



Australian Government

Department of Foreign Affairs and Trade



# DFAT COUNTRY INFORMATION REPORT PEOPLE'S REPUBLIC OF CHINA

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## ACRONYMS

ABC	Australian Broadcasting Corporation
CCP	Chinese Communist Party ('the Party')
CCPA	Chinese Catholic Patriotic Association
CSO	Civil society organisation
ILO	International Labour Organization
JHU	John Hopkins University
JW	Jehovah's Witnesses or Jehovah's Witness
NAR	Ningxia Autonomous Region
NGO	Non-government organisation
NPC	National People's Congress
NPCSC	National People's Congress Standing Committee
OECD	Organisation for Economic Cooperation and Development
PAP	People's Armed Police
PBSC	Politburo Standing Committee
PLA	People's Liberation Army
PLC	Political-Legal Committee
PRC	People's Republic of China
PSB	Public Security Bureau
RIC	Resident identity card
RMB	Renminbi, also referred to as CNY (Chinese Yuan), China's official currency
TAR	Tibet Autonomous Region
TSPM	Three-Self Patriotic Movement
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund

### Some sensitive anniversaries and events in the Chinese calendar

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

#### Annual events and anniversaries

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



## GLOSSARY

<i>dibao</i>	Subsistence payment made to the poor determined by local governments
<i>guanxi</i>	(Literally) connection; social networks and individual relationships that facilitate business and other interactions
<i>hukou</i>	Government household registration system that requires all Chinese citizens to register in their locality of origin and which can affect a person's ability to access services outside that locality
<i>halal</i>	Allowed under Islamic law
<i>Han Chinese</i>	The dominant ethnic group in China
<i>haram</i>	Forbidden under Islamic law
<i>LGBTI</i>	Lesbian, gay, bisexual, trans and/or intersex
<i>liuzhi</i>	A system of detention run by China's National Supervision Commission outside the criminal justice system
<i>mianzi</i>	'Face' (as in 'losing face') – a sense of self-esteem and respect of others
<i>Party</i>	The Chinese Communist Party
<i>shuanggui</i>	A system of detention for party members run by the Central Commission for Discipline and Inspection, replaced in 2018 by liuzhi
<i>sinicisation</i>	The process of adapting foreign concepts and practices to Chinese culture and practice
<i>tiger chair</i>	A chair with shackles attached for detaining and interrogating prisoners
<i>WeChat</i>	A social media and payment platform popular in China and amongst Chinese speakers around the world
<i>xiejiao</i>	a label used to describe movements authorities regard as anti-government and socially dangerous, sometimes translated as 'illegal cult' or 'evil cult'

## Terms used in this report

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

### *official discrimination*

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

### *societal discrimination*

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

# 1. PURPOSE AND SCOPE

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

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

1.3 Ministerial Direction Number 84 of 24 June 2019, issued under s 499 of the Migration Act (1958), states that:

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

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in the People's Republic of China and Australia. It takes into account relevant information from government and non-government reports, including (but not limited to) those produced by the US Department of State, the UK Home Office, the World Bank and the International Monetary Fund; relevant UN agencies, including the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA); leading human rights organisations such as Human Rights Watch (HRW), Amnesty International and Freedom House; non-government organisations (NGOs); and reputable news organisations and academic sources. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This report replaces the previous DFAT report on the People's Republic of China published on 3 October 2019.

## 2. BACKGROUND INFORMATION

### RECENT HISTORY

2.1 Millennia of imperial rule ended in 1911 with the Xinhai revolution that led to the establishment of the Republic of China. A period of civil unrest and civil war between Nationalists and Communists followed. The Sino-Japanese war prompted some collaboration between the Nationalist and Communist forces, but following Japan's defeat with the end of the Second World War, the civil war resumed. The Nationalists retreated to Taiwan and Mao Zedong proclaimed the People's Republic of China on 1 October 1949.

2.2 Deng Xiaoping succeeded Mao as Chinese Communist Party (CCP) paramount leader following Mao's death in 1976. Political and economic reforms rolled out under Deng transformed the Chinese economy from that of a poor, planned and primarily agricultural economy into the second largest in the world. The World Bank estimates more than 800 million Chinese people have progressed out of extreme poverty since 1978.

2.3 Current leader Xi Jinping became General Secretary of the Party in 2012 and President in 2013. Constitutional amendments in 2018 removed term limits on the Presidency, effectively opening a pathway for Xi to rule indefinitely. Under Xi, the role of the Party has expanded considerably in areas like the economy, media, civil society and the judiciary. Anti-corruption drives, national strengthening, governance reforms, and a greater focus on 'social stability' and 'territorial integrity' have also been hallmarks of Xi's rule.

### DEMOGRAPHY

2.4 According to UN and World Bank data, China's population is about 1.4 billion people, over 160 million of whom are aged 65 and over and over 60 per cent of whom live in cities. An ageing population and rapid urbanisation have characterised Chinese demographic trends for some decades. The two largest cities are Shanghai (27.8 million), and Beijing (20.9 million) according to CIA World Factbook estimates. For ethnic demography, see [Race/Nationality](#). For religious demography, see [Religion](#).

2.5 Modern Standard Chinese ('Mandarin') is the national language and is based on the Beijing dialect of Chinese, which is mutually unintelligible with (for example) southern varieties of Chinese. Written Chinese is broadly the same between most varieties used by [Han Chinese](#), even when the spoken language is mutually unintelligible. Most people throughout China can speak, read and write Mandarin.

## ECONOMIC OVERVIEW

2.6 World Bank figures show China's GDP has averaged almost 10 per cent growth per year since 1978. Real GDP grew 2.3 per cent in 2020 in spite of the COVID-19 pandemic while many other major economies recorded negative growth. The World Bank describes China as an upper middle-income country. The United Nations Development Programme (UNDP) ranks China 85th out of 189 countries in its 2020 Human Development Report, in the 'High Human Development' category.

2.7 In December 2020, President Xi declared success in establishing a 'moderately prosperous society' and eradicating extreme rural poverty. Ensuring the sustainability of these efforts, improving the lives of low income families and addressing widespread inequality are key challenges for the government. Economic development has been uneven, with a large wealth gap between the rich and poor that has been affected over time by large-scale internal relocation from rural to urban areas by people in search of higher wages.

2.8 Social security is limited in China. Traditionally, people rely on family to support them in old age or sickness. Under China's new Civil Code, which came into force on 1 January 2021, parents have the right to demand support from their adult children if it is not otherwise forthcoming. A subsistence allowance, *dibao*, is paid to the poor with the rate set by the local municipality. If a person is returned to China without means of family support, DFAT assesses that it would be difficult, but not impossible, to subsist depending on individual circumstances including age, health, ability to work and level of education. Access to social security and basic services can also be impacted by an individual's registered place of residence. See also [hukou](#).

## Unemployment

2.9 According to International Labour Organization (ILO) data, China's reported urban unemployment rate was consistently around 4.5 per cent between 2011 and 2018 but rose to 5 per cent in 2020 with the impact of COVID-19. The real rate of unemployment is probably higher than official statistics. The official unemployment rate does not fully capture underemployment or unemployment of migrant workers, a 290 million strong workforce.

2.10 The changing nature of work has made it difficult for some low-skilled workers to find employment. Before the COVID-19 pandemic the government focussed on the creation of new urban jobs. Some laid-off factory workers have taken up employment as delivery drivers and shop workers, but these too have been disrupted by the pandemic.

## Education

2.11 China's school system is state-run but decentralised; county-level governments have primary responsibility for school delivery. The standard of education varies considerably from place to place with urban standards higher than rural standards, which may be accentuated by relatively poor infrastructure and household income, and access to qualified teachers in rural areas. The language of instruction is Mandarin. See [Race/Nationality](#).

2.12 China's adult literacy rate is 96.8 per cent. Despite a nine-year compulsory education policy (six years of primary school and three years of middle school, with another three years of high school possible),



children in China attend school for 8.1 years on average (females 7.7 years and males 8.4 years). Along with quality, attendance rates are lower in rural areas and some rural children do not attend school at all. High levels of literacy and education generally mirror higher wealth in large cities and the eastern provinces.

## Health

2.13 Average life expectancy in China is 76.9 years; higher in urban areas and lower in rural areas. The top causes of death are non-communicable diseases, such as stroke, heart disease, lung diseases and cancer. High rates of tobacco use and exposure to air pollution are leading health risks. Health care varies significantly between urban and rural areas. Urban centres have better quality healthcare, but only for those with the relevant urban *hukou* (household registration).

2.14 The COVID-19 pandemic has challenged China's health system. China pursued a zero-tolerance approach to COVID-19 and has made remarkable progress in pursuing its national vaccine roll-out. Government responses included localised lockdowns, movement restrictions, large-scale contact tracing and testing (including through use of health apps that can aid with contact-tracing and certifying the vaccination status and COVID-19 risks specific to an individual), and rapid construction of purpose-built hospital and quarantine facilities. Some aspects of the COVID-19 outbreak, particularly its origins and the government's early response, are politically sensitive and reporting is controlled (see *Media*) but DFAT assesses that government reporting of its subsequent success in controlling the spread of COVID-19 within China is likely accurate as a result of robust measures to control outbreaks quickly.

## Mental health

2.15 The government has increased investments in mental health services over the last decade but services remain inadequate. A 2019 article by Chinese academics published in the BMJ General Psychiatry journal found a 17.5 per cent prevalence of mood disorders. It found that, despite the high prevalence of disorders, the rate of people receiving treatment was low, in part due to social stigma, and a lack of funding, mental health beds and mental health professionals. Most of those resources were found in provincial capitals in the more developed east coast of the country.

2.16 Although demand for mental health services is growing, many people remain reluctant to seek help due to stigma associated with mental illness. According to a study conducted in Tianjin and published in BMC Psychology in 2020, about 45 per cent of participants thought most people would not accept a former mental health patient as a close friend, 70 per cent thought that most young women would not date a man who had been hospitalised with a serious mental health condition, and almost 55 per cent of participants would not employ a person who was a former mental health patient.

## POLITICAL SYSTEM

2.17 China's political landscape is dominated by the CCP. Eight minor parties exist but they are vetted by, and subordinate to, the CCP. While the Party, executive, legislature, and judiciary are ostensibly separate entities, the Chinese Constitution makes clear that all organs are subordinate to the Party. Government agencies, judicial organs, and businesses have parallel Party structures and/or host Party cells, and senior officials in government, the judiciary, SOEs and the legislature also concurrently hold Party positions.

2.18 The legislature is known as the National People's Congress (NPC) and holds a full session with about 3,000 members once a year. In practice, the Party's peak leadership body, the seven-member Politburo Standing Committee (PBSC), and Party leading groups and central commissions, are responsible for making key policy decisions. PBSC members are drawn from the subordinate 25-member Politburo, which in turn is drawn from the Party's central committee. The State Council oversees the implementation of policy decisions, as well as regulations and laws adopted by the NPC and its standing committee. The Premier (currently Li Keqiang) is head of the State Council and China's Head of Government. President Xi and Premier Li are also members of the PBSC.

2.19 China has four broad levels of government. Subordinate to the national government are provincial governments and autonomous regions. Subordinate to those are prefectures, counties, autonomous counties and municipalities and townships. Shanghai, Beijing, Tianjin and Chongqing are municipalities directly subordinate to the national government. Governments at the provincial level and below are responsible for most public expenditure on health, education, unemployment insurance, social security and welfare.

## Corruption

2.20 China ranked 78 out of 180 countries and territories in Transparency International's 2020 Corruption Perceptions Index (where 1 is perceived to be least corrupt). The 2020 Global Corruption Barometer for Asia found that, while 64 per cent of Chinese citizens considered corruption had decreased in the previous 12 months, 62 per cent still perceived government corruption to be 'a big problem'.

