' which labeled organizations such as the World Uighur Youth Congress and the East Turkistan Information Center as terrorist entities. These groups openly advocate independence for 'East Turkestan,' and, although they have not been publicly linked to violent activity, the separatists have resorted to violence, bomb attacks, assassinations, and street fighting, which Beijing responds to with police and military action. During the summer of 2004, elite troops from China and Pakistan held joint antiterrorism exercises in Xinjiang that were aimed at the East Turkistan Islamic Movement, an organization listed as terrorist by China, the United States, and the United Nations (UN). This and other Uygur separatist groups reputedly were trained in Afghanistan to fight with the Taliban and al Qaeda. The East Turkistan Islamic Movement was established in 1990 and has links to the Islamic Movement of Uzbekistan, which operates throughout Central Asia." **[11a]**

Other Uighur opposition groups

20.16 In its report of April 2005, Human Rights Watch stated:

"As the borders of Xinjiang became more porous in the 1980s, a number of young Uighurs went clandestinely to Pakistan to receive the religious education they could not obtain under China's policies. Upon their return, they enjoyed great prestige due to their ventures abroad and their knowledge of

Koranic theology, far beyond that typical among local imams. Small-scale, localized underground religious organizations started to emerge. A long history of tension and opposition to Chinese domination already existed. In this period it began to take on an Islamic color. There is no evidence that Salafism, the radical Islamic ideology connected to many jihadist movements around the world, has taken root to any significant extent in Xinjiang. Proponents of rebellion against Chinese rule have used the vocabulary of Islam and religious grievances against Beijing to justify their actions. These are not, however, mainstream views. Recent reports suggest that Hizb ut-Tahrir (Party of Liberation), a movement which advocates the establishment of a pan-Central Asian caliphate and whose headquarters is located in London, has recently made inroads in Southern Xinjiang, but it has so far never advocated violence. Hizb ut-Tahrir is the object of rigorous repression in Uzbekistan and other Central Asian countries. It remains illegal in China." **[7a] (p12)**

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

HUI (HUIHUI)

20.18 As recorded by Europa World in its Country Profile for China, accessed on 12 February 2009, there are 9.8 million Hui in China, accounting for 0.79 per cent of the population. The same source noted that the total population of the Ningxia Hui Autonomous Region is 5.48 million (based on the 2000 census). **[1a] (Area and Population)**

20.19 The USSD International Religious Freedom Report 2008 noted, "The country has ten predominantly Muslim ethnic groups, the largest of which is the Hui, estimated to number more than ten million. The Hui are centered in Ningxia Hui Autonomous Region, but there are significant concentrations of Hui throughout the country, including in Gansu, Henan, Qinghai, Yunnan, and Hebei Provinces, as well as in the TAR [Tibetan Autonomous Region] and the XUAR [Xinjiang Uighur Autonomous Region]. Hui Muslims slightly outnumber Uighur Muslims, who live primarily in the XUAR." **[2a] (Section I. Religious Demography)**

20.20 As reported by *Asia Times* on 6 September 2006:

"In the past the Hui were among the least orthodox Muslims in the world. Many smoked and drank, few grew beards, and Hui women rarely wore veils. Increased contact with the Middle East, however, has wrought changes. Thousands of Hui students have returned from colleges in Arab countries over the past few years and they have brought with them stricter ideas of Islam. Mosques in Ningxia have now begun to receive worshippers five times a day, more Hui women have taken to wearing headscarves, and skullcaps are in wide evidence. There is a strong identification among the Hui community today with the wider problems of the Islamic world… For many non-Muslim Chinese, this identification of the Hui with communities outside of China is problematic." **[64j]**

Return to contents

Go to list of sources

BANNED SPIRITUAL GROUPS

21.01 The USSD International Religious Freedom Report 2008 noted:

"Beginning in the 1980s, the Government banned groups that it determined to be 'cults' – the Guan Yin (also known as Guanyin Famin, or the Way of the Goddess of Mercy), and Zhong Gong (a qigong exercise discipline). The Government also considers several Protestant Christian groups to be cults, including the 'Shouters' (founded in the United States in 1962), Eastern Lightning, Society of Disciples (Mentu Hui), Full Scope Church, Spirit Sect, New Testament Church, Three Grades of Servants (also known as San Ba Pu Ren), Association of Disciples, Lord God Sect, Established King Church, Unification Church, Family of Love, and South China Church. In 1999 the Government banned the Falun Gong spiritual movement." **[2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)**

21.02 The report continued, "Under Article 300 of the criminal law, 'cult' members who 'disrupt public order' or distribute publications may be sentenced to 3 to 7 years in prison, while 'cult' leaders and recruiters may be sentenced to 7 years or more in prison." **[2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)**

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

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

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

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

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

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

THE SHOUTERS (HUHAN PAI) OR LOCAL CHURCH

21.04 As reported by Belief.net on 9 January 2002, "The Shouters have been targeted by China as an anti-government group since the early 1980s and were banned in 1995. According to a 1994 report by Human Rights Watch-Asia, the Shouters were targeted as a cult because their strong evangelical belief in the second coming of Christ challenged the idea of a future communist utopia." **[71b]**

21.05 In a report dated 4 October 2003, the Local Church Information Site noted:

"The 'Local Church' of Witness Lee is a religious movement whose teachings are rooted in Biblical Christianity, but with several unique elements that have led many observers to label the group a cult. The current movement began in the 1960s in southern California, U.S.A. with the teachings of Chinese-American preacher Witness Lee, and it has since spread through much of North America and parts of Europe and Asia. Churches affiliated with the movement can usually be identified by their name, which almost always follows the pattern 'The Church in [city name]'. Members typically claim that the movement has no official name, although the term 'The Lord's Recovery' is often used internally as a descriptive name. The term 'Local Church' is generally used by outsiders, and refers to the movement's belief that the church should be organized by city, and that individual churches should take the name of the city in which they are located. Other names sometimes used include 'Church of Recovery' (Philippines) and 'Shouters' (China)." **[72a]**

21.06 The same source continued, "Estimates of the size of the 'Local Church' hover around several hundred thousand members worldwide. However, it is difficult to produce precise numbers, largely because it is difficult to gauge the number of adherents and partial adherents to the group's teachings within mainland China itself, where the movement appears to thrive but has been driven underground by government persecution." **[72a]** The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted, "Police (also) continued efforts to close down the underground evangelical group Shouters, an offshoot of a pre-1949 indigenous Protestant group." **[2e] (Section 2c)**

SOUTH CHINA CHURCH

21.07 On 17 January 2002 Christian Solidarity Worldwide (CSW) reported that Gong Sheng Liang and his niece, Li Ying, both founding members of the South China Church, were sentenced to death following a secret trial held on 18 December 2001. "Gong was sentenced to death for 'using an evil cult to undermine law enforcement', causing bodily harm with intent, and rape... Li Ying was also given a death sentence, suspended for two years, for 'using an evil cult to undermine law enforcement' and causing bodily harm with intent." **[74a]**

21.08 As reported by the same source, "The rape charge follows a pattern which has been used against other alleged cult leaders who have been sentenced to

death… The difference in Gong's case is that the South China Church is more widely regarded as a mainstream Christian group and that details of the allegations have not been given in public. The South China Church was founded in 1991 when Gong, who was imprisoned between 1983 and 1986, left the Born Again Movement. The church is estimated to have some 50,000 members." **[74a]**

21.09 A report by CSW, dated 6 June 2006, noted:

"… following an international outcry the cases were re-heard on appeal and Gong was instead sentenced to life in prison. Now in his mid-50s, Pastor Gong has been subject to horrific torture and mistreatment which has left him in danger of his life… Pastor Gong's religious activities prior to his arrest were considered illegal by the Chinese authorities because the South China Church is unregistered and therefore unofficial. Many Chinese Christians prefer to worship at unregistered churches, as the government-sanctioned official church places restrictions on teaching and other church activities." **[74d]**

21.10 The USSD Report 2008 noted, "Government action against the South China Church continued." **[2e] (Section 2c)** In a report dated 12 December 2008, ChinaAid stated:

"Four Christians are missing and many more have been persecuted in Hubei province during the month of November 2008 according to the South China Church house church network. ChinaAid recently received a detailed report from South China Church leaders detailing the arrests, beatings and disappearances of Christians in their house churches in Jingmen city and Xiangfan city areas… Other Christians have been beaten publically by plainclothes officials; their Bibles, personal property and money taken." **[42a]**

THREE GRADES OF SERVANTS CHURCH

21.11 The USSD International Religious Freedom Report 2008 noted that the Three Grades of Servants Church is considered a cult by the government. **[2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)** In a report dated 29 November 2006, Christian Solidarity Worldwide (CSW) stated:

"…China has secretly carried out the execution of three religious leaders from the controversial group Three Grades of Servants. CSW has been informed that the lawyers and family of Mr Xu Shuangfu (60), Mr Li Maoxing (55) and Mr Wang Jun (36) had not received the final verdict from the appeal or been told about the executions when they were carried out… 15 leaders and members of the group have been executed in relation to the case. The three men were convicted of murdering leaders of the Eastern Lightning group and two were also convicted of defrauding members of their own group. The defence lawyers argued that there was no evidence to prove that the three men were involved in the murders. The case has been of particular concern as evidence emerged at the trial that severe torture and sexual abuse had been used against the defendants to extract confessions... The Three Grades of Servants has at least half a million members in China… many of the mainstream Chinese house churches identify Xu's group as controversial and doctrinally cultic..." **[74c]**

Eastern Lightning/Lightning from the East (Dongfang Shandian)

21.12 On 29 November 2006 CSW noted that Eastern Lightning is seen as "nothing more than a violent coercive criminal group" by mainstream Chinese house churches. **[74c]** As reported by *TIME* on 29 October 2001:

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

Jehovah's Witnesses

21.13 In a report dated 8 March 2006, Forum 18 stated, "... Jehovah's Witnesses exist in China in small numbers but are not allowed any legal existence." **[66d]**

Return to contents

Go to list of sources

Falun Gong

21.14 The USSD International Religious Freedom Report 2008 noted, "The Falun Gong is a self-described spiritual movement that blends aspects of Taoism, Buddhism, and the meditation techniques and physical exercises of qigong (a traditional Chinese exercise discipline), with the teachings of Falun Gong leader Li Hongzhi. There are estimated to have been at least 2.1 million adherents of Falun Gong before the Government banned the group in 1999. Hundreds of thousands may practice Falun Gong privately." **[2a] (Section I. Religious Demography)**

21.15 The report also stated:

> "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.

Overseas Falun Gong organizations alleged a surge in arrests and deaths of Falun Gong practitioners carried out in order to prevent disturbance during the Olympic Games. Reports of abuse were difficult to confirm because the Government prevented Falun Gong members from meeting with foreign reporters and government officials. These organizations also reported that the Government harassed their members in other countries, including the United States, through threatening phone calls and physical harassment. The Government frequently used harsh rhetoric against the Falun Gong. Some foreign observers estimated that at least half of the 250,000 officially recorded inmates in the country's reeducation-through-labor camps were Falun Gong adherents. Falun Gong sources overseas placed the number even higher." **[2a] (Section II. Status of Religious Freedom, Abuses of Religious Freedom)**

(See also sections 8 and 12: Torture and Administrative detention/labour camps

21.16 As noted by Amnesty International in its 2008 Report on China, published in May 2008, "Falun Gong practitioners were at particularly high risk of torture and other illtreatment in detention… During the year over 100 Falun Gong practitioners were reported to have died in detention or shortly after release as a result of torture, denial of food or medical treatment, and other forms of ill-treatment." **[6g]**

21.17 The US Commission on International Religious Freedom (USCIRF) stated in its Annual Report, published in May 2008:

"Police continued to detain current and former Falun Gong practitioners and to place them in re-education camps. Police reportedly have quotas for Falun Gong arrests and also target former practitioners. Tens of thousands of Falun Gong practitioners have been sent to labor camps without trial or to mental health institutions for re-education because of their affiliation with an 'evil cult.' Falun Gong practitioners claim that nearly 6,000 practitioners have been sent to prison and over 3,000 have died while in police custody. Some human rights researchers estimate that Falun Gong adherents at one time comprised up to half of the 250,000 officially recorded inmates in 're-education through labor' camps. The UN Special Rapporteur on Torture reported that Falun Gong practitioners make up two-thirds of the alleged victims of torture. Given the lack of judicial transparency, the number and treatment of Falun Gong practitioners in confinement is difficult to confirm. During the Commission's August 2005 visit, high-level Chinese government officials defended the crackdown on the Falun Gong as necessary to promote 'social harmony'. In the past year, reports continued to surface regarding the re-arrest of Falun Gong members who had been released after completing prison terms." **[70a] (p177)**

21.18 The USSD Report 2008 noted, "In January 2007 Ministry of Health spokesman Mao Qunan reportedly acknowledged that the government harvested organs from executed prisoners." **[2e] (Section 1c)** According to the USCIRF Annual Report 2008, published in May 2008, "Numerous allegations of government-sanctioned organ harvesting from incarcerated Falun Gong practitioners have surfaced within the last year. Independent investigation into the practices of a hospital in Sujiatun, Shenyang proved inconclusive. However, based upon a report from two prominent Canadian human rights activists, international human rights organizations have called for an

independent investigation and for continued international attention to allegations of organ harvesting from prisoners." **[70a] (p177)**

21.19 In a report dated 30 April 2007, Amnesty International stated:

"Amnesty International is disturbed by ongoing reports of organs being sold for transplant in China even after the Ministry of Health introduced new regulations banning the practice from 1 July 2006… One official reportedly said that there was a surplus of organs due to an increase in executions ahead of China's National Day on 1 October 2006. On 6 April 2007, the Xinhua news agency published the text of new regulations on organ transplants, apparently aimed at reinforcing the industry-wide regulations passed last year. Due to take effect on 1 May 2007, they include a ban on trading in organs and on live organ transplants from those under the age of 18. They state that donations should be 'voluntary' and 'noncompensatory' and that 'no organization or individual may force, dupe or lure anyone to donate his organs'. However, the regulations make no specific reference to the extraction of organs from death penalty prisoners, suggesting that the practice will continue." **[6h]**

21.20 UNHCR advised in a position paper on Falun Gong, dated 1 January 2005:

"… there exists no evidence known to UNHCR to suggest that all Falun Gong members are being systematically targeted by the Chinese authorities (especially in view of the large numbers involved). Therefore, although membership of Falun Gong alone would not give rise to refugee status, a prominent role in certain overt activities (such as proselytising or organising demonstrations) which bring the membership to the attention of the authorities, may do so. As is general practice, each claim requires an examination on its own merits." **[32c]**

21.21 The Falun Gong website, Falun Dafa Clearwisdom.net, updated on 8 February 2009, stated, "Huge numbers have been forced into brainwashing sessions organized to coerce them to renounce their beliefs. Tens of thousands have been detained, jailed and/or imprisoned. Torture is widespread and systematic, ordered by top Party officials to help wipe out the practice. Police and CCP officials at all levels routinely extort huge sums from those they threaten and arrest, and their families." **[82a]**

21.22 According to the same source, as well as another website called the Falun Dafa Information Centre, accessed on 17 March 2009, practitioners have been subjected to prolonged beatings, scalding with hot irons and long-term sleep deprivation. Other forms of abuse have included being force-fed human faeces or being made to drink isopropyl alcohol (rubbing alcohol used to disinfect wounds). In addition to this practitioners have been made to stand or squat in uncomfortable "stress positions", have had irritants applied to their skin and have been sexually abused by guards or other prisoners acting on their instructions. **[82b] [83a]**

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

Origins and support

21.24 As documented by Maria Hsia Chang in her book *The End of Days: Falun Gong* (2004), Falun Gong/Falun Dafa was founded in 1992 by Li Hongzhi. In the early 1990s Li took advantage of a relaxation in the rules governing the regulation and formation of social groups to formulate his own distinctive brand of the ancient Chinese art of qigong (qi gong) or energy cultivation. He fused this with elements of other religions to create a quasi-religious movement, which encompassed a loose hierarchical structure (technically there are no members, only enthusiastic volunteers) and emphasised high moral standards and good health amongst its followers. Pre-ban (July 1999) followers would gather in public parks and squares to practise the five exercises/movements (see below) which are central to the teachings of Li Hongzhi, also known to his followers as Master Li. **[50c] (p3-8, 60-94)**

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

Guiding principles

21.26 As reported in *Compassion: A Journal of Falun Dafa Around the World* (Issue 5 of 2004):

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

21.27 The source continued:

> "The principles of Falun Gong are captured in the two main books written by Mr. Li Hongzhi: Falun Gong (Law Wheel Qigong) and Zhuan Falun (Turning the Law Wheel). Falun Gong [the book] is a systematic, introductory book that discusses qigong, introduces the principles of the practice, and provides illustrations and explanation of the exercises… Organized in the form of nine lectures, Zhuan Falun is the most comprehensive and essential work of Falun Gong… Both books and instructional videos are available free on the Internet. There is no membership, and no fees collected." **[80] (p40-41)**

Exercises and movements

21.28 As noted in *Healthy Body, Peaceful Heart: Falun Gong – A Path to Your Original, True Self*, a leaflet sent to the Country of Origin Information (COI) Service on 16 August 2005 by the Falun Gong Association UK, "Falun Dafa, also known as Falun Gong, is a traditional Chinese self-cultivation practice that improves mental and physical wellness through a series of easy to learn

exercises, meditation and develops one's 'Heart/Mind Nature (Xingxing)'." **[81a]**

21.29 The five exercises listed on this leaflet are as follows:

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

Sitting Exercise/Meditating Exercise/Tranquil Exercise
5. Way of Strengthening Divine Powers **[81a]**

Possibility of practising in private

21.30 As noted by the USSD Report 2008:

"Public Falun Gong activity in the country remained negligible, and practitioners based abroad reported that the government's crackdown against the group continued… Even practitioners who had not protested or made other public demonstrations of belief reportedly were forced to attend anti-Falun Gong classes or were sent directly to RTL [reeducation-through-labour] camps. These tactics reportedly resulted in large numbers of practitioners signing pledges to renounce the movement." **[2e] (Section 2c)**

21.31 As reported by the Canadian Immigration and Refugee Board (IRB) in an extended response on the situation of Falun Gong practitioners and their treatment by state authorities (2001–2005), Gail Rachlin from the Falun Dafa Information Centre (FIC) told the IRB that since 2003 many practitioners had given up because of the fear of persecution. However, according to Rachlin, "…many have subsequently resumed their involvement in Falun Gong and many others have newly joined the practice." **[3c]**

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

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

"It appears that the situation for Falun Gong practitioners has deteriorated since 1999. Following the self-immolation of a number of Falun Gong members in Tiananmen Square in January 2001, the crackdown intensified and the movement lost many supporters. This appears to have had two consequences. Firstly, there have since then been no known public manifestations of Falun Gong practitioners in China. Secondly, although it is still correct to say that membership per se does not adequately substantiate a

claim to refugee status, and members are not 'sought out' at home, even lower level members may risk longer-term detention if they go out and practice in public. Likely punishment would be detention without trial for approximately four years in so called 'reform through labour' camps and (extra-judicial) police beatings that often accompany such detention. Thus, the likelihood of members/practitioners returning to China now and engaging in public activities is low." **[32c]**

Denunciation documents

21.34 In response to a series of questions submitted by the COI Service, the Falun Gong Association (UK) supplied the following information on 25 August 2006:

1) How widespread is the use of denunciation documents in Chinese prisons and labour camps?

"Practically universal. However, for administrative or other forms of detentions, which last normally up to 15 days or 30 days, the document is less widely used. The released could well be send [sic] to a brain washing 'class' later where making an renunciation statement is expected and those failing to do so could end up in a labour camp." **[81b]**

2) Once a practitioner has sign[ed] a document denouncing Falun Gong are they released immediately or are they required to assist in the "re-education" of other "unreformed" practitioners?

"This varies from case to case and the recent practice is also different to earlier ways. It is now common practice for a labour camp to hold on to the prisoner for a few more months to observe whether the 'transformation' had been solid before release, because many recant their statements made in labour camps after release. It is also well known that some who were 'transformed' and cooperated closely with the labour camps were retained for long periods rather than released by the facilities to 'transform' others." **[81b]**

3) Are practitioners given a copy of this document on their release?

"We are not aware of any case where the released is given a copy of the document on his/her release, although in an incident in Europe the regime is known to have posted such a statement to fellow practitioners of the released as a way of humiliating him and undermining trust in him. Because this particular statement was extracted by the labour camp after the practitioner was tortured with 6 electric batons, it has been an extremely emotive issue and making public the statement has so far not been possible." **[81b]**

"The denunciation or renunciation statement has no particular form or a specific set of words. In the earlier years of the persecution, the statement consists of pledges of a.) not practising Falun Gong, b.) not communicating with other Falun Gong practitioners, and c.) not appealing for Falun Gong in Beijing. In later years, apparently to make the "transformation"s [sic] more solid, words to the effect of attacking Falun Gong were required in statements in many cases." **[81b]**

4) How likely is it that a detained practitioner could be released without signing a document denouncing Falun Gong?

"Practically no one would be released from a labour camp or prison without signing a renunciation statement. However, as mentioned in my answer to Question 1, such statements are not as often used on practitioners in various forms of detention which last up to 15 days or 30 days." **[81b]**

Important dates for foreign-based practitioners

21.35 Further to this the Falun Gong Association (UK) also supplied information on dates commemorated by foreign-based practitioners:

25 April
"This is the anniversary of the protest by 10,000 practitioners outside Zhongnanhai, the communist regime headquarters in Beijing, China. This incident in 1999 is thought to have triggered the decision by the former head of the Chinese Communist Party, Jiang Zemin, to order the persecution, which started nearly three months later on 20 July 1999. The commemoration activities typically consist of protest rallies and/or parades usually in front of the Chinese embassies/consulates or other public open spaces. Public open air exhibitions about the persecution, including torture and organ harvesting, could also form a part of the events. Practitioners may also give out flyers about the atrocities and collect signatures for petitions." **[81b]**

13 May (Falun Dafa Day)
"This is the day when Falun Gong was publicly introduced in China in 1992, and also the birthday of the founder of Falun Gong [Li Hongzhi]. The [sic] is an anniversary event typically for celebrations featuring performance of the Falun Gong exercises in public open spaces together with performances of Chinese dances, songs, calligraphy, and other art forms of the traditional Chinese culture of which qigong including Falun Gong is a part. Depending on the place and the year concerned, some efforts made [sic] also be made to raise awareness of the persecution." **[81b]**

20 July
"Anniversary of the start of the persecution of Falun Gong by the communist regime in China [in 1999] (see also the item for 25 April) This is commemorated with the aim of raising awareness of the persecution and the form of commemoration is usually the same as that for 25 April." **[81b]**

Treatment of Falun Gong practitioners' relatives

21.36 As noted by the USSD Report 2008, family members of some Falun Gong practitioners were targeted for arbitrary arrest, detention and harassment. **[2e] (Section 1f)** On 11 July 2007 the Canadian IRB recorded:

"In 8 June 2007 correspondence, a representative of the Falun Dafa Association of Canada stated that [the Chinese] authorities use ... family members as 'hostages' to force [Falun Gong] practitioners to give up the practice. If practitioners do not cooperate with the authorities, their family members are subject to punishment as well... The punishment includes harassment by the police (random visit by police to the home), arbitrary interrogation, losing [a] job, losing [the] chance of promotion, losing [a] pension/state housing, etc. The Representative further noted that there have been cases of arrests of family members of Falun Gong practitioners… The

United States (US)-based Falun Gong Human Rights Working Group (FGHRWG)… similarly notes that the Chinese government 'torments' family members of Falun Gong practitioners to pressure them to renounce the practice... 'brothers and sisters are fired from their jobs, elders are stripped of their retirement benefits, and children are expelled from school'. In a submission to the Senate Foreign Affairs Committee of Australia, the Falun Dafa Association of New South Wales indicates that, besides 'common' Falun Gong practitioners, Chinese authorities have also targeted 'family, friends and workplaces of practitioners, overseas practitioners, as well as ... non-practitioners.'" **[3y]**

21.37 The same source recorded:

"The Representative of the Falun Dafa Association of Canada noted in her correspondence that there have been reports that persons who assist Falun Gong practitioners could face fines, threats and 'harassment,' even though they themselves are non-practitioners… In 31 August 2005 correspondence from the New York-based Human Rights in China (HRIC), a representative indicated that the organization has heard of cases in which non-practitioners have been detained by police after Falun Gong adherents slipped pamphlets on the movement under their door and a 'neighbour with a grudge' proceeded to alert authorities… such episodes are more common in the northeastern and central regions of China… a 'certain percentage' of Public Security Bureau (PSB) officials 'just want to make arrests and look like they're doing their jobs, especially if they're part of a 'stability bureau' entrusted with keeping a lid on troublesome elements like [Falun Gong].'" **[3y]**

21.38 On 26 June 2008 the Canadian IRB recorded:

"…many children [of Falun Gong practitioners] are left unattended and sometimes homeless following the arrest of their parents… 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'… A 20 March 2005 report by the Global Mission to Rescue Persecuted Falun Gong Practitioners (GMR)… 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… the UNA [United Nations Association] – San Diego Chapter says that children of Falun Gong practitioners 'have become direct targets of police'… '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'." **[3v]**

Monitoring of activists abroad

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

21.40 This report stated:

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

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

Return to contents

Go to list of sources

ETHNIC GROUPS

22.01 The US Library of Congress, in its Country Profile for China dated August 2006, noted:

> "Besides the majority Han Chinese, China recognizes 55 other nationality or ethnic groups, numbering about 105 million persons, mostly concentrated in the northwest, north, northeast, south, and southwest but with some in central interior areas. Based on the 2000 census, some 91.5 percent of the population was classified as Han Chinese (1.1 billion). The other major minority ethnic groups were Zhuang (16.1 million), Manchu (10.6 million), Hui (9.8 million), Miao (8.9 million), Uygur (8.3 million), Tujia (8 million), Yi (7.7 million), Mongol (5.8 million), Tibetan (5.4 million), Bouyei (2.9 million), Dong (2.9 million), Yao (2.6 million), Korean (1.9 million), Bai (1.8 million), Hani (1.4 million), Kazakh (1.2 million), Li (1.2 million), and Dai (1.1 million). Classifications are often based on self-identification, and it is sometimes and in some locations advantageous for political or economic reasons to identify with one group over another. All nationalities in China are equal according to the law. Official sources maintain that the state protects their lawful rights and interests and promotes equality, unity, and mutual help among them." **[11a]**

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

> "About half of the territory of the People's Republic of China (PRC) is inhabited by people who are not ethnic Chinese (i.e., are non-Han). Not all are officially acknowledged by the state, but the 54 ethnic groups that are recognized

comprise 8.4 per cent of the population. The presence of so many non-Han did not come about by immigration, but rather by the expansion of territory under Chinese control. Historically, when China was ruled by Han, the territory under their direct administration was, roughly speaking, the territory which was (and still is) inhabited by Han; this did not include Tibet, Xinjiang, greater Mongolia, and the northeast (Manchuria)… Thus, the PRC is exceptional in Chinese history, a Han-dominated government administering not only the Han areas but also the lands occupied by the many nations now deemed to comprise 'ethnic minorities' of China." **[32d] (p1)**

22.03 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

"Most minority groups resided in areas they traditionally inhabited. Government policy calls for members of recognized minorities to receive preferential treatment in birth planning, university admission, access to loans, and employment. However, the substance and implementation of ethnic minority policies remained poor, and discrimination against minorities remained widespread. Minority groups in border regions had less access to education than their Han counterparts, faced job discrimination in favor of Han migrants, and earned incomes well below those in other parts of the country. Government-run development programs often disrupted traditional living patterns of minority groups and included, in some cases, the forced relocation of persons. Han Chinese benefited disproportionately from government programs and economic growth. As part of is [sic] emphasis on building a 'harmonious society,' the government downplayed racism against minorities, which remained the source of deep resentment in the XUAR, Inner Mongolia Autonomous Region, and Tibetan areas." **[2e] (Section 5)**

22.4 In a report dated 25 April 2007, Human Rights in China (HRIC) stated:

"Although there have been attempts to address the growing disparities within its borders, China's rapid economic transformation has not improved the lives of ethnic minorities overall. Instead, there continue to be sharp inequalities in basic social services, such as education and health, while income and unemployment comparisons show that persons belonging to ethnic groups fall behind national averages and those for Han Chinese. The costs of inequitable development are high for those living in rural areas, and political exclusion from the process means that solutions are not necessarily made in the best interest of local ethnic minorities. The Western Development Strategy (WDS), targeting the western provinces and autonomous regions, is intended to 'modernize' these areas and narrow the development gap between the interior and the wealthier coastal provinces. Given the potential for discontent in such inequitable situations, however, the WDS is widely seen as a political tool for strengthening national unity through 'common prosperity'. Its official development goals are undermined by three unspoken but overarching objectives –resource extraction from the borderlands to benefit the coast, assimilation of local ethnic minority groups through Han Chinese population transfers to the autonomous areas, and the alternate purpose of infrastructure development for military use. These policies and the failure of the government to address the resulting inequalities and discrimination contribute to the violations of human rights for ethnic minorities." **[39b]**

(See also section 20: Muslims for information on the Uighur and Hui ethnic groups)

(See also section 27: Children Health issues)

(See also section 28: Family planning ('one child policy') Ethnic minorities)

KOREANS

22.05 As noted by Europa World in its Country Profile for China, accessed on 12 February 2009, there are 1.9 million Koreans in China, accounting for 0.16 per cent of the population (based on the 2000 census). **[1a] (Area and Population)** The Canadian Immigration and Refugee Board (IRB) recorded on 12 February 2003, "There are an estimated 1,920,000 Chaoxian (Korean) people living in the Chinese provinces of Jilin, Heilongjiang and Liaoning; however the majority of Chaoxian people live in the Yanbian Chaoxian Autonomous Region of Jilin." **[3s]**

(See also section 32: Foreign refugees North Korean refugees)

(See also COI Report: Democratic People's Republic of Korea http://www.homeoffice.gov.uk/rds/country_reports.html)

MONGOLIANS

22.06 Europa World, accessed on 12 February 2009, stated in its Country Profile for China that there are 5.8 million Mongolians there, accounting for 0.47 per cent of the population. The total population of the Inner Mongolian (Nei Mongol) Autonomous Region is 23.3 million (based on the 2000 census). **[1a] (Area and Population)**

22.07 As reported by Amnesty International on 28 January 2005:

"Political activist Hada has been routinely tortured at the prison in northern China where he is serving a 15-year sentence for 'separatism' and 'espionage'. Amnesty International considers him a prisoner of conscience, imprisoned solely for the exercise of his right to freedom of expression and association, and fears he is at risk of further torture. His health is reportedly failing and he is suffering from psychological problems as a result of the torture. Hada was detained in 1995, reportedly because of his involvement in an organization called the Southern Mongolian Democratic Alliance, which aimed to promote human rights, Mongolian culture and greater autonomy for China's minority nationalities." **[6e]**

(See also COI Key Documents: Mongolia http://www.homeoffice.gov.uk/rds/country_reports.html)

Return to contents

Go to list of sources

TIBET

23.01 As noted by Europa World in its Country Profile for China, accessed on 12 February 2009, there are 5.4 million Tibetans within China, accounting for 0.44 per cent of the population. The same source noted that the total population of the Tibetan Autonomous Region (TAR) is 2.6 million (based on the 2000 census). **[1a] (Area and Population) [18b] (map)**

23.02 Europa World also recorded:

"Tibet (Xizang), hitherto a semi-independent region of western China, was occupied in October 1950 by Chinese Communist forces. In March 1959 there was an unsuccessful armed uprising by Tibetans opposed to Chinese rule. The Dalai Lama, the head of Tibet's Buddhist clergy and thus the region's spiritual leader, fled with some 100,000 supporters to Dharamsala, northern India, where a government-in-exile was established. The Chinese ended the former dominance of the lamas (Buddhist monks) and destroyed many monasteries. Tibet became an 'Autonomous Region' of China in September 1965, but the majority of Tibetans have continued to regard the Dalai Lama as their 'god-king', and to resent the Chinese presence… in 1988 the Dalai Lama proposed that Tibet become a self-governing Chinese territory, in all respects except foreign affairs." **[1a] (Recent History)**

(See also section 1: Tibetan names)

HUMAN RIGHTS IN TIBET

23.03 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

"The government's human rights record in Tibetan areas of China deteriorated severely during the year. Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest, extrajudicial detention, and house arrest. Official repression of freedoms of speech, religion, association, and movement increased significantly following the outbreak of protests across the Tibetan plateau in the spring. The preservation and development of Tibet's unique religious, cultural, and linguistic heritage continued to be of concern." **[2e] (Tibet)**

