

**Review of the August 2011 UK Border Agency Country of Information Service
China Country of Origin (COI) Report on behalf of the Independent Advisory
Group on Country Information (IAGCI)**

Prepared by Stephanie Huber and Elizabeth Williams (Asylum Research Consultancy – ARC)
and Dr Jackie Sheehan (University of Nottingham)

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Background to the authors

Stephanie Huber & Elizabeth Williams – Asylum Research Consultancy (ARC)

As specialist Country of Origin Information (COI) researchers, Stephanie and Elizabeth have five years experience of conducting COI research to support individual asylum and human rights claims and for UK Country Guidance cases. Following the closure of the Research Unit at the Immigration Advisory Service in September 2010, they set up Asylum Research Consultancy (ARC) in order to continue to provide a case-specific COI research service and to undertake research, advocacy and training to improve the quality of refugee status determination (RSD), and in particular, the use of COI. ARC also produces a free bi-monthly COI Update which provides notification of new UK Country Guidance cases, new UKBA COI publications and developments in the top refugee-producing countries including China, which can be viewed with other recent publications and projects on ARC's [website](#).

Dr Jackie Sheehan – University of Nottingham

Dr Jackie Sheehan is an Associate Professor in Chinese Studies and Deputy Head of School at the School of Contemporary Chinese Studies, Nottingham University. Human rights in China have been integral to her research since her PhD work on the independent labour movement in China (awarded in March 1996). Her current research focuses on trafficking within China and between China and the UK, and on Chinese migrant labour in Europe. She has published extensively on this area including: Bin Wu and Jackie Sheehan (2011), "Globalization and Vulnerability of Chinese Migrant Workers in Italy: Empirical Evidence on Working Conditions and their Consequences", *Journal of Contemporary China* 20, 68: 135-152; Bin Wu, Jackie Sheehan, and Guo Lan (2010), "Economic recession, employment and working conditions of Chinese migrant workers in the UK", *China Policy Institute Briefing Paper* 56; Bin Wu, Guo Lan, and Jackie Sheehan (2010), *Employment Conditions of Chinese Migrant Workers in the East Midlands: A Pilot Study in a Context of Economic Recession*, Beijing: International Labour Office for China and Mongolia; and [Human trafficking between China and the UK, China Policy Institute Discussion Paper 54, November 2009](#). Since 2004 she has regularly served as a China Country Expert in asylum cases involving Chinese nationals, and has also been called as an expert witness in UK criminal cases involving Chinese migrants. She reads and speaks Chinese and visits China between two and three times per year, spending about six to eight weeks of each year there.

Scope of the review

As outlined in a briefing from Dr Khalid Koser, the reviewers understand that the China Country of Origin (COI) Report is to be used by UKBA decision makers in assessing asylum and human rights claims made by Chinese nationals and that the main issues currently arising in such cases are:

- One child policy - forced abortion and sterilization
- Pro-Tibetan/pro-independence political organisations
- Involvement with illegal religious and political organisations, including Falun Gong/ Falun Dafa
- Double Jeopardy
- Civil disturbance generally

Methodology

This commentary is based upon an analysis of all of the sources and information cited in the August 2011 China Country of Origin (COI) report. This comprised a cross-check of each excerpt included in the COI Report against the original source of information, and a comparison of the excerpts included in the COI Report to other publicly available sources. This analysis was based on the established best practice criteria for COI research: accuracy, range and reliability of sources, relevance of the information currency and transparency and retrievability. The China COI report was also checked for errors, omissions and inconsistencies and its structure and general user-friendliness was assessed.

Research was also undertaken for additional sources of information that may be useful for inclusion in future COI reports on China by consulting a variety of publicly available sources including governmental, online libraries of human rights organisations, think-tanks, the media, and academic articles. Where possible, sources available freely in the public domain have been identified. Sources recommended for inclusion are presented in reverse chronological order.

Executive Summary

The August 2011 COI Report on China is well-balanced, comprehensive and thorough. General findings and recommendations are listed under the respective best practice criteria for COI research:

Accuracy

- Minor instances were found in which the excerpt of the COI Report was not fully representative of the original source of information. Where this is the case, additional excerpts from the relevant sources have been recommended for inclusion.

Range and Reliability of Sources

- Some sections of the COI Report could be improved by including more detailed information from a wider variety of sources. For these sections of the COI Report, both additional excerpts from sources already cited in the COI Report and new sources of information have been recommended for inclusion.
- When relying upon lesser known or unusual sources, it is recommended that an explanatory note is provided and that for some sources, the COI Report advises users to exercise caution in relation to the validity of the information cited.

Relevance of information

- Very few instances were found where the information included was not relevant to the section or to the purpose of the COIS report. These have been identified and recommended for deletion.
- In order to emphasise certain issues, additional sources of information and new sub-sections have been recommended for inclusion.
- It is considered that the report could be improved by increasing the cross-referencing between sections and by re-ordering or renaming particular sections.

Currency

- Some outdated sources have been included in the COI Report, despite more recent information being available in the public domain.

COIS: Accepted. When the report is updated particular attention will be paid to ensuring the information quoted is as current as possible.

- On occasion the most recent reports available from particular sources were not always cited, despite being available at the time of publication. Sources that are known to be updated on a regular basis should be accessed again shortly before publication.

Transparency and Retrievability

- In limited cases, sources of information have been inaccurately or incompletely referenced.
- In some instances inactive or no hyperlinks were provided. Where possible, active hyperlinks have been identified.
- A Digital Object Identifier (DOI) number should also be provided for sources where they are available, e.g. academic articles.
- It is recommended that the footnote of sources cited should always specify the section of the report from where the excerpt has been taken.

COIS: Accepted. When the report is updated we will indicate where which section of a report is being quoted.

General note on subscription only sources

- A number of subscription only sources and books have been relied upon which were not possible to review.
- For sources which can only be accessed via a subscription it is regrettable that the full documents are not attached as an Annex to the country report, which would provide equal

access to the information and increase transparency. It is understood that this might not be practical due to a subscription's terms of conditions, but it might still be worthwhile for UKBA to explore the possibility of this. As a general recommendation, the COI Report should only rely upon sources that require a subscription if the information is key to an understanding of the issue addressed and cannot be found elsewhere in the public domain.

- With regards to the use of books and articles which are not available online, it would be interesting to explore whether UKBA would be able to make a copy available on request for users who may require further information on a particular issue than is possible to include in the COI Report.

Review

BACKGROUND INFORMATION

Languages

The following source provides more detailed information on the languages spoken in China:

- [Lewis, M. Paul \(ed.\), Ethnologue: Languages of the World, Sixteenth edition, 2009](#), Languages of China

COIS: Accepted – Thank you. We will add a link to this site on the next update.

4. RECENT DEVELOPMENTS

It is considered that given this section is necessarily general and brief and that an overview of the human rights situation in China is already provided in Section 7, that this section should be deleted from the report.

COIS: Not accepted, the recent developments section aims to give a brief overview of the most recent events, whereas the human rights overview is about specific human rights issues both historically and current. Although there is some overlap in this report this may change when the report is updated.

5. CONSTITUTION

Paragraph 5.01

Source [1a] cited is 'Europa World'. It can only be accessed by subscribing to the service provided by 'Europa World Plus'. A search on its website under 'About' states that:

[Europe World Plus, About, Undated](#) [Last accessed: 22/12/2011]

Europa World Plus combines the famous, authoritative world-wide coverage of *The Europa World Year Book* with regular online updates. This Web version delivers fast, impartial economic, political and geographic background information and statistical data by country, and includes thousands of directory contact details with click-through web links and a comprehensive listing of some 1,900 international organizations. **The Europa Regional Surveys of the World** have long been relied upon by government agencies, academic and public libraries, businesses and the media. Now online, these acclaimed annuals can be accessed in conjunction with Europa World, providing users with in-depth, expert analysis at regional, sub-regional and country level.

This appears to be a reputable source of information. It is regrettable that the full document is not attached as an Annex to the country report, which would provide equal access to the information and increase transparency. See above for the general recommendation on using subscription only sources.

COIS: Not accepted - this could violate the terms and conditions of our licence therefore we would be unable to add the whole document as an annexe. The COIS report advises readers that hard copies of information quoted from subscription sites can be requested from COIS.

6. POLITICAL SYSTEM

Paragraph 6.03

6.03 The CIA World Factbook, updated on 14 July 2011, stated that —no substantial political opposition groups exist|. [30a] As reported by Asia Times on 22 July 2006, —... in China, the masses always look to a strong central government to protect them from abuse of power at the local level.|| [64h] (p4)

It is considered that the second source cited in this paragraph [64h], an opinion piece in the Asia Times is not an objective source and that the excerpt chosen for this section is misleading and should be deleted. See the context in which the cited sentence was written:

[Asia Times, Wages of neo-liberalism Part 4: Development financing and urbanization, 22/07/2006](#)

US propaganda tries to create a false impression that communism is popularly opposed in China by a majority of freedom-starved people who are congenitally antagonistic toward big government. This propaganda describes a China that exists only in the wishful Western mind. The historical fact is that in China, the masses always look to a strong central government to protect them from abuse of power at the local level.

COIS: Partly accepted. – The point this section is trying to make is that there are no known political opposition groups and the reason why, so this is not considered misleading. The Asia Times source will be reviewed on the next report update and an alternative source will be sought.

CHINESE COMMUNIST PARTY

Paragraph 6.04

6.04 The CCP has 70.8 million members. (US Library of Congress, August 2006) [11a] The Chinese Communist Youth League has 68.5 million members. (Europa) [1a][...]

The membership figures of the Chinese Communist Party (CCP) cited here date from 2005. It is suggested that this figure is updated to accurately reflect the number of current CCP members. The China Daily website cites membership figures from the CCP Organization Department up to June 2011 as follows:

➤ [China Daily, Facts & Figures: Chinese Communist Party, undated \[current webpage, accessed 03/01/2012\]](#)

Year	Total CPC Members	Remarks
2010	80.269 million	(Dec.)
2009	77.995 million	(Dec.)
2007	73.36 million	(Oct.)
2005	70.80 million	(Dec.)
2002	66.355 million	(June)
2001	65.749 million	
2000	64.517 million	
1999	63.221 million	
1998	61.877 million	
1997	60.417 million	

By the end of 2010, the total members of CPC reached 80.269 million, a 2.27 million increase over the last year (excluding those dead during this period). Among them worker members are 7 million and farmer members are 24 million. (source: CPC Organization Dept. June 2011)

By the end of 2009, Chinese Communist Party has 77.995 million members, a 2.065 million increase over the last year. Among these members, females (16.94 million) share 21.7% of total CPC members; Ethnic

minority members (5.13 millions) share 6.6%. 35.7% of CPC members (27.87 million) have college or higher education background. Total number of CPC branches (grass-roots branches are called zhi'bu in Chinese) 3.374 million.

It is also suggested that the membership figures cited in paragraph 6.04 for the Chinese Communist Youth League be dated, and if not current, that more recent figures are included. Given that the Europa source cannot be reviewed, nor an update by users sought, it is suggested that these figures be cited from a source available in the public domain.

COIS: Accepted- Thank you, this more up to date source should have been quoted. This paragraph will be updated in the next report.

7. HUMAN RIGHTS

INTRODUCTION

Paragraph 7.05 addresses the release of China's first action plan on human rights in April 2009. It is suggested that the following 2011 report which documents China's failure to deliver on the commitments in this action plan be consulted:

- [Human Rights Watch, Promises Unfulfilled: An Assessment of China's National Human Rights Action Plan, 11/01/2011](#)

COIS: Accepted – Thank you, an excerpt from, or link to, this document will be included in the next report.

8. SECURITY FORCES

Police

It is suggested that a sub-section be added after paragraph 8.05 on the Chengguan, or city management officials. The grey-uniformed Chengguan deal with local by-law infringements, environmental and health and safety matters such as parking infringements, fly tipping, and moving of illegal street vendors. They have an unpleasant reputation in urban China for violent harassment of citizens over very minor infringements of urban by-laws. See:

- [Global Times, "Chengguan's bad reputation their own fault", 25/05/2011](#)
- [Radio Free Asia, "Police detain land protesters", 20/10/2010](#)
- [GoKunming Blog, "Kunming residents class with chengguan officers", 30/03/2010](#)

COIS: Accepted, Information about the harassment by Chengguan will be included in the next report.

Private security firms

Paragraph 8.06

It was not possible to review the book cited as [50b] in this section by Michael Dutton, *Crime, Punishment and Policing in China* (2005) as a full copy was not available online. Given that the information dates from 2005 it is suggested that an update be sought and that if from a source unavailable in the public domain, that the source be made available on request.

It is suggested that this section should include links to reports on the use of private security personnel in evictions and dealing with land redevelopment protests in both rural and urban China. See:

- [Radio Free Asia, Black Jail Inmates Freed, 08/08/2011](#)
- [Radio Free Asia, "New round of forced evictions", 13/01/2011](#)
- [Guardian, "China's new netizens voice suspicions over death of village chief", 29/12/2010](#)
- [China Daily, "Forced relocation suspects held in Guiyang", 02/12/2009](#)
- [China Daily, "Tragedy reignites debate on forced demolitions", 08/12/2009](#)

It is suggested that the link between private security firms and 'black-jails' is made more explicit in this section and that it is cross-referenced with 'Avenues of Complaint'. For additional information on private security firms running black jails see:

- [Radio Free Asia, Black Jail Inmates Freed, 08/08/2011](#)
- [Human Rights Watch, "An Alleyway in Hell" China's Abusive "Black Jails", 12/11/2009](#) China's Black Jails System

COIS: Accepted - more information will be sought on private security firms for inclusion in the next report.

Organised crime

It is suggested that in order to improve ease of reference that this section be re-named 'Organised Crime and Witness Protection'.

Paragraph 8.07

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

In addition to reporting that the relevant witness protection articles of the Criminal Law and Procedural Law are rarely enforced, the cited Immigration and Refugee Board of Canada also reports that no witness protection programmes exist in China which it is suggested should be included in this section as follows:

[Immigration and Refugee Board of Canada, Structure of the police force; whether witness protection programs exist, or other forms of police or state protection for individuals who fear members of organized crime groups \(2000-2004\), 26/01/2004](#)

A 2002 article entitled "Policing in the People's Republic of China: The Road to Reform in the 1990s," written by an Associate Professor of Criminal Justice who researches police administration and the role of police in society, describes the various divisions and functions of the MPS [...] Regarding whether witness protection programs exist in the PRC, or other forms of police or state protection, for individuals who fear members of organized crime groups, the Associate Professor and author of the aforementioned article on policing in China, stated that no such programs of protection exist in China (22 Jan. 2004).

COIS: Partly accepted – This section will be expanded to include the paragraph on witness protection. The section is predominately about organised crime therefore we consider it could be confusing if we rename it as suggested.

Paragraph 8.09

8.09 According to a report by Asia Times dated 21 October 2005, —Triad-like groups may be strong and have solid connections with some officials and police officers, but their reach does not go beyond their own province, and often their own city.|| [64g] **On 5 May 2006 the Canadian IRB recorded,** —According to a 2005 article in The Economist, the ability of Chinese authorities to control ‘village-level thuggery’ is ‘clearly limited’ (13 Oct. 2005). However, several sources consulted by the Research Directorate report various efforts being made by the Chinese government to tackle organized crime.[3k]

It is considered that in addition to the excerpt from the Immigration and Refugee Board of Canada already cited in this paragraph, that the following excerpt from the same source is also of relevance:

[Immigration and Refugee Board of Canada, Organized crime or black society activity, particularly in Guangdong and Fujian, including links with government officials, repercussions associated with failing to meet demands of criminal gangs, and government efforts at tackling organized crime \(2005-2006\) 05/05/2006](#)

There have been several reports of local administrations in rural China hiring local "gangsters" (The Economist 13 Oct. 2005; Times Union 29 Aug. 2004) or "black societies" to maintain order (Newsweek International 24 Oct. 2005; Asia Times 16 Feb. 2006). Members of organized crime groups have also been used to "exact" taxes from local villagers (The Economist 13 Oct. 2005; see also Times Union 29 Aug. 2004; The Globe and Mail 28 May 2005). According to The Economist, in some instances "gangsters" have been "appointed as village leaders by higher-level officials" (13 Oct. 2005). According to the same source, "[s]ome Chinese scholars call [this phenomenon] the 'gangsterisation' of Chinese villages" (The Economist 13 Oct. 2005).

It is further recommended that more current information is included in this section on the reach of criminal gangs, as the available country information suggests that local triad like groups operate with well-organized international criminal syndicates for example as part of trafficking rings. See:

- [U.S. State Department, Trafficking Report 2011: China, 27/06/2011](#)

It is suggested to cross-reference this section with the ‘Trafficking’ section.

COIS: Accepted – Thank you. The section will be expanded in the next report and cross-referenced with ‘Trafficking’.

Recent academic and media sources on organized crime which could be cited include the following:

- Susan Trevaskes, *Policing serious crime in China* (London: Routledge, 2010): “it is far too late to shut the door on the structural and economic factors that produce market-induced crime. Such crime is here to stay in China.”
- [Economic Observer News, “The war against Chongqing triads”, 24/08/2009](#)
- [Global Times, “Chongqing police chief’s arrest sheds light on gang problems”, 10/08/2009](#)

- Sheldon X Zhang and Ko-lin Chin, “Snakeheads, mules, and protective umbrellas: a review of current research on Chinese organized crime”, *Crime, Law and Social Change* 50 (2008),177-195. DOI: 10.1007/s10611-008-9136-2
- Susan Trevaskes, “Severe and swift justice in China”, *British Journal of Criminology* 47, 1 (2007), 23-41. DOI:10.1093/bjc/azl032
- Ko-lin Chin and Roy Godson, “Organized crime and the political-criminal nexus in China”, *Trends in Organized Crime* 9, 3 (March 2006), 5-44. DOI: 10.1007/s12117-006-1001-z

COIS: Accepted: Thank you; these sources will be consulted when the report is updated although it may be difficult for COIS to access the academic sources suggested.

HUMAN RIGHTS VIOLATIONS BY SECURITY FORCES

Torture

Paragraph 8.15

The URL provided for source [32b], Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak - Mission to China [E/CN.4/2006/6/Add.6], 10 March 2006 is no longer active but can be accessed [here](#).

COIS: Accepted – Thank you, this will be rectified.

In addition to the excerpts cited from this source at paragraphs 8.15-8.18 it is considered that the following section which addresses methods of torture is relevant and should be included:

[Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak - Mission to China \[E/CN.4/2006/6/Add.6\], 10 March 2006](#)

45. The methods of torture alleged include, among others: beatings with sticks and batons; use of electric shock batons; cigarette burns; hooding/blindfolding; guard-instructed or permitted beatings by fellow prisoners; use of handcuffs or ankle fetters for extended periods (including in solitary confinement or secure holding areas); submersion in pits of water or sewage; exposure to conditions of extreme heat or cold; being forced to maintain uncomfortable positions, such as sitting, squatting, lying down, or standing for long periods of time, sometimes with objects held under arms; deprivation of sleep, food or water; prolonged solitary confinement; denial of medical treatment and medication; hard labour; and suspension from overhead fixtures with handcuffs. In several cases, the techniques employed have been given particular terminologies, such as the “tiger bench”, where one is forced to sit motionless on a tiny stool a few centimetres off the ground; “reversing an airplane”, where one is forced to bend over while holding legs straight, feet close together and arms lifted high; or “exhausting an eagle”, where one is forced to stand on a tall stool and subjected to beatings until exhaustion. Several of these forms of torture have been corroborated by studies carried out by Chinese academics.⁵¹ On the basis of the information he received during his mission, the Special Rapporteur confirms that many of these methods of torture have been used in China.

COIS: Not accepted - We consider that this section has sufficient detail about torture and how it is addressed by the authorities. We are unable to add full report texts as the size of COIS reports could become unwieldy; however we have provided a link to the full report for the reader to access additional information.

For additional information on torture practices see:

- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), Pretrial Detention and Prisons: Torture and Abuse in Custody

COIS: Thank you, The above report was published after the COIS report under review; however this source will be consulted when the report is updated.

AVENUES OF COMPLAINT

Given that this section addresses both the lack of redress for abuses committed by state authorities and citizens' rights to challenge the government by petitioning, for increased accuracy and ease of reference it is recommended that this section be divided into two: 'Avenues of Complaint' and 'Petitioning'. As the 'Avenues of Complaint' section follows the section on 'Torture' additional information should be included on impunity for human rights violations committed by security forces. See for example:

- [Freedom House, Countries at the Crossroads 2011, 04/11/2011](#)
- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), CRIMINAL JUSTICE
- [Amnesty International, China must halt execution of Pakistan national, 16/09/2011](#)
- [Human Rights Watch, Tiananmen Resonates in New Crackdown, 01/06/2011](#)
- [Human Rights Watch, Promises Unfulfilled: An Assessment of China's National Human Rights Action Plan, 11/01/2011](#), Torture
- [Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak - Mission to China \[E/CN.4/2006/6/Add.6\], 10 March 2006](#), Lack of investigations

Paragraph 8.23

The URL provided for source [281], the 2010 the US Congressional-Executive Commission on China, is inactive. It can be viewed [here](#). Since the publication of the COIS Report, the US Congressional-Executive Commission on China published its 2011 Annual Report. It is therefore recommended that a future COIS report on China replace the excerpts from the 2010 with information from the 2011 report.