2.21 Transparency International estimated 28 per cent of public officials accepted a bribe in 2020. The 2020 US Department of State Human Rights Report notes frequent corruption in court decisions, and areas 'heavily regulated by the government' such as land-usage rights, mining and infrastructure development. Bribery in healthcare is also reported, for example offering cash for prioritised procedures. See also [documentation and fraud](#) and [entry and exit procedures](#).

2.22 What might be considered corruption in the West may be viewed as *guanxi* in China. *Guanxi*, (literally 'connection') is a system where progress in business or government relies on patronage networks – giving and receiving 'face' (*mianzi* - esteem, prestige) and exchanging favours or gifts. Good *guanxi* can obtain favourable business, social and legal outcomes, and bad *guanxi* can make them impossible.

2.23 The government takes corruption seriously as a threat to its legitimacy. Penalties for corruption can include death for serious and high-profile cases. On taking office in 2013, President Xi launched a nation-wide anti-corruption campaign against high and low-ranked corrupt officials. Within five years the crackdown led to arrests of over 1,800 officials, including very senior political figures. Corruption charges can be interpreted broadly. Allegations of corruption by officials are investigated by Party organs in the first instance (the Central Commission for Discipline and Inspection and the National Supervisory Commission). While officials are generally investigated by these organs for alleged crimes related to fraud, financial misappropriation and other activities traditionally defined to constitute corruption, these organs appear also to investigate officials deemed to lack loyalty and ideological purity. Individuals critical of the Party and its leadership can also face detention and other consequences ostensibly for corruption charges.

## HUMAN RIGHTS FRAMEWORK

2.24 In 2019, China released a white paper on human rights for the 70<sup>th</sup> anniversary of the establishment of the People's Republic. It emphasised 'happiness' (asserting that 'living a happy life is the primary human right'), poverty eradication, and rights to food, water, housing and health. Chinese authorities consider the right to subsistence and development as the primary human rights, which contrasts with the United Nations Universal Declaration on Human Rights, which promotes equal and inalienable rights to life, liberty, security and freedom.

2.25 Chapter 2 of the Constitution covers the rights and duties of citizens. It includes a right to vote, 'right to criticise state organs and their employees' and freedom of speech and religious belief. It notes that the state 'respects and preserves human rights'. The situation in practice differs and all of these rights are heavily restricted, especially if they are perceived as a threat to political or social stability. The Constitution is non-justiciable – constitutional rights cannot be pursued in court.

2.26 China has ratified the following international human rights conventions: the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of Persons with Disabilities; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography; and, the International Convention on the Elimination of All Forms of Racial Discrimination.

## SECURITY SITUATION

2.27 China has a vast security apparatus. Threats to security like terrorism and civil unrest are low but isolated incidents have occurred. A key justification for the security crackdown in Xinjiang was a number of incidents allegedly involving Uyghur separatists, such as the 2009 riots in Urumqi, and terrorist attacks in Beijing in 2013 and Kunming in 2014. Other violent incidents also occurred in Xinjiang in 2013 and 2014. The government claims there are links between separatists and foreign militant organisations, such as Al-Qaeda and Islamic State, who have in the past made statements indicating a desire to target China.

2.28 The government alleges the East Turkestan Islamic Movement, which it says is a militant separatist group, has been behind a number of incidents of violence. Authorities claim such attacks have not occurred in recent years as a result of counter-terrorism and social stability policies in place in Xinjiang.

2.29 Street crime rates are generally low. DFAT's Smart Traveller travel advice notes petty crime and scams and possible bandit attacks in very remote border areas. The US Department of State Diplomatic Security Service notes that a strong police presence and use of surveillance technology in Shanghai effectively deter crime and describes Beijing as 'generally safe' compared to other large cities.

## 3. REFUGEE CONVENTION CLAIMS

### RACE/NATIONALITY

3.1 The Han ethnic group makes up 92 per cent of the population and is socially, politically and economically dominant. The government recognises 55 other ethnic groups, some of which live in 'autonomous regions'. China has long emphasised ethnic diversity, first as part of its revolutionary politics and later as part of its identity as a nation. Hundreds of delegates from ethnic minorities attend the [National People's Congress](#) (NPC) and ethnic groups have historically received preferential treatment in [birth planning](#), access to [education](#), loans or [employment](#). In practice, these concessions are limited. The NPC only meets once a year and real political power is held in the [Politburo Standing Committee](#).

3.2 Preferential treatment of minorities is unevenly implemented and has been wound back in recent years. The political narrative has changed to one of 'ethnic unity' and emphasis is placed on prioritising a unified national identity, which is tantamount to assimilation into the Han majority. The state sees that unity as critical to national security. Some Han Chinese have complained that they have been treated unfairly in the context of growing [wealth inequality](#) that has caused many to struggle with the cost of living.

3.3 The government announced in January 2021 that some local regulations that allowed ethnic minority schools to teach in minority languages were incompatible with the Chinese Constitution and the use of ethnic minority languages would be rolled back. A prominent example is a change in policy in Inner Mongolia from August 2020 that changed the language of instruction in some subjects from Mongolian to Mandarin, which sparked protests. See [Ethnic Mongolians](#)

### Uyghurs

3.4 Uyghurs are an ethnically distinct, predominantly Sunni [Muslim](#) people native to Central Asia. An estimated 11 million Uyghurs live mostly in Xinjiang but also as a minority in Gansu, Qinghai, Tibet and Hunan. Human rights groups, some Western governments and parliaments and academics, among others, allege Chinese authorities have undertaken policies such as restrictive family planning (including forced sterilisation and abortions), Han inward migration and labour transfer to reduce the Uyghur population density in Xinjiang. About 42 per cent of Xinjiang residents are Han Chinese (with different proportions in different parts of Xinjiang) and their proportion of the population has grown by about 2 per cent since 2015.

3.5 Expression of Islamic or Uyghur identity in Xinjiang is subject to control, with restrictions on cultural dress, beards, language and dietary habits. Muslim holy books such as the Quran are rarely available, and religious practices such as attending worship at mosques or fasting are actively discouraged or banned by government in some parts of Xinjiang, and access to sites of religious significance is restricted. Enforced



homestays by Han Chinese ‘big brothers and sisters’ have reportedly been used to monitor and restrict traditional cultural practices. According to media reports, Uyghurs have been forced to consume *haram* foods like pork and alcohol. Human rights groups such as Amnesty International and Human Rights Watch report that Islamic religious ceremonies have been disrupted, and Islamic devotional items and artefacts have been destroyed by government actors.

3.6 Security in Xinjiang is tightly controlled. Following the 2009 riots in Urumqi and other security incidents attributed to Uyghur separatists in 2013 and 2014, security measures dramatically increased. The Council on Foreign Relations reports that Xinjiang is managed under a ‘grid’ system with cities and villages divided into ‘squares’ of about 500 people each. Each square has a police station that closely monitors the identity of people in its square and may restrict their movement, take biometric data and search mobile phones. Data is fed into a database that, according to a former government worker quoted by Amnesty International in a June 2021 report, records details of people’s lives, habits and relationships. The International Consortium of Investigative Journalists reported in 2019, based on leaked documents, that data in the database is fed into an algorithm that identifies potential subjects of arrest.

3.7 Amnesty International’s June 2021 report noted that those identified for arrest were removed from their homes, often in the middle of the night or under the pretence of being called to a police station to produce documents. Detainees were reportedly interrogated at police stations where Amnesty claims they were placed in ‘tiger chairs’ (a chair with shackles attached, which some human rights groups believe to be a form of torture), were extorted, had bribes demanded, and were detained in crowded and unsanitary conditions.

3.8 Reports and assessments lend a high degree of confidence to claims that a vast network of detention and political re-education facilities exist in Xinjiang. Uyghurs may be sent to high-security internment camps. Some former detainees have spoken publicly about their experiences. According to Human Rights Watch, some of those detained in the camps are not charged with any crime and their families are told they are ‘held for their own good’. Chinese authorities describe the camps as ‘vocational skills education training centres’ and former detainees have reported attending classes about Chinese history, law, politics, culture and language. Former detainees told Amnesty International that life in the camps is heavily regimented, to the extent that use of languages other than Mandarin (which some detainees did not speak), or touching one’s face, was punished in case it was a form of prayer. Former detainees also report sleep deprivation, shackling, beating, sexual abuse, electric shocks, being placed in stress positions and being subject to unhygienic and crowded conditions. Amnesty also reports ‘healthcare without consent’, where blood was drawn for unknown purposes and unknown substances were injected into detainees.

3.9 Some detained Uyghurs have later been released. Authorities refer to releases as ‘graduations’ as detainees have completed their courses and gained employment. According to Amnesty International, detainees can be released according to the following conditions: good behaviour, academic achievement, at least one year of detention and ‘ideological transformation’. Former detainees face the prospect of being returned to camps and some reported they had to sign documents acknowledging this before release.

3.10 The Chinese Government has dismissed human rights allegations as ‘disinformation’. The United States Government has determined that China’s actions in Xinjiang constitute genocide and crimes against humanity and the parliaments of Belgium, Canada, the Czech Republic, Lithuania, the Netherlands and the United Kingdom have passed motions referring to the situation in Xinjiang as ‘genocide’.

3.11 DFAT assesses Uyghurs in Xinjiang and in other parts of China face a high risk of official discrimination due to their ethnicity and cultural and religious practices. DFAT assesses that Uyghurs face a moderate risk of societal discrimination. Any Uyghur or family member of any Uyghur who speaks out about their treatment publicly, regardless of their profile, could be subject to further attention by the government.

## Tibetans

3.12 The Tibet Autonomous Region (TAR) is in China's far west. It is home to the traditionally nomadic ethnic Tibetans, who also live in some surrounding provinces. Tibet was annexed by China in 1950 and since then millions of Han Chinese have migrated to the region. As with Xinjiang, available information about the TAR is limited as access to the region is heavily restricted.

3.13 The TAR is one of China's poorest regions. The government has invested heavily in poverty alleviation and economic development in the region and claims investment has significantly reduced poverty. This has been achieved in part by relocating nomadic people to 'resettlement sites' where they receive training and education and have more employment prospects. The government claims that these moves are voluntary but human rights groups claim that the movements are forced and movement away from nomadic lands is disruptive to traditional herding lifestyles.

3.14 Expressions of Tibetan identity, such as voicing support for the Dalai Lama or use of the Tibetan flag, may be severely punished including with detention and prison sentences. Tibetan Buddhists do participate in the Autonomous Region's government, including in senior roles, but critics argue that their representation is largely symbolic.

3.15 Media and NGO reports say Tibetan authorities have confiscated passports of ethnic Tibetans in the TAR, Gansu, Qinghai and Sichuan since 2015. Freedom House reports security and passport restrictions have impeded travel to and from the TAR. In addition, cross-border travel for Tibetans into Nepal is difficult or impossible and some Tibetans have been detained on return.

3.16 The 2020 US Department of State International Religious Freedom Report states that some Tibetans encounter discrimination when seeking employment, engaging in business or travelling for pilgrimage. Similarly, according to Minority Rights International, Tibetans are disadvantaged in employment and business in part due to a lack of opportunities in their own language.

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

## Ethnic Mongolians

3.18 China shares a border with Mongolia to the north, mostly along the vast northern autonomous region of Inner Mongolia. Most ethnic Mongolians live in that region, but can also be found in neighbouring provinces. As in Xinjiang and Tibet, Han Chinese transmigration to Inner Mongolia has been significant and Han Chinese vastly outnumber ethnic Mongolians in the region. Transmigration and land appropriation and ethnic protest against it predates the 1949 revolution and has a long historical basis.