23.04 The report continued:

"On March 10 [2008], monks and nuns from a number of monasteries mounted peaceful protests in Lhasa and other Tibetan communities to commemorate the anniversary of the 1959 Tibetan uprising. During the next few days, laypeople joined the protests. Local police attempted to contain the demonstrations with tear gas and detentions and conducted searches of local monasteries and homes. On March 14 and 15, rioting occurred in Lhasa after security officials used force to arrest some demonstrators, including monks. Some protesters resorted to violence, in some cases deadly, against ethnic Han and Hui residents. Protesters damaged property and stole from non-Tibetan businesses and government buildings. The demonstrations quickly spread to other ethnic Tibetan communities in the TAR as well as in Qinghai, Gansu, and Sichuan provinces, as protesters conveyed solidarity with the

monks and nuns, and expressed frustration over restrictions on fundamental rights, including religious practice, and unequal economic and educational opportunities. The government responded by deploying large numbers of People's Armed Police (PAP) troops to Tibetan areas and violently suppressing demonstrations, which resulted in killings. PAP troops also conducted random searches and arbitrary arrests, and severely limited movement of Tibetans and foreigners. Protests, which at times turned violent, continued in the TAR and Tibetan areas of Sichuan, Gansu and Qinghai during the second half of the year." **[2e] (Tibet)**

23.05 In its Annual Report 2008 on the Human Rights Situation in Tibet, the Tibetan Centre for Human Rights and Democracy (TCHRD) stated:

"The uprising in Tibet in 2008 saw at least 120 known Tibetans killed in police firing, at least 6500 Tibetans arrested, over a thousand cases of involuntarily or enforced disappearance, at least ten known cases of death due to torture, and at least 190 Tibetans sentenced to varying prison terms from nine months to life imprisonment. The Tibetan Centre for Human Rights and Democracy (TCHRD) believes that the actual figures could be manifold in light of the magnitude of the uprising in Tibet. However, the government's severe blockade of information which is often linked to 'leaking state secrets' and punishable by lengthy prison terms under the charge of 'endangering state security' for what is a standard practice of reporting human rights violation has enormously stifled the flow of information." **[45a] (p5)**

23.06 In an interview with AsiaNews on 30 April 2008, Urgen Tenzin, executive director of the TCHRD, stated:

"Since the deadline of 17 March [2008] given by the Chinese authorities to the peaceful protestors to surrender, more than 5,000 Tibetans have been arrested by the Chinese police. More than one thousand have been subjected to brutality and torture and many of those who were released are in a very delicate state of mind and body. Many of the Tibetans who come out of detention centres are in unstable condition… Chinese officials have been indoctrinated by a ruthless political ideology that views torture as a legitimate tool to eliminate the 'elements of counter-revolution'… Since the 10 March peaceful protests, Tibetans languishing inside prisons have been accused by the Chinese of 'endangering state security'. Just expressing a point of view that goes against government policy leads to arrest for 'political dissent' and 'subversive opinions'. Chinese officials have made statements to the effect that Tibetans have confessed; this is likely what will happen to the 17 who were arrested and tragically the world will be informed that they had 'confessed' their crimes. But these so called confessions would have been extracted as a result of torture. The Chinese are known to use torture as an instrument of 'state control' on Tibetans, guilty of 'political dissent' and 'subversive opinions'. Tibetans have been arrested and tortured for speaking with foreigners, singing patriotic songs, possessing photos of His Holiness the Dalai Lama and so on; these things have been going on for many, many years. At the moment, our monasteries are surrounded by military forces, and under the strict surveillance of Chinese police. The situation inside Tibet is very tense, and we are extremely concerned. As the countdown to the Beijing Olympics begins, the extreme clampdown of information is taking place and this only bodes ill for our fellow Tibetans." **[58a]**

(See also section 8: Security forces Torture)

23.07 On 7 September 2006 Radio Free Asia (RFA) reported the arrest of a 16-year-old Tibetan girl in Karze (Ganzi), Sichuan province, for handing out pro-independence leaflets. **[73e]** On 9 March 2007 RFA reported that a prominent local businessman was imprisoned for three years after banned CDs of the Dalai Lama's teachings were found in his home. **[73h]** On 21 March 2007 the same source reported, "Chinese police detained at least one person when several hundred Tibetans in Lhasa took part in an outlawed incense-burning there in a rare open display of opposition to Chinese rule." **[73a]**

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

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

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

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

23.10 On 10 March 2009 AsiaNews reported:

"The Dalai Lama has accused China of having killed 'tens of thousands of Tibetans' and of having transformed Himalayan homeland into a 'hell on earth'. In a speech marking the 50th anniversary of the failed revolt against Chinese occupation the Buddhist leader repeated his demands for a 'legitimate and meaningful autonomy' for Tibet, even under Beijing's sovereignty… 'Even today Tibetans in Tibet live in constant fear,' he went on. 'Their religion, culture, language, identity are near extinction. The Tibetan people are regarded like criminals, deserving to be put to death'. China considers its occupation of Tibet to be 'freedom from slavery' and oppression of the feudel lords and monks and claims that it has ceaselessly worked to develop the region, not least by realising a super fast train system that unites Beijing and Lhasa. The Dalai Lama continued saying that 'Many infrastructural developments... which seem to have brought progress to Tibetan areas were really done with the political objective of Sinicising Tibet'. The spiritual leader also underlined the failure of dialogue between the exiled government and Beijing and commemorated those killed last year, when non violent

demonstrations turned into clashes with the Han population and Chinese military leading to the death of an estimated 200 people and the arrest of thousands more. Some factions of his government are pressing for a more radical fight against China. The Dalai Lama, in refuting this path of violence, affimed that Tibetans 'are looking for legitimate and meaningful autonomy, an arrangement that would enable Tibetans to live within the framework of the People's Republic of China'. Beijing continues to accuse the leader of seeking independence for the region. In recent days many party leaders approved a tighter grip against what they define as 'Tibetan separatism'." **[58f]**

Political prisoners held in Tibet

23.11 The USSD Report 2008 stated:

"The number of political prisoners in Tibetan areas, estimated at 95 in 2007, rose sharply due to the March [2008] unrest. Although exact figures were unavailable, the TCHRD placed the number of Tibetans detained in the months following the protests at more than 6,500. Based on information available from the Congressional Executive Commission on China's (CECC) political prisoner database (PPD), at year's end there were 550 political prisoners imprisoned in Tibetan areas. However, the actual number of Tibetan political prisoners and detainees was believed to be much higher. Of the 550 documented political prisoners and detainees, 463 were detained on or after March 10 and 385 political prisoners were Tibetan Buddhist monks and nuns. At year's end the CECC PPD contained sentencing information on only 20 of the Tibetan political prisoners. The judicial system imposed sentences on these 20 political prisoners ranging from one year to life imprisonment. An unknown number of prisoners continued to be held under the RTL system." **[2e] (Tibet)**

23.12 On 11 February 2009 *The Guardian* stated, "China has sentenced 76 people and detained more than 950 since last year's deadly riots in Tibet, state media reported today… Last month, the authorities in Lhasa launched a 'strike hard' campaign in which at least 81 people were detained and thousands checked by security officials." **[41k]**

Tibetan Buddhism

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

23.14 The USSD International Religious Freedom Report 2008 noted:

"The Government remained wary of Tibetan Buddhism and its links to the Dalai Lama in particular, and tightly controlled religious practices and places of worship in Tibetan areas. Although authorities permitted many traditional religious practices and some public manifestations of belief, they promptly and forcibly suppressed any activities that they viewed as vehicles for separatism, political dissent, or Tibetan independence. This included religious activities

that officials perceived as supporting the Dalai Lama. During the reporting period, the Government intensified its rhetoric against the Dalai Lama." **[2a] (Tibet) (Section II. Status of Religious Freedom, Legal/Policy Framework)**

23.15 The same source stated further:

"Government officials often associated Buddhist monasteries with pro-independence activism in Tibetan areas. Although the Government did not contribute to the monasteries' operating funds, it oversaw the daily operations of major monasteries through the Democratic Management Committees (DMCs) and local religious affairs bureaus (RABs). Regulations restrict leadership of many DMCs to 'patriotic and devoted' monks and nuns and specify that the Government must approve all members of the committees. At some monasteries, government officials are among the members of the committees. The Government stated that there were no limits on the number of monks in major monasteries and that each monastery's DMC could decide independently how many monks the monastery could support. In practice, the Government imposed strict limits on the number of monks in major monasteries..." **[2a] (Tibet) (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)**

23.16 The report also stated:

"The Government expanded and publicized its 'patriotic education' campaigns in monasteries and nunneries after 1995. As part of these campaigns, monks and nuns are required to affirm that Tibet is an inalienable part of the PRC, denounce the Dalai Lama, and recognize the government-appointed Panchen Lama. The primary responsibility for conducting monastic political education remained with monastery leaders. While the form, content, and frequency of patriotic training at monasteries varied widely, the conduct of such training remained a requirement and was a routine part of monastic management. Several media sources reported that frustration among Tibetan Buddhists with these campaigns was a source of unrest in Tibetan areas both inside and outside of the TAR." **[2a] (Tibet) (Section II. Status of Religious Freedom, Legal/Policy Framework)**

23.17 As reported by the USCIRF Annual Report 2008, published in May 2008:

"Refusal by monks and nuns to denounce the Dalai Lama or to pledge loyalty to Chinese Communism is met with expulsion from their monasteries, imprisonment, and torture... During the last year in Ganzi Tibetan Autonomous Region, the government forced many monks to sign statements denouncing the Dalai Lama and compelled parents to withdraw their children from education programs at monasteries… On January 1, 2008, the government issued implementation guidelines for the NRRA [National Regulations on Religious Affairs] in Tibetan Autonomous Region (TAR). The regulations continue to assert state control over all aspects of Tibetan Buddhist belief and practice, including more specific control over the movement of monks and nuns, religious training, the building or repairing of religious venues, and the conducting of large-scale religious gatherings. When the new implementation guidelines for Tibet were issued, official media reports indicated that they were intended to 'resist the Dalai Clique's separatist activities.'" **[70a] (p172-173)**

23.18 The TCHRD Annual Report 2008 stated, "Since the March 14 [2008] protests, the Chinese government has renewed on an unprecedented scale an ideological struggle against the Tibetans under the banner of 'patriotic education' campaign. As a result, this year, Tibet saw its severest attacks on her religious identity and culture. It was not just a violation of the freedom of worship and practice but a systematic crackdown on the Tibetan Buddhist culture and way of life." **[45a] (p84)**

Possessing pictures of the Dalai Lama

23.19 The USSD International Religious Freedom Report 2008 stated:

> "Government officials maintained that possessing or displaying pictures of the Dalai Lama was not illegal and that most TAR residents chose not to display his picture. In practice, the ability of Tibetans to display the Dalai Lama's picture varied regionally and with the political climate. The Implementing Regulations state that 'religious personnel and religious citizens may not distribute books, pictures, or other materials that harm the unity of the nationalities or endanger state security.' Photos and books of the Dalai Lama are deemed to fall into this category. During the reporting period, pictures of the Dalai Lama were not openly displayed in major monasteries and could not be purchased openly in the TAR. In Tibetan areas outside the TAR, visitors to several monasteries saw pictures of the Dalai Lama displayed in inconspicuous areas. The Government continued to ban pictures of Gendun Choekyi Nyima, the man widely recognized as the Panchen Lama. According to numerous reports, authorities in many Tibetan areas confiscated or defaced photographs of the Dalai Lama found in monasteries and private residences following the March 2008 unrest. Furthermore, authorities appeared to view possession of such photos or material as evidence of separatist sentiment when detaining individuals on political charges. Merchants who ignored the restrictions and sold Dalai Lama-related images and audiovisual material reported that authorities frequently imposed fines on them." **[2a] (Tibet) (Section II. Status of Religious Freedom, Restrictions on Religious Freedom)**

23.20 As reported by the USCIRF Annual Report 2008, published in May 2008, "Police (also) forcibly confiscated several pictures of the Dalai Lama and copies of his writings from the monks' private dormitories." **[70a] (p172)**

The Panchen Lama

23.21 The USSD International Religious Freedom Report 2008 noted that most Tibetans continue to recognise the Dalai Lama's choice, Gendun Choekyi Nyima, as the true Panchen Lama. **[2a] (Tibet)**

23.22 The USCIRF Annual Report 2008, published in May 2008, recorded:

> "The Chinese government continues to deny repeated international requests for access to the 19-year-old man Gedhun Choekyi Nyima, whom the Dalai Lama designated as the 11th Panchen Lama when he was six years old. While he is technically 'disappeared,' government officials have claimed that he is being 'held for his own safety,' while also insisting that another boy, Gyaltsen Norbu, is the 'true' Panchen Lama. In recent years, Chinese authorities have, on several occasions, featured Norbu in public ceremonies

where he stresses the importance of loyalty to the Communist government and endorses the government's official version of Tibetan history." **[70a] (p173)**

Monastic life

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

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

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

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

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

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

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

lineages, and each order has its own history and major figures, but the similarities are pervasive." **[50d] (Emphasis retained)**

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

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

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

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

"Self-censorship is an important tool, but peer censorship is probably more important. The PRC tells monks that if any of the residents of a particular monastery do things that anger the Chinese, the whole monastery will suffer, but they're vague on exactly what will anger them. They do the same thing with groups of travellers (all foreigners are required to join a group that is monitored by a government-approved guide). At one monastery I visited in 2001 (Tashilhunpo), one of the monks told me that there were 22 Chinese security personnel in the monastery full time, and they were monitoring 73 monks. Other monasteries I visited had military bases right next to them, and all religious activities are very closely monitored. There are resident Chinese security personnel in many monasteries, and their job is to keep a close eye on the monks. Monks and nuns have been at the forefront of anti-Chinese agitations, and so the PRC is deeply suspicious of them. Monks are routinely required to sign declarations of allegiance to the PRC, the Communist Party,

and to its policies, as well as denunciations of the Dalai Lama. Recent research by human rights groups such as Amnesty International and Human Rights Watch have concluded that there is no freedom of religion in Tibet today, and I reached the same conclusion during my visit there in 2001." **[50d]**

Consequences for expelled monks

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

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

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

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

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

6) If a monk was expelled would he be able to return to his home village?

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

Tibetan refugees in India

23.25 On 17 April 2008 the BBC reported:

> "Tens of thousands have crossed into India since 1959, when Chinese put down a Tibetan uprising. Many of the refugees were housed in settlements in southern and other parts of India in the 1960s and 1970s. Because of dwindling economic opportunities in the settlements, more recent refugees have settled in the north. The city of Dharamsala in the Himalayan foothills, where the Dalai Lama and Tibetan government-in-exile are based, is the hub of the diaspora. The precise number of Tibetans now living in India is unknown. The most common estimates are between 100,000 and 120,000. But according to Thierry Dodin of the London-based information service Tibetinfonet this is almost certainly too low, and the figure could be as high as 200,000. The picture is further blurred by fluctuations. Every year, at least 2,000 people arrive from China – mainly through remote mountain passes via Nepal – while unknown numbers return home. Whatever the numbers, India's Tibetan minority is highly visible. According to Mr Dodin, this is due to both the entrepreneurial zeal of many exiles, who have set up businesses and travel a lot, and to the prestige of the Dalai Lama – which is as high in India as it is in the West." **[9j]**

23.26 The report continued, "The activities of the Central Tibetan Administration (CTA) – as the government-in-exile is officially known – are closely monitored but fairly free. Overt anti-Chinese agitation, however, is frowned upon. In March [2008], Indian police barred several hundred exiles from starting a march on Tibet. The CTA is not recognised as a government by any country – including India – but it receives aid for its work among exiles." **[9j]**

Legal status of Tibetans in India

23.27 As noted by Julia Meredith Hess in Vol. 44 (1) (2006) of *International Migration* (a publication of the International Organisation for Migration):

> "The vast majority of the approximately 100,000 Tibetans living in India have chosen to remain stateless, rather than adopt Indian citizenship… Tibetans and other people who flee persecution in their own land are handled legally under India's Foreigner's Act dating from 1946. Thus, the government is free to expel refugees as it would any other foreigners. However, Tibetans' 'refugee status' is often referred to, indicating the understood de facto nature of Tibetans' presence in India as refugees [India is not a signatory to the 1951 Refugee Convention]… Under the Foreigner's Act, Tibetans are required to obtain a 'registration certification', which must be renewed on an annual basis." **[24a] (p 81-82)**

23.28 As of 1994 the Indian government has adopted an unofficial policy of denying registration certificates to Tibetans. In theory, Tibetans without registration cards can be arrested and deported back to China but in practice India allows unregistered Tibetans to remain in India for extended periods. Most Tibetans born in India choose not to apply for Indian citizenship on the basis that to do so would be an admission that they will never be able to return to Tibet. **[24a] (p 83-84) (IOM, 2006)**

23.29 On 17 April 2008 the BBC reported:

> "The legal status of many Tibetan exiles is as unclear as their numbers. Most of those who cross into Nepal lack valid travel documents and few obtain a card from the UN refugee agency, UNHCR… Many are unable to obtain residence permits once they reach India, the UNHCR adds. Indian residence permits, which were once routinely granted to Tibetans, are now only automatically available to the children of those who arrived before 1979. There are ways for newcomers to overcome Indian reluctance to grant residency, but they involve lengthy tussles with officialdom and often bribes. Those who obtain legal status are free to work and own property, but they do not have the same rights as citizens – such as formal participation in politics or the ability to carry an Indian passport – the UNHCR says." **[9j]**

(See also COI Report: India
http://www.homeoffice.gov.uk/rds/country_reports.html)

TIBETAN REFUGEES IN NEPAL

23.30 The US State Department's 2008 Country Report on Human Rights Practices: Nepal (USSD Nepal Report 2008), published on 25 February 2009, recorded, "The [Nepalese] government is not a signatory to the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, and the laws do not provide for the granting of asylum or refugee status. The government, however, has in place ad hoc administrative policies that provide some protection for Bhutanese and Tibetan refugees." **[2d] (Section 2d)**

23.31 The same source noted:

> "Between 1959 and 1989, the government accepted approximately 20,000 Tibetan refugees as residents. Since that time most Tibetans arriving in the country have transited to India. However, some remained or returned, although the exact number was not known. Following the March 10 [2008] protests and subsequent riots in the Tibet Autonomous Region and other Tibetan areas of China, the People's Republic of China closed the border with Nepal. From March to July almost no Tibetans were able to enter the country. By year's end, however, the situation appeared to ease slightly. Small but gradually increasing numbers of Tibetans began to arrive from Tibet beginning in August. There were credible reports by Tibetan refugees and international observers of increased harassment by Chinese border guards, and various reports indicated Chinese authorities often operated on the Nepali side of the border, with the knowledge and consent of Nepali border officials." **[2d] (Section 2d)**

23.32 On 28 March 2008 the BBC reported:

> "Kathmandu is home to thousands of Tibetan exiles and over the past fortnight they have mounted almost daily protests against Beijing. Several hundred of the demonstrators have been detained. Meanwhile, Amnesty International and the UN have both criticised the government's handling of the protests. On Monday the UN Office of the High Commissioner for Human Rights in Nepal said the Nepalese police were arresting people who were not demonstrating purely on the basis of their appearance – an apparent reference to Tibetans.The police have been filmed beating protesters, including monks,

with considerable force. Nepal says it cannot allow Tibetans to demonstrate because it recognises Tibet as an integral part of China. But the UN says the mass arrests are against the spirit of a society governed by the rule of law." **[9m]**

Legal status of Tibetans in Nepal

23.33 Article 9 of the Nepalese Constitution states:

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

a that he can speak and write the language of the nation of Nepal;
b that he is engaged in any occupation in Nepal;
c that he has renounced his citizenship of another country; and
d that he has resided in Nepal for at least fifteen years." **[92a]**

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

23.35 The USSD Nepal Report 2008 observed:

"Many of the Tibetans who lived in the country had irregular status. Those who arrived subsequent to 1990 had neither status nor documentation. Even those with acknowledged refugee status had no legal rights beyond the ability to remain in the country. Business ownership, licenses, and most legal transactions, including documentation of births, marriages, and deaths, must be accomplished through the auspices of an intermediary for a price. This made Tibetans especially vulnerable to those, primarily Maoists and YCL, who extorted money from business owners. Tibetans also reported abductions for extortion, violent attacks, and threats of violence. In practice the government usually provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. However, there were numerous unconfirmed reports of Tibetans captured in the border area by Chinese border authorities and several unconfirmed reports of border officials handing over Tibetans to Chinese border authorities." **[2d] (Section 2d)**

23.36 On 17 April 2008 the BBC reported:

"Most of those who cross into Nepal lack valid travel documents and few obtain a card from the UN refugee agency, UNHCR. According to a 2003 paper by the agency, the Nepalese authorities want Tibetans 'out of the country within two weeks'... In Nepal, the position of Tibetans is even more precarious. The country does not recognise refugee status. Most Tibetans in Kathmandu have no papers and can be picked up by police. Several hundred were detained in the capital after a wave of anti-Chinese demonstrations. There are no reliable estimates of the numbers of Tibetans living in Nepal. The country is keen not to antagonise China by putting out a welcome mat for Tibetan exiles, and is mainly used as a transit point." **[9j]**

(See also section 34: Treatment of returnees Treatment of Tibetans)

(See also COI Key Documents: Nepal http://www.homeoffice.gov.uk/rds/country_reports.html)

OTHER TIBETAN AREAS INSIDE CHINA

23.37 The Karze/Kardze (Ganzi in Tibetan) Tibetan Autonomous Prefecture (TAP) located in Sichuan province is the most volatile area outside of the TAR (Tibetan Autonomous Region). Tibetan activists have also been detained in Qinghai and Gansu Provinces. (USSD IRFR 2008) **[2a]** (RFA, 7 September 2006) **[73e]**

Return to contents

Go to list of sources

LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGISLATION

24.01 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted, "No laws criminalize private homosexual activity between consenting adults." **[2e] (Section 5)**

24.02 According to sources quoted by the Canadian Immigration and Refugee Board, "The crime of 'hooliganism', which in the past was used to prosecute homosexuals, was repealed in 1997." (IRB, 26 September 2005) **[3n]**

24.03 On 25 February 2009 *The Guardian* reported that same sex marriages are not permitted, but referred to a "series of 'wedding pictures' staged by lesbians and gay men in the heart of Beijing." **[41j]**

POSITION IN SOCIETY

24.04 The USSD Report 2008 noted, "Societal discrimination and strong pressure to conform to family expectations deterred most gay individuals from publicly discussing their sexual orientation. Published reports stated that more than 80 percent of gay men married because of social pressure." **[2e] (Section 5)** On 26 September 2005 the Canadian Immigration and Refugee Board (IRB) recorded:

"According to some sources, government and Chinese society are showing greater tolerance towards homosexuals than they have in the past… More and more gays and lesbians have been 'coming out' since the 1990s particularly in urban areas... Telephone hotlines and websites specifically for homosexuals are available while gay bars and clubs have sprung up even in smaller cities and are for the most part tolerated by local authorities or even sometimes publicly advertised... A gay and lesbian film festival was held in 'the outskirts' of Beijing in 2005 and in 2001, when both times Peking University banned the festival from its campus… While Shenzhen in Guangdong Province is reportedly one of the most tolerant cities for gays in China, the Chinese

countryside has not experienced the same level of openness as urban areas have… According to *The Sydney Morning Herald*, '[i]n the Chinese hinterland ... the gay emergence is more tentative but strengthening among a homosexual community'... Nevertheless, homosexuals in China continue to face social stigma… Homosexuality is also considered a taboo subject in the media, though the BBC reported that by 2004 there was more coverage of homosexual issues in the mainstream media than there had been in the past… strong pressure to conform to family expectations also comes to bear on homosexuals." **[3n]**

24.05 On 25 February 2009 *The Guardian* reported:

"…attitudes are finally changing in a country where gay sex was illegal until 1997 and homosexuality classified as a mental illness until four years later… These days there are gay and lesbian bars in most big cities in China. There are unofficial magazines, NGOs that work with the community, even government funding for grassroots work, albeit mainly connected to tackling HIV. But, as in many countries, the gulf between attitudes in large cities and small villages can be stark. And the Chinese gay community faces different problems to its counterparts in the west: the censorship of gay books and films, the closure of bars and culture festivals, the variable tolerance of NGOs in general… Gay men and lesbians say there is less overt hostility than in the west and certainly less physical harassment. Li's research in cities suggests about 91% of people are happy to work with gay colleagues – a higher rate than in US surveys – and that 30% back gay marriage." **[41j]**

24.06 China's first national free advice line for gay people was launched on 8 May 2006. It is manned by 13 volunteers in Shanghai and Guangzhou. (*China Daily*, 11 May 2006) **[14f]** On 13 January 2004 the BBC reported, "As China opens up, the country's urban gays are slowly coming out. China officially struck homosexuality off the list of mental illnesses two years ago and even smaller cities now boast gay bars and meeting places. Through the internet Chinese gays now have unprecedented access to information about developments in gay rights from overseas sources… There are now hundreds of gay websites in China and the number is growing all the time." **[9i]**

GOVERNMENT ATTITUDES

24.07 The first government-backed forum for gay men was launched on 15 August 2006. (*China Daily*, 15 August 2006) **[14m]** In its 2008 Report on China, published in May 2008, Amnesty International stated, "Lesbian and gay activists criticized a January [2007] ruling by the Broadcasting Authority that a television programme portraying same-sex relationships was biased and unsuitable for family viewing. In July [2007], the Court of Final Appeal ruled as discriminatory a law which criminalized same-sex sexual relations in public, but did not criminalize heterosexuals for similar conduct." **[6g]**

24.08 On 5 April 2007 the BBC reported:

"A Chinese TV channel has launched what it says is the first ever programme to focus on gay issues in China. The programme is being broadcast over the internet and will feature gay presenters discussing issues related to the homosexual community… It will be accessible to millions of people through the broadcaster's internet site and other portals, said the show's producer... It

will be a forum for gay people 'to get in touch with each other and communicate… In a lot of major Chinese cities, gay people are playing sports, swimming, working out, singing karaoke – they are getting together in all types of activities,' he said." **[9d]**

24.09 On 16 April 2008 the official *People's Daily* newspaper reported, "Ying Ning, the 33-year-old Tianjin man who became a woman through transsexual operations, got a new Chinese ID card as a female… Ying applied to the local police station for a new ID card. Regulations require such applicants to provide medical proof of a gender change and parental consent, even for those of legal age… China is believed to have more than 1,000 people who have received such operations…" **[12a]**

Return to contents

Go to list of sources

DISABILITY

25.01 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

"The law protects the rights of persons with disabilities and prohibits discrimination; however, conditions for such persons lagged far behind legal dictates, failing to provide persons with disabilities access to programs designed to assist them. The Ministry of Civil Affairs and the China Disabled Persons Federation, a government-organized civil association, were the main entities responsible for persons with disabilities. State-run media reported that there were 83 million persons with disabilities living in the country. According to government statistics, 3,250 educational and vocational centers provided training and job-placement services for persons with disabilities. In 2007, 572,000 persons with disabilities received education or training, but approximately 1.15 million urban and 3.37 million rural persons with disabilities were unemployed." **[2e] (Section 5)**

25.02 The same source also stated:

"Nearly 100,000 organizations existed, mostly in urban areas, to serve those with disabilities and protect their legal rights. The government, at times in conjunction with NGOs, sponsored programs to integrate persons with disabilities into society. However, misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems… Government statistics showed that almost one-quarter of persons with disabilities lived in extreme poverty… The law forbids the marriage of persons with certain acute mental illnesses, such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. The law stipulates that local governments must employ such practices to raise the percentage of healthy births." **[2e] (Section 5)**

25.03 In an article dated 4 September 2008, AsiaNews reported, "The government has launched a campaign aimed at promoting the rights of the disabled and attention toward them, but their living conditions do not seem to have improved. Business owners prefer to pay fines rather than hire disabled

persons, many of whom are victims of workplace accidents and are sacrificed in the name of economic growth." **[58d]**

(See also section 27: Children Child care)

(See also section 28: Family planning ('one child policy') Family planning law and other regulations, Coercion (Forced abortion/sterilisation))

Return to contents

Go to list of sources

Women

Legal rights

26.01 Article 48 of the Constitution states, "Women in the People's Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural, and social, including family life." **[1a] (The Constitution)** In September 1980 the Chinese government ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). (United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region) **[27a]** Women's rights are also protected by the Law on the Protection for Women's Rights and Interests, effective as of 1 October 1992. **[5f]**

26.02 However, as noted by the US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009:

"Authorities often did not enforce laws protecting the rights of women. According to legal experts, it was difficult to litigate a sex discrimination suit because the vague legal definition made it difficult to quantify damages, so very few cases were brought to court. Some observers noted that the agencies tasked with protecting women's rights tended to focus on maternity-related benefits and wrongful termination during maternity leave rather than on sex discrimination, violence against women, and sexual harassment. Women's rights advocates indicated that in rural areas women often forfeited land and property rights to their husbands in divorce proceedings. In principle rural contract law and laws protecting women's rights stipulate that women enjoy equal rights in cases of land management, but experts argued that in practice, this was rarely the case due to the complexity of the law and difficulties in its implementation." **[2e] (Section 5)**

26.03 The United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region, on its country page for China, accessed on 19 March 2009, noted:

"The National Working Committee on Children and Women under the State Council (NWCCW) was founded in February 1990. It is responsible for coordinating and promoting relevant government departments to implement law, regulation and policy-related measures concerning women and children… The responsibility of providing legal aid has been assigned to the Ministry of Justice and the All-China Women's Federation (ACWF). The main focus of meetings by the standing committee of NWCCW is to gather working reports

on preventing and combating the trafficking of children and women from these assigned ministries/committees and work out solutions for action." **[27a] (Prevention and Protection, Establishing the Mechanism of Multi-Agency Collaboration)**

(See also section 28: Family planning ('one child policy'))

(See also section 29: Trafficking)

POLITICAL RIGHTS

26.04 As noted by the USSD Report 2008:

"The government placed no special restrictions on the participation of women or minority groups in the political process. However, women held few positions of significant influence in the CCP or government structure. There was one female member of the CCP's 25-member Politburo, who also concurrently served as one of five state councilors. During the year [2008] women headed three of the country's 27 ministries. The government encouraged women to exercise their right to vote in village committee elections and to stand for those elections, although only a small fraction of elected members were women. In many locations, a seat on the village committee was reserved for a woman, who was usually given responsibility for family planning." **[2e] (Section 3)**

SOCIAL AND ECONOMIC RIGHTS

Position of women in society

26.05 On 15 October 2006 *The Guardian* reported:

"In 1949 female illiteracy in rural China was 99 per cent. In 1976 when Mao died it was 45 per cent and today it is 13 per cent. One of Mao's first acts was to give women the same rights in divorce as men, and for all his other barbarism he consistently championed the equality of women. China is still a sexist society, but compared with the rest of Asia it is light years ahead. Female illiteracy in rural India, for example, is still 55 per cent. The change has gone deep into the marrow of Chinese society. One survey recently revealed that Chinese girls between 16 and 19 name becoming president, chief executive or senior manager of a company as their top career choices; Japanese girls between 16 and 19 say they want to become housewives, flight attendants or child-care workers." **[41g]**

26.06 In its 2008 Report on China, published in May 2008, Amnesty International stated, "Women suffered discrimination in employment, education and access to health care." **[6g]** The USSD Report 2008 stated, "Women continued to report that discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies were significant problems." **[2e] (Section 5)** Human Rights Watch, in its World Report 2009, published on 15 January 2009, commented, "In July 2008 a Sichuan provincial court delivered China's first-ever sexual harassment conviction, sentencing a man to five months' imprisonment for harassing a female colleague." **[7i]**

(See also section 27: Children Child care)

(See also section 28: Family planning ('one child policy'), Enforcement, Monitoring and Single women)

Marriage

26.07 The USSD Report 2008 noted, "In order to delay childbearing, the law sets the minimum marriage age for women at 20 years and for men at 22 years." **[2e] (Section 1f)**

26.08 As reported by *TIME* on 30 October 2006, "The concept of alimony is only beginning to enter Chinese society, keeping some wives from splitting with their husbands for fear of not being able to provide for children." **[65i]**

26.09 On 19 August 2003 the official *People's Daily* newspaper reported:

"Chinese couples planning to get married may soon do so without a letter from their employers testifying to their unmarried status and without first having a health examination, according to a new regulation issued by the State Council Monday... An adult male and female will be able to marry each other legally by only providing their ID cards and residence documents, and by signing a statement that they are single and not related, the new regulation said. For the past several decades, government marriage offices required people to show letters provided by their employers to guarantee that they were qualified for marriage. The new regulation [effective from 1 October 2003] says that people may take a health examination before marriage, but will not be forced to do so." **[12g]**

