



Australian Government
Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT PEOPLE'S REPUBLIC OF CHINA

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ACRONYMS

CCC	Chinese Christian Council
CCDI	Central Commission for Discipline Inspection
CCP	Chinese Communist Party
CCPA	Chinese Catholic Patriotic Association
CSO	civil society organisation
NPC	National People's Congress
OECD	Organisation for Economic Cooperation and Development
PAP	People's Armed Police
PBSC	Politburo Standing Committee
PISA	Programme for International Student Assessment (run by OECD)
PLA	People's Liberation Army
PRC	People's Republic of China
RIC	resident identity card
RMB	renminbi, also referred to as CNY (Chinese Yuan), China's official currency
SARA	State Administration for Religious Affairs
SARFT	State Administration for Radio, Film and Television
TAR	Tibetan Autonomous Region
TSPM	Three-Self Patriotic Movement
UNDP	United Nations Development Programme

Some sensitive anniversaries and events in the Chinese calendar

Five-yearly CCP Congress held in October in years ending in 2 and 7 (last Congress in October 2017)

Annual events and anniversaries

Early March:	'Two meetings' – official meetings of the NPC and the Chinese People's Political Consultative Conference
10 March	anniversary of the 1959 Tibet uprising that led to the flight of the Dalai Lama to India
4 June	anniversary of the deployment of PLA troops against protesters in Beijing's Tiananmen Square and surrounds in 1989

GLOSSARY

<i>guanxi</i>	(literally) connection; social networks and individual relationships which facilitate business and other interactions
<i>hukou</i>	government household registration system, which requires all Chinese citizens to register in their locality of origin and which can affect a person's ability to access services outside that locality
<i>shuanggui</i>	(literally) double or parallel rules; a system of discipline for members of the CCP run by the Central Commission for Discipline Inspection
<i>sinicisation</i>	the process of adapting foreign (usually western) concepts and practices to Chinese culture and practice; used by the CCP to adapt foreign concepts to CCP ideology

Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgment and assessment at time of writing and is distinct from Australian government policy with respect to the People's Republic of China.

1.2 The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the Migration Act 1958 states that:

Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is informed by DFAT's on-the-ground knowledge and a range of sources in the People's Republic of China. It takes into account relevant and credible open source reports, including, but not limited to: Chinese government's official web portal; Chinese and international media; Amnesty International; BBC News Asia; China Human Rights Defenders; CNN; Committee to Protect Journalists; Duihua; Human Rights Watch; Immigration and Refugee Board of Canada; International Campaign for Tibet; International Monetary Fund; New York Times; Radio Free Asia; Report of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; The World Bank; Tibetan Centre for Human Rights and Development; UN Office of the High Commissioner for Human Rights; United Nations Development Program; United Nations Office of the High Commission for Refugees; United States Agency for International Development; United States Bureau of Democracy, Human Rights and Labor; United States Commission on International Religious Freedom; and Xinhua. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report released on the People's Republic of China published on 3 March 2015 and the DFAT Thematic Report on Unregistered religious organisations and other groups in the People's Republic of China, also published on 3 March 2015.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 Mao Zedong proclaimed the People's Republic of China on 1 October 1949 following the Chinese Communist Party's (CCP's) victory against Chiang Kai-shek's Nationalist forces and the latter's subsequent withdrawal to Taiwan.

2.2 Since the announcement of Deng Xiaoping's 'reform and opening up' policy in 1979, China has undergone profound economic change. China's economy has transformed from a poor, planned and primarily agricultural economy to become the second largest in the world, resulting in an unprecedented rise in living standards. The World Bank estimates 800 million Chinese have been lifted out of extreme poverty since 1978.

2.3 Political liberalisation has been slower and has recently regressed in some areas. Although Chinese citizens are able to exercise a significant degree of personal choice in relation to employment, education, travel and commerce, the CCP restricts most forms of organised or published critical political expression and opposition. Recognising that limited freedom of expression enables the government to monitor potentially problematic social issues, the Chinese government has tolerated some criticism, but only in government-controlled forums. Government actions in recent years suggest the space for such limited criticism is narrowing (see [Political Opinion \(actual or imputed\)](#)).

DEMOGRAPHY

2.4 Mainland China has a population of 1.38 billion and a total land area of 9.6 million square kilometres. In 2013, urban residents accounted for 55.6 per cent of the total population. In 2016, six of the world's 31 megacities (with populations over 10 million) and 20 of the world's 50 fastest growing cities were in China. China's largest city is the municipality of Shanghai (population 24 million in 2016). The municipality of Beijing (the capital) is the second largest (population 21 million in 2016). The Pearl River Delta region, which includes Guangzhou and Shenzhen, has a combined population of over 40 million.

2.5 Aside from the majority Han who account for approximately 92 per cent of the total population, the Chinese government officially recognises 55 other ethnic groups. Mandarin (Putonghua) is the national language but there are currently 299 living languages in use. Mainland China has 22 provinces, five autonomous regions (the Inner Mongolia Autonomous Region, Xinjiang Uighur Autonomous Region, the Guangxi Zhuang Autonomous Region, the Ningxia Hui Autonomous Region and the Tibet Autonomous Region) and four municipalities (Beijing, Chongqing, Shanghai and Tianjin) that report directly to the central government.

ECONOMIC OVERVIEW

2.6 China is the world's second-largest economy (after the United States), the largest exporter of goods, second-largest importer of goods, the third-largest exporter of services and second-largest importer of services. China's economy averaged real annual GDP growth of 9.4 per cent between 1978 and the onset of the global financial crisis in 2008. Since then, economic growth has slowed with slowing capital and labour productivity. According to China's National Bureau of Statistics, China's GDP grew 6.7 per cent in 2016.

2.7 The Asian Development Bank ranks China as an upper middle-income country. China's major cities have per-capita income levels equal to those of the poorest OECD member countries, and around three times those of rural areas. China is among the 25 per cent least equal countries in the world, despite strong income growth amongst its poor.

2.8 China was the first developing country to meet the UN Millennium Development Goal of halving the number of people living in poverty before 2015. By the end of 2016, however, 43.35 million people (about 3 per cent of the population) were still living below the government's decreed annual poverty line of 2,300 RMB (approximately AUD 400). Severe, entrenched poverty remains, particularly in remote areas in China's western and central provinces, with poor infrastructure, education and health services. Poverty is more pronounced among ethnic minorities.

2.9 China's 13th Five Year Plan (2016-2020), the first plan released under President Xi Jinping's leadership, set an annual growth target of 6.5 per cent. The Plan outlined measures to rebalance the economy away from resource-intensive, fixed-asset investment and export-driven growth towards domestic consumption and environmentally sustainable services-led growth. President Xi has made eliminating poverty by 2020 one of the government's top priorities. Persistent rural poverty is a challenge to the CCP's main political goal of doubling China's 2010 per capita income by 2020 to become an 'all-round moderately prosperous society' by the centenary of the founding of the CCP in 2021.

2.10 China is the world's largest energy consumer, accounting for half of global coal consumption. A key focus of economic reform measures is to improve the quality of the living environment. Air pollution continues to reach hazardous levels, particularly in the north-eastern provinces that are the location for heavy-polluting iron, steel and cement-producing industries.

2.11 China's society is ageing rapidly owing to significant advances in the quality of and access to healthcare combined with decades of low fertility rates, due in part to family planning policies. China's fertility rate of 1.6 births per woman is below the replacement level of 2.1. The traditional preference in Chinese society for boys, combined with decades of the one-child policy, have contributed to a sex ratio of 1.16 male births to every one female birth (compared with a natural rate of 1.05:1). The government changed its family planning policies in 2016 to allow all families to have more than one child (see [People affected by Family Planning Policies](#)).

2.12 China's demographic challenges, combined with high levels of income inequality, rapid urbanisation, challenges to environmental sustainability, as well as risks posed by a declining property market and significant levels of debt (particularly at the provincial level), pose challenges to future growth.

Health

2.13 China ranks 90 out of 188 countries listed on the UNDP's 2015 Human Development Index. Average life expectancy at birth in China is 74.83 years with geographical variations, particularly between urban and rural areas. Health care varies significantly between urban and rural areas. High quality public health care is available in the main urban centres, but only those with the relevant urban *hukou* (household registration)

have access (see [Hukou \(household registration\) system](#)). Health care in rural areas is of a lower standard, and public provision is patchy. China's unusually high household savings rate partly reflects the need for families without urban *hukou* (including migrant workers in cities) to save for future health costs.

Education

2.14 Despite a nine-year compulsory education policy, children in China attend school for 7.6 years on average, although the figure varies according to location. China's adult literacy rate is 96.4 per cent. Education standards vary considerably across the country. Schools in the high-income regions of Beijing, Shanghai, Jiangsu and Guangzhou perform well against international benchmarks such as the OECD's Programme for International Student Assessment (PISA); schools in rural areas are under-resourced and must often not only educate, but also accommodate and feed students who live in remote areas. Many children in rural areas are left alone, or in the care of grandparents, while their parents seek employment in urban centres (see [Hukou \(household registration\) system](#)), leading to high rates of malnutrition, mental health issues and delinquency.

Employment

2.15 China's reported unemployment rate has been consistently around 4.1 per cent since 2011. This rate counts only registered workers with an urban household registration (see [Hukou \(household registration\) system](#)), and does not include urban workers holding a rural registration, nor workers in rural areas. The official retirement age is 60 years for men and 55 or 50 years for women.

2.16 Since 2013, reforms to state-owned enterprises and market developments in the coal and steel sector have led to pockets of underemployment and effective unemployment in coal- and steel-producing provinces, notably Liaoning, Heilongjiang, Shenyang and Shanxi. In March 2017, the government announced it would lay off 1.8 million workers in the coal and steel industries as part of efforts to reduce industrial over-capacity. While the government has committed to re-deploying all workers, anecdotal evidence suggests many laid-off workers are returning to subsistence lifestyles in rural areas, working for significantly less or not finding work. At the same time, wages in manufacturing have been rising and now exceed those in much of southeast Asia. The service sector in China continues to grow, with rising wages.

2.17 DFAT assesses that employment conditions and economic opportunity are a significant driver of internal migration within China, particularly from rural to urban areas. DFAT finds little evidence to suggest these factors are significant drivers of emigration from China.

POLITICAL SYSTEM

2.18 China is a one-party state governed by the CCP. While minor political parties exist, they are approved by and subordinate to the CCP. The Party's peak leadership body, the Politburo Standing Committee (PBSC), is responsible in practice for making all key decisions on foreign and domestic policy. The head of the Party, General-Secretary Xi Jinping (concurrently President and Chairman of the Central Military Commission) is a member of the PBSC. PBSC members are drawn from the subordinate 25-member Politburo, which in turn is drawn from the Party's central committee. The 2017-2022 PBSC has seven members, the same number as for the 2012-2017 term.

2.19 China's government enacts policy decisions. The government is subordinate to the Party, which is an integral element of the government structure. Senior government officials at all administrative levels

concurrently hold Party positions, and in almost all cases the local Party Secretary outranks the most senior government position. These structures are replicated across the country's various administrative levels. The National People's Congress (NPC) is the highest state body, and is China's closest approximation to a parliament. The State Council is the most important administrative body of the central government. It oversees the implementation of policy decisions, as well as regulations and laws adopted by the NPC. The Premier (currently Li Keqiang) is head of the State Council and China's Head of Government. Premier Li is also a member of the PBSC.

2.20 Governments at the provincial level and below are responsible for the majority of public expenditure on health, education, unemployment insurance, social security and welfare. They have the power to enact their own regulations as a means of implementing laws adopted centrally. Below the provincial level are prefectural-level administrative units, counties and county-level cities, and finally townships and towns.

2.21 The government has allowed 'grass-roots elections' to take place every three to five years at the local (village) level in some provinces. This administrative level is outside the formal four-tier government system. According to China's *Election Law*, any citizen can become a candidate as long as they are nominated by the Party or receive ten signatures supporting their candidacy. Party-appointed local election committees must confirm candidates, publish final lists of candidates, set rules for campaigning, and count and announce results. In practice, candidates not put forward by the Party are rarely successful.

Corruption

2.22 China ranked 79 out of 176 countries and territories measured on Transparency International's 2016 Corruption Perceptions Index. On taking office in 2013, President Xi Jinping launched a nation-wide anti-corruption campaign promising to catch officials of both high and low rank. The crackdown has caught over 1,800 officials, including 182 officials ranked at or above the deputy provincial or deputy ministerial level. The campaign has led to the arrest, expulsion from the Party or conviction for corruption of 1,130 officials (including 139 senior officials). Ousted senior officials include provincial Party secretaries, former generals, and former Politburo Standing Committee member Zhou Yongkang. Targets include state-owned enterprise bosses and officials who have fled China with large sums of public money. The Central Commission for Discipline Inspection (CCDI) oversees corruption investigations of Party members, and internal Party supervision. The CCDI has expansive powers to investigate, seize evidence and detain any Party official for months without a warrant. The CCDI operates in secret and outside the formal legal system as a Party justice mechanism, with the power to expel members from the Party. After expulsion of a member, it often transfers its investigations to the court system where officials have received lengthy prison sentences. Conviction rates for corruption cases, as with all criminal cases, are close to 100 percent. Chinese authorities have announced plans to establish in 2018 a new national anti-corruption watchdog, the 'National Supervision Commission', which would bring anti-corruption and prosecutorial activities of party and government organs under one agency. The Party Central Committee's Propaganda Department maintains tight control over media coverage of the anti-corruption campaign and, consequently, state media rarely play a watchdog role. Authorities have detained members of the public, including journalists, who have sought to publicise official corruption.

