

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Does China still have a one child policy?**
- 2. Does this apply in Fujian province?**
- 3. Is there a criminal class recognized as the black society?**
- 4. Does Chinese government protect its citizens from money lenders whose loans have not been repaid?**

RESPONSE

1. Does China still have a one child policy?

National family planning legislation was first promulgated in China on 29 December 2001 and the law became effective on 1 September 2002 (*Population and Family Planning Law of the People's Republic of China*) (Promulgated 29 December 2001, Effective 1 September 2002) Chinese Government official web portal (English language version) http://english.gov.cn/laws/2005-10/11/content_75954.htm – Accessed 2 April 2007 – Attachment 17).

The U.S Congressional-Executive Commission on China published their 2008 annual report which includes information on Family Planning Policies. It stated that the Chinese government ruled out changing the one child policy and continues to strictly control the reproductive lives of its citizens:

China's population planning policies in both their nature and implementation constitute human rights violations according to international standards. During 2008, the central government ruled out change to the policy for at least a decade. Population planning policies limit most women in urban areas to bearing one child, while permitting slightly more than half of women in rural areas to bear a second child if their first child is female. In the past

year, the National Population and Family Planning Commission (NPFPC) retired some of its more strident slogans (e.g., “one more baby means one more tomb”) in an effort to soften the public presentation of its policies, but no corresponding steps were taken to end or change the coercive nature of these policies. **Central and local authorities continued to strictly control the reproductive lives of Chinese women through an all-encompassing system of family planning regulations in which the state is directly involved in the reproductive decisions of its citizens.** Local officials and state-run work units monitor women’s reproductive cycles in order to prevent unauthorized births. The government requires married couples to obtain a - Accessed birth permit before they can lawfully bear a child and forces them to use contraception at other times. Violators of the policy are routinely punished with exorbitant fines, and in some cases, subjected to forced sterilization, forced abortion, arbitrary detention, and torture pp. 96.

...The NPFPC issued a directive in September 2007 calling for “social compensation fees” to be levied at higher levels according to income in order to discourage affluent Chinese from having more children than the law allows. It also warned urban residents that violations of the population planning regulations would now result in negative marks taken against their financial credit records. “Social compensation fees” (shehui baoyang fei) are penalties or fines that local governments assess against couples who give birth to an unapproved child. For certain couples, these fines pose a dilemma between undergoing an unwanted abortion and incurring devastating financial costs. Often with court approval, family planning officials are allowed to take “forcible” action against families who are not willing or able to pay the fines. These “forcible” actions include the confiscation of family belongings and the destruction of the violators’ homes. (pp. 96)

...Following suit in 2008, the Beijing Population and Family Planning Commission began drafting a proposal to penalize more affluent and socially prominent violators of the policy by placing their names on a financial blacklist and by banning them from receiving civic awards or honors. Other provinces are widely publicizing “unlawful” births in an effort to shame violators into compliance. January 2008, the Hubei Provincial Party Committee and government issued a three-year ban on government employment and called for revocation of Party membership for violators of the population planning policies. (pp. 97)

...**The use of coercive measures in the enforcement of population planning policies remains commonplace** despite provisions for the punishment of abuses perpetrated by officials outlined in the Population and Family Planning Law. The same law requires that local family planning bureaus conduct regular pregnancy tests on married women and administer unspecified “follow-up” services (US Congressional-Executive Commission 2008, *Annual Report 2008*, US Government Printing Office website, pp. 97 – 98 http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_house_hearings&docid=f:45233.pdf – Accessed 31 March 2009 – Attachment 1).

The same report also provides some specific examples:

...In April 2008, population planning officials in the town of Zhubao in Shandong province “detained and beat” the sister of a woman who had illegally conceived a second child, in an attempt to compel the pregnant woman to undergo an abortion.

...In March 2008, family planning officials in Zhengzhou city, the capital of Henan province, forcibly detained a 23-year-old unmarried woman who was seven months pregnant. Officials reportedly tied her to a bed, induced labor, and killed the newborn upon delivery.

...In spring 2008, in a reported effort to meet local targets for sterilization, authorities in Tongwei county in Gansu province allegedly forcibly sterilized and detained for two months a Tibetan woman who had abided by local population planning requirements (US Congregational-Executive Commission 2008, *Annual Report 2008*, US Government Printing Office website, pp. 96 – 99

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_house_hearings&docid=f:45233.pdf – Accessed 31 March 2009 – Attachment 1).