COIS: Accepted – This will be rectified

Paragraphs 8.26-8.28

It is suggested that a new 'Petitioning' section should be created and cross-referenced with the 'Civil Disobedience' section. It is considered that in order to highlight the repercussions that petitioners face and the detention conditions in which petitioners are held in 'black jails' that an additional sub-heading on 'Enforced Disappearances and Black Jails' be included in the COIS report which is cross-referenced with the section on 'Detention Conditions'. It is further suggested that more current information be included in this section on the detention conditions of petitioners as the cited sources date from 2009. See for example:

- [Radio Free Asia, Petitioners Thrown in 'Black Jails', 26/01/2012](#)
- [Human Rights Watch, World Report 2012, 22/01/2012](#)

- [Radio Free Asia, Petitioner Held In Mental Hospital, 28/12/2011](#)
- [BBC, Beijing to crack down on 'black jails', 02/12/2011](#)
- [Human Rights Watch, Enforced Disappearances a Growing Threat, 09/11/2011](#)
- [Freedom House, Countries at the Crossroads 2011, 04/11/2011](#)
- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), “BLACK JAILS”: SECRET DETENTION FACILITIES
- [BBC, China beating: Anger after man mistaken for petitioner, 24/09/2011](#)
- [Amnesty International, Annual Report 2011: China, 13/05/2011](#)

Paragraphs 8.30

8.30 On 19 August 2009 the BBC reported:

—The Chinese government has issued a new regulation to stop petitioners from travelling to the capital, Beijing. Legal officials from Beijing will now visit people with complaints in the provinces in order to hear their cases. Petitions can also be filed online and a response or solution is to be given within 60 days... The move is part of a drive to maintain social harmony and stability ahead of the 60th anniversary of the People’s Republic of China [on 1 October 2009].|| [9ag]

In contrast to the situation reported above, more recent information continues to document that petitioners are travelling to Beijing to file their complaints. It is recommended that this section is updated accordingly. See for example:

- [Radio Free Asia, Health Petitioner Detained, 22/09/2011](#)
- [Radio Free Asia, Farmers Sent to Reeducation Camp, 15/08/2011](#)

COIS: Accepted – Thank you. The COIS report template follows a standard format applied to all COIS reports however the presentation of this section will be reviewed when the report is updated and additional paragraphs/ subheadings will be added as suggested . Thirteen of the sources quoted above were published after the COIS report under review; however all suggested sources will be considered for inclusion in the next report update.

9. MILITARY SERVICE

Paragraph 9.01

Source [1a] cited is ‘Europa World’. As explained above, this source is subscription only and therefore its contents cannot be reviewed.

COIS: Not Accepted – Please see comments as above re subscription sites terms and conditions. Readers are advised that hard copies of information quoted from subscription sites can be made available if requested.

Paragraph 9.03

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

Having consulted the original source, it is suggested that this paragraph is not fully relevant to military service given that the Xinjiang Production Corps is described as a 'quasi-military corps' which only residents in the Bingtuan are required to participate in.

COIS: Not accepted – We consider that the information is relevant to military service given that it is a compulsory requirement to complete this military training each year. The section does explain that it only applies to Bingtuan residents.

DESERTION

For more recent information on the treatment of deserters see:

➤ [Guardian, Chinese police kill three awol soldiers, say report, 10/11/2011](#)

COIS: Thank you, this report was published after the COIS report under review; however this source will be considered when the report is updated.

10. JUDICIARY

Paragraph 10.01

Source [1a] cited is 'Europa World'. As explained above, this source is subscription only and therefore its contents cannot be reviewed.

COIS: Not Accepted.-Please see previous comment above. Readers are advised that hard copies of information quoted from subscription sites can be made available if requested.

FAIR TRIAL

10.04 and 10.07

In addition to updating the excerpts from 2010 U.S. Congressional-Executive Commission on China report with the 2011 report, the following additional information, not included in the 2010 report is considered particularly relevant:

[Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#)

Chinese criminal defendants face two primary obstacles—referred to on occasion as the “two lows” (liang di)—in securing criminal defense counsel: The low rate of active representation by lawyers in criminal cases and the low quality of criminal defense.²² Most Chinese defendants confront the criminal process without the

assistance of an attorney.²³ According to a February 2011 Beijing Review article, a professor at China University of Political Science and Law noted that 80 to 90 percent of criminal defendants in China are unable to hire a lawyer.²⁴ In addition, the higher proportion of risks associated with criminal defense work—as compared with those of civil and commercial work—continues to impact the quality of criminal representation.²⁵ In recent years, lawyers have been illegally detained, criminally punished, beaten, summoned, and disbarred for performing their legal responsibilities.²⁶ Chinese lawyers also remain vulnerable to prosecution under Article 306 of the PRC Criminal Law (commonly referred to as the “lawyer-perjury” statute), a legal provision on evidence fabrication that specifically targets criminal defense attorneys.²⁷ While harassment of lawyers takes many forms in China, from prosecution for corruption to threats and physical violence, a disproportionately high number of such cases involve charges of evidence fabrication. ²⁸ Many evidence fabrication cases are brought under

Article 306, which makes it a crime for defense attorneys or other defense agents to “destroy or forge evidence, help any parties destroy or forge evidence, or coerce or entice witnesses into changing their testimony in defiance of the facts or giving false testimony.” 29 [...]

In addition to the widely discussed “three difficulties,” prominent Beijing criminal defense lawyer Xu Lantang raised “ten difficulties”—including the difficulty of getting witnesses to appear in court, the difficulty of getting a hearing for trial on appeal, and the difficulty of participating in the death penalty review process.⁴⁰

COIS: Thank you. This report was published after the COIS report under review; however it will be considered for inclusion in the next report.

RESTRICTIONS ON LAWYERS

It is suggested this section is cross referenced with section ‘Human Rights Institutions, Organisations and Activists’ and that additional information is included on the treatment of lawyers following the so called ‘Jasmine crackdown’ where the government rounded up activists out of fear for potential demonstrations inspired by the Middle East and North Africa 2011. On this issue see:

- [Human Rights Watch, World Report 2012, 22/01/2012](#)
- [BBC, China sends rights lawyer Gao Zhisheng back to prison, 16/12/2011](#)
- [Freedom House, Countries at the Crossroads, 04/11/2011](#), RULE OF LAW
- [World Organisation Against Torture, Annual report on the situation of human rights defenders and on obstacles to freedom of association in 2010, October 2011](#), Crackdown on human rights lawyers
- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), Human Rights Lawyers and Defenders
- Mike McConville, *Criminal Justice in China* (Cheltenham: Edward Elgar, 2011)

COIS: Accepted. Thank you. All these reports were published after the COIS report under review; however they will be considered when the report is updated. The relevant sections will be cross referenced.

CRIMINAL PROCEDURE LAW (1997)

Given that the information contained in this section is both outdated: from the 2004 U.S. State Department Report on Human Rights Practices, and is a repeat of information cited in paragraph 10.06 of the COIS Report, it is suggested that this section is deleted.

COIS: Partly accepted - we consider this is still useful here, however, we will review the source in the next report and replace it with more up to date information if available. .

DOUBLE JEOPARDY

It is considered that in addition to Articles 8 to 12 of the Criminal Law, Article 7 is relevant to a double jeopardy and should also be cited in this section:

[Criminal Law of the People's Republic of China, 01/10/1997](#)

Article 7.

COIS: Accepted – Thank you, this paragraph will be inserted in the next report update.

This law is applicable to PRC citizens who commit the crimes specified in this law outside the territory of the PRC; but those who commit the crimes, provided that this law stipulates a minimum sentence of less than a three-year fixed-term imprisonment for such crimes, may not be dealt with.

This law is applicable to PRC state personnel and military personnel who commit the crimes specified in this law outside PRC territory.

Paragraph 10.16

Source [31g] cited in this paragraph is a letter from the FCO. Given that this is not available in the public domain, it is not possible to review the accuracy of the excerpt cited. It is understood that it may not be possible to reproduce the letter in full, but it is suggested that as the letter dates from 2005 that the FCO be contacted for an update on this issue.

COIS: Partly accepted – At the IAGCI meeting in October 2011,(after the report under review was published) it was agreed that FCO letters would be attached to COIS reports as annexes. This has now been implemented and the FCO letter will appear as an annexe in the next report update. Readers are advised that a hard copy of the letter is available from COIS upon request. It is unlikely that the situation with regard to the law has changed since this letter was written, however we will review all information in the new report to ensure that it is still relevant.

11. ARREST AND DETENTION – LEGAL RIGHTS

It is suggested that the next edition of the COIS Report on China reports on the progress made with regard to the proposed revisions to the Criminal Procedure Law which would empower the security apparatus to detain criminal suspects secretly for up to six months in undisclosed locations.

See for example:

- [OHCHR, Briefing notes on China and Russian Federation, 20/12/2011](#)
- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), Draft Amendment to the PRC Criminal Procedure Law
- [Human Rights Watch, Don't Legalize Secret Detention, 01/09/2011](#)

COIS: Accepted. Thank you. These reports will be considered for inclusion when the report is updated.

WANTED POSTERS

Paragraph 11.10

Source [14c] cited in this paragraph is a letter from the Serious Organised Crime Agency, referenced as from the FCO. Given that this is not available in the public domain, it is not possible to review the accuracy of the excerpt cited. As above, it is understood that it may not be possible to reproduce the letter in full, but it is suggested that as the letter dates from 2006 that the FCO be contacted for an update on this issue.

COIS: Partly accepted, – Readers are advised that a hard copy of this letter is available from COIS upon request and it will be added as an annexe in the new report. We will review all FCO information in the new report to ensure that it is still relevant.

PUNISHMENT OF MINOR OFFENCES

Given that only one source is included in this section which dates from 2005, it is suggested that this section is deleted and in order to retain emphasis on the punishment of minor offences, that the 'Re-Education through Labour' section is re-named 'Punishment of Minor Offences and Re-Education through Labour'.

COIS: Accepted, – Thank you this will be amended in the next report.

12. PRISON CONDITIONS

It is suggested that this section is cross-referenced with the 'Torture' and 'Avenues for Complaint and Petitioning' sections. Additional sources have been suggested for inclusion in these subsections.

COIS: Accepted, – The section will be cross referenced in the next report.

Paragraph 12.01

No direct URL was found for source [35b], cited as *Laogai Research Foundation, Prison Reforms in China Off Target, 10 January 2008*. This source was not reviewed as it could not be found online.

COIS: Thank you. This will be rectified.

PSYCHIATRIC CUSTODY (ANKANG SYSTEM)

It is suggested that this section is cross-referenced with the sections on 'Petitioning' and 'Civil Disturbances'.

COIS: Accepted.

ADMINISTRATIVE DETENTION/LABOUR CAMPS

Re-education Through Labour (RTL)

As above, it is suggested that this section is re-named 'Punishment of Minor Offences and Re-Education Through Labour'.

COIS: Accepted - this section will be renamed..

Paragraph 12.13

As above, information from the 2010 US Congressional-Executive Commission on China should be replaced with excerpts from the 2011 report.

COIS: Thank you. This report was published after the COIS report under review; however the source will be consulted when the report is updated.

Paragraph 12.14

This paragraph begins 'On 5 February 2009 AsiaNews reported ...' whereas the information should in fact be attributed to the 'Association of Chinese Human Rights Defenders' as can be seen from the original source:

[Asia News, Human rights in China: UN should push for abolition of labor camps, arbitrary detentions, 02/05/2009](#)

The association Chinese Human Rights Defenders is asking the UN Human Rights Council to force China not to carry out arbitrary detentions, which see millions of Chinese workers subjected to forced labor, without any charges or trial. The request has been made on the occasion of the human rights review that China will have to undergo February 9 and 11 in Geneva, at the offices of the UN body. For the occasion, the CHRD has also published an extensive report with data, numbers, and testimonies on the situation.

The 64-page document demonstrates that every year, hundreds of thousands of Chinese are confined to forced labor camps, without any charges, trial, or appeal, making China the world leader in arbitrary detentions. The "reeducation through work (laodong jiaoyang)" system allows the police to sentence a person to up to 4 years of detention for "minor crimes." These include drug use and prostitution, but also presenting petitions, defending human rights, being a member of an illegal religious community, like the underground Christian communities, Muslim communities, the Falun Gong. [...]

COIS: Accepted- Thank you, mention will be made of CHRD.

Paragraph 12.20

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

The title of the first source [50f] is incomplete. A search online suggests that it is either "Wild Grass: China's Revolution From Below" or "Wild Grass: Three Stories of Change in Modern China". A copy of the book could not be located online and therefore no cross-check of the excerpt could be undertaken.

COIS: Accepted, -Thank you. The year of publication indicates which book is referred to, however, the full title should have been used. This will be amended in the next report if this source is still used.

13. DEATH PENALTY

Paragraphs 13.03 and 13.04

It was not possible to review source [77a] as it is in a subscription only journal and not available in the public domain. See the above general note on subscription only sources.

COIS: Partly accepted, See previous comment re subscription sources. Readers are advised that hard copies can be made available by COIS if requested.

NUMBER OF EXECUTIONS

Paragraph 13.06

This paragraph provides an estimate of the number of executions which took place in 2008. For more recent estimates see:

- [Human Rights Watch, World Report 2012, 22/01/2012](#)

COIS: Thank you. This report was published after the COIS report under review; however this source will be consulted when the report is updated.

JUDICIAL OVERSIGHT

It is suggested that in addition to this section being cross-referenced with the 'Fair Trial' section, that information is included to specifically document that all trials, including those resulting in death sentences, fall short of international standards for fair trial. See:

- [Amnesty International, Anti Death Penalty Asia Network, WHEN JUSTICE FAILS: Thousands executed in Asia after unfair trials, 06/12/2011](#)
- [Human Rights Watch, Promises Unfulfilled: An Assessment of China's National Human Rights Action Plan, 11/01/2011](#), see Death Penalty and The Right to Fair Trial
- Mike McConville, *Criminal Justice in China* (Cheltenham: Edward Elgar, 2011).

COIS: Thank you. Information on International standards for fair trial will be added.

14. POLITICAL AFFILIATION

It is suggested that this section be renamed 'Political Affiliation and Dissent' in order that the treatment of government dissenters and critics is emphasised. It is also suggested that the current section 16 'Human Rights Institutions, Organisations and Activists' be moved up and incorporated into this section.

COIS: Partly accepted. The report is written to an agreed template in common with other country reports however we will review the presentation of the chapters when the report is updated. Cross referencing can be added if appropriate.

Civil disturbance

Most of the sources included in this section date from 2007-2009. It is therefore suggested that these sources are updated. On the treatment of protestors, see for example:

- [Human Rights Watch, World Report 2012, 22/01/2012](#)
- [Amnesty International, China must end land grabs amid protests over death in custody, 14/12/2011](#)
- [Radio Free Asia, Land Protester Dies Amid Clashes, 12/12/2011](#)
- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), Abuse of Criminal Law To Punish Free Expression

COIS: Thank you. More up to date sources will be added. These reports were published after the COIS report under review; however we will consult these sources when the report is updated.

This section should be cross-referenced with the new section on 'Petitioners' as is recommended for inclusion above (or at least with the current section on 'Avenues of Complaint'). It is also suggested that as this section does not address Tibetan protests that it be cross-referenced with the 'Tibet' section.

COIS: Accepted - We will cross-reference with Avenues of Complaint and Tibet.

Paragraph 14.15

The URL provided for the Human Rights Watch report [71] cited in this section is inactive. It can be accessed [here](#).

COIS: Thank you. This will be rectified.

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

This limited general section does not address the treatment of non-China Democracy Party political activists. On this issue, see:

- [Radio Free Asia, Police Question Election Candidates, 07/12/2011](#)
- [Radio Free Asia, Independent Candidate 'Eliminated', 01/11/2011](#)
- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), Official Actions Against Democracy Advocates

COIS: Accepted. Thank you. The above information about the treatment of non-China Democracy Party will be added and these recent reports will be consulted when the report is updated.

15. FREEDOM OF SPEECH AND MEDIA

INTERNET

It is suggested that this section includes information on the detention of bloggers and Internet writers for their expression of political views. See for example:

- [Radio Free Asia, Further Controls on Microblogs, 19/01/2012](#)
- [Amnesty International, Amnesty International condemns harsh sentence for activist Chen Wei, 23/12/2011](#)
- [BBC, Chinese firms to increase censorship of online content, 07/11/2011](#)
- [Reporters Sans Frontiers, Respect for free speech continues to deteriorate in China, 27/10/2011](#)
- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), Internet and Other Electronic Media, BLOCKING AND FILTERING POLITICAL CONTENT
- [U.S. State Department, Country Reports on Human Rights Practices, 08/04/2011](#), Internet Freedom

COIS: Accepted. Thank you. We will include information about bloggers and Internet writers detained for the expression of their political views when the report is updated.

16. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

It is considered that this section is too brief and does not fully capture the authorities' 2011 crackdown on dissent. In order to ensure that the significance of this section is not lost, it is suggested that this section be renamed 'Human Rights Institutions, Activists and Dissent' and that it be moved up to follow the section on 'Civil Disturbances'. Information documenting the so called 'Jasmine crackdown' should be included. See:

- [Human Rights Watch, World Report 2012, 22/01/2012](#)
- [Radio Free Asia, Dissident Charged Over 'Subversive' Poem, 18/01/2012](#)
- [Reporters Without Borders, Arrests, trials and sentences offer no respite for Chinese dissidents, 04/01/2012](#)
- [Amnesty International, Christmas Crackdown Against Activists Continues, 28/12/2011](#)
- [Radio Free Asia, Jasmine Activist 'Tortured', 16/11/2011](#)
- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), Official Response to Overseas Protests and Calls for Domestic "Jasmine" Protests
- [Guardian, Chinese activists seized in human rights crackdown accuse authorities of torture, 03/09/2011](#)
- [World Organisation Against Torture, Annual report on the situation of human rights defenders and on obstacles to freedom of association in 2010, October 2011](#),
- [OHCHR, UN Expert Body Concerned About Recent Wave Of Enforced Disappearances In China, 08/04/2011](#)

COIS: Partly accepted - The COIS report is written to an agreed template in common with other country reports however we will review the presentation of the section on the next update and cross reference the sections where appropriate. We will expand the section to include information on the 'Jasmine Crackdown' as suggested.

17. CORRUPTION

It is suggested that in order to highlight the role of corruption in human rights abuses that this section is cross-referenced with the sections on 'Fair Trial' and 'Civil Disturbances'.

Paragraph 17.01

Since the publication of the current COIS Report, the source cited in this section, Transparency International, has issued its new [2011 Corruptions Perception Index](#).

Paragraph 17.02

Source [4a] cited in this paragraph is the Economist Intelligence Unit. Given that this is not available in the public domain, it is not possible to review the accuracy of the excerpt cited. It is understood that it may not be possible to reproduce the original source in full, but it is suggested that since the 2009 County Profile is cited, that an update is sought.

COIS: Partly accepted – Thank you. The Index quoted above was published after the publication of the report under review, however it will be considered for the next report. Hard copies of the Economist Intelligence Unit can be obtained from COIS on request and an update to the country profile will be sought for the next report if relevant. Cross-referencing will be added.

18. FREEDOM OF RELIGION

Throughout the whole of this section the currently included U.S. Department of State annual report on International Religious Freedom published in November 2010 should be replaced with the most recent September 2011 U.S. Department of State report on International Religious Freedom, which covers the second half of 2011 and can be viewed [here](#).

COIS: Thank you. This report was published after the COIS report under review; however this source will be consulted when the report is updated.

Paragraph 18.04

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

The title of the first source [50f] is incomplete. A search online suggests that it is either “Wild Grass: “Wild Grass: China’s Revolution From Below” or “Wild Grass: Three Stories of Change in Modern China”. A copy of the book could not be located online and therefore no cross-check of the excerpt could be undertaken. Both highlighted sources’ year of publication is a few years before the usual two year cut-off date for inclusion in COIS reports. Given that the inclusion of these particular sources do not add anything of substance to the understanding of freedom of religion in China, it is recommended that they be removed.

COIS: Accepted - The year of publication indicates which book is referred to, however we will remove this particular source as suggested..

The most recent U.S. Department of State report on International Religious Freedom should be included in this general section on freedom of religion since it provides more recent statistics regarding the religious demography of China:

- [U.S. Department of State, July – December: 2010 International Religious Freedom Report: China \(Includes Tibet, Hong Kong, Macau\), 13/09/2011](#), Section I. Religious Demography

It is further recommended that the following sources be included to provide a better overview of freedom of religion in China from a wider range of sources:

- [Human Rights Watch, World Report 2012: China, 22/01/2012](#), Freedom of Religion
- [Freedom House, Countries at the Crossroads 2011: China, 04/11/2011](#), Civil Liberties
- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Freedom of Religion, Findings

- [Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2011: Asia and Oceania, 06/07/2011](#), East Asia, China
- [U.S. Commission on International Religious Freedom \(USCIRF\), Annual Report 2011, May 2011](#), Findings

COIS: Thank you. Most of these reports were published after the COIS report under review; however these sources will be considered when the report is updated.

REGISTRATION

Paragraph 18.05

Source [70a], the 2011 the United States Commission on International Religious Freedom (USCIRF) report also includes the following information on the Chinese State Administration of Religious Affairs (SARA) goals for 2011, which is recommended for inclusion:

[U.S. Commission on International Religious Freedom \(USCIRF\), Annual Report 2011, May 2011](#), People's Republic of China, Religious Freedom Conditions, Restrictive Legal Framework and Government Interference

SARA issued a January 2011 document outlining its goals for the upcoming year. The document outlines measures to maintain extensive government supervision and control over religious communities, specifically calling on authorities to "guide" unregistered Protestants to worship in state-sanctioned churches, continue policies to deny Catholics in China the freedom to accept the authority of the Holy See to make bishop appointments, and expand rules that impose political requirements on any Muslims who wishes to make overseas pilgrimages. If implemented as written, the SARA document would continue to restrict freedom of religion for Chinese citizens and further submit religious communities to the intrusive supervision and control of the Party and government.

It is recommended that the footnote of the source should specify the section of the report from where the excerpt has been taken and therefore should state "[70a] (Religious Freedom Conditions, Restrictive Legal Framework and Government Interference)". This applies to all excerpts from this source.

COIS: Accepted – Thank you. The report will be considered for inclusion in the next report. The source referencing will be made more specific.

It is recommended that the following source be included to provide an additional overview on the registration process and its related restrictions on freedom of religion:

- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Freedom of Religion, Introduction

COIS: Thank you. This report was published after the COIS report under review; however this source will be consulted when the report is updated.

Paragraph 18.07

18.07 The US State Department's 2010 Country Report on Human Rights Practices (USSD Report 2010), published on 8 April 2011, noted [that family members of unregistered religious individuals were targeted for arbitrary arrest, detention and harassment.](#) [2e] (Section 1f)

The information contained in this particular paragraph can be easily overlooked despite its importance. It is therefore recommended that a new sub-heading be introduced named “Family members of religious members”. Additional sources which document the treatment of family members of religious members include:

- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Freedom of Religion, Falun Gong, Harassment, Detention and ‘Transformation’
- [U.S. Department of State, July – December: 2010 International Religious Freedom Report: China \(Includes Tibet, Hong Kong, Macau\), 13/09/2011](#), Section II. Status of Religious Freedom, Abuses of Religious Freedom
- [Radio Free Europe/Radio Liberty, Four Dead In Police Station Clash In China's Xinjiang, 18/07/2011](#)
- [U.S. Commission on International Religious Freedom \(USCIRF\), Annual Report 2011, May 2011](#), People’s Republic of China, Religious Freedom Conditions, Uighur Muslim
- [U.S. Department of State, 2010 Country Reports on Human Rights Practices, 08/04/2011](#), Section 1, f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

COIS: Accepted. Thank you. We consider that the information with regard to family members is clear and concise however we will review the presentation of this section when the report is updated and also consult the suggested sources.