Guanxi

2.23 *Guanxi* is the Mandarin term for a system where progress in business or government relies heavily on patronage networks. Literally meaning 'connection', *guanxi* historically manifested through the provision of gifts, meals and favours. Along with China's rapid economic development, expensive gifts of branded

cigarettes and alcohol or lavish banquets quickly advanced to gifts of large sums of money, property or title. The government has introduced a range of austerity measures to limit official hospitality in line with its anti-corruption campaign. Despite this, patronage networks and the notion of 'building *guanxi*' remains important within Chinese culture, particularly in business and government. A person's *guanxi* can affect their ability to secure favourable outcomes such as access to senior officials, enrolment in preferred schools, universities, jobs or legal outcomes. A lack of *guanxi* can render such favourable outcomes unattainable.

HUMAN RIGHTS FRAMEWORK

National Human Rights Institution

2.24 China's Constitution provides for freedom of speech, the press, assembly, association and religious belief. Article 33 states that 'all citizens of the People's Republic of China are equal before the law. The State respects and preserves human rights'. In practice, however, China's Constitution is non-justiciable and these freedoms are significantly curtailed. China's one-party political system lacks effective safeguards to allow independent monitoring and investigation of human rights abuses by the state such as an independent media, judiciary or National Human Rights Institution.

2.25 In October 2016, China's State Council issued a 'White Paper on China's Progress in Poverty Reduction and Human Rights', the 16th such report on human rights issued since 1991. The human rights White Papers emphasise China's view of human rights in strongly aspirational rather than legal terms. They stress the importance of improvements in social and economic rights over civil and political rights or ethnic and minority rights. China published its National Human Rights Action Plan (2016–2020) in October 2016.

2.26 In formal terms, China has opted into the international human rights framework by acceding to a range of human rights instruments. China has ratified the following international human rights conventions: the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of Persons with Disabilities; the International Covenant on Economic, Social and Cultural Rights; and the Convention on the Rights of the Child and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. China has acceded to the International Convention on the Elimination of All Forms of Racial Discrimination. China has signed but not ratified the International Covenant on Civil and Political Rights and is the only permanent member of the UN Security Council not to have ratified.

2.27 China has generally pursued a defensive agenda within UN human rights institutions, focusing on curbing criticism of China by the UN and other governments. China occasionally permits external examination of its human rights situation. UN visits have examined issues of arbitrary detention (1997 and 2004) education (2003); freedom of religion (2004); torture (2005); food (2010); discrimination against women (2013); impacts of foreign debt on human rights (2015); and extreme poverty and human rights (2016). China participated in its second Universal Periodic Review (UPR) in October 2013 and will undergo its next review in November 2018. Although it agreed to allow visits by Special Rapporteurs on a range of issues, including water and sanitation, health, the environment, freedom of expression, human rights defenders, and freedom of assembly at the UPR, China is yet to schedule the visits. Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights, visited China in August 2016.

2.28 China served terms on the UN Human Rights Council from 2006 to 2012 and from 2014 to 2016. In October 2016, China was re-elected to the Council for another three-year term beginning January 2017.

SECURITY SITUATION

2.29 Gaining support for CCP policies throughout the country and maintaining social stability are top priorities for the CCP. To achieve this, the government deploys a vast internal security apparatus. China's internal security agencies include: the Ministry of Public Security, which is responsible, *inter alia*, for the police, border security and household registration; the Ministry of State Security, the main intelligence agency; the People's Armed Police (PAP), a paramilitary force responsible for internal security; and the People's Liberation Army (PLA), China's military (see also [Military](#) and [Police](#)). In November 2013, President Xi Jinping established a new National Security Commission to strengthen coordination of both international and domestic security issues.

2.30 Security personnel and surveillance technology are ubiquitous throughout China. Some reports estimate 170 million surveillance cameras have been installed in cities and towns across the country in the past decade. Partly as a result, everyday street crime and violence in China's major cities is generally low. Sensitive social groups, including religious organisations, Falun Gong practitioners and human rights activists have alleged that the government uses a range of surveillance methods to monitor their activities. Since 2016, media have reported that Chinese police and security agencies have begun combining photo databases, artificial intelligence and facial recognition technology installed in surveillance cameras to track down criminal suspects and 'destabilising agents' in society.

2.31 Since 2010, China's spending on internal security agencies such as the police, the PAP, the courts and the prison system has outstripped spending on the military. Chinese government spending on domestic security continues to grow, particularly in Xinjiang and Tibet, to address a perceived threat to social stability in those regions. The 2013 national budget contained planned spending of \$123.7 billion on internal security (excluding the PLA), compared to \$119 billion on defence. Most foreign experts, foreign governments and relevant publications concur that Chinese statistics on security spending do not include some outlays that are standard reporting for most other countries and that there is no way to verify the accuracy of the numbers reported by China. China's defence budget is estimated to have increased by seven per cent, from RMB 954 billion (AUD181 billion) in 2016 to RMB 1.02 trillion (AUD195 billion) in 2017. The defence budget is estimated to comprise two per cent of total GDP. From 2005 through 2015, China's official defence budget increased at an average rate of 9.5 per cent per year in real terms.

2.32 In June 2017, China's National People's Congress Standing Committee passed a new national intelligence law. The law calls upon all elements of Chinese society, including individuals, to contribute to national intelligence work. The law *inter alia* empowers security agencies: to launch intelligence operations in China and abroad; to collect intelligence on foreign bodies 'engaged in activities that may harm China's national security or its interests'; to monitor suspects, raid premises or seize vehicles during the investigation of domestic or foreign individuals or groups; to gain priority use of transportation or telecommunications equipment, buildings or enterprises; and to employ 'technical reconnaissance' measures with permission. The law explicitly requires security agencies to act in strict compliance with laws relating to the protection of human rights, and states agencies should not exceed their authority or abuse their powers.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 China's Constitution (Chapter Two – Fundamental Rights and Duties of Citizens) prohibits discrimination on the grounds of ethnicity and protects people's ability to use and develop their own spoken and written languages, and to preserve or reform their own folk customs.

3.2 Comprising 92 per cent of the total Chinese population, the Han dominate the political, economic and social landscape in China. China's largest ethnic minority is the Zhuang (1.3 per cent). The remaining 7.1 per cent of the population comprises mostly Hui, Manchu and Uighurs who each number around 10 million. Tibetans and Mongols each number approximately 6 million. According to China's Constitution, the government upholds 'equality, unity and mutual assistance' among all of China's 56 nationalities.

3.3 China has 155 Autonomous areas (consisting of the five 'regions' mentioned previously, as well as 30 'prefectures' and 120 'counties') distributed throughout its territory where people of one ethnic minority live in concentrated communities. These areas represent 44 of China's total 55 recognised ethnic minorities and account for 64 per cent of China's total territory. According to China's Constitution and the *Law on Regional Ethnic Autonomy*, autonomous regions have greater legislative authority than provinces, including a certain degree of self-government (for example, senior government representatives can be drawn from the dominant ethnic group). Official figures indicate that ethnic minorities represented approximately 14 per cent of delegates to the NPC. In 2013, 10 individuals from ethnic minority groups were elected to the 205 member Central Committee.

3.4 In Tibet and Xinjiang (the only two autonomous regions where the largest ethnic minority group outnumbers the local Han population), the Chinese government has undertaken considerable investment that has improved livelihoods and material living standards. Rising numbers of (mostly Han) migrants have, however, increased competition for economic opportunities, and altered traditional livelihoods and cultural practices. In some cases, resulting grievances have led to resentment and violence between Han and ethnic minority communities. Broader political issues compound the situation for Uighurs and Tibetans.

Ethnic Uighurs

3.5 Uighurs are ethnically Turkic people native to Central Asia. The estimated 11 million Uighurs in China live mostly in the southern, poorer areas of the Xinjiang Uighur Autonomous Region (Xinjiang), as well as in Gansu, Qinghai, Tibet and Hunan. Uighurs accounted for around 45 per cent of the total population of Xinjiang in the 2010 census; Han Chinese accounted for around 40 per cent. This reflects decades of state-sponsored Han resettlement: in 1949, Han comprised only an estimated six per cent of the Xinjiang population. In the capital Urumqi, 75 per cent of the population is ethnically Han. Uighurs are predominantly Sunni Muslims but also identify themselves according to a secularised cultural identity and in some cases, traditional Sufism. Average life expectancy in Xinjiang, at 72.35 years, is slightly lower than the national average.

3.6 The Chinese government implements a range of policies to support the Uighur community, including access to education and employment and, until 2017, less restrictive limits on family size. These policies have, however, been accompanied by increased restrictions on cultural and religious freedoms: in June 2017, the Hotan Prefecture Education Department banned the use of the Uighur language in Hotan schools. Many Uighur groups and international human rights organisations claim the Chinese government's policies, including those aimed at modernising Xinjiang's economy, maximising exploitation of minerals and resources and encouraging Han migration, have disproportionately benefitted the Han community and undermined Uighurs' religious and ethnic identity (see [Muslims](#)). The government's heavy security presence in Xinjiang has increased inter-ethnic tensions.

3.7 Several violent incidents have occurred in Xinjiang in recent years, resulting in Uighur and Han casualties. Riots in Urumqi on 5 July 2009 resulted in approximately 200 (mostly Han) deaths. More recently, terrorism incidents purportedly linked to Uighur separatists have occurred throughout Xinjiang as well as in Yunnan and Beijing. The government has implemented a zero-tolerance campaign against separatists and terrorists, and boosted its security presence across Xinjiang. This approach has intensified since August 2016, when the former Party Secretary of Tibet, Chen Quanguo, became Party Secretary of Xinjiang. Authorities continue to cite the need to curb extremism to justify extreme security measures, including monitoring Xinjiang's ethnic minorities through widespread collection of DNA samples, fingerprints and voice records. DFAT is unable to verify claims by overseas Uighur groups that the Chinese government subjects many Uighurs in rural prefectures to forced labour (*'hashar'*). In November 2016, the government confiscated the passports of all Uighurs in Xinjiang, citing the need to prevent terrorists from travelling to the Middle East as foreign fighters. Any Uighur wishing to travel abroad must now apply to have their passport returned. Over 200 Uighur students in Egypt have been arrested and returned to China at the request of the Chinese government since July 2017. According to press reports, many returned students have been sent to 're-education' camps to be instructed in 'correct political thought' in an environment of military-style discipline. According to reports, security agencies have also allegedly detained family members of those abroad (see [Arbitrary Arrest and Detention](#)).

3.8 The government has carried out high-profile prosecutions of persons with suspected links to violent incidents. These have included mass arrests, mass trials and mass sentencing. Sentences have included the death penalty and executions have been carried out. Some Uighurs have received lengthy sentences for their political views: a prominent Uighur academic, Ilham Tohti, has been serving a life sentence since 2014 for alleged separatism for advocating on social media greater cultural and religious autonomy for Uighur people. Others have received lengthy prison sentences for actions such as circulating passages from the Koran, for praying in groups, and for observing Ramadan (see [Muslims](#)). Human rights organisation Duihua estimates there are several thousand Uighurs in prison for political crimes in China. Chinese authorities tightly control access to information about incidents of violence in Xinjiang and related legal cases, and information is difficult to verify.

3.9 Some middle-class Uighurs who have been educated in Mandarin can integrate into Han society and even join the CCP. Uighurs serve in the Xinjiang administration and a Uighur is Vice Chairman of the National Development and Reform Commission. Such cases are, however, the exception. Uighurs with poor Mandarin skills have trouble obtaining employment in Han-dominated companies, and Uighurs (including those with good Mandarin skills) report discrimination in other parts of the country, including being denied accommodation at hotels or being subjected to regular security and police checks either out in the street or in their homes.

3.10 While it is difficult to separate ethnicity and religion in relation to Uighurs, DFAT assesses that Uighurs in Xinjiang and in other parts of China face a high risk of official discrimination due to their ethnicity, particularly where authorities perceive them to be politically or religiously active (see [Muslims](#)). Uighurs in other parts of China face a moderate risk of societal discrimination due to their ethnicity.

Ethnic Tibetans

3.11 There are over six million ethnic Tibetans in China, mostly residing in the Tibetan Autonomous Region (TAR) as well as ethnically Tibetan areas of Gansu, Yunnan, Qinghai and Sichuan. The Chinese government has invested heavily in economic development in the TAR in line with its 'leapfrog development' policy. According to government statistics, 400 billion RMB (approximately AUD74 billion) has been invested since 1959. The region has a 15-year free compulsory education policy and residents are entitled to 75 to 95 per cent reimbursement for medical care. Officially, farmers and herders are exempt from agricultural taxes. The government claims to have provided 90 per cent of farmers and herders with new government-built housing, although DFAT is aware of cases of Tibetans forced to give up their centrally located land in exchange for government housing in city outskirts. According to the UNDP China Human Development Report, average life expectancy in the TAR was 68.17 years in 2010, compared to a national average of 74.83. In 2015, 37 per cent of Tibetans aged 15 and older were illiterate, compared with around 5 per cent of Chinese overall. Ethnic Tibetans participate in the TAR government, including in senior roles, and middle-class Tibetans educated in Mandarin can live and work in other parts of China.

3.12 Tibetan activists and human rights groups claim the benefits of development have disproportionately accrued to Han migrants and have come at the cost of traditional Tibetan livelihoods, the environment, and religious freedom. Policies to maintain stability include mass surveillance and propaganda campaigns. Media and NGO reports say Tibetan authorities have confiscated passports of ethnic Tibetans in the TAR, Gansu, Qinghai and Sichuan since 2015. Since 2013, the Nepalese government has increasingly detained and repatriated Tibetans crossing informally into Nepal, and Tibetans crossing from Nepal into India.