3.19 In 2020 the government announced Mongolian language instruction on core subjects in schools would be replaced by Mandarin. Parents refused to send their children to school and were detained by authorities. Local and international critics accuse the Chinese Government of forced assimilation and the destruction of Mongol culture. The use of Mongolian language was in decline before the change in policy as ethnic Mongolians were forcibly moved from traditional farming lands to Han-majority cities where Mandarin is spoken.

3.20 According to the 2020 US Department of State Human Rights Report, activists involved in protests against loss of ethnic identity and language have been imprisoned for ‘separatism’ and ‘espionage’ and held incommunicado.

3.21 Ethnic separatism is not tolerated by the Chinese Government. In practice, traditional lifestyles, language and identity are difficult to maintain. DFAT assesses that ethnic Mongolians face a moderate risk of official discrimination and a high risk if they protest or organise ethnic rights or separatist movements.

## RELIGION

3.22 China officially recognises five religions: Buddhism, Daoism (Taoism), Catholicism, Islam and Protestantism. Daoism, Buddhism and Confucianism (which while not an official religion has had significant influence on Chinese culture) have an ancient presence that has long shaped Chinese culture. The 2020 US Department of State International Religious Freedom Report on China estimates that 52.2 per cent of the population are unaffiliated with any religion, 21.9 per cent practice traditional folk religion, 18.2 per cent are Buddhist, 5.1 per cent are Christian and 1.8 per cent are Muslim.

3.23 Religion in China is traditionally not as separate from everyday life as in the West. Chinese people, especially those of traditional Chinese faiths like Buddhism, Confucianism and Daoism integrate religious practice into their everyday life and lifestyles, including perhaps with home shrines and/or cultural festivities and events. Buddhist, Daoist and Confucian practices are not mutually exclusive; it is common to practice more than one these faiths. Some religious figures might be seen as better at answering prayers than others and some traditions might suit certain life events (for example, weddings and funerals) more than others. Adherents of non-Chinese religions like Christianity, Islam and new religious movements are more likely to separate their faith from their everyday lives and may label other beliefs as ‘superstition’. By extension, many Western religions and new religious movements require exclusivity and loyalty to that particular faith.

3.24 Under Xi Jinping, China has introduced a renewed campaign to ‘sinicise’ religion. This work, undertaken through the Party’s United Front Work Department and carried out through registered, state sanctioned religious organisations, aims to ensure that a ‘correct’ version of religion is practised by adherents in China, with principles like patriotism, party leadership, and loyalty to the Party emphasised, and doctrine deemed inconsistent with Party supremacy de-emphasised or forbidden. This may involve changing elements of worship such as hymns, clerical attire or architecture to better align with Chinese cultural, aesthetic or political traditions. New religious regulations and implementation organisations aim to enhance government control over the appointment of religious leadership, increase transparency over sources of funding, limit religious practice to venues authorised by the government, reduce links with foreign religious organisations, and give the Party greater say over religious doctrine taught in China. Religious groups that refuse to bring themselves under the authority of state-sanctioned religious organisations face being shut down. Some religious leaders have faced charges like subversion of state power. The 2018 Regulations on Religious Affairs contain broadly worded prohibitions against the use of

religion to ‘split the country’, ‘undermine ethnic unity’ or ‘engage in terrorist activities’. Although centrally organised, the situation for religions varies from place to place and is influenced by the actions and motivations of local authorities.

3.25 Professor Fenggang Yang of Purdue University describes religious groups as operating in a ‘red’, ‘grey’ or ‘black’ market. The red market groups are the officially sanctioned churches, such as the ‘patriotic associations’, the name used for officially sanctioned organisations that represent the five recognised religions. Grey markets include unofficial but tolerated (to a degree) religious gatherings. Black markets include underground movements and xie jiao. Some home congregations were originally in the black market but moved to the grey market with increased tolerance over decades. But the recent crackdown to ‘sinicise’ religions is reversing this trend. Those groups that are allowed to exist are subject to close monitoring. CCTV cameras may be installed in religious buildings to monitor congregations and virtual platforms used by religious groups to meet may be monitored or censored.

3.26 Regulations prohibiting proselytising are generally enforced across China and religious education for those under 18 years is not permitted, but according to the 2020 US Department of State International Religious Freedom report on China enforcement of this rule varies from place to place. In recent years, the number of foreign religious workers and foreign NGOs working in areas with a rights and religious focus appears to have decreased significantly.

3.27 Overall, an individual’s ability to practise religion depends on whether the individual worships in registered or unregistered institutions, whether they practise openly or privately, and whether an individual’s religious expression or the religion itself is perceived by the CCP to be closely tied to other ethnic, political and security issues. Adherents of Buddhism (except Tibetan Buddhism), Confucianism, Daoism, folk religions, and syncretic combinations of these that do not have influences from ‘foreign religions’ and that are not associated with other foreign influences, are unlikely to experience significant restrictions.

## Christians

3.28 Christianity is growing rapidly in China. Estimates of the number of Christians vary and official figures only count those Christians worshipping at officially registered churches. The Chinese Government reports there are 38 million Christians. The 2020 US Department of State International Religious Freedom Report estimates there are 70 million Christians throughout China; higher estimates also exist.

3.29 Authorities have regulated Christianity to make it more ‘China-orientated’. Bibles are increasingly difficult to obtain and Bible references are censored online. Plans for authorities to ‘re-translate’ the Bible or issue state commentary have been reported by media, but have not been implemented at the time of writing. Sacred images in churches, such as those of the Virgin Mary, have been replaced with portraits of Xi Jinping in some churches.

3.30 Consistent with Yang’s theory of the three markets, many ‘grey-market’ churches have operated relatively openly for many years. Since about 2015, and to some degree earlier, the government engaged in a campaign to remove visible symbols of Christianity from church buildings. Both Catholic and Protestant churches have been affected. Christian media reports the removal of crosses on buildings consistently between 2015 and 2021, and across a wide geographic spread of provinces.



3.31 In a 2018 report, the Pew Research Centre ranked social hostility to people of different religions as low in mainland China, much lower than in Australia. Similarly low scores on hostility are found in other parts of East Asia. DFAT does not rule out the possibility of isolated societal discrimination. For example, a Christian may miss out on job opportunities based on fear that they will proselytise to clients and attract adverse government attention, but DFAT is not aware of incidents.

#### Protestants

3.32 The Three-Self Patriotic Movement (TSPM), established in 1949, is the official governing body for Protestant churches in China. 'Three-Self' is a Chinese abbreviation for the church's three principles of self-administration, self-financing and self-evangelisation taken from 19<sup>th</sup> century missionary philosophies. It does not refer to the Trinity. The Three-Self Church comes under the authority of the CCP's United Front Work Department and is the single state-sanctioned Protestant church in mainland China.

3.33 Most Protestants worship in unofficial 'house' churches. These 'underground' churches may literally be in a house, or can be large gatherings in, for example, commercial office space. During COVID-19, some services moved online, which in some cases increased the size of congregations. In recent years the government has increased efforts to force them to submit to the authority of the TSPM, teach Party-aligned doctrine, cut off association with foreign churches, and subject the appointment of leaders to rules set out by the TSPM. Churches refusing to align with the TSPM have been closed or threatened with closure. DFAT is aware of reports of authorities pressuring house churches by cutting off electricity, forcing landlords to evict members, or using procedural grounds to shut house churches. Larger churches are most likely to receive government attention; the larger the congregation, the greater the chance of such attention. This in practice means that small groups may be able to meet in private for unauthorised religious discussions.

3.34 The situation for Protestants differs from place to place and community to community. DFAT is aware of Protestant communities that have been largely unaffected by increased government oversight and where usual worship activities and practices have continued largely without any interference. The nature of Protestant Christianity is that smaller churches not linked to any central hierarchy or authority are harder to control by either the state or the religious authority but conversely are also less likely to be seen as a threat to the state and thus less likely to be targeted.

3.35 DFAT assesses that Protestant Christians face a moderate risk of official discrimination and are unable to practise their faith freely. Members and particularly leaders of large underground churches are most susceptible to such discrimination, and anyone who has linked their faith to politically sensitive subjects faces a higher risk. DFAT assesses that Protestant Christians face a low risk of societal discrimination.

#### Catholics

3.36 The Chinese Catholic Patriotic Association (CCPA) represents the official Chinese Catholic Church. Globally, matters of Catholic doctrine, ecclesiastical law and the appointment of leaders (bishops) are usually controlled by the Catholic hierarchy, headquartered in the Vatican. The CCPA does not recognise the authority of the Vatican. In the past, the Vatican has had some input into the selection of bishops but a number of Vatican-approved bishops also operate 'underground', separate from the CCPA. For some Chinese Catholics, allegiance to the Vatican Catholic Church hierarchy is an important part of faith because of their belief in a succession of authority that can be traced back to St Peter, a contemporary of Jesus. For those Catholics, Party-appointed priests and bishops are unable to validly confer sacraments that are

central to their beliefs. On this basis they refuse to participate in religious activities associated with the CCPA.

3.37 In 2018, the Vatican and Beijing signed an agreement that would regularise the status of some Chinese-appointed bishops so they would be viewed as valid by the Vatican. In return, those ‘underground’ Catholic churches would join the CCPA. Most of the details of the deal are not known. The deal was extended in October 2020 for a further two years, allowing for more bishops to be recognised.

3.38 In spite of the deal, reports of a crackdown on Catholics as part of a wider campaign to sinicise religion continue. Underground priests who were demoted from the position of bishop as part of the deal are pressured to join the CCPA, according to various media reports. Some media reports say that underground priests had experienced torture and disappearance if they resisted. Fujian, a traditional stronghold for Catholicism and underground Catholicism in particular, has seen particular efforts to convert underground bishops.

3.39 The numbers of CCPA versus underground Catholics are not clear. Cardinal Zen, formerly Archbishop of Hong Kong and a vocal critic of the Chinese Government, has claimed in media reports the ‘underground community’ has ‘practically disappeared’ because of pressure on underground bishops. DFAT is unable to verify this claim.

3.40 DFAT assesses that some underground Catholics loyal to the Vatican are only able to practise their religion discreetly and some may face severe restrictions. Most Catholics will follow their local leadership, whether it is Party or Vatican controlled, and so leaders are more likely than congregants to face government attention, but the situation differs from place to place and community to community and many Catholics live in rural areas where local conditions may prevail. DFAT assesses Catholics, both underground and CCPA members, are subject to low levels of societal discrimination.

#### Jehovah’s Witnesses

3.41 There is a small number of Jehovah’s Witnesses (JWs) in China. They are reportedly present across China but information about them is very limited. JWs claim their adherents throughout China have experienced home raids, physical abuse, separation from families (including visa cancellation and deportation of foreign spouses), interrogation, detention and placement in re-education centres. Bitter Winter, a website that reports on Chinese religious affairs with an anti-CCP standpoint, claims JWs have been prosecuted under laws that criminalise [\*xie jiao\*](#). The same source says JWs have been questioned about their links to foreign actors (headquarters are in the United States) and their political views.

3.42 JWs are politically neutral and practise proselytisation as a matter of faith. They are linked to a worldwide religion headquartered outside of China. These matters could influence their treatment but DFAT does not have enough information to make a firm assessment about societal or official discrimination.

#### Church of Jesus Christ of Latter-day Saints (Mormons)

3.43 There are members of the Church of Jesus Christ of Latter-day Saints (Mormons) in China. The Church’s website notes the large worldwide Chinese diaspora has exposed many Chinese people to their faith. The website cautions members in China to be careful to comply with local laws and not distribute church literature or materials, or set up social media accounts to discuss their faith. It says there are local

Sunday worship meetings in China. It also says that, because the Church follows government regulations, it has good standing and is respected.