An article by *Reuters* in 2008 reported that China will not abandon its one child policy for at least another decade:

China has denied that it is studying the abandonment of its decades-old one-child policy, local media reported on Sunday, days after an official said the country was considering incremental changes. In an article headlined “News of abandoning the one-child policy is inconsistent with the facts,” the Beijing News said China, **the world’s most populous nation, was sticking to its controversial system of family planning.** “This report is incorrect, its content is not verified,” the newspaper cited the National Population and Family Planning Commission’s publicity and education department as saying (Beck, Lindsay 2008, ‘China denies plan to scrap one-child policy: report’, *Reuters*, 2 March <http://www.reuters.com/article/worldNews/idUSPEK7480520080302> – Accessed 12 January 2009 – Attachment 2).

In 2008 the *New York Times* published an article on the future of the one child policy in China:

China’s top population official said the country’s one-child-per-couple family planning policy would not change for at least another decade. The announcement refutes speculation that officials were contemplating adjustments to compensate for mounting demographic pressures. The official, Zhang Weiqing, minister of the National Population and Family Planning Commission, said China would not make any major changes to the overall family planning policy until roughly a decade from now, when an anticipated surge in births is expected to end (Yardley, Jim 2008, ‘China Sticking With One-Child Policy’, *The New York Times*, 11 March <http://www.nytimes.com/2008/03/11/world/asia/11china.html?scp=1&sq=china%20one%20child%20policy&st=cse> – Accessed 12 January 2009 – Attachment 3).

Radio Free Asia reported in 2008 the following incident in regards to the current enforcement of the family planning policy:

Arzigul Tursun, six months pregnant with her third child, is under guard in a hospital in China’s northwestern Xinjiang region, scheduled to undergo an abortion against her will because authorities say she is entitled to only two children.

As a member of the predominantly Muslim Uyghur minority, Tursun is legally permitted to more than the one child allowed most people in China. But when word of a third pregnancy reached local authorities, they coerced her into the hospital for an abortion, according to her husband (Jackson-Han, S. 2008 ‘Uyghur Woman Faces Forced Abortion’, Radio Free Asia website, 13 November <http://www.rfa.org/english/news/forced%20abortion-11132008173803.html> – Accessed 24 February 2009 – Attachment 4).

A 2007 U.S Department of State of Washington report stated the following on National Policy and Population and Birth Planning in China:

China's birth planning policies retain harshly coercive elements in law and practice. A high percentage of all Chinese asylum applicants cite China's coercive birth planning policy as a reason for their request. Published law and regulations restrict the rights of families to choose the number of children they may have and the period of time between births. The penalties for violating the law are strict, leaving some women believing they have no choice but to abort pregnancies. In cases of families that already have two children, one parent is often pressured to undergo sterilization. Beyond this pressure, while central government policy prohibits the use of physical coercion to compel persons to submit to abortion or sterilization, there have been continuing reports of physical coercion to meet birth targets in some areas, notably and recently, in rural Shandong Province.

...According to the U.S. Embassy in Beijing, violations of the birth planning policy are civil offenses and result in civil penalties. They are not considered criminal offenses. Nevertheless, unpaid 'social compensation fees' have sometimes resulted in confiscation or destruction of private property. There are reports that village officials have expelled women and their families from their homes and then destroyed the houses. The 'social compensation fees' and other penalties often left women with little practical choice but to undergo abortion or sterilization (U.S. Department of State Washington, D.C 2007, Bureau of Democracy, Human Rights and Labor, *China Profile Asylum Claims and Country Conditions: Office of Country Reports and Asylum Affairs*, May, U.S Department of State website http://cdjp.org/gb/fileupload/China_May_2007.pdf – Attachment 5).

2. Does this apply in Fujian province?

The Population and Family Planning Regulation of Fujian Province is currently in force (*Population and Family Planning Regulation of Fujian Province*, Adopted by the 33rd Meeting of the Standing Committee of the Ninth Provincial People's Congress on 26 July 2002 – Attachment 6).