26.10 On 25 February 2009 *The Guardian* reported that same sex marriages are not permitted. **[41j]** The website of the US Embassy in China, accessed on 17 March 2009, noted, "Certain categories of Chinese citizens, such as diplomats, security officials, and others whose work is considered to be crucial to the state, are not legally free to marry foreigners. Chinese students generally are permitted to marry if all the requirements are met, but they can expect to be expelled from school as soon as they do." The same source also noted that additional documentation is normally required for marriage to a non-Chinese national. **[99a]**

(See also section 28: Family planning ('one child policy'), Ethnic minorities, Enforcement, Monitoring and Single women)

Arranged marriages

26.11 As reported by the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region on its country page for China, accessed on 19 March 2009, "In some rural areas, the phenomenon of buying women or children for marriage or to carry on the family name exists." **[27a] (Overview)**

(See also section 29: Trafficking)

Divorce

26.12 On 28 April 2003, the Standing Committee of the NPC voted to amend the Marriage Law. In addition to making bigamy a criminal offence punishable by

two years' imprisonment it made the following pronouncement on divorce, "In divorce cases, property division should be determined under contract by both parties. Should they fail, the people's court will make decisions in favor of the offspring and the female." The official *People's Daily* newspaper reported these amendments on the same day. **[12d]** As reported by the same source on 19 August 2003, "Couples will receive divorce certificates at once if they both agree to get divorced and settle amicably their property, any debts and care of any children, the new rules say." **[12g]**

26.13 On 25 January 2008 the BBC reported:

"The divorce rate in China has increased by almost 20% over the past year, with 1.4m couples filing for separation during 2007… Some experts put the rise down to a change in the law which has made divorces easier to obtain. Others say China's one-child policy has produced a generation of adults focused on their own needs and unable to sustain a relationship… The rising divorce rate is part of a long-term trend. Since China began its market reforms in the late 1970s, the number of people getting a divorce has quadrupled. This has been exacerbated by a change in the law in 2003 allowing couples to divorce in a day, analysts say. Previously, couples needed permission from either their employers or community committees to divorce." **[9q]**

VIOLENCE AGAINST WOMEN

26.14 The USSD Report 2008 noted, "Rape is illegal, and some persons convicted of rape were executed. The law does not recognize expressly or exclude spousal rape." **[2e] (Section 5]** The report stated further:

"Violence against women remained a significant problem. There was no national law criminalizing domestic violence, but the criminal law, marriage law, and other laws on public security provide for mediation and administrative penalties in cases of domestic violence. Critics asserted that these penalties are vague and lack specific measures for implementation. Although the NPC amended the Law on the Protection of Women's Rights specifically to prohibit domestic violence in 2005, critics complained that the provision failed to define domestic violence. According to media reports, approximately 30 percent of families suffered from domestic violence, while 90 percent of the victims were women and children. The All-China Women's Federation (ACWF) reported that it received some 300,000 letters per year complaining about general family problems, mostly involving domestic violence. In 2007 ACWF reported that it received approximately 40,000 specific complaints about domestic violence, more than double the number received in 2000. The actual incidence was believed to be higher because spousal abuse largely went unreported. ACWF also reported that approximately one-quarter of the 400,000 divorces registered each year were the result of family violence. According to experts, domestic abuse was more common in rural areas than in urban centers. An ACWF study found that only 7 percent of rural women who suffered domestic violence sought help from police." **[2e] (Section 5]**

26.15 The same source stated, "In response to an increased awareness of domestic violence, there were a growing number of shelters for victims. During the year the ACWF reported 27,000 legal aid service centers, 12,000 special police booths for domestic violence complaints, 400 shelters for victims of domestic violence, and 350 examination centers for women claiming to be injured by

domestic violence had been established nationwide. Most shelters were government run, although some included NGO participation." **[2e] (Section 5]** In a report dated 8 March 2006, *The Independent* noted, "Ninety per cent of cities and provinces in China have now established regulated legal and counselling centres and advice lines for female victims of domestic violence." **[67a]**

26.16 Human Rights Watch, in its World Report 2009, published on 15 January 2009, commented, "Chinese women, particularly in rural areas, continue to be victims of violence, gender-based discrimination, and unequal access to services and employment. In March [2008], the official Xinhua News Agency called domestic violence the most serious problem facing women in China." **[7i]**

(See also section 27: Children Female infanticide)

(See also section 28: Family planning ('one child policy') Coercion (Forced abortion/sterilisation))

(See also section 30: Medical Issues Mental Health)

Return to contents

Go to list of sources

Children

Basic Information

27.01 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

"The law prohibits maltreatment of children and provides protection for a wide range of children's rights. However, accurate statistics were difficult to obtain from the official sources, and enforcement of laws remained weak. The State Council's National Working Committee on Children and Women was tasked with carrying out policy on children. Parents must register their children in compliance with the national household registration system within one month of birth. Children not registered cannot access public services… Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the coercive birth limitation policy… The physical abuse of children can be grounds for criminal prosecution… Media reports publicized the forced sterilization of mentally challenged teenagers in Nantong, Jiangsu Province." **[2e] (Section 5)**

(See also section 28: Family planning ('one child policy'), Family planning law and other regulations, Coercion (Forced abortion/sterilisation))

(See also section 31: Freedom of movement Household registry (hukou))

27.02 China is a signatory to the UN Convention on the Rights of the Child, but in its Concluding Observations on China dated 24 November 2005, the UN Committee on the Rights of the Child stated, "While welcoming the significant

progress made with respect to legislative reform in mainland China, the Committee is concerned that not all laws applicable to children fully conform to the Convention." **[32f] (p2)** It also reported:

"The Committee notes with appreciation the elaboration of a second National Plan of Action, the National Children's Development Programme (2001-2010), for the mainland, and also takes note of the growing number of committees and working groups at the State, regional and provincial levels to monitor and implement child rights. However, it is concerned that coordination is fragmented and that the Programme is not implemented uniformly across all regions and localities on the mainland and that coordination of implementation at local and regional levels is sometimes insufficient… The Committee notes the information that non-governmental organizations are becoming increasingly active in mainland China, but it is concerned that the space in which they may operate and the scope of their activities remain very limited." **[32f] (p3 and 5)**

27.03 The same source recorded:

"The Committee welcomes the State party's abolition of the death penalty in mainland China for persons who have committed an offence when under the age of 18. However, it is concerned that life imprisonment continues to be possible for those under 18, even if that sentence is not often applied. While noting efforts to reform laws relating to juvenile justice, such as the Law on the Protection of Minors, the Committee remains concerned that existing legislation, regulations and administrative procedures do not adequately set out the detailed obligations of the authorities and the judiciary for the protection of children in conflict with the law at all stages. While noting that the State party has raised the minimum age of criminal responsibility in the Hong Kong SAR [Special Administrative Region], the Committee remains concerned that the age of 10 years is too low. The Committee is further concerned that children between the ages of 16 and 18 are not consistently accorded special protection when coming into conflict with the law." **[32f] (p18)**

27.04 The USSD Report 2008 noted, "The law requires juveniles to be held separately from adults, unless facilities are insufficient. In practice children sometimes were held with adult prisoners and required to work." The report also noted, "Sexual and physical abuse and extortion occurred in some detention centers." **[2e] (Section 1c)**

(See also section 12: Prison conditions)

EDUCATION

27.5 As noted by Europa World, accessed on 12 February 2009, "Since 1979 education has been included as one of the main priorities for modernization. The whole educational system was being reformed in the late 1990s and early 2000s, with the aim of introducing nine-year compulsory education. According to official statistics, 90% of the population had been covered by the compulsory education scheme by 2002. The establishment of private schools has been permitted since the early 1980s." The same source also noted, "Fees are charged at all levels." **[1a] (Education)**

27.06 The USSD Report 2008 recorded:

"The law provides for nine years of compulsory education for children. However, in economically disadvantaged rural areas, many children did not attend school for the required period and some never attended at all. Public schools were not allowed to charge tuition but faced with insufficient local and central government funding, many schools continued to charge miscellaneous fees. Such fees and other school-related expenses made it difficult for poorer families and some migrant workers to send their children to school. According to reports, the proportion of girls attending school in rural and minority areas was smaller than in cities; in rural areas 61 percent of boys and 43 percent of girls completed education higher than lower middle school. The government reported that nearly 20 million children of migrant laborers followed their parents to urban areas. Most children of migrant workers who attended school did so at schools that were unlicensed and poorly equipped." **[2e] (Section 5)**

27.07 On 20 March 2006 *Asia Times* reported, "… roughly 60% of Chinese families in major cities now spend one-third of their income on children's education…" **[64d]** In its background information on China, accessed on 11 March 2009, UNICEF stated:

"In September 2006, the Government of China announced that it would provide nine years of free compulsory education to all rural school-aged children by the end of 2007. The central government announced that it would cover 80 per cent of rural students' tuition and 'miscellaneous fees', with provincial governments covering the remaining 20 per cent. However, even with this commitment, there are still other expenses relating to compulsory education that are not covered by the government and must be paid by students and their families." **[29a]**

27.08 As observed by the Economist Intelligence Unit (EIU) in its 2009 Country Profile for China, dated 19 December 2008:

"Official figures show that 99.5% of all school-age children were enrolled in school in 2007. Government figures showed that in 2007, 99.9% of primary school pupils went on to junior secondary school, and that of these 79.3% entered senior secondary school. However, the overall figures mask some weaknesses, particularly in basic-level education. The proportion of illiterate and semi-literate people in 2007 was lowest in Beijing municipality, at 3.3%, but was as high as 36.8% in Tibet and above 10% in nine other provinces. Many rural schools are inadequately funded, although attendance has been boosted by a new national policy that provides free education to rural children and is currently being extended to urban regions. Truancy and absenteeism remain widespread, despite the requirement of a notional nine years of compulsory education (six years at primary school and three years in junior secondary school)." **[4a] (Education)**

27.09 In a report dated 1 March 2007, Amnesty International stated, "Millions of internal migrant children still struggle to get a decent education. Many of those who live with their parents in the city are effectively shut out of state schools, because their parents are not legally registered, or by the high school fees, or their failure to pass qualifying exams administered by schools. Private schools set up especially by internal migrants for their children, on the other hand, face sudden, possibly discriminatory, closure by local governments, and offer lower quality education than state schools." **[6n]**

27.10 The EIU noted:

> "There were 1,908 universities and institutions of higher education in China in 2007, up from 1,041 in 2000, with total graduate enrolment of 18.8m. Engineering and management are the two most popular areas of study. Enrolment has soared in the past two decades, but this has been accompanied by a sharp rise in the student-teacher ratio, which stood at 17.3:1 in 2007, compared with 4.2:1 at the beginning of the reform period in 1978. University entrance is generally on merit and is highly competitive. A national university entrance examination ranks all students, and students with poor scores can end up studying unexpected subjects in remote institutions." **[4a] (Education)**

27.11 As recorded by Europa World, accessed on 12 February 2009, "The numbers of Chinese students studying abroad were increasing in the early 21st century, with around 50,000 Chinese students reported to have been studying in British higher education institutions alone in 2005/06." **[1a] (Education)** On 6 January 2006 the official news agency Xinhua reported that 900,000 Chinese students have gone abroad to study since 1949. According to the Ministry of Education more than 200,000 of them have returned to China after completing their studies. **[13n]**

ADOPTION RIGHTS/RULES

27.12 As reported by the US State Department's guide to international adoption dated February 2006, "Chinese law allows for the adoption of children up to and including age 13; children ages 14 and up may not be adopted… Chinese law permits adoption by married couples (one man, one woman) and single heterosexual persons. Chinese law prohibits homosexual individuals or couples from adopting Chinese children." **[2b]**

27.13 The USSD Report 2008 noted, "Adopted children were counted under the birth limitation regulations in most locations. As a result, couples that adopted abandoned baby girls were sometimes barred from having additional children." **[2e] (Section 5)**

(See also section 28: Family planning ('one child policy'); and following subsection on Child care)

CHILD CARE

27.14 In its Concluding Observations on China dated 24 November 2005, the UN Committee on the Rights of the Child stated, "The Committee is concerned about the limited information available with regard to abuse, neglect and maltreatment of children in mainland China as well as the limited number of programmes available to combat violence and provide assistance to victims." **[32f] (p10)** The USSD Report 2008 noted:

> "The law forbids the mistreatment or abandonment of children. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages were usually disabled or in poor health. Medical professionals sometimes advised parents of children with disabilities to put the children into orphanages. The government denied that children in orphanages

were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems." **[2e] (Section 5)**

27.15 In 2005 the orphan population was estimated at 20.6 million out of a total population of 348 million children in China. (UNICEF) **[29a]** The website of COCOA (Care of China's Orphaned and Abandoned), accessed on 17 March 2009, recorded:

"In spite of a severe shortage of funds in the state orphanages, and sometimes low morale, there are many people – both Chinese and foreigners – who are doing their best to improve conditions. Charities, politicians, pressures groups, the media and the UN itself have all helped to increase awareness of the problems in the orphanages. China is slowly learning to trust the western charities that have been working in its orphanages, and now positively welcomes the offers of help and expertise from some sources… So there has been progress. But only a little – there is masses still to do. There are about 100,000 orphanages in China, and only a small percentage have been exposed to new radical management. Girl babies are still being abandoned, along with disabled children. Progress is agonisingly slow." **[49a]**

27.16 The USSD Report 2008 stated:

"The law prohibits discrimination against minors with disabilities… Nationwide 243,000 school-age children with disabilities did not attend school… According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions, where care was often inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education for their children… Students with disabilities were discriminated against in access to education. The law permits universities legally to exclude otherwise qualified candidates from higher education." **[2e] (Section 5)**

(See also section 25: Disability)

27.17 On 27 February 2006 the official Xinhua news agency reported that a total of ten people, including the director of a state-run orphanage, received prison sentences ranging from one to 15 years after they were convicted of selling abducted babies to foreigners wanting to adopt Chinese orphans. The group was active from 2002 to 2005 and trafficked 78 babies in 2005 alone said Xinhua. The harshest sentences were handed down to the three "smugglers". The director of the orphanage received a one-year prison sentence though he was currently at large. **[13m]**

27.18 The USSD Report 2008 noted, "There were more than 150,000 urban 'street children,' according to state-run media. This number was even higher if the children of migrant workers who spend the day on the streets were included." **[2e] (Section 5)**

27.19 In a report dated 14 November 2008, AsiaNews stated:

"A recent study by the All-China Women's Federation says that 58 million children under the age of 18 are left at home [by parents who have migrated to the cities in search of work], equivalent to 20% of all children in the

countryside. Among them, more than 40 million are under the age of 15, and 30 million are between the ages of 6 and 15. 52% of the children live in the provinces of Henan, Hunan, Guangdong, Anhui, Sichuan and Jiangxi. Of these, 47% live with one of their parents, usually their mother, and 26% with their grandparents (but this figure is 73% in the central and western regions): in extreme cases, some grandparents have as many as 7 grandchildren in their care. The remaining 27% live with other relatives, friends, or on their own… 44% of children see their parents only once a year, and a similar percentage see them twice a year. But 3% see them only once every two years, and in extreme cases children have not seen their parents for six years… Left to themselves, these children grow up in an abnormal fashion: they quickly learn to rely on their own resources, but they are often victims of accidents, injuries, natural disasters; they try to study and meet their parents' expectations, but often with poor results, partly because no one helps them: according to the All-China Women's Federation of Qingdao, 45% of their grandchildren have never gone to school, and 55% went only to elementary school. The girls who are left behind are more frequently the victims of sexual violence, usually by people they know or by neighbors: in general, they are older adults able to provide 'safety.' An investigation by the Southern Metropolis Daily in 2008 said that 76 girls ages 7 and up in a mountain region of Liangshan (Sichuan) were subjected to forced labor in Dongguan. For some, however, resentment toward their parents creates violent and criminal behavior. Public safety sources say that at least 80% of youth delinquency cases in rural areas involve the children of migrants. Figures from the supreme court say that since the year 2000 in China, there has been an annual increase of 13% in juvenile delinquency, and 70% of juvenile delinquents are children of migrants. Experts note that the problem is caused above all by the inability of migrants to get residency (hukou) in the big cities where they work. Without residency, their children have no right to education and health care." **[58e]**

(See also section 26: Women Position of women in society)

FEMALE INFANTICIDE

27.20 The USSD Report 2008 noted:

"The Law on the Protection of Juveniles forbids infanticide; however, there was evidence that the practice continued. According to the NPFPC [National Population and Family Planning Commission], a handful of doctors have been charged with infanticide under this law. Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the coercive birth limitation policy. Female babies also suffered from a higher mortality rate than male babies, contrary to the worldwide norm. State media reported that infant mortality rates in rural areas were 27 percent higher for girls than boys and that neglect was one factor in their lower survival rate." **[2e] (Section 5)**

27.21 In its Concluding Observations on China dated 24 November 2005, the UN Committee on the Rights of the Child stated that "it remains concerned that selective abortions and infanticide as well as the abandonment of children, in particular girls and children with disabilities, continue as negative consequences of existing family planning policies and societal attitudes." **[32f] (p5)** In its 2008 Annual Report, published on 31 October 2008, the US

Congressional-Executive Commission on China (CECC) noted, "In 2006, the National People's Congress Standing Committee considered, but did not pass, a proposed amendment to the Criminal Law that would have criminalized sex-selective abortion. While at least one provincial government has passed regulations imposing fines on women who undergo sex-selective abortions and on the health organizations that perform them, the central government has taken no other action at the national level." **[28a] (p101)**

(See also section 26: Women Violence against women)

(See also section 28: Family planning ('one child policy') Coercion (Forced abortion/sterilisation))

CHILD ABDUCTION

27.22 The USSD Report 2008 noted:

"Kidnapping and the buying and selling of children for adoption increased over the past several years, particularly in poor rural areas. There were no reliable estimates of the number of children trafficked. Most children trafficked internally were sold to couples unable to have children, particularly sons. Those convicted of buying an abducted child may be sentenced to three years' imprisonment. In the past most children rescued were boys, but increased demand for children reportedly drove traffickers to focus on girls as well. NGOs reported an increase in child trafficking, especially in rural areas, and in cases of children forced to work as beggars, petty thieves, and prostitutes. Some children worked in factories, but many ended up under the control of local gangs and were induced to commit petty crimes such as purse snatching." **[2e] (Section 5)**

27.23 In a report dated 23 September 2007, *The Observer* recorded:

"In China, 190 children are snatched every day - more than twice the number taken in England and Wales in a year. The Chinese government does not acknowledge the extent of the problem, or the cause. The Single Child Policy has made it essential to have a son, leading to the abortion of more than 40 million girls and setting the price on a boy's head at more than six months' wages… He carries the family name, he is the child who will provide for his parents as they age. A daughter will leave the family to marry into another name, passively obliterating her own family line and leaving her relatives without the assurance of help in old age. The One Child Policy - which Save The Children calls a 'mass, live experiment in family life which is unique in the history of the world' - has resulted in prohibitive family-planning laws… while rural families are allowed a second child if their first is a girl, urban families must pay a fine for flouting the one-child rule. And if you haven't had an abortion to get rid of your female child… how can you be sure to get a son? Sometimes the only choice seems to be to buy a stolen child, gender already determined." **[10a]**

(See also section 28: Family planning ('one child policy'))

(See also section 29: Trafficking)

CHILD LABOUR

27.24 The USSD Report 2008 noted:

> "The law prohibits the employment of children under the age of 16, but the government had not adopted a comprehensive policy to combat child labor and child labor remained a persistent problem. The labor law specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire minors. The law also stipulates that parents or guardians should provide for children's subsistence. Workers between the ages of 16 and 18 were referred to as 'juvenile workers' and were prohibited from engaging in certain forms of physical work, including labor in mines. A decree prohibiting the use of child labor provides that businesses illegally hiring minors or in whose employ a child dies will be punished via administrative review, fines, or revocation of their business license. The decree further provides that underage children found working should be returned to their parents or other custodians in their original place of residence." **[2e] (Section 6d)**

27.25 On 30 April 2008 the BBC reported:

> "Chinese police have rescued more than 100 village children sold to work as slave labourers in the booming southern province of Guangdong. The children, from the ethnic Yi minority, came from poor families in Sichuan about 600 miles (960 km) away… China announced a nationwide crackdown on slavery and child labour last year. It emerged that hundreds of poor farmers, children and mentally disabled people had been forced to work in mines and kilns in Shanxi province and neighbouring Henan… the latest incident highlights the dark side of China's economic miracle, and according to unconfirmed media reports there may be more than 1,000 child labourers in at least one city in southern China." **[9h]**

(See also section 22: Ethnic groups)

CHILD SOLDIERS

27.26 As noted by the Coalition to Stop the Use of Child Soldiers in its 2008 Report on China, "The minimum age for voluntary recruitment was not specified in the Military Service Law… There were close links between the military and the education system. The Military Service Law required secondary school and higher education students to undergo one month's military training (Articles 43–46)." **[91a]**

(See also section 9: Military service)

'BLACK' CHILDREN OR 'HEI HAIZI' (UNREGISTERED CHILDREN)

27.27 Writing in a report on illegal births and abortions in China published in the journal *Reproductive Health* in August 2005, Elina Hemminki, Zhuochun Wu, Guiying Cao and Kirsi Viisainen recorded, "The Chinese family planning regulations do not include the concept of an 'illegal child' (i.e. a child born out of an 'illegal pregnancy'), and the law prohibits discrimination against children born outside marriage. However, children from illegal pregnancies may not be

registered or treated equally until their parents pay the fines imposed as punishment. Especially in urban areas registration with the local authority is required for medical care, schooling and employment." **[15a] (Illegal Pregnancy)**

27.28 As noted by the Canadian Immigration and Refugee Board (IRB) on 26 June 2007:

"In general, China's family planning regulations limit parents in urban areas to one child and those in rural areas to two, if the first child is a girl… Couples exceeding their birth quota may face penalties, including 'stiff' fines… As a result, many births in China are not registered… Referred to as 'black' children, or Hei Haizi, unregistered children in China are believed to count in the millions… The majority of the unregistered children are believed to be females from the country's rural areas… China's migrant population is also thought to account for many unregistered births… As a consequence of not being registered at birth, 'black' children are not entered into their family's hukou [household registration] records… An 11 August 2005 article in Reproductive Health… similarly notes that children born outside of China's family planning regulations may not be registered by the authorities or be 'treated equally,' unless their parents pay a fine... Without registration, 'black children' may not be able to access medical care, education or employment, particularly in urban areas… They may also not have access to other state benefits and services, or be entitled to land allotments… However, according to a 2003 report by France's Commission des Recours des Réfugiés, corrupt family planning officials and direct payments to teachers and doctors may allow 'black' children to be integrated into society… The professor of International Affairs at the Georgia Institute of Technology similarly notes in his correspondence that '[u]nregistered children [in China] generally can't have much access to state-provided or community-provided benefits including subsidized education. But they may now have increased access on pay as you go basis'." **[3z]**

27.29 The Canadian IRB stated further:

"In her book 'Wanting a Daughter, Needing a Son', Kay Ann Johnson, professor of Asian studies and politics at Hampshire College, Massachusetts, states that whether an unregistered child is able to obtain a hukou, 'and with what consequences,' depends on local practice… The author notes that in many places in China, it is 'relatively easy' to purchase a hukou, though these hukou may not be recognized in all places as equivalent to the regular hukou… She further indicates that in some places, hukou-less children may be able to attend school without additional fees and obtain medical care… According to the expert on China from Germany, cited in the China report of the 10th European Country of Origin Information Seminar, the 'stigma of being a 'black' [person] can be reduced by marriage to a person possessing citizen's rights'… The China expert also indicates that, although 'black children' are a disadvantaged group, '[t]here is no reason that ... [they] should face a higher risk of violence than others;' they face problems similar to such socially excluded groups as farmers and migrants… In March 2006, however, news sources reported that over the past four years, family planning officials in Gaoping County [Hunan Province] had 'violently removed' twelve unregistered children, some 'illegally' adopted, from their homes... According to the sources, the family planning officials demanded that fines be paid for the children's return… In her book 'Wanting a Daughter, Needing a Son', Johnson

states that 'the discrimination 'hidden [unregistered] children' face is serious and widespread enough to constitute a new social problem, creating a class of mostly female children who lack the full protection of the law and equal access to basic social entitlements'." **[3z]**

(See also section 31: Freedom of movement Household registry (hukou))

(See also section 28: Family planning ('one child policy'), Single women)

HEALTH ISSUES

27.30 In its background information on China, accessed on 11 March 2009, UNICEF stated:

"Some 140 million people have abandoned the countryside to seek work in China's rapidly growing cities. The current hukou residency system often denies migrant children access to free public education and health care, but reforms are underway. Maternal and under-five mortality rates have improved dramatically since 1990, but high rates persist in rural areas that lack quality medical care… Less than 10 per cent of rural schools have safe drinking water or adequate sanitation." **[29a]**

27.31 In its Concluding Observations on China dated 24 November 2005, the UN Committee on the Rights of the Child stated, "While noting the marked improvement in health-care indicators, the Committee reiterates its previous concern with regard to existing disparities on the mainland between rural and urban areas, eastern and western provinces, and Han and ethnic minorities relating to infant and child mortality, nutrition, and other child health indicators." **[32f] (p12)**

27.32 On 21 October 2008 *The Telegraph* reported, "Children born in parts of China's countryside are six times as likely to die by the age of five as their richer cousins in the nation's booming cities, according to new research… In some of China's poorest counties, infant mortality – death at or near birth – was 123 for every 1,000 babies born alive; in the richest, the figure was just 26 – though this is several times higher than in western countries. Ten children died before the age of five out of every 1,000 in the richest cities, compared to 64 in poorer rural areas." **[25a]**

(See also section 2: Economy Poverty)

(See also section 22: Ethnic groups)

(See also section 30: Medical issues)

Return to contents

Go to list of sources

FAMILY PLANNING ('ONE CHILD POLICY')

28.01 Article 25 of the State Constitution (adopted on 4 December 1982) states, "The State promotes family planning so that population growth may fit the plan for economic and social development." Article 49 states, "Both husband and

wife have the duty to practise family planning." **[5a]** In its 2008 Annual Report, published on 31 October 2008, the US Congressional-Executive Commission on China (CECC) noted:

"China's population planning policies in both their nature and implementation constitute human rights violations according to international standards. During 2008, the central government ruled out change to the policy for at least a decade… In the past year, the National Population and Family Planning Commission (NPFPC) retired some of its more strident slogans (e.g., 'one more baby means one more tomb') in an effort to soften the public presentation of its policies, but no corresponding steps were taken to end or change the coercive nature of these policies. Central and local authorities continued to strictly control the reproductive lives of Chinese women through an all-encompassing system of family planning regulations in which the state is directly involved in the reproductive decisions of its citizens. Local officials and state-run work units monitor women's reproductive cycles in order to prevent unauthorized births. The government requires married couples to obtain a birth permit before they can lawfully bear a child and forces them to use contraception at other times. Violators of the policy are routinely punished with exorbitant fines, and in some cases, subjected to forced sterilization, forced abortion, arbitrary detention, and torture." **[28a] (p96)**

28.02 The official government portal, china.org, accessed on 12 February 2009, stated, "…in urban areas, if both husband and wife are only children in their families, they can have two children. In most rural areas, if a family only has one girl, the couple can have another child. In some remote and poor mountainous areas, farmers are allowed to have two children." **[5u]** The CECC Report 2008 stated, "Some provinces have (also) eased restrictions to allow younger couples who come from single-child families to give birth to two children… in 2007, a NPFPC spokesman claimed that the exemption applied to all such couples nationwide with the sole exception of Henan province. Like other population policies, implementation is likely uneven across provinces." **[28a] (p100)** On 16 January 2009 *The Guardian* reported, "A Chinese court has sentenced a mother to death for hiring a man to strangle her 9-year-old son so she could have a baby with her new husband without violating the 'one child' policy… People who remarry may have second children if their new partners are childless." **[41l]**

28.03 On 21 September 2007 the BBC reported:

"A team of independent Chinese and foreign experts who recently produced a report on the family planning rules say China has put a positive spin on the figures. For example, just over half the population might be able to have two children if the first is a girl but, of course, couples are just as likely to have a boy first. Taking that into consideration means the majority of families are effectively limited to having just one child. 'We find that 63% of all couples in China could end up with only one child, 36% with two children and only 1% with three or more,' the experts' report stated. Family planning rules in China may be complex, and vary from region to region, but one child is still the norm in most households." **[9u]**

28.04 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

"The law standardizes the implementation of the government's birth limitation policies; however, enforcement varied significantly… The law requires couples that have an unapproved child to pay a 'social compensation fee,' which sometimes reached 10 times a person's annual disposable income, and grants preferential treatment to couples who abide by the birth limits. Although the law states that officials should not violate citizens' rights, these rights, as well as penalties for violating them, are not clearly defined. The law provides significant and detailed sanctions for officials who help persons evade the birth limitations. Social compensation fees are set and assessed at the local level. The law requires family planning officials to obtain court approval before taking 'forcible' action, such as detaining family members or confiscating and destroying property of families who refuse to pay social compensation fees. However, in practice this requirement was not always followed and the national authorities remained ineffective at reducing abuses by local officials." **[2e] (Section 1f)**

(See also section 26: Women)

(See also section 27: Children Child abduction and 'Black' children or 'hei haizi' (unregistered children))

FAMILY PLANNING LAW AND OTHER REGULATIONS

28.05 Article 2 of the Population and Family Planning Law (2002) states:

"China is a populous country. Family planning is a fundamental state policy. The State shall adopt a comprehensive approach to controlling population size and improving socio-economical and public health characteristics of population. The State shall rely on publicity and education, advances in science and technology, comprehensive services and the establishment and improvement of the incentive and social security systems to carry out the family planning program." **[5j]**

28.06 Article 4 of the Population and Family Planning Law states, "The People's Governments and staff at all levels implementing the family planning program shall act strictly within the law, enforcing it in a civil manner, and must not infringe on citizens' legitimate rights and interest. The family planning administrative departments and their staff acting within the law are protected by law." **[5j]** The USSD Report 2008 observed, "Although the law states that officials should not violate citizens' rights, these rights, as well as penalties for violating them, are not clearly defined." **[2e] (Section 1f)**

28.07 In October 2003 China abolished the controversial and unpopular national system of mandatory premarital health checks, which was intended to promote the state's eugenics goal of population quality by reducing the number of children born with defects due to hereditary or infectious diseases. However, a subsequent increase in the number of such new-born children led the government to take action to promote the importance of premarital checkups. (*China Daily*, 20 February 2005) **[14n]**

28.08 In January 2007 the National Population and Family Planning Commission issued new regulations. They reaffirmed the family planning policy and the eugenics goal of promoting population quality, and again linked these with economic and social development. The regulations stated, "Without exception,

all substantial issues that China encounters in its efforts to achieve better and faster economic and social development are closely related to quantity, quality, structure and distribution of the population… Vigorous efforts are required to disseminate scientific knowledge about prevention of birth defects… Scientific premarital medical checkups should be advocated." **[5r]**

28.09 On 27 May 2008 *The Telegraph* reported:

"China has said it will drop its one-child policy for the parents of children who died in the Sichuan earthquake [on 12 May 2008]. The Population and Family Planning Committee in Chengdu, the capital of Sichuan province, said the exemption could also apply to those whose children were disabled or seriously injured. The announcement, which applies to Chengdu and neighbouring cities Dujiangyan and Pengzhou, may have been timed in an effort to calm the mounting anger among parents whose children died in the disaster… The Chinese government said yesterday that more than 65,000 people died in the disaster, and has previously said that at least 9,000 of those were children and teachers who were in class when the earthquake struck. The government is also struggling to deal with 5,500 children who were orphaned by the earthquake." **[25b]**

(See also section 27: Children Child care)

ETHNIC MINORITIES

28.10 Recognised minorities are partially exempt from the 'one child policy.' The USSD Report 2008 stated, "Ethnic minorities, such as the Uighurs and the Tibetans, are (also) allowed more than one child." **[2e] (Section 1f)** The official government portal, china.org, accessed on 12 February 2009, stated, "In ethnic minority areas, more preferential policies permit some families to have three children, and in the farming and pastoral areas in Xinjiang Uygur Autonomous Region, families are allowed to have four children. In Tibet's farming and pastoral areas, there is no restriction on childbirth." **[5u]**