3.13 In March 2008, on the eve of the 49th anniversary of a Tibetan uprising against Chinese rule, protests by Tibetan monks in Lhasa turned violent with numerous Han Chinese casualties. The International Campaign for Tibet lists 731 Tibetans imprisoned since then, some of whom have been released, some executed, and some of whom have died in custody (see [Deaths in Custody](#)). The International Campaign for Tibet lists the names of 150 Tibetans who have self-immolated in protest against Chinese government policies in Tibet or in support of the Dalai Lama's return to Tibet. Tibetan groups report official discrimination against and surveillance of Tibetans travelling in non-Tibetan areas of China. The Chinese government restricts travel by foreigners, particularly foreign diplomats and media, to the TAR, making it difficult to verify the situation on the ground. Foreigners who have travelled to Tibet report a heavy security presence throughout the region.

3.14 DFAT assesses that Tibetans face a high risk of official discrimination in the TAR and other Tibetan regions in China. Ethnic Tibetans in other parts of China face a moderate risk of official and societal discrimination.

RELIGION

3.15 China is a religiously diverse country with a rich and complex society of faiths, belief systems and organised religious groups. Confucianism, Taoism and Buddhism constitute the 'three teachings', a philosophical framework which historically has had a significant role in shaping Chinese culture, including traditional folk religions. Christianity has been present in China since the seventh century but increased when Catholics became active in the late thirteenth century and through Protestant Christian missionaries in the nineteenth century. The establishment of the PRC in 1949 under the control of the atheist CCP resulted in the expulsion of Christian missionaries and the establishment of 'Patriotic Associations': government-affiliated organisations which seek to regulate and monitor the activities of registered religious organisations on behalf of the CCP.

3.16 It is difficult to provide exact figures on the number of religious believers in China. Chinese government statistics record approximately 100 million religious believers in total, including over 23 million Protestants, six million Catholics, and over 22 million Muslims. Approximately 5,500 religious groups, nearly one hundred religion-affiliated academic institutions and as many as 140,000 registered places of religious activity are officially recognised. The Chinese government recognises 360,000 registered clergy.

3.17 In practice, the number of religious believers is likely to be much higher and rising, particularly in unregistered Protestant Christian organisations, whose numbers approximate 70 to 100 million. China is home to an estimated 12 million Catholics, of whom approximately seven million belong to ‘underground’ churches not affiliated with the government-sanctioned Chinese Catholic Patriotic Association (CCPA). Around 50,000 new Catholics are baptised in state-recognised churches every year.

3.18 Several hundred million people observe to some degree aspects of Buddhism, Daoism and ‘folk religion’. Despite the atheist nature of the ruling CCP, as many as 25 per cent of Party officials are estimated to engage in some type of religious activity (mostly associated with Buddhism or folk religion).

Government Framework regarding religion

3.19 Article 36 of the PRC Constitution states that citizens enjoy freedom of religious belief, and that no state organ, public organisation or individual may compel citizens to believe in, or not believe in, any religion. Discrimination on the basis of religion is prohibited by law.

3.20 The conditions governing the establishment of religious bodies and religious sites, the publication of religious material, and the conduct of religious education and personnel are outlined in the Regulations on Religious Affairs (RRA) which came into effect in 2005. At the national level, the CCP’s United Front Work Department, State Administration for Religious Affairs (SARA), and the Ministry of Civil Affairs provide policy guidance and supervision on the implementation of the regulations. Local authorities, including provincial religious affairs bureaux, have significant discretion in implementing the regulations.

3.21 Chinese law recognises five religions (Buddhism, Taoism, Islam, Catholicism and Protestantism), members of which must register with the government’s Patriotic Associations mentioned above. These organisations are overseen by SARA and must be independent of foreign associations (notably the Vatican). Protestants must be non-denominational. Registered religious organisations may own property, publish literature, train and approve clergy, collect donations and conduct charitable activities. Government subsidies are available for the construction of state-sanctioned places of worship and religious schools. Unregistered religious organisations are illegal and vulnerable to punitive official action.

3.22 Registered religious adherents may proselytise in registered places of worship and in private settings but not in public. Foreigners may not proselytise. Registered religious organisations may not distribute unapproved literature nor associate with unregistered religious groups. Revised regulations adopted in September 2017 (see below) prohibit religious groups in China from accepting any foreign donations, which were previously permitted. Parallel provisions in a 2016 law on foreign NGOs prohibit them from donating funds to Chinese religious organisations, or raising funds on their behalf.

3.23 In April 2017, President Xi Jinping called on CCP officials working in religious administration to reassert the Party’s ‘guiding’ role in religious affairs. Xi’s speech emphasised the need to ‘sinicise’ religion, to ensure religious rights did not impinge on CCP authority, and to enforce the prohibition on Party members to belong to any religion. In September 2017, the (government) State Council approved revisions to the 2005 *Regulations on Religious Affairs*, which devolve substantial powers and responsibility to local authorities to prevent illegal religious behaviour, including undue influence from foreign organisations. The new regulations, which come into force in February 2018, also impose large fines for organising illegal religious

events or fundraising. They restrict religious education in schools, detailing procedures for approval and monitoring of religious training institutions. The regulations emphasise the need to prevent ‘extremism’, indicating they may target Uighur Muslims and Tibetan Buddhists; the devolution of enforcement to local government and Party authorities, however, means that unregistered Christian churches are also likely to be affected.

3.24 Broadly speaking, religious practice in China is possible within state-sanctioned boundaries, as long as such practices do not challenge the interests or authority of the Chinese government. Restrictions on religious organisations vary widely according to local conditions, making it difficult to generalise. Those who practise their faith in unregistered institutions are more vulnerable to adverse official attention than those in registered institutions. Public expressions of faith are more vulnerable to adverse treatment than private worship (including in small groups). Religious practice that the government perceives as being connected to broader ethnic, political or security policies is at high risk of adverse official attention.

Muslims

3.25 According to China’s National Minorities Policy, there are more than 30,000 mosques in China, 23,000 of which are in the Xinjiang Uighur Autonomous Region. China’s other significant Muslim community, the Hui, are much more assimilated. The Hui population is concentrated in northwestern China – Gansu and Qinghai provinces and the Ningxia Autonomous Region – with other communities in other parts of the country. Hui speak Mandarin and look similar to Han Chinese. Recent restrictions on religious expression have, however, led some Hui to fear increasing restrictions on their religious practice.

3.26 Chinese law restricts expressions of the Islamic faith, and officials apply the law rigorously in relation to Uighur Muslims. In 2017, restrictions which had been in place for some time were formalised in law, including bans against wearing full veils, growing beards, use of religious names for Muslim newborns, and marrying only in a religious ceremony. In June 2017, a Xinjiang court sentenced a person to two years in prison for posting Islamic religious instruction on social media. Uighurs have been jailed for distributing unauthorised religious material on the internet. Radio Free Asia reported in September 2017 that Xinjiang police were confiscating all ‘Islamic-related items’, including prayer mats and copies of the Koran.

3.27 Chinese law prohibits people under the age of 18 from attending prayer at mosques, fasting by government officials or students during Ramadan, and private religious education. In 2016 and 2017, officials in Xinjiang actively policed Ramadan observance, reportedly forcing people to eat during the day.

3.28 DFAT assesses that Uighur Muslims in Xinjiang face a high risk of official discrimination based on their religion. Uighur Muslims outside of Xinjiang face a high risk of official discrimination due to their religion and a moderate risk of societal discrimination. Non-Uighur Muslims in other parts of China (Hui Muslims) face a low risk of official and societal discrimination, although official discrimination may increase with the implementation in February 2018 of the revised *Regulations on Religious Affairs*.

Tibetan Buddhists

3.29 The vast majority of ethnic Tibetans in China are Buddhist. According to China’s *White Paper on Progress in China’s Human Rights in 2014* (published in 2015), ‘Freedom of religious belief of ethnic minorities is fully guaranteed’. The 2014 White Paper (the last to be published), details benefits available to Tibetans monks and nuns, who number 46,000.

3.30 Chinese authorities strictly control religious observance within the TAR and Tibetan regions of Sichuan, Qinghai and Gansu. In March 2017, the government demolished over 3,000 homes at Larung Gar,

the world's largest Tibetan Buddhist institution, in Sichuan province and sent resident monks and nuns to the TAR, where human rights groups claim they were subject to 'patriotic education'. Tibetans may not display images of the Dalai Lama, or otherwise show veneration for him. Tibetans must also not display veneration for Gedhun Choekyi Nyima, nominated in 1995 by the Dalai Lama as the incarnation of the Panchen Lama, Tibetan Buddhism's second most senior spiritual leader (see [Involuntary and enforced disappearances](#)). Tibetans must instead venerate the Chinese-nominated Panchen Lama, Gyaltzen Norbu.

3.31 State Religious Affairs Bureau Order No 5, *Measures on the Management of the Reincarnation of Living Buddhas*, decreed that the government must approve all reincarnations, and would recognise reincarnations only from approved temples.

3.32 The government has detained monks and nuns suspected of supporting Tibetan separatism, or who actively support the exiled Buddhist spiritual leader, the Dalai Lama. It has also detained and harassed Tibetans seen to participate in activity deemed hostile to the Chinese state, including protests, provision of assistance to people viewed as dissidents, failure to report prohibited behaviour, possession of images of the Dalai Lama, and attendance at funerals for people who have self-immolated.

3.33 At a societal level, Buddhism occupies a place of historical influence and respect, and Tibetan protests against the government are largely confined to the TAR and other Tibetan regions. Consistent messages from the state and CCP about the threat of Tibetan splittism, the evil intent of the Dalai Lama and the primitive and exotic nature of Tibetan culture, however, feed ignorance about Tibetan religious practice.

3.34 DFAT assesses that Tibetan Buddhists in Tibetan regions face a high risk of official discrimination, which may lead to violence. Ethnic Tibetan Buddhists in other parts of China face lower risk of official discrimination based on religion (see [Ethnic Tibetans](#)). Practitioners of Tibetan Buddhism who are not ethnic Tibetan face low risk of official or societal discrimination based on their religion.

Other Buddhist Sects

3.35 Buddhism has long been acknowledged as a major religious faith in China. Other than the highly distinctive Tibetan Buddhism, however, there is no clear distinction between Buddhism, so-called 'folk religions' and Daoism, all of which exert an influence in Chinese culture. As an East Asian religion, Buddhism has not been targeted for 'sinicisation' in the same way as Christianity or Islam, although DFAT is aware of instances where local officials have targeted Buddhist monks and nuns for performing rites regarded as superstitious.

3.36 Academic studies suggest that Yiguandao (which is an illegal sect in the PRC) ceased to exist in mainland China by the mid-twentieth century, but that it has been gradually re-establishing as an underground movement through the efforts of missionaries from outside mainland China (notably Taiwan and Hong Kong). DFAT is not able to verify the extent to which Yiguandao members practise their faith in China. As it is an illegal organisation, members coming to attention of the authorities are likely to face a degree of harassment, but DFAT is unable to verify the extent or severity of such harassment.

Christians

3.37 In addition to the state-sanctioned Catholic and (non-denominational) Protestant churches in China, SARA permits friends and family to hold small, informal prayer meetings without official registration. This, combined with the controlled nature of religious worship amongst registered Christian institutions, has led to the proliferation of sizeable unregistered Christian communities in both rural and urban China. Known as 'house' or 'family' churches (for Protestant organisations), and 'underground' churches (for Catholic organisations) these bodies are private religious forums that adherents create in their own homes or other

places of worship. 'House' or 'underground' churches vary in size from around 30 to several thousand. Some churches deliberately restrict their numbers to avoid attracting adverse official attention. Government officials are more likely to scrutinize churches with foreign affiliations, or those that develop large or influential local networks, and house churches are under pressure to 'sinicise' their religious teaching.

3.38 Leaders of both registered and unregistered churches are subject to greater scrutiny than ordinary worshippers. Leaders of registered churches must obtain permission to travel abroad. Church leaders (registered or unregistered) who participate in protest activity on behalf of their congregations or elsewhere are at high risk of official sanction, but this is likely to relate more to their activism than to their religious affiliation or practice (see [Political Opinion \(actual or imputed\)](#) and [Protesters/petitioners](#)).

3.39 Members of unregistered churches who participate in human rights activism are at high risk of official discrimination and violence, as are their families (see [Political Opinion \(actual or imputed\)](#)). DFAT assesses that the adverse attention relates to their activism and association with unregistered (and illegal) organisations, rather than specifically to their Christian faith. Heightened government sensitivity over foreign influence creates difficulties for prominent members of unregistered churches seeking to travel abroad, particularly for religious events, and for foreign church organisations to work in China. NGOs report increasing difficulties for mainland Christians seeking to travel to Hong Kong or Macau for religious activities, and for Christian NGOs or activists from Hong Kong and Macau to travel to the mainland.

Protestants

3.40 The Three-Self Patriotic Movement (TSPM), established in 1949, oversees China's 'post-denominational' (i.e. non-denominational) Protestant church and its estimated 23 million members. The 'Three-Self' is a Chinese abbreviation for the church's three principles of self-administration, self-financing and self-evangelisation. The Chinese Christian Council (CCC) and the TSPM supervise approximately 60,000 registered Protestant churches and several hundred thousand affiliated meeting points. Approximately 200 pastors graduate every year from China's single seminary and 20 CCC-run Bible schools. Qualifications from foreign seminaries are not recognised in China.