The UK Home Office in April 2009 Country of Origin report stated the following in regards to the regions of the Population and Planning Policy:

The population planning regulations of at least 18 of China's 31 provincial-level jurisdictions permit officials to take steps to ensure that birth quotas are not exceeded; these steps include forced abortion. In some cases, local officials coerce abortions even in the third trimester. 'Termination of pregnancy' is explicitly required if a pregnancy does not conform with provincial population planning regulations in Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin, Liaoning, and Ningxia provinces. In 10 other provinces – **Fujian**, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi, and Yunnan – population planning officials are authorized to take 'remedial measures' to deal with 'unlawful' births (UK Home Office 2009, 'Country of origin information report: China', UK Home Office website, 16 April <http://www.homeoffice.gov.uk/rds/pdfs09/china-160409.doc> – Accessed 20 April 2009 – Attachment 7).

For further information on the implementation of family planning in Fujian province please see *Research Response CHN33025* dated March 2008 (RRT Research & Information 2008, *Research Response CHN33025*, 11 March – Attachment 8).

3. Is there a criminal class recognized as the black society?

In 2007 the journal of *Crime & Justice International* revealed that Chinese black societies have a long history of existence in China and shared close relationships with political figures:

What Is Chinese Organized Crime? Chinese OC has a history dating back hundreds of years. Many groups have appeared and disappeared, but Chinese Triads and lesser forms of organized criminal activity have survived, and to a certain degree thrived, during most of China's history. Indeed, there is a culture of OC in China which dates back to the first of the seven dynasties. During these times, most emperors kept intimate relationships with the powerful OC groups. Hence, even in very early China, OC groups attained a level of political corruption. However, it was not what is commonly thought of as political corruption today. This is because the emperor was a dictator, and if he chose to be close to OC groups, then they were considered friends and therefore not to be punished under the emperor's law.

... There has been a significant increase in the number of groups and individuals being investigated for OC activity between 1988 and 1995. According to Yong, "Generally speaking, we have more and more organized crime" in China. A characteristic of Chinese OC is that most groups wish to be considered a "**black society**." A **black society**, in Chinese *hei shehui*, is a highly sophisticated OC group which has many, if not most, of the characteristics of a traditional sophisticated American OC family. **Black societies are characterized by a small group of administrative leaders who are insulated from political and police pressures by a large number of soldiers. Black societies are further characterized by an extensive level of police and political corruption, which allows them to operate free from the danger of arrest and/or investigation.** The main goal of a black society is to make money. These societies are analogous to the traditional Italian Mafia families when they were at the height of their power, such as the Gambino, Lucchese, Colombo, Genovese, and Bonanno families. However, Chinese scholars contend that in present-day China there are no black societies because they have evolved to a very high level of sophistication (Moran, N. 2000, 'A Critical Analysis of Asian Organized Crime', *Crime & Justice International*, vol. 16, no. 45, October <http://www.cjcenter.org/cjcenter/publications/cji/archives/cji.php?id=206> – Accessed 20 December 2007 – Attachment 9).

An article published in *STRATFOR* in 2008 reported that Chinese criminal gangs originated from secret societies predominantly in rural China such as the province of Fujian:

Chinese organized crime originated in localized secret societies of rural China. The southeastern province of **Fujian** was — and is — one such hot spot. It is thought to have been the birthplace of the Heaven and Earth Society — a secret group of Buddhist monks who banded together in the mid-1700s to defend against an emperor who thought the group was too powerful

... Unlike most organized criminal syndicates around the world, Chinese groups tend to remain relatively small. While organized criminal groups have been successful at infiltrating local governments and agencies, there is no evidence to suggest that any one group has spread all across China. Groups tend to limit membership to between 50 and 200 people. Some government officials say there are more than 30 million members of underground societies, with around 4,200 known groups operating in China. Thousands more groups probably operate that have not captured official attention. Many organized criminal activities may be as simple as collaborations between a few individuals who take advantage of their connections to supplement their incomes. While there is certainly cooperation between these types of groups, there is a serious limiting factor to the growth of such organizations.