BUDDHISTS

It is recommended that the following source be consulted since it contains current information on the treatment of Buddhists in non-Tibetan areas, including controls over Buddhist doctrine and practice and Buddhist sites of worship and religious personnel:

- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Freedom of Religion, Buddhist (Non-Tibetan)

COIS: Thank you. This report was published after the COIS report under review; however this source will be consulted when the report is updated.

TAOISTS

It is recommended that the following sources be consulted since they contain current information on the treatment of Taoists, including restrictions on their doctrine, personnel, activities and sites of worship:

- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Freedom of Religion, Taoism

COIS: Thank you. The report was published after the COIS report under review; however it will be consulted when the report is updated and if still relevant we will include it. .

- [Radio Free Asia, Fears For Taoist Author, 08/02/2011](#)

COIS: Thank you. This will be a useful addition to this section and it will be added in the next report.

19. CHRISTIANS

Paragraph 19.01

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

It would improve accuracy if the highlighted sentence instead stated that “An article by The Economist, dated 2 October 2008, cited a former Communist Party official and convert to Christianity as stating that he thinks there are up to 130m Christians in China”.

COIS: Accepted – Thank you, this will be added in the next update if still relevant.

The most recent U.S. Department of State report on International Religious Freedom should be included in this general section on freedom of religion since it provides more recent statistics regarding the religious demography of China:

- [U.S. Department of State, July – December: 2010 International Religious Freedom Report: China \(Includes Tibet, Hong Kong, Macau\), 13/09/2011](#), Section I. Religious Demography

COIS: Thank you. This report was published after the COIS report under review; however it will be consulted when the report is updated.

AVAILABILITY OF BIBLES

Paragraph 19.05

19.05 A report by Christian Solidarity Worldwide, dated 1 June 2008, stated:
—China allows only one publisher, The Amity Foundation in Nanjing, to print Bibles and a limited selection of Christian materials, but production is insufficient to meet the needs of the burgeoning Christian population. The Bibles are only distributed through the official TSPM churches making it difficult for house church Christians to obtain Christian materials. It is illegal to sell Bibles at public bookstores and other public facilities. Pastors who have printed Bibles and Christian literature to fill unmet needs have been arrested and imprisoned for operating illegal business practices. [74b]

The hyperlink provided for this particular source only refers to a very short summary of the actual report. No direct link to the report could be found and therefore the excerpt could not be cross-checked.

COIS: Accepted – Thank you, this will be rectified.

This section does not include any information on the situation and treatment of those persons that print, distribute and read Bibles. The following sources which document this treatment are therefore recommended for inclusion:

- [U.S. Department of State, July – December: 2010 International Religious Freedom Report: China \(Includes Tibet, Hong Kong, Macau\), 13/09/2011](#), Section II. Status of Religious Freedom, Legal/Policy Framework and Abuses of Religious Freedom
- [Radio Free Asia, Fate of Church Members Unknown, 11/01/2010](#)

COIS: Accepted. Thank you. These reports will be consulted for inclusion when the report is updated.

PROSELYTISING

Paragraph 19.07

19.07 The USSD International Religious Freedom Report 2010 noted, —The government permits proselytizing in registered places of worship and in private settings. Proselytizing in public, unregistered places of worship, or by foreigners is not permitted.[2a] (Introduction to China) **On 28 February 2003 the Canadian IRB noted**, —It is normal for Patriotic churches to display crosses, crucifixes and portraits of Jesus... It is similarly legal for Chinese citizens to possess these and display them in their homes. [3t]

The highlighted source also includes the following information, which is recommended for inclusion since it describes the different practices of displaying crosses, crucifixes etc. in registered and unregistered churches:

[Immigration and Refugee Board of Canada, China: Whether patriotic churches in China display Christian crosses, crucifixes and portraits of Jesus Christ; whether it is illegal for individuals in any or all regions of China to possess Christian crosses, crucifixes or portraits of Jesus Christ , 28/02/2003](#)

According to a political science professor and former political counsellor with the Canadian Embassy in Beijing,

[...] It would be illegal for local authorities [to] promulgate regulations denying these rights or to remove any such religious artefacts, except in the case where the place of worship is not registered with the [Government].

COIS: Accepted, Thank you. This paragraph will be expanded in the next report.

CATHOLICS

Paragraph 19.10

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

The hyperlink provided in ‘Annex K References to Source Material’ for this particular source is not a direct link to the article mentioned, but can be found [here](#).

COIS: Accepted – Thank you .This source will be amended.

Paragraph 19.10

The cited source [70a] also includes the following information, which is recommended for inclusion since it reports on the continued imprisonment, detention or disappearance of Catholic bishops and priests:

[U.S. Commission on International Religious Freedom \(USCIRF\), Annual Report 2011, May 2011](#), People's Republic of China, Religious Freedom Conditions, Catholics

According to the Congressional Executive Committee on China (CECC), at least 40 Roman Catholic bishops remain imprisoned, detained, or disappeared, including the elderly Bishop Su Zhimin, whose current whereabouts are unknown and who has been under strict surveillance since the 1970s. In addition, the whereabouts of Bishop Shi Enxiang, who was detained in April 2001 and Auxiliary Bishop Yao Ling, remain unknown. In July 2010, unregistered Catholic bishop Jia Zhiguo was released; he had been detained since March 2009 to prevent him from meeting with another bishop who had reconciled with the Vatican. The whereabouts of two unregistered priests, Ma Shengbao and Paul Ma, also detained in March 2009, remain unknown. In addition, Father Li Huisheng remains in custody serving a seven-year term for —inciting the masses against the government- and Fr. Wang Zhong is serving a three-year sentence for organizing a ceremony to consecrate a new registered church. In March 2010, underground priests Luo Wen and Liu Maochun were detained after they organized youth camps for university students. Authorities released Luo within two weeks, but there is no evidence that Liu was released.

COIS: Not accepted- We consider that the paragraphs included have sufficient detail and a link to the full report is included if the reader requires additional information.

Paragraph 19.15

19.15 [As reported by the Canadian IRB on 8 June 2004](#), —During a 4 June 2004 telephone interview with the Research Directorate, a representative of the Cardinal Kung Foundation stated that there are no standardized baptismal certificates within underground Catholic churches in China nor are baptismal certificates issued as a matter of course. Instead, if a baptismal certificate were requested at the time of baptism, the priest might issue an informal document that would most likely be written in Chinese. [30]

The source is from 2004 and the excerpt provided here does not add to the understanding of the situation and treatment of Catholics in China. For these reasons it is recommended that this paragraph be removed.

COIS: Not accepted – We consider that information about documentation is useful.

The section is relatively weak regarding the on-going harassment and detention of Catholics, including worshippers, priests and bishops. It is therefore recommended that the following more recent sources are included:

- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Freedom of Religion, Catholicism, Harassment and Detention
- [Amnesty International, 2011 The State of the World's Human Rights: China, 13/05/2011](#), Freedom of Religion
- [Immigration and Refugee Board of Canada, China: Situation of Catholics and treatment by authorities, particularly in Fujian and Guangdong \(2005 - 2010\), 06/07/2010](#)

COIS: Accepted. Thank you. We will add the more recent sources regarding the treatment of Catholics in the next report.

RELATIONS WITH THE VATICAN

Only one source is included documenting the relations with the Vatican in 2011. It is therefore recommended that the following more recent sources are consulted:

- [BBC News, China ordains bishop despite Vatican objection, 20/11/2011](#)
- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Freedom of Religion, Findings and Catholicism
- [Radio Free Asia, China 'Crosses Line' With Bishop, 15/07/2011](#)
- [U.S. Commission on International Religious Freedom \(USCIRF\), Annual Report 2011, May 2011](#), People's Republic of China, Religious Freedom Conditions, Catholics

COIS: Accepted. Thank you. We will consult these sources when the report is updated and if still relevant/ current they will be included.

PROTESTANTS (INCLUDING 'HOUSE CHURCHES')

Paragraph 19.25

The source [2a] cited here also includes the following information on discriminatory practices against Protestants in the employment sector, which is recommended for inclusion:

[U.S. Department of State, International Religious Freedom Report 2010: China, 17/11/2010](#)

Section II. Status of Religious Freedom, Legal/Policy Framework

The law does not prohibit religious believers from holding public office. However, the CCP has stated that its members who belong to religious organizations are subject to expulsion. The PRC Labor Law states that job applicants shall not face discrimination in job hiring based on factors including religious belief. However, religious believers reported that employers openly discriminated against them. There were widespread reports that employers, both local and foreign, were discouraged from hiring Falun Gong practitioners. There were also several reports from Protestant Christians that they were terminated by their employers due to their religious activities.

COIS: Accepted – Thank you. We will include this paragraph – probably in the introductory section as it refers generally to religion.

Paragraph 19.26

19.26 A report by [Christian Solidarity Worldwide](#), dated 1 June 2008, stated:

—In April 2008 CAA [China Aid Association] reported that Chinese government officials had launched a strategic campaign, called the ‘Anti-illegal Christian Activities Campaign’, against house church members in Xinjiang. While both Han and Uyghur Christians have been targeted, the plight of the minority Uyghur Christian population is especially harsh as they face persecution on the grounds of both their unusual religious faith and the broader ethnic persecution of the Uyghur people in Xinjiang. Even the limited religious freedoms protected elsewhere in China are further restricted in Xinjiang and there have been repeated arrests and mistreatment of Christians in Xinjiang over an extended period. Of particular concern is the use of national security and separatism charges against religious believers [\[74b\]](#)

The hyperlink provided in for this particular source only refers to a very short summary of the actual report. No direct and active link to the report could be found and therefore the excerpt could not be cross-checked.

Some of the sources included in this section are outdated. It is therefore recommended to include more recent sources, especially news articles, on the on-going treatment Protestants and members of 'house churches' face and the risks they are exposed to. Below is a non-exhaustive list of sources published in 2011 and early 2012 alone:

- [Human Rights Watch, World Report 2012: China, 22/01/2012](#), Freedom of Religion
- [Radio Free Asia, China: Tear gas scatters Christmas worship, 26/12/2011](#)
- [Freedom House, Countries at the Crossroads 2011: China, 04/11/2011](#), Civil Liberties
- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Freedom of Religion, Findings, "Soft Detention" and Control, and Protestantism
- [Radio Free Asia, Pastor Freed, Others Still Held, 15/09/2011](#)
- [Christian Solidarity Worldwide, Deputy Chairman of Chinese House Church Alliance sentenced to labour camp, 02/08/2011](#)
- [Radio Free Asia, Pastor Sent to Labor Camp, 26/07/2011](#)
- [Christian Solidarity Worldwide, Deputy Leader of Chinese House Church Alliance criminally detained, 07/07/2011](#)
- [BBC News, China detains Protestant Shouwang devotees, 24/04/2011](#)
- [Christian Solidarity Worldwide, Beijing house church members arrested again, 20/04/2011](#)
- [Radio Free Asia, Clampdown Spreads to Churches, 12/04/2011](#)
- [Christian Solidarity Worldwide, Christian's fifteen-year prison sentence upheld at appeal, 07/03/2011](#)

COIS: Accepted, Thank you. We will consult the suggested sources (although many were published after the date of publication of this report) and if they are still current/relevant when the report is updated we will include them. If the source [74b] is retained the link will be corrected.

ORTHODOX CHURCH

The following source is recommended for inclusion since this section contains mainly outdated sources:

- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Freedom of Religion, Other Religious Communities

COIS: Accepted – Thank you. We agree that some of the sources in these sections are old and more up to date sources will be added in the next update.

20. MUSLIMS

It is recommended that the following sources are included since they contain information on the Chinese authorities' efforts to contain Muslims enjoyment of freedom of religion:

- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Freedom of Religion, Findings and Islam
- [U.S. Commission on International Religious Freedom \(USCIRF\), Annual Report 2011, May 2011](#), People's Republic of China, Religious Freedom Conditions, Uighur Muslim

COIS: Accepted. Thank you. One of these reports was published after the report under review; however information from the other source should have been consulted. We will include these, if still relevant/ current when the report is updated.

UIGHUR(S) (UYGUR, UYGHUR)

Source [1a] is cited as 'Europa World'. As explained above, this source is subscription only and therefore its contents cannot be reviewed.

COIS: Not accepted – Please see comments above re; subscription sites. Readers are advised that hard copies of information quoted from subscription sites can be requested from COIS.

Paragraph 20.04

20.04 On 17 November 2005 the BBC reported that Han settlers have —... overwhelmed the indigenous Uighurs, Kazakhs and Mongolians. [9t]

The year of publication of the highlighted source is 2005 and the excerpt does not contain any information which is not already contained in more recent sources in the COIS report. It is therefore recommended that this paragraph be removed.

COIS: Partly accepted – we consider that it is useful for users to have several sources, however all content will be reviewed when the report is updated and outdated information will be removed where appropriate.

HUMAN RIGHTS IN XINJIANG (EAST TURKESTAN)

To improve understanding and the use of the information contained in this section, it is recommended that the title of this sub-section be deleted and the information incorporated in the previous sub-section 'Uighur(s) (Uygur, Uyghur)'.

COIS: Not accepted - This is already a subsection of the Uighur section, and we consider that it sits acceptably here.

It is recommended that this section is cross-referenced to the sub-sections 'Uighur 'terrorist' groups' and 'Religious freedom in Xinjiang (East Turkestan)' of the COIS report.

COIS: Not accepted - All of these are subsections of the Uighur section which follow on from each other.

The following additional sources should be considered for inclusion since they report on recent human rights violations and violence against Uighurs and those living in Xinjiang, which are not covered in the COIS report:

- [Radio Free Asia, Two more Uyghurs get life sentences, 27/01/2012](#)

- [Human Rights Watch, World Report 2012: China, 22/01/2012, Xinjiang](#)
- [Amnesty International, "China must reveal whereabouts of Uighur children detained after deadly clash", 06/01/2012](#)
- [Radio Free Asia, China: Women killed, children captured in standoff, 30/12/2011](#)
- [Radio Free Asia, China: Armed clashes in Xinjiang, 29/12/2011](#)
- [Radio Free Asia, China: Dozens 'disappeared' after assault, 16/12/2011](#)
- [Radio Free Asia, China: Uyghur youth dies in jail, 06/12/2011](#)
- [UN General Assembly, Written statement submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status, 12/09/2011](#)
- [Radio Free Asia, Uyghur Flag Protesters Detained, 06/09/2011](#)

COIS: Thank you. These reports were published after the COIS report under review, however they will be consulted when the report is updated.

JULY 2009 VIOLENCE

Paragraph 20.11

The cited source [2e] also includes the following information, which is recommended for inclusion:

[U.S. Department of State, 2010 Country Reports on Human Rights Practices, 08/04/2011](#), Section 1, a. Arbitrary or Unlawful Deprivation of Life and b. Disappearance
China Daily reported that, according to the president of the XUAR Supreme People's Court, courts in the XUAR had tried 376 individuals in 2010 for "crimes against national security" and their involvement in the July 2009 violence.
 [...] In an October 2009 report, the NGO Human Rights Watch documented the disappearances of hundreds of Uighur men and boys following the July 2009 protests in Urumqi.

Paragraph 20.13

20.13 In a report dated 2 July 2010, [Amnesty International](#) stated, —Eyewitness testimonies obtained by Amnesty International suggest that the police and security forces committed human rights violations during and in the aftermath of the July 2009 protests. These include beatings, arbitrary arrests and shootings to disperse peaceful protesters and the unnecessary or excessive use of force, including lethal force, in the process of restoring order.[\[6d\]](#)

It is recommended that the footnote of the source should specify the section of the report from where the excerpt has been taken and therefore should state “[6d] (Introduction and Summary)”.

Paragraph 20.17

The cited source [70a] also includes the following information, which is recommended for inclusion:

[U.S. Commission on International Religious Freedom \(USCIRF\), Annual Report 2011, May 2011](#)
 Both Muslims and Protestants in the XUAR have experienced increased harassment, arrests, and efforts to weaken religious adherence and cultural identity.

COIS: Accepted - Thank you. These sources will be considered for the next report as well as the referencing as suggested above.

The following additional sources are recommended since they document the continued interest of the Chinese authorities in anyone involved in the July 2009 unrest:

- [Human Rights Watch, World Report 2012: China, 22/01/2012](#), Xinjiang
- [Radio Free Asia, Two More Uyghurs Get Life Sentences, 27/01/2012](#)
- [Radio Free Asia, Hundreds Missing In Riot Aftermath, 23/01/2012](#)
- [Amnesty International, Authorities grow bolder in Uighur crackdown, 04/07/2011](#)
- [Radio Free Asia, Uyghur Historian Given 7 Years, 06/03/2011](#)

COIS: Thank you. Most of these reports were published after the COIS report under review; however they will be consulted when the report is updated.

RELIGIOUS FREEDOM IN XINJIANG (EAST TURKESTAN)

Most sources included in this section document the situation of religious freedom in Xinjiang during 2010. In order to cover events in 2011, the following sources are recommended for inclusion:

- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Xinjiang, Findings
- [Christian Solidarity Worldwide, Sentence upheld for Chinese Christian "detained on account of faith", 03/03/2011](#)

COIS: Accepted. Thank you, this section will be updated in the next report.

UIGHUR 'TERRORIST' GROUPS

Paragraph 20.22

The cited source [2i] is outdated since in August 2011 the U.S. Department of State published their latest *Country Reports on Terrorism 2010*. The latest version includes the following information with regards to the East Turkistan Islamic Movement (ETIM):

[U.S. Department of State, Country Reports on Terrorism 2010, August 2011](#)

Overview: China held counterterrorism military exercises with Thailand in October, participated in regional counterterrorism exercises with Shanghai Cooperation Organization (SCO) member states in September, and provided equipment to Pakistan for counterterrorism training in May. China's domestic counterterrorism efforts remained primarily focused against the East Turkistan Islamic Party (ETIP), also known as the East Turkistan Islamic Movement (ETIM). In January 2010, ETIP released videos in Uighur, a Turkic language indigenous to China's western Xinjiang Uighur Autonomous Region (XUAR), to claim credit for alleged actions in revenge for the "July 5 incident" of 2009, when racially-motivated riots in the XUAR capital led to the reported deaths of both Uighurs and Han Chinese, and to call on Muslims in Xinjiang to carry out a "jihad" against China. China does not always distinguish between legitimate political dissent and the advocacy of violence to overthrow the government, and has used counterterrorism as a pretext to suppress Uighurs, a predominantly Muslim ethnic group that makes up a large percentage of the population within the XUAR.

Paragraphs 20.23 and 20.24

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

20.24 In its [Country Profile for China dated August 2006, the US Library of Congress](#) stated:

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

Both highlighted sources are outdated and do not add anything substantially to what is already included in the previous paragraphs under this sub-section. It is therefore recommended that these sources be removed.

The following sources are recommended for inclusion since they report on China’s use of counterterrorism as a pretext to suppress Uighur Muslims – an important aspect which is insufficiently dealt with in this section:

- [Human Rights Watch, World Report 2012: China, 22/01/2012](#), Xinjiang
- [BBC News, Seven 'kidnappers' killed in China's Xinjiang, 29/01/2012](#)
- [Radio Free Asia, Uyghurs Held After House Searches, 27/12/2011](#)
- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Islam
- [BBC News, China sentences four to death over Xinjiang attacks, 15/09/2011](#)
- [U.S. Department of State, July – December: 2010 International Religious Freedom Report: China \(Includes Tibet, Hong Kong, Macau\), 13/09/2011](#), Section II, Legal/Policy Framework and Restrictions on Religious Freedom
- [U.S. Department of State, Country Reports on Terrorism 2010, August 2011](#), China, Overview
- [Amnesty International, Uighur teacher extradited to China on politically motivated 'terror' charges, 15/06/2011](#)
- [Radio Free Asia, 'Counter-Terror' Policy Targets Uyghurs, 07/04/2011](#)
- [Radio Free Asia, Seven Uyghurs Sentenced to Death, 24/03/2011](#)

- [Radio Free Asia, Four Get Death, 23/02/2011](#)

COIS: Accepted – Thank you. We agree this section would benefit from more up to date sources. Some of the sources mentioned above were published after the publication of the report under review; however we will consult them when the report is updated. in the next report. .

OTHER UIGHUR OPPOSITION GROUPS

Since this sub-section is made up of two paragraphs that contain information from the same 2005 Human Rights Watch report and given that no further more current information was found, it is recommended that this sub-section be removed.

COIS: Not accepted – COIS consider that this information is useful and unless more current information can be found when the report is updated, we would prefer to retain the information. .

MONITORING OF ACTIVISTS ABROAD

This section requires additional information on China's continued and recent interest in monitoring Uighurs abroad, as well as pressurising other countries to return those residing there. The following non-exhaustive sources are recommended:

- [Radio Free Asia, Uyghur refugee threatened, 06/11/2011](#)
- [Radio Free Europe/Radio Liberty, Uyghur Prisoner In Kazakhstan Fears Extradition To China, 23/09/2011](#)
- [U.S. Department of State, July – December: 2010 International Religious Freedom Report: China \(Includes Tibet, Hong Kong, Macau\), 13/09/2011](#), Section II, Abuses of Religious Freedom
- [Radio Free Asia, Deportation Based on Bogus Claim, 07/09/2011](#)
- [U.S. Congressional-Executive Commission on China, Statement of CECC Chairman Christopher Smith and Cochairman Sherrod Brown on Uyghurs Forcibly Returned to China, 31/08/2011](#)
- [Radio Free Asia, Criticism over Deportation, 05/06/2011](#)
- [U.S. Commission on International Religious Freedom \(USCIRF\), Annual Report 2011, May 2011](#), Uighur Muslims

COIS: Accepted. Thank you. We agree this section would benefit from more up to date sources. Most of the sources mentioned above were published after the publication of the report under review; however we will consult them when the report is updated.

HUI (HUIHUI)

Paragraph 20.29

Source [1a] cited is 'Europa World'. As explained above, this source is subscription only and therefore its contents cannot be reviewed.