3.41 Estimates of numbers of unregistered Protestants in China vary from around 30 million to over 60 million. Unregistered Protestant churches risk adverse treatment by authorities due to their illegal status. Adverse treatment can include raids and destruction of church property, pressure to join or report to government-sanctioned religious organisations and, on occasion, violence and criminal sanction, particularly in response to land disputes with local authorities. DFAT considers credible reports of authorities pressuring house churches by cutting off electricity or forcing landlords to evict members. Some members of house churches have been able to use registered church facilities for weddings, or to purchase bibles. Others have reported difficulties in hiring even commercial facilities such as hotels or restaurants because of their association with illegal churches. Christian organisations report that house church members have been arrested in 2017 for refusing to register with the TSPM, and of Christian schools being closed for 'brainwashing' children.

3.42 The Zhejiang provincial government's 2013 urban renewal campaign led to the demolition of several hundred unregistered churches. The US Commission on International Religious Freedom reports over 1,500 church demolitions or removals of crosses since 2014. The government has punished church leaders who oppose the campaign with heavy sentences (up to 14 years) on public disorder charges, as well as apparently unrelated charges such as embezzlement. Authorities have also targeted lawyers defending them (see [Human Rights Defenders \(including Lawyers\)](#)).

Catholics

3.43 The CCPA has managed Catholic affairs in China, including the appointment of bishops, since 1957. The CCPA does not recognise the authority of the Holy See to appoint bishops. Relations between the Vatican (which recognises Taiwan) and the PRC have varied over time. Between 1993 and 2010, the Vatican had discreet input or even right of approval for bishop candidates in some provinces prior to their ordination by the CCPA. Since 2010, the CCPA has ordained most bishops without Vatican input. In April 2013, the *Regulation on the Election and Consecration of Bishops* required candidate bishops to publicly pledge support for the CCPA. Approximately 40 Vatican-ordained bishops remain independent of the CCPA.

3.44 In 2016 the Vatican and CCPA agreed on the ordination of two bishops, but there is still no agreement on the treatment of bishops ordained by each respectively but not recognised by the other. In-country contacts say discussions between the Vatican and Chinese officials have led to little change in the treatment of members of the underground Catholic Church. In May 2017, Vatican-appointed Bishop Peter Shao Zhumin was arrested and detained at a location unknown to the Vatican or his family. Bishop Thaddeus Ma Daqin was released from four years of house arrest in 2016 after he published a statement strongly supporting the CCPA.

3.45 In the past, local authorities required priests to submit sermons and prayers in advance for approval and to regularly provide names and addresses of congregation members. DFAT understands this is no longer required in areas where the Catholic Church has built trust with local officials over time.

3.46 Catholics in China can experience officially-sanctioned harassment and discrimination where authorities regard their activities to be politically sensitive. Catholics in China face a low risk of societal discrimination.

Falun Gong

3.47 Falun Gong (also known as Falun Dafa) is a spiritual movement that blends aspects of Daoism, Buddhism, and Qigong (traditional breathing and meditation). Falun Gong practitioners say the movement has ancient origins, but it first appeared in its modern form in 1992, when founder Li Hongzhi began teaching the exercises in Changchun, Jilin province. Unlike other religions, Falun Gong focuses on private exercises and meditation. The government declared Falun Gong illegal and 'an evil cult' after a large protest by followers at the CCP headquarters in Beijing in 1999. The CCP maintains a Leading Small Group for Preventing and Dealing with the Problem of Heretical Cults to eliminate the Falun Gong movement and to address 'evil cults'. An extrajudicial security apparatus known as the 6-10 Office (named after 10 June 1999 crackdown against Falun Gong) has the task of eradicating Falun Gong activities. The 6-10 office has reportedly created specialised facilities known as 'transformation through re-education centres' to force practitioners to relinquish their faith. Falun Gong reportedly remains active throughout China, but most prominently in Shandong and north-eastern China, although its illegal status makes this difficult to verify.

3.48 Since the abolition of re-education through labour centres in late 2013, Falun Gong practitioners have reportedly been subjected to residential detention or other forms of administrative punishment (see [Arbitrary Arrest and Detention](#)), or have been released after receiving propaganda training. Freedom House states it has independently verified 933 cases between 1 January 2013 and 1 June 2016 of Falun Gong adherents receiving prison sentences of up to 12 years for their beliefs.

3.49 Falun Gong members do not openly proselytise in mainland China, although the movement is active in Hong Kong (where it remains legal) and abroad. Falun Gong practitioners identify potential new members and slowly introduce them to the practices and beliefs of Falun Gong. Falun Gong practitioners are generally

able to practise privately in their homes. Once known to authorities, colleagues or neighbours, however, Falun Gong members face widespread official and societal discrimination.

3.50 Arrested Falun Gong practitioners (leaders and followers alike) commonly receive sentences of three years' imprisonment or less. Correctional officers will pressure Falun Gong practitioners to denounce their faith, and detainees may receive better treatment if they sign confessional statements. DFAT is unable to verify reports that Falun Gong practitioners suffer psychiatric experimentation and organ harvesting.

3.51 On release from detention, Falun Gong members can be placed under surveillance and can experience difficulties finding employment beyond low-skilled jobs. Discrimination against Falun Gong practitioners can extend to family members and can result in the loss of employment, pensions or social relationships. Government officials, members of the police force and employees of state-owned enterprises are commonly required to sign a statement that they and their families are not Falun Gong members. A widespread and sustained government communications campaign against Falun Gong has effectively discredited it within mainstream Chinese society. Unlike other officially designated cults, the government regards Falun Gong practitioners as political opponents rather than victims, and treats them accordingly (see [Political Opinion \(actual or imputed\)](#)). Lawyers who defend Falun Gong practitioners are frequently denied access to their clients in detention or court, and subjected to adverse treatment by authorities (see [Human Rights Defenders \(including Lawyers\)](#)).

3.52 Falun Gong practitioners known to the authorities would likely find it difficult to obtain a passport. DFAT understands some migration agents, particularly in transit countries, may have coached would-be asylum seekers on Falun Gong practices to facilitate their claims.

3.53 DFAT assesses that Falun Gong practitioners, and their lawyers, are at high risk of official discrimination. Due to the government's sustained public campaign against them, Falun Gong practitioners, if exposed, face a moderate risk of societal discrimination.

Other groups, including 'cults'

3.54 The *Criminal Law of the People's Republic of China* provides for prison sentences of up to seven years for individuals who use 'superstitious sects, secret societies or evil religious organisations' to undermine the state's laws or administrative regulations. While the criminal provisions principally target Falun Gong, others who engage in practices deemed superstitious or cult-like can face harassment, detention and imprisonment. In September 2017, the government launched an anti-cult platform on social media called 'Say No to Cult', which includes a function for reporting suspicious activity. Local authorities interpret 'cult' in different ways. Chinese government sensitivities towards religious cults have historical roots: religious cults led significant rebellions during the 19th century. Mainstream Christians tend to deride cults as heretics, but government crackdowns on 'cults' can affect unregistered mainstream Christian churches, as local officials may have difficulty distinguishing unregistered mainstream churches from cults.

3.55 Contemporary banned groups include the Guanyin Method Sect (Guanyin Famen or the Way of the Goddess of Mercy), Zhong Gong (an exercise discipline), and Falun Gong (see above). The government also considers several Christian groups to be 'evil cults,' including the 'Shouters,' Eastern Lightning, Society of Disciples (Mentu Hui), Full Scope Church, Spirit Sect, New Testament Church, Three Grades of Servants (or San Ban Pu Ren), Association of Disciples, Lord God Sect, Established King Church, Unification Church, Family of Love, and South China Church.

The Shouters (Local Church)

3.56 The Shouters (also known as 'Yellers', 'Local Church', 'Recovery Church', 'Assembly Hall' and 'Assemblies') are an offshoot of Watchman Nee's Little Flock in China and were led by Nee's student, Changshou Li who called himself, 'Witness Lee'. Li moved to the United States, where he died in 1997. Li created the Shouters group in the US in 1962, and it was introduced to China in 1979. By 1983 the group had up to 200,000 followers across China. Witness Lee created a 'Recovery Bible' by annotating the standard Bible. He believed that the gift of tongues could be taught, and that salvation could be had by saying 'O Lord' three times'. Shouters are named for their practice of stamping their feet while shouting as part of their worship.

3.57 The CCP targeted the Shouters in the early 1980s as counter-revolutionary. During the 1980s, the Shouters splintered into several groups including the Church of Almighty God (also known as Eastern Lightning – see below). Both it and the Society of Disciples claimed hundreds of thousands of followers in the 1980s. DFAT is unable to verify the extent to which Shouters are still active in China.

Church of Almighty God/Eastern Lightning/Real God Church

3.58 The Chinese government banned the Church of Almighty God, an offshoot of the Shouters, in November 1995. The group is also known as 'The Church of the Almighty God', 'The Congregation', 'Oriental Lightning', 'Seven Spirit Sect', 'Second Saviour Sect', 'True Light Sect', 'True Way Sect', and 'New Power Lord's Church'. Zhao Weishan, a physics teacher from Henan province who later fled to the United States, founded the group in 1989. Adherents believe Jesus returned to earth as a Chinese woman known as 'lightning Deng' (Yang Xiangbin, the wife of Zhao Weishan). Members believe they are in a constant mortal struggle against the 'Great Red Dragon' (a possible reference to the CCP), and that membership of the group will save them from impending apocalypse. The group claims more than a million followers in a seven-level hierarchy. Chinese government sources claim most members are uneducated rural women aged around 50 years.

3.59 State media reports detail abductions; extortion; beatings; murder; seduction; and aggressive proselytising as part of the group's practice of recruiting new members and punishing non-believers, including those seeking to leave the group. The group reportedly encourages members to break away from family. It teaches that non-believers are 'impure' and 'evil', and that the church will give immortality to believers and their families. The group reportedly demands unconditional obedience from low-level believers. Security agencies have arrested large groups of sect members in Qinghai, Guizhou, Ningxia, Henan, Hubei, Xinjiang, Anhui and Liaoning provinces in recent years.

3.60 In May 2014, six church members reportedly beat a woman to death at a McDonald's restaurant in Zhaoyuan, Shandong. Two of the six alleged perpetrators were executed in 2015. Three others received life, ten and seven years respectively in prison for their role in the attack. The sixth was a minor aged 12. The McDonald's case triggered an official crackdown on 'cult' organisations.

3.61 DFAT understands the government's efforts to crackdown on Christian 'cult' organisations aim to identify and punish the leaders, with disciples viewed as victims. The Church of Almighty God in Australia (which denies connection to the McDonald's attack) claims Chinese security agencies have monitored, intimidated, detained and mistreated its members in China since 2011, and its 2017 Annual Report details several such instances. Such treatment would be consistent with government treatment of members of other banned organisations. Stigma associated with cults may make it difficult for members to find defence lawyers, and lawyers taking on their cases are often themselves targets of adverse attention by authorities (see [Human Rights Defenders \(including Lawyers\)](#)).

Jehovah's Witnesses and Mormons

3.62 Interest in non-sanctioned religions including Mormonism, Jehovah's Witnesses, Eastern Orthodox Christianity and the Baha'i faith appears to be rising in China, but numbers are difficult to verify, not least because of their illegal status. Government sensitivity towards foreign influence and CCP mistrust of organisations it does not control would likely make it difficult for Jehovah's Witnesses and Mormons to practise their faith in China. In particular, the legal prohibition on proselytization under the Regulations on Religious Affairs directly conflicts with the religious requirement of both Jehovah's Witnesses and Mormons to proselytise in the broader community. DFAT is not aware of any evidence relating to Chinese citizens who are Jehovah's Witnesses and Mormons practising their faith in China, even in modified form.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.63 Article 35 of China's Constitution states that citizens of the People's Republic of China enjoy freedom of speech, the press, assembly, association, procession and demonstration. China's National Human Rights Action Plan 2016-2020 outlines the Government's plans to advance the right to expression 'giving more space to public opinion, [...] improving the check and supervision system for the operation of power, and protecting in accordance with the law the citizens' rights of free expression and democratic supervision'.

3.64 In practice, however, laws and regulations enforcing these constitutional rights are not well developed. China's law requires all gatherings of people numbering more than 200 persons to obtain approval from public security authorities. The 1989 *Law of Assemblies, Demonstrations and Processions* puts organisers of unapproved protests at risk of detention or prison sentences, often on public order charges.

3.65 The CCP has little tolerance for public dissent on a wide-range of matters considered politically sensitive, including social stability, the legitimacy of central authorities and one-Party rule and other topics which authorities consider might aggravate social unrest. Examples of issues which authorities deem sensitive include commentary on serious economic, health and environmental concerns, financial risks, land and property issues, ethnic and religious unrest, labour disputes and official responses to natural or anthropogenic disasters. The Party and government may, in limited circumstances, tolerate commentary on corrupt local officials, particularly those already under investigation by the CCDI (see [Corruption](#)). What the authorities deem sensitive can change with no warning.

3.66 Pre-emptive detention of activists and rights defenders is common around sensitive political anniversaries and other high profile political or 'sensitive' events (see [Arbitrary Arrest and Detention](#), and [Acronyms](#) for list of dates). Those publicly advocating greater human or civil rights, including the '709 Lawyers' (see [Human Rights Defenders \(including Lawyers\)](#)), have also been detained and charged under public order offenses or accused of state subversion. Duihua's Political Prisoners Database, which records information about political and religious prisoners incarcerated in China since 1980, contained 34,910 entries at the end of 2016.

3.67 In recent years, several people charged with political offences have appeared on Chinese state television making public confessions to alleged crimes. In some cases, the public confessions have taken place before trial and conviction. Recent examples include several '709' lawyers (see [Human Rights Defenders \(including Lawyers\)](#)), journalists who have exposed official abuse of power, and two registered refugees who were returned from Thailand (see [Involuntary and enforced disappearances](#)). Those confessing commonly express regret for having sought to sow instability and work against the authority of the CCP, and have often included alleged admissions of colluding with 'foreign forces' to destabilise the country. Some have subsequently claimed their confessions were forced.