3.44 A CNN article from June 2020 reports that Mormon worship meetings do take place, but with caution. One member of the Church told CNN he was able to tell people he was a Mormon if he was careful not to preach, while others simply say that they are 'Christian'. The CNN article notes there are Mormon worship communities in a number of cities, particularly on the east coast but also in Xi'an and Chengdu.

3.45 The construction of a Mormon Temple in Shanghai was announced in April 2020. At the time of writing, construction has not begun and it is not clear if it will proceed. CNN further reported that 'already, authorities in Shanghai' had 'suggested' that 'prior approval' for the announcement had not been sought by the Church.

3.46 Information about Mormons is limited. DFAT does not have enough information to make a firm assessment about official or societal discrimination.

## Muslims

3.47 For information on Uyghur Muslims, please see [Uyghurs](#).

3.48 Muslims account for 1.8 per cent of the population (approximately 22 million people), but estimates vary. Chinese Muslims are almost entirely Sunni. The highest concentration of Muslims is in western China, primarily in [Xinjiang](#) (the only Muslim majority province), Ningxia Autonomous Region (NAR), Gansu and Yunnan, but Muslims may be found throughout the country. China has 10 major Muslim ethnic groups, the largest of which are the Xinjiang Uyghurs (about 12 million) and the Hui (about 10 million people), who are predominantly based in the NAR, Gansu, Qinghai, and Yunnan provinces. The Hui are relatively assimilated, speak Mandarin and can look more physically similar to Han Chinese than some other Muslim minorities in China.

3.49 Islam is subject to the wider campaign to sinicise religion. Muslim clerics must be registered with the government and, according to the 2020 US Department of State International Religious Freedom Report, must uphold the leadership of the CCP and pass a yearly exam to test their 'ideological knowledge'. In January 2019 the government-backed China Islamic Association released a five-year plan (2018-2022) for the sinicisation of Islam. The plan outlines a 'uniquely Chinese Islam' (as distinct from Arabic expressions of Islam), and warns against trends of 'generalisation of the concept of halal', emulation of 'foreign clothing styles', and imitation of 'foreign styles of mosque architecture'. This can mean the removal of Arabic script from religious buildings, banning religious clothing, banning the call to prayer, restricting distribution of the Quran and closing non-registered mosques. Penalties may include prison terms of up to three years.

3.50 The degree to which individuals can, or feel comfortable, attending mosques, adhering to religious observances like Ramadan, possessing religious scripture and wearing headscarves, beards, and other expressions of religious piety, differs across China. Restrictions on expression of Muslim religious identity are particularly pronounced in regions like Xinjiang, but less so in regions where Muslims form a much smaller part of the population, and Muslim minorities are more heavily integrated into mainstream Han Chinese society.

3.51 Societal discrimination is also reported. The 2020 US Department of State International Religious Freedom Report notes that 'anti-Muslim hate speech' is widespread on social media. The same report

notes that Uyghur Muslims, along with Tibetan Buddhists and other minorities, had difficulty finding accommodation when they travelled.

3.52 DFAT assesses that Muslims are not able to practise their religion freely. DFAT assesses that Muslims face a moderate risk of societal discrimination.

### Illegal new religious movements (*xie jiao*)

3.53 Some new religious movements, known as *xie jiao*, are illegal in China. The Criminal Law provides for prison sentences of up to seven years for individuals who use ‘superstitious sects, secret societies or evil religious organisations’ to undermine the state’s laws or administrative regulations.

3.54 Many *xie jiao* began as a formal expression of a syncretic mix of Buddhism, Daoism and Confucianism (‘three religions in one’) along with cultural practices, which from a Western perspective are sometimes difficult to separate from religious practices. Some later incorporated foreign religions into their mix of beliefs (especially Christianity and Islam, becoming ‘five religions in one’). Many of these beliefs obscure these backgrounds and adherents might not recognise their new religious movement as influenced by other religions.

3.55 There is a list of *xie jiao* but it can change quickly and is not available from official sources, making it difficult to determine at any time whether a particular religious movement is banned. Academics Utiraruto Otehode and Benjamin Penny give a list in a 2020 article, but note some sects and new religious movements (at least those based on *qigong*, a breathing technique upon which Falun Gong is based, for example) may not be specifically banned but instead watched or categorised as ‘problematic’ or ‘harmful’.

3.56 One Chinese county government website from Shaanxi states that *xie jiao* often ‘disguise themselves’ or ‘pretend to be religions’ (such as Christianity or Buddhism) or a manifestation of science or ancient practices. Another city government website from Shantou in Guangdong says that *xie jiao* spread false teachings and heresy. The national government’s ‘anti *xie jiao*’ website has articles about various groups, a section to help people find missing relatives and a place to report *xie jiao* activity. Membership of such groups is illegal and the profile of a person who is a member is not relevant to the chances of arrest once detected; a low profile worshipper in a *xie jiao* is still subject to arrest.

### Church of Almighty God (COAG) or Eastern Lightning

3.57 The Church of Almighty God (also known as Eastern Lightning) was banned as a *xie jiao* in November 1995. COAG operates in secret (both to avoid detection and as a general matter of practice) and so little is known about the Church. It receives academic attention from a small number of foreign researchers, most of whom take a sympathetic view of the religion. COAG is also sometimes reported about in the mainstream Western media with articles that quote Christian groups as critical of the Church.

3.58 COAG adherents may believe Jesus returned to earth as ‘Almighty God,’ a woman in the 20<sup>th</sup> Century. ‘Almighty God’s’ sayings are collected in the book ‘The Word Appears in the Flesh’. COAG members believe they are in a constant mortal struggle against the ‘Great Red Dragon’ (a possible reference to the CCP), and that membership of the group will bring salvation from an impending apocalypse. ‘Almighty God’ came to inaugurate the third and final age of humanity, ‘the Age of Kingdom’, which follows ‘the Age of Law’ (the Old Testament) and ‘the Age of Grace’ (of Jesus).



3.59 Little is known about the identity of the central female figure, which may be because of secrecy. Some non-COAG sources claim that she (as an historical figure) never existed at all and the Church denies claims that she is called 'Yang' or 'Deng' or that she comes from Henan, which is reported in some sources. DFAT understands from sources that different beliefs about her identity may exist amongst Church followers and DFAT is aware of some members who deny that any such figure exists at all. Others may pay little attention to the female Christ figure without denying her existence. Similarly, COAG texts might refer to 'Almighty God' using male pronouns. Some adherents believe that a woman came to earth as a new incarnation of Christ and the 'ordinariness' of this woman may appeal to some rural female adherents.

3.60 There is no formal liturgy or sacraments in the COAG movement but weekly study meetings do occur. The leadership can change quickly. Members of the Church may deny, or not understand, the hierarchy and leadership of the Church, but DFAT understands that there is a hierarchy. Due to the secrecy that surrounds the Church, a common understanding may not be reached by members and questions about practice could genuinely be answered differently by different adherents. COAG members generally do read *The Word Made Flesh*, the central religious text of the group. DFAT is not aware of any central registry of members and understands that there are no authoritative estimates of the number of members.

3.61 COAG is controversial. Multiple claims of illegal activity such as homicides and kidnappings have been reported in the media. Members are reportedly forced to break away from families or sell their possessions to give the proceeds to the Church. These claims are disputed by COAG and some members. Other small groups, especially small Protestant groups, are strongly against COAG and many sources that describe the Church come from that origin. Those sources may not be reliable. DFAT understands that some Protestants cooperate with authorities to help them identify COAG activity and arrest members.

3.62 Separate police action against members may be related to membership of the organisation or alleged criminal activity connected to it. According to research conducted by Dui Hua, an American human rights research foundation, court cases involving COAG 'rarely involve violence', suggesting that most cases relate to membership of the group rather than alleged violent crime. Dui Hua reported that the majority of the cases coincided with a prophesied apocalypse in 2012 and an incident in which a person was murdered in a McDonald's restaurant in Shandong in 2014 (in which the Church denies involvement and DFAT understands from sources occurred at the hands of a schismatic group, not members of COAG itself).

3.63 COAG is not well understood but it is clearly illegal in China, and reports of widespread arrests are credible. It is illegal for them to proselytise; those who attempt to proselytise, as well as leaders in the Church, are subject to greater scrutiny by authorities. Inability to practise openly and alleged (but disputed) isolation of members from family and society could reduce exposure to societal discrimination. DFAT is unable to verify whether a former member or a person imprisoned for membership would be placed on an exit control list. DFAT assesses that members face a moderate risk of societal discrimination due to high-profile anti-*xie jiao* campaigns that are critical of the group.

## Falun Gong

3.64 Falun Gong was established based on the practice of *qigong*, a generic term for a family of meditative breathing and stretching exercises with a long history in China. *Qigong* experienced a resurgence in popularity in the 1980s and 1990s, and Li Hongzhi (Master Li) founded Falun Gong in 1992 at the same time as other movements were founded. Falun Gong is the most well-known *qigong* group outside China, but many others exist and many of them are banned or monitored in China.

3.65 By performing exercises, following the moral teachings of the religion and reading and re-reading the sacred text *Zhuan Falun*, believers hope to ascend to a state of perfection or 'cultivation'. Practitioners may not see Falun Gong as a religion, seeing it as a method for 'cultivation' or science. Unlike other *qigong* practices, Falun Gong has moral teachings (for example teaching against gay sex and abortion) and supernatural aspects. DFAT understands from sources that these beliefs exist, but do not form a core part of Falun Gong belief or practice. The Chinese Government and some former members claim the religion encourages isolation from families or refusal of medical treatment. Falun Gong denies these claims.

3.66 Falun Gong has been illegal since 1999 and the government actively searches for and prosecutes practitioners. Adherents can be imprisoned for between three and seven years. For this reason, members do not openly proselytise and there is no initiation ceremony. Conversely, repression of the religion has become a key part of its teaching and practice abroad. Practitioners, including in diaspora communities, may be involved in anti-Chinese Government activism.

3.67 DFAT understands that many adherents are still active in China, but it is not clear whether they are the same adherents from before the ban or new converts. The 2020 US Department of State International Religious Freedom Report estimates there are between 7 and 20 million Falun Gong practitioners in China, but this is hard to verify given that practice is often private, and the group is illegal and stigmatised.

3.68 Unlike some other *xie jiao*, Falun Gong is not secretive about its beliefs. Most Falun Gong beliefs are published on the organisation's websites. Unlike some other new religious movements there are no 'gradations' of knowledge where one has to be admitted or inducted into knowledge after perhaps being a believer for a certain time or paying a fee. Core to Falun Gong beliefs is the reading and re-reading of the *Zhuan Falun*, the sacred text of the organisation that comprises a series of lectures made by Master Li. A source told DFAT that a thorough knowledge and constant re-reading of the *Zhuan Falun* is central to Falun Gong beliefs; one cannot be Falun Gong without that practice.

3.69 Correctional officers will pressure Falun Gong practitioners to denounce their faith, and detainees may receive better treatment if they sign confessional statements. They may be unable to find jobs after release from detention. Unlike other *xie jiao*, the government regards Falun Gong practitioners as political opponents rather than victims and treats them accordingly (see [Political Opinion \(actual or imputed\)](#)). They are likely to be monitored after release from detention.

3.70 DFAT assesses that Falun Gong practitioners, and their lawyers, are at high risk of official discrimination. Due to the government's sustained public campaign against them, Falun Gong practitioners, if exposed, face a moderate risk of societal discrimination. Falun Gong practitioners are generally able to practise privately in their homes. DFAT is aware of claims by Falun Gong practitioners and their lawyers that they have suffered psychiatric experimentation and organ harvesting. DFAT is not able to verify these claims. In May 2020, following the release of the China Tribunal's report into organ harvesting, DFAT officials met with the Chair, Sir Geoffrey Nice QC, to further discuss the findings. DFAT continues to review the evidence and reports as they come to light.