28.11 The CECC Report 2008 stated:

"In spring 2008, in a reported effort to meet local targets for sterilization, authorities in Tongwei county in Gansu province allegedly forcibly sterilized and detained for two months a Tibetan woman who had abided by local population planning requirements. Most ethnic minorities in rural areas, such as Tibetans, are officially permitted to have more than one child under population planning regulations. In some localities, officials impose restrictions nevertheless. According to overseas Uyghur rights observers, Chinese authorities have carried out forced sterilizations and abortions against Uyghur women. In the aforementioned case of forced sterilization of a Tibetan woman in Gansu province, local officials were reportedly motivated by the promise of promotion and a monetary reward equal to three months' pay for performing a set number of sterilization procedures within their locality." **[28a] (p98-99)**

(See also sections 20: Uighur(s) and 23: Tibet)

FAMILY PLANNING IN RURAL AREAS

28.12 The USSD Report 2008 noted, "In most rural areas the policy was more relaxed, with slightly more than half of women permitted to have a second child if the first was a girl or had a disability." **[2e] (Section 1f)** However, under regulations issued in January 2007, rural areas where the policy was previously implemented less strictly, were explicitly singled out for a more vigorous effort, as was the migrant population. The regulations stated:

"The priority of and challenge to population and family planning programme both lie in China'[s] rural areas… With regard to job training, cooperative medical service, poverty alleviation, allocation of housing lands, renovation of water supply facilities and toilets, utilization of biogas and application of new technologies, competent government departments need to formulate and improve policies that give family planning households, especially rural one-child or two-daughter households, priority consideration and preferential treatments… Rural girl-child families that accepted family planning should have access to social support and enjoy preferential treatment in poverty reduction/relief, charity assistance, subsidized loans, employment, project support, etc." **[5r]**

28.13 A report by Reuters dated 19 November 2007, cited by the Laogai Research Foundation, stated:

"China has vowed fresh efforts to strengthen rural family planning, warning that measures to control population growth in the vast countryside face 'unprecedented challenges'… in tens of thousands of villages those policies were strained by growing mobility, lack of a social security net and 'traditional' ideas about family size, the National Population and Family Planning Commission warned… 'Stabilizing low birth rates in the countryside is an extremely arduous task.' In past years, China has been seeking to soften its draconian and often controversial family control policies, including forced abortions. But local officials remain under intense pressure to keep numbers down – leading to skewed statistics, corruption and sometimes brutality." **[35a]**

ENFORCEMENT

28.14 Writing in a report on illegal births and abortions in China published in the journal *Reproductive Health* in August 2005, Elina Hemminki, Zhuochun Wu, Guiying Cao and Kirsi Viisainen recorded, "Enforcement of the population policy has been pursued via the Communist Party and the State Family Planning (FP) Commission, both of which have a functioning vertical structure." **[15a] (Illegal Pregnancies)**

28.15 As noted by the Center for Reproductive Rights in a report entitled, *Women of the World: Laws and Policies Affecting their Reproductive Lives, East and Southeast Asia*, published in 2005, "China utilizes a five-tier network to provide family planning services at the national, provincial, prefectural, county, and township levels. The network covers 95% of all urban and rural areas with more than 2,500 county technical service units, 140,000 technical service staff, and 4 million family planning specialists, excluding volunteers and part-time workers in villages." **[38a] (p42)** The same source noted:

"In general, local regulations permit married couples without children to make their own arrangements to have a first child. Within three months of a pregnancy, couples must bring their residency papers, marriage certificate, premarital health-care exam certificate, and a letter from the work unit or the villagers' committee to the local people's government or family planning department to register for a 'birth permit.' In limited circumstances, married couples may petition the local family planning department for permission to have a second child. Pregnancies for a second child without government approval or in violation of local laws and regulations must be terminated under the directives of family planning technical service personnel. In some provinces, the local villagers' or residents' committee are permitted to 'take measures' and establish a deadline for terminating the pregnancy. Couples who refuse to undergo an abortion are given a warning, and if the abortion is not performed, the couple may be fined up to CNY 2,000 (USD 242). Citizens who have children without permission from the government must pay social compensation fees, must assume financial responsibility for all maternal health-care costs, and are denied maternity insurance benefits for leave and subsidies; rural citizens are refused future increases in land allocation."
[38a] (p41)

28.16 The USSD Report 2008 recorded:

"The country's population control policy relied on education, propaganda, and economic incentives, as well as on more coercive measures. Those who violated the child limit policy by having an unapproved child or helping another do so faced disciplinary measures such as social compensation fees, job loss or demotion, loss of promotion opportunity, expulsion from the party (membership in which was an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of private property. In the case of families that already had two children, one parent was often pressured to undergo sterilization. The penalties sometimes left women with little practical choice but to undergo abortion or sterilization… The law states that family planning bureaus will conduct pregnancy tests on married women and provide them with unspecified 'follow-up' services. Some provinces fined women who did not undergo periodic pregnancy tests."
[2e] (Section 1f)

28.17 The CECC Report 2008 noted:

"The NPFPC [National Population and Family Planning Commission] issued a directive in September 2007 calling for 'social compensation fees' to be levied at higher levels according to income in order to discourage affluent Chinese from having more children than the law allows. It also warned urban residents that violations of the population planning regulations would now result in negative marks taken against their financial credit records. 'Social compensation fees' (shehui baoyang fei) are penalties or fines that local governments assess against couples who give birth to an unapproved child. For certain couples, these fines pose a dilemma between undergoing an unwanted abortion and incurring devastating financial costs. Often with court approval, family planning officials are allowed to take 'forcible' action against families who are not willing or able to pay the fines. These 'forcible' actions include the confiscation of family belongings and the destruction of the violators' homes. Provincial governments have also introduced new punitive measures – including the threat of job loss or demotion, denial of promotion,

expulsion from the Party, and destruction of personal property – as a supplement to standard fines for all violators, regardless of their economic status. Hunan, Shaanxi, and Guangdong were among the first provinces to immediately target 'elite' segments of the population with new penalties. Less than a month after the NPFPC directive was issued, Hunan adopted a new penalty standard equal to two to six times the violator's income for the previous year for each 'illegal conception.' For each child conceived after the first 'unauthorized birth,' a fine equal to three times the violator's income is imposed, which is in addition to the standard penalty… Local authorities often use legal action and coercive measures to collect money from poor citizens who cannot afford to pay the fees." **[28a] (p96-97)**

28.18 The same source stated:

"The utilization of positive incentives for compliance with birth quotas and sterilization policies in Henan and Gansu provinces reflects an emerging national pattern, but thus far incentives for compliance have only been implemented in addition to, rather than in place of, longstanding coercive measures. In November 2007, the central government issued a directive to encourage this 'benefit oriented mechanism' in population planning, which offers financial rewards in the areas of housing, healthcare, education, and poverty alleviation to compliant couples in rural areas." **[28a] (p100)**

(See also section 26: Women Position of women in society and Marriage)

MONITORING

28.19 The CECC Report 2008 stated, "Local governments often offer monetary incentives and other benefits to informants who report violations of population planning regulations." **[28a] (p99)** As noted by Elina Hemminki, Zhuochun Wu, Guiying Cao and Kirsi Viisainen in a report on illegal births and abortions in China, published in the journal *Reproductive Health* in August 2005:

"In rural areas, an extensive system has been created at the village and district level to ensure constant surveillance of contraceptive use and pregnancy status of all married women at reproductive age. It is common for married women to be requested to visit an FP station every two or three months for pregnancy testing, allowing for early pregnancy detection. In cities, family planning officials and cadres within workplaces have a central function. The surveillance of contraceptive use may be more common than surveillance of pregnancies, as fear of loosing a job may motivate women not to have an illegal pregnancy." **[15a] (Illegal Pregnancies)**

(See also section 26: Women Position of women in society and Marriage)

COERCION (FORCED ABORTION/STERILISATION)

28.20 Reports of physical coercion by officials trying to meet birth targets continued. (USSD Report 2008 and CECC Report 2008) **[2e] (Section 1f) [28a] (p98-99)** The USSD Report 2008 noted that "the country's birth limitation policies retained harshly coercive elements in law and practice. The penalties for violating the law are strict, leaving some women little choice but to abort pregnancies." The report stated further, "Several provinces – Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin, Liaoning, and Ningxia – require 'termination of pregnancy' if the

pregnancy violates provincial family planning regulations. An additional 10 provinces – Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi, and Yunnan – require unspecified 'remedial measures' to deal with out-of-plan pregnancies." **[2e] (Section 1f)**

28.21 The CECC Report 2008 noted:

"The use of coercive measures in the enforcement of population planning policies remains commonplace despite provisions for the punishment of abuses perpetrated by officials outlined in the Population and Family Planning Law. The same law requires that local family planning bureaus conduct regular pregnancy tests on married women and administer unspecified 'follow-up' services. The population planning regulations of at least 18 of China's 31 provincial-level jurisdictions permit officials to take steps to ensure that birth quotas are not exceeded; these steps include forced abortion. In some cases, local officials coerce abortions even in the third trimester. 'Termination of pregnancy' is explicitly required if a pregnancy does not conform with provincial population planning regulations in Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin, Liaoning, and Ningxia provinces. In 10 other provinces – Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi, and Yunnan – population planning officials are authorized to take 'remedial measures' to deal with 'unlawful' births." **[28a] (p97-98)**

28.22 The report continued:

"In April 2008, population planning officials in the town of Zhubao in Shandong province 'detained and beat' the sister of a woman who had illegally conceived a second child, in an attempt to compel the pregnant woman to undergo an abortion. Chen Guangcheng, a legal advocate and rights defender from nearby Linyi city, was sentenced to more than four years in prison in 2006 for exposing widespread abuses by local family planning officials. In April 2008, Chen filed a lawsuit alleging that Linyi officials had 'trumped up charges' against him in 'retaliation' for his efforts to expose their misdeeds. Chen also wrote a detailed letter to the president of the Supreme People's Court and the procurator-general at the Supreme People's Procuratorate to protest his imprisonment and petition for release. In 2007 and 2008, prison authorities prevented Chen from communicating with his family, refused a request for medical parole, and accused him of having 'illicit relations with a foreign country.' Chen's wife, Yuan Weijing, confirmed that cases of forced abortion and other abuses have resurfaced in Shandong in 2008. She remains under constant police surveillance because of her husband's prior advocacy." **[28a] (p98)**

28.23 The same report stated:

"Recent reports indicate many localities continue to use forced sterilization to enforce population planning rules. One report describes lessons learned by Gansu provincial family planning officials from a recent visit to Shanxi province. It emphasizes the importance of 'firmly grasping the long-term implementation of effective contraception, especially persevering to the end with the sterilization of households with two female children'… The linking of job promotion with an official's ability to meet or exceed such targets occurs in many provinces and provides a powerful structural incentive for officials to employ coercive measures in order to meet population goals. In a July 2006

speech, a Tongwei county official highlighted the county's failure to reach sterilization quotas and admonished local family planning workers to 'continue to keep the sterilization of households with two girls… as your focus'… The Tongwei official's reference to demonstrating 'dogged determination' and breaking the 'normal procedures' signals official tolerance of abuses perpetuated by family planning cadres against violators of population planning regulations. As noted in the Commission's last report, for example, large-scale protests erupted in Guangxi Zhuang Autonomous Region in 2007 after local officials carried out forced abortions, sterilizations, and the looting of homes to punish violators of the policy." **[28a] (p98-99)**

28.24 On 22 April 2007 Radio Free Asia (RFA) reported that the authorities in the south-western province of Guangxi and the eastern province of Shandong had forced dozens of pregnant women to undergo abortions, some as late as nine months. The report also stated, "Under China's draconian family planning rules, local officials must keep new births in their region down below a specified target or face fines and a poor career record. Family planning officials have been reported to use violence in many parts of China in order to keep births down. Couples who get pregnant after more than one child have complained of beatings and even house demolitions resulting from their breach of strict population guidelines." **[73b]**

28.25 A report by the Canadian Immigration and Refugee Board on 10 May 2007 recorded, "… a China expert from Germany, cited in the China report of the 10th European Country of Origin Information Seminar [17 March 2006], stated that '[i]t is very common not only to terminate out-of-plan pregnancies, but also to sterilize one of the parents'. However, according to a 3 August 2006 report by the Center for Reproductive Rights… sterilization rates among women in China are 'significantly' higher than those for males." The same source noted, "According to Amnesty International (AI) [on 23 May 2006], '[d]espite laws prohibiting such practices [in China], many women continue to be subjected to forced abortions and sterilizations by local authorities attempting to comply with strict family planning policies.'" **[3aa]**

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

"The law specifies a number of birth limitation measures by the government that do amount to coercion. Party members and civil servants who parent an 'out-of-plan' child are very likely to face administrative sanction, including job loss or demotion. Couples who give birth to an unapproved child are likely to be assessed a social compensation fee, which can range from one-half the local average annual household income to as much as ten times that level... Forced sterilizations continue to occur, most frequently when couples have more children than the allowable number. Women may be allowed to carry the 'excess' child to term, but then one member of a couple is strongly pressured to be sterilized. In some cases, they may be asked to go to a hospital under other pretenses, or sterilized without consent." **[2h] (p6-7)**

28.27 The USSD Report 2008 recorded, "If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. The law stipulates that local governments must employ such practices to raise the

percentage of healthy births. Media reports publicized the forced sterilization of mentally challenged teenagers in Nantong, Jiangsu Province." **[2e] (Section 5)**

(See also Section 25: Disability)

(See also section 26: Women Violence against women)

(See also section 27: Children Female infanticide)

Evasion

28.28 On 14 February 2006 the official *China Daily* newspaper reported that women in China are increasingly using IVF to boost their chances of having twins or triplets and therefore avoiding government restrictions on births. According to this report, "There are no penalties for multiple births." **[14b]**

28.29 On 31 January 2007 the BBC reported that in 2001 Hong Kong's highest court ruled that a child born in Hong Kong to parents who came from China had the right to residency in Hong Kong. Since then numerous Chinese women have travelled there to give birth to avoid the penalties for breaking China's one-child policy. The report stated, "After an influx of about 20,000 non-local women to Hong Kong's hospitals last year, the government has taken a series of measures to help stem the flow. Mainland mothers who look heavily pregnant will have to show immigration officers a hospital booking confirmation alongside their visitor's visa. If they do not have the booking, they will not be allowed in." **[9ah]**

(See also section 26: Women)

Returned overseas Chinese

28.30 The Law of the People's Republic of China on the Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese, effective from 1 January 1991, states, "Returned overseas Chinese and the family members of overseas Chinese shall be entitled to the citizen's rights prescribed by tile [sic] Constitution and the law and at the same time shall perform the citizen's duties prescribed by the Constitution and the law." **[5d]** On 3 May 2002 the Canadian IRB noted that no information could be found on whether a child born in a foreign country to Chinese nationals would have an automatic right to reside in China or whether a foreign-born child's rights would differ from those of a Chinese national. **[3j]**

(See also section 33: Citizenship and nationality)

28.31 As noted by the Canadian IRB on 25 August 2005, a report by *The Economist* dated 18 December 2004 stated that some Chinese nationals, especially from among the urban population, choose to have a second child abroad so that the child can obtain foreign citizenship and therefore not be included in the count. The Canadian IRB added that corroborating information could not be found. **[3i]** On 21 January 2004 the US Citizenship and Immigration Services also noted, "Relatively little information is available to the Resource Information Center (RIC) within time constraints on the treatment of rural Chinese women who return to China with children born outside the country.

For this reason, it is unclear whether the fact that the children are U.S. citizens makes any difference." **[84d]**

28.32 The same source stated:

"The 2001 RIC report (similarly) notes that, '[t]he question frequently arises whether Chinese couples who have an unauthorized child while residing abroad are likely to face penalties upon returning to China. The evidence available suggests that, in many if not most cases, the answer is no'. The report, however, discussed this question largely in relation to returning students and other educated Chinese, as opposed to Chinese from rural areas with little education. A China specialist at the U.S. State Department told the RIC that his office presently had little information on the treatment of returning Chinese who had children while abroad. The specialist added that actual implementation of China's population control policy varies considerably throughout the country, and that some people in southern Fujian and Guangdong provinces had reported no problems in returning after having children abroad. However, a retired China analyst at the U.S. Census Bureau said in a telephone interview that 'there is no reason to expect' that women who have children abroad will be treated differently than those who give birth in China. He said that allowing women who have children outside China to be exempted from the policy upon return would undermine the policy, yet he did say that he had no specific information on the treatment of rural women who return to China after giving birth abroad." **[84d]**

28.33 On 25 August 2005 the Canadian IRB noted that information on penalties faced by couples returning to China from overseas who are in violation of family planning regulations was scarce, other than that found in provincial family planning regulations available in English. Of the six sets of provincial regulations examined by the Canadian IRB, three applied the one child policy equally to returned overseas Chinese and other residents alike (Guangdong, Zhejiang and Beijing, the latter also stating that "[i]f one or both spouses of childbearing age are registered household residents of another province or city, and give birth to a child in violation of these Regulations, the spouse and his or her children shall be ineligible to register their household residence in Beijing"). The three other sets of provincial regulations examined by the Canadian IRB contained special provisions for returned overseas Chinese to have a second child in certain restricted circumstances (Henan, Hunan and Fujian – see below). **[3i]**

FAMILY PLANNING REGULATIONS IN FUJIAN

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

28.35 Article 11 states:

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

- Those who have already become pregnant at the time when they return to settle down;

- Both husband and wife are returned overseas Chinese for less than six years and have only one child;
- All of their children reside overseas and the returned couple have no children inside interior China;

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

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

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

Family planning regulations in Guangdong

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

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

28.37 Article 49 states:

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

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

"Where a migrant gives birth in a matter that contravenes these Regulations, the collection of the social support fee shall be done in accordance with

national regulations. Payment to the national treasury of social support fees and late payment fines shall be managed under a two-track revenue and expenditure control system. No entity or individual shall retain, divert, embezzle or pocket said funds." **[5k]**

FAMILY PLANNING REGULATIONS IN BEIJING AND SHANGHAI

28.38 On 9 August 2003 the official news agency Xinhua reported that under new regulations (effective from 1 September 2003) nine types of household in Beijing are permitted a second child. **[13a]** The report continued:

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

28.39 As recorded by the same source on 13 April 2004, Shanghai also approved similar measures, which permit couples who are both single children to have a second child. It also allows couples with children from a previous marriage to have a child together, as well as permitting urban couples to have a second child if one of the spouses is "disabled to such an extent that it affects his or her ability to work." **[13h]**

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

28.41 On 30 September 2006 the official *People's Daily* newspaper confirmed that Beijing will not ease restrictions on family planning to allow people with higher educational qualifications to automatically have a second child. **[12ac]**

SINGLE WOMEN

28.42 As reported by the Canadian IRB on 6 September 2005, information on the treatment of unmarried women who bear children was difficult to find, except in provincial family planning regulations. **[3h]**

28.43 The USSD Report 2008 noted, "In order to delay childbearing, the law sets the minimum marriage age for women at 20 years and for men at 22 years. It continued to be illegal in almost all provinces for a single woman to have a child." **[2e] (Section 1f)** The CECC Report 2008 noted, "For children conceived out of wedlock, violators face a fine of six to eight times their income from the previous year." **[28a] (p97)**

28.44 The same source also stated:

"In March 2008, family planning officials in Zhengzhou city, the capital of Henan province, forcibly detained a 23-year-old unmarried woman who was seven months pregnant. Officials reportedly tied her to a bed, induced labor, and killed the newborn upon delivery. Regulations in most provinces forbid a single woman to have a child and residency permit regulations often deny registry to children born out of wedlock. 'Out-of-plan' children in China, those whose birth violated population planning regulations, are frequently denied access to education and face hurdles to finding legitimate employment." **[28a] (p98)**

28.45 Writing in a report on illegal births and abortions in China published in the journal *Reproductive Health* in August 2005, Elina Hemminki, Zhuochun Wu, Guiying Cao and Kirsi Viisainen recorded, "The Chinese family planning regulations do not include the concept of an 'illegal child' (i.e. a child born out of an 'illegal pregnancy'), and the law prohibits discrimination against children born outside marriage. However, children from illegal pregnancies may not be registered or treated equally until their parents pay the fines imposed as punishment." **[15a] (Illegal Pregnancy)**

(See also section 27: Children 'Black' children or 'hei haizi' (unregistered children))

(See also section 31: Freedom of movement Household registry (hukou))

28.46 As reported by *The Japan Times* on 7 August 2006, "The 2001 edition of the Almanac of China's Health reports that approximately 10 million induced abortions are performed annually in China – with 20 to 30 percent done on unmarried young women. Under Chinese law, a parent or guardian must approve an abortion performed on a girl of 18 or younger. Thus many pregnant girls who fear their family's reaction go to back-street abortionists or quacks that may endanger a girl's life." **[17n]**

28.47 In a report dated 2 November 2001, the Canadian IRB stated, "Unwed, pregnant women who do not want an abortion, but instead decide to have the baby might be able to pay the local government officials or the medical doctor to 'look the other way' and allow the pregnancy to be carried to term." **[3f]** The report also noted:

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

28.48 As reported by the *Epoch Times* (a publication sympathetic to Falun Gong) on 27 October 2005, there is confusion as to whether students are allowed to apply for birth permits. "In February [2004], China's Ministry of Education released a new rule that revokes the marriage ban of college students. However, this rule fails to clearly state whether students studying at college are allowed to have a child. As such, the birth control units for colleges and

universities insist on not granting birth permits to students for there are no related policies or birth quota for them." **[40c]**

(See also section 26: Women Position of women in society and Marriage)

Return to contents

Go to list of sources

TRAFFICKING

29.01 The United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region, on its country page for China, accessed on 19 March 2009, noted:

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

29.02 UNIAP also noted:

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

29.03 The USSD Trafficking in Persons Report 2008, published on 4 June 2008, stated:

"The government of the P.R.C. does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Nevertheless, China is placed on Tier 2 Watch List for the fourth consecutive year for its failure to provide evidence of increasing efforts to combat human trafficking from the previous year, particularly in terms of punishment of trafficking crimes and the protection of Chinese and foreign victims of trafficking. Victims are sometimes punished for unlawful acts that were committed as a direct result of their being trafficked – such as violations of prostitution or immigration/emigration controls. The Chinese government continued to treat North Korean victims of trafficking solely as economic migrants, routinely deporting them back to horrendous conditions in North Korea. Additional challenges facing the P.R.C. government include the enormous size of its trafficking problem and the significant level of corruption and complicity in trafficking by some local government officials. Factors impeding progress in anti-trafficking efforts include tight controls over civil society organizations, restricted access of foreign anti-trafficking organizations, and the government's systematic lack of transparency." **[2l] (China)**

29.4 The same source stated:

"China sustained its record of criminal law enforcement against traffickers over the reporting period, though government statistics are difficult to verify. P.R.C. law criminalizes forced prostitution, abduction, and the commercial sexual exploitation of girls under 14 through Article 244 of its Criminal Code. Article 41 of China's revised Law on the Protection of Minors, in effect since June 2007, now prohibits the trafficking, kidnapping, and sexual exploitation of minors under the age of 18. Prescribed penalties under these criminal statutes are sufficiently stringent and include life imprisonment and the death penalty. However, Chinese law does not prohibit commercial sexual exploitation involving coercion or fraud, nor does it prohibit all forms of trafficking. The law prohibits the employment of children under the age of 16, but the government had not adopted a comprehensive policy to combat child labor. While Article 244 of its Criminal Code bans forced labor by employers, the prescribed penalties of up to three years' imprisonment or a fine under this law are not sufficiently stringent. Additionally, Chinese law does not recognize forms of coercion other than abduction as constituting a means of trafficking. MPS reported investigating 2,375 cases of trafficking of women and children in 2007, which is significantly lower than the 3,371 cases it cited in 2006. These statistics are likely based on China's definition of the term 'trafficking,' which does not include acts of forced labor, debt bondage, coercion, or involuntary servitude, or offenses committed against male victims. In September 2007, an MPS official indicated that the number of reported cases of sexual exploitation and forced labor increased from 2006 to 2007. Chinese law enforcement authorities arrested and punished some traffickers involved in forced labor practices and commercial sexual exploitation, but did not provide data on prosecutions, convictions, or sentences." **[2l] (China)**

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

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

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

SUPPORT AND ASSISTANCE

29.06 The UNIAP, on its country page for China, accessed on 19 March 2009, stated:

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

29.7 The USSD Trafficking in Persons Report 2008 noted:

"China made incremental progress in victim protection during the reporting period. The government, with the assistance of UNICEF, built a new shelter to provide trafficking victims in Yunnan Province with short-term care, but there remain overall an inadequate number of shelters for victims of trafficking. There continue to be no dedicated government assistance programs for victims of trafficking. China continues to lack systematic victim identification procedures to identify victims of sex trafficking among those it arrests for

prostitution and to refer them to organizations providing services. It does not have a comprehensive nationwide victim protection service, but has taken some steps to improve intra-governmental coordination and cooperation in vulnerable southern border provinces. While both the MPS and Ministry of Civil Affairs run shelters, the two ministries do not share information or coordinate their efforts. While China has made increased efforts to better identify and protect trafficking victims through enhanced cross-border cooperation, protection services and victim identification procedures remain inadequate to address victims' needs. Women found in prostitution are, in many instances, treated as criminals for acts committed as a direct result of being trafficked. Although the MPS has provided expanded border and police training to help border officials spot potential trafficking victims and assist in their repatriation, the quasi-governmental All-China Women's Federation reported that ongoing problems require NGO intervention to protect trafficking victims from unjust punishment." **[2l] (China)**

(See also section 26: Women)

(See also section 27: Children Child abduction)

(See also section 34: Exit/entry procedures Treatment of returnees)

CHINESE MIGRANTS

29.08 As recorded by Ronald Skeldon of the University of Sussex, writing on Chinese migration in April 2004:

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

29.09 The same source also stated, "In addition to migrants from Fujian and some from Guangdong provinces, migrants from Zhejiang and, increasingly, from provinces in the northeast figure prominently in the flows to Europe." **[50a]**

Map courtesy of US State Department

29.10 According to a report by CEME (Cooperative Efforts to Manage Emigration), which brought together the findings of a week-long visit to Fujian undertaken in June 2004, economic growth in Fujian stimulates outward migration. **[97]** On 7 February 2004 *The Guardian* reported, "People from Fujian have a long history of seeking their fortune overseas. In extreme cases some villages have 80% of families with someone living overseas." **[41c]**

29.11 The CEME report also stated:

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

SNAKEHEADS (PEOPLE SMUGGLERS)

29.12 As reported by Channel News Asia on 13 February 2004:

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

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

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

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

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

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

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

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

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

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

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

"American research (Chin 1999; Zhang and Chin 2000) on Chinese human smugglers has revealed that snakeheads are not triad-like criminal organizations that can be countered by conventional law-enforcement methods aimed at eliminating the organization's leadership. Rather, snakeheads are independent and highly specialized entrepreneurs enmeshed in loose networks, only cooperating on specific consignments. Consequently, countering snakeheads should focus on spoiling their market, both by raising the risks and costs of their operations and by taking away the demand for their services. The key issue then becomes how many Fujianese a country should

admit under a program of migration to make a sufficient number of snakeheads abandon their trade for something less risky and more profitable." **[50e] (p13-14)**

29.15 As reported by CEME (Cooperative Efforts to Manage Emigration), which brought together the findings of a week-long visit to Fujian undertaken in June 2004, "Persons convicted of organizing smuggling or trafficking can be fined or, if convicted, sentenced to 2, 5, 10 years or life imprisonment." **[97] (p7)** The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

"Trafficked persons became entangled with alien smuggling rings, which often had ties to organized crime and were international in scope. Persons trafficked by alien smugglers paid high prices for their passage to other countries, where they hoped their economic prospects would improve. Some reportedly promised to pay RMB 231,000 to RMB 385,000(approximately $33,791 to $56,320) for passage. Upon arrival many reportedly were forced to repay traffickers for the smuggling charges and their living expenses by working in specified jobs for a set period of time. Living and working conditions for trafficked persons were generally poor. Traffickers restricted their movements and confiscated their travel documents. Threats to report trafficking victims to the authorities or to retaliate against their families if they protested made trafficked persons even more vulnerable… Persons convicted of forced prostitution, abduction, or commercial exploitation face criminal sanctions including fines, confiscation of personal property, life imprisonment, and, in extreme cases, the death penalty; convictions for trafficking minors carry heavier sentences. Victims and their families can also bring civil suits against offenders, but in practice few civil suits made it beyond initial stages. In cases where they did go beyond initial stages, victims encountered obstacles in claiming their award compensation." **[2e] (Section 5)**

Return to contents

Go to list of sources

MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

30.01 The World Health Organisation (Regional Office for the Western Pacific), in its 2008 Country Health Information Profile for China, noted:

"Overall, people in China are living longer and healthier lives. The disease profile resembles that of a developed country, with some 85% to 90% of deaths due to noncommunicable diseases and injuries… Among the remaining infectious diseases, hepatitis B infection, TB and lower respiratory infections still account for significant mortality… National averages, however, mask considerable regional variations and disparities across socioeconomic groups, genders and geographic localities… Economic growth has enabled wealthier households to benefit more from access to health care and medical technologies. However, most low-income households face important barriers in accessing affordable essential health services and medicine. Despite large-scale government infrastructure investment, the cost of health services remains a major barrier to accessing quality services, particularly for people in

remote and rural areas. Increasing levels of user fees are resulting in low usage of health services among low-income households, as medical care expenditure and the cost of health services are rapidly outpacing average incomes… While health insurance coverage is increasing, especially in rural areas, many people are underinsured and continue to face high out-of-pocket costs… Large geographical differences exist in health outcomes. Remote and rural regions face problems in making available specialized care to their populations, including emergency obstetric services and trauma, adequate facilities, and trained health professionals. This presents a major problem in implementing universal health care coverage. The availability and affordability of life-saving and common medicines needs to be improved… Senior-level officials have publicly recognized the problems in the pharmaceutical sector and the insufficient access to essential medicines." **[53a]**

30.02 In a report dated 16 January 2009, *Asia Times* stated:

"…China is medically speaking two nations. Primary care, even in the cities, is almost non-existent and with no independent doctors or neighborhood clinics, people have to go to hospitals even for simple healthcare needs. With hospitals told to finance their own costs and 79% of the population having no health insurance, the burden on the average Chinese is considerable, with the result that many simply cannot afford any healthcare at all. The one to 950 ratio of doctors to the population appears encouraging… But these numbers don't reflect the fact that most of China's doctors are concentrated in the cities. Likewise, while most general hospitals are clearly below Western standards aside from a few specialized hospitals which routinely perform complex operations with well-trained doctors and the latest equipment. These are increasingly catering to the need of the newly affluent Chinese. In a country where large swaths of the population do not have access to the most basic healthcare, it is this group which spends an estimated $2 billion a year on cosmetic surgery. This can only increase the gap between the haves and the have-nots. According to current estimates, it would take half a million additional doctors, well distributed across the country, to provide the healthcare that the Chinese really need. This, however, would require not only additional training of doctors but also a reform of their status and remuneration." **[64b]**

30.03 On 20 October 2008 the BBC reported:

"The UK-based medical journal, The Lancet, is launching a major series of scientific papers in Beijing on China's plans for healthcare reform. The spotlight comes as the country is debating an ambitious programme which aims to provide health insurance for all its 1.3 billion people by 2020. The Healthy China 2020 plan is intended to create a universal health service. Critics say the Chinese health system presently falls far behind the needs of those it is supposed to be treating… Primary healthcare, especially for the poor, disintegrated in recent decades when the old state system was dismantled and medical fees introduced. Healthcare is a top public complaint – many cannot get access to it or simply cannot afford it. Many of the 700 million people in the countryside have to travel to cities to get decent care. Bill Summerskill, the Lancet's executive editor, says the current system just is not working. 'More than half the money comes out of pocket. And if people end up in hospital, the average hospitalisation is greater than an average person's wage,' he told the BBC. 'China is facing a real problem with this new

phenomenon of health poverty. Where people either can't afford to get the care or else, having received the care, are then bankrupted by it,' he added… About 177 million Chinese people have high blood pressure. At the moment, only about one in 10 gets adequate treatment." **[9c]**

30.04 On 21 October 2008 *The Telegraph* reported:

"A special study of China's health system commissioned by The Lancet magazine throws light on the social costs of the country's breakneck economic growth. It found that improvements in health care had slowed in recent decades despite the country's 'miracle' economy. Investment was so heavily focused on prosperous urban areas that the life expectancy was now 11 years greater in Shanghai than in the poor western province of Gansu. The differences lasted from cradle to grave… The current leadership of President Hu Jintao and the prime minister Wen Jiabao has staked its reputation on healing the growing divide between rich and poor. It has already unveiled ambitous proposals intended to spread health insurance, now largely found in the city, to cover all China's 1.3 billion people by 2020. At the moment, most people in rural areas have to pay doctors' and hospital bills out of their own pocket, even though the average cost of a hospital admission is now almost equal to the average annual income. The report says that because of its boom the country 'is in a much better position than other nations to overcome health inequities' by paying for reforms. But the report points to more fundamental problems than in just insurance. Too often doctors prescribe drugs that are profitable rather than useful. Migrant workers – who come from the city but work in the building sites, restaurants and factories of the expanding cities – have 'grossly inadequate' care. Most strikingly, so much money has been invested in general development in urban areas, with public spending 48 times higher in the richest than the poorest counties, that the basics of life are affected: 96 per cent of the population of large cities have safe drinking water but less than 30 per cent in poor areas." **[25a]**