COIS: Not accepted – Please see comments above re subscription sites. Readers are advised that hard copies of information quoted from subscription sites can be requested from COIS.

Paragraph 20.32

20.31 As reported by Asia Times on 6 September 2006:

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

The source is from 2006 and the excerpt provided here does not add to the understanding of the situation and treatment of Hui. For these reasons it is recommended that this paragraph be removed.

COIS: Not accepted – COIS consider that the paragraph contains useful background information.

The following recent article reporting on the unrest that erupted between Hui Muslims and the police following the demolition of a mosque is recommended for inclusion:

➤ [Radio Free Europe/Radio Liberty, Clash At Demolition Of Mosque In China, 02/01/2012](#)

COIS: Thank you. This report was published after the COIS report under review however it will be consulted, and included if still relevant when the report is updated.

21. BANNED SPIRITUAL GROUPS

It is recommended that additional links are included to 'Section 18. Freedom of Religion' and '19. Christians' of the COIS report.

COIS: Accepted – Thank you. Links will be added in the next update.

Paragraph 21.02

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

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

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

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

—Article 301: Where people are gathered to engage in licentious activities, the ringleaders and the persons who repeatedly take part in such activities shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance.
—Whoever entices a minor to join people in licentious activities shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.|| [5i]

The original wording of the highlighted and referenced source has been slightly altered in the COIS report and should be amended – see below:

[Criminal Law of the People's Republic of China \[China\], 01/10/1997](#)

Article 300.

Whoever organizes and utilizes superstitious sects, secret societies, and evil religious organizations or sabotages the implementation of the state's laws and executive regulations by utilizing superstition is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; when circumstances are particularly serious, to not less than seven years of fixed-term imprisonment.

Whoever organizes and utilizes superstitious sects, secret societies, and evil religious organizations or cheats others by utilizing superstition, thereby giving rise to the death of people is to be punished in accordance with the previous paragraph.

Whoever organizes and utilizes superstitious sects, secret societies, and evil religious organizations or has secret societies, an organizations illicit sexual relations with women, defraud money and property by utilizing superstition is to be convicted and punished in accordance with the regulations of articles 236, 266 of the law.

Article 301.

Whoever takes a lead in assembling a crowd to engage in promiscuous activities or repeatedly participates in such activities is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, or control.

Whoever seduces minors to participate in mass promiscuous activities is to be severely punished in accordance with the previous paragraph.

COIS: Accepted- Thank you. This will be amended in the next update.

Paragraph 21.04

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

The reviewers have not previously come across the source “Belief.Net”. After a search on their website the following information was found about the authors/owners of the website:

[Beliefnet.com, About Us, Undated \[Last accessed: 22/12/2011\]](#)

About Beliefnet

Our mission is to help people like you find, and walk, a spiritual path that will bring comfort, hope, clarity, strength, and happiness. Whether you're exploring your own faith or other spiritual traditions, we provide you inspiring devotional tools, access to the best spiritual teachers and clergy in the world, thought-provoking commentary, and a supportive community. Beliefnet is the largest spiritual web site. We are independent and not affiliated with any spiritual organization or movement. Our only agenda is to help you meet your spiritual needs.

About Our Advertisers

Beliefnet receives a significant percentage of its revenue from advertising. Like other media companies, we have to balance our need for happy advertisers with our commitment to editorial integrity. For us, the formula is pretty simple: editorial decisions must not be dictated by advertisers. Our first responsibility is to our readers and we make our editorial decisions based on what we think users will want. But that's not to say that we don't try to help our advertisers on the site. For instance,

if our editors have decided that a book excerpt is a good one, we will sometimes notify advertisers that we are doing so, in part in the hope that they will advertise. If we are running a negative review of a book, we might let an advertiser know as well, in case they want to provide a countervailing viewpoint in ads. We also generally provide "Buy It" buttons next to books. Beliefnet does get a small fee from Amazon each time someone clicks to them from our site. But it is a tiny amount and we use these "buy it" buttons primarily as a service to users (who often want to know how to buy it), writers (whom we often don't pay very well and for whom this is an extra benefit), and for sponsors.

Political Advertising on Beliefnet

Beliefnet does not endorse political candidates or parties. We do accept political advertisements from political campaigns or issue groups and offer equal time to opposing campaigns that also wish to purchase advertising.

Beliefnet's Founders

Beliefnet was founded in 1999 by Steven Waldman and Robert Nylen:

Steven Waldman conceived of the idea for Beliefnet in 1998 and teamed up with magazine publisher Robert Nylen to launch Beliefnet.com on December 28, 1999. Waldman was Editor-in-Chief for the first few years but when the company went bankrupt in 2002, he also took over as CEO and Chairman, leading it out of Chapter 11, through a period of rapid growth and a sale to News Corp in late 2007. He also served as Editor in Chief from 1999 until November 2009, when he retired from Beliefnet. During his tenure, Beliefnet became the leading spirituality website and won numerous editorial and web awards, including the National Magazine Award for General Excellence online. He appeared frequently on TV and radio as an expert on religion in America, wrote a blog for Beliefnet and a column for Wall Street Journal Online. He is the author of *Founding Faith: Politics, Providence and the Birth of Religious Freedom in America* (Random House). He was named by Time magazine one of the nation's top "spiritual innovators." Before starting Beliefnet, he was National Editor of *US News & World Report*, National Correspondent for *Newsweek* in the Washington bureau, an editor of the *Washington Monthly* and a reporter for *States News Service*. He also served as senior advisor to the CEO of the Corporation for National Service and authored *The Bill* about the passage of the AmeriCorps law.

Robert Nylen teamed up with Steven Waldman in 1999 to launch Beliefnet. He served as its first President and then in 2001 joined Beliefnet's board of directors, on which he served until the company's sale in December 2007. Before co-founding Beliefnet, he was a media consultant, entrepreneur, publisher, writer, and part-time college professor. He co-founded *New England Monthly* magazine, wrote for *Look* magazine, was an ad manager for *U.S. News & World Report*, and was vice president and associate publisher for *Texas Monthly*. He has contributed to *The New York Times*, *The Boston Globe*, *Fortune*, *American Lawyer*, *American Benefactor*, *Folio*, *Adweek*, and many other newspapers and magazines. In Vietnam, he earned two Purple Hearts, a Bronze Star with V Device, and other awards. He died in December 2008, soon after completing his critically-acclaimed memoir, *"Guts: Combat, Hell-raising, Cancer, Business Start-ups, and Undying Love: One American Guy's Reckless, Lucky Life."*

It is recommended that an explanatory note be included in the COIS report recommending to exercise caution when using this source and that further research should be undertaken to corroborate the information found.

COIS: Accepted – Thank you. This will be added in the next update.

Since only once source is included in addition to the excerpt of the Criminal Law, it is recommended that the following source is also considered for inclusion, which provides a more recent account of the continued targeting by the Chinese authorities of spiritual groups:

- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Freedom of Religion, Findings

COIS: Thank you. This report was published after the COIS report under review; however it will be considered when the report is updated.

Moreover, the following source which demonstrates that members of “unregistered Protestant groups that the government arbitrarily deems “evil cults” are the most vulnerable to detention and harassment” is recommended:

- [U.S. Commission on International Religious Freedom \(USCIRF\), Annual Report 2011, May 2011,](#)
Religious Freedom Conditions, Protestants

COIS: Partly accepted – Protestants are covered under the Freedom of Religion section, however we will consult the report when the report is updated. .

THE SHOUTERS (HUHAN PAI) OR LOCAL CHURCH

Paragraph 21.05 and 21.06

21.05 In a report dated 4 October 2003, the [Local Church Information Site](#) noted:

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

21.06 The same source continued, —Estimates of the size of the ‘Local Church’ hover around several hundred thousand members worldwide. However, it is difficult to produce precise numbers, largely because it is difficult to gauge the number of adherents and partial adherents to the group’s teachings within mainland China itself, where the movement appears to thrive but has been driven underground by government persecution. [72a]

The reviewers have not previously come across the source “‘Local Church’ Information Site”. After a search on their website the following information was found about the authors/owners of the website:

[“Local Church” Information Site, Home, Undated \[Last accessed: 22/12/2011\]](#)

Based in southern California and founded by the late Chinese-American preacher Witness Lee (pictured to the left), the “Local Church” movement has for the past forty years been spreading a unique variant of Christianity across the globe. The group’s beliefs and practices are considered by many to be aberrant and cultic, although theologians often disagree on how best to classify it. The purpose of this web resource is to provide a free library of information and research materials on the “Local Church” of Witness Lee, including articles, essays, personal testimonies both from current and former members, and web links. We seek to answer the question: “*What is the evangelical Christian response to the ‘Local Church’ movement?*”

It is recommended that a note be included in the COIS report recommending to exercise caution when using this source and that further research should be undertaken to corroborate the information found.

COIS: Accepted. – Thank you. A note will be included if this source is retained, however all sources will be reviewed when the report is updated, and further research will be conducted as suggested.

SOUTH CHINA CHURCH

Apart from the U.S. Department of State International Religious Freedom report from 2010, the latest news article documenting the treatment of members of the South China Church is from 2008. The following news article published in early 2009 is recommended for inclusion since it reports on the detention of three members of the South China Church:

➤ [Radio Free Asia, 'No Visits' For Detained Christians, 09/02/2009](#)

COIS: Accepted – Thank you. This will be added in the next update.

FALUN GONG

Paragraph 21.21

The cited source [70a] source also includes the following sentence which should be included in the COIS report:

[U.S. Commission on International Religious Freedom \(USCIRF\), Annual Report 2011, May 2011](#) People's Republic of China, Religious Freedom Conditions, Falun Gong
The Committee against Torture, a UN treaty-monitoring body, also called on the government during its 2008 review of China to conduct independent investigations to clarify discrepancies in statistics related to organ transplants and allegations of torture of Falun Gong practitioners.

COIS: Accepted- Thank you, this will be added.

Paragraph 21.22 and 21.23

21.22 The [US State Department's 2010 Country Report on Human Rights Practices \(USSD Report 2010\), published on 8 April 2011](#), noted, —In response to claims that the organs of executed prisoners were harvested for transplant purposes, Vice Minister of Health Huang Jiefu in August 2009 stated that inmates were not a proper source for human organs and that prisoners must give written consent for their organs to be removed. [2e] (Section 1c)

21.23 In a report dated [30 April 2007, Amnesty International](#) stated:

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

Both of these paragraphs should be removed since they mainly relate to organ transplants and do not specifically mention Falun Gong practitioners within that context.

COIS: Not accepted - Having accepted the inclusion of the addition to para 21.21, we consider these paragraphs will provide useful background.

Paragraph 21.24

21.24 In its [2010 Annual Report on Falun Gong, dated 25 April 2010, the US-based Falun Dafa Information Centre](#) stated:

—Though it is difficult to gauge the precise figure of Falun Gong practitioners inside China at present, both editors at Falun Gong’s main Chinese-language website and Western media reports during 2009 placed the number in the tens of millions, pointing to the continued popularity and even growth of Falun Gong inside China. These millions of Falun Gong practitioners in China remain at constant risk of detention, torture, and death because of their religious identity. In 2009, the lawlessness and brutality of the Party’s treatment of citizens who practiced Falun Gong remained staggering. Suffocating surveillance, late night raids on practitioners’ homes, beatings with electric batons, and long-term imprisonment were routine features of the Chinese authorities’ relentless efforts to identify and forcibly ‘transform’ every single Falun Gong practitioner in China. Meanwhile, reports of deaths from torture or other abuses in custody continue to flow from China on a nearly daily basis.||

[46a]

It is recommended that the footnote of the source should specify the section of the report from where the excerpt has been taken and therefore should state “[46a] (Falun Gong Persecution and Activism in 2009)”.

COIS: Accepted- thank you this will be amended.

Paragraph 21.25

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

The highlighted source’s title is incomplete as explained above. Given that the inclusion of this particular source does not add anything about the recent treatment of Falun Gong practitioners, it is recommended that it be removed.

This section includes a number of sources that mainly document on the situation of Falun Gong practitioners in 2010. It is therefore recommended that this section also includes more current sources published in 2011 and early 2012 (see below) that cover more recent treatments against them such as on-going harassment, cyber-hacking, detention and so-called transformation where Falun Gong members are sent to ‘re-education centres’ to denounce their practice:

- [Human Rights Watch, World Report 2012: China, 22/01/2012](#), Freedom of Religion
- [Amnesty International, FALUN GONG WOMAN AT RISK OF TORTURE, 18/11/2011](#)
- [Freedom House, Countries At The Crossroads 2011: China, 04/11/2011](#)
- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Freedom of Religion, Falun Gong
- [Radio Free Asia, China Pulls Cyberwar Video, 26/08/2011](#)
- [Immigration and Refugee Board of Canada, Treatment of Falun Gong practitioners by state authorities; whether state authorities treat Falun Gong leaders differently than other Falun Gong practitioners \(2006 - 2011\) \[CHN103769.E \], 30/06/2011](#)
- [UN Office of the High Commissioner for Human Rights, UN Expert Body Concerned About Recent Wave Of Enforced Disappearances In China, 08/04/2011](#)
- [Radio Free Asia, Radio Broadcasters Detained, 06/04/2011](#)

COIS: Accepted - Thank you. It is recognised that this section would benefit from more recent information and all of the above will be considered for the next report.

ORIGINS AND SUPPORT

Paragraphs 21.27 and 21.28

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

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

The title of the highlighted source is incorrect. A search online reveals that it should be “Falun Gong: The End of Days”. A copy of the book could not be located online and therefore no cross-check of the excerpt could be undertaken. The source’s year of publication is a few years before the usual two year cut-off date for inclusion in COIS reports. Given that the inclusion of this particular source does not add anything of substance to the understanding of the origins of Falun Gong already found in other sources that are included in this section and other sources to be found in the public domain if deemed necessary, it is recommended that the source be removed.

COIS: Please see end of section for comments.

GUIDING PRINCIPLES

Paragraph 21.29 and 21.30

21.29 As reported in *Compassion: A Journal of Falun Dafa Around the World* (Issue 5 of 2004): —Falun Gong – which is also referred to as Falun Dafa – is an ancient advanced form of the qigong. Falun Gong consists of gentle exercises combined with a meditation component. Aside from its popularity... what is usually said to distinguish Falun Gong is its emphasis on the practice of refining one’s moral character in accordance with three principles – Truthfulness, Compassion, and Tolerance. These three principles form the backbone of Falun Gong’s philosophy and practitioners of the discipline aspire to live by them in their daily lives, striving to achieve, over time, a state of kindness, selflessness and inner balance. [80] (p40)

21.30 The source continued:

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

No hyperlink is provided in ‘Annex K References to Source Material’ for this particular source, although from an online search it appears that the information is taken from this [website](#).

The reviewers have not previously come across the source ""A Journal of Falun Dafa Around the World". After a search on their website the following information was found about the authors/owners of the website:

["Local Church" Information Site, Home, Undated \[Last accessed: 22/12/2011\]](#)

A Message from the Editors

For the last several years in China, participants in one of the largest grassroots campaigns of civil disobedience the world has ever known have quietly educated fellow citizens about the genocide unfolding in their own backyards. At great risk to themselves, Falun Gong practitioners in China have also continued to provide the outside world with another first: Daily, eyewitness reports from inside China's forced labor camp system, prisons, and detention centers. These reports also illustrate how Jiang Zemin has tied the Falun Gong issue into virtually every aspect of society, from job applications to college examinations, from promotions in the military to elementary school "anti-Falun Gong" sessions. Throughout society, all must "show the correct attitude" towards Falun Gong before securing a job, getting a promotion, or advancing in school. Such information provides an in-depth look at how the persecution of Falun Gong affects the Chinese people, the Chinese nation, and the international community. Although Jiang has allocated significant resources to control the flow of such information, particularly outside China (in 2002, Reporters Without Borders ranked China second to last - edged out only by North Korea for the bottom spot - on its press freedom index), these reports give accounts of what is actually happening to Falun Gong practitioners. Utilizing emails, websites, faxes, payphones, and other means, individuals throughout China have courageously reported on a wide range of stories. They've collected facts on large-scale police actions, on secret government orders, on police who have tortured and killed, and even on local authorities in some regions who have come to understand Falun Gong and no longer carry out persecution orders. The Falun Dafa InfoCenter (FDI) endeavors to compile, cross-check, and publish these reports. They are provided to government officials, international media, human rights organizations, and the general public. We accomplish this through email alerts, weekly newsletters, press briefings, and print publications such as this one. Reports from FDI then feed into the international media and human rights bodies, who are frequently able to verify the factual details independently. FDI's operations are carried out entirely by volunteers. FDI's publications are available at cost to individuals who feel the need to expose the well-hidden truth of the persecution in China. These individuals contribute their time and their resources to make it possible. It is likely that whoever handed you this edition of *Compassion* paid for it him or herself. The editorial team, also consisting entirely of volunteers, includes professionals, students, business owners, and scientists. The work is done in a collaborative manner spanning multiple countries, with a close watch on adhering to the main goal: to expose, as accurately as possible, the persecution of Falun Gong and those responsible for it. In this edition of *Compassion* you will learn about the international efforts to bring Jiang Zemin and his cohorts to justice in courts of law around the world We provide details and insights into the inner workings of Jiang's regime, how he has commandeered the government apparatus to carry out genocide against Falun Gong ("[Jiang's Personal Campaign](#)"), and how he has largely managed to hide the true extent of the atrocities not only from the outside world, but even from his own people ("[Why Didn't I know this?](#)"). Many in China have undertaken great risks to provide this information to the world. We hope that we have organized and presented this information in a way that does justice to their courageous efforts. We also encourage you, our readers, to send us your suggestions or questions. Please contact us at contact@faluninfo.net, or see the mailing address on the [index](#) page.

It is recommended that an explanatory note be included in the COIS report recommending to exercise caution when using this source and that further research should be undertaken to corroborate the information found.

COIS: Please see end of section for comments.

EXERCISES AND MOVEMENTS

Paragraph 21.31 and 21.32

21.31 As noted in [Healthy Body, Peaceful Heart: Falun Gong – A Path to Your Original, True Self, a leaflet sent to the Country of Origin Information \(COI\) Service on 16 August 2005 by the Falun Gong Association \(UK\)](#), —Falun Dafa, also known as Falun Gong, is a traditional Chinese self-cultivation practice that improves mental and physical wellness through a series of easy to learn exercises, meditation and develops one’s Heart/Mind Nature (Xingxing)’. [81a]

21.32 [The five exercises listed on this leaflet are as follows:](#)

Movement Exercises

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

Sitting Exercise/Meditating Exercise/Tranquil Exercise

5. Way of Strengthening Divine Powers [81a]

It was not possible for the reviewers to verify the content of this source since no hyperlink or copy of the leaflet is included in the COIS report. At paragraph 21.32 it is suggested that more than those five exercises listed in the leaflet might exist for Falun Gong practitioners. It is regrettable that the full document is not attached as an Annex to the country report, which would provide full access to the information and increase transparency. Unless this information cannot be found elsewhere in the public domain, COIS should remove this source and even consider deleting the whole sub-section since the relevance to its inclusion in the COIS report is not clear.

POSSIBILITY OF PRACTICING IN PRIVATE

Paragraph 21.35

21.35 In its [2010 Annual Report on Falun Gong, dated 25 April 2010, the Falun Dafa Information Centre](#) stated:

—Thousands of adherents were detained throughout China in 2009... Among the documented cases, most victims were arrested on the basis of their being known to the authorities as Falun Gong practitioners, even if this identity consisted of studying Falun Gong tenets and practicing its meditation exercises in the privacy of their homes. In many cases, adherents were abducted after they were found possessing Falun Gong books and related materials, either during door-to-door searches by security agents or upon being stopped on the street. Once detained, the pattern of subjecting adherents to severe torture to force them to disavow their faith—including sexual abuse, psychiatric torture, and shocks with electric batons—remained commonplace. [46a]

It is recommended that the footnote of the source should specify the section of the report from where the excerpt has been taken and therefore should state “[46a] (Falun Gong Persecution and Activism in 2009)”.

COIS: Please see end of section for comments.

It is recommended that an additional link is included to sub-section ‘Falun Gong’ of the COIS report.

It is further recommended that a subsection is added on the operation of the 6.10 offices in China set up in 1999 to monitor and suppress Falun Gong activity. Since the methods used by 6.10 personnel include house-to-house searches for Falun Gong material, paid informants, and entrapment, they are relevant to consideration of the possibility of practising safely in private.

- [Sarah Cook and Leeshai Lemish, “The 610 Office: policing the Chinese spirit”, *China Brief* 10, 17, 19 September 2011](#)

- Sarah Cook, “China’s secret 6-10 Office”, *Compassion* 6 (revised edition), July 2008, available [here](#)

COIS: Please see end of section for comments.

DENUNCIATION DOCUMENTS AND IMPORTANT DATES FOR FOREIGN-BASED PRACTITIONERS

Paragraph 21.38 and 21.39

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

—1) How widespread is the use of denunciation documents in Chinese prisons and labour camps?
—Practically universal. However, for administrative or other forms of detentions, which last normally up to 15 days or 30 days, the document is less widely used. The released could well be sent [sic] to a brain washing ‘class’ later where making a renunciation statement is expected and those failing to do so could end up in a labour camp.|| [81b]

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

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

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

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

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

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

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

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

—25 April

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

—13 May (Falun Dafa Day)

—This is the day when Falun Gong was publicly introduced in China in 1992, and also the birthday of the founder of Falun Gong [Li Hongzhi]. The [sic] is an anniversary event typically for celebrations featuring performance of the Falun Gong exercises in public open spaces together with performances

of Chinese dances, songs, calligraphy, and other art forms of the traditional Chinese culture of which qigong including Falun Gong is a part. Depending on the place and the year concerned, some efforts made [sic] also be made to raise awareness of the persecution.|| [81b]

—20 July

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

It was not possible for the reviewers to verify the content of this source since no hyperlink or copy of the leaflet is included in the COIS report. Unless this information cannot be found elsewhere in the public domain, COIS should refrain from using this particular source, especially since it was written in 2006.

COIS: Accepted. Thank you. It is accepted that the section on Falun Gong contains some fairly old sources misses some important information. The whole section will be reviewed when the report is next updated to ensure that all sources are relevant, accurate and as up to date as possible. Particular attention will be paid to referencing sources properly as suggested, and any sources that are not accessible to the reader will be removed from the report. The comments made about 'A journal of Falun Dafa around the world' have been noted and further research will be conducted into this.