3.68 Political prisoners can legally be deprived of political rights (freedom of speech, assembly, association, procession, demonstration, vote and holding a position in a state organ) after completing a prison term. In many cases, individuals have been placed under house arrest for extended periods of time after official release from prison (see [Arbitrary Arrest and Detention](#)). Those deprived of political rights can face difficulties finding employment, renting property, travelling freely, and accessing social services. Prisoners and their families have reported harassment or intimidation, including police surveillance, telephone wiretaps, property and body searches.

3.69 Families of dissidents, including children, have also been subject to movement restrictions, exit bans and other forms of harassment by Chinese authorities. The 16-year-old son of a '709' lawyer was placed under effective house arrest from 2015 until late 2017 (see [Involuntary and enforced disappearances](#)). Children of other '709' lawyers have been denied entry to primary school and pre-school, and the spouses of some detained lawyers have reported being evicted from their apartments. Chinese authorities have also reportedly harassed family members in China of overseas dissidents. Overseas Uighur activists have reported police harassment of their China-based families, including jail terms (see [Ethnic Uighurs](#)). Other high profile critics of the Chinese government's human rights record have also reported harassment of their China-based families and some have publicly severed ties with their families in order to protect them from further harassment. DFAT is aware of claims that authorities have confiscated ID cards or hukou of families of dissidents, limiting their ability to access medical care, education and social services.

GROUPS OF INTEREST

Human Rights Defenders (including Lawyers)

3.70 The Chinese government views lawyers as civil servants rather than independent practitioners of the law. Lawyers who take on clients and cases the government considers politically sensitive (such as those concerning labour rights, Uighurs, Tibetans, Falun Gong practitioners, or those engaged in 'anti-government' activities) can place themselves at risk of adverse treatment by authorities, including through discrimination, harassment, detention, residential surveillance, movement restrictions, the revocation of lawyer licences and ill-treatment. In its most recent report on China, the UN Committee against Torture expressed serious concern over consistent reports indicating torture and ill-treatment was still deeply entrenched in China's criminal justice system (see [Torture](#)).

3.71 Chinese police arrested and interrogated around 300 human rights lawyers, legal assistants and activists in the '709 crackdown' that began on 9 July 2015. The '709' lawyers worked largely as human rights defenders as well and as such have been treated as 'enemies of the state'. In many of these cases, those detained have disappeared (see [Involuntary and enforced disappearances](#)). In some cases, detainees have appeared in court some months later, and state television has broadcast videos of their alleged confessions at trial (see [Political Opinion \(actual or imputed\)](#)). Other trials have been closed to foreign diplomats and media. In many cases, families of the defendants claim that the authorities forced them to dismiss their own lawyers and accept state-appointed counsel. Some of the dismissed lawyers have themselves been detained and tried.

3.72 It is becoming more difficult for human rights lawyers to practise freely in China. In March 2017, the All-China Lawyers Association issued new regulations 'to protect the rights of lawyers' that put strict limits on courtroom behaviour and imposed sanctions including withdrawal of registration for 'engaging in any activities that might endanger national security, or from making use of their profession to plan, incite or organise individuals to disrupt social order'. In August 2017, China's Minister for Justice convened a four-day

conference for criminal defence lawyers, where he called on them not to speak publicly about cases outside the courtroom and said lawyers would be subject to 'harsh discipline' for contravening regulations.

3.73 Several sources claim the Chinese authorities use restrictions on freedom of movement to try to silence activists. According to the US State Department, the Chinese government has increased its use of unofficial house arrests or denial of permission to travel for those individuals considered politically sensitive (see also [Involuntary and enforced disappearances](#) and [Arbitrary Arrest and Detention](#)). The authorities have targeted a broadening range of activists, including but not limited to those working to improve workers' and women's rights, those protesting against pollution, and those exposing official negligence or abuse of power.

3.74 DFAT assesses that human rights lawyers and other rights activists face a high risk of official discrimination in China.

Protesters/petitioners

3.75 An estimated 180,000 popular protests (of more than 10 people) occurred in China in 2010, the last date for which official data is available. Most protests concern land disputes, housing problems, industrial, environmental, and labour matters, and government corruption. Others are provoked by accidents or related to personal petitions, administrative litigation, and other legal processes. Duihua's Mass Incidents Database records 13,305 incidents involving 3,396 arrests in 2017 to 31 May.

3.76 Despite recent reforms leading to improved legal protections for property ownership and compensation for expropriated land, protests and petitions related to land seizures by officials and the conduct of developers remain common in China. According to the State Bureau of Letters and Calls (the national department responsible for local petitioning offices), an estimated four million disputes over expropriated land and property demolitions occur every year. DFAT considers credible reports describing aggressive, and sometimes violent, action by private security contractors hired by property developers to manage protesters.

3.77 China's Constitution and *State Compensation Law* enables citizens to seek compensation from the state but the public's confidence in the judicial system and ability to afford lawsuits is generally low (see also [Judiciary](#)). The Chinese government encourages Chinese citizens to submit complaints through government-controlled websites and local petitioning offices. Under regulations promulgated in 2014, the central government no longer accepts petitions that should be lodged at local government level. The regulations include measures designed to improve transparency and responsiveness.

3.78 In practice, the treatment of individual cases depends heavily on the attitude of local officials towards the individuals and circumstances in question, making it difficult to generalise. A series of protests in 2011 in Wukan, a village of 20,000 people in Guangdong province, over land appropriation led to the resignation of local officials and direct elections of village office-holders. While hailed at the time as a sign of greater openness to democratization, in 2016 provincial authorities arrested the popularly elected local chief, sparking further protests. In contrast to 2011, authorities violently suppressed the 2016 protests and excluded foreign media (including from Hong Kong), some of whom claimed themselves to be victims of police violence while attempting to cover the event. Police blockaded the village, preventing access to goods and services, and local leaders received lengthy sentences (up to ten years in prison) for their role. As of November 2017, the village remained under lock-down.

Civil society organisations (CSOs)

3.79 In 2016, the Chinese government passed two laws affecting the management of CSOs in China: the Law on the Management of Foreign Non-Governmental Organizations' Activities Within Mainland China (Foreign NGO law), and the Charity Law of the People's Republic of China (Charity Law). The two laws set out procedures for registration, supervision and management of CSOs, and sets out the types of activities allowed, as well as rules for fundraising. Under the Charity Law, the Ministry for Civil Affairs and local civil affairs bureaux are responsible for registering and supervising domestic CSOs. Some domestic CSOs have welcomed the clearer procedures outlined in the Charity Law for registration and management of charities, and the clear designation of the Ministry of Civil Affairs as the responsible agency. Others have criticised the ill-defined requirements that charities 'must not violate social morals, and must not harm national security, the societal public interest or the lawful rights and interests of others'.

3.80 The Foreign NGO law governs CSOs with foreign connections, and all foreign NGOs including those from Hong Kong and Macau. The law covers a broad range of foreign organisations working in China, including educational institutions and foreign chambers of commerce. Under the law, the Ministry for Public Security and local Public Security Bureaux are responsible for registration and oversight of foreign NGOs, and have broad powers to enter premises and acquire documents and equipment if the NGOs are suspected of illegal behaviour or 'other situations that endanger state security or damage the national or public interest'. According to the Ministry of Public Security, 236 of the 7,000 foreign NGOs estimated to operate in China had registered by the end of October 2017.

3.81 DFAT assesses that employees of registered CSOs can operate free from official and societal discrimination as long as they work within tight government restrictions and refrain from engaging in activities considered politically sensitive. DFAT is not aware of any publicly available listing of registered CSOs. In the recent past, the government appeared to encourage CSO activity in certain non-sensitive areas, notably poverty and social programs, and delivery of health services. Recent arrests of activists in areas such as domestic violence and assistance to migrant workers suggest the range of activities considered sensitive is increasing. There are no clear criteria to assess what may trigger reconsideration of the sensitivity of a previously tolerated activity.

3.82 People working for unregistered CSOs are at moderate risk of official discrimination, and it may be difficult for them to obtain legitimate employment records, work references or wages.

3.83 People associated with, or employed by, organisations whose activities are considered politically sensitive risk adverse treatment by authorities, landlords and neighbours. DFAT considers credible reports of official and societal discrimination in the form of enforced evictions, power cuts, harassment and extortion, including directed at family members (see [Political Opinion \(actual or imputed\)](#)). DFAT assesses that such people are at high risk of official discrimination, at moderate risk of societal discrimination, and at low risk of societal violence.

Media

3.84 Despite constitutional protections for freedom of speech, the CCP controls traditional print and broadcast media. According to the Committee to Protect Journalists, at least 38 journalists were in prison in China as of December 2016. China ranks as 176th out of a total 180 countries on the 2017 Press Freedom Index compiled by Reporters Without Borders.

3.85 In February 2016, President Xi Jinping called on all Chinese state and non-state media to serve the interests of the CCP. In a tour of the three largest CCP and state news organisations, he said all Chinese media must be part of the 'Party family' (literally, must 'bear the surname of the Party'). The Chinese

government blocks broadcast of foreign television in China except by cable to a limited audience (which are, nevertheless, also subject to censorship), which includes authorised public servants, authorised academics and business executives, and international hotels rated at four stars or higher. The State Administration for Radio, Film and Television (SARFT) strictly regulates domestic content. News must derive from state-approved sources and SARFT censors fictional and historical content. Content showing the CCP or government in a poor light as well as explicit sexual material (and all same-sex material) has long been prohibited. Recently, restrictions have expanded to include all sexual references, underage drinking, and blurring lines between ‘truth and falsehood, good and evil, beauty and ugliness’. The lack of precision in the guidelines allows censors broad latitude. In March 2016, SARFT and the Ministry of Industry and Information Technology issued *Regulations on the Management of Internet Publishing Services* prohibiting foreign companies from disseminating content on-line, including text, maps, games, animation, audio and video. Foreign-owned companies can publish material in joint venture with a Chinese partner, but only with government approval.

3.86 The Chinese government heavily censors news media. The government routinely suppresses reporting of sensitive events, such as disasters – particularly when not naturally caused, or when attributable to or exacerbated by official laxity or corruption. If news gets out (often on social media), official media are quick to revert to a government line. The government has recently targeted even CCP publications that question central policies, changing the management of a liberal magazine in July 2016. The government has told financial journalists and financial analysts to ensure their reporting does not ‘talk down’ Chinese economic conditions or policy measures: one financial journalist was jailed in 2015 for reporting in unfavourable terms on the government’s response to a stock market crash.

3.87 DFAT assesses that journalists working for China’s domestic media also practise a high degree of self-censorship. Journalists and editors who transgress officially sanctioned lines risk official harassment, which may include loss of employment or imprisonment, depending on the perceived severity of the transgression. State scrutiny of media ‘loyalty’ and, consequently, media self-censorship is particularly intense for significant anniversaries, such as those relating to the 1959 Tibetan uprising, the 1989 Tiananmen protests, and significant events such as meetings of the National People’s Congress or the Communist Party Congress.

Internet and the Social Credit System

3.88 While the rise of the internet has created a non-traditional space for the expression of political opinion in China, authorities have developed and applied increasingly sophisticated methods to limit on-line expressions of dissent. The Freedom House ‘Freedom on the Net’ 2016 report rated China as the most restrictive country in the world in terms of internet access for its estimated 650 million internet and social media users. China’s security apparatus invests heavily in monitoring and controlling the internet, with many foreign websites (including Facebook, Twitter, Google and many foreign media sites) blocked. Recent regulations have also cracked down on the use of virtual private networks, a means by which Chinese citizens and companies have gained access to banned sites by routing their searches through a foreign server. Companies must now apply for permission to use such networks, and must demonstrate a business requirement. The Cybersecurity Administration monitors all use of approved networks. Since the entry into force of China’s *Cybersecurity Law* in June 2017, all users of Chinese social media accounts must register with their real names. The Chinese government has required real name registration for email and internet users since 2015. Since August 2017, all comments posted on websites or social media must carry real name identifiers, in order to ‘safeguard national security and the public interest’.

3.89 The Chinese government reportedly employs up to 2 million people to police the internet and post pro-government comments, and encourages netizens both to post positive comments and to report negative ones. Chinese social media accounts operated offshore (WeChat and Weibo) are also censored, although to

a lesser extent than on-shore accounts. Censors are quick to block trending words designed to circumvent controls, and satire directed at CCP leaders. Recent examples of prohibited subjects include the death of Nobel Laureate Liu Xiaobo (see [Deaths in Custody](#)), references to the 1989 suppression of protests in Tiananmen Square in Beijing, and any references to the 2015 crackdown on human rights lawyers ('709' incident – see [Human Rights Defenders \(including Lawyers\)](#)). Censored posts have been used in court as evidence of public order and subversion offences (see [Ethnic Uighurs](#)).

3.90 In September 2013, a court judgement ruled that an author of an internet post could face up to three years in prison if their post was reposted more than 500 times, read more than 5,000 times, led to mass protests, instigated ethnic or religious clashes, damaged the country's image or caused 'a bad international effect'. Since then, authorities have detained and tried popular bloggers, particularly where they have drawn attention to abuses of power, including at a local level. In some cases, bloggers have spent up to two years in residential detention (see [Arbitrary Arrest and Detention](#)).

3.91 China began testing a Social Credit System in 2015 that would track citizens' financial, legal and social activities and distil their behaviour into a single 'trustability' score, able to affect many facets of life, from obtaining bank loans to using library cards. The giant Chinese e-commerce company, Alibaba, is reportedly using its large customer database to pilot aspects of the system. The CCP has said the system, which could be rolled out across much of China by 2020, would enable millions of people lacking access to financial services to receive them, and would address the current high levels of social distrust among Chinese citizens. Critics express concern this may lead to greater self-censorship, increased suppression of online dissent and an increasingly fearful society.