30.05 According to a nationwide survey carried out in 2003 and reported by the official news agency Xinhua on 22 November 2004, "36% of Chinese patients in cities and 39% in the countryside did not go and see a doctor because they could not afford the medical treatment." The same source noted, "Doctors are inclined to give patients expensive prescriptions, because Chinese hospitals depend too much on the income from medicines instead of service." **[13p]**

(See also section 2: Economy Poverty)

(See also section 27: Children Health issues)

HIV/AIDS

30.06 As documented by the UNAIDS website, accessed on 17 March 2009:

"Currently, China's HIV epidemic remains one of low prevalence overall, but with pockets of high infection among specific sub-populations and in some localities. The characteristic of the epidemic in China are: The epidemic continues to expand, but the rate is slowing; sexual transmission is now the main mode for the spread of HIV; geographic distribution is highly varied; and the epidemic continues to be driven by high-risk behaviour within particular sub-populations… The government's resource commitments to AIDS have

continued to increase and comprehensive training to strengthen the HIV awareness of leaders is being implemented… Mass organizations, civil society organizations and business enterprises are actively involved in the national response to AIDS… Comprehensive HIV prevention initiatives are increasingly focused on behavioural change among the most-at-risk populations (MARPs). Coverage of interventions aimed at behavioural change by sex workers and their clients has increased and interventions to men who have sex with men were also strengthened through pilot projects. Among injecting drug users, the methadone maintenance treatment programme has been expanded, along with clean needle exchange in locations with high injecting drug use. HIV transmission through blood (plasma) donation and transfusion was effectively contained and the coverage of prevention of mother-to-child transmission was expanded. Voluntary counselling and testing services were progressively expanded." **[54a]**

30.07 According to an article in *The Guardian*, attributed to the Associated Press and dated 18 February 2009:

"AIDS was the top killer among infectious diseases in China for the first time last year, with 6,897 people dying in the nine months through September, a state news agency said. Though the report by the Xinhua News Agency, citing the Ministry of Health, did not explain the jump, a possible factor is the Chinese government's improved reporting of HIV/AIDS statistics in recent years as it slowly acknowledged the presence of the disease… China long denied that AIDS was a problem, accounting in part for the low number of reported deaths. But leaders have shifted in recent years, confronting the disease more openly and promising anonymous testing, free treatment for the poor and a ban on discrimination against people with the virus. Nevertheless, many Chinese are still reluctant to be tested. The government and UNAIDS estimate the number of people living with HIV in China is actually about 700,000 – much higher than the confirmed number of infections. The government estimates that 85,000 of those have AIDS… The HIV virus that causes AIDS gained a foothold in China largely due to unsanitary blood plasma-buying schemes and tainted transfusions in hospitals. But last year, health authorities said sex had overtaken drug abuse as the main cause of HIV infections. The government remains sensitive about the disease, regularly cracking down on activists and patients who seek more support and rights." **[44a]**

Anti-retroviral therapy

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

30.09 On 15 April 2004 the official *People's Daily* newspaper reported that the government had announced the introduction of free AIDS tests and consultations for all citizens. The report stated, "According to the regulation, the central government pay for the tests in the AIDS-stricken areas while the local governments in other areas pay themselves." **[12q]**

30.10 The Kaiser Network reported on 17 August 2006, "Some HIV-positive people develop resistence to first-line antiretrovirals, but second-line drugs are seven to 28 times as expensive as first-line drugs, according to Reuters. In addition, commonly-used second-line antiretrovirals, including tenofovir and Abbott Laboratories' Kaletra, are not available in China. Abbott and China are negotiating a pricing deal on Kaletra, but an agreement is not expected soon, according to Reuters." **[95c]**

30.11 As documented by the UNAIDS website, accessed on 17 March 2009:

"Expanding access to free antiretroviral treatment under the 'Four Free One are' policy has been a priority, with coverage extended to 1,190 counties in 31 provinces (autonomous regions and municipalities). Standardized ART was strengthened, the national drug resistance monitoring system was established and a pilot second-line drug trial was launched. Comprehensive treatment models, prevention of opportunistic infection treatment and traditional Chinese medicine treatment were under exploration, while care and support have been further intensified... While there have been impressive achievements in the national response to AIDS, a number of core challenges remain. These are outlined under seven key areas, namely: (1) programme management and accountability; (2) awareness campaigns and anti-discrimination; (3) comprehensive interventions; (4) treatment, care and support; (5) all society involvement; (6) capacity-building of response teams; and (7) monitoring and evaluation systems." **[54a]**

30.12 A Reuters report dated 30 October 2008 stated:

"Chinese AIDS victims are dying needlessly because a 'tragic stigma' prevents them seeking help in a country where one fifth of people think the disease can be passed on by sharing a toilet, a top activist said on Thursday. The government has promised to hand out free, Chinese-made drugs to anyone infected with the disease and the country's leaders have met those living with HIV/AIDS but there is still widespread ignorance about how it is spread… 'Everywhere I have gone... they have reported to me the high levels of stigma, ostracism and discrimination that people with HIV/AIDS experience in China,' said Edwin Cameron, a South African Supreme Court judge who is HIV positive. 'This is a tragedy because the Chinese government has a very good treatment program,' he added during a visit to China to help raise awareness. Cameron said that while 35,000 to 40,000 people with AIDS were on treatment, more than double that number needed drugs and were scared to be tested, or even to pick up the results of blood tests because of the result of being labeled HIV positive… Last year China officially had 700,000 people living with HIV/AIDS and expected 50,000 new infections this year." **[34a]**

30.13 In a report dated 8 December 2008, Human Rights Watch stated:

"China has won increasing praise for its aggressive response to the HIV/AIDS epidemic. Among other efforts, the Chinese government has sharply expanded HIV prevention programs and increased the availability of 'first line' HIV treatment medicines. Particularly promising have been community-based programs targeting drug users that have increased the availability of methadone therapy to address opioid drug dependency. Yet, despite these advances, harsh law enforcement practices and extended confinement of drug

users in detox and RTL centers continue, impeding efforts to provide effective drug dependency therapy and ignoring the HIV prevention and treatment needs of drug users." **[7o]**

Discrimination against HIV/AIDS sufferers

30.14 A Reuters report dated 30 October 2008 stated:

"It is officially illegal to discriminate against those with the disease but ignorance means signs banning victims from places like gyms and bathhouses are common and blood tests sometimes required for jobs or hospital operations. The government has also sent out mixed messages, with sporadic crackdowns on domestic activists and visa bans on most foreigners infected with the disease. But Wang Longde, head of the Chinese Preventative Medicine Association, said he hoped the visa rule will go by the end of the decade and overall things had improved from a few years ago when police would wait outside his office to arrest patients on the grounds that they must be infected if they were visiting him." **[34a]**

30.15 As recorded by the US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009:

"Despite provisions in the new Employment Promotion Law, discrimination against persons with HIV/AIDS and hepatitis B carriers (including 20 million chronic carriers) remained widespread in many areas. Persons with HIV/AIDS suffered discrimination, and local governments sometimes tried to suppress their activities. At the same time, international involvement in HIV/AIDS prevention, care, and treatment, as well as central government pressure on local governments to respond appropriately, brought improvements in some localities. Some hospitals that previously refused to treat HIV/AIDS patients had active care and treatment programs because domestic and international training programs improved the understanding of local healthcare workers and their managers. In Beijing dozens of local community centers encouraged and facilitated HIV/AIDS support groups. Some NGOs working with HIV/AIDS patients and their family members continued to report difficulties with local governments, particularly in Henan Province, where thousands were infected in government-run blood-selling stations during the 1990s. Henan authorities successfully provided free treatment to persons with HIV/AIDS, but foreign and local observers noted that local governments were reluctant or even hostile toward coordinating efforts with NGOs and preferred to work independently." **[2e] (Section 5)**

30.16 In September 2003 Human Rights Watch published a report entitled, *Locked Doors: The Human Rights of People living with HIV/AIDS in China*, detailing the many obstacles that people faced when diagnosed as HIV positive in China. This report highlighted both the high level of ignorance about the disease, particularly in rural areas, and the continued reluctance of local officials to fully implement central government initiatives. **[7f]** In June 2005 Human Rights Watch published a report entitled, *Restrictions on AIDS Activists in China*. This report stated, "Even as NGO activity generally increases, activists and NGO staff continue to report constant state surveillance, a web of bureaucratic obstacles, and even open harassment in the course of doing their daily work." **[7c] (Summary)**

30.17 On 13 February 2006 the official news agency Xinhua announced that from 1 March 2006 new regulations designed to control the spread of HIV/AIDS would come into force. "According to the regulation, any working unit or individual cannot discriminate against people living with HIV/AIDS, AIDS patients and their relatives. Their rights of marriage, employment, medical care and education are protected by law." **[13j]**

MENTAL HEALTH

30.18 On 15 January 2005 the *South China Morning Post* reported, "According to Ministry of Health figures, China has 16,055 psychiatrists – one for every 87,500 people. This figure doesn't reflect disparities in rural areas, where qualified psychiatric care is non-existent." According to the same source many hospitals do not have real psychiatrists. Instead they have neurologists and other doctors who have been briefly retrained and then sit and listen to patients before writing prescriptions. **[17j]** As reported by the official *People's Daily* newspaper on 21 March 2005, China has fewer than 3,000 people engaged in psychological services whereas most developed countries have one psychological worker for every 1,000 people. **[12n]**

30.19 The WHO Mental Health Atlas 2005 (a project of the Department of Mental Health and Substance Abuse, WHO, Geneva) recorded in its Country Profile for China, "Among all the cities of China, Shanghai has the most developed psychiatric setup… Services at each of the three levels – municipal, district and grass-root level are available" **[53b]**

30.20 On 14 September 2006 Radio Free Asia (RFA) reported, "Currently, fees for an hour's psychotherapy in China range from 200-500 yuan (U.S.$25-62), well out of the reach of any of the country's 900 million rural residents, among whom suicide rates for women are alarmingly high." **[73g]**

30.21 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted, "A high female suicide rate continued to be a serious problem… Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, the country's birth limitation policies, and other societal factors contributed to the high female suicide rate. Women in rural areas, where the suicide rate for women is three to four times higher than for men, were especially vulnerable." **[2e] (Section 5)**

(See also section 12: Psychiatric custody (Ankang system))

(See also section 26: Women)

(See also section 27: Children)

Return to contents

Go to list of sources

FREEDOM OF MOVEMENT

HOUSEHOLD REGISTRY (HUKOU)

31.01 In a report dated 1 March 2007, Amnesty International stated:

> "The hukou system requires every resident of China to be registered with the local Public Security Bureau. Household registration booklets are kept by local security bureaux for all families (individuals living alone being counted as a household) which contain information including the names, dates of birth, occupations, marriage status, etc., on all members of the household. Chinese citizens have only one place of permanent hukou registration. According to the Provisional Regulations on the Management of Temporary Residents in the Urban Areas, issued in 1985, any person staying or living outside of their hukou zone for more than three days, including foreign nationals, must register with the local hukou authorities at the local police station and obtain a guest, or temporary, hukou registration. Individuals who fail to do so may be subject to fines and removal to their place of permanent registration. Landlords, hotels, and other households who host visitors are responsible for ensuring that their guests register with the local police although these regulations have been relaxed in some localities. Any person staying in a locality outside their hukou zone for more than three months must, furthermore, apply for a Temporary Residential Permit (zanzhuzheng) which provides the legal basis for residence and the key basis of legal identity. In many localities this permit is necessary in order to work, to rent housing, to open a bank account, to enter public buildings (such as libraries), to receive registered mail, and for other personal identification purposes." **[6n]**

31.02 The report stated further:

> "Obtaining a temporary residential permit can be a time-consuming and costly process, although the fees and the documentation required ranges widely between localities… (However,) it continues to be difficult to obtain a residency permit in Beijing. According to an internal migrant worker in Beijing 'police don't give them out easily, you have to have guanxi', meaning personal contacts. Those seeking to obtain a temporary residential permit may, however, face additional costs. Reports in some localities point to the need for internal migrants to bribe local officials and police officers in order to obtain a temporary permit… The documentation required for obtaining a temporary residency permit differs between localities, although either a labour contract or documentation from a local host or local landlord is generally required… Localities that seek to limit the influx of internal migrants will tend to have more stringent documentation requirements. The validity of temporary residential permits varies between localities, generally between six to twelve months, and according to individual status. Permits must be renewed with proper documentation at the end of their validity, with a fee being charged for each renewal. Temporary hukou status does not automatically convert to permanent residential status no matter how long an individual lives in a locality. Holders of temporary residential permits are not considered local residents, but are considered only to have legal permission to temporarily reside in a locality outside their hukou zone." **[6n]**

31.03 As noted by the website of the US Embassy in China, accessed on 17 March 2009:

"Reforms to China's household registration (hukou) system have begun to redress the historical bifurcation of Chinese society into urban and rural classes. The reforms enable rural migrants with stable jobs and fixed residences to register as urban residents and to obtain social services, primarily their children's education. Changes to the hukou system focus on towns and small cities, in line with the government's urbanization strategy, but also now encompass several large cities. As in Jinan, Shandong province, however, almost all the large cities involved have confined reforms to designated areas just inside the cities' administrative periphery. In one sense, the reforms simply acknowledge the flow of rural migrants to cities in recent decades. In a deeper sense, liberalization of the hukou system will help to improve labor mobility and to accord some measure of 'national treatment' to rural inhabitants." **[99b]**

31.04 In its report of 1 March 2007, Amnesty International stated:

"However welcome these partial reforms may be, the hukou system continues to provide the basis for legal categories based on social origin which facilitate and fuel discrimination. Hukou designation remains a hereditary status inherited at birth from one's parents. Even under the reformed hukou system, a Chinese child born in Beijing of Chinese parents who are originally from a rural village will inherit the hukou registration category of the parents' home-town. This will prevent him or her from being able to obtain permanent Beijing residency, and condition the child's chance of enjoying free, compulsory, education, the right to health care, and protection in the workplace if he or she should remain in Beijing long enough to start work. While the system has abolished the terminology of 'rural' versus 'urban' hukou categories, the designation of being a 'temporary' versus a 'permanent' resident in a city serves to condition the enjoyment of a wide range of rights as effectively as the old designations. And, according to current eligibility standards in most localities, the vast majority of internal migrants are unable to obtain permanent urban hukou." **[6n]**

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

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

31.06 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

"Although the government maintained restrictions on the freedom to change one's workplace or residence, the national household registration system (hukou) continued to change, and the ability of most citizens to move within the country to work and live continued to expand. Rural residents continued to migrate to the cities, where the per capita disposable income was more than

four times the rural per capita income, but many could not officially change their residence or workplace within the country. Most cities had annual quotas for the number of new temporary residence permits that could be issued, and all workers, including university graduates, had to compete for a limited number of such permits. It was particularly difficult for peasants from rural areas to obtain household registration in more economically developed urban areas." **[2e] (Section 2d)**

INTERNAL MIGRANTS

31.07 The USSD Report 2008 stated:

"The household registration system added to the difficulties rural residents faced even after they relocated to urban areas and found employment. The Ministry of Human Resources and Social Security (MOHRSS) reported that there were approximately 230 million migrant workers from rural areas engaged in wage employment in urban areas. These economic migrants lacked official residence status in cities, and it was difficult for them to gain full access to social services, including education, despite laws, regulations, and programs meant to address their needs. Furthermore, law and society generally limited migrant workers to types of work considered least desirable by local residents, and such workers had little recourse when subject to abuse by employers and officials. Some major cities maintained programs to provide migrant workers and their children access to public education and other social services free of charge, but migrants in some locations reported that it was difficult to qualify for these benefits in practice." **[2e] (Section 2d)**

31.08 In a report dated 1 March 2007, Amnesty International stated:

"Tens of millions of [internal] migrants are denied rights to adequate health care and housing, and are excluded from the wide array of state benefits available to permanent urban residents. They experience discrimination in the workplace, and are routinely exposed to some of the most exploitative conditions of work. Internal migrants' insecure legal status, social isolation, sense of cultural inferiority and relative lack of knowledge of their rights leaves them particularly vulnerable, enabling employers to deny their rights with impunity. The children of internal migrants do not have equal access to free, compulsory, education, and many of them have to be left behind in the countryside." **[6n]**

31.09 The report continued:

"While internal migrants from rural areas are now able to work in the cities, unlike during the Maoist era when they were all but shut out, they are required to register as temporary residents there, a process which a majority find difficult or impossible to complete. Many migrant workers are thus not able to complete all the required documentation for being properly registered, with the result that from the perspective of state authorities they are in the cities illegally. This makes them vulnerable to exploitation by the police, landlords, employers, local officials, as well as permanent urban residents. 'Undocumented' internal migrants in China continue to risk arrest and forcible removal back to their home-towns. Thus, rather than rewarding, or at least respecting the rights of those individuals who have demonstrated the willingness to leave home – often leaving family and loved ones behind, to fill

the gaps in the labour market wherever they might be, and to labour in the most difficult and gruelling conditions, a succession of Chinese administrations have maintained the administrative and regulatory system that underpins discrimination against them. While the central government is taking more seriously the plight of internal migrant workers, and has passed regulatory measures seeking to improve their working and living conditions, Amnesty International considers that change has been slow and implementation inadequate." **[6n]**

31.10 In a report dated March 2008, Human Rights Watch addressed the abusive conditions experienced by Beijing's migrant construction workers, detailing their exploitation by employers and the failure of the Chinese government to effectively address these violations. The report stated, "Chinese government authorities are well aware of the abuses migrant construction workers face and have begun to make the necessary policy adjustments in certain areas… But our research shows that a lack of rigorous implementation of existing policies have created critical policy gaps which leave migrant workers vulnerable to suffer a range of serious human rights abuses." **[7m]**

31.11 A report by the BBC on 2 February 2009 stated:

"China says 20 million migrant workers have lost their jobs during the economic downturn – three times greater than had been suggested previously. A survey carried out in 15 provinces suggests around 15% of the total migrant labour pool is now unemployed. Each year between five and seven million new workers from rural areas come to China's biggest cities looking for work. They join a migrant worker labour pool estimated at around 130 million. There are fears that large numbers of unemployed workers could lead to social unrest." **[9p]**

Return to contents

Go to list of sources

FOREIGN REFUGEES

32.01 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

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

32.2 As reported by the same source:

"The 1951 UN Convention relating to the Status of Refugees and its 1967 protocol do not extend to Hong Kong, and the SAR has no temporary protection policy. The director of immigration has discretion to grant refugee status or asylum on an ad hoc basis, but only in cases of exceptional

humanitarian or compassionate need. The Immigration Ordinance does not provide foreigners the right to have asylum claims recognized. The government's practice was to refer refugee and asylum claimants to a lawyer or the UNHCR." **[2e] (Hong Kong)**

NORTH KOREAN REFUGEES

32.03 The USSD Report 2008 noted:

"The government continued to consider all North Koreans 'economic migrants' rather than refugees, and the UN High Commissioner for Refugees (UNHCR) continued to have limited access to North Korean refugees inside China. The lack of access to UNHCR-supported durable solutions and options, as well as constant fear of forced repatriation by authorities, left North Korean refugees vulnerable to human traffickers. Even refugees under UNHCR care were subjected to harassment and restrictions by authorities… (However,) the government continued to deny the UNHCR permission to operate along its northeastern border with North Korea. In practice the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. During the year, reportedly in preparation for the Olympics, authorities stepped up efforts to locate, detain, and forcibly return North Koreans to North Korea, where many faced persecution and some may have been executed. Police in Yanbian reportedly offered an award of RMB 2,000 ($292) to RMB 2,700 ($395) for turning over North Koreans. Some North Koreans were permitted to travel to third countries after they entered diplomatic compounds in the country. The intensified crackdown against North Korean refugees reportedly extended to harassment of religious communities along the border. The undocumented children of some North Korean asylum seekers and of mixed couples (i.e., one Chinese parent and one North Korean parent) reportedly did not have access to health care and other social services. The government also arrested and detained individuals who provided food, shelter, transportation, and other assistance to North Koreans. According to reports, some activists or brokers detained for assisting North Koreans were charged with human smuggling, and in some cases the North Koreans were forcibly returned to North Korea. There were also reports that North Korean agents operated clandestinely within the country to forcibly repatriate North Korean citizens." **[2e] (Section 2d)**

32.04 As reported by *TIME* on 24 April 2006, "Refugees say that the most common way to get across the 1,400-km border between North Korea and China is to bribe a guard on the Korean side. One North Korean woman, Park Myong Ja, who got to Seoul in 2004, told *TIME* it cost her just '100 [Chinese] yuan,' or $12.50 to cross into China. Kim [Myong Suk], however, relied on a friend who lived near the border and watched each night the routes patrolled by the guards. 'You knew where they were going to be – and where they weren't going to be, and when,' Kim says. 'My friend guided me.'" **[65h]**

32.05 WRITENET (writing on behalf of the UNHCR) in its paper on the situation of North Koreans in China, published in January 2005, noted:

"Most migrants originate in the North Korean provinces bordering China and travel to China overland, by transport until they get as close as they can to the Yalu or Tumen rivers, then going the rest of the way on foot. Upstream, the rivers are easy to cross especially when the water is frozen, though winter

carries its own hazards. Downstream where the rivers widen, the shores are now better guarded, with Chinese military outposts on the north side, and North Korean soldiers hidden on the south side. Recently, border security has been further tightened, with Chinese forces reportedly reinforced in the autumn of 2004 in order to prevent North Korean troops from escaping into China." **[32d] (p8)**

32.06 The same report continued:

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

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

32.08 The report stated further:

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

32.09 As noted by International Crisis Group in a report entitled, *Perilous Journeys: The Plight of North Koreans in China and Beyond* (Asia Report No. 122), published on 26 October 2006:

"The large number of border crossers have caused the North Korean government to use sentences and change the penal code. The 1999 version distinguished between 'unlawful border crossing' and crossing 'with intent to overturn the Republic.' The 2004 revision further distinguishes between 'crossing' and 'frequent crossings.' According to the latter version, 'frequent

crossing' of the border without permission is a criminal act punishable by up to two years in labour camps (three years in 1999 version.) Acts of treason… are punishable by five to ten years of hard labour, or ten years to life in more serious cases." **[8a] (p18)**

32.10 In its 2008 Report on China, published in May 2008, Amnesty International stated:

"Approximately 50,000 North Koreans were reportedly hiding in China, living under constant fear of deportation. Each month hundreds of North Koreans were believed to have been forcibly repatriated to North Korea without being given access to UNHCR offices in China. A majority of the North Koreans in China were women, many of whom had been trafficked into China and whose primary means of avoiding forcible return to North Korea was being sold into marriage to Chinese men. Children born to North Korean refugee women in China are effectively stateless and face difficulties gaining access to education and health care." **[6g]**

32.11 In a report dated April 2008, Human Rights Watch stated:

"In the Yanbian Korean Autonomous Prefecture in eastern Jilin province, northeast China, many North Korean children and children of Chinese fathers and North Korean mothers live in legal limbo. There is no official data estimating the number of such children living in the area, but local residents put the number at anywhere between a few thousand and several tens of thousands. A serious problem these children face is access to education, as Chinese schools require verification of identity for admittance and continued schooling. In China, every citizen must be registered under a household registration system called hukou. Chinese law stipulates that a child born in China is entitled to citizenship if either parent is a Chinese citizen. However, since registering a child would expose the identity of the mother, Chinese men who have had children with North Korean women are faced with an awful choice. They can register their child at the risk of exposing their mothers, who could be arrested and repatriated to North Korea as 'illegal' economic migrants, or they can decide not to register the child – leaving the child without access to education. When both parents are North Koreans, it is impossible for a child to obtain hukou. Children of North Korean women face different treatment in different districts in Yanbian. Practices are often harsh: in many districts, officials routinely arrest and repatriate North Korean women found to be living with Chinese men in their districts. Although the law does not explicitly require it, some also refuse to allow the registration of half-North Korean children as Chinese citizens unless and until their mothers have been arrested and repatriated to North Korea." **[7j]**

(See also section 22: Ethnic groups Koreans)

(See also section 27: Children)

(See also section 31: Freedom of movement Household registry (hukou))

(See also COI Report: Democratic People's Republic of Korea http://www.homeoffice.gov.uk/rds/country_reports.html)

Return to contents

Go to list of sources

CITIZENSHIP AND NATIONALITY

33.01 The Constitution states, "All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China. All citizens of the People's Republic of China are equal before the law. Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law. The State respects and preserves human rights." **[5a] (Text of the Constitution)**

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

33.03 The same source also stated:

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

33.04 Article 4 of the Chinese Nationality Law states, "Any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality." **[5x]** The United States Office of Personnel Management Investigations Service in its paper entitled, *Citizenship Laws of the World* (March 2001), stated that if 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. **[23a] (p 51)**

Return to contents

Go to list of sources

EXIT/ENTRY PROCEDURES

34.01 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

"The government permitted legal emigration and foreign travel for most citizens. There were reports that some academics faced travel restrictions around the year's sensitive anniversaries, particularly the anniversary of the Tiananmen Square massacre and the Olympics. Most citizens could obtain passports, although those whom the government deemed threats, including religious leaders, political dissidents, and ethnic minorities were refused passports or otherwise prevented from traveling overseas." **[2e] (Section 2d)**

34.02 On 25 October 2005 the Canadian IRB recorded, "The Frontier Defense Inspection Bureau (FDIB) is in charge of the inspection barriers, and FDIB officers examine the passports and immigration departure cards of Chinese travellers. The officers also verify the identity of the person through a 'computerised record system.' Chinese travellers do not need to present their resident identity card during the inspection." (Based on information supplied by a representative of the Canadian Embassy in Beijing) **[3q]**

(See also section 38: Hong Kong)

TREATMENT OF RETURNEES

34.03 Article 322 of the Criminal Law covers the penalties for illegal emigration. It states, "Whoever violates the laws and regulations controlling secret crossing of the national boundary (border), and when the circumstances are serious, shall be sentenced to not more than one year of fixed-term imprisonment and criminal detention or control." **[5i]** As reported by the Canadian IRB on 9 August 2000, "Leaving China without exit permission or a passport is a criminal offence in China punishable of [sic] up to one year in prison." **[3b]**

34.04 Articles 52 and 53 of the Criminal Law cover financial penalties for returnees. They state:

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

"Article 53. A fine is to be paid in a lump sum or in installments [sic] within the period specified in the judgment [sic].

"Upon the expiration of the period, one who has not paid is to be compelled to pay. Where the person sentenced is unable to pay the fine in full, the people's court may collect whenever he is found in possession of executable property.

"If a person truly has difficulties in paying because he has suffered irresistible calamity, consideration may be given according to the circumstances to granting him a reduction or exemption." **[5i]**

34.05 On 11 June 2006 *The New York Times* reported:

"There is some dispute about what happens to those who are repatriated to China, in part because there have been so few… A Department of Homeland Security spokesman told me, 'We have no reports of people who have been sent back to China being persecuted.' Others, though, are not so sanguine. Two years ago, Richard Posner, a judge on the U.S. Court of Appeals for the Seventh Circuit, vacated a de-portation order for a Chinese youth because the immigration judge did not consider the evidence – numerous human rights reports from both U.S. and British organizations – that the asylum seeker might well be sent to jail or a labor camp if returned to China. Posner was concerned that the Chinese youth might be tortured upon his return, though he also conceded that 'the treatment of repatriated Chinese by their government is to a considerable extent a mystery.' In-deed, one Chinese legal scholar I spoke with, Daniel Yu, said that while there is a law on the books in China that calls for a short jail sentence if a person leaves the country illegally, more than

likely whatever punishment there might be is at the discretion of local officials." **[21a]**

34.06 The USSD Report 2008 noted, "The law neither provides for a citizen's right to repatriate nor otherwise addresses exile. The government continued to refuse reentry to numerous citizens who were considered dissidents, Falun Gong activists, or troublemakers. Although some dissidents living abroad were allowed to return, dissidents released on medical parole and allowed to leave the country often were effectively exiled. Activists residing abroad were imprisoned upon their return to the country." **[2e] (Section 2d)**

34.07 The same report stated, "MPS officials stated that repatriated victims of trafficking no longer faced fines or other punishment upon their return. However, authorities acknowledged that some victims continued to be sentenced or fined because of corruption among police, provisions allowing for the imposition of fines on persons traveling without proper documentation, and the difficulty in identifying victims." **[2e] (Section 5)**

34.08 As recorded by the US State Department's 2008 Country Report on Human Rights Practices (Taiwan), published on 25 February 2009, "The law [in Taiwan] does not provide for the granting of asylum or refugee status. All PRC citizens unlawfully present are required by law to be returned to the PRC, including victims of human trafficking… As of August 31 [2008], 288 illegal PRC immigrants were in detention centers awaiting repatriation. PRC illegal immigrants continued to spend long periods in detention, waiting an average of 204 days in 2007 to be repatriated." **[2k] (Section 2d)**

34.09 The Passport Law of the People's Republic of China came into force on 1 January 2007. Article 14 provides that where an applicant has been 'repatriated to China due to his illegal exiting China, illegal dwelling or illegal employment overseas', the passport issuance departments shall not issue a passport 'within six months to three years as of the day when he completes the criminal punishment or is repatriated to China.' **[5w]** In a letter to the Country of Origin Information (COI) Service, dated 5 December 2007, the Foreign & Commonwealth Office (FCO) stated:

"We have no evidence of the likely amount of time that a failed asylum seeker [to whom Article 14 of the above law is applicable] would have to wait before being able to apply for a passport. The local passport authority would make a judgement according to the individual circumstances of the case and the level of seriousness of the offence. The length of the suspension (i.e. whether it would be closer to 6 months or 3 years) is down to the discretion of the issuing authority, and might vary between provinces. We have no reliable information on how the new law is applied in practice." **[31e]**

Fuzhou detention centre (Fujian)

34.10 According to a report by CEME (Cooperative Efforts to Manage Emigration), which brought together the findings of a week-long visit to Fujian undertaken in June 2004:

"The team visited the main Fujian detention centre just outside Fuzhou, which can accommodate up to 300 persons – both foreigners caught entering the country illegally and Chinese returning from illegal migration activities abroad.