22. ETHNIC GROUPS

Paragraph 22.01

22.01 The [US Library of Congress, in its Country Profile for China dated August 2006](#), noted: —Besides the majority Han Chinese, China recognizes 55 other nationality or ethnic groups, numbering about 105 million persons, mostly concentrated in the northwest, north, northeast, south, and southwest but with some in central interior areas. Based on the 2000 census, some 91.5 percent of the population was classified as Han Chinese (1.1 billion). The other major minority ethnic groups were Zhuang (16.1 million), Manchu (10.6 million), Hui (9.8 million), Miao (8.9 million), Uygur (8.3 million), Tujia (8 million), Yi (7.7 million), Mongol (5.8 million), Tibetan (5.4 million), Bouyei (2.9 million), Dong (2.9 million), Yao (2.6 million), Korean (1.9 million), Bai (1.8 million), Hani (1.4 million), Kazakh (1.2 million), Li (1.2 million), and Dai (1.1 million). Classifications are often based on self-identification, and it is sometimes and in some locations advantageous for political or economic reasons to identify with one group over another. All nationalities in China are equal according to the law. Official sources maintain that the state protects their lawful rights and interests and promotes equality, unity, and mutual help among them. [11a]

The highlighted source is dated before the usual two year cut-off date for inclusion in COIS reports. Alternative more recent sources are therefore recommended for inclusion such as:

- [U.S. Department of State, Background Note: China, 06/09/2011](#), People, Ethnic Groups
- [UK Foreign & Commonwealth Office, Country Profiles: China, 24/11/2010](#), People

COIS: Not accepted - The USSD Background note has used the same 2000 census as the Library of Congress. We could change the source; however the information will be the same. The FCO information does not contain much detail.

Paragraph 22.03

22.03 The US State Department's 2010 Country Report on Human Rights Practices (USSD Report 2010), published on 8 April 2011, noted:

—Most minority groups resided in areas they traditionally inhabited. Government policy calls for members of recognized minorities to receive preferential treatment in birth planning, university admission, access to loans, and employment. However, the substance and implementation of ethnic minority policies remained poor, and discrimination against minorities remained widespread.

—Minority groups in border and other regions had less access to education than their Han counterparts, faced job discrimination in favor of Han migrants, and earned incomes well below those in other parts of the country. Government development programs often disrupted traditional living patterns of minority groups and included, in some cases, the forced relocation of persons. Han Chinese benefited disproportionately from government programs and economic growth. As part of its emphasis on building a harmonious society, the government downplayed racism and institutional discrimination against minorities, which remained the source of deep resentment in the XUAR [Xinjiang Uighur Autonomous Region], Inner Mongolia Autonomous Region, and Tibetan areas. In September 2009 the State Council issued a white paper on ethnic policy, common prosperity, and development of all ethnic groups. The report stated that the country's ethnic policy ensured equality among all ethnic groups. [2e] (Section 6)

The highlighted sentence is not relevant for an understanding of the current situation and treatment of Chinese ethnic groups and it is therefore suggested that it is removed.

COIS: Not accepted - We consider that the sentence adds background information.

Paragraph 22.04

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

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

The excerpt included in the COIS report is actually taken from the 'Executive Summary' of the report entitled "China: Minority Exclusion, Marginalization and Rising Tensions" and not from the actual report. This should be reflected here and in 'Annex K References to Source Material'. It is recommended that the following source be included since it contains more up to date information on the general treatment of ethnic minorities in China than the one currently presented in the COIS report:

- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Ethnic Minority Rights

COIS: Accepted. Thank you, the referencing will be corrected. The US report referred to above was published after the publication of the report under review however we will consult in when the report is updated.

KOREANS

Paragraph 22.05

Source [1a] cited is 'Europa World'. As explained above, this source is subscription only and therefore its contents cannot be reviewed.

COIS: Not accepted - Please see previous comments re, copyright. Readers are advised that hard copies of information quoted from subscription sites can be requested from COIS.

MONGOLIANS

Paragraph 22.07

Source [1a] cited is 'Europa World'. As above, this source is subscription only and therefore its contents cannot be reviewed.

COIS: Not accepted –Please see above..

Paragraph 22.09 – 22.12

22.09 As reported by Amnesty International on 28 January 2005:

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

22.10 The USSD Report 2010 noted, —On December 10 [2010], ethnic Mongolian activist Hada was released from prison after serving a 15-year prison sentence for espionage and separatism. Hada founded the Southern Mongolia Democracy Alliance, which called for a referendum on the future of the province of Inner Mongolia. At year’s end neither he, his wife, nor his son have been seen publicly since his release.[2e] (Section 1d)

22.11 A report by Radio Free Asia on 11 July 2011 stated:

—Chinese authorities in the restive northern region of Inner Mongolia are holding an ethnic Mongolian dissident and his family in separate detention centers following his release from jail last year, relatives and rights groups said. Hada, 55, was scheduled for release from a prison in Chifeng, in China’s Inner Mongolia Autonomous Region last December after serving 15 years for ‘separatism’ because he led a nonviolent campaign for Inner Mongolian independence from Chinese rule. Since then, Hada, his wife Xinna, and his son Uiles have been held in separate detention centers, and authorities have indicated they will pursue charges against them... The group [the New York-based Southern Mongolia Human Rights Information Center] quoted family members as saying that authorities have yet to present any evidence to support their accusations.[73c]

22.12 The same report stated:

—The continued detention of Hada and his family comes after large-scale protests in May [2011] by herders and students across Inner Mongolia, triggered by the killing of a herdsman in standoffs with mining company staff. In the wake of the protests, sentenced one mining truck driver to death for the killing of herdsman Mergen, at the same time pouring large numbers of troops into the region and enforcing a security lockin at schools, universities, and government institutions. Official documents described the protests by thousands of ethnic Mongols in the region’s major cities as the work of ‘external hostile forces,’ although it made no mention of where those forces originated. Some ethnic Mongolian rights activists refer to the province of Inner Mongolia as Southern Mongolia in reference

to the Republic of Mongolia on its northern border. Mongols are a recognized ethnic minority in China and number around 6 million according to government statistics.[73c]

In light of the information included in paragraphs 22.11 and 22.12 from the July 2011 report by Radio Free Asia, the excerpts included in paragraph 22.09 from the Amnesty International report published in January 2005 and in paragraph 22.10 from the 2010 U.S. Department of State annual report, are obsolete. It is recommended that the following source be included since it contains more up to date information both on the so-called 'grasslands policy' in Inner Mongolia as well as on Mongolian political prisoners during 2011:

- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Ethnic Minority Rights, Grasslands Policy and Protests in Inner Mongolia and Political Prisoners

COIS: Accepted. Thank you. Paragraphs 22.09 and 22.10 will be deleted. The report mentioned above was published after the COIS report under review however it will be considered when the report is updated.

The latest sources included in the COIS report documenting unrest in Inner Mongolia and arrests of Mongolians date back to July 2011. The following more recent news articles are therefore recommended for inclusion:

- [Radio Free Asia, Call for Inner Mongolian Activist's Release, 11/12/2011](#)
- [Radio Free Asia, Authorities Down Websites Following Death, 28/10/2011](#)
- [BBC News, Truck kills herder in Inner Mongolia China, 24/10/2011](#)
- [Radio Free Asia, Dissident Suffers Beatings in Detention, 29/09/2011](#)
- [Radio Free Asia, Warning Over Shrinking Grasslands, 25/08/2011](#)

COIS: Thank you. These reports were published after the COIS report under review and will be considered when the report is updated.

23. TIBET

Paragraph 23.01 and 23.02

Source [1a] cited is 'Europa World'. As above, this source is subscription only and therefore its contents cannot be reviewed.

COIS: Not accepted – Please see above comments.

Paragraph 23.04

The cited source [2e] contains further information about arbitrary or unlawful killings, disappearances, the practice of torture and other cruel and degrading treatment, as well as prison conditions and treatment in detention for Tibetans, which should be included in the COIS report:

[U.S. Department of State, 2010 Country Reports on Human Rights Practices: China, 08/04/2011](#), Deprivation of Life

There were numerous reports that the government or its agents committed arbitrary or unlawful killings; however, it was not possible to verify independently these reports. There were no reports that officials investigated or punished those responsible for the killings.

[...] There were reports of persons tried, found guilty, and executed for their activities during the 2008 protests. Trials and executions were not transparent, and requests by foreign observers to attend trials were denied. There was not enough information available to determine whether they were afforded due process.

Disappearance

Following the 2008 riots in Lhasa, authorities arbitrarily detained Tibetans, including monks and nuns, many of whom remained missing. Official statistics for the number detained were incomplete and covered only limited areas. In February 2009 official media reported that 953 persons were detained or had surrendered to police in Lhasa following the riots. The report stated that 76 persons were sentenced to prison in connection with the unrest, and an additional 116 were awaiting trial. Official sources have not reported the fates of these 116 persons.

[...] Torture and Other Cruel and Degrading Treatment

The security regime employed torture and degrading treatment in dealing with some detainees and prisoners. Tibetans repatriated from Nepal reportedly suffered torture, including electric shocks, exposure to cold, and severe beatings, and were forced to perform heavy physical labor. Prisoners were subjected routinely to "political investigation" sessions and were punished if deemed insufficiently loyal to the state.

[...] According to numerous sources, many of those detained after the rioting in 2008 were subjected to extrajudicial punishments such as severe beatings and deprivation of food, water, and sleep for long periods. In some cases detainees suffered broken bones and other serious injuries at the hands of PAP and Public Security Bureau (PSB) officers. According to eyewitnesses, the bodies of persons killed during the unrest or subsequent interrogation were disposed of secretly rather than returned to their families.

[...] Prison Conditions

In December 2009 the deputy director of the TAR Justice Bureau told a foreign diplomat that there were 3,000 prisoners in the five TAR prisons, which are separate from the RTL system.

The mass detentions connected with the March 2008 unrest amplified already crowded and harsh prison conditions. Some prisons, including those in the RTL system, used forced labor to which prisoners may be assigned for three years (with the possibility of a one-year extension) without court review. The law states that prisoners may be required to work up to 12 hours per day, with one rest day every two weeks, but sometimes these regulations were not enforced; conditions varied from prison to prison.

According to numerous sources, political prisoners in Tibetan areas endured unsanitary conditions and often had little opportunity to wash or bathe. Many prisoners slept on the floor without blankets and sheets. Prisoners reported being confined side by side with 20 to 30 cellmates for many days.

Former detainees reported that prisoners were not provided with enough food. According to sources, prisoners rarely received medical care unless they had a serious illness. Prisoners also complained that they often failed to receive money, food, clothing, and books sent by their families because such items were routinely confiscated by prison guards.

Arbitrary Arrest and Detention

During the year arbitrary arrest and detention continued in Tibetan areas.

[...] Official state media reported the detentions of 4,434 persons in Tibetan areas (1,315 in Lhasa) between March and April 2008. In 2008 official media reported that approximately 1,317 persons were arrested in the March-April time frame, 1,115 of whom were released afterwards. Overseas organizations placed the total number detained at more than 5,600.

Many prisoners were subject to the RTL system or other forms of detention not subject to judicial review.

[...] Political Prisoners and Detainees

Due to the lack of independent access to prisoners and prisons, it was impossible to ascertain the number of Tibetan political prisoners. A number of the Tibetans arrested or detained in the days and weeks following the spring 2008 protests were sentenced throughout 2010. Many prisoners were held in the extrajudicial RTL prisons operated by the Ministry of Public Security and never appeared in public court.

COIS: Not accepted .- We consider this chapter covers these issues in detail. The full report is available to readers if they require additional information.

Paragraph 23.05

23.05 In a report dated 21 July 2010, Human Rights Watch stated:

—[The report] finds that the scale of human rights violations related to suppressing the protests was far greater than previously believed, and that Chinese forces broke international law—including prohibitions against disproportionate use of force, torture and arbitrary detention, as well as the right to peaceful assembly—despite government claims to the contrary. It also reveals that violations continue, including disappearances, wrongful convictions and imprisonment, persecution of families, and the targeting people suspected of sympathizing with the protest movement.|| [7n]

In order to provide a better understanding of the context in which the report by Human Rights Watch was written, it is recommended that the following sentence replaces that which is highlighted above: “In a report documenting the human rights violations committed against Tibetans between March 2008 and April 2010, Human Rights Watch stated...”

Paragraph 23.08 and 23.09

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

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

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

23.09 This report also stated:

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

The highlighted source is dated before the usual two year cut-off date for inclusion in COIS reports. Since its inclusion does not add anything of substance to this section not already covered by more recent sources included in the section, it is recommended that this source be removed.

COIS: Partly accepted – COIS does not have a ‘two year cut-off date’ as quoted above, although we strive to use the most up to date information as a general rule. Where there is a lack of information or where it is considered that older information adds value we will include it. All information will be reviewed when the report is updated and outdated information will be weeded out. .

Due to the publication date of the COI SReport, no information has been included on the recent wave of self-immolation of Tibetan monks in protest of Chinese repressive policies. It has been reported that some of the monks which survived were taken away by the Chinese authorities and have not since been heard of. It has further been reported that government officials have entered some monasteries to ‘re-educate’ monks and have installed surveillance cameras. The intensification

of such surveillance should be recorded in a sub-section of this section. The following are a good starting point:

- [Human Rights Watch, World Report 2012: China, 22/01/2012](#), Tibet
- [BBC News, Tibetan self-immolation triggers clash in China, 14/01/2012](#)
- [BBC NEWS, TIBET MONK DIES IN CHINA AFTER SELF-IMMOLATING, 09/01/2012](#)
- [BBC NEWS, TIBET PROTESTER 'SETS HIMSELF ALIGHT' IN SICHUAN, CHINA, 06/01/2012](#)
- [BBC News, Tibet ex-monk dies after self-immolation, activists say, 09/12/2011](#)
- [BBC News, Abbot hits out over Tibetan self-immolations, 17/11/2011](#)
- [Human Rights Watch, Address Causes of Tibet Self-Immolations, 07/11/2011](#)
- [Tibetan Centre for Human Rights and Democracy, China to Create Law-Abiding 'Model Monastery' in TAR, 02/11/2011](#)
- [The Guardian, China is fuelling the fires of Tibetan resistance, 17/10/2011](#)
- [BBC News, China jails two more Tibetan monks over fire death, 31/08/2011](#)

COIS: Accepted. Thank you. These reports were published after the COIS report under review and they will be considered when the report is updated. A. sub-section on the self-immolation of monks and nuns in Tibet will be included in the updated report.

No current information is included in this section on human rights violations in Tibet during 2011. This section therefore notably omits information on enforced disappearances and the continued crackdown on Tibetans as documented by the following suggested sources, all published since the publication of the COIS report:

- [Radio Free Asia, Security Clampdown Widens, 29/01/2012](#)
- [Amnesty International, China must avoid excessive force in response to Tibetan protests, 24/01/2012](#)
- [Radio Free Asia, China Boosts Security In Tibet, Sichuan, 25/01/2012](#)
- [BBC News, Tibetan protester 'killed by Chinese police gunfire', 23/01/2012](#)
- [Human Rights Watch, World Report 2012: China, 22/01/2012](#), Tibet
- [TibetInfoNet, Chinese police beat Tibetan to death, 16/12/2011](#)
- [Phayul, Leaked photos show Chinese brutality in Tibet, 04/12/2011](#)
- [Human Rights Watch, China: Enforced Disappearances a Growing Threat, 09/11/2011](#)
- [Freedom House, Countries at the Crossroads 2011: China, 04/11/2011](#)

- [U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), V. Tibet
- [Tibetan Centre for Human Rights and Democracy, 3 Monks Sentenced to 'Re-education Through Labor'; China Attempts to Dissuade Kirti Monks with Money, 19/09/2011](#)
- [Society for Threatened Peoples, Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status, 12/09/2011](#)
- [Mouvement contre le racisme et pour l'amitié entre les peuples \(MRAP\), Written statement submitted by the Mouvement contre le racisme et pour l'amitié entre les peuples \(MRAP\), a nongovernmental organization on the roster, 02/09/2011](#)

COIS: Thank you. These reports were published after the COIS report under review and they will be consulted when the report is updated.

POLITICAL PRISONERS HELD IN TIBET

Paragraph 23.11

23.11 The **USSD Report 2010** stated:

—Based on information available from the U.S. Congressional Executive Commission on China's political prisoner database, as of September 3 [2010], there were 824 Tibetan political prisoners imprisoned in Tibetan areas. Of these, 765 were Tibetans detained on or after March 10, 2008, and 59 were Tibetans detained prior to March 10, 2008. Of the 765 Tibetan political prisoners who were detained on or after March 10, 2008, 443 (approximately 58 percent) were Tibetan Buddhist religious professionals (monks, nuns, and trulkus, or high-ranking reincarnated lamas). Sentencing information was available for 152 of the 824 Tibetans. Of the 152 Tibetan political prisoners for whom sentencing information is available, 116 were detained on or after March 10, 2008. According to an NGO [non-governmental organisation] report, as of December 30, there were 831 known political prisoners in Tibet, of whom 360 were known to have been convicted by courts; 12 Tibetans were serving life sentences. The actual number of Tibetan political prisoners and detainees was believed to be much higher. An unknown number of prisoners continued to be held under the RTL [re-education through labour] system. [2e] (Tibet)

More recent statistics of the number of Tibetan political prisoners are available than those presented in the highlighted source. For example the latest annual report by the U.S. Congressional Executive Commission states:

[U.S. Congressional-Executive Commission on China, Annual Report 2011, 10/10/2011](#), Tibet, Summary Information: Tibetan Political Detention and Imprisonment, Post-March 10, 2008: Lack of Information, Uncertain Status

[...] As of September 1, 2011, the Commission's Political Prisoner Database (PPD) contained 1,134 records of Tibetan political prisoners detained on or after March 10, 2008—a figure certain to be far from complete. No information is available, however, on the outcome of more than half (623) of the cases. More than half (348) of the 623 unresolved cases are presumed to have resulted in release based on the substantial period of time since detention—three years or more in hundreds of cases. Among the 1,134 PPD records of Tibetan political detentions reported since March 2008, post-detention information is available for only 307 cases. Included in those 307 cases are 21 Tibetans whom officials ordered to serve reeducation through labor (16 are believed released upon completing their terms), and 197 Tibetans whom courts sentenced to periods of imprisonment ranging from six months to life (79 are believed released upon sentence completion). Of the 197 Tibetan political prisoners sentenced to imprisonment since March 2008, sentencing information is available for 186 prisoners: the average sentence length is five years and three months based on PPD data as of September 1, 2011.²⁰¹

CURRENT TIBETAN POLITICAL DETENTION AND IMPRISONMENT

As of September 1, 2011, the PPD contained records of 527 Tibetan political prisoners believed or presumed to be currently detained or imprisoned. Of those 527 records, 483 are records of Tibetans detained on or after March 10, 2008, 202 and 44 are records of Tibetans detained prior to March 10, 2008. PPD information for the period since March 10, 2008, is certain to be far from complete. Of the 483 Tibetan political prisoners believed or presumed to be currently detained or imprisoned and who were detained on or after March 10, 2008, according to PPD data as of September 1, 2011:

- More than half (264) are believed or presumed to be detained or imprisoned in Sichuan province; the rest are believed or presumed to be detained or imprisoned in the Tibet Autonomous Region (160), Gansu province (23), Qinghai province (34), the Xinjiang Uyghur Autonomous Region (1), and Beijing (1).

- 113 are serving sentences ranging in length from one year and six months to life imprisonment; the average sentence length is seven years and two months.²⁰³

Sixty-two (55 percent) of the 113 prisoners with known sentences are monks, nuns, or Tibetan Buddhist teachers or trulkus.

- 240 (50 percent) are Tibetan Buddhist monks, nuns, teachers, or trulkus.

- 425 (88 percent) are male, 51 (11 percent) are female, and 7 are of unknown gender.

Sentencing information is available on 27 of the 44 Tibetan political prisoners detained prior to March 10, 2008, and believed to remain imprisoned. Their sentences range in length from five years to life imprisonment; the average sentence length is 14 years and 3 months.²⁰⁴

Paragraph 23.12

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

This source from February 2009 is outdated and should therefore be removed.

COIS: Accepted. Thank you. The report quoted above was published after the COIS report under review however it will be consulted when the report is updated. As more information about Tibet has become available recently, this chapter will be updated accordingly.

TIBETAN BUDDHISM

The currently included U.S. Department of State annual report on International Religious Freedom published in November 2010 should be replaced with the most recent September 2011 U.S. Department of State report on International Religious Freedom, which covers the second half of 2011. The latest report can be viewed [here](#).

Paragraph 23.13

23.13 As stated by the Chinese Government White Paper, Regional Ethnic Autonomy in Tibet, published in May 2004, —At present, there are over 1,700 venues for Tibetan Buddhist activities, with some 46,000 resident monks and nuns; four mosques and about 3,000 Muslims; and one Catholic church and over 700 believers in the region. Religious activities of various kinds are held normally, with people’s religious needs fully satisfied and their freedom of religious belief fully respected. [50] (p3 of Section IV)

The highlighted source is dated before the usual two year cut-off date for inclusion in COIS reports. The source is also a government document, which it is considered reports an overly positive situation on freedom of religion. Given that the information is not consistent with other sources included in the COIS report it is therefore recommended that this source be removed.

COIS: Not accepted – COIS do not have a ‘two year cut-off date’ as quoted above, although we strive to use the most up to date information as a general rule. Where there is a lack of information or where it is considered that older information adds value we will include it. COIS use a variety of sources and we consider it is clear to the reader that the above information is attributed to the Chinese Government.