3.92 People who post comments contrary to the wishes of the government and the CCP currently face censorship. In areas that have implemented 'social credit', such people suffer reductions in their 'social credit'. Censorship of the internet in China is extensive. New regulations make the 'creator' of a group chat responsible for its content. DFAT assesses that people who repeatedly post unapproved material are at high risk of attracting adverse treatment by authorities, including possible criminal charges or threat of charges.

Women

3.93 Article 48 of the Chinese constitution states that women 'enjoy equal rights with men in all spheres of life'. The *Law on the Protection of Women's Rights and Interests* provides for equality in ownership of property, inheritance rights, access to education, and equal pay for equal work. Under the *Provisions on Female Labor Protection under Special Circumstances*, women are eligible for 98 days of paid maternity leave. Despite these measures, the US State Department documents continuing discrimination in education and work, sexual harassment, unfair dismissal, demotion, and wage discrepancies. On average, women reportedly earn 35 per cent less than men. Women remain under-represented in senior CCP and government positions, holding only 23.4 per cent of the total number of seats in the National Party Congress in 2013 and one of the 25 seats in the current Politburo. Unmarried mothers face particular difficulties (see [People affected by Family Planning Policies](#)), as do lesbian, bisexual and transgender women (see [Sexual Orientation and Gender Identity](#)).

3.94 According to the Chinese Centre for Disease Control and Prevention, in 2012, women committed suicide at a rate three times that of men. Anecdotal evidence from hospital emergency departments suggests this situation is improving as women have better opportunities to move to cities. China remains the only country in the world where female suicides outnumber male suicides. Rape is illegal and penalties range from three years in prison to a death sentence, but spousal rape is not illegal. According to the All-China Women's Federation (the state-run women's organisation), one quarter of married women in China have

experienced violence in their marriage. Ten per cent of homicide cases in China relate to domestic violence. Due to under-reporting, these figures are likely to understate the actual situation.

3.95 On 1 March 2016, a law against domestic violence came into effect. Several NGOs working on women's issues welcomed the law but reported that implementation was inconsistent, and that authorities, including police, lacked awareness of the law. The government has opened domestic violence shelters in the municipalities of Chengdu, Dazhou, Nanjing, and Zhengzhou. According to anecdotal reports, domestic violence continues to be seen as a private household matter and a source of shame, so often goes unreported. Where cases are reported, authorities are reluctant to enforce the new law. According to data released in October 2013 (prior to the new anti-domestic violence law) by a Beijing court, Chinese courts recognise fewer than 20 per cent of domestic violence claims brought before them. Refusal to accept cases of domestic violence brought before the courts reflects difficulties in collecting and verifying evidence. Statistics from provinces such as Guangdong and Shandong indicate even lower rates, ranging from two to 15 per cent.

3.96 Overall, DFAT assesses that women in China face a low risk of official discrimination, and a moderate risk of societal discrimination. Women in China face a moderate risk of societal violence, particularly domestic or intimate partner violence.

Sexual Orientation and Gender Identity

3.97 China's laws do not explicitly criminalise private consensual same-sex activities between adults. However, the Chinese government does not recognise de facto or same-sex partnerships and China's *Marriage Law* recognises marriage only between a man and a woman. Homosexuality and bisexuality were removed from the Ministry of Health's list of mental illnesses in 2001; however many lesbian, gay, transgender, bisexual and intersex (LGTBI) people report being forced into 'conversion therapy' by family members (although advertising and providing conversion therapy services is now illegal). China's existing anti-discrimination regulations do not explicitly deal with sexual orientation and gender identity relating to lesbian, bisexual or transgender people. A small number of hospitals deliver sex-reassignment surgery for transgender people but individuals are required to complete 12 months of psychotherapy before undergoing the surgery. National laws allow transgender people to change their gender on ID cards and household registration if they have undergone full sex-reassignment surgery. Individuals may not change their gender on other official documents, such as educational certificates. Censorship laws explicitly ban same-sex content in any form in movies and television (see [Media](#)). No laws or national regulations prohibit workplace discrimination based on sexual orientation and gender identity, and a 2016 UNDP survey finds such discrimination common. According to the UNDP survey, discrimination against LGBTI individuals occurs most often in the family, followed by schools and workplaces.

3.98 Similar to other civil society organisations working on issues perceived by the government to be sensitive, LGBTI civil society organisations can experience difficulties registering legally, receiving funding and arranging public advocacy activities. Public opinion regarding homosexuality is gradually becoming more tolerant (particularly in China's larger cities and regional urban hubs), but remains predominantly negative. UNDP reported that only around 15 per cent of LGBTI people disclose their sexual orientation to their family, and only around five per cent outside of their families.

3.99 DFAT assesses that societal discrimination against LGBTI people exists but varies in frequency and severity depending on the location. People in larger, wealthier cities in China, such as Beijing, Shanghai and Guangzhou, have greater tolerance for LGBTI people. Larger cities are starting to have LGBTI-friendly media and clubs. In June 2017, authorities permitted an International Pride Film Festival in Guangzhou, but the Public Security Bureau disrupted or cancelled some events. Public displays of affection between same-sex

couples and heterosexual couples are discouraged. Smaller, more rural communities can be less accepting of LGBTI people owing to traditionally conservative views and a lack of education, although DFAT notes a lack of data regarding the attitudes of people in China's rural and western regions towards LGBTI issues. Some members of the LGBTI community have expressed concern that a rise in Christianity in China is leading to a rise in negative perceptions of homosexuality.

3.100 Societal violence against LGBTI people is generally low, although lesbian and bisexual women are at risk of violence by family members and spouses. The 2016 anti-domestic violence law does not include same-sex partnerships. According to a 2009 survey of 900 lesbian and bisexual women about family violence, 48.2 per cent reported violence and abuse from parents and relatives, including involuntary committal to psychiatric wards. LGBTI individuals can be at risk of domestic violence by family members who do not accept their gender identity or sexuality. As a result, according to LGBTI NGOs, the rates of mental health issues amongst the LGBTI community are high.

3.101 DFAT assesses that LGBTI people face a moderate risk of official discrimination and a high risk of societal discrimination, particularly within their own families and in schools and workplaces. LGBTI individuals in rural areas or smaller cities face a higher risk of societal discrimination than those in larger and wealthier cities. LGBTI people face a low risk of official violence. Lesbian, bisexual and transgender women are at high risk of violence by family members.

People living with HIV/AIDS

3.102 Figures issued by the Ministry of Health in 2016 indicate there were 600,000 people diagnosed with HIV in China. At the end of 2015, new infections arising from homosexual transmission were 11.5 per cent higher than in 2014. The *Regulations on the Prevention and Treatment of HIV/AIDS* state 'no organisation or individual shall discriminate against HIV/AIDS infectors or patients or their families, and that HIV/AIDS patients enjoy the rights to employment, medical care and others'.

3.103 Despite these measures, a lack of understanding and public anxiety associated with HIV/AIDS issues has led to widespread stigma and discrimination, affecting employment, education, housing and access to health care. People living with HIV cannot work in the civil service and some businesses test employees and dismiss those who test positive for HIV.

3.104 DFAT assesses that people living with HIV/AIDS are at moderate risk of official and societal discrimination in China. DFAT has no information about violence against persons living with HIV/AIDS.

People affected by Family Planning Policies

3.105 China has had nation-wide family planning policies since the late 1970s. China's *Population and Family Planning Law* (Population Law) came into force on 1 September 2002. Until 2015, the state encouraged late marriage and childbearing and mandated one child per couple, although couples could have more than one child where: both spouses were sole children; the first child had a disability; both spouses were members of ethnic minorities; or, for rural residents, the first-born child was a girl. From 2013, couples could have two children if either spouse was a sole child. Legislation requires government departments, state media and schools to advocate family planning policies.

3.106 Concerned about its ageing population, the National People's Congress amended the Population Law with effect from 1 January 2016. Changes included the full implementation of a 'two child' policy (subject to other health, age and timing requirements), the abolition of forced contraception, and changes to certain leave entitlements for parents (including maternity and paternity leave). The National Health and Family

Planning Commission, the body responsible for overseeing the policy, reported that 2016 saw the largest annual number of births since 2000. Lower level governments down to neighbourhood and village committees are responsible for implementation of the two-child policy. Interpretation and implementation of the policy varies enormously across China (for more detailed information on Fujian province see DFAT's Thematic Report on Fujian Province, published 15 December 2016).

3.107 Authorities enforce compliance with family planning regulations through both incentives and punishments. Social compensation fees (also called 'social maintenance fees') are the most common disincentive. Authorities calculate fees according to 'last year's local disposable annual income per capita' in urban places, and 'the net annual income per capita' in rural places. Average annual disposable incomes for urban residents and net average incomes for rural areas differ according to the county, city or district. The parents of each unapproved child must pay the social compensation fee. In some cases, this can amount to up to ten times a person's annual disposable income. In some provinces or counties, authorities have imposed fines on entire work units in addition to the individuals concerned. However, credible information on the actual fees charged is difficult to obtain as they are subject to local discretion (leaving open the possibility of individual or institutionalised manipulation). Both the previous and amended Population Law require those who give birth to a child in contravention of family planning policies (including second children born before 1 January 2016) to pay a social compensation fee, irrespective of household registration status. DFAT assesses that inconsistent and non-transparent application of fees leaves open the possibility of individual or institutionalised corruption.

3.108 County-level governments collect the revenues from fees. The national law does not set out a fee schedule that applies to all localities. Instead, provinces formulate their own rules on specific fines based on the basic social compensation fee measure outlined above. Local authorities can decide whether to impose a more lenient fine if parents report an out-of-policy birth soon after it occurs. Authorities are likely to apply heavier penalties for uncooperative behaviour such as hiding children, and can apply additional surcharges to those who fail to pay the required fee. The local family planning bureau and employers may pressure the parents of out-of-policy children. Awareness of the fees is widespread and, in many cases, couples wishing to have an additional child will save the required social compensation fee in order to do so. In these cases, social compensation fees operate as an additional tax, rather than as a punitive arbitrary measure.

3.109 The *hukou* (or household registration) system ties access to services including health and education to an individual's place of birth or, in some circumstances, their parent's place of birth (see [Human Rights Defenders \(including Lawyers\)](#)). According to national law, children born before 1 January 2016 have a right to household registration and access to health and education services. Some provinces, including Fujian, Shandong and Zhejiang, prohibit local authorities from requiring payment of social compensation fees as a prerequisite for accepting an application for a *hukou*. Children whose unauthorised birth might previously have gone unregistered are now by law able to apply for a *hukou* irrespective of whether their parents have paid the relevant fees.

3.110 In practice, implementation at the local level of these laws and regulations (including provincial regulations) varies. Parents denied registration in contravention of provincial regulations or national law can, in theory, seek legal redress, but are then subject to the general conditions governing protection against abuse of power by officials (see [Judiciary](#)). Chinese authorities have regarded public opposition to family planning policies as provocative and treated petitioners and their advocates as political opponents (see [Political Opinion \(actual or imputed\)](#)).

3.111 DFAT is aware of media reports that authorities have employed coercive practices (such as forced abortions, sterilisations or invasive medical inspections) in order to force compliance with family planning policies. DFAT considers credible local and international NGO reporting suggesting the incidence of coercive

practices has reduced since the introduction of the two-child policy. There are, however, no reliable data on the frequency of coerced or forced abortions or sterilisations.

3.112 Although China's Marriage Law states that children born outside of marriage have the same rights as those born to married parents, children born out of wedlock continue to be considered to be 'outside of policy' under the two-child policy. Single mothers must pay social compensation fees and all medical expenses associated with giving birth. State subsidies for maternal and child services are available only with the permission of family-planning authorities, who require a proof of marriage. As a consequence, many single mothers give birth outside of medical facilities with associated complications for both mother and child. Single mothers can find it difficult to obtain birth certificates. Children born outside of policy are not eligible for *hukou* and the health and education services that registration provides.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

4.1 Article 37 of China's Constitution states that 'freedom of the person' of citizens of the People's Republic of China is inviolable. Human rights groups have claimed that police in western China have used lethal force to disperse unarmed groups of Uighurs and Tibetans protesting against religious restrictions. Restrictions on foreign access to these regions have made it impossible for DFAT to verify these claims.

Deaths in Custody

4.2 A number of high profile deaths in custody have occurred in China in recent years. Media and NGO reports of deaths in custody include deaths caused by denial of access to proper medical care. While most high-profile deaths in custody have involved political prisoners (including, in July 2017, of Nobel Peace laureate Liu Xiaobo), some appear to have involved lower level police brutality. Some cases seem to have involved mistaken identity. The Chinese government denies that it holds prisoners for their political views, claiming that they are common criminals who have violated the law. The government also denies mistreatment of prisoners, although it has refused to release the bodies to families of some high profile detainees. In lower profile cases, police have claimed that video and audio footage from police devices and surrounding closed circuit security cameras was unavailable due to device malfunction. Where authorities have announced investigations into police misbehaviour, the results are generally not made public (see [Police](#)). In one high-profile case, the courts ordered that officers face internal discipline.

INVOLUNTARY AND ENFORCED DISAPPEARANCES

4.3 Chinese law permits security agencies to detain suspects without charge for varying lengths of time during an investigation, with the conditions dependent on the nature of the offence investigated (see [Arbitrary Arrest and Detention](#)). Police have broad powers of administrative and 'residential' detention during investigations relating to national security or intelligence matters, as defined by the CCP or state agencies. In the course of the anti-corruption campaign, the CCDI has arrested and detained many Party members suspected of corruption, holding some for several months before delivering them to the state criminal justice system (see [Corruption](#)).