Managed by the Border Defense Force, the centre is intended to detain persons returned and those awaiting the outcome of administrative investigation for up to 15 days. It offers information, awareness raising through newspapers, TV and discussions, recreation, medical attention and individualized 'ideological education'. The team was told that detainees are allowed 1-3 hours 'free activity' every day, and that their dietary needs are taken into account. The centre has on a number of occasions been presented as a model to immigration officials (including Ministers) from Australia, Canada and the US. It appeared clean, well kept and managed; but was unoccupied at the time of the CEME visit (indeed seemed only to have housed some 200 occupants in the year). It offers excellently presented displays of its history, including distinguished visits from other countries, and a rousing documentary video of its purpose, history and operation. The team found the centre to be a conspicuous demonstration by the government to the world of how heavily it is investing in combating irregular forms of migration. However, given that the centre was unoccupied, the team speculated about how much it was actually used for the purposes and to the extent claimed." **[97] (p9)**

34.11 As reported by the Canadian IRB on 9 August 2000:

"The detention centre [in Fuzhou] is a rectangular, four storey building with a large enclosed courtyard. It can accommodate a maximum of 100 detainees. The cells are all around the building with recreation facilities such as a ping pong table in the courtyard. On the first floor, there are several rooms for questioning deportees. Those rooms are fairly small with a plexiglass divider separating the detainee and the interviewer. We recognized one of the deportees of the previous day being questioned as we walked by. Each cell can accommodate up to 10-12 people. The cells are large rectangular rooms with an elevated floor on each side where mattresses are set at night and rolled up during the day. Each cell has its own bathroom, television, and window. From what we could see most of the inmates were sleeping, watching television or playing cards. A larger room is used as a cafeteria and 're-education' room. The whole detention centre is very clean and the living conditions did not appear to be particularly harsh, almost comparable to the equivalent in Canada." **[3b]**

Treatment of Tibetans

34.12 A report by the International Campaign for Tibet (ICT) dated 26 February 2008 and reproduced by the Tibetan newspaper *Phayul* on its website, stated, "Tibetans caught attempting to escape from Tibet or to re-enter Tibet after a period in exile are at risk of torture and imprisonment. A group of Tibetans who were refouled from Kathmandu in a high-profile case in May 2003 reported being beaten and forced to carry out hard labor in prison." **[43a]**

34.13 The USSD Report 2008 noted:

"Tibetans continued to encounter substantial difficulties and obstacles in traveling to India for religious, educational, and other purposes. The government placed restrictions on the movement of Tibetans during sensitive anniversaries and events and increased controls over border areas at these times. There were reports of arbitrary detention of persons, particularly monks and nuns, returning from India and Nepal. Detentions generally lasted for several months, although in most cases authorities did not bring formal

charges against prisoners. The reinforcement of border controls during the year sharply reduced the number of people crossing the border into Nepal and India." **[2e] (Tibet)**

34.14 As reported by *The Guardian* on 1 February 2007, "More than 30 Tibetans were tortured and sent to a labour camp after their attempt to escape across the Himalayas from their homeland failed when Chinese border guards fired and killed several of the unarmed group, according to a survivor… More than 4,000 Tibetans flee to Nepal each year across the border, which crosses several of the highest mountains on earth, including Everest." **[41h]**

(See also section 23: Tibet)

Treatment of Uighur(s)

34.15 The USSD Report 2008 noted:

"Uighurs were sentenced to long prison terms, and in some cases executed, on charges of separatism. In April 2007 foreign citizen Huseyin Celil was sentenced to life in prison for allegedly plotting to split the country and 10 years in prison for belonging to a terrorist organization, reportedly after being extradited from Uzbekistan and tortured into giving a confession. During the year the government reportedly sought the repatriation of Uighurs living outside the country, where they faced the risk of persecution." **[2e] (Section 5)**

34.16 On 9 October 2008 the BBC reported that 17 Chinese Uighurs who had been held as terrorist suspects at Guantanamo Bay "had been cleared for release in 2004 but the US says they may face persecution if returned to China… The Bush administration has maintained that if they cannot be returned home and no other country will take them, they should stay at Guantanamo. In 2006, five Chinese Muslim men released from Guantanamo Bay were flown to Albania for resettlement… Beijing has demanded that all Uighurs held at Guantanamo be repatriated to China." **[9e]** In a further report on 7 January 2009 the BBC stated that "all the Uighurs [at Guantanamo] refused to return to China, fearing persecution on their return. Dr Michael Dillon, a China expert, says they have every reason to be frightened: 'The Chinese authorities would certainly want them back, would want to detain them, put them on trial and there is a very, very serious possibility that some of them – if not all of them – would be subject to the death penalty'." **[9v]**

34.17 In a report dated 27 June 2006, Amnesty International expressed serious concern for the safety of two Uighurs, Yusuf Kadir Tohti and Abdukadir Sidik, forcibly returned to China from Kazakhstan. This reported stated, "Over recent years, Amnesty International has monitored growing numbers of forced returns of Uighurs to China from several of its neighbouring countries, including those of Central Asia, such as Kazakhstan. In some recent cases, returnees are reported to have been subjected to serious human rights violations, including torture, unfair trials and even execution." **[6m]**

(See also section 20: Muslims Uighurs)

Return to contents

Go to list of sources

OFFICIAL DOCUMENTS

ID CARDS

35.01 On 3 July 2007 the Canadian IRB noted:

> "In 2004, the government of China began issuing a second-generation Resident Identity (ID) Card to its citizens… The new computer-readable ID card replaces the first-generation card that has been in circulation for more than 20 years… by March 2006, over 100 million second-generation ID cards had already been issued… It is estimated that approximately 800 million second-generation cards will be issued by the end of 2008… The second-generation resident ID card measures 85.6 millimetres by 54 millimetres… The new card is covered with a 'special coating'… described by one source as a 'hard wearing' polyester plastic... Unlike the old card, the new card contains cardholder data on both sides, which apparently allows ethnic minorities to have information in both Chinese Han characters and ethnic minority characters…The second-generation card is reportedly the same colour for both men and women, and the text on the card is written horizontally rather than vertically… The colour of the second-generation resident ID card was not identified in the sources consulted by the Research Directorate. One side of the new resident ID card includes the cardholder's name, gender, ethnicity, date of birth, residence, ID number and photograph… The cardholder's photograph appears on the right hand side of the card… while the ID number appears at the bottom... The reverse side of the card has a design of China's national emblem, found in the upper left-hand corner… decorative patterns and an image of the Great Wall of China... The reverse side of the card also identifies the validity periods of the card and the issuing authority… The second-generation ID card, referred to as a 'smart card,' has an embedded digital microchip… The microchip contains cardholder information, including name, sex, birth date, address and household registration location." **[3I]**

35.2 The same source stated:

> "Resident ID cards are issued by the Public Security Bureau (PSB) at the county level in the area in which the cardholder permanently resides… Under China's law on Resident Identity Cards, all citizens aged 16 and older are required to apply for a Resident Identity Card… Persons under the age of 16 are eligible to obtain an ID card… however, their guardian must apply for the card on their behalf… If a resident ID card expires, is lost or damaged, the cardholder must make an application for a new one… A 28 January 2005 *Taipei Times* article also notes that since the resident ID card is no longer paper-based, a cardholder must apply for a new card if changes to such categories as residence or marital status need to be made… The validity periods of resident identity cards vary based on the age of the cardholder… Second-generation ID cards issued to citizens under the age of 16 are valid for 5 years… Resident ID cards issued to citizens aged 16 to 25 and 26 to 45 are valid for 10 years and 20 years, respectively… Resident ID cards issued to citizens aged 46 and older do not expire… Once a resident ID card expires, application must be made for a new one… the cost of the second-generation ID card is 20 yuan… If a person loses his or her resident ID card, the replacement cost is 40 yuan… Citizens in rural areas living on social

assistance and 'needy' rural citizens are reportedly exempt from paying these fees when applying to replace their first-generation card with a second-generation one… A temporary resident ID card costs 10 yuan… Under China's law on Resident Identity Cards, a temporary resident ID card may be issued to a citizen when he or she 'is in urgent need' of a resident identity card during the application period of his or her regular ID card… The law notes that in certain areas of the country it could take up to 90 days for a resident ID card to be issued… however a 17 March 2006 South China Morning Post article notes that the time required to issue the new second-generation ID card could be reduced to 30 days." **[3l]**

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

"With respect to the procedures for replacing a lost or stolen identity card, a representative at the Canadian immigration office in Beijing stated that if a PRC citizen loses an [identification] ID card, they will go to their local police substation that is responsible for issuing the Family Registration Booklets ('hukou') and ID cards. The police substation is responsible for registering all people (foreigners too) that are living in their jurisdiction, including temporary residents. If one moves, then one is required to register the change of address. As a result, when a PRC citizen loses an ID card, they have to pay a nominal handling fee, and bring a couple of photos along for a re-issuance (the records of the citizen's hukou and previous ID applications will all be kept there). A person doesn't have to come in themselves with the photo, a relative may come in their place. A new ID card should have the new date of issue, with a new period of validity from that new issuance date." **[3e]**

FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

35.04 As reported by the Canadian IRB on 8 September 2005, "A professor of criminal justice at Rutgers University, who has written on Chinese human smuggling, told the Research Directorate that, in his opinion, 'it is pretty easy to obtain all kinds of fake documents in China,' including identity documents, birth certificates, university diplomas and hospital documents." Citing a 2002 report by the Australian Institute of Criminology the IRB reported that "… corrupt officials provide 'both genuine and fraudulent documents in exchange for money, or… for the migrant smuggler's promise to smuggle a member of the corrupt official's family abroad'." **[3g]**

35.5 On 14 June 2007 the Canadian IRB reported:

"… a representative of the New York-based Human Rights in China (HRIC) states that '[i]t is completely conceivable that corrupt officials could be involved in the illegal production and sale of fraudulent [identity] documents. Reports to this effect circulate regularly, sometimes involving passports as well... The fake documents would be most useful to people with active arrest warrants trying to evade police notice, or for obtaining employment or housing'… In an effort to reduce fraud and to correct Resident Identity Card mistakes, the general public in China reportedly now has access to the country's Public Security Bureau (PSB) database, which contains information on 1.3 billion citizens… according to the PSB, about 90 percent of criminals make use of fraudulent identity cards." **[3d]**

35.06 On 3 July 2007 the Canadian IRB reported, "Unlike the old laminated paper ID card, the second-generation ID card is designed with a technology that is difficult to counterfeit... A 28 January 2005 *Taipei Times* article notes that the new card has 21 features that are 'duplication-proof;' however, the article does not identify these features... second-generation ID cards can be verified for authenticity through the use of card readers." **[3l]**

Return to contents

Go to list of sources

EMPLOYMENT RIGHTS

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

(See also section 27: Children Child labour)

36.02 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

"The Employment Promotion Law, which went into effect January 1 [2008], improves protection against discrimination in employment, and local governments began modifying their regulations to reflect the new law. Under the new law and adopted regulations, employment discrimination against persons carrying an infectious disease is prohibited, and provisions allow such persons to work as civil servants. While the new law improves protection against discrimination in employment, it does not address some common types of discrimination in employment, including discrimination based on height, physical appearance, or place of origin." **[2e] (Section 5)**

36.03 The same source reported:

"Although the law provides for the freedom of association, in practice workers were not free to organize or join unions of their own choosing. Workers cannot choose an independent union to represent them in the workplace, as independent unions are illegal. The right to strike is also not protected in law. The All-China Federation of Trade Unions (ACFTU), which was controlled by the CCP and chaired by a member of the Politburo, was the sole legal workers' organization. The trade union law gives the ACFTU control over all union organizations and activities, including enterprise-level unions, and requires the ACFTU to 'uphold the leadership of the Communist Party.' In some cases, the ACFTU and its constituent unions influenced and implemented government policies on behalf of workers… The trade union law acknowledges that strikes may occur, in which case the union is to reflect the views and demands of workers in seeking a resolution of the strike. Local government interpretations of laws and regulations with respect to the right to strike vary, with some jurisdictions showing limited tolerance for strikes. Other jurisdictions continued to treat worker protests as illegal demonstrations.

Without a clearly defined right to strike, workers had only a limited capacity to influence the negotiation process. In some cases workers did strike to demand better conditions and benefits. During the year labor strikes and protests throughout the country became increasingly widespread and well organized… Some of these strikers reportedly clashed with police. During the year there were numerous media accounts of worker protests other than strikes, involving actual or feared job loss, wage or benefit arrears, dissatisfaction with new contracts offered in enterprise restructuring, failure to honor contract terms, or discontent over substandard conditions of employment." **[2e] (Section 6a)**

Return to contents

Go to list of sources

DISPUTED TERRITORIES

TAIWAN

37.01 As noted by the Foreign & Commonwealth Office (FCO) in its Country Profile for Taiwan, dated 20 June 2008, the Republic of China (ROC), more commonly called Taiwan, has a population of 22.9 million (2007). **[31b] [18c] (map)**

37.02 According to a report by *Asia Times* dated 19 August 2004:

"Today, many accept China's claim to Taiwan – a Chinese province, the CCP claims, since time immemorial – without question. But in the first two decades of the CCP's existence (1921-42) Taiwan was of only passing interest to both the CCP and the former Republic of China (ROC) government. Taiwan was an area defined both visually and rhetorically as beyond the margins of the Han Chinese world. In documents, speeches, maps and even postage stamps, Taiwan and the Taiwanese were characterized as a region and a regional national minority, not a province. Taiwan was only later declared an integral part of China when it was politically expedient to do so." **[64a]**

37.03 In its Country Profile for Taiwan, dated 20 June 2008, the FCO recorded:

"In December 1949, following the Nationalists' defeat on the mainland, the government of the then 'Republic of China' under President Chiang Kai-shek moved to Taiwan, together with approximately two million supporters. The Nationalist (KMT) administration on Taiwan maintained its claim to be the legitimate government of the whole of China and set up a national central government on the island. Chiang Kai-shek held the office of 'President' until his death in 1975. Under his rule, the political system remained virtually frozen for almost 30 years. Following Chiang Kai-shek's death Taiwan embarked on a process of reform and gradual democratisation under his son, President Chiang Ching-kuo. In 1986, the main opposition groups came together to form the Democratic Progressive Party (DPP) and were allowed to contest parliamentary elections. They were formally legalised in 1989. Chiang Ching-kuo died in 1987, shortly after Martial Law was lifted. Lee Teng-hui succeeded him as President. Lee was the first Taiwan-born leader of the KMT and was symbolic of evolving 'Taiwanisation' of the KMT. Lee introduced a range of democratic reforms, including lifting restrictions of the press and introducing

proper elections to the National Assembly. The first direct elections for the office of President were held in 1996. Lee Teng-hui won and continued as 'President'." **[31b]**

37.04 The same source described Taiwan as a "multi-party democracy with directly-elected President", and noted:

"Members of the Legislative Yuan (Parliament) are now elected for a four-year term… Taiwan last held legislative elections on 12 January 2008. This was the first time elections were conducted under a new system (single-member constituencies) and with the size of the legislature reduced by half. The Democratic Progressive Party (DPP) were defeated, securing only 27 seats out of a total 113. The opposition Kuomintang (KMT) won 81 seats and other members of the 'pan-blue' alliance, the Non-Partisan Union (NPSU) and the People First Party (PFP) took three and one respectively. The 'deep green' Taiwan Solidarity Union (TSU) and other small parties did not win any." **[31b]**

37.05 The FCO also noted, "On 22 March 2008, with a voter turn out of 76%, KMT candidate Ma Ying-jeou won the 4th Presidential election with 58% of the vote, defeating DPP candidate Frank Hsieh who garnered 41%... Ma's win can be contributed to his good campaign strategy and growing public discontent with the DPP." **[31b]**

37.06 The same source stated:

"Taiwan's political parties have different positions on how to approach negotiations with the mainland, but all insist that the 'Republic of China' is a separate political entity from the PRC Government. China has sought reunification through negotiation; however, the Chinese have not renounced the threat of military action against Taiwan. China enacted its anti-secession law on 14 March 2005 to, 'oppose and check' Taiwanese independence. The anti-secession law reiterates the 'one-China' policy and sets out certain measures to maintain peace and stability in the Taiwan Strait and to promote cross-Strait relations. But it also authorises the use of 'non-peaceful' means if peaceful reunification fails. Despite past political differences, economic and people-to-people links have continued to develop at an impressive rate… Ma Ying-jeou's election as President opened new opportunities for improving the relationship after the difficult years of the Chen Shui-bian administration. The Chinese President, Hu Jintao, spoke in April 2008 of a 'golden opportunity in history' and stressed that peaceful development of cross-Strait relations was a shared wish and interest for both sides. Leaders of the ruling parties (the Kuomintang and the Chinese Communist Party) met subsequently in China and agreed, on the basis of the '1992 consensus', to resume talks between the unofficial liaison bodies that had been suspended for many years. These duly took place in June [2008], concentrating on the handling of practical issues." **[31b] See also [13e] (text of anti-secession law)**

37.07 In its Country Profile for China, dated 27 January 2009, the FCO noted, "The inauguration of a new Taiwanese administration in May 2008 has led to increased dialogue between China and Taiwan. Practical results seen so far include the regular, direct flights and cargo routes between mainland China and Taiwan." **[31a]**

37.08 The US State Department's 2008 Country Report on Human Rights Practices (Taiwan), published on 25 February 2009, recorded, "Taiwan generally respected the human rights of its citizens; however, the following problems continued to be reported: corruption by officials, violence and discrimination against women, trafficking in persons, and abuses of foreign workers." **[2k]**

Return to contents

Go to list of sources

SPECIAL ADMINISTRATIVE REGIONS (SARS)

HONG KONG (SAR)

38.01 As noted by the FCO in its Country Profile for Hong Kong, dated 12 December 2006, Hong Kong is a special administrative region of China and occupies a total land area of 1,098 sq km on the southern coast of China. It comprises Hong Kong Island, Kowloon and the New Territories, and about 235 outlying islands. It has a population of 6.8 million people. **[31c] [18d] (map)**

38.02 The same source recorded that Hong Kong reverted from the UK back to China on 1 July 1997 and is allowed a high degree of autonomy under a policy known as 'One Country, Two Systems'. The FCO also noted that Hong Kong is governed by a partially elected Legislative Council (the LegCo), which comprises 60 members. The head of government is Donald Tsang (Chief Executive) and the head of state is Hu Jintao (President of China). Donald Tsang was the only candidate to receive the required minimum number of nominations from the Election Committee that chooses Hong Kong's Chief Executive, and was formally appointed to that position by the Central People's Government in Beijing on 21 June 2005. **[31c]**

38.03 The same source also stated, "There are around 3.6 million British passport-holders in Hong Kong, 3.44 million of whom are British Nationals (Overseas) (BN(O)s). BN(O) passport holders enjoy British consular protection in third countries (and, for non-Chinese BN(O) passport holders, in Hong Kong and mainland China), as well as visa-free access to the UK for visits of less than six months." **[31c]**

38.04 The Hong Kong government's website, accessed on 17 March 2009, noted, "You are regarded as a person of Chinese nationality if you are a Hong Kong resident: (a) of Chinese descent who was born in Hong Kong or other parts of China; or (b) who fulfils the criteria of Chinese nationality in the Nationality Law of the People's Republic of China. If you have declared a change of nationality and are no longer a Chinese national, you are not eligible for a HKSAR Passport." **[86a]**

(See also section 33: Citizenship and nationality)

38.05 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded:

"The government generally respected the human rights of its citizens, although core issues remained. The terms of the Basic Law limit the ability of citizens to participate in and change their government. Claims of press self-censorship

persisted. The legislature was limited in its power to introduce or amend legislation and could not approve executive appointments. Violence against women remained a concern. Workers had a number of problems, including a minimum wage and a guaranteed right to bargain collectively." **[2e] (Hong Kong)**

MACAO (SAR)

38.06 As recorded by the FCO in its Country Profile for Macao, dated 8 December 2006, Macao is a special administrative region of China and occupies a total land area of only 28.2 sq km on China's south-east coast. Bordering Guangdong Province, it is 60 km from Hong Kong and is made up of the peninsula of Macao, and the two islands of Taipa and Coloane, linked by a 2.2 kilometre long strip of reclaimed land known as Cotai. It has a population of 488,100 (2005). **[31d] [18e] (map)**

38.07 The same source noted that Macao reverted from Portugal back to China on 20 December 1999. Under the policy known as 'One Country, Two Systems' it is allowed a high degree of autonomy in areas other than foreign policy and defence. Macao is governed by a partially elected Legislative Council, which comprises 29 members. The head of government is Edmund Ho Hau Wah (Chief Executive) and the head of state is Hu Jintao (President of China). **[31d]**

38.08 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted, "The [Macao] government generally respected the human rights of its citizens; however, some problems remained, most notably limits on citizens' ability to change their government, trafficking in persons, and reports of official corruption." **[2e] (Macau)**

Return to contents

Go to list of sources

Annex A1: Chronology of major events – China post-1949

Based on BBC Timeline, dated 3 March 2009. **[9a]**

1949 **1 October** - Mao Zedong, having led the Communists to victory against the Nationalists after more than 20 years of civil war, proclaims the founding of the People's Republic of China. The Nationalists retreat to the island of Taiwan and set up a government there.

1950 China intervenes in the Korean War on the side of North Korea.

Tibet becomes part of the People's Republic of China.

1958 Mao launches the "Great Leap Forward", a five-year economic plan. Farming is collectivised and labour-intensive industry is introduced. The drive produces economic breakdown and is abandoned after two years. Disruption to agriculture is blamed for the deaths by starvation of millions of people following poor harvests.

1959 Chinese forces suppress large-scale revolt in Tibet.

1962 Brief conflict with India over disputed Himalayan border.

1966-76 "Cultural Revolution", Mao's 10-year political and ideological campaign aimed at reviving revolutionary spirit, produces massive social, economic and political upheaval.

1972 US President Richard Nixon vists. Both countries declare a desire to normalise relations.

1976 Mao dies. "Gang of Four", including Mao's widow, jockey for power but are arrested and convicted of crimes against the state. From 1977 Deng Xiaoping emerges as the dominant figure among pragmatists in the leadership. Under him, China undertakes far-reaching economic reforms.

1979 Diplomatic relations established with the US.

1986-90 China's "Open-door policy" opens the country to foreign investment and encourages development of a market economy and private sector.

1989 Troops open fire on demonstrators who have camped for weeks in Tiananmen Square initially to demand the posthumous rehabilitation of former CCP General Secretary Hu Yaobang, who was forced to resign in 1987. The official death toll is 200. International outrage leads to sanctions.

Jiang Zemin takes over as Chinese Communist Party general secretary from Zhao Ziyang, who refused to support martial law during the Tiananmen demonstrations.

1992 Russia and China sign declaration restoring friendly ties.

1997 Deng Xiaoping dies, aged 92. Rioting erupts in Yining, Xinjiang and on day of Deng's funeral Xinjiang separatists plant three bombs on buses in Urumqi, Xinjiang, killing nine and injuring 74.

Hong Kong reverts to Chinese control.

1998 Zhu Rongji succeeds Li Peng as premier, announces reforms in the wake of the Asian financial crisis and continued deceleration of the economy. Thousands of state-owned enterprises are to be restructured through amalgamations, share flotations and bankruptcies. About four million civil service jobs to be axed.

1999 Nato bombs the Chinese embassy in Belgrade, Yugoslavia, souring Sino-US relations.

Falun Gong, a quasi-religious sect, outlawed as a threat to stability.

Macao reverts to Chinese rule.

2000 Crackdown on official corruption intensifies, with the execution for bribe taking of a former deputy chairman of the National People's Congress.

The Falun Gong sect continues to defy its ban and holds demonstrations.

2001 **June** - Leaders of China, Russia and four Central Asian states launch the Shanghai Cooperation Organisation (SCO) and sign an agreement to fight ethnic and religious militancy while promoting trade and investment. The group emerges when the Shanghai Five – China, Russia, Kazakhstan, Kyrgyzstan and Tajikistan – are joined by Uzbekistan.

November - China joins the World Trade Organisation.

2002 **November** - Vice-President Hu Jintao is named head of the ruling Communist Party, replacing Jiang Zemin, the outgoing president. Jiang is re-elected head of the influential Central Military Commission, which oversees the armed forces.

2003 **March** - National People's Congress elects Hu Jintao as president. He replaces Jiang Zemin, who steps down after ten years in the post.

March-April - China and Hong Kong are hit by the pneumonia-like Sars virus, thought to have originated in Guangdong province in November 2002. Strict quarantine measures are enforced to stop the disease spreading.

June - Hong Kong is declared free of Sars. Days later the World Health Organization lifts its Sars-related travel warning for Beijing.

July/August - Some 500,000 people march in Hong Kong against Article 23, a controversial anti-subversion bill. Two key Hong Kong government officials resign. The government shelves the bill.

2004 **September** - Former president Jiang Zemin stands down as army chief, three years ahead of schedule.

November - China signs a landmark trade agreement with ten south-east Asian countries; the accord could eventually unite 25 per cent of the world's population in a free-trade zone.

2005 **January** - Former reformist leader Zhao Ziyang dies. He opposed violent measures to end 1989's student protests and spent his last years under virtual house arrest.

Aircraft chartered for the Lunar New Year holiday make the first direct flights between China and Taiwan since 1949.

March - Hong Kong Chief Executive Tung Chee-hwa resigns. He is succeeded in June by Donald Tsang.

New law on Taiwan calls for use of force should Taipei declare independence from mainland China.

April - Relations with Japan deteriorate amid sometimes-violent anti-Japanese protests in Chinese cities, sparked by a Japanese textbook which China says glosses over Japan's World War II record.

August - China and Russia hold their first joint military exercises.

2006 **May** - Work on the structure of the Three Gorges Dam, the world's largest hydropower project, is completed.

July - New China-Tibet railway line, the world's highest train route, begins operating.

August - Official news agency says 18 million people are affected by what it describes as the country's worst drought in 50 years.

November - Government says pollution has degraded China's environment to a critical level, threatening health and social stability.

2007 **February** - President Hu Jintao tours eight African countries to boost trade and investment. Western rights groups criticise China for dealing with corrupt or abusive regimes.

April - During a landmark visit, Wen Jiabao becomes the first Chinese prime minister to address Japan's parliament. Both sides agree to try to iron out differences over their shared history.

June - New labour law introduced after hundreds of men and boys were found working as slaves in brick factories.

July - China's food and drug agency chief is executed for taking bribes. Food and drug scandals have sparked international fears about the safety of Chinese exports.

September - A new Roman Catholic bishop of Beijing is consecrated – the first for over 50 years to have the tacit approval of the Pope.

2008 **January** - The worst snowstorms in decades are reported to have affected up to 100 million people.

March - Anti-China protests escalate into the worst violence Tibet has seen in 20 years, five months before Beijing hosts the Olympic Games.

May - A massive earthquake hits Sichuan province, killing tens of thousands.

June - China and Taiwan agree to set up offices in each other's territory at the first formal bilateral talks since 1999.

August - Beijing hosts Olympic Games.

September - Nearly 53,000 Chinese children fall ill after drinking tainted milk, leading Premier Wen Jiabao to apologise for the scandal.

November - The government announces a $586bn (£370bn) stimulus package to avoid the economy slowing. Chinese Premier Wen Jiabao says the effect of the global financial crisis on China is worse than expected.

Return to contents

Go to list of sources

Annex A2: Chronology of major events – Tibet post-1910

Based on BBC Timeline, dated 26 November 2008. **[9f]**

1911 Tibet is declared an independent republic after decades of rebuffing attempts by Britain and China to establish control.

1935 The man who will later become the 14th Dalai Lama is born to a peasant family in a small village in north-eastern Tibet. Two years later, Buddhist officials declare him to be the reincarnation of the 13 previous Dalai Lamas.

1949 Mao Zedong proclaims the founding of the People's Republic of China and threatens Tibet with 'liberation'.

1950 China invades eastern Tibet. The Dalai Lama, now aged 15, officially becomes head of state.

1951 Tibetan leaders are forced to sign a treaty dictated by China. The treaty, known as the 'Seventeen Point Agreement', professes to guarantee Tibetan autonomy and to respect the Buddhist religion, but also allows the establishment of Chinese civil and military headquarters at Lhasa.

Mid-1950s Mounting resentment against Chinese rule leads to outbreaks of armed resistance.

1954 The Dalai Lama visits Beijing for talks with Mao, but China still fails to honour the Seventeen Point Agreement.

1959 **March** - Full-scale uprising breaks out in Lhasa. Thousands are said to have died during the suppression of the revolt. The Dalai Lama and most of his ministers flee to northern India, to be followed by some 80,000 other Tibetans.

1963 Foreign visitors are banned from Tibet.

1965 Chinese government establishes Tibetan Autonomous Region (TAR).

1966 The Cultural Revolution reaches Tibet and results in the destruction of a large number of monasteries and cultural artefacts.

1971 Foreign visitors are again allowed to enter the country.

Late 1970s End of Cultural Revolution leads to some easing of repression, though large-scale relocation of Han Chinese into Tibet continues.

1980s China introduces 'Open Door' reforms and boosts investment while resisting any move towards greater autonomy for Tibet.

1987 The Dalai Lama calls for the establishment of Tibet as a zone of peace and continues to seek dialogue with China, with the aim of achieving genuine self-rule for Tibet within China.

1988 China imposes martial law after riots break out.

1989 The Dalai Lama is awarded the Nobel Prize for Peace.

1993 Talks between China and the Dalai Lama break down.

1995 The Dalai Lama names a six-year-old boy, Gedhun Choekyi Nyima, as the true reincarnation of the Panchen Lama, the second most important figure in Tibetan Buddhism. The Chinese authorities place the boy under house arrest and designate another six-year-old boy, Gyancain Norbu, as their officially sanctioned Panchen Lama.

2002 Contacts between the Dalai Lama and Beijing are resumed.

2006 A new railway linking Lhasa and the Chinese city of Golmud is opened. The Chinese authorities hail it as a feat of engineering, but critics say it will significantly increase Han Chinese traffic to Tibet and accelerate the undermining of traditional Tibetan culture.

2007 **November** - The Dalai Lama hints at a break with the centuries-old tradition of selecting his successor, saying the Tibetan people should have a role.

December - The number of tourists travelling to Tibet hits a record high, up 64 per cent year on year at just over four million, Chinese state media say.

2008 **March** - Anti-China protests escalate into the worst violence Tibet has seen in 20 years, five months before Beijing hosts the Olympic Games.

Pro-Tibet activists in several countries focus world attention on the region by disrupting progress of the Olympic torch relay.

October - The Dalai Lama says he has lost hope of reaching agreement with China about the future of Tibet. He suggests that his government-in-exile could now harden its position towards Beijing.

November - The British government recognises China's direct rule over Tibet for the first time. Critics say the move undermines the Dalai Lama in his talks with China.

China says there has been no progress in the latest round of talks with aides of the Dalai Lama, and blames the Tibetan exiles for the failure of the discussions.

A meeting of Tibetan exiles in northern India reaffirms support for the Dalai Lama's long-standing policy of seeking autonomy, rather than independence, from China.

Return to contents

Go to list of sources

Annex B: Political organisations

All-China Federation of Trade Unions (ACFTU)
Government-sponsored Trade Union. **[2e] (Section 6a)**

All-China Women's Federation (ACWF)
Government-sponsored women's group. **[2e] (Section 5)**

Catholic Patriotic Association
Government-sponsored Catholic group. **[2a] (Section I. Religious Demography)**

CCP United Front Work Department (UFWD)
Provides policy 'guidance and supervision' on the implementation of regulations regarding religious activity. **[2a] (Section II. Status of Religious Freedom, Legal Policy/Framework)**

China Disabled Persons' Federation (CDPF)
Government-organised civil association for the disabled. **[2e] (Section 5)**

China Christian Council (CCC)
Government-sponsored Protestant group. **[2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)**

Chinese Communist Party (CCP) (Zhongguo Gongchan Dang)
Ruling Party; membership 70.8 million. **[11a]**

Democratic Alliance for the Betterment and Progress of Hong Kong (DAB)
Pro-Beijing; founded 2005; formed by merger of the Democratic Alliance for the Betterment of Hong Kong (f. 1992, supported return of Hong Kong to the motherland and implementation of the Basic Law) and the Hong Kong Progressive Alliance (f. 1994, supported by business and professional community).
Chair: Tam Yiu-chung.
Sec-Gen: Kan Chi-ho. **[1a] (Hong Kong – Political Organizations)**

Democratic Party
Founded 1994; formed by merger of United Democrats of Hong Kong (UDHK – declared a formal political party in 1990) and Meeting Point; liberal grouping; advocates democracy.
Chair: Albert Ho Chun-yan.
Sec-Gen: Cheung Yin-tung. **[1a] (Hong Kong – Political Organizations)**

Islamic Association of China (IAC)
Government-sponsored Muslim group. **[2a] (Section II. Status of Religious Freedom, Legal Policy/Framework)**

National People's Congress (NPC) (Quanguo Renmin Daibiao Dahui)
Chinese Parliament. **[1a] (National People's Congress)**

National Population and Family Planning Commission of China (NPFPC)
Government department responsible for overseeing population control; formerly known as the State Family Planning Commission. **[3j] (Children)**

People's Armed Police (PAP)

Paramilitary branch of the police. **[11a]**

People's Liberation Army (PLA)
Chinese army. **[1a] (Defence)**

State Administration for Religious Affairs (SARA)
Provides policy 'guidance and supervision' on the implementation of regulations regarding religious activity. **[2a] (Section II. Status of Religious Freedom, Legal Policy/Framework)**

Taoist Association
Government-sponsored Taoist group. **[2a] (Section I. Religious Demography)**

Three-Self Patriotic Movement (TSPM)
Government-sponsored Protestant group. **[2a] (Section II. Status of Religious Freedom, Legal/Policy Framework)**

Return to contents

Go to list of sources

Annex C: Prominent people: past and present

Chen Shui-bian
Former President of Taiwan. Elected March 2000. Re-elected March 2004. **[31b]**

Chiang Kai-shek
Nationalist (KMT) leader who lost civil war. Fled to Taiwan 1949. Died 1975. **[31b]**

Dalai Lama
Spiritual and political leader to whom most Tibetans look for guidance; heads government-in-exile based in Dharamsala (northern India). Left Tibet in 1959. **[1a] (Recent History)**

Deng Xiaoping
Paramount leader for most of 1980s and early 1990s. Architect of economic reforms. Also ordered troops into Tiananmen Square. Died 1997. **[1a] (Recent History)**

Edmund Ho Hau Wah
Chief Executive of Macao SAR. **[31d]**

Hu Jintao
President of China since March 2003. Also General Secretary of the CCP and head of the military. **[31a]**

Hu Yaobang
Liberal party leader whose death sparked Tiananmen Square protests. Died 1989. **[1a] (Recent History)**

Li Hongzhi
Founder of banned 'cult' Falun Gong. **[50c] (p3-8)**

Jiang Zemin
Succeeded Deng Xiaoping as core leader. Stepped down as head of the army in September 2004, having already relinquished the Presidency and leadership of the CCP to Hu Jintao. **[1a] (Recent History)**

Ma Ying-jeou
President of Taiwan. Elected March 2008. **[31b]**

Mao Zedong
Founded PRC on 1 October 1949. Presided over disastrous 'Great Leap Forward' and instigated Cultural Revolution. Died in 1976. **[1a] (Recent History)**

Panchen Lama
Next most senior Lama after the Dalai Lama (see above). There are two Panchen Lamas: Gendun Choekyi Nyima, selected by the Dalai Lama as the 11th reincarnation of the Panchen Lama; and Gyalsten Norbu (also know as Bainqen Erdini Qoigyijabu), selected by Beijing also as the 11th reincarnation of the Panchen Lama. **[2a] (Tibet, Section II. Status of Religious Freedom)**

Donald Tsang
Chief Executive of Hong Kong SAR. **[31c]**

Wen Jiabao
Premier of China since 2003. **[31a]**

Wu Bangguo
Chairman of the Standing Committee of the NPC since 2003. **[31a]**

Return to contents

Go to list of sources

Annex D: List of abbreviations

AI	Amnesty International
CCP	Chinese Communist Party
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign & Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins Sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NPC	National People's Congress
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
PRC	People's Republic of China
RSF	Reporteurs Sans Frontières
SAR	Special Administrative Region
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

Return to contents

Go to list of sources

 The main text of this COI Report contains the most up-to-date publicly available information as at 20 March 2009. Further brief information on recent events and reports has been provided in the Latest News section to 16 April 2009.