MONASTIC LIFE

Paragraph 23.22

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

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

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

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

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

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

—All four orders share a lot in common. All wear maroon robes, and all have the same configuration. All follow the same monastic rules (vinaya), which are derived from Indian Buddhism. They all agree that the philosophical school of the Indian Buddhist master Nagarjuna is the supreme system, and all practice [sic] very similar meditation practices, the most important of which derive from Indian texts called tantras. The meditative practices derive from a common canon of texts, and the ceremonies they perform, along with the theories behind them, share many common presuppositions and actions. Aside from different styles of hats and other dress for some ceremonial occasions, you really can’t tell them apart when you see them on the street, and most aspects of their religious lives and practices are very similar. There are many different lineages, and each order has its own history and major figures, but the similarities are pervasive. [50d]

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

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

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

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

—Self-censorship is an important tool, but peer censorship is probably more important. The PRC tells monks that if any of the residents of a particular monastery do things that anger the Chinese, the whole monastery will suffer, but they’re vague on exactly what will anger them. They do the same thing with groups of travellers (all foreigners are required to join a group that is monitored by a government-approved guide). At one monastery I visited in 2001 (Tashilhunpo), one of the monks told me that there were 22 Chinese security personnel in the monastery full time, and they were monitoring 73 monks. Other monasteries I visited had military bases right next to them, and all religious activities are very closely monitored. There are resident Chinese security personnel in many monasteries, and their job is to keep a close eye on the monks. Monks and nuns have been at the forefront of anti-Chinese agitations, and so the PRC is deeply suspicious of them. Monks are routinely required to sign declarations of allegiance to the PRC, the Communist Party, and to its policies, as well as denunciations of the Dalai Lama. Recent research by human rights groups such as Amnesty International and Human Rights Watch have concluded that there is no freedom of religion in Tibet today, and I reached the same conclusion during my visit there in 2001. [50d]

It was not possible for the reviewers to verify the content of this source since no hyperlink or copy of the full set of questions and answers is included in the COIS report.

COIS: Partly accepted – Readers are advised that a hard copy of this information is held by COIS and is available on request; however we will add this as an annexe when the report is updated if the source is still used..

CONSEQUENCES FOR EXPELLED MONKS

Paragraph 23.23

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

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

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

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

—No; a monk who’s expelled will be blacklisted. If he were to front up to another monastery seeking admission, the administrators (who are now all political appointees who have demonstrated their loyalty to the Party) would refuse him entry. Also, there are four orders of Tibetan Buddhism, and they’re further subdivided into smaller lineages and schools. Most monks enter a monastery with

which their family is associated. It's not easy to transfer to another monastery in any circumstances, and once a monk is blacklisted, there are no real options aside from escape into exile. That's why the majority of escapees are monks and nuns (currently about 3000-4000 Tibetans successfully escape into exile every year, and an unknown number die along the way or are captured by Chinese patrols or by Nepali border guards). Only a small number of monks are allowed to reside at any given monastery (monasteries that once housed 10,000-20,000 monks now are allowed only about 200 monks by the PRC authorities), and particularly the main ones are closely monitored, so a blacklisted monk really couldn't go anywhere else. [50d]

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

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

It was not possible for the reviewers to verify the content of this source since no hyperlink or copy of the full set of questions and answers is included in the COIS report. Unless this information cannot be found elsewhere in the public domain, COIS should not rely this particular source, especially since it was written in 2005.

COIS: Partly accepted – As above. Readers are advised that a hard copy of this information is held by COIS and is available on request and if we retain this source we will add it to the next report as an annexe.

TIBETAN REFUGEES IN INDIA

The following more recent sources document the situation and treatment of Tibetans in India and are recommended for inclusion given that the most recent source included in this section is a 2008 BBC article:

- [Phayul, Scholar warns Tibetans of more vulnerability in future, 22/12/2011](#)
- [Phayul, 21 Tibetan students detained after embassy protest, 29/10/2011](#)

COIS: Thank you. These reports were published after the COIS report under review and they will be considered when the report is updated.

Legal Status of Tibetans in India

Paragraph 23.26

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

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

23.27 The same source noted that as of 1994 the Indian government had adopted an unofficial policy of denying registration certificates to Tibetans. In theory, Tibetans without registration cards can be

arrested and deported back to China but in practice India allows unregistered Tibetans to remain in India for extended periods. Most Tibetans born in India choose not to apply for Indian citizenship on the basis that to do so would be an admission that they will never be able to return to Tibet. [24a] (p 83-84).

A copy of the highlighted source could not be located online and therefore no cross-check of the excerpt could be undertaken.

COIS: Accepted. Thank you. We will remove this source and look for an alternative source when the report is updated.

TIBETAN REFUGEES IN NEPAL

The following more recent sources document the situation and treatment of Tibetans in Nepal and are recommended for inclusion since the most recent source included in this section is the April 2011 annual report by the U.S. Department of State which covers events in 2010:

- [Phayul, Nepal to 'slash all facilities' to Tibetans?, 15/11/2011](#)
- [Phayul, 'Curfew' like situation in Kathmandu as Tibetan woman attempts self-immolation, 03/11/2011](#)
- [TibetInfoNet, "This is very damaging". Provocations and detentions in Nepal, 02/11/2011](#)
- [Radio Free Asia, Self-Immolation Attempt Triggers Crackdown, 02/11/2011](#)
- [Phayul, Nepali authorities bar Tibetans from cultural performance, 03/10/2011](#)
- [TibetInfoNet, 23 Tibetans released. Tibetan refugees in Nepal, 25/09/2011](#)
- [U.S. Congressional Research Service, India: Domestic Issues, Strategic Dynamics, and U.S. Relations, 01/09/2011](#), India-Nepal
- [Radio Free Asia, Tibetans Held Amid China Visit, 17/08/2011](#)
- [TibetInfoNet, 12 Tibetans arrested in Nepal, 05/07/2011](#)
- [Tibetan Women's Association, Shadow Report on Nepal: Submitted to the United Nations Committee on the Elimination of Discrimination Against Women, June 2011](#)
- [Radio Free Asia, Nepal Confiscates Tibetan Ballots, 17/02/2011](#)

COIS: Thank you. Most of these reports were published after the COIS report under review and they will be considered when the report is updated.

Legal status of Tibetans in Nepal

Paragraph 23.34

Source [31f] cited in this paragraph is a letter from the British Embassy in Kathmandu. Given that this is not available in the public domain, it is not possible to review the accuracy of the excerpt cited. It is understood that it may not be possible to reproduce the letter in full, but it is suggested that as the letter dates from 2005 that the Embassy be contacted for an update on this issue.

COIS: Partly accepted – Readers are advised that a hard copy of this information is available on request from COIS. Although it is unlikely the legal situation has changed since the letter was written, we will review all information when the report is updated to ensure it is still relevant. If this source is still used it will be included in the next report as an annex.

Paragraph 23.35

The cited source [2d] contains additional information on the curtailment of freedom of expression, freedom of assembly, and freedom of movement of Tibetans in Nepal which is recommended for inclusion:

[U.S. Department of State, 2010 Country Reports on Human Rights Practices: Nepal, 08/04/2011](#)

[...] Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

[...] The country limited freedom of expression for the Tibetan community.

On February 14, police seized Tibetan flags from Tibetans and did not allow them to wear T-shirts displaying the flags during a candlelight program in Kathmandu, according to reports received by the OHCHR.

[...] b. Freedom of Peaceful Assembly and Association

[...] The country limited freedom of assembly for the Tibetan community.

On March 9 and 10, the NP and APF arrested 28 Tibetans who staged protests to mark the 51st anniversary of the Tibetan uprising against the Chinese in Tibet. On July 6, police set up checkpoints at different locations, stopping members of the Tibetan community and other vehicles heading toward the birthday celebrations of the Dalai Lama in Kathmandu. More than 100 persons reportedly were detained at the Lalitpur District Police Office. On October 3, the government seized ballot boxes from at least three locations in Kathmandu during an election held by the Central Tibet Administration; at year's end, the government continued to hold the boxes.

[...] d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement except for most refugees, whose freedom of movement within the country is legally limited. Constraints on refugee movements were enforced unevenly and more often against the Tibetan than the Bhutanese refugee population. The government did not always cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, stateless persons, and other persons of concern. In contrast to 2009, the government detained some newly arrived Tibetans, rather than releasing them to the UNHCR.

The following additional source also contains useful information on the legal rights of Tibetans in Nepal:

- [TibetInfoNet, Short cuts and immigration mess: Tibetan immigration issues in Nepal, 04, 08/2011](#)

COIS: Accepted. Thank you. We will expand this section as suggested.

24. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

TREATMENT BY, AND ATTITUDES OF, STATE AUTHORITIES

It is considered that this section could be improved by including more current information. Additional examples of state discrimination and interference against the LGBT community include:

- [ILGA, Great firewall of China comes down on Shanghai Pride website, 24/10/2011](#)

- [ILGA, Chinese Film Festival Forced Underground, 23/10/2011](#)
- [ILGA, Pub owner in China jailed for gay shows, 03/09/2011](#)
- [ILGA, Cops Raid Shanghai Gay Bar, 05/04/2011](#)
- [ILGA, Arbitrary Arrests of Gay Men in China Violate Human Rights, Undermine Effective HIV Prevention and Treatment, 01/10/2010](#)
- [IGLHRC, China: The Legal Position and Status of Lesbian, Gay, Bisexual and Transgender People in the People's Republic of China, 24/02/2010](#)

[IGLHRC, China: Stop Police Discrimination Against Gay Men in Guangzhou, 21/10/2009](#)

COIS: Accepted. Thank you . We will expand this section when the report is updated.

SOCIETAL TREATMENT AND ATTITUDES

Paragraph 24.09

24.09 On 26 September 2005 the Canadian Immigration and Refugee Board (IRB) recorded:—According to some sources, government and Chinese society are showing greater tolerance towards homosexuals than they have in the past... More and more gays and lesbians have been 'coming out' since the 1990s particularly in urban areas... Telephone hotlines and websites specifically for homosexuals are available while gay bars and clubs have sprung up even in smaller cities and are for the most part tolerated by local authorities or even sometimes publicly advertised... A gay and lesbian film festival was held in 'the outskirts' of Beijing in 2005 and in 2001, when both times Peking University banned the festival from its campus... While Shenzhen in Guangdong Province is reportedly one of the most tolerant cities for gays in China, the Chinese countryside has not experienced the same level of openness as urban areas have... According to The Sydney Morning Herald, '[i]n the Chinese hinterland ... the gay emergence is more tentative but strengthening among a homosexual community'... Nevertheless, homosexuals in China continue to face social stigma... Homosexuality is also considered a taboo subject in the media, though the BBC reported that by 2004 there was more coverage of homosexual issues in the mainstream media than there had been in the past... strong pressure to conform to family expectations also comes to bear on homosexuals.|| [3n]

Whilst it is clear from the referencing of this paragraph that the information contained is an excerpt from the September 2005 report by the Canadian Immigration and Refugee Board, it is considered that relevant information is omitted which relates to homosexuals not revealing their sexuality. Compare this excerpt to the original source (emphasis added):

[Immigration and Refugee Board of Canada: The situation and treatment of homosexuals \(2003 - 2005\) \[CHN100544.E\], 26/09/2005](#)

According to some sources, government and Chinese society are showing greater tolerance towards homosexuals than they have in the past (Gaytimes n.d.; see also Beijing Review 28 Oct. 2004; Country Reports 2004 28 Feb. 2005, Sec. 5), and homosexuals have acquired more "lifestyle options" (The Gay and Lesbian Review Worldwide 1 May 2003). More and more gays and lesbians have been "coming out" since the 1990s (ILGA 31 July 2000; see also Gaytimes n.d.), particularly in urban areas (AFP 22 Nov. 2003; BBC 13 Jan. 2004), though sources note that most homosexuals do not publicly reveal or discuss their sexual preference (Beijing Review 28 Oct. 2004; Country Reports 2004 28 Feb. 2005, Sec. 5; see also CSSSM 30 Dec. 2003). Telephone hotlines and Websites specifically for homosexuals are available (Beijing Review 28 Oct. 2004; see also BBC 13 Jan. 2004) while gay bars and clubs have

sprung up even in smaller cities (ibid.; Beijing Review 28 Oct. 2004), and are for the most part tolerated by local authorities (AFP 22 Nov. 2003) or even sometimes publicly advertised (Sydney Morning Herald 27 Aug. 2005). A prominent gay novelist who goes by the pseudonym Tong Ge remarked to The Sydney Morning Herald that before 1999 the meeting place for gays was public toilets and parks (ibid.). A gay and lesbian film festival was held in "the outskirts" of Beijing in 2005 (BBC 24 May 2005; SCMP 25 Apr. 2005) and in 2001, when both times Peking University banned the festival from its campus (ibid.).

COIS: Accepted. Thank you. This will be added when the report is updated.

For further information on LGBT persons living clandestinely, see:

- [ILGA, Battling HIV In China, 12/09/2011](#)
- [China Daily, New hotline to offer help to gays, 11/05/2006](#) (this source is included at paragraph 24.10, but the relevant information about homosexuals entering into heterosexual marriages is omitted)

The same Canadian Immigration and Refugee Board source also provides further information on the societal discrimination of homosexuals that is recommended for inclusion in the COIS report:

[Immigration and Refugee Board of Canada: The situation and treatment of homosexuals \(2003 - 2005\) \[CHN100544.E\], 26/09/2005](#)

Nevertheless, homosexuals in China continue to face social stigma (AFP 18 May 2005; Beijing Review 28 Oct. 2004; Country Reports 2004 28 Feb. 2005; CSSSM 30 Dec. 2003), and thus have little community support (AFP 18 May 2005). Most Chinese lack knowledge about homosexuality (Women of China 4 June 2005), and view it as "abnormal, disgraceful, or distasteful" (Beijing Review 28 Oct. 2004; see also The Gay and Lesbian Review Worldwide 1 May 2003). Homosexuals whose sexual preference is revealed may face job loss or removal from school (CSSSM 30 Dec. 2003). [...]

Country Reports 2004 notes that "strong pressure to conform to family expectations" also comes to bear on homosexuals (28 Feb. 2005, Sec. 5). As a result, many homosexuals enter into marriage with heterosexuals (CSSSM 30 Dec. 2003; The Economist 30 July 2005; Women of China 4 June 2005), but conceal their sexual orientation (ibid.). People interviewed by China Daily for an article on homosexuals affirmed that "the single biggest source of pressure and stigma comes from their own families," as Chinese culture insists on men "carrying on the family line" (China Daily 6 Sept. 2005). Many parents reject their gay children when they reveal their sexual orientation (ibid.). [...]

The following additional excerpt from the BBC article as cited at paragraph 24.05 of the 'Treatment by, and attitudes of, state authorities' section is also recommended for inclusion:

[BBC, China launches first gay TV show, 05/04/2007](#)

Things have moved on, but many gays still have a difficult struggle in the face of traditional ideas about the family, especially those living in more conservative rural areas, our correspondent says.

For additional information on societal discrimination against the LGBT community see:

- [China Digital Times, "Gay marriage with Chinese characteristics", 28/10/2011](#)
- [Time.com, "Coming out in China: the true cost of being gay in Beijing", 13/07/2011](#)
- [CNN.com, "Xing Zhao: gay people in China need to come out", 23/03/2011](#)
- ["Li Tie of The Times Weekly: Gay marriage will lead us down the slippery slope towards legalizing polygamy and bestiality", 04/03/2011](#)

- [Human Rights Watch, Abuses of the Rights of China's Lesbians, Gays, Bisexual, and Transgender Population, 11/01/2011](#), see Abuses of the Rights of China's Lesbians, Gays, Bisexual, and transgender Population (p 61 ff.)

COIS: Accepted. Thank you. This section will be expanded to include more information on discrimination against the LGBT community. .

LESBIANS

This section does not include any information on societal violence perpetrated against lesbians. On this issue see:

- [Pink News "32 Chinese women arrested for writing gay erotica", 21/03/2011](#)
- [ILGA, Domestic Violence against Lesbian and Bisexual Women in China, 11/02/2010](#)
- [IGLHRC, China: Progress on LGBT Visibility Amidst Government Restrictions, 22/12/2009](#)

COIS: Accepted – Thank you. This section will be expanded to include the above.

TRANSGENDER PERSONS

This section does not include any information on discrimination against transgender persons. Suggested sources to include are:

- [ILGA, China removes transsexual dancer as talent show judge, 22/09/2011](#)
- [IGLHRC, China: The Legal Position and Status of Lesbian, Gay, Bisexual and Transgender People in the People's Republic of China, 24/02/2010](#)

COIS: Accepted. – Thank you. This section will be expanded and information on discrimination against transgender persons will be included.

25. DISABILITY

Information which document discrimination against persons living with a disability in accessing employment and the risk of forced labour is recommend for inclusion in the COIS report:

- [Human Rights Watch, World Report 2012, 22/01/2012](#)
- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), see Representative Human Trafficking Cases From the 2011 Reporting Year
- [U.S. State Department, Trafficking Report 2011: China, 27/06/2011](#)
- [Human Rights Watch, As Paralympics Launch, Disabled Face Discrimination, 05/09/2008](#)

Sources also document that disability rights activists are under surveillance which it is suggested it would be relevant to include:

- [Freedom House, Countries at the Crossroads 2011, 04/11/2011](#)

- [Amnesty International, Against the Law: Crackdown on China's Human Rights Lawyers Deepens, 30/06/2011](#)
- [Human Rights Watch, As Paralympics Launch, Disabled Face Discrimination, 05/09/2008](#)

It is further suggested that information documenting that persons living with a disability may be selectively sterilised should be included in this section. See:

- [Population Research Institute, U.N. Population Fund Targets Minorities in China: New PRI Investigation Reveals the Manchus Are Under Fire, One-Child Policy Rigorously Enforced, 2009 \(v19, n4\) July/August](#)

COIS: Accepted – Thank you. This section will be expanded to include more information on discrimination against persons living with a disability. .

26. WOMEN

This section is relatively brief and relies heavily on the 2011 U.S. State Department report.

COIS: Accepted – Thank you. Following an IAGCI thematic review of women in the November 2010 COIS China Country report (released after publication of the 2011 China report), it was accepted that this section needed to be expanded and new sub headings included. The suggestions from that review and those below will be considered when the report currently under review is updated.

SOCIAL AND ECONOMIC RIGHTS

It is suggested that additional information on women's access to the employment market is included in this section. See for example:

- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), see Women, Employment Discrimination
- [Radio Free Asia, Rural Tradition Hampers Women, 22/10/2010](#)

VIOLENCE AGAINST WOMEN

It is suggested that information is included in this section which relates to migrant women's specific vulnerabilities to abuse. See for example:

- [U.S. State Department, Country Reports on Human Rights Practices, 08/04/2011](#), Section 6 Discrimination, Societal Abuse, and Trafficking in Persons, Women

It is further suggested that information is included that relates to rural women's increased vulnerability to suicide. See:

- [U.S. State Department, Country Reports on Human Rights Practices, 08/04/2011](#), Section 6 Discrimination, Societal Abuse, and Trafficking in Persons, Women

Paragraph 26.10

No direct URL is provided for source [12d]. It can be accessed [here](#). Similarly, no hyperlink was provided for source [12g] which can be found [here](#).

It is suggested that information is included on the stigma attached to female rape victims in Chinese society and the suspected under-reporting of rape and low expectations of police responses:

- [Paxcely Marquez, "Rape in China", University of Southern California US-China Institute, 5 July 2009](#)
- Ko Ling Chan, "Sexual violence against women and children in Chinese societies", *Trauma, Violence and Abuse* 10, 69 (2009), available [here](#)
- Vincent Gil and Allen F Anderson, "Case study of rape in contemporary China: a cultural-historical analysis of gender and power differentials", *Journal of Interpersonal Violence*, 14 (1999)

27. CHILDREN

Violence against Children

It is suggested to include information on the suspected under-reporting of and lack of official response to incidences of childhood sexual abuse (CSA) and physical abuse in China:

- Ko Ling Chan, "Sexual violence against women and children in Chinese societies", *Trauma, Violence and Abuse* 10, 69 (2009), available [here](#)
- D P Qiao and Y C Chan, "Child abuse in China: a yet-to-be-acknowledged 'social problem' in the Chinese mainland", *Child and Family Social Work* 10 (2005), DOI: 10.1111/j.1365-2206.2005.00347.x, available [here](#).
- Jingqi Chen, Michael P Dunne, and Ping Han, "Child sexual abuse in China: a study of adolescents in four provinces", *Child Abuse and Neglect*, 28 (2004)

COIS: Accepted - Thank you. These sources, where accessible, will be consulted when the report is updated. COIS will also undertake research for alternative accessible sources.

Child Abduction

It is suggested to include information from UNICEF's current page on Child Protection in China which amongst other issues, documents that very young migrant children face an 'exceptionally high risk of abduction by child traffickers':

- [UNICEF China Pages, The Children, Protection, undated \[current webpage, accessed 30/12/2011\]](#)

There is also evidence that family planning officials have abducted children and profited from their adoption:

- [Radio Free Asia, Snatched Infants Sold for Adoption, 10/05/2011](#)

COIS: Accepted. Thank you. These sources will be considered when the report is updated.

Paragraph 27.15

A Times Online article is cited in this section. Given that this source is now subscription only and not possible to review, it is suggested that alternative sources are used where available, or that the full document is made available on request if possible.

COIS: Accepted - an alternative source will be sought.

Child Labour

The China Labour Bulletin report on child labour in China and should be included in this section as, despite being more than four years old, it still represents the most detailed examination of the issue.

- [China Labour Bulletin, “Small hands: a survey report on child labour in China”, September 2007](#)

It is recommended that this section is cross referenced with the ‘Trafficking’ section. In addition, it would be useful to include information in this section on children’s vulnerability to forced labour, trafficking and forced prostitution as documented in the following sources:

- [BBC, China children rescued in swoop on traffickers, 07/12/2011](#)
- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), see Representative Human Trafficking Cases From the 2011 Reporting Year
- [Guardian, China tightens adoption rules to fight child trafficking, 16/08/2011](#)
- [U.S. State Department, Trafficking Report 2011: China, 27/06/2011](#)

COIS: Partly accepted - These sources will be considered when the report is updated. Child abduction is already cross-referenced with trafficking and is immediately above this section.

Child soldiers

It is suggested that it is made clear that the source cited in this paragraph, the 2008 Annual Report by the Coalition to Stop the Use of Child Soldiers, is the most recent report available from this organisation.

COIS: Not accepted – We don’t consider this is needed however it would be helpful if the reviewer could clarify.

CHILDCARE AND PROTECTION

It is suggested that information is added to this section which elucidates that street children are more vulnerable to abuse. UNICEF explains that children who live on the street are more vulnerable to all forms of abuse including physical, emotional and sexual abuse and are also at greater risk of being trafficked for exploitative forms of child labour, or to be manipulated by criminal networks:

- [UNICEF, In-depth: A renewed effort on street children, 02/09/2011](#)

COIS: Thank you. The report will be consulted when the report is updated and the information will be included if still relevant.

Paragraph 27.20

The information cited in this paragraph could not be found in the original source referenced [29a].