#### The Local Church (Shouters)

3.71 The term 'Local Church' refers to descendants of a Christian-based religious movement from the 1960s. They are often referred to as 'Shouters', which refers to the loud and energetic worship practices of the various groups. The group has experienced multiple splits and schisms and groups collectively designated as 'Shouters' may be diverse and have little or nothing to do with each other. The term

‘Shouters’ is sometimes used as a pejorative by critics or the government. Members of these groups may not call themselves ‘Shouters’, instead using ‘Local Church’ or ‘the Assembly’.

3.72 DFAT understands that Shouters are not as actively pursued in China as they once were. They may not, in practice, be considered or treated as a *xie jiao*. DFAT understands from sources that they may have been delisted as a *xie jiao* but different sources offer conflicting information. In Chinese-language internet searches, DFAT found a 2020 reference in the Chinese press that quoted Xining (the capital of Qinghai in Western China) police as saying that the Shouters ‘pretend to be Christianity’ (which is consistent with other anti-*xie jiao* messaging) and clearly states that Shouters are illegal.

3.73 *Bitter Winter*, a website critical of the Chinese Government, published an article in May 2021 that notes a ‘continuing’ crackdown in Beijing, Jiangsu and Guangxi. The article quotes American scholar J. Gordon Melton who claims that groups that accept the teachings of founder ‘Chairman Nee’ (in Chinese, ‘the Old Local Church’) are not a *xie jiao* but those groups who recognise the teachings of later leader ‘Watchman Lee’ or ‘Witness Lee’ (in Chinese ‘Local Church’ or perhaps ‘New Local Church’) are a *xie jiao*. DFAT is unable to confirm whether this is correct but understands that distinctions between different groups may not be well understood by authorities and arrests of either group should not be ruled out.

3.74 People identified as ‘Shouters’ are a diverse range of groups of Protestant Christian origin that may be indistinguishable from other small Protestant groups and may have no resemblance to other groups of the same origin. See the assessment for [Protestant Christians](#). Whether or not they see themselves as ‘Shouters’ is not as relevant as whether they are perceived to be ‘Shouters’ by authorities. The term is understood and applied regardless of self-identification of adherents. Therefore, a person who attempts to proselytise for a church or is seen as active within a church that is identified by authorities as a ‘Shouter’ church faces a high risk of official discrimination. Local Church members do not attract the same amount of attention as Falun Gong or The Church of Almighty God, but DFAT notes inconsistent sources and information. DFAT assesses that identification as a ‘Shouter’, regardless of which church an adherent belongs to, may still lead to government attention, including imprisonment under the same provisions of law as other *xie jiao*.

#### Yi Guan Dao

3.75 Yi Guan Dao (YGD, also: Tian Dao or I-Kuan Tao) is a syncretic Chinese religion combining elements of Buddhism, Confucianism and folklore. In December 1950, YGD was the target of a nationwide crackdown, after which the group was driven underground. It sought to re-establish itself following China’s cultural revolution, but quickly became the target of campaigns of arrests in 1983.

3.76 YGD beliefs may take different forms in different communities and might be influenced by different religions when established in different places around the world. Most practitioners are vegetarian. As with other *xie jiao*, the range of communities and propensity to split means that different adherents might have different beliefs.

3.77 While YGD continues to be prohibited in China, it is not included on the list of active cults released in 2017 (see [xie jiao \(illegal cults\)](#)). The Dui Hua Foundation reports YGD followers in mainland China are likely to be concentrated in Guangdong and Fujian. The current status of the group is not clear, but data on court cases collected by Dui Hua found that arrests and imprisonment of members does occur, for example for proselytisation activities.

3.78 YGD is not as large as it used to be but reports of some attention by authorities continue. Members are not allowed to practise their religion freely. DFAT assesses that members of YGD face a moderate risk of official discrimination and a low risk of societal discrimination.

## POLITICAL OPINION (ACTUAL OR IMPUTED)

3.79 Article 35 of China's Constitution states that citizens of the People's Republic of China enjoy the freedoms of: speech, the press, assembly, association, procession and demonstration. In practice a wide-ranging number of topics are considered sensitive and are censored, with those raising them liable to punishment. Sensitive issues include commentary on: political issues and events (including the policy direction of the CCP and nation and sensitive anniversaries); serious economic, health (including COVID-19 origins and the government's handling of the outbreak); land rights and property or environmental issues; labour rights; religious or ethnic issues; or legitimacy of central authorities and the CCP. The sensitivity of topics can change quickly and it is impossible to make a comprehensive list of sensitive topics.

3.80 Criminal punishment can include a period of deprivation of 'political rights', which might include denial of freedoms such as expression or assembly. These deprivations in practice make it difficult to find employment, to travel, or to obtain a residence or accommodation. The families of political activists may also find their rights similarly circumscribed.

3.81 The implications of political opinion are wide-ranging in China and the following sections on [activists](#) and [civil society](#), [protesters](#), [media](#) and the [social credit system](#) provide further detail.

## GROUPS OF INTEREST

### Activists and civil society

3.82 Civil society in China is restricted. CSOs and their activities must be registered by the government with local authorities. In practice, some CSOs, particularly large organisations, are required to work closely with the government and are quasi-government bodies. All NGOs must have a government sponsor to be registered. Foreign-linked CSOs (including those based in Hong Kong, Macau or Taiwan) are subject to particular scrutiny and may be unable to register or re-register. Few foreign CSOs exist in practice. If an organisation does have government support and its aims align with government priorities, it can be successful in achieving its aims or raising awareness (for example women's and environmental NGOs) but it depends on the organisation and its goals, history and relationships.

3.83 People who advocate for human rights and their families are subject to surveillance, threats and detention. DFAT is aware of human rights activists who work in areas such as gender or labour rights who have been detained for their activism. Families of activists have been threatened with the loss of jobs if they speak out. Those who speak out about their treatment by authorities face further detention, limiting the number of available sources and information about the treatment of activists.

3.84 Some private criticism (for example among friends and family) of government is generally tolerated. If the criticism is more widely disseminated, for example on an online platform or deemed too inflammatory or in relation to a particularly sensitive subject, authorities might reprimand the individuals involved.



3.85 High-profile activists and critics are particularly targeted but DFAT is also aware of examples of low-profile but outspoken activists being targeted. Profiles of those who may be affected are difficult to predict accurately. DFAT assesses that high-profile activists are at high risk of official discrimination in the form of detention and imprisonment. The hidden nature of low-profile activists and reluctance to speak out make it difficult to assess the risk to day-to-day critics, but those who criticise the government on sensitive issues can come to the attention of authorities. Any discussion on social media is visible to authorities. A person that has been active in protests outside of mainland China (including Hong Kong) against the Chinese Government is likely to attract the attention of government, especially if they are high-profile, but interest in a lower-level protester is not impossible.

## Protesters and petitioners – including land protests

3.86 All gatherings of more than 200 people must obtain approval from public security authorities. The Law of Assemblies, Demonstrations and Processions (1989) puts organisers of unapproved protests at risk of detention or prison sentences, often on public order charges. Public demonstrations are rarely approved. Spontaneous protests sometimes occur. Common protest themes are related to labour disputes, environment, land disputes and local corruption. Recent estimates on numbers of protests are not available, but DFAT understands they have become much less common under President Xi.

3.87 Disputes with government may be raised at petitioning offices, also called ‘letters and visits’ offices, a type of government service office. Millions of disputes are raised every year. Local authorities participate in incentive programs to have disputes handled at a local level before they escalate to higher authorities. In practice, this means local authorities are incentivised to retaliate against petitioners, which might include charges such as ‘picking quarrels and provoking trouble’. According to the 2020 US Department of State Human Rights Report, local governments have sent personnel to Beijing to force petitioners in the capital to return home. While examples of violence and, in extreme cases, deaths are reported, many complaints are resolved through the petitioning process.

3.88 Land disputes are a particularly common reason for protest. Rapid development and high levels of internal migration have led to an increase in contested development and displacement. Land policies and the process to compulsorily acquire land vary from place to place but, across China, land in urban areas is owned by the state and rural areas are collectively managed by villages. Disputes arise when local officials try to sell land and evict existing tenants with low amounts of compensation (thus, disputes are generally complaints against local government which may escalate to the national government, as outlined above). China’s new Civil Code (in force 1 January 2021) requires fair and reasonable compensation to be paid for expropriated land but does not define ‘fair and reasonable’. Land sales are an important source of revenue for local governments and corruption in land deals is commonly alleged. ‘Thugs’, who intimidate protesters or cut utility supplies, have been used and are allegedly hired by local governments.

3.89 DFAT assesses that people who organise or participate in protests over land, local corruption or any other matter critical of the state are subject to a high risk of official discrimination.

## Media and journalists

3.90 The Chinese media is heavily regulated and censored. Reporters Without Borders ranked China 177<sup>th</sup> out of 180 countries for press freedom in 2021. The Committee to Protect Journalists declared China to be the worst ‘jailer’ of journalists for the second year running in its annual survey released in December

2020. All media is controlled and supervised to some extent by the government, and government agencies often provide directives to state media organisations on how to manage and present issues of particular sensitivity. Some media outlets are expected to operate on a more commercial basis and others have content funded by or produced by the Party. Content producers are aware of ‘red lines’ that must not be crossed and generally self-censor.

3.91 The list of censored information changes rapidly and even traditionally non-political news, including disaster reporting, is censored. When COVID-19 first appeared in Wuhan, references to its emergence in the media were censored. Negative economic news may also be censored, and academic, environment and health sectors have been increasingly censored in recent years. International versions of Chinese media and the media consumed within China are often very different and not a good indication of media available to ordinary Chinese people. For example, the English-language versions of Chinese media might cover the Tiananmen Square anniversary. Those versions are not available inside China and the Chinese language versions will not mention it.

3.92 DFAT assesses that journalists and editors reporting on sensitive issues face a high risk of official discrimination. DFAT notes that what is considered ‘sensitive’ may change rapidly.

#### Internet Freedom, Social Media Users and Bloggers

3.93 Social media is enormously popular in China with messaging apps like WeChat and Twitter-like microblogging site Weibo reportedly having more than a billion users. Like traditional media, social media is heavily censored. Algorithms, along with a large number of human staff, ‘patrol’ Chinese online media to identify and censor any mention of sensitive topics. Social media users in China must register with their real names and the content they create can be used against them in criminal proceedings.

3.94 As with traditional media, what is deemed sensitive on Chinese internet platforms can change quickly. Sexual content, promotion of extravagant lifestyles and celebrity gossip may be subject to censorship. Internet users have adopted oblique references to sensitive topics to avoid censorship. For example, children’s book character Winnie the Pooh is censored as his likeness may be used by critics to refer to President Xi, and images of candles are removed in the lead up to Tiananmen Square massacre anniversaries.

3.95 ‘Nationalism’ is a widely reported influence on Chinese social media. Officials encourage such views and censor contrary views. The very large number of internet users and lack of reporting on dissent makes assessment of risks to internet users difficult. DFAT assesses that people who use an internet platform to mobilise others in relation to politically sensitive issues face a high risk of official discrimination, but small-scale discussion of political issues and even criticism is generally tolerated and the majority of social media users are able to use their platforms without incident.