... **Although organized crime is present all across China, it is most concentrated in the southeast provinces of Sichuan, Yunnan, Guangxi, Hunan, Guangdong, Jiangxi and Fujian.** There are several reasons for this distribution. China's southeast is separated physically and culturally from the capital of Beijing, it is nearer to the traditional organized crime hubs of Taiwan, Hong Kong and Macau. These provinces also lie along the drug routes that bring heroin from Southeast and Central Asia ('Organized Crime in China' 2008,

A 2005 journal article titled *Secret Societies and Organized Crime in Contemporary China* found the following:

Traditionally, except for very small ones, all criminal organizations in Chinese society have been brought under the umbrella of the ‘secret society’. To separate them conceptually from the secret societies of a more political or religious nature, they are often referred to as ‘**black gangs**’ (hei bang) or ‘**black societies**’ (hei shehui) in the Chinese discourse. No matter what activities they engage in, secret societies are by definition legally banned underworld organizations. In the post-Mao era, as political control over society loosens up with the market reform and Chinese citizens accordingly acquire more socioeconomic freedoms, secret societies have come back and multiplied with a stunning speed. Among them, a few are revived traditional ones whose roots can be traced back to the early Qing dynasty. But most are entirely new. Except for some underground religious sects and political groups or ‘salons’ that mainly comprise liberal intellectuals committed to democratic ideals, nearly all these secret societies are professional criminal organizations. Official statistics disclose the rapid expansion of China’s criminal secret societies. Up to early 2001, their number had reached 11,300, with a total membership of over twenty million. In the late 1990s the rate of gang crime rose to account for 60–70 percent of all criminal offences, which suggested that organized crime had become the dominant form of crime in China. Criminal gangsters have reportedly created a reign of terror over an increasing portion of Chinese society. In Hunan and Shanxi Provinces, secret societies demonstrated a capacity to mobilize thousands of people onto the streets. Hundreds of gangsters launched violent attacks upon the local state apparatuses. In Kaifeng, Henan, gangsters besieged the police department and chased police cars in broad daylight. In the provinces that have a strong tradition of secret societies such as Guangdong, Guangxi, Yunnan, Sichuan, **Fujian**, Henan, and Shanxi, some secret societies have developed a Mafia-type organizational structure. Some have formed a ‘shadow regime’ sharing, if not taking over, government power. Others have infiltrated into or even controlled the local organs of power. An economist estimates that the ‘black economy’ controlled by criminal syndicates contributes to one percentage point of China’s GDP growth. Criminal secret societies have produced a significant impact upon Chinese society. They disrupt the build up of a new socioeconomic order, impede the process of the rule of law, and jeopardize the routine lives of ordinary citizens (Chen, A. 2005, ‘Secret Societies and Organized Crime in Contemporary China’, *Modern Asia Studies*, vol. 39, no. 1, pp. 77, 78, 79 – Attachment 11).

The same source also states that different forms of organised groups exist. One such form is large informal gangs consisting of delinquents and ex-criminals who commit crimes such as theft robbery and rape, but have no organisational structure:

...In official statistics, these gangs or mobs actually make up an overwhelming majority of loosely defined secret societies. Most of them have neither complex, tight-knit organizational structure nor large membership (rarely exceeding 40). Their activities are usually opportunistic or improvised, requiring no elaborate planning and coordination or a large number of participants. They are not real organizations but just groups of people who come together only for specific criminal undertakings. These mobs, whose members are mostly street rascals, hooligans, released prisoners, and juvenile delinquents, operate at the very bottom of Chinese society. Their organized crimes are mainly robbery, rape, larceny-theft, burglary, kidnapping, murder, and vandalism (Chen, A. 2005, ‘Secret Societies and Organized Crime in Contemporary China’, *Modern Asia Studies*, vol. 39, no. 1, pp.88, 89 – Attachment 11).

A 2008 journal article on organised crime in China found that criminal groups are involved in a variety of major and violent crimes, including loan sharking:

Criminal groups of diverse organizational structures engaged in all major types of crime, including trafficking of human beings and various commodities, financial crimes, extortion, gambling, prostitution, and violent crimes

...Although places such as Taiwan, Hong Kong, and Macao have a long history with so called “dark societies,” it is mainland China that has attracted much attention in recent years from law enforcement agencies and researchers alike around the world as the origin of the current rise of Chinese organized crime

...Despite the increased attention, research on Chinese organized crime has remained lopsided in its progress as well as focus, with human smuggling and drug trafficking having garnered the most attention while other **traditional organized crime activities, such as loan sharking**, gambling, and prostitution, have been only lightly explored (Sheldon, X. Z. & Chain, K.L. 2008, ‘Snakeheads, mules, and protective umbrellas: a review of current research on Chinese organized crime, *Crime Law Social Change*, vol. 20, pp. 178 – Attachment 12).