Annex E: Known dissident groups

This is not an exhaustive list.

China Democracy Party (CDP) (Zhongguo Minzhu Dang)
Founded in 1998 and subsequently declared illegal. The CDP remained banned, and the government continued to monitor, detain, and imprison current and former CDP members. It is unclear whether the party itself is still active in China. **[2e] (Sections 2b and 3)**

The China Progressive Alliance (CPA) (Zhonghua jinbu tongmeng)
Founded in mid-1991 by supporters of 1989 democracy movement. Members met in May 2001 and agreed 11-point manifesto – committed to fighting dictatorship, but also working with progressive elements of the CCP. **[6c] (p3)**

The Free Labour Union of China (FLUC) (Zhonggou Ziyou Gonghui)
Founded late-1991. In January 1992 distributed leaflets encouraging the formation of independent trade unions. After some of its members were secretly arrested in June 1992 the group sent a letter of appeal to the International Labour Organisation (ILO) in Geneva. **[6c] (p4)**

The Liberal Democratic Party of China (LDPC) (Zhongguo Ziyou Minzhu Dang)
First surfaced in November 1991, posting a statement critical of human rights violations in China at Beijing university. Made similar statements in March 1992. **[6c] (p3)**

The Social Democratic Party of China (SDPC) (Zhonggou Shihiu Minzhu Dang)
Founded in 1991 and based in Lanzhou, Gansu province. "It claimed to have over 100 members, including students, workers, intellectuals and government cadres, most of whom had participated in the 1989 democracy movement." Issued its manifesto in April 1992, calling on other parties to join together to advance democracy. By May 1992, 50 members had been arrested. **[6c] (p4)**

The Chinese Nation's People's Party
Founded in mid-1990s by Li Wenshan and Chen Shiqing, two middle-aged farmers in Gansu province. It advocated democracy, human rights and prosperity and had 1,000 members by early 1999. Li and Chen along with 10-12 members were tried on 30 August 2000. Li and Chen received 13- and eight-year prison terms respectively. Eight others were sent to re-education through labour camps. **[59b]**

Chinese Plum Nation Party
Founded in late 1980s by 50-year-old farmer Fen Zhengming. Operating in 17 provinces by early 1990s. Fen detained in April 1992 and given 15-year sentence. **[59b]**

Return to contents

Go to list of sources

Annex F: Democratic parties

Political organisations existing prior to the establishment of the PRC (1949) which subordinate themselves to the will of the CCP. **[11a]**

- China Association for Promoting Democracy
- China Democratic League
- China National Democratic Construction Association
- China Zhi Gong Dang (Party for Public Interests)
- Chinese Peasants' and Workers' Democratic Party
- Jiu San (3 September) Society
- Revolutionary Committee of the Chinese Kuomintang
- Taiwan Democratic Self-Government League **[1a] (Other Political Organisations)**

Return to contents

Go to list of sources

Annex G: Glossary of Chinese terms

danwei	work unit
Fei Ch'ien	'flying money', underground banking system
getihu	family-run business
Guanxi	social connections, used to obtain favours
guojia	mass religious organisation, sponsored by the State
hei haizi	'black children' – children born contrary to the 'one child policy'
huafeng	'Chinese ways'
Huayi	'dependants of overseas Chinese'
Huaqiao	'people abroad' = overseas Chinese
hukou	household registration document
hutong	'alley(s)' or 'street(s)' in Beijing
jiefang	'to liberate' or 'to release'
renyuan	'retrievers' hired to remove petitioners from Beijing
Lai see	money envelopes given as gifts during Chinese New Year
laodong jiaoyang	're-education through labour' (RTL); main form of administrative detention
Laogai	labour camps
mingong	Chinese migrant peasant
Mianzi	'face', prestige or respect
Nongzhuan fei	hukou conversion, i.e. from rural to urban resident
qigong	modern syncretic blend of ideas and beliefs regarding energy cultivation/ relaxation technique
renshe	the 'customers' of Snakeheads (people smugglers)
Shuang gui	similar to house arrest but used to punish CCP members for breaches of Party discipline
shourong shencha	'Custody and Investigation', form of administrative detention now abolished
shourong qiansong	'Custody and Repatriation', another form of administrative detention now abolished
Tiananmen	'gate of heavenly peace'
Tian-ming	'Mandate of Heaven'
tongxianghui	association of people with the same birth place
wai shi	system used for managing foreigners in China
Xinfang	petitioning system
xiagang	'off post' redundant state workers
Xinjiang	'New Frontier' also see XUAR
Xiaokang	relatively prosperous
xiejiao	'evil cult'
Xizang	Chinese name for Tibet
Zanzhu Zheng	Temporary Resident's Permit
Gongheguo	People's Republic of China, official name of the country
Zhongnanhai	Headquarters of the CCP in Beijing

Return to contents

Go to list of sources

Annex H: Glossary of English terms

Basic Law	Hong Kong's mini-constitution
'Bare Branches'	Term used to denote unattached males
CCP	Chinese Communist Party
Executive Council	Hong Kong's top decision-making body
HK	Hong Kong
IMAR	Inner Mongolia Autonomous Region
LegCo	Hong Kong and Macao Legislative Councils
MPS	Ministry of Public Security
"Mixing Sand"	Name given to Han migration to Xinjiang
NHAR	Ningxia Hui Autonomous Region
Procuracy	Responsible for investigating and prosecuting criminal cases
PRC	People's Republic of China
PSB	Public Security Bureau, local police force
ROC	Republic of China, official name for Taiwan
SAR	Special Administrative Region – Hong Kong and Macao
SARG	Special Administrative Region Government
Snakeheads	People smugglers
TAR	Tibet Autonomous Region
'Three Represents'	Perplexing personal philosophy of former President Jiang Zemin
XUAR	Xinjiang Uygur Autonomous Region

Return to contents

Go to list of sources

Annex I: Glossary of Tibetan terms

Democratic Management Committees (DMC)	Committees which oversee the running of Buddhist temples in Tibet
Geshe	Monk or lama who has completed the highest form of monastic studies
Lamas	'superior ones', most revered Tibetan Monks, reincarnation of the Buddha
Lamaseries	monasteries
Lhasa	Tibetan capital
Potala Palace	Official residence of the Dalai Lama in Lhasa
Rinpoche	honorific title given to monks
Tibet	'rooftop of the world'

Return to contents

Go to list of sources

Annex J: Guide to Tibetan names

Name	Pronunciation	Meaning
Chodak	CHO-dak	Dharma Spreader
Choden	CHO-den	One who is devout, religious
Choegyal	CHO-gyal	Dharma king
Chophel	CHO-pel	The flourishing of the Dharma
Dhargey	DAR-gye	Progress, development, spreading
Dorje	DOR-je	Vajra, which means indestructible
Gyaltsen	GYEL-tsen	Victory banner
Jampa	JAM-pah	Loving kindness
Jamyang	JAM-yang	Gentle voice
Kalsang	KAL-sang	Good fortune
Karma	KAR-ma	Action, deed
Kunchen	KUN-chen	All-knowing
Lhundup	LUN-d(r)oop	Spontaneously accomplished
Lobsang	LOB-sang	Noble-minded
Ngawang	NAR-wang	Powerful speech
Ngodup	NOD-oop	Attainment, accomplishment
Norbu	NOR-bo	Jewel
Palden	PAL-den	Glorious
Pema	PEM-a	Lotus
Phuntsok	Poon-tsok	Excellence
Rabten	RAB-ten	Steadfast
Rinchen	RIN-chen	Precious, gem (great value)
Samdup	SAM-d(r)oop	Fulfilment (of one's wishes)
Sangye	SANG-gye	Buddha
Sonam	SON-am	Merit
Tenzin	TEN-zin	Holder of the teachings
Thekchen	TEK-chen	Mahayana
Thokmay	TOK-me	Unobstructed, unhindered
Thubten	TOOB-ten	The Buddha's teaching
Tinley	T(R)IN-ley	Enlightened activity
Tsering	TSER-ing	Long life
Tseten	TSET-en	Stable life
Tsewang	TSE-wang	Life empowerment
Wangchuk	WANG-chook	Lord, mighty
Wangdue	WANG-doo	Subduer
Yonten	YON-ten	Good qualities

[31h]

Return to contents

Go to list of sources

Annex K: References to source material

The Home Office is not responsible for the content of external websites.

Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.

[1] Europa Publications

a Europa World, Country Profile: The People's Republic of China **[accessed 12 February 2009]**
http://www.europaworld.com/pub/

[2] US State Department http://www.state.gov/

a International Religious Freedom Report 2008: China, 19 September 2008 **[accessed 23 September 2008]**
http://www.state.gov/g/drl/rls/irf/2008/108404.htm

b Intercountry Adoption – China, February 2006 **[accessed 10 September 2008]**
http://travel.state.gov/family/adoption/country/country_365.html#

c Message on the Nineteenth Anniversary of Tiananmen Square, Press Statement, 3 June 2008 **[accessed 10 September 2008]**
http://www.state.gov/r/pa/prs/ps/2008/jun/105524.htm

d 2008 Country Report on Human Rights Practices: Nepal, 25 February 2009 **[accessed 10 March 2009]**
http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119138.htm

e 2008 Country Report on Human Rights Practices: China, 25 February 2009 **[accessed 2 March 2009]**
http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119037.htm

f -

g Background Note: China, January 2009 **[accessed 12 February 2009]**
http://www.state.gov/r/pa/ei/bgn/18902.htm

h Arthur E Dewey, Assistant Secretary, Bureau of Population, Refugees and Migration, Testimony before US House of Representatives, 14 December 2004 **[accessed 21 November 2008]**
http://www.foreignaffairs.house.gov/archives/108/97363.pdf

i -

j Country Report on Human Rights Practices 2004: China, 28 February 2005 **[accessed 12 February 2009]**
http://www.state.gov/g/drl/rls/hrrpt/2004/41640.htm

k 2008 Country Report on Human Rights Practices: Taiwan, 25 February 2009 **[accessed 10 March 2009]**
http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119038.htm

l Trafficking in Persons Report 2008, 4 June 2008 **[accessed 10 September 2008]**
http://www.state.gov/g/tip/rls/tiprpt/2008/105387.htm

[3] Canadian Immigration and Refugee Board
http://www.irb-cisr.gc.ca/Eng/Pages/index.aspx

a CHN42317.E China: Structure of the police force; whether witness protection programmes exist, or other forms of police or state protection for individuals who fear members of organized crime groups (2000–2004), 26 January 2004 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=416333

b CHN34770.E China: Update to CHN32869.EX of 22 September 1999 regarding treatment of illegal emigrants repatriated to China; particularly information regarding treatment of those repatriated from Canada in May 2000, 9 August 2000 **[accessed 20 March 2009]** http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=416599

c CHN100726.X. China: The situation of Falun Gong practitioners and their treatment by state authorities (2001–2005), 31 October 2005 **[accessed 20 March 2009]** http://www2.irb-cisr.gc.ca/en/research/ndp/ref/?action=view&doc=chn100726ex

d CHN102486.E China: Reports of corrupt officials issuing fraudulent Resident Identity Cards to unsuspecting rural residents and selling the authentic ones to "snakeheads" on the black market (2004–2007), 14 June 2007 **[accessed 26 March 2009]** http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=451315

e CHN42321.E China: The format, appearance and manufacture of Chinese resident identity cards; procedure for replacing a lost or stolen identity card; the new law on citizen's identification cards (this response replaces CHN28290.E of 8 January 1998) 20 April 2004 **[accessed 20 March 2009]** http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=416323

f CHN38004.E China: The treatment of pregnant, unmarried women by state authorities and society in Guangdong; laws pertaining to pregnant, unmarried women (2001), 2 November 2001 **[accessed 20 March 2009]** http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=416515

g CHN100510.E. China: The manufacture, procurement, distribution and use of fraudulent documents, including passports, hukou, resident identity cards and summonses; the situation in Guangdong and Fujian particularly (2001–2005), 8 September 2005 **[accessed 20 March 2009]** http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=449523

h CHN100511.E. China: Treatment of pregnant, unmarried women by state authorities, particularly in Guangdong and Fujian; whether unmarried women are obliged to undergo pregnancy tests by family planning officials (2002–2005), 6 September 2005 **[accessed 20 March 2009]** http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=449498

i CHN100385.E. China: Penalties faced by couples returning from overseas who are in violation of family planning regulations (2001–2005), 25 August 2005 **[accessed 20 March 2009]** http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=449481

j CHN38833.E China: Update to CHN19301.E 16 January 1995 on whether a child born in a foreign country to Chinese nationals domiciled in a foreign country (Peru) has the right to Chinese citizenship; whether it is automatic; where the child has the automatic right to reside in China; whether the child's rights differ from those of Chinese nationals, 3 May 2002 (Courtesy of the IRB)

k CHN101062.E China: Organized crime or black society activity, particularly in Guangdong and Fujian, including links with government officials, repercussions associated with failing to meet demands of criminal gangs, and government efforts at tackling organized crime (2005–2006), 5 May 2006 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=450166

l CHN102481.E China: The second-generation Resident Identity Card; security features; and how the card can be tested for authenticity, 3 July 2007 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=451359

m CHN37380.E China: Whether a person can have his or her hukou renewed even if he or she is outside of China, 19 April 2002 (Courtesy of the IRB)

n CHN100544.E China: The situation and treatment of homosexuals (2003–2005), 26 September 2005 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=449593

o CHN42650.E China: Whether underground Catholic Churches issue baptism certificates; if so, in what language, 8 June 2004 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=416315

p CHN40106.E China: Whether it is possible to recover lost Chinese nationality; procedure to follow and discretion exercised for reinstatement of Chinese nationality, 15 November 2002 **[accessed 23 June 2004]**

q CHN100513.E: Exit controls for citizens travelling overseas, including documents and police checks, and whether a person wanted by authorities could leave China using a passport in his or her name; exit procedures at Beijing airport (2003–2005), 25 October 2005 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=449632

r CHN42444.E China: Circumstances and authorities responsible for issuing summonses/subpoenas; procedural law; whether summonses are given to individuals or households; format and appearance; whether legality can be challenged; punishment for failure to comply with a summons (1998–2004), 1 June 2004 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=416316

s CHN40628.E China: Information on the human rights situation of the Chaoxian ethnic group (2000–02), 12 February 2003 (Courtesy of the IRB)

t CHN41289.E China: Whether patriotic churches in China can display Christian crosses, crucifixes and portraits of Jesus Christ; whether it is illegal for individuals in any or all regions of China to possess Christian crosses, crucifixes and portraits of Jesus Christ, 28 February 2003 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=416419

u CHN42768.E China: Whether affiliation with or membership in foreign churches, while abroad, is a violation of government policy; (i.e., in Canada) could be accused of violating government policy in China and would therefore be subject to repercussions upon return to China (2004), 17 August 2004 **[accessed 20 March 2009]**

http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=416297

v CHN102867.E China: 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 2008 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=451962

w CHN41862 China: Whether the translated text of the Bible used in Patriotic churches differs in content from the English version (July 2002–November 2003), 28 November 2003 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=416353

x CHN42462.E China: Further to CHN29937.E of 20 August 1998 on whether the Public Security Bureau (PSB) authorities and/or police officers from one province would have jurisdiction in another province; whether a Chinese citizen would have recourse against personal vendettas by law enforcement officials from outside his or her home province, 26 March 2004 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=416329

y CHN102560.E China: Treatment of family members of Falun Gong practitioners by the Chinese authorities; situation of persons who unwittingly or knowingly assist Falun Gong practitioners (e.g., by allowing use or rental of property, offices, office equipment, vehicles, etc.); the treatment of such persons if they deny knowledge of having assisted Falun Gong practitioners, agree to cease such assistance, or denounce Falun Gong, 11 July 2007 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=451386

z CHN102496.E China: Treatment of “illegal,” or “black,” children born outside the one-child family planning policy; whether unregistered children are denied access to education, health care and other social services (2003–2007), 26 June 2007 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=451354

aa CHN102495.E China: Whether forced abortions or sterilizations are still occuring; prevalence and location of forced abortions or sterilizations; reports of forced sterilization of men (2005–2007), 10 May 2007 **[accessed 20 March 2009]**
http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=451207

[4] Economist Intelligence Unit (EIU)

a 2009 Country Profile: China, editorial closing date 19 December 2008 **[accessed 11 February 2009]**
http://www.eiu.com/?rf=0

[5] Laws, Regulations and White Papers

a Constitution of the People’s Republic of China, Adopted 4 December 1982 and amended 14 March 2004, International Constitutional Law (ICL) **[accessed 12 February 2009]**
http://www.oefre.unibe.ch/law/icl/ch00000_.html

b Law of the People's Republic of China on Assemblies, Processions and Demonstrations, 31 October 1989, UNHCR Country of Origin and Legal Information: China **[accessed 12 February 2009]**
http://www.unhcr.org/home/RSDLEGAL/3ae6b592e.html
c Regulations for the Implementation of the Law of Assembly, Procession and Demonstration of the People's Republic of China, 1 June 1992, UNHCR Country of Origin and Legal Information: China **[accessed 12 February 2009]**
http://www.unhcr.org/home/RSDLEGAL/3ae6b59010.html
d Law of the People's Republic of China on the Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese, effective from 1 January 1991, UNHCR Country of Origin and Legal Information: China **[accessed 12 February 2009]**
http://www.unhcr.org/home/RSDLEGAL/3ae6b4dc0.html
e Decision of the Standing Committee of the National People's Congress regarding the Severe Punishment of Criminals who Abduct and Traffic in or Kidnap Women or Children, 4 September 1991, UNHCR Country of Origin and Legal Information: China **[accessed 12 February 2009]**
http://www.unhcr.org/home/RSDLEGAL/3ae6b4dd10.html
f Law on protection for women's rights and interests, effective from 1 October 1992, UNHCR Country of Origin and Legal Information: China **[accessed 12 February 2009]**
http://www.unhcr.org/home/RSDLEGAL/3ae6b4d843.html
g State Security Law of the People's Republic of China, effective as of 22 February 1993, UNHCR Country of Origin and Legal Information: China **[accessed 12 February 2009]**
http://www.unhcr.org/home/RSDLEGAL/3ae6b4dd0.html
h Criminal Procedure Law of the People's Republic of China, adopted 1 July 1979, amended 17 March 1996, UNHCR Country of Origin and Legal Information: China **[accessed 12 February 2009]**
http://www.unhcr.org/home/RSDLEGAL/3ddbcd4e7.pdf
i Criminal Law of the People's Republic of China, 1 October 1997, UNHCR Country of Origin and Legal Information: China **[accessed 12 February 2009]**
http://www.unhcr.org/home/RSDLEGAL/3ae6b5cd2.html
j Population and Family Planning Law of the People's Republic of China, effective from 1 September 2002, UNHCR Country of Origin and Legal Information: China **[accessed 12 February 2009]**
http://www.unhcr.org/home/RSDLEGAL/42417cb54.html
k Population and Family Planning Regulations of Guangdong Province, adopted by the Standing Committee of the People's Congress of Guangdong on 25 July 2002, effective from 1 September 2002 (Courtesy of the Canadian IRB)
l Population and Family Planning Regulation of Fujian Province, adopted 26 July 2002, effective from 1 September 2002, UNHCR Country of Origin and Legal Information: China **[accessed 12 February 2009]**
http://www.unhcr.org/home/RSDLEGAL/4242b7394.pdf
m Military Service Law of the People's Republic of China, effective from 1 October 1984
[accessed 12 February 2009]
http://www.novexcn.com/military_service_law.html
n China's Employment Situation and Policies, Information Office of the State Council of the People's Republic of China, April 2004 **[accessed 12 February 2009]**
http://www.china.org.cn/e-white/20040426/index.htm

o Regional Ethnic Autonomy in Tibet, Information Office of the State Council of the People's Republic of China, May 2004 **[accessed 12 February 2009]** http://www.china.org.cn/e-white/20040524/index.htm
p Law of the People's Republic of China on Administrative Penalty, effective from 1 October 1996, Congressional-Executive Commission on China (CECC) **[accessed 12 February 2009]** http://www.cecc.gov/pages/newLaws/adminPunishmentENG.php
q -
r National Population and Family Planning Commission, Decision of the Central Committee of the Communist Party of China and the State Council on Fully Enhancing Population and Family Planning Programme and Comprehensively Addressing Population Issues (unofficial translation), 22 January 2007 **[accessed 12 February 2009]** http://www.npfpc.gov.cn/en/en2007-01/news20070124.htm
s Interim Regulations of the People's Republic of China on Punishment of Servicemen Who Commit Crimes Contrary to Their Duties, effective from 1 January 1982 **[accessed 12 February 2009]** http://www.novexcn.com/crimes_servicemen_duties.html
t Constitution of the Communist Party of China, amended and adopted at the 17th National Congress of the Communist Party of China on October 21, 2007 **[accessed 12 February 2009]** http://www.bjreview.com.cn/document/txt/2007-12/13/content_90532.htm and http://www.bjreview.com.cn/document/txt/2007-12/13/content_90539.htm
u China Questions and Answers, Q: Many people in the international community accuse China's family planning policy of violating human rights. Why does China carry out this policy? Are there differences in its implementation when it comes to urban and rural areas, and ethnic minority areas? **[accessed 12 February 2009]** http://www.china.org.cn/english/features/Q&A/161825.htm
v Government White Paper, China's National Defense in 2004 **[accessed 12 February 2009]** http://www.china.org.cn/e-white/20041227/index.htm
w Passport Law of the People's Republic of China, effective from 1 January 2007 **[accessed 12 February 2009]** http://www.bjreview.com.cn/document/txt/2006-12/14/content_50706.htm
x Nationality Law of the People's Republic of China, effective from 10 September 1980 **[accessed 12 February 2009]** http://www.immd.gov.hk/ehtml/chnnationality_1.htm

[6] Amnesty International (AI) http://www.amnesty.org/
a ASA 17/09/90, China: The Massacre of June 1989 and its aftermath, 17 September 1990 **[accessed 13 February 2009]** http://www.amnestyusa.org/countries/china/document.do?id=1233EEEBBAAA5F4B802569A6005FFADA
b -
c ASA 17/05/94, China: Dissidents detained since 1992: Political Trials and Administrative Sentences, published 1994 (Courtesy of Amnesty International UK)
d -
e ASA 17/004/2005, Hada (m), aged 49, political activist, 28 January 2005 **[accessed 13 February 2009]** http://www2.amnesty.se/uaonnet.nsf/Senaste+veckan/EA5C5D36AB0983B6C1256F9A00308071?opendocument

f -
g 2008 Report: China, May 2008 **[accessed 13 February 2009]** http://thereport.amnesty.org/eng/regions/asia-pacific/china
h ASA 17/015/2007, People's Republic of China: The Olympics countdown: Repression of activists overshadows death penalty and media reforms, 30 April 2007 **[accessed 13 February 2009]** http://web.amnesty.org/library/Index/ENGASA170152007?open&of=ENG-CHN
i ASA 17/043/2007, Legacy of the Beijing Olympics: China's choice, 8 October 2007 **[accessed 13 February 2009]** http://web.amnesty.org/library/pdf/ASA170432007ENGLISH/$File/ASA1704307.pdf
j ASA 17/033/2007, China: Tiananmen anniversary – looking forward means facing up to the past, 1 June 2007 **[accessed 13 February 2009]** http://web.amnesty.org/ ibrary/Index/ENGASA170332007?open&of=ENG-CHN
k -
l -
m EUR 57/002/2006, Kazakstan: Further information on forcible return/torture/ death penalty, 27 June 2006 **[accessed 13 February 2009]** http://web.amnesty.org/library/Index/ENGEUR570022006?open&of=ENG-CHN
n ASA 17/008/2007, China: Internal migrants: Discrimination and abuse: The human cost of an economic 'miracle', 1 March 2007 **[accessed 13 February 2009]** http://web.amnesty.org/library/Index/ENGASA170082007?open&of=ENG-2AS
o ASA 17/016/2006, People's Republic of China: Abolishing "Re-education through Labour" and other forms of punitive administrative detention: An opportunity to bring the law into line with the International Covenant on Civil and Political Rights, 12 May 2006 **[accessed 13 February 2009]** http://web.amnesty.org/library/Index/ENGASA170162006?open&of=ENG-CHN
p ASA 17/050/2008, People's Republic of China: The Olympics countdown – crackdown on activists threatens Olympics legacy, 1 April 2008 **[accessed 13 February 2009]** http://www.amnesty.org/en/library/info/ASA17/050/2008/en

[7] Human Rights Watch (HRW) http://www.hrw.org/

a Devastating Blows: Religious Repression of Uighurs in Xinjiang, April 2005 **[accessed 13 February 2009]** http://hrw.org/reports/2005/china0405/
b "We Could Disappear At Any Time": Retaliation and Abuses Against Chinese Petitioners, 8 December 2005 **[accessed 13 February 2009]** http://www.hrw.org/en/reports/2005/12/07/we-could-disappear-any-time
c Restrictions on AIDS Activists in China, June 2005 **[accessed 13 February 2009]** http://hrw.org/reports/2005/china0605/
d China: Political Prisoner Exposes Brutality in Police-Run Mental Hospital, Eyewitness Testimonies from Notorious Ankang Asylum, 1 November 2005 **[accessed 13 February 2009]** http://hrw.org/english/docs/2005/11/01/china11957.htm
e China: No Medical Reason to Hold Dissident, 17 March 2006 **[accessed 13 February 2009]** http://hrw.org/english/docs/2006/03/17/china13010.htm

f Locked Doors: The Human Rights of People living with HIV/AIDS in China, September 2003 **[accessed 13 February 2009]** http://www.hrw.org/reports/2003/china0803/

g China: AIDS Treatment Plan Welcome But Must Protect Rights, 11 November 2003 **[accessed 13 February 2009]** http://www.hrw.org/en/news/2003/11/10/china-aids-treatment-plan-welcome-must-protect-rights

h "Walking on Thin Ice": Control, Intimidation and Harassment of Lawyers in China, April 2008 **[accessed 13 February 2009]** http://www.hrw.org/en/reports/2008/04/28/walking-thin-ice-0

i World Report 2009: Events of 2008: China, 15 January 2009 **[accessed 20 January 2009]** http://www.hrw.org/en/node/79301

j Denied Status, Denied Education: Children of North Korean Women in China, April 2008 **[accessed 13 February 2009]** http://hrw.org/reports/2008/northkorea0408/

k China: Tiananmen Legacy Defies Olympic Gloss, 1 June 2007 **[accessed 13 February 2009]** http://hrw.org/english/docs/2007/06/01/china16043.htm

l China: Repression spikes as People's Congress closes, 14 March 2007 **[accessed 13 February 2009]** http://hrw.org/english/docs/2007/03/14/china15481.htm

m "One Year of My Blood": Exploitation of Migrant Construction Workers in Beijing, March 2008 **[accessed 13 February 2009]** http://www.hrw.org/en/reports/2008/03/11/one-year-my-blood-0

n China: Hosting Olympics a Catalyst for Human Rights Abuses, 22 August 2008 **[accessed 13 February 2009]** http://hrw.org/english/docs/2008/08/22/china19664.htm

o An Unbreakable Cycle: Drug Dependency Treatment, Mandatory Confinement, and HIV/AIDS in China's Guangxi Province, 8 December 2008 **[accessed 23 January 2009]** http://www.hrw.org/sites/default/files/reports/china1208web.pdf

[8] International Crisis Group http://www.crisisgroup.org

a Perilous Journeys: The Plight of North Koreans in China and Beyond, Asia Report No.122, 26 October 2006 **[accessed 13 February 2009]** http://www.crisisgroup.org/home/index.cfm?id=4469&l=1

[9] BBC News http://news.bbc.co.uk/1/hi/world/asia-pacific/default.stm

a Timeline: China, 3 March 2009 **[accessed 10 March 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/country_profiles/1288392.stm

b China quake work to cost $150bn, 14 August 2008 **[accessed 20 October 2008]** http://news.bbc.co.uk/1/hi/world/asia-pacific/7561446.stm

c China healthcare under spotlight, 20 October 2008 **[accessed 24 October 2008]** http://news.bbc.co.uk/1/hi/health/7679162.stm

d China launches first gay TV show, 5 April 2007 **[accessed 18 March 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/6528509.stm

e Guantanamo Uighur release blocked, 9 October 2008 **[accessed 28 October 2008]** http://news.bbc.co.uk/1/hi/world/americas/7660399.stm

f Timeline: Tibet, 26 November 2008 **[accessed 10 March 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/country_profiles/6299565.stm

g China issues 'terrorist' list, 15 December 2003 **[accessed 13 February 2009]** http://news.bbc.co.uk/2/hi/asia-pacific/3319575.stm

h Chinese police find child slaves, 30 April 2008 **[accessed 13 February 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/7374864.stm

i Out of the closet in China, 13 January 2004 **[accessed 13 February 2009]** http://news.bbc.co.uk/2/hi/asia-pacific/3389767.stm

j Spotlight falls on India's Tibetans, 17 April 2008 **[accessed 13 February 2009]** http://news.bbc.co.uk/1/hi/world/south_asia/7352941.stm

k China 'no longer a poor country', 28 October 2008 **[accessed 29 October 2008]** http://news.bbc.co.uk/1/hi/world/asia-pacific/7694476.stm

l Pope rallies split Chinese flock, 30 June 2007 **[accessed 13 February 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/6256234.stm

m Tibetan children in Nepal protest, 28 March 2008 **[accessed 13 February 2009]** http://news.bbc.co.uk/1/hi/world/south_asia/7318079.stm

n Chinese 'living longer than ever', 16 November 2008 **[accessed 23 January 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/7731566.stm

o Chinese corruption 'astonishing', 11 October 2007 **[accessed 13 February 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/7039383.stm

p Chinese migrant job losses mount, 2 February 2009 **[accessed 10 March 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/7864293.stm

q China divorce rate rises by 20%, 25 January 2008 **[accessed 13 February 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/7208385.stm

r China aims to silence reform call, 12 January 2009 **[accessed 10 March 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/7819355.stm

s China's modern power house, 1 October 2005 **[accessed 13 February 2009]** http://news.bbc.co.uk/1/hi/programmes/from_our_own_correspondent/4298284.stm

t China's western border 'defenders', 17 November 2005 **[accessed 13 February 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/4445736.stm

u Grey areas in China's one-child policy, 21 September 2007 **[accessed 13 February 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/7002201.stm

v Free but homeless after Guantanamo, 7 January 2009 **[accessed 11 March 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/7816611.stm

w China plans new anti-gang effort, 22 December 2008 **[accessed 11 March 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/7795415.stm

x Crisis 'has hit China's economy', 28 January 2009 **[accessed 18 March 2009]** http://news.bbc.co.uk/1/hi/business/davos/7856636.stm

y -

z -

aa -

ab -

ac -

ad China official admits to torture, BBC, 20 November 2006 **[accessed 13 February 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/6164408.stm

ae China ban on new internet cafes, 6 March 2007 **[accessed 13 February 2009]** http://news.bbc.co.uk/1/hi/world/asia-pacific/6422555.stm

af -

ag -

ah HK's draw for pregnant Chinese, 31 January 2007 **[accessed 13 February 2009]**
http://news.bbc.co.uk/1/hi/world/asia-pacific/6317127.stm