Paragraph 27.23

The author of the source [13m] cannot be accessed via the URL given, but instead can be accessed from the China Daily website [here](#).

COIS: Thank you. This will be rectified

EDUCATION

As with the other subsections relating to children, it is suggested that the relevant excerpt from the Concluding observations of the UN Committee on the Rights of the Child is included:

[Concluding observations of the UN Committee on the Rights of the Child: China \(including Hong Kong and Macau Special Administrative Regions\), 24 November 2005](#)

Education, including vocational training and guidance

75. While noting efforts made by the State party in mainland China, the Committee is concerned about remaining disparities in access to and availability of education, which negatively affect girls, children with learning difficulties, ethnic minority children, children living in rural areas and western provinces, and migrant children. The Committee is also specifically concerned about the existence of miscellaneous fees for compulsory education, high student-teacher ratios, high dropout rates in middle and secondary school and the quality of education throughout the mainland.

COIS: Accepted – Thank you. This information will be consulted when the report is updated.

It is suggested that information from UNICEF's China pages on Education in China be included which identify the following specific issues affecting school quality: teacher qualifications; teaching methods; learning achievement levels; teaching materials and girls' enrolment:

- [UNICEF China Pages, Education and child development, undated \[current webpage, accessed 31/12/2011\]](#)

COIS: Thank you. This report will be considered when the report is updated.

It is also suggested that further information is included on migrant children's access to education and that this is cross-referenced with the 'Internal Migrants' section:

- [UNICEF China Pages, Migrant Children, undated \[current webpage, accessed 31/12/2011\]](#)
- [Xinhua News Agency, Migrant children should be included in urban education, 16/09/2011](#)
- [Radio Free Asia, Anger Over Migrant School Closures, 18/08/2011](#)

COIS: Accepted. - Thank you. These reports will be consulted and information added as suggested when the report is updated. Section will be cross referenced.

Paragraph 27.28; 27.30; 27.32; 27.33

The sources cited in this section are the subscription only Europa World and the Economist Intelligence Unit and therefore cannot be reviewed.

COIS: Not accepted. - Please see previous comments re subscription sources. Readers are advised that a hard copy of this information is available on request from COIS.

HEALTH AND WELFARE

It is suggested that a link is provided to UNICEF's Statistics on Children in China which documents: Basic Indicators; Nutrition; Health; HIV/AIDS; Education; Demographic Indicators; Economic indicators; Women; Child Protection; The Rate of Progress; Adolescents; Equity; Under-five mortality rankings:

- [UNICEF China Pages, Statistics, current webpage \[undated, accessed 09/01/2012\]](#)

COIS: Accepted – Thank you. This information will be added when the report is updated

Paragraph 27.37

The “forthcoming” Human Rights Watch report on child lead poisoning referred to in this section has already been published. See:

- [Human Rights Watch, My Children Have Been Poisoned”; A Public Health Crisis in Four Chinese Provinces, 15/06/2011](#)

➤
COIS: Accepted – Thank you. This information will be added when the report is updated.

28. FAMILY PLANNING ('ONE CHILD POLICY')

The 2010 Congressional-Executive Commission on China is heavily relied upon in this section of the COIS report. Given that this source recently published its 2011 Annual Report on 10/10/2011, it is recommended that a future China COIS report be updated to replace all the excerpts from the 2010 Annual Report, and specifically the section on 'Enforcement'.

Paragraph 28.05

It is suggested that a link to the Australian RRT Research Response on the calculation of social compensation fees for unmarried couples in Fujian province is included, as the only other information in this section on the level of fees is some years out of date:

- [RRT Research Response CHN38129, China – Fujian Province – Family planning – Social compensation fees – Unmarried couples – Children born overseas – Passports, 25/02/2011](#)

COIS: Accepted - Thank you. This information will be updated in the next report.

Paragraphs 28.09 and 28.10

It is suggested that the following two paragraphs currently included in the section entitled 'Family Planning Law and Other Regulations' better belong in the 'Monitoring' section given that they relate to premarital medical check-ups:

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

28.10 In January 2007 the National Population and Family Planning Commission issued new regulations. They reaffirmed the family planning policy and the eugenics goal of promoting population quality, and again linked these with economic and social development. The regulations stated,

—Without exception, all substantial issues that China encounters in its efforts to achieve better and faster economic and social development are closely related to quantity, quality, structure and distribution of the population... Vigorous efforts are required to disseminate scientific knowledge about prevention of birth defects... Scientific premarital medical checkups should be advocated.|| [5r]

COIS: Not accepted – We consider that the information fits better in Family Planning Law and Other Regulations.

ETHNIC MINORITIES

Paragraph 28.12

28.12 The official government portal, china.org, accessed on 12 February 2009, stated, —In ethnic minority areas, more preferential policies permit some families to have three children, and in the farming and pastoral areas in Xinjiang Uygur Autonomous Region, families are allowed to have four children. In Tibet's farming and pastoral areas, there is no restriction on childbirth.|| [5u]

Only this one short excerpt from one source is included in this section. Whilst it accurately cites the original source, it may be read to imply that families in the in Xinjiang Uygur Autonomous Region and Tibet are not subjected to coercive measures under the one-child policy. The following sources which document the threat of forced abortion to these communities are recommended for inclusion:

- [Radio Free Asia, Trafficking Victim's Mother Seeks Redress, 29/12/2011](#)
- [TibetTruth, Coercive Birth Control In Occupied Tibet:J An examination and exposé of China's coercive population program as operated inside occupied Tibet, January 2011](#)
- [Zenit, Human Rights in China: Population Control Continues To Claim Victims, 07/06/2009](#) this source is cited at paragraph 28.15 of the COIS report as discussed below

COIS: Accepted - This sub-section will be expanded as suggested.

Paragraph 28.15

28.15 On 7 June 2009, citing an article in The South China Morning Post, the Zenit news agency stated, —...authorities are able to act without scrutiny in the rural areas and they employ brutal methods, including the destruction of houses and forced sterilizations... forced abortions remain common.|| [52a]

This should be revised so as to accurately detail the authority cited in the original source as follows:

[Zenit, Human Rights in China: Population Control Continues To Claim Victims, 07/06/2009](#)

The South China Morning Post gave the example of Jin Yani, who was subjected to a forced abortion due to her contravention of the strict limits. The abortion was carried out in such a brutal manner that she was in danger of death and subsequently spent 44 days in hospital. As a result of what happened, she will never be able to conceive again.

According to the article, authorities are able to act without scrutiny in the rural areas and they employ brutal methods, including the destruction of houses and forced sterilizations.

The newspaper cited Mark Allison, East Asia researcher for Amnesty International, who said that forced abortions remain common.

COIS: Not accepted, this specific detail is felt unnecessary as the generic information is contained in the quote.

ENFORCEMENT

As explained above, it is recommended that a future China COIS report be updated to replace all the excerpts from the 2010 Congressional-Executive Commission on China Annual Report with information contained in the 2011 report. With specific regard to 'Enforcement' the following excerpt is considered particularly useful:

- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), Population Planning, Coercive Implementation

[...]OFFICIAL CAMPAIGNS

During the 2011 reporting year, authorities in some areas implemented population planning enforcement campaigns—in some cases dubbed “spring family planning service activities” (chunji jisheng fuwu xingdong)—that employed coercive measures to prevent or terminate “out-of-plan” pregnancies.¹¹ For example, in March 2011, the Yangchun city government in Guangdong province reported that one such campaign had commenced and that the “focal points” of the campaign were the sterilization of mothers with two daughters and the implementation of “remedial measures” for out-of-plan pregnancies.¹² Yangchun family planning officials were directed to adopt “man-on-man military tactics,” “launch meticulous ideological work,” and “storm the fortifications of ‘nail households’ (dingzi hu) ¹³ and ‘flight households’ (waitao hu) ¹⁴ in a targeted manner.” ¹⁵ The Commission noted that this year, in official speeches and government reports from a wide range of localities, authorities also used the phrase “spare no efforts” (quanli yifu) to signify intensified enforcement measures and less restraint on officials who oversee coercive population planning implementation measures. Between November 2010 and June 2011, county and township governments in at least eight provincial-level jurisdictions (Shandong,¹⁶ Anhui,¹⁷ Gansu,¹⁸ Guangdong,¹⁹ Hunan,²⁰ Guangxi,²¹ Hubei,²² and Jiangxi ²³) urged officials to “spare no efforts” in implementing family planning campaigns including, in some cases, the “two inspections and four procedures” (liangjian sishu)—or intrauterine device (IUD) inspections and pregnancy inspections (the two inspections), IUD implants, first-trimester abortions, mid- to late-term abortions, and sterilization (the four procedures).²⁴

Reports surfaced in May 2011 regarding official implementation of population planning policies which resulted in the illegal abduction and sale of children by local officials. From 2000 to 2005 in Hunan province,²⁵ family planning officials reportedly took at least 16 children—allegedly born in violation of population planning policies— from their families and sold them to local orphanages.²⁶ In many of the reported cases, officials took the children because their families could not pay the steep fines levied against them for violating population planning regulations.²⁷

INDIVIDUAL CASES OF VIOLENT COERCION

Numerous reports emerged this past year illustrating family planning officials’ use from 2009 to 2011 of violence to coerce sterilizations, abortions, or payment of fines. The following are representative cases that occurred in eight different provinces.

- Hunan. In February 2009, local family planning officials reportedly kidnapped Liu Dan, 39 weeks pregnant with her first child, and forced her to undergo an abortion because she had not yet reached the age at which she could be legally married to the child’s father. Liu and the child reportedly died during the procedure.²⁸
- Anhui. In July 2010, local family planning officials reportedly kidnapped 23-year-old Li Hongmei and forced her to undergo a sterilization procedure. She later filed a lawsuit, which the local county people’s court did not accept on the grounds that the case was “unclear.” ²⁹
- Yunnan. In September 2010, officials reportedly destroyed a man’s home, harassed his family, and reportedly beat his 67- year-old mother because the man did not return home to pay family planning fines and undergo a mandatory sterilization procedure.³⁰
- Shandong. In September 2010, local family planning officials reportedly forced a woman surnamed Xie to undergo an abortion when she was six months pregnant because her husband had been three months younger than the legal marriage age at the time the child was conceived.³¹
- Fujian. In October 2010, local family planning officials reportedly kidnapped a woman who was eight months pregnant and detained her for 40 hours. They then forcibly injected her with a substance which aborted the fetus. During this time, the woman’s husband was reportedly not permitted to see her.³²
- Henan. In November 2010, local family planning officials reportedly kidnapped a man in order to force him to pay the remainder of a fine for having a second child. The same day, the village head notified

his family that he was in the hospital. When the family went to see him, they reportedly found him dead under unknown circumstances.³³

- Guizhou. In May 2011, local family planning officials reportedly beat Zhang Xuequn and her husband and forced her to undergo surgical implantation of an intrauterine device, despite the fact that she showed them her valid marriage license and birth permits and that she was technically accountable to the government in her home province of Zhejiang.³⁴
- Jiangxi. In May 2011, local officials reportedly beat Zhang Julan and forced her to undergo tubal ligation surgery after she and 10 other villagers went to the town government to discuss officials' illegal requisition of land. Zhang remained in the hospital for at least one month following the procedure due to injuries she sustained while in official custody.³⁵

Additional sources which document the abusive enforcement of family planning policies include:

- [Radio Free Asia, Woman Flees Forced Sterilization, 12/01/2012](#)
- [Radio Free Asia, Officials Take Woman, Child Hostage, 16/12/2011](#)
- [Women's Rights Without Frontiers, Chen Guangcheng's Report Released: Forced Abortion and Sterilization, 12/11/2011](#)
- [Bio Scholar, "Chinese woman caught, sterilized after second child", 01/11/2011](#)
- [Women's Rights Without Frontiers, China: Woman Dies During Forced Abortion, Six Months Pregnant, 17/10/2011](#)
- [Radio Free Asia, Birth Policy Could Destabilize China, 23/09/2011](#)
- [New York Times, Chinese Officials Seized and Sold Babies, Parents Say, 04/08/2011](#)
- [Radio Free Asia, Women Forced to Abort, 03/02/2011](#)
- [China Human Rights Defenders, "'I don't have control over my own body': abuses continue in China's Family Planning Policy", 21/12/2010](#)
- [Radio Free Asia, "Court rejects sterilization suit", 19/11/2010](#)
- [Guardian, Chinese woman forced to have abortion at eight months, claims husband, 21/10/2010](#)[New York Times, Abuses Cited in Enforcing China Policy of One Child, 21/10/2010](#)
- [The Times, "China tries to sterilise 10,000 parents over one-child rule", 17/04/2010, republished by the Center for Genetics and Society](#)

COIS: Accepted. Thank you. These reports will be consulted when the report is updated.

Paragraph 28.34

A Times Online article is cited in this section. Given that this source is now subscription only and not possible to review, it is suggested that alternative sources are used where available, or that the full document is made available on request if possible.

Paragraph 28.41

The URL provided for the Reuters article cited in this section was no longer active and the source could not be found elsewhere. Given that this source is not possible to review, it is suggested that alternative sources are used where available, or that the full document is made available on request if possible.

COIS: Accepted – Thank you. Sources no longer active will be replaced.

FAMILY PLANNING REGULATIONS IN FUJIAN

The Articles of the Fujian Family Planning Regulations relate only to 'Returned Overseas Chinese' to Fujian. It is recommended that Articles 9 and 10 relating to the circumstances under which couples may apply to have more than one child are also included in this section, or if not included in full, that the COIS report summarises what these Articles address:

Population and Family Planning Regulation of Fujian Province (unofficial translation), adopted 26 July 2002, effective from 1 September 2002

Article 9 A couple may give birth to a second child under any one of the following circumstances if they apply for it and are approved by the administrative department of the county in charge of family planning:

- (1) Husband and wife are both the only child in the family;
- (2) Either husband or wife is the only child of a martyr;
- (3) The couple were once diagnosed as sterile, adopted a child and becomes pregnant;
- (4) The first child cannot develop into a normal laborer due to his non-inherited disability technically appraised by the municipal district family planning administrative department. The couple are medically proved to be able to give birth to a normal infant;
- (5) Either husband or wife becomes disabled because of work accident with the disability grade at 2A and above;
- (6) Husband and wife are both residents from Hong Kong, Macao and Taiwan who have returned and reside in this province for less than six years
- (7) Remarried couple with one party never having any child and the other party having one child before remarriage; or one party of the remarried couple has lost the spouse and the remarried couple each have a child before remarriage that meets the requirement of the family planning regulation, in such cases, they shall be approved to have another child.

Article 10 A rural couple may apply for permission to give birth to a second child under any one of the following circumstances:

- (1) Either husband or wife is the only child in the family;
- (2) Husband's brothers have no children at all and are all sterile;
- (3) The wife has not brother and has one only sister and the husband goes to reside with the wife's family and support the wife's parents;
- (4) Both husband and wife live in a township whose population density is less than fifty people per square kilometer and the average arable land for each person is more than two mu or the average forest land for each person is over thirty mu;
- (5) The couple has got only one daughter; Both husband and wife are fisherman and fisherwoman or either husband or wife is a mine worker working underground for over five years and is still working underground and has only one daughter; they may follow the stipulations of the preceding paragraph
- (5). [...]

COIS: Accepted - These Articles will be added when the report is updated.

FAMILY PLANNING REGULATIONS IN GUANGDONG

It is not possible to review the excerpt of the Family Planning Regulations in Guangdong due to the document not being available in the public domain, but having been made available to UKBA by the Immigration and Refugee Board of Canada. If possible, UKBA should make the original source available upon request.

COIS: Accepted- Hard copies of the Guangdong regulations can be requested from COIS, however as the information is not in the public domain it would be restricted to UKBA personnel only. We will review the information in this section and if it can't be disclosed publicly we will remove the information.

It is recommended that a link be added in both the Fujian and Guangdong sections to this article which carries a summary of all the provincial exceptions to the one-child rule:

- Gu Baochang et al., "China's local and national fertility policies at the end of the twentieth century", *Population and Development Review* 33, 1 (March 2007), 134-5, available [here](#)

COIS: Accepted – Thank you. This information will be consulted and a link added when the report is updated.

Paragraph 28.50

No direct hyperlink was provided for Xinhua News Agency, Beijing Eases Birth Control Policy, 09/08/2003. The full article can be accessed [here](#).

Paragraph 28.51

Again no direct hyperlink was provided for Xinhua News Agency, New City Policy eases One-child Restrictions, 13/04/2004. This appears to be a China Daily article and can be accessed [here](#).

COIS: Thank you, this will be amended in the report.

SINGLE WOMEN

Paragraph 28.54

Limited information is excerpted from the Immigration and Refugee Board of Canada report cited in this paragraph. It is considered that the following excerpt from this source, which is not addressed elsewhere in the COIS report, is relevant:

- [Immigration and Refugee Board of Canada, China: Treatment of pregnant, unmarried women by state authorities, particularly in Guangdong and Fujian; whether unmarried women are obliged to undergo pregnancy tests by family planning officials \(2002-2005\), 06/09/2005](#)

The Henan Province Population and Family Planning Regulations state that if a woman gets pregnant outside of wedlock, "necessary remedial measures shall be taken and the pregnancy terminated under the guidance of family planning technical service workers" (PRC 30 Nov. 2002, Art. 25).

Paragraph 28.58

It is considered that the following relevant information from the source cited in this paragraph has been omitted:

[Immigration and Refugee Board of Canada, The treatment of pregnant, unmarried women by state authorities and society in Guangdong; laws pertaining to pregnant, unmarried women \(2001\) \[CHN38004.E\], 02/11/2011](#)

A scholar who has researched and co-authored articles on family planning and China's one-child policy in Guangdong Province stated that the policy of the central government is to encourage pregnant, unwed women to terminate their pregnancy in light of China's one-child policy, however, in practice, local governments implement the policy differently depending on the regional situation (1 Nov. 2001). [...] A professor of Sociology at the University of British Columbia who is affiliated with the Institute of

Asian Research, stated that, generally such pregnancies are not approved under China's one-child policy and because of regional quotas, pregnancies outside of marriage would be looked upon unfavourably and the woman would be encouraged to abort (31 Oct. 2001). However, the professor stressed that such a decision would be case specific and such factors as the individual's age, whether they are living in a rural or urban setting, and whether the woman is working or not, would play a determining factor in the final outcome (ibid.). [...]

Additional sources which document that pregnant single women are deemed to have 'out of plan' pregnancies and are subject to forced abortions should be included. See:

- [Washington Times, LING: No husband, no baby, 29/09/2011](#)
- [Committee on Foreign Affairs, China's One-Child Policy Abuse of Human Rights Focus of House Hearing Highest female suicide rates, war on single moms, gender gap, forced sterilizations/abortions legacy of 'One-Child' Policy, 23/09/2011](#)
- [Agence France Presse, Rights group urges end to China's 'one-child' policy, 22/12/2010](#)
- [Congressional-Executive Commission on China, Annual Report 2009, 10/10/2009](#) Implementation: Abortion and Sterilization
- [U.S. State Department Report, Country Report on Human Rights Practices 2008, 25/02/2009](#)
- [Austrian Centre for Country of Origin and Asylum Research and Documentation \(ACCORD\), China: 10th European Country of Origin Information Seminar Report, 17/03/2006](#), 3.2. SINGLE WOMEN & SINGLE MOTHERS

COIS: Accepted - This information will be included in the next report.

Paragraph 28.45

On whether Chinese migrants returning from overseas are counted as Overseas Chinese for the purposes of family-planning regulations, the Chinese government's annual "Blue Book" on Overseas Chinese states that migrants who do not have legal residence status in another country are excluded from the category of Overseas Chinese. This applies to all undocumented migrants and over-stayers. See

- Li Minghuan, *Annual Report on Overseas Chinese Study 2011* (Paths International, 2011)

COIS: Accepted –Thank you. This paragraph will be reviewed when the report is updated.

Paragraph 28.59

It should also be noted that an invalid URL is cited for source [40c]. It can now be accessed [here](#).

COIS: Thank you .This will be rectified.

29. TRAFFICKING

In addition to the information cited in this section, it is considered that the following 2 points, not addressed in the COIS report are relevant to this section and should be included:

1. China's skewed sex ratio, which is a result of the one-child policy, has increased the demand for trafficking for forced marriage and commercial sexual exploitation:
 - [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), see Human Trafficking, Driving Factors
 - [Susan Tiefenbrun and Christie J. Edwards, Gendercide and the Cultural Context of Sex Trafficking in China, August 2008](#), IV. Root Causes of Trafficking
2. Women in rural areas are particularly vulnerable to abuses, including trafficking into forced prostitution:
 - [Human Rights Watch, World Report 2011, 24/01/2011](#)

In addition to including a cross-reference to the section on organized crime, it is recommended that recent reports on the relatively high degree of organization and sophistication of Chinese trafficking networks active in the UK are included:

- [Ceop, Strategic Threat Assessment Child Trafficking In The UK, 2010](#)
- [Ceop, Strategic Threat Assessment Child Trafficking In The UK, April 2009](#)

COIS: Accepted - Thank you. This section will be expanded using the additional sources when the report is updated.

29.12 SNAKEHEADS

Given that the three sources included in this section all date from 2004 it is suggested that more current information on the strength and reach of snakeheads is included. See for example:

- [Agence France Presse, China arrests 600 in huge child trafficking bust, 07/12/2011](#)
- [U.S. State Department, Trafficking Report 2011: China, 27/06/2011](#)

COIS: Accepted. Thank you. All the above will be consulted on the next report update.

CHINESE MIGRANTS

It is suggested that this section is cross-referenced with the section on 'Internal Migrants'.

Paragraph 29.08

It was not possible for the reviewers to verify the content of the source 'From Exceptional Case to Global Participant, April 2004, Ronald Skeldon of the University of Sussex' since no hyperlink or copy of the book is included in the COIS report.

COIS: Accepted. Thank you. If this source is retained in the new report a link will be added when the report is updated.

Paragraph 29.10

Again, it was not possible for the reviewers to verify the content of the source *Cooperative Efforts to Manage Emigration (CEME), Visit to China (Fujian), 20–25 June 2004* since no hyperlink or copy of the report is included in the COIS report. No URL was provided in the Index for the Guardian article cited in this section ‘Victims of the sands and the snakeheads, 07/02/2004’ which can be viewed [here](#).

Paragraph 29.13

The URL for [The US National Institute of Justice, Characteristics of Chinese Human Smugglers, August 2004](#) has been changed.