A study published in the journal *Trends in Organized Crime* in 2006 recorded that there are several powerful crime gangs in the Fuzhou area and are also well linked to officials in the criminal justice system:

In all the counties and towns around the Fuzhou area, there are several powerful groups active in each and every town or county. For example, a gangster in Putian, a county about a hundred miles from Fuzhou City, said, “Of course there are many ‘big brothers’ in this county. They are all businessmen and they are involved in all kinds of businesses. They also have a bunch of street fighters under their command. Moreover, they enjoy a very good relationship with people in the criminal justice system. So, nobody dares to touch them. A few years ago, there was a strikehard campaign against organized gangs, but the authorities only went after the small flies. The big fishes were left alone.” A police station chief in the county echoed the gangster’s assessment as follows. “We don’t have organized gangs here but we do have several wealthy businessmen who are involved in all kinds of lucrative businesses. They are very low key, and their activities are secret. After we arrested some of their little soldiers, we tried to arrest the men behind them, and often we found that there was another layer of followers of the big bosses. The real bosses are all behind the scene and way up there. We know who the big bosses are, but we are not able to investigate them. Besides, many of them are elected deputies and they have the authority to monitor us. How can we touch them?” (Chin, K.L., & Godson, R. 2006, ‘Organized Crime and the Political-Criminal Nexus in China’, *Trends in Organized Crime*, vol. 9, no. 3, pp.14-15 – Attachment 13).

In 2006 the Immigration and Refugee Board of Canada revealed that organised crime groups, also known as black societies, are a growing concern in China due to the increase of criminal activity and violent acts. This increase has been attributed by some to corrupt Chinese officials and authorities:

Organized crime groups, also referred to in China as “black societies” (Asia Times 16 Feb. 2006; Zhang Dec. 2001, 54) and “underworld groups” (Chin and Godson 24 Jan. 2006, 61), have become a “growing concern” in China (Zhang Dec. 2001, 53). In 2004, an organized crime expert at the University of Nanjing [in Jiangsu province (University of Texas 2001)] estimated that there were approximately one million black society members in China (Reuters 24 Aug. 2004). The prevalence of organized crime groups and criminal activity in the country has been attributed to corrupt Chinese authorities (ibid.; Chin and Godson 24 Jan. 2006, 3; South China Morning Post 13 Mar. 2006) and “widespread poverty” (Reuters 24 Aug. 2004).

A 2001 report on black societies in China noted that the number of criminal groups has been increasing and that the “violence, ruthlessness, and scale” of their activities have intensified (Zhang 2001, 54). According to a book by He Bingsong, cited in a March 2006 publication on Asian transnational organized crime, the “most serious” organized crime problems for Chinese authorities are “drug distribution, gambling, prostitution, and violence” (Finckenauer and Chin Mar. 2006, 8). Other foremost organized crime problems of concern to Chinese officials are drug manufacturing, political-criminal connections (i.e., bribery, corruption), and the penetration of organized crime groups into legitimate businesses

...There are several powerful [organized crime] groups active in each and every town or county” in the Fuzhou area [in the coastal province of Fujian (University of Texas 2001)] (Chin and Godson 24 Jan. 2006, 15). There have been reports of organized crime members in Fujian province being involved in such activities as prostitution, gambling (AFP 24 Jan. 2005), robbery, extortion, assault, murder (Chin and Godson 24 Jan. 2006, 13), and trafficking in persons (BBC 18 Aug. 2005). The province’s city of Fuzhou is considered “the center of human trafficking” and is used as a departure point for the operations of “snakeheads or human smugglers” (Chin and Godson 24 Jan. 2006, 12) (Immigration and Refugee Board of Canada 2006, CHN101062.E, *China: Organized crime or black society activity, particularly in Guangdong and Fujian, including links with government officials, repercussions associated with failing to meet demands of criminal gangs, and government efforts at tacking organized crime*, 5 May – Attachment 14).