4.4 The authorities' extensive powers of arrest and detention apply to children as well as adults: the then 6-year-old Gedhun Choekyi Nyima disappeared with his parents in 1995, after the current Dalai Lama recognised him as the reincarnation of the Panchen Lama, Tibet's second most senior spiritual leader. The Chinese authorities declared the nomination invalid and installed another 6-year-old, Gyaltzen Norbu, as Panchen Lama in his place (see [Tibetan Buddhists](#)). No international observer (diplomatic, media or NGO) has seen Gedhun Choekyi Nyima since 1995. The then 16-year-old son of a '709' lawyer (see [Human Rights Defenders](#) (including Lawyers)) was arrested in 2015 at Beijing airport on his way to school in Australia, and

again later that year on the Chinese-Myanmar border. In November 2017, he was denied exit from Beijing airport while again seeking to travel to Australia for study.

4.5 Several lawyers and legal assistants disappeared in 2015 during a crackdown on human rights defenders (called the '709' lawyers, as a large number disappeared on 9 July 2015 (see [Human Rights Defenders \(including Lawyers\)](#)). Some have subsequently been released (some after public confessions); others have been tried and sentenced. In some cases, detainees and their families have made allegations of torture (see [Torture](#)).

4.6 DFAT is aware of Tibetans and Uighurs who have disappeared into official custody in recent years. Some have later appeared in court on charges of endangering state security or terrorism. Some have received lengthy sentences or the death penalty (see [Ethnic Uighurs](#) and [Ethnic Tibetans](#)).

4.7 While it is difficult to separate ethnicity and religion in relation to Uighurs, DFAT assesses that Uighurs in Xinjiang and in other parts of China face a high risk of official discrimination due to their ethnicity, particularly where authorities perceive them to be politically or religiously active (see [Muslims](#)). Uighurs in other parts of China face a moderate risk of societal discrimination due to their ethnicity.

DEATH PENALTY

4.8 China retains the death penalty for 46 offences, reduced from 55 in November 2015 with an amendment to the Criminal Law. Capital offences include a number of economic and non-violent crimes such as corruption and drug-related offences. Capital crimes include; 'endangering public security' (such as arson, hijacking or the selling or producing of fake medicines) and 'infringing upon citizens' right of the person and democratic rights' (including homicide, rape, and trafficking). According to Article 347 of the Criminal Procedure Law, individuals found guilty of trafficking narcotics in quantities of 50 grams or above shall be punished with 15 years' imprisonment, life imprisonment, or death. Pregnant women and people who are aged under 18 or over 75 years at the time the crime is committed are exempt from the death penalty. All death sentences are subject to the approval of the Supreme People's Court and the court must provide a lawyer to any individual facing the death penalty if they do not already have one. According to the US State Department, executions have followed criminal proceedings that lacked due process or appeal channels. In some highly publicised cases, the Supreme People's Court has posthumously reversed death penalty verdicts after finding either police or prosecutorial misconduct, or other irregularities in the process leading to execution.

4.9 Courts can impose either a death sentence (without reprieve) or a death sentence with a two-year suspension of execution. The latter punishment can be commuted to life imprisonment at the end of the two-year period if no other intentional crimes have been committed during the period of suspension. A person who demonstrates 'meritorious service' during their suspension period may receive a reduction of sentence to 15 to 20 years' imprisonment.

4.10 The Chinese Government's 2016-2020 Human Rights Action Plan states an intention to strengthen the process and oversight of the death penalty. In its 2013 Universal Periodic Review Report, China confirmed it would reduce the use of the death penalty. The number of executions in China remains a state secret: Duihua estimates 2,000 people were executed in 2016 (compared to 2,400 in 2013).

TORTURE

4.11 China ratified the Convention Against Torture in 1988. Chinese law prohibits the physical abuse of detainees and forbids prison guards from extracting confessions by torture, insulting prisoners' dignity, and

beating or encouraging others to beat prisoners. Amendments to the criminal procedure law that exclude evidence, including confessions, obtained through illegal means, including under torture in certain categories of criminal cases, took effect on 1 January 2013.

4.12 In January 2016, the UN Committee against Torture, in its concluding observations on the Fifth Periodic Report of China, welcomed the 2013 legislative changes but expressed concern over a number of continuing practices in China that the Committee assessed to increase the risk of torture of detainees. These practices include: lengthy pre-trial detention; denial of access to a private lawyer and withholding of information from the detainee's family in cases deemed 'endangering state security', 'terrorism' or serious 'bribery'; 'residential surveillance' (see [Arbitrary Arrest and Detention](#)); the lack of independence of medical practitioners examining detainees; revisions to laws that prohibit (undefined) 'conduct that disrupts court order'; lack of judicial or procuratorial oversight of criminal investigations; lack of information on past investigations of allegations of torture by security officials; unexplained deaths in custody; solitary confinement and use of restraints; a lack of information on inspection of detention facilities; exclusion of matters relating to 'State secrets' from the government's reporting on torture; and the broad definition of many offences, including 'endangering State security', 'picking quarrels and provoking troubles', and 'gathering a crowd to disturb social order'.

4.13 Family members of the '709 lawyers' (see [Human Rights Defenders \(including Lawyers\)](#)) wrote an open letter to world leaders on 1 March 2017 detailing allegations of mistreatment of their family members while in detention. The allegations include: forced consumption of drugs, marathon interrogation sessions and sleep deprivation; beatings; the application of heavy weights on legs; being almost entirely submerged in water for several days at a time; and threats and detention of family members. Individual lawyers detained during the '709' crackdown have also detailed allegations of mistreatment at the hands of the authorities.

4.14 Falun Gong practitioners have reported mistreatment in custody including sleep deprivation, enforced standing and kneeling for extended hours, nasal feeding (forced feeding through a tube inserted into the nostril), being forced to drink dirty or salty water, shackling and beatings. International human rights reporting continues to document use of psychological pressure against Falun Gong practitioners.

4.15 DFAT considers allegations of torture, particularly those detailed in cases deemed politically sensitive, to be credible.

CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Arbitrary Arrest and Detention

4.16 The Ministry of Public Security manages pre-trial detention procedures. Such procedures are not subject to judicial oversight. Security agencies can hold individuals for years while they progress through the charge, arrest, investigation, court hearing and sentencing processes. Individuals convicted of an offence do not move into the prison system until their case is finalised, including any appeal processes. Time served in a detention centre is deducted from their custodial sentence.

4.17 Amendments to China's Criminal Procedure Law, which took effect in January 2013, require the prompt delivery of suspects to detention facilities following arrest. The law stipulates that interrogations must take place in the detention facility, and must be recorded in audio and video. The revised law also requires judicial officials to investigate cases of extraction of confessions under torture.

4.18 Under the 2013 Criminal Procedure Law, police may detain individuals in ‘residential detention at a designated place’ (also called ‘black jails’) away from their home for up to six months, for investigations relating to endangering state security, terrorism, or serious bribery. Authorities must notify relatives of individuals placed under formal arrest or residential surveillance in a designated abode within 24 hours, unless notification is impossible. The notification does not need to specify the reason for or location of detention. Suspects do not have the right to meet defence lawyers in these categories of cases. In cases involving state security or terrorism, police are authorised to detain a suspect after arrest for up to an additional seven months while investigating the case. Following investigation, the procuratorate has an additional 45 days to determine whether to file criminal charges of detention, during which time detention can continue. The law explicitly allows detainees to meet with defence counsel before criminal charges are filed but this rarely happens where cases are considered politically sensitive. After filing charges, authorities can detain a suspect for an additional 45 days before beginning judicial proceedings. ‘Residential detention at a designated location’ has been criticised for exposing detainees to risk of mistreatment (see [Torture](#)).

4.19 Chinese police have broad administrative detention powers and the ability to detain individuals for extended periods without formal arrest or criminal charge. Police can hold individuals for up to 30 days in criminal detention before deciding whether to pass the case to prosecutors, and for an additional seven days prior to formal arrest. Police detention beyond 37 days requires prosecutorial approval of a formal arrest and notification of family members within 24 hours of detention. The law permits officials not to provide notification if doing so would ‘hinder the investigation’ or for cases pertaining to ‘national security, terrorism, and major bribery’. During periods and anniversaries considered politically sensitive, authorities often detain activists without charge for the full 37-day period (see [Acronyms](#) for an indicative list of sensitive dates). DFAT considers credible reports that Chinese security authorities use extra-legal detention for politically sensitive investigations.

4.20 The Chinese government abolished its ‘re-education through labour’ policy in December 2013. Public security authorities continue to use other forms of administrative detention to suppress political and religious dissidents, sex workers, drug users and petitioners. Authorities also detain family members of dissidents: poet Liu Xia, widow of Nobel Peace laureate Liu Xiaobo, has been under house arrest since her husband’s nomination for the Nobel Peace Prize in 2010 (see [Deaths in Custody](#)). Authorities have also curtailed the freedom of family members of ‘709’ lawyers (see [Human Rights Defenders \(including Lawyers\)](#)) and Uighur and Tibetan activists (see [Ethnic Uighurs](#) and [Ethnic Tibetans](#)). Chinese law does not provide for house arrest. Individuals facing this type of detention do not have the right to legal counsel or due process.

Treatment of Party and public officials

4.21 At the 19th Congress of the Chinese Communist Party in October 2017, President Xi announced the abolition of a parallel system of detention, called *shuanggui* or ‘double/parallel rules’, run by the CCDI and applied to Party members suspected of disciplinary violations. The CCDI had extensively used *shuanggui* in the anti-corruption campaign (see [Corruption](#)). *Shuanggui* was not subject to the normal rules governing criminal detention or prosecution and human rights groups had criticised its lack of transparency, which they argued increased the risk of torture or mistreatment. *Shuanggui* is to be replaced by a different form of detention but it is unclear how it will apply, and how it will differ from *shuanggui*.

4.22 A draft *National Supervision Law*, published in November 2017, codifies many of the procedures previously followed by the CCDI. The draft law explicitly forbids collection of evidence by threats, intimidation or physical violence, and requires interrogators to retain audio-visual records (Article 42). The draft law further provides a time limit of three months, extendable to six months, for holding detainees in custody for the purposes of interrogation, and for family members to be informed within 24 hours except where it would impede the investigation (Article 41). The draft law does not, however, provide for independent oversight of the conduct of supervision officials. Defendants or family members who have

complaints about the conduct of a case can only appeal to the supervision organ itself or a higher level of the supervision administration (Article 62). While the law is still in draft form, the National People's Congress Standing Committee decided in November 2017 to begin implementing it across the country as a 'test'.

Detention conditions

4.23 Chinese law provides for prison accommodation to be ventilated, clean and warm with natural light. Prisons are required to provide adequate medical, living, and sanitary facilities. In practice, there is no independent monitoring of the prison system and the lack of transparency into China's legal system makes it difficult to make generalised assessments of prison conditions. In general, conditions vary depending on the location, resources available, training of prison or detention guards, and perceived level of political sensitivity and profile of the individual concerned. Foreign prisoners who receive consular visits generally receive better treatment in detention than locals.

4.24 Conditions can be overcrowded, and detainees can be required to sleep on the floor and be denied regular exercise. Meals are regularly served but nutritional quality is poor and quantities are small. Many detainees rely on supplemental food, medicines and warm clothing provided by relatives. Prison officials sometimes deny these privileges as a form of punishment, particularly for political dissidents (see [Torture](#)). Prisoners do not always receive adequate medical care (see [Deaths in Custody](#)). Conditions in administrative and pre-trial detention facilities are often worse than those in prison.

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1 China's Constitution (Article 5) states that 'no laws or administrative or local regulations may contravene the Constitution. All State organs, the armed forces, all political parties and public organisations and all enterprises and institutions must abide by the Constitution and other laws. All acts in violation of the Constitution or other laws must be investigated. No organisation or individual is privileged to be beyond the Constitution or other laws'.

5.2 There is no organisation in China tasked with enforcement of the Chinese constitution and Chinese courts do not have the general power of judicial review which would allow them to invalidate laws on the grounds they violate the Constitution. The Constitution states the National People's Congress and its Standing Committee have the power to review laws that violate the constitution, but in practice, these powers are rarely exercised, with only one instance of regulations being rescinded.

5.3 China has explicitly rejected "Western notions" of separation of powers and judicial independence. While China has undertaken significant reform to minimise officials' interference in lower-level court cases and professionalise China's judiciary, Chinese courts remain subject to a variety of internal and external controls that limit their engagement in independent decision-making.

Military

5.4 China has the largest active military service in the world. The People's Liberation Army (PLA) reports to the Party's Central Military Commission, which is headed by President (and Party General Secretary) Xi Jinping. The PLA currently has over two million members, almost all of whom are Party members. It serves the Party, rather than the Chinese state. The PLA has shrunk significantly from an estimated three million active personnel in 1992. It continues to decrease as it seeks to improve the quality of its staff and systems. The PLA has five branches of service: Army, Navy, Air Force, Rocket Force (strategic missile force) and Strategic Support Force (space and cyber forces). China reported spending 1.28 per cent of GDP on the military in 2016. Actual military expenditure is regarded as a state secret. The military service age is 18-24 years. China operates selective compulsory military service, with a two-year service obligation. All officers are volunteers and there is no minimum age for voluntary service. The PLA has not been deployed against Chinese citizens in China since June 1989, when PLA units killed several hundred protesters in Beijing's Tiananmen Square and surrounding areas.