#### People affected by social credit systems

3.96 Social credit systems are databases that keep a tally of points that are earned for socially responsible behaviour or lost for anti-social behaviour. There is no unified, social credit system in China; the term ‘social credit system’ is an umbrella term capturing a wide range of different programs at different levels of government across China. Different systems apply to individuals, businesses and government entities. The different programs operate in very different ways, but they generally seek to improve the enforcement of existing laws and regulations. The phased rollouts are managed by the National

Development and Reform Commission, People's Bank of China and the court system. According to *The Diplomat* in March 2021, the roll out of social credit systems is 'disjointed' with 'large gaps' in 'inter-agency transfer', and the roll out is at different stages in different provinces.

3.97 Some cities have implemented social credit systems under localised programs, but generally these function as an incentive mechanism with nominal benefits such as cheaper bus tickets or deposit-free library loans. Many programs do not allocate individuals or companies a 'score', and many entities and individuals in China do not have any credit score.

3.98 Prior to the development of these systems, Chinese authorities had the ability to add individuals who had defaulted on court-ordered payments, and who were able to pay, to a Supreme People's Court (SPC) 'blacklist'. Being listed on the SPC blacklist could restrict an individual's ability to travel by first-class air and rail, access loans, spend on 'luxury' items and access private education opportunities for children. DFAT understands that the social credit system mostly affects domestic travel and the government has other mechanisms to determine whether or not a person can leave the country. However, the ABC reported in 2019 that 128 people had been prevented from leaving China because of a bad social credit score.

3.99 As part of authorities' efforts to develop a more uniformed application of the social credit system, authorities are developing processes to 'remedy' social credit scores, however how these would operate in practice is unclear and remains under development.

## Sexual orientation and gender identity

3.100 Homosexuality was accepted to varying degrees for most of China's history but during the PRC was classed as 'hooliganism' until 1997. LGBTI people still experience significant limits on their self-expression, and may face family violence or ostracism, or have difficulty accessing health and welfare services. Same-sex marriage is not legal in China but Chinese couples can become each other's legal guardians.

3.101 The government maintains a 'three nos' policy where LGBTI issues are not approved, not unapproved and not promoted. An example of the former is that LGBTI organisations are difficult to register and LGBTI topics are censored on television and on the internet. LGBTI media (such as depictions of same-sex couples) may be classified as pornography, which is illegal in China.

3.102 LGBTI events may be tolerated by authorities, but not formally approved. Organisers are required to alert authorities to their actions. Holding events around sensitive political anniversaries or events (such as the National People's Congress) would likely attract adverse attention. Collaboration with foreign groups or actors would also likely receive negative government attention.

3.103 In July 2021, WeChat deleted dozens of LGBTI accounts run by university students saying that they had broken Chinese internet rules. LGBTI groups were asked by authorities whether they were 'anti-Party' or 'anti-China' and asked about their links to foreign groups. It is not clear if the removal of the accounts was directed by government, but some nationalists have used social media to say that LGBTI activists have colluded with foreign forces, a common government refrain about many issues.

3.104 Many people are tolerant towards LGBTI people, unless they are their own children. A study published in BMC Public Health in 2020 mapped attitudes towards LGBTI issues in China. It found that most people are accepting of LGBTI people except when asked about their children being LGBTI, which most

participants found unacceptable. A 2016 UNDP study found that only 14.6 per cent of LGBTI people were 'fully' out to their families.

3.105 Violence against LGBTI individuals by family members is reported. Parental stigma is often associated with concerns that a child may not be able to marry or have children, and therefore provide for the extended family, which is an important aspect of Chinese culture. Some families force their LGBTI children to attend conversion therapy. A study by a Chinese NGO found that one third of mental health practitioners view being LGBTI as a mental health problem that could be cured. Many gay and lesbian people marry a person of the opposite sex due to pressure from family.

3.106 The BMC study also found that LGBTI people felt they experienced discrimination in family, media, medical services, religious communities, schools, social services and the workplace. In-country sources have told DFAT that people in large cities such as Shanghai, Beijing and Guangzhou are more accepting of LGBTI people than are those in smaller cities and rural areas. The UNDP survey in 2016 found over 70 per cent of LGBTI people had been 'emotionally troubled' because of their LGBTI status. Other surveys have found that healthcare providers self-report discriminatory attitudes. In-country sources told DFAT that most LGBTI people keep quiet about their sexual orientation and/or gender identity to avoid discrimination. The 2016 UNDP survey found that only about 5 per cent of LGBTI people surveyed had disclosed their status at work and 20 per cent had experienced bullying, harassment or discrimination on the basis of their LGBTI status.

3.107 National laws allow transgender people to change their gender on ID cards and household registration if they have undergone full sex-reassignment surgery. Transgender people may not change their gender on other official documents, such as educational certificates, thus limiting access to employment opportunities. DFAT is also aware of anecdotal claims regarding individuals who have transitioned being refused social security benefits on presentation of identification. DFAT is unable to verify these claims.

3.108 DFAT assesses that LGBTI people face a moderate risk of official discrimination. DFAT assesses societal discrimination against LGBTI people exists, particularly within families. DFAT assesses LGBTI people face a low risk of violence, except within family settings.

## Women

3.109 High levels of development in recent decades have improved prospects for women. China was ranked 39<sup>th</sup> out of 189 countries in the 2019 UNDP Gender Inequality Index (where 1 is considered the most equal). Despite high scores for gender equality, some entrenched patterns of discrimination remain. China's culture is heavily influenced by Confucianism which emphasises a role for women in the home. In 2019 President Xi called on women to 'shoulder the responsibilities of ... care of the old and young'. An historic traditional preference for boys over girls has devalued daughters within the family.

3.110 Discrimination is reported in the workplace. For example, job ads may explicitly seek a male candidate. China has a gender pay gap of 22.5 per cent. Some pregnant women report having their employment terminated because of their pregnancy. Women also mandatorily retire earlier than men (at age 55 for white collar workers and 50 for blue collar workers versus 60 for men).

3.111 DFAT understands that domestic violence is common but often underreported because of traditional values of family harmony and a view that family matters are private matters. Spousal rape is not criminalised. Mediation (rather than criminal charges against a violent partner) is an option that is



commonly used in domestic violence cases. While traditionally a hidden crime, recent social media and popular music and culture have been used to draw attention to domestic violence.

3.112 There are widespread reports of an increase in domestic violence due to COVID-19 related lockdowns. Reliable data on domestic violence cases does not exist (due to underreporting by victims/survivors and government, and potential for police to not respond to complaints). DFAT still assesses that such an increase in violence is possible and notes media reports of increased demand for domestic violence services during the pandemic.

3.113 The Domestic Violence Law introduced in 2016 has introduced greater protections for women facing domestic violence. The rollout of protections including legal assistance, shelters and protection orders has been uneven across different provinces; some provinces have enacted their own protections (which are subordinate to national legislation). Chinese police claim thousands of incidents have been investigated and thousands of women have been protected under the law. The Asia Foundation reviewed the laws in 2020 and found that some judges and police officers were not well trained in the new law. DFAT has seen several reports that say police often ignore complainants. The traditional idea of marriage being the 'bedrock' of society means police and courts may not take complaints of violence seriously. The 2020 US Department of State Human Rights Report noted that not all victims of domestic violence receive state support and that many people are unwilling to give evidence in court even if that option is available.

3.114 Domestic violence shelters are available in some communities. These shelters might be supported by local government. Non-government services that provide legal assistance or counselling might be shut down by authorities as shelters are intended to serve a government function. A confidential source cited in the Netherlands Ministry of Foreign Affairs 2020 Country of Origin Information Report on China said there are over 1,500 shelters known as 'relief stations'. These are not specifically for domestic violence victims but can also be used by homeless people or victims of human trafficking.

3.115 Some women have reported that courts will not grant their divorce applications, again because of traditional values. The new Civil Code, which came into force on 1 January 2021, also introduces a one month 'cooling off' period for divorce (there is no cooling off period in cases where domestic violence is alleged). Chinese feminists argue that even though the period does not apply to domestic violence cases it still makes it more difficult for women to escape from abusive relationships because of the existing reluctance by courts to grant divorces.

3.116 Overall, DFAT assesses that in general women China face a low risk of official discrimination, except for women experiencing domestic violence, as noted above. Women may be able to relocate elsewhere to escape from domestic violence (see [Internal Relocation](#)) but in doing so would lose their social and family support networks. State protection may be available to women experiencing domestic violence, but it is not guaranteed.

## People affected by family planning policies

3.117 Since the late 1970s China has enforced laws that limit the number of children people can have. Over time, these laws have liberalised from initially allowing one child per family to control population growth, to recent changes in the law that allow three children as China's population ages and its economy develops. The policy was originally introduced to deal with extreme poverty and famine. Today, many young Chinese themselves are deciding against having children due to cost-of-living pressures and changes to traditional lifestyles.

3.118 Ethnic minorities and rural families that had a daughter as their first child were exempt from the policy for most of its history, and in 2016 all families were allowed to have two children. In 2016 the national government ordered all local governments to register children with a *hukou*, even if they were born ‘out of plan’. In-country sources told DFAT that increased discretion was being afforded to local governments to decide whether or not to charge out-of-plan fees to parents even before the 2016 reforms. This was especially true in rural areas.

3.119 In 2021 the law was changed to allow couples to have three children. Social compensation fees levied against people with ‘out of plan children’ were abolished. This reflects an overall de-prioritisation of the policy by a government that is now concerned with declining birth rates and an aging population.

3.120 The likelihood of enforcement or penalties for non-compliance, both before and after the new rules were implemented, varies from place to place. DFAT understands that Fujian, for example, does not enforce its family planning policy strictly and penalties have not been imposed in some years. People who give birth overseas would have their children counted as if they were born in China and the policies of the place they return to in China would apply. Children born to single mothers might also be considered ‘out of plan’.

3.121 Enforcing child limits has become a low priority for government. DFAT is not aware of any recent reports of people being imprisoned for failure to pay fees and is not aware of recent examples of forced abortions, but understands that they are theoretically possible (see [Uyghurs](#), who are not covered in this assessment). While punishment for out-of-plan children is still possible, it is much less likely than it was in the past. Implementation differs from place to place (it is regulated by provinces) but DFAT is not aware of evidence that breaches of family planning laws are severely punished anywhere in China. Outstanding compensation fees, including for previous children, still need to be paid. DFAT assesses that official discrimination against people who have out of plan children is low. DFAT is not aware of patterns of societal discrimination against people with out of plan children.

## People who owe money to loan sharks

3.122 Usury has a long history in China. According to the South China Morning Post, ‘demand for private loans’ is strong today. This is due to small businesses in particular being unable to access enough credit from large banks. In modern times, loan sharks might be known by different names such as ‘private finance companies’ and are more likely to be active in poorer, rural areas.

3.123 Some protection is available to debtors. ‘Usurious loans’ are prohibited under China’s Civil Code, which came into force 1 January 2021, but the interest rate considered usurious is not defined in that legislation. The courts have capped interest rates at four times the official rate. A number of highly publicised violent crimes related to debt collection were discussed in the media in 2017 with police making arrests and people being convicted for serious crimes such as assault and sexual assault related to debt collection. DFAT is also aware of a 2018-20 crackdown by authorities on usury, which was highly public and which saw the prosecution of a large number of people.

3.124 Loan shark operations may be large-scale, but police operations are also large scale. In 2019, 253 suspects were arrested in a campaign against loan sharks in Lanzhou. The gang had over 1,300 mobile phone applications and websites to facilitate usurious moneylending. The Chinese Government claims that 41,000 suspects have been detained in 2021, but it is not clear if this is only during the recent crackdown, or if it includes previous arrests.

3.125 DFAT assesses that loan sharks are active in China, but assesses that state protection is available. DFAT considers that victims of loan sharks have a plausible fear of violence but that overall the risk is low.