The same source also noted:

Black society crime in China is mainly local (Chin and Godson 24 Jan. 2006, 43) or regional in nature (Fickenauer and Chin Mar. 2006, 9), rather than national or transnational (ibid.). Organized crime groups in China, according to a report on organized crime in China cited in a 24 August 2004 Reuters news article:

are still at a low level of development because they have not received much support from society, except from corrupt officials, and now they have become the tools of those officials for riding roughshod over people

...Citing a book on Chinese organized crime by Xiao Chong, a March 2006 report indicated that organized crime groups in China are becoming “better armed and more violent” and that the country’s officials are “concerned with violent acts committed by mobsters against rival gang members, ordinary citizens, business owners, and government authorities.

...In rural China, black societies have reportedly been “terrorizing the countryside,” beating up villagers and “intimidating” those who do not meet their demands (Immigration and Refugee Board of Canada 2006, CHN101062.E, *China: Organized crime or black society activity, particularly in Guangdong and Fujian, including links with government officials, repercussions associated with failing to meet demands of criminal gangs, and government efforts at tacking organized crime*, 5 May – Attachment 14).

4. Does Chinese government protect its citizens from money lenders whose loans have not been repaid?

No information was found in regards to direct government protection for its citizens from money lenders. The following general information was found about tactics adopted by the government to tackle organised crime and the limitations they face in dealing with organised crime groups due to the continual corruption of local councils, officials and politicians.

The UK Home Office country report for 2008 noted that authorities are limited in combating organised crime due to a prevalence of official corruption amongst authorities:

“According to a 2005 article in the *The Economist*, the ability of Chinese authorities to control ‘village-level thuggery’ is ‘clearly limited’ (13 Oct. 2005). However, several sources consulted by the Research Directorate report various efforts being made by the Chinese government to tackle organized crime.” In its 2008 Country Profile for China, dated 12 February 2008, the Economist Intelligence Unit (EIU) stated: “The rapid social and economic change experienced in China over the past 20 years has been accompanied by a rise in petty crime and gangsterism. The government has reacted to the increase in general crime in China with a series of ‘strike hard’ campaigns. However, although these have resulted in a large number of executions, they have not prevented the level of crime from rising, albeit from a comparatively low base... The persistence of the trade in illegal substances owes much to official corruption and to a revival of organised crime in the form of the triads (ethnic-Chinese criminal gangs). There have been some successes in the war against the triads. However, organised crime has not been eradicated in mainland China, Hong Kong or Macau” (UK Home Office 2008, *Country of Origin Information Report China*, 1 June – pp. 21 – Attachment 15).

Chinascopes in 2006 reported that more criminal members are becoming government officials and China may not be judicially prepared to deal with organised crime:

According to Chinese media reports on March 12, 2006, Mr. Zhu Entao, Honorary Vice-Chairman of Interpol and former assistant to China’s Minister of Public Security, warned that organized crime syndicates are increasingly wearing “red hats,” meaning more and more syndicate members are government officials. Zhu’s statement underlines an alarming trend. As shown in court proceedings, government officials acting as these red hats have been rampant. For example, in the 2005 case of the Chen Kai triad, the red hats included government insiders—from high-level officials to local police. In the 2004 case of Chen Yi in Shenzhen, Chen, as chairman of his company, was also the official advisor to the Guangdong provincial government and won the title of one of the top ten national champions in eliminating rural poverty.

...China is ill-prepared to deal with the underworld of organized crime. Even though the word “underworld” (*hei she hui*) has been widely used in reporting the increasingly rampant organized crime, the judicial system does not even have a clear definition of it. Is “underworld” a legal term? Some legal experts in China hold that the term is not a legal concept but a sociological concept. It is for this reason that it is impossible to interpret the term in the statutes. Penal codes of countries outside China define crimes such as assault, torts, homicide, and robbery, but no such crime as “underworld” exists. As underground organized crime emerged and became rampant along with the economic growth in China, the term “organizations in the nature of a criminal syndicate” first appeared in *Criminal Law of the People’s Republic of China* adopted in March 1997:

Criminal Law of the People’s Republic of China adopted in 1977

Article 294

Whoever forms, leads or takes an active part in organizations in the nature of a criminal syndicate to commit organized illegal or criminal acts through violence, threat or other means, such as lording it over the people in an area, perpetrating outrages, riding roughshod over or cruelly injuring or killing people, thus seriously disrupting the economic order and people’s daily activities, shall be sentenced to a fixed-term of imprisonment of not less than three years but not more than 10 years;

other participants shall be sentenced to a fixed- term of imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights (Chao, L, 2006, 'The resurgence of Organized Crime in China', *Chinascopes*, June, pp. 2, 5 <http://chinascopes.org/main/content/view/326/123/1/11/>– Accessed on 5 May 2009 – Attachment 16).