Police

5.5 China's Ministry of Public Security oversees the police force, which is organised into specialised police agencies and local, county, and provincial jurisdictions. China no longer publicises the size of its police force, but media estimates place the number at around two million. The People's Armed Police, a paramilitary force responsible for internal security issues such as riots, terrorist attacks, natural disasters and

other emergencies, has an estimated 660,000 members. Police undertake four-year training programs that include courses in procedural law and public order, as well as extensive physical training. Performance is statistics-driven and a national ranking system provides incentives for compliance. Local-level police are generally entitled to receive housing and food allowances as part of their monthly salaries, which are calculated according to local conditions rather than a national standard.

5.6 Maintaining public order and social stability – defined as defending CCP rule – are the key priorities of the police force in China, and outweigh protection of the public from criminal activity. Regular police do not generally carry firearms but can do so in areas of heightened security (such as in Xinjiang and Tibet). Reflecting the power held by the Ministry of Public Security, procuratorate oversight of the police is limited, localised and ad-hoc.

5.7 Chinese citizens have the right to lodge complaints against the police in their city of residence through a telephone hotline, online complaints website, in person, or in writing to the Public Security Bureau Complaints Office. Local authorities have targeted petitioners (including those with complaints against police) with punishments including arrest and detention (see [Protesters/petitioners](#)). Complaints against police rarely lead to disciplinary action and, where investigations are announced, their outcomes are not publicly released (see also [Deaths in Custody](#)).

5.8 China has taken some positive steps to protect individual rights through amendments to the Criminal Procedure Law prohibiting the use of confessions obtained under torture as evidence, and requiring interrogations in major criminal cases to be audio and video recorded. However, these protections do not apply in cases involving national security, which are investigated outside of China's criminal justice system.

Judiciary

5.9 China's 2016 White Paper on Judicial Reform includes measures to reduce political influence on courts, improve access to justice, strengthen professionalism of the judiciary, and increase transparency. In an effort to curb local corruption, new policy shifts funding of courts from the local to provincial level and courts have started recording attempts to influence proceedings. Since May 2015 there has been a mandatory nation-wide case filing system, through which courts cannot refuse to hear cases without sound legal justification. Courts now publish many routine judgements online, although coverage is patchy.

5.10 Judicial reforms implemented in recent years have led to an increase in administrative law cases, albeit from a very low base, including local cases of official abuse of power. As an example, the Shenzhen court has published figures for administrative cases showing 10,133 administrative cases in 2015, compared with 9,167 in 2014 and only 3,840 in 2013. In 2015, the government lost 381 (15.2 per cent) of 2508 lawsuits against it. While improving, these relatively low numbers even in one of China's wealthiest and most international cities (Shenzhen has a population of 12 million) indicate the difficulties faced by ordinary people in pursuing cases against officials.

5.11 DFAT assesses that a lack of separation of powers creates structural vulnerabilities within the judicial system. Judicial autonomy is limited in cases that authorities consider politically sensitive or that involve vested economic or political interests. Public confidence in the ability of courts to enforce judgements, particularly in rural areas, remains low.

INTERNAL RELOCATION

5.12 There are many opportunities for internal relocation in China and movement of people is fundamental to China's push for continued economic growth and urbanisation. While there are no legal

impediments to internal migration, the *hukou* system presents the biggest administrative impediment to freedom of internal movement.

5.13 Linguistic and cultural barriers are not an inhibiting factor for ethnically Han Chinese to move away from their place of *hukou* registration. Ethnic minorities may face varying degrees of difficulty or discrimination, depending on their ethnicity and their destination (see also [Ethnic Uighurs](#) and [Ethnic Tibetans](#)).

5.14 DFAT assesses that internal relocation is possible unless a person has attracted adverse attention from authorities at the local or national level (see [Religion, Political Opinion \(actual or imputed\) and Groups of Interest](#)). People subject to adverse attention from authorities are unlikely to be able to re-locate internally, due to the Chinese state's significant surveillance capability (see [Security situation](#)).

Hukou (household registration) system

5.15 The *hukou* system ties access to government services, such as education above a certain level and health, to a citizen's place of birth, or even their parents' place of birth, rather than their place of residence. Only an estimated 35 per cent of urban residents have an urban *hukou*. Chinese migrant workers (estimated at 282 million) who move away from rural areas for better employment opportunities, are unable to access key services and in some cases face institutionalised discrimination. An estimated 60 to 100 million children have been 'left behind', either in their grandparents' care or alone, while their parents work in cities. The government is committed to reforming the *hukou* system, including extending urban residency permits to migrant workers. The Ministry of Public Security reported 28.9 million new urban residency permits issued in 2016, mostly in third or fourth tier cities. The local governments of the largest cities, including Beijing, Shanghai, Guangzhou, Shenzhen, Chengdu, Wuhan and Xi'an, have tough restrictions on granting new *hukou* permits given the already high populations and overburdened infrastructure in these cities. Lower-tier cities (with fewer than 3 million permanent residents in downtown areas) are more willing to issue *hukou*, in line with government's aim to drive economic growth in less developed and less populated regions.

TREATMENT OF RETURNEES

5.16 China is a signatory to the 1951 Refugee Convention but does not have a refugee status determination procedure. The UNHCR, rather than the Chinese government, has the authority to grant refugee status within China. As at December 2015, China had around 200 (non-Chinese) refugees. The UNHCR and IOM are not able to provide statistics on returned refugees. The Chinese government has forcibly returned North Korean defectors, viewing them as economic migrants.

5.17 China has sought the return of Chinese nationals granted refugee status from other countries. In November 2015, the UN High Commissioner for Refugees protested to the Government of Thailand after it forcibly deported two Chinese nationals, Jiang Yefei and Dong Guangping, who had UNHCR refugee status and were awaiting re-settlement in Canada. The Thai government said it had deported the two men for immigration offences. Media reports quote an unnamed official confirming that China had requested the deportations. The two men subsequently appeared on Chinese state television confessing to charges of human trafficking.

Treatment of failed asylum seekers

5.18 DFAT is not able to verify the treatment of failed asylum seekers returned to China. DFAT has no information to suggest authorities target individuals solely for having sought asylum abroad if they have not

otherwise come to adverse attention. DFAT is unable to verify whether having sought asylum abroad would worsen the situation of individuals attracting adverse attention from authorities for other reasons. Chinese authorities are likely, however, to be aware of the behaviour of Chinese asylum seekers while they are outside of China (see [Security situation](#)). Party members or public officials who return to China to face corruption offences are subject to Party disciplinary and potentially criminal prosecution (see [Treatment of Party and public officials](#)).

Double jeopardy

5.19 Articles 8 to 12 of the Criminal Law outline provisions against double jeopardy. In practice, Chinese citizens convicted and punished for offences abroad may face punishment for the same offence on return to China. Authorities are less likely to pursue those who have committed offences overseas carrying a sentence in China of three years or less. Those convicted of offences that are more serious are more likely to be re-sentenced on return, depending on the offence and the severity of punishment served overseas: more severe punishment overseas would likely attract a lesser punishment on return. Chinese authorities have also pursued individuals for crimes for which they were acquitted abroad. In April 2017, the Kenyan government (which recognises the PRC) deported a group of Taiwanese and Chinese passport-holders in contravention of a Kenyan court order, which also confirmed their acquittal of financial crimes. While the incident in part reflects political considerations in cross-strait relations (with Taiwan), the fact that mainland Chinese passport-holders were part of the group suggests that double jeopardy can apply to Chinese citizens who are acquitted abroad. The individuals remain in detention in China, as of October 2017.

Exit and Entry Procedures

5.20 Chinese law provides for foreign travel, emigration, and repatriation. A number of agencies within the Ministry of Public Security hold responsibility for monitoring entry and exit procedures at Chinese airports, including the Public Security Bureau, the Entry and Exit Authority, and the Frontiers Inspection Bureau. China's major airports have a centralised system with name matching alert capabilities. Facial recognition technology is also widely deployed at all international checkpoints (air, land and sea). Security monitoring capabilities at airports are comprehensive, and departing passengers pass through several identity checks (including passport and ticket/boarding pass inspection) run by different agencies between arriving at the airport and boarding a flight.

DOCUMENTATION

Birth and Death Certificates

5.21 While there are no official data on unregistered births, birth registration rates are low in rural areas and for marginalised children. The 2010 census found 13 million unregistered people, mostly relating to births concealed because they violated family planning policies. In 1996, the *Law of the People's Republic of China on Maternal and Infant Health Care* introduced a nation-wide official birth certificate system. The Ministry of Public Health issues birth certificates through the hospital or facility where the child is born. Parents must register births in the police station of their *hukou*. Relevant branches of the Ministry of Public Security assess the issuing of *hukou*, and DFAT understands that family planning records are the most important documents required for this purpose. Procedures for registering deaths in China vary by area and location of death. The Ministry of Health usually issues death certificates. Death certificates are required to cancel *hukou* registration and to bury the deceased.

National Identity Cards

5.22 Citizens over the age of 16 are required to apply for identification cards while those under 16 years can voluntarily apply with the assistance of a guardian. The Public Security Bureau issues and manages ID cards according to the 2003 *Law on Resident Identity Cards*. Cards are valid for five years for children under 16, ten years for individuals aged between 16 and 25 years, twenty years for individuals between 26 and 45 years and permanently for individuals aged 46 years or older.

5.23 Use of China's latest (second generation) resident identity cards (RICs) became mandatory in 2013. RICs include the cardholder's name, sex (male or female), ethnicity, date of birth, residential address, a unique 18-digit ID number and coloured photograph. Embedded digital microchips in each card contain the same identifying information as well as work history, educational background, religion, police record, medical insurance status, landlord's telephone number, and reproductive history. Cards issued in ethnic minority areas contain corresponding text in the minority language. Han Chinese in ethnic minority autonomous regions must have text listed only in Mandarin.

5.24 Applicants must complete a Registration Form of Application for Resident Identity Card and present their *hukou* for examination by public security authorities. Costs of new or renewed cards vary according to location and the circumstances of the applicant. For example, the law exempts payment for urban residents on subsistence allowances and rural residents who live in 'specially straitened' circumstances. Breaches of the law can lead to disciplinary warnings, fines (ranging from RMB 200 to 1,000— approximately AUD 40 to 200) and up to ten days detention. Forgery of cards is a criminal offence.

5.25 Second-generation cards are reportedly difficult to counterfeit. Since 2013, the government has run trials to include fingerprints on the cards making it more difficult to forge. Places such as banks, train stations and airports have card readers. Valid ID cards are required for *hukou*, employment, opening bank accounts, obtaining passports and driver licenses, applications for tertiary study, travel by plane or train, marriages and legal cases. Internet cafes and some shops also require proof of identity.

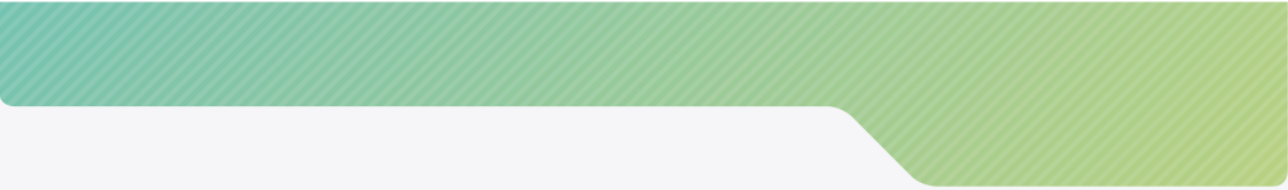
Passports

5.26 According to the *Passport Law of the People's Republic of China* (2006), ordinary passport applicants must apply in person to the Entry-Exit Control Department of the Ministry of Public Security or the authorised county-level bureau where their *hukou* is registered. Applicants must provide their RIC, *hukou*, recent photos, and documents substantiating the reasons for their application. Once approved, a passport is generally issued within 30 days. If a passport application is refused, reasons for the refusal are provided in writing and the applicant is informed of their right to apply for administrative reconsideration or to file an administrative lawsuit. Costs of passports vary according to location but are considered affordable.

5.27 An ordinary passport records the holder's name, sex, date and place of birth, the date of issue, term of validity and place of issue of the passport, and the issuing authority. The term of validity of an ordinary passport varies according to age of the passport holder. Passports are readable visually and by computer and contain anti-forgery properties. The sale or use of a forged passport is a criminal offence.

5.28 Under the Passport Law, authorities can refuse passports to people who 'will undermine national security or cause major losses to the interests of the State'. According to Freedom House, the government has refused passports to millions of people on these grounds, many of them religious and political dissidents, including Uighurs and Tibetans. The government does not publish data on passport denials.

5.29 The Passport Law states passports can be obtained within 15 days. Uighur and Tibetan applicants, however, require approval from provincial authorities and their local public security bureau, a process that



can take time. University administrators must approve applications by Uighur and Tibetan students. DFAT is aware of cases where human rights activists, lawyers, Uighurs and Tibetans have had their passports confiscated either as punishment for their political activities or to limit the risk of such individuals causing embarrassment to the Chinese government when overseas.

PREVALENCE OF FRAUD

5.30 DFAT assesses it would be difficult to depart China on a forged passport. Chinese passports use sophisticated technology and Chinese authorities have a high surveillance capability, particularly at train stations, airports and ports. An ordinary citizen would find it difficult to bribe border protection agents because of sensitivities to corruption, and the professional and comparatively well paid status of public security officials. DFAT is aware of cases where genuine documents obtained by fraudulent means (such as *hukou* registration, proof of employment, academic transcripts, banking statements and ID cards) are submitted in support of visa applications. DFAT assesses such documents are relatively easy to obtain and are commonly used. DFAT is aware of sophisticated syndicates that provide targeted background stories to support fraudulent documents used in visa applications.