Paragraphs 29.14 and 291.5

It was not possible for the reviewers to verify the content of the source included in these paragraphs since no hyperlink or copy of the book is included in the COIS report. Unless this information cannot be found elsewhere in the public domain, COIS should refrain from using this particular source, or to make the original source available upon request.

COIS: Accepted. Thank you. All sources will be reviewed when the report is updated and we will seek an alternative source for this information.

On the typical fees paid to snakeheads and the risk of violence from snakeheads towards migrants, including sexual violence towards women migrants, a more recent source is available from the International Labour Organization:

- Gao Yun (ed.), *Concealed chains: labour exploitation and Chinese migrants in Europe* (Geneva: ILO, 2010), 978-92-2-121993-4[ISBN]

An executive summary of the report is available online [here](#)

DEBT BONDAGE AND RISK OF RE-TRAFFICKING

Whilst information is included on the practice of debt-bondage in the COIS report, its significance may be overlooked given that it is not included within a specific sub-section, but is rather referred to briefly at paragraph 29.02 of the ‘Trafficking’ section, whilst U.S. based debt collectors are mentioned once at paragraph 29.13 in the ‘Snakeheads’ section. It is recommended that given the relationship between debt-bondage and the risk of re-trafficking, that a new sub-section on ‘Debt-Bondage’ is included in the COIS report, based on the following sources of information:

- [Congressional-Executive Commission on China, Transcript of Roundtable: Women in a Changing China, 08/03/2010](#) see Statement of Mark Lagon, Former Ambassador-at-Large and Director, Office to Monitor and Combat Trafficking in Persons (TIP), U.S. Department of State
- [IOM, The Causes and Consequences of Re-trafficking: Evidence from the IOM Human Trafficking Database, 2010](#)
- [Guardian, UK brothel users escape crackdown on forced prostitution, 18/08/2010](#)
- [Immigration and Refugee Board of Canada, Organized crime or black society activity, particularly in Guangdong and Fujian, including links with government officials, repercussions associated with failing to meet demands of criminal gangs, and government efforts at tackling organized crime \(2005-2006\) 05/05/2006](#), see Repercussions For Failing to Meet Demands of Criminal Gangs

- [Guido Friebe and Sergei Guriev, Smuggling Humans: A Theory of Debt-Financed Migration, January 2004](#)

COIS: Accepted. A new subheading will be included when the report is updated, and the above sources will be considered for possible inclusion.

30. MEDICAL ISSUES

It is considered that the following report will be of use when updating this section, especially in relation to the disparity between urban and rural health system and the general challenges of accessibility and affordability of medical care:

- [Centre for Strategic and International Studies, Implementing Health Care Reform Policies in China; Challenges and Opportunities, December 2011](#)

COIS: Thank you. This report will be considered when the report is updated.

HIV/AIDS

Paragraphs 30.07 and 30.12

Source [54a] is the 2007 UNGASS report. It is suggested that the most recent [2010 report](#) is substituted in this section.

COIS: Accepted. Thank you. The latest UNGASS report will be added to the next report.

Paragraphs 30.10

No URL was provided for source [14j] cited in this section and the publication date was incorrect. The reference should be: [China Daily, HIV/AIDS sufferers can receive free therapy, 13/04/2004](#).

COIS: Accepted (para 30.09). The reference will be corrected and the link inserted.

Paragraphs 30.10

No URL was provided for source [12q] cited in this section and the publication date was incorrect. The reference should be: [China Daily, Chinese government to pay for AIDS tests, consultations, 25/06/2004](#).

COIS: Accepted. The reference will be corrected and the link inserted.

Anti-retroviral therapy

This section does not include statistics on the number of people requiring Anti-Retroviral Therapy. For the most up to date information on the provision of free Anti-retroviral therapy, particularly second-line therapy, see:

- [Avert, HIV & AIDS in China, HIV and AIDS treatment in China, undated \[current webpage, accessed 09/01/2012\]](#)
- [Radio Free Asia, AIDS Welfare Pledges Still Unmet, 01/12/2011](#)

➤ [WHO China Pages, HIV/AIDS, 2008 update](#)

COIS: Accepted -Thank you. These more recent reports will be considered for the next update and the additional information will be added as suggested.

Discrimination against HIV/AIDS sufferers

Paragraph 30.19

30.19 In [September 2003 Human Rights Watch](#) published a report entitled, Locked Doors: The Human Rights of People living with HIV/AIDS in China, detailing the many obstacles that people faced when diagnosed as HIV positive in China. This report highlighted both the high level of ignorance about the disease, particularly in rural areas, and the continued reluctance of local officials to fully implement central government initiatives. [7f] In June 2005 Human Rights Watch published a report entitled, Restrictions on AIDS Activists in China. This report stated, —Even as NGO activity generally increases, activists and NGO staff continue to report constant state surveillance, a web of bureaucratic obstacles, and even open harassment in the course of doing their daily work.|| [7c] (Summary)

The first source cited in this paragraph, the 2003 Human Rights Watch report, in addition to detailing many ‘obstacles’ that people face when diagnosed as HIV positive in China also documents the following rights abuses which it suggested to include:

[Human Rights Watch, Locked Doors: The Human Rights of People living with HIV/AIDS in China, September 2003](#)

Rights abuses documented in this report include:

- the spread of HIV through unsafe state-run blood collection centers in the 1990s; the government’s failure to provide treatment or compensation to the overwhelming majority of those who acquired HIV directly or indirectly through those blood sales; and Beijing’s failure to prosecute responsible local officials;
- restrictions on freedom of expression, assembly, association and the right to information of those living with HIV/AIDS and persons seeking to help them;
- arbitrary detention of injection drug users;
- discrimination based on HIV status by state actors, including government hospitals, clinics and government employees;
- mandatory HIV testing in state facilities and violations of patient confidentiality; and
- lack of access to treatment and other issues in China’s under-funded and problem-ridden health care system.

COIS: Accepted. - more detail from this report will be added.

Paragraph 30.09

No URL was provided for source [14j] cited in this section. It can be accessed [here](#).

Paragraph 30.10

No URL was provided for source [12g] cited in this section. It can be accessed [here](#).

COIS: Thank you, this will be rectified

Discrimination in accessing medical treatment

Additional information documenting the specific discrimination that persons living with HIV/AIDS face in accessing medical treatment is suggested for inclusion:

➤ [Human Rights Watch, World Report 2012, 22/01/2012](#)

- [Xinhua News Agency, Chinese premier pledges more financial aid to AIDS patients, urging less discrimination, 02/11/2011](#)
- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), Health-Based Discrimination
- [Radio Free Asia, AIDS Stigma Grips Asia, 29/08/2011](#)
- [ILGA, HIV Patients Find Treatment but Face Discrimination, 02/06/2011](#)

COIS: Thank you. Most of these reports were published after the COIS report under review however they will be considered when the report is updated.

Discrimination against carriers of Hepatitis B

Additional information documenting the discrimination that carriers of Hepatitis B face in accessing education and, in particular, employment, is suggested for inclusion:

- [China Labour Bulletin, “Foxconn accused of refusing employment to woman because of tuberculosis infection”, 13 /10/2011](#)
- [China Labour Bulletin, “Hepatitis B activists publish new major research report highlighting employment discrimination in China”, 02/12/2009](#)
- [Radio Free Asia Blog RFA Unplugged, “China: Hepatitis B carriers’ lifeline shut down”, 30/11/2007](#)
- [China Labour Bulletin, “Responding to Hepatitis B discrimination in the workplace”, 13/07/2007](#)
- [Bonny Ling and Wing Lam, “Hepatitis B: a catalyst for anti-discrimination reforms?”, *China Rights Forum* 2, 30/06/2007](#)

COIS: Accepted - A sub-section on Hepatitis B will be added.

MENTAL HEALTH

It is suggested that information which specifically details the low treatment rate and lack of free inpatient psychiatric care also be included:

- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), Mental Health
- [New York Times, Life in Shadows for Mentally Ill in China, 10/11/2010](#)
- [China Daily, Psychiatric patients unable to get treatment, 13/07/2010](#)

COIS: Accepted - Thank you, information from these sources will be considered for inclusion in the next update.

31. FREEDOM OF MOVEMENT

INTERNAL MIGRANTS

It is suggested to include information on the hukou household registration system as a factor contributing to the vulnerability of internal migrants to forced labour:

- [U.S. State Department, Trafficking Report 2011: China, 27/06/2011](#)

It is also suggested that information detailing that internal migrants are specifically targeted for coercive implementation of family planning policies should be included and that this section be cross-referenced with 'Family Planning' ('One-Child Policy'). See for example:

- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011, POPULATION PLANNING, Targeting Migrant Workers](#)

It is suggested to include information on homelessness and destitution in China:

- [China Daily, "Govt urged to help NGOs help homeless", 13/10/2009](#)
- [Radio Free Asia, "Homeless plan "not enough", 03/09/2009](#)
- [Radio Free Asia, "Down and out in China", 21/08/2009](#)
- [Congressional- Executive Commission on China, Detailed Implementing Rules for the Measures on the Administration of Aid to Indigent Vagrants and Beggars in Cities, 21/07/2003](#)

COIS: Partly accepted - Consideration will be given to these sources when this section is updated. However there is considerable detail of the hukou household registration system and the section does not specifically deal with homelessness.

FOREIGN REFUGEES

The numbering of this section should be amended from '26' to '32'.

COIS: Accepted - Thank you. The error with chapter numbering will be corrected.

NORTH KOREAN REFUGEES

Paragraph 32.04

32.04 As noted by International Crisis Group in a report entitled, *Perilous Journeys: The Plight of North Koreans in China and Beyond* (Asia Report No. 122), published on 26 October 2006:

"The large number of border crossers have caused the North Korean government to use sentences and change the penal code. The 1999 version distinguished between 'unlawful border crossing' and crossing 'with intent to overturn the Republic'. The 2004 revision further distinguishes between 'crossing' and 'frequent crossings'. According to the latter version, 'frequent crossing' of the border without permission is a criminal act punishable by up to two years in labour camps (three years in 1999 version.) Acts of treason... are punishable by five to ten years of hard labour, or ten years to life in more serious cases". [8a] (p18)

It is considered that this paragraph omits the following relevant information which relates to the implementation of the North Korean penal code relating to unlawful border crossings:

[International Crisis Group, Perilous Journeys: The Plight of North Koreans in China and Beyond, 26/10/2006](#), D. FORCED REPATRIATION

China continues to arrest and repatriate North Koreans without referral to the UNHCR, despite international scrutiny and direct pleas from the U.S. State Department urging compliance with UN conventions. 142 [...]

Despite some changes in the law, however, the political and sometimes arbitrary use of imprisonment, torture and capital punishment continues. Punishments tend to depend on the age, gender and experiences of repatriated North Koreans.¹⁴⁸ Women and children have received sentences as light as two weeks in a detention centre, but longer sentences of several months in labour camps are also common. The consequences of repatriation are most severe for pregnant women, who suffer forced abortions under poor medical conditions, and those who confess to meeting with South Koreans or missionaries.¹⁴⁹ Summary executions and long sentences of hard labour are still enforced, though authorities are wary of prisoners falling ill and dying on their watch.¹⁵⁰

COIS: Accepted,- Thank you we will expand this section when the report is updated.

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Paragraph 32.05

It is considered that the following relevant information which relates to forced repatriation is omitted from paragraph 32.05 of the COIS report:

[Human Rights Watch, Denied Status, Denied Education Children of North Korean Women in China, April 2008](#)

II. Summary

[...] North Korea considers leaving without state permission an act of treason and harshly punishes those who are forcibly repatriated. Returnees face arbitrary detention, torture and other mistreatment, and sometimes even the death penalty

COIS: Accepted.- Thank you. This will be added.

More recent sources continue to document the forced repatriation of North Koreans from China and their harsh treatment on return and should be included:

- [Agence France Presse, N.Korean soldiers shoot refugee in China: activist, 07/11/2011](#)
- [Congressional-Executive Commission on China , Annual Report 2011, 10/10/2011](#), see North Korean Refugees in China, Findings
- [U.S. State Department, Trafficking Report 2011: China, 27/06/2011](#)

COIS: Not accepted – We consider this information to be more relevant to the COI Report: Democratic People's Republic of Korea, which is cross-referenced in the report..

33. CITIZENSHIP AND NATIONALITY

Paragraph 33.03

It is considered that Article 5 of the Nationality Law of the People's Republic of China - China Law No. 71 which is omitted from the COIS report is relevant and should be included:

[Nationality Law of the People's Republic of China - China Law No. 71, September 1980](#)

[Article 5]

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

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

COIS: Accepted. Thank you. We will add this Article when the report is updated.

Paragraph 33.04

The invalid URL for the source [3p]cited in this section can now be accessed [here](#). It is recommended that this section be cross-referenced with the sections 'Freedom of Movement' and 'Returned Overseas Chinese'.

COIS: Thank you. This will be amended

34. EXIT-ENTRY PROCEDURES

TREATMENT OF RETURNEES

Paragraph 34.10

It was not possible for the reviewers to verify the content of this source since no hyperlink or copy of the letter is included in the COIS report. Source [31e] cited in this paragraph is a letter from the Foreign and Commonwealth Office. Given that this is not available in the public domain, it is not possible to review the accuracy of the excerpt cited. It is understood that it may not be possible to reproduce the letter in full, but it is suggested that as the letter dates from 2007 that the FCO be contacted for an update on this issue.

COIS: Accepted, a hard copy of this information is available on request from COIS however this is restricted to UKBA personnel only. This source will be reviewed and may be removed if the information cannot be made public.

It is recommended that this section be cross-referenced to the sub-section in section 20 c "Monitoring of activists abroad".

COIS: Accepted. Thank you.

Given that the U.S. Department of State 2010 annual report is the most recent source included in this section of the COIS report, the following more recent sources are recommended for inclusion. All of these sources specifically refer to the return of Uyghurs, but are still indicative of the treatment of returnees:

- [Radio Free Asia, Life in Prison for Asylum Seekers, 26/01/2012](#)
- [Uyghur American Association, TWO YEARS ON, DEPORTED UYGHUR ASYLUM SEEKERS REMAIN "DISAPPEARED", 20/12/2011](#)
- [Radio Free Asia, Asylum Seekers Pressured to Return, 11/10/2011](#)
- [World Organisation Against Torture, China: Enforced disappearances of four Uyghur men Fear for their safety, 18/07/2011](#)

COIS: Thank you- Three of these reports were published after the publication of the report under review, however they will be considered when the report is updated.

FUZHOU DETENTION CENTRE (FUJIAN)

Paragraph 34.11

34.11 According to a report by CEME (Cooperative Efforts to Manage Emigration), which brought together the findings of a week-long visit to Fujian undertaken in June 2004:

—The team visited the main Fujian detention centre just outside Fuzhou, which can accommodate up to 300 persons – both foreigners caught entering the country illegally and Chinese returning from illegal migration activities abroad. Managed by the Border Defense Force, the centre is intended to detain persons returned and those awaiting the outcome of administrative investigation for up to 15 days. It offers information, awareness raising through newspapers, TV and discussions, recreation, medical attention and individualized ‘ideological education’. The team was told that detainees are allowed 1-3 hours ‘free activity’ every day, and that their dietary needs are taken into account. The centre has on a number of occasions been presented as a model to immigration officials (including Ministers) from Australia, Canada and the US. It appeared clean, well kept and managed; but was unoccupied at the time of the CEME visit (indeed seemed only to have housed some 200 occupants in the year). It offers excellently presented displays of its history, including distinguished visits from other countries, and a rousing documentary video of its purpose, history and operation. The team found the centre to be a conspicuous demonstration by the government to the world of how heavily it is investing in combating irregular forms of migration. However, given that the centre was unoccupied, the team speculated about how much it was actually used for the purposes and to the extent claimed. [97] (p9)

No hyperlink was provided in ‘Annex K References to Source Material’ and no direct link or reference was found to this report on CEME’s website. However, an August 2004 report was located entitled “Best Practices to Manage Migration: China”, which contains a section on “Detention Centre in Fuzhou”, which in turns similarly states:

Detention Centre in Fuzhou

The main Fujian detention centre just outside Fuzhou can accommodate up to 300 persons - both foreigners caught entering the country illegally and Chinese returning from illegal migration activities abroad. Managed by the Border Defense Force, the centre is intended to detain persons returned and those awaiting the outcome of administrative investigation for up to 15 days. It offers information, awareness raising through newspapers, TV and discussions, recreation, medical attention and individualized "ideological education". The team was told that detainees are allowed 1-3 hours "free activity" every day, and that their dietary needs are taken into account. The centre has on a number of occasions been presented as a model to immigration officials (including Ministers) from Australia, Canada and the US. It appeared clean, well kept and managed; but was unoccupied at the time of the CEME visit (indeed seemed only to have housed some 200 occupants in the year). It offers excellently presented displays of its history, including distinguished visits from other countries, and a rousing documentary video of its purpose, history and operation. The team found the centre to be a conspicuous demonstration by the government to the world of how heavily it is investing in combating irregular forms of migration. However, given that the centre was unoccupied, the team speculated about how much it was actually used for the purposes and to the extent claimed.

It appears that the excerpt included in the COIS report is taken from this report and thus the reference should be amended accordingly.

COIS: Accepted. Thank you -This will be amended

The sources included in this section are relatively outdated and based on a visit to the detention centre in which no inmates were seen. The following sources describe the death of two inmates under suspected circumstances in Fuzhou detention centres, although it should be noted that the articles do not specify the reason for their detention:

- [The Australia, China prison records queried after death by 'picking at acne', 13/07/2011](#)
- [People's Daily Online, Two dies in detention rooms in east China, 12/04/2009](#)

COIS: Accepted - Thank you. When the report is updated more recent sources will be considered.

TREATMENT OF TIBETANS

A more recent source documents the recent refoulement of a Tibetan from Nepal to Tibet and who is now held in detention:

- [TibetInfoNet, Nepalese return Tibetan to Tibet, 23/11/2011](#)

COIS: Thank you. This report was published after the COIS report under review however it will be considered when the report is updated.

TREATMENT OF UIGHUR(S)

It is recommended that this section be cross-referenced to the sub-section "Monitoring of activists abroad".

COIS: Accepted.

35. OFFICIAL DOCUMENTS

ID CARDS

It is suggested that this section be updated to incorporate the following report from the Immigration and Refugee Board of Canada:

- [Immigration and Refugee Board of Canada, Whether state authorities use second-generation Resident Identity Cards \(RICs\) to track citizens, 11/07/2011](#)

COIS: Accepted. – We will use this source when the report is updated.

FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

All the sources in this section date from September 2005 - June 2009. The information therefore fails to address the likelihood of obtaining 'second-generation Resident Identity Cards'. It is suggested that the following is included:

- [Immigration and Refugee Board of Canada, Appearance of the second-generation Resident Identity Card \(RIC\), including personal information represented on the card; procedure for testing cards for authenticity, 07/07/2011](#)

Testing for authenticity

Unlike the previous laminated paper ID card, the second-generation ID card is designed with a technology that is difficult to counterfeit (China 18 Dec. 2003; see also Xinhua 30 Mar. 2004; ibid. 28 Jan. 2004). According to a 10 February 2006 Shenzhen Daily article posted on the Chinese government's official website, second-generation ID cards can be verified for authenticity through the use of card readers. The article states that

[w]hen an ID card is put in the [card reader] machine, a small device similar to a notebook PC [personal computer], the information displayed on the card can be seen on the machine's screen. If a fake card is used, no information is visible. (Shenzhen Daily 10 Feb. 2006)

The card readers have been installed in such places as banks, customs and airports (ibid.). The use of the readers is reportedly "strictly regulated" (ibid.); only 10 manufacturers in China have been authorized to produce them (ibid.; CardTechnology 1 Apr. 2006).

COIS: Accepted. - Thank you, this source will be consulted when the report is updated.

ANNEX A2

CHRONOLOGY OF MAJOR EVENTS – TIBET POST-1910

It is recommended that this Annex be removed since a timeline of major events can always be researched by the case-owner directly. Alternatively, a link to the BBC Timeline should only be provided since it is updated regularly.

COIS: Partly accepted. We consider this is a useful annex and case-owners are not encouraged to undertake their own research; however we can provide a link to the BBC Timeline.

Based on BBC Timeline, dated 16 June 2011. [9f]

The source was [last updated on 13th December 2011](#) and contains the following important additions, which should be included:

2011 July - The man expected to be China's next president, Xi Jinping, promises to "smash" Tibetan separatism in a speech to mark the 60th anniversary of the Chinese Communist takeover of Tibet. This comes shortly after US President Barack Obama receives the Dalai Lama in Washington and expresses "strong support" for human rights in Tibet.

2011 November - The Dalai Lama formally hands over his political responsibilities to Lobsang Sangay, a former Harvard academic. Before stepping down, the Dalai Lama questions the wisdom and effectiveness of self-immolation as a means of protesting against Chinese rule in Tibet.

2011 December - An exiled Tibetan rights group says a former monk died several days after setting himself on fire. Tenzin Phuntsog is the first monk to die thus in Tibet proper.

In addition, the current major event listed for 1911 is "Tibet is declared an independent republic...". However, the latest BBC Timeline states the following:

1913 - Tibet reasserts independence after decades of rebuffing attempts by Britain and China to establish control.

COIS: Accepted. Thank you. The source will be checked and any necessary amendments made when the report is updated.

ANNEX E

KNOWN DISSIDENT GROUPS

No URL is provided for source [6c], Amnesty International, Dissidents detained since 1992: Political Trials and Administrative Sentences, published 1994. It can be accessed [here](#).

COIS: Thank you. This will be rectified.

ANNEX F

DEMOCRATIC PARTIES

Political organisations existing prior to the establishment of the People's Republic of China (PRC) (1949) which subordinate themselves to the will of the Chinese Communist Party (CCP). [11a]

- China Association for Promoting Democracy
- China Democratic League
- China National Democratic Construction Association
- China Zhi Gong Dang (Party for Public Interests)
- Chinese Peasants' and Workers' Democratic Party
- Jiu San (3 September) Society
- Revolutionary Committee of the Chinese Kuomintang
- Taiwan Democratic Self-Government League [1a] (Other Political Organisations)

The original source [11a] cited in this section describes the parties cited in this section as 'titular "democratic" parties. It is therefore suggested that this Annex is renamed to "Democratic" Parties.

COIS: Accepted. Thank you.