[10] The Observer http://www.guardian.co.uk/theobserver
a Has anyone seen our child? 23 September 2007 **[accessed 13 February 2009]**
http://observer.guardian.co.uk/magazine/story/0,,2173231,00.html

[11] US Library of Congress http://memory.loc.gov/ammem/index.html
a Country Profile: China, August 2006 **[accessed 11 March 2009]**
http://lcweb2.loc.gov/frd/cs/profiles.html

[12] People's Daily http://english.peopledaily.com.cn/
a Tianjin transsexual gets new Chinese ID card as a woman, 16 April 2008 **[accessed 18 March 2009]**
http://english.people.com.cn/90001/90776/90882/6393994.html
b -
c -
d China's Supreme Court Explains Marriage Laws, 28 April 2003 **[accessed 17 March 2005]**
e -
f -
g China Simplifies Procedures for Marriage, Divorce, 19 August 2003 **[accessed 17 March 2005]**
h -
i -
j -
k -
l -
m -
n China issues first certificates for professional psychologists, 21 March 2005 **[accessed same date]**
o -
p People increasingly concerned with frequent assaults on policemen, 8 October 2005 **[accessed 13 February 2009]**
http://english.people.com.cn/200510/08/eng20051008_213282.html
q Govt to pay for AIDS tests, consultations, 15 April 2004 **[accessed 17 March 2005]**
r -
s -
t -
u -
v -
w -
x -
y -
z -
aa -
ab -
ac One-child policy 'will not change', 30 September 2006 **[accessed 13 February 2009]**
http://english.people.com.cn/200609/30/eng20060930_307781.html
ad -
ae -
af -

ag -
ah China's religious believers thrice official estimate, 7 February 2007 **[accessed 13 February 2009]** http://english.people.com.cn/200702/07/eng20070207_348212.html

[13] Xinhua news agency http://www.xinhuanet.com/english/index.htm

a Beijing Eases Birth Control Policy, 9 August 2003 **[accessed 2 August 2004]**
b -
c -
d -
e Full text of Anti-Secession Law, 14 March 2005 **[accessed same date]**
f -
g -
h New City Policy eases One-child Restrictions, 13 April 2004 **[accessed 17 March 2005]**
i -
j Statute shows greater resolve in AIDS control, 13 February 2006 **[accessed 13 February 2009]** http://news.xinhuanet.com/english/2006-02/13/content_4171114.htm
k -
l -
m Orphanage director jailed over baby selling scam, 27 February 2006 **[accessed 13 February 2009]** http://news.xinhuanet.com/english/2006-02/27/content_4233358.htm
n More Chinese studying abroad return, 6 January 2006 **[accessed 2 March 2006]**
o -
p High costs keep people out of hospitals, 22 November 2004 **[accessed 23 November 2004]**

[14] China Daily http://www.chinadaily.com.cn/english/home/index.html

a -
b China: Drug bid to skirt family planning, 14 February 2006 **[accessed 13 February 2009]** http://www2.chinadaily.com.cn/english/doc/2006-02/14/content_520018.htm
c Henan police deal 'most wanted' cards, 16 November 2005 **[accessed 13 February 2009]** http://www.chinadaily.com.cn/english/doc/2005-11/16/content_494978.htm
d -
e -
f New hotline to offer help to gay people, 11 May 2006 **[accessed 13 February 2009]** http://www.chinadaily.com.cn/china/2006-05/11/content_586770.htm
g -
h -
i -
j HIV/AIDS sufferers can receive free therapy, 14 April 2004 **[accessed 17 March 2005]**
k -
l -
m Gov't-backed gay forum makes cautious debut, 15 August 2006 **[accessed 13 February 2009]** http://www.chinadaily.com.cn/china/2006-08/15/content_664777.htm
n Experts cry for checking before marriage, 20 February 2005 **[accessed 13 February 2009]** http://www.chinadaily.com.cn/english/doc/2005-02/20/content_417710.htm

[15] Reproductive Health Journal
http://www.reproductive-health-journal.com
a Illegal births and legal abortions – the case of China, 11 August 2005, by Elina Hemminki, Zhuochun Wu, Guiying Cao, Kirsi Viisainen **[accessed 13 February 2009]**
http://www.reproductive-health-journal.com/content/2/1/5

[16] China Democracy Party UK Branch
http://www.ukcdp.co.uk/ukcdp/cdpukrecru.htm
a UK Branch of China Democracy Party **[accessed 11 March 2009]**
http://www.ukcdp.co.uk/ukcdp/ukcdp.htm

[17] Lexis-Nexis
https://web.lexis-nexis.com/professional/?ut=1122904521526
a -
b -
c -
d -
e -
f -
g -
h -
i -
j Economic and social upheaval on the mainland is blamed for a surge in mental illness: Benjamin Robertson reports on moves to stem the tide, 15 January 2005, South China Morning Post **[accessed 16 February 2005]**
k -
l -
m -
n Abortions up in China as taboos weaken, The Japan Times, 7 August 2006 **[accessed 14 September 2006]**

[18] Maps
a Map of China **[accessed 11 March 2009]** http://www.reliefweb.int/rw/RWB.NSF/db900LargeMaps/SKAR-64GCM9?OpenDocument
b Map of Tibet, Lonely Planet **[accessed 11 March 2009]**
http://www.lonelyplanet.com/maps/asia/tibet/
c Map of Taiwan, Lonely Planet **[accessed 11 March 2009]**
http://www.lonelyplanet.com/mapshells/north_east_asia/taiwan/taiwan.htm
d Map of Hong Kong, Lonely Planet **[accessed 11 March 2009]**
http://www.lonelyplanet.com/mapshells/north_east_asia/hong_kong/hong_kong.htm
e Map of Macao, Lonely Planet **[accessed 11 March 2009]**
http://www.lonelyplanet.com/mapshells/north_east_asia/macau/macau.htm
f Map of Xinjiang, Encarta **[accessed 11 March 2009]**
http://encarta.msn.com/map_701517738/Xinjiang_Uygur.html
g Nepal: Selected Ethnic Groups, posted 18 January 2006 **[accessed 11 March 2009]** http://www.reliefweb.int/rw/rwb.nsf/doc404?OpenForm&rc=3&emid=EVIU-6AKEJJ
h Chinese Linguistic Groups **[accessed 11 March 2009]**
http://www.lib.utexas.edu/maps/middle_east_and_asia/china_ling_90.jpg

[19] The Economist http://www.economist.com/
a Sons of heaven, 2 October 2008 **[accessed 22 October 2008]** http://www.economist.com/world/asia/displaystory.cfm?story_id=12342509

[20] China Democracy Party
a Messages from the Chairman Wanjun Xie, 28 December 2007 **[accessed 11 March 2009]** http://www.hqcdp.org/english/

[21] The New York Times
a The Smugglers' Due, 11 June 2006 **[accessed 12 March 2009]** http://www.nytimes.com/2006/06/11/magazine/11chinese.html?pagewanted=6
b Seeking Justice, Chinese Land in Secret Jails, 8 March 2009 **[accessed 12 March 2009]** http://www.nytimes.com/2009/03/09/world/asia/09jails.html?_r=2

[22] Aid to the Church in Need http://www.acn.org.uk
a China – The Torch of Faith: The Church in China **[accessed 11 March 2009]** http://www.acn.org.uk/shop/frameset.asp

[23] United States Office of Personnel Management: Investigations Service http://www.opm.gov/guidance/index.htm
a Citizenship Laws of the World, March 2001 **[accessed 11 March 2009]** http://www.opm.gov/extra/investigate/IS-01.pdf

[24] International Organization for Migration (IOM) http://www.iom.int/
a Julia Meredith Hess, Statelessness and the State: Tibetans, Citizenship, and Nationalist Activism in a Transnational World, International Migration Vol. 44 (1) 2006

[25] The Telegraph http://www.telegraph.co.uk/news/worldnews/asia/china/
a China's rural children die at six times rate of city dwellers, 21 October 2008 **[accessed 24 October 2008]** http://www.telegraph.co.uk/news/worldnews/asia/china/3229105/Chinas-rural-children-die-at-six-times-rate-of-city-dwellers.html
b China to drop one-child policy for earthquake parents, 27 May 2008 **[accessed 31 October 2008]** http://www.telegraph.co.uk/news/worldnews/asia/china/2032924/China-earthquake-China-to-drop-one-child-police-for-earthquake-parents.html

[26] Freedom House http://www.freedomhouse.org
a Freedom in the World 2008: China, July 2008 **[accessed 11 March 2009]** http://www.freedomhouse.org/template.cfm?page=22&year=2008&country=7372

[27] United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region http://www.no-trafficking.org/
a China **[accessed 19 March 2009]** http://www.no-trafficking.org/content/Country_Pages_China/overview_china.htm

[28] US Congressional-Executive Commission on China http://www.cecc.gov
a Annual Report 2008, 31 October 2008 **[accessed 1 December 2008]**

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_house_hearings&docid=f:45233.pdf

[29] UNICEF http://www.unicef.org

a China: Background and Statistics **[accessed 11 March 2009]** http://www.unicef.org/infobyco ntry/china_china.html

[30] CIA World Factbook

https://www.cia.gov/library/publications/the-world-factbook/index.html

a China, 5 March 2009 **[accessed 11 March 2009]** https://www.cia.gov/library/publications/the-world-factbook/geos/ch.html

[31] Foreign & Commonwealth Office (FCO) http://www.fco.gov.uk/

a Country Profiles: China, 27 January 2009 **[accessed 11 March 2009]** http://www.fco.gov.uk/en/about-the-fco/country-profiles/asia-oceania/china?profile=all#

b Country Profiles: Taiwan, 20 June 2008 **[accessed 11 March 2009]** http://www.fco.gov.uk/en/about-the-fco/country-profiles/asia-oceania/380taiwan?profile=all

c Hong Kong (Special Administrative Region of China), 12 December 2006 **[accessed 11 March 2009]** http://www.fco.gov.uk/en/about-the-fco/country-profiles/asia-oceania/hong-kong

d Macao (Special Administrative Region of China), 8 December 2006 **[accessed 11 March 2009]** http://www.fco.gov.uk/en/about-the-fco/country-profiles/asia-oceania/macao?profile=all

e Letter from FCO dated 5 December 2007

f Email from FCO dated 25 May 2005

g Letter from FCO dated 15 July 2005

h Tibet – naming conventions, courtesy of FCO

i Human Rights Annual Report 2007, March 2008 **[accessed 11 March 2009]** https://fco-stage.fco.gov.uk/resources/en/pdf/human-rights-report-2007

j -

k Information on the use of wanted posters in China, 10 April 2006

[32] United Nations Publications

a Consideration of reports submitted by states parties under Article 19 of the Convention [against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment]: Concluding observations of the Committee Against Torture: China, 12 December 2008 **[accessed 21 January 2009]** http://www.unhcr.org/refworld/docid/496c854b2.html

b Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak; Mission to China [E/CN.4/2006/6/Add.6], 10 March 2006 **[accessed 12 March 2009]** http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=45377b160

c UNHCR position paper on Falun Gong, 1 January 2005

d WRITENET China: Background paper on the situation of North Koreans in China, January 2005 **[accessed 12 March 2009]** http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4231d11d4&page=search

e WRITENET People's Republic of China: Background Paper on the situation of the Tibetan Population, February 2005 **[accessed 12 March 2009]**

http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=423ea9094

f Concluding Observations [of the UN Committee on the Rights of the Child]: China (including Hong Kong and Macau Special Administrative Regions), 24 November 2005 **[accessed 12 March 2009]**

http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/04186f9dc54bc087c12570ec004ef94a/$FILE/G0545139.pdf

[33] Transparency International (TI) http://www.transparency.org

a Corruption Perceptions Index 2008, 23 September 2008 **[accessed 23 September 2008]**

http://www.transparency.org/news_room/in_focus/2008/cpi2008/cpi_2008_table

[34] Reuters

a China AIDS patients dying because of "tragic stigma", 30 October 2008 **[accessed 1 November 2008]**
http://www.reuters.com/article/healthNews/idUSTRE49T2ZX20081030?feedType=RSS&feedName=healthNews

[35] Laogai Research Foundation http://www.laogai.org

a China launches new push to slow population growth, 19 November 2007 **[accessed 12 March 2009]**
http://www.laogai.org/news/newsdetail.php?id=2917

b Prison Reforms in China Off Target, 10 January 2008 **[accessed 20 October 2008]**
http://www.laogai.org/news/newsdetail.php?id=2964

[36] -

[37] War Resisters' International (WRI) http://www.wri-irg.org/

a Refusing to Bear Arms: A worldwide survey of conscription and conscientious objection to military service: China, 15 March 1998 **[accessed 12 March 2009]**
http://www.wri-irg.org/co/rtba/china.htm

[38] Center for Reproductive Rights http://www.reproductiverights.org

a Women of the World: Laws and Policies Affecting their Reproductive Lives, East and Southeast Asia, 2005 **[accessed 9 May 2008]**
http://www.reproductiverights.org/pub_bo_seasia.html

[39] Human Rights in China (HRIC) http://iso.hrichina.org/public/index

a -

b China: Minority Exclusion, Marginalization and Rising Tensions, 25 April 2007 **[accessed 12 March 2009]**
http://hrichina.org/public/contents/article?revision%5fid=36063&item%5fid=36055

[40] Epoch Times http://english.epochtimes.com/123,92,,1.html

a -

b -

c Birth Permits Not Granted to Students, 27 October 2005 **[accessed 12 March 2009]**

http://english.epochtimes.com/news/5-10-27/33848.html
d Deportation Results in a Three Year Labor Camp Sentence, Germans rally to gain deportee's freedom; officials are remorseful, 4 June 2005 **[accessed 12 March 2009]**
http://english.epochtimes.com/news/5-5-4/28445.html

[41] The Guardian http://www.guardian.co.uk/china/
a China's slow civil awakening, 19 September 2008 **[accessed 17 October 2008]**
http://www.guardian.co.uk/commentisfree/2008/sep/19/china
b China officials tighten restrictions on Muslim practices, 9 September 2008 **[accessed 17 October 2008]**
http://www.guardian.co.uk/world/2008/sep/09/china1
c Victims of sands and the snakeheads, 7 February 2004 **[accessed 20 July 2005]**
d Chinese factory to supply one in four Bibles, 2 May 2008 **[accessed 20 October 2008]**
http://www.guardian.co.uk/world/2008/may/02/religion.china
e Shanghai eases China's one-child policy rule, 14 April 2004 **[accessed 20 July 2005]**
f China puts alleged Olympics terrorists on wanted list, 21 October 2008 **[accessed 31 October 2008]**
http://www.guardian.co.uk/world/2008/oct/21/china-terrorism
g Thanks to Mao, Zhang Yin's a billionaire, 15 October 2006 **[accessed 12 March 2009]**
http://www.guardian.co.uk/china/story/0,,1922820,00.html
h Tibetans tortured by Chinese after failed escape attempt, says survivor, 1 February 2007 **[accessed 12 March 2009]**
http://www.guardian.co.uk/china/story/0,,2003204,00.html
i Psychiatric treatment used to 'silence' Chinese critics, 8 December 2008 **[accessed 23 January 2009]**
http://www.guardian.co.uk/world/2008/dec/08/china-forcible-psychiatric-treatment-silences-critics
j Beijing's 'happy couples' launch campaign for same-sex marriages, 25 February 2009 **[accessed 12 March 2009]**
http://www.guardian.co.uk/world/2009/feb/25/gay-rights-china-beijing
k China sentences 76 over Tibet riots, 11 February 2009 **[accessed 12 March 2009]**
http://www.guardian.co.uk/world/2009/feb/11/tibet-china-riots
l Chinese mother sentenced to death for hiring man to kill her 9-year-old son, 16 January 2009 **[accessed 12 March 2009]**
http://www.guardian.co.uk/world/2009/jan/16/china-one-child-policy

[42] ChinaAid http://chinaaid.org
a Four Christians Missing in Hubei Since Beginning of November; Many More Persecuted by Authorities, 12 December 2008 **[accessed 23 January 2009]**
http://chinaaid.org/2008/12/12/four-christians-missing-in-hubei-since-beginning-of-november-many-more-persecuted-by-authorities/

[43] Phayul http://www.phayul.com/Index.aspx
a Nepal hands over Tibetan after late night raid on Tibetan refugee center in Kathmandu, 26 February 2008, International Campaign for Tibet (ICT) **[accessed 28 October 2008]**
http://www.phayul.com/news/article.aspx?id=19357&t=1&c=1

[44] Associated Press
a The Guardian: AIDS becomes China's deadliest infectious disease, 18 February 2009 **[accessed 25 February 2009]** http://www.guardian.co.uk/worldlatest/story/0,,-8363775,00.html
b International Herald Tribune: China claims victory at UN human rights panel, 12 February 2009 **[accessed 25 February 2009]** http://www.iht.com/articles/ap/2009/02/12/asia/AS-China-UN-Rights.php

[45] Tibetan Centre for Human Rights and Democracy (TCHRD) http://www.tchrd.org/
a Human Rights Situation in Tibet: Annual Report 2008 **[accessed 13 March 2009]** http://www.tchrd.org/publications/annual_reports/2008/ar_2008.pdf

[46] -

[47] -

[48] -

[49] Care of China's Orphaned and Abandoned (COCOA) http://www.cocoa.org.uk/index.html
a Background to COCOA **[accessed 17 March 2009]** http://www.cocoa.org.uk/background.htm

[50] Academic Sources
a China: From Exceptional Case to Global Participant, April 2004, Ronald Skeldon of the University of Sussex **[accessed 17 March 2009]** http://www.migrationinformation.org/Profiles/display.cfm?ID=219
b Crime, Punishment and Policing in China, edited by Borge Bakken, 2005, ISBN 0742535746, 9780742535749. Chapter 7, Towards a Government of the Contract: Policing in the Era of Reform, Michael Dutton
c Maria Hsia Chang, The End of Days: Falun Gong, 2004
d Letter from Dr John Powers of the Centre for Asian Societies and Histories at the Australian National University (ANU), Monastic Life in Tibet, 25 November 2005
e Chinese Globalization and Migration to Europe, Dr Frank N. Pieke, 9 March 2004, Center for Comparative Immigration Studies (CCIS) **[accessed 21 July 2005]**
f Wild Grass, Ian Johnson, 2004

[51] Association for Asian Research (AFAR) http://www.asianresearch.org/
a The dark side of China, 19 June 2005 **[accessed 17 March 2009]** http://www.asianresearch.org/articles/2573.html
b A Strange Chinese Export, 26 December 2005 **[accessed 17 March 2009]** http://www.asianresearch.org/articles/2791.html

[52] -

[53] World Health Organization (WHO) http://www.wpro.who.int/countries/countries.htm
a Regional Office for the Western Pacific, 2008 Country Health Information Profile: China **[accessed 17 March 2009]**

http://www.wpro.who.int/NR/rdonlyres/7741683F-D141-41BB-A2EE-5A5F4B6A7898/0/9China08.pdf
(http://www.wpro.who.int/countries/2008/chn/)

b Mental Health Atlas 2005 (a project of the Department of Mental Health and Substance Abuse, WHO, Geneva) Country Profile: China **[accessed 17 March 2009]**
http://www.who.int/globalatlas/predefinedReports/MentalHealth/Files/CN_Mental_Health_Profile.pdf

[54] UNAIDS http://www.unaids.org/en/

a Country Progress Report: China, January 2006–December 2007 **[accessed 17 March 2009]**

http://data.unaids.org/pub/Report/2008/china_2008_country_progress_report_en.pdf

[55] -

[56] -

[57] -

[58] AsiaNews http://www.asianews.it/main.php?l=en

a Beijing imposes life in prison, uses torture, to test world reaction, says Tibetan leader, 30 April 2008 **[accessed 17 March 2009]**
http://www.asianews.it/index.php?l=en&art=12138&size=A

b A new wave of persecution against Hebei Catholics, 27 September 2005 **[accessed 17 March 2009]**
http://www.asianews.it/view.php?l=en&art=4205

c Hebei priest tortured and bishop arrested to stop pilgrimage, 11 August 2006 **[accessed 17 March 2009]**
http://www.asianews.it/view.php?l=en&art=6934

d China, Paralympics about to begin, but disabled face workplace discrimination, 4 September 2008 **[accessed 17 March 2009]**
http://www.asianews.it/index.php?l=en&art=13131&size=A

e 58 million children of Chinese migrants are growing up without their parents, 14 November 2008 **[accessed 23 January 2009]**
http://www.asianews.it/index.php?l=en&art=13754&geo=1&size=A

f Dalai Lama: China has turned Tibet into hell, 10 March 2009 **[accessed 10 March 2009]**
http://new.asianews.it/index.php?l=en&art=14681

g Human rights in China: UN should push for abolition of labor camps, arbitrary detentions, 5 February 2009 **[accessed 18 March 2009]**
http://www.asianews.it/index.php?l=en&art=14407&geo=6&theme=8&size=A

[59] Washington Post http://www.washingtonpost.com/

a -

b China's Hidden Heroes, 4 July 2003 **[accessed 17 March 2009]**
http://www.duihua.org/outreach/sa/articles/washintonpost20030704_txt.htm

[60] -

[61] -

[62] **Committee to Protect Journalists (CPJ) http://www.cpj.org/**
a Attacks on the Press in 2008: China **[accessed 12 February 2009]** http://cpj.org/2009/02/attacks-on-the-press-in-2008-china.php

[63] **Reporters Without Borders http://www.rsf.org/**
a Press Freedom Index 2008, 22 October 2008 **[accessed 17 March 2009]** http://www.rsf.org/article.php3?id_article=29031
b 2008 Annual Report: China **[accessed 17 March 2009]** http://www.rsf.org/IMG/pdf/rapport_en-3.pdf
c The 11 commandments of the internet in China, 26 September 2005 **[accessed 17 March 2009]** http://www.rsf.org/article.php3?id_article=15141
d -
e -
f Xinhua: The World's Biggest Propaganda Agency, October 2005 **[accessed 17 March 2009]** http://www.rsf.org/IMG/pdf/Report_Xinhua_Eng-3.pdf

[64] **Asia Times Online http://www.atimes.com/atimes/Front_Page.html**
a China puts Korean spat on map, 19 August 2004 **[accessed 17 March 2009]** http://atimes.com/atimes/Korea/FH19Dg01.html
b Rural China misses 'barefoot doctors', 16 January 2009 **[accessed 28 January 2009]** http://www.atimes.com/atimes/China/KA16Ad04.html
c China: Another dammed gorge, 3 June 2006 **[accessed 17 March 2009]** http://www.atimes.com/atimes/China/HF03Ad01.html
d Asia's Overscheduled Kids, 20 March 2006 **[accessed 17 March 2009]** http://www.time.com/time/asia/covers/501060327/story.html
e -
f -
g China's revolution for everyone and no one, 21 October 2005 **[accessed 17 March 2009]** http://www.atimes.com/atimes/China_Business/GJ21Cb01.html
h Wages of neo-liberalism Part 4: Development financing and urbanization, 22 July 2006 **[accessed 17 March 2009]** http://www.atimes.com/atimes/China/HG22Ad01.html
i -
j Islam with Chinese characteristics, 6 September 2006 **[accessed 17 March 2009]** http://www.atimes.com/atimes/China/HI06Ad01.html

[65] **TIME Magazine http://www.time.com/time/asia/**
a -
b Jesus Is Back, and She's Chinese, 29 October 2001 **[accessed 17 March 2009]** http://www.time.com/time/asia/news/magazine/0,9754,181681,00.html
c Renewed Faith, 24 April 2006 **[accessed 17 March 2009]** http://www.time.com/time/asia/magazine/printout/0,13675,501060501-1186613,00.html
d -
e -
f -
g -

h Long walk to freedom, 24 April 2006 **[accessed 17 March 2009]** http://www.time.com/time/asia/covers/501060501/story.html
i Breaking Up Is Easy To Do, 30 October 2006 **[accessed 17 March 2009]** http://www.time.com/time/magazine/article/0,9171,1552060,00.html

[66] Forum 18 http://www.forum18.org/index.php
a -
b -
c -
d China: Despite new Regulations, religious policy still under strain, 8 March 2006 **[accessed 17 March 2009]** http://www.forum18.org/Archive.php?article_id=740&printer=Y
e XINJIANG: Strict control of China's Uighur Muslims continues, 15 August 2006 **[accessed 17 March 2009]** http://www.forum18.org/Archive.php?article_id=829

[67] The Independent http://news.independent.co.uk
a It's a woman's world, 8 March 2006 **[accessed 17 March 2009]** http://news.independent.co.uk/world/politics/article350006.ece
b Trial of China's 'Sopranos' revives Triad fears, 15 July 2006 **[accessed 17 March 2009]** http://www.independent.co.uk/news/world/asia/trial-of-chinas-sopranos-revives-triad-fears-407976.html

[68] Cardinal Kung Foundation http://www.cardinalkungfoundation.org/
a Newsletter, July 2008 **[accessed 17 March 2009]** http://www.cardinalkungfoundation.org/articles/newsletter/summer_greetings2008.htm

[69] Orthodoxy in China http://www.orthodox.cn/
a Orthodox Chinese Celebrated Pascha in Beijing, 27 April 2008 **[accessed 22 October 2008]** http://www.orthodox.cn/index_en.html

[70] United States Commission on International Religious Freedom (USCIRF) http://www.uscirf.gov/
a Annual Report, May 2008 **[accessed 17 March 2009]** http://www.uscirf.gov/images/AR2008/annual%20report%202008-entire%20document.pdf

[71] Belief.net http://www.beliefnet.com/
a -
b China Jails Member of 'Evil Cult' for Importing Bibles for thousand, 9 January 2002 **[accessed 17 March 2009]** http://www.beliefnet.com/story/97/story_9739_1.html

[72] Local Church Information Site http://www.lcinfo.org/
a Introduction to the "Local Church" movement, 4 October 2003 **[accessed 17 March 2009]** http://www.lcinfo.org/?page=intro

[73] Radio Free Asia (RFA) http://www.rfa.org/english/
a Hundreds of Tibetans Gather in Rare Protest, 21 March 2007 **[accessed 17 March 2009]**

http://www.rfa.org/english/news/social/tibet_protest-20070321.html?searchterm=None

b Guangxi Officials Carry Out Mass Forced Abortions, 22 April 2007 **[accessed 17 March 2009]** http://www.rfa.org/english/china/china_abortions-20070422.html?searchterm=None

c -

d -

e China Detains Tibetan Abbot in Sichuan, 7 September 2006 **[accessed 17 March 2009]** http://www.rfa.org/english/news/tibet_abbot-20060907.html?searchterm=None

f -

g China on the Couch: Psychologists Struggle To Meet Demand, 14 September 2006 **[accessed 17 March 2009]** http://www.rfa.org/english/news/social/china_couch-20060914.html?searchterm=None

h Tibetan Jailed for Three Years, 9 March 2007 **[accessed 17 March 2009]** http://www.rfa.org/english/news/politics/tibet_jail-20070309.html?searchterm=None

i -

j Uyghur Activist Executed in China, 8 February 2007 **[accessed 17 March 2009]** http://www.rfa.org/english/news/uyghur_execute-20070208.html?searchterm=None

[74] Christian Solidarity Worldwide (CSW) http://www.csw.org.uk/

a Two founders of South China Church on death row for church activities, 17 January 2002 **[accessed 17 March 2009]** http://dynamic.csw.org.uk/article.asp?t=press&id=76

b China: Persecution of Protestant Christians in the approach to the Beijing 2008 Olympic Games, 1 June 2008 **[accessed 17 March 2009]** http://dynamic.csw.org.uk/article.asp?t=report&id=95&rnd=0.5403711

c CSW dismayed over secret execution of Chinese religious leaders, 29 November 2006 **[accessed 17 March 2009]** http://dynamic.csw.org.uk/article.asp?t=press&id=577

d Imprisoned underground Church leader beaten again in China, 6 June 2006 **[accessed 17 March 2009]** http://dynamic.csw.org.uk/article.asp?t=press&id=521

[75] -

[76] -

[77] China Review

a At Death's Door, by Roger Hood, An International Survey of the reduction in capital punishment worldwide, Summer 2005

[78] Restorative Justice http://www.restorativejustice.org/

a A Restorative Justice Audit of the Chinese Criminal Justice System, by Xinzhou Zhang, October 2005 Edition **[accessed 17 March 2009]** http://www.restorativejustice.org/editions/2005/oct05

[79] -

[80] Compassion: A Journal of Falun Dafa Around the World, Issue 5 of 2004

[81] Information from Falun Gong Association UK
a Healthy Body, Peaceful Heart: Falun Gong – A Path to Your Original, True Self, sent to COIS on 16 August 2005 by Falun Gong Association UK
b Answers to questions from the Country of Origin Information Service of the United Kingdom Home Office, 25 August 2006

[82] Clear Harmony: Falun Gong in Europe
http://www.clearharmony.net/index.html
a Gruesome Death Toll – 3242 Confirmed Dead, Tens of Thousands More Unconfirmed, updated 8 February 2009 **[accessed 17 March 2009]**

http://www.clearwisdom.net/emh/special_column/death_cases/death_list.html
b Re-constructions of the Tortures that Hubei Dafa Practitioner Liao Yuanhua Received in Fanjiatai Prison (Photos), 14 September 2004 **[accessed 17 March 2009]**
http://www.clearharmony.net/articles/200409/21919.html

[83] Falun Dafa Information Centre http://faluninfo.net/
a Physical torture, 17 May 2008 **[accessed 17 March 2009]**
http://www.faluninfo.net/topic/12/

[84] US Citizenship and Immigration Services
http://uscis.gov/graphics/services/asylum/ric/documentation/
a -
b -
c -
d China: Information on Return to China After Having Children Abroad, 21 January 2004 **[accessed 17 March 2009]**

http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=f88b361cfb98d010VgnVCM10000048f3d6a1RCRD&vgnextchannel=d2d1e89390b5d010VgnVCM10000048f3d6a1RCRD

[85] -

[86] Hong Kong Government http://www.immd.gov.hk/
a Eligibility for HKSAR Passport **[accessed 17 March 2009]** http://www.gov.hk/en/residents/immigration/traveldoc/hksarpassport/eligibilityforpassport.htm

[87] -

[88] -

[89] -

[90] The Times http://www.timesonline.co.uk/section/0,,3,00.html#
a -
b -

c China provokes Pope by naming bishop without Vatican blessing, 15 May 2006 **[accessed 17 March 2009]**
http://www.timesonline.co.uk/article/0,,25689-2180675,00.html

[91] Coalition to Stop the Use of Child Soldiers http://www.child-soldiers.org
a Child Soldiers Global Report 2008, May 2008 **[accessed 17 March 2009]**
http://www.childsoldiersglobalreport.org/content/china

[92] International Constitutional Law (ICL)
http://www.oefre.unibe.ch/law/icl/index.html
a Constitution of Nepal, effective from 9 November 1990 **[accessed 17 March 2009]**
http://www.oefre.unibe.ch/law/icl/np00t___.html

[93] Channel News Asia
http://www.channelnewsasia.com/asiapacific/index.htm
a -
b Snakehead network in east China "huge" as locals seek big money in Europe, 13 February 2004 **[accessed 30 July 2007]**

[94] US Department of Justice, National Institute of Justice
http://www.ncjrs.gov/
Characteristics of Chinese Human Smugglers, August 2004 **[accessed 17 March 2009]**
www.ncjrs.org/pdffiles1/nij/204989.pdf

[95] The Kaiser Network http://www.kaisernetwork.org/
a -
b -
c China Is 'Strongly Committed' To Fighting HIV/AIDS, Official Says, 17 August 2006 **[accessed 17 March 2009]**
http://www.kaisernetwork.org/daily_reports/rep_index.cfm?hint=1&DR_ID=39236

[96] -

[97] Cooperative Efforts to Manage Emigration (CEME)
Visit to China (Fujian), 20–25 June 2004

[98] -

[99] US Embassy in China http://www.usembassy-china.org.cn/
a Getting married in China **[accessed 17 March 2009]**
http://www.usembassy-china.org.cn/shenyang/cons/marriage.html
b Economic Section: Hukou Reform Targets Urban-Rural Divide **[accessed 17 March 2009]**
http://www.usembassy-china.org.cn/econ/hukou.html

Return to contents