## 4. COMPLEMENTARY PROTECTION CLAIMS

### ARBITRARY DEPRIVATION OF LIFE

#### Extrajudicial killings

4.1 Police and security forces have used lethal force against protesters in the past, notably at Tiananmen Square in 1989, during the social unrest in Tibet in 2008, and in Xinjiang in 2009 and 2014. The use of force is mostly disputed by Chinese authorities and information about incidents is tightly controlled.

#### Enforced or involuntary disappearances

4.2 Enforced disappearance occurs when a suspect is taken into custody without the knowledge of their family and friends. For information about this kind of disappearance, see Arbitrary Arrest and Detention. For information on detention camps in Xinjiang and associated alleged enforced disappearance, see Uyghurs.

#### Deaths in custody

4.3 Deaths in custody usually result from poor prison conditions, including violence by prison staff. See Detention and Prison. DFAT is not otherwise aware of a pattern of deaths in custody.

### DEATH PENALTY

4.4 DFAT understands that thousands of people are executed in China every year. According to Amnesty International, China is the world's most prolific user of the death penalty. China treats figures on the death penalty as a state secret and it is not possible to verify the numbers of executions. DFAT understands that the majority of death sentences are given for murder and drug offences. The death penalty is listed as a punishment for 46 offences under Chinese law, including financial crimes, corruption, forgery and drug offences. Chinese laws use vague terms to describe the 'seriousness' of a crime such as 'especially serious' or 'relatively large amounts' to determine a punishment, including the death penalty.

4.5 The death penalty may be immediately carried out or suspended. In the latter case the matter is reviewed after two years and is often commuted to life in prison, which in practice may mean 20 years. A sentence from an Intermediate People's Court (a prefectural or municipal level court) is reviewed by a higher court as a matter of law.



4.6 Pregnant women (who are pregnant at the time of sentence) and people under 18 years are not subject to the death penalty. All non-suspended (immediate) death penalty cases are submitted to the Supreme People's Court for approval. Provincial High Courts can also review death penalty cases, but rarely overturn them. The Supreme Court sometimes overturns death penalty cases. There is no formal clemency process in China. DFAT understands that lawyers are available to people facing the death penalty. The effectiveness of these lawyers can be constrained because of overwork, lack of access to evidence, and lack of skills and experience.

## TORTURE

4.7 Torture is widely alleged in custody. See [Detention and Prison](#). Human rights groups have alleged torture in Uyghur camps. See [Uyghurs](#). Torture has been alleged in media reports to pressure non-registered religious leaders to join official faith organisations. See [Religion](#) especially [Catholics](#). DFAT is not aware of claims of torture outside these contexts or by non-state actors.

## ARBITRARY ARREST AND DETENTION

4.8 Arbitrary arrest and detention is commonly reported, especially in cases of political sensitivity and to exercise political leverage. This may, in instances, take the form of enforced disappearance, as family and friends may not know that a person has been taken into detention. Safeguard Defenders, a Spanish human rights NGO, alleged in a 2020 report that some detainees were forced to take false names to further obscure their location from friends, family and the public.

4.9 Residential Surveillance at a Designated Location (RSDL) is sometimes used to detain activists, human rights lawyers and government critics, as well as people accused of national security or terrorism crimes or serious corruption. It may also be used if a suspect does not have a fixed place of residence. RSDL may be used to detain people for up to seven months before their formal arrest or release.

4.10 The primary distinction between RSDL and 'black jail' (a secret, extra-legal detention facility) is that RSDL is a formal feature of the Chinese legal system. RSDL also reportedly often entails treatment more severe than in black jails, and occurs in government-run, custom fit-for-purpose facilities, whereas black jails are quasi-administrative holding centres for petitioners and criminals.

4.11 Administrative detention is imposed for crimes of a minor nature that are not serious enough to warrant criminal prosecution and punishment under the Criminal Procedure Law or Criminal Law. It can involve detention in one's home, an apartment rented by police, a hotel or other premises. It is imposed by public security organs at the local (county) government level. While there are various forms of administrative detention in China with different procedures and time-limits, the maximum period of administrative detention for any one act is 15 days, and where multiple periods of administrative detention are imposed concurrently for several acts, the maximum period of detention is 20 days.

4.12 Party members might be dealt with under disciplinary proceedings known as *liuzhi*, which might also amount to arbitrary arrest and detention. *Liuzhi* replaced the old system, *shuanggui*, in 2018 and has a focus on [corruption](#) as part of a wider corruption-fighting campaign instituted under President Xi. The 2020 US Department of State Human Rights Report quotes a provincial official who said the average time spent in *liuzhi* was 42.5 days before detainees were transferred into the criminal justice system.

4.13 Human rights group Safeguard Defenders published a report in January 2021 alleging the use of ‘non-release release’. According to that report some ‘released’ prisoners were held ostensibly for COVID-19 quarantine purposes at home, in a privately rented apartment used specifically for that purpose or in a hotel. There are no provisions in Chinese law that allow for this kind of detention.

4.14 Detainees may be denied access to lawyers on the basis of a matter being related to ‘state secrets’. Lawyers themselves may be held in detention if they represent clients who are involved in sensitive cases. In other cases lawyers may have their registration revoked if they take on sensitive clients, which can limit access to legal representation of defendants as lawyers self-exclude themselves to avoid arrest. Lawyers are not present in most criminal trials.

## Criminal procedure


4.15 Arrests and charges are brought differently in China than in Australia. An ‘arrest’ must be approved by local prosecutors known as the ‘People’s Procuratorate’. Local Public Security Bureau (PSB; effectively the police) can detain a suspect for day-to-day crimes for 37 days (up to 30 days to decide whether to pass a case on to prosecutors and a possible extension of seven days) before that arrest is approved. Charges are a different matter and may take more than 13 months to be laid. National security, terror or corruption charges are often brought against political dissidents. In these cases a suspect may be held for six months without contact with the outside world before an ‘arrest’ is made. In theory family members are required to be notified of an arrest but, in practice, the law allows for this step to be omitted where it would hinder an investigation or where the alleged crime relates to national security, terrorism or ‘major bribery’. Bail is theoretically available but rarely granted.

4.16 Police are reportedly unable to open a case until the prosecutor is confident there is a high chance of conviction. Police are required to send a brief to the prosecutor before seeking formal permission to arrest, and only very clear-cut cases are generally approved, in part accounting for the 99 per cent conviction rate. Prosecutors can send a case back to investigating authorities if it deems there is not enough evidence to justify arrest.

4.17 Sources report that police are under pressure to obtain confessions prior to trial to ensure success in police investigations. Following recent amendments to the Criminal Procedure Law the use of torture to extract confessions is now banned and interrogations in major criminal cases must be audio and video recorded. However, these protections do not apply in cases involving national security, which are investigated outside of China’s criminal justice system. In practice, the number of cases in which evidence is not accepted at trial because it was obtained through torture or other coercive means is still very low, and only very few cases of this nature have been reported. Defendants who admit guilt may receive lower sentences. Verdicts of guilt are rarely overturned on appeal.

4.18 Common charges that are used against political dissidents are corruption, subverting state power or what is commonly known as ‘picking quarrels and provoking trouble’, a term that is not defined in the Criminal Law but a charge that is often used. Terrorism and extremism charges were used against a petitioner in 2019, according to the 2020 US Department of State Human Rights Report. These crimes are described in the Criminal Law using terms that are open to interpretation.

4.19 Lawyers are banned from engaging in activities that ‘endanger national security’ or ‘disrupt social order’. Lawyers who defend human rights activists may be punished. This may involve disbarment or restrictions on ability to meet with clients. The 2020 US Department of State Human Rights Report notes



physical intimidation, denial of access to evidence or other tools necessary to work, arrest and ‘unlawful detention’ of lawyers. This means in practice that those charged with sensitive issues may have difficulty finding legal representation. The most prominent recent example is the ‘709 crackdown’ (named after the date in the Chinese date format: July 9, 2015). The 709 crackdown targeted hundreds of lawyers and activists involved in human rights issues and cases. Many of the detainees were charged with vague crimes including ‘picking quarrels and provoking trouble’ or ‘inciting subversion of state power’.

4.20 It is possible for a person to be convicted of a crime in absentia; they need not be in the court room. This applies to corruption and bribery cases or cases ‘seriously’ endangering national security. Given the wording and the inconsistent use of charges against criminals, it is difficult to describe the profile of a person who would be charged in absentia. DFAT understands that this is not common practice but is aware of cases where it has occurred.

4.21 See also [Judiciary](#) for more information on the court system.

## 5. OTHER CONSIDERATIONS

### STATE PROTECTION

#### Police

5.1 The Ministry of Public Security oversees the police force, which is organised into specialised police agencies and local, county, and provincial jurisdictions. These agencies often collectively and individually called the local 'Public Security Bureau' (PSB). The People's Armed Police (PAP) is a paramilitary force organised under the People's Liberation Army (PLA) responsible for internal security and stability (such as combatting riots and terrorism, but also domestic monitoring of perceived security threats), maritime security and support of the PLA. The PAP is also active in [Xinjiang](#). Regular police generally do not carry firearms and gun crime is rare in China.

5.2 Police maintain public order and social stability, which are overriding priorities for the CCP. Loyalty to the Party is important among police ranks, as it is in all government positions. Police, including at lower levels, can be investigated for corruption (which is a threat to stability and Party legitimacy) and loyalty offences.

5.3 Police carry out day-to-day crime fighting activities and investigate crimes. Day-to-day crime rates are low in China but where crime does occur, DFAT understands that police investigate thoroughly and prosecute alleged criminals.

5.4 Police are subject to little oversight, having the ability to issue their own warrants without the involvement of a court (or ignoring regulations where this is required), for example. According to the US Department of State Human Rights Report, while investigations into police killings are often announced, the findings of those investigations are often not announced. DFAT is not able to verify this. Freedom House's 2021 Freedom in the World report describes police impunity as 'the norm'.

5.5 Police have access to enormous amounts of data and other evidence. [Social media](#) is monitored and an unprecedented number of closed-circuit television cameras have been rolled out during the COVID-19 pandemic as part of efforts to control the virus.

5.6 For information related to criminal procedure, see [Arbitrary Arrest and Detention](#).

#### Judiciary

5.7 Ideas about justice, such as rule of law, separation of powers and judicial independence are perceived differently in China than in the West. Lower-level courts can be subject to interference by



government officials, especially from local governments. The Party and non-judicial authorities exercise direct influence in individual cases through Political-Legal Committees (PLCs) at each level of government. These Committees supervise and direct the work of courts and other legal institutions. They focus mostly on matters related to politics and political opinion, but can influence verdicts and outcomes, especially when the case is sensitive or important.

5.8 Under China's court hierarchy, the Supreme People's Court is the highest court and the court of final appeal. Its President is a member of the Party's Politburo. It has circuits in various cities. High People's Courts are established at provincial level and sit alongside special courts set up for special purposes (for example military courts). Below these are Intermediate People's Courts and Basic People's Courts that are established at provincial and county levels respectively. Basic People's Courts might also send tribunals to townships to act on their behalf.

5.9 Enforcement of court judgements can be difficult for individuals. Some courts list judgements on an online portal, which can help with transparency and to enforce outcomes.

5.10 See also [Criminal Procedure](#) for specific information on criminal courts and procedure.

## Detention and prison

5.11 Former prisoners have said they have experienced torture in custody, including accusations of beatings, sexual assault, electric shocks, stress positions (being forced to sit, for example, in a square painted on the ground or on a stool or a 'tiger chair' (a form of chair-restraint) for long periods), sleep or food deprivation, verbal abuse, threats against family members, being hung by wrists and medical procedures or feeding without consent.