The journal article titled 'Secret Societies and Organized Crime in Contemporary China' found that criminal gangs have long term connections with government officials, giving them the ability to escape prosecution:

First, most of the criminal organizations that could get away with their crimes and survive over time have local government connections.

...When the police chief in Hunan was asked to explain why organized crime went almost out of control in his province, he acknowledged that the biggest obstacle to eliminating criminal gangs was their strong political backers.

...Secret societies forge long-term clientelist ties with government officials through bribery. Liang Xudong, the most notorious gang leader in Jilin Province, could escape prosecution over and over again because he had over 30 local senior party-state officials, including 10 procurators and judges, as his patrons and protectors (Chen, A. 2005, 'Secret Societies and Organized Crime in Contemporary China', *Modern Asia Studies*, vol. 39, no. 1, pp. 81, 104 – Attachment 11).

The same source continues:

...The fourth is integration, that is, officials join criminal gangs as their members. In Shanxi, Hunan, and Guangxi Provinces, criminal gangs landed senior (provincial-level) officials. A widely reported case is Ma Xiangdong, deputy mayor of Shenyang, a large industrial city. Ma's secret society membership was exposed when he was arrested for gambling in Macao. Family ties often play an important role in gangs' recruitment of lower-ranking officials. The fifth is mutual exploitation. Officials hire criminal gangs to remove their political rivals by violent means. In Jilin, several officials were assassinated by the secret societies which allegedly acted upon the instructions from within the government. Some criminal organizations are no longer content with bribing or recruiting officials. Their leaders want to take a step further and assume political offices personally. Their patrons or collaborators in the officialdom would give their efforts a boost, typically nominating them for the people's congress or the Chinese People's Political Consultative Conference (CPPCC). Zhang Wei, the chieftain of Zhejiang's largest secret society, did not just find patronage in the mayor and local police chief. He was appointed as vice chairman of the municipal CPPCC (Wenling). Before their arrest for organizing illegal activities, Liu Yong and Ji Decheng were leading members of a municipal congress. At a township of Yucheng County, Henan, nearly half of the people's deputies and five of the seven basic-level party secretaries were gang members. In some areas criminal gangs no longer have to rely on the favor of the government to acquire political offices. Instead, they have achieved organizational and mobilizational capacities to rig the local elections (Chen, A. 2005, 'Secret Societies and Organized Crime in Contemporary China', *Modern Asia Studies*, vol. 39, no. 1, pp.105 – Attachment 11).

In August 2008 *STRATFOR* published an article revealing that due to the low pay of governing councils and the low funding provided by the central government for local

services, local officials are more susceptible to take funds from organised crime syndicates to meet their financial needs:

Organized crime in China largely takes place with the cooperation of local politicians. The conditions in township governing councils encourage corruption, given that officials are poorly paid, they are expected to meet quotas for economic growth and employment and they largely control the information that gets passed from the local level to the central government. This means local officials must get creative to fund local services such as police and fire departments, and must ensure that economic growth continues along at breakneck speed. All too often, politicians rely on shadow governments — the local power brokers not necessarily tied to the CPC and most likely plugged into an organized criminal network — to make ends meet.

...There are also cases in which organized criminal groups have purchased equipment, such as cars and radios, for local police forces outright or paid their salaries. Presented in the form of a gift, these donations serve as a tool for organized criminals to purchase the cooperation of the police. Local officials go along with this because it means they have more money for economic development projects ('Organized Crime in China' 2008, *STRATFOR*, 19 August, pp. 1, 6, 7 http://www.stratfor.com/analysis/organized_crime_china – Accessed on 7 May 2009 – Attachment 10).

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

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

United Nations (UN)

UNHCR <http://www.unhcr.ch/>

Non-Government Organisations

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

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

International News & Politics

BBC News website <http://news.bbc.co.uk/>

Region Specific

CHINASCOPE <http://chinascope.org/main>

Online Subscription Services

STRATFOR <http://www.stratfor.com/>

Janes's Intelligence Review website <http://jir.janes.com/public/jir/index.shtml>

Search Engines

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

University Sites

The University of New South Wales <http://info.library.unsw.edu.au/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

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

List of Attachments

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