5.12 There are two types of torture alleged. The first is conduct that has been alleged to 'amount' to torture. This includes harsh prison or detention conditions, covered below. A second type is intended to extract forced confessions, with the confessions sometimes broadcast on television.

### Prison

5.13 Prison conditions vary significantly in different parts of the country and depend on local economic conditions. Conditions in prisons are generally better than conditions in detention centres. Those held on sensitive political activity grounds are likely to experience worse treatment than others. The 2020 US Department of State Human Rights Report describes prison conditions in general as 'harsh and often life threatening or degrading'. The report also notes poor sanitation and overcrowding, and insufficient food and warmth (which may be supplemented by supplies from families), and medical treatment.

5.14 In general, prisoners are separated by gender, and four to eight prisoners are allocated to each cell, although DFAT is aware of reports of up to 20 to 40 people in cells. Conditions can be overcrowded, and detainees can be required to sleep on the floor and denied regular exercise. Toilets may be limited to buckets or troughs.

5.15 Prisoners generally have access to beds, shower facilities, telephone calls and family visits (the latter usually once a month). Women's prisons are more likely to have better conditions than prisons for men and tend to have more psychosocial support services. Some prisons have good medical facilities and all prisons have a hospital wing. Each province has a prison hospital where prisoners can be transferred if

required. All prisoners are put in the same type of cell and solitary confinement is generally not used. Muslim prisoners generally have access to halal meals.

5.16 Prisoners are generally required to work. Prisons operate a merit points system, whereby work (such as factory or circuitry work) can be performed to earn points to reduce sentences, to pay off fines, or supplement inadequate food supplies. However, DFAT understands that it is difficult for prisoners to use work to successfully achieve sentence reductions and that working conditions are generally poor.

## Detention

5.17 See [Arbitrary Arrest and Detention](#) for distinctions between types of detention. Conditions in administrative and pre-trial detention facilities are typically harsh, and often worse than in prisons. Pre-trial detention is highly controlled, and there are no opportunities to work to reduce sentences or for family visitation. Cells in pre-trial detention are approximately 12 metres long and five metres deep, with up to 24 detainees held in each cell.

5.18 Detainees are not permitted to leave cells except to meet with investigating and Procuratorate officials, lawyers and consular officials. There is limited, if any, opportunity to exercise. Meals are delivered to cells three times a day, and detainees are permitted to purchase a limited range of additional food, clothes and personal hygiene items. In pre-trial detention, bright, fluorescent lights are generally switched on 24 hours a day. DFAT is aware of reports of violence and mistreatment in detention centres, with authorities taking action (including shackling detainees) to discourage violence or as punishment for detainees' misbehaviour.

5.19 Hygiene, medical services and food and water provisions are rudimentary at best. Cellmates generally share one open toilet per cell. While detention centres will generally have on-site doctors, they have limited capacity for treating routine or complex medical problems.

5.20 As in the prison system, national detention centre regulations require detainees sentenced to a non-suspended death penalty to be shackled with a view to prevent self-harm. Detainees subjected to shackling must wear the restraints, which are fixed to an anchor point in the cell, at all times, and require assistance from other detainees for toileting and washing themselves. Death row inmates are often held in detention centres rather than prisons and thus alongside pre-trial detainees.

5.21 Family visits are technically possible after all judicial proceedings have been finalised and the defendant is sentenced. However, DFAT is aware of reports that family visits to detainees are generally not permitted, and in most cases families must wait until the defendant has been transferred to a prison and completed their mandatory one month induction process before they can visit.

5.22 Conditions in the *liuzhi* system for discipline of Party members are also very harsh. Detainees are subjected to extended solitary confinement, sleep deprivation, beatings and stress positions for hours or days at a time, according to the 2020 United States Department of State Human Rights Report.

5.23 Conditions in RSDL can differ from facility to facility, but are often harsh with detainees subject to isolation; sleep deprivation; pressure to sign coerced confessions; intimidation; sustained interrogation; lack of mental stimulation, natural light and fresh air; and, denial of access to legal counsel and family visits. RSDL enables authorities to detain individuals for sustained periods without formal arrest or charge.

## INTERNAL RELOCATION

5.24 Internal migration has been a key feature of Chinese economic and social life for decades. Migration to cities in the wealthy eastern provinces is particularly popular. A third of the population live in a place other than where their residence is registered with a local government. Urbanisation has been a key feature of China's rapid economic development. There are no legal impediments to relocation, but the [hukou](#) system may limit freedom of movement in practice. As Mandarin is spoken throughout the country, DFAT assesses that Han Chinese have little difficulty in resettling in different parts of the country (see [Race/Nationality](#)).

### *Hukou* (household registration) system

5.25 Hukou is a household registration system rooted in an ancient system that has parallels in other parts of East Asia such as Japan and Vietnam. In modern China, hukou registration with the local government entitles a resident to use government services such as education or health services in that local government area. In practice it might be a better reflection of their place of birth or even their parents' place of birth rather than their place of residence.

5.26 It is very difficult to get a hukou in one of China's major cities like Beijing or Shanghai, which have quotas for new residence permits. A points system to apply for a hukou exists in some cities (over 5 million people) where good employment records, education and housing might be an advantage. Reforms in 2019 have made it easier to get a hukou in medium-sized cities (1 to 3 million residents) and removed limits on key population groups, including graduates of universities and vocational colleges. This means that urbanisation and its associated development benefits may continue without putting additional pressure on megacities like Beijing and Shanghai.

5.27 Migration away from cities to regional areas also occurs but much less commonly. The very high cost of living in some large cities and demanding working culture in corporate China has forced some young people to return to their family and home regions. Former emigrants might be enticed back by improved infrastructure and services in rural areas that has accompanied China's rapid development.

## TREATMENT OF RETURNEES

5.28 DFAT is not able to verify the treatment of failed asylum seekers returned to China but has no information to suggest that they are targeted by authorities merely for having sought asylum. Chinese authorities are likely, however, to be aware of the behaviour of Chinese asylum seekers while they are outside of China and may know that applicants have applied for asylum. The consequences for those applicants are not clear. See the relevant section of the report for information on treatment of specific [Groups of Interest](#).

5.29 Those wanted for outstanding warrants could still be charged on return to China. The general statute of limitations for crimes is five years (for a crime where the maximum penalty is up to five years in prison), ten years (where the maximum penalty for a crime is five to 10 years in prison), 15 years (where the penalty for a crime is not less than 10 years in prison) and 20 years (where the maximum penalty is life in prison or death). In practice, a person who flees from prosecution and then returns is likely to be arrested.

## Double jeopardy

5.30 Double jeopardy, being prosecuted for a crime for which a person has already been tried (in this case outside of China), is specifically allowed in China under the Criminal Law (article 10). Whether or not it occurs in practice is not clear. DFAT is aware of a very small number of reports of Chinese citizens who have murdered other Chinese citizens abroad being re-prosecuted in China. DFAT assesses that re-prosecution is possible but unlikely unless the alleged crime relates to a sensitive issue, such as a political issue, or attracted significant (social) media attention.

## DOCUMENTATION AND FRAUD

### Exit and entry procedures

5.31 Exit and entry is strictly regulated. The government knows when people enter or leave the country through air and seaports. It uses artificial intelligence, facial recognition software and biometric databases to check passenger identities and to check identity documents for fraud. Various government agencies can feed data into databases including from tax, customs, police or judicial authorities. This technology is used to create an exit control list. The way that list works is not clear and bans may appear arbitrary.

5.32 National security might be cited as a reason for refusing permission for a person (or those associated with them) to leave the country – an exit ban may only become apparent at the airport when travel is attempted. Exit bans are sometimes applied to family members of people residing outside China to coerce the foreign resident to return to China to face charges. Those suspected of a crime, persons of interest on 'national security grounds', activists and human rights defenders may be refused a passport upon application or, if they already have one, may be prevented from leaving the country due to being on an exit control list. DFAT is also aware of instances where members of certain ethnic minority groups have been denied passports.

5.33 If a person is on an exit control list it is very unlikely, probably impossible, that they would be able to leave China. DFAT has not seen evidence of compassionate exemptions being granted to a person for family and health reasons. There is a legitimate risk that family members of an individual under investigation by Chinese authorities could be subject to an exit ban. This is not only for sensitive charges but also economic charges such as fraud.

5.34 Exiting China by land outside of border crossings would be very difficult. The far western borders are less policed but also much harder to cross due to very harsh conditions. Border checks exist at Hong Kong and Macanese ports and land crossings, and special provisions are in place at the Mongolian border to allow passage of Mongolian and Russian citizens that use 'one-time passports' that allow travel to only one country. The borders with Vietnam and Myanmar are more porous but efforts have been made in recent years to strengthen them. China is reportedly building a 4.5 metre fence on its Southeast Asian borders. Checkpoints have been set up in Vietnamese border areas and local villagers help officials to patrol remote areas.

5.35 DFAT assesses it is almost impossible to exit China without authorities' knowledge. It is difficult or impossible to forge identity documents that would be able to be used in practice and technology and algorithms (rather than a human official who may be liable to bribery) may make decisions. Even if a human does inspect the document an ordinary citizen would find it difficult to bribe border protection agents



because of sensitivities to corruption, and the professional and comparatively well-paid status of public security officials.

## National identity cards

5.36 Citizens over the age of 16 are required to apply for identification cards, while those under 16 years can voluntarily apply with the assistance of a guardian. The PSB issues and manages ID cards according to the Resident Identity Cards Law (2003). Cards are valid for: five years for children under 16; 10 years for individuals aged between 16 and 25; 20 years for individuals between 26 and 45; and, permanently for individuals aged 46 years or older.

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

5.38 Second-generation cards are difficult to counterfeit. Places such as banks, train stations and airports have card readers. Valid ID cards are required for hukou registration, employment, opening bank accounts, obtaining passports and drivers licences, applications for tertiary study, travel by plane or train, marriages and court matters. Internet cafes and some shops also require proof of identity.

## Passports

5.39 Passport applicants must provide their RIC, hukou, recent photos, an application form and, if required, permission to enter and reside in the country to which they are intending to travel. Renewal might also require a certificate of Chinese nationality. Ordinary passports have the holder's name, sex, date and place of birth, date of issue, term of validity, place of issue and issuing authority.

5.40 The term of validity of an ordinary passport is 10 years (five years for a person aged under 16). Passport applications may be refused if a person is serving a prison sentence, is a defendant in a criminal case, or is a criminal suspect. According to Freedom House, the government has refused passports to millions of people on these grounds, many of them religious and political dissidents, including [Uyghurs](#) and [Tibetans](#). China does not recognise dual citizenship.

5.41 It is difficult to use a fraudulent passport within China. Extensive databases that can be checked by officials would easily expose a fraudulent passport. This does not mean that fraudulent passports are not common but they will only likely be presented once the applicant is outside of China.

5.42 Another common form of passport fraud is to falsify documents within a passport, for example a visa granted by another Western country that was never actually issued or to change small pieces of biometric data within a visa or the front page of a passport.

## Other documents

5.43 Births and deaths are recorded on a [hukou](#) and a birth certificate is required to apply for a hukou. Without a hukou, the issuance of a passport is unlikely. Registration of a child on a hukou must be done inside China.

5.44 Bank statements, academic transcripts, proof of employment and other documents are much easier to create fraudulently than are passports or NICs. DFAT assesses that these documents are relatively easy to obtain and are in common circulation.

5.45 In general, fraudulent documents in China are very common and the scale of fraud is unmatched anywhere in the world. Fraudulent documents and the criminals who create them are highly sophisticated. Criminal syndicates may provide a suite of documents to asylum applicants. As most applications for visas are made online there is further opportunity to doctor copies of genuine documents that are uploaded into the system.